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Local & National

Coroner may be given access to shoot-to-kill files

Tuesday, December 04, 2007

By Chris Thornton

The PSNI is expected to declare today that they may let Northern Ireland's Senior Coroner see the top secret Stalker report after years of resistance.

Police are due to give John Leckey an answer to his request to see the classified material about the "shoot-to-kill" incidents in which police killed a teenager and five republicans 25 years ago.

A legal ruling earlier this year means the PSNI is obliged to let coroners see all material relevant to an inquest - unless they can obtain a Government gagging order.

But Government sources have indicated that the PSNI has not asked Secretary of State Shaun Woodward for a gag on the shoot-to-kill reports by English policeman John Stalker and Colin Sampson.

That means that as the PSNI returns to a preliminary inquest hearing to face Mr Leckey this morning, none of the legal avenues for restricting the report are in train.

However, access to Mr Leckey does not mean the reports would then be made public.

A legal battle has been fought for decades over the killings of teenager Michael Tighe, shot on November 24, 1982; IRA members Eugene Toman, Sean Burns and Gervaise McKerr, who were shot on November 11, 1982; and INLA members Roderick Carroll and Seamus Grew, shot on December 12, 1982.

Some police officers tried for the killings were cleared, but there have been persistent allegations that the dead men were shot without attempts to arrest them.

An inquest was briefly opened in 1983, but it was nine years before significant attempts to begin the cases were made.

Mr Leckey dropped the cases in 1994 because police refused to release the Stalker and Sampson reports.

If the PSNI climb down on that point today, he may be in a position to proceed with the inquests next year.

However, the extent of access may be critical.

Police have previously allowed coroners to see secret material, but in extremely controlled circumstances.

For example, a coroner hearing an inquest involving Army surveillance was not even allowed to take notes.

But if Mr Leckey decides that the documents are relevant to the inquests, there will be further battles over how much can be made public.

In 1994, one of the key issues was allowing former investigators from the Stalker and Sampson inquiries to refresh their memories by having access to the reports.

Last month, Assistant Chief Constable Alistair Finlay wrote to Mr Leckey to tell him the Stalker and Sampson reports remain classified as "top secret".

That raised concerns among some of the dead men's relatives that police intended to withhold the report.

At an earlier preliminary hearing, the PSNI said they were seeking legal advice about their position.

But Mr Leckey referred to a House of Lords ruling earlier this year that said coroners should see all material about a case to judge what is relevant, unless police secure public interest immunity from the Government.

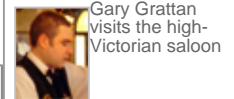
At that October hearing, the Coroner said he could "see no reason why I should not now be provided with

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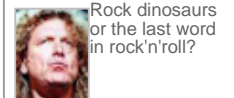
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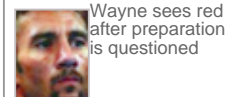
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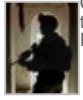
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