



SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS
COUNCIL'S UNIVERSAL PERIODIC REVIEW MECHANISM
CONCERNING THE UNITED KINGDOM: ANNEX 3



NOVEMBER 2007





A CHARITY REGISTERED IN ENGLAND NO. 1048335
A COMPANY LIMITED BY GUARANTEE: REGISTERED IN ENGLAND NO. 2489161

13b Hillgate Place
London SW12 9ES
Tel: (+44) 020 8772 9161
Fax: (+44) 020 8772 9162
e-mail: birw@birw.org

SPONSORS: Kader Asmal MP
Michael Mansfield QC
Baroness Kennedy of the Shaws QC

WEBSITE: <http://www.birw.org>
REGISTERED OFFICE 52-58 Tabernacle Street London EC2A 4NJ

Rt Hon Shaun Woodward MP
Secretary of State for Northern Ireland
Northern Ireland Office
11 Millbank
London
SW1 4QE

18th July 2007

for the personal attention of the Secretary of State

Dear Shaun Woodward,

Group to look at the past

As you know, British Irish RIGHTS WATCH (BIRW) is an independent non-governmental organisation and registered charity that monitors the human rights dimension of the conflict and the peace process in Northern Ireland. Our services are available to anyone whose human rights have been affected by the conflict, regardless of religious, political or community affiliations, and we take no position in the eventual outcome of the peace process.

We refer to the Northern Ireland Office press release of 21st June 2007 concerning the setting up of a group to look at the past.

Dealing with the past is an issue with which BIRW has been much concerned. We have helped hundreds of individual families in Northern Ireland to deal with the trauma of losing a loved one, being injured, suffering a miscarriage of justice, or becoming a victim of the conflict in some other way. We have also monitored the work of agencies such as the Police Ombudsman and the Historical Enquiries Team, and also attempted to assist them in their work. BIRW have also been at the forefront of researching and exposing collusion, which has created countless victims.

We firmly believe that the legacy of the conflict needs to be properly addressed in order that Northern Ireland can recover from nearly forty years of violence and sectarianism. That process must involve an independent assessment of what took place, and a series of measures to ensure that the horrors of the past cannot be repeated. It needs to identify those responsible, and where possible hold them to account. What it emphatically must not do is attempt to draw an artificial line under the past, without providing closure for victims, or attempt to brush wrongdoing under the carpet.

When we saw the announcement this group we immediately had a number of concerns.

First, there was no consultation with the people of Northern Ireland before this group was established. If the past is to be dealt with effectively, then the process must be inclusive and must command the respect and support of all sections of society. It is not wise to impose such a process on victims without consultation.

Secondly, with all due respect to those who have agreed to serve on the group, objectively they cannot be said to represent anybody in particular. We have spoken to many victims who have told us that they have no sense of identification with the group, and no understanding of why they were selected. From our own point of view, we are alarmed that the group does not include any victims' representatives and no-one with any direct human rights experience. We are also concerned that the group is accountable to no-one, other than the Secretary of State for Northern Ireland, who, for the reasons set out later in this letter, is not the appropriate person.

Thirdly, the terms of reference – which of course, do not arise from any process of consultation – do not in fact treat with dealing with the past, so much as building a shared future that is not overshadowed by the past. This seems to us to be missing a crucial intermediate step, which is coming to a shared understanding of what actually happened in the past. In other words, the analysis is missing. It also seems, whether intentionally or otherwise, to be proscriptive, in that it is telling Northern Ireland society what the outcome of the consultation process is intended to be. Such an approach suggests that the group will be on send rather than receive.

The terms of reference refer only to the community in Northern Ireland. While we believe that the future of Northern Ireland should remain squarely in the hands of the people of Northern Ireland, as those most closely affected by the conflict, there are others from outside Northern Ireland who may also have useful insights to offer which should not be ignored. Among them, for example, would be the Irish government, the various US Special Envoys, and human rights groups such as our own, Amnesty International, and Human Rights First (this is by no means meant to be an exhaustive list).

Fourthly, the time scale of one year is ludicrously short for such a complex and contentious issue. The message it sends is that this is not a serious undertaking so much as a hollow exercise.

Lastly, but by no means least, the Northern Ireland office are not the right agency to launch such an initiative. The United Kingdom government has not been a neutral force in the conflict, but one of the key actors. It is itself in the dock over collusion. It is not in a position to commission a report which ought to put its own actions under scrutiny.

It seems to us that the creation of this group fails on all the major tests such a group should be expected to pass. It is not independent, it is not accountable, it is not transparent, and it is not compliant with domestic and international human

rights standards and norms. We think that the people of Northern Ireland deserve better. This is an exercise which is being set up to fail, and if it does fail it will do great harm. Too many lives have been lost and shattered in Northern Ireland for any half-hearted and ill-conceived approach to dealing with the past.

Yours sincerely,

Jane Winter,
Director.