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Legacy Processes in the Republic of Ireland

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This paper provides an overview of official processes in the Republic of Ireland in relation to the Legacy of the Troubles. This includes notable official Inquiries undertaken by the Irish State, the State's involvement in cross-border Inquiries, and an overview of Governmental Commitments to addressing Legacy.

This paper contains mentions of distressing incidents.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- In 2001, through the Weston Park Agreement, the Irish and UK Governments agreed to appoint a judge of international standing from outwith the two jurisdictions to undertake a thorough investigation of allegations of collusion in a number of specific cases.
- The reports by Justice Cory relating to two of these cases were provided to the Irish government, with the direction that a public inquiry be opened into one of them: the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan. This became the Smithwick Tribunal.
- Justice Barron completed several inquiries into a number of incidents during the Troubles including the Dublin/Monaghan bombings in 1974.
- The Barron Reports were published through the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights as Interim Reports and the Committees considerations and recommendations were added as part of a Final Report to each.
- The complexity of cross-border incidents and their investigations has been highlighted as a difficulty during the inquiries, as has the ability to access documents.
- The Irish Government has recently committed to fully playing their part in Legacy processes including supporting the Omagh Bombing Inquiry. An MOU has been published between the Inquiry and the Irish Government. However, they have been criticised for not setting up their own parallel inquiry into the bombing.
- The Irish Government has made a number of Commitments in relation to Legacy; these include Intergovernmental Agreements such as Stormont House and the new Joint Framework. They are also obliged to ensure compliance with the ECHR.

Contents

Key Points	2
Introduction.....	4
Types of Public Inquiry	4
Table 1: Overview of inquiries relating to the Legacy cases by the Irish Government	6
1 Cory Collusion Inquiry Reports	7
1.1 Weston Park Agreement.....	7
1.2 Chief Superintendent Harry Breen and Superintendent Bob Buchanan	8
1.3 Lord Justice Gibson and Lady Gibson	9
2 Inquiries	10
2.1 Smithwick Tribunal.....	10
2.2 Dublin/Monaghan Bombings.....	11
2.3 Other Barron Reports.....	15
3 Other Notable Cases	19
3.1 Omagh Bombing.....	19
3.2 Kingsmill Massacre.....	20
3.3 Dominic and Mary McGlinchey	21
3.4 Denis Donaldson	21
4 Governmental Commitments	23
4.1 Intergovernmental Agreements.....	23
4.2 Programme for Government 2025	26
4.3 ECHR Commitments.....	27
5 Other Legacy Processes.....	28
5.1 Victims' Commissioner.....	28
5.2 The Remembrance Commission	28

Introduction

This paper has been written in response to a request to provide the Committee for the Executive Office ('the Committee') with information regarding official processes undertaken by the Irish State in relation to the Legacy of the Troubles.

It provides an overview of relevant inquiries launched by the Irish Government, public statements and agreements made by the Irish Government in relation to Legacy and Irish Government cooperation in inquiries with a cross-border dimension. This paper was originally provided to the Committee in February 2025. This updated paper includes some further asks from the Committee, including around relevant Intergovernmental Agreements. The request included consideration of the role of the Irish Government in the Troubles. This paper addresses that topic only to the extent that it summarises the findings of relevant investigations and public inquiries. Any broader assessment of the Irish Government's role falls outside the scope of this paper.

This briefing should not be viewed as an exhaustive list of inquiries and processes and does not explore specific details of individual cases.

Types of Public Inquiry

There are several different types of public inquiry which can be set up in the Republic of Ireland. Those most relevant to this paper, are Tribunals of Inquiry and Commissions of Investigation. There are also Parliamentary Inquiries, Non-statutory Inquiries, Redress and Bodies with Specialised Investigative Powers.

Tribunals of Inquiry are set up to investigate specific matters and have powers to do so. They are usually chaired by judges or senior lawyers and, at the end of the investigation, the tribunal submits a report to the Oireachtas, which may contain recommendations.¹

A Tribunal's function is one of purely investigation and fact-finding. It does not make any binding judgments on right or liabilities of individuals. Instead, it sets

¹ Citizens Information Board, [Public inquiries in Ireland](#) 2021. Accessed February 2025

out the results of its investigations and findings of fact. These Tribunals can be established to investigate matters of public importance by the Oireachtas.²

A Commission of Investigation is a quicker and cheaper method of investigating matters of public concern. These are set up by a Government Order which must be approved by both the Dáil and the Seanad. Terms of reference are set by either the Government or an individual Minister and a specified Minister will receive the commission's final report. During the investigation process, evidence is usually given in private.³

Where this paper outlines a specific inquiry, it will look to set out the type of inquiry and the process by which it was carried out.

² Citizens Information Board, [Public inquiries in Ireland](#) 2021. Accessed February 2025

³ As cited immediately above

Table 1: Overview of inquiries relating to the Legacy cases by the Irish Government

Final Report		Inquiry
Year	Month	
2003	June	Nally Report (Omagh Bombing Inquiry)
	October	Cory Collusion Report - Chief Superintendent Harry Breen and Superintendent Bob Buchanan
		Cory Collusion Report - Lord Justice Gibson and Lady Gibson
2004	March	The Barron Report into the Dublin/Monaghan Bombings
2005	February	The Barron Report into the Dublin Bombings of 1972 and 1973
2006	March	The Barron Report into the Murder of Seamus Ludlow Inquiry
	November	The Barron Report into the Bombing of Kay's Tavern, Dundalk
2007	March	McEntee Report (Dublin/Monaghan Bombings)
2013	November	Chief Superintendent Harry Breen and Superintendent Bob Buchanan Inquiry (Smithwick Tribunal)

1 Cory Collusion Inquiry Reports

1.1 Weston Park Agreement

The landscape of inquiries and investigations of incidents which occurred during the Troubles is complex.

