Northern Ireland military amnesty more wide-ranging than in Pinochet's Chile

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The British government intends to stop all investigations into crimes carried out by British forces during and after Northern Ireland's three decades of armed conflict known as "The Troubles". The move, announced in a parliamentary command paper "Addressing the Legacy of Northern Ireland's Past", has been analysed by a team of Northern Ireland academics and deemed more wide-ranging than that offered to Chile's military in 1978 under the bloody dictatorship of General Augusto Pinochet.

The proposal amounts to an unconditional amnesty for British agents, informants and services personnel, as well as members of paramilitary groups, and seeks to draw a legal veil over the role of the British government and its intelligence services during the decades long dirty war in its oldest colony. Should the paper become law, the only people at risk of prosecution from further investigations are those seeking to place new information in the public domain.

Introducing the paper, Northern Ireland Secretary Brandon Lewis indicated the government felt under pressure on the issue. "Time," wrote Lewis, "is not on our side".

"Without movement very soon, we... will fail to explain the complexity of the Troubles in an unbiased way and from all perspectives to the children of Northern Ireland today, condemning them to carry a partial view of the Troubles that acts as a barrier to community integration and understanding."

Explaining the truth "in an unbiased way" for Lewis means doing the opposite. The problem for Lewis is that even the slow-moving legal investigations already in motion threaten to reveal far more than the British government can tolerate of its murderous and vile methods in Ireland. Any threat to prosecute individual soldiers brings with it the danger that the personnel in question can, in their defence, bring out the role of their military superiors and of the British government.

Paragraph 34 states explicitly that "the PSNI [Police Service of Northern Ireland] and Police Ombudsman Northern Ireland would be statutorily barred from investigating Troubles-related incidents." This would "bring an immediate end to criminal investigations... and remove the prospect of prosecutions."

In paragraph 37 the government claims it is "committed to providing greater certainty for all those directly affected by the Troubles and to enable all communities in Northern Ireland to move forward." But the only certainty is that no-one will be held to account, and no-one blamed. Judicial reviews and civil cases would also be barred. These, according to the government, "involve an approach that can create obstacles to achieving wider reconciliation."

In place of legal proceedings, the government proposes a new Information Recovery Body which would result in families and relatives being offered a file rather than a court case. The government claimed it was committed to "full disclosure" while taking steps to ensure "no inadvertent disclosure into the public domain of information that could threaten national security", i.e., nothing that compromises the intelligence services.

Over five decades ago, in 1969, the British Labour government despatched thousands of troops to reinforce the pro-British Ulster Unionist government in the six counties of Northern Ireland. The unionists were seeking to suppress a popular movement for civil rights. Since Ireland's partition in 1921, Northern Ireland had been ruled as a semi-dictatorship through emergency powers, fascistic loyalist mob violence, elections gerrymandered to ensure unionist victory, and systematic discrimination against Catholics, particularly the working class, in all areas of social life.

Over the next three decades, the six partitioned counties were permanently occupied by tens of thousands of British troops and the border with the Republic of Ireland was heavily militarised, while British forces, backed up by Northern Ireland's police and paramilitary state forces, conducted a "low intensity" dirty war against Irish republicans. A vast security, surveillance, infiltration, assassination, and propaganda operation was unleashed. In all, over the course of the Troubles, some 3,500 people were killed and 40,000 injured by British forces, the Ulster Defence Regiment, the Royal Ulster Constabulary, loyalist and nationalist paramilitaries. Countless more suffered, and continue to suffer, lifelong physical and mental trauma.

The Troubles only came to an end in 1998 when the British government, seeking to unwind its military commitment and with Northern Ireland facing economic ruin and unable to attract investment, put together a deal backed by US and European capitalism to offer Sinn Fein, the Irish Republican Army's (IRA) political wing, a route to power-sharing devolved government along with their unionist opponents. The Northern Ireland Assembly has operated fitfully, with all its activities divided on sectarian lines, ever since.

Along with the 1998 Good Friday agreement came mechanisms to allow some legal investigations of both the unresolved killings and the numerous outrages of the Troubles. A number of high-profile public inquiries were set up, invariably delivering partial

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but nonetheless damaging reports.

