


[HOME](#)
[History](#)
[NewsoftheIrish](#)
[Book Reviews
& Book Forum](#)
[Bookstore](#)
[Search / Archive](#)
Back to 10/96

[Papers](#)
[Reference](#)
[About](#)
[Contact](#)

Proconsul's jiggery-pokery comes at a price

(Brian Feeney, [Irish News](#))

"The fact is that the secretary of state decided to disregard the accepted merit norms applicable to public appointments in order to secure the appointment of the DUP's nominee who, theoretically, might not have been the best candidate, simply because she was the DUP's candidate."

So Mr Justice Girvan concluded in his scathing judgment dismissing the NIO's defence of the appointment of Mrs Bertha McDougall as Victims' Commissioner.

A lot of people, including the majority of the local meedja, seem to think the judge called for an inquiry into her appointment.

He didn't.

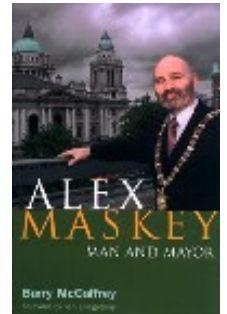
He explained perfectly clearly how she was appointed and why the appointment was wrong, because our beautifully maintained proconsul was motivated 'by an improper purpose, being motivated by a political purpose'. The judge revealed that when the NIO claimed there was no consultation, there was in fact consultation but the only people consulted were the DUP.

To provide the illusion of choice, the NIO even had a sham candidate whom the judge refers to as 'Mr X' but they only interviewed Mrs McDougall. All the falsity was laid bare.

No. What exercised the judge and what he wants an inquiry into, was the attempt by the NIO to mislead the court by supplying a letter on January 5 2006 which was 'evasive, misleading and contained false information'.

The Office of First and Deputy First Minister presented this letter relying on the fact that courts normally accept such affidavits from government departments as kosher because 'candour, openness and frankness are to be expected from public servants'.

If it had not been for searching cross-examination from Seamus Treacy QC and other information prised out of the NIO, the ploy might have been successful.



[Alex Maskey: Man and Mayor](#)

by Barry McCaffrey

This article appears thanks to the *Irish News*.
Subscribe to the [Irish News](#)

[click here](#)

[interactive online business directory](#)

[Club Awards](#)

[the CORY report](#)

[breakingnews](#)

[Gaelmail
irishnews.com](#)

[GAA WORLD](#)

[online subscription](#)

[weather](#)

[travel](#)

[ireland2go](#)

Mr Justice Girvan then roundly condemned the language of Nigel Hamilton, the head of the civil service here, in his submissions to the court as 'guarded, shrouded and carefully crafted'.

What the judge then went on to say is quite shocking, even for an institution with a reputation as stinking as the NIO's.

"It was decided within government that incorrect and misleading information would be supplied to the court."

Naturally in the judge's view this decision raises "very serious issues which should be the subject of an immediate and searching inquiry at a high level".

The inquiry he wants is therefore nothing to do with Mrs McDougall's appointment but into who within government decided to supply phoney information to the court to cover up the truth about the unlawful process of her appointment.

Needless to say our proconsul is silent on this matter. Don't you wonder why?

Luckily all he had to deal with were people here asking him whether he would suspend the civil servants involved. Like as if the civil servants dreamt this all up themselves instead of, as the court heard, following our proconsul's policy of 'confidence-building measures' for the DUP.

Luckily for our proconsul the judgment coincided with the US mid-term elections and other local excitements such as whether the DUP can ever decide to say yes, even with the confidence-building measures lavished upon them by His Trickiness.

Still, imagine, with such a judgment against him, all the local media can ask is will he close down a non-existent assembly on November 24.

Here are a couple of other questions. Costs were awarded against the NIO. People reckon it's about £100,000. Will the taxpayer have to foot the bill for our proconsul's jiggery-pokery?

The judge has asked for submissions from counsel before he decides on what redress – 'relief' in legal terminology – to be granted as a result of the proconsul's "disregard for the accepted merit norms" for appointments.

The NIO – that is you, the taxpayer – will probably have to pay any costs Mrs McDougall incurs too. If the result of inept and failed political meddling by His Trickiness is a

huge fine, will the NIO raid the public purse for that too?

Oh and the inquiry. Who would conduct that do you think?
Who would appoint the person to chair it? And, ha ha, what
procedures would he follow in selecting someone to chair it?

Don't hold your breath. It's the sick counties.

The NIO will use your money to appeal the judgment.

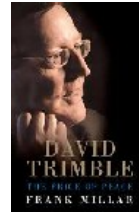
Date, 2006

This article appeared first in the Date, 2006 edition of the [Irish News](#).

Holy Cross: The Untold Story
by Anne Cadwallader



David Trimble: The Price of Peace
by Frank Millar



[BACK TO TOP](#)

[About](#)

[Home](#)

[History](#)

[News of the Irish](#)

[Books](#)

[Bookstore](#)

[Contact](#)