

Summary

- The UK government plans to introduce new methods of dealing with the legacy of the conflict in Northern Ireland that would violate the European Convention on Human Rights (ECHR) and the Human Rights Act 1998.
- International human rights law requires states to investigate unlawful killings and allegations of other serious human rights abuses, and it states that these investigations must be effective. The UK government’s proposals, in their current form, fail to satisfy these legal obligations.
- To comply with human rights laws that are binding on the UK, investigations must be conducted promptly and independently, involve the victim or their relatives, and allow for public scrutiny. Additionally, investigative bodies must have the powers they need to determine the factual circumstances surrounding a potentially unlawful killing or an event which may have involved serious human rights abuses. Investigative bodies must also have the power to hold the people responsible for the violations to account.
- When creating and implementing new ‘legacy’ proposals, Rights & Security International proposes that the government should ensure that any new mechanisms: (1) do not create impunity for human rights violations; (2) reflect the needs of victims and their families, as well as the due process rights of those under investigation; (3) have the power to order the full disclosure of facts and evidence, without being limited by unnecessarily broad national security exceptions; (4) have enough funding to do their work efficiently; (5) receive full cooperation from the government and other public bodies, and (6) receive ‘whole of government’ support for their functioning

Contextual background

Over twenty years after the Belfast/Good Friday Agreement, many victims and their families are still seeking truth and accountability for alleged conflict-related human rights violations. Many alleged unlawful killings remain unsolved and without a complete investigation, civil and criminal cases are still pending, and the inquests system is still processing its caseload. Additionally, many attempts to ‘deal with the past’ in Northern Ireland have been made but subsequently abandoned, with current investigative bodies struggling due to a lack of funding, resources, and in many instances, cooperation.

The UK government’s new ‘legacy’ plans for Northern Ireland,¹ as announced in a ‘command paper’ in July 2021, include three main elements: a new information recovery mechanism which would primarily investigate conflict-related deaths or serious injuries at the request of the next of kin, an oral history archive to build cross-community reconciliation and dialogue, and a ‘statute of limitations’ to end ongoing criminal and civil cases relating to the Troubles—and prohibit future ones. The government also plans to end the inquest system for conflict-related deaths, which has otherwise proved invaluable to families seeking to find out the circumstances and reasons for their relative’s death.

These proposals have been widely condemned by UN human rights experts, Northern Ireland political parties, Stormont ministers, victims’ groups, academics and civil society organisations² for failing to adequately consider the views of victims and their families, and for violating the rule of law and international human rights law.

¹ Northern Ireland Office, [‘Addressing the Legacy of Northern Ireland’s Past’](#), CP 498 (July 2021).

² United Nations, [‘UK plan thwarts access to truth over Northern Ireland ‘Troubles’](#) (*UN News*, 10 August 2021) accessed 10 September 2021; BBC News, [‘Troubles prosecutions: Stormont parties ‘must unite against plans’](#) (*BBC News*, 15 July 2021) accessed 10 September 2021; Legacy Practitioners, [‘New Northern Ireland Legacy Proposals Threaten the Rule of Law and Truth Recovery: An open letter from legacy practitioners’](#) (June 2021).



This briefing sets out the UK government’s obligations under human rights law to effectively investigate killings and other serious rights abuses.

Below, Rights & Security International (RSI) also proposes six key principles we believe should guide peace-building and accountability efforts in the region.

The right to an effective investigation into conflict-related deaths

Legal obligations

1. Articles 2, 3 and 4 of the ECHR require the UK and other Council of Europe Member States to respect the right to life; a prohibition on torture and cruel, inhuman or degrading treatment or punishment; and a ban on slavery.
2. With each of these rights and prohibitions, there is an attached obligation on the UK to hold an ‘effective investigation’³ when the government knows that a violation may have been committed.⁴ UK authorities are obligated to effectively investigate allegations of these potential violations to ensure that human rights are adequately protected by the legal system and other accountability mechanisms. The purpose of this requirement is not only to ensure accountability for wrongs committed, but also to deter future violations.⁵
3. The requirement of an effective investigation applies to alleged unlawful acts by either private parties or state actors.⁶
4. The obligation to carry out an effective investigation does not mean investigations must take a particular form⁷ or lead to predetermined types of sanctions,⁸ although scholars agree that certain investigative forms and sanctions may be required in cases of torture, genocide, war crimes or crimes against humanity.⁹ Additionally, there is the caveat that sanctions cannot be grossly disproportionate or too lenient in comparison with the magnitude of the crime.¹⁰ Instead, the European Court of Human Rights (‘ECtHR’) or UK courts will look broadly at the characteristics of the investigatory process to determine whether it has been ‘effective’ in line with the below legal requirements in practice. The four key requirements the process must meet are independence, adequacy, promptness and possibility of public scrutiny.
5. Independence requires more than just that the investigation is free from hierarchical or institutional influence that could undermine effectiveness or create a conflict of interest for investigators and investigating bodies as a whole:

³ Council of Europe, [Guide on Article 2 of the European Convention on Human Rights: Right to Life](#) (Council of Europe, 30 April 2021) accessed 20 August 2021, pp. 32-47; Stephen Clark, ‘[DSD and the Article 3 investigative duty: the long road to justice](#)’ (*Garden Court Chambers*, 26 February 2018) accessed 20 August 2021; Council of Europe, [Guide on Article 4 of the European Convention on Human Rights: Prohibition of Slavery and Forced Labour](#) (Council of Europe, 30 April 2021) accessed 20 August 2021, pp. 18-21. The obligations to ‘effectively investigate’ under each of these Articles is essentially the same, but with some minor distinctions; see Application No. 60561/14, [S.M. v. Croatia](#), paras. 309-311.

⁴ Application Number 66/1997, [Ergi v. Turkey](#), 28 July 1998, para. 82; for further information, see the discussion of this judgment in Juliet Chevalier-Watts, ‘[Effective Investigations under Article 2 of the European Convention on Human Rights: Securing the Right to Life or an Onerous Burden on a State](#)’ (2010) 21(3) *European Journal of International Law* 701, p. 706.

⁵ Application Number 24746/94, [Jordan v. the United Kingdom](#), 4 May 2001, para. 105; Application Number 24014/15, [Tunç and Tunç v. Turkey](#), 14 April 2015, para. 171.

⁶ For state actors, see Application Number 18984/91, [McCann and Others v. the United Kingdom](#), 27 September 1995, para. 161; when private parties have allegedly caused a death, the obligation to effectively investigate applies when the death occurred in violent or otherwise suspicious circumstances; see Application Number 24014/15, [Tunç and Tunç v. Turkey](#), 14 April 2015, para. 171.

⁷ Application Number 47848/08, [Centre for Legal Resources on Behalf of Valentin Câmpeanu v. Romania](#), 17 July 2014, para. 147. Regardless, investigations must be raised at the instigation of the state, rather than requiring the victim or their family members to come forward with evidence; see Application Number 55721/07, [Al-Skeini and Others v. the United Kingdom](#), 7 July 2011, para. 165.

⁸ Application Number 23458/02, [Guiliani and Gaggio v. Italy](#), 24 March 2011, para. 182. Although the assessment of whether an investigation has been effective goes beyond the investigation process and does review sanctions to an extent, see Application Number 48939/99, [Önerildiz v. Turkey](#), 30 November 2004, para. 95; Application Number 42942/02, [Duran v. Turkey](#), 8 April 2008, para. 61.

⁹ These offences attach obligations to prosecute or extradite the alleged offender (also termed *aut dedere aut judicare*); see Miša Zgonec-Rožej and Joanne Foakes, ‘[International Criminals: Extradite or Prosecute](#)’, Chatham House Briefing Paper IL BP 2013/01 (*Chatham House*, July 2013).

¹⁰ Application Number 5878/08, [Armani da Silva v. UK](#), 30 March 2016, para. 285; for example, impunity despite conviction is unlawful, see Application Number 42942/02, [Duran v. Turkey](#), 8 April 2008, para. 69.



it also requires ‘practical independence’.¹¹ An assessment of independence should involve scrutiny of the investigating entity in its entirety as well as the specific hierarchy of an individual case investigation, with a view to determining whether the body has ‘sufficient’ independence to conduct an impartial fact-finding mission. The investigating body does not need to have ‘absolute’ independence.¹²

