

**Press Release**  
**Tuesday 14 November 2006**  
[embargoed until 17.00]



**ERROR MADE IN GOOD FAITH – JUDGE’S CONCLUSION IN  
REVIEW OF MISIDENTIFICATION CASE**

An initial misidentification, made during tragic circumstances, led to the wrong accident victim being buried, a report by a senior Northern Ireland judge revealed today.

Mr Justice Weir, concluding his review into the facts surrounding the events that led to the misidentification of two female road accident victims last July, found that: **“No-one is “to blame” for the misidentification that occurred. The initial error made in the most difficult of circumstances at this dreadful scene was then adopted and acted upon in good faith by others...”**

Mr Justice Weir’s 30-page review of “the circumstances surrounding the misidentification of Danica O’Rourke deceased and Anita Swift deceased’ has just been published. It was compiled by the judge after speaking to those most closely involved in the matter. The review chronicles the sequence of events that began shortly after the crash had taken place which ultimately resulted in the realisation that an error of identification had been made. Regrettably this did not occur until after the body of Danica had been buried in the mistaken belief that it was that of her friend Anita.

These tragic events have led to a series of suggestions set out by Mr Justice Weir aimed at eliminating the possibility of a similar misidentification occurring in future situations of this nature.

He has established a core group, to be led by the coroner involved in the case and whose other members will be an Inspector based at PSNI headquarters and a Doctor from DHSSPS, to complete a ‘Best Practice Guide for Coroners’. The guide, which was in the course of preparation at the time of these events, will include specific procedures for dealing with the identification of deceased persons. The judge will oversee this work.

Mr Justice Weir has asked the core group to consider the suggestions set out in the report, and to pay particular attention to the suggestion that, where in the same incident there is more than one

casualty, whether killed or injured, of the same sex and within a similar age bracket and where positive identification of everyone in the category has not been conclusively accomplished, no body from within it should be released for burial until everyone in that category has been positively identified by reliable means. He went on to say:

**“I am conscious that the tradition of burial within (at most) three days of death that prevails throughout Ireland provides a powerful imperative for early release but the small number of cases that are likely to fall within this limited category should not significantly affect the custom.**

**“My provisional view is that it may be thought to be a price well worth paying if it assisted in the avoidance of such an error as occurred in the present case. I have therefore asked the Coroners to adopt that precaution, certainly on an interim basis pending the completion of the work of the core group.”**

[ENDS]

### **Notes to editors**

Mr Justice Weir’s report can be accessed online at 5pm at the link below:

[www.courtsni.gov.uk/en-GB/Publications/](http://www.courtsni.gov.uk/en-GB/Publications/)

1. Mr Justice Weir is a High Court judge and the Presiding Judge for the Coroners’ Service. As such he is responsible for overseeing the work of the Coroners’ Service.
2. Immediately following these events he decided to conduct a review in light of the misidentification to establish what happened and whether any lessons might be learned from it for the future.
3. The families of the deceased girls met Mr Justice Weir during the course of his review and they have had sight of the report prior to its publication.
4. They have particularly asked not to be approached by the media following the publication of this review. The O’Rourke family is represented by Joseph Moore of O’Reilly Stewart Solicitors. The Swift family is represented by Anthony McGettigan of P J Flanagan and Co Solicitors.
5. Background facts: At around 3.25am on Sunday, 2 July 2006 a car containing six young people was involved in a collision with a tree beside the main Lisnaskea to Newtownbutler Road. No other vehicle was involved. The driver and front seat passenger escaped with relatively minor injuries. The four rear seat passengers, which included friends Danica O’Rourke and Anita Swift, were killed instantly.
6. Danica was misidentified as Anita and was buried by the Swift family on 4 July. When dental records established the error on the following day.
7. Danica’s body was exhumed. A second funeral for Anita took place on Thursday, 6 July following a private family ceremony. Danica was reburied the following day.

**If you have any further queries about this or other court related matters please contact:**

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