**Overseas Operations Bill 2nd reading Lords**

**20 January 2021**

**Link and Kate Hoey speech**

<https://hansard.parliament.uk/Lords/2021-01-20/debates/3CCFD6D5-5182-484F-8F0C-28DB13339980/OverseasOperations(ServicePersonnelAndVeterans)Bill>

18:15

Baroness Hoey (Non-Afl) 20 January 2021

My Lords, I welcome this Bill and look forward to the detailed scrutiny that will be given it by the many experts and ex-senior Armed Forces people who serve in your Lordships’ House. I pay tribute to the Parliamentary Under-Secretary, Johnny Mercer, in the other place, who fought very hard to get this Bill right through Committee unscathed.

Of course, the Long Title excludes the Armed Forces acting within the borders of the United Kingdom, as has been mentioned by other noble Lords today—those involved in the Northern Ireland Troubles, the Operation Banner soldiers.

They are not just soldiers but police and members of the security services, civil servants and even politicians. The object of some of the lawfare operations is to get Members of this House, even former Ministers, into court so that history can be rewritten and an equivalence proved between terrorists and the Army.

Operation Banner ran for three decades from 1969 and was the greatest civil conflict in Europe since 1945—that is, until the break-up of Yugoslavia. While our military casualties were never exceeded in the 70 years after the Korean War—neither in Iraq nor Afghanistan—those sacrifices are largely forgotten. The names of the 700 dead soldiers, many of them young teenagers from “red wall” seats, do not even appear on the Commonwealth War Graves Commission website. It is almost as if Governments of all persuasions are embarrassed to mention them.

The repeated promises, from the Prime Minister down, for Northern Ireland veteran equivalence in some future legacy legislation are very welcome, but it must not be delayed or watered down. They need to get on with it, and I believe that it should be separated out from all the other legacy issues in Northern Ireland.

The Army and police stopped a civil war from breaking out completely in Northern Ireland, for which they get few thanks, just vexation prosecutions and unending reinvestigations—due in large part to over-interpretation of, ironically, the “right to life” in Article 2 of the European Convention on Human Rights. They paid a colossal price in blood—some 700 murdered soldiers, including from the Ulster Defence Regiment and some 300 in the Royal Ulster Constabulary. That excludes the very many who died in accidents or suicides, or whose lives were shortened by terrible injuries. The equivalent number of police officers killed on a UK-wide basis would be 10,000. That says it all. Yet it is former RUC officers who are now being arraigned in reinvestigations, reopened inquests or pointless public inquiries, with their reputations trashed and all without the benefit of being able to respond.

I praise the many recently formed veterans groups without whose efforts and organisation this Bill would not have happened. The power of social media has, in this instance, proved invaluable. Their immediate concerns are about new prosecutions. I accept that reopening investigations of old cases will continue if sufficient credible evidence of wrongdoing is provided to justify it, but it must be a high evidential hurdle, as high as the Bill provides in relation to prosecutions, not just for political harassment.

Let us not forget that the only cases now involving veterans are ones pending in Northern Ireland, which concern events of 50 years ago or more. For that reason, we need to get on with a Northern Ireland equivalent law, especially as this Bill usefully carries permission in Clause 1 for prosecutors to consider whether or not any proceedings against a person for a relevant offence should be continued.

In conclusion, much has been made by certain civil liberties groups about Clause 12, which requires the Government, in any significant new overseas conflict, to consider derogating from the European Convention on Human Rights. This is useful, but Clause 12 does not mean more than what it says, and probably no more than what normally happens. The new duty simply requires the Government to consider derogation so the process cannot be discreetly avoided.

The Convention, as we know, is a living instrument, but enforcement is not necessarily a one-way street—something our representatives in Strasbourg need to bear in mind when responding to pressure from the Irish Government in cases involving so-called Article 2 compliance.

I hope that the Minister will, as she has been asked by many noble Lords today, give us a date for the Bill to repay the debt to all who served in Northern Ireland. They deserve our support and for us to value them just as much as we value those who served overseas.

18:20