

**Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

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(Please use this reference in your reply)

12 July 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 45/10 and 44/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the Northern Ireland Troubles (Legacy and Reconciliation) Bill introduced in Parliament on 17<sup>th</sup> May 2022 which appears to be inconsistent with the United Kingdom's obligations to investigate the serious human rights violations committed during the "Northern Ireland Troubles", and to provide access to truth and remedy for victims.**

In this regard, we wish to recall joint communication GBR 8/2021 of 5 August 2021 sent by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on extrajudicial, summary or arbitrary executions. We are grateful for your Excellency's response dated 11 October 2021 in which you indicated that the introduction of a "legacy package" does not amount to a *de facto* amnesty and a mechanism for impunity and would not discharge the United Kingdom from fulfilling its human rights obligations regarding the "Northern Ireland Troubles".

According to the information received:

On 17 May 2022, the Northern Ireland Troubles (Legacy and Reconciliation) Bill was introduced in Parliament. The full title of the bill explains that the draft legislation "seeks to address the legacy of the Northern Ireland Troubles and promote reconciliation by establishing an "Independent Commission for Reconciliation and Information Recovery"; limiting criminal investigations, legal proceedings, inquests and police complaints; extending the prisoner release scheme; and providing for experiences to be recorded and preserved and for events to be studied and memorialized". The Bill was originated in the House of Commons and has passed its second reading there.<sup>1</sup>

Certain aspects of the Bill appear to be inconsistent with the duty of the United Kingdom of Great Britain and Northern Ireland to investigate, prosecute and sanction the serious human rights violations and abuses committed during "the Troubles" and ensure access to truth and remedy to victims, as detailed below.

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<sup>1</sup> <https://bills.parliament.uk/bills/3160>

### Reviews of trouble related violations

Part 2 of the Bill establishes a new independent body, the Independent Commission for Reconciliation and Information Recovery (ICRIR), mandated to conduct reviews of deaths and harmful injuries committed during the Troubles and to produce a final report on its findings on each of the reviews (clauses 2 to 18). However, the Bill establishes that the Secretary of State for Northern Ireland (Secretary of State hereinafter) is vested with powers to decide if the information contained in those reports may not be disclosed on grounds of “national security interests” (schedule 5, part 2, clause 4), thus effectively allowing the Secretary of State to redact the reports’ content. In addition, the Bill expressly restricts ICRIR remit to conducting ‘reviews’ rather than ‘investigations’, thus limiting the truth-seeking powers of the Commission and the scope of its work. In addition, clause 13(5) of the Bill precludes it from duplicating any aspect of a previous investigation, unless in its view the duplication is necessary, which could limit the scope of the violations to be reviewed by it and the cases under the commission’s purview unless undertaken to avoid re-traumatization. The Bill does require the ICRIR to share the report with families of victims before its finalization and to allow them to make representations about the report.

The Bill stipulates that ICRIR reviews may be initiated upon the request of a close family member of the victim, other family members (although the ICRIR may decide on its appropriateness), the Secretary of State or the Attorney General of Northern Ireland, as well as by the Advocate General for Northern Ireland, a coroner, the sheriff or procurator fiscal in Scotland or the Lord Advocate under certain conditions (Part 2, clause 9). However, requests for review will only be possible until the end of the fifth year of the period of operation of the ICRIR (clause 10), which limits the timeframe of the Commission’s work. In addition, it becomes apparent from the provisions of the Bill that the ICRIR has no power to initiate reviews ex-officio, which constitutes a further limitation to its truth-seeking powers. The Bill does, nonetheless, allow the Commissioner for Investigations of the ICRIR to refer cases to the prosecutors (clause 22). In addition, ICRIR’s power of compulsion of individuals to testify can be restricted on grounds of “national security interests”.

### Individual immunity scheme

Clauses 18 to 20 of the Bill, introduce a conditional immunity scheme, allowing perpetrators of human rights violations to receive immunity from prosecution for offences resulting in or connected to Troubles-related deaths and serious injuries. The Bill requires the ICRIR to grant individuals immunity when certain conditions are satisfied, without providing any exception for perpetrators of serious human rights violations and international crimes. An amendment was reportedly agreed on 29 June aimed at excluding perpetrators of sexual violence from the immunity scheme. The ICRIR must grant immunity from prosecution when the following conditions are met: (a) a person has requested such immunity, (b) the applicant has ‘provided an account which is true to the best of their knowledge and belief’, and (c) the panel is satisfied that the information

provided by the applicant would appear to expose him or her to a criminal investigation or prosecution for one or more serious troubles-related offences. In reviewing applicants' immunity requests, the ICRIR's Immunity Requests Panel must take into account any other information in possession of the ICRIR but is not required to seek information from a person other than the applicant. The ICRIR is vested with powers to grant applicants specific immunity from prosecution for particular offences, or general immunity from prosecution for all Troubles-connected offenses. A request for immunity would be invalid if the applicant has a conviction for a relevant Troubles-related offence or if a public prosecution against the person has begun and is continuing. Immunity requests will only be accepted until the end of the fifth year of the period of operation of the ICRIR, except in certain conditions. Immunity from prosecution cannot be revoked once granted.

