

# Independent Commission for Reconciliation and Information Recovery

Submission to the Northern Ireland Affairs  
Committee Inquiry

*The Government's new approach to addressing the legacy  
of the past in Northern Ireland*

February 2025

## Executive Summary

- i. The Independent Commission for Reconciliation and Information Recovery (ICRIR) welcomes the opportunity to respond to the Committee's inquiry into the Government's new approach to addressing the legacy of the past in Northern Ireland. The current UK Government has committed to reforming the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 that established the Commission.
- ii. This submission outlines some key aspects of the Commission's current approach, and the Commission would welcome the opportunity to supplement this submission by appearing before the Committee, if helpful.
- iii. The Commission's core priority is to deliver effective outcomes, with compassion and diligence, for those people who come to us in search of answers. This submission seeks to assist the Committee's inquiry by providing an overview of the Commission's work to date and some indicative considerations on how the Government might reform the Commission to further enhance its established independence.
- iv. Since it was established in December 2023, the Commission has embraced an approach that places victims, survivors and families at the centre of its work, ensuring that their needs are recognised and understood. Its commitment to three core principles is embedded at all levels of the organisation:

**Compliance with the European Convention on Human Rights (ECHR):**

Ensuring that all investigations and operations adhere to the standards set by the ECHR. This includes those that pre-date 1990.

**Respect for the principles of the 1998 Belfast (Good Friday) Agreement:**

Upholding the agreements and understandings established in this crucial document.

**Focus on providing useful information to those affected by the**

**Troubles/Conflict:** Prioritising delivering meaningful and relevant information to victims, survivors, and their families.

- v. The Commission became operational on 1 May 2024, and began its work with integrity, care, and an unwavering dedication to seeking the unvarnished truth. This is what victims, survivors, and families rightly expect and deserve. The submission sets out how the Commission has moved from the early setup phase into a fully functional organisation.
- vi. Moving into 2025-26, the Commission will focus on building and enhancing its credibility, demonstrating competence across its operations and ensuring that a

culture of care permeates its work. It will be informed by the lessons learned during its first cases and guided by the feedback received from those who come to the Commission. Listening and responding to the needs of victims, survivors, and families will remain central to everything it does.

- vii. The Commission's work plan for April 2025 - March 2026 was published in December 2024. [ICRIR-work-plan-2025-26.pdf](#) It provides key data including, correct on 9 December 2024:
- **120** individuals have asked the Commission to examine their case and have been registered.
  - Of these, **24** Requesting Individuals' cases have been accepted and are in the Information Recovery stage.
  - The Commission has accepted one request from the Secretary of State for Northern Ireland.
- viii. The Commission is open about investigations that are in the information recovery stage, where possible. These can be viewed on the [Live investigations in information recovery](#) page on the website.
- The Commission has 147 staff, with a further 109 people being onboarded and 22 roles in live recruitment.
- ix. Section 3 of the submission describes the Commission's priority actions for the coming year, how its Support model will be integrated across the Commission's work, its governance arrangements and commitment to continuous improvement.
- x. The Commission has welcomed the Government's proposals to reform and strengthen its independence, primarily because it will aid the Commission in its work to find the unvarnished truth which victims, survivors and their families have sought for decades. Reform and strengthening will also, in the Commission's view, increase confidence among victims, survivors, families and the wider community to approach it.
- xi. Section 4 sets out considerations on the approach that might be taken by the Government, building on the Commission's body of knowledge gathered from its hugely experienced team, and learning to date. These include strengthening a number of mechanisms which the Commission put in place on a corporate basis by placing them on a statutory footing or reforming current mechanisms.
- xii. It also provides the Commission's experience on the role of the Irish Government, how it intends to build trust, its principal objective to promote reconciliation, and finally disclosure by the Commission.

