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1999 No:

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (CROWN SIDE)

HIGH COURT OF JUSTICE
8 SEP 1999
NORTHERN IRELAND

IN THE MATTER OF AN APPLICATION BY ED MOLONEY FOR LEAVE TO APP. FOR JUDICIAL REVIEW AND IN THE MATTER OF DECISIONS MADE BY HIS HONOUR JUDGE ANTHONY HART QC DATED 23RD AUGUST AND 2ND SEPTEMBER 1999

This is the Exhibit marked "FK3" referred to in the Affidavit of Francis Keenan.

Signed: Michelle Keenan

FK 3

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PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989.
SCHEDULE 7

APPLICATION TO OBTAIN AN ORDER

County Court Division of Belfast

Statement of Facts in support of the above application

On Sunday, 12 February 1989 at about 7.30 pm at 11 Fortwilliam Drive, Belfast, several masked gunmen forced their way into the home of Patrick Finucane, a Belfast Solicitor. At the time Patrick Finucane was eating a meal with his wife and three children. On entering the kitchen the gunmen opened fire and he was shot at close range fourteen times by two separate firearms, namely a 9mm Browning Automatic Pistol and a .357 Magnum Revolver. He was fatally wounded and was dead on arrival of the Emergency Services.

The masked gunmen made good their escape and an immediate murder investigation was undertaken by the RUC. Some days later the UFF claimed responsibility for the murder of Patrick Finucane. Throughout the course of the investigation by the RUC a number of people were arrested for the murder but at the time nobody was charged.

In June 1990, a journalist by the name of Neil Mulholland who was working at the time for the Sunday Life met and interviewed a person named William Stobie. At this meeting Mulholland made detailed notes and kept them in a secure location. Some months later Mulholland heard an appeal by the police for any information as to help with the investigation into the murder of Patrick Finucane. As a result, Mulholland contacted the police and was interviewed on 7 September 1990 about interviews he had with William Stobie, however at the time he did not wish to make a statement and substantiate these allegations.

As a result, Stobie was arrested and interviewed over a period between 13 September 1990 and 20 September 1990. During these interviews Stobie denied any involvement in the murder and was subsequently released without charge.

On 19 April 1999, at the request of Sir Ronnie Flanagan, Chief Constable of the RUC John Stevens, Deputy Commissioner of the Metropolitan Police was asked to re-investigate the murder of Patrick Finucane.

One line of enquiry was to re-interview Neil Mulholland. As a result, on 3 June 1999 Mulholland made a lengthy statement and produced his original notes of meetings with Stobie in 1990. As a result of this and other evidence Stobie was arrested, interviewed and on 23 June 1999 was charged with the murder of Patrick Finucane.

The investigation continues with regards to the identification and arrest of the masked gunmen. It is the Crown's contention that Stobie's involvement amounted to talking with others about the planning of the murder, of supplying the murder weapons knowing that they would be used to kill Patrick Finucane and then the recovery of those said weapons.

On Sunday, 27 June 1999 an article appeared (as attached) in the Sunday Tribune written by the paper's Northern Editor named Ed Moloney. This article was written with the express permission of William Stobie and clearly now is in the public domain.

MB
FK3

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This article is viewed by the police as containing extremely valuable potential evidence. Moloney describes in detail meetings that he had had with Stobie during the Autumn and Winter of 1990 and also most recently in May 1998. On the first occasion that Moloney and Stobie met, the meeting lasted 2½ hours. The article is written from referring to contemporaneous notes made of these interviews.

On Monday, 28 June 1999 I and another officer, WDC Scott visited Mr Moloney at his home address which is also his place of work. At this meeting I asked directly if Mr Moloney would produce a statement and also these original comtemporaneous notes which I believe would be of substantial value to the investigation. Mr Moloney, on both counts, refused to hand over the notes or to make a statement.

The notes would be of substantial value to the investigation team in that the events related in the article (and presumably notes) directly corroborate and go to the credibility of Neil Mulholland's statement.

Further, during Stobie's interviews he made very few answers to any questions. In this article there are clear admissions of supplying the murder weapon (9mm Browning) and the recovery of same after the murder.

The material held by Moloney is not excluded material and is journalistic material.

I feel that it is in the public interest to have access to these notes so that the investigation may progress along this particular line of enquiry with regards to Stobie's, and any other persons involvement in the murder of Patrick Finucane.

RICHARD TURNER
Detective Inspector
(Stevens Investigation Team)

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