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Duffy rearrested after High Court judge overturns detention ruling

By David Gordon Thursday, 26 March 2009

The family of prominent republican Colin Duffy have demanded his release after he won a court judgment against his detention and was then swiftly re-arrested.

Duffy (41) was among those arrested in connection with dissident republican murders earlier this month.

Sinn Fein was among the critics of his re-arrest by police yesterday.

Duffy and five other suspects had secured a judicial review ruling against their continuing detention. But while the others involved in the High Court challenge were freed from a police interrogation centre in Antrim, Duffy was immediately re-arrested.

A PSNI spokeswoman said: "This remains a live and active major investigation and detectives are following a number of definite lines of inquiry."

In a statement, Duffy's family said: "Colin has previously been the victim of persecution by the state and its forces which included previous periods of imprisonment which were proven to be completely unjustified."

They also stated: "We call for his immediate release and are appealing to all those interested in justice to support our campaign."

Duffy, a Lurgan dissident republican, has previously been cleared of the IRA murders of a soldier and two police officers in separate attacks in 1993 and 1997.

He and three of those released had been questioned over the Real IRA murders of soldiers Mark Quinsey (23) and Patrick Azimkar (21) outside a barracks in Antrim on March 7. The other two were being questioned over the killing of PSNI Constable Stephen Carroll (48) in Craigavon.

The judicial review challenge was against a county court judge's decision to grant police a seven-day extension of the six men's detention. The High Court had been told the PSNI wanted to keep suspects in custody while awaiting the results of forensic tests.

In the ruling delivered yesterday, Lord Chief Justice Sir Brian Kerr said the county court judge — Corinne Philpott — should have examined the lawfulness of the original arrests, when granting police the extension.

Otherwise, people could be held for up to 28 days without any judicial review of the basis of their arrests, Sir Brian said. This would not be compliant with the European Convention, he added.

Sir Brian said that "in fairness" to the county court judge, she had been urged to adopt her position by the PSNI's legal team.

Duffy's re-arrest was criticised by Sinn Fein MLA and Policing Board member Alex Maskey, who claimed the police move was "a clear abuse of the court's judgment". He added: "The PSNI must be seen to operate to the highest standards of human rights compliance in order to ensure confidence in due process."

Policing and Justice Minister Paul Goggins said: "Today's High Court ruling is, of course, in relation to a technical issue around detention and the law has taken its course on this specific aspect of the legal process. The determination of the police to carry out their investigation thoroughly and with the support of the community continues."

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