**The Department of Justice appeals the decision in Re Murphy**

I have been told by Nick Perry, Permanent Secretary at the Department of Justice, that the decision in this case is to be appealed.

To recap. Recently , Maguire J was scathing in his analysis of the funding provided to the Police Ombudsman, in respect of historical cases.

This is what he said in his judgement:

“ *the present case is one of systemic and persistent underfunding which is disabling the PO, not in one but in a range of cases, and not in one lone period but over a period now of years, from being unable to meet a not particularly demanding standard viz that of carrying out its investigation into a public complaint against the police within a reasonable time.”*

What is being appealed? Maguire made the following Declaration.

*[58] It is unnecessary for the court to make any order as between the applicant and the PO, save for the declaration that the parties have presented to the court and which the court has approved. As regards the applicant and the DOJ the court will declare that the latter has acted unlawfully by failing to provide a sufficient level of funding to the PO to enable the PO to carry out its statutory obligation to investigate the applicant’s complaint within a reasonable period of time.*

The consequences for the Department of Justice are grave. It follows that those people who have had inquiries delayed for an unconscionable period of time may also seek declarations in respect of their individual cases. It also raises the prospect of awards of damages against the Department.

It has moved to appeal Maguire J’s decision and in the circumstances my application for a similar declaration are on hold. Many more people are undoubtedly affected. Some might see it as a cynical way of further delaying matters and adding to the trauma of victims and survivors. The Department , like any litigant, is entitled to exercise its right of appeal. This Department has done so without any Minister at the helm. It would not have done so without legal advice that an appeal had a chance of success.

I wonder who gave that advice. Was it the Attorney General? I have asked the question.

I’ll keep you informed.