

Key Performance Indicators for the Independent Commission for Reconciliation & Information Recovery

In this report, we set out the background to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the Legacy Act) and the government's introduction of the Independent Commission for Reconciliation and Information Recovery (the ICIR). The purpose of the report is to set out Key Performance Indicators (KPIs), based on international laws and standards, to evaluate the ICIR's performance and ensure its accountability for as long as it remains in operation. Our publication of these KPIs does not constitute an endorsement of the ICIR or a finding on our part that the body complies with international law.



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Rights & Security International

**Key Performance Indicators for the Independent Commission for Reconciliation &
Information Recovery**

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Table of Contents

Key Acronyms	4
About RSI	5
Introduction	6
Obligations to carry out effective investigations	6
The Legacy Act and the ICRIR.....	8
Key Performance Indicators	12
What is the goal of an investigation?.....	13
Methodology and best practices for KPIs.....	14
Scoring.....	16
Appendix 1: Key Performance Indicators	17
Providing investigations and redress that meet the requirements of the ECHR	17
Doing what the body has said it will do.....	20
Adhering to internationally accepted best practices regarding the needs of survivors, victims’ family members, witnesses and other directly impacted people.....	21
Appendix 2: The ICRIR’s structure, governance and objectives	23
The ICRIR’s structure	23
The ICRIR’s Board.....	24
Chief Commissioner	24
Commissioner for Investigations.....	24
Chief Executive Officer.....	25
Non-Executive Commissioners	25
The Board’s duties	25
The ICRIR’s governance	26
The ICRIR’s mandate and functions.....	29
Statutory duties	30
Statutory powers	30
The ICRIR’s essential principles	31
The ICRIR’s ‘Objectives’ and ‘Key Deliverables’	32
Investigations Directorate.....	32
Chief Commissioner	33
Commissioners and Secretariat	33
Corporate Operations.....	34
Strategy Directorate.....	34

General Counsel	35
Programme Establishment Directorate.....	35
The Northern Ireland Office’s role	36
How the ICRIR handles and responds to requests for information	37
Stage 1: Support.....	37
Stage 2: Information recovery	37
Stage 3: Findings	38
ICRIR’s investigative process.....	38
Focused investigation	38
Liability investigation.....	38
Culpability investigation.....	39
ICRIR’s powers and investigative approaches	39
Enhanced Inquisitorial Proceedings.....	39
Different ways that the ICRIR can compel disclosure.....	40

Key Acronyms

B/GFA	Belfast/Good Friday Agreement 1998
CoM	Council of Europe Committee of Ministers
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EIP	Enhanced Inquisitorial Proceedings
EU	European Union
HET	The PSNI's Historical Enquiries Team
HIU	Historical Investigations Unit
ICIR	Independent Commission on Information Retrieval
ICRIR	Independent Commission for Reconciliation and Information Recovery
KPIs	Key Performance Indicators
LIB	The PSNI's Legacy Investigations Branch
NIO	Northern Ireland Office
NI	Northern Ireland
PONI	Police Ombudsman of Northern Ireland (PONI)
PPS	Public Prosecution Service
RSI	Rights & Security International
RUC	Royal Ulster Constabulary
SoSNI	Secretary of State for Northern Ireland
SHA	Stormont House Agreement
UK	United Kingdom of Great Britain and Northern Ireland

About RSI

Rights & Security International (RSI) is a charity established in 1990 to promote human rights and justice for abuses in Northern Ireland (NI). Over the past 30 years, we have frequently called on the UK government to effectively investigate conflict-related killings and other harms.

In this report, we set out the background to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the Legacy Act) and the government's introduction of the Independent Commission for Reconciliation and Information Recovery (the ICIR). The purpose of the report is to set out Key Performance Indicators (KPIs), based on international laws and standards, to evaluate the ICIR's performance and ensure its accountability for as long as it remains in operation. Our publication of these KPIs does not constitute an endorsement of the ICIR or a finding on our part that the body complies with international law.

Introduction

As part of its attempt to ‘address the legacy’ of the conflict in Northern Ireland, the UK government enacted the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (‘the Legacy Act’), a piece of legislation that, among other things, introduced an amnesty for nearly all conflict-related crimes and created a new investigative body: the Independent Commission for Reconciliation and Information Recovery (ICRIR).

While many civil society groups, including RSI, and other observers have called on the government to scrap and replace the ICRIR, it is the current government’s stated intention that the investigative body will continue in some form.¹ The Secretary of State for Northern Ireland (SoSNI) has said that the government ‘will make further changes to reform and strengthen’ the ICRIR’s ‘independence, powers and accountability.’²

The Key Performance Indicators (KPIs) this report identifies will provide a starting point for civil society and other observers to monitor the ICRIR during its operation, in line with international human rights laws and recognised best practices.

Before explaining the KPIs we have identified that are relevant to the ICRIR, we provide some background to the new body and how it is, and should be, monitored. Any such analysis must be grounded in the UK government’s obligations under the European Convention on Human Rights (ECHR) to effectively investigate serious harms, as these obligations are legally binding.³

Obligations to carry out effective investigations

Under Article 2 ECHR, the UK government is under a binding obligation to respect the right to life, while Article 3 prohibits torture and cruel, inhuman or degrading treatment or punishment. As the European Court of Human Rights (ECtHR) has established, both of these treaty provisions require the UK government to effectively investigate alleged violations.

An effective investigation can take many forms, and the ECHR does not require governments to take any specific set of steps.⁴ However, the ECtHR has set out clear minimum requirements for any investigative process.

As explained in the ECtHR’s case-law, to comply with the ECHR, the ICRIR must:

¹ See Committee on the Administration of Justice, ‘What could substantive ‘root and branch’ reform of the ICRIR look like? and would it be enough?’, November 2024; Northern Ireland Office, Written Ministerial Statement - Legacy - Northern Ireland, 7 October 2024; Northern Ireland Office, Oral statement to Parliament, Secretary of State oral statement on Northern Ireland Legacy, 4 December 2024; Northern Ireland Office, A proposal for a Remedial Order to amend the Northern Ireland Troubles (Legacy and Reconciliation Act) 2023, December 2024.

² See Michael Fitzpatrick, ‘Hilary Benn begins process of repealing Legacy Act’, BBC News, 7 December 2024: <https://www.bbc.co.uk/news/articles/cz9gp8g32v5o>.

³ For more information, see Rights & Security International, ‘The Human Right to Effective Investigations and Northern Ireland ‘Legacy’ Cases: A Legal Explainer’, 16 September 2021.

⁴ App. No. 47848/08, *Centre for Legal Resources on Behalf of Valentin Câmpeanu v. Romania*, 17 July 2014, para. 147; App. No. 23458/02, *Guiliani and Gaggio v. Italy*, 24 March 2011, para. 182.

- Be independent, meaning that it must be free from the influence (or possible influence) of people or entities whose conduct could form the part of an investigation.⁵ For example, a body investigating allegations of misconduct by a particular police department would need to be free of influence by that police department.
- Be able to instigate investigations, without relying on victims, survivors or their families to do so.⁶
- Conduct adequate investigations, including by:⁷
 - Taking reasonable steps to obtain evidence;⁸
 - Having sufficient powers to secure all relevant evidence;⁹
 - Undertaking a thorough, objective and impartial analysis of the evidence;¹⁰ and
 - Having powers to identify perpetrators and punish those it deems responsible.¹¹
- Investigate expeditiously.¹²
- Be transparent so as to facilitate public scrutiny, including by:
 - Ensuring that victims, survivors and their families are involved in the investigative process;¹³
 - Consulting with victims, survivors and their families and allowing them to review the investigative process;¹⁴ and
 - Publishing the details and conclusions of its investigations.
 - In cases in which the state – for example, the military, the police or other public bodies – has been accused of, or otherwise potentially implicated in, the commission of unlawful acts, the investigative body must meet an even higher standard of transparency.¹⁵ This is because, in cases in which it is implicated, the state likely has a monopoly over the available evidence.¹⁶
 - The investigative body must not adopt a blanket or otherwise broad policy excluding transparency, although in some instances, it may be able to withhold information from public scrutiny due to real individual security

⁵ See App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016.

⁶ App. No. 55721/07, *Al-Skeini and Others v. UK*, 7 July 2011, para. 165.

⁷ This obligation relates to the methodology of the investigation, not its outcome: see App. No. 26307/95, *Acar v. Turkey*, 8 April 2004, para. 223; App. No. 47708/08, *Jaloud v. the Netherlands*, 20 November 2014, para. 186.

⁸ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 233.

⁹ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 233.

¹⁰ App. No. 24014/15, *Tunç and Tunç v. Turkey*, 14 April 2015, para. 175.

¹¹ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 243.

¹² App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 237; App. No. 23458/02, *Guiliani and Gaggio v. Italy*, 24 March 2011, para. 305. For more information, see App. No. 42771/98, *Bayrak and Others v. Turkey*, 12 January 2006, paras. 54-55; App. No. 58933/00, *Adiyaman v. Turkey*, Decision, 9 February 2010.

¹³ App. No. 55721/07, *Al-Skeini and Others v. UK*, 7 July 2011, para. 167; App. No. 24746/94, *Jordan v. UK*, 4 May 2001, para. 121.

¹⁴ App. No. 55721/07, *Al-Skeini and Others v. UK*, 7 July 2011, para. 167; App. No. 24746/94, *Jordan v. UK*, 4 May 2001, para. 121.

¹⁵ App. No. 50385/99, *Makaratzis v. Greece*, 20 December 2004, para. 73.

¹⁶ App. No. 50385/99, *Makaratzis v. Greece*, 20 December 2004, para. 73.

concerns.¹⁷ For example, it may be able to refrain from revealing the name of a witness to protect the safety of that witness.

In relation to the consequences for a person found culpable for unlawful killing, torture or inhuman and degrading treatment or punishment, the ECtHR has said that any punishment must not be too lenient on the one hand, or grossly disproportionate to the magnitude of the crime on the other.¹⁸

The Legacy Act and the ICIR

Prior to 2023 (when the Legacy Act became law), ‘legacy’ investigations stemming from the conflict in Northern Ireland were dealt with by the ‘Package of Measures’. The UK government created this ‘Package of Measures’ in 2005 in response to several ECtHR rulings, in which the Court concluded that the UK’s approach to investigating the legacy of the conflict did not comply with the country’s human rights obligations.¹⁹ Notably, this group of cases – referred to as the *McKerr* group – remains under supervision by the Council of Europe Committee of Ministers (CoM), which continues to monitor whether investigations into these cases comply with the ECHR.²⁰

In the *McKerr* group of cases, the ECtHR found that the UK had violated Article 2 of the ECHR (which protects the right to life) in respect of various failings in the investigative procedures concerning the death of the applicants’ relatives.²¹ These failings, in various instances, can be summarised as follows:

- Lack of independence of police investigators investigating the incident from the officers or members of the security forces that were implicated in the incident (*Jordan, McKerr, Kelly and others, Shanaghan, McShane, Finucane*).
- Unreasonable delays in the independent police investigation (*McKerr, McShane*) and/or the inquest proceedings (*Jordan, McKerr, Kelly and others, Shanaghan, McShane*).
- Lack of public scrutiny and information for the victims’ families on the reasons for the decision of the Director of Public Prosecutions not to prosecute any officer regarding the relevant allegations (*Jordan, McKerr, Kelly and others, Shanaghan, Finucane*).

¹⁷ App. No. 52391/99, *Ramsahai v. the Netherlands*, 15 May 2007, para. 353.

¹⁸ App. No. 23458/02, *Guiliani and Gaggio v. Italy*, 24 March 2011, para. 182.

¹⁹ See App. No. 28883/95, *McKerr v. UK*, 4 April 2000 and Council of Europe, Committee of Ministers, CM/Inf(2003)4-Rev 2 (Restricted) 8 October 2003 and Case of McKerr and Five Other Cases against the United Kingdom [DH (2005) 20 (Interim Resolution)].

²⁰ Interim Resolution CM/ResDH(2023)148, Execution of the judgments of the European Court of Human Rights, *McKerr* and four cases against the United Kingdom.

²¹ Judgments concerning violations of the Convention by or involving allegations of collusion by the United Kingdom security forces pending before the Committee of Ministers for supervision of execution: App. No. 24746/94, *Jordan v. UK*, 4 May 2001; App. No. 28883/95, *McKerr v. UK*, 4 August 2001; App. No. 30054/96, *Kelly and others v. UK*, 4 August 2001; App. No. 37715/97, *Shanaghan v. UK*, 4 August 2001; App. No. 43290/98, *McShane v. UK*, 28 August 2002; App. No. 29178/95, *Finucane v. UK*, 1 October 2003.

