



NEW YORK
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The Rt. Hon. Theresa May
Prime Minister
10 Downing Street
London, United Kingdom SW1A 2AA

The Rt. Hon. Karen Bradley
Secretary of State for Northern Ireland
1 Horse Guards Road
London, United Kingdom SW1A 2HQ

Re: 20th Anniversary of the Belfast Agreement

Dear Prime Minister May and Secretary Bradley:

We write on behalf of the New York City Bar Association, on the occasion of the twentieth anniversary of the Belfast Agreement, to urge the United Kingdom to more fully realize its commitment to the peace process in Northern Ireland by prioritizing the formation of a comprehensive and inclusive set of mechanisms to effectively investigate all allegations of human rights violations relating to the past through impartial and independent examination. To be effective, these mechanisms must receive sufficient financial and other resources to ensure their ability to operate through to the completion of their investigations. In the current absence of progress on a comprehensive process, we further urge the UK government, at a minimum and without further delay, to ensure adequate funding and personnel for legacy inquests as required under both domestic and international law.

The Association is an independent nongovernmental organization of over 24,000 lawyers, judges, law professors and government officials from throughout the United States and over 50 other countries. Throughout its 145-year history, the Association has consistently maintained that respect for the rule of law is essential in all jurisdictions and has a long history of investigating and reporting on human rights concerns around the world, including within the United States, through the work of its International Human Rights Committee, its Task Force on the Independence of Lawyers and Judges, and other Association committees.

As part of this work, the Association has closely monitored and engaged human rights concerns in Northern Ireland since the late 1980s. During this period, the International Human Rights Committee has conducted four visits to Northern Ireland, most recently in 2015, to assess, among other issues, the failure to adequately investigate individual deaths and injuries during the Northern Ireland conflict, including the murders of two lawyers, Patrick Finucane and Rosemary

Nelson. We have issued detailed reports on these and related matters, and have regularly met with government officials, lawyers, and other community members to remain apprised of developments and issues of concern.¹

In 2016, in our most recent report on Northern Ireland, we emphasized the importance of implementing a comprehensive, inclusive approach toward transitional justice that is afforded sufficient, sustained budgetary and other resources to ensure that all allegations of abuses in the past receive impartial and independent examination.² In a series of cases soon after the Belfast Agreement was signed, the European Court of Human Rights determined that the government must provide prompt and effective remedies in cases involving allegations of unlawful killings including where there is use of lethal force by agents of the state.³ However, as acknowledged by the parties in the Stormont House Agreement in 2014, the legacy inquest process has not “provid[ed] access to a sufficiently effective investigation within an acceptable timeframe.”⁴ It has been reported that there currently remain over fifty legacy inquests outstanding (concerning over ninety deaths) and as many as seventy-two additional cases awaiting consideration by the Attorney General.⁵

¹ See, e.g., NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., IN NORTHERN IRELAND, THE PAST IS STILL PRESENT (2016), <http://www2.nycbar.org/pdf/report/uploads/20072018-NORTHERNIRELANDREPORTINTHUM1212016.pdf> (hereinafter NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 2016 REPORT); NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., HUMAN RIGHTS IN ACTION: A BRIEF HISTORY OF THE NEW YORK CITY BAR’S WORK TO PROMOTE PEACE AND RESPECT FOR HUMAN RIGHTS IN NORTHERN IRELAND (2009), <http://www.nycbar.org/pdf/report/uploads/20071765-BriefHistoryofNYCBarWorkonNorthernIreland.pdf>; NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., NORTHERN IRELAND: A REPORT TO THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK (2003) (hereinafter NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 2003 REPORT), <http://www2.nycbar.org/pdf/report/NIreport.FINAL.3.8.pdf>; NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., NORTHERN IRELAND: A REPORT TO THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK (1999) (hereinafter NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 1999 REPORT), <http://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/northern-ireland-a-report-to-the-association-of-the-bar-of-the-city-of-new-york-from-a-mission-of-the-committee-on-international-human-rights>; New York City Bar Ass’n, Int’l Human Rights Comm., *Criminal Justice and Human Rights in Northern Ireland*, 43 REC. ASS’N B. CITY N.Y. 110 (1988), <http://www.nycbar.org/pdf/report/88083%20-%20Criminal%20Justice%20and%20Human%20Rights%20in%20Ireland.pdf>.

² NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 2016 REPORT, *supra* note 1, at 53-54.

³ E.g., McKerr v. United Kingdom, 2001-III Eur. Ct. H.R. 475; Jordan v. United Kingdom, No. 24746/94 (Eur. Ct. H.R. May 4, 2001), <http://hudoc.echr.coe.int/eng?i=001-59450>; Kelly v. United Kingdom, No. 30054/96 (Eur. Ct. H.R. May 4, 2001), <http://hudoc.echr.coe.int/eng?i=001-59453>; Shanaghan v. United Kingdom, No. 37715/97 (Eur. Ct. H.R. May 4, 2001), <http://hudoc.echr.coe.int/eng?i=001-59452>.