The Secretary of State is vested with powers to make to make rules about the procedures to receive and grant immunities, which interferes with the capacities afforded to the Chief Commissioner in this regard. In addition, the Immunity Requests Panel must take into account any guidance given by the Secretary of State when deciding upon the granting of amnesties, which further interferes with the work of the ICRIR and could lead to situations of conflict of interests (clauses 19.3 and 20.8).

It is unclear whether the ICRIR will be requested to inform victims and families about applications made or immunities granted in relation to their case, nor if they would have any representation in the process.

*Closure, barring and restrictions of criminal investigations, criminal enforcement proceedings, civil actions, coronial inquests and police complaints*

Part 3 of the Bill on "Investigations, Legal Proceedings etc and Release of Prisoners" establishes prohibitions and restrictions to Troubles-related criminal investigations; civil actions; coronial inquests, investigations and inquiries and police complaints. Clause 33(1) establishes that 'no criminal investigation of any Troubles-related offence may be continued or begun' from the day in which this section of the Bill (clause 33) enters into force, except for investigations carried out for the purposes of public criminal prosecutions that commenced before its entry into force (clause 37.3).

Even in cases where a person has not been granted conditional immunity, clause 35 restricts criminal enforcement actions (i.e., criminal prosecutions, proceedings, arrests and detentions as defined by clause 37.2) relating to serious Troubles-connected offences by allowing criminal enforcement actions only if such cases are referred by the Commissioner of Investigations to the prosecutor and other conditions are met. Clause 36 prohibits all criminal enforcement actions relating to all Troubles-related offences other than serious offences after the Bill's entry into force. However, clause 37(4) stipulates that clauses 35 and 36 do not prevent criminal enforcement actions taken in connection with a public prosecution of person that had begun prior to when clauses 35 and 36 enter into force.

In addition, clause 38 of the Bill bars the lodging of any civil action for Troubles-related offence on or after the day from which this section of the Bill (clause 38) enters into force. It further stipulates that any civil action lodged on or after the day of the first reading of the Bill (17 May 2022) will be closed from the day in which this section of the Bill enters into force (unless a court of first instance has issued a final decision prior to entry into force).

Clause 39 bars the initiation of any new coronial inquests after the day in which this section of the Bill (section 39) comes into force, and orders as of that date the closure of existing inquests that had been initiated before that date or 1 May 2023 (whichever comes first) unless the inquest is at an advanced stage.

In addition, clause 40 bars dealing with police complaints about trouble-related offences from the entry into force of this section (section 40), including those referred before that day. The Bill also bars investigations into Troubles-related incidents by any organization other than the Independent Commission for Reconciliation and Information Recovery.

#### *Powers vested on the Secretary of State of Northern Ireland*

Across the board, the Bill vests significant powers in the Secretary of State for Northern Ireland to interfere with the work of the ICRIR and other procedures established by the draft law. The Secretary of State can decide how many ICRIR Commissioners there will be and make their appointments (Schedule 1, para 6-7), as well as define the resources provided to the ICRIR (clause 2(7)). In addition, the Secretary of State has the power to prohibit information being contained in a review report on the grounds of “national security interests”. The rules concerning requests for immunity are to be developed by the Secretary of State and the Chief Commissioner, and the Immunity Requests Panel must consider the Secretary of State’s guidance in its decisions.

Moreover, the Secretary of State will designate the persons involved in the oral history and memorialization initiative established in Part 4 of the Bill, whereby procedures are set up for the preparation of a study out of trouble related oral history records; the creation and preservation of oral history records and of a catalogue of publicly accessible oral history records; and the preparation of a study of memorialization activities currently being undertaken and recommendations for future memorialization activities (memorialization strategy). He will also decide a response to each recommendation contained in the memorialization strategy.

