

Canadian judge calls for investigation into Britain's "dirty war" in Northern Ireland

Steve James
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The British government is trying to avoid publication of a series of reports calling for public inquiries into four of the most notorious killings during Northern Ireland's "Troubles."

Prepared by former Canadian supreme court judge Peter Cory, the reports are an acute embarrassment for the Labour government of Tony Blair at a time when it is seeking to placate the hard-line Democratic Unionist Party (DUP) of Ian Paisley. Now the largest Protestant loyalist party, and hostile to the power-sharing arrangement with Sinn Fein that is the basis for devolved power in Northern Ireland, the DUP opposes any hint of a public investigation of the killing of Irish republicans. The reports will also exacerbate tensions between the Blair government and the security services.

* Pat Finucane, a respected human rights lawyer who had represented individuals from both sides of the Northern Ireland conflict, was shot in 1989 by the loyalist Ulster Freedom Fighters, the assassination wing of the Ulster Defence Association. Finucane had been the subject of death threats for years, but shortly before his murder the frequency and severity of the threats from members of the largely Protestant Royal Ulster Constabulary (RUC) escalated. Over the years, a mass of information has emerged confirming that Finucane was targeted by the British Army's Force Research Unit, which was running numerous agents in the loyalist paramilitaries. In 2003, the European Court found the British government in breach of the European Human Rights Convention, from which Britain has opted out, for failing to investigate Finucane's killing.

* Robert Hamill was a young Catholic worker from the predominantly Protestant town of Portadown. A father of two, with a third on the way, Hamill was kicked to death by a loyalist gang, including members of the Loyalist Volunteer Force (LVF), when he and some friends were walking home from a pub in the town. Officers in an RUC Land Rover watched the killing and refused to intervene despite frantic pleas from Hamill's companions.

* Rosemary Nelson, also a prominent human rights lawyer, was murdered in 1999. Weeks before she was killed, the 40-year-old mother of two had called for an inquiry into Pat Finucane's killing. Nelson had also called for legal action against the RUC officers who refused to intervene when Robert Hamill was murdered. She was a leading spokesperson for the Garvaghy Road Residents Association, which had campaigned against loyalist Orange Order marches being organised to intimidate Catholic areas in Portadown. Her personal security had been raised on

numerous occasions with the UK's Northern Ireland Office, the Independent Commission for Police Complaints, and British government ministers. In a January 1999 Channel 4 documentary, a UN representative expressed concerns for her safety. She was blown apart by a car bomb on March 15, 1999. Following her murder, reports emerged of a high level of RUC and military activity in the area before the explosion.

Billy Wright was a leading member of the LVF and responsible for the deaths of many Catholics and nationalists. He was assassinated in December 1997 inside the Maze prison by armed members of the Irish National Liberation Army, themselves prisoners. From the first, the suspicion was raised that such was the glaring nature of security failings in the Maze prison that the authorities had colluded in Wright's killing because of his hard-line loyalist opposition to the accommodation then being worked out. This later became the 1998 Good Friday Agreement, and was supported by the majority of the loyalist paramilitary groups.

The background to Peter Cory's reports into these four killings lies in the tensions between the participants in Northern Ireland's devolved power arrangements. As part of the 1998 Agreement that brought them into the government of Northern Ireland, Sinn Fein and the Social Democratic and Labour Party (SDLP) had agreed to support reform of the RUC.

By 2001, however, this aspect of the "peace process" was stalled over the British government's refusal to allow any independent investigation into "collusion"—the generic term for state assistance given to paramilitary assassinations. Throughout the negotiations that brought it into government, Sinn Fein has used the broad support for investigations into collusion as a bargaining chip in its dealings with the British government. The deal cut in August 2001 at Weston Park in Shropshire was typical. It allowed Sinn Fein and the SDLP to continue offering support for the Police Service of Northern Ireland (PSNI)—the reformed RUC—in return for, not the long-demanded inquiries, but reports into whether inquiries were warranted.

As a further concession to the then-dominant loyalist party, the Ulster Unionist Party (UUP), the Weston Park agreement also called for two reports to consider public inquiries into collusion between the IRA and the Irish police.

A Northern Irish judge, Lord Justice Maurice Gibson, and his wife Cecily were blown up by a radio-controlled car bomb in 1987. The couple were killed by the South Armagh IRA as they returned from holiday. In 1989, the IRA ambushed two RUC

officers, Chief Superintendent Harry Breen and Superintendent Bob Buchanan, as they drove back from Dundalk in the Irish Republic to Ulster. The two had been involved in security discussions with the Irish police, the Garda. The allegation in both cases is that one or two Garda members in the Dundalk police station passed on information to the IRA, allowing both attacks to be carried out with considerable precision.

