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Saturday, June 28, 2008

Rule of law and the McCartney case

JUDGMENT FROM the Robert McCartney murder trial in Belfast carries many messages. It asserts the primacy of the rule of law in any civilised society; exposes the ruthless and self-serving behaviour of paramilitary thugs and asks ordinary members of the community to show courage in the face of intimidation. Similar considerations apply to last year's murder of Paul Quinn in south Armagh. If good men and women do nothing, evil will prevail.

The frustration and anger of the McCartney sisters, because of a failure to bring the killers of their brother to justice, is understandable. So is their determination to continue with their campaign. They have suffered grievously. Not only did they lose a loved brother to an attack by IRA members in 2005, they were subsequently threatened and intimidated by republicans and forced to move home. The episode emphasises the importance of the rule of law and the need for communities to work together in actively confronting those paramilitary bullyboys whose time has gone. In finding three men not guilty of involvement in Robert McCartney's murder, Mr Justice John Gillen said the rule of law would be ill-served if his court failed to uphold the highest standards of criminal justice and a requirement for proof beyond a reasonable doubt. He pointed to inconsistencies in evidence, particularly by one unidentified witness. However, he expected police investigations to continue. And if new evidence emerged, he said, the three accused might stand trial again at a future date.

The McCartney sisters have accepted the verdict. But they appealed, once again, for members of the Short Strand community in Belfast to come forward and assist the police. On the night of their brother's murder, about 70 people were present in Magennis's bar and a smaller group witnessed his stabbing outside. Members of the IRA subsequently engaged in a forensic clean-up operation at the scene and warned those present to keep silent. They have done so.

It takes particular courage to challenge unlawful authority because it is rarely constrained in its response. When the McCartney sisters began their fight for justice, the IRA was active and ruthless in Northern Ireland, controlling communities with an iron fist. Their particular intervention, which grew into an international campaign, made a difference. Having first denied any involvement, the IRA attempted to silence them by offering to shoot four of its members who had been directly responsible. That overture was rejected in favour of normal policing methods and the rule of law. International pressure, public embarrassment and political events forced the pace of change. Sinn Féin called on the IRA to abandon the armed struggle option and to decommission weapons. From there, by a gradual process, the IRA was stood down and Sinn Féin agreed to support policing and the justice system in Northern Ireland in return for participation in government. These democratic advances were not secured through the campaign waged by the McCartney sisters. But their advocacy for justice and the rule of law certainly helped.

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