

Terminally ill man granted first divorce since Brehon Laws

THE first divorce in Ireland since the times of the Brehon Laws was granted in the High Court in Dublin yesterday, a month ahead of divorce legislation.

High Court judge Mr Justice Barron, made legal history when he granted the first divorce granted by the State since the 1995 referendum.

The man making the divorce application lives in the Dublin area and is believed to be in his late 60s and to be terminally ill. The application was made under the Constitution which was

amended by the 1995 divorce referendum. The Family Law (Divorce) Act 1996 was then passed by the Dáil but will not come into effect until February.

The press were excluded from the case and while yesterday's judgment was given in private, copies were distributed afterwards with any identifying details about the couple deleted.

Yesterday, the judge said the couple lived close to each other without bitterness on either side. There were three adult children from the marriage. The

eldest child was a son who was married with two daughters.

The two younger children were daughters and were unmarried.

The man now lived with another woman and they have a daughter together.

The man sought a divorce under Article 41.3.2 of the Constitution despite the fact that the Family Law (Divorce) Act 1996 was not yet in force.

Mr Justice Barron said evidence had been given by both husband and wife.

From this evidence, he was satisfied that the parties were married and following that, they lived in several countries until they settled in Ireland.

They then separated, and the husband went to live with another woman.

"The parties live close to each other without bitterness on either side."

"The wife has come to terms with the situation that her feelings towards her husband are not reciprocated."

"Nevertheless, there is no reasonable prospect of a reconciliation between

them," the judge said. The family assets comprised three properties, two in the State and one abroad.

The property abroad was bought by the wife, but put in joint names.

The two properties in the State were put into the sole name of the husband.

One was bought entirely with the wife's money and the other by equal contributions from each spouse.

The judge said it was proposed to transfer all three properties into the name of the wife. The value of these

properties would add approximately 75% to the current value of the wife's trust funds.

The husband also proposed to transfer approximately one third of his remaining assets equally between his three children.

Yesterday's decision was welcomed by divorce groups. They said it would offer hope to Ireland's 80,000 separated people.

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Free legal aid was granted to defendant, remanded on £10,000 bail

Siege man charged on firearms offences

by Dan Collins and Patsy McArdle

THE German national at the centre of the Co Cavan siege appeared last night at a special sitting of Monaghan District Court where he was charged with unlawful possession of a firearm and on three counts of unlawfully discharging a weapon causing grievous bodily harm.

Gerrit Isenborger of Bawnboy, Co Cavan, appeared in court wearing a green jacket and a scarf.

He remained silent for most of the hearing but when asked by the Judge if he understood the charges being read out, he replied that he had not intended to harm anyone.

Isenborger was charged with the unlawful possession of a British made .303 Lee Enfield carbine with intent to endanger life.

He was also charged with the unlawful discharge of a weapon and causing grievous bodily harm to three men.

Free legal aid was granted to the defendant who was remanded on £10,000 bail to next Thursday's sitting of Cavan District Court.

The three-day drama at the isolated farm ended yesterday when the 42-year-old German national gave himself up to gardai.

On Wednesday, defying a court order for eviction, he shot and injured a sheriff and two bailiffs.

The man's mother, Pauline (82), who was terminally ill, was found dead on a bed inside the single storey dwelling at Ballylean, near Bawnboy, when gardai entered yesterday morning.

During the negotiations by telephone with the gardai, the man told them his mother died on Wednesday.

Last night a post-mortem examination was carried out on the woman's body by the State Pathologist, Dr John Harbison, at Cavan General Hospital. He will make a report today.

Supt PJ Browne said they were treating the death of the woman as "suspicious". But, he said, he could not confirm reports that she had access to supplies of tablets in the house.

Isenborger agreed on Thursday to hand over two rifles, a bayonet and a quantity of ammunition.

Yesterday morning at 8 am, before gardai entered the house, he left a further three rifles and a pistol outside the dwelling on a wall.

