

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

United Kingdom/Northern Ireland: Still no public inquiry twenty-five years after the killing of Patrick Finucane

AI Index EUR 45/003/2014
12 February 2014

On the twenty-fifth anniversary of the killing of Patrick Finucane, Amnesty International reiterates its call on the UK government to hold an independent public inquiry into the circumstances of his death.

The refusal to establish an independent, public inquiry into Patrick Finucane's killing is symptomatic of a broader failure by the UK government to live up to its obligation to address the legacy of past human rights violations and abuses in Northern Ireland.

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.

In October 2011 the UK government ordered a paper review of available evidence by Sir Desmond de Silva QC. The de Silva report published in December 2012 identified a number of ways in which the state and its agents colluded in the Finucane killing, including:

- leaking information to loyalist paramilitaries, including the UDA;
- failing to act on information that Patrick Finucane was under threat of attack by loyalist paramilitaries;
- playing "key roles" in the actual killing, including by facilitating access to the murder weapon;
- refusing to investigate, arrest, and prosecute UDA operatives at the time, despite evidence of their criminality; and
- covering up collusion in the Finucane killing for two decades.

The de Silva report, despite employing an unnecessarily narrow and limited definition of collusion was unequivocal in its finding that collusion took place. The findings of the report, instead of replacing the need for a public inquiry, further strengthened the urgent need for one. The materials uncovered by the review, added to what was already in the public domain, highlighted the scale of the collusion, which is a matter of significant public interest. A public inquiry could further examine the scale, extent and methods of the pattern of violations and the chain of responsibility in relation to collusion, including the potential role of senior government members and officials.

In December 2012, the UK Prime Minister acknowledged "shocking levels of State collusion" in the killing of Patrick Finucane, and apologized publicly to the family. Notwithstanding these acknowledgments, the UK government remains steadfast in its refusal to order a public inquiry into the killing, repeatedly invoking a fear of "costly and open-ended inquiries" relating to past human rights violations and abuses in Northern Ireland.

Patrick Finucane's son, John Finucane, himself now a lawyer, said to Amnesty International:

Today marks the 25th anniversary of the murder of my father Patrick Finucane. [...] Whilst so much is now known that was previously hidden, it is clear that the full truth and circumstances surrounding my father's murder have yet to be revealed. The de Silva Report is a shocking and disturbing examination of what went on in Ireland during the 80s and 90s. Many lives were lost as well as my father's, and undoubtedly there has been much progress in the criminal justice system and Irish society since then. However the past remains a divisive and caustic issue in our society today. The British government have added to this deep sense of mistrust when they continue to renege on their promise to enact a full public inquiry into Pat's killing.

We continue to feel the deep personal loss even after 25 years, yet we remain convinced the best way to honour what my father stood for in life, and in death, is to continue our campaign for truth and justice.

The United Kingdom's obligations under international human rights law, namely Article 2 (the right to life) of the European Convention on Human Rights (ECHR), are clear: it must establish an independent, thorough and impartial inquiry into the killing of Patrick Finucane without further delay.

Background

In 2001, the Weston Park agreement, reached between the governments of the UK and Ireland, included the decision to jointly appoint an international judicial figure to examine six key cases where collusion had been alleged, including the killing of Patrick Finucane, and "*[i]n the event that a Public Inquiry is recommended in any case, the relevant Government will implement that recommendation.*" 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 UK 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, the Smithwick Tribunal of inquiry recently concluded its investigation into collusion by Irish Gardaí 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 of the ECHR. Following this decision, the UK government led the Finucane family and the Committee of Ministers (which oversees implementation of European Court of Human Rights' 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').

In October 2011, then Secretary of State for Northern Ireland Owen Paterson announced that the UK government had appointed Sir Desmond de Silva QC to conduct a documentary review of evidence related to the killing. The review's report was published the following December.

In September 2013, Amnesty International released a report titled "Northern Ireland: Time to Deal with the Past", which assessed the work of mechanisms currently in place to investigate past human rights abuses by armed groups, and human rights violations by state actors committed during the three decades of political violence. The report concluded that the existing mechanisms were inherently deficient and too often failed to deliver truth and justice to victims and their families. Amnesty International has called for a new comprehensive approach to the past that would be capable of fully and effectively investigating the violations and abuses committed by all sides and would contribute to securing truth and justice for victims.

For further information see:

- Northern Ireland: Time to deal with the past, AI Index: EUR 45/004/2013, September 2013, <http://amnesty.org/en/library/info/EUR45/004/2013/en>
- United Kingdom/Northern Ireland: Deplorable government decision to renege on promise of public inquiry into Finucane killing, AI Index: EUR 45/017/2011, 13 October 2011, <http://amnesty.org/en/library/info/EUR45/017/2011/en>
- 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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