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Saturday, March 21, 2009

Victims' daughter fails in interrogatories case

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ALAN ERWIN

THE DAUGHTER of IRA murder victims failed yesterday in her attempt to have Ian Paisley and Martin McGuinness answer 18 written questions on oath about their appointment of four victims commissioners in Northern Ireland.

Mr Justice Gillen dismissed an application for interrogatories Michelle Williamson brought as part of her wider challenge to the process overseen by the former first minister and current Deputy First Minister.

Mrs Williamson returned to the High Court seeking the series of answers after an earlier attempt to have the DUP and Sinn Féin politicians subpoenaed was refused.

But the judge rejected her latest application after studying the list of proposed questions, describing some as unnecessary, premature, too remote or "fishing expeditions".

He said: "I have come to the conclusion that the interrogatories being sought in this instance are attempts to revisit the right to cross-examine the respondents which was refused by the Court of Appeal.

"It is a further effort to have the court determine the issues surrounding the decision-making process at this interlocutory stage."

The failed application is likely to be the last opportunity to gain further evidence ahead of a full judicial review hearing into the appointments later this year.

Mrs Williamson, whose parents were killed in the 1993 bomb attack on Belfast's Shankill Road, wants the commissioner appointments quashed amid claims there was no

legal authority to bring four people into the role.

She also alleges that Dr Paisley and Mr McGuinness based their decision on religious belief or political opinion rather than merit.

Her lawyers claimed there was a total absence of evidence on the issues about which information is being sought.

The case centres on the appointments of Patricia MacBride, whose brother has been described as an IRA volunteer killed on active service; RUC widow Bertha McDougal; former broadcaster Mike Nesbitt and Brendan McAllister, director of Mediation Northern Ireland.

Mrs Williamson's legal team had pointed out that two were chosen from each side of the community in Northern Ireland.

Mr Justice Gillen recognised that the questions over whether the then first minister and Deputy First Minister acted to ensure religious, political or representative balance on the commission were arguably the key issues in the case.

But he said: "These are matters upon which I will have to make a judgment once the evidence has been evaluated in the substantive hearing.

"I am therefore unpersuaded that the material currently available will enable the judge, with the benefit of submissions from counsel, to engage in whatever fact-finding exercise is necessary without the need for the invocation of the interrogatories in this case."

This article appears in the print edition of the Irish Times

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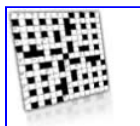
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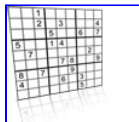
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