

**'Rigorous impartiality'? The UK Government, Amnesties and Northern Ireland Conflict Legacy 1998-2022**

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**Introduction**

[W]e will end the cycle of investigations...treating our veterans unfairly.<sup>1</sup>

In July 2021, Brandon Lewis MP (British Northern Ireland Secretary of State until July 2022) made it clear the UK Government wanted a process to deal with conflict legacy in Northern Ireland that ended prosecutions of British Army veterans. But is ending prosecutions of veterans compatible with the UK Government's co-guarantor role for the peace process? The UK government pledged as 'the sovereign government' to uphold 'rigorous impartiality' for Northern Ireland's people in the Good Friday peace Agreement (1998).<sup>2</sup> Whilst numerous authors suggest the UK government was generally a fair arbiter before 1998 by accepting 'the principle of consent' for Northern Ireland (examples include Bew, Frampton, Gurruchaga 2009: 43-44, 124-125; Hennessey 2015, 8, 234-239; Dixon 2001; O'Kane 2017), others disagree. O'Leary for example believes the UK Government often interfered to shape policy on various areas including the north's constitutional status to protect UK political, strategic and other interests (O'Leary 2019: 43-44, 65-68).

With conflict legacy, this chapter argues O'Leary's view equally applies for the peace process after 1998. The British Government's legacy approach has frequently fallen short of rigorous impartiality. Their primary intention with its recent amnesty plans is to protect veterans from potential prosecutions.<sup>3</sup> Various UK governments have moved towards amnesties for this reason since 1998. Preventing veterans from being prosecuted helps the UK Government ensure sections of the British electorate do not turn against it. The UK Government's approach to Northern Ireland also continues to be influenced by factors identified by various authors during the conflict. These include insulating the UK mainland from political divisions in Northern Ireland. Doing so would help ensure the north does not again significantly disrupt Westminster politics, especially as Northern Ireland offers few votes to the UK Conservative, Labour and Liberal Democrat parties (Leahy 2020: 77; Neumann 2003: 14-16. O'Kane 2017; O'Kane 2021: 198-221; Dixon 2001; Dixon 2017: 41-53; Martin Chung 2021; Sanders 2021).

But most people in Northern Ireland favour supporting victims and survivors across the political spectrum by allowing for a choice of pursuing prosecutions, obtaining information about conflict incidents, or ignoring the past. The main political parties there alongside the British and Irish Governments signed the Stormont House Agreement in 2014 which incorporated these forms of legacy processes. It proposed a new independent investigation unit called the Historical Investigations Unit (HIU) for victims and survivors who seek criminal investigations, alongside an Independent Commission on Information Retrieval (ICIR) 'to enable victims and survivors to seek and privately receive information about... (Troubles related) deaths'. Information provided to the ICIR would be inadmissible in criminal or civil proceedings.<sup>4</sup> No wonder recent polls show the UK Government's unconditional amnesty plan is rejected by most people in Northern Ireland.<sup>5</sup> This chapter

shows the problem with having sovereign powers and guarantors to a peace settlement who are partial when addressing conflict legacy.

Part one explores how a number of academics do support various forms of amnesties for different reasons. Part two outlines why all shades of pro-British Ulster unionists views, Irish nationalist opinion from Sinn Féin to the Irish Government reject unconditional amnesties. But section three argues UK governments has at times moved towards amnesties to protect state forces and Westminster political interests since 1998. It is these intentions and the lack of truth recovery components in recent UK amnesty plans that are contested by many academics, politicians and victims/survivor groups.

### **Academics and amnesties in Northern Ireland**

Mallinder *et al.* (2015: 7) outline how amnesties are: 'a legal mechanism utilised by governments to remove liability for criminal prosecutions and/or civil suits for specific offences or against specific groups of individuals'. Some academics see merit in drawing a line under the past in Northern Ireland. They foresee two dangers arising from top-down political approaches to dealing with legacy in the north: political interference and over-emphasising state actions. For these reasons, Edwards argues for: 'drawing a line under the past until...peace has taken root in deeply divided societies' (Edwards 2008: 209-217). Other authors believe amnesties from prosecution accompanied by comprehensive state archival releases would best provide insight into conflict incidents. They argue it would prevent Irish Republicans from re-writing the past to portray the UK state as the main perpetrator).<sup>6</sup> For McGrattan: 'unresolved murders will remain unresolved due to the Mafioso-like code of silence enforced by paramilitaries on each other and 'their' communities' (see similar views in Shirlow 2018: 422-423; O'Kane 2021, 215-220).<sup>7</sup> Academics studying other post-conflict scenarios support ending prosecutions. Lea David suggests Spain's Pact of Oblivion after Franco's dictatorship facilitated the embedding of democracy (David 2020: 4-5). In post-conflict Bosnia and Serbia, David argues public silence actually: 'communicates caution, respect and recognition' (David 2020: 9-11).

Most scholars, however, disagree with unilateral amnesties for Northern Ireland. Instead, they argue conditional amnesties alongside truth-recovery processes would best assist dealing with legacy (examples include Bryson *et al.* 2021; Burgess *et al.* 2010; Martin Chung 2020: 998-999; Mallinder 2008: 2, 9; Mallinder and McEvoy 2011; Mallinder *et al.* 2015; McEvoy *et al.* 2020). I concur for four reasons.

First, all major political parties and most citizens there reject unconditional amnesties. Instead, most parties alongside the Irish and UK Governments supported the Stormont House Agreement in 2014. A *LucidTalk* poll in 2021 also found seven out of ten people in Northern Ireland disagreed with ending prosecutions.<sup>8</sup> A further *LucidTalk* poll showed 88 per cent of people in the north wanted conflict legacy addressed. Crucially, 63 per cent supported the HIU and 62 per cent backed the ICIR idea.<sup>9</sup> Support for a truth recovery process has consistently remained a popular option for dealing with the past there since 2004 (see also Lundy and McGovern 2008: 186-188; Brewer and Hayes 2016).<sup>10</sup>

Consent towards amnesties matters. In the stalemate scenario Northern Ireland reached by 1998, no side could force opponents to accept their conflict narrative (for examples of the stalemate view see English 2003: 303-315; Leahy 2020; Mallinder 2008: 2-9, 16-17). When sovereign governments overseeing a peace agreement ignore the stalemate, public opinion, and 'where the government's motives for introducing an amnesty are duplicitous...the amnesty will have a negative impact on reconciliation' (Mallinder 2008: 31-36, 46-72, 403-413). Hence Mallinder (2007: 227-228) says amnesties 'should have democratic legitimacy' and 'as far as possible, widespread public consultation'. The UK Government's current plans lack both (see also Lundy 2010: 121-122; Mallinder and McEvoy 2011: 118-120).

State sponsored forgetting overlooks how memory can be retained, passed down and re-emerge. For these reasons, in 2007 the Spanish parliament passed the Law of Historical Memory. It commenced official efforts to address the legacy of Spain's dictatorship for victims and their descendants (Simpson 2009: 34-35). Forgetting may work if democratically consented to. But in Northern Ireland, unconditional amnesties have repeatedly been dismissed by most citizens. In terms of the forced forgetting of the Francoist dictatorship (1939-1975), Spain demonstrates burying the past does not prevent it re-emerging politically, particularly when society feels past injustices remain unanswered (Dawson 2007: 316-318).

