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PRESS STATEMENT

SUPREME COURT VICTORY FOR FAMILIES OF STATE KILLINGS

The Families of Martin McCaughey and Dessie Grew, killed by the SAS in October 1990, won a major victory in the Supreme Court today. The case was taken because the PSNI had tried to prevent the Coroner from investigating the planning of the operation by the SAS which lead to the deaths. The Supreme Court, by a majority of 6:1 has now ruled that the Families can rely upon their Article 2 rights which means that the Inquest must not only investigate whether individual soldiers acted unlawfully in shooting Martin McCaughey and Dessie Grew but must also **fully and thoroughly investigate allegations of a shoot to kill operation by the SAS.**

Fearghal Shiels of Madden & Finucane, Solicitors which successfully brought the case on behalf of both Families said:

“This decision represents a major victory for the Families, not just in this case but in other historic inquests in which the State is implicated. It means that where allegations of a shoot to kill policy have been made these must be thoroughly investigated by the Coroner. The families of Gervaise McKerr, Eugene Toman and Sean Burns, whose deaths were investigated by the Stalker-Sampson team will benefit from this far-reaching ruling as will many others.”

Peter McCaughey, Martin McCaughey’s brother, speaking on behalf of his mother, the Applicant in these proceedings welcomed the decision:

“Our family have always believed that our brother Martin was deliberately targeted and murdered by members of the SAS. We have waited over 20 years for an Inquest into Martin’s death and at last we will have an inquest which investigates not only whether individual soldiers unlawfully killed my brother, but whether the SAS deliberately set out to kill Martin and Dessie Grew. We hope, now that any restrictions on the scope of the Coroner’s investigation have been lifted that we will finally get justice for Martin and Dessie.”

Note

This is the second time the family of Martin McCaughey have successfully brought an important legal challenge against the PSNI in relation to inquests.

In March 2007, the House of Lords ruled that the Chief Constable was obliged to provide all documentation touching the deaths of the deceased to the Coroner investigating the deaths. This ruling provided the catalyst to the Senior Coroner re-opening the inquests into the deaths of Gervaise McKerr, Eugene Toman and Sean Burns, and to the Attorney General ordering fresh inquests in 2010 into the deaths of Danny Doherty and Francis Bradley, shot dead by the SAS in separate incidents in County Derry in the 1980s and Gerard Casey, shot dead by loyalists in North Antrim in 1989.