

## **Bloody Sunday charging decisions challenged by families' lawyers**

**Bloody Sunday.** On 30 January 1972 during serious public disorder at a march in Londonderry 14 civilians were killed by members of 1 PARA. The events of the incident were first investigated by the Widgery Tribunal in April 1972 and subsequently by the Saville Inquiry (1998) whose report was published on 15 June 2010. In December 2012 an investigation was started by the PSNI and the results were sent to the Northern Ireland (NI) Public Prosecution Service (PPS) for a decision on whether to prosecute in 2016.

**Charging Process.** The PPS is the principal prosecuting authority in Northern Ireland, deciding if people should be prosecuted for criminal offences. The decision on whether to prosecute is made when the PPS receives all the available evidence from the police. A decision to prosecute is based on two tests:

- the evidential test decides if there's enough evidence for a reasonable prospect of a conviction
- the public interest test decides if prosecution is in the public interest

If the PPS prosecutor decides that there is enough evidence to prosecute, and that it is in the public interest, they will direct a prosecution.

**Decision.** On 14 March 2019 the Director of Public Prosecutions (DPP) NI announced that there was only sufficient admissible evidence to charge one of the 17 soldiers investigated. The soldier, cyphered as soldier F, is to be charged with two counts of murder and four of attempted murder. An initial procedural hearing was held in Londonderry in September 2019. The DPP decided *“In respect of the other 18 suspects, including 16 former soldiers and two alleged Official IRA members, it has been concluded that the available evidence is insufficient to provide a reasonable prospect of conviction. In these circumstances the evidential Test for Prosecution is not met.”*

**Challenge.** The decisions on non-prosecution (including not charging soldier F with an additional three counts of murder and two of attempted murder) has now been challenged by a number of next of kin of the deceased in accordance with the victims right of review process, which is a standard procedure available to any victim of a crime reported to the PPS by the police or other statutory authority. As recently reported in the press, solicitors acting for the next of kin have provided legal submissions to the PPS in support of a reversal of the DPP's decision not to prosecute soldiers involved in the cases of nine of those killed.

While the review is an internal administrative procedure, it should be noted that less than 5% of decisions not to prosecute are normally reversed through this process, and it is clear from public statements made at the time that the PPS took great care and attention prior to reaching their original decisions not to prosecute. While it is possible that legal challenge to a decision by the DPP not to reverse his decisions on non-prosecution could subsequently be mounted by means of a Judicial Review, the bar for judicially reviewing the decisions of an independent prosecuting authority is a high one.

**Support.** The MoD are committed to funding legal support to all those involved in this process; independent lawyers continue to act for all of veterans involved, are aware of the latest developments and will represent their clients' interests throughout. RHQ PARA is in touch with the veterans involved in this case and continue to provide welfare and pastoral support. If you have any questions, please contact the Legacy Officer. Contact details as follows:

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