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## Hard-hitting judgement confirms all suspicions

(Susan McKay, [Irish News](#))

Does anybody think Peter Hain's bid to be appointed second in command of the government of the UK will be scuppered or even damaged by the fact that the secretary of state has been found to have abused his powers, breached the Good Friday Agreement, acted out of an improper motive, withheld evidence and misled the High Court in Northern Ireland?

And in relation to the most sensitive issue of all, the needs of the victims of the Troubles? No?

No. Last week's extraordinarily hard hitting judgement from Mr Justice Girvan shows only what we already knew, that Hain is arrogant, high-handed, incompetent and, overwhelmingly, indifferent.

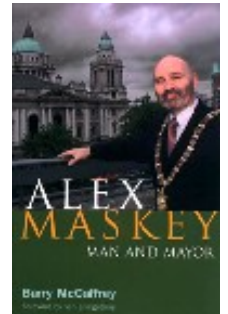
These are, of course, excellent qualities for high office in the British Labour party. Prerequisites, even. That this disgraceful behaviour occurred in Northern Ireland will help. Normal standards don't apply on the outer edges of empire.

Last Monday saw the publication of a damning report showing evidence of collusion in murder between the security forces and loyalist paramilitaries, with the authorities still refusing to tell the truth.

Three days later, Mr Justice Girvan slammed the secretary of state, the permanent secretary at the Northern Ireland Office, Jonathan Phillips, and the head of the NI civil service, Nigel Hamilton, for their handling of the appointment of the victims commissioner, Bertha McDougall, and for their efforts to cover up their wrong doing in the courts.

Hain has form on this. His appointment of two Orangemen to the Parades Commission is to be challenged in the House of Lords. He created a wholly unnecessary furore by re-arresting the Shankill bomber Sean Kelly at the behest of the DUP and then releasing him at the behest of Sinn Féin.

The truth about this most recent debacle emerged despite Hain's best efforts to keep it concealed. Relatives for Justice, which brought this case along with Brenda Downes, submitted numerous questions under Freedom of Information



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legislation and were repeatedly refused answers. Documents were designed to mislead the courts.

As the judge pointed out, the government is in a powerful position - it "holds the cards". If it does not make itself accountable to the people and if it is allowed to cover up the way it makes decisions, "such a practise would engender cynicism and lack of trust in the organs of state and be deeply damaging to the democratic process".

Cynicism is paralysing. It plays into the hands of those who want to maintain a corrupt status quo. Cynicism says in the face of injustice, do nothing. Nothing will change anyway. There is more than enough cynicism around in this place. There is also such severe lack of trust in the state that we don't even have devolved government. The democratic process is so deeply damaged that four out of 10 people don't even bother to vote.

That was, of course, why the Good Friday Agreement and the legislation that flowed from it included all kinds of measures and strategies to protect human rights, outlaw discrimination and ensure cross-community support for decisions of government.

The code for public appointments includes terms like merit, independent scrutiny, equal opportunities, probity, openness and transparency. Mr Justice Girvan said these were among the overriding principles to which the government was wedded. Hain trampled all over them. He was "in fundamental breach of all the relevant codes relating to the making of public appointments".

Hain appointed Ms McDougall because the DUP asked him to. He consulted no other political party. He did it knowing it was a divisive move which would offend nationalists.

There is something very poignant about the fact that the two women at the centre of this case are both themselves victims.

Bertha McDougall's husband was a part-time RUC man killed by republicans. Brenda Downes's husband was a civilian killed by the RUC. The judge acknowledged that both had suffered grievously.

The DUP sees Ms McDougall as a victim but their disgraceful behaviour at St Andrews last month, when they verbally abused and sneered at Protestant victims who were in the company of Relatives for Justice, shows that they have no respect for people like Ms Downes.

For trying to pander to Paisley, Hain and his advisors have

been shamed in the High Court. They must not get away with playing politics with the rights of those most hurt by the Troubles. It is crucial that the 'immediate and searching inquiry at a high level' into the 'very serious issues' raised by this case, as proposed by Mr Justice Girvan, should be established.

The NIO is, needless to say, silent.

November 15, 2006

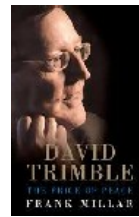
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This article appeared first in the November 14, 2006 edition of the [Irish News](#).

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