

SEANAD ÉIREANN

Fógra Tairisceana:

Notice of Motion:

“That Seanad Éireann:

- recalls the brutal murder of solicitor, Patrick Finucane, at his home in Belfast on 12th February, 1989;
- notes the evidence of collusion between loyalist paramilitaries, the British Army and the Royal Ulster Constabulary in the murder of Mr. Finucane;
- recalls the commitments made at the Weston Park talks in July, 2001, by the British Government to hold a public inquiry into the Finucane case, if so recommended by the Honourable Judge Peter Cory, it being clearly understood that such an inquiry would be held under and consistent with the UK Tribunals of Inquiry (Evidence) Act 1921;
- notes that Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the case and recommended that such an inquiry take place without delay;
- recalls that, in his conclusions, Judge Cory set out the necessity and importance of a public inquiry in this case and that the failure to hold a public inquiry as quickly as possible could be seen as a denial of the agreement at Weston Park;
- notes that the limited form of inquiry under the United Kingdom Inquiries Act 2005 proposed by the British Government has been rejected as inadequate by Judge Cory, the Finucane family, the Government of Ireland and human rights Non-governmental Organisations domestically and internationally;
- deeply regrets the British Government’s failure to honour its commitment to implement Judge Cory’s recommendation in full and welcomes the sustained support of successive Irish Governments and all political parties for the Finucane family over the past decade in their efforts to find the truth behind the murder;
- notes the judgment of the European Court of Human Rights (ECHR) in Strasbourg in October, 2003, that proceedings following the death of Patrick Finucane failed to provide a prompt and effective investigation into the allegations of collusion by security forces’ personnel in the murder;
- notes that in the 2012 review of the circumstances surrounding the murder of Patrick Finucane, Sir Desmond De Silva, QC, concluded firmly that British State Agents were involved in the targeting of Patrick Finucane and further that he was ‘in significant doubt as to whether Patrick Finucane would have been murdered ... in February, 1989, had it not been for the different strands of involvement by elements of the [British] State’;
- notes the judgment of the UK Supreme Court in February, 2019, that the British State has, to date, failed to conduct a proper public inquiry into the murder of Patrick Finucane that complies with its legal obligations under Article 2 of the ECHR;
- welcomes the commitment and efforts of An Taoiseach and the Minister for Foreign Affairs in pursuing the Patrick Finucane case with the Secretary of State for the North and British Prime Minister Boris Johnson;

- endorses the Government's ongoing international efforts at highlighting the case at the Council of Europe in Strasbourg and at the United Nations;
- calls on the British Government to consider its position on the Finucane case to take full account of the judgments of the UK Supreme Court and the ECHR, as well as the inescapable significance of the murder of Pat Finucane to the people of Ireland, North and South, and the wider international community of democratic nations; and
- hereby calls for the immediate establishment of a full, independent, public judicial inquiry into the murder of Pat Finucane, as recommended by Judge Cory, which would enjoy the full co-operation of the Finucane family and command the respect and confidence of all of the people on the island of Ireland and all persons committed to democracy, human rights and the rule of law worldwide."

– *Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield, Victor Boyhan, Sharon Keogan, Michael McDowell, David Norris, Vincent P. Martin, Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Frances Black.*

[18th November, 2020]