

Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: OL IRL 1/2025

(Please use this reference in your reply)

30 October 2025

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; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 54/8, 53/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the Joint Framework between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland on addressing the legacy of the Troubles**.

In view of their relevance to the issues raised in this communication, we wish to bring to the attention of your Excellency's Government joint communication [GBR 8/2021](#) sent to the United Kingdom of Great Britain and Northern Ireland on 5 August 2021 concerning the proposal presented to Parliament by the Secretary of State of Northern-Ireland introducing a ban on all Troubles-related prosecutions, impeding Troubles-related investigations and inquests, and precluding victim's civil claims. In addition, we wish to bring to your attention, joint communication [GBR 10/2022](#) sent to the United Kingdom of Great Britain and Northern Ireland on 12 July 2022 concerning the alleged incompatibility of the Northern Ireland Troubles (Legacy and Reconciliation) Bill, adopted as an Act in 2023, with the United Kingdom's obligations to investigate the serious human rights violations committed in this period. The joint communications are public and can be accessed in the following link: <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>

According to the information received, on 17 January 2024, the Government of Ireland lodged an inter-State application against the United Kingdom of Great Britain and Northern Ireland at the European Court of Human Rights on the basis that certain provisions of the *Northern Ireland Troubles (Legacy and Reconciliation) Act 2023* (hereinafter *Legacy and Reconciliation Act 2023*) were not compatible with the European Convention on Human Rights (ECHR). In addition, on 28 February 2024, the High Court of Justice of Northern Ireland found that certain provisions in the *Legacy and Reconciliation Act 2023* were incompatible with the ECHR, including the immunity from prosecution, the prohibition of Troubles-related civil actions, the exclusion of evidence from ICRIR in civil proceeding, the prohibition of criminal enforcement action, and the retrospective validation of defective interim custody orders (*Dillon and Others v Secretary of State for Northern Ireland* [2024] NIKB 11). On 20 September 2024, the Court of Appeal of Northern Ireland upheld the rulings of the High Court and found that the lack of effective next of kin participation was also

incompatible with the ECHR (Dillon and Others v Secretary of State for Northern Ireland, [2024] NICA 59).¹

On 19 September 2025, the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland adopted the *Joint Framework on addressing the legacy of the Troubles (hereinafter Joint Framework)*. The Joint Framework recognizes that the Legacy and Reconciliation Act 2023 adopted by the United Kingdom of Great Britain and Northern Ireland in 2023 is not fit for purpose, as several of its provisions have been found by the Northern Ireland courts to be in breach of the European Convention on Human Rights (ECHR)². It further recognizes the decades long delay in addressing the legacy of the Northern Ireland Troubles, despite the adoption of the Good Friday Agreement in 1998 and the legacy package included in the Stormont House Agreement of 2014. The Joint Framework sets out a series of measures to address legacy matters and indicates that they will be given effect by legislation, remedial order or by specific actions to be adopted by the concerned Governments as applicable.

On 14 October 2025, the Secretary of State of Northern Ireland (SSNI) introduced a bill in the United Kingdom's Parliament to implement the Joint Framework.

In the analysis below we refer to the concerning aspects of the Legacy and Reconciliation Act 2023 that the Joint Framework aims to address, and the related proposals contained in the framework for the way forward.

Relevant aspects of the Joint Framework

Immunity Scheme

As recounted in communication [GBR 10/2022](#), the Legacy and Reconciliation Act 2023 introduced 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.

In this connection, the new Joint Framework proposes to remove all provisions relating to the immunity scheme established in the Act and stipulates that this measure will be given effect by a Remedial Order under the Human Rights Act 1998 before the end of 2025.

