

PATRICK FINUCANE INQUIRY

HELD AT BRADFORD COURT HEARING CENTRE, BELFAST

ON WEDNESDAY, 10TH JUNE 2026 - PRELIMINARY HEARING

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MS. FRANCESCA DEL MESE

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ALAN SIMPSON

AND JOHNSTON BROWN:

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1 THE HEARING COMMENCED, AS FOLLOWS, ON WEDNESDAY 10TH
2 JUNE 2026

3
4 OPENING ADDRESS BY THE CHAIR

5
6 CHAIR: Good morning, everyone. This is the first
7 hearing of the independent public Inquiry into the
8 murder of solicitor, Mr. Patrick Finucane, who was
9 killed by loyalist paramilitaries on the 12th of
10 February 1989 at his home in North Belfast. I am
11 Gary Hickinbottom, the Chair of the Inquiry, and it is
12 my great privilege to welcome you all here today. 10:31

13
14 Before I begin, may I acknowledge on behalf of the
15 Inquiry the events of the past two days. Our thoughts
16 are, of course, with the gentleman attacked in John
17 Finucane's constituency on Monday and with all those
18 affected by last night's unrest. 10:32

19
20 Turning to this morning's hearing, this is an
21 administrative point but one of some importance, 10:32
22 I'd like to draw your attention to the Restriction
23 Order on delayed broadcast of hearings, copies of which
24 are displayed throughout the hearing centre and
25 published on the Inquiry website. I remind everyone
26 that anything you hear during the course of Inquiry
27 proceedings must be kept confidential and must not be
28 disclosed or published in any form unless and until it
29 has been broadcast on the time-delayed YouTube platform 10:33

1 or a transcript has been published on the Inquiry's
2 website. Any information heard today, which is
3 redacted from the YouTube video or the published
4 transcript, must not be repeated or disclosed to anyone
5 else.

10:33

6
7 There are a number of points I would like to address in
8 these brief opening remarks. First, I'd like to make a
9 few observations on the murder itself and on its
10 impact, particularly on Patrick Finucane's family.

10:34

11
12 Second, I'll move on to say a few things about the long
13 history of the efforts to uncover the truth in relation
14 to this murder, culminating in this Inquiry. I will
15 explain my obligations with reference to the
16 legislative framework and our Terms of Reference, and
17 also distinguish how this inquisitorial process differs
18 from other types of legal proceedings and from the
19 other investigations which have already taken place
20 into Mr. Finucane's murder.

10:34

21
22 Third, I will set out briefly what I expect from those
23 who engage with the Inquiry in a formal capacity,
24 whether as Core Participants or as providers of
25 information, including witnesses providing evidence, as
26 well as members of the public who might have important
27 contributions to make.

10:35

28
29 Fourth, it is important that I say a word or two about

1 how I intend to conduct hearings, balancing openness
2 against some of the sensitivities we will encounter,
3 for example, in relation to national security.

4
5 Fifth, I'll provide some detail on how this Inquiry
6 will embark on a trauma-informed approach to our work,
7 including the support that will be available to those
8 affected by any of the matters arising from the topics
9 we will explore.

10:35

10
11 Finally, I'd like to use this opportunity formally to
12 introduce the wider Inquiry team, including the two
13 independent assessors here, Counsel to the Inquiry, the
14 secretariat and the legal team led by the Solicitor to
15 the Inquiry.

10:35

16
17 So first, the murder and its impact: You will all know
18 that Patrick Finucane's brutal murder took place at his
19 home in front of his wife, Geraldine, who was also
20 injured in the attack, and in front of their three
21 children, Michael, Katherine and John, who were
22 respectively 17, 12 and eight years old at the time.
23 This horrific murder remains one of the most high
24 profile and controversial of Northern Ireland's
25 troubled past.

10:36

10:36

26
27 It is, of course, one of thousands of incidents
28 involving loss of life or serious injury during the
29 turbulent history of Northern Ireland. As we embark on

1 our work, let us just take a moment to pause and
2 remember all of those who lost loved ones and friends,
3 and those who suffered pain or injury during that
4 period, and the many who still carry the scars,
5 physical and psychological today.