Following the resignation of David Trimble, in July 2001, the UK and Irish Governments began a series of “crisis” talks at Weston Park in England. These involved the Prime Minister, the Taoiseach and representatives from the UUP, SDLP and Sinn Féin.⁴ With a lack of agreement amongst all the parties in attendance, the UK and Irish Governments published an implementation plan on 1 August 2001 which covered four outstanding issues: policing, normalisation, stability of the institutions and decommissioning.⁵ Of relevance to this paper was the agreement made between the Governments in relation to several specific Legacy cases involving allegations of collusion by security forces in both jurisdictions, which remained a “source of grave public concern”.⁶ These cases were the murders of:

- Chief Superintendent Harry Breen and Superintendent Bob Buchanan.
- Pat Finucane.
- Lord Justice and Lady Gibson.
- Robert Hamill.
- Rosemary Nelson, and
- Billy Wright.

Both Irish and UK Governments agreed to appoint a judge of international standing from outwith the two jurisdictions to “undertake a thorough investigation of allegations of collusion in the cases”.⁷

⁴ BBC, [On This Day 2001: NI agreement stalls in Staffordshire](#) 2001. Accessed February 2025

⁵ CAIN, [Implementation Plan issued by the British and Irish Governments on 1 August 2001](#). Accessed February 2025

⁶ As cited immediately above

⁷ As cited in footnote 5

These investigations were to begin no later than April 2002. In May 2002, both Governments announced that the Honourable Justice Peter Cory, a retired member of the Canadian Supreme Court, had been appointed to conduct the investigations. Justice Cory presented separate reports to each of the UK and Irish Governments on 7 October 2003.⁸ The Irish Government were presented with reports on the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, and Lord Justice and Lady Gibson.

1.2 Chief Superintendent Harry Breen and Superintendent Bob Buchanan

Justice Cory's report concerned the murder of two Royal Ulster Constabulary (RUC) officers in County Armagh, near the Northern Ireland/Republic of Ireland border, in March 1989. The terms of reference of the Inquiry were such that Justice Cory had no power to subpoena witnesses or compel the production of documents. Therefore, the Inquiry could not make findings of fact based on the examination and cross-examination of witnesses.⁹

The two RUC officers were ambushed while returning from a meeting with An Garda Síochána officers in Dundalk, in the Republic of Ireland. The Irish Republican Army (IRA) claimed responsibility for the murders but also claimed they were in self-defence. The report states this claim "seems to have very little to do with either reality or veracity".¹⁰

Justice Cory's report, in this case, looked at whether there was any evidence of collusion in the murders by the Gardaí or members of any other Governmental agency. Justice Cory examined the known factors and intelligence reports including a statement given to him by Kevin Fulton, who claimed to be a British intelligence agent within the Provisional IRA (PIRA). Justice Cory concluded that all the information he had seen "reveal evidence that, if accepted, could be

⁸ CAIN, [Parliamentary Statement by Secretary of State](#) April 2004. Accessed February 2025

⁹ CAIN, [Cory Collusion Inquiry Report Chief Superintendent Breen and Superintendent Buchanan](#) 2003. Accessed February 2025 para 2.1

¹⁰ CAIN, [Cory Collusion Inquiry Report Chief Superintendent Breen and Superintendent Buchanan](#) 2003. Accessed February 2025 para 2.48

found to constitute collusion” and as a result he stated that there must be a public inquiry.¹¹

1.3 Lord Justice Gibson and Lady Gibson

In this Inquiry, Justice Cory considered the murder of Lord Justice Gibson and Lady Gibson in a bomb attack in 1987. Lord Justice Gibson had become Lord Justice in 1975. The Gibsons were returning to Belfast via the Liverpool to Dublin ferry, after a holiday to England. The explosion took place on the main road between Dublin and Belfast, 400 metres over the border inside Northern Ireland.¹² The South Armagh brigade of PIRA claimed responsibility for the murders.

Through examination of the available evidence, including the RUC and An Garda Síochána investigations, Justice Cory concluded that there was no evidence of any information being given by An Garda Síochána or any other Governmental agency to PIRA. Therefore, there was “simply no evidence of collusion on which to base a direction to hold a public inquiry”.¹³

The decision not to direct a public inquiry has been a controversial one. In 2014, the Former First Minister Lord Trimble called for such an inquiry, as did the family of the Gibsons, following the publication of the Smithwick Report.¹⁴

¹¹ CAIN, [Cory Collusion Inquiry Report Chief Superintendent Breen and Superintendent Buchanan](#) 2003. Accessed February 2025 para 2.162

¹² CAIN, [Cory Collusion Inquiry Report Lord Justice Gibson and Lady Gibson](#) 2003. Accessed February 2025 para 1.52

¹³ CAIN, [Cory Collusion Inquiry Report Lord Justice Gibson and Lady Gibson](#) 2003. Accessed February 2025 paras 1.161-1.163

¹⁴ BBC News [Lord Trimble calls for inquiry into Lord and Lady Gibson's murders](#) 2014. Accessed February 2025.

