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Man cleared of killing 'covered up by IRA'

By David McKittrick, Ireland Correspondent
Saturday, 28 June 2008

The Robert McCartney murder case ended without a conviction yesterday, but the sisters who mounted an international campaign after his

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killing vowed to continue their fight for justice.

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What are these?

Mr McCartney's family blamed the IRA and Sinn Fein for staging a cover-up after his death in Belfast in

January 2005. And yesterday they again accused Sinn Fein of failing to help the police investigation, after a local man, Terence Davison, 51, was cleared of the murder.

He and two other men were also acquitted of lesser offences, including assault and affray. The verdicts followed an intensive police investigation and major international interest in what will be remembered as one of Belfast's most notorious incidents. It began as a drink-fuelled brawl in a city centre bar witnessed by dozens of people, then developed into a street attack in which Mr McCartney, 33, a Catholic father-of-two, was punched, kicked and stabbed to death.

Judge John Gillen acknowledged that the McCartney family would be "frustrated and disappointed," but, he added: "The law is not a feather for every wind that blows and the need to ensure that defendants are found guilty only if there is proof beyond a reasonable doubt cannot be sacrificed to genuine and justifiable public concern that miscreants should be brought to justice."

The McCartney sisters said they accepted the judge's verdict, given the evidence. Speaking outside the court, Catherine McCartney declared: "As a lay person sitting in that court listening to the evidence we have heard, would I have put someone away on that evidence? No."

She accused the IRA and Sinn Fein of failing to co-operate with police, despite promising they would. "From day one they have obstructed the course of justice and continue to do so," she said. "We believe there is still a body of evidence out there that can still be brought forward and we expect Sinn Fein to do what they said they can do, despite their having refused to do so up to date. It is not over."

The killing caused political uproar in Northern Ireland, bringing an avalanche of criticism on republicans and weakening their bargaining positions as the IRA moved to end its activities.

The key witness in the case was a passing woman motorist who, while stopped at the scene, witnessed Mr McCartney being struck by a man. She later picked out Mr Davison at an identity parade. Mr Justice Gillen expressed admiration for the woman, who was known only as Witness C and who gave evidence shielded from the accused and the public. But he said he had doubts about her identification of Mr Davison as the attacker, saying she had described his hair as long, while film taken on closed-circuit cameras showed he had short hair.

The judge said he was not convinced that Witness C had seen a stabbing, even if she had witnessed an attack of some sort.

Mr Davison, 51, sat impassively as the 75-page judgment which cleared him was read out. He was then driven away in a waiting car.

The two other principal witnesses were friends of Mr McCartney, who had been with him in the bar. One testified that he had drunk 10 pints of cider, and the other 12 pints, and both said they had been interviewed by the IRA, which had given them "permission" to tell the truth in court. The judge said their testimony was "fundamentally flawed".

Mr Justice Gillen said he had no doubt that investigations would continue, and that if new evidence emerged no one – "including for that matter even the accused in this trial" – would be beyond the reach of prosecution.



A family photograph of Robert McCartney with his son AFP/Getty

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