

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)

IN THE MATTER OF AN APPLICATION BY
MARY LOUISE THOMPSON FOR JUDICIAL REVIEW

KERR J

[1] It is my view that the applicant has succeeded in her argument that the respondent has not conducted an investigation sufficient to comply with the obligations that arise under article 2 of the European Convention on Human Rights. In reaching that conclusion I do not rely on the contemporary standards as they have been most recently expressed by the European Court of Human Rights in the case of *Jordan & Ors v The United Kingdom*. Judged by the standards that applied in 1971-1972 when the investigations into the death of the deceased were conducted, I am satisfied that such procedural safeguards as were required to ensure that article 2 was complied with were not fully implemented by the respondent in this case.

[2] I need not rehearse all of the deficiencies adumbrated by the applicant in her skeleton argument to this court. I merely point to the circumstance that the soldier who effectively discharged the shot which caused the death of Mrs Thompson and those who were with him at the time were interviewed by a member of the Royal Military Police. I do not consider that this satisfied the duty imposed on the police at the time to properly investigate this fatal shooting. In my view it was not open to them to delegate that critical responsibility to another agency such as the Royal Military Police. Quite apart from that however, the fact that each of the interviews cannot have lasted any more than half an hour; the fact that clear discrepancies appear in the statements made, discrepancies which have not been the subject of further challenge or investigation, are sufficient to demonstrate the inadequacy of the investigation into the death of the deceased.

[3] I am satisfied that in 1971 one of the procedural safeguards which was necessary to vindicate and which underpinned the substantive right under article 2 of the European Convention on Human Rights was that there be an

effective investigation. By any standard it is clear that the investigation into the death of Mrs Thompson was not effective. Even allowing for the constraints that might have obtained at the time and the difficulty in visiting the *locus* where the shooting happened, I am satisfied that a more rigorous examination than in fact took place ought to have occurred. It is therefore clearly demonstrated by the applicant that this investigation was not adequate.

[4] However, there remains outstanding the question whether the applicant is entitled to the relief that she seeks and in light of what Mr Morgan QC on behalf of the respondent has submitted I will refrain from making the formal declaration until the matter has been considered further. The applicant is clearly entitled to her costs and I order that her costs be borne by the respondent.