

Congress of the United States
Washington, DC 20515

April 28, 2011

Rt. Hon. Owen Paterson, MP
Secretary of State for Northern Ireland
House of Commons
London, SW1A 0AA

Dear Mr. Secretary:

We write as a follow up to your recent visit to Washington to reiterate our longstanding solidarity with the Finucane family in their efforts to have the truth uncovered concerning the circumstances surrounding the 1989 murder of Patrick Finucane and to hold responsible parties to account. Your recent meetings with family members, including his widow Geraldine, are welcome gestures.

As you are aware, John Finucane testified on behalf of his family before a hearing of the Commission on Security and Cooperation in Europe in Washington on March 16th regarding his family's attempts to secure a full, independent, public, judicial inquiry into the crimes committed into the murder of his father. Family members have testified at seven congressional hearings on their case and the U.S. Congress is on record as calling for independent public judicial inquiry into the possibility of police collusion in the murder of Patrick Finucane. While expressing appreciation for your overtures and solicitation of input from the Finucane family, he voiced particular concern over the implications of the Inquiries Act of 2005 for any future inquiry.

Testifying before the U.S. Congress in 2005, Judge Peter Cory stated, "First, it must be remembered that when the Weston Park Accord was signed, the signatories would have had only one concept of a public inquiry. Namely, that it would be conducted pursuant to the 1921 *Public Inquiry Act*... To change the ground rules at this late date seems unfair...." We fully agree with this statement. John Finucane included the attached submission points, shared with you and your staff, as part of his testimony (see attached).

As you consider how best to proceed, we urge you to continue to consult with the Finucane family and carefully weigh their views. We further urge you to initiate a full, independent, public, judicial inquiry into the crimes committed in the Finucane case without further delay.

We understand that you are currently considering the outcome of a consultation on the question of whether it remains in the public interest to hold an inquiry in the Finucane case. In this regard, we respectfully remind you of the commitments agreed in the context of the Weston Park Agreement to implement Judge Cory's recommendation that an inquiry be undertaken in the Finucane case.

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Clearly, this case warrants an inquiry along the lines outlined by the family and recommended by Judge Cory. Failure to hold such an inquiry would have disastrous consequences for public confidence in the willingness of government to hold itself accountable, and would undo the good work done by Prime Minister Cameron's well-received and praiseworthy apology in the wake of the publication of the report of the Bloody Sunday Inquiry.

Mr. Secretary, while we appreciate your gestures of openness to the Finucane family, we are also aware that their hopes have been raised and dashed by your predecessors, including the failure to meet the 2004 commitment. We hope this will not happen again, and are convinced that any equivocation with respect to truth and justice in the case of Patrick Finucane will only embolden those responsible for past crimes amid the impunity which has prevailed for more than two decades since his murder. The time has come to focus truth's light on the murky relationships and collusion that existed between the security forces and paramilitary organizations in Northern Ireland and hold those responsible to account.

Sincerely,



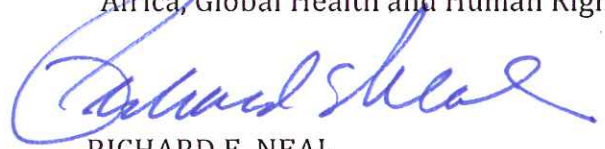
CHRISTOPHER H. SMITH
Member of Congress
Co-Chairman, Ad Hoc Committee
on Irish Affairs



DONALD M. PAYNE
Member of Congress
Ranking Member, Subcommittee on
Africa, Global Health and Human Rights



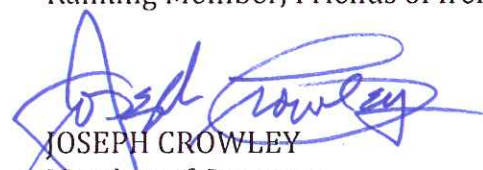
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RICHARD E. NEAL
Member of Congress
Ranking Member, Friends of Ireland



ELIOT L. ENGEL
Member of Congress
Co-Chairman, Ad Hoc Committee
on Irish Affairs



JOSEPH CROWLEY
Member of Congress
Co-Chairman, Ad Hoc Committee
on Irish Affairs



JAMES P. McGOVERN
Member of Congress
Co-Chair, Tom Lantos Human
Rights Commission

Attachment

SUBMISSIONS ON BEHALF OF THE FAMILY OF PAT FINUCANE

1. As a result of discussions between representatives of Pat Finucane's family and NIO officials the family have been asked to submit representations to the Secretary of State on the type of inquiry that should be established into Pat Finucane's murder.
2. The Finucane family have already submitted a note outlining the basic principles to which any such inquiry should conform. The NIO have provided examples of three current "Inquiries" for comparison purposes: the Baha Mousa Inquiry; the Gibson Inquiry; and the Hillsborough Truth Recovery Mechanism.
3. As discussed, the Finucane family do not believe that a non-statutory inquiry would provide an appropriate mechanism for an inquiry into Pat Finucane's murder. Such an inquiry would not provide the powers that will be needed to carry out the task.
4. The family therefore believe that a statutory inquiry is the only realistic option for the Pat Finucane case.
5. At present the only possible statutory basis for an inquiry is the Inquiries Act 2005. The Finucane family have made their position on this Act clear on many occasions, whether in submissions to the Committee of Ministers of the Council of Europe, in public statements or in the recent meetings with NIO officials.
6. The NIO have provided the family's legal team with a copy of the *Protocol for the Production of Documents and Other Evidence to the Inquiry by the Ministry of Defence* produced by counsel to the Baha Mousa Inquiry. This appears to be a procedure agreed between the Inquiry and the Ministry of Defence for the production and onward disclosure of material, including redaction and applications for non-disclosure. It is also stated to apply to other government departments to the extent that they will be involved with the inquiry.

7. Paragraph 29 of that document states:

“Where public interest issues or other s.19(3) issues arise, the Inquiry expects the above procedures to be used for seeking a restriction order from the Chairman rather than a restriction notice being issued under s.19(2)(a) by the relevant minister.” (emphasis added)

8. There is no reason why the Minister(s) could not make a similar agreement in respect of an inquiry into the murder of Pat Finucane. Of the three examples provided the Baha Mousa inquiry would be the most appropriate mechanism for an inquiry into the murder of Patrick Finucane.