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International Standards and the Legacy of the Troubles

By the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pr. Bernard Duhaime, Ad. E.

Thank you to Andy McDonald MP for hosting this briefing, and to the Committee on the Administration of Justice as well as Amnesty International for their work in organizing it. It is particularly fitting that we meet in this room today, given that the Committee Stage of the Northern Ireland Troubles Bill begins in this House shortly. I have had the chance to meet the Secretary of State for Northern Ireland.

I appear before you in my capacity as UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. I hold an independent mandate established by the Human Rights Council; I am not a representative of the United Nations Secretariat, and the views I express are my own. My mandate has been engaged with the legacy of the Troubles for more than a decade, and I intend to draw on that record today.

I. The Transitional Justice Imperative

More than 3,500 people were killed during the Troubles, and thousands more were injured or tortured. The conflict ended with the Good Friday Agreement in April 1998 and nearly three decades have now passed. Yet, for the vast majority of those families, there has been no truth, no judicial accountability, no reparation, and no credible guarantee that what happened to their loved ones has been officially acknowledged and will not be repeated.

International human rights law is not silent on what is required. The framework that my mandate works within rests on five interdependent pillars: the right to truth, the right to justice, the right to reparation, memorialization, and guarantees of non-recurrence. These pillars derive from treaty obligations such as the ICCPR, the Convention against Torture, the European Convention on Human Rights, as well as from customary international law and the authoritative UN principles on the right to remedy and reparation. Under these international standards, victims are entitled to specific rights, and States are bound by corresponding obligations.

Allow me to begin by briefly addressing the international obligations of states and the transitional justice principles applicable to this case:

Truth: Victims and their families have the right to know the full truth about the perpetration of human rights violations and the circumstances and reasons that led to them is inalienable. States have the duty to adopt the necessary administrative and judicial measures to ensure the full and effective exercise of this right.

Justice: States, also have an obligation to investigate and punish serious human rights violations, such as torture, extrajudicial executions and enforced disappearances. Failure to effectively investigate and prosecute such violations is in itself a violation of human rights treaty norms, and may be an important factor contributing to the recurrence of violations.

Reparation: Victims have the right to receive adequate, effective and prompt reparation for the harm suffered. States must adopt the necessary measures to ensure full reparation to victims, including compensation, restitution, rehabilitation and satisfaction.

Memorialization: Memorialization of serious human rights violations is essential in transitional justice processes. Without it, the rights to truth, justice and reparation will not be fully realized, and there will be no guarantees of non-repetition. States must take measures to adequately memorialize those violations.

Guarantees of non-recurrence: To ensure that past violations are not repeated, States must develop strategies to undertake institutional reforms and other measures necessary to ensure respect for the rule of law, to foster and maintain a culture of respect for human rights, and to restore or establish public confidence in government institutions.

Comprehensive approach

The five pillars constitute a series of interrelated areas of action that can mutually reinforce each other in the process of redressing the aftermath of massive human rights violations. The measures should not be traded off against one another. Authorities must resist the tendency to expect victims to ignore lack of action in one of these areas because action is being taken in others.

Victim-centred approach

A victim-centred approach must be the backbone of transitional justice measures. States must ensure that victims are effectively consulted and actively participate in the design and implementation of transitional justice processes and ensure that their needs and demands are the focus of all such measures.

II. Addressing the legacy of the Troubles in Northern Ireland

Interventions of the mandate of the Special Rapporteur

One of my mandate's predecessors, Pablo de Greiff, visited the United Kingdom in 2015 and 2016. His mission report (A/HRC/34/62/Add.1) found that the UK lacked a comprehensive, victim-centred transitional justice strategy for addressing Troubles-related violations; criticised

fragmented mechanisms and delays in accountability for killings, torture, and other serious violations; warned against excessive reliance on national-security justifications to withhold information; and called for a holistic approach integrating truth, justice, reparations, memorialisation and guarantees of non-recurrence. These concerns were repeated in a follow up report of 2021.

In August 2021, the mandate sent a joint communication addressed to the then UK Government and issued a press release expressing serious concern over UK plans to end prosecutions, impede investigations, and bar civil claims related to the Northern Troubles. We warned that the proposals would amount to a de facto amnesty and blanket impunity for grave human rights violations. We further stated that the approach would violate victims' rights to truth and effective remedy and place the UK in flagrant breach of international obligations.

In July and December 2022, the mandate sent a communication to the UK government and issued a press release expressing concern that the previous legacy legislation – the Northern Ireland Troubles (Legacy and Reconciliation) Bill - would ban or severely restrict criminal investigations, inquests and civil actions; replace investigations with limited "reviews" by an Independent Commission for Reconciliation and Information Recovery with insufficient independence and inadequate investigative powers; introduce conditional immunity amounting to a de facto amnesty; conflate reconciliation with impunity; and deny victims' rights to justice, truth, reparations and guarantees of non-recurrence.

