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BÉAL FEIRSTE

BELFAST

Interview with the State Pathologist in Northern Ireland,
Dr Jack Crane on Radio Ulster, 1 June, 1993

Introduction

An influential voice has been added to those criticising the inquest system here, that of the State Pathologist Dr Jack Crane. Dr Crane heads the team of Pathologists which carries out all post mortem examinations in Northern Ireland. He has described the present inquest system as seriously flawed because of long delays, restrictions on the Coroner and the fact that people can't be compelled to give evidence. When he came into the studio earlier, I suggested to Dr Crane that his comments would be seen as being particularly significant, coming as they do from such an influential official.

Dr Crane:

Well I have been concerned for some time that the present coroner system has been unable to cope with the number of difficulties which have arisen. The matter does not seem to be improving, and indeed if anything, seems to be getting worse. We are now in a situation where some inquests have been delayed over ten years and I think that situation is unacceptable today and something needs to be done.

Interviewer:

Indeed you refer to inaccurate and misleading accounts being given out following cases of violent death in disputed circumstances because of the delay in issuing post-mortem findings. Now inaccurate and misleading accounts given by whom?

Dr Crane:

Well these may be given by a number of different sources. Maybe local people, local politicians or indeed occasionally

by the security forces themselves and it is often not until the post mortem examination has been held and the findings are known can these reports be corrected.

Interviewer:

But why is the system, as you see it at the moment, unable to cope?

Dr Crane:

Well I think the present coroner legislation dates back a very long time and certainly was not intended to deal with the present situation that we have in Northern Ireland. The particularly contentious cases involving perhaps members of the security forces are completely new fields and really the current legislation is unable to cope with those and was never intended to cope with those situations.

Interviewer:

Now, do you want a return to the situation which prevailed just a few years ago which was basically similar to that which prevails still in England and Wales or do you want an entirely new inquest system here?

Dr Crane:

Well, I think some of the present arrangements in England and Wales do have some merit but the colonial system in England and Wales is also very old and I think even there that system does have some flaws in it. I think it is now time for the whole coroner system and the whole coroner legislation to be looked at again.

Interviewer:

What do you think should be done? What would be the characteristics of the system that you would like to see in place?

Dr Crane:

Well I think first of all we have to get rid of the very long delays which are occurring and that seems to me mainly because the Coroners' decisions seem to be able to be challenged at every stage of the inquest. This also means that lawyers acting perhaps for families of the deceased or indeed for other interested parties will not be prepared to accept the Coroner's decision and will then require to go for judicial review or occasionally to the House of Lords. That takes a considerably long period of time. At the present time the Coroner in Northern Ireland is unable to compel the person causing the death to give evidence and I think that is an unsatisfactory situation and needs to be corrected and thirdly, I think the coroner should be able to bring in verdicts. At the present time in Northern Ireland the Coroners are only able to return findings in relation to the cause of death. They are unable to bring in a verdict and I think that is unsatisfactory.

Interviewer:

Now its recognised that at present the Belfast Coroner, Mr Leckey, is attempting in what he's doing in recent cases, to make inquests more open and accessible. Do you still believe that that should be statutory rather than discretionary?

Dr Crane:

Well, I think it should be. I think that if certain people do not have to be compelled to give evidence, and I'm particularly thinking of the person who actually causes the

death, then it seems to me that the whole point in having the inquest is really prevented. I mean if that person doesn't give evidence in Court he is the person who is most able to give the most light on the particular incident that occurred.

Interviewer:

What I was also wondering in asking that question was the degree to which your decision to go public is in response to what Mr Leckey has been trying to do?

Dr Crane:

No, this is my personal concern about the present situation and the fact that it does not seem to be improving and there still seems to be these long delays has prompted me to make the statement.