



UK Government



Rialtas na hÉireann
Government of Ireland

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

Joint Framework on addressing the legacy of the past

The legacy of the violence of the Troubles continues to cast a shadow over these islands. It impacts many individuals and families across generations each and every day, and it is holding back essential reconciliation and progress in communities and across society as a whole.

We recognise all those profoundly affected by the Troubles, including the many families who lost loved ones, and those who served with honour in seeking to maintain public safety across these islands in very difficult circumstances.

The two Governments have worked intensively over recent months to reach an understanding on a new package of measures on legacy issues.

The Governments recognise that legacy must be addressed across these islands as a whole.

Our shared goal is to secure truth, accountability, and, to the extent possible, justice for victims, families and survivors, and for society.

The Governments recognise that the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 is not fit for purpose. Several of its provisions have been found by the Northern Ireland courts to be in breach of the European Convention on Human Rights (the ECHR), which is a cornerstone of the Good Friday Agreement.

However, to start again with an entirely blank page would be to delay work that has already been delayed too often, and for too long. We are now more than 27 years since the Good Friday Agreement, and more than a decade after the last comprehensive package of legacy measures was agreed at Stormont House.

The two Governments also recognise that, across the diverse communities affected by the Troubles, trust in the belief that legacy issues can be properly addressed has been damaged and must be rebuilt.

To do this, it is proposed to:

- End the Immunity Scheme.
- Lift the prohibition on new civil actions.
- Remove the current legislative prohibition on Troubles-related inquests and replace it with new provisions that would, in the first instance, allow inquests that had started to proceed. The inquests remaining as part of the Five Year Plan and those more recently directed by the Attorney General for Northern Ireland will be subject to an independent assessment by the Solicitor General, as appropriately delegated by the Advocate General for Northern Ireland, to consider whether, in each case, they are most appropriately dealt with by a reformed Legacy Commission or via the coronial system.
- Fundamentally reform the Independent Commission for Reconciliation and Information Recovery (the ICRIR), with new governance structures and independent oversight arrangements. This will include renaming the ICRIR to reflect a new start.

The Legacy Commission will be tasked with carrying out investigations and exploring all relevant investigative leads. These investigations will be capable of leading to prosecutions where there is evidence of wrong-doing. In all cases the Commission will focus on providing as much information as possible regarding the circumstances of the case to families.

- Establish a judge-led Inquisitorial Mechanism within the reformed Commission, with the power to hold public hearings and provide effective next of kin participation, including through legal representation.
- Implement tangible changes to the legislation's disclosure regime, ensuring that it is consistent with other established mechanisms and facilitates disclosure of the maximum possible amount of information to families consistent with the requirements of national security and to protect life.
- Set out robust conflicts of interest duties in legislation.
- Establish a statutory Victims and Survivors Advisory Group for the Commission.
- Deliver on the 2014 commitment to set up a cross border body on information retrieval, initially on a pilot basis to test its effectiveness.
- Establish a dedicated unit within An Garda Síochána, which will be a central point of contact for cross-border cooperation on Troubles-related cases and Troubles-related investigations being undertaken by An Garda Síochána.
- The Irish Government reaffirms its commitment to the investigation by An Garda Síochána of all unresolved Troubles-related incidents within its jurisdiction and to ensuring that any potential new investigative opportunities are proactively pursued.
- Legislate in Ireland to enable the fullest possible cooperation of the relevant Irish authorities with the Legacy Commission, once established, in relation to all its investigations. On the same basis and in the same spirit, the UK authorities will provide reciprocal cooperation to Ireland.

The measures, outlined further below, require action by one or both Governments. Some of these matters are devolved and this will be fully taken into account in the implementation phase of this Framework.

Where legislation is required, delivery will be subject to the relevant parliamentary approval processes. Taken together as a package, they represent what the two Governments view as essential actions to move forward with pace and purpose to address legacy matters effectively and with integrity.

In addition to the measures set out below, the two Governments acknowledge the important role that substantive and unequivocal statements of acknowledgement can play in a holistic legacy process that seeks to address past harms and facilitate societal reconciliation. The two Governments will therefore take the lead in considering such statements of acknowledgment, noting also the importance that such statements are forthcoming from others.