The second reason is historical precedent. Mallinder *et al.* discuss how conditional amnesties: 'have...been repeatedly used' in Irish history (Transitional Justice Research 2015, iii). British and Irish Government decommissioning acts from 1997 for paramilitary weapons meant individuals and organisations that complied were not prosecuted. The Independent Commission for Location of Victims' Remains (ICLVR) also helped locate most of those disappeared by paramilitaries in unmarked graves from 1999. Respective Irish and UK acts agreed not to prosecute those involved if their information led to bodies being discovered. Lord Saville's public inquiry into Bloody Sunday in 1972 (where fourteen unarmed civilians were shot dead by British troops during an anti-internment march in Derry city) provided witnesses with protected statements, free from prosecution. McEvoy *et al.* say these examples show limited amnesties have assisted truth recovery in Northern Ireland (see also further examples including the so-called 'letters of comfort' provided to individuals 'on-the-run' from Northern Ireland in Transitional Justice Research 2015).

The third reason is that Mallinder *et al.* recognise unconditional amnesties lacking truth recovery mechanisms are not human rights compliant. The Irish and UK Governments signed the European Convention on Human Rights (ECHR), including Article II (right to life) and Article III (freedom from torture and ill-treatment). If potentially breached, states must set-up investigations that are 'effective, prompt, transparent, independent'. Mallinder argues amnesties can be accepted *if* they are trying to achieve truth recovery for victims when convictions appear unlikely. The amnesties must be conditional to encourage suspected perpetrators to provide information. Accountability is key. The state 'is required to disclose and explain their decision' in the past and to ensure independent persons reviewing the past 'can impose sanctions on decision-makers who violated their duties'

(Mallinder and McEvoy 2011: 109-110; Mallinder 2007; Mallinder and McEvoy 2013: 2-5; Lundy 2010: 127-128). Conditional amnesties as seen during South Africa's Truth and Reconciliation Commission from 1996 to 2003 were compatible with international law by meeting accountability standards (Mallinder and McEvoy 2011: 115-116). In contrast, the UK Government's unconditional amnesty plans from 2020 are not contingent on truth recovery mechanisms first providing victims information. The post-2016 Brexit context is influential here. There is deteriorating EU-UK and Anglo-Irish relations following disputes about the UK's interpretation and implementation of Brexit agreements (Cochrane 2020, chapter 7; Harvey *et al.* 2018: 8-9, 11-17, 36-38; Murphy and Evershed 2022; Murphy and Ó Beacháin 2020; Hayward *et al.*, 2021; O'Kane 2021, 195-225; O'Leary 2019, 297-358; Tannam and Kelly 2022). UK Governments have also publicly announced they may leave the ECHR as part of opposing continued European influence over UK affairs.<sup>11</sup> The lack of compliance with international conventions over Brexit coincides with the UK Government's willingness to overlook the ECHR when designing legacy plans for Northern Ireland (Bryson *et al.* 2021).<sup>12</sup>

Recent history suggests the chances of the UK state comprehensively opening its archives even after an unconditional amnesty is overly optimistic (Bryson *et al.* 2021: 4-12; McGovern 2019). Shirlow observes the 'purposeful non-release of information' by the state at times since 1998 has delayed various court cases and inquiries (Shirlow 2018: 422-423). In May 1974, for example, the Dublin and Monaghan bombings killed 34 people. The Ulster Volunteer Force (UVF) claimed responsibility. But Justice Barron's independent commission of inquiry for the Irish Government in 2003 believed collusion (active or passive collaboration) occurred between the UVF and members of the UK security forces. Barron highlighted the lack of cooperation from UK state into his investigations.<sup>13</sup> Irish politicians from all perspectives in the Dáil have repeatedly called on the UK Government to provide archival material to assist the investigations.<sup>14</sup> The fact the UK Government was seen as failing to provide comprehensive archival material even when prosecutions were not part of Barron's remit demonstrates amnesties would not necessarily see the UK Government disclose more evidence.

### **The Irish and Northern Irish political consensus**

Braniff and McDowell, Leahy and others suggest various political, communal, intergenerational, ethical and moral reasons to explain ongoing contests about the past between *all sides* in Northern Ireland, including the British and Irish Governments (Braniff and McDowell 2014, 38-178; Leahy 2019; McBride 2001: 1, 5-42; Cochrane 2013: 283-310; Conway 2003: 306-314; Viggiani 2016; Rolston 2010: 287-301; McAuley 2016: 122-133; Hopkins 2020: 525-526, 530-532). Despite these challenges, the Stormont House Agreement in 2014 was supported by all major political parties. It included pathways to justice and information recovery. There was no formal amnesty. Only statements provided to the ICIR would be immune from prosecution.

The largest Unionist party in Northern Ireland since 2003, the Democratic Unionist Party (DUP) have consistently rejected amnesties. More specifically, they oppose amnesties for paramilitaries. Alongside the aforementioned factors (Leahy 2019), Lawther found

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<https://www.belfasttelegraph.co.uk/news/northern-ireland/information-on-death-of-schoolboy-shot-by-plastic-bullet-released-from-archives-41736994.html>

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Unionists oppose truth recovery-only options because of: 'notions of blamelessness, denial, siege' (2011: 379-80) and 'exclusive conception of "innocent victimhood"' (2013: 176). Whilst some Unionists accept fault for their discriminatory policies towards northern Nationalists prior to the conflict, they feel the IRA's response was undemocratic and unjustified. In contrast, they believe UK security forces upheld law and order. The DUP fear that Republicans would use truth commissions 'to beat the British state', since 'terrorist groups' would provide limited information. Unionists also fear amnesties for all combatants would legitimise the IRA's campaign in the past and present (Lawther 2011; Lawther 2013; Lundy and McGovern 2008; Sluka 2009: 295-297; Brewer and Hayes 2016; Leahy 2019: 302;).<sup>15</sup>

When amnesties for all are debated, the DUP opposes them. In 2005, Tony Blair's Labour Government attempted to pass 'The Northern Ireland (Offences) Bill'. It would end custodial sentences for any 'on the run' IRA members who returned to Northern Ireland and had their case reviewed. Even if found guilty, on-the-runs would not serve a custodial sentence.<sup>16</sup> Peter Robinson, DUP deputy at the time and later leader, said the proposed bill in 2005: 'is...a terrorist amnesty Bill'.<sup>17</sup> From the DUP perspective, removal of custodial sentences excused terrorism. The DUP felt this bill dangerously drew equivalence to the security services and the IRA by applying the amnesty equally to all sides.

