

Submission by: Front Line; The International Foundation for the Protection of Human Rights Defenders (Front Line has Special Consultative Status with the Economic and Social Council of the United Nations)

Related to: United Kingdom (UK)

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Introduction

The following submission has been prepared based on information received from independent human rights defenders in the UK and Ireland. Front Line is an international NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Failure to investigate the killing of human rights defender Patrick Finucane

Front Line is extremely concerned by the failure of the United Kingdom (UK) government to hold an independent public judicial inquiry into the case of human rights lawyer, **Patrick Finucane**, who was shot dead by members of the Ulster Freedom Fighters (UFF) on 12th February 1989, at his home in Belfast.

In the aftermath of Patrick Finucane's killing, substantial and credible allegations of state collusion began to emerge, including evidence of conspiracy between police and British military intelligence agents with loyalist paramilitaries. Allegations also emerged of a subsequent cover-up by various government agencies and authorities, including the police, the British Army, MI5 (the UK Security Service, officially "responsible for protecting the UK against threats to national security") and the office of the Director of Public Prosecutions in Northern Ireland.

In February 1999 a confidential report was submitted to the UK and Irish governments by former Metropolitan Police Chief, Lord John Stevens. The report alleged that members of the intelligence branches of the police and the army actively colluded with Loyalist paramilitaries in Patrick Finucane's death. To date the reports have led to one prosecution and over 20 recommendations that are still being considered by the Public Prosecution Service of Northern Ireland. Furthermore, In 2003, the European Court of Human Rights found that the proceedings for investigating the death of Patrick Finucane failed to provide a prompt and effective investigation into the allegations of collusion by security personnel and that Patrick Finucane's right to life, which is protected under Article 2 of the European Convention on Human Rights, had been violated in a number of ways.

As a result of national and international pressure and twelve years of campaigning by the Finucane family, the UK and Irish governments appointed former Canadian Supreme Court Judge, Justice Peter Cory, to investigate the killing of Patrick Finucane, and the circumstances surrounding his death. The Cory Collusion Inquiry Report was not published by the UK Government until 1 April 2004. Judge Cory concluded the report by stating that *"there is strong evidence that collusive acts were committed by the Army (Force Research Unit), the RUC Special Branch and the Security Service. I am satisfied that there is a need for a public inquiry."*

Justice Cory further recommended that a public inquiry should take place without delay, clearly indicating the type of public inquiry required - that provided for in the 1921 Tribunal of Inquiries Act. To date the UK Government has failed to set up the type of public inquiry recommended by Judge Cory. Instead it insists that the Finucane inquiry will be held under the UK Inquiries Act passed by UK Parliament in April 2005. The Inquiries Act 2005 empowers the Government to block scrutiny of state actions and limits independent action by the judiciary in inquiries held under its terms.

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

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