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United Kingdom/Northern Ireland: Deplorable government decision to renege on promise of public inquiry into Finucane killing

Amnesty International deplored yesterday's announcement by the Secretary of State for Northern Ireland, Owen Paterson, that there would be no public inquiry into the 1989 killing of Belfast solicitor Patrick Finucane as a failure to ensure full accountability. The Northern Ireland Secretary instead appeared before Parliament and stated that he had instructed a senior lawyer, Sir Desmond de Silva QC, to conduct a review of all the available documentation in relation to the case of Patrick Finucane in order "to produce a full public account of any involvement by the Army, the Royal Ulster Constabulary, the Security Service or other UK Government body in the murder of Patrick Finucane".

Amnesty International said the decision reneged on past promises that the government would establish a public inquiry to investigate the killing of Patrick Finucane. The organization urged the government to honour its commitment to hold a public inquiry and set about its establishment without delay.

The proposed review falls far short of the requirements of international human rights law to ensure that there is an effective, independent, impartial and thorough investigation into the killing of Patrick Finucane. A review of documentation by Sir Desmond de Silva QC, regardless of how thorough it is, would remain an inadequate substitute for an inquiry held in public, with powers to compel witnesses and testimony, and conducted with the full participation of the family members.

Patrick Finucane, a prominent criminal defence and civil rights lawyer, was shot dead in front of his wife and three children by loyalist paramilitaries at his Belfast home on 12 February 1989. He was shot 14 times and his wife, Geraldine, was also injured in the attack, most likely by a ricochet bullet. The Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF) claimed responsibility for the attack. In the aftermath of Patrick Finucane's killing, extensive and compelling evidence emerged that his killing took place within the context of widespread state collusion with loyalist paramilitary groups. Since then, further evidence has given rise to strong suspicions that numerous state agencies may have played a role in covering up state collusion in his murder. In his statement before Parliament, the Secretary of State accepted the conclusions from previous reports that there had been collusion in Patrick Finucane's killing, and apologized to the family for that collusion, but stated that "we do not believe that more costly and open-ended inquiries are the right way to deal with Northern Ireland's past."

Patrick Finucane's family members have expressed their disappointment and anger in response to this latest development. For over two decades, they have campaigned to learn the truth about what happened, and to ensure that those responsible are brought to justice. In a statement issued following the family's 11 October meeting with the Northern Ireland Secretary and the Prime Minister, during which they received the news that there would be no public inquiry, Geraldine Finucane, the widow of Patrick Finucane, said:

"After 23 years of campaigning, 23 years of questions, 23 years of travelling the world gathering support for a public inquiry into Pat's murder, the offer of a 'review of the papers' is nothing less than an insult [...] My family will not be allowed to participate in this review. We

will not be permitted to question witnesses. We will not be given copies of documents. In short, we are being asked to accept the result of a process from which we are completely excluded [...] We have no hesitation in rejecting this sham proposal and will not be participating in it under any circumstances. It is a shoddy, half-hearted alternative to a proper public inquiry. It is not what we have sought for the last 23 years. It represents yet another broken promise by the British Government who still fear a public inquiry into the murder of Pat Finucane and cannot bring themselves to uncover or confront the truth.”

In cases where the state is alleged to have been involved in a person’s death, in this case collusion in the killing of a lawyer, there is an obligation on the state to ensure that the death is investigated in an effective, impartial, independent and thorough manner. Such an investigation is essential to ensuring that those responsible are held to account, that public confidence in the rule of law is upheld, and that lessons are learnt. Further, the victim’s family must be afforded the opportunity to effectively participate in any such investigation in order to secure their right to an effective remedy and reparation.

The case of Patrick Finucane is the sole case outstanding from the Cory Collusion Inquiry (see background information below). A full public inquiry was recommended. The government now accepts that there was collusion in the killing of Patrick Finucane. And yet no inquiry is to be established.

The UK government’s continuing failure to fully and effectively investigate Patrick Finucane’s killing is a stain on its human rights record and undermines efforts toward accountability for the legacy of serious human rights violations in Northern Ireland. It must correct this failure and deliver the promised public inquiry.