Supt Browne said that when they entered the house the man appeared to be physically distressed and was



It's over: a garda enters Ballyconnell station yesterday. Picture: Kevin Clancy

Isenborger was detained under Section 30 of the Offences Against the State Act and taken to Ballyconnell Garda Station.

When the man was taken into custody yesterday, he looked tired, but was not in distress and walked smartly into the garda station.

He was not hand-cuffed and was smoking a cigarette.

Members of the Garda Emergency Response Unit were brought into the area on Wednesday evening to set up a "ring of steel" around the isolated building to prevent Isenborger from moving out of the area.

At a press conference yesterday Supt Browne said he was delighted at the outcome of the operation. He paid tribute to negotiators Det Supt Bill Somers and Insp Tadhg Foley, who had continually kept in touch with the man during the stand-off.

Yesterday, the Minister for Justice, Nora Owen, congratulated the gardai on bringing the "very difficult" siege to a peaceful conclusion.

She also expressed wishes for a speedy recovery to those injured in Wednesday's shooting.

The men injured in Wednesday's shooting at the farm — Cavan Sheriff Tommy Owens and Paul Comiskey and Ray Thorne — were making a good recovery yesterday.

Isenborger, who came from Dusseldorf 25 years ago, had a stockpile of weapons. A former member of the German Defence Forces, he was understood to be a weapons expert.

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Gerrit Isenborger leaving Monaghan District Court last night. Picture: Tom Conachy

Polls prompt PDs to hike number of candidates

by Mark Hennessy
Political Correspondent

THE Progressive Democrats, buoyed by a number of favourable opinion polls, yesterday moved to increase the number of candidates it will run in the General Election.

Following a two-day meeting of key party figures in Kilkenny, the PD Leader, Deputy Mary Harney revealed the party would contest up to 30 constituencies, a big increase on 1992.

Despite a scarcity to date of PD flag-holders in a number of constituencies, notably Cork South Central, the PD Leader expected that the full list would "be more, or less" in place by the end of the month.

Though the next series of opinion polls could have an impact on the PDs' ambitions, party strategists believe all of the country's five-seaters offer the chance of a Dáil seat.

In particular, hopes are high about the Taoiseach's home base of Meath, Wexford and the new five-seater in Mayo, which is already being fought over by six outgoing deputies.

"A decade after our debut, we believe we can win upwards of 15 seats and surpass our previous best performance of 14. Nobody underestimates the scale of the task, but the goals we have set are achievable," she said.

Following Fianna Fáil Leader Bertie Ahern's declaration that his first priority is a majority FF administration, Deputy Harney moved to emphasise the PD's individual appeal to the electorate.

"We will fight the election on our own distinctive policies. There will be no voting deals anywhere in the country. We are not in politics just to nudge another party past the winning post."

"We want to be in government with a policy programme which reflects our deeply held views across a range of issues."

"My political ambitions are not just confined to the achievement of high office."



Mary Harney: Believes PDs can win 15 seats.

"When we get there, I am determined that we will take the sort of risk-taking, ground-breaking decisions which will help do away with this divided society of ours," she said.

Predicting a quick end for the "rainbow" administration, she went on: "We are witnessing the dying days of an administration which has clearly run out of steam."

"I would expect it to seek a fresh mandate from the people very soon. I would also expect the people not to give it one. The 'rainbow' has nothing to recommend it."

"It is a government that came out of nowhere and has been heading nowhere ever since," said the PD leader, who insisted that private polls put the PDs back at support levels seen only after their foundation in 1985.

However, the expansionary policy has met with opposition from some quarters within the party, who feel there is a danger resources may be spread too thinly.

On the other hand, others feel the new State funding — which offers £5,000 to successful Dáil candidates — could help to overcome the worst of the difficulty.

In addition, a national profile will help to increase the PDs' share of the £1m "kitty" put aside by Finance Minister Ruairi Quinn to be shared by the parties post-Election '97.

History repeats itself for Minister

by Ray Ryan

JUSTICE Minister Nora Owen yesterday returned to a barracks her grand uncle Michael Collins visited just days before his assassination.

