

Written Evidence by the Committee on the Administration of Justice (CAJ), to the Joint Committee on Human Rights legislative scrutiny of Northern Ireland Troubles Bill.

November 2025

1. The Committee on the Administration of Justice (CAJ) is an independent human rights NGO with cross community membership in Northern Ireland and beyond.
2. This is a response to the Joint Committee's call for evidence¹ on the Troubles Bill introduced into the UK Parliament on the 14 October 2025.²
3. CAJ welcomed the following headline commitment by the Government of the Joint Framework³ and its implementation legislation - the Northern Ireland Troubles Bill ('The Troubles Bill'):
UK Government to replace failed Legacy Act and replace the ICIR⁴ with a reformed Legacy Commission to find answers for families - the unfinished business of the GFA.⁵
4. This submission will focus on three of the Committee's questions namely (in summary):
 - Question 9: Will the Troubles Bill address the outstanding issues relating to the *McKerr* Group of cases. Our response focuses on the question of the lack of express reference in the Bill to require the Legacy Commission to deliver ECHR-compliant investigations.
 - Question 1: The provisions generally referred to as the 'national security veto' (the restrictions concerning onward disclosure by the new Legacy Commission and other mechanisms established by the Troubles Bill to victim's families). CAJ echoes UN concerns these provisions could be used to conceal state involvement in killings and other violations which is not compatible with the ECHR.
 - Question 7: ECHR compliance and the appointments of the judicial panel by the Secretary of State (SOS). To further independence and not conflict with the outworkings of the Good Friday Agreement (GFA) CAJ advocates such appointments be instead made by the Northern Ireland Judicial Appointments Commission (NIJAC).

Compliance with implementation of the McKerr Group of Cases and ECHR compliant investigations

5. Question 9 posed by the Joint Committee in its call for evidence states "*The McKerr group of cases remain under the supervision of the Council of Europe. Would the Troubles Bill address the outstanding issues relating to those cases?*"
6. In our view the key determinant of this question is as to whether the new Legacy Commission and Inquisitorial Mechanism will be capable of delivering ECHR compatible investigations.
7. Issues relevant to this question include the 'national security veto' disclosure provisions and questions regarding the role of the SOS in appointments, dealt with below. Beyond this, in relation Legacy Commission investigations, CAJ broadly welcomes the shift that the new Legacy

¹ <https://committees.parliament.uk/call-for-evidence/3764/>

² [Northern Ireland Troubles Bill - Parliamentary Bills - UK Parliament](#)

³ [The Legacy of the Troubles: A Joint Framework between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland](#), September 2025.

⁴ Independent Commission for Reconciliation and Information Retrieval, ICIR, the body established by the 2023 Legacy Act to take forward an amnesty and 'reviews' of cases.

⁵ <https://www.gov.uk/government/news/uk-and-irish-governments-announce-legacy-framework-to-enable-truth-for-families-of-the-troubles>

Commission will be tasked with conducting proper investigations rather than the more limited ‘reviews’ that were envisaged for the ICIR.⁶

8. However, one weakness in the current Troubles Bill (in contrast to the previous draft Bill to implement the Stormont House Agreement) is that there is no presently no express requirement that the investigation must meet the procedural requirements of ECHR Articles 2 and 3.
9. UN Special Rapporteurs in their assessment of the Joint Framework have welcomed ‘with satisfaction the Joint Framework’s proposed reform of the ICIR and its replacement with the Legacy Commission’ but have also spotted and raised concern regarding:
 - ...the lack of express provisions requiring that such [Legacy Commission] investigations meet ECHR standards.⁷
10. The UN experts have consequently urged the adoption of measures to ensure that the Legacy Commission mechanism complies with international and ECHR standards.⁸
11. Under clause 26 of the Bill the Legacy Commission is to publish a Statement setting out how the Commission and its Directors of Investigation will exercise the Investigatory function. The Commission is under a statutory duty to have regard to this Statement.
12. The Statement on the Investigatory Function for the Legacy Commission emulates a similar provision in the draft Stormont House Agreement legislation. However, under the Stormont House Bill the Statement was expressly also to deal with ECHR compliance for its equivalent investigative mechanism (the HIU). The Stormont House Bill required that the Statement:
 - ...must include statements of the manner in which the HIU is to exercise its investigatory function so as to secure—
 - (a) that its Article 2 [ECHR] obligations are complied with;
 - (b) that its other human rights obligations are complied with;
 - [The Statement]... must (in particular) deal with compliance with the HIU’s Article 2 [ECHR] obligations, and other human rights obligations, in connection with the investigation of deaths in accordance with the conflict of interest protections.⁹