Admittedly, the DUP's Westminster manifesto in 2017 supported amnesties for the security forces (the British Army, the RUC and Ulster Defence Regiment [UDR]).<sup>18</sup> Once it emerged that UK Government amnesty plans included paramilitaries, DUP hostility returned. In 2018, Ian Paisley junior told a House of Commons debate: 'How can soldiers...be equated with terrorists ... That is...abhorrent and immoral'.<sup>19</sup> Jim Shannon MP declared in 2019: 'Upholders of law and order do not deserve to be treated equally with murdering scum'.<sup>20</sup> Sir Jeffrey Donaldson, current DUP leader, said in July 2021: 'I cannot believe that the path to reconciliation is made easier when we sacrifice justice'.<sup>21</sup> Nonetheless, the DUP supported the Stormont House Agreement. They were willing to accept prosecutions alongside truth-recovery.. The party compromised in 2014 in part because they and Irish Nationalists faced a stalemate. Neither side had the electoral mandate to impose their vision for reconciliation.

A number of authors argue Sinn Féin ultimately wants amnesties. They suggest Republicans manipulate the past to try to get maximum exposure of state wrongdoing, whilst concealing the extent of the IRA's role in the conflict. The purpose, in their view, is to vindicate Sinn Féin and the IRA in the present, whilst tainting Unionism, Loyalism and the UK state (Hopkins 2020;; McGrattan and Hopkins 2017: 488-494; McGrattan 2016: 61-71; Hopkins 2015 79-83; O'Kane 2021: 216-218; Brown and Viggiani 2009).<sup>22</sup> Elsewhere, I suggest alongside other conflict participants, Sinn Féin presents their conflict narrative for multiple reasons, including sharing Republican communal conflict experiences. Sinn Féin's version of the past is not just political distortion (Leahy 2019). The party has also generally opposed amnesties from prosecutions since 1998 for some of the reasons identified, including political and communal pressure. Republicans only support conditional amnesties linked to information recovery (Lundy and McGovern 2008).

Nonetheless, various accounts suggest Sinn Féin only eventually opposed the UK Government's Offences Bill in 2005 following pressure from the Social Democratic and Labour Party (SDLP) (the other main northern Nationalist party) and victims/survivors groups, whom wanted UK forces held to account for alleged collusion incidents with Loyalist paramilitaries (for example, see Dawson 2007: 307). Gerry Adams, former Sinn Féin President, claimed he and Bertie Ahern, Irish Taoiseach, had no knowledge the bill would include a security force amnesty. Adams rejected the latter as it: 'will cause even greater hurt to those people...bereaved or injured as a result of actions here by the British'.<sup>23</sup>

By signing the Stormont House Agreement in 2014, Sinn Féin officially supported conditional amnesties provided to ICIR statements. They accepted potential prosecutions for IRA members. In 2018, Sinn Féin's responded to the UK Government's consultation on the Stormont House Agreement saying no amnesties from prosecution should occur:

No one should be above the law. During...the Stormont House Agreement (2014) all parties, and both the Irish and British governments, registered their opposition to...amnesty ... Any attempt to deviate from this position, to satisfy the demands of the British Armed Forces lobby, will be strongly resisted...by large sections of the victims and survivors' community ... such a proposition is an affront to families who seek truth, justice and accountability.

Their reasons for rejecting unilateral amnesties are similar to the DUP's and Irish Government's: it evades justice; it is against the Stormont House Agreement; and victims/survivors deplore it.<sup>24</sup>

Republicans have assisted some conflict legacy cases. They worked with various cases where individuals were disappeared (killed and buried in an unmarked grave) by the IRA to locate bodies, following legislation preventing prosecutions in return for information (Leahy and Williams 2022, 7-8). Republicans issued apologies in certain cases where the IRA says it inaccurately killed someone for allegedly informing (Leahy and Williams 2022, 7-10). And whilst not providing evidence in person, Judge Smithwick, who investigated allegations of Gardaí (Irish Police) collusion with the IRA in the killings of two Royal Ulster Constabulary (RUC) superintendents in 1989, noted the IRA discussed privately with him details about these events.<sup>25</sup> These actions did not satisfy all victims and survivors (Leahy and Williams 2022, 7-8). Nonetheless, Republicans have engaged with conflict legacy at times, supporting their claim they would do so again if the Stormont House Agreement was implemented.<sup>26</sup>

The Irish Government's perspective on legacy is also motivated by various political, public opinion and other factors (Leahy 2019: 304-309). For the two leading parties since 1969, Fine Gael and Fianna Fáil, the conflict principally emerged from Unionist discrimination against Nationalists, and undemocratic partition. They accept, however, partition cannot be removed by force. To do so outraged Unionists and Loyalists who feared Irish Catholic domination, and who might ignite an island-wide civil war in response. The Irish Government therefore rejected the Provisional IRA and portrayed the latter as a subversive organization. The Irish state saw its role as ending violence by bringing about power-sharing (Leahy 2019: 304-309; see also Mulroe 2017; Hanley 2019; Patterson 2013).

This conflict narrative explains why the Irish Government has generally opposed unconditional amnesties. With Sinn Féin's increasing their electoral mandate considerably since 2016 in the Republic, both Fianna Fáil and Fine Gael fear an amnesty may provide contemporary justification politically for Sinn Féin (Leahy 2019: 304-309). Irish ministers also say amnesties separate from truth recovery are not compatible with the ECHR. And they recognize victims/survivor and political groups in the north almost universally reject unconditional amnesties.

In February 2022, Simon Coveney, Irish Minister for Foreign Affairs and Trade, made it clear 'we cannot and will not support an amnesty'. He explained the UK unconditional amnesty plan:

does not have the support of victims ... [nor] parties in Northern Ireland ... It has caused grave concern to international human rights bodies ... the Stormont House Agreement, agreed in 2014...was guided by ... reconciliation...the rule of law...the pursuit of justice and information recovery, is human-rights compliant ... acknowledges and addresses the suffering of victims and survivors.<sup>27</sup>

Further statements by Coveney, Irish Taoiseach and ministers since 2017 concur.<sup>28</sup> Admittedly, the Irish Government temporarily considered amnesties for IRA on-the-runs in 2005 to help assist the peace process when power-sharing was absent; although Ahern claimed the UK security force amnesty part was never agreed.<sup>29</sup> Once the bill was rejected, the Irish Government has consistently opposed amnesties.

These parties' agreement with the 2014 proposals show it is not amnesties connected to truth recovery they oppose. It is the UK Government's unilateral and unconditional amnesty plans alongside its motives for doing so they reject.

### **Protecting the state**

Mallinder's and McEvoy's research outlines how states may introduce amnesties to: 'shield their own supporters from criminal liability'. Pressure from state employees, public opinion and security concerns explains why (Mallinder and McEvoy 2011: 117; Mallinder 2008: 36-37, 62-68, 404). Since 2020, it appears the Conservative Government has explored unconditional amnesties for conflict participants principally to prevent some veterans from being prosecuted (Martin Chung 2021; Bryson *et al.* 2021).

Conservative MPs' recent statements on amnesty proposals make their intentions clear. During a House of Commons debate in 2018, Leo Docherty, veteran and Conservative MP, argued: 'We should demand natural justice for our veterans'; implying amnesty from prosecution.<sup>30</sup> In May 2019, Sir Iain Duncan Smith MP, former Conservative leader and Troubles veteran, supported an amnesty because: 'When natural justice collides with the law, we must change the law to protect those who protected us'.<sup>31</sup> Brandon Lewis argued in July 2021 an amnesty would 'deliver on our commitment to veterans who served in Northern Ireland ... many of whom remained fearful of...being the subject of ongoing investigations... even though the vast majority acted in accordance with the law'.<sup>32</sup> Martin

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Chung provides further examples of Conservative MPs supporting amnesties to protect veterans (2020: 979-990, 998-999).

