



# Independent Commission for Reconciliation and Information Recovery

**Submission to the Northern Ireland Affairs Committee on  
the Joint Framework on the Legacy of the Troubles and the  
Northern Ireland Troubles Bill**

November 14, 2025

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## Introduction

1. The Independent Commission for Reconciliation and Information Recovery (the Commission) welcomes the opportunity to respond to the Northern Ireland Affairs Committee (NIAC) calls for evidence regarding *The Legacy of the Troubles: A Joint Framework between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland* published on September 19, 2025, and the *Northern Ireland Troubles Bill* introduced to Parliament on October 14, 2025.
2. The Commission is ready for all reform that further enhances confidence in its work and capability in its delivery for the victims, survivors, and families of the Northern Ireland Troubles/Conflict. The Commission welcomes the completion of an agreement between the United Kingdom and Ireland, and the introduction of new legislation in Westminster, and believes they hold much potential to improve the existing arrangements to meet the needs of victims, survivors and their families.
3. This submission to NIAC deals with both the above matters concurrently and makes a range of high-level observations which the Commission would like to supplement and expand with in-person evidence, indicatively but not exclusively relating to:
  - **adequate policing powers,**
  - **appointments and roles,**
  - **effective and sustainable resourcing,**
  - **additional legal responsibilities (including Inquisitorial Proceedings (IPs)),**
  - **cooperation from Ireland's authorities,**
  - **provisions for witnesses,**
  - **promotion of reconciliation.**
4. The responses by the United Kingdom Government (UKG) to some previous recommendations by the Commission via NIAC are considered in this

submission, which also summarises the Commission's current activity and updates.

### **The Commission's current activity**

5. The Commission continues to embrace an approach that places victims, survivors and families at the centre of its work, ensuring that their needs are recognised and understood. Its Trauma and Resiliency Informed Model (TRIM) is a key part of its operations, ensuring that the wellbeing of Requesting Individuals, and staff, are embedded in every aspect of its work. The Commission recently hosted a public conference to share its TRIM work and facilitate discussion among leading clinicians and practitioners in trauma informed practice.
6. Since last briefing the Committee in May 2025, the Commission has made progress in investigations using its existing legal parameters. This includes making appeals for witnesses as part of the investigation of two murders which occurred in the 1970s and 1980s in Northern Ireland. The outcome is that investigations have been able to pursue leads that were not previously available, including through the analysis of DNA and forensic evidence.
7. The Commission's investigatory and findings work is required to be thorough, ensuring all leads are followed and that there is robust analysis of all findings. As the publication phase nears in a number of investigations in 2026, the Commission has engaged with stakeholders, notably, the Commission for Victims and Survivors' Forum, on how its reports can best meet the needs of Requesting Individuals.

### **Impact of Government proposals**

8. In many cases, the changes proposed will not substantially affect the outcomes for those families, victims and survivors engaging with the Commission. The Joint Framework and the Troubles Bill set out various commitments which provide a continuation of the approach adopted by the Commission to date. These include:

- carrying out investigations that are capable of leading to prosecution where there is evidence of wrongdoing, and exploring all relevant investigative leads; and,
  - focusing on providing as much information as possible regarding the circumstances of the case to families through its reports.
9. In other areas, important elements of the Commission's previous recommendations have been adopted by UKG. This is welcome. These include:
- the replacement of the term 'review' with 'investigation' which reflects the reality of the investigatory mechanism already being delivered by the Commission;
  - placing on a statutory footing new mechanisms which the Commission had developed including involvement of external and independent advisors, a conflict-of-interest policy, and consultation with Requesting Individuals on the conflict-of-interest policy;
  - a sensitive information disclosure regime which mirrors the provisions of the Inquiries Act and can build upon the existing Information Disclosure Protocol regime. (The Commission had welcomed the Secretary of State's commitment on 5 December 2024 to allow 'the greatest possible disclosure of information by following very closely the model for statutory inquiries');
  - transferring to another body the Secretary of State's power to conduct a statutory independent review of the Commission;
  - providing a power for a Chief Constable or other bodies to refer a case directly to the Commission alongside a power for the Commission to initiate its own investigations in defined circumstances; and,
  - retention by the Commission of responsibility for the historical record which can create an innovative approach to publishing a complete record of Troubles/Conflict related deaths, alongside the individual Findings reports.
10. The Commission welcomes the proposed provision of a Victim and Survivor Advisory Group, and new Oversight Board proposals, recognising the valuable contribution these could make; and the power to refer a case on to the Office of the Police Ombudsman for Northern Ireland if outside its remit.

