

# PATRICK FINUCANE

HIS LIFE AND HIS LEGACY



A conference to commemorate  
the 20th anniversary of the  
murder of Patrick Finucane

Saturday 14th February 2009,  
Edmund Burke Theatre,  
Trinity College, Dublin



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TIME	SESSION	SPEAKERS
9:30 – 10:00	Registration and coffee	
10:00 – 10:15	Chair's opening remarks	Inez McCormack
<b>PATRICK FINUCANE REMEMBERED</b>		
10:15 – 10:45	A memoir of Patrick Finucane's life and work	Geraldine Finucane
<b>POLICING, POLICE POWERS, AND CONDITIONS IN DETENTION</b>		
10:45 – 11:00	The bad old days: what lawyers like Patrick Finucane and detainees had to contend with	Clara Reilly
11:00 – 11:20	What Patrick Finucane did about it, the reforms achieved, and the challenges that remain to be met	Peter Madden
11:20 – 11:35	Discussion	
<b>PRISONS AND PRISONERS' RIGHTS</b>		
11:35 – 11:50	A prisoner's viewpoint	Michael Culbert
11:50 – 12:10	What Patrick Finucane did about it, the reforms achieved, and the challenges that remain to be met	Mike Ritchie
12:10 – 12:30	Discussion	
12:30 – 1:30	Lunch	



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TIME	SESSION	SPEAKERS
<b>INQUESTS</b>		
1:30 – 1:50	Problems with the inquest system, past and present, and the reforms achieved	Fiona Docherty BL
1:50 – 2:10	How Patrick Finucane paved the way and the challenges that remain to be met	Michael Mansfield QC
2:10 – 2:25	Discussion	
<b>USING THE COURTS</b>		
2:25 – 3:10	Developments in judicial review and European law, including challenges for the future	Mr Justice Treacy
3:10 – 3:30	Discussion	
3:00 – 3:20	Coffee	
<b>INTIMIDATION OF LAWYERS AND COLLUSION</b>		
3:20 – 3:45	Intimidation of defence lawyers	Dato' Param Cumaraswamy
3:45 – 4:10	Collusion	Judge Peter Cory
4:10 – 4:30	Exposing collusion	John Ware
4:30 – 4:50	Collusion: the NGO perspective	Jane Winter and Michael Posner
4:50 – 5:10	Discussion	
5:10 – 5:30	Chair's concluding remarks	



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### Inez McCormack

Inez McCormack is one of the most influential civil rights leaders in Northern Ireland today. She played a critical role in the 1998 Good Friday Peace Accord, continues to advocate for equal rights and fair labour practices for women and minorities and she was a signatory of the McBride Principles. She formerly directed the Northern Ireland section of the trade union UNISON. Having served as the first female President of the Irish Congress of Trade Unions, Inez McCormack is currently Chair of the North/South Health Service Partnership, Chair of the Participation and Rights Programme and Senior Advisor to the Global Coalition for Women's Rights/Worker's Rights. She is also a founding member and Deputy Chair of the Northern Ireland Equal Opportunities Commission and a founding member of both the Northern Ireland Fair Employment Commission and the Northern Ireland Human Rights Commission, and is a well-known writer and broadcaster. She is a founder member of the Participation and the Practice of Rights (PPR) Project which works in the north and south of Ireland supporting communities to use a human rights-based approach to address the issues of social and economic deprivation and inequality.

### Geraldine Finucane

Geraldine Finucane, widow of Pat Finucane, has been a tireless campaigner for justice for her husband for the last 20 years. She has also supported many other families in their search for truth and justice.

### Clara Reilly

Clara Reilly is chairperson of Relatives for Justice and has devoted the past 35 years of her life to helping individuals and families seeking truth and justice around the loss of their loved ones and promoting respect for human rights and human dignity. She was a member of the Association for Legal Justice (ALJ), a human rights group which monitored the situation in the North of Ireland in the 1970s and 80s. ALJ collected statements which formed part of the Irish

Government's case against the United Kingdom for torture of prisoners during internment at the European Court of Human Rights, in which Britain was found guilty of degrading and inhuman treatment in 1976. The ALJ held two major international tribunals on the use of plastic bullets and a lawyers' inquiry into shoot-to-kill deaths by security forces in Northern Ireland in 1984. Clara Reilly was a founder member of the United Campaign Against Plastic Bullets, which was formed in 1984. She has campaigned along with families against the use of plastic bullets, and has travelled locally, nationally and internationally raising awareness of the horrific injuries inflicted by these weapons.

