

PRESIDING CORONER FOR NORTHERN IRELAND

LEGACY INQUESTS

APRIL 2020 STATEMENT

In my November 2019 statement, I indicated that I would review all the pending legacy inquests in April 2020 and that I hoped to be in a position to announce those inquests which would be listed for hearing during Year 2 of the Lord Chief Justice's Five Year Plan for Legacy Inquests. Since I made that statement in November and my updating remarks in January of this year, the world has changed beyond recognition due to the ongoing Covid 19 pandemic. All non-urgent court business, including legacy inquests, has been adjourned as announced by the Lord Chief Justice on 20th March 2020. This is subject to ongoing review by the Office of the Lord Chief Justice.

It is clear that the full impact of the pandemic and the associated containment measures on legacy inquests are not yet known. It is also obvious that because of this unprecedented situation, there will be delays in hearing those inquests which were listed over the coming months. I appreciate that this is disappointing for those involved, particularly the families of the deceased. However, I am committed to developing a recovery/contingency plan for legacy inquests in common with all other areas of legal work affected by this pandemic. In order to do this, I shall remain as Presiding Coroner for the time being and I will carry out this work in conjunction with the Lord Chief Justice and Mr Justice Huddleston, who will succeed me as Presiding Coroner at an appropriate time.

Further updates on the plan will issue in due course, however, I want to emphasize that recovery is not a simple or straightforward process given the nature of legacy inquests which involve complex issues and contentious evidence. This will all take some time and no clear timescales can be given at present. I therefore ask for continued forbearance and patience as we deal with the fallout from this pandemic.

By way of general update, I can confirm that all Year 1 inquests have been allocated to a Coroner or judge. Insofar as is possible within current government guidelines regarding Covid 19 and advice from the Public Health Agency, my judicial colleagues and I, supported by the Legacy Inquest Unit

staff, will continue to keep these inquests under review. I have to say that the work that can be done is limited at present due to the impact of Covid 19 on Legacy Inquest Unit staff and disclosure providers and given the age profile of many witnesses. We will keep our working arrangements under review in order to maintain momentum in these inquests insofar as possible. As part of this evolving situation we will consider the feasibility of alternative practices, such as dealing with directions by way of written submissions and remote working.

I had stated previously my intention to review the remaining pending inquests this month. This has not been possible due to Covid 19 but, as time goes on, I hope that a way will be found to facilitate these reviews as well as other case management hearings. With regard to the Stalker and Sampson series of inquests and the inquest into the deaths at Loughgall in 1987, the Lord Chief Justice has allocated Mr Justice O'Hara and Mr Justice McAlinden respectively to case manage these cases. Of course, given the restrictions in place, all interested parties should understand that progress will not be immediate and, once commenced, the task of case management will undoubtedly be difficult and take an appreciable period of time.

The case management protocol I have developed is subject to ongoing review. Work is also continuing to develop the witness protocol for legacy inquests. A draft was issued for consultation earlier this year and the final protocol will be issued at an appropriate stage.

I indicated in November 2019 that I hoped to announce at this stage which cases would be listed during Year 2 of the Five Year Plan. It remains my view that state of readiness is the major factor in determining the sequencing of legacy inquests. However, given that the full impact of the Covid 19 pandemic on the planned Year 1 inquests cannot yet be ascertained, I have decided that it is better to postpone the Year 2 announcement to see how the situation develops. I will keep the feasibility of sequencing a second tranche of inquests under review and I will make a further statement on the position in June 2020.

The Hon. Mrs Justice Keegan

29th April 2020