A public inquiry was authorised in 1998, for example, into the January 30, 1972, Bloody Sunday shootings in Derry in which 13 people died. The Saville inquiry finally reported in 2010, accusing British paratroopers of shooting unarmed civilians. One anonymous solder was eventually charged, but the case against "Soldier F" was dropped earlier this year.

Earlier this a year, a coroner's inquest returned a verdict on the Ballymurphy massacre –the shooting of ten unarmed civilians in Belfast's Ballymurphy estate in 1971 during Operation Demetrius—the internment without trial of hundreds suspected of membership of the IRA. The inquest verdict only came about due to relentless and determined campaigning by relatives and supporters of the murdered residents. Yet no one is to face charges.

An Historical Enquiry Team (HET), staffed with as many as 100 detectives, operated from 2006 to 2014 only to be wound up after an official inquiry conceded it was not investigating "state involvement cases" with the same rigour as others. The HET was replaced with a cheaper Legacy Investigation Branch which has convicted no-one since it started work. Half of the 19 cases it has investigated, of 953 outstanding, involve the military.

Some of the most sensitive cases are under investigation by Operation Kenova, the police investigation into the murderous activities of the British agent in the IRA's security unit, known as "Stakeknife", Freddie Scappaticci. The operation has expanded its activities to include over 200 cases. Headed by former police chief Jon Boutcher, Kenova has so far amassed over 50,000 pages of evidence covering 17 murders and 12 kidnappings. Over 300 people have been interviewed.

Since 2019 Boutcher has also been investigating the Glenanne gang of the loyalist Ulster Volunteer Force, which included members of the Northern Ireland security forces. The Glenanne gang is suspected of carrying out as many as 90 attacks, including those that cost the most lives of any single atrocity during the Troubles, the 1974 Dublin and Monaghan bombings.

On May 17, 1974, in a coordinated attack, three bombs exploded in the packed streets of rush hour Dublin at two-minute intervals. A fourth device exploded in the town of Monaghan, near the border, one-and-a-half hours later, as a diversionary tactic for when the attackers would be crossing the border into the six counties. 33 people, as well as an unborn child, were killed in the attacks, while 258 were injured. No one has ever been charged for the atrocities and the British government has refused to release relevant documents.

Two years earlier, two British agents, Kenneth and Keith Littlejohn, were involved in a British intelligence operation which exploded two bombs in Dublin simultaneously with a Dáil Éireann debate on criminalising Sinn Fein. Two people were killed and around 100 injured in an attack blamed on the IRA. The Offences against the State (Amendment) was due to be thrown out until the bombs went off in earshot, swinging the outcome. The Littlejohn affair was covered extensively at the time by the Trotskyists of the Socialist Labour League, who published a pamphlet "Anatomy of Dictatorship - the Littlejohn Affair".

These are not only issues of historic sensitivity. The amnesty paper follows the Overseas Operations (Service Personnel and Veterans) Act 2021 which places a six-year time limit on legal action against crimes carried out by British troops overseas. As such, the paper is part of British preparations for major new conflicts abroad and dictatorial measures to confront the working class at home.

The command paper was subjected to an excoriating analysis by a team of legal and human rights academics from Queen's University Belfast and the University of Ulster, the Model Bill Team—who had viewed the Stormont House Agreement of 2014 as capable of producing legal mechanisms compliant with current human rights practice.

Among the team's most startling findings was the result of a comparison between the British government's proposed amnesty and similar moves worldwide, including a 1978 amnesty passed by Chilean dictator General Augusto Pinochet, which the team noted is "widely regarded as one of the most egregious examples of amnesty". The British government's proposal, like Pinochet's, covers "serious human rights violations including extrajudicial killings, arbitrary detention, torture and disappearances".

However, the British proposal goes much further. Unlike in Chile, no offences are excluded, no time limits imposed, and all current proceedings will cease, including all judicial and investigative processes.

The team also noted that the Information Recovery Body, put forward to give a pretence of moving investigations forward, will be entirely voluntary and therefore be ignored, while its powers to extract documentation from the state will be less than currently exist.

By contrast, coupled with moves to tighten the Official Secrets Acts, the team noted that "journalists, legacy investigators and human rights defenders who put evidence of human rights violations into the public domain... would be the only people liable to be prosecuted for conflict-related matters."

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