### Peter Madden

Peter Madden founded law firm Madden & Finucane with Patrick Finucane in 1979. In the ten years that they practiced law together the firm developed a reputation for pursuing human rights cases at home and abroad. He has supported Patrick Finucane's family in their campaign for a fair and independent public inquiry into his murder since February 1989. Madden & Finucane was established to secure the protection of clients' civil liberties and human rights and the two partners pioneered the use of the European Court of Human Rights and judicial review cases to secure vindication for clients in the 1980s.

Peter Madden has advised on human rights issues and lectured around the world including North and South America, Europe, Asia and the Middle East. He has established Madden & Finucane as one of the leading criminal defence firms in Ireland with what analysts describe as a "stellar reputation". Peter Madden was one of the leading solicitors in the Bloody Sunday Inquiry. He is a member of the Law Society's Access to Justice Committee and the Solicitors' Criminal Bar Association which recently appointed him as one of the coordinators in the Association's Legal Aid Coordinating Group. He is also a qualified trial advocate.

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## **Michael Culbert**

Michael Culbert is the director of Coiste na n-Irchimí, the network for republican ex-prisoners. He was a social worker until 1978 when he was sentenced to 16 years in Long Kesh. After his release Michael completed his masters degree and started working with Coiste, initially as a full-time counsellor and then as their regional development worker. He was appointed to the position of Director in 2008, and is working for the social, economic and emotional well being of current and former republican prisoners and their families. Michael knew Patrick Finucane in a personal capacity for many years.

## **Mike Ritchie**

Mike Ritchie is the director of the Committee on the Administration of Justice, Northern Ireland's foremost human rights group, which was awarded the prestigious Council of Europe's Human Rights Prize in 1998. Born in the Middle East of Presbyterian missionary parents, he spent some time in Kenya before returning to Scotland where he attended school and university. After a period living in Egypt working for the VSO, he moved to Northern Ireland in 1980 and has lived there ever since. He worked with the Committee on the Administration of Justice (CAJ) as Research Officer from 1989 to 1995 carrying out advocacy on behalf of victims of human rights abuses on all sides of the community. He then worked for three years with the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) as their information and research manager.

From 1998 - 2008 he was director of Coiste na n-Irchimí, which he developed into an important vehicle for contact and dialogue with participants of all political backgrounds. He returned to CAJ as their Director in 2008. At his appointment the CAJ Chairperson Kieran McEvoy commended Mike Ritchie's "long standing commitment to the human rights of all irrespective of background."



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### **Fiona Doherty BL**

After studying law at Trinity College, Dublin Fiona Doherty was awarded a masters degree in human rights law with distinction from Queen's University Belfast. She was called to the Northern Ireland Bar in 1997 and to the Bar of Ireland in 2001. She specialises in public law, coronial law and human rights law. She acted as counsel for the families of three deceased and two wounded before the Bloody Sunday Inquiry and for the applicants in the European Court of Human Rights cases of Kelly & ors v UK, Shanaghan v UK, McShane v UK and Finucane v UK. Fiona is a member of the General Council of the Bar of Northern Ireland and a member of the Bar Council's Human Rights Advisory Committee. She was formerly chairperson of the Committee on the Administration of Justice (CAJ) and served on CAJ's executive committee for 12 years. Fiona is joint author of the NI Human Rights Commission paper Investigating Lethal Force Deaths in Northern Ireland: The Application of Article 2 of the European Convention on Human Rights (2006).

### **Michael Mansfield QC**

Michael Mansfield is a leading international human rights lawyer and currently a consultant to the Finucane family's legal team. He was called to the Bar in 1967 and established Took's Chambers in 1984, during the miners' strikes, and became Queen's Counsel in 1989. Michael Mansfield has represented defendants in criminal trials, appeals and inquiries in some of the most controversial legal cases the country has seen, including those of Stephen Lawrence, the Birmingham Six, and the Bloody Sunday Inquiry. He also chaired an Inquiry in Cullyhanna into the death in an alleged shoot-to-kill incident in which Fergal Caragher died. Michael Mansfield has presented a number of television documentaries and series, including Presumed Guilty for BBC1. He is a regular contributor to current affairs programmes and was a panel member of The Moral Maze for many years.

He has also published numerous articles for all the major broadsheets and law journals and most recently The Home Lawyer - a legal handbook. He is a member of Interights, President of Amicus, President of the National Civil Rights Movement and President of the Haldane Society of Socialist Lawyers. He is also a Sponsor of British Irish RIGHTS WATCH.