The 2023 Legacy Act

In September 2023, the previous legacy legislation – the Northern Ireland Troubles (Legacy and Reconciliation) Act was enacted. The UN High Commissioner for Human Rights expressed similar concerns to those raised in my mandate's 2022 letter. So did the Council of Europe's Committee of Ministers, which had been supervising the McKerr group of cases, a set of longstanding European Court of Human Rights judgments finding the UK in violation of Article 2, for decades.

Domestic courts in the United Kingdom have endorsed these views. In February 2024, the High Court in Belfast issued multiple declarations of incompatibility with the ECHR in the Dillon and others cases. The Court of Appeal upheld those findings in September 2024. Several provisions were found incompatible with Articles 2 and 3 of the Convention, including the prohibition on civil proceedings and the immunity scheme. Ireland also filed an inter-state application against the United Kingdom before the European Court of Human Rights in 2024. The UN Human Rights Committee, reviewing the UK in March 2024, specifically asked whether the government intended to withdraw or substantially reform the Act.

The Course Correction

The new government's response has been substantive and, on the whole, welcomed by my mandate. The September 2025 Joint Framework, agreed with the Government of Ireland, provides a genuine multilateral foundation (the first since the Stormont House Agreement of 2014) for a comprehensive legacy mechanism.

In October 2025, my mandate sent a joint communication to the Governments of the UK and Ireland welcoming the Joint Framework's commitment to acknowledge victims, restore trust, and replace the previous Legacy Act, but noted that key elements still risk undermining truth and accountability, including the overly restrictive disclosure regimes, potential limits on prosecutions, investigations, inquests, and civil remedies, and reliance on non-judicial mechanisms.

In January 2026, this House approved a Remedial Order removing the immunity provisions from the 2023 Act and re-enabling Troubles-related civil proceedings,clearing the legal path for hundreds of civil cases that were previously barred under the previous legislation.

The Troubles Bill now before Parliament goes further. It would repeal and replace the core of the 2023 Act, renaming and reforming the ICRIR as a Legacy Commission with enhanced investigative powers, including public hearings and sworn testimony. It provides for a separate Independent Commission on Information Retrieval, the cross-border body with Ireland that was first envisaged in the Stormont House Agreement. It introduces no immunity. It provides for victims and survivors' advisory participation. Taken together, these are meaningful steps in the right direction.

However, several concerning aspects remain:

1. *Retention of an expansive national security veto*

Although the amnesty provisions are repealed, the Bill preserves a broad national security veto allowing ministers to withhold information from families, with only limited judicial oversight. This power has historically been used to suppress evidence, block inquests, and delay accountability for decades, severely undermining victims' trust and access to truth.

2. *Lack of institutional independence*

The proposed "Legacy Commission" remains under strong executive control. Key powers over appointments, oversight and dissolution lie with the Secretary of State for Northern Ireland, compromising the independence required under Articles 2 and 3 of the ECHR for investigations into serious human rights violations.

3. *Restrictions on access to investigations*

The Bill introduces unjustified time limits and conditions on when families may request investigations, cutting off access to truth without a clear human rights justification.

4. *Victim participation*

Families are given only a limited, largely formal role in proceedings, falling short of the meaningful participation standards required by international human rights law.

5. *Flawed inquisitorial mechanism*

The proposed inquisitorial proceedings do not remedy these defects, as judges are executive appointees, hearings may be held in private, and findings remain subject to ministerial redaction, perpetuating a system of control rather than accountability.

6. Absence of a thematic or systemic truth mechanism

The Bill lacks any mechanism to examine wider patterns of abuse—such as torture, collusion or command responsibility—across the conflict, limiting its ability to address structural and systemic violations. Addressing themes and patterns rather only focusing on individual cases is a key legal responsibility for transitional justice mechanisms

What the Committee Stage Should Achieve

Significant work remains in finalizing the Bill. The committee stage that begins soon is a critical opportunity to address gaps that, if left unresolved, will compromise the Bill's human rights compliance and its credibility with victims. Let me identify five areas requiring specific attention.

First: Genuine independence of the Legacy Commission.

The Bill substantially reforms the ICRIR, but the governance structures and oversight arrangements must be designed to preclude interference by the very state authorities whose conduct is under investigation alongside the actions of republican and loyalist paramilitaries. I am specifically concerned about provisions in the current text relating to sensitive information and national security disclosure -- provisions that could, in practice, enable the Secretary of State or intelligence agencies to redact or withhold material from the Commission in ways that would conceal state actor involvement in killings, torture or other serious human rights violations. This concern was flagged by the UN Special Procedures, and it echoes findings made in legacy inquests over many years, including the findings about state collusion in a number of high-profile cases. The committee must ensure that the Commission's independence is structural, not merely declaratory, and that national security considerations cannot be deployed to defeat the right to truth.

