

Statement from the Chairman of the Patrick Finucane Inquiry, Sir Gary Hickinbottom, on the Terms of Reference

My name is Gary Hickinbottom, and I am the Chair of the Independent Public Inquiry into the murder of solicitor Patrick Finucane, carried out by loyalist paramilitaries on 12 February 1989.

There have been several previous investigations and reviews carried out into this murder and the circumstances surrounding it. The decision to establish this Inquiry was announced by the Secretary of State for Northern Ireland on 11 September 2024. This followed a Supreme Court ruling in 2019 that these earlier investigations were not compliant with the right to life guaranteed by Article 2 of the European Convention on Human Rights. Furthermore, they had not met the commitment made by the UK Government in 2001 to establish a full public inquiry into these matters.

The purpose of this Inquiry is to investigate and report upon the circumstances of Patrick Finucane's murder, and particularly the role of the State, in an Article 2 compliant manner. This is set out in the Terms of Reference published by the UK Government today. A copy of the full Terms of Reference can be found on the Inquiry's website.

The publication of the Terms of Reference formally establishes the Inquiry in law, and enables me, and my Inquiry team, to begin our work.

As I said at the time of my appointment, I am privileged to take responsibility for leading this Inquiry; and I will fulfil my duties as diligently, fairly, openly and transparently as possible. Whilst we have much work ahead of us, it is also my intention to progress the Inquiry as quickly as I can.

At this early stage, I would like to say something about my planned approach and my expectations of those who will participate in the proceedings.

Our job, as the Terms of Reference make clear, is to establish the truth about what happened and how it happened. The Inquiry is established under the Inquiries Act 2005. This gives me powers of compulsion, powers which are essential for an Article 2 compliant inquiry and which have not generally been available to previous investigations and reviews. In pursuit of the truth, I shall make full use of those powers as I deem appropriate.

It will be for my team and I, and us alone, to decide which issues are of relevance to our work and which documents we seek and consider, and which witnesses I will call to give evidence.

I want to stress at the outset that this is an Independent Public Inquiry. It is my duty to report on the evidence we collect and consider, independent of all external influence, and without fear or favour. Be assured, that is an obligation to which I will hold good. It is one from which we will not be deflected. We will act throughout independently and impartially, with the Inquiry moving in the way we consider the most appropriate to fulfil its function. In doing so, we will adopt an inquisitorial, fact-finding approach seeking to obtain the best evidence to uncover the truth.

Whilst it is not a matter for a public inquiry to determine criminal or civil liability, it is also part of my role to come to conclusions and make recommendations based on the facts as I establish them to be.

The legacy of Northern Ireland's turbulent past continues to resonate widely across society.

As with so many horrific incidents which occurred here during Northern Ireland's history, Patrick Finucane's murder has had a continuing traumatic effect on his loved ones and many others. I was grateful to have the opportunity to meet Mrs Finucane, her children Michael, Katherine and John, and other family members shortly after the announcement of my appointment in June. Over the intervening years they have campaigned tirelessly for truth, justice and accountability, displaying great resilience. This Inquiry provides justification for that cause. to have the opportunity to meet Mrs Finucane, her children Michael, Katherine and John, and other family members shortly after the announcement of my appointment in June. Over the intervening years they have campaigned tirelessly for truth, justice and accountability, displaying great resilience. This Inquiry provides justification for that cause.

However, I recognise that the Inquiry's work could potentially re-open wounds and retraumatise those who have been affected and who continue to live with the scars of the past; and that this is not just members of the Finucane family. We will carry out our work with proper respect towards all participants. We will adopt a trauma-informed approach and offer them appropriate support and special arrangements for the provision of evidence, as and when required. Drawing upon the experience of other Inquiries, we are engaging with support groups, and more details about these

arrangements will be provided in due course. provision of evidence, as and when required. Drawing upon the experience of other Inquiries, we are engaging with support groups, and more details about these arrangements will be provided in due course.

I expect each of the participants in the Inquiry to co-operate in assisting us to undertake our task. That will involve providing requested information in a full, open and timely fashion.