Recent UK Government manoeuvres towards amnesties coincide with potential prosecutions of some veterans. The Public Prosecution Service (PPS) commenced legal proceedings against Dennis Hutchings in 2015. He was accused of shooting John Pat Cunningham in 1974, as the latter ran from a British Army patrol. The trial ceased when Hutchings died in 2021 (Sanders 2021: 794-799).<sup>33</sup> Two former British paratroopers went on trial for allegedly shooting Joe McCann in Belfast, an Official IRA (the leftist IRA from the 1960s from which the Provisionals were an offshoot) member, in disputed circumstances in 1972. The case collapsed in May 2021 (Sanders 2021: 794-799).<sup>34</sup> Another veteran may face trial over Bloody Sunday (Sanders 2021: 794-799).<sup>35</sup> Martin Chung (2022: 983) and Sanders suggest (2021: 794-799) these and other cases best account for the UK Government moving towards amnesties. Sanders also emphasises how the current Conservative Government has forty-one veterans as MPs (2021: 791). Their influence has undoubtedly shaped government policy towards amnesties. They want amnesties for veterans to be applied comprehensively for a number of recent conflicts including in Afghanistan and Iraq too.<sup>36</sup>

Not all veterans favour amnesties. Dan Jarvis, veteran and Labour Party MP, warned amnesties created 'moral' and 'legal' equivalence between veterans and paramilitaries. He added unconditional amnesties were against all-party consent in Northern Ireland and European Human Rights law (Sanders 2021: 791).<sup>37</sup> But Sanders reminds us: 'Jarvis is...one of only two' Labour MPs who are veterans (Sanders 2021: 791). Most veterans who are Conservative MPs support amnesties from prosecution (Martin Chung 2022: 979-990; Sanders 2021: 791). Veterans who reject unconditional amnesties lack influence on the current government.

Conservative MPs cite other reasons for supporting unconditional amnesties. In 2021, Lewis stated victims had: 'waited long enough and...information [archival releases following amnesties] would offer the best chance of giving more families some sense of justice'.<sup>38</sup> Yet the Government's amnesty plans are almost universally rejected by politicians and victims/survivors in Northern Ireland (Bryson *et al.* 2021: 4-6). Crucially, Bryson *et al.* observe: 'it is rather rich for the government to point to 'delay' as a key motivator...such delays in many court actions is the delaying tactics of state agencies themselves' (Bryson *et al.* 2021: 4-12; see also Lundy and McGovern 2008: 179-181; McGovern 2019: 162-170; Shirlow 2018: 422-423). Mallinder's observation is apt: 'motivations behind an amnesty are often hidden by governments, particularly where the state is eager to conceal its...responsibility for violations' (Mallinder 2008: 72).

Other Conservative MPs say unconditional amnesties are needed because British soldiers have already been investigated for alleged wrongdoing. Colonel Bob Stewart, MP and veteran, claimed: 'The Royal Ulster Constabulary and the Special Investigation Branch of the Royal Military Police hauled us over the coals' if soldiers were involved in fatalities during the conflict.<sup>39</sup> Burke summarises how: 'many veterans see the reopening of cases as merely a case of political expediency to satisfy Sinn Féin' (Burke 2021; see also Martin Chung 2021: 979-990; McGovern 2019: 162-170; Sanders 2021: 796-799). Burke, however,

notes: 'Of the 26 legacy-related cases brought by the PPS in Belfast from 2011 to the end of 2020, 21 related to paramilitaries', and only six related to veterans. It is 'not the case' legacy investigations overfocus on state forces (Burke 2021).

Bennett, Burke and Sanders suggest cases against a few veterans continue *because* they were *not* thoroughly investigated at the time, or new evidence has emerged. They outline how the Royal Military Police, the UK Attorney General, the RUC and courts were generally sympathetic to soldiers during the conflict. Hence few faced criminal prosecutions (Bennett 2013; Burke 2021; Sanders 2021). Bennett has uncovered various civil cases where the UK state paid damages. He found: 'the evidence shows the army very probably committed hundreds of offences against civilians in the 1972–5 period'. He suspects out of court settlements assisted the state's 'desire to minimize publicity' and maintain UK public support for the armed forces. This aim would help ensure Northern Irish affairs did not influence English, Scottish or Welsh public opinion towards the Government, where elections were won or lost (Bennett 2013: 279-282; 287-304). Elsewhere, Sanders records how four soldiers convicted in criminal proceedings for 'clear violations of the rules of engagement and the rule of law' were released on appeal or early 'often with high-level political support' in Westminster (Sanders 2021: 795-796, 798-802). He summarises how 'the lack of decisive action on the part of political leaders over the issue of a post conflict reconciliation process' is why some soldiers remain under investigation (Sanders 2021: 802).

Both Conservative and Labour Governments have at times sought immunity from prosecutions for veterans since 1998. Labour's equal willingness to try to introduce amnesties was demonstrated in 2005 with the Northern Ireland (Offences) bill. Alongside IRA 'on-the-run's', the bill sought immunity from custodial sentences for some security forces veterans if they came forward. For Peter Hain, Northern Ireland Secretary of State at the time, immunity from prison was needed for soldiers who mainly: 'served with great valour in the most horrific circumstances'.<sup>40</sup> Hain believed the bill would help bring 'closure', secure peace and assist victims in information recovery.<sup>41</sup> The bill met with ferocious opposition. Conservatives and Unionists felt it was a 'terrorist amnesty'. For Nationalists it showed state forces were immune from prosecution (Lundy and McGovern 2008: 184; Mallinder *et al.* 2015: 8-9). Dawson says the act represented 'state organised forgetting', 'the exact opposite' to what victims/survivors and political parties in Northern Ireland wanted (Dawson 2007: 316-318).

Some scholars suggest one of the UK Government's intentions in 2005 was to resolve contentious issues from blocking power-sharing being resurrected (Dixon 2019: 8-13, 283-285; Dixon 2013; Hall 2019: 372-373). But this factor does not sufficiently explain why amnesty from prosecution for security force veterans was also included, something which Sinn Féin in particular rejected.<sup>42</sup> Survivors and victims also generally opposed it (Mallinder *et al.* 2015; Dawson 2007: 316-318). Thereafter, the UK Government dropping this bill could seem to abide by victims/survivors and Northern Irish/Irish consent. Yet as the UK Government tried to re-introduce amnesties from 2020 (which are now more lenient as they do not require legal investigations beforehand), two reasons in hindsight help explain

the 2005 reversal. First, as the UK state seeks to keep Northern Irish affairs at arms-length, dropping the bill in 2005 made sense. The opposition to it suggested it would *increase* UK Government interaction with Irish affairs if forced through. There were few court cases against veterans in 2005 too. There was no pressing need from veterans nor mainland opinion on the Government to introduce an amnesty. This factor explains why Conservative MPs who now support unconditional amnesties opposed Labour's more modest plans in 2005. Mark Francois MP, for instance, argued the 'grubby little Bill' in 2005 was 'a capitulation' to Sinn Féin. Duncan Smith said it was wrong to provide amnesties for all sides because soldiers: 'went because their Government sent them to hold the peace'.<sup>43</sup> Once the prospect of UK veterans facing court cases emerged in recent years, attitudes amongst Conservative MPs swiftly altered. The Labour Government had peered down the road in 2005. It realised controversy surrounding a few veterans in court could emerge, particularly with the ongoing Bloody Sunday inquiry.