10:37

6
7 I am honoured to have been asked by the Secretary of
8 State for Northern Ireland, Hilary Benn MP, to take
9 responsibility for leading this Inquiry. In conducting
10 this inquisitorial process, I hope to establish the
11 truth surrounding Patrick Finucane's murder. To that
12 end, I am determined to fulfil my duties diligently,
13 fairly and as transparently as I can. In my statement
14 following the publication of the Terms of Reference in
15 March this year, I outlined my proposed approach to the
16 work of the Inquiry and will add some further comments
17 to those today.

10:37

10:38

18
19 In that statement, I welcomed, having had the
20 opportunity to meet Mrs Finucane and her family. The
21 family has campaigned tirelessly for the truth, justice
22 and accountability over very many years. They have
23 displayed great resilience and great dignity throughout
24 that time. That sense of purpose, that sustained
25 determination was reflected in our conversation then.
26 I am pleased to see them here today to witness this
27 further step towards the culmination of their efforts.

10:38

10:38

28
29 As you will have seen from the guidance we have

1 published, generally those under the age of 18 will not
2 be allowed to attend proceedings of the Inquiry in this
3 hearing room. However, having considered the central
4 role of the family in bringing about this Inquiry,
5 their wish to attend this preliminary hearing with 10:39
6 other family members, the closeness of the Finucane
7 family and the Inquiry's safeguarding obligations and
8 trauma-informed approach, to which I will return
9 shortly, I have made a specific exemption and allowed
10 some of the younger members of the Finucane family to 10:39
11 attend today, and indeed they are very welcome.

12
13 I now turn to the circumstances in which this Inquiry
14 has been called. I am very sensitive to the fact that
15 countless people in Northern Ireland have been 10:40
16 profoundly affected by horrors inflicted throughout the
17 period known as "The Troubles". I am all too aware
18 that many are still searching for answers and
19 ultimately justice in respect of their loved ones.

20 10:40
21 In relation to the murder of Patrick Finucane, there
22 have been several earlier investigations, details of
23 which are set out in the Inquiry's Terms of Reference.
24 Notably, in 2004, Justice Peter Cory published the
25 Cory Collusion Inquiry Report. Justice Cory, a retired 10:40
26 Judge of the Supreme Court of Canada, was asked by the
27 United Kingdom Government to investigate allegations of
28 collusion by members of the security forces in the
29 context of the deaths of Patrick Finucane, Robert

1 Hamill, Rosemary Nelson and Billy Wright, and to report
2 with recommendations for any further action.

3 He found that in each of the four cases, documentary
4 evidence indicated matters of concern which would
5 warrant further and more detailed enquiry. Public 10:41
6 inquiries have been carried out in relation to Robert
7 Hamill, Rosemary Nelson and Billy Wright.

8
9 As I indicated a moment ago, what occurred on that
10 February evening 37 years ago in the Finucane family 10:41
11 home and how it occurred has been the subject of
12 several previous investigations and reviews, during
13 which much evidence has been considered. Those
14 investigations raised important and concerning
15 questions about Patrick Finucane's murder including in 10:42
16 relation to the role of The State. However, they fell
17 short in one important respect; in 2019 the United
18 Kingdom Supreme Court concluded that there had not been
19 an inquiry into the death of Patrick Finucane which was
20 compliant with Article 2 of the European Convention on 10:42
21 Human Rights as the circumstances of his death
22 required. As such, Patrick Finucane's death remains
23 the only individual outstanding from Justice Cory's
24 review for whom a public inquiry has not been
25 conducted. 10:43

26
27 Article 2, which enshrines the right to life, is a key
28 provision within the European Convention. It imposes
29 both negative and positive obligations on The State.

1 It places various duties on The State to protect
2 people's lives, but it also imposes an obligation on
3 The State to investigate where there are arguable
4 breaches of those duties.

10:43

6 This statutory public inquiry has therefore been
7 established under the Inquiries Act 2005 to complete an
8 Article 2 compliant investigation into the murder of
9 Patrick Finucane. In pursuit of the truth, I will
10 build on the important work of those earlier
11 investigations and reviews, to which I have referred,
12 and will address the shortfalls in them.

10:43

14 The 2005 Act defines the powers that I have. It sets
15 out what I can do and what I cannot do. I can require
16 organisations and individuals to provide me with
17 evidence and documents. I can compel witnesses to
18 attend and give evidence on oath. Penalties may attach
19 to those who fail to comply. None of the earlier
20 investigations had those powers.

