

PARLIAMENTARY STATEMENT BY SECRETARY OF STATE

1. At Weston Park in the summer of 2001, the British and Irish Governments announced their intention to appoint a judge of international standing to look at six cases - the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, Pat Finucane, Lord Justice and Lady Gibson, Robert Hamill, Rosemary Nelson and Billy Wright. Both Governments acknowledged that these were the source of grave public concern. The two Governments are determined that where there are allegations of collusion the truth should emerge. These murders were horrific events, causing pain to the families which still continues today.
2. In May 2002, the two Governments announced the appointment of the Honourable Justice Peter Cory, a retired member of the Canadian Supreme Court, to conduct the investigation. Justice Cory presented separate reports to the British and Irish Governments on 7 October.
3. I am grateful to Justice Cory and his team for their hard work and commitment. In undertaking this important task he has laboured long hours at significant personal cost. I am grateful to the families who spoke to him and to all those who made submissions to him.
4. In presenting his reports to the Governments, Justice Cory expressed the hope that his investigation would contribute to the very difficult task of achieving peace and reconciliation in Northern Ireland. I share that wish.
5. I want to make clear at the outset the unequivocal view of the Government that, without the professional and steadfast work of the police, army, prison service and many others in the wider public service over many years, we would not have achieved the progress we have made towards securing a permanent peace and enduring reconciliation. That is, I believe, both a justified and necessary acknowledgement which I warmly give to this House.

Findings

6. I am today publishing the four reports which were presented to the British Government – those relating to Pat Finucane, Robert Hamill, Rosemary Nelson and Billy Wright. In line with Justice Cory's terms of reference, the only redactions which have been made are those which were necessary to ensure that the privacy and right to life of individuals is protected, and that the Government's obligations in relation to ensuring justice and protecting national security are maintained. Redactions are clearly shown in the text. As agreed with the Judge, redacted text will be placed in secret sealed appendices.

7. Justice Cory presented his reports on 7 October. The reports are extensive and in total are around 500 pages long. Since we received the Judge's reports we have had to consider most carefully a number of important issues as we said we would in the Judge's terms of reference: national security, the protection of life, the criminal justice process and fairness to those named in the reports. In two of the four cases police investigations or prosecutions continue, and in a third prosecutions were pending until very recently. We have kept in touch with Justice Cory throughout this process.

8. We have considered carefully our obligation to ensure fairness to individuals. At our request, Justice Cory has added a foreword to the reports which makes clear that it was not his task to make final determinations of fact or attributions of responsibility. His findings are necessarily provisional.

9. I would of course have liked to be able to publish the reports sooner. But the Government has a duty to ensure that it meets all its obligations, including fairness not only to the families but also to those who could be identified in the reports.

10. Justice Cory's approach has been to adopt a very wide definition of collusion which covers both inaction as well as actions, and patterns of behaviour as well as individual acts of collusion. On this basis, the Judge has decided that there are instances in each case where it could be provisionally found there was collusion. He recommends in each case that these questions should be examined and tested further in the course of inquiries.

11. For this reason, the Government has not taken a view on the provisional findings which Justice Cory has reached as a result of his wide definition of collusion. But his reports raise matters that will cause serious concern. I agree wholeheartedly with Justice Cory's view that the public must have confidence in public institutions.

Government Response

12. The Government stands by the commitment we made at Weston Park.

13. In the Wright case, there are no outstanding investigations or prosecutions and the inquiry will start work as soon as possible. It will be established under the Prison Act (Northern Ireland) 1953.

14. In the Finucane case, an individual is currently being prosecuted for the murder. The police investigation by Sir John Stevens and his team continues. It is not possible to say whether further prosecutions may follow. The conclusion of the criminal justice process in this case is thus some way in the future. For that reason, we will set out the way ahead at the conclusion of prosecutions.

15. In the Hamill case, there are now no outstanding investigations or prosecutions. The public inquiry will be set up as soon as possible under the Police (Northern Ireland) Act 1998.

16. The police investigation in the Nelson case continues, but is expected to end in the next few months. The Chief Constable has advised me that the establishment of a public inquiry would not prejudice the investigation. The inquiry will therefore begin work as soon as possible, also under the Police (Northern Ireland) Act 1998. It will examine the actions of the police and the Northern Ireland Office.

17. I recognise that the requirement in the Finucane case to wait until criminal proceedings are complete will cause disappointment to some. But public interest demands that prosecutions should be pursued to their conclusion and wrongdoers

punished. As Justice Cory says, ‘Society must be assured that those who commit a crime will be prosecuted and if found guilty punished.’

18. The inquiries which I am announcing will have the full powers of the High Court to compel witnesses and papers. These are the same powers as inquiries set up under the Tribunals of Inquiry (Evidence) Act 1921, under which the Bloody Sunday Inquiry is operating. In addition, the Police and Prisons Acts enable me as Secretary of State to make provision for certain matters, for example about costs and expenses.

Length and Cost of Inquiries

19. I know that concern has been expressed in this House and elsewhere about the length and cost of some public inquiries. In particular, there are concerns about the costs of the Bloody Sunday Inquiry – £129.9m to date, with a predicted final cost of £155m.

20. Of course I understand this unhappiness. But setting up that Inquiry was the right thing to do. I commend the work of Lord Saville and his team. Having established the Inquiry, it must run its course if it is to be fair to individuals and the truth is to emerge.

21. We will of course take all reasonable steps to control costs in the inquiries I have announced today, including capping legal costs as appropriate. We will ensure that the inquiries have the maximum powers, as well as aiming for better, quicker inquiries.

22. Even so, these inquiries will inevitably mean the commitment of significant resources. The Government recognises the desire of people to see public funds spent on delivering better public services and effective policing. I recognise public concern about further expenditure on inquiries into the past.

Conclusion

23. This Government has shown repeatedly that the state is open to scrutiny for its actions. We established the Bloody Sunday Inquiry. The investigation by Sir John Stevens continues and has yielded prosecutions. We appointed Justice Cory, with the Irish Government. Wrongdoers will be brought to justice.

24. I firmly believe that the only way we can put the past behind us in Northern Ireland is by seeking to establish the truth. But that must be the truth about the actions of all those who have been involved in the tragedy of the past thirty years.

25. I started this statement with a warm tribute to the police, army, prison service and public service in general. I underline that again. Too many of them have lost their lives to terrorism. Their sacrifice is not forgotten.

26. But Justice Cory's reports raise serious questions which it is right to address further. I am under no illusions that confronting the past is a difficult and painful process. The Government and its agencies are ready to play their part. We need to find a way of remembering the past while at the same time not allowing it to hinder progress in the future. Northern Ireland needs greater reconciliation between the communities. That is where all our attention needs to be directed. We should ensure that we do not concentrate on divisive issues from the past at the expense of securing this.