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STATEMENT – KRW LAW

Our client, Gemma Gilvary is one of the applicants whose application for judicial review has been chosen by the Senior Judicial Review Judge to challenge the NI Troubles (Legacy and Reconciliation) Act 2023.

She is the sister of Maurice Gilvary, who was abducted on 12 January 1981, and was then interrogated, tortured and later executed by members of the IRA on 19 January 1981, including members of a gang within the IRA described as their Internal Security Unit. Evidence now suggests that he was targeted for abduction, torture and murder as he had been identified to the IRA by state agents, including a police officer, as a state agent.

Our client awaits the completion of a full, effective, independent investigation into the targeting, abduction, torture and murder of her brother. She is keen to ensure that those responsible are held to account, including by way of criminal prosecution. The legislation which is challenged in these proceedings would prevent this from being achieved.

Ms Gilvary challenges the 2023 Act insofar as it relates to the issue of torture, and argues that the legislation is unconstitutional, in breach of Article 3 and 14 of the ECHR and Article 2 of the Ireland/Northern Ireland Protocol.

KRW: “The British Government claims that the aim of this legislation is to promote truth and reconciliation. My client wholly rejects this, believing instead that the purpose of this legislation is to protect agents and employees of the state from prosecution. It is untenable that an individual can be granted immunity from prosecution for committing the most abhorrent crimes, including torture, which is prohibited absolutely by the ECHR. A process of this nature, which has received wide-spread condemnation, will only serve to sow the seeds of division.”

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