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## McDougall's fate to be decided in new year

([Irish News](#))

Victims Commissioner Bertha McDougall will have to wait until the new year to know if she will be allowed to publish her annual report – or be fired.

In the high court yesterday (Thursday) Mr Justice Girvan reserved his decision in an application to terminate Peter Hain's controversial appointment of the widow of a murdered police reservist.

The judge has already criticised the way Mr Hain went about making the appointment and has posed 67 questions to be considered at an inquiry set up by the Attorney General to determine if the secretary of state deliberately misled the court – a criminal act of perverting the course of justice.

Mrs McDougall's appointment was successfully challenged by Brenda Downes, whose husband was killed by an RUC plastic bullet.

Upholding an application for judicial review Mr Justice Girvan ruled that the appointment was improper because Mr Hain had no basis for deciding that she would command cross-community support.

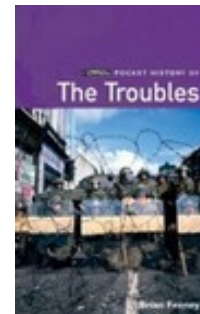
Seamus Treacy, QC, for Mrs Downes, yesterday asked the judge to order Mr Hain to sack Mrs McDougal.

Her one-year contract as the Interim Victims' Commissioner has already expired but she has been granted an extension.

Mr Treacy said of a proposal that Mrs McDougall should be allowed to write the report in her own name rather than as the Victims' Commissioner was "just a fiction".

If that was allowed to happen, he said, it would provide a soft landing for Mr Hain to which he was not entitled.

Outside the court, Mark Thompson of Relatives for Justice said Mr Hain had consistently sought to be vindicated by publication of Mrs McDougall's report and that would be unfair to the victims.



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by Brian Feeney

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He said it was Mrs Downes who had been vindicated and added: "She is entitled to seek to have this appointment quashed."

on thursday

Date, 2006

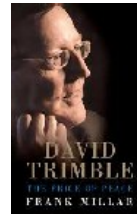
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This article appeared first in the Date, 2006 edition of the [Irish News](#).

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