- Evidence of any potential criminal offences uncovered during the inquest did not influence prosecution decisions (*Jordan, McKerr, Kelly and others, Shanaghan, McShane, Finucane*).
- Excessive restrictions on the scope of the inquest (*Shanaghan, Finucane*).
- Lack of prompt and effective investigations into allegations of UK state collusion in crimes (*Shanaghan, Finucane*).
- Lack of ability to compel key witnesses to attend and give evidence (*Jordan, McKerr, Kelly and others, McShane*).
- Non-disclosure of witness statements prior to the appearance of the witness at the inquest, which harmed the families' ability to prepare for and participate in the hearings and/or contributed to long delays (*Jordan, McKerr, Kelly and others, Shanaghan, McShane*).
- An absence of legal aid for the victim's family to have representation (*Jordan*).
- A lack of power to examine all matters relevant to the outstanding issues in the case (*McKerr*).
- The inquest proceedings did not commence promptly and did not proceed with reasonable expedition.²²

We have incorporated the ECtHR's findings about these failings into our analysis for the purposes of the KPIs, alongside a consideration of the ECHR more broadly.

The Package of Measures were given this name because the CoM and the UK government both recognised that multiple improvements to investigative and justice procedures were required to ensure full and meaningful compliance with the ECHR.²³ The agreed measures were as follows:

- Public inquiries;
- Police Ombudsman investigations;
- Legacy inquests;
- PSNI investigations and reviews (initially under the Historical Enquiries Team (HET), then the Legacy Investigation Branch (LIB); and
- Independent external police investigations.

As well as these measures, Northern Ireland's Public Prosecution Service (PPS) made changes to its process for deciding whether to instigate a prosecution, which provided additional clarity.

²² See Appendix III to Interim Resolution CM/ResDH(2007)73: Action of the Security Forces in Northern Ireland.

(Case of *McKerr* against the United Kingdom and five similar cases) - Measures taken or envisaged to ensure compliance with the judgments of the European Court of Human Rights in the cases against the United Kingdom listed in Appendix III (Adopted by the Committee of Ministers on 6 June 2007, at the 997th meeting of the Ministers' Deputies).

²³ See 'Communication from the authorities (02/04/2024) concerning the *McKerr group of cases v. the United Kingdom*' (Application No. 28883/95), DH-DD(2024)364.

In the past, the PPS had adopted a rather unclear policy that gradually changed over time.²⁴ For instance, the PPS now initiates or continues a prosecution if it is satisfied that the ‘Test for Prosecution’ is met. This is a two-part test involving the ‘evidential test’ (i.e. the evidence that can be presented in court must be sufficient to provide a reasonable prospect of conviction) and the ‘public interest test’ (i.e. it must be in the public interest to carry out the prosecution). The PPS must analyse and evaluate all the material submitted in a thorough and critical manner. The evidential test must be passed before the public interest test can be considered. Each of these tests must be separately considered and passed before a decision to prosecute can be taken.²⁵ However, these improvements were not lasting in relation to conflict-related cases, as the Legacy Act has now ended prosecutions for relevant acts allegedly committed prior to 1998.

At the same time, before the Legacy Act, victims, survivors and their families could also use civil litigation against the UK government to seek truth and justice, with the potential for remedies such as compensation.

For example, the High Court in Belfast awarded damages of £350,000 to the family of the late Liam Holden in a ruling that found he had been tortured by the British army.²⁶ Also, the UK Ministry of Defence and the PSNI paid £1.5 million in damages in a settlement to two families of people who were killed in the ‘Miami Showband’ attack, as well as two survivors, following allegations of UK security force collusion with loyalist paramilitaries in the killings.²⁷

Notwithstanding the successes of the Package of Measures – or perhaps because of those successes, which proved costly for the government and exposed unflattering information about the state – the UK government and other public bodies significantly curtailed the operation and implementation of some of the measures by denying or delaying public inquiries; delaying or refusing prosecutions; and restricting or refusing the disclosure of key documentation.²⁸ Despite these problems – and following significant legal challenges from families and continued CoM monitoring – the Package of Measures began to achieve significant information recovery for families, victims and survivors.

However, in 2023, the UK government changed its approach. Following several years of delays due to the controversial nature of the legislation, it enacted the Legacy Act, replacing existing methods of investigating Troubles-related killings and other violence in NI with the ICRIR. The Legacy Act ended criminal prosecutions and civil cases relating to nearly all Troubles-era alleged crimes that took place prior to the B/GFA in 1998, meaning that – subject to the outcome of the UK government’s appeal to the UK Supreme Court in the *Dillon* case – the

²⁴ For an explanation, see *Re David Adams’ Application for Judicial Review* [2001] NICA 2.

²⁵ Public Prosecution Service NI, ‘How we reach decisions’, PPSNI: <https://www.ppsni.gov.uk/how-we-reach-decisions>.

²⁶ *Bowden's (Bronagh) Application as Personal Representative of Liam Holden (Deceased) and in the matter of a decision taken by The Department of Justice in Northern Ireland* [2023] NIKB 89

²⁷ BBC News, ‘Miami Showband victims receive £1.5m in damages’, BBC News, 13 December 2021: <https://www.bbc.co.uk/news/uk-northern-ireland-59641564>.

²⁸ See Kieran McEvoy, Daniel Holder, Louise Mallinder, Anna Bryson, Brian Gormally & Gemma McKeown ‘The Apparatus of Impunity? Human rights violations and the Northern Ireland conflict: a narrative of official limitations on post-Agreement investigative mechanisms,’ Committee on the Administration of Justice and Queens University Belfast, January 2015 and ‘Prosecutions, Imprisonment and the Stormont House Agreement: A Critical Analysis Of Proposals On Dealing With the Past in Northern Ireland’ (April 2020).

ICRIR is now the principal venue where victims of the violence and the families of those killed can seek information and some form of justice.²⁹ For many, it will be the only possible venue.

The ICRIR differs from its predecessors in several important respects. According to the Legacy Act, the ICRIR's mission is to serve victims, families and survivors by thoroughly investigating and establishing the facts of past events, and providing an acknowledgement of wrongdoing, in a way that is sensitive and promotes reconciliation.³⁰

The ICRIR has said it aims to do this by:

- Investigating incidents that occurred between 1 January 1966 and 10 April 1998, the key factor being when the event occurred, not the date of any outcome.³¹
- The perpetrator, or suspected perpetrator, of any incident the ICRIR investigates must have been an active participant in the Troubles.³²
- Incidents must include death, or serious physical or mental harm (including paraplegia, quadriplegia, severe brain injury or damage, severe psychiatric damage, total blindness, total deafness, loss of one or more limbs, severe scarring or disfigurement).³³
- A victim or survivor can request that the ICRIR investigate an incident involving a serious injury to them.³⁴
- A close family member of the deceased can ask the ICRIR to investigate an incident involving a death. 'Close family member' means a person who was, on the day of the death of the deceased person, a spouse, civil partner, cohabitee, child or step-child, brother or sister (or half- or step-brother or sister), parent or step-parent. If there is no close family member, the request can be made by any family member.³⁵
- Assigning a dedicated team of investigation staff to each case.³⁶
- Requiring all staff to adhere to policies about declaring and addressing conflicts of interest. Where a member of the ICRIR staff or a Commissioner has to be recused due

²⁹ *In the Matter of an Application by Martina Dillon and others - NI Troubles (Legacy and Reconciliation) Act 2023* [2024] NICA 59. See Northern Ireland Office, Written Ministerial Statement - Legacy - Northern Ireland, 7 October 2024; Northern Ireland Office, Oral statement to Parliament, Secretary of State oral statement on Northern Ireland Legacy, 4 December 2024; and Northern Ireland Office, A proposal for a Remedial Order to amend the Northern Ireland Troubles (Legacy and Reconciliation Act) 2023, December 2024.

³⁰ ICRIR, 'Our vision, mission and values', ICRIR: <https://icrir.independent-inquiry.uk/about-us/our-mission-vision-and-values/>. According to the 2025-26 Work Plan, this involves a 'Vision' of a 'society that is more reconciled because the Commission has provided greater information to the public about deaths and serious injuries during the Troubles/Conflict': ICRIR: 'ICRIR Work plan 2025-26' (20 December 2024: <https://icrir.independent-inquiry.uk/document/icrir-work-plan-2025-26/>).

³¹ For further information, see the 'ICRIR's investigative process' in Appendix 2 and <https://icrir.independent-inquiry.uk/our-investigations/>

³² ICRIR, 'Our investigations', ICRIR: <https://icrir.independent-inquiry.uk/our-investigations/>.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

to such a conflict, their powers can be delegated or assigned to another qualified member of staff.³⁷

Key Performance Indicators

Across the public, charitable and business sectors, it is increasingly accepted that the performance of an institution should be evaluated based on clear, predetermined metrics – ones that are as specific and objective as possible. Those metrics should reflect the institution’s overall mission and goals.

The most important of these metrics are sometimes described as ‘key performance indicators’, and KPIs therefore represent a critical way for an organisation to monitor its progress towards its stated aims. For example, under section 3 of the Companies Act 2006 (Strategic Report and Directors’ Report) Regulations 2013, KPIs are factors that enable individuals to measure the development, performance or position of a company effectively.³⁸ A provision adopted in 2013 states,

The review [of the company’s performance] must, to the extent necessary for an understanding of the development, performance or position of the company’s business, include—

(a) analysis using financial key performance indicators, and

(b) where appropriate, analysis using other key performance indicators, including information relating to environmental matters and employee matters.

(5) In subsection (4), “key performance indicators” means factors by reference to which the development, performance or position of the company’s business can be measured effectively.

Therefore, in the business world, KPIs are often financial, but they need not be. The charity sector, too, increasingly uses ‘monitoring and evaluation’ metrics akin to KPIs. As seen from the above, KPIs may be interrelated and should reflect all considerations that are necessary to understanding, holistically, the degree to which the enterprise is successful and well-functioning.

In the business world, it is well-established that KPIs should:

- Be impartial and comprehensive;
- Fairly review the entity’s operation in line with its statutory mandate and terms of reference; and
- Provide necessary information so that the public can understand the entity’s development and performance.³⁹

RSI has drafted KPIs for the ICRIR using existing requirements in human rights laws regarding the effective investigation of killings and other serious harms (principally under Articles 2 and

³⁷ Ibid; ICRIR, ‘ICRIR policy on conflicts in investigations, May 2024: <https://icir.independent-inquiry.uk/document/icir-policy-on-conflicts-in-investigations/>; ICRIR, ‘ICRIR policy for the declaration and management of outside interests’, January 2024: <https://icir.independent-inquiry.uk/document/icir-policy-for-the-declaration-and-management-of-outside-interests/>.

³⁸ Companies Act 2006 (Strategic Report and Directors’ Report) Regulations 2013, s3.

³⁹ See, e.g., PricewaterhouseCoopers, ‘Guide to key performance indicators - Communicating the measures that matter,’ 2007: https://www.pwc.com/gx/en/audit-services/corporate-reporting/assets/pdfs/uk_kpi_guide.pdf.

3 of the ECHR), along with other established international standards and, in some instances, best practices that have been set out by experts.⁴⁰ For example, in relation to Article 2 of the ECHR, we include best practices based on the Model Implementation Bill for the SHA (the Model Bill), which is draft agreement compiled following collaboration between Northern-Ireland-based human rights organisation, the Committee on the Administration of Justice, and academics at Queen’s University Belfast and Ulster University.⁴¹

What is the goal of an investigation?

As explained above, the point of metrics is to give people a way to evaluate whether an institution is achieving its goal. What, then, is the goal of an investigation into a killing or other serious alleged offence related to the conflict in Northern Ireland?

Our KPIs are premised on the idea that the goal of such an investigation is to provide justice – including appropriate redress – to survivors or the families of victims. This goal reflects the inalienable human rights that survivors and families have. Such justice may also contribute to other goals, such as supporting peacebuilding efforts and increasing confidence in the state, but individual rights are the primary objective. While there are other ways of understanding justice, offending and restoration, international human rights laws require the state to focus on the rights of survivors and next-of-kin (while also upholding the procedural rights of the accused).

