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Commissioner post

By Chris Thornton
Thursday, 31 July 2008

A lecturer who was one of the favourites to become Victims' Commissioner is taking legal action against the First Ministers — adding to the flak they are facing for appointing four victims' champions instead of one.

Dr Marie Breen-Smyth was offered one of the four jobs announced by Ian Paisley and Martin McGuinness in January, but she turned it down — asking what had happened to the single post she applied for a year ago.

And she warned officials at the time that the plan to appoint four Commissioners was a recipe for disaster.

The reader in international politics at the University of Wales has filed cases against the First Ministers' Office with the Industrial and Fair

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A spokesman for the Office of the First Minister and Deputy First Minister (OFMDFM) said the cases would be "strenuously defended".

Dr Breen-Smyth's tribunal cases mark the second round of legal action against OFMDFM over the four appointments.

A High Court case brought by Shankill bomb victim Michelle Williamson is due to be heard in September.

That case has heard that Mr Paisley, who stepped down in June, and Mr McGuinness kept no written records of their surprise decision to expand the victims' job from one post to four.

Ms Williamson's lawyer, Barry Macdonald QC, told a preliminary hearing of the case that letters between Dr Breen-Smyth and OFMDFM officials reveal she "remains perplexed about what happened to the job she applied for".

Mr Macdonald QC said she raised concerns about the cost of four commissioners and how they would work together. He said she described it as a "recipe for disaster".

She also questioned whether the workload justified four appointments, and warned that the potential for divisions and conflict between four commissioners was enormous.

The £65,000-a-year Victims' Commissioner's post was initially advertised by the NIO in January 2007, and a shortlist of six candidates was passed to Dr Paisley and Mr McGuinness when they took up office in May. Dr Breen-Smyth was on that shortlist and was rumoured to be one of the favourites for the job.

The ministers spent months considering that shortlist, but denied repeated suggestions that they could not agree on the appointment.

In October they announced a new round of applications, although they said they would retain the original shortlist.

Three months later they made the surprise announcement that four people would do the job. They appointed former UTV presenter Mike Nesbitt, mediation expert Brendan McAllister, Patricia MacBride, a PR professional whose IRA brother was killed by soldiers, and RUC widow Bertha McDougall, whose appointment as interim Victims' Commissioner had been struck down by the High Court as an illegal political favour to the DUP.

Dr Breen-Smyth declined to comment on her legal action.

A spokesman for OFMDFM said: "These cases are due to come before the tribunals and will be strenuously defended by OFMDFM. In the circumstances it would be inappropriate to comment further."

Ms Williamson's lawyers want Ian Paisley and Martin McGuinness called to the High Court to explain the reasons why they expanded the job.

Mr Macdonald said the First Ministers have "stonewalled" because they are "refusing to say what they were thinking and doing during the relevant period". Mr Justice Gillen is expected to rule over the summer on whether Mr McGuinness and the former First Minister should have to give evidence.

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