⁶ The Joint Framework states that the Legacy Commission will conduct investigations with a two stage process of initial ‘case review’ and where there are evidential leads a full criminal investigation will take place in line with UK investigative standards. Joint Framework, paragraph 3.

⁷ OL GBR 18/2025, UN Special Rapporteurs 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, communication on UK and Ireland Joint Framework, 30 October 2025, page 7.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30443>

⁸ As above, page 7.

⁹ The Draft Northern Ireland (Stormont House Agreement) Bill published for consultation in 2019 had provisions in clause 6 where by the SHA Historical Investigations Unit (HIU) Director was to set out in a formal a statement how HIU investigations would comply with the requirements of the ECHR and other human rights obligations: 6(3) The Director must issue a statement which sets out the manner in which the HIU is to exercise its investigatory function. (4) The statement must include statements of the manner in which the HIU is to exercise its investigatory function so as to secure— (a) that its Article 2 obligations are complied with; (b) that its other human rights obligations are complied with; (c) that the order in which deaths are investigated is in accordance with section 8. (5) The statements required by subsection (4) must (in particular) deal with compliance with the HIU’s Article 2 obligations, and other human rights obligations, in connection with the investigation of deaths in accordance with the conflict of interest protections. Clause 11 then placed the Director under a ‘have regard’ duty regarding the statement.

13. By contrast the provisions for the Statement of Investigatory Functions for the Legacy Commission in the Troubles Bill remove all of the references to ECHR compliance which were in the above equivalent provision in the Stormont House Agreement Bill.
14. Whilst not referenced in the Joint Framework the Legacy Commission investigations clause in the Bill contains other limitations including that the new investigation must take into account any previous investigation 'of any kind' and not duplicate any aspect of such a previous investigation unless it is 'essential' to do so.¹⁰ The reference to previous investigations of 'any kind' risks including past investigations which were so flawed they did not meet basic ECHR requirements (with some such investigations having been already quashed as unlawful).¹¹
15. The Joint Framework re-commits the two Governments to the Principles set out in the Stormont House Agreement which include 'upholding the rule of law' and 'human rights compliance.'¹² However, whilst clause 11 of the Bill ('Duty to exercise functions consistently with certain principles') aims to give effect to the Stormont House principles the wording has been changed. Clause 11(1)(e) provides a principle that human rights 'be respected' rather than human rights standards be complied with.¹³ There is no explanation in the Explanatory Notes to the current Bill as to why the wording has been changed, indeed the Notes claim that the principles are in line with those set out in the draft Stormont House Bill.¹⁴
16. The Joint Committee may wish to recommend amendment of the Bill to ensure Legacy Commission and Inquisitorial Mechanism investigations to be conducted in a manner compatible with the ECHR and that limitations do not unduly prevent the Legacy Commission from initiating investigations where previous investigations have been flawed or ineffective.

Disclosure and the 'National Security Veto'

17. The Joint Committee's first question reads: *"The Court of Appeal in Re Dillon found the provisions concerning disclosure in the Legacy Act 2023 were incompatible with Articles 2 and 3 ECHR. Do the new provisions in the Troubles Bill concerning the disclosure of sensitive information to and by the Legacy Commission comply with the requirements of Articles 2 and 3 ECHR?"*
18. CAJ echoes the concerns of UN experts that the Bill retains a power vested in a Secretary of State to redact reports to families of the Legacy Commission on grounds of UK national security interests which will be incompatible with ECHR Articles 2 and 3¹⁵

¹⁰ Clause 36(8).

