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McCartney sisters: we'll never get justice

The women fighting to avenge their murdered brother tell Ireland editor Henry McDonald of their crushing devastation at Friday's acquittal

[Henry McDonald](#)

[The Observer](#), Sunday June 29, 2008

As a nurse Gemma McCartney works to save lives and ease pain. Her compassion, however, runs out when it comes to the men who have never appeared in court to face charges connected to the killing of her brother Robert three-and-a-half years ago.

'Hopefully disease will get them. I hope they get something horrible,' she says. 'Maybe it will be their own mortality that gets to them in the end. As a nurse I have sat with people in their final hours and saw how they start reflecting on what they did in life, right up to their final breaths. I can only pray that those that killed Robert and those who helped them cover it up will suffer that fate when they are dying.'

Surrounded by her young nephews in her sister Catherine's home, 44-year-old Gemma is still reeling from last Friday's court judgement that acquitted one man of her brother's murder and two men of affray against him.

The phone in the hallway rings constantly, the callers - including the wife of an ex-IRA prisoner - universally expressing their shock and disappointment at the outcome of the trial. Outside, it is raining and the view of Belfast down below in the valley is obscured by dismal clouds.

A few hours earlier the sisters had been in the city, sitting inside Laganside court listening to a detailed 75-page judicial destruction of the case against the only man charged with their brother's killing, 51-year-old Terence Malachy Davidson.

The sisters admit that the case against Davidson and two men charged with affray, James McCormick and Joseph Fitzpatrick, was flawed. The judge, Mr Justice Gillen, pointed out inconsistencies in the testimony of the Crown's three witnesses including 'C', a female driver who failed to identify any murder weapon, gave conflicting accounts of Davidson's hair and clothing and contradictory statements on what the man accused of killing McCartney had been doing to him. The judge said even honest and courageous witnesses could be mistaken, concluded he could not convict beyond reasonable doubt and acquitted all three.

The next question for the women who have taken their justice campaign from the Dail to Downing Street, the European Parliament to the White House, is what to do now. Late on Friday afternoon they appeared unsure of what lay ahead.

Like Gemma, Donna McCartney is sceptical about a new criminal trial or a costly civil action. 'They (the gang responsible) have won,' she says flatly. 'I am really gutted because I was the most positive. The chances now of getting anyone new coming forward to give evidence is nil. They have got away with it.'

Donna reveals that she now avoids going anywhere near Belfast city centre not only because the area around the courts and Magennis's bar where Robert died reminds her of what happened to her brother but also because there is a chance she will run into some of his killers and their backers.

Catherine, looking gaunt and drawn after their ordeal in court, blames not only those directly responsible for attacking her brother but also the wider community that supported them.

'Anyone in that community that helped them has blood on his or her hands,' she says bitterly.

Paula McCartney's two-year-old, named after her murdered brother, clings to his mother tightly as she tries to take stock of what has happened and where their campaign goes now.

'The intimidation of witnesses still exists and while that goes on you have to ask if anyone can get justice if their loved ones are killed by paramilitaries. Real change will come when that culture goes.'


She is not confident though that what she calls 'the walls of silence still around Robert's murder' will ever fall.

The sisters have paid a heavy price for their three years of campaigning. They have been forced out of their homes in the Short Strand, the area where they and Robert grew up, due to intimidation. There have been break-ups, rows, illness and what appears to be a permanent split from Bridgeen Hagans, Robert's fiancée and the mother of their two sons.

'It's too late for us now,' Donna says wearily as Paula leaves her house for yet another round of interviews in which she will maintain her line that they will continue their battle for justice.

Gemma interjects: 'We will just join the list of those people in Northern Ireland who never got justice. We weren't the first and we won't be the last.'

And the future? Gemma says: 'Maybe it is time to leave this society altogether because for the rest of our lives we will walking around and if we meet these people and their supporters they will laugh at us and give the two fingers.'

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