It is my intention to hold a preliminary hearing as early as possible and thereafter open the Inquiry formally, hear opening submissions and identify the timeline for the future steps in the Inquiry as best I can.

However, our work begins now. The initial phase will involve identifying and gathering relevant information and materials. As I have already said, there have been a number of previous investigations and reviews carried out into this murder. There are therefore significant amounts of already collected evidence to which we will seek access first, as part of the wider initial information-gathering phase.

I would like to assure you that, whilst I will pay close attention to the reports and evidence collected as part of those earlier investigations and reviews, my Inquiry will be inquisitorial – we will conduct our own investigations, collect our own evidence and I will reach my own conclusions on it.

I would like to encourage anyone who feels that they have information that may be of interest to the Inquiry and our work, to contact us as soon as they can. Contact details can be found on our website.

Given the time it has taken to establish this Inquiry, and the need for expediency, prior to the formal establishment of the Inquiry, we have written to Government Ministers and the Police Service of Northern Ireland, giving notification that we will be approaching them soon to request documents in their control. We encouraged them to make all necessary preparations for the disclosure exercises that would begin as soon as the Terms of Reference were settled. We highlighted my expectation that all those involved should approach the provision of evidence with candour, as reflected in the Nolan Principles and public integrity legislation currently progressing through Parliament. We also sought an assurance of their intention to cooperate fully with the Inquiry and ensure maximum

transparency, in the spirit of the Inquiries Act. And we asked them to take all necessary steps to safeguard relevant material.

It is my wish and intention to move this disclosure exercise forward as quickly as we can. However, given the quantities of material involved, the collection, review and examination process is likely to be a lengthy one, and my team will need time and space to conduct this exercise properly.

It is too early for me to give any estimate of how long this initial investigation will take; but we will keep you informed of progress via the Inquiry website and social media.

Once we are in a position to do so, we shall conduct Inquiry hearings at which witnesses will be called. Openness and transparency will be the default position; and, so that Inquiry hearings are accessible to the public, they will be held in public and streamed on the Inquiry's website whenever possible.

However, some of the likely issues will require us to look at sensitive information; and, so, some of our work may need to be done in private and I may need to hold what are known as closed hearings, where the public and others engaged in the Inquiry may not be able to attend. However, open hearings will be the default; and I will resort to closed hearings only where they are strictly necessary, for example for reasons linked to the Article 2 right to life or to National Security. Where such closed hearings are necessary, I will ensure that as much information as possible about those hearings is made public.

Once I have seen and heard the evidence I need to fulfil the Inquiry's Terms of Reference, I am both legally required, and would in any event wish, to produce a report setting out my conclusions and recommendations. Again, I will pursue the principles of openness and transparency. Whilst the sensitive material we will be considering may have to be dealt with in a closed report, I will endeavour to maximise the amount of material to be included in the published, open report, in compliance with the obligations of Article 2 and Section 25 of the Inquiries Act. Any decisions regarding open and closed reports can, of course, only be made once I have considered the evidence available to me.

I am supported in this Inquiry by the two Assessors Baroness O'Loan and Francesca Del Mese, and they will help ensure that we optimise transparency in the Inquiry processes.

Subject to any need for a closed report and the provisions of the Inquiries Act, my report will be published and made available on the Inquiry website.

Many facts of this case are undisputed. Patrick Finucane was undoubtedly murdered by loyalist paramilitaries, in his home and in front of his wife and children. At least some of those paramilitaries had links with the State. When presenting a previous report to Parliament in December 2012, the then Prime Minister David Cameron referred to and I quote “shocking levels of State collusion” which had been “demonstrated beyond any doubt”. He said that “the involvement of State agencies in murder is totally unacceptable” and apologised to the Finucane family on behalf of the Government and the country.

It is the duty of this Inquiry to bring to light the truth in respect of the murder of Patrick Finucane and its surrounding circumstances including the involvement of the State, by delivering our Terms of Reference as fairly, openly and transparently as possible. That is a job which, from today, we will pursue with all diligence and with all reasonable speed.

Thank you.