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By Chris Thornton  
Friday, 8 August 2008

Ian Paisley and Martin McGuinness won't be called into court to explain why they appointed four Victims' Commissioners instead of one, a High Court judge has ruled.

But Mr Justice Gillen indicated that their failure to keep notes or any records about their decision could count against them in a full hearing scheduled for next month.

Lawyers for Shankill bomb victim Michelle Williamson, who is challenging the appointments, were told yesterday that they had failed in their bid to get the former First Minister and the Deputy First Minister to appear in court.

However, the judge gave them leave to appeal his decision. The two ministers were originally due to appoint a single Victims' Commissioner last year but after months of delay they announced this past January

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that four people would take the post.

What are these?

That decision sparked two major legal actions.

The Belfast Telegraph revealed earlier this month that university lecturer Marie Breen-Smyth, who was offered one of the four posts, is taking discrimination cases against the Office of the First Minister and Deputy First Minister.

Ms Williamson's High Court challenge is due to be heard next month. Her lawyers argued that four people were appointed because Mr Paisley and Mr McGuinness couldn't agree on one.

They said it was "incredible" that Mr Paisley and Mr McGuinness made no notes when they considered the applications.

Lawyers for OFMDFM argued that the ministers explained their decision adequately when they announced the four appointments, pointing to a backlog of work and the broad range of skills that the four appointees could bring to the job.

Mr Justice Gillen ruled that the case did not demonstrate the "exceptional circumstances" that would require him to call the two leaders into court.

He said the High Court will have to decide the case on the material placed before it.

He also indicated that if the court decides there is some substance to Ms Williamson's case then the lack of records could allow "the court to draw inferences adverse" to OFMDFM.

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