10:44

10:44

22 I can decide on the processes and procedures that the
23 Inquiry will adopt, subject to the terms of the statute
24 and the requirements of the common law. The Act
25 requires me to act fairly and to avoid unnecessary
26 cost. It also places some specific limits on me. I may
27 only investigate matters that are within the Inquiry's
28 Terms of Reference and perhaps, most importantly, the
29 Act prohibits me from ruling on or determining any

10:44

1 person's civil or criminal liability. That is a job
2 for the civil and criminal courts.
3 The Inquiry's job is to make findings of fact and
4 recommendations.

5
6 Using the powers I have, including the powers to compel
7 evidence, I expect this Inquiry to obtain material that
8 was not available to those who oversaw earlier
9 investigations. Indeed, it is important, and I will
10 ensure that as part of this inquisitorial process, we
11 will conduct our own investigations. We will consider
12 all of the evidence we obtain, including that which was
13 available to the earlier investigations and all the new
14 evidence we are able to gather and from that evidence,
15 I will draw my own conclusions and make my own
16 recommendations.

17
18 We will do all of that independently of all external
19 influence. Independence is central to the work of this
20 Inquiry and to my role in it. Although the Inquiry, of
21 course, has been established by a Government Minister,
22 it will act independently and impartially. His
23 Majesty's Government is one of the several Core
24 Participants, all of whom will have an opportunity to
25 work with the Inquiry and to make submissions to me.
26 I will endeavour to obtain and consider the views of
27 Core Participants insofar as I am able to do so.
28 I will listen to all of those voices, but I will then
29 make my own decisions without fear or favour. The

1 conclusions I reach will be my own, informed by the
2 evidence and the submissions I receive, and nothing
3 else.

4
5 I would like now to discuss briefly the specific 10:47
6 questions this Inquiry has been tasked with addressing
7 which cut to the heart of The State and its obligations
8 to protect people. The Inquiry's Terms of Reference
9 specify that:

10 10:47
11 "The investigation will seek to determine the
12 circumstances of Patrick Finucane's murder, establish
13 the identity of all those involved in his murder and
14 the nature of their involvement, establish whether the
15 evidence indicates that the murder could have been 10:47
16 prevented and investigate acts or omissions that are
17 relevant to the murder."

18
19 In doing so, it will be incumbent upon me to, and again
20 I quote from the Terms of Reference: 10:48

21
22 "Ensure that there is no unnecessary duplication of the
23 investigative work that has already been undertaken."

24
25 The allegations at the centre of this Inquiry, 10:48
26 particularly those concerning state collusion, are,
27 of course, very serious. This Inquiry will take great
28 care to ensure demonstrable fairness in how it
29 approaches this important work. Inquiries are

1 correctly described as being inquisitorial, in contrast
2 to litigation in the civil and criminal courts, which
3 is adversarial. In a trial, the two sides present
4 their opposing cases, cross-examine one another's
5 witnesses and make their arguments to the judge or 10:49
6 jury, who then decide who has won and who has lost. An
7 Inquiry is very different. There are no indictments or
8 pleadings, there are no opposing sides, no cases to put
9 or be proved. It is the Chair of the Inquiry who
10 determines the witnesses to be called and the evidence 10:49
11 to be considered, informed and assisted by the views of
12 the Core Participants, with the aim of making findings
13 as to what happened in the past and recommendations as
14 to what should happen in the future. It is, or should
15 be, a collective endeavour. 10:49

16
17 But with that in mind, I turn to the expectations I
18 have of those engaging with the Inquiry. While
19 acknowledging how vital it is that we maintain our
20 independence as an Inquiry, those who engage with us 10:50
21 have an important role in assisting delivering our
22 Terms of Reference. Given the time it has taken to
23 establish this Inquiry, I am keen to move forward as
24 quickly and effectively as possible. I am empowered to
25 appoint Core Participants at any time provided they 10:50
26 consent.

