



NEWS RELEASE

Date Issued Friday 16th December 2016

UNDER STRICT EMBARGO UNTIL 1PM ON FRIDAY 16TH DECEMBER

PPS CONFIRMS PROSECUTION DECISION AGAINST TWO FORMER SOLDIERS

The Public Prosecution Service (PPS) has confirmed a decision has been taken to prosecute two former soldiers in relation to the death of Mr John Joseph McCann in 1972.

A PPS spokesperson said: "Following a careful consideration of all the available evidence it has been decided to prosecute two men for the offence of murder.

"The charge relates to the death of Mr John Joseph McCann who was shot by an army patrol in Joy Street, Belfast on Saturday 15th April 1972.

"The two defendants in the case are surviving members of the army patrol which shot Mr McCann. A third member of the patrol who also fired at Mr McCann died in the intervening years. At present these individuals are not being named and are identified as Soldier A and Soldier C.

"The decision to prosecute is the outcome of a review which was undertaken after the case was referred to the Director of Public Prosecutions by the Attorney General for Northern Ireland in March 2014. The decision was reached following an objective and impartial application of the Test for Prosecution that was conducted in accordance with the Code for Prosecutors and with the benefit of advice from senior counsel."

The original RUC investigation in this case was conducted in 1972 and subsequently a decision, based on the evidence then available, was taken not to prosecute any individual.

The Historical Enquiries Team (HET) published a review in 2012 of the original investigation.

In March 2014 the Attorney General for Northern Ireland, following a request for a fresh inquest, referred the matter to the Director of Public Prosecutions and this resulted in a formal review of the case.

As criminal proceedings have now commenced we would ask that there is no reporting, commentary or sharing of information online which could in any way prejudice these proceedings.

Note to Editors

- **The Test for Prosecution**

Prosecutions are initiated or continued by the PPS only where it is satisfied that the Test for Prosecution is met. The Test for Prosecution is met if:

- (i) the evidence which can be presented in court is sufficient to provide a reasonable prospect of conviction - the Evidential Test; and
- (ii) prosecution is required in the public interest - the Public Interest Test.

More details on the Evidential Test and Public Interest Test can be found on Page 9 of the [PPS Code for Prosecutors](#).

- **Right to Review**

Guidance on the right to request a review of a prosecution decision can be found on Page 23 of the [PPS Code for Prosecutors](#).

- For further information please call PPS Communications on **02890897187** or out of hours officer on **07920 418844**. Email: ppspressoffice@ppsni.gov.uk