6. Consideration of whether an investigation is adequate entails analysing its means and methodology, rather than its end result.¹³ In summary, the investigating authorities must take reasonable steps and have sufficient powers to secure evidence,¹⁴ then undertake a thorough, objective and impartial analysis of the available evidence.¹⁵ Following this analysis, for example in cases involving alleged unlawful killings, the investigating body must have the legal powers to determine whether any use of force is justified, as well as identify perpetrators and punish those deemed responsible, where appropriate.¹⁶
7. In cases involving alleged state involvement in severe human rights abuses, the authorities must investigate any allegation in a demonstrably transparent way, due to their likely monopoly over evidence.¹⁷ Additionally, the level of scrutiny of the evidence required in such cases is higher than in other instances; scrutiny must be ‘particularly stringent’.¹⁸
8. To be prompt, an investigation must occur within a reasonable time after the preliminary gathering of evidence or as soon as the allegation arises.¹⁹ Additionally, it must proceed with ‘reasonable expedition’ once it has begun.²⁰ The ECtHR recognises that some investigations will struggle to proceed expeditiously due to circumstances outside the control of the investigators – for example, when the alleged perpetrators are violent groups that cannot be infiltrated,²¹ or during situations of active armed conflict²² – but the obligation to act promptly and with reasonable expedition still applies. The presence of such difficult circumstances does not justify a refusal to investigate, and neither does any delay caused by prior inadequate investigations.²³ As a policy matter, the ECtHR has pointed out that failing to proceed promptly can undermine public confidence in the authorities.²⁴ Legally, it can also render the investigation inadequate, further violating the procedural obligation.²⁵
9. The public scrutiny requirement has multiple elements. First, the victims or their families must be involved in the investigative process. Although the authorities do not need to follow or meet all of the victims’ or families’ demands,²⁶ the victims or families must at least be consulted and permitted to review the process.²⁷ Second, the existence and details of the investigation must be made public, unless it would be necessary and proportionate to

¹¹ This promotes public confidence in the State’s monopoly over the use of force; see Application Number 5878/08, [Armani da Silva v. UK](#), 30 March 2016, para. 232.

¹² Application Number 24014/15, [Tunc and Tunc v. Turkey](#), 14 April 2015, paras. 222-223.

¹³ Application Number 26307/95, [Acar v. Turkey](#), 8 April 2004, para. 223; Application Number 47708/08, [Jaloud v. the Netherlands](#), 20 November 2014, para. 186.

¹⁴ Application Number 5878/08, [Armani da Silva v. UK](#), 30 March 2016, para. 233.

¹⁵ Application Number 24014/15, [Tunc and Tunc v. Turkey](#), 14 April 2015, para. 175.

¹⁶ Application Number 5878/08, [Armani da Silva v. UK](#), 30 March 2016, para. 243. Although the authorities are given broad discretion in how to conduct investigations depending on the circumstances of the case, and there is no ‘checklist’ of steps that must be taken; see Application Number 41488/98, [Velikova v. Bulgaria](#), 18 May 2000 para. 80.

¹⁷ Application Number 50385/99, [Makaratzis v. Greece](#), 20 December 2004, para. 73.

¹⁸ Application Number 25091/07, [Enukidze and Gorgvilani v. Georgia](#), 26 April 2011, para. 290.

¹⁹ Application Number 5878/08, [Armani da Silva v. UK](#), 30 March 2016, para. 237.

²⁰ Application Number 23458/02, [Guiliani and Gaggio v. Italy](#), 24 March 2011, para. 305.

²¹ Application Number 42771/98, [Bayrak and Others v. Turkey](#), 12 January 2006, paras. 54-55; Application Number 58933/00, [Adiyaman v. Turkey](#), Decision, 9 February 2010.

²² Application Number 4704/04, [Palić v. Bosnia and Herzegovina](#), 15 February 2011, para. 70; Application Number 80960/12, [Zdjelar and Others v. Croatia](#), 6 July 2017, paras. 91-94.

²³ [Revised Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#) (United Nations Office of the High Commissioner for Human Rights, 2017), para. 23.

²⁴ Application Number 55721/07, [Al-Skeini and Others v. the United Kingdom](#), 7 July 2011, para. 167.

²⁵ Application Numbers 10865/09, 45886/07 and 32431/08, [Mocanu and Others v. Romania](#), 17 September 2014, para. 337.

²⁶ Application Number 52391/99, [Ramsabai v. the Netherlands](#), 15 May 2007, para. 348; Application Number 23458/02, [Guiliani and Gaggio v. Italy](#), 24 March 2011, para. 304.

