**MALONE HOUSE GROUP**

**Rt Hon Brandon Lewis MP**

**Secretary of State for Northern Ireland**

14 April 2020

**[The meeting was held on 14 January 2021]**

Dear Secretary of State,

I write on behalf of the Malone House Group to request a meeting with you to discuss legacy matters.

As you may know, the Group has been active for a number of years on such issues, pertaining in particular to the proposed Legacy Bill which is expected to be published shortly.

We can be regarded as key stakeholders in this respect and have of course submitted responses to the various consultations.

Since 2018, we have held conferences and launched our pamphlet (attached) in the House of Commons at a well-attended meeting in July of that year. I have also attached for information my launch speech.

Group discussions with the Department of Justice NI have taken place although never with the NIO on a one to one basis.

After the last meeting with the DoJ, we came away with a recognition that the then proposals could bring neither truth, justice nor reconciliation; and that officials knew that. The cost, it was accepted, would however gather pace, doubling or trebling the then estimates indeed heading toward £1b. The number of years of fruitless investigations, utilising the enormous and still largely untapped military and security force files, can be measured in centuries.

In Ireland the reality is there can never be closure, certainly no truth and even less chance of reconciliation. It must also be said that, aside from the properly interested parties, there is very little desire for the past to be our future, not least amongst the new modern political forces.

It has long been our view that the Bill, as initially detailed, would bring few if any benefits and had appalling flaws, not least the inclusion of the non-crime of historic police misconduct and the mixing up of the state’s investigatory and adjudicatory roles, contrary to legal fairness and modern defence rights.

Where Article 2 (the right to life) of the ECHR is concerned the concept of effective and timely investigation has become entirely dogmatised (see the latest CAJ/QUB report) and goes unchallenged, even by government itself. No account of context is taken, resources are expected to be limitless, proportionality is entirely discarded while outcome value is never assessed. There is no end to the process ever notioned while it can only be discriminatory, given who kept records and who did not. Inquests can and will be continuously reopened.

It is worth noting that the CAJ report does not deign to address any of our work or proposals.

Meeting the Strasbourg court’s political judgements on Article 2 is simply unattainable at this stage, any more than the 1940 Katyn Forest massacre can be effectively re-investigated, as is proposed. There has to be an end point and your outline proposals seem to take that into account. They still need cleared at the Council of Europe and hopefully our representatives there are working on the matter.

That the NIO proposals will not meet the differing demands of victims’ groups, or indeed of many veterans is a reality to be faced although the likelihood of successful prosecutions is minute.

What does need discussed is how to address and narrow the inevitable, and what will be continued and continuous, lawfare in our courts.

I heard your interview last week on *The View* with Mark Carruthers and was disappointed by the questions and statements he made, not least about victims’ groups, saying they were all of one mind in opposition to the government’s amended proposals.

The impression that there is only one legal and academic view on legacy matters is false but hard to counter, especially as the BBC and the mainstream electronic media rarely if ever suggest there is even an alternative position. The only groups or individuals whose views are carried at any length are the QUB/UU academics, Brian Walker and CAJ etc. Obviously the News Letter has taken a rigorous position in opposition but that is not followed through in, for example, balanced BBC reporting or discussion.

We feel the NIO proposals, albeit seen only in outline to date, need support and after discussion would be pleased to say so in public and, at length, where and when permitted.

I was pleased to hear you indicate that you were keen to get on with extensive discussions on these matters and feel it unlikely you will get the chance to hear of other or alternative legal and academic positions.

The Malone House steering group is composed of myself, a former UUP Belfast City councillor, solicitor Neil Faris, Professor Arthur Aughey, political scientist and expert in government administration Bill Smith, and writer and retired police officer William Matchett.

Obviously arrangements for a meeting of some sort may be difficult but we are happy to go along with any method suggested.

I can easily provide other material that is relatively brief to assist.

Yours sincerely

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