

Neutral Citation No: [2024] NICoroner 14

Ref: HUD12445

*Judgment: approved by the court for handing down
(subject to editorial corrections)**

ICOS No:

Delivered: 21/02/2024

IN THE CORONER'S COURT IN NORTHERN IRELAND

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**BEFORE THE CORONER
MR JUSTICE HUDDLESTON**

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**IN THE MATTER OF AN INQUEST INTO THE DEATHS OF
DANIEL DOHERTY AND WILLIAM FLEMING**

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**RULING ON ANONYMITY AND SCREENING APPLICATION -
PW16**

Context

[1] This Ruling deals with the application made by PW16 for anonymity and screening (A&S) and the provision to give his evidence via video link in relation to the Inquest into the deaths of Messrs Doherty & Fleming.

[2] This Ruling is a definitive ruling in respect of PW16 who is scheduled to provide evidence to the Inquest on 26 February 2024 when it next convenes. I have received and considered a generic assessment of the risk that is perceived to be faced by those retired members of the security forces that have been invited to and will give evidence. It is in the terms which are customarily now provided. It has been circulated to the PiPs. Each were invited to make submissions on PW16's application before 15 February 2024. No submissions have been received.

[3] I have given a detailed Ruling in respect of A&S in relation to a cadre of former police witnesses (see [2023] NI Coroner 5) and a separate Ruling in respect of live-link hearings (see [2023] NI Coroner 16) and, where relevant, rely on the legal basis which I set out there for my approach to such applications. Broadly, consistent with my approach there, I consider that:

- (a) the security risk that prevails generally in Northern Ireland remains 'severe' – as determined by the NIO in March 2023;

- (b) the risk to *former* members of the security forces (including former police officers) remains both subjectively and objectively something that is real and not fanciful – adopting the terminology of Girvan LJ in *Re Officer C & Ors* [2012] NICA 47;
- (c) even taking into account the nature of the generic Threat Assessment now provided one could not discount the possibility that giving evidence without the benefit of special measures could increase the security risk to those who attend and give evidence. In many cases – including this one – the applications disclose that individuals often have spent their working life, and since it ended, their retirement, in making personal and family adjustments to protect both their identity and security.

Ruling

[3] In my previous Rulings I indicated that I was going to adopt a cautionary approach to these applications. That applies equally to this Ruling.

[4] The present application was made on 5 February 2024. It is made on the basis that the applicant is a retired police officer and now business owner who uses social media as a means of advertising/conducting business. The applicant suggests that he and his family have been subjected to death threats in the past and have had to relocate. It was, it is suggested, the principal reason he left the police. They have provided for their own safety and adhere to a series of security measures. On behalf of he and his family he asks not to now be put at risk. I accept that the fear which he has for both he and his family is real.

[5] The applicant is a pensioner who no longer is comfortable driving. In addition, he has daily responsibilities for his wife.

[6] Taking all of that into account I am happy to grant Anonymity and Screening to this witness. Because of his personal circumstances I will grant him the ability to give his evidence remotely.