

Irish journalist wins court battle against police

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Ed Moloney, northern editor of the *Sunday Tribune*, has won his legal battle against a court order requiring he hand over interview notes he had made with a Loyalist subsequently charged with murdering civil rights lawyer Pat Finucane.

In Belfast high court last Wednesday, Sir Robert Carsell, Northern Ireland's Lord Chief Justice, ruled police had failed to show that the notes would be of substantial value to their inquiry.

The notes were of interviews with William Stobie, a quartermaster in the Ulster Defence Association (UDA), following Finucane's shooting in 1989. On his appearance in court earlier this year, Stobie declared that he had been working as a Special Branch (police) informant at the time of the murder. He also alleged that he had twice told his handlers of an imminent UDA assassination in north Belfast although he was not aware who the target was. He also said he had given details of the murder weapons to be used but no action was taken on either occasion.

Stobie's arrest was designed to stave off longstanding allegations of security forces collusion in the murder. He was arrested soon after Royal Ulster Constabulary Chief Ronnie Flanagan had ordered a fresh investigation into Finucane's murder. John Stevens was placed in charge of the new inquiry. He had conducted an earlier investigation into collusion between the British Army and loyalist gunmen, the findings of which had been covered up.

Stobie agreed to be interviewed by Moloney as a "safeguard" following his arrest nine years previously, after which he was released without charge. Stobie asked that the notes only be used with his written permission or in the event of his death.

In an article published in the *Sunday Tribune* four months ago, Moloney told Stobie's full story. It detailed

how he had given the information contained in the interviews to another journalist at the time who was now working at the Northern Ireland Office (NIO). Neil Mulholland, a press officer in the NIO Information Department, handed the Stevens team a 28-page statement that names Stobie as the man who supplied the weapons used to kill Finucane. Mulholland is giving testimony in the trial against Stobie. It is reported that Mulholland learned of Stobie's role while working as a reporter for a Belfast newspaper in 1990. At the time, he gave the RUC the information that is now in the hands of the Stevens team, but they chose to take no action.

Moloney's story gave credibility to Stobie's claims to have been working as an informer at the time of the murder. Moreover, Stobie's account tended to confirm the allegations of the Finucane family and their supporters that the RUC were, at best, indifferent to Finucane's murder.

For these reasons Moloney is widely believed to have become the target of a vindictive action. Throughout the case he maintained there was nothing contained in his notes that investigators didn't already know. Following his high court victory Moloney said that the manner in which detectives had pursued his interview notes raised "very serious questions" on how the Stevens Inquiry was being conducted.

"The RUC back in 1990 had over 47 hours of conversations with William Stobie. I had five hours with him and ended up with 10 pages of typed notes. They have 122 pages of typed notes literally peppered with names. They never needed my notes," Moloney said.

Moloney described the case as a "stunning victory for journalism" which he believed would have an impact on future cases.

"It has the makings of a landmark decision. The lord chief justice has made quite clear that the police have to establish a case for needing to see journalistic material. They can't just wade in and assume they will automatically get it".

Moloney argued that for the courts to insist on him handing over the material would have meant a threat to his life, or at the very least his inability to make a living as a journalist through being seen as a police informant. Had the case gone against him, Moloney would have faced a substantial prison sentence.



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