

Dear Madam,

Thank you for your email letter of 6th May 2025 and I apologise for the delay in replying.

In respect of the MOU with regards to the Omagh Bombing Inquiry we are referring to this in the Opening Submissions for our client family (the Rush family) at the Opening Hearings commencing on the week of 23rd June 2025. Therefore it would not be appropriate to make any comment in the meantime which I trust you will understand.

On your other query and in general terms, my experience is that since the repeal of the Tribunals of Inquiry Act 1921 this has been a difficult area. The 1921 Act applied on an all Ireland basis and assisted greatly. I have had experience of this particularly through the Bloody Sunday Inquiry.

My view is that legislation is needed of a similar nature that applies on an all Ireland basis not only to Public Inquiries but other forms of investigations including Inquests for example.

The authorities in the Republic of Ireland have been helpful in various cases I have been involved in recently (for example the Arlene Arkinson Inquest which is worth looking at) but it is a slow process based on goodwill. This can cause delay and much upset for families. A more formal position is needed, set in statute that lawyers involved in this type of work can refer to by way of assurance to families.

There is much goodwill and intention when dealing with the Chief State Solicitor in Ireland and other organisations in difficult cases but a more firm legislative process is needed in my respectful view. It would assist everyone involved.

This is my initial observation and I know this is a difficult area. Lawyers can deal with other lawyers in other jurisdictions in the best diplomatic way possible, void of threats and aggression, but it requires great patience and it is very difficult then in turn for families to understand or relate to this.

It is a two way process, of course, and when I represented families at the Inquests into the Dublin Monaghan Bombings in 2004 in Dublin, the same issues arose but careful correspondence and civility assisted. There was no choice as no legislative format existed to compel documents or witnesses.

I hope these brief observations help and I wish you well in your work.

Kind Regards

Desmond J Doherty

SOLICITOR



Northern Ireland Affairs Committee

Desmond Doherty
Elev8 Law

By email only

6 May 2025

From the Chair
Tonia Antoniazzi MP

Dear Mr Doherty,

The Northern Ireland Affairs Committee, which I chair, has been taking evidence on the UK Government's new approach to addressing the legacy of the past in Northern Ireland.

As part of our inquiry, we have been considering the role of the Republic of Ireland in disclosing information that might help with investigations and truth recovery by UK agencies.

My colleagues and I are aware of the new memorandum of understanding (MoU) between London and Dublin on accessing material, information and assistance from the Republic in order to support the UK Government's public inquiry into the Omagh bombing.

We are also aware of the criticisms that have been made of this MoU.

As I am sure you know, under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, the Independent Commission on Reconciliation and Information Recovery (ICRIR) has been given the power to investigate deaths and serious injuries related to the Troubles/Conflict between 1 January 1966 and 10 April 1998.

The Chief Commissioner, Sir Declan Morgan, recently said that he would like to see his information-gathering powers extended to Ireland to ensure that, "just as the British Government is required to provide information in relation to these events, we explore how Ireland might assist in doing so as well."

And, last month, the British and Irish Governments agreed that

any joint approach to legacy will require agreement on all key issues, including [...] ensuring that there are clear reciprocal commitments by both the UK Government and the Government of Ireland.



Northern Ireland Affairs Committee

They added:

It was agreed that both Governments would continue to work quickly and intensively in seeking to finalise a joint approach. The UK Government remains committed to introducing legislation to repeal and replace the Legacy Act when Parliamentary time allows, and the Government of Ireland will introduce its own legislation as necessary.

I would therefore be grateful if you could set out for my Committee:

- your view and, if appropriate, the views of those whom you represent on the MoU agreed for the Omagh inquiry; and
- your recommendations and, if appropriate, the recommendations of those whom you represent on (a) how that MoU might be improved and (b) the terms of any future MoU with Ireland on other legacy inquests and investigations.

My Committee plans to hear from ICRIR on 21 May and the Secretary of State on 9 June. If you were able to reply in time for your response to inform either of these sessions, I would be very grateful.

Yours sincerely,

Tonia Antoniazzi MP
Chair of the Northern Ireland Affairs Committee