27
28 A Core Participant is a person, organisation or other
29 entity that has been designated as a Core Participant

1 in the Inquiry by me under Rule 5 of the Inquiry Rules
2 2006. When considering who should be a Core
3 Participant, there are a range of factors for me to
4 consider, including whether the prospective designee
5 played or may have played a direct and significant role 10:51
6 in relation to the subject matter of the Inquiry or has
7 a significant interest in the Inquiry's work, or may be
8 subject to explicit or significant criticism arising in
9 or from the Inquiry's work. This status is reflected
10 by the fact that they are typically afforded specific 10:51
11 rights and given specific responsibilities in relation
12 to the participation in the Inquiry. Though there are
13 other effective mechanisms available for people to
14 engage with the Inquiry, for example, as witnesses or
15 providers of documents or other information. 10:51

16
17 Core Participants remain as such until the end of the
18 Inquiry unless I specify a date in writing. I have
19 already appointed several Core Participants and may
20 appoint others in time. I will keep the question of 10:51
21 Core Participant designation under careful review as
22 the work of the Inquiry progresses. The list of Core
23 Participants available on the Inquiry website will be
24 updated to reflect any changes.

25 10:52
26 I expect Core Participants to work with us in a spirit
27 of cooperation and collegiality. Just as my team and I
28 will proceed with courtesy and mutual respect,
29 I expect reasonableness and courtesy in return. I will

1 not allow unreasonable conduct to disrupt or otherwise
2 inhibit the Inquiry from carrying out its functions.
3 I expect that Core Participants, and those from whom I
4 request evidence and material, to respond promptly,
5 comprehensively and in good faith, and to help identify 10:53
6 and provide information and evidence relevant to our
7 work. I expect public bodies and their representatives
8 to carry out disclosure exercises with full candour as
9 reflected in the Nolan Principles. This is coupled
10 with the expectation that all who contribute to the 10:53
11 Inquiry will cooperate fully and ensure maximum
12 transparency in the spirit of the Inquiries Act 2005.

13
14 Before this hearing, I have met with the legal
15 representatives of each of the Core Participants who 10:53
16 have assured me that the Core Participants will fully
17 cooperate and give the Inquiry their assistance.

18
19 In addition to evidence which the Inquiry will actively
20 request from Core Participants, organisations and 10:53
21 certain other witnesses, I would very much welcome
22 contributions from anyone else who believes they are in
23 possession of information or material which they
24 consider would be of interest to our work. Details on
25 how such contributions can be submitted will be 10:54
26 published on the Inquiry website in due course.
27 For now, I urge anyone who thinks they have relevant
28 evidence to retain and preserve it with a view to
29 providing it to the Inquiry in due course.

1
2 In passing, I should draw attention to the fact that
3 the Inquiries Act 2005 makes it an offence
4 intentionally to alter, destroy, suppress or conceal
5 documents known or believed to be relevant to our
6 investigation. 10:54

7
8 Many of you will, understandably, wish to know how long
9 the Inquiry will take. However, you will understand
10 that even with our best efforts, these processes will 10:55
11 take some time. I will ask Counsel to the Inquiry,
12 Mr. Hill, to deal with this in more detail in his
13 introductory remarks shortly, but it is important that
14 whilst moving as quickly as we are reasonably able, we
15 are thorough and methodical, not least to ensure that 10:55
16 the concerns identified by the Supreme Court in 2019
17 are addressed. We owe it to the public whom we serve
18 and, of course, the Finucane family and others affected
19 directly by Patrick Finucane's murder to find answers
20 if we can. I will, therefore, resist pressure now to 10:55
21 commit to a finishing date, but I can promise that my
22 team and I will take forward our work as quickly as we
23 can. I also commit to keeping the public, as well as
24 the Core Participants, informed of our progress via our
25 website and social media throughout the course of the 10:56
26 Inquiry.

27
28 As to the conduct of hearings and handling of evidence,
29 an initial assessment of the types of issues which have

1 been covered by previous reviews and investigations
2 suggests that we will encounter sensitive material,
3 for example, which engages national security or which
4 might give rise to the risk of life, of individuals
5 were it to be made public. This will require careful 10:56
6 and sensitive handling, and while I will hold all
7 hearings in as open a manner as possible, circumstances
8 and the law might, at times, necessitate that our work
9 is done in private. But where I decide to withhold
10 certain material from publication, this will only be 10:57
11 done where there is a legal requirement to do so.