The Government of Ireland and the Government of the United Kingdom:

- Recalling their role as co-guarantors of the Good Friday Agreement which recognised the need to acknowledge and address the suffering of victims and survivors of the Troubles;
- Mindful of their obligations as signatories of the European Convention on Human Rights;
- In pursuit of the shared goal of securing truth, accountability and, where possible, justice for victims, families and survivors, and for society; and
- Guided by the principles set out in the Stormont House Agreement in 2014 on dealing with the past, namely, promoting reconciliation; upholding the rule of law; acknowledging and addressing the suffering of victims and survivors; facilitating the pursuit of justice and information recovery; human rights compliance; and being balanced, proportionate, transparent, fair and equitable.

Have reached the following understanding:

Delivery of a fundamentally reformed Commission

Measures to be given effect by Remedial Order

1. The UK Government will lay the final Remedial Order under the Human Rights Act 1998 before the end of 2025:
 - a. All provisions relating to the Immunity Scheme will be removed; and
 - b. All civil proceedings that were prohibited by the Legacy Act, including prospective new cases, will be enabled to proceed.

Measures to be given effect by primary legislation

2. The ICRR will be renamed the Legacy Commission, with further changes (set out below) to other roles and structures to clearly reflect a fresh start for the body. Where appointments to new roles are made, the Secretary of State for Northern Ireland will be under a duty to take advice on those appointments from a panel of relevant person/s, and publish from whom he has taken that advice.
3. The Legacy Commission will be tasked with carrying out investigations and exploring all relevant investigative leads. These investigations will be capable of leading to prosecutions where there is evidence of wrong-doing.

Case reviews will take place in line with standard UK practice and the outcome of that review will determine how an investigation proceeds.

- If there are evidential leads capable of leading to a possible prosecution, the Commission will proceed with a criminal investigation in line with recognised UK investigative standards. Also in line with UK investigative standards, this does not – in any way – reflect an assumption of criminality. If the evidential test is met the Commission will refer the case to the relevant prosecuting authority, as is currently the case.
- If there are no evidential leads capable of leading to a prosecution and all investigative leads have been explored and exhausted, a fact finding investigation will proceed. Fact finding investigations will result solely in a family report and will be based on the 'balance of probability' threshold.
- In all cases, the Commission will focus on providing as much information as possible regarding the circumstances of the case to families.

4. The Legacy Commission will be overseen by a new statutory Oversight Board. The Chair and members of the Oversight Board will be appointed by the Secretary of State for Northern Ireland, on the advice of relevant person/s (as set out above). The Secretary of State (on the advice of the relevant person/s) must ensure that, as far as is practicable, the Oversight Board will include international expertise. As Accounting Officer, the Commission's CEO will sit on the Board. Other senior staff of the Legacy Commission may report to the Board as required, and are ultimately accountable to it.
5. A statutory Victims and Survivors' Advisory Group representing the voices of all those affected will also be established and ensure that the needs of victims remain central to the work of the Legacy Commission. The Group will be appointed by the Secretary of State for Northern Ireland on the advice of relevant person/s (as above).
6. Recognising that the ICRR model of a single Commissioner for Investigations does not provide scope to fully address conflict of interest concerns at the most senior level, the Legacy Commission will instead have two Co-Directors for Investigations of equal standing, appointed by the Secretary of State for Northern Ireland on the advice of relevant person/s (as above). In making these appointments, the Secretary of State (on the advice of the relevant person/s) should ensure that one Co-Director will have experience of conducting criminal investigations in Northern Ireland, and one will not have that experience but will have experience of conducting criminal investigations outside Northern Ireland.
7. More extensive conflicts of interest duties will be placed on a statutory footing in order to build confidence. Cases will be allocated according to the new statutory duties, overseen by the CEO of the Legacy Commission. The Commission will be under a duty to consult with the requesting individual or family, allowing them to raise an objection if they have concerns about conflicts of interest relating to officers involved in their case. Any objection must be considered, and escalated to the new Oversight Board for resolution where required.
8. The power to refer cases to the Legacy Commission will be expanded to include other entities in specific circumstances, including the Chief Constable of the PSNI, the Police Ombudsman for Northern Ireland, and the Director of Public Prosecutions of the Public Prosecution Service for Northern Ireland.
9. There will be oversight of the Legacy Commission's exercise of police powers by the new Oversight Board, and through a new duty to appoint an independent person/body to conduct scheduled reviews of the performance by the Commission of its statutory functions, as well as continued oversight by the various UK police conduct bodies through agreements provided for in statute.
10. Where the Legacy Commission finds evidence of potential criminality relating to police officers which falls outside of its remit, the Commission will refer that conduct to the Police Ombudsman for Northern Ireland for consideration.
11. A new Inquisitorial Mechanism will be established within the Legacy Commission for cases that would previously have proceeded as an inquest or which are subsequently assessed by a coroner as unable to proceed via the coronial system. This process will draw closely on the UK Inquiries Act 2005, as a recognised and tested model. In particular, the Inquisitorial Mechanism will have independent judges presiding over public hearings, ensuring provision for effective next of kin participation, including through legal representation, and having the power to use closed hearings to consider sensitive information.

