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News





Two Derry republicans found guilty of murder in 1979 have had their convictions quashed. Eamonn MacDermott and Raymond McCartney were convicted of murdering RUC officer Patrick McNulty. The cases were referred to the appeal court after an investigation by the Criminal Cases Review Commission in 2002

'We feel totally vindicated' Murder Convictions Quashed

TWO DERRY republicans whose murder convictions were quashed in Belfast's Court of Appeal yesterday were last night back home celebrating with their families.

Sinn Fein Assembly candidate and former Long Kesh hunger striker Raymond McCartney and local journalist Eamonn MacDermott were cleared of the convictions - for which they both spent lengthy periods in prison - after three High Court judges ruled evidence given by police officers at the murder trials "may have been discredited by evidence which is now available."

By Sean McLaughlin

One of the judges told yesterday's hearing: "In both cases we are left with a distinct feeling of unease about the safety of their convictions, based as they were on admissions. The convictions must, therefore, be quashed."

Speaking after the convictions were quashed, Mr. MacDermott said both he and Mr. McCartney felt "totally vindicated."

"From day one, both of us insisted our convictions were unsafe," he said. "We were brutalised in police custody and the confessions levelled against us were fabricated. Today, after nearly 30 years, the courts have accepted this was the case."

Mr McCartney was sentenced in 1979 for the murders of local industrialist Jeff Agate and RUC Constable Patrick McNulty. He has always maintained that, whilst being held in Castlereagh holding centre in Belfast, he was repeatedly beaten and the verbal admissions and written statements about the 1977 murders - the only evidence against him - were concocted by the police officers who beat him.

He said that, while in police custody aged 22, he was slapped in the face and around the head, punched in the stomach and was trampled on.

Mr MacDermott, who was 19 at the time of his arrest, was also jailed for the murder of Constable McNulty.

He insisted he was ill-treated and assaulted by police while in Castlereagh. He said he was repeatedly beaten and was pinched, throttled and punched in the stomach.

During the hearing in the Court of Appeal, the three Judges heard evidence which was not available at the time of the original trial.

They were told John Donnelly, another Derry man who was arrested and questioned about the murder of Mr Agate but who was not charged, also claimed he was badly beaten whilst being questioned at Castlereagh.

A subsequent investigation concluded Mr. Donnelly has been assaulted by police.

Lord Justice Campbell told yesterday's hearing that, if the judge presiding over the murder trials had known this at the time "it is possible that it may have influenced his decision to accept the Crown case that McCartney and MacDermott, who had been interviewed by members of the same team of detectives as Donnelly, had not been ill treated."

It also emerged during the appeal that another man who claimed he was beaten in custody by one of the officers who also interviewed Mr. MacDermott launched a private prosecution concerning his treatment in custody.

Lord Justice Campbell concluded: "We cannot rule out the possibility that the evidence of the police officers may have been discredited by evidence that is now available. In both cases we are left with a distinct feeling of unease about the safety of their convictions based as they were on admissions and the convictions must therefore be quashed."

Mr. MacDermott said the quashing of the convictions "showed the Diplock Courts for what they were - mere sentencing tribunals rather than courts in the accepted sense of the word."

"We were victims of a non-jury system designed to fast-track the imprisonment of republicans," he said.

"In effect, at that time, the judiciary, in conjunction with the RUC, played a crucial role in removing as many republicans from the streets as possible. Along with hundreds of others, we were victims of a repressive criminal justice system."

He said he was currently taking legal advice with a view to suing the Northern Ireland Office (NIO).

He added: "I'd like to thank, in particular, my family for their constant support throughout this process. Today's good news is somewhat tempered by the fact that my mother and father, who both passed away in recent years, aren't here to witness this."

Mr. McCartney added: "This is vindication for all those who took to the streets and marched on behalf

of prisoners at that particular time.

"This has to be set in the context of RUC interrogation techniques in Strand Road and Castlereagh and it also highlights the willingness of Diplock courts to send republicans to jail on the basis of confession-type statements. It has to be placed firmly within the criminalisation process of the late 70s and early 80s."

Expressing his gratitude to his legal team, he added: "I also have to thank my family and Eamonn's family who have been involved and have struggled alongside us."

16 February 2007

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