

2 December 2020

Dear Archbishop Welby,

We are aware of your most recent involvement in Northern Ireland legacy matters and your earlier efforts for peace building with loyalist paramilitaries.

You will not have heard of the Malone House Group, an NGO composed of lawyers, academics and political figures. It has a particular view on how to address legacy issues in Northern Ireland, one that is outwith the conventional wisdom in our university legal departments and the broadcast media. We are rarely allowed to be heard.

I am enclosing some material that explains the group’s purpose including our book *Legacy: What to do about the Past in Northern Ireland?* and some other documents related to our submissions to the Council of Europe’s Committee of Ministers on certain Strasbourg court cases. Also present are recent letters published on the imminent Finucane inquiry decision and about the parliamentary Northern Ireland Affairs Committee’s one-sided report.

We have majored at Strasbourg on wider and contrary interpretations of Article 2 and the missing recognition of how the, often competing, Articles 6 and 8 should be taken account of, particularly in relation to the NIO’s draft – and now hopefully minimised – 2018 Stormont House Agreement Legacy Bill.

The nationalist Queen’s University and CAJ proposal for trials and convictions but no jail sentence is an artificial reading of how to meet Article 2’s requirements, as is Amnesty’s opposition to an amnesty. One is already substantially in place while future prosecutions will hardly ever occur. We have long argued that recent and earlier proposed arrangements lack proportionality and take little or no account of context, let alone cost. The refusal to face up to these mistaken interpretations has to be addressed. It gives us no pleasure to say it, but current proposals will produce neither truth nor justice and, least of all reconciliation. Rather the opposite. They end up being about rewriting history and creating moral equivalence between the terrorists and state players.

The Bill that is needed should be simple and devoted to enhanced arrangements for reviewing deaths where there is credible new evidence meriting re-investigation. On those grounds we welcome the Secretary of State’s Finucane decision.

Jeffrey Dudgeon (Malone House Group convenor)