We express serious concern that the Northern Ireland Troubles (Legacy and Reconciliation) Bill *bans and, in some cases, restricts Troubles-related criminal investigations, criminal enforcement actions, civil actions, coronial inquests, and police complaints, and effectively replaces them with reviews into deaths and other harmful conduct related to the Troubles, such as acts of torture, to be undertaken by the foreseen ICRIR*. In this connection, we are concerned that the Bill may effectively end and, in other cases, unduly restrict judicial activity and hamper victims’ access to remedy for serious human rights violations and abuses before criminal and civil courts. It would further preclude reparations and information recovery for those victims. In

preventing the justice system, and the police, from investigating and adjudicating serious human rights violations, the Bill would place the United Kingdom of Great Britain and Northern Ireland in contravention of its international human rights obligations, particularly those under article 2 of the international Covenant on Civil and Political Rights and articles 2 and 3 of the European Convention on Human Rights (ECHR), as well as undermine the country's rule of law. The Bill would further breach the Good Friday Agreement (Belfast Agreement) which commits to the 'complete incorporation into Northern Ireland law of the ECHR, with direct access to the courts, and remedies for breaches of the Convention [...]' and disregards the devolution of justice powers.

We express further concern that while vesting the only truth-seeking power on the ICRIR, and using this as a justification to bar other forms of truth recovery and inquiries over past violations, the Bill would severely limit the capacities of the commission to undertake this function. We are particularly concerned that the Bill expressly restricts ICRIR's remit to conducting 'reviews' rather than 'investigations', prevents it from reviewing previously investigated cases, is only allowed to receive requests until the end of its fifth year of operation, has no power to initiate reviews ex-officio, and is vested with limited powers of compulsion of individuals for testimony. The conditions imposed by the Bill, limits the Commissions' timeframe, scope of work and caseload under its purview, thus severely limiting its truth-seeking powers.

We are further concerned that the Bill provides for *significant levels of government control over the establishment and operation of the new legacy mechanisms*. We are particularly concerned about the significant powers vested in the Secretary of State for Northern Ireland who may shape and interfere with the work of the ICRIR to review cases of alleged human rights violations and issue immunity decisions. These influence over the role and impact of the ICRIR could lead to concerning situations of conflict of interest considering the political nature of this post.

In this context, we would like to recall article 2 of the Covenant on Civil and Political Rights (ICCPR), ratified by the United Kingdom of Great Britain and Northern Ireland in 1976, according to which States must ensure that any person whose rights were violated shall have an effective remedy, and that the competent authorities enforce such remedies when granted. Also, States must ensure that any person claiming such a remedy shall have their right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.

Similarly, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law establish the right of victims to have equal access to an effective judicial remedy (paragraph 12).

In this regard, we would like to refer to the obligation to investigate and punish human rights violations and to combat impunity for such crimes, pursuant to article 2 of the ICCPR. The Basic Principles and Guidelines establish that, "in cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the

person allegedly responsible for the violations and, if found guilty, the duty to punish her or him (principle 4).

Likewise, the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, urges States to “undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and to ensure that those responsible for serious crimes under international law are prosecuted, tried and duly punished” (principle 19).

In its General Comment No. 31 (on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant), the Human Rights Committee ruled that, pursuant to article 2 of the ICCPR, States have an obligation to investigate and bring to justice perpetrators of serious human rights violations that constitute international crimes, including summary or arbitrary killings, torture and other cruel, inhuman or degrading treatment, and enforced disappearances. Impediments to establishing the legal responsibility of persons who have committed serious human rights violations should be removed (paragraph 18). Furthermore, it observed that failure to investigate and to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the ICCPR, and that impunity for these violations can lead to their recurrence (paragraph 18). With regards to the violations committed by third parties, the Committee also established that “there may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities” (paragraph 18).

We would also like to refer to General Comment No. 36 of the Human Rights Committee. The Committee stated that investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (CCPR/C/GC/36, paragraph 27).

Numerous other international instruments and treaties further establish the obligation of States to investigate, prosecute and punish the persons responsible of gross violations of human rights with appropriate penalties, as detailed in the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence A/HRC/48/60 (pages 5 and 6).

We wish to point out that contrary to what seems to transpire from the Bill, ensuring victims’ access to an effective judicial remedy for the violations suffered and effectively investigating, prosecuting and sanctioning the perpetrators of those violations is an obligation of the State. Unfulfilling or obstructing the realization of this right, and in compliance with such duties, would entail a breach of the ICCPR and a new human rights violation. As noted by the Special Rapporteur, beyond the fact that international instruments irrefutably establish the duty to prosecute and punish such violations, “the requirements of life in society make their necessity evident. It is inconceivable that societies would punish ordinary crimes in order to preserve the rule

of law; but would leave the most heinous and atrocious crimes unpunished” (A/HRC/48/60 page 18).

