Belfast City Hall

Donegall Square

Belfast

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4 October 2018

Dear Legacy Policy Team,

This is my response to the Legacy Bill consultation.

You will have received a copy of the Malone House Group’s book *Legacy: What to do about the Past in Northern Ireland?* which I edited and contributed to. It would explain my view, which can be simply summed as believing the Bill would be best abandoned.

There is no consensus for its enactment and almost total Unionist opposition, not to mention that of much liberal and secular opinion, outside of our universities

The notion of the HIU pursuing past police misconduct (alone) is perhaps the single aspect that has destroyed any chance of this Bill advancing. It was not properly argued or explained in the document.

The second issue that has and will render the Bill worthless was the decision in Haass to exclude inquests from the workings of the many new bodies. Despite HET being agreed by the Council of Europe Committee of Ministers, it was falsely argued and believed that inquests had to be separately maintained. They could have been included but government did not have the courage to face that issue, here or abroad.

I believe therefore that continuing as we are is the way forward although there could be changes and improvements.

The Bill even had it been enacted would have let so many other Legacy legal actions – inquests, civil suits, Strasbourg cases, judicial reviews - continue as to render it pointless. That is before it collapsed under the weight of its complexities and absurdities.

You will know that the notion of the bodies’ operation being completed after five years at a cost of £150 million is deceptive. Those figures can and would be trebled. Officials agree. Indeed the cost could eventually reach a billion pounds and take decades, even a century.

That money can and should be switched to providing proper compensation for those living victims who did not contribute to their own injuries.

I see merit in a Statute of Limitations in some form. Its exclusion from the consultation was a deliberate slap in the face to those whose intentions are benign, and an example of pandering to the requirements of Sinn Fein. If limitations were legislated, the Act would be challenged in due course in our courts and at Strasbourg. It is however a political decision to put it in place. Those challenges would be some years down the line. Given that government lawyers have shown little dexterity in addressing Article 2 and the slew of NI judgments against the UK, a challenge might enable a new attitude to be displayed in moving Strasbourg to a new position.

The current working out by this country of ‘Article 2 compliance’ would not and could not be followed in the vast majority of the 47 member states. The false concept has turned inquests here into public enquiries which will have a seriously deleterious effect in due course throughout the UK unless checked.

Yours sincerely

Jeffrey Dudgeon (Cllr.)