



Northern Ireland Office

Northern Ireland Office
Stormont House
Stormont Estate
Belfast BT4 3SH
Telephone 028 9052 0700
Facsimile 028 9052 7040
www.nio.gov.uk

Secretary of State for Northern Ireland

Mr Joe Higgins MEP
Socialist Party
150 Pearse Street
Dublin 2

1/11/10

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Joe Higgins

Thank you for your email to the Home Secretary dated 8 November and for forwarding the recent statement issued by 'The Free Gerry McGeough Campaign'. Given that the matter relates to Northern Ireland your correspondence has been passed to my Office.

With regards to your reference to the use of 'Diplock Courts' I should firstly state that this system was repealed in July 2007. Since then, the presumption is that a person charged with an indictable offence will be tried before a jury except in the very limited circumstances set out in the Justice and Security (Northern Ireland) Act 2007. The Director of Public Prosecutions must apply a strict test and a non-jury trial is only available where there are connections between the offence or the defendant and terrorism or serious sectarianism. Furthermore, the Director of Public Prosecutions must conclude that in view of that there would be a risk to the administration of justice if the case were to be tried before a jury. This risk-based approach ensures that only those cases that pose a risk are tried without a jury. The decision is one of mode of trial only (no special rules of evidence or procedure apply) and it is always for the court to determine guilt or innocence.



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Regarding the matter of Mr McGeough, I understand that this is a matter that is *sub judice* and it would not therefore be appropriate for me to comment further on this specific case at present.

K. S. O'Connell,
Deputy

THE RT HON OWEN PATERSON MP
Secretary of State for Northern Ireland



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