

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 45/016/2003 (Public)
News Service No: 158
1 July 2003

UK: Human rights groups welcome European ruling on Finucane case

Amnesty International, British Irish Rights watch, and the Committee on the Administration of Justice today welcomed the ruling of the European Court of Human Rights in the case of Patrick Finucane.

The European Court of Human Rights found that Patrick Finucane's right to life, which is protected under Article 2 of the European Convention on Human Rights, had been violated in a number of ways:

The RUC, who were suspected of issuing threats against Patrick Finucane, were not sufficiently independent to conduct an effective investigation into the murder. The Court concluded that there were "serious doubts as to the thoroughness or effectiveness with which the possibility of collusion was pursued." The Court observed that, "as later events were to show however, there were indications that informers working for Special Branch or the security forces knew about, or assisted in, the attack on Patrick Finucane."

The inquest, which had refused to accept evidence of threats made against Mr. Finucane, "failed to address serious and legitimate concerns of the family and the public and cannot be regarded as providing an effective investigation into the incident or a means of identifying or leading to the prosecution of those responsible."

The Court criticised the DPP for failing to give reasons for the many decisions taken in relation to cases touching on the murder. The Court noted that where the police investigation is itself open to doubts about its independence, "it is of increased importance that the officer who decides whether or not to prosecute also gives an appearance of independence in his decision-making." They found, "notwithstanding the suspicions of collusion however, no reasons were forthcoming at the time for the various decisions not to prosecute and no information was made available either to the applicant or the public which might provide re-assurance that the rule of law had been respected. This cannot be regarded as compatible with the requirements of Article 2..."

While Stevens 1 and 2 apparently did not focus on the Finucane case, in any event the reports were never made public and the Finucane family were never informed of their findings, "the necessary elements of public scrutiny and accessibility of the family are therefore missing."

The Stevens 3 investigation, coming some ten years after the murder, "cannot comply with the requirement that effective investigations be commenced promptly and conducted with due expedition.

It is also not apparent to what extent, if any, the final report will be made public, though a summary overview has recently been published."

The European Court of Human Rights concluded, "the Court finds that the proceedings for investigating the death of Patrick Finucane failed to provide a prompt and effective investigation into the allegations of collusion by security personnel. There has consequently been a failure to comply with the procedural obligation imposed by Article 2 of the Convention and there has been, in this respect, a violation of that provision."

The human rights groups call on the government to take immediate action to give effect to the judgment of the Court. The organizations also call on the government:

To publish the reports of Stevens 1, 2 and 3.

To ensure that the DPP gives full reasons for the many controversial decisions that have been made in relation to the Finucane case, and

Most important of all, to immediately establish an independent, international public inquiry with full judicial powers of discovery and subpoena. As the European Court itself notes, international standards suggest that "in cases where government involvement is suspected, an objective and impartial investigation may not be possible unless a special commission of inquiry is established..."

A spokesperson for the three groups said, "this judgment confirms that there has been no effective investigation of the collusion in this murder. The Finucane family have been waiting fourteen years for justice. It is time the government stopped aiding and abetting those who have engaged in collusion and cover-ups, and allowed the full truth to be told about this case by establishing a public inquiry."

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