

**Neutral Citation No: [2024] NI Coroner 26**

**Ref: OHA12515**

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

**ICOS No:**

**Delivered: 30/04/2024**

**IN THE CORONER'S COURT IN NORTHERN IRELAND**

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**IN THE MATTER OF INQUEST INTO THE DEATHS OF  
JOHN QUINN  
ALAN McCLOY  
PAUL HAMILTON  
JAMES GERVASE McKERR  
EUGENE TOMAN  
JOHN FREDERICK BURNS  
MICHAEL JUSTIN TIGHE  
PETER JAMES MARTIN GREW  
RODERICK MARTIN CARROLL**

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**RULING ON THE CLAIM FOR PUBLIC INTEREST IMMUNITY IN RELATION  
TO THE STALKER/SAMPSON KINNEGO NARRATIVE REPORT INTO THE  
CIRCUMSTANCES OF THE DEATHS OF JOHN QUINN, ALAN McCLOY AND  
PAUL HAMILTON**

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**O'HARA J**

***Introduction***

[1] This addendum ruling should be read in conjunction with the ruling which was issued to the parties on 25 April 2024 and delivered in open court on 29 April 2024 [2024] NICoroner 25. In that main ruling, I upheld an application for public interest immunity (PII) in respect of the very heavily redacted Stalker/Sampson Report on the Kinnego bombing which caused the deaths of three police officers on 27 October 1982.

[2] At the end of that ruling I raised the issue of the viability of all four of these inquests. At para [63] I said:

“My provisional view is that these inquests are not viable.  
There are two main issues facing these inquests:

- (a) The non-disclosure as a result of PII of relevant information. For the reasons set out above I have decided to uphold the PII claim. The result of that

is highly relevant information being withheld from disclosure. My provisional view is that these inquests cannot adequately investigate the deaths where such disclosure is withheld.

- (b) The imminent compulsory ending of the inquests on 1 May 2024. In reality, there is insufficient time to complete these inquests.”

[3] Having expressed that provisional view, I invited submissions from the various legal representatives. I am grateful to them for the submissions which were presented in writing and added to orally at a hearing on 29 April. I summarise the submissions below, noting that there has been very limited time available to the legal representatives to consult with their clients.

[4] For the next of kin of the three murdered RUC officers, there were no submissions.

[5] For all of the other next of kin it was contended that in respect of the provisions of the Legacy Act there was nothing that could be said other than that I should not formally close the inquest in case any of the challenges to that Act prevail.

[6] In addition, all of the next of kin submitted that there were clear distinctions between the Kinnego Report and the other Stalker/Sampson Reports, not least the extent of the redactions which are much greater in respect of Kinnego. In effect, the submissions were that if inquests ever resume, it cannot be said with any certainty at this stage, that the claims for PII will be upheld. Even if those claims are upheld, it may still be feasible to hold inquests because the extent of the redactions is so much smaller.

[7] There was no contrary submission made on behalf of the various state parties.

[8] To some extent those submissions are surprising because it has been accepted for many years that there is a clear connection between the events which led to these various deaths. The inquests have been managed together on that basis. It was in fact that connection which led Mr Stalker to extend his inquiry to investigate the Kinnego bomb in the first place and which similarly led Mr Lecky as Coroner to link all of the inquests. Further, the process of hearing a PII application in respect of the Kinnego Report was anticipated to give some wider guidance on how other potentially sensitive issues could be handled in the other inquests.

[9] Having made that point, I accept that I have only conducted a formal PII process in relation to the Kinnego Report and not the reports for the other inquests. I also accept that I should not assume at this stage that the outcome of PII for the Kinnego Report will be the same for the other reports. It is correct to observe that there are more limited redactions in the reports subsequent to Kinnego. On that basis I

cannot determine at this time whether it is possible to conduct those other inquests. In my judgment, at this point, that is unlikely, but it is not impossible.

[10] In light of my views expressed above it may be possible to decide that the Kinnego inquest is non-viable in light of non-disclosure but treat the other inquests differently. I do not consider it appropriate to make that distinction at this stage.

[11] That being the position, I rule that due to the imminent commencement of the Legacy Act, I can go no further at this time with any of these inquests. Whether I, or any other Coroner, will ever be able to do so in the future depends on matters beyond my control.