



Northern Ireland Affairs Committee

Rt Hon. Hilary Benn MP
Secretary of State for Northern Ireland

By email only

11 June 2025

From the Chair
Tonia Antoniazzi MP

Dear Hilary,

As you are aware, my committee is conducting a comprehensive and ongoing inquiry into the Government's new approach to addressing the legacy of the past in Northern Ireland.

We have received close to 40 pieces of written evidence and held five public evidence sessions with a range of key stakeholders. My colleagues and I have undertaken two visits to Northern Ireland, meeting directly with victims and survivors as well as a spectrum of organisations with varying perspectives on legacy issues.

We have also travelled to the Republic of Ireland to meet victim-survivor groups, political leaders, and government officials. My colleagues and I are sincerely grateful to all those who have contributed their time, insights, and experiences to our important inquiry.

Following the British-Irish Intergovernmental Conference in April, we noted your statement that London and Dublin were seeking an agreement on a shared approach to legacy.

I am therefore grateful to you and your officials for the recent briefing afforded to me as Chair on the potential elements of any agreement. Having agreed to postpone our concluding evidence session with you until after any announcement is made, we nevertheless trust that our inquiry has helped inform the Government's policy making up to now.

We still plan to produce a final report with key recommendations in due course, but given that any announcement may emerge before we have concluded our planned scrutiny, I wish to convey to you some key themes from this body of evidence which are relevant to your discussions.

Indeed, we have a responsibility to do so for the many individuals and organisations who have contributed to our inquiry – especially the victims and survivors who have courageously shared their experiences.



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We have built good relations with a range of stakeholders, who have consistently told us they feel listened to but not heard.

Key Theme 1: The role of the Irish Government

With a framework agreement between the UK and Irish Governments forthcoming, evidence submitted to my committee has underscored the importance of cross-jurisdictional cooperation in addressing legacy issues, yet we heard a range of criticisms regarding the Irish Government's engagement with legacy issues. Citing its lack of legacy structures, several stakeholders argued that Dublin must play a more active and accountable role.

Concerns were raised about ICRIR's limited access to information from the Republic of Ireland, with calls for expanded powers and structures to ensure accountability across both jurisdictions. Sir Declan Morgan, ICRIR's chief commissioner, reiterated his call to my committee for an Irish Commissioner, which would require structural reform to the commission. The Stormont House Agreement was also cited by several stakeholders as a more balanced model, with its proposed cross-border Independent Commission on Information Retrieval, and equal functions in both the UK and the Republic of Ireland.

In relation to the Omagh Bombing Inquiry and the recent Memorandum of Understanding (MoU) between the UK and Irish Governments, my committee received compelling evidence highlighting the deep frustration of victims' families over the Irish Government's failure to commit to a parallel inquiry and its lack of transparency. Stakeholders argued that the MoU fails to address the legitimate human, moral, and legal demands for such an inquiry, and instead appears to ease the pressure on the Irish Government to take meaningful action. The committee was urged to recommend that the UK Government press the Irish authorities to establish a statutory public inquiry of their own into the preventability of the Omagh bombing by the Republic of Ireland's state agencies.

Key Theme 2: Consultation

As politicians we know that consultation is supposed to be genuine and impactful, not just a formality – that it should involve two-way communication, transparency, and timely access to information. Yet, we heard a range of criticisms regarding the Government's approach to consultation, with stakeholders telling us they had been informed of decisions rather than asked for input. My committee also received evidence criticising the Government's decision, in many people's minds, to 'retain ICRIR' before the consultation process had begun. We were told that if outcomes appear predetermined, this undermines trust. We heard that going forward the Government must provide clear details on proposed legislative changes and timelines, particularly given the significant amount of time that victims and families have already waited for answers.



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Key Theme 3: ICRIR reforms

Trust and confidence

My committee heard a range of views about public confidence – and the lack thereof – in ICRIR. Some stakeholders suggested the institution's limited caseload and the deep mistrust it faces are rooted largely in its controversial origins.

ICRIR has said it will build trust over time by demonstrating that it can deliver for victims, but several stakeholders said that only 'root and branch' reform could render the institution viable. Some went further, advocating for the establishment of an entirely new body. In contrast, a more supportive perspective was expressed by those representing veterans and former police officers.

Given the challenges that have been noted in securing people's trust and engagement in ICRIR, questions were also raised about the feasibility of retaining the current five-year limit on requests to the Commission for investigations.

Investigation policy and processes

We also took evidence on reforms to ICRIR's investigation processes – some of which the Commission has asked for. These include the power for ICRIR to initiate its own investigations, enlarging the pool of those who can refer cases, and expanding the definition of a family member to include grandchildren and step-grandchildren (and/or extending the ability to make a request to other family members), which ICRIR note would acknowledge the passage of time.

My colleagues and I also heard evidence calling for the separation of investigative processes and information retrieval processes as envisioned in the Stormont House Agreement with two separate, firewalled bodies. While combining them in one body was initially justified by immunity from prosecution for people providing information, that provision has of course since been ruled incompatible with the ECHR. In light of this, stakeholders told us that separation is now essential – not only to reflect the diverse needs of victims, many of whom seek truth without legal consequences, but to safeguard the integrity of the process. We heard that retaining both functions within ICRIR risks creating a significant 'chill factor', deterring voluntary disclosure of information and ultimately undermining the credibility and effectiveness of any meaningful truth recovery mechanism.

