

AD HOC COMMITTEE TO PROTECT THE GOOD FRIDAY AGREEMENT

April 24, 2025

The Rt. Hon Hilary Benn, MP
Secretary of State for Northern Ireland
20-33 Chichester Street
Belfast, BT 14

Dear Secretary Benn:

On behalf of the Ad Hoc Committee to Protect the Good Friday Agreement, we write to thank you for meeting with us last month. We are pleased to share the conviction that the ongoing dialogue with all relevant stakeholders is critical for dealing with Northern Ireland's past and promoting its future. The Committee further appreciates your willingness to engage in an open and frank discussion on a wide range of issues.

With this in mind we seek a follow up meeting in mid-May to discuss legacy, policing and advancing a Bill of Rights. Kevin Sullivan, our Executive Director, will reach out to your office and arrange for a Zoom call. We also value the opportunity to continue the discussion concerning the basis on which the Secretary of State for Northern Ireland would call for a referendum on a united Ireland.

More generally, the Committee is pleased to continue to share views about how best to implement the Good Friday Agreement, as well as the Windsor Framework. Finally, we thank you for our pointed discussion on issues of legacy. In that regard, we in particular applaud you for directing, at long last, that a public inquiry be undertaken into the murder of Patrick Finucane, a process that we will be monitoring closely as it unfolds.

On legacy generally, we reiterate our strong opposition to any initiative short of a full repeal and replacement of the so-called "Legacy and Reconciliation Act," as your government pledged in the King's Speech and its electoral campaign. In particular, we call upon you to reconsider your decision to retain the ICRIR and encourage you to instead adopt the mechanisms set forth in the 2014 Stormont House Agreement.

Our position has been bolstered by the recent decision of the Northern Ireland Court of Appeal in the case of *In re Birdie Brown*. As we predicted, the Court affirmed the decision of Judge Kinney in the High Court that an investigation into the murder of Sean Brown by the ICRIR would violate Article 2 of the European Convention on Human Rights, and that the only available alternative is an independent investigation under the 2005 Public Inquiries Act. As the Court bluntly stated:

“the ICRIR, as presently constituted, is not fit for purpose in Mrs Brown’s case. Moreover, some of the measures sought and indeed the effective transfer of power from inquests to the ICRIR are likely to prove controversial. Specifically, under current proposals some families will in future have the benefit of inquests and others, ironically in those cases where sensitive material arises, will not. True it is that there are promises that in the future the ICRIR will be improved, its powers strengthened, and remedies found to address the flaws in its current constitution. However, the gaps are significant. It is also recognised by everyone that delivering the promises will likely require Parliamentary time to be found and to be allocated for the purpose of legislative measures. Mrs Brown is 87 years old. She has been pursuing her remedy for 28 of those years. So, in this case, the ICRIR is not fit for the purpose of delivering the remedy she needs now.”

Mrs. Brown has endured two decades of delays and according to press reports has been required to attend 58 formal meetings to date. Yet this government is joining past governments in delay and obstruction. In our view, the deficiencies of the ICRIR that apply to Mrs. Brown’s case fully apply to the quest for justice sought by all victims and victims’ families in the conflict. In the words of the Court, in none of these is the ICRIR “fit for purpose.”

We again call upon the government to abandon the previous government’s ill-conceived ICRIR scheme altogether and proceed upon the line of the Stormont House Agreement. The current system is opposed by all of Northern Ireland’s political parties, civil society organizations, and most importantly, victims and victims’ families’ organizations. This opposition will not disappear, even if you undertake time-consuming and likely legally insufficient, reforms. For this reason, too, we hope that you will see your way to working with these groups to fashion a fresh alternative.

We remain open to further discussions with you as we seek to advance the Good Friday Agreement. As Senator George Mitchell recently noted last week in Belfast, “The peace we have created and enjoyed since 1998 must evolve. The work is constantly unfinished.”

Respectfully,

Joe Kennedy III
Co Chair

Susan Davis
Co Chair