



Introduction to the Commission

December 2023

www.icrir.independent-inquiry.uk

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



Welcome and introductions

Peter Sheridan CBE – Commissioner for Investigations

Tristan Pedelty – Commission CEO

Kate Anderson – Head of Investigation Design

Russell Knight – Head of Engagement

Agenda

Commission overview, governance and appointments

Building the Commission

Commission design

Key challenges

ICRIR overview

The statutory framework

The new Commission has these powers and duties:

- Principal objective to promote reconciliation;
- 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
- Duty not to cause threat to life or prejudice national security or criminal proceedings
- 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 by the UK Parliament 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

Protecting the independence of the Commission

The Commission is independent of Government:

- Staff will be from a range of backgrounds – policing and non-policing
- Ability to communicate directly with the public and criticise the State where appropriate
- Protected funding
- Links with the State will be open and transparent
- Assurance and oversight groups will provide challenge and critique

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

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

SUPPORTING COMMITTEES/BODIES

*Independent of ICRIR Board to provide expert advice and challenge

Operational & Policy Delivery

Executive
Management
Committee

Immunity Request
Panel*

Investigative Oversight
Committee

Oversight/Challenge

Audit & Risk
Committee

Remuneration &
Nomination
Committee

External Assurance

Investigation Assurance
Group*

Appointments

Chief Commissioner

- Sir Declan Morgan was identified in May 2023 as Chief Commissioner – a retired Lord Chief Justice for NI and a Supplementary Panel member of the UK Supreme Court.

Commissioner for Investigations

- Peter Sheridan CBE was identified in September 2023 as Commissioner for Investigations - recently the CEO of Cooperation Ireland – a peace-building organisation working to address the legacy of the past and promote reconciliation and a former police Chief Constable

CEO

- Tristan Pedelty – Formerly SRO for Commission

Four non-exec committee members in process of being appointed

How we are building the Commission

Three key principles

Three key principles

The Board agreed three principles to its approach –

- that the Commission's work must be compliant with the ECHR;
- that the Commission should respect the principles of the 1998 Belfast Good Friday Agreement; and
- that it must address the shared past of those affected by the Troubles and provide something of use to all who choose to use its services

Approach to building the Commission

- Focus on 'user' journey as the starting point
- Embed a TIA
- 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