The anomaly is the UK Government signing the Stormont House Agreement in 2014. There was no amnesty from prosecution. As it coincided with a consensus in the north, the UK Government's best option to maintain its distance from Northern Ireland affairs was to support it. But Burke, Martin Chung and Sanders are right. Pressure particularly from veterans within the Conservative Party increased once prosecutions of a few veterans emerged since 2014. Hence the amnesty idea returned, and the Stormont House Agreement was set aside (Burke 2021; Martin Chung 2022: 983; Sanders 2021: 791-799).

In fairness, the UK Government has engaged in some truth recovery exercises since 1998. Examples include the Bloody Sunday Inquiry (2010) and the Rosemary Nelson Inquiry (2011) that investigated RUC collusion with Loyalist paramilitaries in the human rights lawyer's death in 1999.<sup>44</sup> In June 2022, the UK Government also reversed withholding information relating to the death of schoolboy Paul Whitters in 1981 following a plastic bullet fired by the RUC during a riot in Derry. Brandon Lewis said it demonstrated the UK Government was serious about releasing archival material following an amnesty.<sup>45</sup> But these and other examples are about truth recovery, not prosecutions. It is also unclear whether the UK Government will provide comprehensive archival releases in other plastic bullet shootings cases. Whilst these examples show the UK Government's ever-changing response to legacy, once some veterans faced criminal charges, the UK state showed its ultimate desire to avoid prosecutions.

Why? It is partly to uphold the state's conflict narrative. From their perspective, UK forces attempted to maintain law and order against undemocratic paramilitaries (Leahy 2019: 297-301). But as O'Leary argues, the UK Government has not always been a neutral bystander in Northern Irish affairs. It seeks to influence political events and solutions when needed to: 'protect the UK's national security'; prevent northern affairs impacting Westminster politics; and to abide by English electorate opinions, the largest and most influential nation within the UK (O'Leary 2019: 43-44, 65-68, 233-234, 281-282, 309-313). For similar reasons, Morrow sees an 'unchanging interest of the British and Irish governments in limiting responsibility for Northern Ireland', which partly explains why legacy remains unresolved (Morrow 2012: 6-7, 25-27). Whilst I disagree in part about the

Irish Government's role in legacy (Leahy 2019), his argument about the British state is accurate. The UK Government's wider historic role in Ireland made it an essential party to conflict resolution there. With the talks leading to the Good Friday Agreement independently chaired by Senator George Mitchell, the UK Government were recognized as participants rather than an arbiter.

Despite exceptions including Brexit, O'Kane states Westminster objectives generally since 1998 have included to: 'uphold the principle of consent; significantly reduce if not eradicate the violence...restore devolved government; and prevent...[Northern Ireland] from disrupting/impeding the wider British political agenda' (O'Kane 2021: 198-221). His argument parallels multiple authors' views on British Government objectives during the conflict (for examples see Neumann 2003: 14-16. O'Kane 2017; Dixon 2001; Dixon 2017: 41-53). But with conflict legacy, the UK Government's attempts to introduce unconditional amnesties does not uphold Northern Irish nor Irish consent. Violence is no longer present on its previous scale either, meaning it is not a key motivator. Instead, evidence suggests UK legacy policy has frequently been driven by self-preservation. The UK Government sees amnesty from prosecution as shielding them from veterans' disquiet including in the Conservative Party over prosecutions, and from discontent emerging within the UK electorate. Protecting the state today is the UK Government's paramount concern when it comes to addressing northern conflict legacy.

### **Conclusion**

Since 1998, the UK Government has twice attempted to pass amnesties from prosecution related to Northern Ireland. In fairness, the Offences Bill in 2005 planned truth recovery accompanying amnesties. But similar to its 2020 successors, it provided all conflict participants with amnesties from custodial sentences. My argument has built on aforementioned academic work that suggests self-preservation, UK mainland electoral and security priorities heavily influence UK Government legacy policy towards Northern Ireland since 1969. These factors continue to do so since 1998 (O'Kane 2021, 198-221). Admittedly, political and constitutional alongside differing conflict experiences influences *all* political parties to disagree about the past (Leahy 2019). Nonetheless, the UK Government is in a different position. They are the sovereign power with ultimate veto over legacy plans.

As its amnesty plans are rejected by almost all other peace process participants, the UK Government's approach to legacy falls short of a 'rigorously' impartial co-guarantor of the Good Friday Agreement. Mallinder warns amnesties designed primarily to protect the state are unlikely to assist reconciliation (Mallinder 2008: 36-46). The UK Government's Statute of Limitations plan has also led to considerable criticism internationally (Bryson *et al.* 2021). Rather than distancing Northern Ireland affairs from Westminster, current UK legacy proposals will involve more interaction to quell opposition.

The UK Government's legacy plans in Northern Ireland demonstrates the difficulties with a sovereign state maintaining veto power. Whilst others can oppose it, ultimately if the UK Government wants unconditional amnesties it can obtain them as the sovereign power. Legacy debates suggest an oversight from the Good Friday Agreement is the lack of

safeguards placed on UK Government influence on Northern Irish affairs when it lacks northern support for its proposals.

<sup>1</sup> Brandon Lewis, Northern Ireland Secretary of State, contribution to House of Commons debate on 'Legacy of Northern Ireland's Past', Wednesday 14 July 2021, Hansard, Volume 699, at: <https://hansard.parliament.uk/Commons/2021-07-14/debates/DAD888A0-ED03-4052-8C36-AB90644BAB8B/LegacyOfNorthernIreland%E2%80%99SPast?highlight=statute%20limitations%20northern%20ireland#contribution-82FF2794-843B-4A21-8010-C28F0A737798> <accessed 23 March 2022>.

<sup>2</sup> *The Good Friday Agreement* (1998), Article 1V, 33: at <https://cain.ulster.ac.uk/events/peace/docs/agreement.pdf> <accessed 25 June 2022>.

<sup>3</sup> House of Commons, 'Legacy of Northern Ireland's Past', Wednesday 14 July 2021 at: <https://hansard.parliament.uk/Commons/2021-07-14/debates/DAD888A0-ED03-4052-8C36-AB90644BAB8B/LegacyOfNorthernIreland%E2%80%99SPast?highlight=statute%20limitations%20northern%20ireland#contribution-82FF2794-843B-4A21-8010-C28F0A737798> <accessed 23 March 2022>.

