

A rigorous Northern Ireland "Article 2" inquest found in 2024 that the use of lethal force against three IRA men by UK special forces at Coagh, Co Tyrone in 1991 was legally justified.

In 2025 the NI High Court, after rigorous consideration, refused leave by one of the families for judicial review of that finding.

In 2026 the NI Court of Appeal dismissed an appeal against that refusal.

Three separate, independent decisions.

Now one of the SAS team identified as "Soldier B", who gave evidence at the inquest and is accused by the one family of having acted unlawfully in the death of their relative, has been informed that the family have been granted legal aid to seek permission to appeal to the UK Supreme Court.

The lawyers may point out that as legal aid has only been granted to seek permission to appeal, the family still have a significant hurdle to overcome before any substantive consideration could be given by the Supreme Court.

For Soldier B, however, the reopening of litigation means, according to his lawyer, the "continued stress of sleepless nights and everything that goes with these sorts of cases and accusations that have been made".

The former soldier had fully and openly cooperated with the Article 2 inquest.

Two levels of the Northern Ireland judiciary have now independently questioned the justification for continuing to spend public money on the challenge.

The High Court questioned why legal aid had been provided at all; the Court of Appeal subsequently held that continuing the challenge was not an effective use of public money.

Yet legal aid has now apparently been granted to take essentially the same dispute to the Supreme Court. The Court has confirmed that the permission-to-appeal application was lodged on 18 September.

Under the applicable law, the family's entitlement to question the circumstances of a death at the hands of the state is not in issue. The question is when a properly investigated and repeatedly adjudicated case should finally be regarded as concluded – and whether the taxpayer should continue financing attempts to reopen the same findings.