Inquests

On reinstating inquests, we heard from several stakeholders about the need for clarity on exactly which inquests are to be reinstated and under what criteria. While most stakeholders expressed support for reinstatement, some – mainly veterans – voiced strong concerns. Further concerns were raised over proposals for certain inquests to be conducted by ICRIR under 'Enhanced Inquisitorial Proceedings.' Some stakeholders criticised these as 'pseudo-inquests', citing the absence of a court, an independent judge, access to personal legal



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representation, full disclosure rights, and the potential for executive interference in outcomes.

The issue of funding for inquests was also raised. Stakeholders stressed that their reinstatement without adequate financial support would risk further delays and undermine public confidence. Sir Declan Morgan addressed this point during our session with ICRIR, stating that restoring inquests without adequate funding risks repeating past mistakes and failing victims once again.

The PSNI also raised concerns about their funding for legacy-related issues, and ongoing confusion over funding responsibilities, with the Government pointing to the Executive to discharge these duties, and the Executive deferring to the Government.

Information disclosure

Participants in our inquiry also raised concerns about what they described as the vague and often problematic use of the term 'national security,' which some argued is frequently invoked without clear definition and used to obstruct the legitimate disclosure of relevant information. Additionally, the Legacy Act's disclosure provisions were criticised for granting the Secretary of State what some described as an "effective veto" over ICRIR's ability to share sensitive material – raising serious questions about transparency, accountability, and the independence of the investigative process.

Alongside issues concerning the disclosure of information publicly, there is also the question of disclosure *to* ICRIR in the first place. According to several stakeholders, the 2023 Act applies a 'reasonableness' requirement that did not previously exist, whereby holders of information have to supply only that information which ICRIR 'reasonably requires.'

Operation Kenova

The Government has said it will also look at lessons from Operation Kenova as part of its processes to reform ICRIR. We heard that Kenova is an exemplar model, and that its governance and oversight structures should be replicated by ICRIR. Stakeholders, including WAVE Trauma Centre, told us that ICRIR's structures and family support services simply do not compare to it.

Independence

Participants further informed us of their concerns about the independence of ICRIR under the 2023 Act, with the Northern Ireland Human Rights Commission arguing that the Secretary of State's extensive powers via that legislation – ranging from appointments to oversight – compromise the Commission's hierarchical, operational, and practical autonomy. Stakeholders stressed that if the perception – and it may be only that, a perception – among victims and survivors is that ICRIR lacks independence, they are unlikely to trust or engage with the process. Comparisons were drawn with the Stormont House Agreement and Operation Kenova, both of which incorporated international oversight.



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Some witnesses recommended that ICRIR exclude former RUC or PSNI officers from among its commissioners and general staff, with Kenova used an example of why this is necessary. Others proposed barring those who held roles in the RUC, PSNI or security services from leadership positions in ICRIR, but not from other positions within the Commission.

Stakeholders were at pains to defend the integrity and expertise of former officers, but some emphasised the importance of public perception and the need for external representation to build trust. ICRIR responded by affirming its commitment to independent recruitment and anti-discrimination practices, citing court rulings that have upheld its structural independence.

Additionally, we took evidence on ICRIR's conflict of interest policies and its broader accountability framework. While the Commission acknowledged that certain internal mechanisms – such as its corporate conflict of interest policy – could benefit from being placed on a statutory footing, stakeholders criticised the current self-declaration model as inadequate. We also heard warnings of an accountability gap in ICRIR: there is currently no clear mechanism for addressing complaints about maladministration or service failures that fall below the threshold of criminality.

Next-of-kin participation

If investigations are to be ECHR-compliant, they require adequate public scrutiny and meaningful involvement of the victim's next of kin to protect their legitimate interests. With this in mind, we heard how currently the absence of legal aid will hinder effective participation by families in ICRIR's processes. Stakeholders, such as the Law Society of Northern Ireland, emphasised the urgent need for clarity on how legal support – whether through legal aid or a dedicated fund – will be provided to ensure victims and survivors can access necessary assistance.

Key Theme 4: Reconciliation

The 2023 Act provides that the principal objective of ICRIR is 'promoting reconciliation.' The Commission's own polling has shown, however, that two thirds of respondents lack confidence in its ability to achieve this goal. We heard widespread concern from stakeholders about the absence of a clear, shared understanding of what reconciliation means – either within ICRIR or by the Government – and about the lack of any defined metrics for assessing progress. Some stakeholders went further, arguing that reconciliation should be removed entirely from ICRIR's mandate.

We also heard concerns that the Government's (and ICRIR's) approach to reconciliation is too narrow, and a clearer, broader approach to societal reconciliation is now required. Indeed, my colleagues and I were told that the legacy structures proposed under the Stormont House Agreement, which included an Implementation and Reconciliation Group to



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promote reconciliation and examine 'patterns and themes' from the conflict, would have been far broader.

Key Theme 5: Recording the Past

Finally, stakeholders pointed out their concerns about the lack of progress in the implementation of Part 4 of the Legacy Act ('Memorialising the Troubles'). This included an absence of information on how designated persons will be chosen, timelines for work, and what forms of reconciliation the activities are intended to advance. Concerns were raised about the transparency and independence of the "official history" project as well, which is intended to complement the mechanisms in Part 4 of the Act by examining the UK Government's role during the Troubles.

This correspondence represents a snapshot of the extensive submissions presented to my committee by a broad spectrum of stakeholders.

We trust that the Government is drawing on this substantial body of evidence to inform its new approach to addressing the legacy of the past in Northern Ireland. To conclude our current inquiry, we plan to scrutinise closely the details of any upcoming agreement - and in due course to produce a final report.

Yours sincerely

Tonia Antoniazzi MP, Chair of the Northern Ireland Affairs Committee