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# 1. Introduction

1. The Independent Commission for Reconciliation and Information Recovery (ICRIR) welcomes the opportunity to respond to the Committee's inquiry into the Government's new approach to addressing the legacy of the past in Northern Ireland. The current UK Government has committed to reforming the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 that established the Commission.
2. This submission outlines some key aspects of the Commission's current approach, and the Commission would welcome the opportunity to supplement this submission by appearing before the Committee, if helpful.
3. The Commission's independence is a fundamental tenet of the organisation's ethos, structures and operations. The Commission has invested substantial resources and imagination in creating systems to implement and demonstrate the critical importance of independence, both internally and externally. This approach has included building a representative and experienced workforce, governed by good practice policies, and overseen by an independent Board.
4. In September 2024, the Northern Ireland Appeal Court issued a judgement in the case of *Dillon et al* [2024] NICA 59 which specifically addressed key challenges to the independence of the Commission, its operations and personnel. The Appeal Court's affirmation of the Commission's independence and powers in the following respects is an important consideration in wider public discourse (see paras. [210]-[213]):

“In alignment with the trial judge, we recognise the wide powers of ICRIR and the benefit of having investigations placed within one body which is well-resourced and committed to providing outcomes within a reasonable time frame. We further note that the ICRIR has unfettered access to all information, documents, and materials as it reasonably requires in connection with a review. These are powers akin to those exercised by the Police Service of Northern Ireland (“PSNI”) and PONI when conducting legacy investigations and cannot be criticised, nor should they be underestimated. (...)”

We have considered all of the points made in support of this claim. Having done so, we do not depart from the trial judge's findings on this issue. We also consider that the appointment terms for commissioners or funding arrangements are not unlawful or unusual. Whilst it might arguably be possible to improve the arrangements to strengthen the ICRIR's independence or the appearance of it, in agreement with the trial judge, we find that these arrangements do not of

themselves offend the principle of independence given the fact that the ICRIR ultimately made up and staffed by independent investigators and decision makers including the commissioners.

In our view it is not unreasonable that the SOSNI should set the terms of appointment for Commissioners when he appoints them. Review of the performance of an independent body set up by the lead Department which brought forward the legislation is also not unusual nor, of itself, fatal to the independence of the body concerned. We accept the submission made by the SOSNI that independent bodies are similarly required to report to Secretaries of State on their performance. That does not make them any less independent of the department which set them up. We dismiss this aspect of the cross appeal.”

5. In the *Dillon et al* case, the Commission’s efforts to overcome human rights deficiencies in the Legacy Act were also found by to be insufficient by the Appeal Court. This included participation of next of kin in inquest-like cases, and the Secretary of State’s role in the disclosure of sensitive information. As the Committee knows, the Secretary of State (SOSNI) has undertaken to remedy these deficiencies through proposed legislation.
6. The Commission’s core priority is to deliver effective outcomes, with compassion and diligence, for those people who come to us in search of answers. This submission seeks to assist the Committee’s inquiry by providing an overview of the Commission’s work to date. We recognise that the Government is reforming the statutory framework and have included some proposals for consideration.

## 2. How the Commission has been operationalised within the current Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

7. Since it was established in December 2023, the Commission has embraced an approach that places victims, survivors and families at the centre of its work, ensuring that their needs are recognised and understood. Its commitment to three core principles is embedded at all levels of the organisation:

**Compliance with the European Convention on Human Rights (ECHR):**

Ensuring that all investigations and operations adhere to the standards set by the ECHR. This includes those that pre-date 1990.

**Respect for the principles of the 1998 Belfast (Good Friday) Agreement:**

Upholding the agreements and understandings established in this crucial document.

**Focus on providing useful information to those affected by the**

**Troubles/Conflict:** Prioritising delivering meaningful and relevant information to victims, survivors, and their families.

8. The Commission became operational on 1 May 2024, and began its work with integrity, care, and an unwavering dedication to seeking the unvarnished truth. This is what victims, survivors, and families rightly expect and deserve.
9. Over the past year, it has moved from the early setup phase into a fully functional organisation. It is focused on delivering results and fulfilling its statutory obligations, ensuring that its work serves victims, survivors, and families impacted by the Troubles/Conflict meaningfully. Its operations are built on a foundation of comprehensive policies and procedures across its operational and corporate functions such as the comprehensive Operational Design Framework [ICRIR The Operational Design Framework - Independent Commission for Reconciliation & Information Recovery](#), conflict of interest policy and suite of equality policies.
10. It has robust governance arrangements in place including via its Board, Audit and Risk Assurance Committee, Remuneration and Nominations Committee, Investigative Oversight Committee and External Assurance Group. Police regulators have oversight of serious complaints about the Commission's use of police powers. Agreements have been made with the Police Ombudsman for Northern Ireland ([Police Ombudsman for Northern Ireland ICRIR Agreement -](#)