2 Inquiries

2.1 Smithwick Tribunal

Following Justice Cory's direction to hold a public inquiry into possible collusion in the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, a Tribunal of Inquiry was established. This was made by Order of the Minister for Justice, Equality and Law Reform in May 2005, following resolutions adopted by Dáil Éireann and Seanad Éireann.¹⁵ The order appointed His Honour Judge Peter Smithwick as Sole Member of the Tribunal. This Inquiry and its report are known as the Smithwick Tribunal and Smithwick Report. Its full title is the 'Tribunal of Inquiry into Suggestions that Members of An Garda Síochána or Other Employees of the State Colluded in the Fatal Shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on the 20th March 1989'.

The report notes that the Tribunal was unique, as it inquired into collusion into murders which took place outside of the Republic of Ireland and was therefore outside the jurisdiction of the Tribunal. As the operation leading to their deaths was a cross-border one, Justice Smithwick outlines that the Tribunal had to carry out its work in both jurisdictions. This had "significant consequences" in terms of ensuring relevant evidence was secured.¹⁶

Witnesses before the tribunal were protected in the Republic of Ireland from criminal prosecution on the basis of evidence given to it by virtue of Section 5 of the Tribunals of Inquiry (Evidence) Act 1979. The Smithwick Tribunal also secured the same protection through the Attorney General of England and Wales, the Director for Public Prosecutions for Northern Ireland and, where required, the Lord Advocate in relation to Scotland.¹⁷

The Smithwick Tribunal, as outlined in the report, was not performing an adversarial function, but an inquisitorial one. Therefore, on the question of

¹⁵ Government of Ireland [The Smithwick Report](#) 2013 p3

¹⁶ As cited immediately above p4

¹⁷ As cited in footnote 15 p9

whether there was collusion in the murders of the two officers, this was to be determined on the balance of probabilities (rather than beyond reasonable doubt as in a criminal case).¹⁸ However, the report outlines that should it find there was collusion, a different approach would be necessary to consider the possibility of identifying the responsible individual or individuals. The approach used was that Justice Smithwick would only find a named individual responsible if there was evidence that he considered both authoritative and “deserving of significant weight”.¹⁹

The Smithwick Report itself is substantial, running to over 400 pages and its conclusions are lengthy. In summary, Judge Smithwick concluded that he was satisfied that there was evidence of collusion in the murders by at least one member of An Garda Síochána.²⁰ He was not however, satisfied that there was sufficient evidence of substance and weight to say that a specific individual or individuals had colluded with PIRA.²¹

The Smithwick Report made a number of recommendations, noting that these were limited due to the length of time that had passed since the incident. These included recommendations around cross-border policing, proper vetting of prospective members of the Garda, proper personnel management and the review of business activities undertaken by individual Garda members in their own time.²²

2.2 Dublin/Monaghan Bombings

2.2.1 The Barron Report (2003)

In December 1999 the then Taoiseach, Bertie Ahern, announced that Mr Justice Hamilton had been appointed to undertake a thorough examination, involving fact finding and assessment of all aspects of the Dublin, Monaghan and

¹⁸ Government of Ireland [The Smithwick Report](#) 2013 p15

¹⁹ As immediately above p16

²⁰ As cited at footnote 18 pp428-429

²¹ As cited at footnote 18 pp 429-431

²² As cited at footnote 18 pp 432-434

Dundalk bombings in 1974.²³ This paper will first look at the Inquiry into the Dublin/Monaghan bombings, in which 34 people including one pregnant woman, plus one stillborn child, died as a result of the explosions.²⁴ Justice Hamilton was replaced by Mr Justice Barron due to ill health, and he completed a series of reports known as the Barron Reports. Following a Motion of Referral by both the Dáil and the Seanad in December 2003, the Barron Report on Dublin/Monaghan was provided to the Joint Committee on Justice, Equality, Defence and Women's Rights. They were asked to consider whether the report addressed all the terms of reference, what lessons and actions should be drawn and taken and whether a further public inquiry was necessary into any aspect of the report.²⁵ A Sub-Committee was tasked with this.

The report was published through the Joint Committee on Justice, Equality, Defence and Women's Rights as an interim report. The Committee's recommendations were published in March 2004 as a final report. Justice Barron's report made a number of conclusions regarding both the Garda investigation and the perpetrators. In relation to the investigation, these conclusions included:

- That it failed to make full use of the information it obtained.
- That the State was not equipped to conduct an adequate forensic analysis of the explosions.
- That the ability to mount a successful prosecution would have been hampered by a lack of a proper chain of evidence.
- That there was no evidence to support the proposition that informal information exchanges between the Gardaí on the border and their RUC counterparts in some way facilitated the passage of the bombers across the border, and

²³ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Interim Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2003 Chairperson's introduction

²⁴ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2004 p5

²⁵ As cited in footnote 23

- That the Government of the day failed to show the concern expected of it following the bombings.²⁶

In relation to the perpetrators, the Inquiry conclusions included:

- The bombings were carried out by two groups of loyalist paramilitaries. Most of those involved were Ulster Volunteer Force (UVF) members.
- The bombings were a reaction to the prospect of a greater role for the Irish Government in the administration of Northern Ireland.
- Members of the security forces in Northern Ireland could have been involved but that there was insufficient evidence to suggest any senior members were.
- It is likely members of the Ulster Defence Regiment (UDR) and RUC either participated in, or were aware of, the preparations.
- It was possible that the assistance provided to the Garda investigation team by the security forces in Northern Ireland was affected by a reluctance to compromise relationships between suspects and British Intelligence and/or RUC Special Branch officers, and
- It was not proven that there was any collusion between the perpetrators and the authorities in Northern Ireland.²⁷

The Barron report also noted that there was a reluctance from the UK Government to make original documents available to the Inquiry, as well as a refusal to supply other information on security grounds. Whilst it understood the position that had been taken, the “the scope of this report [was] limited as a result”.²⁸

The Sub-Committee received a number of submissions. Some of these contended that matters were overlooked in the report and others argued that

²⁶ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights [Interim Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2003 pp275-276

²⁷ As cited immediately above pp286-288

²⁸ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2004 p20

some issues were misconstrued.²⁹ As a result of submissions and considerations, the Sub-Committee was of the view that there should be a further inquiry into the identity of the perpetrators. On the issue of collusion and that “in all probability” the relevant witnesses in respect of perpetrators and collusion reside in the UK, then the public inquiry should take place there.³⁰ This would also allow the meaningful access to specific documentation which had not been made available to Justice Barron.³¹

2.2.2 McEntee Report (2007)

In relation to the internal issues that the Barron report had raised, the Irish Government established a Commission of Investigation in 2005 to further inquire into the bombings. This Inquiry looked at why the investigation was wound down in 1974, why Gardaí did not follow up on a number of specific leads and examined questions around missing documentation.³²

The Final Report of the Commission notes the Barron report’s concerns around the lack of information made available by the UK Government. It states that while this Commission’s terms of reference were not as wide ranging as Barron’s, it too “has been limited in the scope of its investigation by not having access to original security and intelligence documents” held by the UK Government.³³

In relation to the three main areas of inquiry, the Commission came to a number of conclusions, which were, in summary:

- There was no evidence of when the formal or informal decision to close the investigation occurred or when investigative teams were disbanded.

²⁹ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2004 p17

³⁰ As cited in footnote 29 p74

³¹ As cited in footnote 29 pp74-77

³² McEntee, Patrick [Final Report -Commission of Investigation into The Dublin and Monaghan bombings of 1974](#) 2007 p29

³³ As cited immediately above p45

It noted the last comprehensive report by the investigating team was in 1974 but there was no evidence this was due to any alleged collusion³⁴;

- A loss of documentation and a practice of not committing decisions to writing hampered the Commission in a number of areas³⁵;
- There was a ‘lead’ in which a significant number of enquiries could have been made but were not³⁶;
- The Garda did not accurately record the registration number of a suspect van which was a significant failure³⁷;
- The Garda’s training and expertise in relation to record management and providing these to the National Archives was insufficient³⁸;
- The integrity of the files in relation to the bombings has not been maintained and no account can be given of the exact Garda documentation which is missing³⁹.

No recommendations were made in the McEntee report as it had no statutory powers to do so.⁴⁰

2.3 Other Barron Reports

As well as the Inquiry into the Dublin/Monaghan bombings in 1974, Judge Barron was asked to undertake a number of similar inquiries into:

- The bombing of Kay’s Tavern, Dundalk on 19 December 1975.
- The shooting of Seamus Ludlow on 2 May 1976.
- The shooting of Bríd Carr in 1971.

³⁴ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2004 pp109-111

³⁵ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings](#) 2004 p110

³⁶ As cited immediately above

³⁷ As cited at footnote 35 p128

³⁸ As cited at footnote 35 p175

³⁹ McEntee, Patrick [Final Report -Commission of Investigation into The Dublin and Monaghan bombings of 1974](#) 2007 p207

⁴⁰ McEntee, Patrick [Final Report -Commission of Investigation into The Dublin and Monaghan bombings of 1974](#) 2007 p39

- The bombings in Dublin in November and December 1972 and January 1973; and,
- Other bombings within the Republic of Ireland.

Judge Barron's inquiries followed a similar process to his Inquiry into Dublin/Monaghan in that a report was published through the Oireachtas Joint Committee as an Interim Report, with the Final Report including the Committee's findings and recommendations. These further inquiries are outlined at a high level in this section.

2.3.1 Dublin Bombings of 1972 and 1973 (the second Barron Report)

Initially the Inquiry received orders of reference in relation to two incidents - the Dublin/Monaghan bombings of 17 May 1974 and the bombing of Kay's Bar, Dundalk on the 19 December 1975. At a later date the Inquiry agreed to also report on the shooting of Mr. Seamus Ludlow on the 1 May 1976. In January 2002, the Inquiry was asked by the Government whether its report into the Dublin/Monaghan bombings could also consider a number of other bombings and shootings which took place in the State during the 1970s. Following the submission of the first Barron Report into Dublin/Monaghan, a preliminary examination of the remaining incidents was undertaken, and it was decided that the 1972 and 1973 Dublin bombings should be dealt with in a separate report.⁴¹

The Independent Commission of Inquiry into the Dublin bombings of 1972 and 1973 was established. It also included other incidents from that period, including bombing incidents along the border between 1970 and 1973, the murder of Ms. Bríd Carr, and the murder of Mr. Oliver Boyce and Ms. Bríd Porter.⁴² The Interim Report was published in November 2004, with the Final Report in February 2005.

⁴¹ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin Bombings of 1972 and 1973](#) 2005 p4

⁴² Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Final Report on the Report of the Independent Commission of Inquiry into the Dublin Bombings of 1972 and 1973](#) 2005 p4

2.3.2 Murder of Seamus Ludlow

In November 2005, the Oireachtas Joint Committee published the Barron Inquiry's report on the murder of Seamus Ludlow in 1976 as an Interim Report. This was followed by their Final Report in March 2006. In his report, Judge Barron concluded that the murder of Seamus Ludlow "seemed to have been a random, sectarian killing of a blameless catholic civilian by loyalist extremists".⁴³ It highlights a number of concerns relating to the Garda investigation. Notably that four suspects, whose names were given by the RUC to the Garda in 1979, were not followed up on.⁴⁴

In the Committee's Final Report, they make a number of recommendations. These included the treatment of the State towards the investigation of a murder of one of its citizens; and that measures be strengthened in relation to collecting material at crime scenes. It also suggested that a Commission of Investigation be set up to look into a number of areas, including missing Garda files; why leads weren't followed up, and what happened to material collected at the crime scene.⁴⁵

Finally, the Committee highlighted, again, the lack of cooperation from the UK Authorities with both the Committee and Barron reports. The Committee had "grave concerns" at the role UK state collusion played in the murder of Seamus Ludlow.⁴⁶

2.3.3 Bombing of Kay's Tavern, Dundalk

The final Barron report is in relation to the bombing of Kay's Tavern, Dundalk in 1975. Again, the report was published through the Joint Committee of the

⁴³ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Interim Report on the Report of the Independent Commission of Inquiry into the Murder of Seamus Ludlow](#) 2005 p83

⁴⁴ As cited immediately above p83

⁴⁵ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Final Report on the Report of the Independent Commission of Inquiry into the Murder of Seamus Ludlow](#) 2006 pp65-68

⁴⁶ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [Final Report on the Report of the Independent Commission of Inquiry into the Murder of Seamus Ludlow](#) 2006 pp65-68

Oireachtas, this time in July 2006. The Final Report was published in November the same year.

This Barron report also covered the bombing at Castleblaney, the Dublin Airport bombing, the gun and bomb attack at Donnelly's bar in Silverbridge, the attack on the Reavey family, the attack on the Step Inn in Keady, the attack on the O'Dowd family, the attack on the Rock Bar in Co. Armagh and the attack on the Miami Showband.

Again, the Barron Inquiry made a number of conclusions, including that the bombing of Kay's Tavern was carried out by loyalist extremists. While the Inquiry had deep suspicion about the role of the UK state, there was no cogent evidence to make a conclusion on collusion.⁴⁷

The Committee also made a number of conclusions, including that more should have been done by the Irish State to assist victims of the atrocities. It stated that it was "left in no doubt that collusion between the British security forces and terrorists was behind many if not all of the atrocities that are considered in this report".⁴⁸

⁴⁷ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [*Interim Report on the Report of the Independent Commission of Inquiry into the Bombing of Kay's Tavern, Dundalk*](#) 2006 pp134-135

⁴⁸ Houses of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights [*Final Report on the Report of the Independent Commission of Inquiry into the Bombing of Kay's Tavern, Dundalk*](#) 2006 p61

3 Other Notable Cases

There are a number of other notable cases involving the Irish State. This paper does not seek to highlight all of them, but this section provides an overview of a number of these that may be of particular interest.

3.1 Omagh Bombing

In August 1998 a bomb was detonated by the Real IRA in the town of Omagh, County Tyrone which led to the loss of 31 lives and injured hundreds.⁴⁹ In 2021, the High Court in Belfast ruled that it was plausible that there was a real prospect the bombing could have been prevented by the security services.⁵⁰ The presiding judge called for further investigation on both sides of the border due to the cross-border element, but noted that “it is not within my power to order any type of investigation to take place in the Republic of Ireland but there is a real advantage in an [ECHR] Article 2 compliant investigation proceeding in the Republic of Ireland simultaneously with one in Northern Ireland”.⁵¹

In 2002, the Irish Minister for Justice, Equality and Law Reform asked a group to investigate concerns raised around Garda officers in relation to the Omagh bombing. The Nally Report found no new evidence of concern.⁵² In 2023, the Irish Minister for European Affairs and Defence stated that this meant that the establishment of a public inquiry was not warranted.⁵³ This decision was criticised by a number of relatives of victims of the bombing.⁵⁴ The former Police Ombudsman for Northern Ireland, Baroness O’Loan stated that such an inquiry in the Republic of Ireland would be “beneficial”.⁵⁵

⁴⁹ Omagh Bombing Inquiry [FAQs](#) Accessed February 2025

⁵⁰ BBC News [‘Real prospect Omagh bomb could have been prevented’](#) 2021

⁵¹ As cited immediately above

⁵² CAIN [Nally Report](#) 2002

⁵³ BBC News [Irish government accused of disrespect over Omagh bomb inquiry](#) 2023

⁵⁴ As cited immediately above

⁵⁵ BBC news [Omagh bombing: Irish inquiry would be ‘very beneficial’ says O’Loan](#) 2024

The UK Government, however, did commit to a public inquiry and this was established in 2024. Its work is ongoing. Both the current Taoiseach and Tánaiste have promised to cooperate with the Inquiry, and this commitment was also included in the most recent Programme for Government (PfG).⁵⁶

In April 2025, the Omagh Bombing Inquiry and the Irish Government published a Memorandum of Understanding (MoU) to allow the Inquiry Chair and team to access material held by the Irish Government.⁵⁷ The Inquiry Chair has made a Restriction Order in relation to information provided to the Inquiry by the Irish Government, ordering that it shall be held in confidence by the Inquiry pending an assessment of the relevance of the material to the Inquiry. This shall include material that is provided by An Garda Síochána and the Irish Defence Forces.⁵⁸

In December 2025, the Irish Minister for Justice, Home Affairs and Migration confirmed that Government approval had been given to prioritise drafting a Bill to enable oral testimony to be taken for the purposes of the Omagh Bombing Inquiry. The proposed legislation will provide a bespoke legal mechanism to facilitate the taking of sworn testimony from State bodies before a judge of the High Court.⁵⁹

3.2 Kingsmill Massacre

This case involves the murder of 10 men travelling home from work in 1976, who were shot by the IRA. An inquest into the murders was undertaken in Northern Ireland but had a cross-border dimension. In its findings, delivered in 2024, the inquest noted the assistance of Irish authorities and in particular the Garda.⁶⁰ This was also noted in a debate on the inquest in the House of

⁵⁶ Government of Ireland [Programme for Government 2025](#) p143

⁵⁷ Omagh Bombing Inquiry [Memorandum of Understanding between Omagh Bombing Inquiry and Government of Ireland relating to the Disclosure of Materials](#) April 2025

⁵⁸ Omagh Bombing Inquiry [Restriction Order Pursuant to Section 19 of the Inquiries Act 2005 relating to Material of the Government of Ireland and its Agencies](#) April 2025

⁵⁹ Government of Ireland [Minister Jim O'Callaghan obtains Government approval for priority drafting of legislation to assist the Omagh Bombing Inquiry](#) December 2025. Accessed January 2026

⁶⁰ Judiciary NI [In the matter of Inquests touching the deaths of Robert Walker, Joseph Lemmon, Reginald Chapman, Walter Chapman, Kenneth Worton, James McWhirter, Robert Chambers, John Bryans, Robert Freeburn and John McConville](#) 2024 p4

Commons, when the then Minister of State for Northern Ireland stated the “approach taken by the Irish Government to co-operating with the Kingsmill inquest...should act as a useful template for future co-operation” in particular the UK public inquiry into the Omagh bombing.⁶¹

3.3 Dominic and Mary McGlinchey

Husband and wife, Dominic and Mary McGlinchey were murdered in separate attacks in 1994 and 1987 respectively. Dominic McGlinchey was the chief of staff in the Irish National Liberation Army (INLA) in the 1980s, an organisation that Mary McGlinchey was also involved in. There have been a number of allegations as to who was behind these murders, but no prosecutions. In 2023, their son, Dominic Óg McGlinchey, took a case to the High Court against the Garda Commissioner, the Irish Minister for Justice, and the Attorney General. Amongst the claims made are that the Irish State breached its obligations under the Irish Constitution and the European Convention on Human Rights (ECHR), to ensure that effective investigations into the murders occur.⁶² At the time of writing, that case continues.

In February 2025 it was reported that a retired former Garda detective has agreed to testify against the Irish State and has sworn an affidavit on behalf of Dominic Óg McGlinchey.⁶³ Further, in July 2025, lawyers representing Dominic Óg McGlinchey confirmed that Gardaí accepted that they had lost the murder file for Mary McGlinchey and that this had been lost since at least 2015.⁶⁴

3.4 Denis Donaldson

Denis Donaldson was found murdered in County Donegal in 2006. He was previously a prominent figure within Sinn Féin but before his murder it emerged

⁶¹ House of Commons Debate 2 May 2024 [Vol. 749 c.421](#)

⁶² The Irish Times [Son of slain republicans Dominic and Mary McGlinchey claims State failed to properly investigate their murders](#) 2023

⁶³ Belfast Telegraph [High-profile retired detective to testify against Irish State in case taken by son of murdered republicans](#) 2025

⁶⁴ Derry Now [Gardaí admit losing file relating to murder of Mary McGlinchey](#) July 2025. Accessed January 2026

he had worked for UK intelligence services. In 2009, the Real IRA claimed to have committed his murder.⁶⁵ In 2025, Mr Donaldson's family called for a public inquiry into his murder.⁶⁶ Whilst no such inquiry has been brought forward by the Irish Government, in January 2026, the Justice Minister released a statement confirming that Garda authorities were continuing to investigate the case, that directions had been received to prosecute an individual in the case and that, therefore, it was not appropriate to establish a separate Commission of Inquiry.⁶⁷

⁶⁵ BBC News [Denis Donaldson: Prosecution expected in relation to death](#) January 2026. Accessed January 2026

⁶⁶ BBC News [Gerry Adams: Ex-Sinn Féin leader awarded £100k in BBC libel case](#) May 2025. Accessed January 2026

⁶⁷ Government of Ireland [Statement by the Minister for Justice, Home Affairs and Migration Jim O'Callaghan following his meeting with the family of the late Mr. Denis Donaldson](#) 12 January 2026

4 Governmental Commitments

4.1 Intergovernmental Agreements

There have been a number of Intergovernmental Agreements between the Irish and UK Governments in relation to Legacy, in addition to the Weston Park Agreement outlined at [Section 1.1](#) of this paper. The following section briefly outlines the main commitments, including the most recent from September 2025.

4.1.1 Independent Commission on the Location of Victims' Remains

The Independent Commission for the Location of Victims' Remains (ICLVR) was established by an Intergovernmental Agreement between the Irish and UK Governments, signed on 27 April 1999, and by legislation enacted in both jurisdictions.⁶⁸

The purpose of the ICLVR is to obtain information, in confidence, which may lead to the location of the remains of victims of paramilitary violence ("The Disappeared") who were murdered and buried in secret arising from the Troubles, up to the signing of the Belfast/Good Friday Agreement.⁶⁹

The ICLVR necessitates the cross-border cooperation in relation to security and policing and the Intergovernmental Agreement on Police Co-operation (April 2002) provides a framework for enhanced police co-operation and measures taken under the Agreement include exchanges of personnel, secondments and the transfer of officers.⁷⁰

4.1.2 Stormont House Agreement

The Stormont House Agreement, in 2014, included a number of references to Legacy. Relevant to the Irish Government was:

⁶⁸ Independent Commission for the Location of Victims' Remains [Home Page](#) accessed January 2026

⁶⁹ As cited immediately above

⁷⁰ Government of Ireland [Independent Commission for the Location of Victims Remains](#) 2022. Accessed January 2026

- A commitment to ensure full co-operation of all relevant Irish authorities with the establishment of a new independent body in Northern Ireland, the Historical Investigations Unit (HIU).⁷¹ [The Criminal Justice \(International Co-operation\) Act 2019](#) allows members of An Garda Síochána to give evidence to Troubles-related coronial inquests in Northern Ireland and allows the Garda Commissioner to enter into co-operation agreements with non-police/law enforcement bodies outside the State.⁷²
- Agreement to establish a new body, which the UK Government called the Independent Commission on Information Retrieval (ICIR). This body aims to provide families a way to retrieve information about Troubles-related deaths by providing the opportunity to seek relevant information on the death of a loved one.⁷³ As per the below, both Governments recommitted to establishing this body in 2025.

4.1.3 Joint Framework on the Legacy of the Troubles

In September 2025, the UK and Irish Governments agreed a [Joint Framework on Addressing the Legacy of the Past](#). This Framework proposed a number of actions for one or both Government or, in some cases, some matters are devolved. These proposed actions, and their implementation, represent a package that “the two Governments view as essential actions to move forward with pace and purpose to address Legacy matters effectively and with integrity”.⁷⁴

There are a number of proposals in the Framework for the Irish Government. These include:

⁷¹ UK Government [Stormont House Agreement](#) 2014 p8

⁷² Oireachtas Library & Research Service [Bill Digest: Criminal Justice \(International Co-operation\) Bill 2019](#) 2019 p1

⁷³ UK Government [Stormont House Agreement](#) 2014 p8

⁷⁴ UK Government and Government of Ireland [The Legacy of the Troubles: A Joint Framework between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland](#) 2025 p4

- To jointly deliver on the 2014 commitment to set up a cross-border body on information retrieval, initially on a pilot basis to test its effectiveness.
- To establish a dedicated unit within An Garda Síochána, which will be a central point of contact for cross-border cooperation on Troubles-related cases and Troubles-related investigations being undertaken by An Garda Síochána.
- The Irish Government reaffirmed its commitment to the investigation by An Garda Síochána of all unresolved Troubles-related incidents within its jurisdiction and to ensuring that any potential new investigative opportunities are proactively pursued.
- To legislate in the Republic of Ireland to enable the fullest possible cooperation of the relevant Irish authorities with the Legacy Commission, once established, in relation to all its investigations. On the same basis and in the same spirit, the UK authorities will provide reciprocal cooperation to Ireland.⁷⁵

On the first bullet point, above, the Irish Government, as well as the UK Government, reaffirmed the principles of the ICIR, outlined in the Stormont House Agreement and committed to the establishment of this body.⁷⁶ ICIR will be a cross-border body and both Governments will jointly appoint two Commissioners to lead it.⁷⁷ This body is not yet set up and will require legislation in both jurisdictions to do so.

In relation to the second commitment, on 23 January 2026, the Irish Government Minister for Justice, Home Affairs and Migration welcomed the establishment of the Garda Troubles Legacy Liaison Unit. The Unit will act as a single point of contact for co-operation with the UK authorities on Troubles-related Legacy cases. It will also serve as a central point of contact and co-ordination for victims and families in relation to Troubles-related investigations undertaken by An Garda Síochána, aiming to answer questions from victims

⁷⁵ UK Government and Government of Ireland [The Legacy of the Troubles: A Joint Framework between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland](#) 2025 p4

⁷⁶ As cited immediately above p9

⁷⁷ As cited immediately above p9

and families regarding Troubles-related investigations by An Garda Síochána and provide family reports where possible.⁷⁸

4.1.4 Funding

In the Joint Framework, the Irish Government committed to making a financial contribution of €25 million over three years in relation to costs of participation and representation of victims, survivors and next of kin in Legacy processes. In addition, the ICIR will be jointly funded by both the UK and Irish Governments.⁷⁹

4.2 Programme for Government 2025

In the Programme for Government, published in 2025, the Irish Government committed to:

- Work with victims' groups, political parties and the British Government to develop a fit-for-purpose mechanism to seek truth and justice for victims and their families.
- Support the work of the Independent Reporting Commission.
- 'Play our full part in Legacy processes and address the Legacy of the conflict in this jurisdiction', including facilitating and supporting the Omagh Bombing Inquiry.⁸⁰

As this is a relatively recent document, it is not yet possible to know how these commitments will be implemented in the longer term. The cross-border nature of the Troubles, along with those involved in incidents and investigations, brings additional complexity which is likely to continue.

⁷⁸ Government of Ireland [Minister Jim O'Callaghan welcomes the establishment of the Garda Troubles Legacy Liaison Unit](#) January 2026. Accessed January 2026

⁷⁹ UK Government and Government of Ireland [The Legacy of the Troubles: A Joint Framework between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland](#) 2025 p10

⁸⁰ Government of Ireland [Programme for Government 2025](#) p143

4.3 ECHR Commitments

As a signatory of the European Convention on Human Rights (ECHR), the Irish Government is, like the UK Government, obliged to undertake investigations that are ECHR compliant. Domestically, the European Convention on Human Rights Act 2003 gives more strength to the ECHR in domestic, Irish law.⁸¹

Article 2 of the ECHR, on the Right to Life, is the most relevant in this case. The European Court of Human Rights (ECtHR) has underlined that this Article, when read with Article 1 ECHR on securing the rights and freedoms in the ECHR to everyone in the jurisdiction, means that there should be some form of effective official investigation when individuals have been killed as a result of the use of force by, inter alios, agents of the State.⁸²

Not only this but the ECtHR has also accepted that this same obligation applies in a number of circumstances where an individual has “sustained life-threatening injuries, died or has disappeared in violent or suspicious circumstances, irrespective of whether those allegedly responsible are State agents or private persons or are unknown”.⁸³

It is outwith the scope of this paper, or RaISe, to assess whether the Irish State has legally met these ECHR obligations in relation to Legacy investigations for incidents which occurred within its jurisdiction. It is important to note that these ECHR obligations are relevant to investigations undertaken, or not, by both the UK and Irish States.

The case taken by Dominic Óg McGlinchey, outlined at section 3.3 in this paper, is an example of the Irish State being taken to Court for allegedly breaching these obligations.

⁸¹ Irish Council for Civil Liberties [Know Your Rights – The European Convention on Human Rights in Ireland](#) 2010 p5

⁸² European Court of Human Rights [Guide on Article 2 of the Convention – Right to life](#) 2025 p36

⁸³ As cited immediately above p36

5 Other Legacy Processes

It is finally worth noting several other processes undertaken or set up by the Irish State in relation to Legacy.

5.1 Victims' Commissioner

In 1999, the Irish Victims' Commissioner released a report with a number of recommendations.⁸⁴ A number of these have been implemented, including inquiries into the Dublin-Monaghan bombings, and a compensation scheme for victims and survivors in Ireland.⁸⁵ Other recommendations, such as establishing a remembrance day have not been implemented.⁸⁶

In research presented to the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement in 2019, it was recommended that the Irish Government should reappoint a Commissioner for Victims and Survivors to follow on from the previous work and the 1999 report.⁸⁷ To date, no such Commissioner has been appointed.

5.2 The Remembrance Commission

The Remembrance Commission was established by the Irish Government in 2003 to give assistance to those who were injured, or to the surviving families of those killed, in the Republic of Ireland or who were normally resident there at that time, in an incident relating to the Troubles.⁸⁸

The Commission was initially established for a period of three years, with the Irish Government committed to allocating €9m to it. The Commission's term of appointment was extended for a further year in October 2006, and again in

⁸⁴ Victims Commission [A Place and a Name – Report of the Victims Commission](#) 1999

⁸⁵ Leahy, T. [The Irish Government and Dealing with Northern Ireland Conflict Legacy](#) 2019. Created for the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement p43

⁸⁶ As cited immediately above p43

⁸⁷ As cited at footnote 84 p35

⁸⁸ The Remembrance Commission [Brief Overview](#) Accessed via Queen's University Belfast January 2026

October 2007. It formally came to an end on 31 October 2008 and during this time it disbursed over €6.5m to victims and their families in this time.⁸⁹

There were four categories of payment:

- Acknowledgement payment.
- Economic Hardship payment.
- Medical payments, and
- Other payments. These included funding victim support groups and funding for memorials.⁹⁰

⁸⁹ Government of Ireland [Remembrance Commission](#) 2022. Accessed January 2026

⁹⁰ The Remembrance Commission [Brief Overview](#) Accessed via Queen's University Belfast January 2026