One form of redress is truth: for many survivors and families of victims, healing or other recovery only become possible when they learn the facts about who the perpetrators were, what they did, and why. Therefore, to some extent, the process of an investigation *is* the purpose: it should expose – impartially and accurately – any crucial information that was previously hidden. While our analysis draws a distinction between the ‘why’ and the ‘how’ of an investigation, we are mindful of perspectives from NI that place revelations of the truth at the heart of what ‘justice’ should look like. Those perspectives may have informed clause 10 of the Model Bill (see above), which articulates the ‘purpose’ of an investigation into conflict-related violence in NI based on certain procedural elements derived from the ECHR:

- (a) Establish as many as possible of the relevant facts;*
- (b) Identify, or facilitate the identification of, the perpetrators;*
- (c) Establish whether any relevant action or omission by a public authority was lawful (including, in particular, whether any deliberate use of force was justified in the circumstances);*
- (d) Establish whether any action or omission of a perpetrator was carried out with the knowledge or encouragement of, or in collusion with, a public authority;*
- (e) obtain and preserve evidence;*

⁴⁰ See Council of Europe/European Court of Human Rights, Guide on Article 2 of the European Convention on Human Rights - Right to life: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_eng, updated 31 August 2024 and Council of Europe/European Court of Human Rights, Guide on Article 3 of the European Convention on Human Rights Prohibition of torture: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng, updated 31 August 2024.

⁴¹ CAJ, Stormont House Agreement – Model Implementation Bill and Explanatory Notes, 17 September 2015.

(f) Identify material which is or may be relevant to motive (including, in particular, racial, religious or other sectarian motive);

(g) Identify acts (including omissions; and including decisions taken by previous investigators or other public authorities) that may have prevented the death from being investigated or a perpetrator being identified or charged...⁴²

Methodology and best practices for KPIs

In our view, the necessary starting point for choosing which performance indicators are ‘key’ for the ICRIR – a body created by the state with the job of investigating alleged crimes and other serious human rights violations – is the law. Specifically, the European Convention on Human Rights creates binding requirements for investigations of killings, torture, and inhuman or degrading treatment or punishment; these requirements derive from the rights that survivors and next-of-kin hold.

Another important starting point for the evaluation of any public body is whether it is doing what it has said it will do. While those goals cannot override what human rights law requires, the idea that a public body should be transparent about its aims—and how well it is meeting those aims—is fundamental to good governance.

Therefore, this outline of KPIs for the ICRIR includes ECHR requirements, the ICRIR’s own goals as it has explained them, and indicators that reflect best practices for engaging with survivors and victims’ families (as derived from the UK government’s Victims’ Code and the United Nations’ Office of the High Commissioner for Human Rights’ Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.)⁴³

In the corporate world, KPIs are tailored to the organisation’s industry. This approach has inspired us to consider the goals and practices of analogues to the ICRIR, and we have therefore reviewed other NI government bodies’ performance goals, in particular those of the NI Equality Commission and the NI Human Rights Commission, along with relevant international comparators (such as the South African Truth and Reconciliation Commission).⁴⁴ We have used these documents to inform our KPIs for the ICRIR.

If we identify a need to make any changes to our KPIs methodology over time, we will explain these.

For example, as the ICRIR recognises, significant legal developments in 2025-26 are likely to include the following scenarios, which could influence our KPIs methodology:

- A remedial order made under the Human Rights Act 1998. ‘This will restore the right to bring civil proceedings arising from conduct that now falls within the Commission’s remit. It will also make material we hold admissible as evidence in such proceedings.

⁴² CAJ, Stormont House Agreement – Model Implementation Bill and Explanatory Notes, 17 September 2015.

⁴³ Ministry of Justice, ‘Code of Practice for Victims of Crime in England and Wales’ (2024): <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>; United Nations Office of the High Commissioner for Human Rights, ‘Minnesota Protocol on the Investigation of Potentially Unlawful Deaths’ (2016).

⁴⁴ We have also considered post-conflict tribunals, such as the International Tribunals for the Former Yugoslavia and Rwanda; however, as these are bodies designed to conduct criminal trials, the lessons learned from these contexts are of limited relevance to ICRIR.

This could increase our caseload.’⁴⁵

- New primary legislation. ‘This will address other matters such as: reforming and strengthening the Commission’s independence, powers and accountability, restoring inquests, amending the disclosure regime under the Legacy Act, and enhancing the Commission’s powers in investigations that are unable to proceed as inquests.’⁴⁶
- The SoSNI’s proposed Supreme Court appeal in *Dillon et al.* ‘This could affect the law on the disclosure of sensitive information and on effective next of kin participation in cases that would otherwise be inquests.’⁴⁷
- ‘The inter-state case brought in January 2024 against the UK government by the Irish government at the European Court of Human Rights in Strasbourg.’⁴⁸

While we recognise that value for money is something that may be relevant to the government, we have decided to exclude this as an indicator of success for the purposes of our analysis, as value for money plays no direct part in ensuring that an investigation complies with human rights laws. We will, however, remain alert to the risk of the government underfunding the ICRIR—a problem that has at times prevented other bodies, such as the NI Human Rights Commission, from effectively fulfilling their statutory functions.⁴⁹

To enable civil society and others to independently assess the ICRIR, RSI will identify the sources of the data used in evaluating whether the KPIs have been met, as well as any limitations on that data. We will also explain any assumptions we make when measuring the ICRIR’s performance, so that civil society can reach an informed view of the ICRIR’s work.

In summary, we have identified three essential objectives for the ICRIR:

1. Providing investigations and redress that meet the requirements of the ECHR.
2. Doing what the body has said it will do.
3. Adhering to internationally-accepted best practices regarding the needs of survivors, victims’ family members, witnesses and other directly impacted people.

In relation to objective (1), the ECHR also provides rights to anybody accused of a criminal offence – principally the right to a fair trial under Article 6 of the Convention – however, we do not consider this as part of our analysis of ICRIR’s objectives. We have taken this approach as the criminal trial stage occurs after ICRIR’s involvement, and so it is not possible to reach a conclusion about whether an accused’s Article 6 right has been upheld based solely on the ICRIR’s performance.⁵⁰

⁴⁵ ICRIR: ‘ICRIR Work plan 2025-26’ (20 December 2024: <https://icrir.independent-inquiry.uk/document/icrir-work-plan-2025-26/>).

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Northern Ireland Office, ‘Independent Review of the Northern Ireland Human Rights Commission and UK Gov response’, 19 September 2023: <https://www.gov.uk/government/publications/independent-review-of-the-northern-ireland-human-rights-commission-and-uk-gov-response>; Northern Ireland Office, ‘ICRIR funding letter’, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-funding-letter/>.

⁵⁰ For more information, see Council of Europe and European Court of Human Rights, ‘Guide on Article 6 of the European Convention on Human Rights: Right to a Fair Trial (criminal limb)’, updated 31 August 2024: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_6_criminal_eng-pdf. Article 6 also applies to civil litigation: see Council of Europe and European Court of Human Rights, ‘Guide on Article 6 of the European Convention on Human Rights: Right to a Fair Trial (civil limb)’, updated 31 August 2024: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_6_civil_eng.

Within each of these principal objectives, we have formulated the KPIs listed below.

Scoring

We evaluate the ICRIR's fulfilment of our KPIs on a 'Pass/Fail' basis – that is, either the ICRIR has satisfied the indicator, or it has not. We have taken this approach because, should the ICRIR's investigations be the subject of a court case, the court would assess its compliance on such a basis.

Appendix 1: Key Performance Indicators

Providing investigations and redress that meet the requirements of the ECHR

a. Independence

1.1 Has the ICRIR demonstrated its independence in the sense of institutional, hierarchical and practical independence?⁵¹

1.2 Are the persons responsible for carrying out and/or overseeing the investigations independent from those individuals and entities potentially implicated in the events (such as members of the police, armed forces or paramilitary organisations)?⁵²

1.3 Has the SoSNI adequately resourced the ICRIR so that it is capable of conducting its investigations in line with the ECHR?

1.4 Has the SoSNI's role in the establishment and oversight of the ICRIR been clearly prescribed and limited in law in a manner that ensures that the ICRIR is independent and seen to be independent?⁵³

b. Capacity to instigate investigations

1.5 Has the ICRIR investigated cases of its own volition?⁵⁴

1.6 As relevant, has the ICRIR revived an investigation when new evidence has arisen capable of leading to investigative determinations?⁵⁵

c. Adequacy

1.7 Has the ICRIR effectively retrieved information (from the State, non-State entities and individuals) as part of the investigatory process?⁵⁶

⁵¹ See App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016. Each of these terms are defined in European Court of Human Rights case law: see Council of Europe and European Court of Human Rights, 'Guide on Article 2 of the European Convention on Human Rights: Right to Life', updated 31 August 2024: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_eng, paras. 163-170.

⁵² App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016. The following KPIs are particular elucidations of this obligation relevant to the ICRIR and its investigations.

⁵³ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 233.

⁵⁴ App. No. 55721/07, *Al-Skeini and Others v. UK*, 7 July 2011, para. 165.

⁵⁵ App. No. 32457/04, *Brecknall v. UK*, 27 November 2007, para. 71.

⁵⁶ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 233.

1.8 When information has not been forthcoming, has the ICRIR compelled people or organisations to provide it with evidence relevant to its investigations?⁵⁷

1.9 Are the published report that set out the findings of reviews adequately investigated and reasoned?⁵⁸

1.10 Are the records of deaths that were caused by incidents during the Troubles adequately investigated and reasoned?⁵⁹

1.11 Has the ICRIR effectively preserved any evidence?⁶⁰

1.12 Has the ICRIR identified material which is or may be relevant to motive (including, in particular, racial, religious or other sectarian motives)?⁶¹

1.13 Has the ICRIR adequately investigated different types of case?⁶²

- Has the ICRIR adequately progressed requests to review cases involving deaths?
- Has the ICRIR adequately progressed requests to review cases involving serious injury?
- Has the ICRIR adequately progressed cases where fresh evidence has come to light?
- Has the ICRIR adequately progressed cases linked to those where a review is already being carried out?
- Has the ICRIR adequately progressed referrals by the SoSNI?
- Has the ICRIR adequately progressed referrals by the Coroner?
- Has the ICRIR adequately progressed referrals by the Attorney General of Northern Ireland?
- Has the ICRIR adequately progressed family referrals?

d. Timeliness

1.14 Has the ICRIR concluded its investigations in a timely manner?⁶³

e. Transparency and public scrutiny

1.15 Do individuals have an adequate opportunity to make personal statements to the ICRIR?⁶⁴

⁵⁷ App. No. 24746/94, *Jordan v. UK*, 4 August 2001; App. No. 28883/95, *McKerr v. UK*, 4 August 2001; App. No. 30054/96, *Kelly and others v. UK*, 4 August 2001; App. No. 43290/98, *McShane v. UK*, 28 August 2002.

⁵⁸ App. No. 24014/15, *Tunç and Tunç v. Turkey*, 14 April 2015, para. 175.

⁵⁹ App. No. 24014/15, *Tunç and Tunç v. Turkey*, 14 April 2015, para. 175.

⁶⁰ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 233.

⁶¹ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 243.

⁶² This question refers to the KPIs outlined within this section on ‘adequacy’ of investigation, but, rather than assessing the ICRIR’s compliance with these obligations as a whole, assesses the ICRIR’s compliance based on different types of case before it.

⁶³ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 237; App. No. 23458/02, *Guiliani and Gaggio v. Italy*, 24 March 2011, para. 305. For more information, see App. No. 42771/98, *Bayrak and Others v. Turkey*, 12 January 2006, paras. 54-55; App. No. 58933/00, *Adiyaman v. Turkey*, Decision, 9 February 2010.

⁶⁴ App. No. 24746/94, *Jordan v. UK*, 4 August 2001, para. 121.

1.16 Has the ICRIR adequately engaged with victims, families and survivors in individual cases?⁶⁵

1.17 Has the ICRIR effectively considered and implemented family wishes in how it reviews cases?⁶⁶

1.18 Have the victims, families and survivors received funded legal representation?⁶⁷

1.19 Has the ICRIR adequately engaged with other people, groups or communities directly involved in individual cases?⁶⁸

1.20 Has the ICRIR effectively balanced transparency with confidentiality in its engagement with the wider public about its work?⁶⁹

f. Outcomes

1.21 Has the ICRIR created a public record, setting out an authoritative and factual account of the circumstances of a death or serious injury?⁷⁰

1.22 Has the ICRIR established as many as possible of the relevant facts in its investigations?⁷¹

1.23 Has the ICRIR identified, or facilitated the identification of, perpetrators?⁷²

1.24 Has the ICRIR established whether any relevant action or omission by a public authority was lawful (including, in particular, whether any deliberate use of force was justified in the circumstances)?⁷³

1.25 Has the ICRIR established whether any action or omission of a perpetrator was carried out with the knowledge or encouragement of, or in collusion with, a public authority?⁷⁴

1.26 Has the ICRIR created effective criteria for undertaking referrals to prosecution, while successfully implementing them?⁷⁵

1.27 Have the victims, families and survivors received an effective and adequate remedy?⁷⁶

⁶⁵ App. No. 55721/07, *Al-Skeini and Others v. UK*, 7 July 2011, para. 167; App. No. 24746/94, *Jordan v. UK*, 4 May 2001, para. 121.