[Independent Commission for Reconciliation & Information Recovery](#)), the Independent Office for Police Conduct ([Independent Office for Police Conduct agreement. - Independent Commission for Reconciliation & Information Recovery](#)) and the Police Investigations and Review Commissioner.

11. The Commission's Trauma and Resiliency Informed Model (TRIM) has become a key part of its operations, ensuring that the wellbeing of Requesting Individuals is embedded in every aspect of work. At an early stage in its development, the Commission recognised there was a need to design practice, process and policy in a way that was attentive to the impacts of trauma. It has built on this, aiming to develop a style of engagement that will support people, specifically those who are experiencing trauma impacts along with other ongoing impacts of the Troubles/Conflict, for example, deep grief. Alongside how it engages with people, it is also important that the Commission itself adopts practices internally and builds a culture that takes the impacts, including the ongoing impacts, of traumatic experiences into account. The Commission hosted a public webinar about TRIM in October 2024, with a commitment develop it over the year ahead, including through engagement with people who have specific knowledge and experience. We are aiming to develop further our approach throughout 2025. [ICRIR Framework for Implementing the Trauma and Resiliency Informed Model \(TRIM\) - Independent Commission for Reconciliation & Information Recovery.](#)
12. The Commission's investigation process is a single end to end journey that consists of three stages – support, information recovery and findings. From the point at which an individual engages with the Commission they are in the investigations process. A diagram showing the journey through the process can be found at Annex 1.

### **Investigations – three stages, one process**

13. The Support stage is the start of the investigation journey, during which a dedicated Case Support Worker is allocated, information about the Commission's processes is shared and discussions take place to develop informed engagement for the Requesting Individual. This is an important stage as it allows victims, survivors and their families to consider how the Commission works differently, whether the Commission process is suitable for them and any impacts the investigative journey may have on them and their wellbeing. Commitments the Commission makes to Requesting Individuals and expectations are discussed, as set out in the Charter of Commitments [ICRIR Charter of Commitments - Independent Commission for Reconciliation & Information Recovery](#), and needs for support during the journey are considered. The Case Support Worker also facilitates discussion with the Requesting



Individual about the specific questions they are seeking answers to during the investigative process.

14. In the Information Recovery stage, a team of investigators gathers information and evidence and seeks to answer the questions the Requesting Individual has raised.
15. At the Findings stage the Chief Commissioner produces a report to record the findings that have been made. This includes answers to the questions and issues raised by the Requesting Individual where that is possible.

### **The nature of Commission investigations**

16. The Commission has a responsibility to investigate how, and in what circumstances, deaths and serious physical or mental harm occurred and has extensive information recovery powers to facilitate the provision of all information required in respect of that (whether previously subject to a Public Interest Immunity Certificate or not). The Commission has operationalised three investigation routes: liability, culpability and focused.
17. In summary, a liability investigation seeks to determine if there is evidence to refer to a prosecutor. Where there is not enough evidence for a prosecution a culpability investigation route is pursued which examines all the circumstances and a report is produced which makes findings on the balance of probabilities. A focused investigation seeks to find answers of a meaningful personal nature.
18. All investigations, including those that may ultimately follow either a culpability or focused pathway, are conducted with a view to being a liability investigation, unless there is not enough evidence to refer to a prosecutor. A cold case review methodology is adopted in all cases. These decisions are taken in consultation with the Requesting Individual.
19. The Commission is aware of commentary around the employment of ex-RUC Officers. Moreover, Section 3(3) of the Legacy Act stipulates that

‘In employing and seconding persons, the ICRIR must ensure that (as far as it is practicable) the officers of the ICRIR include—

(a) persons who have experience of conducting criminal investigations in Northern Ireland, and

(b) persons who do not have that experience but have experience of conducting criminal investigations outside Northern Ireland.’

