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Meeting between the Minister of State at the Department of Foreign Affairs, Ms. Liz O'Donnell TD, and representatives of the Finucane Family, 12 February 1999.

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1. A meeting took place at Iveagh House on 12 February 1999, and the Minister was accompanied by Secretary Dermot Gallagher. The meeting was at the request of the Finucane family in order to hand over a confidential report by the human rights NGO British Irish Rights Watch. The report detailed allegations of security forces collusion surrounding the deaths of Pat Finucane, Gerard Slane and Terence McDaid. A full list of those in attendance is attached.

2. The Minister welcomed the representatives to the meeting and said that the case of Pat Finucane had always been a disturbing one, and that the murder of a lawyer represented an attack on the rule of law and all that that stood for. The Minister emphasised that Human Rights were central to the approach of the Government to the peace process, and said that issues of truth and justice were inextricably linked to human rights. The Government had urged that the call of the United Nations special rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy be seriously considered.

3. Mrs Geraldine Finucane handed over the report by British-Irish Rights Watch and Jane Winter said that even if the Report of John Stevens were to be made public at this stage, it would need to be updated and rewritten in the light of developments in recent years. British Military Intelligence's Force Research Unit (FRU) was now seen to be central to the cases of Finucane, Slane and McDaid, and although there had been litigation and financial settlements with the Slane and McDaid families, the truth behind the cases had never been made public.

4. The group was going to meet the Secretary of State for Northern Ireland in the afternoon, they had previously met with Seamus Mallon and Gerry Adams, and they were asking for a meeting with David Trimble. Support for the call for an independent inquiry had been forthcoming from many sources, including the 1000 lawyers who had signed the petition published in the morning's newspapers. A copy of the report was also to be presented to the UN Commissioner for Human Rights, Mrs Mary Robinson. Secretary Gallagher said that it may be significant that the Secretary of State had agreed to receive the report personally.

5. The Minister said that the peace process was a means of dealing with the future and the past and there were necessarily traumas to be faced, and the fact they were retrospective made them no less difficult to approach. The creation of Human Rights Commissions in both jurisdictions was to be welcomed and would be a safeguard for the future.

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6. The group requested that the Government should consider the new report seriously, and asked if any influence could be exerted to ensure that it received the same treatment from the British Government. Paul Mageean of the CAJ said that there had already been a leap of faith on the part of the families in that they were trusting the system which had failed them to investigate the allegations.

7. The Minister assured the group that the matter was taken very seriously, that the report would receive immediate attention and that the Government would respond to it at the earliest possible opportunity. Although the Government had been concentrating on the implementation of the Good Friday Agreement, there was a need to address the trauma of three decades of violence. The meeting, which had been conducted in a sober and dignified manner, concluded with the Finucane family thanking the Minister for her interest in the case and looking forward to an early response.

Alma Ní Choigligh
Security Section
Anglo-Irish Division
15 February 1999

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Attendance:

Minister of State Liz O'Donnell T.D.
Secretary Dermot Gallagher
Mr. Eamonn McKee
Ms. Alma Ní Choigligh

Delegation
Geraldine Finucane (widow of Pat Finucane)
Michael Finucane (son of Pat Finucane)
Catherine Finucane (daughter of Pat Finucane)
Seamus Finucane (brother of Pat Finucane)
Dermot Finucane (brother of Pat Finucane)
Maura McDaid (widow of Terence McDaid)
Teresa Slane (widow of Gerard Slane)

Peter Madden (business partner of Pat Finucane and lawyer to the Finucane, McDaid and Slane families)
Paul Mageean (Legal Officer CAJ)
Jane Winter (Director, British-Irish Rights Watch)
Eamon McMenamie (lawyer, Madden and Finucane)
Kevin Winters (lawyer, Madden & Finucane)

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Taoiseach
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Press Release

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SEEN BY TAOISEACH

"Human Rights central to the Peace Process" - O'Donnell

The Minister of State at the Department of Foreign Affairs, Liz O'Donnell TD, met at Iveagh House today with the family of Mr. Pat Finucane on the tenth anniversary of the murder of the prominent defence lawyer.

At the meeting, the Finucane family handed over a confidential report by the respected human rights NGO British Irish Rights Watch in which detailed new allegations of collusion by the security forces in the death of Pat Finucane are made.