12
13 I may also be required to hold some hearings in closed
14 session where the public and others engaged in the
15 Inquiry may not be able to attend. As I stipulated in 10:57
16 March, I will only resort to closed hearings where they
17 are strictly necessary, for example, for reasons linked
18 with the Article 2 Right to Life Or National Security.

19
20 Should there be a need for closed hearings, I will 10:57
21 endeavour to deliver a process which will allow Core
22 Participants to be in possession of as many of the
23 facts as possible. My team will also provide as much
24 information as we can to other material providers and
25 witnesses where they may need to engage with a closed 10:58
26 process.

27
28 I also repeat my promise from March that I will ensure
29 that as much information as possible about any closed

1 hearings, including the content of such hearings, is
2 made public. When evidence is heard in open
3 proceedings, the expectation is that they will be here
4 at Bradford Court. As you will see, this hearing room
5 is perhaps smaller than the level of interest that this 10:58
6 Inquiry might at times demand. My team will make every
7 reasonable effort to maximise the available space and
8 to balance the different needs of Core Participants,
9 the public and members of the media. To that end,
10 hearings will be streamed, subject to a short delay, in 10:59
11 a public viewing annex in this building, as well as via
12 the Inquiry's YouTube channel. This will doubtless be
13 an ongoing process and we would be grateful for your
14 cooperation and, indeed, for your feedback as hearings
15 progress. 10:59

16
17 My aim, and that of my team, is to make this a safe,
18 respectful, welcoming and neutral space in which to
19 carry out our work. We have published a Code of
20 Conduct to which I expect all attendees to adhere. 10:59
21 I will ask everyone engaged with the Inquiry to
22 familiarise themselves with its contents. I do not
23 expect anyone deliberately to disrupt our work but, as
24 I have already indicated, disruption to proceedings or
25 any attempts to intimidate or cause distress to 11:00
26 witnesses, Inquiry staff or other attendees, will not
27 be allowed and I reserve the right to ask anyone to
28 leave should such a situation arise.
29

1 On that point, I now turn to how this Inquiry will take
2 a trauma-informed approach to our work. As I mentioned
3 at the beginning of my statement, at the heart of this
4 Inquiry is the brutal murder of Patrick Finucane which
5 has had an enduring impact on his bereaved family and 11:00
6 many others. That will require consideration of
7 evidence that will be capable of triggering traumatic
8 memories. It is also important that we don't lose
9 sight of the potential human impact as we move forward
10 with our work. 11:01

11
12 I am alert to the fact that such memories may not be
13 easy to deal with. Indeed, there is no doubt that much
14 of what will be explored during the Inquiry has the
15 potential to reopen old wounds for many people involved 11:01
16 with, or affected by, horrific events which occurred
17 across this part of the world during recent decades.
18 Any witness may be so affected, and my team and I are
19 sensitive to that and will remain so until the
20 conclusion of our work. 11:01

21
22 With that in mind, we intend to apply the principles
23 and practice of a trauma-informed approach in our
24 process and engagement mechanisms. Our primary goal in
25 this is to ensure that the Inquiry avoids 11:02
26 re-traumatisation of those directly or indirectly
27 affected by the murder under investigation or, indeed,
28 similar other events.
29

1 Secondary goals include ensuring that vulnerable
2 witnesses receive appropriate adjustments to secure
3 best possible evidence and avoid re-traumatisation
4 where applicable and, potentially, vicarious trauma for
5 Inquiry staff or legal teams, members of the public and 11:02
6 the media.

7
8 To deliver this, the Inquiry team has established a
9 series of actions and protocols that will apply
10 throughout the course of the Inquiry. Our approach 11:02
11 will be focused on four main themes, namely safety,
12 trustworthiness, choice and collaboration. We will
13 take practical steps, including the establishment of
14 liaison points of contact, to engage directly with the
15 family and other Core Participants, with witnesses and, 11:03
16 where appropriate, with their legal representatives.
17 We will ensure appropriate and timely familiarisation
18 of the hearing venue and related policies to all
19 concerned. We will ensure that Inquiry timetabling
20 takes account of the enhanced needs for certain 11:03
21 witnesses when giving evidence. For instance, I may
22 allocate additional time for reflection, support and
23 private time when evidence is challenging. I may also
24 direct shorter hearing days or sessions for vulnerable
25 witnesses. 11:03

