



News Release

Date Issued: Tuesday 14th November 2017

DPP confirms prosecution of one suspect named by assisting offender

The Director of Public Prosecutions (DPP) Barra McGrory QC has today (Tuesday November 14, 2017) confirmed that the remaining decisions as to prosecution of three suspects named by Assisting Offender Gary Haggarty have now been taken.

The DPP said: "Last month, I set out the decisions not to prosecute 13 individuals named by Assisting Offender Gary Haggarty, based on our conclusion that the evidence currently available in those cases is insufficient to provide a reasonable prospect of obtaining a conviction.

"At the time I said that further enquiries were to be made by police in relation to the remaining three suspects. One suspect was reported in relation to the murders of Mr Gary Convie and Eamon Fox on May 17, 1994. The other two suspects were reported in relation to the murder of Mr Alan John Harbinson on May 18, 1997.

"Those enquiries are now complete and the Test for Prosecution has been applied to all of the available evidence and information.

"Taking first the case of the murder of Mr Harbinson, I have concluded that the Test is not met in respect of either of the two reported suspects on the basis that the available evidence does not provide a reasonable prospect of conviction.

"I have spoken before about the complex task of assessing the credibility of an assisting offender. 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.

"The evidence currently available to us does not provide the necessary support for Haggarty's identification of the reported suspects as those involved in the abduction and murder of Mr Harbinson.



News Release

“Turning to the murders of Mr Convie and Mr Fox, I am satisfied that there is independent evidence which is capable of supporting his identification of the suspect. This includes both eye witness and forensic evidence.

“In these circumstances, I have concluded that there is a reasonable prospect of conviction and that the Test for Prosecution is met.

“I confirm that we intend to use assisting offender Gary Haggarty as a witness in this prosecution.

“The reported suspect will be prosecuted for the following offences:

1. Murder of Gary Convie
2. Murder of Eamon Fox
3. Attempted murder of Witness A
4. Possession of a firearm and ammunition with intent to endanger life
5. Membership of a proscribed organisation, namely the UVF.

“I am mindful that this announcement will be difficult for the families involved in each of these cases. We are continuing to keep them updated on developments.”

ENDS

NOTE TO EDITORS:

1. Last month, the DPP confirmed no prosecution of 13 suspects named by Assisting Offender. The full press release is available [here](#)

2. 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 these guidelines can be found on the [PPS website](#).

Public Prosecution Service
Belfast Chambers, 93 Chichester Street, Belfast, BT1 3JR



News Release

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

*For further information please call PPS Communications on **02890897187** or out of hours officer on **07990 031568**. Email: **ppspressoffice@ppsni.gov.uk***