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Press release: Immediate

HUMAN RIGHTS COMMISSION RESPONSE TO COLLUSION PROSECUTION FAILURE

The Northern Ireland Human Rights Commission regrets that no prosecutions will be brought in connection with Lord Stevens' most recent investigation into alleged collusion between the security forces and loyalist paramilitaries.

The Commission has, since its creation, closely followed the allegations of collusion arising from the murders of Pat Finucane and Brian Adam Lambert and the three investigations carried out by Lords Stevens. The third report published by Lord Stevens in 2003 referred to "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." The Commission believes that the matters identified by the three Stevens inquiries raise serious human rights concerns.

According to Professor Monica McWilliams, Chief Commissioner:

"The Human Rights Commission has noted the many human rights violations acknowledged by the Stevens investigation to have been carried out by forces of the State and loyalist paramilitaries. The limited number of prosecutions that have resulted from the three Stevens

inquiries have almost all involved possession of documents, as opposed to the role of State agents in passing on that information, collusion in planning acts of terrorism, or otherwise breaking the law. We are disappointed that, following this third investigation, there has been no effective remedy to address these through the public prosecution system. Moreover, we believe that this will further undermine public confidence in the criminal justice system especially amongst victims' families who have been left to deal with these issues for so long.

It is our view that the statement released today by the Prosecution Service raises as many questions as answers. Although we welcome the fact that the reasons for non-prosecution have been disclosed, it is clear that additional information is required particularly as to what factors were taken into account in determining what constitutes the public interest aspect of this case. There is certainly no public interest in concealing the truth.

The accountability and transparency of the State in its ability to investigate itself is now in question. There is a clear responsibility on government to state how an effective independent investigation into this period of our past can be mounted when even the Prosecution Service is unable to proceed with cases after such an extensive investigation."

The Human Rights Commission is requesting an urgent meeting with the Public Prosecution Service to seek further information on its use of the public interest test.

Further information

For further information, please contact Peter O'Neill, Head of Information, Education and Development on 028 9024 3987 (office), 07786 338290 (mobile).

Notes to editors

1. According to the Public Prosecution Service (PPS), 46 people have been convicted as a result of the three investigations carried out by Lord Stevens of Kirkwhelpington QPM DL. Seven were convicted on a range of offences including Kenneth Barrett who pleaded guilty to murdering Patrick Finucane and a number of other offences. William Stobie was acquitted of offences including the murders of Patrick Finucane and Brian Adam Lambert. Others were found guilty of unlawfully possessing documents of use to terrorists.
2. The 'Stevens III' report entitled 'Stevens Enquiry Overview and Recommendations' was published on 17 April 2003. In that report Stevens concluded from his enquiries, that there had been collusion in the murders of Patrick Finucane and Brian Adam Lambert and the circumstances surrounding their murders.