We express further concern that *the Bill institutes a conditional immunity to persons participating in the ICRIR, including to those accused of committing grave human rights violations* during the Troubles in Northern Ireland, further thwarting victims’ right to truth and justice and placing the United Kingdom in flagrant violation of its human rights obligations. We are further concerned that the Bill stipulates a very low threshold for the granting of immunity. As the commission is not mandated to corroborate the information received from the applicant, other than with information it already holds relating to the case, and the Bill does not foresee a review from victims or other public officials, immunities for serious offences could be granted based solely on an individual’s written request. Moreover, we are concerned that immunities granted by ICRIR cannot be subject to revision or revoked. We are further concerned that the process of granting immunity lacks a victim centred approach and that the Bill does not specify whether victims would be adequately informed or allowed representation in the process. The immunity scheme envisaged in the Bill, particularly in view of the low threshold required for granting immunity and the lack of review mechanisms, would be tantamount to a de-facto amnesty scheme. We take note of the alleged agreement to exclude perpetrators of sexual violence from the immunity scheme and urge the relevant authorities to introduce the same amendments with regards to all international crimes.

In this connection, we would like to recall that international law sets limit to the adoption of amnesties and immunities from prosecution insofar as they foster impunity and prevent States from complying with their international obligations to investigate and prosecute perpetrators of human rights violations. Pardons and immunities are incompatible with the obligation to prosecute crimes under international law and deny victims the right to truth, access to justice and to request appropriate reparations. They are particularly incompatible with crimes that represent serious human rights violations.

We recall that international human rights law precludes the use of amnesties or immunities for international crimes and serious human rights violations, such as torture, killings, enforced disappearance and sexual violence. The Human Rights Committee ruled that all impediments to establishing the legal responsibility of persons who have committed serious human rights violations should be removed. In its General Comment No. 31, the Committee established that in cases where violations such as torture, summary and arbitrary deprivations of life and enforced disappearances have been committed by a public official or State agent, the States concerned may not exempt the perpetrators from their personal legal responsibility through amnesties and prior immunities (para. 18). In General Comment No. 36, the Committee held that “immunities and amnesties provided to perpetrators of intentional killings and to their superiors, and comparable measures leading to de facto or de jure impunity, are, as a rule, incompatible with the duty to respect and ensure the right to life, and to provide victims with an effective remedy.” (para. 27).

The application of amnesties or immunities to gross human rights violations and serious violations of international humanitarian law cannot be part of a rule-of-law-based society. Such mechanisms would convey to the society that some people are above the law. Moreover, short of encouragement, legal provisions providing for amnesties or immunity would be interpreted as a direct acquiescence by the State for

future international crimes to take place. We recall that States have a due diligence responsibility to end impunity for such violations and hold perpetrators accountable. The adoption of measures in the field of truth seeking does not release the State from this international obligation.

We are further concerned that from its long title, the Bill appears to conflate reconciliation with impunity as well as oppose legal accountability, an essential pillar of transitional justice processes, to truth, information recovery and reconciliation. We recall in this regard the importance of adopting a comprehensive approach in transitional justice process which incorporates the full range of judicial and non-judicial measures is a central tenant of such processes. We welcome the significant efforts foreseen in the Bill, albeit with the aforementioned challenges, regarding work on truth seeking and memorialization on Trouble-related violations. However, the essential components of a transitional justice approach (truth, justice, reparation, memorialization and guarantees of non-recurrence) cannot be traded off against one another in a “pick and choose” exercise.

Concerning the arguments that oppose criminal justice to information recovery and other transitional justice aims, we would like to stress that as noted by the Special Rapporteur, individual transitional justice mechanisms should not be seen as an alternative to criminal accountability for perpetrators of serious violations of human rights and international humanitarian law. The accountability of the perpetrators of gross human rights violations is an essential pillar of a peaceful and sustainable transition. Truth mechanisms complement and do not replace justice or comprehensive reparation, just as criminal prosecutions or reparations cannot replace truth seeking. He further underscored that discussions regarding the adoption of impunity mechanisms for the “benefit” of other pillars of transitional justice place victims at an inappropriate crossroad, forcing them to choose between satisfying their right to justice or their right to truth, imposing a disproportionate historical burden on them. This is illegitimate, ineffective and re-victimizes victims (A/HRC/48/60, page 19).

In this regard, we wish to recall that Human Rights Council resolution 45/10 emphasizes the importance of adopting a comprehensive approach in transitional justice process which incorporates the full range of judicial and non-judicial measures (including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials), in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State, and promote the rule of law in accordance with international human rights law.

