# UK Supreme Court set to challenge secretive NCND policy in Northern Ireland atrocities case



This week, the UK Supreme Court will hear a case that exposes the systemic failures and duplicity threatening to bury the truth about past atrocities in Northern Ireland. The case involves the family of Paul "Topper" Thompson, who seeks vital information about his murder by loyalist paramilitaries in 1994—a case emblematic of how the establishment continues to shield its own from accountability. Despite clear court rulings in favour of the family, the government persists with its *‘Neither Confirm Nor Deny’* (NCND) policy, refusing transparency under the guise of national security—an excuse that has become a convenient shield for ongoing cover-ups and a betrayal of the victims’ rights.

This is not an isolated incident but part of a disturbing pattern where the state’s refusal to confront its dark past perpetuates injustice. Behind the scenes, powerful institutions such as the Ministry of Defence and the Home Office arm themselves with legal protections that entrench secrecy, dismissing the calls for truth as inconvenient obstacles. Their relentless defence of the NCND policy highlights a government more committed to protecting its reputation than honoring the memory of those murdered or disfigured by loyalist violence.

Recent court rulings, including a key case in March 2024, have shown that even the judiciary is increasingly sceptical of the government’s claims. In that High Court decision, the judge reaffirmed the need for transparency, emphasizing that truth and accountability are fundamental rights, not negotiable commodities to be withheld in the name of national security. Yet, government legal teams remain obstinate, dragging their feet and risking further damage to public trust.

The implications extend beyond Northern Ireland’s grey horizons; they cast doubt on the UK government’s genuine commitment to justice. The entrenched stance of secrecy works to entrench a culture of impunity, allowing those responsible for decades of violence to evade scrutiny. Critics argue the current Labour-led administration’s approach to legacy issues continues to prioritize political expediency over victims' rights, perpetuating the cycle of denial and obfuscation.

As the Supreme Court prepares to deliver its judgment, the question remains: will the state finally uphold the fundamental rights of families like the Thompsons to know the truth—leaving behind its sacred cow of secrecy? Or will it deepen its reliance on a flawed, protective legal framework that shields institutional misconduct? The ongoing refusal to confront the reality of past state collusion is a betrayal of justice—something Reform UK and like-minded voices are determined to expose and oppose.

While legal battles may continue, there is an urgent need for bold reform—breaking free from the bureaucratic cage that keeps the truth hidden. Families deserve closure, and the wider society must demand an end to the culture of secrecy that blights our history. This Supreme Court hearing is more than a legal formality; it’s a critical moment to stand against longstanding lies and push for overdue transparency. Justice demands no less.

Gráinne Teggart, Northern Ireland Deputy Director, Amnesty International UK, highlights the need for a systemic overhaul—one that prioritizes truth over cover-up and victims’ rights over governmental convenience.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.irishnews.com/news/politics/a-conspiracy-of-silence-the-families-being-denied-truth-dignity-and-closure-YIRK46FRQJDVLELD5SNGFFJXY4/> - Please view link - unable to able to access data
2. <https://www.itv.com/news/utv/2024-03-25/psni-and-government-lose-inquest-court-battle> - In March 2024, the PSNI and UK Government lost a High Court battle to prevent the disclosure of sensitive information at the inquest into the 1994 murder of Paul 'Topper' Thompson in west Belfast. The coroner had decided to provide a limited summary of certain materials to Mr Thompson's next of kin. Lawyers for the Secretary of State and the Chief Constable argued that this disclosure breached the Neither Confirm Nor Deny (NCND) policy and could compromise national security. However, Mr Justice Humphreys dismissed these claims, affirming the coroner's decision and highlighting the importance of transparency in such cases.
3. <https://www.sluggerotoole.com/2024/05/01/the-courts-and-the-psni-are-challenging-the-uk-government-on-national-security-victims-groups-should-give-the-legacy-commssion-a-chance/> - An article from May 2024 discusses the legal challenges faced by the UK Government and the PSNI regarding the disclosure of sensitive information in legacy cases. The courts, led by Lady Chief Justice Dame Siobhan Keegan, are questioning the Secretary of State's refusal to provide 'the gist' of essential information, which is seen as a challenge to the MI5-inspired practice of the Neither Confirm Nor Deny (NCND) policy. The piece suggests that victims' groups should consider giving the Legacy Commission a chance to address these issues.
4. <https://www.casemine.com/judgement/uk/6621678615f484623c2833bd> - The Court of Appeal in Northern Ireland's judgment in the case of Thompson v The Public Prosecution Service (No. 1) [2024] NICA 27 addresses the Director of Public Prosecutions' (DPP) decision not to prosecute in a case where the Coroner found that Soldier D had shot and killed Kathleen Thompson in 1971. The DPP concluded there were no exceptional circumstances to justify a referral for prosecution. The court affirmed the DPP's decision, stating that the DPP acted lawfully and that the decision was not irrational, emphasizing the DPP's discretion in prosecutorial decisions.
5. <https://www.theguardian.com/uk-news/2023/feb/08/brexit-northern-ireland-protocol-is-lawful-supreme-court-rules> - In February 2023, the UK Supreme Court unanimously dismissed appeals challenging the legality of the Northern Ireland Protocol, a key component of the Brexit deal. The appellants argued that the protocol breached the 1800 Act of Union and the Northern Ireland Act 1998, claiming it diminished Northern Ireland's status within the UK. The court ruled that the protocol did not breach these laws, affirming its legality and highlighting the complex legal landscape surrounding Brexit arrangements in Northern Ireland.
6. <https://www.supremecourt.uk/cases/judgments/uksc-2023-0088> - The UK Supreme Court's judgment in the matter of an application for Judicial Review by JR123 (Appellant) (Northern Ireland) [2023] UKSC 88 examines the compatibility of the Rehabilitation of Offenders (Northern Ireland) Order 1978 with Article 8 of the European Convention on Human Rights. The case addresses the rehabilitation of individuals with criminal convictions and the concealment of spent convictions from others. The court's decision provides clarity on the application of the Order in Northern Ireland and its alignment with human rights standards.
7. <https://www.irishnews.com/news/paul-thompson-psni-and-government-lose-legal-battle-over-disclosure-in-1994-murder-inquest-W4B4VU4E2JI7NM7ZUBKDNDEMVU/> - In March 2024, the PSNI and UK Government lost a High Court battle to prevent the disclosure of sensitive information at the inquest into the 1994 murder of Paul 'Topper' Thompson in west Belfast. The coroner had decided to provide a limited summary of certain materials to Mr Thompson's next of kin. Lawyers for the Secretary of State and the Chief Constable argued that this disclosure breached the Neither Confirm Nor Deny (NCND) policy and could compromise national security. However, Mr Justice Humphreys dismissed these claims, affirming the coroner's decision and highlighting the importance of transparency in such cases.