## **Legislative amendments recommended by the Commission**

### **Adequate Policing Powers**

11. The Joint Framework and the Troubles Bill are both silent on the need for new and adequate policing powers for the current and reformed Legacy Commission. The Commission has been engaging with UKG throughout 2025 to ensure that the powers of a police service are fully available to it when conducting criminal investigations, and the most effective and resourced framework for delivery of those powers. Without those mechanisms, the Commission is concerned about the current and reformed Legacy Commission's capability to consistently discharge Article 2 ECHR obligations and ensure compliance with modern standards of criminal investigation. As prescribed by the Troubles Bill, the Commission must be able to investigate in a way that will explore all reasonable lines of inquiry in each investigation. Discussions are ongoing with the NIO on how the necessary powers, arrangements and resourcing will be achieved. This remains to be agreed.
12. The Commission's current cases (and there may be more in future) include some of the most complex and serious multi-fatality incidents of the Troubles/Conflict where the alleged or potential suspect(s) may still be apprehended. While it is not possible to explain in public the precise relevance to individual criminal investigations, the Commission's requirement for adequate policing powers, and suitable arrangements and resourcing for delivering those powers, is well founded.
13. The Commission believes that it needs the full suite of powers that is available to any policing service. A suitable, accountable mechanism could be achieved for the delivery of those powers involving the development of appropriate policing or criminal justice partnerships, for example, possibly with the National Counter-Terrorism Network.

## **Appointments and roles**

14. The Commission notes the arrangements for appointment of Co-Directors in both the Joint Framework (para. 6) and Troubles Bill (clause 5). This formula creates a foreseeable outcome whereby if any investigator was appointed who had previously conducted criminal investigations in Northern Ireland - even if their investigations career was not mainly in Northern Ireland - this would automatically exclude any other investigator who had investigations experience only in Northern Ireland.
15. In practice, this formula would mean that no investigator from Great Britain who had served with external independent investigations in Northern Ireland such as Operation Kenova or the Stevens Inquiries could be appointed simultaneously with the appointment of a former RUC, PSNI or OPONI investigator as Co-Director. The Commission notes that the Joint Framework states that the construct of Co-Directors of Investigation is specifically designed to provide for “*scope to fully address conflict of interest concerns at the most senior level*”, and that UKG properly advocates the need to build cross-community confidence in the reformed arrangements.

## **Effective and Sustainable Resourcing**

16. The Commission has invested substantial public money and effort in developing foundational infrastructure, staffing and systems since becoming operational in May 2024. Yet, the rapid rate of demand for the Commission’s services is creating challenges around the Commission’s investigative capacity. The impact is seen in the need to sequence and categorise investigative timelines. The Commission is currently engaging UKG on the issue of resourcing requirements. As of October 31, 2025, the Commission had 243 recorded cases and 102 live investigations relating to 179 overall deaths.
17. The Commission recognises the challenging public expenditure environment. The realities of cases, demands and complexities now facing the Commission are significant. The unresolved legacy of Northern Ireland’s Troubles/Conflict is not a fiscal or mathematical science. The Troubles Bill creates additional legal

obligations on the newly reformed Legacy Commission. Sustainable government resourcing throughout the lifetime of the Commission's work is vital for successful delivery.

### **Additional Legal Responsibilities (including Inquisitorial Proceedings)**

18. The Joint Framework and the Troubles Bill impose important new legal responsibilities on the reformed Legacy Commission, including provisions for the delivery of independent judge-led Inquisitorial Proceedings (IPs). At present, UKG has yet to determine the number, nature and timing of all cases that it will refer to the Legacy Commission under the new provisions. These are additional requirements to the existing Commission responsibilities and functions; and are additional to its existing caseload which is growing in numbers and complexity. The implications for adequate resourcing of staff, systems, estates, and additional needs relating to judge-led IPs, including the quantum of cases and timelines for completion, remain to be agreed with UKG. The Commission believes additional resourcing requirements should be sustainably addressed.

19. The Commission believes that the Troubles Bill provides sufficient legal arrangements to ensure that the current and reformed Legacy Commission can hold effective independent judge-led proceedings with family participation and appropriate disclosure regimes that can efficiently discharge the elements of a traditional public inquiry model in relation to those cases referred by UKG.

### **Cooperation from Ireland's Authorities**

20. The Commission's February 2025 submission, and May 2025 evidence before NIAC, strongly advocated that an effective cross-jurisdictional partnership approach is key to acknowledging and addressing the suffering of victims, survivors and families. It is essential that cross-border cooperation is meaningful, timely and comprehensive, both on a police-to-police basis, and through the provision of information by the Irish Government.

