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Nuala O'Loan Raises Concerns Over ICRIR Independence

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Baroness Nuala O'Loan, a former Police Ombudsman, has cast serious doubt on the ability of the Independent Commission for Reconciliation and Information Recovery (ICRIR) to deliver impartial investigations into Northern Ireland's troubled past. Her remarks come in the wake of similar concerns voiced by Alyson Kilpatrick, Chief Commissioner of the Northern Ireland Human Rights Commission, who recently questioned the body's independence and governance in an interview with *The Irish News*.

The ICRIR, established under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, was introduced by the previous Conservative government to address legacy issues from the Troubles. The Act controversially halted most inquests and civil cases while offering conditional immunity, a move widely criticised by victims' families and human rights advocates. The commission is led by former Lord Chief Justice Sir Declan Morgan, with Peter Sheridan, a former PSNI assistant chief constable and RUC officer, serving as Commissioner for Investigations.

Sheridan, who previously headed the PSNI's Crime Operations Department, including the C3 intelligence unit (often called Special Branch), retired in 2008 before taking up a role as chief executive of Co-Operation Ireland, a peace-building organisation. The ICRIR currently employs former RUC officers, staff, and British soldiers, although the exact number is not officially confirmed. Reports suggest concerns have arisen over the perceived dominance of former security force personnel within the commission's investigative staff.

Kilpatrick has described Sheridan's position as "untenable" due to his past as a senior police officer, arguing it undermines the commission's independence. She also raised issues about potential conflicts of interest involving Sir Declan Morgan, who serves as a supplementary panel member of the Supreme Court. Furthermore, she expressed unease about the ICRIR's governance and the significant control exerted by the Secretary of State for Northern Ireland over the commission's operations.

O'Loan echoed these concerns, stating, "I think the ICRIR, as it's currently constructed, because the investigations are led by a former RUC/PSNI officer, is not compatible with what is required in Northern Ireland today to ensure proper, impartial investigations and accountability." On Morgan's dual role, she noted, "I have raised that with him, and he assures me he would not sit in any case which affected his office. I accept this. Again, this is not a matter of the integrity of the man; it is certainly a matter of perception that he should be sitting as a panel member in the Supreme Court does seem undesirable at this time when he is running a public office charged with providing accountability for what happened in the past."

Daniel Holder, Director of the Committee on the Administration of Justice, added weight to these concerns, describing it as "highly unusual if not unprecedented" for a Supreme Court judge to also serve as the chief commissioner of a public body. He argued that broader questions remain about Morgan's ability to work alongside judges who may rule on the lawfulness of the ICRIR.

The current Labour government, led by Secretary of State Hilary Benn, has indicated plans to repeal and replace the 2023 Act but intends to retain the ICRIR in some form. This decision has drawn criticism, particularly as many victims of the Troubles believe the commission was designed to shield state actors from accountability. In February 2024, the Court of Appeal in Belfast ruled that the government's powers under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 to withhold sensitive material from the ICRIR violated Article 2 of the European Convention on Human Rights. The court also found that aspects of the Act inadequately involved victims and their families in investigative processes. Benn is now appealing parts of this judgment to the Supreme Court, while other legacy cases have also been referred to London.

Kilpatrick's public comments have drawn sharp criticism from unionist politicians, who argue her stance undermines the commission's efforts. However, the concerns raised by O'Loan, Kilpatrick, and others reflect a growing unease about the ICRIR's ability to deliver justice and transparency. For many, the commission's structure and leadership raise serious questions about whether it can truly serve the interests of all those affected by Northern Ireland's painful history.