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“Northern Ireland: Why Justice in Individual Cases Matters”

Commission on Security and Cooperation in Europe
March 16, 2011 Hearing
Rep. Chris Smith, Chairman

Welcome to everyone joining us this afternoon, in particular to many old friends who are testifying today, and to others whom I see in the room.

Today family members of people killed in Northern Ireland will tell us about their efforts to learn the truth about possible British government collusion or complicity in their loved one’s murder. I join my voice with theirs to say: enough obfuscation and stonewalling. We must continue to press for the truth – wherever it leads – and continue to press until justice has been served and those responsible have been held to account.

Several developments since the Commission’s last Northern Ireland hearings in 2004 must be mentioned before we turn to our witnesses.

Most troubling was the adoption by the United Kingdom, in 2005, of a new Inquiries Act, superseding the 1921 Tribunals of Inquiry (Evidence) Act, and empowering the Government to limit independent action by the judiciary and block scrutiny of state actions in inquiries held under its terms. I am concerned that the intent behind the Inquiries Act of 2005 was to prevent exposure of state collusion with paramilitaries in the North of Ireland, particularly in view of the British Government’s continuing refusal to heed calls for independent public inquiry into police collusion, and to release the findings of its own inquiries into collusion.

We must be clear that the British government, as part of the Good Friday accords and the subsequent Weston Park agreement, freely assumed the obligation to full, independent, public

judicial inquiries. Later, it changed its inquiry legislation, making the sort of inquiry intended by Good Friday and Weston Park impossible. Testifying before the U.S. Congress in 2005, Judge Cory stated, "First, it must be remembered that when the Weston Park Accord was signed [July 2001], the signatories would have had only one concept of a public inquiry. Namely, that it would be conducted pursuant to the 1921 *Public Inquiry Act*... To change the ground rules at this late date seems unfair... Further, it seems to me that the proposed new Act would make a meaningful inquiry impossible...."

And today we can be even more sure than we were in 2004 that such inquiries are needed to establish the truth and give justice to the relatives of those slain. In January 2007, the Police Ombudsman for Northern Ireland, Nuala O'Loan, released a comprehensive report which identified many areas of police collusion with paramilitary organizations, including in murder, and stated that such collusion could not have occurred 'without knowledge and support at the highest levels' of the police.

Moreover, the U.S. House of Representatives is on record as calling on the British government to conduct an independent public judicial inquiry into the possibility of police collusion in the murder of Patrick Finucane, including H. Res. 740, my resolution from the 109th Congress and a similar measure, H. Con. Res. 20 in the 110th Congress.

I had hoped to meet with the British Secretary of State for Northern Ireland, Owen Paterson, personally this week in Washington to discuss longstanding concerns in these and other cases and am happy to be able to say that we are planning to sit down together later this week. His recent meeting with relatives in some of the cases is a welcome gesture – though there have recently been mixed signals as to whether the British government is willing to undertake full, independent, public, judicial inquiries into the crimes committed in these cases.

Equivocating on the issue of truth and justice for past crimes will only embolden those elements responsible for them from the resulting impunity. The time has come to focus truth's light on the murky relationships and collusion that existed between the security forces and paramilitary organizations in Northern Ireland and hold those responsible to account.

Finally, once again we are all grateful to family members and others who have travelled from Ireland to be with us this afternoon. Their commitment to justice is moving and is a key factor building a brighter future for all of the people of Northern Ireland. The other factor, which we are here to work on, will be the British government's willingness to deal more openly with the past.

Before turning to our witnesses that afternoon, I would note that the Commission had invited Raymond McCord, Sr. to testify at today's hearing on the murder of his son Raymond, Jr. by a loyalist paramilitary group in 1997. Unfortunately, his recovery from recent surgery prevented him from traveling to be here. His written testimony will be included in the hearing record. I find most disturbing are his reports of continuing threats against his life as a result of his ongoing activism on his son's case.