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

Delivered: 23/02/2026

IN HIS MAJESTY’S COURT OF APPEAL IN NORTHERN IRELAND

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**IN THE MATTER OF A REFERENCE BY THE CRIMINAL CASES
REVIEW COMMISSION**

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THE KING

v

PATRICK LAWRENCE O’NEILL

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**Mr B Fee KC with Mr McGettigan (instructed by Harte Coyle Collins Solicitors)
for the Appellant
Mr Murphy KC with Ms Cheshire (instructed by the Public Prosecution Service)
for the Respondent**

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Before: Keegan LCJ, Treacy LJ, Colton LJ

KEEGAN LCJ (*giving the judgment of the court*)

Introduction

[1] This is an appeal by way of reference brought by the Criminal Cases Review Commission (“CCRC”) in relation to the appellant’s convictions from 1972 for possessing ammunition with intent, possessing ammunition without a certificate and possessing explosives with intent to endanger life. The appellant was sentenced to a total of 15 years’ imprisonment, eight of which he served.

[2] We have had the benefit of reading the detailed reference provided by the CCRC and the legal submissions made by the parties. The Public Prosecution Service (“PPS”) do not resist the appeal and so it is not necessary to provide extensive reasoning. This is a written record of the *ex-tempore* ruling we provided at the hearing.

This appeal

[3] We begin by reflecting on the case made on behalf of this appellant by Mr Fee KC in writing and orally. Mr Fee has adopted the three grounds of appeal that have been referred by the CCRC which are essentially under the headings - executive misconduct, inadmissibility of confessions, and insufficient remaining evidence.

[4] The written arguments set out the background of this case, the court proceedings which ensued in 1972, and the civil settlement of this case in 1978. The threshold date is 2016 when there was discovery of material from the National Archives relating to the civil proceedings which prompted the reference to the CCRC. Mr Fee maintains that this is an exceptional case whereby the CCRC referred the case without a previous appeal having been mounted. Mr Murphy KC on behalf of the PPS takes no issue with that process or assessment of exceptionality.

[5] The prosecution position has been set out with clarity in writing and advanced orally by Mr Murphy. In summary this is to the effect that the prosecution does not seek to resist this appeal on the basis that it considers that the failure to disclose medical evidence from an army doctor, Captain Winfield and medical evidence from Dr Conor Gilligan, which was available at the time of trial supports the appellant's case of maltreatment and injury during interrogation. Also, the prosecution accepts material non-disclosure of interviews by Special Branch at Palace Barracks where the appellant was held. This material, the prosecution concedes, affects the admissibility of a confession statement made by the appellant and to use the prosecution's words, undermines the safety of the convictions. The prosecution characterises the facts that underline this case as constituting a rare and very individual set of circumstances. We agree with that assessment.

[6] Three applications to admit fresh evidence are before us as part of this appeal. In our view we only need to formally grant the application to admit the evidence from Captain Winfield and Dr Gilligan for the purposes of this appeal. We know there is a third more recent report from Mr Ullah which focusses on the appellant's hearing difficulties. However, the reports of Captain Winfield and Dr Gilligan are the key reports which were available but not disclosed and/or admitted at trial. We propose to admit those as fresh evidence and the other applications can be dismissed without adjudication on the merits.

[7] The CCRC reference is based upon what is described as the cumulative weight of evidence suggesting abuse amounting to torture or inhumane and degrading treatment of the appellant whilst in custody validated through medical reports which came to light in 2016. Those contemporaneous reports and some associated reports founded a civil claim which was settled by the relevant state authorities in 1977/1978 for £5,000. Suffice to say that the circumstances around the civil claim generated clear concerns about the safety of the convictions in 1978. This is apparent from the material that we have seen including correspondence from Crown counsel who was involved at the time and the relevant state bodies.

[8] There is no dispute as to any of the law pertaining this consideration and so we need not rehearse it for the purposes of this ruling save to restate the well-established principle in our domestic law that an admission or a confession must be voluntary and cannot be obtained by torture, inhumane or degrading treatment. This is reiterated in the European Convention on Human Rights.

[9] The admitted ill-treatment of the appellant and the non-disclosure of relevant material is striking. As Mr Murphy has said we are not a court adjudicating on the intricacies of what is alleged. We do not have to determine the substance or truthfulness there. What we must determine is whether there was enough evidence to raise a question as to the voluntariness of the confession made and whether it should be admitted in evidence. The case made by the appellant is not disputed by the prosecution. It is within that context that we must determine if the convictions in this case are safe which is the simple question we face and whether they should be quashed.

Conclusion

[10] The prosecution position which Mr Murphy advances is very clear and accords to large measure with the case made by Mr Fee. Emphasis has been placed on paras 54 and 55 of the prosecution's submissions which we paraphrase as follows. The prosecution states that the non-disclosure of material and the lack of supporting statements "wholly undermines the efficacy of the appellant's admissions in the trial." Furthermore, the way the interrogations were conducted together with the fact that they were not disclosed either to the prosecution or defence leads to the conclusion that "the misconduct at trial cannot now be remedied." The prosecution therefore states that:

"It would clearly be unconscionable to seek to rely on confessions and uphold the conviction of the appellant and on a holistic view of the circumstances no retrial would be sought."

[11] Furthermore the prosecution summary at para 55-56 articulates its position as follows:

"The PPS does not resist this appeal. It does not contest the admissibility of the medical evidence concerning the appellant's treatment during detention and accordingly does not seek to stand over the confessions made by the appellant. We note that there was prima facie evidence supporting the March or the Iveagh Street convictions independent of the admissions but that a conviction in the circumstances was not inevitable."

[12] On the latter point Mr Murphy validly added during oral submissions that had a jury been aware of the medical evidence and the interrogations that would have undoubtedly coloured their view of the case. In addition, the prosecution accepts that the remaining confession evidence relating to the ammunition found at the farm, was insufficient to sustain conviction.

[13] Drawing together all of the relevant strands, para 56 of the prosecution's written submissions reads as follows:

“In light of the medical evidence and its bearing on the admissions together with the non-disclosure of that evidence and of material relevant to the circumstances in which the admissions were made which would have supported an application for a stay and/or the exclusion of the confessions it is accepted that the court could properly conclude that the convictions are unsafe and the appeal should be allowed.”

[14] This is sufficient to determine the appeal in favour of the appellant. However, we have also considered both the defence and the PPS position in relation to the broader picture of executive misconduct. There is consensus in relation to how the trials were conducted. The prosecution describes this as “unconscionable” but they assert that it would not be appropriate to attribute executive misconduct as a positive finding thereafter. We agree.

[15] We have been impressed by the industry applied to this case by all of the instructing solicitors involved and by counsel who have clearly reflected on what is a complicated picture. We have been greatly assisted by the detailed written arguments augmented by oral submissions of both senior counsel. Senior Crown counsel Mr Murphy has made several important concessions which we consider were appropriately made.

[16] Having considered the matter we find that these convictions should be quashed and that is because of the safety issues raised in respect of the prosecution. To summarise, in light of the medical evidence and its bearing on the admissions made by the appellant, together with the non-disclosure of that evidence and of material related to the circumstances in which the admissions were made we could not properly conclude that the convictions are safe. In addition, whilst the trial proceedings were conducted in an unconscionable manner it would not be appropriate to attribute any further positive finding of executive misconduct that occurred or may have occurred thereafter.

[17] Accordingly, the appeal is allowed and the convictions are quashed.