

COMMISSION ON SECURITY AND CO-OPERATION IN EUROPE

THE GOOD FRIDAY AGREEMENT 1998: UNFINISHED BUSINESS AND THE PUBLIC INQUIRY INTO THE MURDER OF PAT FINUCANE

TESTIMONY OF GERALDINE FINUCANE

THURSDAY, 22 MARCH 2018

“Mr. Chairman, Members of the Committee, Fellow Speakers, Honoured Guests, Ladies and Gentlemen ...

On behalf of my entire family, I would like to thank you for this invitation to speak today and to testify before this Commission. I would especially like to thank the Chairman, Mr. Smith, for his continued interest in the case of Patrick Finucane, my husband, in particular, and the issue of human rights in Northern Ireland in general. As many people will know, Mr. Smith has been a keen supporter of, and advocate for, the development and enhancement of human rights in Northern Ireland throughout the peace process. His work and that of the US Congress in general has proved invaluable to the people of Ireland in maintaining and developing our peace initiative. I think the topic we are discussing is one of the most important aspects of the peace process in Ireland, namely, how we approach our past, how we deal with it and how we move beyond it, without forgetting it or worse still, pretending it did not happen.

I am particularly honoured to be able to address you in this 20th anniversary year since the signing of the Belfast Agreement on Good Friday, 10th April 1998. This momentous event took place some ten years after the murder of my husband, Pat Finucane, a solicitor who practiced law in Belfast in the lawfirm he co-founded with

his friend and business partner, Peter Madden. Pat was murdered by Loyalist paramilitaries, in our home, on Sunday, 12 February 1989, in front of myself and our three children.

I would like to say that the passing of the years has made Pat's death easier to bear but his would not be true. In fact, the more time that passes, the more difficult it is to bear his loss. This is partly because of how much we all miss him as a person but it is also because of what we now know about the circumstances surrounding his murder. We know, beyond any doubt, that Pat was murdered with the active assistance and participation of the former NI police force, the RUC, the British Army and the British State.

There was a time when we did not know as much as we do now and the claim that Britain was involved produced scepticism in many quarters. Politicians in government and officials in state positions at home and abroad disbelieved our suspicions entirely. Some even poured scorn on our allegations of state collusion and said the ideas were fanciful. Pat's case was merely one more killing in the midst of so many. One more case to be archived and forgotten. However, Pat's case was not forgotten, nor were the very many others. The 1998 Agreement represented a new beginning that would mark a point from which the new future for everyone in Ireland, north and south, could be launched. What was not appreciated or acknowledged, however, was the fact that moving forward also meant dealing with the past. In this respect, the greatest number of difficulties have been encountered by people like me who seek to hold the British State to account for its actions during the conflict period.

My family has campaigned for a public inquiry into Pat's murder but the British Government has repeatedly failed to establish one. Instead, they have instigated one confined investigation after another, claiming to want to 'examine the facts' or 'get to the truth' but always in a process conducted away from public view.

One cannot but wonder at the pointlessness of conducting investigation after investigation that are doomed to fail, no matter how forceful the conclusions, because they lack the transparency required to attain public confidence.

For example, in April 2003, the newly-appointed Commissioner of the London Metropolitan Police, John Stevens, announced the findings of his investigation with the following remarks:

“My enquiries have highlighted 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. These serious acts and omissions have meant that people have been killed or seriously injured.”

One year after this, in April 2004, the former Canadian Supreme Court Judge, Peter Cory, announced the findings of his investigation. The concluding paragraph of his report reads as follows:

“Some of the acts summarized ... are, in and of themselves, capable of constituting acts of collusion. Further, the documents and statements I have referred to in this review have a cumulative effect. Considered together, they clearly indicate to me that there is strong evidence that collusive acts were committed by the Army (FRU), the RUC SB and the Security Service. I am satisfied that there is a need for a public inquiry.”

In December 2012, the Prime Minister, David Cameron, addressed the House of Commons with a speech on the findings of a report by Sir Desmond de Silva, a barrister tasked with conducting a review of State papers dealing with collusion. Mr. Cameron's conclude his speech with the following remarks:

“The collusion demonstrated beyond any doubt..., which included the involvement of state agencies in murder, is totally unacceptable. We do

not defend our security forces,...by trying to claim otherwise. Collusion should never, ever happen. So on behalf of the Government, and the whole country, let me say again to the Finucane family, I am deeply sorry.”

