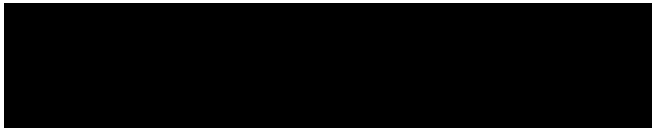




Public
Prosecution
Service

Policy and Information Unit
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

13 January 2021



FOI 1531-20/21



I refer to your email dated 10 December 2020 in which you asked for information relating to legacy cases where prosecutions are pending. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked for the following:

“Under the terms of the Act, please could you provide requested information on the following cases:

- *There are currently two cases with a decision pending involving a republican suspect.*
- *There are no cases with decisions pending concerning loyalist suspects.*
- *There are three cases with decisions pending involving military.*

- *There are two cases with decisions pending involving two former police officers.*

For each case, please could you confirm the number of suspects and a breakdown of each incident which the cases relate to.

For instance, an outline of the alleged crime, the location, the date of the incident and the alleged victim(s).

If it is not possible to provide all the information requested due to the request exceeding the cost of compliance limits identified in Section 12, please answer as many of the questions as is possible within the time limits – or advise me as to how this request can be broken down to comply”.

In response to your request, I understand that our Communications Team provided you with an amended copy of the PPS Legacy Overview on 10 December 2020. This amended table included updated figures for cases pending and differed from the initial version in that it showed **one** case pending involving a republican suspect and **one** case involving a former police officer.

In terms of the requested case details, I can advise as follows:

In the republican case there is one suspect and the offences under consideration include homicide and related grave offences. This relates to an incident involving the fatal shooting of two police officers in Belfast in August 1987.

For the three military cases -

- One case involves five suspects and the offences under consideration include homicide and related grave offences. This relates to a fatal shooting in Cookstown (Co. Tyrone) in August 1980.
- The second case involves five suspects and the offences under consideration include homicide and related grave offences. The file relates to the following incidents:
 - An incident in May 1972 in Belfast in which one individual received a gunshot wound.
 - An incident in May 1972 in Belfast in which one individual received a gunshot wound.
 - An incident in May 1972 in Belfast in which an individual was fatally wounded and four others received gunshot wounds.

- A shooting incident in May 1972 in Belfast. There were no injuries sustained as a result of this incident.
- An incident in June 1972 in Belfast in which four individuals received gunshot wounds.
- The third case involves two suspects and the offences under consideration include homicide and related grave offences. This relates to an incident in September 1972 in Belfast in which one individual was fatally wounded and another received a gunshot wound.

(The second and third cases relate to an investigation by the PSNI into the activities of the Military Reaction Force.)

In the case involving a police officer there is one suspect and the offences under consideration relate to homicide and related grave offences.

More detailed information on these incidents is held by the PPS however I have identified that the exemptions in section 30 (Investigations and Proceedings Conducted by Public Authorities), section 40 (Personal Information) and section 41 (Information provided in confidence) of the Freedom of Information Act 2000 apply to this information.

Please note that reliance on section 30 requires that a public interest balancing test be carried out to determine whether to withhold or release the requested information.

Details of the exemptions are outlined at **Annex A**.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Information Management Team
Public Prosecution Service