12. The presiding judge in cases before the Inquisitorial Mechanism will be drawn from a panel of serving and/or retired judges. Judges will also be drawn from this panel to produce reports setting out the findings in Commission investigations. The judicial panel will be appointed by the Secretary of State who will be under a duty to take advice on those appointments from a panel of relevant person/s, including the appropriate NI and GB judicial advice.
13. The Legacy Commission's disclosure regime will be amended as follows, and approached in a spirit of openness and transparency within these parameters:
 - The definition of sensitive information will be reformed to not designate information as sensitive by virtue of the organisation from which it originates;
 - The Secretary of State for Northern Ireland will no longer have the power to give guidance to the Legacy Commission about the identification of sensitive information;
 - Drawing on provisions contained in the UK Inquiries Act 2005, in considering whether or not to withhold sensitive information from onward disclosure, the relevant Secretary of State will have a statutory duty to conduct a balancing exercise - set out in legislation - in deciding whether the overall public interest favours a disclosure of sensitive information;
 - If it is decided to withhold sensitive information from onward disclosure, in line with standards across the UK, the relevant Secretary of State will give reasons for the decision to the extent that is possible without risking harm or damage to national security; and
 - The victim, the next-of-kin, or the Commission may appeal a decision to withhold sensitive information from onward disclosure to the relevant court, consistent with the principles applicable on an application for judicial review.
14. From the point at which the amended legislation receives Royal Assent, the five year period in which cases may be referred to the Legacy Commission will re-start.
15. A prompt public demonstration of the Commission's fresh start is key to confidence-building, but careful choreography will be required to ensure a seamless transition from one legislative framework to another. This transition is to be achieved as quickly as possible, with the aim of having it completed within four months of the date of Royal Assent, whilst ensuring the continued progression of cases currently within the Commission's caseload.
16. The Secretary of State for Northern Ireland may, following the end of the five year period, make provision for winding up the Legacy Commission if he is satisfied that the need for the Legacy Commission to exercise its functions has ceased. Before he does so, he must consult the Commission and any other person he considers appropriate. A duty will be established for the Secretary of State to publish a report following that consultation, for transparency and to give assurance around the rationale for winding up (or otherwise). The report should set out the views of consultees and detail the rationale for winding up (or otherwise).
17. Once the Commission concludes its work, responsibility for the investigation of Troubles-related cases will revert to the relevant police force.

