

**CHRISTOPHER H. SMITH**

4TH DISTRICT, NEW JERSEY

CONSTITUENT SERVICE CENTERS:

1540 Kuser Road, Suite A9  
Hamilton, NJ 08619-3828  
(609) 585-7878  
TTY (609) 585-3650

108 Lacey Road, Suite 38A  
Whiting, NJ 08759-1331  
(732) 350-2300

2373 Rayburn House Office Building  
Washington, DC 20515-3004  
(202) 225-3765

<http://chrissmith.house.gov>



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Subcommittee on International Organizations, Human Rights and Oversight  
Congressional Hearing:  
***Concerns Regarding Possible Collusion in Northern Ireland:  
Police and Paramilitary Groups***  
**Excerpts from Remarks by U.S. Rep. Chris Smith (R-NJ)**  
**October 22, 2009**

I want to thank my good friend and colleague, Chairman Delahunt, first of all, for convening this important and timely hearing and briefing on what remains unfinished and unresolved. There is no statute of limitations on murder. And I appreciate the chairman convening this hearing and bringing this subcommittee together to focus on these unresolved cases that absolutely must be resolved.

I also want to express a special welcome to our witnesses, or rather welcome back, to Baroness O'Loan and Jane Winter, and welcome to John Finucane and Raymond McCord, and to everyone joining us this morning, including some of the real long-time advocates for peace, justice and reconciliation in Northern Ireland, including Jim McFarlane, Michael Glass, Sean Pender, Malky McAllister and Father Sean McManus, among others who are here today, who have been steadfast in promoting justice and peace and reconciliation in Northern Ireland.

Since April 1998, Mr. Chairman, much progress has been made towards full implementation of the Good Friday agreement. And the policing reforms promoted by the agreement have made an enormous impact in advancing peace and justice in the north of Ireland.

Mr. Chairman, as you know, between 1997 and 2006, I chaired the first ever and a total of 11 hearings on human rights and the peace process in Northern Ireland. Each of those hearings focused in whole or in part on what we consider to be the linchpin of a lasting peace in the north—real and sustainable police reform.

One of the messages we heard most consistently at those hearings was that, in order to endure, the peace process required a police force that both sides could have confidence in. And this would require accountability for past crimes, as well as for the security forces' collusion with paramilitary groups.

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We heard this message from human-rights organizations across the board, including Jane Winter of British Irish Rights Watch, but also from Baroness O'Loan and from John Finucane's courageous and gracious mother, Geraldine Finucane, from his brother, Michael Finucane, who is also here today, and from Param Cumaraswamy, the U.N. special rapporteur, from retiring Canadian Supreme Court Justice Peter Cory, who investigated the possibility of collusion at the request of the Irish and the British governments.

And we heard the message most tragically and poignantly from Rosemary Nelson, human-rights attorney, who testified here in this very room about death threats she had received from RUC officers. She did that just six months before she was assassinated. All expressed that to move forward with confidence and in peace, there was a need to hold to account human-rights abusers in the security forces. The wisdom of this message has been proven by events since 1998. The reform of the Royal Ulster Constabulary into the police force of Northern Ireland, with new badges and uniforms and a culture more hospitable to Catholic officers, has been a success.

Yet there are many, especially in the British government, who think reform can stop there, that it doesn't require a full honesty about and accountability for the security services' collusion with paramilitary killers. I disagree. In fact, it was in this room 10 years ago that I and other members implored the Right Honourable Christopher Patten, chairman of the Independent Commission on Policing for Northern Ireland, to work to ensure that his groundbreaking report, entitled "A New Beginning: Policing in Northern Ireland," be just that, a beginning. The report mandated by the Good Friday agreement needed to be a floor, not a ceiling, for systemic reform in law enforcement systems in Northern Ireland.

I expressed disappointment at the time that the police reforms did not include a "vetting process" for the so-called "bad apples," as he called them, because I believe, as so many human-rights activists do, that if people who have committed egregious abuse in the past are in the same jobs or work up in the chain of command and are never held to account, then your reform is only as good as your weakest link.

My opinion about the vetting process and holding people to account is no different today. Thus I remain extremely disappointed that our friends in the British government refuse to see the benefit of getting to the truth about serious allegations of collusion.

We see this refusal, this blind spot, if you will, and the shocking refusal to live up to the Good Friday agreement and the subsequent Weston Park agreement, which requires a public judicial inquiry into the death of Patrick Finucane. We also see it in the refusal to make public previous government reports about Pat Finucane's murder and in the 2005 passage of the Inquiries Act, designed to restrict real, public and transparent investigation into the widespread allegations of collusion.

It has taken enormous courage by a dedicated few to consistently follow the trail of collusion and fight for human rights of the victims and their surviving family

members. For nine years, the fiercely independent police ombudsman for Northern Ireland, Baroness Nuala O'Loan, worked at great risk to her own security and that of her family. She always showed the utmost integrity and gave people on both sides of the divide the confidence to move forward with the policing aspects of the Good Friday agreement. Likewise Jane Winter, the heroic British director of British Irish Watch, has taken great risk to offer her services to anyone of either community whose rights have been violated.

The Finucane and the McCord families have already been devastated by killers—enabled by colluding officials—and they bear risks in taking up the defense of human rights.

So, Mr. Chairman, I want to conclude by applauding our witnesses' contribution to police reform, as it is at the heart of sustained peace in Northern Ireland. They have provided guidance and insight to our government and to this Congress, including to my bill and subsequent laws that suspended U.S. exchanges with the RUC until standards were set to vet out officers engaged in human-rights abuses.

Our witnesses have also provided great insights to officials in Northern Ireland, as well as success of Irish and British governments. Without their wisdom and courage, I doubt police reform would have succeeded as well as it has. And I am eager to hear what we can do next to keep the reform and the peace process moving.

I thank you again, Mr. Chairman, for convening this hearing, and I yield back.