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Judge stresses need for public inquiry

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CAROL COULTER, Legal Affairs Editor

A PUBLIC INQUIRY enabled people to be told what had gone wrong and make recommendations to ensure it did not happen again, Mr Justice Peter Cory told the conference.

The former Canadian Supreme Court judge was asked by the British government to inquire into the circumstances surrounding the solicitor's murder after the Weston Park agreement in 2001, and his report led to an announcement that there would be an inquiry.

Referring to his inquiry, he said he examined thousands of documents from the Northern Ireland Office and the security services. It took 23 months and he then delivered his report to the two governments. "They disclosed sufficient evidence of collusion to indicate that there should be a public inquiry," he said.

Mr Justice Cory said he could not reveal what was in this report, except that sufficient issues were raised in his mind to lead to the recommendation of a public inquiry. This would have powers of investigation, and wide powers of subpoena, along with power to retain counsel.

Time and cost were always a concern in such inquiries, he said, but these could be contained.

"The point is to say to the public this is what happened, and then to make recommendations, the whole point is to state what went wrong and make recommendations that it does not happen again."

Dato Param Curaraswamy, former UN special rapporteur on the independence of judges and lawyers who visited Northern Ireland in 1995, told the conference that he was

convinced during that visit that defence lawyers were systematically harassed by the police.

Referring to a statement from former chief constable Ronnie Flanagan that he was unaware of any complaints, he said: "In the face of statements from local and international NGOs this statement is unsustainable. There was a lack of protection for defence lawyers.

"Pat Finucane was targeted by enemies of the rule of law. His murder had a chilling effect on the profession. It undermined the rule of law. People thought of giving up criminal practice. It undermined the rule of law in Northern Ireland."

He said it was a matter of concern that there was no judicial inquiry despite assurances given to him by then prime minister Tony Blair.

The experience of the families of Stephen Lawrence and Jean Charles de Menezes showed that the authorities could be forced to respond to the need for the truth about what happened to their sons, according to leading English barrister Michael Mansfield.

This article appears in the print edition of the Irish Times

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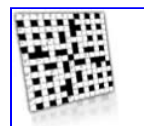
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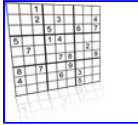
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