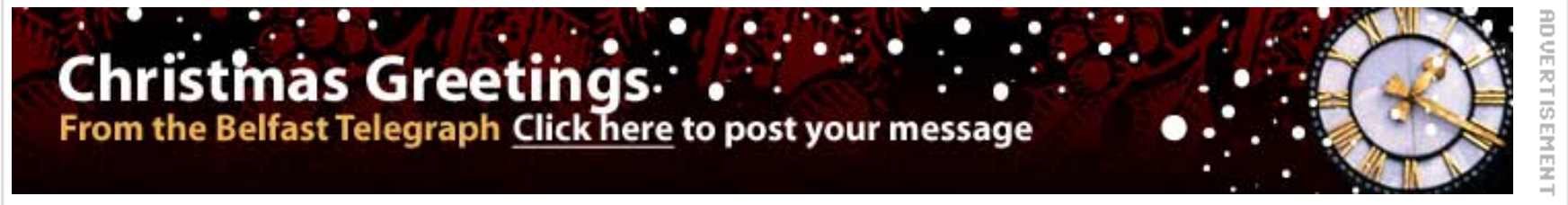


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Politics

Victims chief 'was offered job extension' in October

Friday, December 08, 2006

By Chris Thornton

The Northern Ireland Office's fourth attempt to explain aspects of the Victims Commissioner appointment to the High Court has seen it revert to the first official it wheeled out in the case.

John Clarke, the official in charge of the First Minister's Victims Unit, gave the Government's latest affidavit in the case earlier this week.

He also made the first legal statement in the case, which is due to return to court later this month to decide on interim commissioner Bertha McDougall's fate.

His original statement was followed by affidavits from Nigel Hamilton, the head of the Civil Service, and NIO Permanent Secretary Jonathan Phillips.






Those statements were submitted as the court required the NIO to provide more information about DUP involvement in the commissioner's appointment - a role that the Government initially tried to deny.

Mr Hamilton's statement was heavily criticised by Mr Justice Girvan, the judge hearing the case, while part of Mr Phillips' affidavit was described as "misleading".

In his criticism of those statements and an initial Freedom of Information letter about the appointment, the judge indicated that he had concerns about whether the NIO had deliberately tried to kill off the case by covering up the DUP's role.

His concerns led this week to an inquiry set up by the Attorney General.

As he posed 67 questions for the inquiry, the judge said the initial facts suggest the NIO committed a crime by attempting to pervert the course of justice.

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Last week the judge held a further hearing in the case to decide whether Mrs McDougall should lose her post.

But it emerged during the hearing that the Government had offered to extend her job until next month so she could finish her final report.

The offer of an extension was made on October 31 - even after the judge had given initial indications that he would rule against the NIO.

In court last week, the NIO initially denied the extension had been made.

But Mrs McDougall's lawyer - in court for the first time - said Mr Hamilton made the offer.

Mr Clarke's latest statement has been submitted to deal with the confusion.

The judge is expected to deal with the matter before Christmas.

Earlier this week, Secretary of State Peter Hain welcomed the inquiry by Peter Scott QC.

Mr Hain was accused of failing in his "duty of candour" to the court when the judge ruled that Mrs McDougall's appointment was an illegal political concession to the DUP.

"I appointed Bertha McDougall to prepare a report for me as important preparatory work ahead of the appointment of a permanent victims commissioner," the Secretary of State said.

"This is to ensure the crucial work on behalf of victims can have the best possible start.

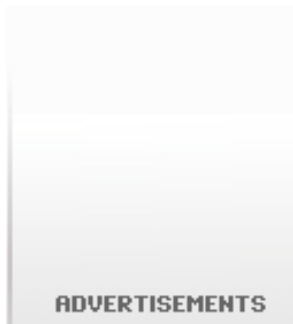
"I make no apology for that.

"There is absolutely no question of any deliberate attempt to mislead the Court or anyone else.

"I and my department will cooperate fully with this review and will await its findings."

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