Inquests and civil proceedings

The Legacy and Reconciliation Act 2023 banned and, in some cases, restricted criminal investigations, criminal enforcement actions, civil actions, coronial inquests, and police complaints related deaths and other harmful conduct committed during the Troubles and replaced them with reviews conducted by the Independent Commission

¹ On 4 December 2024, a Remedial Order was laid before the Parliament of the United Kingdom under the Human Rights Act 1998 to address the Courts' findings. The draft order proposes removing the conditional immunity scheme, the prohibition on criminal enforcement action, the exclusion of evidence in civil proceedings, the bar on new and existing civil actions, and the retrospective validation of defective interim custody orders. The proposed order does not address the disclosure regime or the effective next of kin participation.

² Dillon and Others v Secretary of State for Northern Ireland, [2024] NICA 59.

for Reconciliation and Information Recovery (ICRIR) created by the Act.

According to the new Joint Framework, all civil proceedings that were prohibited by the Act, including prospective new cases, would be enabled to proceed. This measure would be given effect by a Remedial Order under the Human Rights Act 1998 before the end of 2025. This would allow the processing of inquests that had already started (9 in total). Concerning the remaining inquests more recently directed by the Attorney General for Northern Ireland and those remaining from the “Five Year Plan”, the Joint Framework establishes that they would not automatically proceed as an inquest but would be subject to an independent assessment by the Solicitor General to decide if they would be dealt with by the Legacy Commission or via the coronial system.

Mandate of the Legacy Commission

The Legacy and Reconciliation Act 2023 established the ICRIR and mandated it to review, rather than investigate, and to report on deaths and harmful injuries committed during the Troubles. The Act prevented it from reviewing previously investigated cases or initiating reviews ex-officio and vested it with limited powers of compulsion of individuals for testimony, thus severely limiting its truth-seeking powers.

The new Joint Framework stipulates that the ICRIR will be fully reformed, renamed as Legacy Commission, and afforded a revised mandate. The Legacy Commission will be tasked with carrying out investigations and exploring all relevant investigative leads. According to the Joint Framework, these investigations will be capable of leading to prosecutions where there is evidence of wrongdoing. In such cases, the Commission will proceed with a criminal investigation in line with recognized UK investigative standards and refer the case to the relevant prosecuting authority if the evidential test is met. If all investigative leads have been explored and exhausted and not led to a prosecution, the commission will proceed to a fact-finding investigation based on the “balance of probability” threshold, which will result in a family report. In all cases, the Commission will be expected to provide as much information as possible regarding the circumstances of the case to families.

In addition, the Joint Framework expands the power to refer cases to the Legacy Commission to entities such as 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. It also sets out “robust” and “extensive” conflicts of interest duties on a statutory footing, including consultation with families. The Joint Framework also foresees the establishment of an Inquisitorial Mechanism within the Legacy Commission to work on 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. The Inquisitorial Mechanism, to be led by independent judges, will have power to hold public hearings and facilitate next-of-kin participation, including through legal representation. The proposed changes to the ICRIR will be given effect by primary legislation.

Duration of the Legacy Commission

The Legacy and Reconciliation Act 2023 established that requests for review by ICRIR would be possible until the end of the fifth year of the period of operation of the ICRIR, which severely limited the operational timeframe of the Commission.

The new Joint Framework establishes that the five-year period during which cases may be referred to the Legacy Commission will re-start, for another five years, from the point at which the amended legislation receives Royal Assent. After this period has elapsed, the SSNI can dissolve the Commission if he considers that it is no longer needed following consultation with the Commission and other stakeholders he deems relevant. Once the Commission concludes its work, responsibility for the investigation of Troubles-related cases will revert to the relevant police force.

Structure of the Legacy Commission

As pointed in communication GBR 10/2022, the Legacy and Reconciliation Act 2023 vested significant powers in the Secretary of State for Northern Ireland (SSNI) to interfere with the work of the ICRIR and other procedures established by the draft law.