²⁷ Application Number 55721/07, [Al-Skeini and Others v. the United Kingdom](#), 7 July 2011, para. 167; Application Number 24746/94, [Jordan v. the United Kingdom](#), 4 May 2001, para. 121.



conceal these for the sake of national or individual security. Although the ECtHR recognises that some aspects of the investigation may need to be conducted in private due to legitimate security concerns, such decisions must be made on a case-by-case basis, and broad exclusions of investigative activities from public scrutiny are therefore prohibited.²⁸

How the ‘Legacy’ command paper’s proposals fail to meet these standards

10. Based on the information in the Command Paper, the ‘Legacy’ steps the government is proposing will not meet the human rights standards for adequacy, promptness or the possibility of public scrutiny. It is not yet clear whether the planned mechanisms will be sufficiently independent, although the UK’s previous and existing investigation processes raise concerns in this respect.²⁹
11. Removing any individual criminal accountability mechanism, combined with the foreclosure of civil justice and the inquest system, would lead to impunity, with the outcomes of any investigation being inconsequential to the perpetrator.³⁰ By the standards of the ECHR, this will render any investigation under the government’s new proposals inadequate, as the measures will be incapable of providing any form of redress, even in circumstances in which a person or entity is found to be responsible for an unlawful killing or other serious harm. In any case, the lack of formal powers to require the disclosure of information or evidence will substantially limit the ability of the proposed mechanisms to reach conclusions about what happened in a given case.
12. Additionally, the availability of large ‘national security’ exceptions to obtaining or disclosing evidence under the government’s proposed plan will further limit the ability of any investigative process to reach conclusive findings about even simple facts, let alone who is ultimately responsible for an unlawful killing. In investigations involving alleged state involvement in serious human rights abuses, the ECtHR has mandated ‘particularly stringent’ investigations. The broad ‘national security’ exceptions the government appears to be proposing create a risk that investigations into most, if not all, cases of alleged state collusion in human rights violations in Northern Ireland will not receive sufficient scrutiny.
13. Where the promptness requirement is concerned, the UK has consistently failed to effectively investigate potentially unlawful killings and other serious human rights abuses stemming from the ‘Troubles’, as the European Court of Human Rights and the UK Supreme Court³¹ have held. Even in instances in which the UK has tried to discharge these obligations, it has failed; most notably, the oversight of the case involving the murder of defence lawyer Pat Finucane has recently been reopened by the Council of Europe’s Committee of Ministers due to a continued failure to satisfy the requirements of adequacy and promptness.³² The government’s proposals would simply end many ongoing processes, and would substitute other processes that do not appear to be subject to clear, prompt deadlines. The UK cannot rely upon its past lack of promptness to justify new processes that also fail to meet this standard. A failure to meet the promptness standard also does not excuse the UK from the other requirements of an effective investigation outlined here and above.

The prohibition of amnesties under international human rights law

14. The Command Paper creates what the government describes as a ‘statute of limitations’,³³ as part of a ‘move away from criminal justice outcomes’.³⁴ It is not clear why the UK government has concluded that the UK criminal justice system is unsatisfactory. The government also does not appear to be substituting any other form of enforceable

²⁸ Application Number 52391/99, *Ramsahai v. the Netherlands*, 15 May 2007, para. 353.

²⁹ *Re McQuillan’s Application for Judicial Review* [2019] NICA 13; this case is currently awaiting judgment before the UK Supreme Court, but the Northern Ireland Court of Appeal held that the investigation was not ‘practically independent’.

³⁰ Indeed, it has been argued that the government’s approach may in fact have the opposite effect on paramilitaries, allowing them to boast of their impunity and prior crimes to their communities – and perhaps even the families of their victims – without consequence; see Jonathan Bell, ‘[General Troubles amnesty would lead to IRA terrorists openly boasting of atrocities: War veteran Beattie](#)’ (*Belfast Telegraph*, 6 December 2017) accessed 26 August 2021.

³¹ *Re Geraldine Finucane’s Application for Judicial Review* [2019] UKSC 7.

³² Council of Europe Committee of Ministers, ‘[Supervision of the execution of the European Court’s judgments: H46-38 McKerr group v. the United Kingdom \(Application No. 28883/95\)](#)’, CM/Del/Dec(2021)1398/H46-38, 11 March 2021, para. 4.

³³ Command Paper, pp. 19-20.

³⁴ Command Paper, paras. 5-7.



justice or redress for Troubles-related crimes, such as the civil courts or the inquests system.³⁵ Instead, these processes would also be permanently halted.