20. The Commission is committed to sound recruitment practices, which meet its anti-discrimination duties. As already noted, the Northern Ireland Court of Appeal in *Dillon et al* found that the Commission is 'staffed by independent investigators and decision makers' and (consistently with the High Court) rejected submissions as to its lack of structural independence. Our policies and approaches to conflicts of interest are, of course, a relevant factor in building trust and confidence with victims, families and survivors.

### 3. The Commission's delivery to date, and work plan for the coming business year

21. Moving into 2025-26, the Commission will focus on building and enhancing its credibility, demonstrating competence across its operations and ensuring that a culture of care permeates its work. It will be informed by the lessons learned during its first cases and guided by the feedback received from those who come to the Commission. Listening and responding to the needs of victims, survivors, and families will remain central to everything it does.
22. The Commission's work plan for April 2025 - March 2026 was published in December 2024. [ICRIR-work-plan-2025-26.pdf](#) It provides key data including, correct on 9 December 2024:
- **120** individuals have asked the Commission to examine their case and have been registered.
  - Of these, **24** Requesting Individuals' cases have been accepted and are in the Information Recovery stage.
  - The Commission has accepted one request from the Secretary of State for Northern Ireland.
23. The Commission is open about investigations that are in the information recovery stage, where possible. These can be viewed on the [Live investigations in information recovery](#) page on the website.
- The Commission has 147 staff, with a further 109 people being onboarded and 22 roles in live recruitment.

#### Priority actions

24. Priority actions from the work plan include delivery of the first Findings Reports and/or referrals of first cases for prosecution to relevant prosecutors. The Commission will also establish the strategy framework for long-term delivery of its statutory principal objective to promote reconciliation and statutory function to publish an historical record. It will resource and enable the Information Recovery Team to investigate all circumstances of cases and address the questions raised by Requesting Individuals.
25. The Commission published an Accountability Update in September 2024, and will publish further updates throughout 2025. To increase understanding of its

work, a programme of outreach will continue to be delivered and reviewed for effectiveness.

## **Support**

26. The Commission will ensure the integration of the Trauma and Resiliency Informed Model across the Commission's work.
27. It will continue to provide high quality support to Requesting Individuals via Case Support in relation to each investigation and individual circumstance. Support is provided through the Case Support Team, and as far as possible, Requesting Individuals will have the same Case Support Worker throughout their contact with the Commission. This ensures they can speak to someone they know, who is familiar with their case, and can advise them on their options and what to expect at any given point. The Commission recognises that many people who request an investigation will have gone through traumatic experiences. For this reason, Case Support Workers have been trained to be sensitive and responsive to the ways that trauma can affect people. They work to ensure Requesting Individuals feel safe, listened to and understood throughout their contact with the Commission. The approach is critical to addressing the potential for retraumatisation as victims, survivors and their families revisit what happened in their past.
28. The Commission has also produced materials to supplement its support services. For example, we have developed a pack which comprises guides provided to Requesting Individuals during their journey through the Commission's processes. We are committed to providing materials in the most effective manner for individuals. Our Support Pack materials are designed to make information easily digestible, and it can also be provided in a number of accessible formats.
29. In addition to supporting Requesting Individuals, we are keenly aware of the needs of witnesses, and have supports and resources in place, including the Witness Charter [ICRIR Charter of Commitments to witnesses - Independent Commission for Reconciliation & Information Recovery](#), to meet these needs. We continue to engage with those stakeholders who represent, or may themselves be, potential witnesses in order to build understanding and confidence in how they will be treated.

## **Good Governance**

30. The Board of Commissioners will continue to shape the direction of the Commission throughout 2025-26. Through regular formal meetings, which are

documented and publicly accessible on the Commission website, the Board's scrutiny is essential to the organisational commitment to openness and accountability.

31. The operation of the Investigative Oversight Committee will be enhanced by continuous improvement of case management process.

### **Continuous improvement**

32. The Commission is a learning organisation, committed to continuous improvement. As increasing numbers of cases move through the three-stage process, the work of learning from feedback and progressing continuous improvement will be developed.

