

British Government's delay on Finucane inquiry now critical –

Liz O'Donnell

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Speaking to an All-Party Dáil Motion supporting a full public inquiry into the murder of Pat Finucane, Deputy Liz O'Donnell said the British Government's credibility was being eroded as time passed.

On behalf of the Progressive Democrats I too welcome Mrs Geraldine Finucane and family members this evening. It is deeply regrettable that, seventeen years after her husband was murdered, the Dáil is calling for the long overdue public inquiry into his case.

Reading this motion, I am reminded of meeting with Mrs Finucane on the 10th anniversary of her husband's death, in my capacity as Minister of State at the Department of Foreign Affairs.

That meeting made a lasting impression with me, as did the confidential report which was given to the Government by the NGO British Irish Rights Watch into the allegations of collusion in the murder. The BIRW report entitled *“Deadly Intelligence - State Involvement in loyalist murder in Northern Ireland”* was based on a body of material from confidential contacts and sources and it examined collusion allegations in the Finucane murder.

Quite simply, that report concluded that there was an unanswerable case for an inquiry and that it was of urgent public interest. The report asserted there was machinery within the British system, which targeted people for murder. It raised issues of the most fundamental concern to all who uphold human rights and the rule of law.

One month later at the United Nations Human Rights Commission in Geneva, I urged a full response from the British Government to the British Irish Rights Watch report. Sadly, by that time I also had to urge them to have a full and transparent investigation into the murder of Rosemary Nelson - another murdered lawyer.

Shortly after my UN visit in April 1999, I wrote to the then Secretary of State for Northern Ireland, the late Mo Mowlam, enclosing the Government's assessment of the British Irish Rights Watch report.

I quote from my letter to her:

“As the assessment argues, the Finucane case and the associated allegations of collusion, fulfil the fundamental requirement of a public inquiry i.e. that the matter under consideration is of urgent public interest.”

While it is invidious to select one victim as more deserving than another I believe that the murder of a lawyer is different in symbolic terms. To blur the lines between client and lawyer by targeting the lawyer is a fundamental attack on rule of law and the concept of equality before the law.

One year later in February 2000, Mrs Fincuane urged the Taoiseach and me to support the family's bid for an independent public inquiry, which has continued to date. In the interim period, the Finucane family has had to wait until the Weston Park negotiations to agree the appointment of Judge Peter Cory, then, for his report to be finally published by the British Government in April 2004. Judge Cory's excellent report reaffirmed that collusion had taken place and also set out clearly the type of public inquiry needed in the case. Lord John Stevens completed three lengthy investigations. Only 17 pages of the third Stevens report was ever published, but even there he concluded that the British security services were complicit in the murder.

As Minister I approached the Pat Finucane case as a reckoning with the past, so as to signal that the new dispensation of the Good Friday Agreement represented a new reality and the promise of a new future. My letter to Mo Mowlam was written during a period of increased co-operation and collegiality in relations between the Irish and British Governments. That relationship has deepened over time with a common approach on so many issues between us both. It is all the more imperative, that in light of that understanding, the British Government responds to our motion this evening on the Fincuane case.

The British Government's delay in establishing a public inquiry has become a critical issue. As time passes the credibility of the British Government's position is being eroded. Since the British Irish Rights Watch report was written, two of the key suspects in the case, William Stobie and Brian Nelson, have died. For any modern State to face up to the appalling vista of state collusion in murder in the past is very difficult. But these allegations can only be answered one way or the other by a full public enquiry, which has the support of the family and the Irish Government.

With the recent passing into law of the UK Inquiries Act 2005, the goalposts have indeed been moved, as Judge Cory himself eloquently described it.

In 1999 the Irish Government concluded that there was a compelling case for a public inquiry into this murder. That case is no less compelling today.