

POLICE OMBUDSMAN'S INDEPENDENCE CHALLENGED

Police Ombudsman's Chief Executive resigns – two investigations underway

The independence of the Police Ombudsman's office has been challenged by one of the office's most senior staff. Sam Pollock, the chief executive of the Northern Ireland Police

Ombudsman's Office resigned because he believes the organisation is seriously compromised. Handing in his resignation on the 31st March, he said he observed systematic and sustained interference and meddling by senior civil servants from the Department of Justice, and that when he raised his concerns he was subjected to personal and damaging attacks.

The Minister for Justice, David Ford appointed a retired senior civil servant, Tony McCusker to investigate these allegations.

However, Mr. Pollock also referred to "a significant lowering of the professional independence between the Office of the Ombudsman and the PSNI".

Michael Maguire, the Director of the Criminal Justice Inspectorate is investigating these worrying allegations about the Ombudsman's lack of operational independence and will report by the end of June.

Without professional and operational independence the Ombudsman's office has no credibility. Independence has to be at the very heart of the office's work and should be jealously guarded. Independence is vital to OPONI's role as

a watchdog. It is absolutely central to the public's confidence that complaints against the police will be effectively investigated and that we have genuinely moved on from the failures of the past.

MEMORIAL FUND

We are aware that there has been some confusion around the Memorial Fund. Applications received by the Memorial Fund before the 18th April are being processed, although the fund does not have any money at this time. The fund is hoping that they will receive monies in the near future. Anybody whose application was submitted before the 18th April will be notified by the Memorial Fund. However, anyone who made an application after the 18th of April will have had this returned to them and will need to make a new application when the fund is itself in funds again. Contact our caseworkers if you have any questions.

FUNDING

Funding issues are causing concerns among those working with victims and survivors at the moment.

A mixture of factors are in play – for many projects the present phase of Peace III is finishing this summer.

The OFM/DFM has been conducting a consultation on delivery of services, although the new victims service was expected to be rolled out in autumn 2011, this consultation is not yet complete.

BELFAST FEILE EVENT

The PFC's latest docudrama "UDR – Gallant soldiers, Terrorists or Victims?" will have its first performance at St Mary's University, Falls Road, Belfast on Monday August 1st at 2 o'clock. Once again information researched in the Archives at Kew is the basis for this thought provoking drama



Our "Frequently Asked Questions" document has valuable information on dealing with the past and what to expect if you are looking for information and is especially useful if you are engaging or thinking of engaging with the Historic Inquiries Team, (HET) the Police Ombudsman (PONI) and/or the Inquest process. It has been updated recently and if anyone would like a copy give us a shout and we will send it out to you.

*Towards Human Rights
and Truth Recovery*

the **PAT**
FINUCANE
centre

NEWSLETTER ISSUE 7/SUMMER 2011

ROSEMARY NELSON INQUIRY RELEASES FINDINGS

The Rosemary Nelson Inquiry released its findings on the 23rd May 2011

The Pat Finucane Centre is conscious that Rosemary Nelson was a private person long before she became a public figure. We send our warmest wishes to her family as they continue to struggle with the consequences of their loss.

Judge Peter Cory defined collusion in his report on the murder of Rosemary Nelson:

"Because of the necessity for public confidence in government agencies, the definition of collusion must be reasonably broad when it is applied to such agencies.

"This is to say they must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or agents or supplying information to assist those servants or agents in their wrongful acts or encouraging others to commit a wrongful act.

"Any lesser definition would have the effect of condoning, or even encouraging, state involvement in crimes, thereby shattering all public confidence in governmental agencies."

Judge Cory's definition of collusion includes acts of omission as well as commission. Clearly, by this definition, the report of the public tribunal of inquiry into Rosemary Nelson's death produced hard evidence of collusion.

The inquiry report concludes that the RUC "negligently failed to intervene to prevent their officers from uttering abuse and threats to defence solicitors, including Rosemary Nelson" – clearly "ignoring or turning a blind eye to the wrongful acts of their servants or agents".



Rosemary Nelson.

The report's conclusion that some RUC members "publicly abused and assaulted Rosemary Nelson . . . having the effect of legitimising her as a target" is clearly "encouraging others to commit a wrongful act".

The report's finding that there was "some leakage of intelligence which we believe found its way outside the RUC" also amounts to collusion in her murder.

