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Mr Chancellor

Ms Whelan

Please have a copy put with Hamill papers, as this point, on is likely to have implications for us two. I Barra

For the attention of Gary Ansboro Mr Drury the solicitor for the Finucane family also? I think so but if not, please

from Geraldine Finucane.

I thought you would be interested to see the this letter from Mr. Blair. It is his response to our meeting in Downing Street. Mr Ansboro for his views on whether we may and should copy this letter to Mr Drury

6.10.00

P.01 FAX NO.: IMAGE 2001 14:40

10 DOWNING STREET
LONDON SW1A 2AA

29 September 2000

THE PRIME MINISTER

Dear Mrs. Finucane,

I appreciated the opportunity earlier this month to meet you and your family and to hear your very real concerns. I was also grateful for the kind note which you sent me shortly afterwards. There were a couple of points on which I promised to get back to you.

The first concerned the extent to which Sir John Stevens' earlier investigations had covered your husband's murder. I can confirm that Stevens, in his first two investigations, was asked specifically to look at the allegations of collusion between the security forces and loyalist paramilitaries. In doing so, he considered if aspects of collusion impinged upon your husband's murder. The original investigation of the murder, however, was conducted by the RUC. The current investigation is the first time Sir John Stevens has investigated the murder itself and the new allegations set out in the British Irish Rights Watch report.

We have also carefully reviewed the legal opinion provided for Amnesty International which you left with us at the meeting. This proposes criteria on which a decision whether or not to establish an inquiry should be based and suggests that there are sufficient grounds to require the Government to establish an inquiry immediately.

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We accept that decisions regarding a public inquiry are susceptible to judicial review and that there is a duty to give proper consideration as to whether or not to establish such an inquiry. But we do not agree that the delay in making a decision on an inquiry could be categorised as irrational, nor that it is in breach of our obligations under the European Convention. The European Court of Human Rights has adjourned its own proceedings in this case, pending the forthcoming trial of William Stobie.

I think that there are good reasons to wait until the criminal investigation, and any judicial proceedings which may follow, are completed before deciding on a public enquiry. There would be considerable overlap between an inquiry and the criminal investigation. Witnesses who are required to give evidence to the criminal investigation would also have to take part in an inquiry raising issues of disclosure, admissibility and conflicting evidence. These could prejudice the possibility of successful prosecutions.

The final section of the opinion addresses the relationship between an inquiry and the criminal process. The Government's view is not that we are legally precluded from establishing an inquiry while a criminal investigation continues but that, for the reasons already outlined, there is a significant risk of one interfering with and adversely affecting the other. We have therefore concluded that in all the circumstances the balance lies in favour of allowing the criminal investigation to run its course, without prejudice to the possibility of a further inquiry. This position will, of course, be kept under review.

I know that this response will not be what you want to hear. But let me assure you that the Government is determined to get to the facts of this case.

P.03 FAX NO.: IMAGE 2001 14/10/00 14:41

That is why one of the most senior police officers in the country is leading an independent team of investigators. We do not want to take any action which might risk the outcome of that investigation. I would encourage you to take any concerns you continue to have about Sir John Stevens' investigation directly to him. I know that he would welcome the opportunity to have a discussion with you.

Yours sincerely

Tony Blair

Mrs Geraldine Finucane

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