The Joint Framework establishes new governance structures and independent oversight arrangements for the Legacy Commission. According to the Joint Framework, the Legacy Commission will have two Co-Directors for Investigations of equal standing, appointed by the SSNI on the advice of relevant person(s). It will also be overseen by a new statutory Oversight Board to be appointed by the SSNI, on the advice of relevant person(s). In addition, a statutory Victims and Survivors Advisory Group for the Commission, appointed by the SSNI on the advice of relevant person(s), will be established. Similarly, the Inquisitorial Mechanism will be led by independent judges, appointed by the SSNI upon advice of relevant person(s).

Disclosure Regime of the Legacy Commission

The Legacy and Reconciliation Act 2023 vested powers on the SSNI to decide if the information contained in ICRIR's reports should not be disclosed on grounds of "national security interests", thus effectively allowing the Secretary of State to redact their content.

The new Joint Framework foresees amendments to the disclosure regime of the Legacy Commission to "ensure that it is consistent with other established mechanisms" and mandates it to facilitate the disclosure of the "maximum possible amount of information to families consistent with the requirements of national security and to protect life". The planned amendments include the reform of the definition of sensitive information to "not designate information as sensitive by virtue of the organization from which it originates"; and removes the power of the SSNI to give guidance to the Legacy Commission about the identification of sensitive information. However, the framework stipulates that "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". As a result, the SSNI will retain power to withhold

sensitive information regarding serious human rights violations from family members or the public. Nonetheless, the decision to withhold such information would need to be justified and the victim, the next-of-kin, or the Commission may appeal a decision to withhold sensitive information to the relevant court (akin to a judicial review).

Information Retrieval (ICIR)

The Joint Framework reaffirms the commitment made in the Stormont House Agreement of 2014 and in the 2015 Agreement on the Independent Commission on Information Retrieval (ICIR) to establish such body to afford families an additional means to retrieve information about Troubles-related deaths. According to the Joint Framework, the cross-border body will operate for an initial period of three years after which it will be jointly determined whether the mechanism should continue to function. Both Governments will jointly appoint two Commissioners to lead the ICIR. However, as agreed by the Governments concerned in 2014, the information disclosed by ICIR will be inadmissible in criminal and civil proceedings. With regards to the funding of the initiative, the Joint Framework foresees that the ICIR will be jointly funded by both Governments and indicates that the Irish government has committed to contribute 25 million Euros over three years to cover costs of participation and representation of victims.

Statements of Acknowledgements

The Joint Framework acknowledges the important role that statements of acknowledgement can play in addressing past harms and facilitating societal reconciliation. It further indicates that the two Governments “will take the lead in considering such statements of acknowledgment” but does not provide details on the matter.

An Garda Síochána

According to the Joint Framework, the Irish Government commits to the establishment of a legacy dedicated unit within An Garda Síochána with responsibility to investigate all unresolved Troubles-related incidents within its jurisdiction and ensure that any potential new investigative opportunities are proactively pursued. The unit will also answer questions and provide a report to the family. There is no reference to such reports being subject to any ‘national security veto’, but that it may be subject to not prejudicing an ongoing investigation or prosecution. The unit will be a central point of contact for cross-border cooperation on legacy cases.

Cooperation

The Joint Framework includes a commitment from the concerned Governments to provide reciprocal cooperation for investigations, inquiries and inquests, and to ensure the effective operation of all bodies involved in the investigation of Troubles-related incidents.

Comments regarding the Joint Framework's compliance with international standards

We note with appreciation the decision of the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland to adopt a Joint Framework on addressing the legacy of the Troubles to tackle shortcomings of the Legacy and Reconciliation Act 2023 that have been identified in the aforementioned court rulings, as well as in communication GBR 10/2022 of the Special Procedures, concluding observations of the Human Rights Committee, statements by the UN High Commissioner for Human Rights and the Council of Europe, and interventions by many other stakeholders. The Joint Framework provides a clear indication of the commitment of the two Governments to move forward in the transitional justice agenda related to this period and to respect their international human rights obligation on the matter. The framework is a significant improvement over the Legacy and Reconciliation Act 2023 and provides a blueprint for much needed progress in the quest for truth, justice and sustainable reconciliation for the harm endured during the Troubles.

