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## Local & National

### NIO off the hook over McDougall

Probe finds no evidence of deception over appointment

Thursday, July 26, 2007

By Lesley-Anne Henry

An investigation into a court case about the appointment of Ulster's first Victims Commissioner has cleared the NIO of being deliberately misleading.

In a review released yesterday, London barrister, Peter Scott QC, said he found "no evidence" to warrant a police investigation into NIO conduct during the court case over the appointment of RUC widow Bertha McDougall.

The report, which took six months to compile and runs to more than 100 pages, had been investigating criticism of the conduct of then Secretary of State Peter Hain and two of his most senior civil servants during the legal action.

It was requested after High Court judge Lord Justice Girvan raised concerns with former Attorney General Lord Goldsmith that the NIO may have tried to pervert the course of justice by obfuscating why it gave the job to DUP choice Mrs McDougall.

The report concluded that there was "no intention" on the part of the individuals involved to mislead or obstruct the court.

However, Mr Scott did conclude that there were "serious shortcomings" in the handling of a request under the Freedom of Information Act.

The request came from the solicitors acting on behalf of Brenda Downes, who went to court in 2006 to seek a judicial review of the appointment.

The report made a number of recommendations to change how such requests are handled.






Secretary of State, Shaun Woodward MP said he would be studying the report's recommendations but was pleased that officials had been "vindicated" .

The appointment of a permanent successor to Mrs McDougall was handed over to the devolved administration but Mr Paisley and Mr McGuinness have as yet failed to agree on a candidate.

In a statement released through Relatives for Justice last night, Brenda Downes said: "There has been a flagrant disregard and contempt shown to me and my lawyers.

"It is my belief that the inquiry conducted by Mr Scott would have benefited from inclusive and constructive engagement by all parties. In failing to do so, this inquiry has managed to further distance any sense of open, transparent and accountable form of governance and of how political decisions were taken surrounding the misleading of the court.

"The fact the Scott Report stops short of apportioning blame is not at all surprising. I can only conclude, given that from the outset there existed a robust exclusion of our contribution and evidence, that this was simply an exercise in damage limitations and protecting political reputations in the aftermath of a landmark judgement which questioned the overall integrity of government in the North."

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