⁶⁶ App. No. 55721/07, *Al-Skeini and Others v. UK*, 7 July 2011, para. 167; App. No. 24746/94, *Jordan v. UK*, 4 May 2001, para. 121.

⁶⁷ App. No. 24746/94, *Jordan v. UK*, 4 August 2001.

⁶⁸ App. No. 5878/08, *Armani da Silva v. UK*, 30 March 2016, para. 233.

⁶⁹ App. No. 52391/99, *Ramsahai v. the Netherlands*, 15 May 2007, para. 353.

⁷⁰ See App. No. 26307/95, *Acar v. Turkey*, 8 April 2004, para. 223; App. No. 47708/08, *Jaloud v. the Netherlands*, 20 November 2014, para. 186.

⁷¹ See App. No. 26307/95, *Acar v. Turkey*, 8 April 2004, para. 223; App. No. 47708/08, *Jaloud v. the Netherlands*, 20 November 2014, para. 186.

⁷² App. No. 24746/94, *Jordan v. UK*, 4 August 2001; App. No. 28883/95, *McKerr v. UK*, 4 August 2001; App. No. 30054/96, *Kelly and others v. UK*, 4 August 2001; App. No. 37715/97, *Shanaghan v. UK*, 4 August 2001; App. No. 43290/98, *McShane v. UK*, 28 August 2002; App. No. 29178/95, *Finucane v. UK*, 1 October 2003.

⁷³ App. No. 24746/94, *Jordan v. UK*, 4 August 2001, para. 163.

⁷⁴ App. No. 37715/97, *Shanaghan v. UK*, 4 August 2001; App. No. 29178/95, *Finucane v. UK*, 1 October 2003.

⁷⁵ App. No. 23458/02, *Guiliani and Gaggio v. Italy*, 24 March 2011, para. 182.

⁷⁶ ECHR, Article 13.

Doing what the body has said it will do⁷⁷

a. Reconciliation

2.1 Do impacted people perceive that the ICRIR process has provided reconciliation?

2.2 Has the ICRIR created an opportunity for conversations, collaboration and understanding across communities?⁷⁸

2.3 Has the ICRIR identified acts or omissions that may have prevented the death or serious injury from being investigated or a perpetrator being identified or charged?

b. Engagement with victims, survivors and their families

2.4 Has the ICRIR provided families and communities with new information about Troubles-related incidents?

2.5 Has the ICRIR regularly and effectively communicated with individual victims, victim groups and victim communities?

2.6 Has the ICRIR followed through on its commitments to individuals, groups and the wider public?

2.7 Has the ICRIR effectively supported individuals to cope with the mental health impacts of the Troubles?

2.8 Has the ICRIR highlighted or referred people to other Troubles-related schemes, such as the Victims' Payments Scheme?

2.9 Has the ICRIR provided other information about how families can access wider help and support?

c. Public engagement

2.10 Is the ICRIR visible and present in communities across Northern Ireland, Ireland and Great Britain?

2.11 Has the ICRIR regularly and effectively communicated with the wider public?

2.12 Has the ICRIR been viewed or reported upon favourably by international law organisations such as the Council of Europe or the UN human rights bodies?

2.13 Has the ICRIR been viewed or reported upon favourably by national human rights organisations such as the Northern Ireland Human Rights Commission?

⁷⁷ For more information, see Appendix 2.

⁷⁸ We consider 'communities' in a wider sense to include those communities outside the Catholic Nationalist Republican (CNR) communities and the Protestant Unionist Loyalists (PUL) communities. It is important to recognise that there are other communities who suffered directly or indirectly during the Troubles in a manner that is often overlooked by government and the CNR and PUL communities. The concept of 'reconciliation' should involve explicit inclusion of such other communities without enhancing their 'otherness' in a way that could be considered alienating in the maintenance of the peace process and the creation of a human rights-compliant society in NI. Therefore, we expect that the ICRIR should understand that there were always more than two communities in NI and, as a result, we would expect it to be aware and demonstrate an understanding and have measures in place to engage with such communities.

2.14 Has the ICRIR been viewed or reported favourably upon by civil society from Northern Ireland and elsewhere?

2.15 Have other relevant stakeholders viewed or reported on ICRIR favourably?

d. Accountability and transparency

2.16 Are the ICRIR's workplans and annual reports sufficiently detailed and transparent?

2.17 Are reviews by the ICRIR's internal Audit & Risk Committee, and/or reviews by other government bodies or an independent body, effective?

2.18 Are the ICRIR's policies and processes sufficiently transparent?

Adhering to internationally accepted best practices regarding the needs of survivors, victims' family members, witnesses and other directly impacted people

a. Victims, survivors and their families⁷⁹

3.1 Has the ICRIR provided dedicated help and support to people to explain how to make a request to it, and how its investigative process works?

3.2 Has the ICRIR provided information about its processes, policies and its work in an accessible format?

3.3 Has the ICRIR provided victims, survivors and their families with information during each stage of the investigative process?

3.4 Has the ICRIR responded effectively to any identifiable physical safety concerns for victims, survivors and their families?

3.5 Has the ICRIR responded effectively to any identifiable mental health concerns for victims, survivors and their families?

3.6 Has the ICRIR responded effectively to any identifiable digital safety concerns for victims, survivors and their families?

3.7 Has the ICRIR complied with data protection law in relation to the personal data of victims, survivors and their families?

b. Witnesses⁸⁰

3.8 Has the ICRIR contacted witnesses or potential witnesses for evidence collection swiftly following their identification?

3.9 Has the ICRIR engaged with witnesses with an open mind, while seeking to establish all of the facts relevant to the incident under investigation?

⁷⁹ Ministry of Justice, 'Code of Practice for Victims of Crime in England and Wales' (2024): <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>;

⁸⁰ United Nations Office of the High Commissioner for Human Rights, 'Minnesota Protocol on the Investigation of Potentially Unlawful Deaths' (2016).

3.10 Has the ICRIR responded effectively to any identifiable physical safety concerns for witnesses or potential witnesses?

3.11 Has the ICRIR responded effectively to any identifiable mental health concerns for witnesses or potential witnesses?

3.12 Has the ICRIR responded effectively to any identifiable digital safety concerns for witnesses or potential witnesses?

3.13 Has the ICRIR complied with data protection law in relation to witness' personal data?

Appendix 2: The ICRIR's structure, governance and objectives

The ICRIR's structure

The ICRIR is led by a Board of seven Commissioners. The Commissioners set the strategy and scrutinise the Executive Leadership Team's work. The Executive Leadership Team is responsible for leadership of the ICRIR and the day-to-day work.⁸¹

A few other formal committees and wider groups feed into the ICRIR's work:

- Audit and Risk Committee (ARC)

The ARC's role is to support the Board and Accounting Officer in discharging their responsibilities for issues of risk, control and governance. The ARC supports the Board and the Accounting Officer in these responsibilities by reviewing the comprehensiveness of assurances and assessing the reliability and integrity of these assurances. In undertaking this role, the ARC is supposed to adhere to the principles set out in the HMT Audit & Risk Assurance Committee Handbook (see below). It is chaired by the lead Non-Executive Commissioner and should consist of at least two non-executives plus an external independent member. The Board will appoint the ARC's members.⁸²

- Remuneration and Nominations Committee (RNC)

The RNC provides oversight of, and assurance to the Board on, key human resources policies and initiatives, such as pay. The RNC leads work to appoint Executive Commissioners as required (Chief Executive Officer and Commissioner for Investigations). It also leads the appointment process for Executive Commissioners (the Chief Executive Officer and Commissioner for Investigations). It is chaired by the Chief Commissioner.⁸³

- Investigative Oversight Committee (IOC)

The IOC monitors the ICRIR's case management processes and is tasked with ensuring that the ICRIR carries out its investigations in line with the body's policies and procedures. The IOC is also supposed to ensure that the ICRIR is properly resourced and supervised. The Commissioner for Investigations chairs the Committee.⁸⁴

- External Assurance Group (EAG)

The EAG is given the function of independently scrutinising the ICRIR's methodologies and approaches for carrying out its investigations. The group differs from the IOC because it acts externally to the ICRIR and includes members with a range

⁸¹ ICRIR, 'Our governance', ICRIR: <https://icrir.independent-inquiry.uk/about-us/our-governance/>.

⁸² ICRIR, 'Audit and Risk Committee', ICRIR: <https://icrir.independent-inquiry.uk/about-us/our-governance/audit-and-risk-committee/>.

⁸³ ICRIR, 'Remuneration and Nominations Committee', ICRIR: <https://icrir.independent-inquiry.uk/about-us/our-governance/remuneration-and-nominations-committee/>.

⁸⁴ ICRIR, 'Investigative Oversight Committee', ICRIR: <https://icrir.independent-inquiry.uk/about-us/our-governance/investigative-oversight-committee/>.

of experience including homicide and terrorism investigations and prosecutions, human rights law, victim care, and experience of these areas within Northern Ireland.⁸⁵ The EAG's remit includes being given briefings by the Commissioner for Investigations and those acting on that commissioner's behalf, as well as by the Director of Strategy, Planning and Performance about the development of the ICRIR's policies, procedures and practices, so that it can provide expert advice and input for the ICRIR to consider. Information briefed and advice given should be in confidence, but with the agreement of the Chief Commissioner, the Chair of the Group may publish a summary of the group's opinion via the ICRIR. Conduct of specific cases and individual operational decisions should remain matters for the Commissioner for Investigations, relevant ICRIR officers and any Committees of the Board so tasked, such as the IOC.⁸⁶

The ICRIR's Board

The ICRIR's Board must act according to standards of corporate governance, as set out in Section 2, and Schedules 1 and 2, of the Legacy Act and in line with the relevant UK government guidance (which we outline below).⁸⁷ The Board's role is effectively to run the ICRIR and ensure that it delivers on its objectives, in accordance with the ICRIR's purposes; its statutory, regulatory and common law duties; and the Board's responsibilities under the Framework Document.⁸⁸

The Board consists of up to seven Commissioners: a Chief Commissioner, Commissioner for Investigations and a Chief Executive Officer, with up to four Non-Executive Commissioners. The four Non-Executive Commissioners are appointed to provide scrutiny of the Board's decision-making and are tasked with holding the Executive Commissioners and the wider Executive Committee to account. The ICRIR Board has collective responsibility for setting the ICRIR's strategic direction.⁸⁹

Chief Commissioner

The Chief Commissioner has overall responsibility for leading and setting the ICRIR's strategic direction. They are also the Chair of the Board and the RNC. The Chief Commissioner has an executive role and is responsible for the production and publication of final reports.⁹⁰

Commissioner for Investigations

The Commissioner for Investigations is an executive member of the Board and Chair of the IOC. Under the Legacy Act, they have the full powers and privileges of a police constable, enabling them to carry out specialist functions such as conducting investigations and making

⁸⁵ ICRIR, 'External Assurance Group Terms of Reference', February 2024: <https://icrir.independent-inquiry.uk/document/external-assurance-group-terms-of-reference/>.

⁸⁶ ICRIR, 'External Assurance Group', ICRIR: <https://icrir.independent-inquiry.uk/about-us/our-governance/external-assurance-group/>.

⁸⁷ ICRIR, 'ICRIR Board – our Commissioners', ICRIR: <https://icrir.independent-inquiry.uk/icrir-board-our-commissioners/>.

⁸⁸ ICRIR, 'ICRIR Framework Document', 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

⁸⁹ ICRIR, 'ICRIR Board – our Commissioners', ICRIR: <https://icrir.independent-inquiry.uk/icrir-board-our-commissioners/>.