In particular, we note with satisfaction the Joint Framework's pledge to *remove the immunity scheme instituted by the Act, to enable civil proceedings and inquests prohibited by the Act to proceed, and to mandate the successor of ICRIR to conduct investigations leading to prosecutions and to explore all relevant investigative leads that would be capable of leading to prosecutions where there is evidence of wrongdoing*. Such reforms will be critical to ensure the right of victims to justice and to an effective remedy for the harm suffered. Therefore, we underscore the importance of implementing these reforms promptly and in compliance with international and ECHR standards.

We recall that article 2 of the Covenant on Civil and Political Rights (ICCPR), ratified by the Ireland in 1989, stipulates that States must ensure that any person whose rights were violated has an effective remedy, and that the competent authorities enforce such remedy. In this connection, in its general comment No. 31, the Human Rights Committee ruled that, pursuant to article 2, 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. In addition, in its general comment No. 36, 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). The investigation, prosecution and adjudication of criminal responsibility for such serious crimes are essential tenets of international human rights law and must be satisfied in all cases where such violations are suspected.

In addition, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), States have a duty to criminalize torture (art. 4), exert jurisdiction over offences of torture (art. 5), investigate torture allegations promptly and impartially (art. 12), to prosecute torture offences if the person is not

extradited to face prosecution (art. 7), to cooperate with foreign legal authorities (mutual legal assistance, art. 9), and ensure victims obtain redress and respect for their enforceable right to compensation and rehabilitation (art. 14). For a full explanation of the obligations to criminalise, investigate, and prosecute crimes of torture and ill-treatment, see also the Special Rapporteur on Torture's report (A/HRC/52/30). The granting of immunity, full or partial amnesty, serve to protect perpetrators from prosecution and is not permitted for crimes of torture. Granting immunity violates international law and is in direct conflict with the obligation to provide redress to victims.

Considering the time that has elapsed since the commission of those violations and the advanced age of victims and families, it is critical to implement these reforms without further delay. In this regard, we wish to recall that international standards place a duty on States to promptly and effectively investigate, prosecute and, where warranted, sanction the perpetrators of gross human rights violations. The Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (hereinafter the Updated Set of Principles) 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).

Questions remain regarding the Framework’s proposal for inquests that had been recently directed by the Attorney General for Northern Ireland and those that remain pending from the previous “Five Year Plan”, which would not automatically proceed as an inquest but will be subject to an independent assessment by the Solicitor General. We call on the signatories of the Joint Framework to ensure that this proposal does not unnecessarily prevent the effective investigation of such cases in compliance with the aforementioned standards.

We welcome with satisfaction the Joint Framework’s proposed *reform of the ICRIR and its replacement with the Legacy Commission* with a renewed and extended mandate to carry out fact-finding investigations based on the “balance of probability” threshold, criminal investigations or inquests, and to receive referral cases from police and prosecutorial entities, as relevant, as well as the proposed establishment of an Inquisitorial Mechanism. Nonetheless, we note the lack of express provisions requiring that such investigations meet ECHR standards. We also welcome the framework’s commitment to establish robust conflict of interest duties on a statutory footing, including in consultation with families, albeit the criteria for these new duties is yet to be set out. Overall, these proposals offer a framework for the effective investigation of the violations committed during the Troubles. If implemented promptly and in compliance with international and ECHR standards, they can facilitate compliance with the duty of States to ensure truth and accountability for the gross human rights violations committed during this period.

