

Neutral Citation No: [2024] NICoroner 10

Ref: HUD12423

*Judgment: approved by the court for handing down
(subject to editorial corrections and proofing prior to publication)**

Delivered: 12/02/2024

IN THE CORONERS COURT FOR NORTHERN IRELAND

BEFORE THE CORONER
MR JUSTICE HUDDLESTON

IN THE MATTER OF AN INQUEST INTO THE DEATHS OF
DANIEL DOHERTY AND WILLIAM FLEMING

RULING ON APPLICATION BY SOLDIER T
TO GIVE EVIDENCE REMOTELY

HUDDLESTON J

Introduction

[1] At the case management review hearing on 7 February 2024, I gave an indication that I was minded to call Soldier T to give evidence. Soldier T has already given a statement.

[2] Soldier T has been subjected to two medical assessments. It became important to assess his ability to give evidence due to an historic brain injury which he sustained. Dr Burnside was instructed to examine him by Devonshires. The CSNI then asked Dr Craig to review that report in terms of T's ability to give evidence. Dr Craig was of the opinion that he needed the input of another expert. Whilst CSNI have made considerable efforts to arrange a further medical opinion it simply has not been possible in the circumstances.

[3] Soldier T had an involvement in this incident. He rode a surveillance motorcycle and was one of the soldiers at Gransha on the morning of the shootings. I think it would be beneficial for the Inquest to hear his evidence. It has been confirmed to me is he not resistant to that approach.

[4] Soldier T, consistent with the other Former Military Witnesses, did, however, make an application to give evidence via live link if he were to be called. In my Ruling [2023] NI Coroner 16 ('Livelink Ruling') I granted live link facilities to Soldiers I, J, P, Q and R on the back of the composite application had been made on their

behalf but deferred any decision on Soldier T's application pending the outcome of the medical evidence.

[5] As I have said we were unable to reach the end of the road as far as medical assessment is concerned but that does not hinder, in my view, the ability of the court to hear from him and assess the weight and usefulness of what he has to say. The Inquest can do that in the light of the medical opinions that do exist.

[6] Given that he is now to give evidence I determine that he should be subject to the same facilities as were available to the other FMWs. Consistent with the PII Ruling he will be screened from all but counsel to the PiPs and the coroner to preserve his identity. For the same reasons as set out in the Live link Ruling I grant him the ability to give his evidence remotely - subject only to the conditions set out in that ruling as regards witness bundles etc.

[7] In deference to the medical evidence I require that questions be put to him in simple terms and that follow on or complex questions are avoided. It would also be my intention to invite both he and his counsel to suggest frequent breaks if that is considered necessary as he gives his oral evidence.