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Legal action against PPS would be very much in public interest

(Newton Emerson, [Irish News](#))

For anyone with a knowledge of electronics, the concept of the 'peace processor' offers hours of nerdish amusement. Processors manipulate information by switching charges. They have short memories, sit on countless boards and are too hot to handle. At their heart is a device called a floating point unit, which sounds like something the NIO could have invented. They are usually stamped 'Intel Inside' although what actually goes on inside is a closely guarded secret. Most people only see what goes in and what comes out. In the jargon of both electronics and intelligence, the processor is a 'black box'.

But some combinations of inputs and outputs make the inner workings plainly obvious and the peace processor is no exception. Consider the case of PSNI Constable Keith McCabe, who appeared at Fermanagh Court last month.

In July 2006 Constable McCabe arrested Republican Sinn Féin 'election worker' Brian O'Connor for disorderly conduct at a Royal Black Preceptory parade.

But when the file was sent to the Public Prosecution Service the PPS dropped all charges against the accused and instead brought assault charges against the officer, based on an investigation by the police ombudsman. During the trial the court heard that the ombudsman's office had failed to interview independent witnesses and the alleged victim of the assault had sustained no injuries. Dismissing the case, resident magistrate James McFarland described the ombudsman's investigation as "outrageous", "a witch-hunt" and "clearly loaded against Constable McCabe from the word go". He also described the conduct of the PPS as "inexplicable" and suggested that an explanation would be in "the public interest" – ironically the very phrase that the PPS deploys when refusing to explain itself.

Mr O'Connor, the 'election worker' for a party that abstains from all Westminster, Dáil and assembly elections, told the court that policing is: "a very live political issue for the nationalist community". Along what circuits did that live issue travel on its journey in and out of the PPS? Whatever they were, they are heavily used.

Why have there been so few successful prosecutions of dissident

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republicans in Northern Ireland?

The ombudsman's office has been involved in very few of these cases so its connection looks fairly incidental. MI5 is assuming full responsibility for dissident intelligence operations so a connection there looks highly likely. If "issues" are not being processed through these channels then what is the alternative explanation? Rank incompetence? Dissident sympathy? Alas, the PPS does not consider it "in the public interest" to say. Our two main political parties, both well served by peace processing in cases such as Stormontgate, have no interest in exposing the circuitry either. All we know is that charges go in and no charges come out. By a pleasingly journalistic coincidence, this is known in electronics as a null gate.

The people behind that gate doubtless believe they are peace-processing for the public good. But the collapse of the Omagh trial, the opening of the vast new MI5 headquarters in Holywood and the half-hearted devolution of policing and justice powers tell another story. We need to be able to hold the gate open, at least enough to impose some form of accountability on the mechanism inside. Otherwise the peace processor will turn into a parallel processor, drawing its own power to run its own operations. We are hardly ignorant of where that leads.

This is why it would be very much in the public interest for Sean Hoey, the man acquitted of building the Omagh bomb, to bring a case for malicious prosecution against the PPS. Those bereaved by the bomb might feel this is the final insult but in truth it is their final chance to find out why the peace processor deleted their hopes for justice. Mr Hoey's solicitor, Kevin Winters, is an accomplished lawyer with an impressive track record of exposing the establishment. If his client pursues his threatened legal action, many hidden connections will be brought to light. Others could then be inspired to bring similar cases, such as those bereaved or injured by the loyalist feuds of recent years, for which not a single person has been successfully prosecuted.

There might be uncomfortable ironies and moral dilemmas within such cases. But they would break no laws and leave no corpses – unlike the sordid calculations that provoked them. Every processor needs a reset pin in case its calculations go awry. If that pin is Mr Hoey, then so be it.

newton @ irishnews.com

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