

FACTS AND FIGURES

Deaths at Ballymurphy 9 – 11 August 1971

1. On the morning of Monday 9 August 1971, the security forces launched Operation Demetrius. This was the introduction of internment in Northern Ireland. The deaths of ten civilians occurred in the ensuing three days.
2. This inquest will examine the ten deaths that occurred following shooting on these dates, namely:
 - i. The deaths of Francis Quinn and Father Hugh Mullan on 9th August 1971.
 - ii. The deaths of Noel Phillips, Joan Connolly and Daniel Teggart on the 9th August 1971 and subsequent death of Joseph Murphy on 22nd August 1971 (Mr Murphy having been shot on 9th August 1971).
 - iii. The death of Edward Doherty on 10th August 1971.
 - iv. The deaths of John Lavery on 11th August 1971 and of Joseph Corr on 27th August 1971 (Mr Corr having been shot on 11th August 1971).
 - v. The death of John James McKerr on 20th August 1971 (Mr McKerr having been shot on 11th August 1971).

Why is an inquest being held?

3. Original inquests were held into each of the deaths in 1972 resulting in open verdicts as follows:
 - Francis Quinn – 17 February 1972
 - Joseph Murphy, Noel Phillips, Joan Connolly, Daniel Teggart – 2 March 1972
 - Edward Doherty – 4 May 1972
 - John McKerr – 25 May 1972
 - John Lavery & Joseph Corr – 12 October 1972
 - Father Mullan – 26 Oct 1972

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4. The families of the deceased subsequently requested the Attorney General exercise his powers pursuant to Section 14 of the Coroner’s Act (Northern Ireland) 1959 and having considered the submissions made to him, he directed in 2011 that new inquests should be held into the deaths of all ten.

What is the scope of the inquest?

5. These inquests are focussed on understanding the events that occurred in Ballymurphy in August 1971 in regards to matters relating to each of those who died. This means that evidence will be considered about a number of different topics, including – (i) the circumstances in which each of the ten people died; (ii) details about the purpose, planning and control of the British Army operation that was taking place in Ballymurphy at the time; (iii) the use of lethal force during the operation; (iv) the extent of public disorder and paramilitary activity in the area at the time; (v) access to emergency medical care; and (vi) post incident procedures.

6. Also in circumstances where there is any suggestion that any representative body of the State has been involved in the death of an individual then Article 2 of the European Convention of Human Rights is engaged which is the case in this inquest. Therefore this requires the State to ensure that a proper and thorough review as to the circumstances surrounding that death is undertaken and is to be read as including the purpose of ascertaining in what circumstances the deceased came by his or her death (section 5(2)). This follows the principle set out in *Middleton (R (Middleton) v HM Coroner for Western Somerset* [2004] 2 AC 182).

7. A document setting out the Scope of the Inquest will be made available. It may, however, be subject to revision in the course of the inquest proceedings as evidence is heard.

Who is the Coroner?

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8. The Coroner is Mrs Justice [Siobhan] Keegan who was appointed as a High Court Judge in October 2015. The Ballymurphy inquest has been under her direction since September 2017.

9. She is also the Presiding Coroner providing oversight and leadership for all coroners as well as offering advice and support to the Lord Chief Justice in the discharge of his functions relating to coroners' courts.

What is the purpose of an inquest?

10. An inquest is a full, frank and fair fact-finding exercise by a Coroner and not a method of apportioning guilt, as would be the case with a criminal trial. An inquest does not have formal parties, an indictment, prosecution or defence teams or a trial; it is an inquiry to establish the facts.

11. The inquest proceedings will consider the four important but limited factual questions, as required by Rule 15 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963, concerning:

- a. the identity of the deceased;
- b. the place of death;
- c. the time of death; and
- d. how the deceased came by their deaths to establish answers.

12. The Coroner will hear evidence from witnesses, whether civilians, experts or former soldiers, that provides a full and comprehensive recollection of the index events.

When were the Inquests preliminary hearings? What was the purpose of the preliminary hearings?

13. The first preliminary hearing took place in Court 1 Old Townhall Street Building on 03/03/14 and since then 23 such hearings have been held; 13 under the direction of Mrs Justice Keegan. Throughout these hearings, the Coroner set an agenda for matters to be considered at the final hearing and parties were able to ask for certain witnesses to be called and evidence to be provided.

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14. At those hearings the Coroner also ruled on various preliminary issues. These included – (i) the designation of Interested Persons; (ii) tracing, identification and contacting of witnesses; (iii) exhumation of Mr Joseph Murphy; (iv) the provisional scope and timetable of the Inquest; (v) who should assist the coronial investigation; and (vi) where the Inquest hearing should take place. The Coroner made many appeals for all witnesses to the shootings, who had not previously made statements (or those who have made statements and wished to add to those statements) to come forward and provide whatever information they can to assist with the inquest proceedings.

What is a Properly Interested Person and how many are there?

15. Rule 7 of the Coroners (Practice and Procedure) Rules 1963 states that a person who in the opinion of the Coroner is a properly interested person is entitled to examine a witness at an inquest. Coronial practice is to regard the next of kin of the deceased as a properly interested person; anyone who may in some way be responsible for the death or appears to have a proper interest in the death may also be considered a properly interested person.

