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Written Ministerial Statement - Robert Hamill Inquiry

MONDAY 31 JANUARY 2011

THE ROBERT HAMILL INQUIRY: PUBLICATION OF REPORT



Secretary of State for Northern Ireland (Owen Paterson): The House will be aware of the announcement made by the Public Prosecution Service (PPS) on 21 December 2010. In that statement, the PPS confirmed that, following a review of all the available evidence including that given to the Hamill Tribunal, it concluded that the Test for Prosecution is met in respect of two persons for an offence of conspiracy to pervert the course of justice and one person for an offence of doing an act with intent to pervert the course of justice.

As I informed the House in my Written Statement of 16 December 2010, the Hamill Inquiry intends to complete its report by the end of February. It remains my intention to publish the report as soon as practicable, but in light of the legal proceedings against these three individuals, I have decided not to publish the Inquiry's report until the legal proceedings have concluded; to do so would certainly jeopardise these individuals' right to a fair trial. I understand from the Inquiry that it is also the family's wish that the legal proceedings are not prejudiced by the publication of the report. In the meantime, I am exploring ways of ensuring that the report is safely and securely stored between its completion and its publication.

Once the legal proceedings have concluded and the Inquiry's report is delivered to me, I am responsible for its publication. In anticipation of this, I have asked a small team of officials to commence the checking of the Inquiry's report in relation to human rights and national security matters, as outlined below. I intend to adopt the same approach as was used for the checking of the reports of the Bloody Sunday Inquiry and the Billy Wright Inquiry.

News Releases

Paterson Condemns Attack on Dolores Kelly

FRIDAY 15 APRIL 2011

**PATERSON ATTENDS ROYAL IRISH
REGIMENT HOMECOMING EVENTS IN
MARKET DRAYTON AND SHREWSBURY**

TUESDAY 12 APRIL 2011

**Heed the Words of Cardinal Brady -
Paterson**

WEDNESDAY 6 APRIL 2011

**Written Ministerial Statement - Publication of
the Report of the Rosemary Nelson Inquiry**

TUESDAY 5 APRIL 2011

**Written Ministerial Statement - Two Year
Extension to Non Jury Trial System**

TUESDAY 5 APRIL 2011

**Owen Paterson - Oral Statement on the
Murder of Police Constable Ronan Kerr**

MONDAY 4 APRIL 2011

I am advised that I have a duty, as a public authority under the Human Rights Act, to act in a way that is compatible with the European Convention on Human Rights (ECHR). To fulfil this duty, I need to take steps to satisfy myself that publication of the report will not breach Article 2 of the Convention by putting lives or safety of individuals at risk. I am advised that these obligations must be met by me personally, in my capacity as Secretary of State for Northern Ireland. Although the Inquiry is also a public authority under the Human Rights Act, I am not entitled to rely on the Inquiry to satisfy my Article 2 obligations and I have a duty to assess this myself. I also have a duty to satisfy myself that publication will not put national security at risk, for example by disclosing details of sources of protected information.

I have established a small team to assist me in carrying out this necessary exercise. The team will be formed of the Northern Ireland Office's principal legal adviser and an adviser from the Police Service of Northern Ireland. This team will be granted access to the report under strict terms of confidentiality and for the sole purpose of carrying out the necessary checks, and they will report directly to me alone. Sir Edwin Jowitt has agreed that this team can carry out the checks on the Inquiry's premises while the report remains in the custody of the Inquiry. I understand that the report will be made available for checking today.

I want to publish the report in its entirety. Should any concerns about the safety of any individual arise, my first course of action would be to consider whether these can be addressed through alternative means. Were I to reach the conclusion, on advice, that a redaction to the text might be necessary, I would consult Sir Edwin Jowitt. In the very unlikely event that any redaction was deemed necessary, my intention would be to make this clear on the face of the report.

It is not possible to estimate how long the legal proceedings against the three individuals will take. I assure the House that once they have concluded, I intend to publish the report as soon as possible. Once a timetable for publication becomes clear, I will update the House accordingly.