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UK: An inquiry into Finucane - but what kind?

Today, the UK authorities have finally announced that an inquiry into the 1989 killing of Patrick Finucane in Northern Ireland will be established. However, instead of announcing a *public* judicial inquiry under the Tribunal of Inquiry (Evidence) Act 1921, the UK authorities have stated that the inquiry will be held on the basis of legislation to be introduced shortly.

Amnesty International views this announcement with great suspicion. It states that the Finucane inquiry will require the introduction of new legislation to take account of "the requirements of national security". In light of this, Amnesty International strongly suspects that the UK authorities are using "national security" to curtail the ability of the inquiry to shed light on state collusion in the killing of Patrick Finucane; on allegations that his killing was the result of an official policy and that different government authorities played a part in the subsequent cover-up of collusion in his killing.

"With this announcement, the UK authorities are making the 'public interest' subservient to 'national security'. However, the public interest can only be served by ensuring public scrutiny of the full circumstances of Patrick Finucane's killing and its aftermath," Amnesty International said today.

A further concern is the fact that in their statement the UK authorities do not commit themselves to setting up a *public* inquiry. The failure to set up a *public* inquiry would amount to renegeing on their commitment to fully comply with Justice Peter Cory's recommendation. In his October 2003 report into the Finucane case, Justice Cory concluded unequivocally that "*only a public inquiry will suffice*".

Background

Patrick Finucane, an outspoken human rights lawyer, was shot 14 times in his home in Belfast, Northern Ireland in 1989 by loyalist paramilitaries. His was just one among a number of killings alleged to have been carried out with the collusion of UK security forces.

In the aftermath of Patrick Finucane's killing, substantial and credible allegations of state collusion began to emerge almost immediately. Since then, *prima facie* evidence of criminal conduct by police and military intelligence agents acting in collusion with loyalist paramilitaries in the killing has emerged. In addition, allegations have emerged of a subsequent cover-up by different government agencies and authorities, including the police, the British Army, MI5 (the UK Security Service, officially "responsible for protecting the UK against threats to national security") and the office of the Director of Public Prosecutions in Northern Ireland.

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 April 2004 that the UK authorities finally published them, simultaneously announcing the creation of public inquiries into three cases. However, they refused to announce a public inquiry into Patrick Finucane's case despite Justice Cory's unequivocal conclusion that in his case *"only a public inquiry will suffice"*. Instead, the authorities have referred to *"set[ting] out the way ahead at the conclusion of prosecutions"*.

On 16 September 2004, Kenneth Barrett, a former loyalist paramilitary, was convicted of, and sentenced for, the murder of Patrick Finucane. His was the only outstanding prosecution arising from the case. Kenneth Barrett's conviction removed any purported justification on the part of the UK authorities not to immediately initiate a public inquiry into the allegations of collusion in Patrick Finucane's killing.

Public Document

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