Inquests

18. The current legislative prohibition on Troubles related inquests will be replaced with new provisions that would, in the first instance, allow inquests that had started (9 in total) to proceed. Should those inquests subsequently be subject to a determination by a coroner that they cannot proceed via the coronial system due to the exclusion of relevant sensitive information, they will be referred to the reformed Commission.
19. The 20 inquests more recently directed by the Attorney General for Northern Ireland will not automatically proceed as an inquest. Those, and the 4 remaining inquests from the previous 'Five Year Plan', will be subject to an independent assessment by the Solicitor General, as appropriately delegated by the Advocate General for Northern Ireland to consider whether, in each case, they are most appropriately dealt with by a reformed Legacy Commission or via the coronial system. The independent decisions of the Solicitor General will be taken with due regard to the following criteria which will be set out in statute:
 - a. An assessment regarding the likely role that sensitive information will play in each case. Reflecting the greater powers of the reformed Commission in handling sensitive information, there will be a presumption in favour of referral to the Commission in cases that include relevant sensitive material.
 - b. An assessment of how quickly the respective processes would be likely to commence and conclude, including the resources and capacity available to allow each case to proceed as an inquest or within the Commission.
 - c. Consideration of any representations received from those directly party to the inquest.
20. Assessments of these cases by the Solicitor General will as far as possible be made within 18 months of the commencement of legislation. This period includes a 6 month window to receive the relevant information and representations, and up to a year to subsequently take a decision in all cases.
21. In removing the current legislative provision on Troubles related inquests, Coroners and holders of relevant material will once again have regard to the pre-existing case management protocol applying to legacy inquests, as well as having regard for provisions on remote evidence. This protocol includes the disclosure of potentially sensitive material which happens in advance of inquest hearings and outlines the consideration that Coroners give to other issues such as identification and contacting of potential witnesses, choice of venue, identification of experts and the time frame for hearings that follow.

Information Retrieval

22. The two Governments reaffirm the principles of the Agreement on the Independent Commission on Information Retrieval (ICIR) signed by them on 15 October 2015 and commit to the establishment, by way of international agreement, of this body.
23. This body will aim to afford families, in addition to the mechanisms provided by a reformed Legacy Commission, a means to retrieve information about Troubles-related deaths by providing the opportunity to seek, on a voluntary basis, relevant information on the death of a loved one.
24. As was agreed in 2014, any information disclosed to ICIR will be inadmissible in criminal and civil proceedings. This will be made clear to all those seeking to access information through the body. The work of the ICIR should not impinge on investigations by the Legacy Commission, including in discharging its legal obligations.
25. The ICIR will be a cross-border body, independent in the performance of its functions and shall have the legal capacity of a body corporate.
26. Both Governments will jointly appoint two Commissioners to lead the ICIR, noting that the work of the Independent Commission on the Location of Victims' Remains provides an effective precedent for such a governance model.
27. The proposed body will operate for an initial period of three years, to comprise a one-year preparatory phase and a two-year pilot phase. After this period, the two Governments will assess the effectiveness of the pilot, after which it will be jointly determined whether the mechanism should continue to function.

Cross-border Cooperation

28. The two Governments commit to the principle of cooperation and the effective operation of all bodies involved in the investigation of Troubles-related incidents.
29. Building on existing mechanisms which facilitate cooperation with inquests, the Government of Ireland will ensure the necessary arrangements will be put in place to facilitate the fullest possible cooperation of the relevant Irish authorities with the Legacy Commission, once established, including criminal investigations, fact-finding investigations, and the Inquisitorial Mechanism; as well as with public inquiries. This will make use of existing mechanisms and, where additional legislation is required, this will be brought forward by the Government of Ireland.
30. On the same basis and in the same spirit, the UK authorities will provide reciprocal cooperation to Ireland for investigations, inquiries and inquests.

Commitments by the Government of Ireland

31. Recognising that investigations into Troubles-related incidents should be victim-centred and the importance of facilitating effective cross-border cooperation, the Government of Ireland commits to establishing a dedicated unit within An Garda Síochána as a single point of contact for cross-border cooperation on Troubles-related cases.
32. This unit will also be a central point of contact and coordination with An Garda Síochána for victims and families in relation to Troubles-related investigations undertaken by An Garda Síochána. This is alongside the commitment of An Garda Síochána to investigate all unresolved Troubles-related incidents within its jurisdiction and ensure that any potential investigative opportunities are proactively pursued.
33. Building on established precedent, An Garda Síochána will, where possible, endeavour to answer questions that a family may have in relation to the investigation of a Troubles-related incident and provide a report to the family. The provision of a family report may not prejudice an ongoing criminal investigation or prosecution. The Government of Ireland will keep these arrangements under review.

Funding

34. Looking ahead to the establishment of ECHR compliant mechanisms, and in recognition of this comprehensive, focused effort to address the legacy of the past, the Irish Government will make a financial contribution of €25 million over three years to include the costs of participation and representation of victims, survivors and next of kin in legacy processes.
35. The ICIR will be jointly funded by the two Governments, with the precise allocation during the pilot period to be determined.



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