

In the matter of an application by Rosaleen Dalton for Judicial Review (Northern Ireland)

Case ID: 2020/0212

Case summary

Issue

Whether the procedural obligation to investigate pursuant to Article 2 of the European Convention on Human Rights applies to the State in respect of Mr Dalton's death.

Facts

Sean Eugene Dalton was killed in a bomb explosion at 38 Kildrum Gardens on 31 August 1988 after he went to check on his neighbour who lived at that address. The IRA subsequently took responsibility for the bomb.

A police investigation was opened into the event. It did not result in any individual being charged or convicted of an offence connected to the deaths. An inquest was held into Dalton's death on 7 December 1989. The coroner found that Dalton died from injuries. There was little further investigation from the police after this.

In February 2005, one of Dalton's sons lodged a complaint with the office of the Police Ombudsman for Northern Ireland regarding the police's behaviour in the context of events leading to his father's death and the subsequent investigation. The Ombudsman investigated and produced a report on its findings on 10 July 2013. It concluded that a number of the complaints were substantiated and made certain criticisms of the way in which the police's investigation had been carried out.

Following the completion of the report, a request was sent to the Attorney General on 25 July 2013 asking her to exercise her discretion pursuant to section 14 of the Act to direct a fresh inquest into Dalton's death in view of the Ombudsman's conclusions. The Attorney General refused the request on 2 October 2014.

Dalton's daughter challenged the decision by way of judicial review. The application was refused on 28 March 2017. However, the Court of Appeal allowed the appeal against the first instance determination on 4 May 2020. The Attorney General now appeals to the Supreme Court.

Judgment appealed

[\[2020\] NICA 26](#)

Parties

Appellant(s)

Attorney General for Northern Ireland

Respondent(s)

Rosaleen Dalton

Appeal

Justices

Lord Reed, Lord Hodge, Lord Sales, Lord Leggatt, Lord Burrows, Lady Rose, Dame Siobhan Keegan

Hearing start date

26 October 2022

Hearing finish date

27 October 2022

Watch hearing

26 Oct 2022 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

18 October 2023

Neutral citation

[2023] UKSC 36