¹¹ See for example re Ombudsman legacy investigations: BBC News [Loughinisland massacre: Court quashes Police Ombudsman report](#); the court rulings regarding Royal Military Police (RMP) 'investigations' into military killings [IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND](#) [2021] NICC 3; and the HM Inspector of Constabulary report into the PSNI Historical Enquiries Team handling of state involvement cases and subsequent PSNI decisions regarding requirements to investigate such cases referred to in the Stormont House Agreement.

¹² Joint Framework, page 5.

¹³ This cannot be due to requirements of legislative drafting in the transfer of wording from the Joint Framework policy paper as the previous Stormont House Bill would have legislated to incorporate the provision as follows: 'the principle that human rights obligations should be complied with' Draft Northern Ireland (Stormont House Agreement) Bill, clause 1.

¹⁴ Explanatory Notes paragraphs 89-90 – "This clause sets out principles which the Legacy Commission (and in some cases relevant Legacy Commission officers) must exercise their functions in accordance with. These principles are in line with those set out in the draft Northern Ireland (Stormont House Agreement) Bill."

¹⁵ For the avoidance of doubt this relates to information disclosed from the Legacy Commission in their Reports to families, victims etc. In relation to disclosure to the Legacy Commission by relevant public authorities, it is welcome that clause 13 of the Bill does not so qualify disclosure and removes a qualification that had led to concerns within the Legacy Act 2023 regarding disclosure to the ICIR.

19. The concerns with this provision are that it is not limited to restricting disclosure of lawful covert methodologies but rather can be used to conceal state involvement in killings, in particular the role of state informants in killings presently solely attributed to non-state actors.
20. The Joint Framework provides that the veto powers are vested in the 'relevant' Secretary of State, indicating an intention that as well as the Northern Ireland Secretary the Home Secretary and Secretary of State for Defence may also redact Legacy Commission reports despite the agencies under their control (MI5, military intelligence units) and their agents and informants being the potential subjects of the Legacy Commission investigation in question.
21. Responding to the Joint Framework the UN Special Rapporteurs on transitional justice, extrajudicial executions and torture, have already raised concerns that:

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.¹⁶

22. The UN mandate-holders consequently urge review of these national security veto provisions, which they consider 'could curtail the right of victims and their families to know the truth about the cases under their purview' and be 'incompatible with international law', and point to the following interpretive instruments of international 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 nonrecurrence, 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.¹⁷

23. In summary, the most relevant provisions of Bill relating to the national security veto over Legacy Commission investigations, are:

- c10(1)(a) prohibits the Legacy Commission, and specifically (2) a Legacy Commission Officer conducting an investigation, from 'doing anything' which would damage or risk damaging 'the national security interests of the UK'.

¹⁶ OL GBR 18/2025, UN Special Rapporteurs 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, communication on UK and Ireland Joint Framework, 30 October 2025; page 9.

¹⁷ OL GBR 18/2025, as above, p10-11.