Cory and a team of legal advisers were charged in 2002 with preparing the reports. Cory's appointment also embodied the role being played by Canadian capital in Northern Ireland. The province's largest employer is Canadian-owned Bombardier, whose Shorts aircraft plant is central to its global operations. Bombardier, like all the transnationals based in Ulster, views the Good Friday Agreement as offering the political stability required for investment and infrastructure projects crucial for the company's development.

At the time, the Blair government was also relatively satisfied with the Weston Park arrangements, as it further delayed any public investigation into collusion while overcoming one more roadblock in the "peace process." But matters have moved on.

Firstly, efforts by the British government to prop up the UUP have not worked, and the anti-Agreement DUP is now the main unionist party. The DUP represents sections of smaller Ulster business and the security establishment whose business and personal interests are bound up with Northern Ireland's well-subsidised relationship to the UK. It has repeatedly denounced the long-running Saville Inquiry into the January 1972 Bloody Sunday massacre as a waste of money and will vehemently attack any further public inquiries.

Secondly, the Stevens Inquiry, the government's own inquiry by Metropolitan Police Commissioner John Stevens into collusion, produced a report in 2003 that conceded for the first time that there had been collusion. The Stevens Inquiry has assembled a huge mass of material to which Cory has reportedly been given full access. Even an extremely limited report published by Stevens last year exposed considerable tensions between the British government, the military and security services, and the Ulster hierarchy, who oppose investigations, not least on the basis that many of them might face murder trials.

Thirdly, the British government itself is rapidly expanding the security services, recruiting thousands of spies, and introducing measures such as detention without trial, electronic eavesdropping and numerous anti-democratic measures under the guise of the "war on terror." This seeks to introduce into the UK mainland the type of militarised security apparatus that has operated in Northern Ireland for decades. A series of highly publicised inquiries could not but partially expose the sordid and bloody dealings of numerous spying and murder operations by MI5, MI6, the British Army, and the RUC's Special Branch, and deepen public hostility to an already isolated Blair government.

Faced with this, the government has delayed publication of Cory's findings for months. The six reports, calling for five full public inquiries, were initially handed over to the British and Irish governments in October 2003, with an agreed publication date in December of the same year.

Cory has let it be known publicly that he wants to see full public

inquiries into the Finucane, Hamill, Nelson and Wright killings, as well as that of the two RUC officers. Cory has also opposed British efforts to remove whole sections of his reports. He warned, "Failure to publish the report would be a breach of the Weston Park agreement...and could have unfortunate consequences for the peace process."

Pat Finucane's family immediately launched legal efforts in the Belfast High Court to force publication and have been granted a judicial review. Geraldine Finucane, the murdered lawyer's wife, met Sir John Stevens to demand that the Stevens Inquiry not be used as a pretext to delay the reports. Mrs. Finucane told the BBC that she "could not accept any conclusions or recommendations from a secret process. We want to challenge any official state version of the surrounding circumstances of my husband's murder. We want the opportunity to examine in public all relevant material and for our legal representatives to cross-examine all relevant witnesses. We want to determine who was involved and at what level."

The Irish government has published Cory's findings on the RUC and Gibson killings, and announced immediately that it was going to hold the demanded inquiry in Breen and Buchanan's deaths. Cory stated that, in contrast to the British cases, there was insufficient evidence for an inquiry into the judge's killing.

Early in February, Cory threatened the British government that he would publish his own reports if there were further delays.

Robert McClenaghan, whose grandfather was killed in a 1971 bomb attack on a Catholic bar, and who now works with Catholic and Protestant families traumatised by the violent deaths of their loved ones, told the *Guardian*, "I want nameless, faceless people brought out into the light."

Public inquiries, even when they are held, are ringed with strict limitations. The Saville inquiry, for example, has revealed a lot more detail of the events surrounding Bloody Sunday, but has in no way addressed the broader political question of why the massacre happened. The inquiry has allowed many army and police officers to retain anonymity and has only threatened to prosecute two journalists who refused to reveal their sources. Its findings, on events that are not in any doubt, will not be given for another year. More blatantly, the recent Hutton inquiry brought the entire public inquiry system into disrepute through its politically directed whitewash of the Blair government over the lies employed to justify war with Iraq.



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