



Introduction to the Commission

November 2023

[www.icrir.independent-inquiry.uk](https://icrir.independent-inquiry.uk)

Latest survey is live –
<https://icrir.independent-inquiry.uk>



Welcome and introductions

**Sir Declan Morgan –
Chief Commissioner-designate to the
Commission**

Agenda

Commission overview, governance and appointments

Building the Commission

Commission design

Key challenges

ICRIR overview

The statutory framework

The new Commission has the powers and duties:

- Principal objective to promote reconciliation;
- Duty not to prejudice national security, cause threat to life, national security or prejudice criminal proceedings
- Duty to look into all the circumstances of a case once request criteria are met
- Duty to have regard to general interests of potential users
- Power to require information from state and individuals
- Power to refer case to prosecutors

Creation of a new, separate legal entity to carry out functions independently

The Act, passed on 6 September has established a new, independent legal entity that will start to discharge duties from summer 2024.

- Body corporate with Board of Commissioners
- All public authority obligations apply
- Human Rights Act, incorporating ECHR; equality duties
- Transparency and accountability rules around use of tax-payer money apply – external audit and reporting to Parliament
- Independent oversight of exercise of police powers
- Wide statutory remit, with much detail to fill in

THE ICRIR GOVERNANCE STRUCTURE

THE ICRIR BOARD

Members

Chief Commissioner

Commissioner for
Investigations

CEO Commissioner

Lead Non-Exec
Commissioner (ARC
Chair)

Non-Exec
Commissioner

Non-Exec
Commissioner

Non-Exec
Commissioner

Attendees

Chief Operating Officer

Strategy &
Performance Director

General Counsel

SUPPORTING COMMITTEES/BODIES

*This is a statutory panel, established in the legislation and not operating under delegated authority from the Board.

Operational & Policy Delivery

Executive
Management
Committee

Immunity Request
Panel*

Investigative Oversight
Board

Oversight/Challenge

Audit & Risk
Committee

Remuneration &
Nomination
Committee

*Independent of ICRIR Board to provide expert advice and challenge

External Assurance

Investigation Assurance
Group*

Appointments

Chief Commissioner-designate

Commissioner for Investigations

- Peter Sheridan CBE was identified in September 2023 as Commissioner for Investigations-designate, following a publicly advertised recruitment competition.

Four non-exec committee members

How we are building the Commission

Three key principles

Three key principles

This Commission must design itself to:

- be compatible with the 1998 Belfast Good Friday Agreement
- be compatible with the European Convention on Human Rights
- have the capability to effectively deal with the past for the people of Northern Ireland and Great Britain

Approach to building the Commission

- Focus on 'user' journey as the starting point
- Learning from the past – working with HET, Legacy Inquests, Operation Kenova and global examples to understand and replicate what works well
- Building in the public domain
- Currently published
 - Governance information
 - Commission design considerations
 - Draft register of interests
 - Principles for design of investigations
 - Approach to advanced stage inquests

Principles for Investigations

Whether or not a legal obligation arises to meet the requirements of the European Convention on Human Rights (and whether or not this arises in domestic law), we consider there is good practice from the elements of a Convention compliant investigation which should inform the approach that the Commission takes to all of its investigations

- The six draft principles are:
 - The Commission will investigate each case referred to it independently, thoroughly and fairly
 - The Commission will undertake investigations promptly and proportionately.
 - The Commission will ensure those making a request are appropriately involved in the investigative process in order to protect their legitimate interests.
 - The Commission will make such factual determinations as are supported by the available material.
 - Findings expressed will always be at least to the civil standard of proof.
 - The Commission will compile and produce a report of its findings in relation to each investigation it carries out.

YOUR OPINIONS MATTER.

We are a new Commission investigating legacy cases from the Troubles. We want your help to plan our information recovery processes.



Scan here or visit our website
to take our survey, and tell us how
you want our investigations to run.
www.icrir.independent-inquiry.uk

Have Your Say – public survey

Latest survey is live –
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Commission design proposals

Three key user journey stages



Information recovery

Types of investigations

Family answers focused

Liability focused

Culpability focused

Ideas for how ICRIIR could approach investigations linked to advanced stage inquests

In October, an initial paper was published ([*Ideas for how the Commission could approach its work to provide information recovery for families*](#)) which explored whether, in some specific circumstances, investigatory work to gather evidence by the Commission's investigative teams could be followed by an enhanced inquisitorial process. In particular, this could be an effective way to carry forward the work of coroners' inquests which were at an advanced stage, so that the work already undertaken would be put to good use and there would be no unnecessary delay for families.

The Commission has recently published a further paper expanding on the suggestion to explore detail how this could be approached. This includes setting out proposals on how issues such as disclosure and scope could be managed, as well as suggestions on circumstances in which it may be necessary to test the veracity and accuracy of oral information through questioning.

Equivalence between the core elements of an inquest and the powers of the Commission

There are a number of core elements of an inquest which have an equivalence in the powers of the Commission. These include:

- Independence of the investigation
- Discretion as to the nature of the investigation required
- Requiring disclosure of material to the investigation
- Reviewing material provided
- Disclosure of information provided to other persons
- Determining the scope of the investigation
- Requiring the attendance of witnesses
- Receiving oral evidence/information
- Consequences of false evidence being provided
- Notification of those impacted by findings or determinations

Balancing the obligations of the Commission

There are a number of statutory obligations under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 that must be carefully managed when individuals are attending for the purposes of providing information or a witness statement.

Key challenges

Future challenges

Trauma Informed Approach

- Victims and survivors must be central to the Commission's work and have input to how their cases are handled
- We know and have heard directly from community groups that this Commission may lead to retraumatisation for individuals and communities. The Commission has to identify the right balance between supporting those that require it and getting to the information required to identify the truth
- We understand this won't be easy and are bringing in experts to help us identify a best-in-class approach to trauma throughout the Commission

Future challenges

How to prioritise?

- The Commission will only review a case once a formal request has been made
- We will work with individuals before they make an formal request so that we have the best chance of managing expectations around review timelines
- Once requests start being made, the Commission will need to balance resources so that it can respond to all requests fairly and in a reasonable timeframe – however, difficult decisions will need to be made about prioritisation
- A public survey is currently live, asking for views and opinions about what is important to people and how they feel we should consider prioritisation

Future challenges

Reconciliation

- Reconciliation priority of this Commission
- Many efforts have been made towards reconciliation across Northern Ireland over the last 25 years
- This Commission will support reconciliation efforts by providing victims and families with information about the past and truth / justice where possible to do so
- Over time, the Commission needs to consider how (in addition to the above) it can best contribute to reconciliation efforts in the longer term

Questions

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