

COMMISSION ON SECURITY AND CO-OPERATION IN EUROPE

UNITED STATES HELSINKI COMMITTEE

STATEMENT OF GERALDINE FINUCANE WEDNESDAY 5th MAY 2004, WASHINGTON D.C.

“Mr. Chairman, Members of the Committee on Security and Co-Operation in Europe, fellow speakers, ladies and gentlemen:

My name is Geraldine Finucane. My husband was Patrick Finucane, the Belfast solicitor murdered by Loyalist paramilitaries in 1989. My family and I have campaigned assiduously since Pat’s murder for a fully independent, judicial public inquiry into his murder. We have done so because of the existence of compelling evidence that Pat’s murder was part of an approved policy of widespread collusion between the British State and loyalist assassins that amounts to state murder by proxy.

I am very grateful for the opportunity I have been given to speak here today. I am grateful, but not happy that I have to do so. It is not the first time I have testified before an international committee; I have done so on numerous occasions in the past, as have other members of my family. The opportunity to testify before committees of international weight and standing has been an important facet of our struggle to highlight the circumstances surrounding the murder of my husband. Such committees are internationally recognised and carry weight. However, they are only a means to an end and it is the end that becomes ever more difficult to achieve in this case. The more committees I appear before, the more speeches I give, the more appearances I make, seem to highlight the issue further but push the end of the process farther away. In all of this, there is one constant: the equally assiduous and persistent efforts of the British state to avoid a public inquiry at all costs. It is not difficult to understand their motivation for this when one examines the evidence in the case.

Throughout the many years of campaigning that my family and I have been engaged in, the British government has never denied that they colluded with Loyalist paramilitaries. They have simply avoided dealing with my husband's case by employing one ruse after another. They have shifted the goalposts so many times that it is sometimes difficult to know where the playing field is. The all-consuming objective of the British government has been to delay the possibility that a public inquiry might have to be established within any kind of meaningful time-frame. Again, it is not difficult to understand their motivation for this when one examines the evidence in the case. Indeed, it is a strategy that has succeeded for the British government. Two key witnesses have died in the last fifteen years. Documentary evidence is, no doubt, missing. Recollections are fading fast. Each day that passes makes it all the more likely that the adage, "**justice delayed is justice denied**", will be all too apt in my husband's case.

My family and I have just witnessed the conclusion of one process of delay in our case. It is the process that gives rise to this hearing today and is a key example of the type of delaying tactic adopted by the British government. I refer, of course, to the investigation carried out by another of today's speakers, Judge Peter Cory.

Judge Cory was appointed under the terms of an agreement reached in July 2001 during political negotiations at a crucial point in the Northern Ireland peace process. The British and Irish governments agreed during these negotiations that they would jointly appoint "a judge of international standing from outside both jurisdictions to undertake a thorough investigation of allegations of collusion" in the murder of my husband, as well as five other controversial cases.¹ The two governments stated specifically that, if the judge recommended a public inquiry in any of the six cases, the relevant government would implement that recommendation.

Neither my family nor any other family was consulted about the Governments' proposals prior to agreement. We did not agree that a review of the evidence was necessary, even

¹ The other cases are the murders of: (1) Rosemary Nelson; (2) Robert Hamill; (3) Billy Wright; (4) Lord Justice and Lady Gibson; and (5) Chief Superintendent Harry Breen and Superintendent Bob Buchanan.

by a judge of international standing. It was nothing more than a further delaying tactic by the British Government to avoid establishing a public inquiry in the case.

Judge Peter Cory was appointed to the task of reviewing the six cases after considerable negotiation between the two governments about choice of judge. The appointment was supposed to be filled no later than April 2002. This did not happen on time and Judge Cory was not appointed until months after the agreed deadline. My family and I did not know who he was at the time of his appointment but he was recommended to us as someone possessed of a first rate mind that was abundant in independence and integrity.

My family met with him shortly before he began his work. At our first meeting with him, we explained our view that his investigation was unnecessary. I made it clear that I took no issue with him personally but that I could not accept his appointment because it was just another instance of British government delay. Given that he had only just been appointed to the job, he accepted our position with an admirable degree of composure. He even went so far as to say that if he were in our shoes, he would probably feel the same. However, the governments had decided upon this mechanism and, as such, we were all of us stuck with it. Judge Cory promised that he would conduct as thorough a review as possible in as short a time as possible. He said that he would begin with Pat's case as it was the largest. He said that he would complete all cases before revealing his findings. He said that he would insist that the commitments the two governments had made to him would be honoured and that he would not stand for any renegeing on agreements made. This was reassuring but hardly inspiring: Judge Cory was still, after all, an appointee of the British Government.

