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Closure for McCartney family rests with IRA

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Sinn Fein must step up to democratic mark and bring Robert's killers to justice, writes Alan Murray



By Alan Murray
Sunday June 29 2008

ONLY the [IRA](#) and the men directly involved in the murder of [Robert McCartney](#) can actually bring closure to his family for his tragic loss in the wicked mob attack that claimed his life three years ago.

It was made abundantly clear from the judgment of Mr Justice Gillen at Laganside Court on Friday that the limited evidence made

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available to the prosecuting authorities in [Belfast](#) fell woefully short of the standard expected to secure convictions on affray charges, never mind the number one count of murder faced by [Terry Davison](#).

Despite the Pavlovian assurance from [Sinn Fein](#) leader [Gerry Adams](#) at the time that republicans weren't involved in the killing -- a blatant piece of disinformation -- the republicans involved ultimately performed their customarily efficient forensic clean-up, remained united, and by their collective behaviour sneered at the very notion of justice being served. That attitude remains constant and unchanged today.

Instead of yielding the guilty backstreet stabbers to the mercy of the courts, they stood back firstly to see if the public rage would abate and then, when they sensed it wouldn't, acted in a way which interfered with potentially compelling witnesses.

[Brendan Devine](#) and [Ed Gowdy](#), who were in Robert McCartney's immediate company on the night of the murder, were "interviewed" by the IRA at length -- an act which Mr Justice Gillen indicated in his judgment caused him grave concern.

"He told prosecution counsel in March 2006 that he had been told by the IRA that it was Dim (Jim) McCormick who stabbed him. Once again, I was left with a smouldering concern that Mr Devine may have been steered towards McCormick by the comments of others rather than by his own identification of him," he said in his 74-page judgment.

Of Gowdy, Mr Justice Gillen was scathing.

"When considering the evidence of Gowdy in the context of McCormick, I am conscious of the findings I have already made in relation to [Fitzpatrick](#) and Davison concerning his lies, his contradictory and implausible accounts, his discussions with the IRA, his drunkenness and his desire to deflect any blame attaching to him for not helping Mr McCartney or Mr Devine prior to the attack upon them."

The failure of Gowdy to name Terry Davison to police until after he had spoken to the IRA could be explicable, but it didn't explain why he had not named the defendant to the McCartney family at the [Royal Victoria Hospital](#) after the stabbing.

"The danger is, however, that in the absence of having any information whatsoever as to what happened during the hours of discussion with the IRA, there exists the possibility that his evidence, including identification of the people he has named, may have been influenced, or indeed even directed, by the IRA. At the very least there must be a real possibility that his evidence has been through a sieve orchestrated by this unlawful organisation. That in itself creates a danger about his evidence and the reliability of what he has said," the judge concluded.

While the quality of the witness evidence against Davison, McCormick and Joseph Fitzpatrick, and the particular variations between the evidence of Devine and the unidentified 'Witness C' at critical points, was the main basis for the failure of the five-week trial to secure convictions, the IRA's role in proceedings arguably was the most critical factor.

Had its members present in Magennis's Bar not engaged in an orchestrated attack against Robert McCartney and Brendan Devine in the first instance, neither would have been knifed, or McCartney killed.

The perceived insult to [Katrina Murdoch](#), Davison's partner, was the flimsy platform the IRA in the Markets area exploited to put one man to his death and inflict grievous wounds on another.

The IRA at play in Magennis's Bar became the knifing backstreet IRA in adjacent Market Street at a time when Gerry Adams and [Martin McGuinness](#) were telling the world that life was lovely where they were and the terrorist organisation they represented was utterly lawful and peace loving.

What Robert McCartney and Brendan Devine encountered was the more familiar snarling, vengeful IRA,

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stimulated by alcohol to flay two men who came into their baleful midst and dared to resist their intimidation.

In [Dublin](#), [Liverpool](#), [Glasgow](#) and Belfast, similar commotions can easily occur when visitors go into the 'wrong' pub and without realising their error look at someone the 'wrong' way.

But this was the peace-loving, democracy-hugging IRA of January 2005, heavily versed in peace talk and gestures and more sincere and genuine than any other party to the 'peace process', or so Gerry Adams would have had the world believe.

Throughout the five weeks that they sat in the dock in Court No 12, Davison, McCormick and Fitzpatrick showed little emotion. A request from Mr Justice Gillen to Davison's QC Mr Orlando Pownall to speak up because those in the public gallery couldn't hear his words induced infantile cackling between McCormick and Fitzpatrick for some inexplicable reason, their only discernible emotion.

Did the IRA sacrifice this trio in a bid to assuage public anger and disquiet over the McCartney murder or did the IRA act in a deliberately manipulative way to both encourage and then astutely knobble witnesses by their interrogation of them so the trial would decidedly conclude in acquittals?

The IRA does for certain know who murdered Robert McCartney, but its members and those in the bar that evening who are associated with Sinn Fein declined to assist the PSNI investigation into the death of an innocent man and maintain that stance.

Crucially, 'Witness C' in her honest testimony declared she did not see a knife in the hand of the man she observed swiping at Robert McCartney, even though the fist was closed and the hand was "gripped in". That was insufficient, Mr Justice Gillen, said for him to conclude that the swiping action was the actual movement that caused death.

Without admissions, there was no substantive or incontrovertible compelling evidence on which to convict any of the three accused on any of the accounts, the judge said.

Now [Catherine McCartney](#), Robert's sister, rightly says the opportunity is available with the trial consigned to legal history for Sinn Fein and the IRA to bring forward the evidence from within their ranks to place before the courts the men who murdered Robert McCartney.

"I have no doubt the investigation into this crime will continue and if new evidence emerges in connection with this murder, no-one, including for that matter the accused in this trial, will be beyond the reach of potential prosecution," Mr Justice Gillen said.

For that to happen though, both the IRA and Sinn Fein need to step up to the democratic mark.

- *Alan Murray*

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