

Northern Ireland: British government announces inquiry into Pat Finucane's assassination

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27 September 2004

After 15 years, the British government has announced that it intends to hold an inquiry into the assassination of Northern Ireland civil rights lawyer Pat Finucane. The announcement was made by Northern Ireland Secretary Paul Murphy, a week after the loyalist killer, Ken Barrett, pled guilty to his part in Finucane's murder at Belfast Crown Court.

The inquiry will be far from the necessary searching and independent investigation into one of the most notorious killings of the murder spree directed by the British Army's Force Research Unit (FRU) in Northern Ireland during "the Troubles."

Finucane had legally defended several leading republicans, including Irish Republican Army (IRA) hunger striker Bobby Sands. Finucane drew particular attention for his defence of Patrick McEwan, who was accused of organising the killings of two soldiers who drove into an IRA funeral. Shortly after this, then Conservative government minister Douglas Hogg complained in Westminster of the activities of lawyers who, he claimed, were overly sympathetic to the IRA.

In February 1989, two gunmen from the Ulster Defence Association's terror wing, the Ulster Freedom Fighters, burst into the Finucane family home and pumped a hail of bullets into Finucane's face and body. He died in front of his wife and children. Ever since, their lives have been devoted to a full investigation of the lawyer's murder.

The British government only conceded the possibility of a public inquiry into its own role in such murderous activities in 2001 during negotiations with Sinn Fein to revive the power-sharing Northern Ireland Assembly at Stormont. On that occasion, rather than announce an inquiry, the government hired a Canadian judge, Peter Cory, to investigate whether there were grounds for inquiries into the murder of Finucane and three other cases in which British state collusion was strongly suspected.

Cory concluded his efforts in 2003, demanding public inquiries into all four cases. The government delayed publication of Cory's reports until March this year and redacted the most sensitive sections. Nevertheless, it conceded that it would hold inquiries into the murders of lawyer Rosemary Nelson, loyalist killer Billy Wright, and Catholic worker Robert Hamill.

An inquiry into the Finucane murder was rejected on the pretext that Ken Barrett's court case was in preparation. With Barrett's guilty plea, the last legal obstacle placed in the way of a public inquiry has been removed.

The government has therefore been forced to choose between continuing to block an inquiry or relying on restrictions placed on the

inquiry itself to prevent too much public scrutiny of the mechanisms of collusion. The government is particularly anxious to avoid the possibility of leading British Army officers being threatened with prosecution, with the disastrous political consequences that would follow.

Murphy's statement warned that legislation would be needed to initiate an inquiry that would ensure that the matter was handled "in a way that takes into account the public interest, including the requirements of national security."

What this means is not specified, but it is likely to go much further than the example of the "Bloody Sunday" inquiry, in which army and intelligence officers were offered immunity from prosecution in return for giving evidence behind screens to protect their anonymity. That inquiry, which finally reports next year after four years of deliberation, is likely to be a model of openness compared to what is now being proposed for the Finucane killing.

Finucane's son Michael, also a lawyer, denounced the proposal as "established by government, probably accountable to government, but also controlled and restricted by government... That... is about as far from an independent tribunal of inquiry as you can get. What Mr Blair is proposing is a government investigation not a public inquiry."

Finucane's widow, Geraldine, described the government's proposal as a "fiasco and a circus".

"The fact that he [Paul Murphy] has not announced a 'public' inquiry means the government probably does not intend to have a proper inquiry. We have been asking for the truth to emerge for the last 15 years. Special legislation when it isn't needed can only mean what will emerge is cover-up and lies."

Continuing machinations to obstruct public scrutiny of the "low intensity" war in Northern Ireland are evident in the Barrett court case.

Ken Barrett was a former commander of the loyalist Ulster Defence Association's (UDA) B Company, based in the Shankhill area of Belfast where he grew up. He was also a gambling racketeer who fell out with the organisation after stealing from its funds. Aggrieved at his treatment, Barrett appears to have contacted the Royal Ulster Constabulary's (RUC) Special Branch in 1991 and offered to give an account of the Finucane murder.

From 1991 until 2002, Barrett's version of events around the Finucane murder remained hidden, only emerging as a result of interviews Barrett gave to BBC journalist John Ware, which were secretly filmed. The interviews were broadcast during a two-part "Panorama" programme into the activities of Barrett, and Brian

Nelson, an agent inserted into the UDA in the 1980s with the specific purpose of allowing the FRU to direct the UDA's assassinations.

In the interviews, transcripts of which are available on the BBC's website

<http://news.bbc.co.uk/1/hi/programmes/panorama/2019301.stm>, Barrett agreed that the loyalist gangs were handed information by British intelligence via Agent 6137, Brian Nelson. Barrett said of Nelson, "If we asked him details on a Republican, he knew it wasn't to send him f..... postcards. Like I mean they're not passing us documentation to sit in the house and read it."

