

## **Web Action WA 12/05; AI Index EUR 45/014/2005**

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*Start date: 03/06/05*

### **UK – The Finucane Case: Judiciary must not take part in inquiry sham**

Patrick Finucane: human rights lawyer, murdered by Loyalists in collusion with UK intelligence agencies. An inquiry into his case held under the Inquiries Act 2005 would be a sham.

On 12 February 1989, Patrick Finucane, an outspoken human rights lawyer, was shot dead at his home in front of his wife and children in Belfast, Northern Ireland, by Loyalist paramilitaries.

In the aftermath of his killing, evidence emerged that police and military intelligence agents had colluded with Loyalist paramilitaries in his murder, as well as allegations of an official cover-up of such collusion.

In April 2004 an independent report, commissioned by the UK and Irish governments, concluded that "only a public inquiry will suffice" in the Finucane case.

Instead, the UK government has said it will set up an inquiry under the new Inquiries Act 2005.

Under the Act, any inquiry would be controlled by the executive which is empowered to block public scrutiny of state actions. The Act undermines the rule of law, the independence of the judiciary and human rights protection. It cannot be the foundation for an effective, independent, impartial or thorough judicial inquiry into serious allegations of human rights violations.

Amnesty International is calling on:

- the UK authorities to establish immediately a truly independent public inquiry into the Finucane case;
- all senior judges in England, Wales and Scotland, as well as on judges in other common law countries, not to serve on an inquiry into Patrick Finucane's case if held under the Inquiries Act 2005.

### **Call to action**

Please write to the three senior judges below to request that they notify all judges in England, Wales and Scotland about Amnesty International's concerns regarding the holding of an inquiry into the Finucane case under the Inquiries Act 2005.

You can base your appeals on the letter below.

### **Sample letter**

Dear Lord **[add surname]**,

I am writing to express my concern over the UK government's stated intention to hold an inquiry into Patrick Finucane's case under the Inquiries Act 2005.

As you may know, more than 16 years after the killing of Patrick Finucane -- an outspoken human rights lawyer -- by Loyalist paramilitaries with the alleged collusion of police and military agents, the UK government continues to refuse to hold a truly independent public inquiry into these allegations. The Inquiries Act 2005 empowers the UK authorities to block public scrutiny of state actions and

undermines the independence of the judiciary. Any inquiry held under such legislation would fall far short of international human rights standards. Amnesty International considers that any judge sitting on such an inquiry would be presiding over a sham.

Geraldine Finucane, Patrick Finucane's widow, has recently called on all senior judges in England, Wales and Scotland not to serve on an inquiry into her husband's case held under this new legislation.

In light of the above, I urge you to ensure that all members of the judiciary in your jurisdiction are made aware of these extremely serious concerns.

Amnesty International is urging those members of the judiciary who may be approached by the UK authorities to sit on an inquiry into the Finucane case held under the Inquiries Act 2005 to decline to do so.

I thank you in advance for your urgent attention to the concerns expressed in this letter.

Yours sincerely,

**Please send appeals to:**

Lord Bingham of Cornhill,  
The Senior Law Lord  
Law Lords Corridor  
House of Lords  
London SW1A 0PW  
United Kingdom

The Rt. Hon. The Lord Woolf  
Lord Chief Justice of England and Wales  
Royal Courts of Justice  
Strand, London WC2A 2LL  
United Kingdom

The Rt. Hon. The Lord Cullen of Whitekirk  
Lord President  
The Supreme Court  
11 Parliament Square  
Edinburgh EH1 1RQ  
Scotland  
United Kingdom

**Salutation** Dear Lord [surname]

Patrick Finucane: outspoken human rights lawyer  
© RTE Publishing

Thank you for taking this action. With your support we can make a difference.

**Take further action on this case.**

Since the UK authorities may be attempting to approach members of the judiciary in other countries, especially countries with a common law system, such as: Australia, Canada, Ireland, New Zealand, the United States of America, South Africa, Sri Lanka and India, it would be helpful if you could write to the heads of the judiciary in these countries to outline Amnesty International's concerns over the UK authorities' stated intention to hold an inquiry into the Finucane case under the Inquiries Act 2005.

Please write to the heads of judiciary in the countries below to request that they notify all senior judges in their respective countries about Amnesty International's concerns regarding the holding an inquiry into the Finucane case under the Inquiries Act 2005.

You could use the following sample letter:

Dear Chief Justice [except for South Africa: Dear President]

I am writing to express my concern over the UK government's stated intention to hold an inquiry into Patrick Finucane's case under the Inquiries Act 2005.

More than 16 years after the killing in Northern Ireland of Patrick Finucane - an outspoken human rights lawyer - by Loyalist paramilitaries with the alleged collusion of UK police and military agents, the UK government continues to refuse to hold a truly independent public inquiry into these allegations. Instead, the UK authorities intend to establish an inquiry into this case under the Inquiries Act 2005. The Act empowers the UK authorities to block public scrutiny of state actions. Any inquiry held under such legislation would fall far short of international human rights standards. Amnesty International considers that any judge sitting on such an inquiry would be presiding over a sham.

Lord Saville of Newdigate, a UK Law Lord, has stated that the Act "is likely to damage or destroy public confidence in the inquiry and its findings"; and a former Canadian Supreme Court judge has highlighted that "the new Act would make a meaningful inquiry impossible" in the case of Patrick Finucane.

In light of the above, I urge you to ensure that all members of the judiciary in your country are made aware of these extremely serious concerns.

Amnesty International is urging those members of the judiciary who may be approached by the UK authorities to sit on an inquiry into the Finucane case held under the Inquiries Act 2005 to decline to do so.

I thank you in advance for your urgent attention to the concerns expressed in this letter.

**Addresses**

**AUSTRALIA**

Chief Justice Gleeson, QC AC  
Chief Justice of the High Court of Australia  
PO Box 6309

KINGSTON  
Canberra  
Australian Capital Territory, 2604  
Australia

**CANADA**

The Right Honourable Beverley McLachlin, P.C.  
Chief Justice of the Supreme Court of Canada  
301 Wellington Street  
Ottawa  
Ontario  
K1A 0J1  
Canada

**IRELAND**

The Honourable Mr. Justice John L Murray  
Chief Justice of the Supreme Court  
Four Courts  
Dublin 7  
Ireland

**NEW ZEALAND**

Rt. Hon. Dame Sian Elias, GNZM  
Chief Justice of New Zealand  
PO Box 61  
Wellington  
New Zealand

**UNITED STATES OF AMERICA**

Chief Justice William H. Rehnquist  
Chief Justice of the United States  
Supreme Court of the United States  
Washington, DC  
20543  
USA

**SOUTH AFRICA**

The Honourable CT Howie  
President of the Supreme Court of Appeal  
Supreme Court of Appeal  
Corner Elizabeth and President Brand Streets  
Bloemfontein  
PO Box 258  
9300  
South Africa

**SRI LANKA**

Chief Justice Sarath Silva  
Chief Justice of the Supreme Court of Sri Lanka  
Superior Courts Complex  
Colombo 12  
Sri Lanka

**INDIA**

The Honourable Mr. Justice Ramesh Chandra Lahoti

Chief Justice of the Supreme Court Of India  
Supreme Court of India  
Tilak Marg  
New Delhi  
India

**Salutation** Dear Chief Justice – apart from South Africa: Dear President