

Coyle, Briege

From: Mulhern, Kevin
Sent: 18 March 2004 16:15
To: Campbell, Dr Henrietta
Subject: FW: Statement to UTV

Importance: High



statement.doc (42 KB)

-----Original Message-----

From: patriciaquinn [REDACTED]
[mailto:patriciaquinn@ [REDACTED]]
Sent: 18 March 2004 16:04
To: kevin.mulhern [REDACTED]
Subject: Statement to UTV

<<...OLE_Obj...>>

Hi Kevin,

Here is the statement as promised.

It is in relation to a question from UTV querying why the doctors in both the Lucy Crawford and Raychel Ferguson cases did not give direct evidence to the inquests.

If you need anything further let me know.

PQ

<<statement.doc>>

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Press statement to UTV ref: media enquiry M5

- The purpose of this statement is to assist in the understanding of the procedures governing the giving of evidence at an inquest.
- Where a coroner decides to hold an inquest he may summon any person who he thinks is likely to have knowledge of the facts relevant to the death, to attend and give evidence on oath.
- Up until February 2002 however a person suspected of causing a death or likely to be charged with an offence relating to the death could not be compelled to give evidence.
- Following judgment of the European Court of Human Rights [cases of Jordan, McKerr, Kelly and o/s and Shanaghan] the procedures were changed so that a person suspected of causing a death (or who might be charged) can be required to enter the witness box and give evidence. Such a person does however have the right not to answer any particular questions which might incriminate himself or his spouse as that would infringe his or her right to fair trial on any charges subsequently brought against them.
- While it is possible that the answers to such questions would be of significant help in understanding how a death occurred, that consideration needs to be weighed against the witness's right to a fair trial on any subsequent charges.
- The Report of a Fundamental Review of Death Certification and Investigation in England, Wales and Northern Ireland (the Luce Report) has considered this issue (page 106 of the Report) and recommended that a witness might be required to answer a self incriminatory question but given an assurance that whatever he says in response will not be used in any criminal or disciplinary proceedings against him. The Government will be considering this recommendation as it develops its detailed plans for reform of the Coronial Service in England & Wales and Northern Ireland.

End