Barrett admitted to shooting Finucane. Ware proved that, in addition to the FRU's targeting of Finucane via Brian Nelson, the RUC Special Branch knew the names of Finucane's killers within days. Ware interviewed a Belfast detective, Johnston Brown, who was assigned to investigate Finucane's murder and who had interviewed Barrett in 1991. Barrett admitted to Brown that he had killed Finucane. Brown was immediately told by the RUC Special Branch to "move away" from the case.

In 1993 Brown spoke with members of the inquiry led by the current chief police officer in London, Sir John Stevens, into collusion, which had been launched shortly after Brian Nelson's intelligence files were discovered in Belfast. Stevens' inquiry has now been running for 15 years and has produced huge amounts of evidence, almost none of which is in public view. Last year he conceded that "collusion" did indeed take place.

The inauguration of the inquiry expressed a growing body of opinion in British ruling circles that the "dirty war" was becoming increasingly counterproductive and a new accommodation, which finally emerged with the Good Friday Agreement, had to be found with Sinn Fein and the IRA.

Brown described how shortly after he had spoken to English detectives on Stevens' team, he was threatened with being framed by the RUC Special Branch. Brown quoted one of the Special Branch detectives as saying: "You walked into the offices of English detectives and you spoke about us and you think there's no come back, you think there's no retribution... We'll send our Ninja men in to your house, there's not a lock that we can't get past. And they'll come out of your loft with a wee bag with a couple of dirty LVF guns in it."

Tapes of Brown's interviews with Barrett disappeared.

In the second "Panorama" programme, Barrett told Ware that Finucane would still be alive "if the peelers [police] hadn't interfered." Barrett insisted that lawyers had been off limits to both sides. The intervention of the police changed the rules. Barrett claimed he met with a police officer who complained that Finucane was a "bad boy... he'll have to go."

The assassination was organised with information from the FRU via Brian Nelson. Nelson drove Barrett past Finucane's house, gave him a picture of the lawyer. The same police officer phoned Barrett to give him the all clear to carry out the attack.

The brief court case in Belfast played recordings from surveillance of Barrett in which he alleged that guns used in several loyalist operations were simply signed out from a British Army barracks. Barrett described how he and an accomplice posed as part-time Ulster Defence Regiment soldiers anxious for some target practice.

The two turned up at the barracks, picked up two rifles and two pistols and walked back out onto the street.

"The security cameras were turned off... So people think that just happens? We ring up an ordinary soldier and he turns off the

cameras?"

Two of the guns were later used in assassinations and punishment shootings.

Barrett was arrested following the Ware interviews after another surveillance operation was mounted against him in England by detectives with the Stevens team. Barrett had fled Northern Ireland after loyalist death threats against him, fearing he would suffer the same fate as William Stobie, a UDA/UFF quartermaster turned Special Branch informer who was tried and acquitted in 2001 for his part in Finucane killing. Stobie consistently alleged that he had informed his police handlers that Finucane was going to be killed. For reasons now obvious, that information was ignored. The case against Stobie collapsed and he was assassinated by loyalists within a fortnight.

Barrett would be anxious to avoid suffering a similar fate to Stobie. It therefore seems probable that he has cut some sort of deal with the authorities in Belfast to save his life in return for changing his plea to guilty, thereby keeping whatever else he knows about collusion out of the public domain.

Newspaper reports suggest that immediately following his conviction, Barrett was removed to Belmarsh jail in England. Although Barrett was sentenced to 22 years imprisonment for the murder, under the terms of the Good Friday Agreement he will be liable to be released as early as 2005.

Besides the Barrett trial, the major factor dictating the timing of the government's announcement is the state of the ongoing negotiations between the British and the Irish governments, Sinn Fein and Ian Paisley's Democratic Unionist Party (DUP) to restart the Stormont Assembly. Talks at Leeds Castle in England last weekend failed to find a mechanism whereby Sinn Fein and the DUP can work together.

While all parties and governments are desperate for the Assembly to be revived in order to accelerate the privatisation of public services and organise infrastructure spending necessary to develop the Northern Ireland economy, the DUP wants the Good Friday Agreement rewritten to effectively exclude Sinn Fein.

For their part, Sinn Fein wants more concessions from the British government on troop levels—there are still more British troops in Northern Ireland than in Iraq—and progress on establishing cross-border economic organisations. Sinn Fein has long used the demand for an inquiry into collusion as a bargaining chip. In return Sinn Fein are offering the final dissolution of the IRA and their full collaboration with, and integration into, an updated version of the Northern Ireland justice and policing system that killed Finucane.



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