



Formal Genocide Charges v. Irish State, Religious Institutions and Persons

"...in the case of "domestic" genocides, these are generally committed by or with the complicity of Governments, with the bizarre consequence that the Governments would be required to prosecute themselves."

[Genocide as Social Practice](#) also [UN Whitaker Report on Genocide](#)

"National authorities bear the primary responsibility, in the first instance, to investigate and prosecute those most responsible for the commission of mass crimes." [International Criminal Court website](#)

The Attorney General of Ireland, Ms. Máire Whelan SC.

4th April, 2017

Thank you for your reply of 22nd March, 2017 to our 5th March communication in respect of our group of around 70 women who were formerly residents in Ireland's "Mother and Baby Homes" and/or underwent coercion in pregnancy.

We now charge that a religiously founded and motivated, State-funded, mass system of *de facto* incarceration caused us grievous life-long injury; then forcibly removed our children by means of systemically uninformed, impaired consents to adoption. Our children were with intent transferred from us as unmarried mothers to couples married in civil law under religious ceremonies.

This was contrary to the International Criminal Court Act, 2006, Section 7(3), Article II(e); which sets out one of five signatures of genocide:

"Forcibly transferring children of the group to another group."

We quote Ms. Catherine McGuinness, former Irish Supreme Court judge who sat on the Board of the Irish Adoption Authority, who in her own words "*had quite a close view*" of these matters, and who in April, 2015 made this public comment:

"I must say that, at the time, you wouldn't have thought that the mothers who were consenting to have their children placed for adoption, that they... that they really hadn't a great deal of choice... they were, shall we say- 'encouraged' to place their children for adoption."

Ray Darcy Show RTE1 Radio 17th April, 2015
[Listen at 2:54 in Audio](#)

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As per our 5th March, 2017 communication we charge that considerable coercion was inherent in the practices supported by the State with respect of our treatment, and that grievous traumatic injury was inherent in our selective incarceration.

State policies and practices of sequestration imposed on us as a religiously-defined group were accordingly contrary to the International Criminal Court Act, 2006, Section 7(3), Article II(b); which sets out another of five signatures of genocide:

“Causing serious bodily or mental harm to members of the group.”

Another public comment indicates a persistent historical administrative and legal attitude to our natural parental rights:

"I think that we are all agreed that the consensus opinion in our society is to the effect that adoption is better for the illegitimate baby than to be cared for by its mother".

Paddy Cooney, Minister for Justice at first Irish Adoption Workers Conference, 1974.

We cite Mr. Cooney's comments in the setting of the first State adoption conference as indicating State bias to dispense with our consent in pursuit of genocidal aims.

Traumatic injury, compounded by grief for our taken infants rendered us incapacitated for the subsequent purpose of providing consent to adoption.

Even had we sufficient agency and mental capability, our valid consent would have required for example, that our legal adviser would be retained and paid by us, would fairly determine our capacity, would ensure we were not encumbered by duress, would advise without bias. In the main, such legal diligence was but a fantasy.

Thus the transfer of our children, was preponderantly enabled by quasi-legal adoptions, relying on consents which were incapable, encumbered and uninformed, and which comprised a State-sanctioned mass fraud upon the adoption courts.

The primary legal novelty herein is simply our genocide perspective on a body of already well-established facts. The systemic structure of these practices are already matters of public and academic record or subject of prior State legal inquiry reports.

From that perspective and resting primarily on established facts, we charge that the Irish State party is incontestably guilty of

genocide and;

failure to prevent genocide;

and potentially guilty of **conspiracy to commit genocide** in criminal collaboration with Irish institutional religious judicial persons and sundry individuals.

We demand that consequently you perform your duties and exercise your powers accordingly. We demand you to initiate, recommend or invite preferably the uncontested or the contested domestic **prosecution of the Irish State party.**

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We also urge you to initiate, recommend or invite the domestic **prosecution of Irish religious institutional** judicial persons; of other judicial persons such as culpable **departments of government** and **other bodies and institutions**; and of **individuals** who played a senior systemic role in genocide or failure to prevent genocide.

We assert our right to substantive due process in consideration of these serious matters which we have now outlined in a *prima facie* fashion in this complaint.

We note that the 2006 ICC Act has an international as well as domestic context. Furthermore the International Criminal Court is open to engage with State parties on an *ad hoc* informal or voluntary basis with respect to its mandate.

Accordingly we will concurrently inform the Presidency of the ICC of our correspondence with your office, requesting that they seek or facilitate informal contacts with the Irish State in respect of our genocide complaint. We similarly urge your office to seek or facilitate informal contact with the International Criminal Court.

We affirm and advise that our legal standing in regard to these matters arises from our substantial membership of currently around 70 members; from maintaining a register of members, each vetted with due care to have pertinent cause, from having formal membership rules; and from our operation of a forum since our founding in February, 2104 -which has facilitated unhindered discussions about the mutual social, legal and other interests of our members. We believe that our membership broadly reflects the wider cohort of tens of thousands of directly affected Irish women.

Irish First mothers has in recent years been invited to consult in regard to these issues with two Ministers of Government; testified on invitation to a committee of the Irish parliament; and testified on invitation to the Investigation Committee of the Commission of Investigation into Mother and Baby Homes.

respectfully,

and representing Irish First Mothers

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