- c20 empowers the Secretary of State to issue Guidance on how the above duty is to be interpreted by the Legacy Commission.
 - c16 defines ‘sensitive information’ as information which if disclosed would risk damaging the national security interests of the UK.
 - c17 applies prohibitions on onward disclosure of information which has been *identified* as ‘sensitive information’ by the Legacy Commission OR any other relevant authority, defined (c13) as including police services, MI5, MI6, GCHQ, and the Ministry of Defence.
 - c17 also prohibits disclosure which would contravene the c10(1) duty not to ‘do anything’ which would risk damaging the ‘national security interests of the UK’.
 - c18 creates offences of unauthorised disclosure by Legacy Commission staff, of up to two years in prison and/or a fine. This includes if the disclosure breaches the vaguely defined c10(1)(a) duty not to do ‘anything’ which risks damaging UK national security interests.
 - Schedule 5 then creates exemptions to duties not to disclose sensitive information. This includes provisions whereby the Legacy Commission can disclose the information to the Director of Public Prosecutions, police or Coroners – but only after giving the Secretary of State *ten days advance notice*.
 - In order to disclose sensitive information in family reports, the Legacy Commission must seek permission from the Secretary of State who can prohibit the disclosure on public interest grounds. These public interest grounds are particularly defined in the Bill around the national security interests of the UK (Sch 5). The SOS must give reasons for non disclosure, unless doing so would also risk damaging national security interests (Sch. 5).
 - There are no provisions for a merits-based appeal to the SOS decision to veto disclosure. Rather there is an appeal mechanism akin to judicial review standards (Schedule 5).
24. A national security veto also applies to the Inquisitorial Mechanism through provisions for restriction notices. In relation to the ICIR (Independent Commission for Information Retrieval) clause 77 provides a broad SOS national security veto over disclosure of Reports to families on general grounds of prejudice to national security.
25. As reflected in the Joint Committee’s question it is notable that the ‘national security veto’ provisions in the current Bill have been included despite their equivalent provisions in the Legacy Act 2023 already having been found to be ECHR-incompatible and hence unlawful by the Court of Appeal in Northern Ireland.¹⁸ In this context the Government has nevertheless included the provisions in the Bill along with the statement under section 19(1)(a) of the Human Rights Act 1998 that the Bill is compatible with Convention rights. This aspect of the *Dillon* ruling was appealed by the SOSNI to the UK Supreme Court with a hearing held, but not yet determined, in October 2025.¹⁹
26. In the ECHR Memorandum accompanying the Bill makes reference to the *Dillon* Court of Appeal ruling noting that it was the SOSNI ‘role in the process which appears to have been the basis for the court’s finding that the regime is incompatible with Article 2 ECHR.’²⁰ Remarkably the ECHR Memorandum concludes that the Northern Ireland Office considers the current Bill to be

¹⁸ *Dillon* [2024] NICA 59, [234] holding inter alia that ‘The SOSNI can prohibit the ICIR from sharing sensitive information ... There is also no provision for a merits-based appeal (although there is review akin to judicial review); and it appears that the court cannot itself permit disclosure of any sensitive material where the SOSNI’s permission has been withheld’

¹⁹ [In the matter of an application by Martina Dillon, John McEvoy, Brigid Hughes and Lynda McManus for Judicial Review \(Respondents\) - UK Supreme Court](#)

²⁰ [NI Troubles Bill, ECHR Memorandum](#), paragraph 32.

nevertheless ECHR compatible as it has an ‘expectation’ of winning the Supreme Court appeal. This position is articulated whilst the matter is still under deliberation by the Court.²¹

27. The UK Government has not presented any comparative example in another jurisdiction where Ministers can redact the reports of transitional justice mechanisms on such ‘national security’ grounds. To give one example CAJ recently shared a seminar platform with the head of the Colombian Special Jurisdiction for Peace (JEP) who confirmed this mechanism, one of the most prominent transitional justice bodies globally, is not subject to any such veto mechanism.²²
28. As set out in our previous submissions the current UK Government position on the ‘Neither Confirm nor Deny’ (NCND) national security doctrine is that ‘the fact that agents were involved at all’ in an incident should not be disclosed as a result of investigations.²³
29. This position is in conflict with ECHR case law in relation to extra-judicial killings which has established that States are liable for deaths where the deceased was ‘killed by State agents or with their connivance or acquiescence.’²⁴ The corresponding procedural obligation to ensure an effective official investigation where state agents are involved in deaths must be capable of leading to a (public) determination on matters including the ‘use of force’ by state agents.²⁵ This obligation cannot be complied with if the Legacy Commission or the judiciary cannot disclose the involvement of a state agent ‘at all’ in a death or other violation to the next of kin or in public. (This does not relate to disclosing the *identity* of an agent outside a criminal trial, but rather accountability for the involvement of state agents per se in a murder or other violation.)
30. Whilst the current Government may have taken a position that NCND has always required the concealment of the involvement of state agents in violations, this has not been the practice within previous Northern Ireland legacy investigations. The following are some examples:

