

PRESIDING CORONER FOR NORTHERN IRELAND

LEGACY INQUESTS

JUNE 2020 STATEMENT

This statement updates the position as regards legacy inquests in light of Covid 19. It is my last statement as Presiding Coroner as Mr Justice Huddleston now assumes the role.

At the time of my last statement in April 2020, the courts were only dealing with urgent or agreed matters. Since then, it has become even more apparent that Covid-19 containment measures will be with us for some time to come and that all areas of legal work will have to adjust to a 'new normal'. All inquests, including legacy inquests, continue to be adjourned. However, on 12th May, the Lord Chief Justice issued guidance which moved us to the position of proactive judicial handling of cases through a process of administrative reviews.

It remains the case that the full impact of the Covid-19 pandemic on legacy inquests is not yet known. What is clear at this stage is that the three inquests that were listed in what was to be quarter 1 of Year 1 of the Lord Chief Justice's Five Year Plan cannot proceed due to Covid-19. It is also apparent that preparations for all Year 1 inquests have been interrupted by the impact of Covid-19 on Legacy Inquest Unit staff and disclosure providers as well as on elderly witnesses and those who provide support to them during the inquest process. Accordingly, and unavoidably, the hearing of Year 1 inquests has been pushed back with a consequent impact on the start date of the Five Year Plan.

I have spoken to all Year 1 coroners and I have engaged with relevant legal professionals before making this statement. Having considered the situation, I am of the view that the start date for Year 1 inquests should be pushed back to a later date in October 2020. There are no guarantees but this the best estimate I can give. That means that cases will not be heard before then but preparatory work will take place. Further updates including, when possible, the proposed running order of the Year 1 inquests will issue as matters progress. It may also be the case that the focus will be on a set number of inquests at a particular time to make the best use of available resources.

I am encouraged that some work has been taking place insofar as is possible within current restrictions and public health guidelines. Year 1 inquests have been kept under review and in some cases Coroners have issued written directions and held preliminary hearings. This will continue where possible. Within the Legacy Inquest Unit, greater provision has been made for remote and in office working. So, while

the extent of the work which can be progressed remains limited due to the impact of Covid-19, the Legacy Inquest Unit is now in a position to receive physical disclosure by arrangement. Where disclosure becomes ready for dissemination by the Coroner, this will be facilitated by Legacy Inquest Unit staff as expeditiously as possible and within public health guidelines. I have been informed that disclosure providers have limited capacity to process and provide disclosure material to the Coroner at present however I hope that capacity will improve in the near future.

Looking forward, it is important to consider new and alternative ways of progressing coronial investigations. In this regard I encourage an open and collaborative approach from all those engaged in this work. As part of my engagement, I have asked the Crown Solicitor's Office to work with its legacy inquest clients, in particular the Ministry of Defence, to offer constructive and practical solutions to the challenges faced in relation to the interviewing of witnesses and the process of witnesses giving evidence, especially those who are elderly. I welcome input from all those engaged in this work with a view to assisting and planning for recovery. I have also asked staff in the Legacy Inquest Unit to work on finalising the witness protocol which I have circulated to all interested parties.

One of the challenges we will face in getting inquests heard will be the mode of hearing. In that regard work is ongoing to modify the court estate to accommodate physical hearings within public health guidelines. The indications are that capacity is likely to be constrained to some extent until there is no longer a need for social distancing and so we have to consider practicable alternatives in order to balance the over-riding public health considerations with the public interest in progressing legacy inquest business. We will consider the use of technology to facilitate inquest hearings but we must be mindful of the need to ensure fairness for all involved. In particular, virtual hearings may not be suitable for lengthy or complex matters. It may be that 'hybrid' hearings with a mix of physical hearings and live link will be appropriate. These issues will be addressed in individual cases by individual Coroners with the input of all interested persons.

In my April statement, I postponed the announcement of the second tranche of inquests in order to see how the current situation developed. I have reviewed the feasibility of sequencing a second tranche of inquests and having done so, I am of the view that we do not yet know enough about the impact of Covid-19 on the planned Year 1 inquests to announce the second tranche. This matter will be kept under review.

In the current circumstances I simply cannot be more definitive about the Year 1 inquests and the sequence in which pending inquests will be held. I understand that

this will be disappointing for many people including bereaved families. Please be assured that work will continue on recovery from this unprecedented situation in a way that is as effective and efficient as possible.

The Hon. Mrs Justice Keegan

30 June 2020