⁹⁰ Ibid.

referrals to prosecutors.⁹¹ The Commissioner for Investigations can also designate ICRIR staff who can then exercise these powers, too.⁹²

Chief Executive Officer

The Chief Executive Officer is an executive member of the Board and is the ICRIR's Accounting Officer. The postholder chairs the ICRIR's Executive Leadership, overseeing the organisation's day-to-day running. They are tasked with ensuring it discharges its functions in line with all legal requirements, including those under the Legacy Act. They also have the responsibility of directing all staff to work in support of the ICRIR's mission.⁹³

Non-Executive Commissioners

The Non-Executive Commissioners have the stated goal of bringing additional scrutiny, challenge, support, expertise and perspectives to the Board. Their role includes helping to set the strategy, challenge the Executives' performance and act as spokespeople. The Non-Executive Commissioners (including the Lead Non-Executive) are not involved in the management of any specific cases or investigations.⁹⁴

The Board's duties

Under Section 8.7 of the ICRIR's Framework Document, the Board is responsible for:

- 'Establishing and taking forward' the ICRIR's strategic aims and objectives, while ensuring that it acts consistently with its overall strategic direction;
- 'Providing effective leadership within a framework of prudent and effective controls, enabling effective assessment and management of risk';
- 'Ensuring the existence of appropriate financial and human resources' to allow the ICRIR to meet its objectives;
- 'Reviewing management performance', particularly the CEO's performance (the CEO is responsible for the day-to-day operations and management of the ICRIR);
- 'Ensuring that it receives and reviews regular financial and management information' concerning the ICRIR;
- Dealing with 'any changes which are likely to impact on the ICRIR Board's strategic direction or on the attainability of its targets';
- Ensuring that ICRIR operates within the limits of its legal authority and complies with laws regarding the use of public funds, and demonstrating 'high standards of corporate governance'; and

⁹¹ Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Schedule 2.

⁹² ICRIR, 'ICRIR Board – our Commissioners', ICRIR: <https://icrir.independent-inquiry.uk/icrir-board-our-commissioners/>.

⁹³ Ibid.

⁹⁴ Ibid.

- Ensuring that it has ‘appropriate internal mechanisms establishing effective monitoring, governance and external reporting’.⁹⁵

The ICRIR’s governance

In January 2024, the ICRIR created a ‘Governance Framework’ for itself, which also involved establishing the oversight committees listed above.⁹⁶ Under the Framework Document, the ICRIR must establish and maintain arrangements for internal financial audits in accordance with the Public Sector Internal Audit Standards. This means that ICRIR must use these standards.⁹⁷

Under the Framework Document, the ICRIR must also set up an audit committee in accordance with the Cabinet Office’s Code of Good Practice for Public Bodies and the Audit Committee Handbook. At the same time, the Audit and Risk Committee (chaired by the Lead Non-Executive Commissioner) is designated to provide the ICRIR with ‘independent assurance’ on financial risks, risk control and governance.⁹⁸

Meanwhile, the RNC (chaired by the Chief Commissioner) is designated to provide the ICRIR with ‘independent assurance’ on senior appointments. This appears to be a mechanism to address concerns regarding the ICRIR’s independence.

As the ICRIR is a statutory body corporate (that is, a corporate body created by an Act of Parliament, in this case the Legacy Act), it has a Board of Commissioners responsible for ensuring that it fulfils its purpose and functions. While the ICRIR is funded by the UK government’s Northern Ireland Office (NIO: the government body responsible for Northern Ireland affairs), the government has created the body with the stated intention of its being operationally independent from the NIO.⁹⁹ This means that the Board, and not the government, is responsible for the ICRIR.

The Cabinet Office has administratively classified the ICRIR as a non-departmental public body sponsored by the NIO. Therefore, at least formally, the ICRIR operates independently from the UK government, the Northern Ireland Executive (NIE), and all other public authorities, and the NIO has undertaken not to act ‘in any way to undermine the operational independence’ of the ICRIR or its Commissioners.¹⁰⁰ The Framework Document states:

The NIO will take steps where necessary, to actively defend and uphold the independence of the Commission and its operational decision making. The NIO shall

⁹⁵ ICRIR, ‘ICRIR Framework Document’, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

⁹⁶ Ibid.

⁹⁷ Chartered Institute of Internal Auditors, ‘Public Sector Internal Audit Standards Applying the IIA International Standards to the UK Public Sector’: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641252/PSAIS_1_April_2017.pdf updated March 2017, p. 4

⁹⁸ Cabinet Office, ‘Partnerships between departments and arm’s-length bodies: Code of Good Practice’, 24 February 2017.

⁹⁹ ICRIR, ‘ICRIR Framework Document’, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

¹⁰⁰ See Ibid, Section 3.

not have access to any of the ICRIR's evidence, findings or reports before publication, unless permitted by the Chief Commissioner for a specific purpose in line with the Act.

Regarding the relationship with the NIO, it goes on to say:

The NIO will ensure that the ICRIR has funding to fulfil its statutory duties and functions. The ICRIR and NIO will liaise regularly on matters concerning access to technical expertise about corporate services (good practice in finance, procurement, etc), funding, the ICRIR's progress against its published workplan and the management of public resources. Such engagement will not relate to the conduct of any cases on which the ICRIR is undertaking work.¹⁰¹

As listed in Appendix 1 of the Framework Document, current UK government guidance that applies to the ICRIR includes:

- 'Any specific instructions and guidance issued by the NIO as sponsor department or by central departments';
- Relevant sections of the Code of Conduct for Board Members of Public Bodies;¹⁰²
- Relevant sections of Public Bodies: A Guide for Departments;¹⁰³
- Relevant Freedom of Information Act guidance published by the Information Commissioner's Office;¹⁰⁴
- Managing Public Money;¹⁰⁵
- Government Financial Reporting Manual;¹⁰⁶
- Relevant Government Functional Standards;¹⁰⁷
- Relevant Dear Accounting Officer letters;¹⁰⁸
- Audit Committee Handbook;¹⁰⁹
- Public Sector Internal Audit Standards;¹¹⁰

¹⁰¹ Ibid, Sections 3.2 and 3.3.

¹⁰² Cabinet Office, 'Partnerships between departments and arm's-length bodies: Code of Good Practice', 24 February 2017. The Code includes clauses on: principles of Public Life; Members' Interests; conflicts of interest; responsibilities as a Board Member; responsibilities towards employees; the use of social media; and raising concerns.

¹⁰³ Cabinet Office, 'Public Bodies: A Guide for Departments', January 2007.

¹⁰⁴ Information Commissioner's Office, 'Freedom of information guidance and resources', ICO: <https://ico.org.uk/for-organisations/foi/>.

¹⁰⁵ HM Treasury, 'Managing Public Money': https://assets.publishing.service.gov.uk/media/65c4a3773f634b001242c6b7/Managing_Public_Money_-_May_2023_2.pdf. Last updated May 2023.

¹⁰⁶ HM Treasury, 'Guidance on annual reports and accounts', Government Financial Reporting Manual: 2024-25, 14 December 2023: <https://www.gov.uk/government/collections/government-financial-reporting-manual-frem>. Last updated 19 December 2023.

¹⁰⁷ Cabinet Office, 'Functional Standards', 4 November 2020: <https://www.gov.uk/government/collections/functional-standards>. Last updated 25 October 2021

¹⁰⁸ HM Treasury, 'HMT Dear Accounting Officer (DAO) letters,' 12 July 2013: <https://www.gov.uk/government/collections/dao-letters>. Last updated 13 June 2024

¹⁰⁹ HM Treasury, 'Audit and Risk Assurance Committee Handbook,' 29 May 2013: <https://www.gov.uk/government/publications/audit-committee-handbook>. Last updated 24 July 2024

¹¹⁰ Chartered Institute of Internal Auditors, 'Public Sector Internal Audit Standards Applying the IIA International Standards to the UK Public Sector': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641252/PSAIS_1_April_2017.pdf. Last updated March 2017.

- Management of Risk: Principles and Concepts;¹¹¹
- Guide to managing fraud for public bodies;¹¹²
- Tackling Fraud;¹¹³
- Cabinet Office Control Limits;¹¹⁴ and
- ‘Any Public Accounts Committee (PAC) recommendations, or other recommendations made by Parliamentary authority, that the government have accepted’ and that are ‘relevant’ to the ICRIR.¹¹⁵

The ICRIR has said that it adheres to all relevant statutory frameworks, regulations, guidance and codes of practice to meet its information management responsibilities. These include:

- The UK General Data Protection Regulation;¹¹⁶
- The Data Protection Act 2018;
- The Freedom of Information Act 2000;
- The Government Functional Standard;¹¹⁷
- The HMG Personnel Security Controls;¹¹⁸
- The Government Security Classifications Policy;¹¹⁹
- International Classified Exchanges;¹²⁰
- Guidance: Protecting international RESTRICTED classified information;¹²¹ and

¹¹¹ UK Government, ‘The Orange Book – Management of Risk – Principles and Concepts’, 2023: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154709/HMT_Orange_Book_May_2023.pdf.

¹¹² UK Public Sector Fraud Authority, ‘Guidance on countering fraud against the public sector from the International Public Sector Fraud Forum,’ 10 February 2020: <https://www.gov.uk/government/publications/international-public-sector-fraud-forum-guidance>. Last updated 1 November 2024.

¹¹³ HM Treasury, ‘Tackling Internal Fraud,’ January 2011: https://webarchive.nationalarchives.gov.uk/ukgwa/20130129110402/http://www.hm-treasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf.pdf. Archived 29 January 2013.

¹¹⁴ Central Digital and Data Office, Cabinet Office Controls, 30 April 2018: <https://www.gov.uk/government/collections/cabinet-office-controls>. Last updated 18 September 2023

¹¹⁵ ICRIR Framework Document, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

¹¹⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council: <https://www.legislation.gov.uk/eur/2016/679/contents>.

¹¹⁷ Cabinet Office, ‘International Classified Exchanges, GovS 007: Security – Version 2.0’, 13 September 2021.

¹¹⁸ UK Government, ‘Government Functional Standard, GovS 007: Security’: <https://www.gov.uk/government/publications/hmg-personnel-security-controls>, Version 6 2022.

¹¹⁹ Cabinet Office and National Security and Intelligence, ‘HMG personnel security controls,’ 30 June 2023 <https://www.gov.uk/government/publications/hmg-personnel-security-controls>. Last updated 31 October 2022.

¹²⁰ Cabinet Office, ‘International Classified Exchanges,’ Version 1.5 March 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/880244/20200327-International-Classified-Exchanges-Mar-2020-v1.5.pdf.

¹²¹ Cabinet Office, ‘Guidance: Protecting international RESTRICTED classified information,’ Version 1.3 March 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/880251/20200325-Guidance-Protecting-international-RESTRICTED-classified-information-Mar-2020-v1.3.pdf.

- The Information Commissioner’s Code of Practice.¹²²

In line with Cabinet Office Public Bodies Review Programme guidance, the ICRIR should be required to undergo a formal review to ensure that it is effective and efficient, and that its operations are delivered in accordance with any legal or other requirements set by the government.¹²³ Section 36 of the Legacy Act has created a statutory requirement that the SoSNI carry out a review of the performance by the ICRIR of its functions by the end of the third year of the period of its operation.¹²⁴ A copy of this review must be laid before Parliament—that is, it must be published.¹²⁵

The ICRIR’s mandate and functions

The ICRIR’s mandate and functions are outlined in the Legacy Act. Notwithstanding what we have said above about the importance of the requirement under international human rights law to uphold the individual rights of survivors and the families of victims, section 2(4) of the Act states that the ICRIR’s principal objective is to ‘promote reconciliation’.

The ICRIR has stated that by ‘promoting reconciliation’, it means ‘supporting greater inclusion, tolerance, and openness in Northern Ireland by addressing the legacy of the past, so that Northern Ireland’s society can look forward together, transition to long-term peace and stability and realise a brighter future.’¹²⁶

Pursuant to section 2(5) of the Legacy Act, the ICRIR’s specific functions are to:

- Carry out reviews of deaths that were caused by conduct forming part of the Troubles;
- Carry out reviews of other harmful conduct forming part of the Troubles;
- Produce reports on the findings of each of the reviews of deaths and other harmful conduct;
- Determine whether to grant a person’s immunity from prosecution for serious or connected Troubles-related offences other than Troubles-related sexual offences; and
- Produce a record of deaths that were caused by conduct forming part of the Troubles.¹²⁷

Under section 2(6) of the Legacy Act, the ICRIR must have regard to the ‘general interests of persons affected by Troubles-related deaths and serious injuries.’

The ICRIR has both statutory powers and statutory duties, which derive from the Legacy Act. A statutory *duty* in the UK is a legal requirement that a company, government organisation, or professional must fulfil. A statute must clearly specify what the duty is, who is responsible for it, and what constitutes a breach of the duty.

