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CONCERNS REGARDING POSSIBLE COLLUSION IN NORTHERN IRELAND: POLICE AND PARAMILITARY GROUPS

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

OF THE

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HOUSE OF REPRESENTATIVES

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CONCERNS REGARDING POSSIBLE COLLUSION IN NORTHERN IRELAND: POLICE AND PARAMILITARY GROUPS

THURSDAY, OCTOBER 22, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS AND OVERSIGHT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m. in room 2172, Rayburn House Office Building, Hon. Bill Delahunt (chairman of the subcommittee) presiding.

Mr. DELAHUNT. Let me begin, and I want to welcome my friend and colleague from New Jersey who has been very active in these issues during the course of his public life, Chris Smith, who will serve as the ranking member since the official ranking member, Mr. Rohrabacher, is unable to attend today.

Well, the Troubles in Northern Ireland refer to a period of over three decades of violence between the Nationalist community, mainly Catholic, and Unionist community, mainly Protestant. Paramilitary groups for both sides were used to intimidate segments of the population through violence and fear. Many innocent civilians were caught in the cross-fire. Since 1969, over 3,200 people have died as a result of this political violence. After years of fighting and many rounds of intense political debate, the Good Friday Agreement was signed in April 1998.

This agreement called for a restoration of devolved government, including provisions on disarmament, policing, human rights, security normalization, status of prisoners, and that a change in Northern Ireland's status could only come at the consent of a majority of its people voting in a referendum. As we all know, however, decades of animosity and violence are sometimes difficult to overcome. Peace has not come easily for the people of Northern Ireland.

Full implementation of the Good Friday Agreement has at times been problematic and difficult, with the newly created devolved government being suspended on four different occasions, most recently in October 2002, before finally being restored to its current state in May 2007 by the St. Andrews Agreement. The United States shares a common interest with the events taking place in Northern Ireland. According to the U.S. Census, there are currently an estimated 34.5 million Americans that can trace their ancestry back to Ireland. I happen to be one of them.

The Secretary of State visited Northern Ireland's Stormont Assembly recently, drawing international attention to the standoff between Catholic and Protestant leaders over the transfer of police and court authority from London to Belfast, and I want to note and applaud these discussions currently underway and hope that a conclusion is reached in a way that satisfies both sides, and most importantly, does justice. With the peace process moving forward, I have been asked, why hold a hearing on events that took place in the past?

Well, my answer is simple. I believe that a key factor in this peace process actually lies with the unsolved murders that occurred during the Troubles. Bringing them to the attention of the American people once more and seeking a public investigation will surely stir old emotions, but I believe it will go far in creating a lasting peace and genuine reconciliation. So that is why we are here today. I want to focus specifically on the misuse of informants and whether the steps that have been taken by authorities in recent years will help restore the trust and confidence to a group of people that have had to endure far too many years of heartache and loss.

Old wounds can be difficult to heal, and they often highlight the failings of government or law enforcement authorities. The greatest tragedy is the one that can be prevented. Here in the United States, there has been considerable controversy focused on the Boston office of the FBI and its relationship and supervision of informants. I know that story well, having been the district attorney or the state's attorney in the metropolitan Boston area for some 22 years.

Verdicts in the tens of millions of dollars have been awarded against the government because of murders by informants that could have been avoided. Today we highlight two specific cases. On February 12, 1989, Patrick Finucane was shot multiple times in his kitchen in front of his wife and children, and on November 9, 1997, Raymond McCord, Jr., was kicked and beaten to death with a cinder block. We are indeed fortunate to have their family members here today with us to testify regarding the circumstances surrounding their deaths. And let me offer my condolences and that of the United States Congress to both families for your losses.

A number of reports have examined the issue of state collusion in criminal activities in Northern Ireland, such as the retired judge, Canadian Judge Cory report and the Lord Stevens inquiries. In a moment we will hear from the former Police Ombudsman for Northern Ireland, Ms. O'Loan, whose report, Operation Ballast, exposed the crimes of an informant for the RUC, the Royal Ulster Constabulary, which included ten murders, ten attempted murders, and numerous assaults and weapons charges, all while being a paid informant collecting over 80,000 British pounds, or $120,000 American, over the course of more than a decade.

Furthermore, it was particularly distressing that the Police Ombudsman faced countless obstacles while carrying out her investigation, including missing and destroyed homicide files and decision logs, as well as resistance to her interview requests. Retired Judge Cory said in his report, and I am quoting Judge Cory:

> "Without public scrutiny, doubts based solely on myth and suspicion will linger long, fester and spread their malignant infection throughout the Northern Ireland community."

Without allowing the people of Northern Ireland to fully understand and come to terms with the past, how can the government expect them to move forward? To address these concerns, the Government of the United Kingdom passed the Inquiries Act of 2005. This was designed to provide a framework under which future inquiries set up by ministers into events that have caused or have potential to cause public concern can operate effectively to deliver valuable and practicable recommendations in reasonable time and at a reasonable cost.

Yet, respected voices expressed concern almost immediately. Amnesty International asked members of the British judiciary not to serve on any inquiry held under the Act, and Judge Cory—again, I am quoting Judge Cory—had this to say:

> "It seems to me that the proposed new Act would make a meaningful inquiry impossible. The commissions would be working in an impossible situation. For example, the minister, the actions of whose ministry was to be reviewed by the public inquiry, would have the authority to thwart the efforts of the inquiry at every step.
>
> "It really creates an intolerable Alice in Wonderland situation. There have been references in the press to an international judicial membership in the inquiry. If the new Act were to become law, I would advise all Canadian judges to decline an appointment in light of the impossible situation they would be facing. In fact, I cannot contemplate any self-respecting Canadian judge accepting an appointment to an inquiry constituted under the proposed Act."

Certainly not a ringing endorsement, and I know both the Finucane and McCord families have their concerns with this Act. In a democratic society, only a full and transparent investigation of unsolved murders and inquiries into police collusion should take place, or the authorities risk losing the trust and confidence of the people. In a healthy democracy, the integrity of the justice system is absolutely essential, or democracy itself is at risk.

Today we look forward to the testimony that will be given to this subcommittee as we weigh what, if any, actions Congress should take. And now, let me turn to my friend from New Jersey, Mr. Smith.

Mr. SMITH. I want to thank my good friend and colleague Chairman Delahunt, first of all, for convening this important and timely hearing and briefing on what remains unfinished and unresolved. There is no statute of limitations on murder, and I appreciate the chairman for convening this hearing and bringing this committee together to focus on these unresolved cases that absolutely must be resolved. I also want to welcome, a special welcome to our witnesses, or rather, welcome back, to Baroness O'Loan, Jane Winter, and welcome to John Finucane and Raymond McCord, and to everyone joining us this morning, including some of the real longtime advocates for peace, justice and reconciliation in Northern Ireland, including Jim McFarland, Michael Glass, Sean Pender,

Malachy McAllister, and Father Sean McManus, among others who are here today and who have been steadfast in promoting justice and peace and reconciliation in Northern Ireland.

Since April 1998, Mr. Chairman, much progress has been made toward full implementation of the Good Friday Agreement, and the policing reforms promoted by the Agreement have made an enormous impact in advancing peace and justice in the North of Ireland. Mr. Chairman, as you know, between 1997 and 2006, I chaired the first ever and a total of 11 hearings on human rights and the peace process in Northern Ireland. Each of those hearings focused in whole or in part on what we consider to be the lynchpin of a lasting peace in the North: Real and sustainable police reform.

One of the messages we heard most consistently at those hearings was that, in order to endure, the peace process required a police force that both sides could have confidence in, and this would require accountability for past crimes as well as for the security forces' collusion with paramilitary groups. We heard this message from human rights organizations across the board, including Jane Winter of British Irish Rights Watch, but also from Baroness O'Loan and from John Finucane's courageous and gracious mother, Geraldine Finucane, from his brother, Michael Finucane, who is also here today, and from Param Cumaraswamy, the U.N. Special Rapporteur, from retired Canadian Supreme Court Justice Peter Cory, who investigated the possibility of collusion at the request of the Irish and the British Governments, and we heard the message most tragically and poignantly from Rosemary Nelson, human rights attorney who testified here in this very room about death threats she had received from RUC officers. She did that just 6 months before she was assassinated.

All expressed that to move forward with confidence and in peace, there was a need to hold to account human rights abusers in the security forces. The wisdom of this message has been proven by events since 1998. The reform of the Royal Ulster Constabulary into the Police Service of Northern Ireland, with new badges and uniforms and a culture more hospitable to Catholic officers, has been a success, yet there are many, especially in the British Government, who think reform can stop there, that it doesn't require full honesty about and accountability for security services' collusion with paramilitary killers.

I disagree. In fact, it was in this room 10 years ago that I and other members implored the Right Honorable Christopher Patten, Chairman of the Independent Commission on Policing for Northern Ireland, to work to ensure that his groundbreaking report, entitled "A New Beginning: Policing in Northern Ireland," be just that, a beginning. The report mandated by the Good Friday Agreement needed to be a floor, not a ceiling, for systemic reform in law enforcement systems in Northern Ireland.

I expressed disappointment at the time that the police reforms did not include a "vetting process" for the so-called bad apples, as he called them, because I believe, as so many human rights activists do, that if people who have committed egregious abuse in the past are in the same jobs or work up in the chain of command and are never held to account, then your reform is only as good as your

weakest link. My opinion about the vetting process and holding people to account is no different today.

Thus, I remain extremely disappointed that our friends in the British Government refuse to see the benefit of getting to the truth about serious allegations of collusion. We see this refusal, this blind spot, if you will, and the shocking refusal to live up to the Good Friday Agreement and the subsequent Weston Park Agreement, which requires a public judicial inquiry into the death of Patrick Finucane. We also see it in their refusal to make public previous government reports about Pat Finucane's murder and in the 2005 passage of the Inquiries Act, designed to restrict real, public and transparent investigation into the widespread allegations of collusion.

It has taken enormous courage by a dedicated few to consistently follow the trail of collusion and fight for human rights of the victims and their surviving family members. For 9 years, the fiercely independent Police Ombudsman for Northern Ireland, Baroness Nuala O'Loan, worked at great risk to her own security and that of her family. She always showed the utmost integrity and gave people on both sides of the divide the confidence to move forward with the policing aspects of the Good Friday Agreement.

Likewise, Jane Winter, the heroic British director of British Irish Rights Watch, has taken great risks to offer her services to anyone of either community whose rights have been violated. The Finucane and the McCord families have already been devastated by killers enabled by colluding officials, and they bear risks in taking up the defense of human rights. So Mr. Chairman, I want to conclude by applauding our witnesses' contribution to police reform, as it is at the heart of sustained police and peace in Northern Ireland.

They have provided guidance and insight to our Government and to this Congress, including to my bill and subsequent laws that suspended U.S. exchanges with the RUC until standards were set to vet out officers engaged in human rights abuses. Our witnesses have also provided great insights to officials in Northern Ireland, as well as successive Irish and British Governments. Without their wisdom and courage, I doubt police reform would have succeeded as well as it has, and I am eager to hear what we can do next to keep the reform and the peace process moving.

I thank you again, Mr. Chairman, for convening this hearing, and I yield back.

Mr. DELAHUNT. Thank you, Chris, and I want to acknowledge, we have been joined by two colleagues, Mary Jo Kilroy from Ohio and Mike McMahon from New York, and it is my understanding that Congresswoman Kilroy would like to make a statement, so please proceed, and then we will introduce the Baroness and listen to her testimony during the course of the briefing.

Ms. KILROY. Thank you, Mr. Chairman. As you know, I don't ordinarily sit on this committee and will have to return to the committee that I do sit on because we will have votes in about 20 minutes, but I did want to thank you for your leadership in this issue and for holding this hearing. I want to thank all of the witnesses who have traveled here to present their testimony. I, as my colleagues have done, want to thank you and applaud you for your leadership and your advocacy.

I also want to offer my condolences to the families who have lost their members through this kind of assassination and murder. I think it is critically important in order to achieve peace and justice and reconciliation that the truth of these killings be made public and that we get all of the facts out through independent and public judicial inquiries. I had the great pleasure of meeting Patrick Finucane on one of his tours in this country, and he was there to tell lawyers in the American legal system about what was going on in the legal system in the North of Ireland at that time, to bring out the importance of due process and openness in the court system.

His assassination obviously was a huge blow to his family, but it was also a huge blow to the right to free speech. It was also a huge blow to the establishment of an independent judicial system and the right to counsel. It is very important that the facts of his assassination and that of Mr. McCord be made fully public, and I congratulate you for your work on doing that and thank again the chairman for his leadership, and I yield back.

Mr. DELAHUNT. Thank you, Congresswoman, and I understand our friend and colleague from New York wishes to make a brief opening statement. Mike McMahon?

Mr. MCMAHON. Thank you, Mr. Chairman. I will, to get the proceeding going, I will submit a lengthier statement for the record. I just want to commend you for holding this very important hearing, certainly for me as an Irish-American, but also for my district, where just this past weekend we hosted Foreign Minister Michael Martin and Ambassador Michael Collins as we dedicated bones of Irish immigrants from the 1850s that had been found in a mass grave in Staten Island.

So the Irish experience, of course, is very important for me as it relates to this country, but also in Ireland as well. I had the privilege of being in Ireland in 2007 as part of a city delegation that met with Ian Paisley as he just was going to announce that he would move forward with the Good Friday Accords, and like many in this room, I am very concerned about the allegations of collusion and what it has meant to these two families, the loss of their loved ones, and so I join together with you, Mr. Chairman, committed to seeing that justice is provided in this case and that we get to a day where our hopes and aspirations for peace in Ireland are realized. Thank you.

Mr. DELAHUNT. Thank you, Congressman.

[Briefing off the record.]

Mr. DELAHUNT. Why don't we call forward our panel, Ms. Winter, Mr. McCord, Mr. Finucane? And let me give a brief introduction of each of these witnesses, and before I forget, we are now convening a hearing.

Raymond McCord, Sr., was born in Belfast. He is a Protestant from a strong Unionist family. He and his wife Vivienne had three sons, the late Raymond, Jr., plus Gareth and Glenn. When his son Raymond, Jr., was murdered in 1997, he embarked on a long quest for the truth, which led directly to the O'Loan Report, Operation Ballast 2007. He is a pipe fitter and a welder by trade and it has been my pleasure to have an opportunity to spend some time with Mr. McCord. Welcome.

And Mr. Finucane. At 29 years old, John is the youngest son of Patrick Finucane, a human rights lawyer from Belfast who was murdered in 1989. He is a qualified solicitor practicing in Belfast and specializes in criminal defense work, having obtained a law degree in 2002 from Dundee Law School in Scotland. He is currently on the roll of solicitors in Northern Ireland, England and Wales. He has worked on a range of cases, mainly within criminal defense, but also coroner's inquests and police ombudsman investigations. All have included contentious and high-profile work, including the ongoing shoot-to-kill inquests from the 1980s, and historical, politically sensitive actions against the police.

Jane Winter has been monitoring and researching the human rights dimension of the conflict in Northern Ireland since 1990. Since 1995, she has been the director of British Irish Rights Watch, an independent human rights non-governmental organization whose services are available free of charge to anyone whose human rights have been violated because of the conflict, regardless of religious, political or community affiliations. She has received numerous awards and commands great respect within the United Kingdom and here in the United States.

Welcome all, and let us begin with Mr. McCord.

STATEMENT OF MR. RAYMOND MCCORD, SR., BELFAST, NORTHERN IRELAND

Mr. MCCORD. Mr. Chairman and members, I am most grateful for the opportunity to appear before this subcommittee. I request my written statement be entered into the record. I see this hearing as a lifeline that has been thrown to me and my family. I cannot help but be struck by the difference between the way I have been treated by Members of Congress and the way Unionist Protestant politicians have treated me. In 2008, when there was a vote taken in the Northern Ireland Assembly on my son's case, a majority of the Unionist politicians walked out.

You can therefore see just what your support means to me. I look to the United States Congress as my last hope of getting justice for my son. He was brutally murdered in 1997 near Belfast. The killers belonged to a Protestant paramilitary group, the Ulster Volunteer Force. The man who gave the orders to kill my son is Mark Haddock. He was a long-time paid British Government agent, police informer and serial killer, as the Police Ombudsman's report of 2007 established.

For nearly 10 years, I have campaigned for justice for my son and for those years the British Government, my government, that is, and the Police Service of Northern Ireland, my police, have blocked and stonewalled me. They have colluded and are still colluding with the killers of my son and many other victims. I really want to emphasize to the subcommittee that my son's case is not about police corruption. It is about police and state collusion with murder.

The Good Friday Agreement of 1998 promised a new beginning to policing. My family and I have experienced no new beginning. We have only experienced cover-ups, lies and threats. Throughout the key period, the police were controlled by Ronnie Flanagan, the former head of the Special Branch and chief constable from 1996

to 2002. However, I do recognize there are many fine individual cops in Northern Ireland who weren't allowed to do their job.

Sir Hugh Orde, who until very recently was chief constable, was seen as bringing a new attitude to policing, but even he retained Mark Haddock as a paid agent for 15 months after it was established that Haddock had been involved in many murders. Not long after Raymond's murder, as I began campaigning for justice, the UVF on one night covered the walls on Protestant houses near my home with the following message: "Daddy Raymond, which son next, Gareth or Glenn? Your choice."

Hours earlier, they had smashed Raymond's headstone with hammers, one of three such attacks. Even though the names of the perpetrators were given to the police, I was the one who was arrested and put in a police cell to shut me up. It was one of many times the police arrested me for no reason other than to try to silence me. The continuing campaign of intimidation and death threats against my family and me is not random.

It is controlled and organized and the perpetrators are known because the police and British intelligence have totally penetrated the UVF. The Ombudsman's report too has established this. In May 2009, the Irish National Caucus sponsored my visit to Capitol Hill. While here, the Northern Ireland Bureau in Washington arranged for me to visit the British Embassy to speak with Nic Hailey, the spokesman for justice and policing in Northern Ireland.

Mr. Hailey never answered one question, never offered any explanation, and never uttered the slightest hope that I might get justice for my son. Why is there such a conspiracy of silence surrounding Raymond's murder? My son was an innocent 22-year-old, a loving son and brother. He was not a threat to any person or state. Why has Mark Haddock had so much influence? How can he so shamefully blackmail the British Government and their security forces?

What and who gives this murderer so much power? The answer is collusion. It effectively gives killers the power to control their government. Haddock's first murder was in 1993, which he admitted to two RUC detectives a day after the murder, but instead of being arrested, he was given money to go on a foreign holiday and continued to work as an agent and killer for another 10 years or more. There are questions which are central to my son's case, and which the British Embassy refused to answer.

Why has no one been charged with Raymond's murder? Why was Haddock allowed to kill for so long and get paid for it? Why no action against present or former RUC/PSNI officers who refused to be interviewed or to cooperate with the Ombudsman's investigation? Why were police officers allowed to get away with admitting to coaching and babysitting suspects in sham interviews to ensure the suspects would not admit to murder?

Police officers even got away with admitting they handed over a bomb to Haddock that was used in the Irish Republic. A democratic society requires that the police must not be above the law, rather, they must uphold it and be seen to do so, yet my son's case clearly demonstrates that in Northern Ireland, some police officers and their agents can literally get away with murder. This is not only collusion, but also collusion sanctioned from the very top.

It is not about the corruption of a few bad apples. What does it do to Northern Ireland's society when the government pays serial killers? What does it do to the policing system when killers are given a wage increase of 60% after they commit their first murder? That is what happened with Mark Haddock when he murdered Sharon McKenna in 1993. This is the shocking collusion I have been battling against for 12 lonely years, but now it is my hope that with the help of the U.S. Congress, my son will at last be given justice and a great wrong will be righted.

Thank you, Mr. Chairman and members, from the bottom of my heart. Thank you.

[The prepared statement of Mr. McCord follows:]

Written Testimony of Raymond Mc Cord Sr.
House Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights and Oversight.
October 22, 2009

My son Raymond Christopher McCord aged 22 years was brutally murdered on 9th November 1997. (See Timeline, Appendix 1). The killers were members of a Protestant paramilitary group, the Ulster Volunteer Force (UVF).
Mark Haddock, a senior UVF man gave the order for Raymond Junior's murder. Haddock was the leader of Mount Vernon UVF and was later to be exposed as a long-time police Special Branch informant, who had been paid at least £80,000 ($120,000) while involved in up to 20 murders.
This killer was part of the British Security Force's intelligence services for at least 12 years. During that time, we are asked to believe his police handlers did not know that he was involved in many murders. Nuala O'Loan, the then Police Ombudsman for Northern Ireland, in her report of the police "investigation" into my son's murder revealed that Haddock:

1. **Was a member of the UVF in North Belfast;**
2. **Progressed through the ranks of the UVF;**
3. **Was never a registered CID informant (CID is the Criminal Investigation Department);**
4. **Was recruited through his "long standing friendship" with a police officer;**
5. **Provided intelligence to Detective Constable McIlwrath and Detective Sergeant Brown, prior to his formal registration as an informant;**
6. **Became an informant in 1991 for Special Branch;**
7. **Was the subject in excess of 500 pieces of intelligence provided by others over 12 years;**
8. **Was allegedly, involved in 10 individual murders;**
9. **Was allegedly, involved in the attempted murder of 10 individuals;**
10. **Was allegedly, involved in other serious crime including:**
    a. **targeting an individual for murder in 1994;**
    b. **a bomb attack in Monaghan (Republic of Ireland) in 1997;**
    c. **punishment attacks, drug dealings and attempting to pervert the course of justice; and**

11. Was never given participating "informant status" by the Royal Ulster Constabulary (RUC) / Police Service of Northern Ireland (PSNI).

This is a very small part of the report but it gives an indication of how Haddock behaved and also how the Special Branch gave him a license to kill or whatever he felt like doing.

Nor was Haddock the only senior UVF man working for the Security Forces of Great Britain: the Supreme Commander, John "Bunter" Graham has been an agent of the State for years. He is the man who controls, and has run, the UVF for years.

The list goes on. Many of the leading UVF men were in fact Special Branch informants, who were also involved in murders, drug dealing, beatings and extortions. How many innocent lives have been sacrificed so as not to expose these informers? Civilians, policemen, and soldiers: all sacrificed for what the Special Branch called "the bigger picture". These officers and their superiors were in collusion with all the paramilitary groups. Police are supposed to protect life and serve the people. In Northern Ireland we had policemen who did the opposite! What government or police force would take no action on officers, up to the rank of Assistant Chief Constable, who refuse to cooperate in investigations into murders, attempted murders, drug dealing, extortion, etc?

Police officers *made* statements to Nuala O'Loan's office revealing that during interviews with Mark Haddock, they were to make sure that he didn't admit to murder or other serious crimes. In addition, there are instances where they were told not to take notes and to "baby sit" him through interviews.

Recently Haddock was charged with the murder of Mr. English. Yet, after the murder in 2000, Haddock was found to have in his possession the address and car registration of Mr. English. He was charged with having information likely to be of use to terrorists. But Haddock's senior handler, Detective Sergeant Phil Scott, prepared a confidential document that was forwarded to the Director of Public Prosecution. This provided a favorable account of Haddock's history as an informant and stated, "*The recent arrest was due to unavoidable and unfortunate circumstances which were not under his control. There were no sinister motives behind the possession of the vehicle registration number. I am of the opinion that the informant will be of great value in the future, and that he is aware that it was unavoidable circumstances which have resulted in his present circumstances.*"

Detective Sergeant Scott does not mention that Haddock had been arrested because he was a suspect in the murder of Mr Tommy English.

The O'Loan Report shockingly reveals that Detective Sergeant Scott admitted, handing over a bomb to Haddock that was used in Monaghan to attack Sinn Fein offices. How often this happened – only Special Branch knows! They even increased Haddock's wages from £100 a month to £160, weeks after his first murder of Sharon McKenna: a murder to which he admitted to his handlers.
A pay-raise of 60% for committing a murder! On top of that, his handlers gave Haddock money to go on holiday shortly after the murder, until the "heat died down".
In the case of my own son Raymond's murder, the RUC received information relating to who ordered it (i.e. Haddock), yet waited 14 weeks before they questioned Haddock. Two days after the murder, Willie Young, who had been out on a weekend parole, was named as one of the killers by an informant. Yet police did not interview him until another 8 days (19th November 1997) even though he had returned to prison and was easily accessible. Two days previously, the police went to the Maze Prison to question him and according to the police they were refused by the Prison authorities to interview Young - an allegation that the Prison Service denies. These questions must be asked:

1. **Why did the RUC wait 8 days after receiving this information before they interviewed Young?**
2. **Why did they wait 14 weeks before they interviewed Haddock?**
3. **Also, why did they spend only one day questioning Haddock, bearing in mind that they had received more information that Haddock had ordered the murder; and that Willie Young, John Bond and Stephen Logue had carried it out?**

In 1998 RUC Chief Constable, Ronnie Flanagan, met with my MP (Member of Parliament) Nigel Dodds and me. Flanagan stated,"*Murderers do not work for the RUC*". However, we have seen and heard through Nuala O'Loan's office that Haddock is suspected of a number of murders. It is irrelevant whether or not Haddock carried out the murders himself because he was the boss of the unit carrying them out. Moreover, the police kept him as an agent for 12 years. Let us not forget that he admitted to his handlers, the murder of Sharon McKenna.
Did Ronnie Flanagan, as a former head of Special Branch and at that time the Chief Constable, not know that Haddock was an informer, a senior UVF man, a terrorist, a killer, a drug dealer and someone on whom other informants were providing information in regard to his crimes? Informants provided Five hundred pieces of information alone on him. Did he not know that Haddock was a major suspect in

many murders? Why did he continue to allow Special Branch to keep him on as a paid Special branch informer? How many more "Mark Haddocks" were there working for the police? How can Ronnie Flanagan wash his hands of all this and pretend he did not know?
In 2000 I sent a letter on my son's case to the Stevens team (the British Government team appointed to investigate collusion between the security forces and Protestant paramilitaries). They explained they could not deal with it under the terms of reference of their brief. So they passed the letter on, hand-delivered it to the RUC – giving it personally to Ronnie Flanagan's " Command Secretariat".
Flanagan denied ever receiving the letter. However, nine years later the Stevens Team gave me a copy of the letter of receipt, which Chief Superintendent Sillery had signed, thereby proving they had received my letter. On the signed receipt it states the letter would be given to Assistant Chief Constable White, who was in charge of the Special Branch, for " appropriate action". No action was taken. And no reason has ever been given except Sir Ronnie stating that he was not aware of the letter. I believe the Sub Committee will find the paper trail most interesting. Please see Appendix 2.
As a result of The O'Loan Report, Operation Ballast, the British Government has made changes to the way that informants are handled. But they have yet to publicly admit collusion. I believe one of the most important aspects of this case is for the British Government to hold up their hands, come clean, and tell the truth. They did collude with terrorist organizations and should now apologize and compensate the victim's families. They are no different than Muammar Gaddafi's government blowing up a jet with nearly 300 people on it. Gaddafi's was one revolting act of terrorism: the terrorists in NI committed thousands of acts of terrorism – many committed by police agents.
For almost 12 years, I have fought to get justice for Raymond Jr. I have been falsely arrested, hounded and intimidated by certain sections of the RUC / PSNI. I must add, not all policemen were bad. The UVF has made many attempts to kill me including a planned car bomb attack. All because I was telling the truth about what had happened to Raymond Jr; who had carried it out; who ordered it; and the Special Branch connection to it all.
My son's headstone was smashed on 3 occasions, and even though I gave the names of the UVF men who had caused the damage to the police, no one was ever arrested or questioned. Yet, when UVF men or their friends made a complaint about me, the police did not hesitate to arrest me. In fact, on one occasion when Raymond's headstone was smashed, the RUC/PSNI arrested me for no reason

and locked me up in a cell. On another occasion I was in a graveyard, and a special unit of the PSNI arrested me and locked me up from Monday to Wednesday in an interrogation center. No charges were brought against me. I believe that they were using scare tactics and wanted to shut me up: but they didn't work. Sir Ronnie Flanagan was Chief Constable at that time.

I've had to live behind bulletproof windows and move home several times due to threats on my life. Until recently, when Haddock and his mob were arrested and charged with murder and other serious crimes, the PSNI were regular visitors to my home to warn me that the UVF were planning another attempt to kill me.

A new police unit, known as the "Historical Enquiry Team" (HET), has been set up with no intervention allowed by the Special Branch; and, hopefully, now people will have a chance of justice. The HET have accomplished more in the past 12 months against Haddock's old mob than the RUC/PSNI over many years. They have demonstrated that progress can be achieved. About 12 UVF men have been charged with murder, attempted murder and membership in the UVF.

My call would be for Prime Minister Gordon Brown to give the HET more funds.

Nuala O'Loan's report vindicated me and my allegations. Still Unionist politicians like Jeffrey Donaldson, Ian Paisley Jr and Lord McGuinness dismissed the Report as lacking in proof.

My son brutally murdered and not one unionist politician sent a sympathy card or attended the funeral. Had the IRA murdered Raymond these same politicians would have been lining up to carry his coffin. However, people like Gerry Adams, Mark Durkan, Lady Silvia Herman, Bernie Ahern and Pat Rabbite TD have given me their support. I am deeply grateful for the absolutely essential reporting of the Sunday World and in particular to John Cassidy, Richard Sullivan and Jim McDowell in not allowing Raymond's case and the scandal of collusion to be covered up.

There are many decent people such as Nuala O'Loan; Geraldine Finnucane; Jane Winters; Lord Stevens; Dave Cox, (HET Commander); Paul McIlwaine; and Catherine McCartney, to name but a few, who can clearly see the hidden hand of the State in the sordid business we call collusion.

I hope the Sub Committee recognizes the efforts of Father Sean McManus, and the help that he has given to me in Raymond Junior's case. Without him, I would not have been able to come to Capitol Hill last May to lobby for this Hearing, nor to be testifying before this Sub Committee today.

When I was on Capitol Hill in May, the Northern Ireland Bureau in Washington arranged for me to visit the British Embassy to speak with Nic Hailey, the spokesman for justice and policing in Northern Ireland.
Mr. Hailey never answered one question, never offered any explanation, and never uttered the slightest hope that I might get justice for my son.
Why is there such a conspiracy of silence surrounding Raymond's murder? My son was an innocent 22-year-old, a loving son and brother, who was not a threat to any person or any State
Why has Mark Haddock had so much influence? How can he so shamefully blackmail the British Government and their security forces? What and who gives this murderer so much power? The answer is collusion: it effectively gives killers the power to control their government. Haddock's first murder was in1993, which he admitted to two Royal Ulster Constabulary (RUC) detectives the day after the murder. But instead of being arrested he was given money to go on a foreign holiday and continued to work as an agent and a killer for another 10 years or more.
Here are the questions which are central to my son's case and which the British Embassy refused to answer:

1.Why has no one been charged with Raymond's murder?

2. Why was Haddock allowed to kill for so long and get paid for it?

3. Why no action against present or former RUC/PSNI officers who refused to be interviewed or to cooperate with the Ombudsman's investigation.

4. Why were police officers allowed to get away with admitting to "coaching and baby sitting" suspects in sham interviews to ensure the suspects would not admit to murder? (Please see Appendix 3 for a record of my lobbying efforts with Fr. Mc Manus).

In sharp contrast to the British Embassy, Members of Congress and Irish-Americans gave me a warm and wonderful welcome on my May visit. And my family and I were absolutely thrilled and uplifted to receive a most gracious letter from Secretary of State, Hillary Clinton. (Please see Appendix 4)
I hope that your Sub Committee will put pressure on the British Government in a way that only representatives of the American government can. I am confident that my appeals to America will not be in vain. And I make my appeals not just on behalf of my son, Raymond Jr.but also on behalf of the many voiceless victims of State collusion.

I have stayed within the law in my quest for truth and justice. This Testimony is for Raymond Jr; his brothers, my other sons, Gareth and Glenn; and Raymond's mum, Vivienne.
Once again, I am deeply grateful to Chairman Delahunt and this Sub Committee for the opportunity to testify.
Thank you from the bottom of my Belfast heart.
Raymond McCord

APPENDIX

1.

The Murder of Raymond Mc Cord Jr.
A TIMELINE
By His Father, Raymond Mc Cord Sr.
Issued on Capitol Hill -Visit, May 11, 2009
November 9. 1997. Raymond Jr. murdered by the UVF (Ulster Volunteer Force) on the orders of Mark Haddock --- a long time paid government agent and police informer. Raymond's face was so badly beaten that we could not have an open casket viewing at his wake.
1998
My local MP accompanied me at a meeting with Ronnie Flanagan, Chief Constable of the RUC (Royal Ulster Constabulary) and former head of the Special Branch. He told me, " Murderers do not work for the RUC". A patently false statement.
August 1999
I received constant harassment and arrests. I was once arrested in a cemetery on a Monday and held to Wednesday. Three months previously I had made a complaint to the police about Mark Haddock's threat to kill me. Haddock was arrested and charged but released. The charges were dropped on the orders of the Public Prosecution Service even though the Public Prosecution Service had not received the police file.
Throughout my campaign for the truth, I received no real support from Unionist politicians, with the exception of Lady Sylvia Hermon, MP, of the Ulster Unionist Party. Gerry Adams, president of Sinn Fein and Mark Durkan, SDLP leader were the only two political leaders who helped.
The Unionist politicians were in denial, refusing to admit collusion, and they simply wanted me to go away.
2000
Sent letter on my son's case to the Stevens team (the British Government team appointed to investigate collusion between the security forces and Protestant paramilitaries). They explained they could not deal with it under the terms of reference of their brief. So

they passed the letter on, hand-delivered it to the RUC – giving it personally to Ronnie Flanagan's " Command Secretariat".
Flanagan denied ever receiving the letter. However, nine years later the Stevens Team gave me a copy of the letter of receipt, which Chief Superintendent Sillery had signed, thereby proving they had received my letter.
On the signed receipt it states the letter would be given to Assistant Chief Constable White, who was in charge of the Special Branch, for " appropriate action". No action was taken
Four weeks after my letter had been submitted, Haddock's murder-team killed two more Protestants. Again, Assistant Chief Constable White -- a fact the Stevens Team will confirm, took no action against him. White later would refuse to cooperate with the O'Loan investigation.

1 of 2

To summarize Sir Ronnie Flanagan's role: While Flanagan was Head of the Special Branch and Chief Constable of the RUC, he employed Haddock as a paid agent and informer who was free to kill at will, and did so many times.
Even under Flanagan's successor, the current Chief constable, Sir Hugh Orde, Haddock was retained as paid police agent for over a year.
2002
I went to the Police Ombudsman, Nuala O'Loan, to register a complaint against the negligence and collusion of the RUC/PSNI.
January 2007.
The O'Loan Report, Operation Ballast, vindicates and proves my accusations of negligence and collusion.
The Report states " Informant1 [Mark Haddock] was a "protected species", despite being implicated in 16 murders, 10 attempted murders, 23 paramilitary-style shootings and beatings, drug-dealing, extortion, arson and intimidation.
The Ombudsman declared there was a "pattern of work by certain officers within the Special Branch designed to ensure that [Haddock] and his associates were protected from the law".
The Report also states that the police conducted " sham interviews", the better to protect the killers. The Report found that junior police officers were ordered by their superiors not to take notes during interviews with Haddock. (Indeed, prior to the Report, one police officer confided to me that he was too scared to conduct a proper investigation lest his career should suffer).

Prime Minister Tony Blair accepted the Report, but refused to meet with me, even though he met my friends, the Finucane family. The current PM, Gordon Brown, has also refused to meet with me.
Even the brave Nuala O' Loan could not take my son's case any further so I was forced to turn to America for help. I met Fr. Mc Manus, president of the Capitol Hill-based Irish National Caucus, in 2007 in Washington and asked him to take on my son's case. I met him again in 2008 in Northern Ireland when he was home on vacation in Fermanagh. He agreed to sponsor a special lobbying effort and to bring me to Capitol Hill.
TOO LONG
It took a while to organize, a variety of things having happened, not the least of which was the Presidential campaign and election. Finally I had the chance to come to Capitol Hill for two-weeks to make my case for a Congressional Hearing on my son's case.
While on Capitol Hill someone asked, "But why now? Why so late?" Well that is unfortunately the way it is for Northern Ireland victims – it has always taken too long to get one's voice heard because those in power seek to silence us and marginalize us.
Hopefully, the US Congress will hear my voice and take up my cause.
My heart is gladdened by the Congressional empathy and support I have received and I am heartened by the fact my cause has been embraced by all Irish-American organizations. I am especially grateful to the Irish National Caucus and Fr. Mc Manus… END.
2 of 2

2. Paper trail .

3. Record of Lobby Efforts.
Priest and victims' campaigner to lobby US politicians

By Barry McCaffrey
Irish News. Tuesday, April 14, 2009
Irishnews.com
A lifelong loyalist and a nationalist priest have formed an alliance to lobby senior politicians in the US.
Victims' campaigner Raymond McCord has accepted an invitation from Irish National Caucus president Fr Sean McManus to visit the US next month.
Mr McCord, whose son Raymond jnr was beaten to death by the Mount Vernon UVF in 1997, will meet senior Democrat and Republican politicians in New York and Washington.
"There was a time when it would have been impossible for Raymond McCord snr to have believed that a campaigner for the rights of mistreated Catholics in Northern Ireland on Capitol Hill would become his best ally in seeking justice for his own murdered Protestant son," Fr McManus said.
"I have been touched by Raymond's profound love for his son and deeply impressed by his bravery and fearless integrity."
Mr McCord said he also saw the irony in the new partnership.
"All my life I have been a staunch loyalist Protestant who believes in the union between Great Britain and Northern Ireland.
"I used to dismiss claims of Catholic mistreatment as mere republican propaganda.
"I could not believe that my British government and my police could be guilty of political assassinations, brutality and deadly cover-ups until it all happened to my own beloved son.
"I can only turn for justice to Fr McManus and his many friends in Congress.
"He has assured me that the US Congress will fight for my rights as hard as they have fought for the rights of Catholics in Northern Ireland."
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RAYMOND MC CORD Sr.
Protestant Loyalist Betrayed by British State
Befriended by Irish Priest on Capitol Hill
CAPITOL HILL. MAY 5 , 2009 --- There was a time it would have been impossible for Raymond Mc Cord Sr. to have believed it: that a veteran campaigner on Capitol Hill for the rights of mistreated Catholics in Northern Ireland would become his best ally in seeking justice for his own murdered Protestant son.
But from May 4 to May 14, 2009 Fr. Sean Mc Manus, president of the Capitol Hill-based Irish National Caucus, and Raymond Mc Cord Sr. of Belfast will be

pounding the halls of Congress and singing from the same hymn-sheet – a human rights sheet that is neither Protestant nor Catholic.
" Despite the tragic divisions in Northern Ireland, there is still a strong Ulster bond, which asserts itself when the Protestant and the Catholic each experiences British injustice", explains Fr. Mc Manus. "Raymond's son, Raymond Jr., was brutally murdered by a Loyalist Protestant paramilitary group in 1997 (the first betrayal) and the leader of the gang was protected in a sinister cover-up because he was a British Government agent and police informer (the second betrayal)".
Raymond, Sr. adds: " All my life I have been a staunch Loyalist Protestant who believes in the Union between Great Britain and Northern Ireland. I used to dismiss claims of Catholic mistreatment as mere Republican propaganda. I could not believe that MY British Government and MY police could be guilty of political assassinations, brutality and deadly cover-ups. Until it all happened to my own beloved son. Since Raymond Jr. was murdered, I have encountered stonewalling and obstruction from the British Government and Northern Ireland police. I can only turn for justice to Fr. Mc Manus and his many friends in Congress. He has assured me that the US Congress will fight for my rights as hard as they have fought for the rights of Catholics in Northern Ireland".
Fr. Mc Manus added: " I have been touched by Raymond's profound love for his son and deeply impressed by his bravery and fearless integrity. I can pay him no higher respect when I call him, " The Protestant Pat Finucane of Northern Ireland". END.
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McCord gets warm welcome during Washington visit

BY JIM DEE
Belfast Telegraph, Wednesday, May 6 2009
AFTER a day of lobbying top Washington politicians over his campaign for an independent inquiry into his son's 1997 murder by the UVF, Raymond McCord has spoken of how he was struck "by the depth of encouragement and support he's found on Capital Hill".
"Coming from Belfast, and the unionist community, no Protestant could have been made more welcome on Capital Hill than I was today," Mr McCord told the BelfastTelegraph.
"They were so eager to hear about Raymond's case," added Mr McCord, who is making his second trip in as many years to drum up support for an independent inquiry into his son's murder
"And the good thing about it is that they're going to treat Raymond's case the same way that they treated the Pat Finucane case," he added. "What they were

saying to me was that people from the unionist community should be afforded the same treatment.
"Mr McCord yesterday met with Congressman Richard Neal, a Massachusetts Democrat who heads the Friends of Ireland grouping in Congress, as well as New York Congressman Gary Ackerman.
"Fr Sean McManus, a Fermanagh-born priests who leads the Irish National Caucus lobbying group in Washington, told the Telegraph that McCord was "one of the most successful lobbyists I've ever seen in action. This hardy man from Belfast was very effective."
"Congressman Neal has long been viewed as sympathetic to Irish nationalism, and Sinn Fein in particular. But Mr McCord said that the Massachusetts lawmaker was more sympathetic to his case than many unionist politicians back home.
"If Ritchie Neal or Fr Sean were from the unionist community, they couldn't have treated me any better," said Mr McCord. "And the unionist politicians back home should hang their heads in shame that I have to come to America again to pursue justice."
During the next ten days, in addition to travelling to New York city to meet with insurance industry billionaire and peace-process-backer Bill Flynn, Mr McCord will hold meetings with leading Irish-Americans.

Priest, Protestant Captivate Capitol Hill
Congress Compelled by Narrative
Capitol Hill. Thursday, May 7, 2009 --- For almost 40 years Members of Congress have listened to Fr. Sean Mc Manus, president of the Capitol Hill-based Irish National Caucus, detail the mistreatment of Northern Ireland Catholics by the British Army and police.
They were listening to him again this week as he raised the case of the young 22- year-old –Belfastman who was murdered in 1997. But this time Fr. Mc Manus was speaking about a murdered Protestant, Raymond Mc Cord, Jr. and he had flown in from Belfast his own expert witness
: the father of the murdered man --- the formidable and compelling Raymond Mc Cord, Sr.
Mr. Mc Cord Sr. is on a two-week lobbying campaign of Capitol Hill, sponsored by the Irish National Caucus.
Mr. Mc Cord said " For 12 years I have struggled to bring to justice the man who ordered my son's murder. That man, Mark Haddock, has been protected

because he was a government agent and a police informer and the British Government has covered-up the crime and has stonewalled and obstructed me every step of the way. I have turned to Fr. Mc Manus and his many friends in Congress for help to put pressure on the British Government".
And Members of Congress are listening. The sight of a veteran campaigner like Fr. Mc Manus escorting a Protestant Loyalist around Congress is powerful stuff.
Mr. Mc Cord explained what he hoped to accomplish:
" I am asking Members of Congress for three things :
1. To co-sign a " Dear Colleague Letter" to British Prime Minister urging him to personally meet with Raymond Mc Cord Sr.
2.To encourage a Congressional Hearing before the House Human Rights Subcommittee, Chaired by Rep. Bill Delahunt (D-MA).
3.To encourage a Congressional Resolution calling on the British Government to hold an Independent Public Inquiry into the murder of Raymond Mc Cord Jr. and subsequent cover-up".

CONGRESSMAN BILL DELAHUNT

After a very successful week of lobbying, Mr. Mc Cord met with Congressman Delahunt on Thursday, May 7 at 10:00 AM. " I was deeply touched by the Congressman's warmth and friendliness, and by his complete empathy for my son's case. He is a lovely man and I am very hopeful he will hold a Hearing on my son's case".
In reference to a possible Congressional Hearing, Mr. Mc Cord added: " It is my hope that former RUC Chief Constable, Sir Ronnie Flanagan , would cooperate with the Congressional Hearing, if scheduled, because he was in charge of the police when the man who ordered the murder of my son was a long-time police agent".

MC CORD AT BRITISH EMBASSY
DEEP DISAPPOINTMENT

CAPITOL HILL. Thursday, May 14, 2009 –After two weeks of an incredibly successful lobbying blitz of Capitol Hill, Raymond Mc Cord was handed his only disappointment.
Whereas Congressional office listened to him with openness, empathy and solidarity, the British Embassy listened to him in virtual silence.

Because justice and policing have not been devolved (handed back to the Northern Ireland government) the Northern Ireland Bureau—which treated Mr. Mc Cord very nicely – had to refer Mc Cord to the British Embassy—to Nic Hailey who deals with those issues for The Embassy.
Accordingly, Mr. Mc Cord, by himself, met Mr. Healey at 2:15 PM on Wednesday, May 13 at The Embassy.

" Because I was meeting with the duly authorized person – and not with some public relations person – I was hopeful I would get some real answers on justice and policing as it relates to my son's murder", he said. "I was low-keyed and respectful but Mr. Hailey never answered one question. He never even tried, maintaining almost virtual silence throughout the hour meeting. And when he did speak it was to ask: whom are you meeting on Capitol Hill, do you think you are having any impact, and when are you going home? "

Mc Cord, clearly expressing his dissatisfaction, explained: " See here, I am an Ulsterman, a British citizen. The British Government and the Northern Ireland police collude in the brutal murder of my son, Raymond Jr. I am given a fantastic reception on Capitol Hill. Then I go to my own Embassy in Washington, and I get nothing, absolutely nothing. It is so disappointing to this proud Ulsterman. Hailey's treatment of me is exactly what I get from his colleagues in the Northern Ireland Office in Belfast".
But then, with the rugged tenacity for which he is famous, Mc Cord said: " My treatment at the British Embassy illustrates and vindicates the need for my visit to Capitol Hill. It confirms my conviction that Congressional pressure in my son's case is my only hope… END

More Christian Charity on Capitol Hill Than
In Northern Ireland Churches
-- Mc Cord Declares --

Capitol Hill. May 13, 2009 ---- " In 12 minutes on Capitol Hill I received more true Christian charity than I did in 12 years from the churches in Northern Ireland".
That was the striking declaration of the man who has fought for 12 years for justice for his murdered son, Raymond Mc Cord Jr.—all the time being ignored by church leaders, ministers and priests in Northern Ireland.
Raymond Mc Cord Sr. was speaking from the offices of the Capitol Hill-based Irish National Caucus, which sponsored his two-week lobbying -blitz of the U.S. Congress.
Mr. Mc Cord Sr. was deeply moved by the empathy he received from the Congress for the case of his 22-year-old son who was murdered near Belfast in 1997. Because the man who ordered the murder was a government agent and police informer he has been protected from the law and his crime covered up.

"Why didn't religious leaders, especially in my own Protestant Loyalist community, show me the same empathy and compassion I received from Jewish, Protestant and Catholic Members of Congress and their staff? Why did

I have to go 3,000 miles to receive justice, mercy and kindness, which the Bible says is the hallmark of true religion?", he asked.

Anyone who knows Mr. Mc Cord knows he's no softie. He is one of the hardest of hard men, considered by some to be one of the best bare-knuckle fighter in Belfast for may years
He has waged an extraordinary one-man battle to get justice for his son in the face of constant threats and danger to his life. Nothing has deterred this man's devotion to his murdered son. Yet he was clearly touched by his visit to Capitol Hill.
He explained: " No church minister ever showed solidarity with my family – they were scared of the Protestant paramilitaries, the police and the British Government. They did not want to take on the establishment. Had it not been for the brave Nuala O' Loan, former Police Ombudsman, my son's case would have perished. But even she could only take the case so far. That is why I had to turn to America and to Fr. Sean Mc Manus, President of the Irish National Caucus, and his many friends in the US Congress".

Mr. Mc Cord concluded by expressing renewed confidence that his visit to Capitol Hill will have important consequences for his son's case.
END

4. Hillary's Letter

Mr. DELAHUNT. Thank you, Mr. McCord, for that very moving and poignant testimony. I think we all, those of us who are parents, can empathize with the pain and the desire for justice, not for revenge, but just for simple justice that you are seeking.

Mr. Finucane?

STATEMENT OF MR. JOHN FINUCANE, BELFAST, NORTHERN IRELAND

Mr. FINUCANE. Mr. Chairman, members of the committee, my fellow speakers, ladies and gentlemen, my name is John Finucane. My father was Patrick Finucane, the Belfast solicitor murdered by lawless paramilitaries in 1989. My family and I have campaigned since his murder for a fully independent judicial public inquiry into the circumstances surrounding the killing. We have done so because of compelling evidence that my father's murder was part of an approved British Government policy of widespread collusion between the state and Loyalist paramilitaries, which incorporated state complicity in all types of illegal activity, up to and including murder.

The campaign my family and I have conducted for the establishment of a public judicial inquiry into my father's murder has lasted for over 20 years. We have had only one objective from the outset, to discover and uncover the truth behind my father's murder. On the very night my father was shot dead, the 12th of February, 1989, my family knew the authorities were involved in some way, but we didn't know the details.

We did know that my father had been subjected to constant threats from police officers during his professional career, threats that were never made to his face but rather to his clients while they were interrogated in the absence of their lawyer. Derogatory comments quickly escalated into threats. Threats quickly escalated into death threats, all of which came from the police. Less than 3 weeks before he was killed, a government minister, Douglas Hogg, MP, made a statement in the British Parliament that marked Pat and other solicitors for murder.

He said, "I have to state that there are in Northern Ireland a number of solicitors who are unduly sympathetic to the cause of the IRA." This comment was shocking and provocative at the time, but what was to prove even more sinister was its foundation. Hogg said at the time that he based his statement on "advice that he had received," He did not reveal from whom, and it was later revealed, however, that he had been told this by police in a private briefing the year before.

Over many years, my family and I persisted in seeking all of the facts surrounding my father's murder. This followed much investigation, lobbying, speaking out at every opportunity, and no little personal risk. My mother was forced to move from her home for several months as a result of death threats from Loyalist paramilitaries. Others have been attacked just for being part of the Finucane family. Even so, we have persisted.

After much delay, the British Government was eventually forced to announce in 2001 that a judge of international standing would review our case and recommend a public inquiry if evidence of collusion was found. This was included as part of a larger intergov-

ernmental agreement made between Britain and Ireland as part of the peace negotiations. The judge appointed was Peter Cory, former Justice of the Supreme Court of Canada.

My family was not involved in the negotiations that led to the agreement. We did not feel that further examination was required to prove our case. We did not doubt the credibility or integrity of Judge Cory. We believed that this was simply a delaying tactic by the British Government. However, Judge Cory did ultimately conclude that evidence of collusion existed, and recommended a public inquiry in our case.

In his final report, he said, "The documents and statements I have referred to in this review have a cumulative effect. Considered together, they clearly indicate to me that there is strong evidence that collusive acts were committed by the British Army, the RUC Special Branch and the Security Service. I am satisfied that there is a need for a public inquiry." When his report was published, something that was delayed for some time by the British Government, Judge Cory stated that any appointed commission should have all powers normally associated with a commission of inquiry.

The most important power is that a commission decides itself what matters should be considered and what should be made public. However, after the publication of the Cory Report, the British Government announced that a new law was required. The British Secretary of State at the time, Paul Murphy, said on September 23, 2004:

> "The government has taken into account the exceptional concern about this case. Against that background, the government has concluded that steps should now be taken to enable the establishment of an inquiry into the death of Patrick Finucane.
>
> "In order that the inquiry can take place speedily and effectively and in a way that takes into account the public interest, including the requirements of national security, it will be necessary to hold the inquiry on the basis of new legislation, which will be introduced shortly."

And he later explained that this was necessary because "much of the material that would have to be examined in this inquiry is highly sensitive to national security issues. For example, many of the operational techniques that would be discussed in the inquiry would be used currently in the War Against Terror, for instance." And these operational techniques that he referred to were analyzed further in a different investigation into my father's murder. It was carried out by the former Commissioner for the London Metropolitan Police, Lord John Stevens, and the techniques in question were confirmed to be collusion.

Lord Stevens summarized them in this way, and I again repeat what another witness, Nuala O'Loan, has already referred to:

> "My inquiries have highlighted collusion. The willful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that people have been killed or seriously injured."

This is not the only report written about the murder of my father. The case is being examined by dozens of organizations and individuals of international repute, and all have concluded that the evidence in the case demands an independent public inquiry. One series of reports was prepared by Human Rights First, formerly the Lawyers Committee for Human Rights, and charts the progress of the case for an inquiry into the murder of Patrick Finucane over an entire decade from an international perspective.

It is illustrative because it demonstrates the extent to which the case has grown in strength over the years, and highlights the determination of the British Government to suppress the truth. The original examination of the case by Human Rights First took place in 1992 with a delegation led by Dr. Michael Posner. Subsequent reports were published in 1995 and 2003, and with each new assessment, more information was uncovered and made public.

The first report found "credible evidence that Finucane's effective legal advocacy and politically sensitive cases resulted in his harassment and ultimately led to his killing. We also find credible evidence suggesting collusion between elements within the security forces and Loyalist paramilitaries and Finucane's murder." The report continued:

> "There is also evidence pointing to the involvement of the RUC in the form of knowing acquiescence or perhaps even instigation. Two independent sources told us that the RUC had a double agent in the Ulster Defense Association. According to these sources, the double agent informed the RUC that Finucane was a target, assuming they would prevent the murder from taking place."

The deputy chief constable of the RUC at the time, Michael McAtamney, wrote to the Lawyers Committee complaining about the contents of the report. In a letter dated the 25th of January, 1993, he said:

> "The shortcomings of the report are such as to lead me to the conclusion that it does not merit detailed comment, and in its present form is not capable of being constructively amended. Among its many defects, there is a repetition of unsubstantiated allegations, as if these constituted evidence of security forces or official misconduct. One is left with the distinct impression of a mass of allegations resting on a limited, unrepresentative base of sources."

The Northern Ireland office gave a similar response. In particular, it rejected any allegation made about the possible involvement of the RUC:

> "We particularly believe that the report, especially in the section on Mr. Finucane's murder, is unfair to the security forces, and especially the Royal Ulster Constabulary. Unsubstantiated allegations are no substitute for evidence, particularly in view of the very serious charges you lay at the RUC's door."

This is, and was, typical of official reaction to the allegations being leveled at the police and the security forces. It is almost surreal to look back at these comments in light of what we know today, namely, that all of the allegations were true, but denied as

false and malicious. Ten years after they released the first report, Human Rights First published an up-to-date document entitled "Beyond Collusion," a collection of information gathered by many people over the intervening years.

The report is introduced with the following statement:

> "Over the last 10 years, the Lawyers Committee has conducted a series of missions to Northern Ireland to investigate reports of official collusion in the murder. The evidence that has emerged over this period extends far beyond isolated acts of collusion by individual members of the security forces, and implicates the very foundations of the British Government's security policy in Northern Ireland. There are many allegations that units within both the British Army and the RUC were involved at an institutional level in the murder and subsequent cover-up."

Recent correspondence between the British Government's Northern Ireland office and my family via our legal team underscores a continued policy of delay. I wish to place copies of this correspondence on the record of this hearing, and ask that they be read into the record. I believe they show a lack of any real commitment on the part of the British Government to fulfill its agreement to hold an inquiry. One excuse after another is presented.

In a letter from February 2006, the British Secretary of State for Northern Ireland, Peter Hain, explained that we were wrong about the British Government's intentions. He wrote to us saying, "It is simply not the case that the Inquiries Act is the British Government's way of changing the rules for this inquiry. The Act was a general reform measure introduced following a 3-month consultation exercise in 2004 and a study carried out in 2002."

He went on to explain the necessity for restricting information was because, and I again quote from this letter, "the volume of sensitive material is far too great. It is likely that any inquiry into your husband's death will want to examine all the potentially relevant information held within government and the law enforcement agencies, and all the evidence collected by the different investigations carried out so far."

In Autumn 2006, the Northern Ireland Secretary of State Peter Hain decided to cease work on preparations for the inquiry, and we were first told of this in a letter from the Northern Ireland office 1½ years after he had made his decision. He decided to stop work because, "in light of the Finucane family's continuing opposition, it was no longer justifiable to continue to devote public money to preparations for an inquiry which the family would refuse to accept under the terms of the Inquiries Act."

Correspondence received during the intervening period made no mention of Mr. Hain's decision. We have since been discussing with the British Government how and when they propose to complete preparations for the inquiry, and also how we will resolve the issues of transparency and independence. This has not been easy. The current Secretary of State for Northern Ireland, Shaun Woodward, has been reluctant to discuss ways of moving the situation forward or even meet with my family.

In a letter to mother Geraldine shortly after he assumed his post in Northern Ireland, he dismissed the idea that a meeting to discuss the inquiry could be beneficial, and he wrote:

> "You met Peter Hain in February 2006, and he subsequently wrote to you responding in detail to the concerns you raised. I have considered carefully all the points previously made, and I share my predecessor's view that an inquiry under the Inquiries Act would be independent.
>
> "Against that background, it is not clear to me that a further meeting is likely to expose new points which have not been identified previously. If that assumption is mistaken, please let me know, and in those circumstances, I will ensure that we meet."

Mr. Woodward did not mention in his letter that in the meantime, no further work would be done on the inquiry. As I stated earlier, this was not revealed until April 2008.

To date, the Secretary of State has not met with my family. It is only recently that they have conceded even a meeting between our respective legal advisors. The commitment to hold an inquiry has been postponed and delayed as much as possible using every possible excuse. The inquiry was even diverted into the work of the consultative group in the past, which was entirely unnecessary, since the group was tasked with searching for mechanisms to address the legacy of the conflict, and the mechanism for resolving our case has been decided already by the two governments.

The inclusion of our case by the consultative group was not a development that my family welcomed, and we met with the group to express our concerns. It is disappointing that they did not respect our wishes in their final report, as we have no wish to become part of any overall truth commission forum. Perhaps most weighing of all is the suggestion by the British Government in their most recent correspondence that an inquiry should not now be held at all, in the public interest.

They claim that the passage of time since the murder has rendered it of little relevance to the issues faced by Northern Ireland today. The fact that it is the government that has caused the lion's share of delay appears to count for very little. Much of the delay was occasioned by the insistence of the British Government that a new law to control inquiries was required. They asserted that any inquiry would be capable of getting to the truth by using this new legislation, but it is an assertion that does not stand up to scrutiny.

The Inquiries Act 2005 prevents any inquiry from acting independently. It forces the tribunal, no matter how independent——

Mr. DELAHUNT. Mr. Finucane?

Mr. FINUCANE. Yes?

Mr. DELAHUNT. Could you suspend for a minute, because we are going to have a series of votes that will probably require about 40 minutes, so I am going to ask Ms. Winter if you will all bear with us, but before we leave to vote, and again, my apologies, but this is what happens in this body, could you wrap up your testimony so that when we come back we can have Ms. Winter commence hers?

Mr. FINUCANE. Yes, Mr. Chairman. I would just like to finish by reminding Mr. Chairman and everyone here today that these houses of Congress have also endorsed the prompt holding of a public inquiry in accordance with the intergovernmental agreement. This was contained in H.R. 740, passed by this House on the 18th of May, 2006. An identical term was passed by the Senate on the 24th of May, 2006, and the thing that I want to know most of all is that I want to know the truth about my father's murder.

I want to know who was responsible. I want to know why no one warned him he was in danger, and I want to know why he wasn't protected. I want to know who covered it up. My brother Michael, who is here with me today, wants the same thing, as does our mother Geraldine and our sister Catherine. All of my family and my friends and my father's friends want this. If the British Government is serious about resolving the situation in Northern Ireland for good and building a lasting peace, then all we ask is this one simple thing.

They cannot give me back my father, but the least they can do is tell me the truth. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Finucane follows:]

COMMITTEE ON FOREIGN AFFAIRS

Subcommittee on International Organizations, Human Rights & Oversight
Thursday, 22 October 2009, Washington DC

STATEMENT OF JOHN FINUCANE

"Mr. Chairman, Members of the Committee, my fellow speakers, ladies and gentlemen:

My name is John Finucane. My father was Patrick Finucane, the Belfast solicitor murdered by Loyalist paramilitaries in 1989. My family and I have campaigned since his murder for a fully independent, judicial public inquiry into the circumstances surrounding the killing. We have done so because of compelling evidence that my father's murder was part of an approved British Government policy of widespread collusion between the State and Loyalist paramilitaries, which incorporated State complicity in all types of illegal activity, up to and including murder.

The campaign my family and I have conducted for the establishment of a public judicial inquiry into my father's murder has lasted for over 20 years. We have had only one objective from the outset: to discover and uncover the truth behind my father's murder.

From the very night my father was shot dead, 12 February 1989, my family knew the authorities were involved in some way but we didn't know the details. We did know that my father had been subjected to constant threats from police officers during his professional career, threats that were never mad to his face but rather to his clients while they were interrogated in the absence of their lawyer. Derogatory comments quickly escalated into threats. Threats quickly escalated into death threats, all of which came from the police.

Less than 3 weeks before he was killed a Government Minister, Douglas Hogg MP, made a statement in the British Parliament that marked Pat and other solicitors for murder. He said, **"I have to state ... that there are in Northern Ireland a number of solicitors who are unduly sympathetic to the cause of the IRA."** [1] This comment was shocking and provocative at the time but what was to prove even more sinister was its foundation. Hogg said, at the time, that he based his statement on **"advice that he had received."** He did not

[1]Col.508, *Hansard*, House of Commons (London), Standing Committee B., 17 January 1989

reveal from whom. It was later revealed, however, that he had been told this by police in a private briefing the year before.[2]

Over many years, my family and I persisted in seeking all of the facts surrounding my father's murder. This followed much investigation, lobbying, speaking out at every opportunity and no little personal risk. My mother was forced to move from her home for several months as a result of death threats from Loyalist paramilitaries. Others have been attacked just for being part of the Finucane family. Even so, we have persisted.

After much delay, the British Government was eventually forced to announce, in 2001, that a judge of international standing would review our case and recommend a public inquiry if evidence of collusion was found. This was included as part of a larger, inter-governmental agreement made between Britain and Ireland as part of the peace negotiations. The judge appointed was Peter Cory, former justice of the Supreme Court of Canada. My family were not involved in the negotiations that led to the agreement. We did not feel a further examination was required to prove our case. We did not doubt the credibility or integrity of Judge Cory. We believed this was simply a delaying tactic by the British Government. However, Judge Cory did ultimately conclude that evidence of collusion existed and recommended a public inquiry in our case. In his final report, he said, **"…the documents and statements I have referred to in this review have a cumulative effect. Considered together, they clearly indicate to me that there is strong evidence that collusive acts were committed by the Army (FRU), the RUC SB and the Security Service. I am satisfied that there is a need for a public inquiry."** [3]

When his report was published – something that was delayed for some time by the British Government – Judge Cory stated that any appointed commission should have all powers normally associated with a commission of inquiry. The most important power is that a commission decides *itself* what matters should be considered and what should be made public. However, after the publication of the Cory Report, the British Government announced that a new law was required. The British Secretary of State at the time, Paul Murphy, said, on 23rd September 2004: **"[T]he Government has taken into account the exceptional concern about this case. Against that background, the Government has concluded that steps should now be taken to enable the establishment of an inquiry into**

[2] See *Cory Collusion Inquiry Report: Patrick Finucane* (Para 1.256 – 1.259) House of Commons, London, 1st April 2004
[3] Ibid., at Para. 1.293.

the death of Patrick Finucane… In order that the inquiry can take place speedily and effectively and in a way that takes into account the public interest, including the requirements of national security, it will be necessary to hold the inquiry on the basis of new legislation which will be introduced shortly." He later explained that this was necessary because, **"…much of the material that would have to be examined in this inquiry is highly sensitive to national security issues. For example, many of the operational techniques that would be discussed in the inquiry would be used currently in the war against terror, for instance…"**

These 'operational techniques' were analysed further in a different investigation into my father's murder. It was carried out by the former Commissioner of the London Metropolitan Police, Lord John Stevens, and the techniques in question were confirmed to be collusion. Lord Stevens summarised them in this way:

"My Enquiries have highlighted collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, <u>and the extreme of agents being involved in murder</u>. These serious acts and omissions have meant that people have been killed or seriously injured."[4] (Emphasis added)

This is not the only report written about the murder of my father. The case has been examined by dozens of organisations and individuals of international repute and all have concluded that the evidence in the case demands an independent public inquiry.

One series of reports was prepared by Human Rights First (formerly the Lawyers Committee for Human Rights) and charts the progress of the case for an inquiry into the murder of Pat Finucane over an entire decade from an international perspective. It is illustrative because it demonstrates the extent to which the case has grown in strength over the years and highlights the determination of the British Government to suppress the truth. The original examination of the case by Human Rights First took place in 1992 with a delegation led by Dr. Michael Posner. Subsequent reports were published in 1995 and 2003. With each new assessment, more information was uncovered and made public.

The first report found **"credible evidence that Finucane's effective legal advocacy in politically sensitive cases resulted in his harassment and ultimately led to his killing. We**

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[4] Stevens Enquiry: Overview & Recommendations, 17 April 2003, para. 1.3

also found credible evidence suggesting collusion between elements within the security forces and loyalist paramilitaries in Finucane's murder."[5] The report continued: **"There is also evidence pointing to the involvement of the RUC in the form of knowing acquiescence or perhaps even instigation. Two independent sources told us that the RUC had a double agent in the Ulster Defence Association (UDA). According to these sources, the double agent informed the RUC that Finucane was a target, assuming they would prevent the murder from taking place."**[6]

The Deputy Chief Constable at the time, Michael McAtamney, wrote to the Lawyers Committee complaining about the contents of the report. In a letter dated 25 January 1993, he said: **"The shortcomings of the … report are such as to lead me to the conclusion that it does not merit detailed comment and in its present form is not capable of being constructively amended. Among its many defects, there is a repetition of unsubstantiated allegations, as if these constituted evidence of Security Forces or official misconduct. One is left with the distinct impression of a mass of allegations resting on a limited, unrepresentative base of sources."**[7] The Northern Ireland Office gave a similar response. In particular, it rejected any allegation made about the possible involvement of the RUC: **"We particularly believe that the report, especially in the section on Mr. Finucane's murder, is unfair to the security forces, and especially the Royal Ulster Constabulary…. Unsubstantiated allegations are no substitute for evidence, particularly in view of the very serious charges you lay at the RUC's door."**[8]

This is, and was, typical of official reaction to the allegations being levelled at the police and the Britain. It is almost surreal to look back at these comments in light of what we know today, namely, that all of the allegations were true but denied as false and malicious. Ten years after they released the first report, Human Rights First published an up-to-date document, "Beyond Collusion", a collation of information gathered by many people over the intervening years. The report is introduced with the following statement: **"Over the last ten years, the Lawyers Committee has conducted a series of missions to Northern Ireland to investigate reports of official collusion in the murder. <u>The evidence that has emerged over this period extends far beyond isolated acts of collusion by individual members of the security forces and implicates the very foundations of the</u>** [British] **<u>government's</u>**

[5] "Human Rights and Legal Defense" Lawyers Committee for Human Rights (New York, February 1993) at pages 2-3.
[6] Ibid., page 3.
[7] RUC HQ, Brooklyn, Knock Rd., Belfast, 25th January 1993. Reprinted, ibid., Appendix B.
[8] Northern Ireland Office, January 1993. Reprinted, *ibid.*, Appendix A.

security policy in Northern Ireland. There are many allegations that units within both the British Army and the RUC were involved at an institutional level in the murder and subsequent cover-up."[9] (emphasis added)

Recent correspondence between the British Government's Northern Ireland Office and my family (via our legal team) underscores a continued policy of delay. I wish to place copies of this correspondence on the record of this hearing and ask that they be read into the record. I believe they show a lack of any real commitment on the part of the British Government to fulfil its agreement to hold an inquiry. One excuse after another is presented. In a letter from February 2006, the incumbent British Secretary of State for NI, Peter Hain, explained that we were wrong about the British Government's intentions. He wrote, **"it is simply not the case that the Inquiries Act is the British Government's way of changing the rules for this inquiry. The Act was a general reform measure, introduced ... following a three-month consultation exercise in 2004 and a study carried out ... in 2002."**[10] He went on to explain the necessity for restricting information was because, **"the volume of sensitive material is far too great... It is likely that any inquiry into your husband's death will want to examine all the potentially relevant information held within Government and the law enforcement agencies and all the evidence collected by the different investigations carried out so far."** (emphasis added) [11]

In Autumn 2006, the NI Secretary of State, Peter Hain, decided to cease work on preparations for the inquiry. We were first told of this in a letter from the Northern Ireland Office a year and a half *after* he made his decision. He decided to stop work because, **"in light of the Finucane family's continuing opposition, it was no longer justifiable to continue to devote public money to preparations for an inquiry which the family would refuse to accept under the terms of the Inquiries Act."** [12] Correspondence received during the intervening period made no mention of Mr. Hain's decision. We have since been discussing with the British Government how and when they propose to complete preparations for the inquiry and also how we will resolve the issues of transparency and independence. This has not been easy.

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[9] "Beyond Collusion: The UK Security Forces and the Murder of Patrick Finucane", Lawyers Committee for Human Rights (New York, February 12, 2002) at p. (iv).
[10] Letter Peter Hain MP (NIO) to Geraldine Finucane, 20 February 2006.
[11] Ibid.
[12] Letter Simon Marsh (PPS), NIO to Peter Madden, solicitor, 4th April 2008.

The current Secretary of State for Northern Ireland, Shaun Woodward, has been reluctant to discuss ways of moving the situation forward or even meet with my family. In a letter to my mother, Geraldine, shortly after he assumed his post in Northern Ireland, he dismissed the idea that meeting to discuss the inquiry could be beneficial. "[Y]**ou met Peter Hain in February** [2006] **and ... he subsequently wrote to you responding in detail to the concerns you raised... I have considered carefully all the points previously made and I share my predecessor's view that an inquiry under the Inquiries Act would be independent....** [A]**gainst that background it is not clear to me that a further meeting is likely to expose new points which have not been identified previously. [I]f that assumption is mistaken,... please let me know and in those circumstances I will ensure that we meet."** [13]

Mr. Woodward did not mention in his letter that, in the meantime, no further work would be done on the inquiry. As I stated earlier, this was not revealed until April 2008. To date, the Secretary of State has not met with my family. It is only recently that they have conceded even a meeting between our respective legal advisors. The commitment to hold an inquiry has been postponed and delayed as much as possible using every possible excuse. The inquiry was even diverted into the work of the Consultative Group on the Past, which was entirely unnecessary, since the Group was tasked with searching for mechanisms to address the legacy of the conflict and the mechanism for resolving our case had been decided already by the two Governments. The inclusion of our case by the Consultative Group was not a development that my family welcomed and we met with the Group to express our concerns. It is disappointing that they did not respect our wishes in their final report as we have no wish to become part of any overall 'truth commission' forum.

Perhaps most worrying of all is the suggestion by the British Government, in their most recent correspondence, that an inquiry should not now be held at all, 'in the public interest.' They claim that the passage of time since the murder has rendered it of little relevance to the issues faced by Northern Ireland today. The fact that it is the Government that has caused the lion's share appears to count for very little. Much of the delay was occasioned by the insistence of the British Government that a new law to control inquiries was required. They asserted that any inquiry would be capable of getting to the truth by using this new legislation but it is an assertion that does not stand up to scrutiny. The Inquiries Act 2005 prevents any inquiry from acting independently. It forces the tribunal, no matter how independent, credible

[13] Letter Shaun Woodward MP (NIO) to Geraldine Finucane (Belfast), 31st October 2007.

or reputable its Chairpersons, to comply with decisions made by government ministers. The hands of the inquiry panel can be tied using "Restriction Notices" that can be served at any time during the inquiry. These orders are issued by the Government and prevent material from being made public. They can also order private hearings and withhold the final report and findings of the inquiry from the public *even if the tribunal of inquiry itself does not find it necessary to do so.*

My family is against holding an inquiry into my father's murder under the Inquiries Act because we will not participate in a charade. We want what we asked for and what was agreed between the British and Irish Governments in 2001: an independent, public, judicial inquiry, composed of international judges that are in no way associated with Britain or the British Government. This is important, not just to my family, but society as a whole, in Ireland and internationally, because it would instil confidence in the inquiry, its work and its conclusions. A whitewash would do more harm than good, as was clearly seen in the original Bloody Sunday Tribunal, conducted by Lord Widgery in 1972.

If an inquiry into Pat Finucane's murder is held under the Inquiries Act, it will constitute a breach of the inter-governmental agreement. The former Prime Minister of Ireland, Bertie Ahern, rejected the law and made it clear there would be no compromise on the issue. This position has been continued by the current Prime Minister, An Taoiseach Brian Cowen. The leader of the main opposition party in the Irish Parliament, Mr. Enda Kenny TD, has also promised full support. Judge Cory made it clear that he also does not consider the Inquires Bill to be compliant with what he recommended, saying, **"[t]here was only one standard for a public inquiry at the time of the Weston Park accord… If this Act had been in place at the time to set up an inquiry I don't think that there is a judge who would take it on. Its provisions are too restrictive. Independence would be impossible."**[14]

These views are shared even by senior members of the British Judiciary, including Lord Saville, who chaired the bloody Sunday Inquiry. He has stated recently that he, **"…would not be prepared to be a member of an inquiry if at my back was a minister with power to exclude the public or evidence from the hearings."**[15] The concerns of Lord Saville are shared by others, including Lord Woolf, the former Lord Chief Justice. During an interview, Saville told a major London newspaper, **"I take the view that this provision makes a**

[14] "Attempt to limit Finucane inquiry criticised", *The Irish Times* (Dublin) 14 March 2005
[15] "Closing Doors: Ministers need to show greater regard for due process" (*The Times*) London, 26 February 2005

serious inroad into the independence of any inquiry. It is likely to damage or destroy public confidence in the inquiry and its findings, especially in any case where the conduct of the authorities may be in question." [16] These Houses of Congress have also endorsed the prompt holding of a public inquiry in accordance with the inter-governmental agreement. This was contained in House Resolution 740, passed by this House on 18th May 2006. A Resolution in identical terms was passed by the United States Senate on 24th May 2006. Senate Resolution 493 was supported by Senators Clinton, Biden and Obama, as well as many others.

What more blatant example could there be of the conduct of the authorities being in question than a case like that of Pat Finucane? Is there a more serious allegation that could be made against a country than conspiring in the murder of its own citizens? I believe the seriousness of the allegation and the weight of evidence supporting it is the real reason for the delay in establishing the inquiry into the murder of my father.

The circumstances surrounding the murder of Patrick Finucane are about much more than the killing of one man. They represent simply the best-known case of what could have happened to anyone and what did happen to many. Everyone in Ireland knows a victim of collusion; such is the widespread effect of the policy. They were members of our families: fathers, mothers, brothers and sisters. They were our sons and daughters. They were our friends and colleagues. We were all affected and so we all have a stake in the outcome of this inquiry because it is an important part of the overall Peace Process.

The thing I want most of all is to know the truth about my father's murder. I want to know who was responsible. I want to know why no-one warned him he was in danger. I want to know why he wasn't protected. I want to know who covered it up. My brother, Michael, who is with me here today, wants the same thing, as does our mother, Geraldine, and our sister, Katherine. All of my family and my friends and my father's friends, want this. If the British Government is serious about resolving the situation in Northern Ireland for good and building a lasting peace, then all we ask is this one simple thing. They cannot give me back my father; the least they can do is tell me the truth.

Thank you very much."

[16] Ibid.

Mr. DELAHUNT. Thank you, Mr. Finucane, and before we recess, I want to acknowledge the presence of Mr. Engel from New York, and I hope he can rejoin us when we return, although I know all members have a very frenetic schedule, so we shall come back and we will look forward to hearing from Ms. Winter.

[Brief recess.]

Mr. DELAHUNT. I understand that there are some time constraints, so Mr. Smith, if you would come up here. If Ms. Winter would come to the table, and if you could proceed, Ms. Winter, give us a brief synopsis of your testimony, I know that you have a, is it a 1:15 plane or a train, or. . .?

Ms. WINTER. It is a 2 p.m. train.

Mr. DELAHUNT. A 2-p.m. train.

Ms. WINTER. Yes.

Mr. DELAHUNT. Give it to us in 3 or 4 minutes, and I understand Mr. Finucane also has that time frame, so we want to get you out.

Ms. WINTER. Thank you very much.

Mr. DELAHUNT. Please proceed.

STATEMENT OF MS. JANE WINTER, DIRECTOR, BRITISH IRISH RIGHTS WATCH

Ms. WINTER. Thank you, Mr. Chairman and members of this honorable subcommittee for the opportunity to give evidence before you today. This is a summary of the longer written submission which I request be read into the record.

Mr. DELAHUNT. Without objection.

Ms. WINTER. We have been studying collusion in Northern Ireland ever since our inception in 1990, and the first case that we examined was that of Patrick Finucane, and of course we have also worked on Raymond McCord's case since then, and many, many others. Indeed, until very recently, it was the NGOs who were systematically researching and exposing collusion in Northern Ireland. Collusion is a very difficult thing to measure because it is illegal and clandestine.

No one knows its true extent, but all the work on collusion throws up patterns of behavior which suggest that it has become systemic. It is significant that the Consultative Group on the Past set up by the government to look at how Northern Ireland can deal with its very troubled legacy and move forward into a better future cited collusion as an issue that must be examined. At first, successive governments denied that collusion existed, but today it is widely accepted that it has taken place, partly thanks to the groundbreaking report issued by Baroness Nuala O'Loan following her investigation into the death of Raymond McCord, Jr., and to the work done by Lord Stevens in the Finucane case.

There are currently three inquiries taking place in Northern Ireland into alleged collusion. These are the cases of Rosemary Nelson, Robert Hamill and Billy Wright, and I think that speaks for itself in terms of the fact that collusion is now recognized as a genuine problem. What concerns the BIRW is that, as Nuala O'Loan and Lord Stevens' work has shown, these were not exceptional cases. They have simply become emblematic of collusion, which has permeated policing and in particular the intelligence services in Northern Ireland from the early 1970s to the present day.

Collusion has become, if you like, mainstreamed. A key feature of collusion has been the suppression of reports into contentious deaths in Northern Ireland, most notably, the reports of the Stalker/Sampson inquiry and the three reports produced by Lord Stevens. The intelligence services in Northern Ireland have been heavily dependent upon recruiting informers amongst the paramilitary organizations, both Republican and Loyalist.

Loyalists regarded themselves in many ways as being on the same side as the security forces, and many of them were prime intelligence sources for the security forces. In this sense, they were double agents. However, the duality of their role made them difficult to control from the point of view of the intelligence services, as we have heard in the case of Mark Haddock from Raymond McCord. Republicans have not seen themselves as being on the same side as the intelligence services, so different methods have been used to recruit them, mainly involving deals and bribery.

Most nations have some form of intelligence service. There can be no doubt that intelligence is necessary to combat the many scourges that beset modern society, including terrorism, organized crime, people trafficking, and the drugs trade. However, intelligence has only two legitimate aims: The prevention and the detection of crime. Most unfortunately, in Northern Ireland, it has become apparent that gathering of intelligence for its own sake——

[The prepared statement of Ms. Winter follows:]

WRITTEN EVIDENCE OF JANE WINTER, DIRECTOR, BRITISH IRISH RIGHTS WATCH TO THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

22 OCTOBER 2009

British Irish RIGHTS WATCH (BIRW) is an independent non-governmental organisation that has been monitoring the human rights dimension of the conflict, and the peace process, in Northern Ireland since 1990. Our vision is of a Northern Ireland in which respect for human rights is integral to all its institutions and experienced by all who live there. Our mission is to secure respect for human rights in Northern Ireland and to disseminate the human rights lessons learned from the Northern Ireland conflict in order to promote peace, reconciliation and the prevention of conflict. BIRW's services are available, free of charge, to anyone whose human rights have been violated because of the conflict, regardless of religious, political or community affiliations. BIRW take no position on the eventual constitutional outcome of the conflict.

In 2007 BIRW won the Beacon Award for Northern Ireland. In 2008 we were awarded the *Irish World* Damien Gaffney Award, and in 2009 we became the first-ever recipients of the new Parliamentary Assembly of the Council of Europe's Human Rights Prize.

BIRW has been studying collusion in Northern Ireland ever since our inception in 1990, when the first case we examined was that of Patrick Finucane. Indeed, until very recently it was the NGOs such as ours, Amnesty International Human Rights First, Human Rights Watch and in Northern Ireland the Committee on the Administration of Justice, The Pat Finucane Centre, and Relatives for Justice, who have systematically researched and exposed collusion.

Collusion is a very difficult thing to measure because of its illegal and clandestine nature. No-one knows its true extent, but all the work done on collusion throws up patterns of collusive behaviour which suggest that it has become systemic. It is significant that the Consultative Group on the Past, set up by the government to look at how Northern Ireland can deal with its very troubled legacy and move forward into a better future, cited collusion as an issue that must be examined[1]. BIRW's research suggests that it is much more widespread than has yet been acknowledged, and that we can see only the tip of the iceberg.

At first, successive governments denied that collusion existed, but today it is widely accepted that collusion has taken place, partly thanks to the ground-breaking report issued by Baroness Nuala O'Loan following her investigation into the death of Raymond McCord Jnr and to the work done by Lord Stevens in the Finucane case.

There are currently three inquiries taking place in Northern Ireland into cases of alleged collusion.

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1 *Report of the Consultative Group on the Past*, 2009

Rosemary Nelson was a lawyer who died in a loyalist car bombing in 1999. She was a busy high street lawyer who had a few contentious cases. When she took on those cases, she started to receive death threats in the form of letters, telephone calls, and messages delivered to her by police officers and soldiers, who told her clients that she would be killed. Rosemary testified about these threats before Congress just six months before she was murdered. Her death was shocking both for its brutality and for the fact that it happened after the Good Friday Agreement, of which she was a strong supporter. No-one has been convicted for her murder. It is known that some of the suspects were police informers.

Billy Wright was the leader of the dissident loyalist group, the Loyalist Volunteer Force. He was shot inside the Maze prison in December 1997 by republican prisoners who had been housed in the same prison block and had been able to smuggle weapons into the prison. A closed circuit camera that might have spotted the killers coming over the prison roof was out of action, and the prison guard in the watchtower overlooking the roof had been called away from his post at the precise moment of the attack. During the inquiry it has emerged that Billy Wright's prison records have been destroyed, and that prison staff had warned of the likelihood of just such an attack on Billy Wright, accurately predicting the method used and the names of the perpetrators. It has also emerged that Billy Wright was under surveillance while he was in prison. The perpetrators have been convicted, but the question remains as to whether the murder could have been prevented.

Robert Hamill was a young Catholic man who was attacked in 1997 by a crowd of loyalists on his way home from a dance, simply because he was a Catholic. He never regained consciousness and died some days later of head injuries. The police put out statements saying that there had been a fight between republican and loyalist factions and that police officers had been injured. None of this was true. In fact there were four armed officers in a landrover at the scene, which had lulled Robert Hamill into a false sense of security. Witnesses have told the inquiry that the officers did not come to Robert Hamill's aid until after he was attacked. It has also emerged that a police officer advised one of the suspects on how to dispose of the clothing he was wearing at the time of the attack. No-one has been convicted of his murder.

These are landmark cases. Rosemary Nelson died because she was doing her job. Billy Wright died in a predictable and probably preventable attack. Robert Hamill was not only failed by the police but was the victim of sectarian attitudes within the police which some have described as institutionalised. In Patrick Finucane's case there is compelling evidence that the police, the army and the intelligence service colluded in his death, yet the United Kingdom government continues to deny his family the independent inquiry the case demands.

What concerns BIRW is that, as Nuala O'Loan's and Lord Stevens' work has shown, these were not exceptional cases, they have simply become emblematic of collusion which has permeated policing, and in particular the intelligence services, in Northern Ireland.

BIRW has studied cases involving collusion from the early 1970s to the present day. Collusion has been honed as a weapon in the counter-terrorism armoury. It has become mainstreamed.

The ordinary meaning of the word "collusion" is a conspiracy for improper purposes. In the context of Northern Ireland, the term has come to embrace a number of illegal activities on the part of members of the security forces (the police, the army and the intelligence services) and policies or practices on the part of the state. These include:

- conspiring with paramilitaries to carry out assassinations;
- taking part in such assassinations;
- collecting information on those targeted by paramilitaries and passing it over to paramilitaries;
- passing legitimately collected official information to paramilitaries for illegitimate purposes;
- failing to prevent paramilitary assassinations;
- providing weapons to paramilitaries;
- assisting in the commission of such killings, for example, by lifting road blocks;
- failing to investigate such killings rigorously;
- failing to prosecute those responsible for such killings;
- failing to prosecute or otherwise discipline those members of the security forces involved in collusion;
- using Public Interest Immunity Certificates and claims at trials and inquests to withhold information concerning alleged collusion;
- refusing to make public the findings of the limited number of official investigations into collusion;
- allowing members of the security forces to carry out illegal acts, whether in conspiracy with paramilitaries or not, with impunity and hindering official investigation of those acts.

Many of these activities, policies and practices have been described and criticised by international human rights groups[2] and domestic NGOs over a period of many years.

A key feature of collusion has been the suppression of reports into contentious deaths in Northern Ireland, most notably the reports of the Stalker/Sampson Inquiry and the three reports produced by Lord Stevens.

The extraordinary saga of the Stalker Inquiry displayed many features of

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2 See, for example, successive editions of *United Kingdom Human Rights Concerns*, Amnesty International; *Human Rights and Legal Defense in Northern Ireland: The Intimidation of Defense Lawyers, the Murder of Patrick Finucane*, Lawyers Committee for Human Rights, New York, February 1993; *Political Killings in Northern Ireland*, 1994, Amnesty International; *At the Crossroads: Human Rights and the Northern Ireland Peace Process, Ending the Emergency, Judges and Laywers*, Lawyers Committee for Human Rights, New York, December 1996; *To Serve Without Favour: Policing, Human Rights, and Accountability in Northern Ireland*, 1997, Human Rights Watch/Helsinki, New York; *Criminal Justice And Human Rights In Northern Ireland and the Republic of Ireland*, 1999, Association of the Bar of New York, New York; and *Beyond Collusion: The UK Security Forces and the Murder of Patrick Finucane*, Lawyers Committee for Human Rights, New York, February 2002

apparent collusion. In 1982, six men were killed by a special RUC unit within a period of 7 weeks. These killings led to allegations of a shoot-to-kill policy, especially after it emerged at the trial[3] of three RUC officers charged with the murder of one of the victims that they had been instructed by their superiors to withhold information concerning the planning of the operation from detectives investigating the killings. John Stalker, a senior English police officer, was called in to investigate all six deaths. He was removed from the inquiry after his professional integrity as a police officer was called into question, only to be reinstated subsequently with no stain on his character[4]. Stalker was replaced by another senior policeman, Colin Sampson. The Stalker/Sampson report was never published. In 1988, Sir Patrick Mayhew, then the Attorney-General[5], announced that, although their report disclosed evidence of a conspiracy on the part of certain police officers to pervert the course of justice, he had decided that it would not be proper to institute any criminal proceedings "in the public interest". In September 1994, the Coroner abandoned all attempts to hold an inquest on the six deceased because the government refused to disclose the contents of the report. The Coroner wanted to call members of the Stalker team as witnesses, and issued a subpoena for a copy of the inquiry report so that they could refresh their memories. The Secretary of State, Sir Patrick Mayhew, signed a Public Interest Immunity Certificate protecting the report from disclosure and the High Court upheld the certificate and granted an application by the Chief Constable to have the subpoena set aside. Very recently, the Coroner has taken steps to re-open the inquests on the six men, following a ruling by the European Court of Human Rights[6] that there had been no effective investigation into their deaths. He has again ordered disclosure of the Stalker/Sampson report, and this time the police have agreed that he may have access to it at a secure location in London. However, it will not be published.

Lord Stevens has conducted three investigations in to collusion in Northern Ireland over the period 1989 to 2003. During Stevens One the Stevens team took written statements from 1,900 witnesses, followed 2,000 lines of investigation and spent 2,000 hours interviewing people in custody. They recovered 2,600 documents, most of which originated from the security forces[7]. In May 1990 a summary of his report was published, which confirmed that collusion had occurred. At paragraph 27 of the summary report, he said: "It is clear that official information, originally produced by the Royal Ulster Constabulary, the Army and the Prison Service, has passed, illicitly, into the hands of the loyalist paramilitary groups. Documents and information from documents, have been traced to the possession of these paramilitaries. They have been used by them to enhance their own intelligence systems and as

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3 R v Montgomery & Ors

4 The business man, Kevin Taylor, who was used in the attempt to taint John Stalker spent many years trying to clear his own name. He eventually sued the police for malicious prosecution and was awarded damages of around £1 million.

5 He later became Secretary of State for Northern Ireland

6 Jordan et al v UK 2001

7 *The RUC 1922 – 1997 A Force Under Fire*, by Chris Ryder, Mandarin, revised 1997,
p. 387

an aid to the targeting of persons suspected of being Republican terrorists." However, at paragraph 41 he concluded:

> "... the detailed analysis of the Security Force documents recovered during the Enquiry and the evidence secured, makes it clear that the passing of information to paramilitaries by Security Force members has been restricted to a small number of individuals. It is neither widespread nor institutionalised."

By the time he had completed Stevens Three, Lord Stevens had radically revised his opinion on this matter.

Not even a summary of Stevens' second report has ever been published, despite the recommendation of the United Nations Special Rapporteur on Freedom of Expression and Opinion, Abid Hussain, that all Stevens' reports should be made public[8].

Stevens Three was instigated because of a confidential report, *Deadly Intelligence*, by BIRW, which had been intended to persuade the UK government to hold an independent, public inquiry into the murder of Patrick Finucane. Instead of doing so, the government called Stevens in for a third time. In April 2003, Lord Stevens published a summary report, just twenty pages in length. This was a much shorter version of the original document, which was over twice as long. For several years it was thought that a very much longer report existed, and that what was published summarised that full report, but now it is understood that, while a fuller version of the summary may have been delivered to the Chief Constable of the RUC (now the PSNI), there is no full report, merely a series of reports to the DPP and an enormous archive of corroborative evidence. Nevertheless, the Stevens Three summary report was the first unequivocal public admission by an establishment figure that collusion was a reality. Stevens said:

> "My Enquiries have highlighted collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that people have been killed or seriously injured."[9]

The first official reports on collusion to fully see the light of day were those by Judge Cory, who named his investigation the "Collusion Investigation". Even so, the government redacted many names and passages and even whole pages of Judge Cory's reports.

The least redacted of reports into collusion has been that published by Baroness O'Loan[10] in 2007 into the circumstances surrounding the death of Raymond McCord Jnr, which laid bare the mechanics of collusion between certain Special Branch police officers and loyalist paramilitaries. Her investigation led to a massive police investigation which has resulted in several arrests and charges of murder and is still in place.

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8 *Visit to the United Kingdom of Great Britain and Northern Ireland*, E/CN.4/2000/63/Add.3, 11 February 2000

9 *Stevens 3 Enquiry: Overview and Recommendations*, April 2003, paragraph 1.3

10 *Statement by the Police Ombudsman for Northern Ireland on her investigation into the circumstances surrounding the death of Raymond McCord Junior and related matters*, January 2007

The intelligence services in Northern Ireland – army intelligence, the Special Branch of the police, and MI5 – have been heavily dependent upon recruiting informers among the paramilitary organisations, both republican and loyalist. Loyalists regarded themselves in many ways as being on the same side as the security forces[11] and the intelligence services, and collusion was widespread. Many leading loyalists were also prime intelligence sources for the security forces. In this sense, they were double agents. However, the duality of their role made them difficult to control from the point of view of the intelligence services, who also sought to infiltrate their own locally-recruited agents, like Brian Nelson[12], into the paramilitary organisations. Republicans have not seen themselves as being on the same side as the intelligence services, so different methods have been used to recruit republican agents. Some have been blackmailed into working for the "other side"; some have been offered a deal, such as the dropping or charges or a lighter sentence for a terrorist offence; others have been bribed with large sums of money; and some have come from the ranks of the small number of Catholics who joined the army, who were asked to go and spy on their own community.

Most nations have some form of intelligence service, and there can be no doubt that intelligence is necessary to combat the many scourges that beset modern society, including terrorism, organised crime, people-trafficking, and the drugs trade. However, intelligence has only two legitimate aims: the prevention and the detection of crime. Most unfortunately, in Northern Ireland it has become apparent that the gathering of intelligence for its own sake has been prevalent throughout the conflict. The Northern Ireland population has been subjected to a very high level of sophisticated surveillance – even in these relatively peaceful times, the population of Northern Ireland is six times as likely to have their telephones tapped as people elsewhere in the UK[13]. Paramilitary groups have been deeply infiltrated. However, instead of using the information thus collected to prevent terrorist attacks or arrest perpetrators, the intelligence services have withheld information from detectives and others in order to protect sources. Many killings have gone ahead and/or remained unpunished as a result. Furthermore, the different intelligence services have treated each other with hostility and competed among themselves. This is not an intelligent approach to intelligence.

The theory behind this strategy was that by infiltrating paramilitary groups lives would be saved, and if they did kill anyone at least it would be other active paramilitaries. However, in reality it meant that government-paid agents had inevitably to engage in illegal activities and that paramilitary murders, bombings and other operations had to be allowed to go ahead in order to protect those agents' cover. These interventions did not save lives, they cost the lives of many people.

Now that the existence of collusion is officially recognised, one would, perhaps, expect that it would be put under anxious scrutiny. However, partly but not wholly in response to the Finucane case, the government has

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11 The army and the police

12 Who played a significant role in the Finucane case

13 *Hanging on the telephone*, by Richard Norton-Taylor, *Guardian*, 29 July 2008

deliberately changed the law so that those responsible for collusion will be more difficult to call to account. In 2005 they passed the Inquiries Act, which effectively abolished public inquiries by taking control of inquiries away from the independent judiciary and placing it in the hands of government Ministers. Under the Act, the Minister:

- decides whether there should be an inquiry
- sets its terms of reference
- can amend its terms of reference
- appoints its members
- can restrict public access to inquiries
- can prevent the publication of evidence placed before an inquiry
- can prevent the publication of the inquiry's report
- can suspend or terminate an inquiry, and
- can withhold the costs of any part of an inquiry which strays beyond the terms of reference set by the Minister.

Even the Consultative Group on the Past, whose report contains many positive proposals, recommends that an thematic inquiry on collusion should not take place in public. This passage from the report speaks for itself:

> "But the Group does not see the outcome of the information recovery process or thematic examination as blaming or naming individuals. In the process of information recovery, the aim is to resolve unanswered questions. In thematic examination, the purpose is to look at overall accountability, not individual accountability; to identify areas where things went wrong and why they went wrong; to gain greater understanding; to encourage apology where appropriate; and to build a shared and reconciled future."[14]

What the Group is proposing, when they speak of not naming or blaming, is an amnesty by any other name and impunity on a massive scale.

Collusion confers impunity on those in authority for acts of gross illegality, who think that there are no rules, and that gathering intelligence is an end in itself, rather than a means of preventing or detecting crimes such as terrorism. Ultimately, collusion erases the distinction between the forces of law and order and those who wish to impose their views by inflicting violence and terror on innocent people. Far from saving lives, collusion costs lives; encourages and in some cases coerces people to inform on one another; and deepens divisions in already-divided societies, retarding and even extinguishing any hope of progress towards peace. It is impossible to gauge the harm that collusion has done in Northern Ireland, other than to say that it is probably on a par with that inflicted by the physical violence that its people have endured over more than three decades.

Finally, BIRW is not the only NGO to have studied collusion. Groups such as Amnesty International, Human Rights First, Human Rights Watch, the Committee on the Administration of Justice, the Pat Finucane Centre, Relatives for Justice, Justice for the Forgotten and others all have done invaluable work. I am conscious that in this brief overview of collusion in Northern Ireland, I have barely scratched the surface of what is a widespread and complex issue.

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[14] Ibid, Chapter 7, paragraph 63

I thank the Subcommittee for your interest and respectfully request that you take the following steps:

1. Promote a resolution renewing Congress' call for an independent, judicial inquiry into the death of Patrick Finucane.
2. Promote a resolution calling for an independent, judicial inquiry into the death of Raymond McCord Jnr.
3. Write to the Chief Constable of Northern Ireland asking him what concrete measures have been taken to eradicate collusion by police officers.
4. Write to the British Prime Minister asking him what concrete steps he will take to bring the intelligence services under transparent scrutiny and to eradicate collusion.
5. Call on the British government to repeal the Inquiries Act 2005 and replace it with a human rights-compliant, effective means of investigating deaths.
6. Resolve to hold further hearings on collusion in Northern Ireland.

Mr. DELAHUNT. If I can interrupt you, I thought what was fascinating, and I knew you were here listening to the Baroness' testimony, she related that one anecdote about the stopping of a motor vehicle based on informant information, and yet, the three individuals in the vehicle were all informants. That is truly an Alice in Wonderland vision, if you will, where up is down and down is up, and if we are going to do something about crime, maybe if all of the informants were prosecuted and incarcerated, we would see a dramatic reduction in crime.

Ms. WINTER. We would, but I think the difficulty there would be that many of them could say that they had been coerced, that they had been put under pressure, on them or on their family, and that they were in an impossible position, and it is not simply an issue of those who act as informants. It is those who recruit them and those who handle them and mishandle them.

Mr. DELAHUNT. Right. You know, let me—we talk about collusion, but I think there is something more fundamental, and let me put this out to all of you, but let me direct it first to Ms. Winter. Obviously, it is difficult to determine whether collusion has occurred, because as you said, we are operating in a clandestine world, but the predicate to determining the truth has to be information. All too often in this country now, there is, in my judgment, a classification system that has no basis in reality.

I know I have attended classified briefings, and in my opinion and in my judgment, they ought never to have been classified. I guess what I am looking for—and what occurred recently was, and I was surprised, to be honest with you, that the Obama Justice Department continued to press the British Government not to reveal certain information in a case that was being pursued in British courts, and the British Government would not release that particular information.

I have grave concerns about the functioning of democracy with a continued over-reliance, without compromising national security, on classification. How do we ever get to the point where the truth of the murder of John Finucane's father and Raymond McCord's

son ever come to light if we continue to say, we can't, that is a state secret, that implicates national security, and when we review these records decades later, we discover, that was an inaccurate assessment?

That information has to be made public, in my judgment, if we are going to continue to maintain faith of the American people and the people in Ireland and Britain and Wales in terms of the integrity of the criminal justice system.

Ms. WINTER. I agree with you, Mr. Chairman, and just to give you an anecdotal example, in Judge Cory's report about Rosemary Nelson, I myself was mentioned, but the government saw fit to refer to me as Ms. D. Now, there was no secret about who I was and I had no problem with being named in that report, but that is a good example of that——

Mr. DELAHUNT. I mean, isn't it really absurd?

Ms. WINTER. Yes.

Mr. DELAHUNT. I mean, we are here with, we have present here two families that have endured a horrific loss, but this, I daresay, is the tip of the proverbial iceberg. What else has gone on that we are unaware of? What else has gone on? And for democracy to be shielded from, or truth, if you will, to be shielded by national security, there has to be some other mechanism outside of intelligence agencies that reviews (A) the classification issue, and whether it is truly a state secret, or whether there are grounds for that information to be revealed. We cannot continue, as the world's leading democracies, to continue going in that trend.

Ms. WINTER. I think that is where the role of lawyers is so important. Certainly in the Finucane case, the lawyers for 19, 20 years now have been asking questions and refusing to accept no for an answer, and a lot of information has come out. In the case that you referred to about British and American intelligence, it was the judiciary who said, this is not information which should be classified, and we rely on their independence to——

Mr. DELAHUNT. Right, but it doesn't get to the judiciary.

Ms. WINTER. Not always, no, but I guess it is our job as NGOs and lawyers to try and make sure that it does.

Mr. DELAHUNT. I guess what I am saying, Ms. Winter, is that it ought not to be. It ought not to be.

Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman. Let me just say, we shouldn't be here today. The British Government made solemn commitments which helped bring into bloom the Good Friday Agreement at Weston Park. Those agreements have not been lived up to, and I say that with great sadness. I would ask, Mr. Chairman, that a letter that Congressman Neal and I sent to the Secretary of State for Northern Ireland last spring, this past spring, be made a part of the record, as well as two other pieces of correspondence, including an answer back from the Right Honorable Shaun Woodward, in which he says, of Mr. Finucane, he says, "We are currently in correspondence with their," your, "legal advisors about the basis upon which an inquiry would be established. We have offered to meet with their legal team in the summer. Only once these discussions with the family and their legal representa-

tives have concluded will we be in a position to take a decision about the way forward."

I am wondering if those meetings took place, why does it seem so unclear to the British Government as to how they should proceed? Judge Cory couldn't have been more clear. As he said in his letter, and he said it repeatedly in testimony here in Washington as well as elsewhere, that the 1921 Public Inquiry Act is clearly what he had in mind in terms of the legal framework in which the inquiry would ensue. He also made it very clear, as did we, as did so many others, that as the Inquiries Act was being considered by the House of Commons and then eventually enacted into law, that we saw that there was a cover-up in the making, and warned them that we thought that this was being done in a way to give veto power over evidence, over information that could be damning to certain people within the British Government and within the RUC and elsewhere.

So, about those meetings, did they occur, or where are we in terms of the inquiry, because it seems to me that there seems to be a calculus being made on the part of leaders in the British Government that if you delay this long enough, it will somehow go away. And again, I want to thank Chairman Delahunt for convening this hearing and making it absolutely clear that, in a bipartisan way, this is not going away on this side of the Atlantic.

I don't think it is going away in Northern Ireland either. As we have seen with our own civil rights cases that date back to Martin Luther King's days, there is no statute of limitations on murder and on collusion, and as Nuala O'Loan said, there is no crime of collusion, but there are crimes of aiding and abetting, conspiracy, and other misconduct by police or other officers who are in some kind of law enforcement or government employment.

So first of all, Mr. Finucane, if you could answer those questions, and——

Mr. DELAHUNT. Mr. Finucane, before you respond, if the gentleman would yield to me——

Mr. SMITH. Sure.

Mr. DELAHUNT. I have been visited by members of the Parliament, the British Parliament, about their concern about the issues I just discussed regarding secrecy and state secrets, and the fact that they share those concerns. It wasn't specific to the Finucane case or the McCord case, but I detect within the House of Commons a genuine concern about the free flow of information to those who are members of Parliament and who have oversight responsibility and who share our concern about accountability, and Mr. Smith, maybe you and I or some of our colleagues ought to consider contacting members of the British Parliament, the House of Commons, and work in conjunction in a collaborative effort to discuss, not just these cases, but the mechanisms which I am sure could be agreed to that would ensure that there is accountability among the intelligence services, and I think I daresay that many in the intelligence circles would welcome that clarity, because they ought not to have to operate in this murky world where many of them really are, I believe, unclear as to where the lines are and what they will have to respond to.

It is just a suggestion and you can comment on that. Mr. Finucane, feel free to respond now to Mr. Smith's question.

Mr. FINUCANE. Thank you.

You said at the start that we shouldn't be here, and I agree with that, but if it is not too much of a contradiction, I again thank the committee and the chairman for inviting me here and I am glad to be here to address our concerns. In relation to whether we have met with the British Government, and by way, it would be our legal team, no, in short. That meeting hasn't happened. It would be our conclusion, and I believe it is reflected in the correspondence that has been put into the record today that that has been as a result of a deliberate policy of delay engaged on behalf of the British Government.

There is due to be a meeting in November between the British Government's legal advisors and our legal advisors, and it is very much a meeting that we have pushed. Whilst we are not happy with the Inquiries Act, we see no merit in standing outside shouting and complaining about it. We want to be involved in an inquiry that is credible and we have made steps to engage with the British Government to see, is there any common ground that we could possibly share to enable an inquiry to get up and running, because delay does not suit my interests, my family's interests, and I would respectfully submit, the interests of this committee and the international human rights community.

That meeting is due to take place in November, and if you will allow me just to comment briefly as to why the meeting is taking place, it is concerned primarily with what is called a restriction notice, the power by which the Inquiries Act gives a minister in the British Government the power to withhold evidence, the power to have hearings held in private, and what I would say in respect of the issue of national security, my family does not wish to be reckless or immature with regard to issues of national security, but to quote Justice Peter Cory, who put it a lot more eloquently than I could, he stated that legislation prior to the Inquiries Act was capable of dealing with the security of the realm, as he put, quite sufficiently, and what we want, we knew that we were only going to get one shot at an inquiry and we want that to be a credible shot.

We don't want to go into an inquiry knowing that it is not going to get to the truth and then complain about it at the end. What we want is a level playing field whereby, if there is an issue, perhaps dealing with national security, if that does come up, then it is the inquiry itself, it is the panel of judges itself who makes that decision. We may not like the decision. The British Government's lawyers will make their representations, we would make our representations, but we have to have trust and faith in the inquiry as it is constituted.

The way it stands currently is that even if the inquiry itself would agree with our representations, the British Government would have the ultimate control, and that is what we are attempting to negotiate with the British Government at present, but it is a frustration that that hasn't happened as yet. I was also very encouraged by the opening remarks by, I think, everybody, to be fair, in the committee, and that is that I think a democracy and society is greatly undermined, and I echo your concerns, Mr. Chairman, if

these matters are shied away from, and it is unfortunate that presently within Northern Ireland there remains elements who wish to capitalize upon any aspect of insecurity that still exists in our society.

I believe shying away from dealing with these matters only adds to that insecurity and I don't think would assist or lead toward the building of a very concrete and lasting peace. I think it is a difficult issue. There is no shying away from that, but I think it is an issue that must be met, and I would also ask that this committee keeps up its work and keeps the focus and the pressure on this issue. There may or there may not be a change of government in the United Kingdom in the near future.

My father's murder took place under a Conservative government. We would allege that the cover-up is continued, you know, in a bipartisan fashion, whether it is Conservative or Labor, but we would certainly not be optimistic that a Conservative government would have any appetite toward looking at these matters, as they would probably say it is a matter that is probably best left in the past, and I would again encourage all of you who are here today to not allow them to say that.

Mr. DELAHUNT. Let me interrupt, because what I found fascinating, Mr. Finucane, are those MPs that have visited with me are Conservative, and clearly, my politics tend to go in another direction, and yet, the most outspoken critics of secrecy, if you will, in government, at least those that I have dealt with, are Conservative members of the House of Commons, which I found rather ironic and surprising.

Mr. SMITH. You know, let me just comment briefly that I actually brought up a resolution at the OSCE, the Organization for Security and Cooperation in Europe, about defense attorneys and the protection of defense attorneys, that you put sandbags around those men and women who defend, even if it is not "politically correct." I am glad to hear the chairman talk about a new openness on the part of the MPs, because as a result of that, the British members of the Parliament at the OSCE, and they had a sizable delegation, wouldn't even meet with us and discontinued for the next year what had been a friendly get-together every year.

Thankfully, we are back to doing that again, over some cocktails or tea or whatever, but it hit a raw nerve then and hopefully, some time and new people in the Parliament opens up an opportunity to say, you know, impunity can't be covered up, and so I thank you. I am glad to hear some of those new perspectives because I was persona non grata when I offered that resolution at the OSCE Parliamentary Assembly with regards to the British parliamentarians.

Let me just ask a couple of very brief questions. Nuala O'Loan had said earlier, Mr. McCord, how 20 recommendations were in her report, which were accepted by the chief constable—and Ms. Winter, you might want to touch on this as well—then what? You know, it is as if reporting is done and the actionable evidence that may be gleaned from it does not get used. Where are the prosecutions? I mean, your frustration, just like Mr. Finucane's, has to be beyond words. Here is a government that dictates to the world, says to the world that they believe in the rule of law, that says that their model, the British style of legal systems is something to be

emulated, and yet there is this black cloud over how they have dealt with you, Mr. McCord, and you as well, Mr. Finucane.

What happened after those recommendations were made, and while answering this—and Ms. Winter, you might want to touch on this—Al Hutchinson, the new Ombudsman, does his office, does that have the power, does it have the passion, does it have the resources? Is the individual, Mr. Hutchinson himself, like Nuala O'Loan, who is very approachable, absolutely transparent, one of the most transparent public officials I have ever met?

She just cared about getting to the truth. Wherever and whoever it may bring embarrassment to was not even an issue. Do we have that same kind of access to the new Ombudsman, and how well is that office functioning, Mr. McCord?

Mr. MCCORD. First of all, the new recommendations haven't brought myself any closer to having convictions in the murder of my son. It hasn't brought the other families in Nuala's report any closer to justice. The British Government still won't put their hands up and admit that went on. Nuala quite rightly said that they accepted the report, but you know, we have listened to Nuala and the rest who speak here today in relation to collusion, policemen destroying documents. No police officers have been charged.

I have been fighting for 12 years for justice for my son. You know, no one has explained to me how this affects national security. They are letting a serial killer stay on the books. It is not as if the Russians were coming. You know, and Mark Haddock wasn't the only one. It was right across the board and all the paramilitaries, and the Pat Finucane murder is the same. Families have been told lies, cover-ups. When new laws have been brought out, new regulations, the British Government has quite blatantly changed it to suit themselves.

You know, all the families want, which people are entitled to throughout the world, is truth and justice, and we are being denied it by a policy of collusion that the British Government has done, not with criminals, with terrorist organizations. These are the people who preach to the rest of the world and condemn terrorist atrocities, but they are quite willing to pay terrorists back home in Northern Ireland all through the Troubles.

Referring to the current Police Ombudsman, I have a current complaint there regarding Sir Ronnie Flanagan. I have no faith in the current Police Ombudsman, and the best way I can put it, it is like chalk and cheese dealing with him and dealing with Nuala. I have complete confidence in Nuala O'Loan. She is very up-front, very sympathetic, and you know, I have met Al Hutchinson and the complaint just went nowhere. I don't forget the words that Ronnie Flanagan said to me in front of my MP in '98 once after my son was murdered, "Murderers don't work for the RUC," and we have a chief constable who told the father of a victim of one of the people who was working for him at the time lies.

We want the truth. We are not asking for people to be hung up outside and put against the wall and shot. We want what every person in the world is entitled to, and that is truth and justice, but unfortunately, the British Government have denied us it. They arrested me many times in the past to try and silence me. One of the most positive things that has come out of this has been the forma-

tion of the Historical Enquiries Team, and they are dealing with Operation Ballast.

They have arrested something like 12 members of Haddock's old mob, the majority of them informants, but as the man that is running HET has said to me, this could have and should have been done 12 years ago when your son was murdered, and I would like this opportunity now to say that I believe one of the ways forward to help these families in Operation Ballast is for Gordon Brown to give proper funding to the HET team, show that he means business. Don't be throwing them pennies.

Give them a proper funding, and I am confident that this police unit, which is made up of Englishmen, will deliver for a lot of victims.

Mr. DELAHUNT. I want to acknowledge the presence of Mr. Engel and also note that really the leader on these issues in the United States Congress is sitting in the audience, my colleague from Massachusetts, Richie Neal. Richie, if you want to come up to the dais, you are very welcome. I know that you know these issues as well as anyone, and I am sure you know more people in the audience than anyone here. So the choice is yours.

Eliot, would you care to make a comment or ask a question?

Mr. ENGEL. Yes, certainly, Mr. Chairman. Thank you, and I am glad that you mentioned Richie Neal, who is my classmate. We came to Congress together in January 1989, and I have been proud to work with him on these issues of concern involving Northern Ireland for 21 years, and I can tell you we have all worked hard, but no one has worked harder and has accomplished more than Richie Neal. So I am glad he is here, and you know, we first of all thank all three of you for your courage, particularly Mr. Finucane, who has been in my office with his mom many times, and Mr. McCord, and I had the pleasure of meeting Ms. Winter yesterday.

You know, one of the things that really strikes me with all the things that have happened, there has been a complacency that has set in. People think that with the signing of the Good Friday Accords, everything is hunky-dory and we needn't worry about these things, and in fact, I would daresay that some of the people will accuse you, Mr. Finucane and you, Mr. McCord, of living in the past and wallowing in the past and bringing up things that are inconvenient.

We have our former Vice President Al Gore who talks a lot about global warming and he produced his film called "An Inconvenient Truth," and I would say what the three of you are doing is reminding all of us of an inconvenient truth: That there are still festering sores from the inequities in the North of Ireland, and that these sores will not go away, will never go away, but they certainly won't go away as long as the injustice is still there and the perpetrators of this collusion are not brought to justice.

I just want to also acknowledge a good friend of mine in the audience, Malachy McAllister. We have been, and Mr. Smith and Mr. Neal and I and others have all been involved for many years in the fight to keep him in the United States, and that is something where many officials in the United States have been less than stellar about, and some have been very good and that is one of the reasons why Mr. McAllister is still here, but we need to also close the

book on his case, and that is something in the United States that we must deal with, and it is he and others who are still kind of out there in limbo, so far being allowed to stay, but not really being allowed to integrate into U.S. society without any kinds of worries.

It is a disgrace and it should end. I have gotten to know Malachy very well and frankly, I don't know how he sleeps at night knowing that his future is sort of uncertain and it is hanging by the whims of whoever happens to get elected or appointed to highest office. It should just end, and so we needn't be illusioned that somehow or other, we in the United States are looking at Britain and looking at their policies and are being critical of them, and rightfully, we should be, but we have enough of our own policies in the United States that have not been ameliorated through many, many long years, and we need to change.

It always strikes me as, you know, for all the criticism of Britain, and I have been, believe me, there up-front publicly criticizing them for many years about their policies, much worse in the past than it is now, but we still have these festering sores, very often it seems to us that the United States Government is still fighting the fight, even where some in the British Government have thrown up their hands and said okay, we concede certain things and we put things in the past, some in the U.S. Government are still fighting the fight, still fighting the old British fight, and that is why Malachy and others don't yet have comfort to have their status regulated and approved to stay here indefinitely, and I just want to raise that, Mr. Chairman, because I think that we sometimes feel, well, you know, these other countries, these British, they are not doing right.

We are not still doing right by our people, and we need to do it. I just have one question if you will——

Mr. DELAHUNT. Eliot, if I can just make a point, because two of our witnesses have to leave almost in the next several minutes, so I am going to ask you to send your question to the committee.

Mr. ENGEL. Okay.

Mr. DELAHUNT. And I am just going to ask Congressman Neal if he wants to make any comment. Richie?

Mr. NEAL. Thank you, Mr. Chairman. I want to thank you and Mr. Smith and Mr. Engel. Your credentials on these issues are, in my judgment, consistent over decades. I am grateful for the notion that again today that you have raised the specter of some of these cases. Thirty-one years ago when Bobby Sands died as a young city council member in Springfield, I became immersed in the details of what was happening across the North of Ireland, and I must tell you that it is important to acknowledge today how far we have come, and the North of Ireland now is a society that is in transformation.

Ancient adversaries are now working together in a power-sharing government and political objectives are now pursued through exclusively peaceful means. People around the world now look to the North of Ireland as a model for successful conflict resolution. We are at another critical point in the peace process with talks progressing on the transfer of policing and justice powers from London to Belfast, and I have been in the middle of many of those discussions and negotiations.

I am confident that that final act of devolution will be completed soon. What I think we need to remind ourselves of today is, we frequently were making progress even when we didn't see it, and much of that success is due to the tireless work of those in the Irish Government, the British Government, the American Government, whose representatives are here today, and indeed, the political parties in the North of Ireland who have committed themselves to a more prosperous and peaceful future.

Prime Minister Brown and the Taoiseach Brian Cowen, they should be acknowledged as well for their continued interest and leadership. I think the United States in its role as an honest broker has also has also helped move the process forward at critical moments and we should applaud Secretary Clinton for this past week and the success that she had in her visit to the island where she challenged the political parties to move forward for the last pivotal piece in the puzzle.

When it comes to the pursuit of justice and accountability and the truth in the North, I have had a long history of being outspoken, and I think it is important to recognize where many of these issues turned out. I supported the Guilford Four, who were wrongly convicted. I spoke out on behalf of the Birmingham Six, whose convictions were overturned. I fought vigorously against the deportation of Joe Doherty, including a meeting in the Attorney General's office, Janet Reno, and I certainly was highly critical of the killing of the unarmed Gibraltar Three.

The deportee case turned out to be a successful one for us, and I certainly encouraged aggressively an independent inquiry into the events of Bloody Sunday, which I think remains the most important element of our discussions about the past, and I hope that Lord Saville's report will be published soon. I have also urged Hugh Ward and Shaun Woodward to pay attention to these high-profile cases, as recently as this past summer in London.

I have said publicly and privately that an independent inquiry into several of the most high-profile and emblematic cases would help to heal old wounds and address the past. I believe these inquiries would promote reconciliation and healing and bring a measure of closure for many of those touched by the Troubles. In my opinion, there are four cases that deserve a full and public hearing: Raymond McCord, Jr., Pat Finucane, Rosemary Nelson and the Billy Wright case are the most prominent, along with a full and honest independent inquiry into the events of Bloody Sunday.

I want to say this as well, that when you talk about success that we don't see, it is members of the Nationalist community in the North who have urged me to stand up on behalf of Ray McCord because they think that that is a very important part of the healing process, and he knows that and I have passed that information on to him before. I have known Geraldine Finucane and her family for two decades. I remember when they were all young and I met them in Derry for the first time, and I promised her that I am going to continue my efforts to secure an independent inquiry into the death of her husband. Her family is here today and we want to acknowledge them for their continued courage.

I have also made a commitment to Ray McCord, as he knows, and I hope that others here will sign a letter to Prime Minister

Gordon Brown requesting that he personally meet with Mr. McCord. As chairman of the Friends of Ireland, I want to ask my colleagues to co-sign that letter and we will get it off very, very quickly, and I know with Ray's testimony today, it only helps our argument. If we are to overcome the divisions that exist in the North of Ireland, we must commit ourselves to a process of reconciliation.

After years of conflict, I believe the people in the North want to live a peaceful and prosperous life, and I do acknowledge that we can't revisit every case, but I do think these high-profile cases would go a long way, with some others, of ensuring that as we go forward there will at least be an honest acknowledgment of what happened in the past. We have had much success, and I hope that public and independent inquiries will proceed and I hope that the witnesses that are here today will continue this fight, because I must tell you, I think that the American dimension has been indispensable in helping us to bring these cases forward.

I want to thank you again, Mr. Chairman, for providing the time to me.

Mr. DELAHUNT. Thank you, Congressman, and thank you for the statement, and I am sure that all of us will sign that letter to the Prime Minister. I am going to end with my friend and colleague to my left, to my physical left, I should say, Mr. Smith, who has a question for Jane Winter.

Mr. SMITH. Thank you very much. Well, I do want to thank you again, Chairman Delahunt, for this extremely important hearing and the timeliness of it, and so I thank you for arranging for this today. You know, a father fighting for justice for his murdered son, a son fighting for justice for his murdered dad, both seeking an end to the, as Mr. McCord put it earlier, cover-ups and lies—no cover-up, however, is ever absolute. No cover-up is forever and I think it is important that the British Government know that this Congress, in a bipartisan way, will never cease in getting to the facts, getting to the truth, and most importantly, getting to the prosecutions that I think just have to occur in order for there to be true reconciliation and healing.

I would like to ask Ms. Winter, if you could, to comment on the current Ombudsman, and also on her about, you know, all prosecutors have discretion, prosecurial discretion as to what they emphasize. Where you put your resources makes all the difference in what you actually ultimately get convictions on. In the cases of Pat Finucane and of course, Mr. McCord, Raymond McCord, how would you rate whether or not they are serious about going wherever the information, wherever the evidence may lead? And I thank you again.

Ms. WINTER. Thank you, Mr. Smith. Could I just preface my remarks by drawing the committee's attention to the six recommendations at the end of my testimony for action, which I hope that the committee will consider taking on——

Mr. DELAHUNT. So noted.

Ms. WINTER [continuing]. On behalf of both Mr. McCord and Mr. Finucane, as well as other matters. In relation to the Police Ombudsman, I do believe that Al Hutchinson is as independent as Nuala O'Loan. He has a very different style and I think he has less

of an appetite for looking at the past and more of an appetite for dealing with current policing. So I agree with Raymond McCord, there is an element of chalk and cheese there. It is a different approach, but I don't believe that he lacks independence.

I do believe, however, that he lacks resources. Nuala O'Loan said that she wasn't sure, but I am here to tell you that I have spoken recently with the Ombudsman's office and they are severely under-resourced, and——

Mr. SMITH. What does that mean in terms of actual money?

Ms. WINTER. I am afraid I don't know the actual figures, but they were talking about having to make very significant cuts, which clearly means that they cannot carry out their duties in any kind of timely fashion, which is not helpful, and the Historical Enquiries Team is in the same boat, and I absolutely echo what Raymond has said about needing to resource them fully until such time as any kind of amalgamation may take place between the two organizations for dealing with cases arising out of the conflict.

In relation to the director of Public Prosecutions, I regret to say that over the years, we have had many, many questions about decisions taken by his office, not just in relation to the Finucane and McCord case, but in many other cases where there have been no reasons given for failing to prosecute cases which seem to us to merit prosecution, and sometimes prosecutions have gone ahead but deals have been done which have rendered the outcome of the case a travesty of justice for the victims, and there have recently been some moves by the DPP's office to make themselves more transparent and we really welcome those, but there needs to be a lot more done before we would consider them to be a fully functioning independent office.

Mr. DELAHUNT. Well, again, I want to extend the gratitude of the committee for your appearance here, for your testimony, and it was an excellent hearing. Thank you, and God speed.

[Whereupon, at 1:10 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

SUBCOMMITTEE ON
INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

William D. Delahunt (D-MA), Chairman

October 8, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend the following OPEN hearing of the Subcommittee on International Organizations, Human Rights and Oversight, to be held in Room 2172 of the Rayburn House Office Building:

DATE: Thursday, October 22, 2009

TIME: 10:00 a.m.

SUBJECT: Concerns Regarding Possible Collusion in Northern Ireland: Police and Paramilitary Groups

WITNESSES: Mr. Raymond McCord, Sr.
Belfast, Northern Ireland

Mr. John Finucane
Belfast, Northern Ireland

Ms. Jane Winter
Director
British Irish Rights Watch

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee as noted above

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *IOHRO* MEETING

Day *Thursday* Date *10/22/09* Room *2172 RHOB*

Starting Time *11:19 A.M.* Ending Time *1:13 P.M.*

Recesses *Y* (*11:46* to *12:29*)

Presiding Member(s) *Bill Delahunt*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

Concerns Regarding Possible Collusion in Northern Ireland: Police and Paramilitary Groups

SUBCOMMITTEE MEMBERS PRESENT:

Bill Delahunt, Russ Carnahan, Donald M. Payne

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HIRC.)*

Elliot Engel, Richard Neal, Chris Smith,*

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ No ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Mary Jo Kilroy, Michael E. McMahon**

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED _____

Subcommittee Staff Director

OPENING STATEMENT FOR IOHR HEARING ON OCTOBER 22, 2009

Congressman Michael E. McMahon

- Thank you, Mr. Chairman
- Just last weekend I had the honor of hosting Minister Micheal Martin and Ambassador Michael Collins of Ireland in Staten Island for a moving interfaith ceremony and Mass for Irish immigrants who had made the harrowing voyage across the Atlantic only to die after making landfall in America, more than a century and a half ago.
- This memorial was long overdue.
- And, it is an unfortunate fact that many of those in attendance never even knew the names or histories or circumstances surrounding the death of these men and women, who were finally laid to rest last Saturday.
- I would like to thank the witnesses for being here today and would like Mr. McCord and Mr. Finucane to know that I am committed to preventing the same legacy to fall upon your loved ones that were so brutally taken from this world.
- And, just as the memorial for the thousands who lost their lives upon reaching the shores of Staten Island was long overdue, so has been addressing the issue of collusion between paramilitary groups and police in Northern Ireland.
- I share Secretary Clinton's view from her recent visit that the divisions within Northern Ireland are not fully healed.
- Even today, many Catholics and Protestants live segregated lives: separate schools, separate neighborhoods, some still divided by walls.
- But given time, and given the appropriate leadership, Northern Ireland can serve as a guiding light for post-conflict societies throughout the world.
- Fortunately, the leadership that is prescribed by the Secretary and others has been partially fulfilled through Prime Minister Gordon Brown's decision yesterday to fund independent policing and justice in Northern Ireland.
- But, it will not be complete until the British Government establishes a public inquiry into Mr. Finucane's case as recommended by Judge Cory and agreed to by the Weston park commitment.

- I feel that although the situation is improving, unless every report on collusion and every unsolved murder is addressed, violence in Northern Ireland will remain a possibility.
- It is time for the region to move from a state of fragile calm to a solidified peace.
- I would once again like to thank the chairman for holding this hearing and the witnesses for testifying before us.
- I look forward to your testimonies and recommendations, despite the difficulty of reliving the anguish of the past.
- Thank You.

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