Police Ombudsman: Operation Ballast report 2007, regarding RUC Special Branch agents in the UVF uncovered practices of failures to arrest informants for crimes to which those informants had allegedly confessed; subjecting informants suspected of murder to lengthy sham interviews and releasing them without charge and falsifying or failing to keep records and interview notes; finding that there was no reason to believe that the findings were isolated, recording that, on the contrary, they were highly likely to be systemic.²⁶

Civil cases: the Northern Ireland High Court issued a ruling on the sectarian murder of Sean McParland in 1994, involving an RUC informant in the UVF, holding the RUC knew that the informant had already confessed to his role in other killings but had ‘not only turned a blind

²¹ NI Troubles Bill, ECHR Memorandum, paragraph 33. “The judgment of the Northern Ireland Court of Appeal on this point is the subject of the ongoing appeal to the UK Supreme Court. It is the expectation of the Department that the Supreme Court will allow the appeal and conclude that the disclosure regime in the 2023 Act (including the role of the Secretary of State in it) is ECHR-compatible.”

²² FIDH Human Rights Forum, Bogota, 27 October 2025 seminar ‘Building a lasting peace through transformative justice’

²³ <https://www.irishnews.com/news/northern-ireland/sensitive-british-government-document-suggests-role-of-state-agents-should-be-concealed-DEVKEALZJRAWHJM3BDJT4TACIU/>

²⁴ See ECtHR ‘Guide on Article 2 of the European Convention on Human Rights: Right to life (updated 28 February 2025), paragraph 127 citing “Avşar v. Turkey, 2001, §§ 413-416; Khashiyev and Akayeva v. Russia, 2005, § 147; Estamirov and Others v. Russia, 2006, § 114; Musayeva and Others v. Russia, 2007, § 155; Amuyeva and Others v. Russia, 2010, §§ 83-84; see also Lapshin v. Azerbaijan, 2021, § 119, where the applicant survived an attempt to his life while in prison and by contrast Denizci and Others v. Cyprus, 2001, § 373; Buldan v. Turkey, 2004, § 81; Nuray Şen v. Turkey (no. 2), 2004, § 173; Seyhan v. Turkey, 2004, § 82 and Carter v. Russia, 2021, §§ 170-172).

²⁵ See Eg see (*Armani Da Silva v. the United Kingdom* [GC], 2016, § 233).

²⁶ Statement by the Police Ombudsman for Northern Ireland into her investigation into the circumstances surrounding the death of Raymond McCord Jr and related matters’ (Operation Ballast Report), Nuala O’Loan, Police Ombudsman for Northern Ireland, 22nd January 2007.

eye to Informant 1's serious criminality' but also 'went further and took active measures to protect (him) from any effective investigation and from prosecution, despite the fact that (he) had admitted his involvement in previous murders and criminality.'²⁷

Call in police investigations: The Operation Kenova Interim Report found that state agents were involved in human rights violations including murder and torture and were shielded from the criminal justice system. It also found it to be 'abundantly clear' state agencies had obstructed legacy investigations into same through restricting disclosure with the Kenova report stating that this "should not happen, particularly where grounds exist to indicate the state was complicit in or turned a blind eye to serious criminality".²⁸

31. The Joint Committee may therefore wish to recommend the removal of the 'national security veto' provisions from the Troubles Bill to ensure compliance with the ECHR and broader UK International obligations.

