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UK: The government must withdraw the Inquiries Bill and act on its promise

On the eve of the 16th anniversary of the murder of human rights lawyer Patrick Finucane, Amnesty International is reiterating that only a public independent inquiry can deliver the truth about his death and ensure that the rule of law is upheld.

"Only a public inquiry established under the Tribunals of Inquiry (Evidence) Act 1921 will be able to shed light on collusion by state agents with Loyalist paramilitaries; on reports that Patrick Finucane's death was the result of state policy; and on allegations that different government authorities played a part in the subsequent cover-up of collusion in his killing," Amnesty International said.

The UK government has reneged on its promise to act on the recommendation of Justice Cory, a former Canadian Supreme Court judge, that a public inquiry be held in the case of Patrick Finucane. Instead it has stated that Patrick Finucane's case would be the subject of an inquiry under the new Inquiries Bill now going through parliament. The government has also stated that the Bill aims to take account of "the requirements of national security".

Amnesty International believes that the UK government is trying to eliminate independent scrutiny of its agents' actions by introducing the new Inquiries Bill. The organization is concerned that the enactment of this Bill would mean the repeal of the Tribunals of Inquiry (Evidence) Act 1921.

"An inquiry under the Inquiries Bill would not be effective, independent, impartial or thorough. Nor would it provide for public scrutiny of all the relevant evidence," Amnesty International said.

"This Bill will affect not only Patrick Finucane's case, but also other major incidents which would warrant public scrutiny of the actions of the state. For example failures of public services, deaths in prisons, rail disasters, army deaths in disputed circumstances, etc."

Amnesty International fears that, if enacted, the Inquiries Bill would represent the death knell of any possibility of public scrutiny of and accountability for state abuses. In addition, any inquiry under this legislation would fall far short of the requirements in international human rights law and standards for effective remedies for victims of human rights violations and their families.

Amnesty International calls for the withdrawal of this draft legislation and for the government to engage in a serious consultation process about any future changes in the running of public inquiries. Public inquiries are one of the most critical mechanisms to ensure that human rights and the rule of law are upheld.

Background

Patrick Finucane, an outspoken human rights lawyer, was shot dead in his home in Belfast, Northern Ireland, on 12 February 1989 by Loyalist paramilitaries. In the aftermath of his killing, *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.

In May 2002, the UK and Irish governments appointed Justice Peter Cory to investigate a number of killings in which official collusion was alleged, including in the killing of Patrick Finucane.

In April 2004, the UK authorities published Justice Cory's reports but refused to announce a public inquiry into Patrick Finucane's case despite the unequivocal conclusion that in his case "*only a public inquiry will suffice*".

On 16 September 2004, Kenneth Barrett, a former loyalist paramilitary, was convicted of, and sentenced for, the murder of Patrick Finucane.

Instead of announcing a public judicial inquiry under the Tribunals of Inquiry (Evidence) Act 1921, the government has hastily put forward the Inquiries Bill to Parliament. There was no consultation prior to the publication of the Bill in the form of a white paper or concrete proposals.

Under the Inquiries Bill:

- the inquiry and its terms of reference would be decided by the executive; no independent parliamentary scrutiny of these decisions would be allowed;
- the chair of the inquiry would be appointed by the executive and the executive would have the discretion to sack any member of the inquiry;
- the decision on whether the inquiry, or any individual hearings, would be held in public or private would be taken by the executive;
- the decision to issue restrictive notices to block disclosure of evidence would be taken by the executive;
- the final report of the inquiry would be published at the executive's discretion and crucial evidence could be omitted at the executive's discretion, "in the public interest".

Public Document

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