



## Re: Formal Genocide Charges v. Irish State

The President of the International Criminal Court,  
Judge Silvia Fernández de Gurmendi

4<sup>th</sup> April, 2017

We write to seek the assistance of your office in respect of allegations of genocide and failure to prevent genocide which we have this day laid against the State of Ireland, and sundry individuals who played a senior systemic role in genocide.

We do not require the ICC to investigate or prosecute these issues. We request only that the Presidency use established ICC conduits of informal consultation to engage with the Irish Attorney General on this matter. Either on the AG's invitation or at your own initiative.

We maintain that international genocide laws would be brought into disrepute if the Irish State fails to apply the same rigour in dealing with domestic allegations, as it would impose on external State parties to international genocide agreements.

We are a group of around 70 women who were formerly residents in Ireland's "Mother and Baby Homes".

We 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 Ireland's 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 also 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.”*

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

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 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.**

We have requested the Irish Attorney General to initiate, recommend or invite preferably the uncontested or the contested domestic **prosecution of the Irish State party**. We also urged **prosecution of individuals** who played a senior systemic role.

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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