Judge Cory began his work in August 2002. He completed his work on all six cases in October 2003, several weeks ahead of schedule. He informed my family at all times of the progress of his work. He met with us on a number of occasions and answered our questions about his work, insofar as he could without compromising his position. He told us what he would do and has done it. To date, Judge Cory is the only person in any way connected with the British government who has kept his word to me and my family as

regards his involvement in my husband's case. The British Government have reneged on their commitments at every given opportunity and where possible have changed the conditions of those commitments.

One of the original terms of Judge Cory's appointment was that his reports would be made public as soon as possible after completion. He submitted his reports to the British government at the end of October 2003. By Christmas 2003, they remained unpublished. Some of the contents of the reports had been leaked to the Northern Ireland press. Speculation was rife among sections of the media about what Judge Cory's recommendations were. Some thought no inquiries had been recommended, others said four inquiries had been recommended, while the rest mused over every other possible permutation in between. The number of theories was seemingly endless but, sandwiched in between all of this newsprint hype, were several families that had no idea what was happening. Judge Cory was constrained by his terms of appointment and could not tell us. The British government would not. We know now that at this time they were engaged in a behind-the-scenes exercise of consultation with the agencies of the State that Judge Cory had investigated. The family of Pat Finucane, Rosemary Nelson, Billy Wright and Robert Hamill could not be permitted to know what exactly had been recommended about the murders of their relatives, but the State bureaux responsible for the murder was fully consulted and asked for its view on the matter. This process took another six months to complete. In that time, Judge Cory made a number of representations about the disclosure of the reports to the families concerned. If the reports could not be disclosed in their entirety then could the recommendation in each one not be disclosed? In the end, Judge Cory decided that he was not prepared to simply await the outcome of the British government negotiations and contacted my family directly to tell us that he had recommended a public inquiry be established in my husband's case. In the meantime, my family also decided not to wait for the British government to deign to tell us what we would be permitted to know and when. In February 2004, I launched an action in the courts to compel the government to publish Judge Cory's report. It was only after this action had been instigated that the government confirmed that it would at last publish the reports of Judge Cory on 1st April 2004.

On 1st April 2004, Mr. Paul Murphy MP, the Secretary of State for Northern Ireland, made a statement in the House of Commons.² I ask that this statement be included in the written record of today's hearing.

The Secretary of State confirmed that Judge Cory had recommended inquiries in all four cases that he had investigated in Northern Ireland. The Secretary of State said that the government proposed to establish inquiries in three of the cases immediately. In the cases of Robert Hamill and Rosemary Nelson, these would be established under the Police (Northern Ireland) Act 1998. In the case of Billy Wright, the inquiry would be held under the authority of the Prisons (Northern Ireland) Act 1953. In the case of my husband, the government proposed that it would “set out the way ahead at the conclusion of prosecutions”. No inquiry of any kind was mentioned. The government's response to Judge Cory's report was simply to say that “the way ahead” would be set out later.

I believe that the reason the British Government has avoided committing itself to an inquiry, as recommended by Judge Cory, is because it cannot face such an appalling prospect. The evidence in my husband's case shows clearly that the British State pursued a policy of state-sponsored assassination, using Loyalist paramilitaries as the killers. In pursuing this policy, the British were no better than many despotic regimes around the world that are condemned and even invaded for their appalling human rights record. In seeking to cover up what they did for so many years, the Government continues its policy of state-sponsored murder. Those responsible were rewarded at the time and are protected now in the aftermath. I believe that that Government policy now revolves around delaying the inquiry as long as possible. If it is delayed long enough, perhaps it will be possible to avoid an inquiry altogether.

I am now engaged in a court case against the British government to compel them to commence a public inquiry into the murder of my husband, as recommended by Judge Cory. I should not have to do this. The British Government made a commitment to implement the recommendations of Judge Cory and I believe that they are breaking that

² See Appendix One.

commitment by delaying the commencement of an inquiry. It is not difficult to understand the motivation behind this when one examines the evidence in the case. The British Government are trying to postpone the day when they will be exposed to the world as having engaged in the murder of their own citizens. They have delayed the establishment of an inquiry for fifteen years, despite calls from distinguished individuals and organisations worldwide that such an inquiry is necessary. Every domestic and international NGO that concerns itself with affairs in Northern Ireland has called for a public inquiry into my husband's case. The Northern Ireland Human Rights Commission has also done so. Every Law Society and Bar Council in England & Wales, Northern Ireland and the Republic of Ireland has done the same, as have a number of national and international bar associations. The former United Nations Special Rapporteur on the independence of judges and lawyers, Dato Param Cumaraswamy, has called for a public inquiry on four occasions. His successor, Mr. Despouy has done the same. The UN Special Representative on human rights defenders, the UN Special Rapporteur on torture and the UN Human Rights Committee have all supported our call for a public inquiry.