¹²² ICO, ‘Data sharing: a code of practice, May 2021’: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/>.

¹²³ Cabinet Office, ‘Public Bodies Review Programme,’ 26 April 2022: <https://www.gov.uk/government/publications/public-bodies-review-programme>. Last updated 25 April 2024.

¹²⁴ Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, s36.

¹²⁵ ICRIR Framework Document, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

¹²⁶ Ibid.

¹²⁷ The ICRIR Chief Commissioner is to produce a final report into the findings of an ICRIR review. Its mandatory contents are limited to a statement setting out how the review was conducted and, where practicable, responses to questions asked when the review was requested.

On the other hand, a statutory *power* in the UK is a legal power that is granted by an Act of Parliament to a Minister of the Crown or other body. These powers allow the Minister or body to make its own rules or regulations on specific matters. The scope of these powers can vary, from technical matters to broader powers. For example, a Minister may be granted the power to change the dates when provisions of an Act come into force, or to change the levels of fines for offenses. Statutory powers are discretionary, to be exercised as needed, and it may be possible to exercise a power before an Act comes into force if the Act does not specify otherwise.¹²⁸ Therefore, there may be a concern over how the SoSNI may exercise the powers granted under the Legacy Act.

Statutory duties

According to Section 5.3 of the Framework Document, the ICRIR is required by statute:

- ‘To have regard to the general interests of persons affected by Troubles-related deaths and serious injuries;
- ‘To publish personal statements from members of families of victims;
- ‘To produce and publish an annual work plan;
- ‘To produce and publish an annual report;
- ‘To keep proper accounts;
- ‘To consult on and publish final reports following a review; and
- Not to do anything which would;
 - a) risk putting, or would put, the life or safety of any person at risk;
 - b) risk prejudicing, or would prejudice the national security interests of the United Kingdom; or
 - c) risk having, or would have, a prejudicial effect on any actual or prospective criminal proceedings in any part of the United Kingdom.’¹²⁹

A breach of statutory duty occurs when a person or entity, such as the ICRIR, fails to fulfil a duty imposed by a statute. The consequences of a breach of statutory duty can, but do not always, include civil actions for damages: if the statute doesn’t explicitly address the issue, the courts must decide if Parliament intended to provide civil remedies. If the ICRIR does not comply with its statutory duties, it may be subject to a judicial review action before the courts and found to be in breach.

Statutory powers

The ICRIR’s statutory powers are outlined in Schedule 1, paragraph 2 to the Legacy Act, which states that, ‘The ICRIR may do anything that it thinks necessary or expedient in connection with the exercise of its functions.’ According to Section 5.4 of the Framework Document, the ICRIR has set out a list of the body’s powers, including:

- ‘To employ and second staff;

¹²⁸ See Statutory powers and duties crossheading, Interpretation Act 1978.

¹²⁹ See ICRIR Framework Document, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>, Section 5.3.

- ‘To request and receive full disclosure;’¹³⁰
- ‘The ability for qualified officers to exercise the powers of a constable;
- ‘To refer deaths that were caused by conduct forming part of the Troubles, and other harmful conduct forming part of the Troubles, to prosecutors;
- ‘To require production of information in order to progress its business;
- ‘To enter into contracts and other agreements;
- ‘To regulate ICRIR’s own proceedings and to delegate functions as necessary.’¹³¹

If the SoSNI or the ICRIR were to exceed their statutory powers in a particular case, they could become subject to judicial review proceedings by a survivor or family member.

The ICRIR’s essential principles

According to its 2024-25 and 2025-26 Work Plans, in addition to the principal objective of promoting reconciliation and the need to follow a trauma-informed approach, the ICRIR will aim to follow three essential principles:

- Compliance with the ECHR;
- Respect for the principles of the B/GFA; and
- A focus on providing information to those affected by the Troubles.’¹³²

It is significant to note that the ICRIR has not provided any information or guidance on how it will adhere to ‘respect for the principles’ of the 1998 B/GFA beyond stating that its commitment involves ‘[u]pholding the agreements and understandings established in this crucial document.’¹³³

These B/GFA principles are heavily contested by political parties and others in NI, and resolution of an issue in any particular case is likely to require a court ruling.

By contrast, the ICRIR has reflected upon what it considers the ECHR requires when a body is investigating potentially unlawful killings, identifying the following principles for investigations:

1. Independent, thorough and fair investigations of all cases referred to it;
2. Prompt and proportionate investigation;
3. Appropriate involvement of requesters in the investigation process;
4. Evidence-based fact-finding;
5. Conclusions based on the civil standard of proof; and
6. Report production in all cases referred to it.¹³⁴

¹³⁰ The Northern Ireland Troubles (Legacy and Reconciliation) 2023 provides that a relevant authority must make available to the ICRIR information, documents and other material that the ICRIR ‘may reasonably require for the purposes of, or in connection with, the exercise of the review function or the immunity function.’ There is no sanction for failure to provide such information. In previous cases, the qualification ‘may reasonably require’ is likely to be disputed in legal proceedings as to whether a ‘relevant authority’ is obliged to provide particular information.

¹³¹ Northern Ireland Troubles (Legacy and Reconciliation) 2023, Schedule 1(2).

¹³² ICRIR Framework Document, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>,

¹³³ Ibid.

¹³⁴ ICRIR, ‘Our investigations’, ICRIR: <https://icrir.independent-inquiry.uk/our-investigations/>.

The ICRIR's 'Objectives' and 'Key Deliverables'

The ICRIR's 2024-25 workplan sets out 'Objectives' and 'Key Deliverables' for each of its departments and positions: the Investigations Directorate, the Chief Commissioner, the Commissioners and Secretariat, Corporate Operations, Strategy Directorate and Legal Counsel.¹³⁵ We briefly outline these objectives and key deliverables, as they have helped to inform the KPIs we have devised for the ICRIR. For example, one of the Investigations Directorate's objectives is to carry out 'thorough and independent investigations', which we formulate through KPIs under the objective of 'Compliance with the European Convention on Human Rights and respect for the principles of the 1998 Belfast (Good Friday) Agreement' detailed below.

Investigations Directorate

Stated Objective

- To carry out 'thorough and independent investigations in line with the ICRIR's published design that involves victims, families and survivors in each step.'¹³⁶

Key deliverables as set out by the ICRIR

- Lead 'the integration of the Trauma and Resiliency Informed Model' (TRIM) throughout the ICRIR's work. The ICRIR Framework for Implementing the TRIM sets out why the ICRIR has chosen to place a priority on supporting people and how, through a whole-organisation approach, it says it will seek to embed these principles in all of its work. The ICRIR's stated purpose for the TRIM is to support victims, survivors and families when they engage with the ICRIR. The document also explains the principles of the TRIM and the implementation strategy, and it commits to best practice and improvement.¹³⁷
- Provide 'high quality support (including specialised support in certain circumstances)' to individuals requesting it.
- 'Frequently contact, update and support requesting individuals and families.'¹³⁸
- Provide safeguarding across the ICRIR.
- Ensure that the Information Recovery team investigates 'all the circumstances of cases before it,' and seeks to address the requesting individuals' questions.
- Handle 'all information' in line with data protection best practices.
- Establish a team working 'alongside (and, where necessary, embedded within) relevant public authorities' to ensure that the investigation has 'all relevant materials.'

¹³⁵ ICRIR, 'ICRIR Annual Work Plan 2024-25', 22 April 2024: <https://icrir.independent-inquiry.uk/document/icrir-annual-work-plan-2024-25/>.

¹³⁶ Ibid.

¹³⁷ The key principles of the TRIM include creating a supportive environment; individualised attention; an integrated approach; leadership and vigilance; and promoting reconciliation. See ICRIR, 'ICRIR Framework for Implementing the Trauma and Resiliency Informed Model (TRIM)', 22 October 2024: <https://icrir.independent-inquiry.uk/document/icrir-framework-for-implementing-the-trauma-and-resiliency-informed-model-trim/>.

¹³⁸ This Key Deliverable is reflected in ICRIR 'Charter of expectations, commitments and agreements between the Commission and Requesting Individuals', 9 July 2024: <https://icrir.independent-inquiry.uk/document/icrir-charter-of-commitments/>.

- Induct, train and build a cohesive team across the Directorate and the ICRIR.¹³⁹
- Record data to assist the ICRIR in understanding its impact, including diversity monitoring.
- Operate the IOC.¹⁴⁰

Chief Commissioner

Stated Objective

- ‘To make findings, based on evidence provided by the Investigations Directorate, and to produce and publish final reports recording those findings, following an investigation.’¹⁴¹

Key deliverables as set out by the ICRIR

- Operate the ‘Findings’ stage of the ICRIR’s investigative work. The ICRIR has outlined a three-stage process for responding to requests for information and the ‘findings’ stage is Stage 3 following ‘Support’ under Stage 1 and ‘Information Recovery’ under Stage 2, all of which we explain in detail below under the section heading, ‘How the ICRIR handles and responds to requests for information.’

Commissioners and Secretariat

Stated Objectives

- To ensure that the ICRIR ‘embeds good governance practices throughout its work, while supporting robust and accountable decision-making.’
- To support the other Commissioners ‘in obtaining advice and insight’ that assists them in their roles.
- To provide ‘oversight of and reporting on’ the ICRIR’s delivery of key governance and accountability measures, including on issues related to data protection, freedom of information and complaints.¹⁴²

Key deliverables as set out by the ICRIR

- ‘Support the Board to achieve its objectives through effective secretarial support.’
- ‘Assist the Chair and members of the EAG to carry out their remit.’
- ‘Maintain and review the agreed governance framework.’
- ‘Embed and oversee effective governance policies and mechanisms in line with the Code of Conduct values,’ such as principles of public life; members’ interests; conflicts of interest; responsibilities as a Board Member; responsibilities towards employees; the use of social media; and raising concerns.
- ‘Manage Commissioners’ correspondence with the general public.’
- Manage the ICRIR’s ‘compliance’ with data protection law.

¹³⁹ ICRIR, ‘ICRIR Annual Work Plan 2024-25’, 22 April 2024: <https://icir.independent-inquiry.uk/document/icir-annual-work-plan-2024-25/>.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

- Handle freedom of Information policy, respond to freedom-of-information requests and manage reporting processes.
- ‘Manage complaints processes and create policy, procedures and training for staff on the same.’
- ‘Provide administrative and logistical support for Board and Executive Committee.’¹⁴³

Corporate Operations

Stated Objectives

- To support the ICRIR’s work by ‘providing infrastructure (estates, information technology, procurement, etc) and resources (people and money).’
- To support the Accounting Officer in ‘ensuring the effective and efficient use of public resources in a way that meets the required standards of regularity, propriety, value for money and feasibility.’
- To ‘ensure compliance, help drive efficiency, support people to deliver on their objectives and develop their skills, and contribute to strategy, planning and risk management.’¹⁴⁴

Key deliverables as set out by the ICRIR

- Complete the development of ICRIR estates and offices.
- ‘Develop and implement secure information technology and human resource systems.’
- ‘Develop and implement data protection processes and trainings.’
- ‘Recruitment and human resource management.’
- Develop, with the Strategy Directorate, the ICRIR’s approach to ‘reporting financial, human resources and other information to the Executive Committee, Board and externally.’
- ‘Procure and support internal audit processes.’
- Produce the ICRIR’s first Annual Report and Accounts covering the period December 2023 – March 2024.
- Develop the ICRIR’s budget management approach.
- Deliver and update the ICRIR’s induction and training activities.
- Run the ICRIR’s ‘business as usual’ activities.¹⁴⁵

Strategy Directorate

Stated Objectives

- To develop the ICRIR’s ‘strategic approach and ensure organisational alignment.’
- ‘To design and deliver performance, planning and risk frameworks.’
- To lead on strategic outreach, while building awareness of and education about the ICRIR, including management of communications and engagement.
- To develop ‘future initiatives’ for the ICRIR.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

- To begin the policy development of the ICRIR’s ‘historical record’ – this relates to undertaking preliminary policy development and cross-community engagement as a foundation for the ICRIR’s historical record function and wider reconciliation work.¹⁴⁶

Key deliverables as set out by the ICRIR

- ‘Develop and operate a performance management framework, including reporting and tracking.’
- ‘Develop and operate a risk management framework, including reporting and tracking.’
- Produce the ‘narrative elements’ of the ICRIR’s annual reports.
- ‘Engage regularly’ with the NIO in relation to the ICRIR’s sponsorship requirements (by the NIO) under the Framework Document.
- ‘Create and implement outreach initiatives.’
- Develop and publish materials ‘allowing the public to easily understand’ aspects of the ICRIR’s work.
- Conceptualise and conduct activities to ‘understand public sentiment towards, and understanding of,’ the ICRIR.
- ‘Create strategic and operational plans.’
- ‘Respond to media enquiries and explain’ the ICRIR’s work to the media.
- ‘Publish updates’ about the ICRIR’s work to its website.
- Draft equality scheme and disability scheme consultation responses and provide them to the Equalities Commission Northern Ireland.
- ‘Provide expert advice to other business units’ within the ICRIR to support them in discharging their equality and disability duties.
- Input into the ICRIR’s responses to correspondence from members of the public.
- ‘Begin planning and policy design work for the development of historical record.’
- ‘Carry out an audit of inequalities to support development of an equality action plan.’
- ‘Provide information’ about the ICRIR and its investigations in accessible formats and languages.
- Draft a glossary of terms so that the ICRIR uses language appropriately and sensitively.¹⁴⁷

General Counsel

Stated Objective

- To ‘provide, oversee and arrange all legal services’ to the ICRIR.¹⁴⁸

Key deliverables as set out by the ICRIR

- Provide ‘effective’ legal advice to the ICRIR, including on its ‘compliance’ with the ECHR.
- Support the ICRIR’s response to, and engagement with, legal proceedings.¹⁴⁹

Programme Establishment Directorate

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

Stated Objectives

- To develop initial operational policies, procedures, staffing models and ways of working for recovering information and developing findings.
- To support the Investigations Directorate, Strategy Directorate and Chief Commissioner's functions to periodically update operational policy and procedures.

