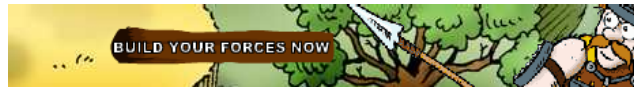




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Family alleges police conspiracy over mum's plastic bullet death

Friday, 30 January 2009

Police officers may have plotted to pervert the course of justice after an innocent mother of three was killed by a plastic bullet nearly 28 years ago, judges heard yesterday.

Lawyers for the husband of Nora McCabe also claimed the RUC man who fired the fatal round meant to seriously or fatally wound her.

Mrs McCabe (33), died after being struck on the head by a baton round on the Falls Road, west Belfast, in July 1981.

Her family have launched a legal challenge against decisions by the Director of Public Prosecutions two years later not to charge anyone with her murder, or for perjury at the subsequent inquest.

They are also seeking leave to apply for a judicial review of the reasons given last year for the failure to prosecute over the death.

Claiming both the 1983 and 2008 decisions were irrational, illegal and wrong in law, Mr McCabe's barrister, Barry Macdonald QC, told a Divisional Court panel that the application arose from one of the most notorious episodes of Northern Ireland's Troubles.

A key part of the case centred on footage shot by a Canadian television crew who were in Belfast at the time of Mrs McCabe's death to cover the republican hunger strikes.

The Public Prosecution Service claimed police assertions about general disorder and rioting in the area were borne out by the film, the court heard.

It was also stated that prosecutions were not brought because it was impossible to disprove police allegations that two petrol bombers were nearby when Mrs McCabe was shot.

And the PPS took the view that a court could not be certain that the officer who fired the fatal plastic bullet — identified as Witness A — intended to kill or cause serious injury.

But seeking to demolish the reasons, Mr Macdonald claimed the footage played in court proved the police depiction of rioting and disorder in the area was false.

He said: "This film discredits completely the accounts made under oath by five police officers, and the account given by Witness A."

The barrister told the judges that after a civil action brought by Mr McCabe was settled, a statement was read out which "comprehensively destroyed" the evidence given by police at the inquest.

He added: "It is clear that Mrs McCabe died as a result of injuries sustained when she was struck by a plastic bullet and that that plastic bullet was fired by a police officer, namely Witness A.

"Given the apparent similarities between some of the false evidence given by police officers it appears that there may have been a conspiracy between them aimed at perverting the course of justice.

"In those circumstances, and when the video and civilian evidence ... are considered, a court could be satisfied beyond reasonable doubt that the police officer who fired at Mrs McCabe intended to kill her or seriously injure her."

Lawyers for the PPS based their opposition to the application on the passage of time and how no new facts had emerged since 1983.

With judges hearing the case reserving their decision, Mr McCabe explained outside the court

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why he brought the case.

Accompanied by his two sons and daughter, the 61-year-old said: "For too long my children have had to live with the fact that no one was held responsible.

"No-one gave a reason for Nora's death and no-one was made amenable before the courts.

"I want to be able to answer a question my children have been asking me since they were young, and to answer my grandchildren.

"That question is 'Why did they kill my granny or my mummy?'

"I have been unable to give that answer. There's an emptiness, a void there and we cannot even begin to have closure until we get some form of explanation at least."

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