Neutral Citation No: [2024] NICoroner 15 *Judgment: approved by the court for handing down (subject to editorial corrections)**	*Ref:* **HUD12450** *ICOS No:* *Delivered:* **26/02/2024**

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 & PROVISION OF EVIDENCE REMOTELY
PW23

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Context

[1] This Ruling deals with the application made by PW23 for anonymity and screening (A&S) and to be allowed 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 PW23 who is scheduled to provide evidence to the Inquest on 26 February 2024 when it next convenes. The application has only recently been received by my office and is supported by a GPs letter. In addition, 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 PW23's application. The NOK relied on earlier submissions on similar applications. No submissions have been received from any other PiP.

[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 livelink 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 is made by PW23 on the basis that he worked with DMSU N1 in Derry and related police deployment in/around the city for a period of c 20 years. In his application he describes that he would have 'been well known in terrorist circles' in the city and that in the absence of special measures would be identified as having some involvement in the present incident. He is prepared to give his evidence voluntarily but has sought to be allowed to do so with the protection of special measures – specifically the protection of his anonymity and the ability to appear remotely.

[5] Whilst the applicant no longer lives full time in Northern Ireland, he does have continuing close ties to this jurisdiction. He had to relocate as a result of a terrorist threat at an earlier stage. I accept his concerns as ones that are real and continuing.

[6] In addition, according to his statement PW23 would appear to have been another of the DMSU Officers who were on reconnaissance duty on the day of the incident. According to his statement he was posted in a car adjacent to the YMCA car park at Drumahoe.

[7] Taking into account the application, the medical evidence that has been produced, his involvement in the incident and his continuing concerns I am happy to grant Anonymity and Screening to this witness. Given his physical location I will also grant him the ability to give his evidence remotely. However, for exceptional reasons, para [17] (a) of my initial livelink Ruling [2023] NI Coroner 16 will not apply.