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Thursday, March 26, 2009

Man held over killing of soldiers rearrested



Former Sinn Féin councillor Brendan McConville (37) arrives at Lisburn Magistrates Court yesterday charged with the murder of PSNI Constable Stephen Carroll in Craigavon, Co Antrim.
Photograph: PA

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GERRY MORIARTY, Northern Editor

LEADING LURGAN republican Colin Duffy was yesterday released, then immediately rearrested by the PSNI in connection with the murders of two British soldiers at Massereene British army base in Antrim on March 7th.

Former Sinn Féin councillor Brendan McConville also appeared at Lisburn Magistrates Court yesterday charged with the murder of PSNI constable Stephen Carroll in Craigavon, Co Antrim, on March 9th. He is the second person to be charged with the killing. On Monday a 17-year-old youth, who cannot be named because of his age, was charged with Constable Carroll's murder.

Mr McConville, aged 37 of Glenholme Avenue in Lurgan, was also charged with possessing an assault rifle and 26 rounds of ammunition. He denies both charges.

Mr McConville, who was arrested the day after Constable Carroll's murder, was a Sinn Féin member of Craigavon Borough Council from 1993 to 1997, leaving the party thereafter.

He was remanded in custody until April 3rd. There was no application for bail.

A 21-year-old man arrested yesterday in connection with the murder of Constable Carroll was charged with withholding information and is due to appear at Lisburn Magistrates Court today.

Meanwhile, at the Court of Appeal in Belfast yesterday, Mr Duffy and five others, who were being questioned by PSNI detectives at Antrim police station, won their appeal against their extended detention under special terrorism legislation.

Mr Duffy and three others were being questioned about the murder of the soldiers, Patrick Azimkar and Mark Quinsey, while two of the six were being questioned about the murder of Constable Carroll.

Under the British Terrorism Act they can be held for up to 28 days.

Northern Ireland's Lord Chief Justice, Sir Brian Kerr, upheld the legal challenge of the six after declaring it was wrong to allow police to hold them for a further seven days without reviewing the lawfulness of the original arrests.

Following the ruling the legal firm which represented four of those who issued proceedings claimed it would lead to a complete review into the way police may try to justify extended detention periods for suspects.

The statement issued by Kevin R Winters and Co also said: "It is a seminal judgment and has far-reaching implications for the conduct of serious police investigations throughout the UK.

"The judgment now makes it very clear that police still need to show reasonable suspicion to justify the arrest and continued detention of persons under the Terrorism Act."

The PSNI released the six without charge while Mr Duffy was rearrested at Antrim station. "This remains a live and active major investigation and detectives are following a number of definite lines of inquiry," said a PSNI spokeswoman of the Massereene investigation.

Mr Duffy's solicitor, Pat Vernon, said he expected to again challenge the lawfulness of his client's detention.

British direct rule security minister Paul Goggins said the High Court ruling was in relation to a "technical matter".

He said the killings were the subject of "strong and ongoing" investigations.

Mr Duffy's family issued a statement accusing the PSNI of waging a "vendetta" against him.

The rearrest showed the "complete disregard which the PSNI has for the justice system and for the European Convention of Human Rights". Sinn Féin MLA and policing board member Alex Maskey said Mr Duffy should be released or charged.

"This rearrest is a clear abuse of the court's judgment. Sinn Féin has made our position in relation to all of this very clear: human rights best practice must be stringently adhered to at all times with people being either charged or released," he said.

This article appears in the print edition of the Irish Times

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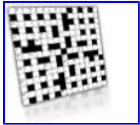
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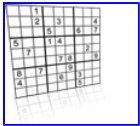
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