

**Submission to the Committee of Ministers from the Committee on the
Administration of Justice (CAJ) in relation to the supervision of the cases
concerning the action of the security forces in Northern Ireland**

Jordan v the United Kingdom, judgment final on 4 August 2001
Kelly and Ors v the United Kingdom, judgment final on 4 August 2001
McKerr v the United Kingdom, judgment final on 4 August 2001
Shanaghan v the United Kingdom, judgment final on 4 August 2001
McShane v the United Kingdom, judgment final on 28 August 2002
Finucane v the United Kingdom, judgment final on 1 October 2003

and

Hemsworth v UK, judgment final on 16 October 2013
McCaughey & Others v UK, judgment final on 16 October 2013

October 2020

Introduction

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights (FIDH). Its membership is drawn from across the community.

This Rule 9 communication is for consideration at the 1390th meeting (December 2020) (DH) of the Ministers' Deputies.¹

CAJ has regularly made Rule 9 communications to the Committee of Ministers on the 'McKerr group of cases' concerning the actions of the security forces in the 1980s and 1990s in Northern Ireland. These submissions have charted the evolution of the 'package of measures' agreed to by the UK further to the above judgments, and their proposed replacement with measures agreed by the UK and Ireland, and political parties in the Northern Ireland Executive, under the December 2014 Stormont House Agreement (SHA).

The Committee last issued an Interim Resolution in these cases in 2009.

Previous Decision by the Committee of Ministers²

At the 1377th meeting (September 2020), the Committee of Ministers:

- In relation to reopening supervision of **Finucane**: expressed 'deep concern' that no decision had been made by the UK on how it would conduct an ECHR Article 2 compliant investigation into the death of human rights lawyer Pat Finucane, in accordance with the requirements of a ruling of the UK Supreme Court in February 2019.
- In relation to **General Measures**: noted that information submitted by the UK still indicated it would honour its commitment to legislate for the SHA. Yet also expressed concern at the March 2020 Written Ministerial Statement (setting out an alternative approach). Pointing to a 'lack of detail' on the approach, how it would work in practice and be compliant with ECHR Article 2, and further concern that initiating new plans would risk further delay. Sought "full details" of this new approach to "enable a comprehensive assessment" in time for the next examination, including the proposed legislative timetable. Strongly urging the UK to act within the "shortest possible timeframe."

The Committee of Ministers "decided to resume examination of these cases at 1390th meeting (December 2020) (DH) and, in the absence of the submission of concrete information on all of the above issues by 22 October 2020, instructed the Secretariat to prepare a draft interim resolution for consideration at that meeting."

The UK submitted no concrete information to this end by this deadline.

In addition to considering an Interim Resolution, we also call upon the Committee to keep under active consideration the invocation of its power under Article 46(6) ECHR to issue infringement proceedings against the UK for its delay in these cases.

¹ https://www.coe.int/en/web/cm/december-2020/-/asset_publisher/FJJuJash2rEF/content/1390th-human-rights-meeting-of-the-ministers-deputies-1-3-december-2020-?_101_INSTANCE_FJJuJash2rEF_viewMode=view/

² https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809f62ce

General Measures: key developments

- Having repeatedly delayed legislating for the 2014 Stormont House Agreement (SHA) the UK gave repeated commitments throughout 2019 and into 2020 that it would legislate for the SHA. This included regular assurances to the Committee of Ministers, a clear commitment to ‘prompt implementation’ in the December 2019 legislative programme for the UK Parliament and a commitment in the 9 January 2020, the UK-Ireland *New Decade New Approach* deal to restore the NI government, to introduce the legislation by April 2020, and an prior ‘intensive process’ with the NI parties and Irish government to finalise the legislation;
- This ‘intensive process’ with the NI parties and Irish government was never commenced by the UK. Instead on the 18 March 2020, without any forewarning the UK, through a Written Ministerial Statement (WMS) to the UK Parliament, signalled the unilateral abandonment of the commitment to implement the SHA.³ The WMS instead proposed in vague terms an unclear alternative ‘fast track’ process. No further detail whatsoever has been provided since. As noted recently by a UK Parliamentary inquiry “The two-page WMS remains the only source of information on the new policy.”⁴
- In a debate in the UK Parliament on the 20 July 2020 in an incidental Ministerial response to a question in a debate on civil claims against the UK military for actions abroad a Minister of State for Defence stated that the UK was actively preparing new NI legacy legislation.⁵ Under the implementation legislation of the Good Friday Agreement (GFA) public authorities are to ‘impact assess’ new or proposed policies ‘at the earliest stage’ of policy development in relation to equality impacts on protected grounds. There are binding duties to undertake and release the ‘equality screening’ document on request. In an unusual move the Northern Ireland Office (NIO) has however refused to release the equality screening document for the new legacy bill. Two human rights NGOs – CAJ and the Pat Finucane Centre lodged complaints with the Equality Commission for NI to seek enforcement. The NIO has unusually declined to submit any formal response to the complaint further to a request from the Equality Commission that it do so.⁶
- The Irish government, the other State Party to the SHA, strenuously objected to the announcement in the WMS.⁷ In addition to human rights NGOs concerns that

³ <https://www.gov.uk/government/news/addressing-northern-ireland-legacy-issues>

⁴ HC 329 Northern Ireland Affairs Committee (“NIAC October 2020 report”) “Addressing the Legacy of Northern Ireland’s Past: the Government’s New Proposals (Interim Report) Published on 26 October 2020.

⁵ <https://hansard.parliament.uk/Lords/2020-07-20/debates/3746196E-EFCF-4639-91BC-2D997F50E14A/BritishOverseasTroopsCivilLiabilityClaims> “Lord Dannatt (CB) My Lords, when does the Minister believe that Her Majesty’s Government will extend legislation in the overseas operations Bill to cover operations in Northern Ireland? [Baroness Goldie \[V\] Minister of State for Defence](#) ... , I assure him that, yes, a Northern Ireland Bill is coming forth to deal with similar issues; the Northern Ireland Office is currently in the process of preparing it. We expect more information in early course.”

⁶ Correspondence to CAJ/PFC from the Equality Commission 28 October 2020.

⁷ <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2020/march/statement-by-tanaiste-on-uk-government-legacy-announcement.php>

the proposals would be unlawful, the NI Human Rights Commission also expressed its ‘deep initial concerns’ the proposals would not be ECHR compliant.⁸

- In October 2020 the victims group WAVE Trauma Centre– ‘the largest cross community victims and survivors support group in Northern Ireland’ wrote an open multi-signature letter to UK Parliamentarians. This noted that the WMS had “unilaterally and without reference to any victims and survivors stakeholder groups” set aside the SHA to instead focus on protecting military veterans through a process of closing the vast majority of unresolved cases through a process of ‘speedy desktop review’ that would constitute a *de facto* amnesty across the full spectrum of cases, including those involving paramilitaries. WAVE recalled they had last spoken to the Secretary of State for Northern Ireland in the immediate aftermath of the WMS where he had committed to ‘intensive engagement’ on the issues in the WMS. WAVE however note “We have heard absolutely nothing from him since then.”⁹ The victims group has also raised concerns that the Secretary of State is ‘dangerously deluded’ if he believes the WMS proposals will aid reconciliation.¹⁰
- A cross-party UK Parliamentary Inquiry has also held that “We are dismayed by the lack of consultation and engagement with representative groups by the NIO on its new proposals both before and after the publication of the WMS in March 2020. The WMS was a unilateral and emphatic announcement of intent rather than part of a meaningful consultation process.” Noting seven months had passed since the WMS the Inquiry also stated it was ‘deeply worrying’ that the UK Government had not provided any further policy detail since. For its part, the Inquiry branded the proposals in the WMS as “unilateral and unhelpful.”¹¹
- Having shown remarkable patience with the UK, the Decision at the September 2020 Committee of Ministers meeting issued an ultimatum that the UK submit the aforementioned concrete information by the 22 October, to enable the Committee to conduct a comprehensive assessment at its December 2020 meeting.
- The UK ignored this deadline and request. Shortly after the deadline, the UK issued a communication. The information in this on the future approach further to the WMS is limited to one brief paragraph ‘reiterating’ its commitment to reforming the process but indicating ‘further discussions’ with key stakeholders will need to take place first. **No concrete information** on the legacy bill it has been preparing is provided whatsoever and **no proposed legislative timetable is set out.**¹² The remaining seven pages of the UK submission largely focus on

⁸ <https://www.belfasttelegraph.co.uk/news/northern-ireland/nis-human-rights-chief-says-legacy-plans-might-not-be-legal-39207801.html>

⁹ <http://wavetraumacentre.org.uk/news/wave-legacy-letter-to-mps/>

¹⁰ <https://www.belfasttelegraph.co.uk/news/northern-ireland/ni-secretary-lewis-dangerously-deluded-over-plans-to-close-troubles-murder-cases-says-victims-group-39647230.html>

¹¹ NIAC October 2020 report, paragraphs 24, 4 & 6.

¹² Information provided by the UK Authorities 26 October 2020 “The UK Government wishes to reiterate its commitment to reforming the current approach to addressing the legacy of Northern Ireland’s past. Further discussions with the Northern Ireland parties, Irish Government and other key stakeholders will need to take place

historical information regarding this group of cases and other information already previously provided; this appears to have been added to make the submission look longer.

- The UK Government also declined to engage with the aforementioned Parliamentary inquiry into the WMS proposals. The inquiry, by the Northern Ireland Affairs Committee of the House of Commons, described the failure to provide written information as an abandonment of convention. The Secretary of State had been called to give oral evidence in September but withdrew from doing so at a late stage.¹³ The Chair of the Committee, Simon Hoare MP, raised a range of questions about the WMS, including the threshold for reopening cases. He stated that the Committee had “expected those questions and others to be answered in the usual way in written and/or oral evidence, but the Government failed to provide any such evidence” and urged the UK Government to ‘urgently provide’ this information. The Chair noted that despite assurances that the policy would be addressed in a ‘speedy manner’ seven months had passed with ‘nothing more’ known about the proposals, adding “This delay and uncertainty will only perpetuate an unacceptable wait for victims and the families affected that has already gone on far too long.”¹⁴
- The Parliamentary Inquiry cites the reason given by the Secretary of State for withdrawing from giving oral evidence was that the NIO was at an “important stage of policy consideration, including sensitive engagement with key stakeholders.” In light of the lack of engagement, it is not clear whom such ‘key stakeholders’ are and whether they are limited to those within Government, the military and security services. The Chief Constable of the Police Service for Northern Ireland (PSNI) confirmed in oral evidence to the inquiry that the PSNI were still awaiting further detail of the content and implications of the WMS. The Chief Constable did clarify an internal NIO policy working group had been set up in late March to take forward the WMS proposals. The PSNI had declined to take part in this group due to fear of their impartiality being tainted by association with such a process.¹⁵
- The communication by the UK, as per previous submissions, boldly seeks to attribute the delay in clarifying their intentions further to the WMS to Ministers focusing on meeting the challenges of Covid 19. The Parliamentary Inquiry Report however notes that “While covid-19 has presented a challenge across government, policy development has continued across Whitehall, and the Northern Ireland Office has digital platforms to facilitate its work.”¹⁶
- Furthermore, the UK Government has enthusiastically and expeditiously taken other non-Covid 19 related major policy initiatives and actions forward during

before progress can be made to address these complex and sensitive issues and help Northern Ireland society move forward.”

¹³ NIAC October 2020 report, paragraph 3.

¹⁴ <https://committees.parliament.uk/committee/120/northern-ireland-affairs-committee/news/120267/legacy-proposals-unilateral-and-unhelpful-say-mps/>

¹⁵ NIAC October 2020 report, paragraphs 3 & 21.

¹⁶ NIAC October 2020 report, paragraph 6.

this time. This includes a pattern of deeply worrying interventions against the application of the Rule of Law within the UK. This encompasses legislation and commitments to diminish the incorporation of the ECHR in domestic law (also a requirement in NI of the GFA) and measures that engage with and directly rollback key reforms introduced as General Measures in relation to the present group of cases:

- As alluded to in previous submissions the WMS was intentionally made on the same day as the UK government introduced the *Overseas Operations (Service Personnel and Veterans) Bill* into the UK Parliament. This Bill, including through regression of domestic incorporation of the ECHR, will prevent domestic proceedings for past war crimes (including torture and extrajudicial killings) committed by the UK military abroad. The WMS expressly links the UK abandonment of the SHA for an alternative process to seeking to “ensure equal treatment of Northern Ireland veterans and those who served overseas.” The passage of the Overseas Operations Bill has continued through the UK Parliament in recent months. In response to questions during parliamentary debates on the bill as to whether the commitment that the NI bill will provide for ‘equal and comparable treatment’ for members of the armed forces who served in NI, Ministers have expressly reaffirmed they stand by this commitment. The Veterans’ Minister stated in the debate “The commitment of equal treatment in any Northern Ireland Bill that comes forward will be absolutely adhered to.”¹⁷ The Joint Committee on Human Rights of the UK Parliament has found that the Overseas Bill “breaches the UK’s international legal obligations under international humanitarian law, human rights law and international criminal law.”¹⁸ In observations that could equally be made in relation to Northern Ireland legacy cases the Parliamentary Committee finds in relation to investigations by the Ministry of Defence into allegations relating to overseas operations: “The evidence indicates overwhelmingly that investigations into incidents have been inadequate, insufficiently resourced, insufficiently independent and not done in a timely manner to gather adequate evidence. This has resulted in repeated investigations to try to remedy the flaws of previous investigations.”¹⁹
- The UK Government has also introduced and rushed through the House of Commons in ten days (5-15 October) the Covert Human Intelligence Sources (Criminal Conduct) Bill (CHIS Bill).²⁰ The CHIS Bill is in response to the ‘Third Direction’ litigation from CAJ, PFC, Reprieve and Privacy

¹⁷ Hansard Vol 680 [Overseas Operations Bill Second Reading House of Commons 23 September 2020](#). (Column 1022, Minister Johnny Mercer MP)

¹⁸ <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/120321/operations-service-personnel-and-veterans-bill-is-unjustifiable-ineffective-and-will-prevent-justice-from-being-done-say-joint-committee-on-human-rights/>

¹⁹ HC 665 HL Paper 155 Joint Committee on Human Rights ‘Legislative Scrutiny: The Overseas Operations (Service Personnel and Veterans) Bill: Ninth Report of Session 2019–21, Published on 29 October 2020, paragraph 34.

²⁰ <https://services.parliament.uk/Bills/2019-21/coverthumanintelligencesourcescriminalconduct.html>

International, that challenges the ECHR compatibility of present MI5 Guidelines to authorise criminal offences by informants. The CHIS Bill would legislate to allow police, security and other bodies to authorise crimes by informants, and for such authorised criminal offences to be ‘lawful for all purposes’ not attracting civil or criminal liability. In essence, for the first time such crime is to be put beyond the reach of the rule of law entirely.²¹ There are no express limits in the CHIS Bill as to which crimes can be authorised with. Government rejected amendments tabled by cross-party MPs to set limits preventing authorisation of offences that would constitute breaches of ECHR rights (killings, torture, sexual violence, kidnap, false imprisonment). The CHIS Bill will unravel key non-recurrence General Measures introduced as a result of the *McKerr* group of cases. In particular, the CHIS Bill undermines the reforms that ensure the independence of prosecutorial decisions in Northern Ireland, and the related giving of reasons for decisions not to prosecute in cases involving the security forces, or suspected security force collusion through informants in paramilitary groups. The CHIS Bill would preclude a prosecutorial decision being taken at all, as the crime in question will not constitute a criminal offence that can be prosecuted. The CHIS Bill also expressly provides for authorisation for criminal offences to be committed outside of the UK, including in the jurisdiction of Ireland and other Council of Europe member states.

- The ability of citizens and NGOs to challenge unlawful practices of public authorities and failures to properly discharge statutory duties, has been key to the progress of legacy cases in Northern Ireland, including those in the present group of cases. Concerningly the UK Government has moved quickly to set up an ‘Independent Review of Administrative Law’ which has already launched a fast tracked public consultation process. The purpose of the review appears to be to seek to limit the powers of the judiciary to prevent unlawful practices by Government and other public authorities. The focus is on limiting the provisions for Judicial Review of decisions, with the Terms of Reference focusing on limiting such provisions and related matters such as Governments’ duty of candour to the Courts.²²
- From the highest level of Government (the Prime Minister and Home Secretary) politically-discriminatory attacks have been launched against the legal profession.²³ Such discourse risks creating a climate of hostility against the legal profession and undermining the rule of law. The case of Pat Finucane and the demonising political discourse that preceded his

²¹ For further information see the joint briefing to Parliament by the Third Direction applicants.

<https://caj.org.uk/2020/10/01/briefing-for-second-reading-of-the-covert-human-intelligence-sources-criminal-conduct-bill/>

²² For further information see CAJ’s submission to the Review: <https://caj.org.uk/2020/10/27/caj-response-to-the-independent-review-of-administrative-law-iral/>

²³ <https://www.theguardian.com/law/2020/oct/06/legal-profession-hits-back-at-boris-johnson-over-lefty-lawyers-speech>

murder are a chilling reminder as to the dangers lawyers can face in such contexts. In this instance the attacks have largely focused on lawyers upholding the rule of law in relation to immigration cases and have already been followed by a widely reported racist knife attack on a firm of lawyers in London where threats were made to kill a member of staff. A suspect has now been charged in relation to this attack.²⁴ On 25 October a letter was issued signed by over 800 former UK judges, lawyers and legal academics raising concerns that the Prime Minister and Home Secretary had endangered “the personal safety of lawyers through their abusive attacks on the profession” had displayed “hostility” towards lawyers had undermined the rule of law and effectively risked the lives of those working in the justice system.²⁵

- There have also been concerning relevant moves from the UK in relation to Brexit. Whilst the October 2019 UK-EU Political Declaration affirmed a UK commitment to the ECHR as part of the Future Relationship with the EU, this commitment was quickly rolled back on.²⁶ Furthermore the UK introduced the United Kingdom Internal Market Bill into the UK Parliament, with the NI Secretary of State openly conceding that it breached international law. Government amendments to the bill, which were adopted as it completed passage in the House of Commons, expressly diminished the incorporation of the ECHR into domestic law in relation to NI specific provisions in the Bill. In a Joint Briefing advising on the Bill the NHRI and national equality body in NI advised that this undermined the GFA commitment to incorporate the ECHR, and dis-applied the scope of the ECHR in relation to the Bill and thus are “regressive measures”.²⁷

The above summary of key developments since our last submission we believe demonstrates ongoing extraordinary bad faith by the UK Government in relation to NI legacy provisions.

We are deeply concerned that the UK is simply going to continue to delay indefinitely legislating to meet its international obligations under the ECHR and in the present group of cases specifically, or will intentionally seek to legislate in a way that is not ECHR compatible.

We would therefore urge the most robust response possible from the Committee in relation to the failure to comply with General Measures in this group of cases.

²⁴ <https://www.theguardian.com/uk-news/2020/oct/23/man-faces-terror-charge-over-alleged-attack-at-immigration-law-firm>

²⁵ <https://www.theguardian.com/politics/2020/oct/25/lawyers-ask-johnson-and-patel-to-apologise-for-endangering-colleagues> “The signatories include three former justices of the UK supreme court, five retired appeal court judges, three former high court judges, the lawyer heads of four Oxford University colleges, more than 80 QCs, 69 law professors from leading English universities, the directors of Liberty and Justice, as well as hundreds of law firm partners, barristers and solicitors.”

²⁶ For a narrative on the ECHR and Brexit see: Lucy Moxham & Oliver Garner (Bingham Centre for the Rule of Law) ‘[Will the UK uphold its commitment to human rights?](#)’ LSE Blogs 30 June 2020

²⁷ Available as a link in the accompanying Joint Statement: <https://www.equalityni.org/Footer-Links/News/Delivering-Equality/UK-Internal-Market-Bill-Must-Address-Human-Rights>

Police independence

Further to an application by the PSNI leave has been granted to appeal to the Supreme Court from the NI Court of Appeal in *McQuillan*²⁸, *McKenna*²⁹ and *McGuigan*³⁰ to address the question of the independence of the PSNI in investigating legacy cases. The Appeal Court has found that the Legacy Branch of the PSNI lacks requisite independence to carry out investigations into state involvement cases. These cases have been listed for hearing in June 2021. Presumably, that is the set of proceedings intended to be referred at footnote 2 of the UK communication (rather than the challenge taken by Sainsbury's supermarket concerning Visa and Mastercard payment card schemes.)

Summary of Key Issues: Individual Measures

Finucane v UK

There has been a continued absence of concrete information from the authorities on how they intend to conduct an ECHR Article 2 compliant investigation into Mr Finucane's death following the findings of the Supreme Court judgment of 27 February 2019.

The judicial review taken by Geraldine Finucane, challenging the delay in reaching a decision on her request for a public inquiry following the judgment of the UKSC and claim there has been a continuing breach of Article 2, was listed for hearing at the High Court of Northern Ireland on 9 and 12 October 2020. The Court noted that the unlawful breach of Article 2 ECHR persists as identified by the highest human rights tribunal in Europe and highest UK court. It also directed that material not previously disclosed to the next of kin, setting out a proposed timetable for the government's response to the UKSC judgment, be provided in unredacted form on the first day of the hearing. It held that it was clearly relevant and necessary in the interests of justice that the withheld documentation be disclosed.

During these proceedings the Court expressed concern about the delay incurred; asking crown counsel if this is not a case of 'adding insult to injury' noting that there has not only been a breach of the Article 2 procedural obligation to investigate this death but also a substantive breach of the right to life itself. The Court made it clear that the observations and timeline of the Committee of Ministers were of particular relevance to these proceedings. On the second day there was some acknowledgement from counsel for the Secretary of State that it was not possible to justify the delay in making a decision, and that a final decision will be made on or before 30 November.

This case is listed for review on 18 December. CAJ endorses the comments of the legal representatives for Mrs Finucane noting that it is shameful that 30 years after Mr

²⁸ UKSC 2020/0028, UKSC 2020/0029, UKSC 2020/0030

²⁹ UKSC 2020/0019, UKSC 2020/0026,

³⁰ UKSC 2020/0020, UKSC 2020/0027, UKSC 2020/0100

Finucane's murder it has taken 20 months for the government to react to the UKSC judgment.

CAJ shares the Committee's 'deep concern that a decision has still not been made on how to react to the Supreme Court judgment and underlined that it is urgent that the authorities take such a decision without further delay'. We note that at the 1377th September meeting it was recalled that 'it was agreed that the Committee would examine the applicant's request to reopen its supervision of the individual measures in the *Finucane* case'. We strongly urge the Committee to accede to this request at the 1390th December meeting.

Shanaghan v UK

There have been no further developments since our last submission in which we advised that the publication of the Public Statement by the Police Ombudsman into the death of Patrick Shanaghan has been delayed once again. This delay is as a result of a legal challenge taken by retired police officers which has affected the publication of outstanding Public Statements by the Police Ombudsman into legacy cases. This judicial review sought, on a technicality, to quash a Public Statement made by the Police Ombudsman for Northern Ireland in relation to the Loughinisland Massacre on 18 June 1994, asserting that the Police Ombudsman had exceeded his statutory powers and the Appellants were denied procedural fairness protections under the common law.

While the Court of Appeal of Northern Ireland formally issued its judgment dismissing the appeal it found that while the Ombudsman did exceed his powers in three paragraphs it was appropriate for the Police Ombudsman to 'acknowledge that the matters uncovered by him were very largely what the families' claimed constituted collusive behaviour'.³¹

We have been advised that the matters of remedy and costs remain outstanding and no time scale has been given for the release of the Public Statement.

McCaughey v UK

The related case of *Gribben v UK* was lodged with the ECtHR in June 2018. We understand that on 12 October the UK Government rejected the offer of a friendly settlement and confirmed that it was content to proceed to the contentious phase. The UK Government has been directed to file its observations and answers to the questions posed by the Court on 16 July 2020, no later than 6 January 2021. The Government of Ireland has now been given notice of the application.

Jordan v UK

A decision is still outstanding from the Public Prosecution Service Northern Ireland on whether two former police officers are to be prosecuted.

McKerr v UK

We understand that Pre-action correspondence has been issued to several proposed respondents regarding the delay in holding these inquests since they were re-opened in

³¹ <https://www.judiciaryni.uk/judicial-decisions/2020-nica-33>

2007 and the Coroner's Service NI has sought various extensions due to the Covid-19 pandemic and has recently denied that there has been any breach of Article 2 ECHR.

The next of kin of Mr McKerr wrote to the Coroners Service NI again on 11 October requesting that a preliminary hearing of the inquest to be convened. The last substantive preliminary hearing was on 16 June 2015. There have been two further listings in January 2016 and October 2019 as part of the review of all outstanding legacy cases. On 23 October 2020 the Coroner's Service NI advised the legal representatives for the next of kin that its correspondence was under consideration by Mr Justice O'Hara and that a substantive response would follow after the Halloween recess (end of October).

Kelly & Others v UK

A High Court Judge has been appointed to review the case however, due to the Covid-19 pandemic these proceedings, like other pending inquests, have had limited progress in recent months. We understand that senior counsel is currently reviewing the papers with a view to a case management hearing being held remotely but no timetable has yet been provided.

October 2020