It is important that the proposed Legacy Commission, Inquisitorial Mechanism and conflict of interest duties are implemented without delay and comply with international and ECHR standards on the matter to realize the right to truth about gross human rights violations. We recall that the Updated Set of Principles establishes that people have the inalienable right to know the truth about past events concerning the

perpetration of heinous crimes and about the circumstances and reasons that led them (principle 2). The right to truth is linked to the State's duty to protect human rights, conduct effective investigations, and guarantee effective remedies and reparation, as established in the ICCPR and other international human rights instruments. As pointed out by the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, States have the positive obligation to investigate, identify the patterns of joint action and identify all those who participated in various ways in human rights violations. This must be done with the appropriate participation of the victims in the proceedings, through wide-ranging possibilities of being heard (A/HRC/54/24, paragraph 22). The realization of this right requires States, in the aftermath of atrocities, to establish mechanisms and procedures empowered to seek information, ascertain facts and effectively reveal the truth about what has happened, thereby contributing to the fight against impunity, the strengthening of the rule of law, and ultimately reconciliation (A/HRC/24/42, paragraph 90). Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations (Updated Set of Principles, principle 5).

Questions remain regarding the Joint Framework's proposal that inquests be taken up by the Inquisitorial Mechanism, as this body will be able to undertake closed proceedings and be subject to a disclosure regime (as explained below), contrary to procedures under regular inquests, and on whether families will have the same rights to receive disclosure as is presently the case in inquests. We underscore that procedures to address inquests under the Inquisitorial Mechanism must comply with international and ECHR standards on the conduct of investigations and on the realization of the right to truth of victims and their families.

We note with appreciation the Joint Framework's proposal to reopen *the period to refer cases to the Legacy Commission* and the confirmation that after its closure any pending cases will revert to the relevant police force for continued investigation. However, we are concerned that five years remains an excessively short period of time to address all potential cases under the Commission's purview and call on the signatories of the Joint Framework to consider reviewing this aspect, extending as necessary the five-year limit to ensure that all cases are adequately addressed by the commission to fully satisfy the right to truth of victims and their families. We recall in this regard the findings of the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence who noted with concern the overburdening of commissions as manifested by their difficulties in delivering on their objectives within their mandated deadlines (A/HRC/24/42, para. 92).

We also welcome the Joint Framework's proposed reforms to *the governing structure of the Legacy Commission* and establishment of an Oversight Board and a Victims and Survivors Advisory Group, as they will help ensure transparency, accountability and a victim centered approach to the work of the commission and the Inquisitorial Mechanism. We welcome the requirement that the SSNI take advice on appointments to the Legacy Commission from a panel of relevant people and inform the public accordingly. However, we are concerned that according to the framework, the SSNI retains power to appoint the members of the Legacy Commission, the Oversight Body, the Victims and Survivors Advisory Group, and the Inquisitorial Mechanism, and that there is no clarity as to the type of actors who will be enabled to provide advice regarding these appointments, or whether that advice would have

binding force. The discretion of the SSNI in appointing the members of these entities raises serious questions about the independence of the reformed entity as it still enables significant levels of government control over the structure of the Commission. This influence could lead to concerning situations of conflict of interest considering the political nature of this post. In this connection, we urge the signatories to review the appointment procedure foreseen in the Joint Framework and consider replacing it with the creation of an independent appointment mechanism that can guarantee the selection of members who possess the required competence, impartiality and practical and institutional independence, in full compliance with international and ECHR standards on the matter.

We recall that according to international standards truth-seeking and accountability mechanisms established in transitional justice contexts must be, and be perceived to be, fully independent from the Government or interested parties in order to ensure their legitimacy, impartiality and effectiveness. The Updated Set of Principles urge States to ensure that commissions of inquiry, including truth commissions, are established through procedures that ensure their independence, impartiality and competence. It further stipulates that in determining membership, concerted efforts should be made to ensure adequate representation of women as well as of other appropriate groups whose members have been especially vulnerable to human rights violations. (principle 7). As noted by the mandate of the former Special Rapporteur on the promotion of truth, justice reparations and guarantees of non-recurrence, truth commissions derive their power to a large extent from the moral authority and competence of commissioners. Hence selecting suitable commissioners is a crucial factor in their good functioning. The procedure needs to be transparent guaranteeing the independence, impartiality, expertise and legitimacy of the Commission (A/HRC/24/43, paragraph 53).