<sup>4</sup> *The Stormont House Agreement* (December 2014), 5-10 at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/390672/Stormont\\_House\\_Agreement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf) <accessed 26 June 2022>.

<sup>5</sup> 'Poll shows majority of people oppose British government amnesty plans', in *The Irish News*, 26 July 2021: at <https://www.irishnews.com/news/northernirelandnews/2021/07/27/news/poll-shows-majority-of-people-oppose-british-government-amnesty-plans-2399377/> <accessed 4 August 2022>.

<sup>6</sup> Mick Fealty, 'Sinn Féin disowns the amnesty deal it's been asking for incessantly for over twenty years', in *Sluggie O'Toole*, 15 July 2021: at <https://sluggerotoole.com/2021/07/15/sinn-fein-disowns-the-amnesty-deal-its-been-asking-for-incessantly-for-over-twenty-years/> <accessed 30 May 2022>; Cillian McGrattan, 'London's latest plan to deal with legacy is chance to reset the imbalance against UK state forces', in *The Newsletter*, 14 August 2021: at <https://www.newsletter.co.uk/news/opinion/londons-latest-plan-to-deal-with-legacy-is-chance-to-reset-the-imbalance-against-uk-state-forces-3345477> <accessed 5 May 2022>; Henry Patterson, 'Legacy Scandal: 'Historical advisers would help put Troubles deaths in context,' says Henry Patterson', in *The Newsletter*, 5 September 2018: at <https://www.newsletter.co.uk/news/legacy-scandal-historical-advisers-would-help-put-troubles-deaths-context-says-henry-patterson-252305> <accessed 31 May 2022>; Brian Walker, 'To check Sinn Féin winning the propaganda war, a general amnesty should replace prosecutions in exchange for official disclosure, say unionist legal experts, arguing for the scrapping of the government's Legacy Bill', in *Sluggie O'Toole* 14 March 2018: at <https://sluggerotoole.com/2018/03/14/to-check-sinn-fein-winning-the-propaganda-war-over-the-troubles-a-general-amnesty-should-replace-prosecutions-in-exchange-for-official-disclosure-say-unionist-legal-experts-arguing-for-the-scrappi/> <accessed 4 May 2022>.

<sup>7</sup> See Cillian McGrattan in Mick Fealty, 'Sinn Féin disowns the amnesty deal it's been asking for incessantly for over twenty years', in *Sluggie O'Toole*, 15 July 2021: at <https://sluggerotoole.com/2021/07/15/sinn-fein-disowns-the-amnesty-deal-its-been-asking-for-incessantly-for-over-twenty-years/> <accessed 30 May 2022>; See also Cillian McGrattan, 'London's latest plan to deal with legacy is chance to reset the imbalance against UK state forces', in *The Newsletter*, 14 August 2021: at <https://www.newsletter.co.uk/news/opinion/londons-latest-plan-to-deal-with-legacy-is-chance-to-reset-the-imbalance-against-uk-state-forces-3345477> <accessed 5 May 2022>; Henry Patterson, 'Legacy Scandal: 'Historical advisers would help put Troubles deaths in context,' says Henry Patterson', in *The Newsletter*, 5 September 2018: at <https://www.newsletter.co.uk/news/legacy-scandal-historical-advisers-would-help-put-troubles-deaths-context-says-henry-patterson-252305> <accessed 31 May 2022>; Brian Walker, 'To check Sinn Féin winning the propaganda war, a general amnesty should replace prosecutions in exchange for official disclosure, say unionist legal experts, arguing for the scrapping of the government's Legacy Bill', in *Sluggie O'Toole* 14 March 2018: at <https://sluggerotoole.com/2018/03/14/to-check-sinn-fein-winning-the-propaganda-war-over-the-troubles-a-general-amnesty-should-replace-prosecutions-in-exchange-for-official-disclosure-say-unionist-legal-experts-arguing-for-the-scrappi/> <accessed 4 May 2022>.

<sup>8</sup> 'Poll shows majority of people oppose British government amnesty plans', in *The Irish News*, 26 July 2021: at <https://www.irishnews.com/news/northernirelandnews/2021/07/27/news/poll-shows-majority-of-people-oppose-british-government-amnesty-plans-2399377/> <accessed 4 August 2022>.

<sup>9</sup> 'Most Northern Ireland people don't want Troubles amnesty, says poll', in *The Belfast Telegraph*, 6 October 2021: at <https://www.belfasttelegraph.co.uk/news/northern-ireland/most-northern-ireland-people-dont-want-troubles-amnesty-says-poll-40920639.html> <accessed 4 August 2022>.

<sup>10</sup> See Political Attitudes and a Truth Commission, *Northern Ireland Life and Times Survey* (2004) at: [https://www.ark.ac.uk/nilt/2004/Political\\_Attitudes/IMPNTC.html](https://www.ark.ac.uk/nilt/2004/Political_Attitudes/IMPNTC.html) <accessed 4 August 2022>.

<sup>11</sup> 'No 10 revives prospect of UK leaving European convention on human rights after Labour calls Rwanda plans 'a shambles'', in *The Guardian*, 15 June 2022 at: <https://www.theguardian.com/politics/live/2022/jun/15/rwanda-flight-asylum-echr-priti-patel-boris-johnson-pmq-uk-politics-latest> <accessed 4 August 2022>.

<sup>12</sup> 'EU set to take legal action against UK over post-Brexit deal changes', in *BBC News*, 14 June 2022 at: <https://www.bbc.co.uk/news/uk-politics-61795553> <accessed 4 August 2022>.

<sup>13</sup> Mr Justice Henry Barron, *Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings* (October 2003).

<sup>14</sup> For example, see Dáil Éireann Debate, 'Dublin-Monaghan Bombings', Tuesday 29 January 2019: at <https://www.oireachtas.ie/en/debates/question/2019-01-29/83/> <accessed 17 June 2019>.

<sup>15</sup> Mick Fealty, 'Sinn Féin disowns the amnesty deal it's been asking for incessantly for over twenty years', in *Sluggero Toole*, 15 July 2021: at <https://sluggerotoole.com/2021/07/15/sinn-fein-disowns-the-amnesty-deal-its-been-asking-for-incessantly-for-over-twenty-years/> <accessed 30 May 2022>; Cillian McGrattan, 'London's latest plan to deal with legacy is chance to reset the imbalance against UK state forces', in *The Newsletter*, 14 August 2021: at <https://www.newsletter.co.uk/news/opinion/londons-latest-plan-to-deal-with-legacy-is-chance-to-reset-the-imbalance-against-uk-state-forces-3345477> <accessed 5 May 2022>; Henry Patterson, 'Legacy Scandal: 'Historical advisers would help put Troubles deaths in context,' says Henry Patterson', in *The Newsletter*, 5 September 2018: at <https://www.newsletter.co.uk/news/legacy-scandal-historical-advisers-would-help-put-troubles-deaths-context-says-henry-patterson-252305> <accessed 31 May 2022>; Brian Walker, 'To check Sinn Féin winning the propaganda war, a general amnesty should replace prosecutions in exchange for official disclosure, say unionist legal experts, arguing for the scrapping of the government's Legacy Bill', in *Sluggero Toole* 14 March 2018: at <https://sluggerotoole.com/2018/03/14/to-check-sinn-fein-winning-the-propaganda-war-over-the-troubles-a-general-amnesty-should-replace-prosecutions-in-exchange-for-official-disclosure-say-unionist-legal-experts-arguing-for-the-scrappi/> <accessed 4 May 2022>.