In thanking the group for the report, the Minister assured them that it would receive immediate attention. The Minister also emphasised the crucial importance of human rights in the overall approach of the Government to the peace process. **"Human Rights has and continues to be central to the peace process. Issues of truth and justice are inextricably linked to human rights and good governance."**

The Minister highlighted the fact that the Government had already urged that the call of the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Mr. Param Cumaraswamy, for an independent judicial inquiry into the case be seriously considered, and welcomed the support offered by lawyers and NGOs such as Amnesty International for an inquiry.

The Minister said **" The New Labour Government in Britain has shown significant courage about and commitment to human rights and justice issues. Their willingness to tackle Bloody Sunday was genuinely historic and I believe will prove to be a watershed in British Irish relationships. It is clear that as we concentrate on implementing the Belfast Agreement all sides need to address the trauma of almost three decades of violence. This applies to all, paramilitary and security forces alike. "**

Press Section
February 12, 1999

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Meeting between the Family of Mr. Pat Finucane and the Minister of State at the Department of Foreign Affairs, Ms. Liz O'Donnell T.D., 12 February 1999

Steering Note

1. The relatives wish to submit a new report into the death of Pat Finucane ten years ago in support of their demand for a public inquiry. A copy of the report will be given to the British Government. The report is confidential and only a summary will be made available to the press. Other than receiving this report, no action is required at the meeting. How the matter is taken forward by both governments will depend on an evaluation of its contents. A list of the delegation to meet with the Minister of State is attached.

2. At the time of his murder on 12 February 1989, Patrick Finucane was one of the most prominent defence lawyers in Northern Ireland having successfully challenged the British Government in the European courts of Human Rights. He was particularly active on behalf of republicans, including in regard to high profile cases such as the murder of two British Army soldiers in Casement Park. Loyalist gunmen attacked and killed him at his home in front of his family. Nobody has been prosecuted for the murder.

3. Over the years, allegations have been made that the case of Pat Finucane, like that of a growing number of republican victims of loyalist violence, was the result of collusion between the security forces and loyalists. These centred on the nature of the work undertaken by Brian Nelson on behalf of his British Army handler (Colonel 'J') - specifically that Nelson was infiltrated as a British agent into the UDA to channel information to them about potential republican targets. There were also allegations that the security forces cleared out of target areas to allow the gunmen free and unimpeded access.

4. By way of general background, the rate of loyalist killings began to rise sharply from 1988 onwards. This coincided with the arrival of a substantial arms shipment from South

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Africa and the use of Nelson by a secret British Army Intelligence unit called the Force Research Unit (FRU), headed by Colonel "J". FRU's precise role has never been clarified. Of the 100 or more victims of this campaign between 1988 and 1994, somewhere in the region of 60 were republicans. This marked a new feature of loyalist killings which traditionally focused on random attacks on catholics in areas abutting hardline loyalist enclaves.

5. It was alleged on a BBC 'Panorama' programme in 1992 that Nelson admitted to participating in Finucane's murder. The transcript of the 'Panorama' programme was referred to the DPP, who asked John Stevens to investigate the allegations. Stevens submitted his final report to the DPP in January 1995. However, the DPP directed the Chief Constable that there should be no prosecution. The report of the Stevens Inquiry has never been made public. Stevens himself is currently a senior police officer with the London Metropolitan Police. He has indicated privately to contacts that he knows who actually killed Finucane.

6. In 1998 the UN Special Rapporteur on the Independence of Judges and Lawyers, Mr. Param Cumaraswamy, called for an independent judicial inquiry into the murder of Mr. Finucane, but this met with a very limited reaction from the British Government. They insisted that "unless new evidence is brough to light there can be no justification for another inquiry, although the police file remains open". Mr. Cumaraswamy will call again for an inquiry in his next report (due in April).

7. The Minister welcomed the publication of Cumaraswamy's report as an important and substantive contribution which deserved full and careful examination. Over the years, we have regularly, through the framework of the Anglo-Irish Intergovernmental Conference, made clear our concerns both concerning the individual case of Pat Finucane and at the issue of collusion, which was the focus of the Stevens Inquiry. At a meeting between the Finucane relatives and the Minister in May 1998, the relatives asked the Government to look again at the case and make an assessment of it. Indeed, they believed that compelling new material was emerging from a media source. However, it was felt that it would be inappropriate for officials to begin an investigation of this type.

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A highly respected human rights NGO in London, British Irish Rights Watch, subsequently had access to this material.

8. Their confidential report, to be handed over to the Government at the meeting with the Minister for State is in part based on an analysis of this material. The report also examines two other cases of alleged collusion, that of Terence McDaid and Gerard Slane. Their widows will be part of the delegation. A summary has been issued to the press (attached). The report will be accompanied by a petition signed by over 1,000 lawyers calling for an inquiry. The list includes Brice Dickson who is to head Northern Ireland's Human Rights Commission. It also includes prominent US lawyers such as former Congressman Bruce Morrison. After the delegation meets the Minister of State, it will travel to Belfast for a meeting with the Secretary of State.

9. As can be seen from the summary, the report alleges that Finucane was murdered at the behest and possible direction of security forces, that their agent Nelson was actively involved in it and that the FRU sought to conceal the nature of its activities from the Stevens Inquiry. British-Irish Rights Watch calls on the British Government to confirm or deny the authenticity of the documents on which its report is based. As the summary states, "the materials on which the report is based strongly suggest that agents of the state have been involved, directly and indirectly, in the murder of its citizens, in contravention of domestic law and all international human rights standards." BIRW calls for a public inquiry to investigate this allegation focusing on the role and activities of the FRU and on the degree of oversight by the army, intelligence service, RUC and the authorities generally.

Security Section
Anglo-Irish Division
10 February 1999

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Meeting between the Family of Mr. Pat Finucane and the Minister of State at the Department of Foreign Affairs, Ms. Liz O'Donnell T.D., 12 February 1999

Delegation

Geraldine Finucane (widow of Pat Finucane)

Michael Finucane (son of Pat Finucane)

Seamus Finucane (brother of Pat Finucane)

Maura McDaid (widow of Terence McDaid)

Teresa Slane (widow of Gerard Slane)

Peter Madden (business partner of Pat Finucane and lawyer to the Finucane, McDaid and Slane families)

Paul Mageean (Legal Officer CAJ)

Jane Winter (Director, British-Irish Rights Watch)

Eamon McMenamie (lawyer, Madden and Finucane)

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Meeting between the Family of Mr. Pat Finucane and the Minister of State at the Department of Foreign Affairs, Ms. Liz O'Donnell T.D., 12 February 1999

Speaking Points

- This has always been a very disturbing case. It is invidious to select victims. However, the murder of a lawyer represents a fundamental attack on the rule of law and all that that stands for.

- We have never received a clear answer about Nelson's role in it and more generally his role as an agent of the British Army. It is extremely important that we find an answer to Pat Finucane's case.

- Human Rights is very central to our overall approach to the peace process. We consider human rights and equality as ballast, stabilising confidence in it. Issues of truth and justice are inextricably linked to human rights.

- We can make progress. The New Labour Government has shown significant courage about and commitment to human rights and justice issues. Their willingness to tackle Bloody Sunday was genuinely historic and I believe will prove to be a watershed in British-Irish relationships.

- As you can imagine, we have been concentrating on getting the Good Friday Agreement up and running. I believe that we will increasingly need to address the trauma of almost three decades of violence. If we understand it, we help to avoid it in the future. This applies to everyone involved - paramilitaries and security forces alike.

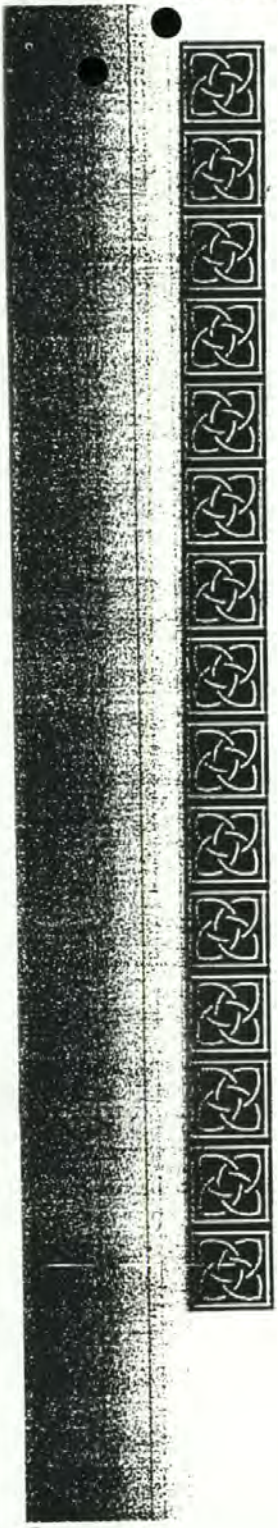
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Controversies of the past are unlikely simply to go away. People need and deserve answers. We are only beginning to deal with the whole issue of victims and their relatives. This is particularly true for the families involved.

I would like to thank you for this report. We will study it carefully. I understand that a copy will be given this afternoon to the Secretary of State, Mo Mowlam. I cannot say at this point what we will recommend but you can be assured that we take this matter very seriously and it will receive immediate attention.

* * *

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DEADLY INTELLIGENCE

STATE INVOLVEMENT IN LOYALIST MURDER IN NORTHERN IRELAND

SUMMARY

British Irish
RIGHTS WATCH

FEBRUARY 1999

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On 12th February 1999, the tenth anniversary of the murder of Belfast solicitor Patrick Finucane, British Irish RIGHTS WATCH will deliver a confidential report to the British and Irish governments and to the United Nations' Special Rapporteur on Independence of Judges and Lawyers.

The report concerns the activities of British military intelligence and its agent Brian Nelson. It is based on years of research by British Irish RIGHTS WATCH and others. Much of the information it contains is in the public domain, but some of it is not, and for that reason the report itself cannot be published.

In summary, the report alleges that, through its secret Force Research Unit (FRU), a branch of army intelligence, the state sought out loyalist Brian Nelson and infiltrated him into the Ulster Defence Association, which carried out its campaign of murder under the flag of convenience of the Ulster Freedom Fighters (UFF). FRU used Nelson to enhance the loyalists' intelligence on people it was targeting for murder, and that intelligence rapidly spread throughout other loyalist paramilitary groups.

The report examines in depth the murders of three innocent victims of this deadly enterprise: Patrick Finucane, Terence McDaid, and Gerard Slane.

The United Nations' Special Rapporteur has called for an independent public inquiry into the murder of Patrick Finucane. The British government has refused to hold such an inquiry unless new evidence comes to light. The report reveals information that, if the data we have seen is authentic, constitutes shocking evidence that:

- members of the RUC suggested that the UDA kill Patrick Finucane
- the RUC sent a report to Douglas Hogg which prompted his remark in Parliament that some solicitors were "unduly sympathetic to the cause of the IRA"
- Nelson was actively involved in the murder
- FRU misled the Stevens Inquiry and the Crown Court about its knowledge of and involvement in the murder
- a "P" [personality] card used by Nelson to summarise information about potential UDA victims was withheld from the Stevens Inquiry into collusion and has been withheld from lawyers acting for Patrick Finucane's widow
- RUC Special Branch had detailed information about the plot to murder Patrick Finucane but did nothing to prevent it or to protect him.

This is all information which, if true, would constitute new evidence.

Terence McDaid was killed when he was mistaken for one of his brothers. The report suggests that it may have been wrong information from FRU's handlers that led to his death. The Ministry of Defence have paid compensation to his family

Nelson kept his handlers informed about the UFF conspiracy to murder Gerard Slane, but the report indicates that FRU did nothing to protect him. The Ministry of Defence have also compensated his family.

The alleged role played by FRU, and possibly by elements within the RUC, in these three murders and many others meant that UFF assassins were not brought to book. They literally got away with murder.

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The report also examines the significant role played by Nelson in procuring weapons from South Africa for three loyalist Groups, the UFF, the Ulster Volunteer Force and Ulster Resistance. Both FRU and MI5 were fully aware of Nelson's involvement. After the shipment of weapons was received, loyalists' capacity for murder more than doubled.

The report also discusses evidence that indicates that FRU misled the Stevens Inquiry. British Irish RIGHTS WATCH has examined documents which, if authentic, show that

- FRU impounded Nelson's intelligence material within a week of the Stevens team's arrival in Belfast
- FRU did not hand over these materials to Stevens until ten days after Nelson's arrest three months later
- FRU did not hand over its own materials to Stevens for another six months or more
- the Stevens team found evidence that the materials had been tampered with
- not all the relevant documents were passed to Stevens.

FRU's activities appear to have gone beyond isolated acts of collusion. Before the late 1980s, loyalist murders were often wholly sectarian and apparently random. After 1988 their capacity for murder increased dramatically and their targeting of victims became very much more precise. There seems very little doubt that FRU played a systematic role in this. If so, they broke every rule in the book and committed some very serious crimes.

British Irish RIGHTS WATCH considers that all the deaths and other crimes in which FRU was allegedly involved merit proper scrutiny by a public inquiry. The organisation believes that the British government will be able to tell from the report whether the documents on which these allegations are based are genuine, because if so they have the originals in their possession. If they are authentic, then only a public inquiry can allay the matters of burning public interest that they raise.

The materials on which the report is based strongly suggest that agents of the state have been involved, directly and indirectly, in the murder of its citizens, in contravention of domestic law and all international human rights standards. British Irish RIGHTS WATCH calls on the British government without further delay or prevarication to set up an independent public inquiry with full judicial powers to investigate the matters raised in the report. In particular, such an inquiry must:

- determine whether the activities of the Force Research Unit, especially their infiltration of Brian Nelson into the UDA, had as their aim the assassination of any individual
- make an informed assessment based on all the available evidence, whether currently in the public domain or not, of the damage caused by those activities, both in terms of lives lost and otherwise
- determine how much knowledge and oversight of those activities was had by the army, the intelligence service, the police, the Northern Ireland Office and the government.

FEBRUARY 1999

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Human Rights Commission Bill

The Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue, T.D., today (10 February, 1999) announced that the Government has approved Heads of a Bill for the establishment of a Human Rights Commission in the State under the provisions of the Good Friday Agreement.

The Minister said that the Human Rights Commission which will be independent of Government will be chaired by a judge of the Superior Courts or a person similarly qualified. The Bill will provide that the Commission will have power to conduct enquiries and compel people to attend hearings.

The Bill will also provide that the Commission will keep under review the adequacy and effectiveness of laws and practices relating to Human Rights in the State, as well as enabling it to make recommendations to the Government as necessary. The Commission will also be able to provide information and promote awareness of human rights and, in appropriate cases, will be able to bring court proceedings or provide assistance to persons doing so. In short, the Government's intention is to take full account of the 1993 UN Paris Principles in this area.

The Minister also indicated that, in line with commitments given by the Taoiseach to the Dáil, the Heads of the Bill would be submitted to the Committee on Justice, Equality and Women's Rights and the All-Party Oireachtas Committee on the Constitution for their consideration. He hoped that both Committees would proceed to consider the matter expeditiously so that their views could be taken account of during the drafting process.

In making the announcement the Minister referred to the Government's obligation under the terms of the Agreement reached in the Multi-Party Negotiations on Northern Ireland of 10 April, 1998 (the Good Friday Agreement) to set up a Human Rights Commission with a mandate and remit equivalent to the Northern Ireland Human Rights Commission established under the Northern Ireland Act, 1998. The Minister said that arrangements to have the Bill drafted were being put in place and that he was confident that when published, it would find broad acceptance both inside and outside the Oireachtas.

10 February, 1999.

Copies of the Heads of the Bill as submitted to the Dail Committees are available from the Press & Information Office.

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ROINN AN TAOISIGH

Uimhir.....

TO: Taoiseach

FROM: Simon Hare

Re: Memorandum for Government on Human Rights Commission Bill

The Department welcomes and support the proposals set out in the Memorandum, which will enable the Government to deliver on an important commitment in the Good Friday Agreement.

The Taoiseach may wish to ask the Minister to clarify the precise extent to which the proposals are in keeping with the criteria for National Human Rights Commissions set out in the Paris Principles and to which the UN High Commissioner for Human Rights drew his attention last year. It is noted, for example, that it is not proposed to give the Commission the power to vet proposed legislation, as recommended by the Paris Principles and, indeed, as required by the Good Friday Agreement, as well as the May 1996 report of the Forum for Peace and Reconciliation on the protection of human rights. In this case, it is of course recognised that,as the Memorandum points out, the Constitution Review Group did not envisage that a Human Rights Commission would

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have such a power and the Minister is clearly being guided by this, as well as the fact that this role is currently fulfilled by the Attorney General and his Office and that the Attorney General's role also extends to international human rights norms.

The Taoiseach may also wish to ask the Minister as to how the proposed Commission would compare with the Commissions which have already been established, for example, in Canada, Australia and New Zealand.

The Taoiseach may wish to recall his statement on the occasion of the 50th anniversary of the United Nations Universal Declaration of Human Rights on 10 December, 1998 in which he said:

> "We are determined to go further than the requirements of the Agreement and establish a national institution that will be a model of its kind for Europe. We are taking as our point of departure the guidelines laid down by the United Nations, the Paris Principles, and we will endeavour to set, not follow, standards for international best practice in this field".

9 February, 1999

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