

New charges of cover-up in murder of Irish lawyer

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A judicial review to decide whether Irish journalist Ed Moloney should hand over notes of an interview he conducted with a man accused of murder was adjourned for at least a month Thursday. Moloney was ordered to hand over his notes after writing an article for the Dublin-based *Sunday Tribune* in June. The article was based on interviews with murder suspect William Stobie, who had been arrested as a result of a new inquiry into the 1989 Loyalist murder of Irish civil rights lawyer Pat Finucane.

Stobie, a self-confessed police informer and alleged quartermaster in the Ulster Defence Association (UDA—a Loyalist terror squad), pled not guilty to the charge of murder. He informed the court that he was working as a Royal Ulster Constabulary informer at the time, and had told the RUC that someone would be assassinated on the day of Finucane's murder, though he claimed not to know who the target was.

In his June 27 article, Moloney revealed that Stobie was arrested nine years ago in connection with the Finucane murder. Northern Ireland legal authorities abandoned the trial of Stobie, allegedly because he threatened to make public the fact that he had warned the RUC in advance of the assassination.

Stobie told his story to two journalists in 1990, as a safeguard should he be pursued further by the security forces. The first was Neil Mulholland, now a press officer in the Northern Ireland Office (NIO) Information Department. Mulholland has handed the prosecution a 28-page statement and agreed to give testimony in the trial against Stobie. The second was Moloney, who published Stobie's story after being given consent following Stobie's arrest.

Moloney has refused to hand over the notes of the interview, despite being ordered to do so in a County Court ruling. He is appealing through a judicial review,

on the grounds that to comply would be a breach of journalistic ethics and place both his livelihood and his life in jeopardy.

The High Court hearing opened on Thursday, only to be adjourned the same day. The adjournment was a further indication of a high-level cover-up of the circumstances surrounding the Finucane murder. As part of his defence, Moloney is requesting access to records of the RUC interviews with Stobie from 1990, which he claims could prove that the authorities have solid information against Stobie and do not need Moloney's notes.

After the adjournment, Moloney gave a statement outside the court. He said that at the beginning of the case at the County Court the prosecution told the judge that Stobie had made no admissions regarding the murder of Finucane when questioned by the RUC in 1990. Under cross-examination by Moloney's counsel, however, a Scotland Yard detective had "suddenly remembered" that Stobie had made admissions in 1990. Moloney said it had since come to light that a record of Stobie's interviews with the RUC had lain in the files somewhere for the past nine years.

On Tuesday, Moloney's lawyers unsuccessfully tried to obtain the files. He said records had now been passed to Stobie's lawyer, but action was taken by the Department of Prosecutions (DPP) to prevent Moloney seeing them.

Questioning the motives for the refusal, Moloney said: "Did the authorities mislead the courts about Stobie's admissions? If so, why did they want to hide the existence of these records? Why are they resisting attempts by our side to obtain these records?"

Pointing to a number of unanswered questions, Moloney added: "Is the real reason for these notes being withheld that they would fuel allegations not only

of collusion in the Finucane murder, but a cover-up of that collusion?"

Moloney suggested that the RUC interviews might show that for the past nine years the authorities have known all the facts in the case, more perhaps than reported by him in the *Sunday Tribune*.

He asked: "Is it because the real reason for this court order is to punish me for writing up William Stobie's embarrassing allegations of collusion by attempting to deprive me of my livelihood and putting my life in danger?"

Moloney's principled stance has received widespread support from his professional colleagues, some of whom protested outside the court with placards. The case has serious implications for press freedoms and threatens to establish a precedent whereby journalists are required to function as police informers. Despite serious personal consequences, Moloney has maintained throughout that he will not hand over the notes.

After the adjournment, Moloney said that if he failed to overturn the ruling ordering him to hand over the notes, the judicial review would be his last challenge. He said that he and his newspaper had decided in principle to take the case no further. "It will be up to the authorities to decide what to do with me."



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