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Opinion

Viewpoint: Robert's family deserves justice

Saturday, June 28, 2008

The acquittal of the man accused of killing Robert McCartney is a bitter blow to the family of the victim who have fought a long and courageous battle to bring the perpetrators of the murder to justice.

The judge in the trial of Terence Davison — and two other men accused of causing an affray connected to the killing — said he had no option but to find all three not guilty of the charges they faced because he could not be satisfied beyond all reasonable doubt of their guilt.

Mr Justice Gillen's decision was an entirely proper one, given the questions raised by the evidence presented to him. As he said, neither the memory of Mr McCartney nor the rule of law itself would be well served by the court failing to observe the high standards of criminal justice and the burden of proof required by the courts.

But he also recognised that Mr McCartney's family, and particularly his sisters who have been at the forefront of efforts to find his killers, will be deeply disappointed and frustrated that no-one has yet been made amenable for the killing. The judge held out a glimmer of hope for the family by saying that he believes investigations into the killing will continue and that if new evidence emerges "no one, including for that matter, even the accused in this trial, will be beyond the reach of potential prosecution".

Mr McCartney's family now find themselves in a very similar position to that of the Omagh relatives. They, too, saw efforts to bring the killers of their loved ones to justice frustrated in spite of enormous efforts to nail the guilty. There is no doubt that Mr McCartney's doughty sisters will continue to seek justice and that is perhaps the best tribute to their murdered brother.

The killing of Mr McCartney, coming just six weeks after the Northern Bank robbery, caused a huge political uproar and threw the peace process into jeopardy. The fact that the killing followed a dispute in a bar packed with republicans, and that systematic attempts were made to dispose of vital forensic evidence, caused huge embarrassment for Sinn Fein and the IRA.

Mr McCartney's relatives brought their quest for justice to an international audience, even gaining an audience with President Bush in the White House. Sinn Fein was shamed into suspending some members who were present at the bar and also into encouraging witnesses to give evidence. There were also reports that the IRA had offered to shoot those responsible for the killing, an offer quite rightly rejected by the family.

But, whatever the political ramifications of the killing, the real tragedy was for the family who had lost their brother and for Mr McCartney's partner and two young children. No matter what occurred subsequently, their lives were changed utterly for ever. That is something that we must never lose sight of. A family circle has been deprived of a brother, partner and father, who was the victim of a horrific, bloodthirsty assault.

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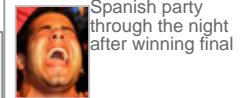
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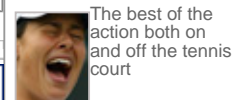
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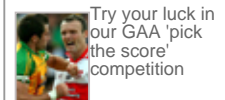
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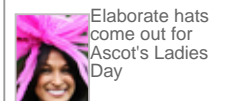
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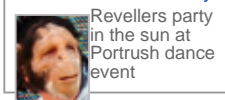
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For the sake of the family it must be hoped that investigations do continue into the killing and that, even at this late stage, Sinn Fein repeats its call for members who were present that fateful day to give fresh evidence. There were people at that bar who have got away with murder and that is unacceptable. Sinn Fein is now an accepted partner in the government of Northern Ireland and it is in its interests as well that justice is done and seen to be done.

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