



Monday 8th October 2018

PPS publishes response to Legacy consultation

The Public Prosecution Service (PPS) has today (Monday 8th October 2018) published its response to the Consultation on Addressing the Legacy of Northern Ireland's Past.

The response identifies six key areas for comment: prosecutorial challenges in relation to legacy; the proposed relationship between the PPS and the Historical investigations Unit (HIU); the lifespan of the HIU; the Independent Commission for Information Retrieval; referrals by the Director of Public Prosecutions (DPP); and onward disclosure of sensitive information from the HIU to the PPS.

The Director of Public Prosecutions, Stephen Herron, said: "We have carefully considered the detailed proposals from a prosecutorial perspective. We are in agreement with the view that the system currently used is not delivering enough for victims, survivors and wider society. We can see that this is largely due to disjointed criminal justice processes and insufficient funding for institutions to deliver within acceptable timeframes.

"As a prosecutor, I have met with victims affected by the past, and also representative groups, and have an appreciation of the complexities involved in designing an approach to dealing with the past that takes into account the very diverse range of views.

"Whatever legislative framework emerges from the current consultation, it will be my priority to ensure that, regardless of the background of either the deceased or the reported suspect, the same level of careful prosecutorial analysis, rigour in decision-making and sensitive and appropriate treatment of victims' families and witnesses is delivered.

"This is a fundamental principle in ensuring that the PPS can properly discharge its statutory functions and its role in maintaining the rule of law. Of particular importance will be close working relationships between the PPS Director and the Director of HIU to ensure that the needs of all victims are met and that clear and

transparent protocols are agreed for ensuring effective communication and standards of care.”

The response sets out the Service’s commitment to working closely with any investigatory body undertaking legacy cases and its determination to play its role in maximising public confidence in how the criminal justice system deals with the past.

It highlights a number of concerns in relation to the outworking of the proposals which include:

- the impact of Clause 13 on the independence that exists between an investigator and a prosecutor;
- the consequences of Clause 13 in terms of the volume of reports submitted to the PPS;
- the sufficiency of the intended lifespan of the HIU, given the requirement for investigatory support for any court proceedings;
- identification of risks to the administration of justice in relation to operating parallel institutions;
- the potential circumscribing of the DPP’s power to refer cases to the HIU;
- the impact of the requirement for prior notification of the Secretary of State and a 10 day “cooling off” period prior to any onward disclosure of sensitive material.

The response in full can be found on the PPS website [here](#).

ENDS

Notes to Editor:

*Clause 13 refers to Section 12.7 of the Northern Ireland Office’s consultation paper on Addressing the Legacy of Northern Ireland’s Past which outlines a proposal for HIU to produce criminal investigation reports for the DPP. The full NIO consultation document can be found [here](#).

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