We take note of the proposal contained in the Joint Framework of *reforms to the disclosure regime* applicable to the work of the Legacy Commission aimed at facilitating the revelation of the maximum possible amount of information to families consistent with the requirements of national security and to protect life, including by removing the power of the SSNI to give guidance about the identification of sensitive information. However, we note with concern that these reforms would still allow the SSNI to exercise veto power to withhold sensitive information from the Legacy Commission and its Inquisitorial Mechanism (and presumably also from the reestablished ICIR) on national security grounds, which could curtail the right of victims and their families to know the full truth about the cases under their purview and is incompatible with international law. The veto power could lead to concealing the involvement of state agents in extrajudicial killings, torture and other violations, which is incompatible with international and ECHR standards. We call on the signatories to consider reviewing the disclosure regime established in the Joint Framework to ensure that families of victims are afforded the right to access information about their cases when such information may be considered as sensitive. While we take note of the possibility of appealing a decision to withhold sensitive information, we observe that the framework contains no details as to how the appeal process would work. We urge the signatories to clarify this aspect of the provision in compliance with international and ECHR standards.

In this connection, we wish to recall that 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 (Basic Principles and Guidelines) stipulate that States must adopt measures to ensure the verification of the facts and full and public disclosure of the truth about such violations to provide satisfaction to victims. Similarly, the Updated Set of Principles stipulate that access to archives of truth commissions shall be facilitated in order to enable victims and their relatives to claim their inalienable right to know the truth about the circumstances in which violations took place, (principle 15). 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). Effective measures must 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). While national security concerns should be accommodated, including those affecting victims and witnesses, the Governments concerned are reminded that closed or limited disclosure regimes create a lack of transparency that could provide a real or perceived sense of impunity.

We welcome the Joint Framework's proposed *establishment of the ICIR*, aimed at providing families with additional means to retrieve information about violations committed in this period, thus further facilitating the realization of their right to truth. We also welcome the Governments' pledge to devote funding to the ICIR, which will facilitate the effective discharge of ICIR's functions. We take note that any information disclosed to ICIR will be considered a protected statement inadmissible in criminal and civil proceedings, as agreed by the States concerned in 2014, and the commitment that this will not impinge on investigations by the Legacy Commission. We stress that this provision could, nonetheless, affect the discharge of the duty to thoroughly and effectively investigate and prosecute serious human rights violations (including art. 2.3 of ICCPR and art. 13, CAT) and urge the signatories of the Joint Framework to ensure that the right of victims to truth and justice remains paramount in all proceedings and are not hampered by restrictions that run contrary to the aforementioned international standards on the matter.

We welcome the pledge of the Government of Ireland to fund victim's participation and representation in legacy processes. We note, nonetheless, lack of information regarding the expected source of funding for other legacy processes. We recall that international standards call on States to ensure adequate funding to truth seeking mechanisms. The transparency and security of such funding is critical to ensure the credibility and legitimacy of the process. As established in the Updated Set of Principles, States must ensure that truth-seeking entities are provided with transparent funding to ensure that their independence is never in doubt and sufficient material and human resources to ensure that their credibility is never in doubt (principle 11). We call for clarification from Ireland in this regard

We welcome the intention expressed by the two Governments to take the lead in considering *statements of acknowledgment*, as this is a critical measure to achieve

reparation for victims and sustainable reconciliation. However, we are concerned about the lack of clarity regarding the commitments of the Governments to effectively issue such acknowledgements and about the process that may lead to their design and issuance.

