



# ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

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Bologna, Donostia, Düsseldorf, Vienna, 14/10/2026

## UK Government amendments to the Northern Ireland Troubles Bill raise serious concerns about prosecutorial independence, judicial oversight and victims' rights

The European Association of Lawyers for Democracy and World Human Rights (ELDH) expresses its grave concern regarding a number of UK Government amendments proposed during parliamentary consideration of the Northern Ireland Troubles Bill.

As an organisation of lawyers committed to democracy, the rule of law, human rights and access to justice, ELDH believes that the legislation must provide a genuine opportunity to remedy the profound injustices arising from the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

Victims and bereaved families have campaigned for decades for effective investigations, access to information, truth and accountability. Their rights must remain at the centre of any new legislative framework.

ELDH is concerned that certain proposed amendments risk introducing political influence into prosecution decisions, restricting access to judicial review and creating special procedural arrangements for former members of the British armed forces.

While we recognise that other proposed amendments may improve access to justice, the legislation must be assessed as a whole against the United Kingdom's domestic and international human rights obligations.

### 1. Political involvement in prosecution decisions

ELDH is particularly concerned by Government amendment OPC180, which proposes an additional consent requirement for prosecutions concerning certain serious Troubles-related offences.

It is important to distinguish the legal positions in the different jurisdictions:

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In Northern Ireland, prosecutions falling within the proposed provision would require the consent of the Advocate General for Northern Ireland.

In England and Wales, prosecutions falling within the equivalent provision would require the consent of the Attorney General for England and Wales.

The requirement concerns Troubles-related offences triable only on indictment within the scope of the amendment. It does not constitute a general consent requirement for every Troubles-related prosecution.

Nevertheless, we are deeply concerned by the proposed involvement of UK Government law officers in decisions concerning the prosecution of serious conflict-related offences. This is especially troubling where allegations concern unlawful conduct by members or former members of the British armed forces, police or intelligence services.

The independence of prosecutorial decision-making is a fundamental safeguard against impunity. Decisions to prosecute must be based on evidence and law, not on political considerations or the institutional interests of the state.

ELDH insists that the independence of the Director of Public Prosecutions for Northern Ireland must be fully protected. Any additional consent mechanism must not enable improper political interference with accountability for serious human rights violations.

## **2. Restrictions on access to judicial review**

ELDH is also concerned by Government amendment OPC123, which would introduce a general 14-day time limit for applying for judicial review of decisions made in connection with inquisitorial proceedings. The proposed period would generally begin when an applicant becomes aware of the relevant decision.

ELDH acknowledges that the amendment permits courts to extend the time limit and provides exceptions for certain challenges associated with the publication of a final report. However, these safeguards do not eliminate the risk that such a short general deadline will restrict effective access to justice.

Legacy proceedings are frequently complex. Victims and bereaved families may need substantial time to obtain specialist legal advice, consider evidence, consult representatives and determine whether a decision should be challenged.

A 14-day deadline may be particularly difficult to meet where proceedings involve historical events, extensive documentation, sensitive state material and longstanding disputes concerning disclosure. Access to judicial review must be real and effective, not merely theoretical.

ELDH therefore calls for the proposed time limit to be reconsidered so that victims and bereaved families have a fair and meaningful opportunity to challenge decisions affecting their rights.

## **3. Special procedural arrangements for former members of the armed forces**

Further concerns arise from Government amendments OPC132 and OPC133, which propose special notification arrangements when former members of the armed forces are contacted in connection with specified legacy investigations, inquisitorial proceedings or resumed inquests.

These arrangements would involve notification to the Secretary of State and an opportunity for advance notification to the former service member, subject to a maximum waiting period of 14 days.

ELDH recognises an important distinction: amendment OPC132 excludes circumstances in which a person is contacted because they are suspected of having committed an offence. ELDH also recognises that all witnesses and participants in legal proceedings are entitled to fair treatment and appropriate protection.

Nevertheless, the creation of special arrangements based on previous service in the armed forces raises legitimate concerns about equality before the law and the potential involvement of the executive in independent investigative processes.

Safeguards for witnesses must not create unnecessary obstacles to evidence-gathering, compromise institutional independence or disadvantage victims and bereaved families. There must be no privileged treatment for state personnel that undermines the pursuit of truth and accountability.

#### **4. Positive reforms must not obscure remaining concerns**

ELDH acknowledges that not all the Government's proposed amendments operate in the same direction. In particular, amendment OPC109 proposes removing restrictions on bringing certain civil claims relating to the Troubles. Restoring access to civil proceedings is an important step towards addressing the denial of remedies experienced by victims and bereaved families.

Other proposed measures concern institutional independence, impartiality and prosecutorial guidance. Such reforms should be supported where they strengthen accountability and access to justice.

However, improvements in one part of the legislation cannot compensate for provisions elsewhere that may weaken prosecutorial independence, restrict judicial oversight or create unjustified preferential treatment.

#### **5. Compliance with international human rights law**

The United Kingdom remains bound by its obligations under the European Convention on Human Rights.

Articles 2 and 3 require effective investigations into potentially unlawful deaths and credible allegations of torture or serious ill-treatment, including the applicable requirements of independence, effectiveness, scrutiny and appropriate involvement of victims' families.

The wider guarantees of fair proceedings and effective remedies, including Articles 6 and 13 where applicable, must also be respected. The obligations arising from these rights cannot be set aside because investigations concern historic events or because allegations involve state institutions.

Reconciliation cannot be achieved by limiting accountability or denying victims meaningful legal remedies. The rule of law requires that serious violations be addressed without discrimination between state and non-state actors.

#### **6. ELDH's demands**

ELDH calls upon the UK Government and Parliament to:

- Reconsider amendment OPC180 and ensure that prosecution decisions remain independent of improper political influence, including where allegations concern members of state security institutions.
- Revise amendment OPC123 to guarantee realistic and effective access to judicial review for victims and bereaved families.

- Review amendments OPC132 and OPC133 to prevent unjustified preferential treatment, unnecessary delays or inappropriate executive involvement in independent investigations and inquests.
- Remove barriers to civil justice and preserve meaningful access to legal remedies for all victims of Troubles-related violations.
- Guarantee the independence, impartiality and effectiveness of legacy investigative and accountability mechanisms.
- Ensure full compliance with the European Convention on Human Rights, particularly the investigative obligations arising under Articles 2 and 3.
- Engage meaningfully with victims, bereaved families and their representatives before introducing measures that may affect their ability to secure truth, justice and accountability.

### **Justice, truth and accountability must remain central**

ELDH stands in solidarity with all victims and bereaved families seeking truth, justice and accountability, irrespective of the identity or affiliation of those responsible for the violations they have suffered.

ELDH rejects any legislative approach that risks placing political or institutional interests above independent justice. The legacy of the Troubles cannot be resolved through arrangements that undermine public confidence in investigations or shield state institutions from proper scrutiny.

There must be no hierarchy of victims, no political veto over justice and no privileged route to impunity for agents of the state.

Justice must be independent. Accountability must apply equally to all. The rights of victims and bereaved families must remain at the heart of the legislative process.