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NUJ
NATIONAL UNION OF JOURNALISTS

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(By Fax and Post) 19 August 1999

Ms Liz O'Donnell TD
Minister for State at the Department of Foreign Affairs
80 St Stephens Green
Dublin 2

RE: Ed Moloney

Dear Ms O'Donnell

I write with some urgency to draw your attention to the likely jailing of one of our members in Belfast, Mr Ed Moloney, Northern Editor of *The Sunday Tribune*, for his refusal to hand over notes of an interview to the Pat Finnucane Murder Investigation led by Deputy Commissioner John Stevens.

I know you will be aware that absolute protection of sources is a core and unbending principle of the NUJ and of professional journalism throughout the world. There can be no compromise on confidentiality where it has been assured. Attached is a briefing note on Ed's case which is due before court in Antrim on Monday next August 23 1999.

The NUJ fully supports its member and is seeking your intervention through whatever channels open to you to seek a review of the order by those who have still have time to avoid what we believe would be a most unhelpful incident in an already difficult time for the peace process.

You will remember the Susan O'Keeffe case within this jurisdiction and that only for a technicality she was inevitably going to be jailed for contempt. I recall that the Progressive Democrats were very supportive of Ms O'Keeffe and staged a protest outside the court alongside our own. Indeed I think you were your party's spokesperson on Justice at that time and present at the court hearing. In this case Ed Moloney has no option but to suffer that same fate unless sense prevails within the investigation team. Democracy is not served by forcing journalists to break their commitment to confidentiality. Once that principle falls the notion of a 'free media' falls too. From then on every journalist will be a potential source of evidence in court.

I know that you will share our belief in 'media freedom' and urge you to act through the appropriate channels to resolve this matter. If it were possible given the time constraints I would welcome the opportunity to discuss this matter with you.

Yours sincerely

EOIN RONAYNE
Irish Secretary

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Briefing Note

Re: ED MOLONEY, Northern Ireland Editor, The Sunday Tribune.

On July 8, two days before starting his annual leave, Ed Moloney was served with a Court order under the UK Prevention of Terrorism Act demanding that he hand over to the police notes made in 1989 of an interview(s) with one William Stobie, a quarter-master in an illegal Loyalist paramilitary group who had recently been charged with the February 1989 murder of Belfast lawyer Pat Finnucane. The order arose out of an article written by him and published in the Sunday Tribune on June 27th, 1999.

His lawyers have applied to have the order dismissed and a court hearing will be held on August 23rd (Monday NEXT) in Antrim town. If lost, as appears likely, he will have the remainder of the seven day period allotted to him to hand over the notes otherwise he faces an unlimited fine and/or between six months and five years in jail. The effect of the Court order, were he to obey it, would be to force Mr Moloney to give evidence against a source. Regardless of his assurance of absolute confidentiality, a core principle of professional journalism.

The issues are very simple. If he hands over the notes he may as well quit as a journalist. The betrayal of trust involved would mean that nobody could trust him in future not to pass on information to the police despite it being given in confidence. This move against Mr Moloney is an effective attempt to deprive him of his livelihood but it also has serious negative implications for journalists throughout this Island. If this attempt to force him to cross the divide between reporting and evidence gathering for the police is successful then no journalist is safe.

In lengthy interviews with Mr Moloney nearly nine years ago, Mr. Stobie claimed to have been an agent working for the RUC, who gave his handlers advance notice of the operation which led to Pat Finnucane's death. Mr. Finnucane who specialised in defending members of the IRA and who had a well-publicised history of conflict and friction with the police and army, was killed in controversial circumstances. In particular there have been well documented allegations of British Army collusion with his killers.

The court order against Mr Moloney was issued at the request of a team of Scotland Yard detectives headed by Dep. Commissioner John Stevens. They were drafted into Belfast to re-open the Finnucane case following a report delivered in April to the Irish Government by a London-based human rights group which made serious allegations of British Army collusion in the Finnucane murder. Serious questions

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centre on the decision to appoint Stevens, a decision made unilaterally by the head of the RUC and apparently without the knowledge or approval of the Irish Government.

There have been a number of other reports into the Finnucane killing, most notably by a United Nations rapporteur who called for a full judicial inquiry into the murder. Other civil liberties groups, such as the Lawyers for Human Rights in NY have made similar calls.

When Stevens was appointed the Finnucane campaign was reaching a crescendo. This is at a time when a commission into the future of the RUC, headed by ex Hong Kong governor Chris Patten and established under the terms of the Good Friday Peace Agreement, is due to deliver its report.

Although Stevens was appointed on foot of the April 1999 collusion allegations he has moved against only two significant figures in the Finnucane saga, both of whom have added to the allegations of state collusion, expanding the claims to embrace both the British Army and the RUC. One is William Stobie who claims to have informed the RUC about the Finnucane murder plans and who is a crucial potential witness in the collusion allegations. The other is Ed Moloney, the journalist who wrote Stobie's story.

If the lawyers fail to get this court order quashed and Mr Moloney is charged with contempt he may be prosecuted under the terms of the Prevention of Terrorism Act and will face a no-jury court. He will be the first journalist since the Northern Ireland Troubles began to be prosecuted in such a way. The prosecuting authority, the office of the Director of Public Prosecutions (DPP), is itself deeply implicated in the Stobie-Finnucane affair. At one stage in his conflict with the RUC, Stobie was charged with weapons offences but when he threatened to reveal from the dock that he had tipped off the police about the Finnucane murder and that they had done nothing, the DPP agreed to drop all charges against him.

The effect of indicting Stobie under British law is to make the Finnucane affair sub-judice. This silences the calls for an inquiry until after Stobie's trial and since that event is so far in the future the implications for the RUC of this affair cannot be considered in time by the Patten Commission. Stobie's arrest takes the Finnucane murder off the agenda at a crucial point in the NI peace process. It also serves to discredit an important witness in the allegations of state force collusion in the killing.

Stobie is the second important Loyalist paramilitary member involved in the Finnucane killing who has been uncovered by the media as working for British intelligence agencies. The other was Brian Nelson, who supplied the gunmen with the intelligence - photos, addresses etc - used in the Finnucane operation. It is now known and admitted by the authorities that at the time of the Finnucane murder Nelson worked secretly for British military intelligence. Nelson kept a diary detailing his dealings with his handlers at the time of Finnucane's death. But no court order has been issued against him demanding he hand over this material to John Stevens!

Ends.

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