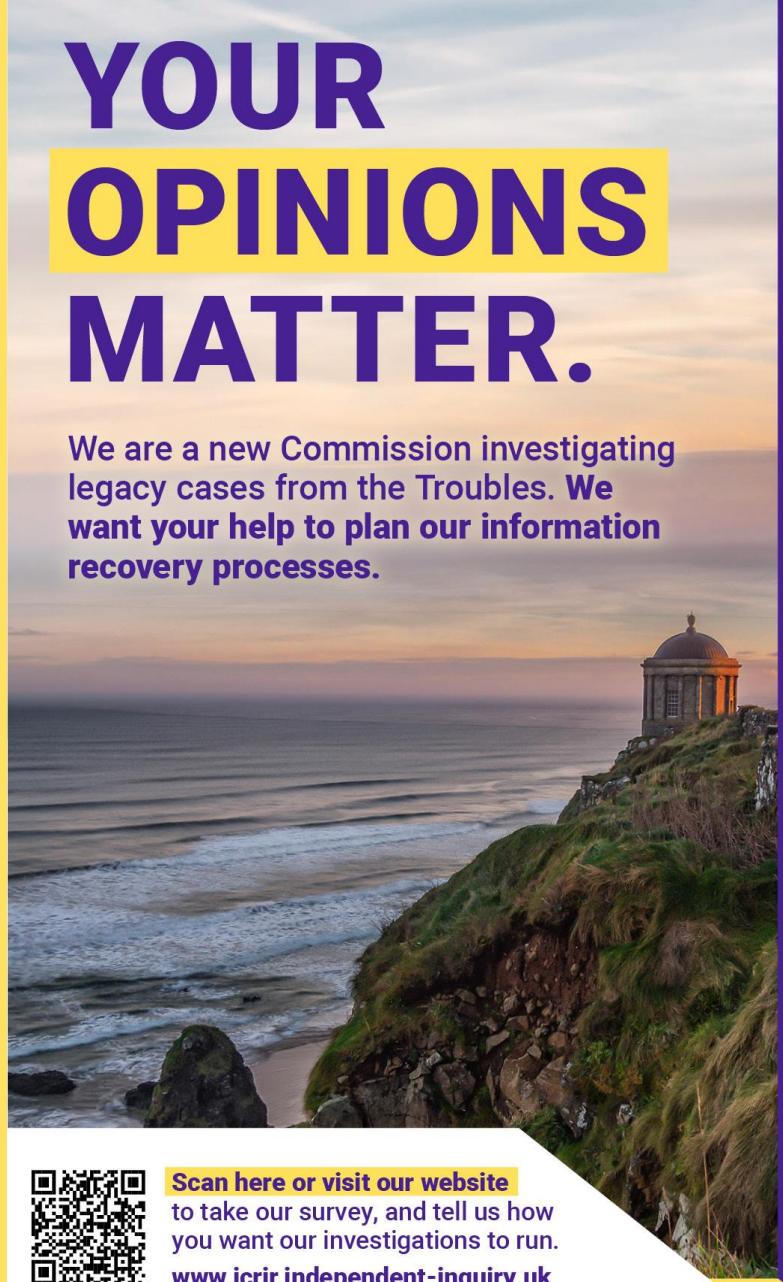
Approach to building the Commission

Strategic approach to long term engagement

- Work to involve victims, survivors, families and key stakeholders through regular, consistent and participative engagement activities
- Engaging with operational stakeholders to ensure that positive and supportive working relationships are established
- Delivering surveys, polls and focus groups to provide as wide an opportunity as possible for people across NI and the UK to contribute to development work

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

Have Your Say Phase One - key information

Have Your Say Phase One was a survey published by the Commission in X. The survey was open for six weeks and was open to respondents from anywhere, but promoted in Northern Ireland. Key outputs from the survey helped to share the Commission Design proposals paper published in October 2023, including:

- 86% of respondents said that it is most important to them that the Commission is open about what we do and how we do it
- 87% of respondents said it was important to them that the Commission regularly provides public updates on its work e.g. via its website.
- 60% of respondents agreed that it is important for the Commission to support individuals to cope with the mental health impacts of the Troubles
- 74% of respondents felt that the Commission providing specialist emotional support throughout the process would be important
- 87% of respondents felt that the Commission providing a safe space in which to meet with Commission staff would be an important factor

Other engagement activities

The Commission has and continues to engage, listen and learn from others to inform the work that is being developed now and into the future. In addition to HYS1/2, engagement to date has also included:

- Delivery of a baseline survey in November with nearly 2,500 responses in NI (and over 2,000 in GB)
- Delivery of three Focus Groups in NI with many more planned
- The publication of 13 draft documents (including design proposals, code of conduct, approach to report writing) requesting feedback from all stakeholders
- Chief Commissioner has held over 30 meetings with key stakeholder groups and delivered many media interviews with a variety of outlets
- The establishing of a strong working relationship with the Commission for Victims and Survivors and their Victims and Survivors Forum resulting in frequent dialogue on the key areas of development for the Commission

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. [Draft paper published here](#)

- 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.

Three key user journey stages



Information recovery

Types of investigations

Family answers focused

Liability focused

Additional inquisitorial process

Culpability focused

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 for following and more information can be found [here](#):

- 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 Commission obligations

The Commission has a number of obligations that need to be carefully balanced. These include:

- The principal objective of the Commission in exercising its functions is to promote reconciliation.
- Compliance with the obligations imposed by the Human Rights Act 1998
- Conducting investigations that are compliant with Article 2 of the European Convention on Human Rights
- Managing the obligation in s4 of the Act

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 a 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

Our ask of you

You may be in support of all, none or some of the areas of work this Commission will deliver but the primary focus of everything it delivers will be to promote reconciliation. With this in mind we hope that you will:

- Give the Commission an opportunity to succeed
- Engage with the materials the Commission publishes so that it can respond and incorporate your views and opinions – whatever they may be
- Help us start a dialogue across society about reconciliation and what it means to you

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Questions