The report finds the NIO failed to press the RUC for "full replies to their questions concerning Mrs. Nelson's security" failed Rosemary Nelson by dealing "in a

... RUC members "publicly abused and assaulted Rosemary Nelson . . . having the effect of legitimising her as a target" is clearly "encouraging others to commit a wrongful act".



mechanistic way" with correspondence from concerned NGOs about her safety concludes that the state failed to pay attention to Mrs. Nelson's known vulnerability failed to analyse or evaluate relevant intelligence information and failed to warn her or offer security advice.

The report says: "The combined effect of these omissions by the RUC and NIO was that the state failed to take reasonable and proportionate steps to safeguard the life of Rosemary Nelson".

This amounts, in the view of the PFC, to conclusive evidence of state collusion in the death of Rosemary Nelson.

The Secretary of State's response to the Inquiry's findings was to speak to what is not in the report. We stand with others who have expressed their deep concern and disappointment at this response. It is unacceptable to try to divert attention from the state's failures to protect Rosemary Nelson and to suggest she should have approached those that were threatening her for protection.

Those who choose to interpret this report, perversely, as proof there was NOT collusion in her murder demonstrate precisely the attitudes that paved the way for her murder.

We call on all interested parties to reach agreement on a definition of collusion. Judge Cory offered a definition that sets clear standards and reflects the public's expectations that all citizens will be protected from wrongdoing by the state's agents, and, where there is wrongdoing, that those responsible will be held accountable.

Public confidence in the institutions of the state demands nothing less.

We also call on the British government to begin implementing the Eames/Bradley proposals on truth recovery to ensure all victims of the conflict are treated in as equal and fair a way as possible.

HAVE WE CODED YOU RIGHT?

Could you check the post-code on the envelope you received this in and let us know if it is incorrect or missing? If so, please contact: Geraldine, Derry Office, +44 (28) 7126 8846

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RELEASE THE FILES

Dublin/Monaghan Relatives and Survivors call for hidden information

At the beginning of March it was announced that Queen Elizabeth would visit Dublin on May 17th, the anniversary of the Dublin and Monaghan bombings.

While family members and survivors agreed the choice of date was highly insensitive, they agreed that it could be an opportunity to put the running sore of undisclosed British files back on the agendas of both Governments.

These files relate to all the cross-Border bombings of the 1970s, and to four deaths in 1975 and 1976.

Judge Henry Barron held four inquiries between 2000 and 2006. He expressed his frustration at the lack of disclosure from the British authorities and said that "In particular, allegations of collusion have not been answered properly." (Fourth Barron report, July 2006).

Dáil Éireann unanimously adopted an all-party motion on the 10th July 2008. This urged the British Government to make all relevant files available to an independent, international judicial figure for assessment. It was forwarded to the House of Commons. However, after almost three years, no action has been taken.

Justice for the Forgotten issued a press release on 13th April and suggested the timing of the Queen's arrival afforded a wonderful opportunity to the British Prime Minister to make a significant gesture of reconciliation by announcing the release of the files.

JFF/PFC had a very positive meeting with the Tánaiste and Minister for Foreign Affairs, Eamon Gilmore on 11th May. He informed us he had already raised the issue with William Hague, the Secretary of State for Home Affairs, and we impressed upon him the need for the matter to be raised at Prime Ministerial level.

We also urged the Opposition parties



Margaret Urwin JFF/PFC Caseworker, Pat Fay (PFC Board member), Councillor Gerry Breen Lord Mayor of Dublin and behind Pat Fay, Cllr Robbie Gallagher, the Cathaoirleach of Monaghan Town Council.

Fianna Fáil and Sinn Féin and members of the Technical Group of Independent TDs to raise the issue in the House and asked them for financial support.

Through the generosity of the Fianna Fáil, Sinn Féin, Labour and Independent TDs and Senators, an open letter from JFF to the British monarch was published, as an advertisement, on the front page of the Irish Times of 16th May – the day before the anniversary.

This resulted in a strong media response from journalists at home and abroad, including Britain, Europe, the USA and Canada.

Our wreath-laying ceremony on the 17th attracted a huge media focus and was attended by many elected representatives as well as the general public.

Sinn Féin introduced a new all-party motion in the Dáil that evening, which was passed unanimously. The new motion recalls the earlier one of July

2008 and additionally requests the Government:

‘... to continue to raise the matter with the British Government and to press it to comply with the request of Dáil Éireann and reaffirms the support of Members on all sides of this House.’