This outcome took eleven years and four visits to Downing Street to meet two different Prime Ministers. This is all too typical of the response by Britain to accusations of collusion, namely, to deny as long as possible and then, ultimately, to hide as much as possible.

It has been clear to many people for many years that the legacy of conflict would have to be addressed. The Good Friday Agreement represents a step in the journey towards achieving the goal of creating a peaceful society that has been permanently transformed. However, it is a means to an end, not an end in itself. It is supposed to represent a break from the methods of the past that undermine public confidence in government and the rule of law. Many questions remain about the murder of Pat Finucane. Many questions remain unanswered about the murders of many other people.

Rather than participating in a public inquiry process, as the British Government once promised us, my family has been forced to take legal action to force the State to fulfil its obligations.

The first stage of this process took place in the High Court in Belfast and was heard by Mr. Justice Ben Stephens, who delivered his ruling on 26 June 2015. In the opening paragraphs of his judgment, he said the following:

“[Geraldine Finucane] ... was convinced from the beginning that servants or agents of the state were involved in the murder of her husband. The government has accepted that there was state involvement and has apologised for it. It is hard to express in forceful enough terms the appropriate response to the murder, the collusion

associated with it, the failure to prevent the murder and the obstruction of some of the investigations into it. Individually and collectively they were abominations, which amounted to the most conspicuously bad, glaring and flagrant breach of the obligation of the state to protect the life of its citizen and to ensure the rule of law. There is and can be no attempt at justification.”

Sadly, Mr. Justice Stephens concluded that the decision of the British Government not to hold a public inquiry was not unlawful and so he was unable to order them to establish such an inquiry. I appealed this decision to a higher court but the Northern Ireland Court of Appeal ruled against us. However, notwithstanding the fact that we were unsuccessful but we have sought and been granted permission to appeal to the UK Supreme Court. The hearing is scheduled for June 2018.

Where, then, does the case for a public inquiry into the murder of Pat Finucane rest? The courts have concluded that they cannot order an inquiry. The British Government has determined it *will* not hold one.

Perhaps all that can be done has been done already ...?

Perhaps the murder of Pat Finucane is simply, ‘old news’ ...?

I do not think that the controversy surrounding the murder of Pat Finucane has been properly resolved. I believe I am right in this, not just because of a broken promise by the British Government but because of the unanswered questions that arise from Pat’s murder and the fact that no-one within the British establishment has ever been made accountable for it.

Most of all, I believe I am right because of the unwavering support my family and I have had from the people of Belfast and beyond for the last twenty-nine years.

Many people have stood with us for all of those three decades, helping us, encouraging us, willing us on. I meet them often, sometimes at organised events

or just when I am out and about my daily business. I am constantly approached by people who wish me and my family well. They tell me we are doing great work. Some people even tell me that they have known tragedy in their lives but were unable to follow through on it, for various reasons. But they gain comfort and some degree of closure by knowing that someone is holding the British State accountable for their actions.

But everyone ends by telling me the same thing: **“Keep going. It’s important.”**

This is why my family and I do what we do. This is why we keep going even though it isn’t easy. It is also why many people keep searching for the truth behind the killing of their relatives and friends, despite the resistance they encounter from Britain and its government. The constant reply from the State is that there can be no investigations and that we should look to the future because that is what is important. However, what the British Government cannot or will not acknowledge is that until we know everything about our past then we cannot possibly equip ourselves to build a solid future.

It is true that the recent past in Northern Ireland was characterised and marred by violence. But it was also marred by a lack of transparency in government, the absence of proper accountability and the serial abuse by the State of our human rights. The violence may have ceased but it is hard to acknowledge improvement in other aspects until the State demonstrates change in a real way. One way of demonstrating that the change is real would be to establish a public inquiry into the murder of Pat Finucane.

There are so many people, who, like us, want to find out the truth behind Pat’s murder. It is unfinished business for them. It is unfinished business for us.

We want to know, **why**. We want to know, **how**. We want to know, **who**.

We want to ask our own questions and to hear the answers for ourselves. We want to be able to read the documents and understand the frameworks.

Most of all, we want to be able to show them to the entire world so that everyone can know and learn what can be done by governments in the name of the people if we are not vigilant.

The British Government likes to describe those of us who demand answers as people who are stuck in the past and who lack an understanding of democracy. On the contrary: I believe those who are committed to holding the State to account for past actions understand democracy the best of all.

Thank you very much.”