Daniel Holder, Director, Committee on the Administration of Justice

Witness Joint Committee on Justice, Home Affairs and Migration on the General Scheme of the Legacy of the Troubles Bill, 29 Sept 2026

Opening Statement

The Committee on the Administration of Justice (CAJ) is an independent human rights organisation based in Belfast and the sister organisation of ICCL. CAJ a longstanding body of work on legacy legislation and policy, including with academics on CAJ's board, drafting an unofficial Model Implementation Bill for the Stormont House Agreement.

Following the statement by the then Tánaiste Micheál Martin in September 2024 that substantive root and branch reform of the ICRIR legacy body was required to ensure ECHR compliance and public trust, CAJ published November 2024 report assessing the viability of 'root and branch' reform of the ICRIR. Recommendations in the CAJ report are reflected in the two Government's 2025 Joint Framework.

CAJ jointly with ICCL in February 2025 also published a joint report focusing on legacy investigations within this jurisdiction, where we identified gaps in the architecture in the State itself to ensure ECHR compliance. We advocated for an independent investigations unit along the lines of that agreed in Stormont House for the north. This is not covered by the Joint Framework and hence the present General Scheme.

The 2025 Joint Framework returns largely to the architecture of the 2014 Stormont House Agreement. This includes a Legacy Commission and a cross-border Independent Commission on Information Retrieval (the ICIR).

Boris Johnson's Government reneged on the Stormont House Agreement in 2020 to instead pursue the impunity agenda of the 2023 Legacy Act, leading to the Irish Government commendably taking an Inter-State case against the UK. It is worth recalling that prior to this the British Government delayed and ultimately derailed the initial implementation of Stormont House by the insertion of a ministerial 'national security veto' provision in the draft legislation. It has become abundantly clear that the purpose and effect of such a veto is to empower UK Ministers to conceal the involvement of state agents (informants) in conflict related killings. Successive UN experts have cautioned that such a use will be incompatible with the ECHR and UN obligations on the right to truth.

When Stormont House first stalled the then Minister of Foreign Affairs Charlie Flannigan TD made clear that the unresolved issue was the national security veto and stated it was not "acceptable that the smothering blanket of national security should on all occasions be used in the manner you've seen in Northern Ireland over a number of years".

The UK has replicated the Legacy Act's national security veto provision in its current Troubles Bill. Our international work as not come across any other State which has a such a veto in transitional justice legislation. Head 18 of the General Scheme would however replicate this British national security provision in Irish law for the ICIR, setting a precedent of a second state taking such an approach. The Joint Framework is a positive development, and we welcome its implementation through the proposed legislation but urge that the blanket nature of the national security veto provisions are reconsidered and an a legally certain and codified approach adopted within the ICIR itself instead.