

Geraldine Finucane

Widow of murdered human rights attorney Patrick Finucane

March 21, 2012

May I start by reminding everyone just how difficult it has been for everyone in Northern Ireland to reach our present position.

Can I remind you all of those difficult days when there was extreme diversity on how to reach peace, when not everyone was committed and when compromise was very hard. I ask you to remember all that because it plays such an important role in how we continue to move forward. Everyone worked so hard and gave so much it is important that what was promised is delivered otherwise people will feel all the work has been in vain.

That is why I think the title of this hearing is so appropriate. There are many prerequisites but I feel it is very important that commitments made during all the negotiations are honored. As this committee knows, from previous testimony, a commitment was made to my family following talks between the British and Irish governments at Weston Park in 2001. Under this agreement an international judge was appointed, Mr. Justice Peter Cory. He was tasked to review 6 cases including that of my husband, Patrick. Both governments agreed to fully implement his recommendations.

Although Judge Cory did recommend a public inquiry (PI) into Pat's case there has been nothing but delay. Publication of the report was delayed, the announcement of the way forward was delayed and eventually the law was changed to the new Inquiries Act 2005. This Act has one important section which provides the relevant government minister with power to override the tribunal by issuing restriction notices. In my eyes and also in Judge Cory's eyes it removes independence from the tribunal.

This section of the Act provided my family with a great dilemma. We felt we only had one chance at an inquiry into Pat's murder and the encompassing circumstances and we did not feel this law would let that happen. The Labour government even drew up a Restriction Notice under which a tribunal would have to operate and that was before a panel had ever been considered. It caused a stalemate for many years. The Labour government never seemed willing to break the log jam but was happy to let time pass and blame us.

Following the change of government in 2010 we were asked for a meeting by the new Secretary of State Owen Paterson. In Nov 2010 my son John and I listened to him tell us his government was committed to resolving this case and move it forward. Delay suited no one. We were encouraged.

What followed was an engagement between my family, our legal team and representatives of the British government. John and I met with the Secretary of State in Belfast and DC, and lawyers for my family including both my sons attended meetings over the course of last year with the Secretary of State and his officials. Most of these meetings were private, to facilitate open discussion. The process was part of a review by the government to determine whether a PI remained in the public interest. The government wanted to know if we would participate in an inquiry and if so, under what conditions.

Our objection to part of the Inquiries Act 2005 is well documented. We opposed the use of Restriction Notices, as I have explained, because a government Minister can impose these upon an inquiry at will. We had asked the previous government not to use them but they would not agree. However a recent case, the Baha Mousa inquiry created just such a precedent. Restriction notices were not deployed and decisions about the restriction of evidence was left to the independent judge. We told the government that an inquiry operated along similar lines would be something we could participate in. Indications from the government officials were very encouraging. At no time were we advised that an alternative to an inquiry was also under consideration.

Lest there be any misunderstanding we committed our position in writing in a submission delivered to the government. As it makes clear, the focus of the discussions between our family and the government was the manner in which the inquiry might proceed. It was the government itself that brought the Baha Mousa inquiry into discussion as a model to promote the program. A considerable amount of time was spent exploring how it could be utilized as a blueprint for my husband's case.

At no stage was a review in the manner that was subsequently announced by the P.M. ever discussed. Following the conclusion of our engagement with officials we learned in late summer 2011 that the PM, Mr. Cameron, wished to meet with us in Downing Street. We were encouraged by this invitation and speculation was intense that the government was finally to honour its commitment to a credible inquiry originally announced in 2004.

Furthermore in a telephone conversation between a senior NIO official and my lawyer Pete Madden we were told that the PM wished to speak with us personally and was confident we would be happy with what we heard. WE assumed this confidence would be a reflection of our position that had been clearly outlined during the preceding 11 months. We could not bring ourselves to believe that we were being invited as guests to the PM's home just to be refused the PI promised so many years ago.

That David Cameron did so and in such a public fashion ranks as one of the most cruel and devastating experiences since our campaign began. Not only were my family and I forced to listen to the PM renege on a promise made by the British Government, we had to hear him tell us, over and over, what it was we really wanted, how we really wanted to achieve it and what our ultimate response would be. It was clear that we had been lured to Downing Street under false pretences by a disreputable gov. led by a dishonorable man. We felt humiliated publically and misled privately.

What Mr. Cameron has established is a review of the papers in the case. The person appointed, Sir Desmond da Silva, will simply read statements collected by the Stevens investigation team. Although he will be permitted to speak with relevant persons, this will all be done behind closed doors. My family is not permitted to participate. We, or indeed anyone, will see nothing, hear nothing, or say nothing. If anyone refuses to cooperate with Sir Desmond he has no powers to compel or sanction them.

My family and I and indeed many others in Northern Ireland have no confidence in this process. We can not be expected to take the British PM's word that it will be effective when he is reneging on a government commitment in order to do it.

People are now asking the question "If the government are unwilling to deal with the Finucane case in an open thorough manner what are they going to do about all the other issues that need dealt with?"

The case of Pat Finucane shows that promises of the British Government can be easily broken and that their desire to help Northern Ireland is half hearted at best. This will impact deeply on Northern Ireland and how everyone moves forward. Collusion affected everyone and indeed continues to do so. Unless the depth of it is exposed no one will lose their suspicions, confidence will remain undermined and no one will be able to settle to a stable future.

My son John and I are in DC once again and once again I am testifying and once again I wish to think all of our supporters in Congress and the US administration. At this point I would like to play tribute to Rep. Donald Payne who died recently. Donald was a politician of the truly inspirational kind, dedicated to Human Rights domestically and internationally, personally kind and generous he supported my campaign for many years and for that I am truly grateful. He will be sorely missed and my condolences and that of my family go out to his family at this time.

I thank the committee for holding this hearing on a subject that is so important and relevant to current issues in Northern Ireland.

Collusion is a nasty strategy which did not discriminate on religious or political grounds. There is no doubt that if program is to continue in Northern Island dealing with my husband's case is an absolute prerequisite.