Regarding reconciliation as a valid and important aim of the Bill, we would like to recall that as stressed by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on numerous occasions, reconciliation cannot be conflated with impunity, and that, on the contrary, properly implemented prosecutions strengthen the rule of law and contribute to social reconciliation. The mandate holder further recalled that reconciliation implies the rebuilding of trust among members of society and above all, among the State. To achieve effective and lasting reconciliation, States must adopt a holistic process, complying with the five pillars of transitional justice (truth, justice, reparation, guarantees of non-recurrence and



memorialisation processes), in full consultation with victims and civil society (A/HRC/48/60 pages 5 and 19). Moreover, blatant violations of human rights and the rule of law principles such as those brought about by impunity mechanisms can be an important element contributing to the weakening of individuals' trust in State institutions and in society, thus undermining any prospects of reconciliation and enabling new forms of violence. A State where serious human rights violations go unpunished provide an example to society, and to the rest of the world, that offenders can get away with crime, thus seriously undermining the rule of law, guarantees of non-recurrence and peaceful coexistence.

Concerning the impediments imposed on inquests and inquiries on Troubles-related deaths and serious injuries and the limitations placed on the ICIR's mandate to conduct reviews on those violations, we would like to refer to the inalienable right to know the *full* extent of the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led to the perpetration of those crimes, as established in the updated Set of Principles (principle 2). Full and effective exercise of the right to truth provides a vital safeguard against the recurrence of violations (principle 5). The obligation to ensure access to the truth about serious human rights violations extends to all victims and to society as a whole. As stated by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the right to truth entitles the victim, his or her relatives and the public at large to seek and obtain all relevant information concerning the commission of the alleged violation, the fate and whereabouts of the victim and, where appropriate, the process by which the alleged violation was officially authorized (A/HRC/24/42, para. 20) Importantly, effective measures shall be taken to ensure the security, physical and psychological well-being, and, where requested, the privacy of victims and witnesses who provide information. (Updated Set of Principles, principle 10).

We would further like to recall that the right to know implies that archives must be preserved. The Updated Set of Principles establishes that Governments must ensure the preservation of, and access to, archives concerning violations of human rights and humanitarian law (principle 5). We take note of the related measures foreseen in the Bill. We recall that technical measures and penalties should be applied to prevent any removal, destruction, concealment or falsification of archives, especially for the purpose of ensuring the impunity of perpetrators of violations of human rights and/or humanitarian law. Access to archives shall be facilitated in order to enable victims and their relatives to claim their rights. (Updated Set of Principles, principles 14, 15).

In addition, principle 3 of the Updated Set of Principles establishes the duty of States to preserve memory about serious human rights violations and their responsibility in the transmission of such history. It underscores that "people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights [...] and to facilitate knowledge of those violations". We welcome the plans to establish a memorialization strategy and urge your Excellency's Government to do so in full compliance with international standards in this field, as recalled in report A/HRC/45/45 of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, in particular to ensure that such processes are designed, implemented and monitored in full and effective consultation with, and with the participation of, victims.

We would further like to recall that such measures shall aim at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments. Interpretation of past events that have the effect of denying or misrepresenting violations are incompatible with the aforementioned obligations of the State (A/HRC/45/45).

We would further like to recall the right of victims of human rights violations to receive full reparation for the harm suffered. The Updated Set of Principles (articles 31-34) recall the duty of States to make reparation to victims. Similarly, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law establish the right of victims to receive adequate, effective and prompt reparation for the harm suffered. Reparation should be proportional to the gravity of the violations and the harm suffered. Victims should be provided with full and effective reparation, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (paragraphs 10,11, 15 and 18).

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please indicate how the Northern Ireland Troubles (Legacy and Reconciliation) Bill introduced in the Parliament on 17th May 2022 complies with international norms and standards in the field of truth, justice, reparation, memorialisation and guarantees of non-recurrence, as described in this letter.
3. Please indicate if effective consultation has taken place with all relevant stakeholders, including victims and civil society, concerning the aims and details of the proposal and whether their views have been effectively taken into consideration. Please indicate what measures are envisaged to ensure victims' full and effective consultation and participation in this regard moving forward.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to ensure that the rights of victims of serious human rights violations committed during the Troubles, as well as the pursuit of truth, justice, reparation and guarantees of non-recurrence in connection to those violations, are not jeopardized by this or any other legal or policy measures adopted by your Excellency's Government and that these

rights can be effectively fulfilled in the immediate future in compliance with international standards.

Please accept, Excellency, the assurances of our highest consideration.

Fabian Salvioli  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions