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| Neutral Citation No: [2023] NICoroner 13 | Ref: HUD12271 |
| <i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i> | ICOS No: |
| | Delivered: 16/10/2023 |

IN THE CORONER’S COURT IN NORTHERN IRELAND

**BEFORE THE CORONER
MR JUSTICE HUDDLESTON**

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

Background

[1] By way of request dated 10 May 2023 Devonshires (in their fourth letter of that date) on behalf of Soldier F, asked to see certain information in its unredacted form. The extent of that request has varied through time, but I believe it is fairly captured (as at the date of this ruling) by reference to the documents and information which is detailed in the appendix below.

[2] The case is made that:

- Soldier F needs to see the unredacted version of the documents;
- “Suitable arrangements” can be put in place to allow that access to occur;
- The need arises as a question of fairness “even if what he has to say [about them] is the subject of a subsequent PII claim.”

[3] The next of kin’s position is that, in the context of a PII hearing having been carried out, Soldier F’s request, in effect, amounts to a request to me, as coroner, to reconsider the extent of PII and that if “[a] roll back is to be considered that it should be open for all PiPs to make representations and that if the redactions are rolled back, that the roll backs should apply for all other PiPs.”

[4] The MoD and PSNI have both objected to the present application. The MoD have clearly indicated that Soldier F does not have the requisite security clearance to view the material in an unredacted form and, further and more pertinently perhaps, that given my previous PII Ruling absent an entire roll back I can neither take the documentation nor the information gleaned from it into account.

Ruling

[5] As indicated this request comes in the context of a PII ruling which I have already issued in this inquest – see [2023] NI Coroner 4. As a precursor to that ruling there was considerable work done, representations made and discussions to arrive at the conclusion reached. It was heard – and determined – over many days and after considerable effort had been made to achieve what inevitably must be a fine balance.

[6] With specific reference to soldier F, he was awarded PiP status on 12 April 2023 immediately upon receipt of his request (his application having been made on 31 March and time allowed thereafter for submissions from other PiPs). That was done with speed as I perceived that it was important that he have access to the full suite of documents. Since that date (or shortly thereafter) the suite of documents in this inquest have been available to him and his legal team.

[7] I was and remain satisfied that the documents available to this inquest are sufficient to allow us to deal with the statutory questions that the inquest faces. I was and remain so satisfied notwithstanding the extensive PII process that has been gone through. Within those papers there are documents which clearly relate to operational details, and in my view, there is sufficient incident-specific detail to allow this inquest to conduct the investigative process which it faces. Had it been otherwise I would not have arrived at the PII determination which I did. That information should also be sufficient to provide Soldier F with any prompts which he seeks.

[6] The requests made on behalf of Soldier F come in the context that it is suggested that access to the additional (unredacted) documents will “allow Soldier F to **be reminded** of the surrounding circumstances relating to the operation with which he was involved as RUC Liaison Officer, and **thereby increase the likelihood** that Soldier F will be in a position to address the correct incident and provide assistance to the coroner.” In that aspiration I do not regard his position as unique. I feel that given the historic context that can be said of all of the witnesses.

[7] I take the view that the award of his PiP status and the fact that he and his legal representatives have (since April 2023) had full access to the suite of (albeit redacted) documents in this inquest, should be sufficient to meet the objective as it has been described to me in correspondence on his behalf.

[8] The complete set of materials, in my view, is sufficient to allow not just Soldier F but those other witnesses with PiP status who will appear in this inquest to refresh their memory in terms of (a) the incident; and (b) his/her involvement in it.

[9] Soldier F (as have others) make the case that there are substantial redactions, but those redactions are the ones which have been arrived at through the extensive PII process which has been undertaken and, I consider, were and remain appropriate and necessary (see para 12 of the PII Ruling in particular). Having said that it is always incumbent upon me, as coroner, to keep the PII process (and my earlier determination) under review. I have done that in coming to this Ruling and in light of the submissions made to me, but it does not change my conclusion.

APPENDIX

List of Documents

MOD Sensitive (Folder 21) page 35 and following – operational summary

MOD Sensitive (Folder 21) page 46 and following – operational summary

MOD Sensitive (Folder 21) page 48 and following – operational summary

PSNI Sensitive Two (Folder 19, Tab 2) pages 71-78 – HQNI summary

PSNI Sensitive Three (Folder 19, Tab 3) pages 74-77 - Gransha Hospital operation.

PSNI Sensitive One (Folder 19, Tab 1) pages 73-76 (PW1's journal)