<sup>16</sup> House of Commons, 'Northern Ireland (Offences) Bill Debate', 23 November 2005 at: <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051123/debtext/51123-08.htm> <accessed 7 June 2022>.

<sup>17</sup> See their contributions in Columns 1579-1589 in House of Commons, 'Northern Ireland (Offences) Bill Debate', 23 November 2005 at: <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051123/debtext/51123-08.htm> <accessed 7 June 2022>.

<sup>18</sup> DUP Election Westminster 'Standing Strong for Northern Ireland', 2017, 9: at [https://cain.ulster.ac.uk/issues/politics/docs/dup/dup\\_2017-05-31\\_ge-man.pdf](https://cain.ulster.ac.uk/issues/politics/docs/dup/dup_2017-05-31_ge-man.pdf) <accessed 2 February 2022>.

<sup>19</sup> Ian Paisley junior, House of Commons, 'Historic allegations against veterans debate', 15 May 2018 at: <https://hansard.parliament.uk/Commons/2018-05-15/debates/8CF5A940-7F97-412F-8B50-F7FA9EBB4840/HistoricAllegationsAgainstVeterans?highlight=statute%20limitations#contribution-B994CD32-7AD9-44D8-B3D8-04D0F3CD7094> <accessed 16 March 2022>.

<sup>20</sup> House of Commons, 'Immunity for soldiers debate', 20 May 2019 at: <https://hansard.parliament.uk/Commons/2019-05-20/debates/06752875-A995-4952-A1C8-89E342B72FA6/ImmunityForSoldiers?highlight=statute%20limitations#contribution-DFE51DDC-9B39-476A-883D-F2C7DC4DE6E9> <accessed 16 March 2022>.

<sup>21</sup> House of Commons, 'Legacy of Northern Ireland's past', 14 July 2021 at: <https://hansard.parliament.uk/Commons/2021-07-14/debates/DAD888A0-ED03-4052-8C36-AB90644BAB8B/LegacyOfNorthernIreland%E2%80%99SPast?highlight=statute%20limitations%20northern%20ireland#contribution-82FF2794-843B-4A21-8010-C28F0A737798> <accessed 14 March 2022>.

<sup>22</sup> Mick Fealty, 'Sinn Féin disowns the amnesty deal it's been asking for incessantly for over twenty years', in *Sluggero Toole*, 15 July 2021: at <https://sluggerotoole.com/2021/07/15/sinn-fein-disowns-the-amnesty-deal-its-been-asking-for-incessantly-for-over-twenty-years/> <accessed 30 May 2022>; Cillian McGrattan, 'London's latest plan to deal with legacy is chance to reset the imbalance against UK state forces', in *The Newsletter*, 14 August 2021: at <https://www.newsletter.co.uk/news/opinion/londons-latest-plan-to-deal-with-legacy-is-chance-to-reset-the-imbalance-against-uk-state-forces-3345477> <accessed 5 May 2022>; Henry Patterson, 'Legacy Scandal: 'Historical advisers would help put Troubles deaths in context,' says Henry Patterson', in *The*

Newsletter, 5 September 2018: at <https://www.newsletter.co.uk/news/legacy-scandal-historical-advisers-would-help-put-troubles-deaths-context-says-henry-patterson-252305> <accessed 31 May 2022>; Brian Walker, 'To check Sinn Féin winning the propaganda war, a general amnesty should replace prosecutions in exchange for official disclosure, say unionist legal experts, arguing for the scrapping of the government's Legacy Bill', in *Sluggie O'Toole* 14 March 2018: at <https://sluggerotoole.com/2018/03/14/to-check-sinn-fein-winning-the-propaganda-war-over-the-troubles-a-general-amnesty-should-replace-prosecutions-in-exchange-for-official-disclosure-say-unionist-legal-experts-arguing-for-the-scrappi/> <accessed 4 May 2022>.

<sup>23</sup> 'Adams criticises amnesty plan for soldiers', in *The Irish Times*, 1 December 2005 at: <https://www.irishtimes.com/news/adams-criticises-amnesty-plan-for-soldiers-1.1185594> <accessed 4 August 2022>.

<sup>24</sup> *Engaging with the past: Building for the future: Sinn Féin response to the consultation on addressing the legacy of the past* (October 2018) at: <https://www.irishlegal.com/uploads/documents/Sinn%20Fe%CC%81in%20Legacy%20Consultation%20.pdf> <accessed 9 February 2022>.

<sup>25</sup> His Honour Judge Peter Smithwick, *Report of the Tribunal of Inquiry into Suggestions that Members of An Garda Síochána or Other Employees of the State Colluded in the Fatal Shootings of RUC Superintendent Harry Breen and RUC Superintended Robert Buchanan on the 20th March 1989* (Dublin: Government of Ireland, 2013) 10-11, 398-432 at: [http://opac.oireachtas.ie/AWDData/Library3/smithwickFinal03122013\\_171046.pdf](http://opac.oireachtas.ie/AWDData/Library3/smithwickFinal03122013_171046.pdf) <accessed 1 June 2019>.

<sup>26</sup> See also Declan Kearney in *An Phoblacht*, 'British government amnesty legislation will make legacy a permanently toxic issue', 14 December 2021 at: <https://www.anphoblacht.com/contents/28234> <accessed 28 April 2022>; and Michelle O'Neill, 'Implementing Stormont House Agreement best way to deal with legacy of the past', 29 June 2021 at: <https://www.sinnfein.ie/contents/61237> <accessed 28 February 2022>.

<sup>27</sup> Dáil Éireann debate, 'Legacy issues', 23 February 2022

Vol. 1018 No. 5 at:

<https://www.oireachtas.ie/en/debates/debate/dail/2022-02-23/17/?highlight%5B0%5D=northern&highlight%5B1%5D=ireland&highlight%5B2%5D=northern&highlight%5B3%5D=ireland&highlight%5B4%5D=northern&highlight%5B5%5D=ireland&highlight%5B6%5D=northern&highlight%5B7%5D=ireland&highlight%5B8%5D=statute&highlight%5B9%5D=limitations> <accessed 2 March 2022>.

<sup>28</sup> Dáil Éireann debate on legacy, 16 November 2017, Vol. 961 No. 6 at:

<https://www.oireachtas.ie/en/debates/debate/dail/2017-11-16/21/?highlight%5B0%5D=statute&highlight%5B1%5D=limitations&highlight%5B2%5D=ireland#s23> <accessed 02 March 2022>; Dáil Éireann debate, 11 May 2021, Vol. 1006 No. 6 at:

<https://www.oireachtas.ie/en/debates/debate/dail/2021-05-11/20/?highlight%5B0%5D=northern&highlight%5B1%5D=ireland&highlight%5B2%5D=northern&highlight%5B3%5D=ireland&highlight%5B4%5D=northern&highlight%5B5%5D=ireland&highlight%5B6%5D=statute&highlight%5B7%5D=limitations&highlight%5B8%5D=northern&highlight%5B9%5D=ireland#s26> <accessed 2 March 2022>.

