

Northern Ireland Troubles (Legacy and Reconciliation) Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 13

LORD HAIN
LORD BLAIR OF BOUGHTON
BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 11, line 13, at end insert –

- “(3A) The Commissioner for Investigations must ensure that each review –
- (a) is carried out to criminal justice standards as modelled on Operation Kenova,
 - (b) complies fully with obligations under the European Convention on Human Rights,
 - (c) gathers as much information as possible in relation to the death or harmful conduct, and
 - (d) explores all evidential opportunities.
- (3B) “Operation Kenova” means the independent investigation established under the overall command of former Chief Constable Jon Boutcher in 2016, known as Operation Kenova.”

Member’s explanatory statement

This amendment establishes minimum standards for a “review” conducted by the ICRIR to ensure conduct is investigated to criminal justice standards, along the lines of Operation Kenova.

Clause 18

LORD HAIN
LORD BLAIR OF BOUGHTON
BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 17, line 22, leave out “not be revoked” and insert “be granted on terms set by the ICRIR.

- (14A) P is not eligible for immunity under this section unless P complies with such requirements as the ICRIR may impose, including –
- (a) attendance at a specified place, and
 - (b) provision of fingerprints and non-intimate samples.
- (14B) The ICRIR may revoke immunity from prosecution if –
- (a) P engages in any activity as set out in sections 11 to 13 of the Terrorism Act 2000,
 - (b) P is assessed by the ICRIR, in conjunction with the PSNI, to be a danger to the public,
 - (c) P approaches a victim in the case of injury or a victim’s family in relation to a death without the consent of the victim or victim’s family (as the case may be), or
 - (d) P seeks financial gain from the incident or incidents for which immunity has been granted.”

Member’s explanatory statement

This amendment gives the ICRIR discretion to impose “licence” conditions on those being granted immunity similar to early release arrangements. A breach of these conditions would not result in a return to prison since they had not been there in the first place but it could leave them open to prosecution as if immunity had not been granted.

LORD MURPHY OF TORFAEN

Leave out Clause 18

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13 June 2023