### **Mr Justice Treacy**

The Honourable Mr Justice Treacy was educated at St Malachy's College and Queen's University, Belfast. He was called to the Bar of Northern Ireland in 1979 and took silk in 1999. He was called to the Bar of Ireland in September 1990 and to the Inner Bar of Ireland in 2000. Séamus Treacy became a Judge of the High Court of Judicature in Northern Ireland in January 2007. Before his elevation to the bench he was an acclaimed expert in human rights, criminal, public and European law, acting for people from all sides of the community. He took many pioneering cases to the European Court of Human Rights and was responsible for many landmark judicial review cases in Northern Ireland, and also appeared in the Bloody Sunday Inquiry and, before he became a judge, the Billy Wright Inquiry. He was a close friend of Patrick Finucane, and they worked together on many important cases. He has delivered papers and spoken at conferences on human rights, criminal law and fair employment issues. He was an Arbitrator and Member of the Panel of Arbitrators of the Motor Insurers' Bureau.

### **Dato' Param Cumaraswamy**

Param Cumaraswamy is a distinguished Malaysian jurist who has devoted his life to the pursuit of the rule of law and who has consistently supported the call for a public inquiry into the murder of Patrick Finucane. He was admitted as a barrister by the Inner Temple in London in 1966 and has practiced in Kuala Lumpur since 1967. From 1986 to 1989, he was chairman of the Human Rights Committee of the International Bar Association.

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He was a commissioner of the International Commission of Jurists from 1990 to May 2000. In 1994 he was appointed the United Nations Special Rapporteur on the Independence of Judges and Lawyers by the UN Commission on Human Rights and served that mandate until 2003. As the UN Special Rapporteur, he intervened in more than 100 countries and conducted numerous fact-finding missions to investigate attacks on the independence of judges and lawyers and the rule of law. In 1985, Dato' Param Cumaraswamy was charged with sedition for publicly calling on the Pardons Board of Kuala Lumpur, Malaysia, not to discriminate against a poor labourer's petition for commutation of a death sentence.

Following an international outcry, the charges were dropped and his vindication was hailed as a landmark victory for freedom of expression in Malaysia. In 1988, Dato' Param Cumaraswamy helped lead the defence of six Malaysian Supreme Court judges whose independence apparently threatened executive powers. His efforts earned him the title Dato' conferred by a Sultan in the Malaysian state of Kelantan. He received the 2002 "Justice in the World Award" from the International Association of Judges and in 1999 the International Peace and Justice Award from the Irish American Unity Conference. Dato' Param Cumaraswamy is an honorary member of the Law Society of England and Wales whose President, Peter Williamson, praised Mr. Cumaraswamy as "a courageous defender of human rights."



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### **Judge Peter Cory**

The Honourable Peter Carteret Cory is a former member of the Supreme Court of Canada. He was called to the Ontario Bar in 1950 and was appointed Queen's Counsel in 1963. He practiced law with Holden, Murdoch and was elected a Bencher of the Law Society of Upper Canada Law Society of Upper Canada in 1971. He is past chairman of the Ontario Civil Liberties Section of the Canadian Bar Association, former President of the County of York Law Association, past National Director of the Canadian Bar Association, and former President of the Advocates' Society.

He was appointed to the Supreme Court of Ontario in 1974, Ontario Court of Appeal in 1981, and was appointed to the Supreme Court of Canada in 1989. He retired from the Supreme Court in 1999. He served as the 11th Chancellor of York University from 2004 to 2008. In 2002 he was made a Companion of the Order of Canada. Judge Cory was appointed by both the British and Irish Governments in 2001 to preside over the Collusion Inquiry into the murders of Patrick Finucane and others. The Cory Collusion Inquiry Report on the Patrick Finucane case was published by the British Government on 1 April 2004. It recommended that the UK Government hold a public enquiry into the murder under the format provided for in the 1921 Tribunal of Inquiries Act which has not been implemented.

### **John Ware**

John Ware is a distinguished BBC journalist and one of his specialities has been the conflict in Northern Ireland which he has covered regularly since 1974. He began working with Panorama in 1986 and in June 2002 he uncovered the role of Military Intelligence and RUC Special Branch Officers in the murder of Pat Finucane. He exposed the lengths to which both services have gone in their attempts to disguise such criminal activities.