On the tenth anniversary of Pat's murder, over one thousand lawyers around the world signed a petition supporting the call for a public inquiry. The US House of Representatives has called for an inquiry. The Government of Ireland has repeatedly called for an inquiry through the Taoiseach, Bertie Ahern, and the Minister for Foreign Affairs, Brian Cowen. This was recently repeated by the Irish Government in a statement on the floor of the United Nations. A full list of those who have supported the call for a public inquiry is attached to this testimony and I ask that this be included also in the written record of today's hearing.³

I have spent the last fifteen years fighting to expose the truth behind the murder of my husband. I believe that the truth will remain hidden until a fully independent public judicial inquiry is established to investigate all of the circumstances. I would very much like to be able to tell this committee that the end was in sight, but I cannot. I can only see

³ See Appendix Two.

delay and obstruction ahead as the British Government attempts to continue its policy of postponement.

I will not stop until I achieve my goal but I hope that, one day, I will be able to stop because I will have done what I set out to do. The campaign that my family and I have engaged in is not an end in itself. It is a means to an end. The end I seek to achieve is a public, independent judicial tribunal of inquiry that will fully examine all of the evidence in my husband's case. There are those who would suggest that it should be foregone in the interest of the common good because an inquiry would be too damaging to the public interest. I believe that the public interest is best served in the opposite way. Instead of further concealment, I say that there should be openness and accountability. I say that let those be the bedrock of our new society, rather than continued delay and deceit. I hope not to have to go on forever in my campaign, but I do hope that the society we are building will survive forever. If it is to have any chance of that then it must know the complete truth of its past, so that it can learn all of the lessons necessary to provide a stable future. I ask for the support of this committee to make that hope a reality.

I thank the Committee for its time and this opportunity to testify.”

APPENDIX ONE

STATEMENT BY PAUL MURPHY MP,

SECRETARY OF STATE FOR NORTHERN IRELAND

1ST APRIL 2004, HOUSE OF COMMONS, WESTMINSTER, LONDON

APPENDIX TWO

LIST OF ORGANISATIONS SUPPORTING A PUBLIC INQUIRY INTO THE MURDER OF PATRICK FINUCANE

- the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Dato' Param Cumaraswamy;
- the United Nations Special Representative on Human Rights Defenders, Hina Jilani;
- the United Nations Human Rights Committee;
- Professor Sir Nigel Ridley, United Nations Special Rapporteur on Torture;
- Dr Claire Palley, UK nominee on the United Nations Commission on Human Rights;
- Peter Burns, Rapporteur on the UK for the Committee Against Torture;
- Viscount Colville of Culross QC, in his capacity as independent scrutineer of UK emergency laws;
- Sir Louis Blom-Cooper QC, Independent Commissioner for the Holding Centres;
- the Irish government;
- the House of Representatives of the US Congress;
- the House International Relations Committee, USA;
- the House Sub-committee on International Operations and Human Rights;
- the Northern Ireland Human Rights Commission;
- Amnesty International;
- the International Commission of Jurists;
- the International Federation of Human Rights;
- the Lawyers Committee on Human Rights;
- Human Rights Watch;
- Frontline;
- the International League for Human Rights;
- the Committee on the Administration of Justice;
- British Irish Rights Watch;
- Liberty;
- the Haldane Society;
- the Patrick Finucane Centre, Northern Ireland;
- Springhill Community House, Northern Ireland;
- Relatives for Justice, Northern Ireland;
- BBC journalist John Ware;
- Professor Brendan O'Leary;
- the Law Society of Northern Ireland;
- the Law Society of England and Wales;
- the Law Society of Ireland;
- the General Council of the Bar of England & Wales;
- the General Council of the Bar of Northern Ireland;
- the General Council of the Bar of Ireland;
- the International Bar Association;
- the American Bar Association;

- the Association of the Bar of the City of New York;
- the National Association of Criminal Defense Lawyers, USA;
- the Lawyers Alliance, USA;
- the Brehon Law Society, USA;
- the International Centre for Human Rights and Economic Development, Canada;
- the International Association of Democratic Lawyers;
- the European Democratic Lawyers Federation;
- the Norwegian Helsinki Committee;
- the Society of Labour Lawyers.