

Anger as review rules out further court action over paedophile surgeon Michael Shine

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Men who say they were abused as children by paedophile Michael Shine have expressed anger after an independent review upheld a decision by the Director of Public Prosecutions not to bring further prosecutions against the elderly former surgeon.

Last June the DPP informed 25 complainants their cases would not be proceeding to trial. The decision was taken even though the DPP believed there was enough evidence to support prosecutions.

However, the DPP did not proceed, a decision taken in the wake of a 2021 Court of Appeal ruling blocking a further trial of Shine (90) on charges of indecently assaulting another group of complainants.

That ruling cited a range of factors, including Shine's age, health and an administrative error by the Office of the DPP.

At least 11 of the 25 sought to appeal the DPP's decision not to prosecute. But the Irish Independent has learned that following a review of their cases, during which DPP Catherine Pierse sought a second opinion from a senior counsel independent of her office, the decision still stands.

Adrienne Reilly, CEO of Dignity4Patients, an advocacy group supporting adult survivors of sexual abuse, said complainants had been left "absolutely devastated" after being informed of the news in recent days.

One complainant questioned why Shine's age and claims of ill-health should preclude him from facing justice. "Even Nazis got prosecuted even though they all said they had cognitive disability," he said.

Another said the decision not to prosecute would stop other victims of abuse from coming forward.

Kevin Winters, a solicitor acting on behalf of some complainants, said they were now considering "alternative legal remedies" including possible High Court civil proceedings "in relation to previous failings" by the DPP.

"Whatever way you look at it there has been a serious miscarriage of justice," said Mr Winters, of KRW Law.

Shine has been a free man since being released from prison last year after serving three years for the indecent and sexual assault of young boys while working at Our Lady of Lourdes Hospital in Drogheda, Co Louth. It was the second time he had been convicted for such offences, which dated from the 1960s to the 1990s.

Following his latest release, the Medical Missionaries of Mary, which ran the hospital at the time, confidentially settled more than 100 lawsuits it faced over Shine's actions. It was the second time a multi-million euro settlement was reached with a group of survivors.

While the recently delivered prosecution review decision relates to 11 cases, it is understood it will affect many more people, including 19 men who have recently come forward.

Ms Reilly questioned the handling of the review. She said complainants had received "generic" letters using the same language, even though each person had asked specific questions about their own case.

One complainant said: “To say I am disappointed is an understatement. I was expecting a complete independent review of the whole investigation of my case. Not a generic letter and my information reviewed by a senior counsel nominated by the DPP.”

Another called for a commission of investigation. “I need a voice. I need recognition. This happened to me. I want the State to recognise that.”

A letter issued to one complainant this month by a prosecutor in the Office of the DPP, confirming the outcome of the review, said the DPP personally took the initial decision not to prosecute.

The letter, seen by the Irish Independent, said the DPP was of the view there was enough evidence to support a prosecution and that she remained of that view.

However, it said the DPP also had to take other factors into account. “In this case, the director concluded, based on medical evidence available, that there was a significant incapacity relating to the suspect, such that it would not be in accordance with our guidelines to prosecute this case,” the letter said.

It said that another crucial consideration was whether there was any reasonable prospect of a trial being allowed to proceed. The DPP did not believe that prospect existed, having been advised by a senior counsel that a trial would be prohibited if Shine took judicial review proceedings.

The letter pointed out that Shine’s circumstances were examined by the Court of Appeal in 2021.

It said the court considered that because of cumulative factors, including delay, age and the physical and mental health of the suspect, a trial should be prohibited.

The appeal court also said there had been an “oversight” by the Office of the DPP which meant that although a direction was made to charge Shine with the offences in 2017, his solicitors were not informed until two years later.

Had this been done earlier, Shine would have had the choice to consent or not to those charges being dealt with at another trial he was already facing.

The letter acknowledged that there was an error. But it said the question of the letter which was not sent was not a factor in its decision not to prosecute.

“However, all of the other factors referred to by the Court of Appeal continue to be relevant and therefore the decision of the Court of Appeal had to be taken into account in the assessment of whether there is a reasonable prospect of a conviction in your case,” it said.

If you have been affected by any of the issues raised in this article, you can contact Dignity4Patients, whose helpline is open Monday to Thursday 10am to 4pm.