**SUPREME COURT DID NOT ORDER A PUBLIC INQUIRY INTO FINUCANE**

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It was unsurprising that the Sinn Fein statement (News Letter, 23 November 2020) calling for a full-scale public inquiry into Pat Finucane's murder and signed by the leaders of other nationalist parties did not mention the most significant aspect of the Supreme Court's judgement. That related to the requirement or otherwise for another inquiry.

To balance the issue, and in the absence of any NIO explanatory statement, I quote from Brian Kerr, the former Lord Chief Justice's concluding remarks in 2019, "I would therefore make a declaration that there has not been an article 2 compliant inquiry into the death of Patrick Finucane. It does not follow that a public inquiry of the type which the appellant seeks must be ordered. It is for the state to decide, in light of the incapacity of Sir Desmond de Silva’s review and the inquiries which preceded it to meet the procedural requirement of article 2, what form of investigation, if indeed any is now feasible, is required in order to meet that requirement."

This detail is rarely mentioned in discussion of the options. In other words, the government can choose simply to have no inquiry or offer administrative and legislative improvements, for example, in agent handling.

Article 2 of the European Convention on Human Rights concerns protection of the right to life but its case law concentrates on state investigations of deaths and alleged inadequacies. The Committee of Ministers of the Council of Europe which enforces Strasbourg court judgements accepts many different ways of improving future investigations in other countries. Only in the UK's case does it concentrate on the option of re-opening previous investigations, regardless of any useful outcome. This is largely at the behest of the Irish Government, various NGOs and certain political parties where 'Article 2-compliance' has become a dogmatic mantra.

The Malone House Group, now accepted at Strasbourg as an NGO, has argued at length for a broader understanding of what Article 2 can achieve. In particular we have also called this year for a balance to be struck between those often competing human rights in Articles 6 and 8 which are almost totally neglected by the state in its pleadings, let alone at Strasbourg. (Our legal opinions etc are to be found on the Council of Europe website).

I notice that the Alliance Party leader, Naomi Long, did not sign the letter, unlike her fellow executive Minister Sinn Fein's Michelle O'Neill. Indeed, with all its standard SF phrasing it was plainly written by that party. Has she doubts over the efficacy of such an enquiry and its enormous costs? Even the earlier view of Stephen Farry, the North Down MP, that an enquiry was not "prescriptive" was noticeably absent from the text. In the interests of transparency, it would be good to be told what our Justice Minister wants.

Yours etc

Jeffrey Dudgeon (Malone House Group convenor)