Background information

In May 2002, the UK and Irish governments appointed Justice Peter Cory - a former Canadian Supreme Court Judge - to investigate a number of killings in which government security forces were reported to be involved, including the killing of Patrick Finucane. Justice Cory submitted his reports in October 2003, but it was not until six months later that the UK authorities finally published them, simultaneously announcing the creation of public inquiries into three other cases. However, despite Justice Cory’s unequivocal conclusion that, in the case of Patrick Finucane, "only a public inquiry will suffice" and a promise by the government that if Judge Cory recommended a public inquiry there would be one, to date, there has never been an independent, impartial, effective and thorough inquiry into his killing. The public inquiries in the other three cases—the killings of Rosemary Nelson, Robert Hamill and Billy Wright—have taken place, and all three inquiries have completed their reports (although in the case of the Robert Hamill Inquiry, the report remains unpublished pending criminal proceedings). In the Republic of Ireland, a tribunal of inquiry is currently underway to investigate allegations of collusion by Irish gardai in the killing of two RUC officers.

Kenneth Barrett, a former loyalist paramilitary, was convicted in 2003 of the murder of Patrick Finucane. Since he had pleaded guilty to 12 charges, including that of the murder of Patrick Finucane, no significant information about alleged state collusion in the killing or about the alleged subsequent official cover-up emerged in court.

In July 2003 the European Court of Human Rights ruled that “the proceedings following the death of Patrick Finucane failed to provide a prompt and effective investigation into the allegations of collusion by security personnel”, and as a result the UK government had violated of Article 2 (the right to life) of the European Convention on Human Rights (ECHR) Following this decision, the UK government led the Finucane family and the Committee of Ministers (which oversees implementation of European Court judgments) to believe that it would comply with the Court’s judgment by holding an ECHR-compliant inquiry.

An initial murder investigation into Patrick Finucane’s killing was carried out by the Royal

Ulster Constabulary (RUC), the police force operating in Northern Ireland at the time. In September 1989, the Chief Constable of the RUC appointed Sir John Stevens to investigate allegations of collusion between members of the security forces and loyalist paramilitaries. John Stevens eventually carried out three investigations (known as “Stevens 1”, “Stevens 2” and “Stevens 3”) into allegations of collusion. In 2003 Sir John Stevens confirmed that his investigations had uncovered evidence of “collusion, the willful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder”. The full findings of the three investigations conducted by John Stevens, however, have remained secret, not only from the public but also from the Finucane family and their lawyers. None of the Stevens investigations have ever addressed, in a public, independent and impartial manner, the allegations of collusion that surrounded Patrick Finucane’s killing.

In June 2007, following a lengthy delay, the Director of Public Prosecutions for Northern Ireland announced that no further charges would be brought following the review of the material submitted by the third investigation conducted by Sir John Stevens (‘Stevens 3’).

Further information:

UK/Northern Ireland: Patrick Finucane: twenty years on, still no inquiry, AI Index: EUR 45/002/2009, 11 February 2009, <http://amnesty.org/en/library/info/EUR45/002/2009/en>

United Kingdom, Human Rights: A broken promise, AI Index EUR 45/004/2006, February 2006, <http://amnesty.org/en/library/info/EUR45/004/2006/en>

UK: An inquiry into Finucane – but what kind? Press release, AI Index EUR 45/024/2004, 23 September 2004, <http://amnesty.org/en/library/info/EUR45/024/2004/en>

Public inquiry must be held into Finucane killing, Joint statement from Amnesty International, British Irish Rights Watch, the Committee on the Administration of Justice and Human Rights First, AI Index EUR 45/022/2004, 16 September 2004, <http://amnesty.org/en/library/info/EUR45/022/2004/en>

UK/Northern Ireland: Patrick Finucane’s killing - official collusion and cover up, AI Index EUR 45/26/2000, 1 February 2000, <http://www.amnesty.org/en/library/info/EUR45/026/2000>

UK/Northern Ireland: Human rights groups support inquiry into Finucane murder, AI Index EUR 45/09/1999, 11 February 1999, <http://www.amnesty.org/en/library/info/EUR45/1999>

United Kingdom: Political killings in Northern Ireland, AI Index EUR 45/001/1994, 9 February 1994 <http://www.amnesty.org/en/library/info/EUR45/001/1994/en>

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