Key deliverables as set out by the ICRIR

- Update the TRIM.
- Ensure that processes and interaction with the ICRIR is satisfactory from the perspective of requesting individual or families.
- Hire and begin to operationalise the core ICRIR teams.
- Embed the TRIM when the ICRIR is supporting individuals and families that have requested information from it.
- 'Draft key operational manuals and policies.'
- 'Create initial staff trainings.'
- 'Create initial information security policies.'¹⁵⁰

The Northern Ireland Office's role

Although the ICRIR is purportedly independent from the UK government, the NIO and the SoSNI have a role in the ICRIR's functioning.¹⁵¹ The SoSNI is accountable to Parliament for all matters concerning the ICRIR, so they should uphold the operational independence of the ICRIR, including as part of their responsibilities to Parliament. NIO Ministers are also responsible for the policy and legislative framework within which the ICRIR operates.¹⁵²

NIO Ministers' statutory powers in respect of the ICRIR include appointing the Chief Commissioner, Commissioner for Investigations and other Commissioners as specified in the Act; overseeing the policy and resources framework within which the ICRIR is required to operate; and paying the ICRIR 'such sums, through grant-in-aid, grant or other funds, as considered necessary' for meeting the ICRIR's expenditure and securing Parliamentary approval.¹⁵³

Any disputes between the NIO and the ICRIR should be resolved in as timely a manner as possible. The NIO and the ICRIR should seek to resolve any disputes through an informal process in the first instance. If the informal process fails, then the parties should use a formal process, overseen by the senior sponsor in the NIO (the Deputy Director of the Legacy Implementation Team and is the primary contact for the ICRIR) and the ICRIR's Chief Operating Officer, to resolve the dispute. The NIO and ICRIR may then ask the NIO Permanent Secretary and the ICRIR Principal Accounting Officer (the Permanent Secretary of the NIO) to jointly nominate a non-executive member of the department's Board and of the ICRIR's

¹⁵⁰ Ibid.

¹⁵¹ The powers of the SoSNI in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 include the appointments of all ICRIR commissioners; control over the resources of the ICRIR; control over the caseload of the ICRIR; powers to redact all reports emerging from the ICRIR; powers to terminate the work of ICRIR at any point; and providing all oversight of the ICRIR.

¹⁵² ICRIR, 'ICRIR Framework Document', 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

¹⁵³ Ibid; Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Schedule 1.

Board to jointly review the dispute, mediate with both sides and reach an outcome in consultation with the Chief Commissioner and the SoSNI.¹⁵⁴

How the ICRIR handles and responds to requests for information

The ICRIR has outlined a three-stage process for responding to requests for information.¹⁵⁵

Stage 1: Support

This stage is the start of an individual's journey with the ICRIR. Dedicated case support workers are supposed to help individuals and families better understand:

- How the ICRIR may be able help them;
- What the ICRIR is and is not able to do;
- The different options the requester could choose regarding how the ICRIR progresses their case (see below); and
- The information the ICRIR will need from the requester to move their request to the next stage in the process.¹⁵⁶

While this is the first stage of the journey, the ICRIR says that it will provide support to a requester throughout the entire process of an investigation. According to the ICRIR, the case support team should provide a single point of contact and consistent, objective support for the requesting individual and family throughout their time with the ICRIR. The support team should also respond to any questions and provide people with the space, time and information to make decisions that are right for them and the information recovery outcomes they seek.¹⁵⁷

Stage 2: Information recovery

In the second stage of an investigation, a team of investigators should gather information and evidence and seek to answer the requesting individual's or family's questions. The team should have a range of skill sets, to comb through archives, interview witnesses and secure evidence.¹⁵⁸ Investigators should work across a range of different cases at any one time to maximise progress and efficiency. Each investigation should be overseen by a Senior Investigative Officer.¹⁵⁹

As part of the information recovery process, investigators are supposed to be able to access all material from any previous fact-finding and determination processes, such as documents from PONI complaints, as well as all material held by the state. Investigators may also undertake new investigative work. Investigative teams should follow a terms of reference document (created by the Chief Commissioner) for each investigation, which is meant to start with a scoping exercise, based on an approach to cold case reviews that aligns with internationally

¹⁵⁴ ICRIR, 'ICRIR Framework Document', 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

¹⁵⁵ ICRIR, 'Our investigations', ICRIR: <https://icrir.independent-inquiry.uk/our-investigations/>.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ See ICRIR, 'Charter of Commitments to witnesses', 18 October 2024: <https://icrir.independent-inquiry.uk/document/icrir-charter-of-commitments-to-witnesses/>. This Charter describes the standards of care the Commission commits to for all witnesses providing information or evidence during an investigation.

¹⁵⁹ ICRIR, 'Our investigations', ICRIR: <https://icrir.independent-inquiry.uk/our-investigations/>.

recognised best practice. The terms of reference document should inform the Commissioner for Investigation's decision on which of three investigative routes will be most appropriate for the case (on which, see below). According to the ICRIR, all three routes will embed the features required for an ECHR-compliant investigation.¹⁶⁰

Stage 3: Findings

The Chief Commissioner is responsible for producing reports at the end of an investigation. In this work, they are meant to be supported by the Findings Team. At the early stages of an investigation, the Chief Commissioner should assign Findings Officer from the Findings Team to independently challenge the direction of investigative work. As the investigation nears its conclusion, the Commissioner for Investigations and their team should present their evidence to the Chief Commissioner, who is then meant to assess and evaluate it to determine what conclusions the investigation will reach. (If the Chief Commissioner believes that they require more information before reaching a decision, they may request further investigations.) The Chief Commissioner should then produce a final report to record the findings and address the requester's questions.¹⁶¹

ICRIR's investigative process

The ICRIR may carry out three types of investigation.¹⁶² The Commissioner for Investigations, advised by the Information Recovery Team, is designated to decide which type of investigation is most appropriate for each case.¹⁶³

Focused investigation

In 'focused investigations', the ICRIR investigators should aim to directly address the questions that the request has raised. In these cases, the ICRIR has said it should not duplicate previous investigative work, and should draw on existing materials. It should use its full range of statutory powers to seek the answers in existing records, including accessing any sensitive material it requires, and it may undertake targeted new investigative work, such as interviewing witnesses, where this should help to address the questions that requesting individuals have raised. The ICRIR says it aims to investigate such cases promptly and that it will make its determinations on the balance of probabilities.¹⁶⁴

Liability investigation

Investigators may choose to use a 'liability investigation' if, in addition to aiming to address the requester's questions, they believe it would be appropriate to describe the broader circumstances of the death or other harmful conduct. Such an investigation could also lead to a referral to criminal prosecutors if the ICRIR believes it has obtained sufficient evidence to support a prosecution.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ The ICRIR's 2025-26 Work Plan states, 'As of 9 December 2024, 120 individuals have asked the Commission to examine their case and have been registered. Of these, 24 Requesting Individuals' cases have been accepted and are in the Information Recovery stage. We have accepted one request from the Secretary of State for Northern Ireland.' See ICRIR, 'ICRIR Annual Work Plan 2024-25', 22 April 2024: <https://icrir.independent-inquiry.uk/document/icrir-annual-work-plan-2024-25/>.

¹⁶⁴ ICRIR, 'Our investigations', ICRIR: <https://icrir.independent-inquiry.uk/our-investigations/>.

For this type of investigation, the ICRIR may also use a police constable's investigatory powers, as well as its own. Examples of such powers include the power to seize documents or other evidence, or the power to establish crime scenes.

However, a liability investigation may come with less involvement of the requester, as the ICRIR says it will balance the importance of providing the requester with frequent substantive updates with the desire to preserve the integrity of any future prosecution. As such, the ICRIR says it should only release its findings and report for a liability investigation after a prosecutor has decided not to prosecute, or after a prosecution (regardless of the outcome). If it appears to investigators that a prosecution cannot be supported by the available evidence, the ICRIR says it should transform the case into an investigation that reaches conclusions on the balance of probabilities (that is, 'more likely than not'), rather than to the criminal standard of 'beyond reasonable doubt'.¹⁶⁵

Culpability investigation

Investigators can also instigate a 'culpability investigation' if they want to establish all the circumstances of the death or other harmful conduct, as well as answering the requester's questions. Culpability investigations are very similar to liability investigations; however, unlike a liability investigation – which could lead to criminal prosecution – the ICRIR says it will reach its conclusions in a culpability investigation based on the civil burden of proof, the balance of probabilities (that is, 'more likely than not'), rather than the criminal standard of 'beyond reasonable doubt'.

In conducting a culpability investigation, the ICRIR is meant to use its full range of statutory powers to seek the answers it requires in existing records, including accessing any sensitive material it requires. It may also conduct significant new investigative work or reinvestigate certain matters if the ICRIR considers it necessary. Investigators should present relevant material to the Chief Commissioner to determine his/her findings, including determining who is responsible for these actions, on the balance of probabilities.¹⁶⁶

ICRIR's powers and investigative approaches

While the ICRIR has many investigative powers at its disposal that allow it to compel disclosure of information, investigators are intended to start (in the typical scenario) by making a request for co-operation and engagement from an individual or organisation. If such a request is unsuccessful, or if investigators believe that it is not feasible to conclude such an agreement, then they can also apply their legal powers to require engagement.¹⁶⁷

Enhanced Inquisitorial Proceedings

¹⁶⁵ Ibid. It is at the ICRIR's discretion which type of investigation will be followed. Liability investigations are the category that may seek to identify and lead to the prosecution of a suspect. Police powers can also only be used in liability investigations. See ICRIR, 'The Operational Design Framework', 9 July 2024: <https://icrir.independent-inquiry.uk/document/icrir-the-operational-design-framework/>, page 5.

¹⁶⁶ ICRIR, 'Our investigations', ICRIR: <https://icrir.independent-inquiry.uk/our-investigations/>.

¹⁶⁷ Ibid.

As part of its investigations, the Chief Commissioner may decide to use a mechanism to test evidence called Enhanced Inquisitorial Proceedings (EIP).¹⁶⁸ The ICRIR may decide to use EIP when, during an investigation into a death, it becomes clear that some evidence requires further testing to determine credibility, reliability and truthfulness, among other things.

