

**Principles**

The Malone House Group (MHG) is a non-partisan gathering of professional people with backgrounds in law, government, human rights and political science. We have come together to promote a practicable policy for Northern Ireland on legacy issues. After a conference in March 2018 we published, in book form, a collection of papers covering a range of alternative viewpoints (*Legacy: What to do about the past in Northern Ireland?* Belfast Press). By way of further information, an introductory statement on our origins is available which also explains our recent activities and our panel of experts.

As part of our work, we have studied intensively the Stormont House Agreement of December 2014 (‘SHA’) and the draft Bill which was published by the Northern Ireland Office in May 2018 (‘the draft SHA Bill’). We have come to the recognition that these proposals could bring neither truth, justice nor reconciliation.

It is our view that the draft SHA Bill would bring few, if any, benefits and had very serious 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. A recent briefing note containing our key legal points, notably on ECHR articles, is also available.

The Secretary of State published in March 2020 a changed outline of how he would be approaching legacy. We understand that the NIO will be bringing forward developed proposals in the area before the summer. Its object is to find the best means to address the Past while preventing a re-occurrence of violence between the two communities in Northern Ireland.

MHG as such does not have a stated positon or solution to resolve legacy. While MHG participants may take individual positions on matters such as amnesty, in doing so they do not represent MHG as such.

However, it is a shared position of MHG participants that, insofar as it may be envisaged that legacy can be delivered through the criminal justice system, the following principles must prevail:

* Adherence to the rule of law;
* No diminution of the principle of innocence until guilt is proven beyond reasonable doubt;
* Any process must adhere to fair trial principles and procedures in accordance with Article 6 of ECHR;
* Any process must adhere to protection of reputation and privacy in accordance with Article 8 of ECHR;
* Where police powers are conferred, these to be exercised only for the purpose of criminal investigations and thereafter reporting to the Public Prosecution Service;
* In particular, police (or others exercising police powers) have no role to adjudicate and issue public reports critical of any individual, as that is the function of a court or duly constituted tribunal.

Thus the administration of justice cannot be ‘victim focused’ or ‘victim centred’ entailing any diminution or evasion of these essential principles.

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