

Testimony of John Finucane
Helsinki Commission hearing
on
"Northern Ireland: Why Justice in Individual Cases Matters"

16 March 2011

Mr. Chairman, honorable members of Congress, I am once again grateful and privileged to be invited to address the US Helsinki Commission concerning the murder of my father, Belfast human rights lawyer Patrick Finucane.

I was 8 years old when loyalist gunmen broke into my home as my family and I enjoyed Sunday dinner together, and killed my father and wounded my mother. The brutality of the incident will never be forgotten, but what followed in the months and years thereafter elevated the act onto an international stage.

For over 22 years my family and our supporters have campaigned for the truth. We have asked questions of the British government's role in my father's killing, and as more evidence emerged, more questions were necessary.

This Commission will be fully aware that anyone who has concerned themselves with human rights in the north of Ireland has looked suspiciously at the government's role in the case of my father. I do not wish to rehearse what we have learned over the past 22 years, suffice to say that a credible and transparent examination of the case remains as important today as it ever has.

Whilst we were pleased with Tony Blair's administration announcing in 2004 that an inquiry needed to be held and would be, we despaired at the draconian legislation that we were told must be invoked to deal with it. The Inquiries Act 2005, under which any statutory based inquiry would have to be held, permits a government minister to '*trump*' the wishes of the Inquiry upon such issues as disclosure. In a letter to this commission, retired Canadian Supreme Court Justice Cory described the legislation as an '*Alice in Wonderland*' situation. His articulate and damning critique of this particular aspect of the law remains pertinent and appropriate.

In the stalemate that followed with the Labour government we were not hopeful of ever getting a meaningful inquiry. They confirmed the controversial Restriction Notice would be used and the draft version of this was as restrictive and farcical as we had feared. Given our opposition, there was no further engagement with us and all work building for an inquiry was halted.

However, in 2010, with the arrival of a new Secretary of State Owen Patterson, we were pleasantly surprised that he requested a meeting with us to hear for himself our concerns and current position. At this meeting he listened carefully and stressed that he wanted to move this issue forward in a way that would allow an inquiry to proceed with the family's involvement.

This initial optimism was diluted somewhat when he announced a consultation process to decide whether it remained in the public interest to have an inquiry at all. Whilst we initially found this bordering on insulting, we have met with the NIO's legal team on two occasions and sent our submissions to them. I have entered a copy of these for the official record today. We now await the Minister's announcement.

As the Commission will be fully aware, a public inquiry is a mechanism of last resort designed to reassure the public when something has gone badly wrong with a government agency. I can think of nothing graver than accusing a government's police, army, intelligence services and political hierarchy of

conspiring, executing and covering up the murder of my father and countless others. 22 years later and the issue remains as controversial as ever and rightfully attracts international attention.

There exists in Ireland today, those who seek to encourage and capitalise upon instability. Whilst the Good Friday Agreement has brought about tremendous change to the city and country I live in, the past always finds a way of dominating our present lives. The case of Patrick Finucane represents the worst of our past. Failing to deal with this case not only undermines public faith in the agencies of the state, but prevents our society from truly making a break from the past.

Prime Minister Cameron rightfully earned praise for the manner in which he dealt with the publication of the Bloody Sunday report. If he wants to show the world his administration is serious in securing peace then it must set up a fully independent and credible public inquiry without delay.

Thank you once again.