The ICRIR should not use EIPs in all cases, but only where particular criteria are met. The Chief Commissioner should decide whether an EIP should be applied in a particular case, according to criteria, including that:

- There is significant evidence that is contradictory, incomplete, or contested, and investigators need to question those who have given information so the Chief Commissioner can determine findings on the balance of probabilities.¹⁶⁹
- Investigators need to question those who have given information to assess their credibility. This is likely to arise if other witnesses have given contradictory oral evidence about the same event. The ICRIR should decide what information needs to be tested through EIP, and whether any witnesses should be required to attend and give oral information and be questioned to help determine the truth. The ICRIR has legal powers to require people and organisations to provide written and oral information, and to impose penalties if they do not comply. Following the same approach as for inquiries conducted under the Inquiries Act 2005, some EIP hearings may not be open to the public, if they involve very ‘sensitive information.’¹⁷⁰ The ICRIR should decide whether EIP hearings are open to the public, a decision which is challengeable by judicial review.¹⁷¹

The Chief Commissioner should take the same approach that the coroner does in inquests. This means they should reach findings on the balance of probabilities—that is, whether it is more likely than not that an event has occurred, and that it was committed by a particular person. If this is not possible, they may say that an event has possibly occurred.¹⁷²

Different ways that the ICRIR can compel disclosure

¹⁶⁸ ICRIR, ‘Operational Policy: Enhanced Inquisitorial Proceedings’, 25 April 2024: <https://icrir.independent-inquiry.uk/document/operational-policy-enhanced-inquisitorial-proceedings/>. These proceedings are likely to be incompatible with the procedural obligation under Article 2 ECHR because they do not have an independent judge; families do not have an independent lawyer; families do not have legal aid; families do not have the same rights to receive disclosure as the state; and because Ministers have powers to rewrite the ‘judgment’ (through the national security veto over ICRIR family reports). See the *Dillon* judgment below and the incompatibility will now be addressed via ‘A proposal for a Remedial Order to amend the Northern Ireland Troubles (Legacy and Reconciliation Act) 2023,’ NIO, December 2024.

¹⁶⁹ Ibid.

¹⁷⁰ According to the ICRIR’s Glossary, ‘sensitive information’ is ‘Information which has been supplied by a defined list of organisations engaging in intelligence activities, or information which would or would risk prejudicing national security as identified by the Commissioner for Investigations. When the Commission is considering releasing sensitive information, it must seek authorisation for the disclosure from the Secretary of State as required by the Act. A decision to prohibit disclosure can be challenged in the courts.’ ICRIR, ‘ICRIR glossary of terms’, April 2024: <https://icrir.independent-inquiry.uk/document/icrir-glossary-of-terms/>.

¹⁷¹ ICRIR, ‘Operational Policy: Enhanced Inquisitorial Proceedings’, 25 April 2024: <https://icrir.independent-inquiry.uk/document/operational-policy-enhanced-inquisitorial-proceedings/>.

¹⁷² Ibid.

The Framework Document explains that the ICRIR can require the disclosure of information from individuals and organisations through:

- ‘General requests for co-operation;’
- ‘Powers to compel attendance at questioning;’
- ‘Powers to compel the disclosure of evidence from both public and private actors;’ and
- ‘Powers to impose fines on those who refuse to attend for questioning or who refuse to provide evidence.’¹⁷³

It has these powers by virtue of Sections 5 and 6 of the Legacy Act, which explains the process by which a ‘relevant authority’ *must* make available to the ICRIR such information, documents, and other material, as the Commissioner for Investigations may reasonably require. According to the ICRIR’s Glossary, a ‘relevant authority’ includes, ‘[o]rganisations from which the Commission may require information under statutory powers and upon whom there is a legal duty to provide such information. These are:

- The Chief Constable of the PSNI;
- The Chief Officer of a police force in Great Britain;
- The Police Ombudsman for Northern Ireland;
- The Director General of the Independent Office for Police Conduct;
- The Police Investigations and Review Commissioner;
- Any Minister of the Crown (which has the same meaning as in the Ministers of the Crown Act 1975 — see section 8 of that Act);
- The Security Service;
- The Secret Intelligence Service;
- GCHQ;
- Any other department of the United Kingdom government (including a non-ministerial department);
- A Northern Ireland department;
- The Scottish Ministers; and
- Any of His Majesty’s forces.’¹⁷⁴

A relevant authority *may* also make available to the ICRIR any information, documents, and other material, which, in the view of that authority, may be needed in connection with the exercise of the review function. It is for the relevant authority and the Commissioner for Investigations to agree the *manner* in which the disclosure is to be made.

In addition, the Commissioner for Investigations can designate an ICRIR officer with the powers and privileges of a police constable. This power cannot be delegated and can only be used where the Commissioner for Investigations identifies a designated ICRIR officer during an investigation.¹⁷⁵

¹⁷³ ICRIR, ‘ICRIR Framework Document’, 14 December 2023: <https://icrir.independent-inquiry.uk/document/icrir-framework-document/>.

¹⁷⁴ ICRIR, ‘ICRIR glossary of terms’, April 2024: <https://icrir.independent-inquiry.uk/document/icrir-glossary-of-terms/>.

¹⁷⁵ ICRIR, ‘Policy and process on designation of officers with the powers of a Police constable’, 24 April 2024: <https://icrir.independent-inquiry.uk/document/policy-and-process-on-designation-of-officers-with-the-powers-of-a-police-constable/>.

I. Providing investigations and redress that meet the requirements of the ECHR

Providing investigations and redress that meet the requirements of the ECHR

	Key performance indicators	Pass or Fail
Independence	1 Has the ICRIR demonstrated its independence in the sense of institutional, hierarchical and practical independence?	
	2 Are the persons responsible for carrying out and/or overseeing the investigations independent from those individuals and entities potentially implicated in the events (such as members of the police, armed forces or paramilitary organisations)?	
	3 Has the SoSNI adequately resourced the ICRIR so that it is capable of conducting its investigations in line with the ECHR?	
	4 Has the SoSNI's role in the establishment and oversight of the ICRIR been clearly prescribed and limited in law in a manner that ensures that the ICRIR is independent and seen to be independent?	
Independence score		
Capacity to instigate investigations	1 Has the ICRIR investigated cases of its own volition?	
	2 As relevant, has the ICRIR revived an investigation when new evidence has arisen capable of leading to investigative determinations?	
Capacity to instigate investigations score		
Adequacy	1 Has the ICRIR effectively retrieved information (from the State, non-State entities and individuals) as part of the investigatory process?	
	2 When information has not been forthcoming, has the ICRIR compelled people or organisations to provide it with evidence relevant to its investigations?	
	3 Are the published report that set out the findings of reviews adequately investigated and reasoned?	

Adequacy

Key performance indicators

Pass or Fail

4	Are the records of deaths that were caused by incidents during the Troubles adequately investigated and reasoned?	
5	Has the ICRIR effectively preserved any evidence?	
6	Has the ICRIR identified material which is or may be relevant to motive (including, in particular, racial, religious or other sectarian motives)?	
7	Has the ICRIR adequately investigated different types of case?	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed requests to review cases involving deaths? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed requests to review cases involving serious injury? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed cases where fresh evidence has come to light? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed cases linked to those where a review is already being carried out? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed referrals by the SoSNI? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed referrals by the Coroner? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed referrals by the Attorney General of Northern Ireland? 	
	<ul style="list-style-type: none"> Has the ICRIR adequately progressed family referrals? 	

Providing investigations and redress that meet the requirements of the ECHR

	Key performance indicators	Pass or Fail
Timeliness	1 Has the ICIR concluded its investigations in a timely manner?	
	Timeliness score	
Transparency and public scrutiny	1 Do individuals have an adequate opportunity to make personal statements to the ICIR?	
	2 Has the ICIR adequately engaged with victims, families and survivors in individual cases?	
	3 Have the victims, families and survivors received funded legal representation?	
	4 Have the victims, families and survivors received funded legal representation?	
	5 Has the ICIR adequately engaged with other people, groups or communities directly involved in individual cases?	
	6 Has the ICIR effectively balanced transparency with confidentiality in its engagement with the wider public about its work?	
	Transparency and public scrutiny score	
Outcomes	1 Has the ICIR created a public record, setting out an authoritative and factual account of the circumstances of a death or serious injury?	
	2 Has the ICIR established as many as possible of the relevant facts in its investigations?	
	3 Has the ICIR identified, or facilitated the identification of, perpetrators?	

Providing investigations and redress that meet the requirements of the ECHR

Outcomes

Key performance indicators

Pass or Fail

4

Has the ICRIR established whether any relevant action or omission by a public authority was lawful (including, in particular, whether any deliberate use of force was justified in the circumstances)?

5

Has the ICRIR established whether any action or omission of a perpetrator was carried out with the knowledge or encouragement of, or in collusion with, a public authority?

6

Has the ICRIR created effective criteria for undertaking referrals to prosecution, while successfully implementing them?

7

Have the victims, families and survivors received an effective and adequate remedy?

Outcomes score

II. Doing what the body has said it will do

Key performance indicators

Pass or Fail

Doing what the body said it will do

Reconciliation

- 1 Do impacted people perceive that the ICRR process has provided reconciliation
- 2 Has the ICRR created an opportunity for conversations, collaboration and understanding across communities?
- 3 Has the ICRR identified acts or omissions that may have prevented the death or serious injury from being investigated or a perpetrator being identified or charged?

Reconciliation score

Engagement with victims, survivors and their families

- 1 Has the ICRR provided families and communities with new information about Troubles-related incidents?
- 2 Has the ICRR regularly and effectively communicated with individual victims, victim groups and victim communities?
- 3 Has the ICRR followed through on its commitments to individuals, groups and the wider public?
- 4 Has the ICRR effectively supported individuals to cope with the mental health impacts of the Troubles?
- 5 Has the ICRR highlighted or referred people to other Troubles-related schemes, such as the Victims' Payments Scheme?
- 6 Has the ICRR provided other information about how families can access wider help and support?

Engagement with victims, survivors and their families score

Doing what the body said it will do

Public engagement

Key performance indicators

Pass or Fail

1 Is the ICRIR visible and present in communities across Northern Ireland, Ireland and Great Britain?

2 Has the ICRIR regularly and effectively communicated with the wider public?

3 Has the ICRIR been viewed or reported upon favourably by international law organisations such as the Council of Europe or the UN human rights bodies?

4 Has the ICRIR been viewed or reported upon favourably by national human rights organisations such as the Northern Ireland Human Rights Commission?

5 Has the ICRIR been viewed or reported favourably upon by civil society from Northern Ireland and elsewhere?

6 Have other relevant stakeholders viewed or reported on ICRIR favourably?

Public engagement score

Accountability and transparency

1 Are the ICRIR's workplans and annual reports sufficiently detailed and transparent?

2 Are reviews by the ICRIR's internal Audit & Risk Committee, and/or reviews by other government bodies or an independent body, effective?

3 Are the ICRIR's policies and processes sufficiently transparent?

Accountability and transparency score

III. Adhering to internationally accepted best practices regarding the needs of survivors, victims' family members, witnesses and other directly impacted people

		Key performance indicators	Pass or Fail
Adhering to internationally accepted best practices regarding the needs of survivors, victims' family members, witnesses and other directly impacted people	<h2 style="margin: 0;">Victims, survivors and their families</h2>	<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">1</div> <div>Has the ICRIIR provided dedicated help and support to people to explain how to make a request to it, and how its investigative process works?</div> </div>	
		<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">2</div> <div>Has the ICRIIR provided information about its processes, policies and its work in an accessible format?</div> </div>	
		<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">3</div> <div>Has the ICRIIR provided victims, survivors and their families with information during each stage of the investigative process?</div> </div>	
		<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">4</div> <div>Has the ICRIIR responded effectively to any identifiable physical safety concerns for victims, survivors and their families?</div> </div>	
		<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">5</div> <div>Has the ICRIIR responded effectively to any identifiable mental health concerns for victims, survivors and their families?</div> </div>	
		<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">6</div> <div>Has the ICRIIR responded effectively to any identifiable digital safety concerns for victims, survivors and their families?</div> </div>	
		<div style="display: flex; align-items: center;"> <div style="background-color: #800040; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">7</div> <div>Has the ICRIIR complied with data protection law in relation to the personal data of victims, survivors and their families?</div> </div>	
	Victims, survivors and their families score		
<h2 style="margin: 0;">Witnesses</h2>		<div style="display: flex; align-items: center;"> <div style="background-color: #2f4f4f; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">1</div> <div>Has the ICRIIR contacted witnesses or potential witnesses for evidence collection swiftly following their identification?</div> </div>	

Adhering to internationally accepted best practices regarding the needs of survivors, victims' family members, witnesses and other directly impacted people

Witnesses

2

Has the ICRIR engaged with witnesses with an open mind, while seeking to establish all of the facts relevant to the incident under investigation?

3

Has the ICRIR responded effectively to any identifiable physical safety concerns for witnesses or potential witnesses?

4

Has the ICRIR responded effectively to any identifiable mental health concerns for witnesses or potential witnesses?

5

Has the ICRIR responded effectively to any identifiable digital safety concerns for witnesses or potential witnesses?

6

Has the ICRIR complied with data protection law in relation to witness' personal data?

Witnesses score

