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Finucane case decision went against advice of top lawyers

01 July 2007 By Colm Heatley in Belfast

The decision by the Public Prosecution Service (PPS) in the North last week not to prosecute anyone in connection with the Stevens Inquiry into state collusion with loyalists in the North goes against the advice of top lawyers in London.

The PPS said no security force members would be charged in connection with the murder of Belfast solicitor, Pat Finucane, or any other victims examined by Sir John Stevens in his inquiry, which was passed on to the PPS in 2003.

The decision caused outrage among the victims' families and human rights groups.

The small portion of the Stevens Inquiry which has been made public states that the investigation found evidence of collusion between the security forces and loyalist in a series of murders in the North, including Finucane's, from the mid-1980s onwards.

It also emerged that RUC officers gave weapons back to loyalists which were later used to murder nationalists, including the 1992 Ormeau Road betting shop massacre, in which five Catholics were killed.

The Police Service of Northern Ireland (PSNI) and British government have so far not revealed if any of the officers implicated in serious allegations of collusion with killers are still serving members of the force.

Some Northern human rights groups fear that at least two of the officers are serving in the PSNI. The Finucane family said they were "perplexed" at the PPS decision not to take prosecutions.

The Sunday Business Post understands that before Stevens passed the findings of his inquiry to the PPS in 2003 he sought legal advice from two top barristers in England. The barristers told him that of 40 cases examined in his inquiry, 25 were strong enough to bring a prosecution.

Based on that advice, Stevens handed the files to the PPS in the North. However the PPS, after having the files for more than four years, decided that nobody would be brought before the courts due to a "lack of evidence".

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In 2003, the North's PPS was heavily criticised by the European Court of Human Rights over its handling of the Finucane case.

In a damning report the court found that the PPS did not provide information in any of its decisions relating to Finucane which would "reassure the public that the rule of law had been respected".

John Finucane said his father's murder can only be properly investigated through a public inquiry.

"This PPS decision vindicates our family's repeated calls to have my father's murder investigated through a public inquiry," he said.

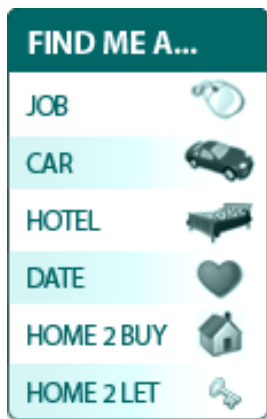
"That is the only forum for the investigation. We have already put in a request to meet Gordon Brown and that will be our central message."

Victims of collusion also called for the British government to release the Stevens Inquiry in its entirety now that the PPS decision has been made public.



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