15. In practice, the government's proposal thus constitutes not merely 'a statute of limitations', but an amnesty – that is, the removal of any possibility that perpetrators will be held to account for their actions or that victims will receive enforceable redress. In criminal justice systems, the existence of a statute of limitations encourages parties to bring their cases promptly before the courts, by granting victims or prosecutors a specific time period during which to instigate their legal claims;³⁶ by contrast, an amnesty is used to pardon or exempt a person or group of persons from liability.³⁷ Rather than simply setting a deadline for legal claims and keeping open the possibility of criminal prosecutions or civil liability, the government would completely foreclose these processes. It is therefore inaccurate to describe the government's proposal as a 'statute of limitations'.

16. Under the ECHR,³⁸ the UK is prohibited from using amnesties in instances of potentially unlawful killings or other serious human rights abuses, such as torture or enforced disappearances.

17. In the 2014 case of *Marguš v. Croatia*, the Grand Chamber of the European Court of Human Rights held that creating an amnesty for unlawful killings and other serious human rights violations – primarily the torture and cruel, inhuman and degrading treatment and punishment – would be unlawful under the Convention. The Court explained:

*'...granting amnesty in respect of the killing and ill-treatment of civilians would run contrary to the State's obligations under Articles 2 and 3 of the Convention since it would hamper the investigation of such acts and necessarily lead to impunity for those responsible. Such a result would diminish the purpose of the protection guaranteed under Articles 2 and 3 of the Convention and render illusory the guarantees in respect of an individual's right to life and the right not to be ill-treated.'*³⁹

18. The planned amnesty, as set out in the Command Paper, is extremely broad, removing the possibility of criminal liability for all 'Troubles-related' offences. This plan is coupled with the proposed exclusion of civil avenues for redress and the removal of the inquests system – in effect, preventing victims and their families from accessing enforceable justice. The introduction of new, non-binding mechanisms that do not provide individual accountability or redress, such as the proposed information recovery process and the oral history archive, cannot compensate for removing the enforceable measures that identify and address both individual and systemic rights violations.⁴⁰

19. The Command Paper⁴¹ and government statements⁴² refer extensively to the idea that finding sufficient evidence to successfully mount a prosecution is becoming impossible due to the passage of time and other factors. From a legal perspective, these purported justifications for ending and precluding accountability measures are insufficient. Under human rights law, just because prosecutions may be difficult does not mean that an amnesty is lawful. The obligation to effectively investigate allegations applies even during situations that threaten state security, conflict and post-conflict contexts.⁴³ Although the practical circumstances are relevant to determining whether an investigation has been effective,⁴⁴ the obligation to effectively investigate nonetheless continues for as long as the authorities can 'reasonably be expected' to continue investigating.⁴⁵

³⁵ Command Paper, p. 21.

³⁶ Britannica, ['Statute of limitations'](#) (Britannica, 11 April 2018) accessed 20 August 2021.

³⁷ Britannica, ['Amnesty'](#) (Britannica, 13 August 2019) accessed 20 August 2021.

³⁸ [European Convention on Human Rights and Fundamental Freedoms](#) (Council of Europe, Rome, 1950).

³⁹ Application Number 4455/10, [Marguš v. Croatia](#), 27 May 2014, para. 172. The Court further explained would additionally run contrary to the object and purpose of the Convention, as it would render the rights contained within Articles 2 and 3 as '[im]practical and [in]effective'; see also Application Number 18984/91, [McCann and Others v. the United Kingdom](#), 27 September 1995, para. 146.

⁴⁰ [Revised Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#) (United Nations Office of the High Commissioner for Human Rights, 2017), para. 40.

⁴¹ Command Paper, paras. 5, 10, 32 and 40.

⁴² Chiara Giordano, ['Ministers 'set to block prosecution of Northern Ireland veterans''](#) (*The Independent*, 6 May 2021) accessed 25 August 2021.

⁴³ Application Number 4871/16, [Hanan v. Germany](#), 16 February 2021, para. 204; Application Number 38263/08, [Georgia v. Russia \(II\), Merits](#), 21 January 2021, para. 326.

⁴⁴ Application Numbers 60441/13, 68206/13 and 68667/13, [Giirtekin and Others v. Cyprus, Decision](#), 11 March 2014, para. 21; Application Number 44301/13, [Harrison and Others v. the United Kingdom, Decision](#), 25 March 2014, para. 51.

⁴⁵ Application Number 71463/01, [Šilih v. Slovenia](#), 9 April 2009, para. 157.