## **4. The Commission's views on how Government might reform and strengthen its independence.**

33. The Commission has welcomed the Government's proposals to reform and strengthen its independence, primarily because it will aid the Commission in its work to find the unvarnished truth which victims, survivors and their families have sought for decades. Reform and strengthening will also, in the Commission's view, increase confidence among victims, survivors, families and the wider community to approach it.
34. In this section, the Commission gives some considerations on the approach that might be taken by Government, building on the Commission's body of knowledge gathered from its hugely experienced team, and learning to date. The considerations outlined herein by the Commission are not exhaustive but seek to provide indicative areas for further exploration.
35. The Commission has put in place internal governance mechanisms to ensure its independence. In the *Dillon et al* judgment, the Northern Ireland Appeal Court declared that the Commission is an appropriately independent public authority, both operationally and organisationally, endorsing the previous High Court judgment in that regard.
36. Sources of independence include that the Commission's annual budget provided by Exchequer is based on demand rather than a set amount. It can bring legal proceedings, including against government. It is independent of Government and its Annual Report is laid before Parliament. Selection of Commissioners is by an independent process, with objective criteria.
37. A number of the mechanisms which the Commission put in place on a corporate basis could be strengthened by placing them on a statutory footing or reforming the current mechanisms. These non-exhaustive considerations could include, inter alia:
- an Independent Oversight Committee, which is currently carried out by the Commission's External Assurance Group.
  - placing the Commission's corporate conflict of interest policy on a statutory footing.
  - paying Commissioners from the Consolidated Fund.
  - transferring to another body the SOSNI powers to conduct a statutory review of the Commission and to wind up the Commission (ss.36 and 37).
  - making provision for the ability to seek a court order to compel disclosure.

- providing the Commissioner for Investigations with a narrow discretion to initiate an investigation in relation to death or serious harm where there is a thematic link with a current investigation into a death or serious injury, and where new evidence has come to light.
- providing power for a Chief Constable to refer a case directly to the Commission, in specific circumstances, for example after a person has been arrested or new evidence comes to light that the incident concerned falls within the Commission's remit.
- clarifying the eligibility requirement of 'severe psychiatric damage' in s1(5)(b)(iii), which has no medical definition. Also, 'severe brain injury or damage' in s1(6)(c) is problematic as it is the individual who must make a request for an investigation. This could be remedied by allowing a person with power to attorney to make the request.
- Amending the term 'review' in s9, to 'investigation'. The term 'review' which, as is clearly set out in the previous sections, does not reflect the reality of extensive investigative mechanisms being delivered by the Commission.
- Widening the current definition of 'close family member' in Part 1 of Schedule 3 to include grandchildren and step-grandchildren, or extend the ability to make a request to other family members. This would acknowledge the passage of time.

## **The role of the Irish Government**

38. As co-guarantor of the Belfast/Good Friday Agreement, the Irish Government has expressed its commitment to ensuring that the suffering of victims and survivors of the Troubles/Conflict is acknowledged and addressed. This is a commitment that the Commission also shares.
39. The Agreement affirms that acknowledging and addressing their suffering is 'a necessary element of reconciliation'. This approach is one that the Commission hopes to enhance, through encouraging and facilitating an effective cross-jurisdictional partnership approach to its work by all relevant actors.
40. An Irish Government appointed, and international, Commissioner could become important additions to the complement of Non-Executive Commissioners, not only in line with the Agreement's essence but, significantly, in the context of cross-jurisdictional and international cooperation becoming institutionalised.

## **Building trust**

41. Victims, survivors and families have been let down by previous attempts to deal with the legacy of Troubles/Conflict. Given the manner in which the Northern Ireland Troubles (Legacy and Reconciliation) Act was implemented and its

deficiencies, it is unsurprising that steps are needed to build trust in the Commission.

42. It is the Commission's intention to build trust over time by demonstrating that it can deliver for victims, survivors and families through its Findings Reports. The processes which it has put in place are robust, and based on meeting the varied needs and wishes of Requesting Individuals.
43. Feedback to date from Requesting Individuals has been positive. Examples include

"Glad we've met, my door is always open. I hope you know how determined I am to get closure for my father and for myself. You may or may not make that happen but at least both parties are looking at it with open minds, once trust is established good things happen. Today went a long way in my book, it was really nice to meet you both and I hope we can work together to be 1 voice for my father, that's what this is about, getting to the truth for him."

