

guardian.co.uk | TheObserver

Inquests into Troubles deaths to be kept secret

Contentious changes in law spark outrage among human rights groups and opposition parties

Jamie Doward and Henry McDonald
The Observer, Sunday 25 January 2009

Under new laws, key parts of inquests into the deaths of people killed by British security forces in Northern Ireland during the Troubles will be held in secret, without the scrutiny of juries.

The revelation has prompted outrage among human rights groups, who have accused the British government of seeking to suppress evidence of collusion between paramilitary organisations and the security forces.

The proposal that some parts of inquests held in England and Wales should be behind closed doors has already been hugely controversial. The plan has been dropped once before, but the government is determined to reintroduce it - despite opposition from the Conservatives, the Liberal Democrats, the House of Lords and its own backbenchers, who are expected to vote against it in the coming weeks.

But it has now emerged that the new powers will also apply to outstanding inquests involving those killed during the Troubles in Northern Ireland. According to a series of clauses inserted in the Coroners and Justice Bill, which receives its second reading tomorrow, the justice secretary in England and Wales and the Northern Ireland secretary will both have the power to order that some parts of inquests should be held in secret and without a jury to "protect the issues of national security, the relationship between the UK and another country, and to help prevent or detect crime". In these cases a special counsel will be appointed to represent the families of the dead, but they will not be allowed to see or hear sensitive evidence. A judge, rather than a coroner, will oversee the inquest.

The revelations have alarmed lawyers and human rights groups, who fear that troubling questions about MI5, the army and the police in Northern Ireland could go unanswered. Jane Winter, director of British Irish Rights Watch, said she believed the new law would apply to a backlog of inquests into the deaths of at least 50 people killed in Northern Ireland, and claimed that it represented a return to the controversial Diplock courts system introduced during the Troubles.

"There are instances when we need to protect people who are trying to protect people's lives," Winter said. "But it shouldn't be for politicians to decide when this is."

Many of the inquests still to be scheduled involve known paramilitaries. Pearse Jordan, an IRA member, was the last person to be killed by the Royal Ulster Constabulary in Northern Ireland when he was shot dead in November 1992. "He was hemmed in by police vehicles and shot in cold blood," Winter said. "There was no doubt he was under surveillance at the time of his death. Why didn't they just arrest him?"

Another death awaiting an inquest is that of Roseanne Mallon, a 76-year-old woman shot dead by members of the UVF in 1994 after her house had been under army surveillance because it was believed she was harbouring an IRA member. Videotapes of the shooting exist but have not been made public. Winter said she feared they never would be if the new laws were introduced.

It is understood that government officials have already decided that sensitive evidence submitted to forthcoming inquests into the fatal shootings of two men in London, Terry Nicholas and Azelle Rodney, should be kept secret. Nicholas, a black man, was shot dead

Enter **Adobe Acrobat® 9**

Organise and deliver your information better with PDF Portfolios.

» Learn more about the new Adobe Acrobat 9.



in Hanger Green, west London, in May 2007. A gun was recovered at the scene.

Rodney, who was unarmed and also black, was shot dead in April 2005 in Burnt Oak, north London, in the back seat of a car that had been tailed by the police. It is believed police are concerned that the inquests would make public sensitive information involving their use of informers and intercept evidence.

Supporters of the jury system point out that the jury in the Jean Charles de Menezes inquest were far more critical of the role of the police in the shooting than the presiding coroner.

"There's no doubt the De Menezes inquest would have been held in secret if these laws had been in place at the time of the hearing," Winter said. "I imagine the 7/7 inquests will be subject to these new rules. They [the bombers] were under surveillance."

The chief commissioner of the Northern Ireland Human Rights Commission, Monica McWilliams, said it had strongly advised the government not to go ahead with secret inquests. McWilliams said: "The European Court of Human Rights has already established that an effective investigation under the European Convention on Human Rights must, among other things, involve the next of kin... and also be open to public scrutiny."

Helen Shaw, co-director of Inquest, which investigates deaths in custody, said it was "deeply concerned about the secret inquest proposals". A spokeswoman for the Ministry of Justice said the new laws would ensure the rights of the bereaved were respected during inquests when sensitive material was submitted, and would apply to only a small number of cases.

Ads by Google

Free Family Tree

Your tree up in seconds. No software required.

www.myheritage.com

Over 60?

Get 1/3 Off All Rail Fares Now Get A National Rail Senior Railcard

www.Senior-Railcard.co.uk

Visit 1901 Census

Build your family tree and discover your family history at 1901 Census

1901CensusOnline.com

guardian.co.uk © Guardian News and Media Limited 2009