

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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UK/Northern Ireland: Patrick Finucane: twenty years on, still no inquiry

On the eve of the twentieth anniversary of the killing of Patrick Finucane, Amnesty International is calling on the government of the UK to live up to its repeated promises to hold an independent public inquiry into the circumstances of his death.

Patrick Finucane was shot dead in front of his wife and three children at his home in Belfast, Northern Ireland on 12 February 1989. In the aftermath of his death, extensive and compelling evidence began to emerge that his killing took place within the context of widespread state collusion with armed groups. Further evidence has transpired since then, giving rise to a strong suspicion that state agencies may have played a part in attempting to cover up state collusion in his murder.

Twenty years later, the government of the UK has still failed to establish a genuinely independent public inquiry into all of the circumstances of his death, including into credible evidence that UK state agents colluded in the killing.

An independent public inquiry is a matter of real urgency. Some key witnesses who would have been crucial to any inquiry have already died; the recollection of others may be fading, and relevant documentation may be lost, or even destroyed.

This continued delay is also prolonging the pain and suffering of Patrick Finucane's family, who are denied the opportunity to know the facts about how he was killed.

Amnesty International urges the government of the UK to confront its obligations in this case once and for all by instigating, without further delay, the genuinely independent public inquiry which it has repeatedly promised. The allegations of serious human rights violations which have been made in this case will not go away: a continued failure to ensure that these allegations are subject to full and rigorous independent scrutiny will be profoundly corrosive of public confidence in the rule of law in the UK.

The UK government continues to insist that an inquiry in this case can only be held under legislation – the Inquiries Act 2005 – which will effectively extinguish the chances of a genuinely independent and effective investigation. In July 2008, the Human Rights Committee, an expert human rights body of the United Nations, expressed its concern at this legislation, because it "allows the government minister who established an inquiry to control important aspects of that inquiry". A minister who set up an inquiry under the 2005 Act could, for instance, order that the public be excluded from part of the hearings, and could order that material be withheld from the final published report of the inquiry.

Similar concerns about the provisions of the Inquiries Act have been voiced by senior members of the judiciary in the UK and elsewhere; by the Joint Committee on Human Rights of the UK parliament; and by national and international human rights organizations. Concerns have also been expressed in resolutions adopted by the Dáil in the Republic of Ireland, and by the House of Representatives of the Congress of the United States of America.

The UK government has repeatedly made it clear that it intends to use these powers to ensure that part of any inquiry into the killing of Patrick Finucane would be held in secret, behind closed doors, and in the absence of the Finucane family.

Background

Ever since he was killed, the family of Patrick Finucane have campaigned tirelessly for a genuinely independent public inquiry into the circumstances of his death. On 14 February 2009 a conference organized by the Finucane family, together with the non-governmental organization British Irish Rights Watch, will be held at Trinity College, Dublin, to consider the life and legacy of Patrick Finucane, and the ongoing efforts to secure accountability for his killing.

In October 1997 the then UN Special Rapporteur on the independence of judges and lawyers, Dato' Param Cumaraswamy, undertook a fact-finding mission to Northern Ireland to investigate allegations of intimidation and harassment of defence lawyers. In his report the Special Rapporteur said: "As a high profile lawyer who had tremendous success representing his clients, both before domestic courts and the European Court of Human Rights, [Patrick Finucane's] murder had a chilling effect on the profession and further undermined public confidence in the judicial system [...] so long as this murder is unresolved, many in the community will continue to lack confidence in the ability of the Government to dispense justice in a fair and equitable manner".

In July 2003 the European Court of Human Rights ruled, in the case of *Finucane v UK*, 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 that there had therefore been a violation of Article 2 of the European Convention on Human Rights in his case.

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.

Also in 2003 Sir John Stevens, a senior UK police officer who carried out three inquiries into allegations of collusion between the security forces and loyalist paramilitaries in Northern Ireland, confirmed that his investigations had uncovered evidence of "*collusion, the wilful 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 investigations conducted by John Stevens have, however, remained secret, not only from the public but also from the Finucane family and their lawyers.

In September 2004, following the partial publication of the report of the investigation into the case conducted by Justice Peter Cory, a retired Canadian Supreme Court judge, and pursuant to the agreement reached in 2001 at Weston Park between the governments of the UK and the Republic of Ireland on the implementation of the Good Friday Agreement, the then Secretary of State for Northern Ireland, the Rt Hon Paul Murphy MP, announced that "steps should now be taken to enable the establishment of an inquiry into the death of Patrick Finucane".

In June 2007, following an extremely 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 III').

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