16. They are entitled to receive disclosure of materials from the Coroner, they may ask questions of witnesses called to give evidence and make submissions on legal issues and other matters.

17. In this Inquest, the Coroner has designated the family members of the deceased as properly interested persons and also the Ministry of Defence and the Police Service of Northern Ireland.

How many documents were disclosed to Properly Interested Persons?

18. During the course of the coronial investigation, the Coroner has disclosed thousands of pages of relevant materials to Interested Persons. These materials were disclosed in several tranches since the opening of the inquest and disclosure will be ongoing, as appropriate until the proceedings are completed and findings are delivered.

19. The material disclosed has comprised of Historical Enquiry Team materials, Ministry of Defence materials, new witness statements obtained by the new investigations into the

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deaths carried out at the direction of the Coroner and materials obtained from third parties and media outlets. In addition, the Coroner has disclosed to Properly Interested Persons forensics and pathology expert reports, audio visual materials and photographs relating to the deaths.

20. These will not be disclosed to the media until the conclusion of the proceedings.

When will the Inquests' oral hearings start and finish?

21. The oral hearings will begin on 12 November 2018 with an opening statement and family statements in respect of each of the ten deceased persons. Evidence proper will begin to be heard in week commencing 19 November 2018.

What are the arrangements for the proceedings?

22. The Coroner will sit in Court 12, Laganside Courts. There is seating in the public gallery for about 100 people. Arrangements can be made for seating to be reserved for the family and their legal representatives through close liaison with the Coroners Service; depending on numbers likely to attend on each day of hearing.

23. Proceedings will begin every day at 10/10.30am with a break for lunch and then continue through to about 4.00pm each day. The Coroner will sit Monday – Thursday. Every Friday she will meet with Coroners Service to ensure ongoing effective case progression and preparation for the following week's oral hearings.

24. Coroners Service has also provided a room on the 4th Floor of Laganside Courts for the families during the course of the inquest. The room has the facility to make refreshments, and for the families to make themselves comfortable during the day. This room will also be available for families to retire to when they do not wish to be seated in court (e.g. if traumatic evidence is being heard).

Court Familiarisation Visits

25. Coroners Service facilitated a familiarisation visit to the Court in early October 2018 for families and witnesses to see where the inquest is going to be held. Further visits can be arranged on request to the Coroners Service prior to 9th November.

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Provision of Transcripts of the Inquest Hearing

26. Transcripts will be made available to the legal representatives for the families at the same time that the court receives them, whether they are prepared overnight, or within two or three days of the evidence will depend on the nature of the hearing that day. However transcripts will not be made available to the media until the proceedings are concluded.

How Long Will the Inquests Take and How Many Witnesses Will Be Called?

27. The Inquest is expected to sit every Monday to Thursday between November 2018 and March 2019. A considerable number of witnesses are expected to be called to give evidence. It is expected that a significant number of witness accounts will also be read to the court under Rule 17 of 1963 Rules.

Anonymity and Screening of Witnesses

28. There is a procedure in place for any witness to apply for anonymity and/or screening. Any witness seeking anonymity or screening must make an individual application which will be considered by the Coroner; the other properly interested persons will have the opportunity to respond to any such application and the Coroner will then rule on the application.

3D Imaging of Original Ballymurphy Area

29. Based on original maps and photographs of the locations at which the deaths occurred, 3D imaging of the original street scenes have been recreated to assist with the presentation of the case in Court and, in particular, to assist witnesses in identifying relevant locations during their evidence.

Coroner's Findings

30. The inquest findings requirements are set out in Rule 22(1) of the 1963 Rules (as amended by the 1980 rules). The Inquest cannot make any finding of civil liability or criminal liability against a named person. The findings will be uploaded on to the JudiciaryNI website (<https://judiciaryni.uk/ballymurphy-inquest>).

What Can I Report?

31. The Coroner is keen to balance the competing interests of open justice and confidentiality and, as far as possible any matters heard in open court can be reported.

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There may, however, be times when it will be necessary to restrict the information that can be published while the inquest is ongoing. If this occurs, the Coroner will issue a direction which will be provided to the media and published on the JudiciaryNI website. The media will not be permitted to use social media from court while the proceedings are ongoing. If you have any questions about what you can and cannot report, please contact the Lord Chief Justice's Communications Officer (Alison.Houston@courtsni.gov.uk or 028 9072 5921).

Can I publish Audio Visual materials and other material adduced in evidence?

32. Copies of Audio Visual (AV) materials, photographs or any other materials adduced in evidence at the inquest will not be released to media organisations until the proceedings have concluded. Media organisations may use any AV material they hold in their archives or that is publicly available provided they satisfy themselves that there is no legal impediment to doing so, for example if it would breach copyright or the right to privacy of family members or witnesses. A compilation of the materials adduced in evidence at the inquest will be available to the media immediately after the Coroner delivers her findings.

Public Use of Social Media

33. Members of the public will not be permitted to use electronic devices in court but may make handwritten notes. You should inform the court clerk or a member of court security should you wish to do so.

Further Information

34. The following link takes you to a Ballymurphy page on the JudiciaryNI website which will be updated during the course of the inquest - <https://judiciaryni.uk/ballymurphy-inquest>.

Coroners Service for Northern Ireland

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