

Secretary of State outlines way forward in Pat Finucane case

With permission, Mr Speaker, I would like to make a statement.

INTRODUCTION

The murder of Patrick Finucane on 12 February 1989 in front of his family was an appalling crime that has caused tremendous suffering. It occurred during a difficult and dark period of this nation's history which brought untold pain to many families across the United Kingdom and Ireland.

Northern Ireland has made massive strides since the Belfast (Good Friday) Agreement to create a vibrant, inclusive and forward-looking future. However, the legacy of the Troubles still hangs like a shadow over society. This Government is determined to work hand in hand with the people of Northern Ireland, from all communities, with victims and survivors, and with our Irish partners. We want to find a way to bring truth and reconciliation where there is currently hurt, and where too many people continue to suffer due to the absence of information into the circumstances of the deaths of their loved ones.

Mr Speaker, it is plain that the levels of collusion in the Finucane case, made clear by previous investigations, are totally unacceptable. Former Prime Minister, David Cameron, rightly apologised publicly in 2012. I unreservedly reiterate that apology today. I also acknowledge an apology can not undo history, nor can it alleviate the years of pain that the Finucane family have felt. But it is nonetheless right that this Government acknowledges that, at the height of the Troubles, actions were taken that fell far short of what can and should be expected.

Mr Speaker, the murder of Patrick Finucane has been the subject of a considerable number of investigations and reviews, including the 'Stevens 3' investigation and the de Silva review. These investigations led to the conviction of Ken Barrett, a loyalist terrorist who pleaded guilty to the murder.

In February 2019, the Supreme Court made a declaration that the State had not discharged its obligation to conduct an Article 2 compliant investigation into the death of Mr Finucane. That judgment specifically set out that – 'It is for the state to decide...what form of investigation, if indeed any is now feasible, is required in order to meet that requirement'.

It did not order a public inquiry. But in considering all the options open to me to meet the State's obligations under Article 2, I have considered whether a public inquiry is the most appropriate step to address the specific findings of the Court at this time.

DECISION

Mr Speaker, I have today spoken to the Finucane family. I advised them of my decision not to establish a public inquiry at this time. Our public statement, published this afternoon, sets out the considered rationale for this decision, which I will now explain directly to the House.

Mr Speaker, in reaching its conclusion, the Supreme Court identified a number of issues with previous investigations in this case:

Firstly – there was no identification of the officers within the Royal Ulster Constabulary, Security Service and Secret Intelligence Service who failed to warn Patrick Finucane of known threats to his life in 1981 and 1985, together with the circumstances in which these failures occurred;

Secondly – there was no identification of the RUC officers who, as Desmond De Silva said, “probably did propose” Mr Finucane as a target for loyalist terrorists in December 1988; and

Thirdly – there was no identification of the police source who provided intelligence about Patrick Finucane to Ken Barrett.

The Supreme Court identified these shortcomings and other failures of process. But it did not render the previous reviews and investigations – which resulted in significant findings and information being released into the public domain – as null and void.

The work conducted by, and the findings of, those previous independent investigations and reviews remain valid. The State’s Article 2 obligations can be met through a series of processes – taken by independent authorities on the initiative of the State – which cumulatively can establish the facts, identify the perpetrators and hold them to account where sufficient evidence exists.

In June 2019, an independent review of previous investigations was commissioned by my Rt Hon Friend, the member for Staffordshire Moorlands. The first purpose of this review was to gain a clear understanding of what investigative steps had already been taken to identify all individuals of concern. Its second purpose was to understand the actions taken as part of previous investigations in respect of these individuals.

INFORMATION IN PUBLIC DOMAIN

The review was conducted by independent counsel from Northern Ireland. It highlighted that steps had in fact been taken during previous investigations which had not been considered by the Supreme Court – but which were relevant to the issues it identified. For example, it found that a number of officers from the Royal Ulster Constabulary and the Army’s Force Research Unit had been interviewed as part of the Stevens’ investigation and that Stevens accepted that there was no direct breach of policy by any individual officer at the time.

As my Rt Hon friend for North Shropshire stated in 2011, accepting that collusion occurred is not sufficient in itself. The UK Government recognises the need to ensure sufficient levels of public scrutiny of criminal investigations and their results.

I am today publishing further information that was considered by the independent counsel in their review since the Supreme Court judgment, some of which has not previously been released into the public domain. This includes information pertaining to a Police Service of Northern Ireland review conducted in 2015.

PSNI REVIEW PROCESS AND OPONI INVESTIGATION

Mr Speaker, as set out in the 2015 police review, a number of issues were referred to the Police Ombudsman for Northern Ireland in 2016 and remain subject to investigation.

In addition, the Legacy Investigation Branch of the PSNI informed my Department on 2 November 2020 that Patrick Finucane's case is shortly due to undergo a process of review, in accordance with the priorities set out in their Case Sequencing Model. The Chief Constable confirmed that this is expected to begin early in the New Year.

To be clear – this is a purely operational police matter. The UK Government rightly has no role whatsoever in determining how or when the police deal with its outstanding legacy caseload. However, the fact that a decision on a police review is due shortly is an important development and was a factor in determining the next steps in this case. Critically, a review would consider whether further investigative steps could be taken in this case and whether the PSNI should do so. These were key elements of the Supreme Court judgment.

It is, quite properly, for the Chief Constable of the PSNI to determine the precise scope and format of any review in accordance with their own priorities and review procedures. And the police have indicated that they expect that any review would need to be conducted independently of the PSNI.

Such a process, in addition to the ongoing investigations being conducted by the Police Ombudsman, could play an important role in addressing the issues identified by the Supreme Court.

FUTURE INQUIRY

Mr Speaker – I want to be clear. I am not taking the possibility of a public inquiry off the table at this stage. It is important that we allow the PSNI and Police Ombudsman processes to move forward, and that we avoid the risk of prejudicing any emerging conclusions from that work.

I will consider all options available to me to meet the Government's obligations.

CONCLUSION

Mr Speaker, I assure the House that this decision has been taken following careful consideration of the facts, the findings of the Supreme Court judgment, the outcome of the independent counsel review, and the United Kingdom's obligations under Article 2 of the European Convention on Human Rights.

Mr Speaker, this Government has demonstrated that, when the public interest requires it, we will establish public inquiries to look at potential failings by Government or state bodies. As we have done in the case of the Manchester bombing.

In this instance, I believe it is in the public interest to allow the police and Ombudsman processes to proceed, before taking a decision on whether the State's Article 2 obligations have been discharged, or whether further steps are required.

Mr Speaker, this case is sadly just one example of the violence and tragedy experienced by so many individuals and families across Northern Ireland, the rest of the United Kingdom, and Ireland during the Troubles. That is why this Government remains committed to dealing with the legacy of the past in its entirety.

We are determined to get this right, working closely with communities. This is vital so that society in Northern Ireland can look beyond its divisive past and towards a shared future.

I commend this statement to the House.