Second: An explicit reparations framework.

The Bill focuses primarily on investigative pathways and information recovery. While essential, those are not the whole of what international law requires. The right to reparation includes restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence. Victims and survivors in Northern Ireland have waited decades; many are ageing; some have died without any acknowledgment. The committee stage must consider whether to include provisions establishing a reparations mechanism, a structured, individually accessible process through which victims can obtain remedy. The Stormont House Agreement contemplated this; the current Bill does not appear to give it adequate legislative form.

Third: The prosecutorial accountability question.

I want to address directly a narrative that has dominated this legislative debate, which, as I understand it, is the claim that veterans are being disproportionately or unfairly targeted by legacy prosecutions. The factual record does not appear to support this characterisation. It is a perfect illustration of the challenges of doing transitional justice in the era of so called 'Fake News'. Since the Good Friday Agreement, there has been one British soldier convicted of a conflict related offence. Of the 26 prosecution cases brought by the Public Prosecution Service

since 2011, the majority have involved republican and loyalist paramilitaries, not state actors. These are the government's own figures. The debate about protecting veterans from multiple poor-quality investigations is a legitimate one; protections against repeated investigations and for witnesses giving evidence remotely are reasonable and welcome. But protecting veterans from accountability for serious crimes where evidence exists is a different matter entirely; and the committee must be clear that the Bill does not achieve or permit that outcome. Victims, including the family members of soldiers and police officers murdered by paramilitaries, are seeking the same legal processes available to any victim of homicide anywhere in the United Kingdom.

Fourth: Meaningful victims' participation.

The victims and survivors advisory group established under the Bill must be structurally embedded in the Legacy Commission's work, with a defined and enforceable role. Experience from truth commissions across many jurisdictions demonstrates that consultation without power produces resentment, not reconciliation. The committee should consider what decision-making or oversight functions the advisory group should hold, and ensure these are set out in the legislation rather than left to secondary instruments or Commission discretion. Overall, the bill must provide a clear and sustained focus on victims including their effective, inclusive and ongoing consultation in the design, implementation and evaluation of all processes aimed at acknowledging the harm suffered, ensuring accountability, restoring dignity and preventing future violations

Fifth: Adequate resourcing of the civil litigation pathway.

The Remedial Order re-enables civil proceedings for hundreds of cases. This is welcome, but it means very little without adequate legal aid for victims who need it. The resourcing of legacy inquests and civil proceedings is, as the government has noted, a devolved matter; the committee should consider whether the Bill should include a provision requiring the Northern Ireland executive to take steps to ensure adequate resourcing, or alternatively whether the UK government should provide a funding guarantee alongside the legislative framework.

Finally, I wish to re-emphasize the importance of firmly resisting any pressure to reintroduce amnesties in any form. As a State founded on the rule of law, the United Kingdom is required to fully comply with its international obligations concerning accountability and transitional justice. International human rights standards are clear and well established: amnesties for gross violations of human rights are impermissible, as they undermine victims' rights to truth, justice and effective remedy, and erode public confidence in the legal system. Upholding these obligations is essential not only to ensure accountability, but also to secure genuine reconciliation and robust guarantees of non-recurrence.

III. The International Stakes

I want to close by placing this in its global context. How the Northern Ireland is addressed is watched carefully by states, civil society organisations, and victims' groups around the world who are navigating their own post-conflict legacies. When a state with the rule-of-law standing of the

United Kingdom enacts legislation that its own courts find incompatible with fundamental rights, it sends a corrosive signal. When that same state then undertakes a genuine legislative correction, in cooperation with a neighbouring government, guided by international standards and attentive to victims, it sets a different kind of precedent, one that matters enormously for the credibility of transitional justice as a field, and for the people who depend on it.

The UN mandate on truth, justice, reparation and non-recurrence was created to accompany states through these processes; to identify the gaps between aspiration and international obligation; and to speak on behalf of victims who are too often absent from the rooms where these decisions are made.

IV. Conclusion

The committee stage of the Northern Ireland Troubles Bill begins soon. Nearly 28 years after the Good Friday Agreement, this is a critical, and perhaps final, legislative opportunity to put in place a legacy mechanism that is genuinely victim-centred, genuinely independent, and genuinely compliant with the international obligations that the United Kingdom has undertaken. The victims of the Troubles, their families, and their communities deserve nothing less. I urge every member of this House to use this stage accordingly. Thank you.