Requesting Individual, Belfast

"You've both settled me with my prejudging concerns. I've shared with a family member our meeting. They also believe you will come across the same challenges. I reassured them ICRIR are there for us and the support network available may be for them as well. Many thanks as always for your help, guidance and support."

Requesting Individual, London

### **The Commission's principal objective to promote reconciliation**

44. The Commission's principal objective in exercising its functions is to *promote* reconciliation. It seeks to do this by, inter alia:
- Recovering and disclosing information about the Troubles/Conflict;
  - Objectively telling unvarnished truths about the past;
  - Delivering accountability and acknowledgement for wrongdoing;
  - Vindicating the memories of people killed during the Troubles/Conflict; and,
  - Providing dedicated, sensitive and sustained case support to all Requesting Individuals.



45. The Legacy Act does not define reconciliation, and the Commission is clear that it cannot impose a definition. Moreover, it appears evident to the Commission that a uniform understanding of reconciliation will not easily be agreed in relation to its work. That, of course, may evolve over time. However, it is the case that each Requesting Individual has their own perspective on reconciliation.
46. The Commission has adopted an internal strategy framework to facilitate the promotion of reconciliation. The Commission's approach puts in place effective organisational compliance in human rights, rule of law and victim-centred Trauma and Resiliency Informed Model methodology. This is designed to carefully understand the Requesting Individual's perspective. The Commission's framework requires the conscientious consideration of the promotion of reconciliation in discharging all of its functions.

### **Disclosure by the Commission**

47. Disclosure to the Commission by relevant authorities is completely unrestricted and will include some material which is highly sensitive (including the receipt of unredacted material which would have been redacted in inquests for reasons of Public Interest Immunity).
48. The Court of Appeal found that the Legacy Act disclosure provisions provided the Secretary of State with a much greater role than currently in inquests, including in deciding on the disclosure of sensitive information. For example, the Secretary of State does not have to give reasons for refusing disclosure; there is no merits-based appeal; and the courts cannot permit disclosure if the Secretary of State prohibits it.
49. The Commission welcomes the statement by the Secretary of State on December 5, 2024, to allow 'the greatest possible disclosure of information by following very closely the model for statutory inquiries'. The Commission also welcomes the intention to legislate for such proceedings and to definitively provide for public hearings; the taking of sworn evidence from individuals; and to ensure that families have effective representation.
50. The Commission recognises that there is now a legal issue regarding the disclosure of materials which are deemed by a Minister to relate to matters of national security. It is the Commission's understanding that this conflict will be resolved at the Supreme Court later this year. Clarification on this issue will greatly assist the Commission in discharge of its functions, and wider understanding of its work.

## Your journey throughout your time with the Commission



- You contact the Commission
- A Case Support Worker meets you to listen to your experience.
- Your Case Support Worker is interested in hearing your questions or concerns.
- Your Case Support Worker will explain the investigative process and support you to make your request.
- Your Case Support Worker will make sure you have information and support throughout your time with the Commission.
- Your investigation moves into the Information Recovery Stage and your eligibility for an investigation is assessed
- A full scoping exercise is undertaken during which there may be more engagement about your questions, meetings with members of the Information Recovery Team, a Findings Officer or other representatives of the Commission.
- You may consider making a Personal Statement during this time or at another time suitable to you.
- Terms of reference for the investigation are drawn up and discussed with you when scoping has completed.
- The investigation continues, based on the agreed terms of reference, and the Findings Team will be involved alongside the investigation throughout.
- The Findings Team engages with investigators throughout the investigation and at the conclusion of the investigation will begin drafting a written Report on behalf of the Chief Commissioner that will make findings about what happened.
- Your Case Support Worker will arrange a meeting with you to discuss what has been found and the upcoming Report and its publication.
- The Findings Team will share the draft Report with you and you will have the opportunity to discuss it with them and ask questions about its contents before it is published.
- A final Report is published.