21. The Commission welcomes the Irish Government's commitment to facilitating cross border co-operation on an institutionalised basis, and looks



forward to early engagement with the new unit in An Garda Síochána which it has been reported will be operational by the end of 2025. This engagement is sought to avoid unnecessary delay for current Requesting Individuals in seeking answers. However, the Irish Government has still not met formally with the Commission at a strategic or operational level.

22. Delivery by Ireland on its commitments can strongly enhance the credibility and effectiveness of the existing and future Legacy Commission. Early engagement by the Irish Government with the Commission at official and political level is needed to develop mutual understandings, information, mechanisms, and priorities that will be essential for the successful delivery of the Joint Framework and the Troubles Bill. It is vital that Ireland now plays its part. One practical option would be agreement and implementation of an Information Disclosure Protocol similar to that agreed and being successfully worked by the relevant UK authorities.

23. The Commission notes the creation of the Independent Commission for Information Retrieval, which is covered by international treaty law and – unlike the current and reformed Legacy Commission – will have immunity from suit or prosecution. The Commission believes that that these new provisions should be carefully developed in cooperation and conjunction with the existing and reformed Legacy Commission to ensure the primacy of human rights law in relation to all Troubles/Conflict-related cases.

### **Provisions for Witnesses**

24. The Commission's trauma and resiliency informed approach (TRIM) is integral to its approach to **all** those who engage with it. The Commission recognises the individual trauma which may be associated with an incident and seeks to avoid re-traumatising anyone. This approach is applied carefully and sensitively and is core to the Commission's philosophy.

25. The Commission's October 2024 *Charter of Commitments to Witnesses* ([ICRIR Charter of Commitments to witnesses](#)) sets out the arrangements in place for all

witnesses who are engaged, irrespective of the nature of investigation. The Charter commits to consistent standards of care for all those witnesses. This includes Operation Banner veterans, and the Commission has confirmed to the Armed Forces Minister Al Carns MP its commitment to not routinely cold call witnesses, subject them to hostile or intimidating approaches, or bring them far from their home area to discuss investigations, save only in limited exceptional circumstances that may be related to investigatory exigencies.

26. The Commission's Charter of Commitments to Witnesses explains the special measures that are available to help witnesses give evidence in proceedings in the best way, to increase its quality and cause them as little stress as possible. These include video recorded evidence in chief, provision of evidence via a live televised link, and communication aids. The Commission suggests that adequate resourcing, through proxy, representative or support organisations, to provide effective and adequate levels of TRIM-style support is made available to help any witnesses with whom the current or reformed Legacy Commission may need to engage in relation to its investigations.

### **Promotion of Reconciliation**

27. The retention of the promotion of reconciliation as a binding statutory principle is welcome, as is the adoption of the Stormont House Principles, all of which aligns with the Commission's work to date. The Chief Commissioner, Sir Declan Morgan, has stated publicly that:

*"Achieving the confidence of the community, particularly those victims, survivors and families who have been let down and disappointed for so many years, requires commitment and delivery. Getting answers to provide the unvarnished truth is critical if we are to promote reconciliation. Promoting rights-based reconciliation is fundamental if young people are to understand the brutality and horror of settling differences through violence. We will continue endeavouring with the British government, the Irish government, all sides of the community, and particularly victims, survivors and families, to deliver this objective."*  
(September 2024)

28. The Commission's Interim Update on the Promotion of Reconciliation (May 2025) [ICRIR-Interim-update-on-promotion-of-reconciliation.pdf](#) noted that the six Stormont House principles, in conjunction with wider governmental, statutory, organisational and quasi-constitutional considerations, contribute to providing 'the legitimate foundation of rule of law and human rights upon which the Commission's evolving strategy framework has been developed, subject to ongoing review, in observing the statutory principal objective of 'promoting reconciliation'. In that regard, the Commission does not believe attacks on the personal or professional integrity or inclusion of public servants, based solely on their past employment or affiliation, have any place in promoting reconciliation, rights or respect. The Commission is keen to build practically on its strong foundational framework of rights-based reconciliation.

### **Eligibility**

29. Eligibility is key to ensuring the Commission's services can be accessed by victims, survivors and families. In this regard it recommends that:

- the requirement that an individual with a 'severe brain injury or damage' must make a request for an individual, is remedied by allowing a person with power of attorney to make the request;
- the eligibility requirement of 'severe psychiatric damage', which has no medical definition, is clarified;
- the current definition of 'close family member' is amended to include grandchildren and step-grandchildren, or that the ability to make a request to other family members is extended. This would acknowledge the passage of time.

### **Conclusion**

30. The Commission would welcome the opportunity to discuss these and other related matters with the Committee.