

Assembly Statement

Mr Speaker,

I wish to make a statement to the Assembly regarding the case of Gary Anderson, the circumstances surrounding his compassionate temporary release, his subsequent absconding, and information which has come to light following further examination of this matter.

At the outset, I want to reiterate that Karol Kelly's family remain at the forefront of my thoughts. They have already endured unimaginable pain and loss, and recent events have understandably renewed their distress and caused significant concern. They should never have had to relive that trauma in this way. I know that many members of the public will share those concerns.

Subject to their wishes, I hope to meet with the family in the coming days to listen to their concerns and to provide assurance that a thorough examination of this case is now proceeding: I have asked the Permanent Secretary to commission that independent review and I will say more about that matter later.

I also wish to be clear that Gary Anderson remains unlawfully at large. I would urge him to hand himself in immediately. I would also ask anyone who has information about his whereabouts to contact the PSNI without delay.

When I responded to an Urgent Oral Question last Tuesday, I indicated that the Court had not afforded the Northern Ireland Prison Service an opportunity to reconsider or retake its original decision to refuse compassionate temporary release. That was my understanding at the time. It was also the understanding of the Prison Service.

It was only when the judgment was published on Friday that a different version of events emerged. I immediately directed officials to establish the facts surrounding the case and the briefing provided to me. I also advised the Speaker that I would return to the House at the earliest opportunity to provide Members with an update based on the fullest information available.

Following further examination of the case it has become clear that the possibility of reconsidering the original decision was discussed during the judicial review proceedings.

However, the Department's inquiries indicate that the decision-makers in Maghaberry Prison were not informed by the Departmental Solicitor's Office, acting on behalf of the Northern Ireland Prison Service, that the Court was considering such a course of action.

The officials responsible for the original decision were therefore not given an opportunity to review, reconsider or reaffirm that decision, nor were they made aware at the relevant time that the Court was exploring whether the matter should be referred back for further consideration.

It is important to place on record that the original decision reached by the Northern Ireland Prison Service was to refuse compassionate temporary release. That decision was taken following consideration of issues including risk and public protection.

The urgent review I commissioned has identified shortcomings in the handling, communication and escalation of information during the judicial review proceedings, including by the Departmental Solicitor's Office. While these issues arose in the context of rapidly developing litigation and significant operational pressures across the Prison Service, they warrant careful scrutiny.

The urgent review has also identified issues requiring further examination in relation to information relied upon during the original decision-making process. As I made clear last week, those matters were already subject to review. However, the new information regarding the handling of the litigation means that both issues must now be examined together to establish the full facts and identify any lessons for the future.

Mr Speaker, accuracy and transparency are fundamental principles of ministerial accountability. It is, therefore, important that I place this updated information before the Assembly at the earliest opportunity; however, given the seriousness of these developments, and the public concern that this case has generated, I have now asked the Permanent Secretary of the Department of Justice to commission a fully independent review of all aspect of the handling of this case.

The review will examine the handling of the case from the original compassionate temporary release application through to the judicial review proceedings and the events following Mr Anderson's release. It will consider the actions, decision-making, communications and governance arrangements across the Northern Ireland Prison Service, the Department of Justice and the Departmental Solicitor's Office, as well as the advice provided to me.

The review will establish the facts, identify any lessons arising and make recommendations for improvement. I have asked the Permanent Secretary to agree the Terms of Reference urgently and to appoint a reviewer who is fully independent of the Department.

I have been clear throughout that where lessons can be learned, they must be learned. Where improvements are required, they must be made. And where accountability is necessary, it must follow.

I will keep the Assembly informed of the outcome of the review and of any actions arising from it.

Thank you, Mr Speaker.