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UK – The Finucane Case: Judiciary must not take part in inquiry sham

Patrick Finucane: human rights lawyer, murdered by Loyalists in collusion with UK intelligence agencies. An inquiry into his case held under the Inquiries Act 2005 would be a sham.

On 12 February 1989, Patrick Finucane, an outspoken human rights lawyer, was shot dead at his home in front of his wife and children in Belfast, Northern Ireland, by Loyalist paramilitaries.

In the aftermath of his killing, evidence emerged that police and military intelligence agents had colluded with Loyalist paramilitaries in his murder, as well as allegations of an official cover-up of such collusion.

In April 2004 an independent report, commissioned by the UK and Irish governments, concluded that "only a public inquiry will suffice" in the Finucane case.

Instead, the UK government has said it will set up an inquiry under the new Inquiries Act 2005.

Under the Act, any inquiry would be controlled by the executive which is empowered to block public scrutiny of state actions. The Act undermines the rule of law, the independence of the judiciary and human rights protection. It cannot be the foundation for an effective, independent, impartial or thorough judicial inquiry into serious allegations of human rights violations.

Amnesty International is calling on:

- the UK authorities to establish immediately a truly independent public inquiry into the Finucane case;
- all senior judges in England, Wales and Scotland, as well as on judges in other common law countries, not to serve on an inquiry into Patrick Finucane's case if held under the Inquiries Act 2005.

Call to action

Please write to the three senior judges below to request that they notify all judges in England, Wales and Scotland about Amnesty International's concerns regarding the holding of an inquiry into the Finucane case under the Inquiries Act 2005.

You can base your appeals on the letter below.

Sample letter

Dear Lord **[add surname]**,

I am writing to express my concern over the UK government's stated intention to hold an inquiry into Patrick Finucane's case under the Inquiries Act 2005.

As you may know, more than 16 years after the killing of Patrick Finucane -- an outspoken human rights lawyer -- by Loyalist paramilitaries with the alleged collusion of police and military agents, the UK government continues to refuse to hold a truly independent public inquiry into these allegations. The Inquiries Act 2005 empowers the UK authorities to block public scrutiny of state actions and

undermines the independence of the judiciary. Any inquiry held under such legislation would fall far short of international human rights standards. Amnesty International considers that any judge sitting on such an inquiry would be presiding over a sham.

Geraldine Finucane, Patrick Finucane's widow, has recently called on all senior judges in England, Wales and Scotland not to serve on an inquiry into her husband's case held under this new legislation.

In light of the above, I urge you to ensure that all members of the judiciary in your jurisdiction are made aware of these extremely serious concerns.

Amnesty International is urging those members of the judiciary who may be approached by the UK authorities to sit on an inquiry into the Finucane case held under the Inquiries Act 2005 to decline to do so.

I thank you in advance for your urgent attention to the concerns expressed in this letter.

Yours sincerely,

Please send appeals to:

Lord Bingham of Cornhill,
The Senior Law Lord
Law Lords Corridor
House of Lords
London SW1A 0PW
United Kingdom

The Rt. Hon. The Lord Woolf
Lord Chief Justice of England and Wales
Royal Courts of Justice
Strand, London WC2A 2LL
United Kingdom

The Rt. Hon. The Lord Cullen of Whitekirk
Lord President
The Supreme Court
11 Parliament Square
Edinburgh EH1 1RQ
Scotland
United Kingdom

Salutation Dear Lord [surname]



Patrick Finucane: outspoken human rights lawyer
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Thank you for taking this action. With your support we can make a difference.

Take further action on this case.

Since the UK authorities may be attempting to approach members of the judiciary in other countries, especially countries with a common law system, such as: Australia, Canada, Ireland, New Zealand, the United States of America, South Africa, Sri Lanka and India, it would be helpful if you could write to the heads of the judiciary in these countries to outline Amnesty International's concerns over the UK authorities' stated intention to hold an inquiry into the Finucane case under the Inquiries Act 2005.

Please write to the heads of judiciary in the countries below to request that they notify all senior judges in their respective countries about Amnesty International's concerns regarding the holding an inquiry into the Finucane case under the Inquiries Act 2005.

You could use the following sample letter:

Dear Chief Justice [except for South Africa: Dear President]

I am writing to express my concern over the UK government's stated intention to hold an inquiry into Patrick Finucane's case under the Inquiries Act 2005.

More than 16 years after the killing in Northern Ireland of Patrick Finucane - an outspoken human rights lawyer - by Loyalist paramilitaries with the alleged collusion of UK police and military agents, the UK government continues to refuse to hold a truly independent public inquiry into these allegations. Instead, the UK authorities intend to establish an inquiry into this case under the Inquiries Act 2005. The Act empowers the UK authorities to block public scrutiny of state actions. Any inquiry held under such legislation would fall far short of international human rights standards. Amnesty International considers that any judge sitting on such an inquiry would be presiding over a sham.

Lord Saville of Newdigate, a UK Law Lord, has stated that the Act "is likely to damage or destroy public confidence in the inquiry and its findings"; and a former Canadian Supreme Court judge has highlighted that "the new Act would make a meaningful inquiry impossible" in the case of Patrick Finucane.

In light of the above, I urge you to ensure that all members of the judiciary in your country are made aware of these extremely serious concerns.

Amnesty International is urging those members of the judiciary who may be approached by the UK authorities to sit on an inquiry into the Finucane case held under the Inquiries Act 2005 to decline to do so.

I thank you in advance for your urgent attention to the concerns expressed in this letter.

Addresses

AUSTRALIA

Chief Justice Gleeson, QC AC
Chief Justice of the High Court of Australia
PO Box 6309
KINGSTON
Canberra
Australian Capital Territory, 2604
Australia

CANADA

The Right Honourable Beverley McLachlin, P.C.
Chief Justice of the Supreme Court of Canada
301 Wellington Street
Ottawa
Ontario
K1A 0J1
Canada

IRELAND

The Honourable Mr. Justice John L Murray
Chief Justice of the Supreme Court
Four Courts
Dublin 7
Ireland

NEW ZEALAND

Rt. Hon. Dame Sian Elias, GNZM
Chief Justice of New Zealand
PO Box 61
Wellington
New Zealand

UNITED STATES OF AMERICA

Chief Justice William H. Rehnquist
Chief Justice of the United States
Supreme Court of the United States
Washington, DC
20543
USA

SOUTH AFRICA

The Honourable CT Howie
President of the Supreme Court of Appeal
Supreme Court of Appeal
Corner Elizabeth and President Brand Streets
Bloemfontein
PO Box 258
9300
South Africa

SRI LANKA

Chief Justice Sarath Silva
Chief Justice of the Supreme Court of Sri Lanka

Superior Courts Complex
Colombo 12
Sri Lanka

INDIA

The Honourable Mr. Justice Ramesh Chandra Lahoti
Chief Justice of the Supreme Court Of India
Supreme Court of India
Tilak Marg
New Delhi
India

Salutation Dear Chief Justice – apart from South Africa: Dear President