20. It would be incorrect to state that the UK cannot ‘reasonably be expected’ to continue investigating any conflict-related deaths in Northern Ireland due to the lapse of time, as many investigations are currently ongoing. Additionally, when prior faulty investigatory mechanisms on the part of the state are significant causes of the lack of accountability or investigation to date – as has consistently been held to be the case in the Northern Ireland context⁴⁶ – the UN’s Minnesota Protocol on the Investigation of Potentially Unlawful Deaths, for example, explains that this cannot subsequently be used to justify implementing an amnesty.⁴⁷

Toward resolving the Northern Ireland “legacy” problem: minimum requirements

21. RSI agrees that determining a fair and just approach to the legacy of Northern Ireland is a difficult task.⁴⁸ However, there are a wealth of organisations and individuals who can help develop this process and move it forward. RSI urges the government to facilitate a welcoming atmosphere for civil society and victim engagement. It is our understanding that the proposed amnesty is deterring many victims from working with the government,⁴⁹ as is the government’s current approach to legacy-related consultation.⁵⁰ RSI proposes that six fundamental principles should support attempts to resolve the legacy of the most violent periods of the Northern Ireland conflict.

These six fundamental principles are:

- **The government should not create or condone impunity for human rights violations:** This is necessary under the ECHR and an essential aspect of respect for the human dignity of the victims. It will also likely be crucial to long-term peacebuilding.
- **Recommendations for truth and accountability mechanisms should reflect the views and interests of victims and their families:** As well as being a matter of good practice and ensuring maximum opportunities for lasting truth and reconciliation, the views and interests of victims and are salient to evaluations of whether an investigation is sufficiently effective for purposes of the ECHR.
- **The process should be appropriately funded:** Without sufficient funding, it is inevitable that any investigative mechanism will be unable to properly fulfil any role mandated by the ECHR. It is important to remember that the ECtHR appears to disregard resource constraints when assessing the effectiveness of an investigation.⁵¹
- **There should be sufficient engagement by the government and other public bodies:** This is essential not only to ensure that any investigation into Northern Ireland legacy is lawful, but also to give these mechanisms legitimacy, and to show that the government and other public bodies are committed to fulfilling their obligations under the ECHR.⁵²
- **The resolution process should receive ‘whole of government’ support for its functioning:** Each appropriate branch of government should be involved in the decision-making and implementing of any future Northern Ireland

⁴⁶ The Council of Europe, as part of its continued monitoring of cases arising out of the Northern Ireland context which have continually failed to receive effective investigations, this year reopened its investigation into the case of the murder of lawyer Pat Finucane; see Rory Carroll, [‘Council of Europe to reopen Pat Finucane murder review’](#) (*The Guardian*, 12 March 2021) accessed 25 August 2021.

⁴⁷ [Revised Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#) (*United Nations Office of the High Commissioner for Human Rights*, 2017), para. 23.

⁴⁸ The term ‘approach’, rather than ‘mechanism’ is used here as international human rights law does not require one sole method of discharging the procedural obligation. Instead, this obligation can be shared among many bodies; see Stuart Wallace, [The Application of the European Convention on Human Rights to Military Operations](#) (CUP, 2019), p. 117, discussing Application Nos. 2312/08 and 34179/08, [Maktouf and Damjanović v. Bosnia and Herzegovina](#), 18 July 2013, para. 82

⁴⁹ Sandra Peake, [‘The Government may say their process is victims-centred but it is nothing of the sort’](#) (*WAVE Trauma Centre*, 15 July 2021) accessed 20 August 2021.

⁵⁰ Ralph Hewitt, [‘Pat Finucane Centre walks out of NIO meeting over claim Troubles killings by security forces ‘were lawful?’](#) (*Belfast Telegraph*, 22 July 2021) accessed 26 August 2021.

⁵¹ For example, see Application Number 47708/08, [Jaloud v. the Netherlands](#), 20 November 2014.

⁵² Stuart Wallace, [The Application of the European Convention on Human Rights to Military Operations](#) (CUP, 2019), pp. 110-111.

legacy plans, with extensive consultation with the Northern Ireland Assembly and the Government of the Republic of Ireland.

- **The mechanisms should have the power to obtain, and order the full disclosure of, facts and evidence – without being limited by overly broad national security exceptions:** As outlined above, placing sweeping limitations on the availability and disclosure of fundamental evidence would not comply with the ECHR.

While not comprehensive, these principles provide a starting point for developing a just, inclusive and equitable approach to the legacy of the Northern Ireland conflict.