The Minister recalled how General Michael Collins had visited his troops who occupied the old Garda Station in Bruff, Co Limerick, on his last fateful journey to West Cork in 1922.

The Minister's visit was under somewhat different circumstances as she was opening a new £640,000 Garda District Headquarters.

Bruff gardai have a modern Station which Mrs Owen said is a credit to the Commissioners of Public Works.

The Minister was greeted on arrival by the Garda Band under Supt. John King and welcomed by Garda Commissioner Pat Byrne and Chief Supt. Michael Fitzgerald before inspecting a guard of honour.

Fr. Des McAuliffe, CC, Bruff, and Rev. Paul Johansen, Kilmallock, blessed the station just across the road from the old building which was completed in 1876 at a cost of £3,144.

There is a belief it was designed for India and ended up in Bruff because of an administrative error in the Colonial Office. The Minister said this was not the case although the true version "does spoil a good story".



Justice Minister Nora Owen and Chief Supt Michael Fitzgerald in the garda station in Bruff, Co Limerick.

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Parents did everything to help son kick drug habit

by Edward Power

THE parents of the latest ecstasy victim "did everything in their power to help their son kick his drug habit" according to friends of the family.

Nineteen-year-old Derek Lehane, Midleton, Co Cork man died after a suspected ecstasy overdose following a drink driving arrest on Thursday morning.

A huge turnout is expected at his funeral which takes place today at the Holy Rosary Church at 2.30pm.

Last night the town's main street was uncharacteristically quiet; east Cork's spiralling cannabis and ecstasy problem has been well documented, but Mr Lehane's death was the first drug related fatality in Midleton and the local youth population are shocked by this week's events.

There were traumatic scenes as the body of Mr Lehane was removed to the Holy Rosary Church yesterday evening.

Large numbers of young people packed the funeral home, many visibly distressed, as prayers were said over the deceased.

Friends and neighbours say the young man's family are still too traumatised to discuss the death which one

relative described as "a terrible time for us."

"His mother is in the house crying her eyes out. We can't believe this had happened. Now we just want to be left in peace," he said.

Locals remember "Decker", as he was commonly known, as a vivacious youngster who was full of energy and enthusiasm.

One neighbour said he was very bright and chatty. "He was a very friendly young man and very intelligent. He'd always stop and natter away to you. Derek was just a decent person."

Mr Lehane's family knew he had a drug problem and had pleaded with him to break his habit after a string of petty possession convictions.

"They're such decent people — everyone in the town shares their shock. If this can happen to the Lehane family then it could happen to anyone," said the neighbour.

Meanwhile the results of Thursday's post mortem by pathologist Dr. Margaret Bolster are not expected to be made public until next week at the earliest.

Blood and other samples have been sent to Dublin for analysis and gardai say they have still not formally pinpointed the cause of death.

Garda to make further bid to examine GRA accounts

by Peter Leonard

THE Leitrim-based garda who has successfully appealed his expulsion from the Garda Representative Association said last night that he will be making a further request to examine the association's accounts.

Garda Michael Keane (54) — originally from Ballylongford, County Kerry, but who is currently serving in Mohill — was reinstated as a full member of the GRA after his appeal was heard by the Association's Central Executive

Council. However, the CEC has ruled that Garda Keane, who has been a long-serving member of the GRA's divisional committee, is debarred from holding electoral office in the GRA for three years.

At the time of his expulsion by the GRA Disciplinary Committee, it had been alleged that Garda Keane, who was on the Association's regional executive for the Sligo-Leitrim area, was involved in organising a meeting for the rival Garda Federation. However, Garda Keane

claimed instead the main reason for his expulsion was his desire to inspect the Association's books. This claim was strongly denied by the association's Deputy Secretary P J Stone.

Last night, Garda Keane said he was happy to have been reinstated, but added he was concerned that he had not been fully exonerated. "Now that my appeal has been heard, I will be writing again to the GRA's Treasurer, John Green, to seek permission to examine the Association's accounts."

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