

Statements by the family of Pat Finucane, Amnesty International and the NI Human Rights Commission

Monday, 25 June 2007

Family of Pat Finucane respond to the decision by the DPP for Northern Ireland that there will be no prosecutions arising from Stevens III

Speaking on behalf of the Finucane family Michael Finucane said:

“My family and I are extremely angry and disappointed at the decision of the DPP not to prosecute anyone arising from the report of the Stevens III Investigation and especially the manner in which it has been delivered. Once again, we are expected to respond at a moment’s notice to important events that the authorities have had years to consider.”

“It is difficult to square the unequivocal nature of the conclusions reached by Lord Stevens four years ago with the submissive, timid, unconvincing reasons advanced by the DPP for not instituting a single prosecution. It is notable that the DPP feels himself unable to use **“certain intelligence records as evidence”**, a clear indication that the interests of national security remain more important than the human lives. The announcement by Lord Stevens in Belfast four years ago sent shockwaves through the British establishment that reverberated around the world. The announcement today by the DPP for Northern Ireland sinks like a heavy stone into the mire of collusion and cover-up, taking with it any hope that the criminal justice system in Northern Ireland will deliver for victims where the State’s own agents and agencies are concerned.”

“The family of Pat Finucane will not be deterred by the decision of the DPP. We will continue to press for a fully independent public inquiry into the murder and all of the surrounding circumstances. We sought such an inquiry from the former Prime Minister, Tony Blair and were blocked and frustrated in our efforts by him. We now look to his successor to show that the era of secrecy, cover-up and collusion is truly over. We look to Gordon Brown to deliver on the commitment made by the British Government to hold an independent inquiry into the circumstances surrounding the murder of Pat Finucane.

“Only an independent public inquiry can satisfy the concerns of my family and the wider public about the existence of collusion between the British army, the RUC and security services in the murder of Pat

Finucane and many others.”

NOTES:

Michael Finucane is a practising solicitor based in Dublin and the eldest son of Patrick Finucane.

United Kingdom: Amnesty International's response to the announcement by the Northern Irish prosecuting authorities that no prosecutions are to follow from the Stevens III investigation

Today (25 June 2007), after an unconscionable and inordinate delay -- more than four years after receipt of many individual files from the Stevens III investigation into matters of collusion in Northern Ireland -- the Director of Public Prosecutions (DPP) for Northern Ireland has announced that no-one is to be charged following the review of the material submitted by the Stevens III investigation.

The DPP explained that prosecutions could not be brought mainly because the evidence would not satisfy the “Test for Prosecution”, namely, that “the available and admissible evidence is sufficient to provide a reasonable prospect of conviction and prosecution is required in the public interest”.

Amnesty International considers that this announcement represents an indictment of the administration of criminal justice in Northern Ireland and the prosecutorial authorities, in particular.

The fact that much of the DPP's decision appears to hinge on the absence of evidence simply reinforces concern about the extent to which state officials have been involved in a cover-up in respect of their collusion with paramilitary organizations in the perpetration of serious human rights abuses.

Amnesty International considers that rather than reassuring the victims, their families and the public at large that the rule of law has been respected, this decision actually reinforces concern that there has been a complete failure on the part of state authorities to ensure accountability for serious human rights abuses.

In light of today's announcement, Amnesty International reiterates its call on the UK authorities to immediately institute a properly independent judicial inquiry, held in public, into the 1989 killing of human rights lawyer Patrick Finucane.

Human Rights Commission RESPONSE TO Collusion prosecution failure

The Northern Ireland Human Rights Commission regrets that no prosecutions will be brought in connection with Lord Stevens' most recent investigation into alleged collusion between the security forces and loyalist paramilitaries.

The Commission has, since its creation, closely followed the allegations of collusion arising from the murders of Pat Finucane and Brian Adam Lambert and the three investigations carried out by Lords Stevens. The third report published by Lord Stevens in 2003 referred to "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 Commission believes that the matters identified by the three Stevens inquiries raise serious human rights concerns.

According to Professor Monica McWilliams, Chief Commissioner:

"The Human Rights Commission has noted the many human rights violations acknowledged by the Stevens investigation to have been carried out by forces of the State and loyalist paramilitaries. The limited number of prosecutions that have resulted from the three Stevens inquiries have almost all involved possession of documents, as opposed to the role of State agents in passing on that information, collusion in planning acts of terrorism, or otherwise breaking the law. We are disappointed that, following this third investigation, there has been no effective remedy to address these through the public prosecution system. Moreover, we believe that this will further undermine public confidence in the criminal justice system especially amongst victims' families who have been left to deal with these issues for so long.

It is our view that the statement released today by the Prosecution Service raises as many questions as answers. Although we welcome the fact that the reasons for non-prosecution have been disclosed, it is clear that additional information is required particularly as to what factors were taken into account in determining what constitutes the public interest aspect of this case. There is certainly no public interest in concealing the truth.

The accountability and transparency of the State in its ability to investigate itself is now in question. There is a clear responsibility on government to state how an effective independent investigation into this period of our past can be mounted when even the Prosecution Service is unable to proceed with cases after such an extensive investigation."

The Human Rights Commission is requesting an urgent meeting with the Public Prosecution Service to seek further information on its use of the public interest test.

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