⁴ Agreement Between the Parties at Stormont, ¶ 31, Dec. 23, 2014, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf. An inquest is an inquiry conducted by a coroner “into the circumstances surrounding a death. The purpose of the inquest is to find out who the deceased person was and, how, when and where they died.” Coroners Service for Northern Ireland, Dep’t. of Justice, <https://www.justice-ni.gov.uk/articles/coroners-service-northern-ireland>.

⁵ Judicial Communications Office, High Court of Northern Ireland, *Summary of Judgment: Court Delivers Judgment on Funding for Legacy Inquests 2* (Mar. 8, 2018) (hereinafter High Court, *Summary of Judgment on Funding for Legacy Inquests*), <https://www.judiciary-ni.gov.uk/judicial-decisions/summary-judgment-court-delivers-judgment-funding-legacy-inquests>; see *A High Court Judge Compels Authorities in Belfast and London to Reconsider Providing Funds for Legacy Inquests*, IRISH NEWS (March 24, 2018), <http://www.irishnews.com/news/2018/03/24/a->

Despite a longstanding proposal by the Lord Chief Justice of Northern Ireland, Declan Morgan, to clear the backlog of inquest cases within five years, the legacy inquest process has stalled.⁶ As a recent judgment of the High Court of Northern Ireland makes clear, the lengthy, ongoing delay in conducting these legacy inquests infringes upon rights under both domestic and international law.⁷ The High Court emphasized in its judgment that the prolonged and systemic delay in these legacy cases is “caused or significantly contributed to by a lack of adequate resources.”⁸

We are encouraged that the High Court’s judgment directs reconsideration of the provision of additional funding for legacy inquests.⁹ The judgment also makes clear that the present approach breaches legal obligations arising under Article 2 of the European Convention on Human Rights, Rule 3 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963, and the common law, and that the inquest process “cannot be postponed until an outcome to a political agreement is reached.”¹⁰ Reiterating the recommendation in our 2016 report, we call on the UK government to heed the High Court’s directions by promptly ensuring that sufficient funding and other resources are made available for these legacy inquests, in accordance with the United Kingdom’s domestic and international law obligations.

In our reports since the signing of the Belfast Agreement, we have repeatedly noted the growing sense of hope at the prospects of achieving lasting peace.¹¹ However, as we noted in our most recent report in 2016, “substantial work remains to be done in ensuring that the abuses of human rights and injustices of the past do not destabilize the peace that has already been secured.”¹² On this important anniversary of the beginning of the peace process, we urge the government of the United Kingdom to ensure that this vital component of that process moves

[high-court-judge-compels-authorities-in-belfast-and-london-to-reconsider-providing-funds-for-legacy-inquests-1286636/](http://www.bbc.com/news/uk-northern-ireland-35562197).

⁶ High Court, *Summary of Judgment on Funding for Legacy Inquests*, *supra* note 5; *Legacy Inquests in Northern Ireland “Can Be Dealt with in Five Years,”* BBC NEWS (Feb. 12, 2016), <http://www.bbc.com/news/uk-northern-ireland-35562197> (discussing proposal by Lord Chief Justice of Northern Ireland Declan Morgan).

⁷ High Court, *Summary of Judgment on Funding for Legacy Inquests*, *supra* note 5, at 1 (noting that Rule 3 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 provides that “every inquest shall be held as soon as practicable after the Coroner has been notified of the death” and that both the European Convention on Human Rights and the common law “require that inquests [be] conducted with reasonable expedition and efficiency”); *see also* International Covenant on Civil and Political Rights, art. 2, Dec. 16, 1966, 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.

⁸ High Court, *Summary of Judgment on Funding for Legacy Inquests*, *supra* note 5, at 9.

⁹ *Id.* at 1, 10.

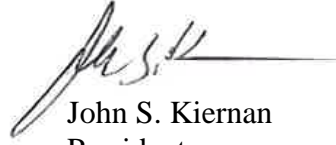
¹⁰ *Id.* at 2, 7.

¹¹ NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 2016 REPORT, *supra* note 1, at 2; NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., *supra* note 1, 2003 REPORT, at 2; NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 1999 REPORT, *supra* note 1, at 1.

¹² NEW YORK CITY BAR ASS’N, INT’L HUMAN RIGHTS COMM., 2016 REPORT, *supra* note 1, at 53; *see also id.* (urging, “once again, that the case of Patrick Finucane receive a full independent and public inquiry, and encourag[ing] the UK Government to promptly commit to such an inquiry”).

forward without continued delay by ensuring that sufficient resources are devoted to the inquest system.

Respectfully,

A handwritten signature in black ink, appearing to read "John S. Kiernan", followed by a horizontal line.

John S. Kiernan
President

A handwritten signature in purple ink, appearing to read "Anil Kalhan".

Anil Kalhan
Chair, International Human Rights
Committee