

Justice for the Forgotten

The Organisation of Victims & Relatives seeking justice for the
Dublin & Monaghan Bombings of 17th May 1974;
and the Dublin Bombings of 1st December 1972 and 20th January 1973



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19 June 2004:

THE WAY FORWARD

Justice for the Forgotten is committed to ensuring that the issue of collusion by the security forces of the United Kingdom in the Dublin & Monaghan Bombings is subjected to international scrutiny and adjudication.

We commend the findings of Oireachtas Committee on the Barron Report. The Committee found that

(a) There are significant internal issues within this State which must be investigated;

And, that

(b) The issue of Collusion must now be fully and properly investigated.

We accept that an effective investigation, conducted in Ireland, of Collusion or participation by British Security Forces in Northern Ireland, in the bomb attacks, requires the participation of the United Kingdom.

Our preference is for a voluntary binding agreement between the Irish and United Kingdom Governments, to pursue an effective human rights investigation into the Dublin and Monaghan bombings. This would be under the aegis of and in accord with the spirit of the Good Friday Agreement,

Given the outrageous failure [indeed refusal] of the United Kingdom to co-operate with

- a) The Barron Commission of Inquiry
- b) The Oireachtas Committee Hearings and
- c) The Inquests;

we must consider how the case of the Dublin and Monaghan families, -bereaved and wounded, can be advanced under International Law.

In order to ensure that the rights of those murdered and maimed are ultimately vindicated we have instructed our lawyers to lodge two classes of complaints with the European Court of Human Rights.

If this is not done at this time then the legal right to make these complaints will be lost.

The First Complaint:

- The information made public by the Barron Report, the Oireachtas Committee Hearings and the Inquest Hearings establishes a prima facie case that the United Kingdom, through its security forces, colluded in the Dublin and Monaghan Bombings.
- This is a direct breach of Article 2 of the European Convention on Human Rights. It has taken 30 years for the necessary information to emerge to enable a case to be presented based on factual material as distinct from suspicion and speculation.

The Second Complaint:

- The United Kingdom, by failing to co-operate with the Barron Inquiry, the Oireachtas Committee Hearings and the Inquests has breached its obligations under Article 2 of the European Convention on Human Rights, to co-operate with inquiries into loss of life.
- They have failed to act in a manner consistent with their international obligations to assist in the vindication of the right to life. They have shunned the very inquiry procedures that exist to protect and vindicate the right to life.

These complaints will be subjected to an admissibility assessment by the European Court of Human Rights. There are significant and complex legal hurdles to be cleared, not least the question of time, and persuading the European Court of Human Rights that it must pursue an investigation in relation to criminal acts, perpetrated 30 years ago. The abject failure of the United Kingdom Government to cooperate with all official inquiries held in this State is, however a relevant factor in these considerations.

In the event that the Irish Government does succeed in securing the binding commitment of the British Government to participate in a process of public inquiry into the bombings then we may be in a position to review the necessity to continue with these complaints before the European Court of Human Rights.

In April 2004 we wrote to the British Embassy seeking a meeting to discuss the recommendations of the Oireachtas Committee. We have received a reply from the Embassy offering to meet us. We will now take up that offer.

In relation to further investigations in this State we believe that the Oireachtas Committee has identified matters that require further inquiry.

We believe the Inquiry in this State should have two additional powers;

(a) a power to gather and publish any further evidence it becomes aware of relating to collusion in the

bombings, and,

(b) a discretion to inquire into any significant matter concerning the bombings which it considers to be warranted in the public interest,

Concerning the form of the Inquiry within this State, we note that the Oireachtas Committee has recommended that a Commission of Investigation be established under proposed legislation presently pending before the Dail. This legislation has not been enacted.

The Human Rights Commission has expressed deep concerns at the suitability of the form of Investigations Commission proposed where abuses of fundamental human rights are involved.

We have considered the views of the Human Rights Commission, and share its concerns. The Investigations Commission is a private process. It is totally unsuited to the case of the Dublin and Monaghan Bombings and the issues identified by the Oireachtas Committee, which warrant inquiry.

Accordingly we urge the Oireachtas to call for, and the Government to establish in this State, nothing less than a Public Tribunal of Inquiry into those grave matters, which require immediate investigation.

Policy statement adopted by membership of Justice for the Forgotten on 19 June 2004

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