We recall that the Basic Principles and Guidelines stipulate that States must provide satisfaction to victims of serious human rights violations in the form of a public apology, including acknowledgement of the facts and acceptance of responsibility to (principle 22). The report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/74/147) provides detailed guidance on the design and implementation of apologies to ensure compliance with international standards. In designing and implementing apologies, it is important to carefully assess the nature of the apology and the nature of the acknowledgement of the facts and responsibilities, the authority offering the apology, the context of the apology and, decisively, the participation and agreement of victims in the apology process. The effects of an apology will depend fundamentally on whether the victims and their families were involved in the process and perceive it as authentic. For its part, the gesture of apology will be purely symbolic if it is not connected to other means of reparation and other transitional justice mechanisms such as truth-seeking or memorialisation. We urge you to consider this guidance in the decision, design and implementation of statements of acknowledgement.

Furthermore, we note with concern that the new Joint Framework does not include references to an *oral history and memorialization initiative*, as established in the 2014 Stormont House Agreement. We urge the signatories of the Joint Framework to consider this matter with urgency. We would like to recall that States where serious human rights violations have taken place have a duty to establish, preserve and transmit to current and future generations the truth and memory of those violations, including the actions and responsibilities that led to them and the harm suffered by victims, in order to guard them from extinction and contribute to the prevention of their recurrence (Updated set of Principles, articles 2 and 3). As established in principle 3, “a 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 humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments”. In report A/HRC/45/45, the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that memory processes cut across all aspects of full reparation, especially the dimensions of satisfaction and guarantees of non-recurrence, as a new obligation arising from the violations committed. Memorialization should be aimed at preserving and transmitting to present and future generations accurate and comprehensive accounts of past human rights violations and the harm suffered by all victims, with a view to informing society, restoring the dignity of victims, promoting healing and reconciliation, and preventing the recurrence of violations. Memorialization processes must be designed, implemented and monitored in full and effective consultation with, and with the participation of, victims. 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).

In this connection, we also wish to recall that the right to know implies that information and archives from investigative mechanisms 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). 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).

We would like to take this opportunity to further recall that international standards require states to provide reparation to victims. Under CAT, each State party is required to “ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible” (art. 14). This encompasses the concepts of “effective remedy” and “reparation”. The comprehensive reparative concept therefore entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations under the Convention. 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, and to have access to relevant information on reparation mechanisms. 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).

We take note of the commitment of the Government of Ireland contained in the Joint Framework, to establish a legacy dedicated unit within An Garda Síochána, with responsibility to investigate unresolved and new investigative opportunities on Trouble-related cases, and which will be a central point of contact for cross-border cooperation on legacy cases. We welcome this proposal but note that the placement of such entity as an internal unit within An Garda Síochána raises questions regarding its hierarchical and practical independence for legacy related cases. We call on the signatories to consider addressing this aspect of the framework to ensure compliance with the aforementioned international standards on the required independence of investigative mechanisms.

Finally, we welcome the commitment of the signatories of the Joint Framework to provide reciprocal cooperation for investigations, inquiries and inquests and to ensure the effective operation of all bodies involved in the investigation of Troubles-related incidents. We call on the relevant authorities to implement the necessary measures to strengthen cooperation on these areas without delay to comply with the international standards raised in this communication, thus advancing in the quest for truth, justice, and reconciliation for the serious human rights violations committed in this period.

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 Joint Framework between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland on addressing the legacy of the Troubles complies with international norms and standards in the field of truth, justice, reparation, memorialisation and guarantees of non-recurrence, for gross human rights violations such as summary executions and torture and ill-treatment, 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 Joint Framework 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.
4. Please indicate how the different aspects of the framework will be implemented, and which is the expected timeframe for this process to be completed.
5. Please provide copies of any available draft legislation and inform us about the expected timetable for their introduction and consideration before Parliament.

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 ensured 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 note that a letter of similar content will be sent to the Government of the United Kingdom of Great Britain and Northern Ireland.

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

Bernard Duhaime
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

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment