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Statement by the family of Sean Brown

Following the welcome decision on 4 March 2024 by Mr Justice Kinney to write to the Secretary of State requesting that he convene a public inquiry into Sean's murder we have waited patiently for a decision to that request.

We are deeply grateful for the public expressions of support of Mr Justice Kinney's request for a public inquiry by the Chief Constable of the PSNI Jon Boutcher (at the Policing Board on 7th March 2024) the then Taoiseach Leo Varadkar, the Tánaiste Micheál Martin and also the President of the GAA Jarlath Burns.

Our patient dignity and expectation has in the past been grossly abused by the then Secretary of State Chris Heaton-Harris and James Cleverly, then Home Secretary, who far from abiding by the express direction of the High Court to take the opportunity for once in this case to do the right thing, and convene a public inquiry, decided to attack our local judiciary and are actually ignoring the request and instead challenged the decision to issue the limited gist of sensitive information, which was read into the court record on 27 February.

We are today devastated that Hilary Benn MP has acted in defiance of the Judiciary and has ignored the explicit direction of a High Court Judge to convene a Public Inquiry.

The State is terrified that their carefully curated official history of the conflict is now being contradicted by judicially endorsed legal facts, hence their attempts to deny victims of access to the courts and access to justice.

Today's devastating decision is merely an event in a long and shameful chronology, which must be an eternal embarrassment to the State. It is not the end of our journey; we are not going away. This is merely a decision which will be challenged, and we will now look forward with renewed enthusiasm and vigour to our judicial review which was already listed for hearing on Thursday 26th and Monday 30th September 2024.

Niall Murphy KRW Law

We must remind ourselves of the extraordinary circumstances which give rise to the fact that Hilary Benn MP was today obliged to make a decision on whether or not to convene a Public Inquiry.

He was directed by the High Court to make this decision, following the courageous Judicial Review proceedings lodged by Seán's widow Bridie (88) to compel such a decision. Today's decision is not made in a vacuum.

We must also remind ourselves of the clear direction of the High Court Judge who reviewed the sensitive disclosure in its original raw and unredacted format and concluded that he could no longer preside over an inquest in the face of 5 public Interest Immunity certificates to conceal the State's secrets, made by MI5, the PSNI and the British Government.

Directors

Kevin R Winters | Joseph D McVeigh | Gerard McNamara

Niall Murphy | Paul Pierce

Mr Justice Kinney stated in unambiguous terms;

"I remain of the view that the appropriate way to deal with the investigation of the death of Mr Brown is through a public inquiry established under the Inquiries Act 2005. It is a long established and well understood robust procedure for examining matters of the type that need to be investigated in this case."

Mr Justice Kinney added:

"I do not regard the ICRIR as the appropriate mechanism to deal with the investigation of his death or matters connected to it. Therefore, even if section 9(6)(a) of the Northern Ireland (Legacy and Reconciliation) Act 2023 provided a power for me to request a review by the ICRIR (I am not convinced that it does, as I have already brought the Inquest to a close) then I would not regard it as an appropriate request for me to make in the circumstances of the case."

We must further remind ourselves of the mature and reflective position of the PSNI, who stated in open correspondence, dated 22nd November 2023;

"In the event that the family seek a public inquiry into Mr Brown's death, PSNI confirms that it does not dispute that a public inquiry, which would have the facility for a closed hearing to address such issues, would be an appropriate method to continue the investigation into the death of Mr Brown".

Chief Constable Jon Butcher went further at a public meeting of the Policing Board on 7th March 2024, where he stated :

"I do support a public inquiry. If there was any such inquiry set up, the PSNI would absolutely co operate with that inquiry and will provide that inquiry with all of the information, unfettered access to absolutely everything that we have collected with regards the Sean Brown case, that includes all of those files that were redacted. They will get those unredacted files."

Today's announcement has a retraumatising effect on a family but most specifically an 87-year-old widow, already coming to the terms with the facts that were permitted to emanate from the inquest process.

We will proceed with our own application for Judicial Review and look forward to the hearing dates already listed on Thursday 26th September and Monday 30th September 2024.

Statement from Paul O'Connor, Pat Finucane Centre

The Secretary of State was left in no doubt at the recent meeting that the ICRIR was unacceptable to the family, yet this has been ignored. It's now official. The ICRIR is now the go-to body when a cover up is planned. This is a blow for the family and a PR disaster for the ICRIR