Appointments to the Judicial Panel, role of the Secretary of State

32. Question 7 posed by the Joint Committee states "*Inquisitorial proceedings' under the Troubles Bill would be overseen by a member of a judicial panel. The members of this panel would be appointed by the Secretary of State and could be removed by the Secretary of State in certain circumstances. Will the members of the judicial panel be sufficiently independent to comply with Articles 2 and 3 ECHR? Safeguards regarding the independence of the Legacy Commission, including practical independence of investigators and the role of the Secretary of State in appointments.*"
33. CAJ is concerned that the role of a SOS in appointing judicial panel members could compromise the independence of investigations, and also conflict with the principle established further to the criminal justice reforms driven by the Good Friday Agreement that judicial appointments be made by an independent body.
34. In line with the Joint Framework the Troubles Bill discontinues the roles of current ICIR Commissioners and provides for the appointment of new office holders to run the Legacy Commission's functions, including Judicial Panel Officers (clause 3). These officers will be a panel of judges/ former judges to both oversee the Inquisitorial Mechanism and to write the findings of Legacy Commission reports, including a senior judicial panel member (c6).
35. The Joint Framework provides that appointments to new roles will be made by the Secretary of State for Northern Ireland, who will be under a duty to take advice on the appointments from a 'panel of relevant persons', whose names will be published.²⁹
36. There was significant concern from human rights monitoring bodies regarding the concentration of power in the SOS to make appointments in the 2023 Legacy Act. In an Interim Resolution the Council of Europe Committee of Ministers, raised serious concerns and called for the SOSNI's role in the establishment of the ICIR to be more clearly circumscribed in law to ensure the ICIR was independent and seen to be independent.³⁰ This did not occur.
37. In relation to the current provisions UN mandate holders, recalling their concerns about the scope of powers of the SOSNI ['SSNI'] under the Legacy Act (whilst welcoming that the SOSNI will now have to 'take advice' on appointments to the Legacy Commission) have said:

²⁷ <https://www.belfasttelegraph.co.uk/news/courts/belfast-man-awarded-90k-damages-over-grandfathers-killing-involving-police-informant/729726937.html>

²⁸ [Operation Kenova Interim Report](#), para 37.2

²⁹ Joint Framework, paragraph 2.

³⁰ [Interim Resolution CM/ResDH\(2023\)148 June 2023](#)

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 consider reviewing the appointment procedure foreseen in the Joint Framework and replace 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.³¹

38. The provisions in the Troubles Bill whereby the SOSNI ‘takes advice’ from a panel are more limited than those committed to under the draft Stormont House legislation. The Stormont House Bill provided for the Minister for Justice to make appointments on the basis of a binding recommendation from an appointments panel composed of a number of statutory office holders named in the legislation.³²
39. The SOSNI appointing judges would mark a particular reversal of the judicial appointment process in Northern Ireland established following the reforms driven by the Good Friday Agreement. This led to the establishment of the independent Northern Ireland Judicial Appointments Commission (NIJAC) as ‘an independent public body established to bring about a new system for appointing members of the judiciary in Northern Ireland.’³³
40. Whilst most appointments may be made at an initial stage the broad powers of the SOSNI increases the risk that a future SOSNI opposed to independent rule-of-law legacy investigations could make further appointments to frustrate the purpose of the Legacy Commission. This could occur for example in appointing additional judicial panel members to write the findings of Legacy Commission reports following investigations at a later stage. Northern Ireland has already had the experience of the irregular appointment of the second Police Ombudsman which was followed by a ‘lowering of independence’ of the office in legacy investigations prompting an independent inspection and suspension of the historic function of that office.³⁴
41. The Joint Committee may therefore wish to recommend that the appointment of Judicial Panel members is undertaken by NIJAC not the SOS.

CAJ November 2025

³¹ OL GBR 18/2025, as above, pp8-9.

³² Draft Northern Ireland (Stormont House Agreement) Bill, Schedule 2 — HIU members and officers
Part 1 — The appointments panel

³³ <https://www.nijac.gov.uk/about-nijac>

³⁴ <https://www.bbc.co.uk/news/uk-northern-ireland-14786208>