



## NEWS RELEASE

Date Issued Wednesday 11<sup>th</sup> October, 2017

### ***PPS confirms no prosecution of 13 suspects named by Assisting Offender***

The Director of Public Prosecutions (DPP) Barra McGrory QC has today (Wednesday, 11<sup>th</sup> October, 2017) confirmed that a decision has been taken not to prosecute 13 suspects named by Assisting Offender Gary Haggarty. The decision as to prosecution of a further three suspects is expected to be taken shortly.

The DPP in a statement said: "Assessing the credibility of an assisting offender is a complex task. In relation to Gary Haggarty, given all the relevant circumstances including his admitted criminality, I consider that his evidence alone is insufficient to prove an allegation beyond a reasonable doubt.

"I have reached the clear view that where he has provided information implicating another, there must be sufficient corroborating evidence to support the allegations for a case to meet the Test for Prosecution.

"On this basis, I have considered three murder files involving 14 suspects submitted by the Police Service of Northern Ireland (PSNI) and one file relating to the conduct of two police officers submitted by the Office of the Police Ombudsman of Northern Ireland (OPONI).

"The PSNI investigations relate to the murders of Gary Convie and Eamon Fox on 18 May, 1994; Sean McParland on 24 February 1994 and John Alan Harbinson on 18 May 1997.

“The OPONI investigations have focused on the alleged actions of two police officers in relation to 16 incidents, including these murders.

“Full and careful consideration has been given to all of the evidence currently available in respect of all cases.

“I have now concluded that the evidence currently available is insufficient to provide a reasonable prospect of obtaining a conviction against 11 of the suspects reported by the PSNI and the two police officers reported by OPONI. I have therefore taken a decision that a prosecution case against these individuals will not be taken forward.

“Further enquiries are ongoing in relation to the remaining three suspects, one of whom was reported in relation to the murders of Mr Convie and Mr Fox and two of the suspects named in the murder of Mr Harbinson. No decision as to prosecution has been taken in these cases.

“The Court has been informed of the nature and extent of the assistance provided by Gary Haggarty ahead of the sentencing hearing. We anticipate that we will be in a position to update the Court shortly on our view in relation to the status of all of the files submitted to us.

“I fully appreciate that this news will be deeply disappointing for the victims in these cases. I understand that this will not just be because of the disappointment or anger they may feel about the decisions but also because today is another day where they will be revisiting the pain of events from many years ago.

“I have written to each person affected by these decisions today to set out in some detail the reasoning behind the decisions taken to date and to offer to meet with any that might find this useful.

“I hope that they can take some assurance from the care and time taken by the prosecution team to ensure that every prosecutorial avenue has been fully explored in each case.

“I have taken each of the prosecution decisions, applying the Test for Prosecution, in line with the Code for Prosecutors.”

The PPS has provided the sentencing Judge at Belfast Crown Court with information in relation to the nature and extent of the assistance provided by the Assisting Offender. This has been submitted ahead of the hearing on October 25, 2017 to determine the sentence for the admitted 202 offences. The sentencing Judge will also be asked to take into consideration 304 less serious offences which do not appear on the indictment.

Over the course of more than 1000 police interviews Gary Haggarty has provided information in relation to his own criminality and that of others.

The investigations in these cases involved an extensive process of researching the information provided by Haggarty and other information held by various agencies.

It has also involved the arrest and interview under caution of a number of suspects.

This has been necessary in order to make a fully informed assessment of Haggarty's credibility and also to ascertain whether there is evidence available to support the allegations he has made.

ENDS

### **Note to Editors**

#### **1. PSNI investigations focused on the alleged actions of 14 suspects in the following incidents:**

- The double murder of Eamon Fox (44) and Gary Convie (24) on 17th May 1994
- The murder of Sean McParland (55) on 24th February 1994

- The murder of Alan John Harbinson (39) on 18th May 1997

## **2. OPONI investigations focused on the alleged actions of two police officers in connection with the following incidents:**

- Eight murders including those detailed above
- Two attempted murders
- Four conspiracy to murder cases
- One wounding case

## **3. What is the Test for Prosecution?**

In every case considered, the PPS takes a decision by applying what is known as the Test for Prosecution. The prosecutor must decide whether there is sufficient evidence to put a person on trial. The Test for Prosecution has two elements. It involves an assessment as to whether the available evidence provides a reasonable prospect of conviction - and, if it does, whether prosecution is in the public interest. Each of the decisions taken in this case have been conducted in line with the PPS Code for Prosecutors. A copy of the Code can be found [here](#).

## **4. What is an Assisting Offender?**

Gary Haggarty was formally designated an 'Assisting Offender' under the Serious Organised Crime and Police Act of 2005 (SOCPA). Sections 71 to 75 of this legislation provide a framework for agreements to be made with offenders who have offered to assist the investigation or prosecution of offences committed by others. This can include considering a formal agreement under which an offender is willing to assist with a view to obtaining a reduced sentence. Sections 71 to 75 of SOCPA can be found at [www.legislation.gov.uk/ukpga/2005/15/contents](http://www.legislation.gov.uk/ukpga/2005/15/contents)

5. For further information please call PPS Communications on **028 90897187** or the out of hours press officer on **07920 418844**. Email: [ppspressoffice@ppsni.gov.uk](mailto:ppspressoffice@ppsni.gov.uk)