Dublin and Monaghan Councils have actively supported the appeal. A motion was passed unanimously by Dublin City Council on 9th May and, at the April meeting of Monaghan Town Council, the members supported our appeal and issued a letter to the British Embassy.

The Taoiseach agreed to raise the issue with the British Prime Minister during their meeting on 18th May. He was questioned closely about David Cameron's response during Leaders' Questions on 24th.

JFF and the PFC regard this as the beginning of a new focus on the undisclosed British files.

PASSED FRIENDS

The PFC lost two friends in recent weeks. Cork born Helen Harris died suddenly in May here in Derry. Helen, a radical activist, feminist, writer and free spirit had come to Derry in the 90s to volunteer

at the PFC. Helen will be sorely missed. Soon after we learned of the sudden death of Jim Dalton. Jim would drop into the office a couple of times a week for a cup of tea and a chat. In his case

the phrase 'justice delayed is justice denied' really is appropriate since he was awaiting the findings of a report into the death of his father in 1988. Our thoughts are with his family.

MCGURK FAMILY STATEMENT

The families of those who died in the 1971 McGurk's Bar Bombing held a press conference outside the private meeting of the Policing Board in Belfast on Thursday the 2nd June 2011.

In February 2011 the Police Ombudsman reported on the RUC investigation of the atrocity and found evidence of 'investigative bias'. The report recommended that the Chief Constable, Matt Baggott, 'acknowledge' the pain caused to the families 'by the actions of the police' who had wrongly blamed the IRA, and by implication some of the victims, for the bombing which resulted in 15 deaths.

Responding to the report the Chief Constable, Matt Baggott, rejected key aspects of the Ombudsman's findings including the finding of 'investigative bias'.

He tried to suggest that the hurt

caused to the families was as a result of 'confusion' and was not the direct result of a deliberate campaign of disinformation involving the RUC, British Army HQ, and the NIO.

Representatives of the families, the PFC and BIRW, met the Chief Constable within days of his statement and asked him to study the report and meet all of the families to let us know exactly which of the 13 findings he rejected and why. We understood that this would take a matter of weeks. Three months later the Chief Constable is still refusing to meet us or give us any explanation for his deeply hurtful statement.

He has had the ear of Special Branch but has remained deaf to the families of the victims.

The lie, the spin, the disinformation in relation to Mc Gurks Bar began with

a report from the RUC Duty Officer on the morning after the bombing which claimed that a man with a suitcase had entered the bar and set the suitcase down to be picked up by another person.

The families, PFC and BIRW brought a suitcase to the Policing Board Meeting for the Chief Constable. They said:

"This symbolises the years of lies and deception. The suitcase that never was but which was invented by RUC officers. The IRA bomb that was in fact a UVF bomb."

That lie was followed by many others and this suitcase contained copies of the documents that spread the lies, the spin, and the disinformation.

Special Branch reports, British Army HQ intelligence summaries, John Taylor's statement to Stormont, Prime Minister Faulkner's briefing to Home Secretary Maudling and more . . .

The question has arisen of an apology from the Chief Constable on behalf of the police. We no longer wish to hear an apology. The time has passed. After such a delay it would serve no purpose. What we do want to hear from the Chief Constable is if he now accepts the report of the Police Ombudsman.

No ifs or buts or excuses. And no more delays - delays which have only exacerbated the trauma felt by the relatives.

We are no longer requesting a meeting. The onus is on the Chief Constable."

Gerard Keenan, who lost both his parents in the bombing said:

"The Chief Constable took only three days to reject the Ombudsman's report but now he tells us that three months isn't long enough to come back to us."



The suitcase that never was being presented to a Policing Board member.

PRISON MATTERS A CAUSE FOR CONCERN

As we go to Press the PFC are seriously concerned about unresolved issues in Magherberry prison. There are continuing concerns about the treatment of prisoners being held in there. In August last year, after lengthy negotiations, an agreement on the future management of Roe House was reached between the prisoners, the administration and the Department of Justice.

However, the prisoners in Roe House believe that the terms of that agreement have not been honoured.

The PFC has also expressed its concerns about the revocation of Marian Price's licence (see PFC website) and that humanitarian considerations are not being taken into account. We are concerned that fundamental human rights standards should not be sacrificed on the altar of 'counter-terrorism'. To do so is to inflict untold damage on public confidence and ultimately on the peace process.



Magherberry prison.