This Panorama Special was the result of 13 years of research. John Ware also presented Rough Justice, Taking Liberties and Inside Story between 1992 and 1997. Several of the cases he covered were referred back to the Court of Appeal where some of the convictions were quashed. He was named Broadcast Journalist of the Year in 2001 for Who Bombed Omagh? which also received the Current Affairs Home Award.

### **Jane Winter**

Jane Winter is the Director of British Irish RIGHTS WATCH (BIRW). BIRW is an independent non-governmental organisation and registered charity that monitors the human rights dimension of the conflict and the peace process in Northern Ireland. Its services are available to anyone whose human rights have been affected by the conflict, regardless of religious, political or

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community affiliations, and the organisation takes no position on the eventual outcome of the peace process. With a background in social research and legal casework, Jane Winter helped to found BIRW in 1990, where she worked as a volunteer until being appointed its Director in 1995. She has worked on many landmark cases, including Bloody Sunday, Patrick Finucane, Rosemary Nelson, Robert Hamill, Billy Wright and the Dublin and Monaghan bombings. In 2007 Jane Winter was awarded the Beacon Award for Northern Ireland, and in 2008 the Irish World Damien Gaffney Award.

## **Michael Posner**

Michael Posner, founder and President of Human Rights First (formerly the Lawyers Committee for Human Rights), has been at the forefront of the international human rights movement for 30 years. He has helped the organisation earn a reputation for leadership in the areas of refugee protection, advancing a rights-based approach to national security, challenging crimes against humanity, and combating discrimination. He has testified before the US Congress on a wide range of human rights and refugee issues. In 1980 he played a key role in proposing and campaigning for the first US law providing for political asylum, part of the Refugee Act of 1980. Human Rights First has fought to strengthen systems of accountability in many countries where human rights violations occur, and has campaigned for an independent public inquiry into the murder of Patrick Finucane for many years.



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The Finucane family would like to thank the following for their support for these events, including some donors who prefer to remain anonymous. Anyone who makes a donation after the publication of this brochure will be acknowledged in the conference report.

The Atlantic Philanthropies, The Bar Council of Ireland, The Bar Council of Northern Ireland, Sir Geoffrey Bindman, Rory Brady SC, British Irish RIGHTS WATCH, Jim Brosnahan, Frank Buttmer, Conflict Resolution Unit, Irish Department of Foreign Affairs, Rosemary Connolly, Jim Cullen, Cumann Na Meirleach Felon's Club Andersonstown, Department of Sport Trinity College Dublin, Aileen Donnelly, Patrick Fahy, Remy Farrell, Cian Ferriter, Colman FitzGerald SC, Bill Flynn, Garden Court Chambers, Alan Gannon, The Irish American Unity Conference, The Joseph Rowntree Charitable Trust, Seamus Kane, The Law Society Northern Ireland, Sean Mackin, Madden & Finucane, Turlough O'Donnell, Màirtín Ó Muilleoir, Leo Mulrooney, Michael Mansfield QC, The John D and Catherine T MacArthur Foundation, Barry Macdonald QC, Terry McAuley, Barra McGrory, Frank Milloy, Seán Mitchell, Cormac Ó Dulacháin, The Pavilion Bar Trinity College Dublin, Mary Pike, The Roddy McCorley Society, Trinity College Dublin, David Wheelahan, Kevin Winters

## THE FOOTBALL MATCH

Pat entered Trinity College in 1968 and during his years as an undergraduate not only played for Dublin University Association Football Club but was captain of the club for two consecutive years 1972 – 74 .

On Sunday 15th February 2009 a game will be played in his honour and following this a bench overlooking College Park will be dedicated to his memory. All are welcome.

### **11:00 am**

Players taking part in game assemble in Pavilion Changing rooms, College Park

### **11:30 am**

Game commences

### **12:45 pm**

Game finishes

### **1:00 pm**

Dedication of bench, sponsored by The Department of Sport, Trinity College Dublin/DUCAC

### **1:30 pm**

Pavilion Bar Reception, sponsored by the Pavilion Bar

**Those wishing to play should contact me Terry McAuley on [tmcauley@tcd.ie](mailto:tmcauley@tcd.ie)**

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# Registration

Name(s)

Company

Address

Contact

Tel

Email

**Fee:** £100/€115

(concessions: £20/€25)

Tick box to indicate attendance at the football match (so we can gauge numbers for the reception – all free)

**Address to send registration form and fee:**

Finucane Conference,  
BIRW,  
13b Hillgate Place,  
London SW12 9ES, UK  
or [soraya.nadji@birw.org](mailto:soraya.nadji@birw.org)