<sup>29</sup> Dáil Éireann debate, 'Leaders Questions', 23 November 2005 at:

<https://www.oireachtas.ie/en/debates/debate/dail/2005-11-23/3/?highlight%5B0%5D=northern&highlight%5B1%5D=ireland&highlight%5B2%5D=amnesty> <accessed 5 March 2022>.

<sup>30</sup> House of Commons debates, 'Historic Allegations Against Veterans', 15 May 2018 at:

<https://hansard.parliament.uk/Commons/2018-05-15/debates/8CF5A940-7F97-412F-8B50-F7FA9EBB4840/HistoricAllegationsAgainstVeterans?highlight=statute%20limitations#contribution-B994CD32-7AD9-44D8-B3D8-04D0F3CD7094> <accessed 16 March 2022>.

<sup>31</sup> House of Commons debates, 'Immunity for Soldiers', 20 May 2019 at:

<https://hansard.parliament.uk/Commons/2019-05-20/debates/06752875-A995-4952-A1C8-89E342B72FA6/ImmunityForSoldiers?highlight=statute%20limitations#contribution-DFE51DDC-9B39-476A-883D-F2C7DC4DE6E9> <accessed 16 March 2022>.

<sup>32</sup> House of Commons debates, 'Legacy of Northern Ireland's Past', 14 July 2021 at:

<https://hansard.parliament.uk/Commons/2021-07-14/debates/DAD888A0-ED03-4052-8C36-AB90644BAB8B/LegacyOfNorthernIreland%E2%80%99Past?highlight=statute%20limitations%20northern%20ireland#contribution-82FF2794-843B-4A21-8010-C28F0A737798> <accessed 21 March 2022>.

<sup>33</sup> 'Dennis Hutchings: Trial was in public interest, say prosecutors', in *BBC News*, 19 October 2021: at

<https://www.bbc.co.uk/news/uk-northern-ireland-58964950> <accessed 7 August 2022>.

<sup>34</sup> 'Joe McCann: Trial of two soldiers collapses', in *BBC News*, 4 May 2021: at <https://www.bbc.co.uk/news/uk-northern-ireland-56942056> <accessed 7 August 2022>.

<sup>35</sup> Lisa O'Carroll, 'Belfast court quashes decision to stop Bloody Sunday prosecution of Soldier F', in *The Guardian*, 23 March 2022: at [https://www.theguardian.com/uk-news/2022/mar/23/belfast-court-quashes-decision-to-stop-bloody-sunday-prosecution-of-soldier-f#:~:text=Belfast%20court%20quashes%20decision%20to%20stop%20bloody%20sunday%20prosecution%20of%20soldier%20F,This%20article%20is&text=A%20British%20army%20veteran%20accused,PPS\)%20to%20drop%20murder%20charges](https://www.theguardian.com/uk-news/2022/mar/23/belfast-court-quashes-decision-to-stop-bloody-sunday-prosecution-of-soldier-f#:~:text=Belfast%20court%20quashes%20decision%20to%20stop%20bloody%20sunday%20prosecution%20of%20soldier%20F,This%20article%20is&text=A%20British%20army%20veteran%20accused,PPS)%20to%20drop%20murder%20charges) <accessed 7 August 2022>.

<sup>36</sup> House of Commons debates, 'Historic Allegations Against Veterans', 15 May 2018 at: <https://hansard.parliament.uk/Commons/2018-05-15/debates/8CF5A940-7F97-412F-8B50-F7FA9EBB4840/HistoricAllegationsAgainstVeterans?highlight=statute%20limitations#contribution-B994CD32-7AD9-44D8-B3D8-04D0F3CD7094> <accessed 16 March 2022>; House of Commons debates, 'Immunity for Soldiers', 20 May 2019 at: <https://hansard.parliament.uk/Commons/2019-05-20/debates/06752875-A995-4952-A1C8-89E342B72FA6/ImmunityForSoldiers?highlight=statute%20limitations#contribution-DFE51DDC-9B39-476A-883D-F2C7DC4DE6E9> <accessed 16 March 2022>.

<sup>37</sup> House of Commons debates, 'Legacy Issues', 21 July 2021 at: <https://hansard.parliament.uk/Commons/2021-07-21/debates/E3C90177-BF70-4692-B01F-1B311F30502F/LegacyIssues?highlight=statute%20limitations%20northern%20ireland#contribution-16958627-1124-4B0D-B199-07DF7262E518> <accessed 29 March 2021>.

<sup>38</sup> House of Commons debates, 'Legacy of Northern Ireland's Past', 14 July 2021 at: <https://hansard.parliament.uk/Commons/2021-07-14/debates/DAD888A0-ED03-4052-8C36-AB90644B8B8B/LegacyOfNorthernIreland%E2%80%99Past?highlight=statute%20limitations%20northern%20ireland#contribution-82FF2794-843B-4A21-8010-C28F0A737798> <accessed 21 March 2022>.

<sup>39</sup> House of Commons debates, 'Immunity for Soldiers', 20 May 2019 at: <https://hansard.parliament.uk/Commons/2019-05-20/debates/06752875-A995-4952-A1C8-89E342B72FA6/ImmunityForSoldiers?highlight=statute%20limitations#contribution-DFE51DDC-9B39-476A-883D-F2C7DC4DE6E9> <accessed 16 March 2022>.

<sup>40</sup> House of Commons debate, 'The Northern Ireland (Offences) Bill', 23 November 2005, Column 1547 at: <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051123/debtext/51123-08.htm> <accessed 7 June 2022>.

<sup>41</sup> House of Commons debate, 'The Northern Ireland (Offences) Bill', 23 November 2005, Columns 11528-1531 at: <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051123/debtext/51123-08.htm> <accessed 7 June 2022>.

<sup>42</sup> See DUP response in House of Commons debate, 'The Northern Ireland (Offences) Bill', 23 November 2005, Columns 1530, 1579-1601 at: <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051123/debtext/51123-08.htm> <accessed 7 June 2022>.

<sup>43</sup> For both quotes see House of Commons, 'Northern Ireland (Offences) Bill Debate', 23 November 2005 at: <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051123/debtext/51123-08.htm> <accessed 7 June 2022>.

<sup>44</sup> *The Rosemary Nelson Inquiry Report* (London: House of Commons, 2011) at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/247461/0947.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/247461/0947.pdf); *Report of the Bloody Sunday Inquiry* (London: House of Commons, 2010) at: <https://www.gov.uk/government/publications/report-of-the-bloody-sunday-inquiry> <both accessed 29 July 2022>.

<sup>45</sup> 'Information on death of schoolboy shot by plastic bullet released from archives', in *The Belfast Telegraph*, 9 June 2022, at: <https://www.belfasttelegraph.co.uk/news/northern-ireland/information-on-death-of-schoolboy-shot-by-plastic-bullet-released-from-archives-41736994.html> <accessed 4 August 2022>.