26
27 we will also put in place measures to provide or
28 signpost support services for those affected by the
29 evidence. I would like to express particular thanks to

1 the Wave Trauma Centre, a cross-community victims group
2 which is supporting us in these efforts. I will, of
3 course, enjoy the vital support of a number of people
4 throughout this Inquiry to deliver our Terms of
5 Reference. They include my two independent expert 11:04
6 assessors, Baroness Nuala O'Loan and Miss Francesca Del
7 Mese, who sit beside me this morning. Baroness O'Loan
8 may be a familiar face. She has dedicated much of her
9 life to public service in Northern Ireland, including
10 as first Police Ombudsman and, more recently, as a 11:04
11 member of both the International Steering Group for
12 Operation Kenova and the group of experts and
13 stakeholders for the McCullough Review into PSNI
14 surveillance of journalists, lawyers and other groups.
15 Among other things, she was also Ireland's special 11:05
16 Envoy For Conflict Resolution.

17
18 Miss Del Mese's work has taken her across the world to
19 countries with histories of conflict. She is an
20 international criminal and human rights lawyer 11:05
21 specialising in security sector reform in conflict and
22 fragile states and countries experiencing political
23 transition.

24
25 Among other notable appointments, she serves as a 11:05
26 judicial member of the Investigatory Powers Tribunal,
27 the United Kingdom's judicial body that oversees MI5,
28 MI6, GCHQ, police forces and other state entities that
29 hold intrusive powers. She is also on the United

1 Nations Security Council's list of experts and is a
2 member of various UN and UK Government expert panels.
3 Each brings a great breadth and depth of experience to
4 this Inquiry and will help optimise the independence of
5 its work. Details of how the assessors will interact 11:06
6 with the Inquiry are set out in a protocol which was
7 published on the Inquiry website in March of this year.
8

9 Much work will be done by Mr. Matthew Hill, to whom I
10 have referred already. He has kindly accepted the 11:06
11 pivotal role of Counsel to the Inquiry, where he will
12 lead a small team of barristers comprising Alex
13 Jamieson, Saoirse Townshend, Max Mills and Megan
14 Millar. Each of Mr. Hill's team brings valuable
15 experience from across a range of inquiries and 11:07
16 inquests, including previous roles as counsel to an
17 inquiry and as representatives variously to victims
18 groups and families, to State bodies and to individual
19 witnesses.
20

21 In addition, I enjoy the support of a small but 11:07
22 dedicated secretariat and legal team headed by Alison
23 Bennett and Stephen Brown respectively. Both teams
24 bring a broad and diverse range of skills, knowledge,
25 and experience to our work. Based on our collaboration 11:07
26 to date, I have no doubt that this experience and
27 expertise will prove invaluable as we progress with our
28 work.
29

1 I will shortly invite Mr. Hill to provide an update on
2 the work of the Inquiry and give an overview of planned
3 next steps for the weeks and months ahead. On
4 completion of Mr. Hill's submissions, I will invite
5 each of the Core Participant representatives to 11:08
6 introduce themselves, to identify those for whom they
7 appear and to present short opening remarks, should
8 they wish to do so.

9
10 Representatives have been informed that Mr. Danny 11:08
11 Friedman, King's Counsel, on behalf of the Finucane
12 family, will frame his opening remarks around a note
13 which I recognise contains sections that may not be
14 agreed by all participants. On this occasion, I have
15 acceded to the request on the basis that there will be 11:08
16 an opportunity for each Core Participant to make a full
17 opening statement at a future hearing and to respond
18 fully in writing to the note if they wish to do so.
19 For today, I kindly ask that contributions by Core
20 Participants are limited to no more than 15 minutes. 11:09

21
22 In concluding, may I thank you all for your attendance,
23 your attention and your interest in this Inquiry.
24 I look forward to pressing on expeditiously with our
25 work. I will now pass over to Mr. Hill. Thank you. 11:09
26
27
28
29

1 ADDRESS BY MR. HILL

2
3 MR. HILL: Thank you, Sir. I speak on behalf of the
4 Counsel to the Inquiry team which, as you have said,
5 comprises Alex Jamieson, Saoirse Townshend, Megan 11:10
6 Millar, Max Mills and myself. It is likely that others
7 may be instructed over the course of the Inquiry.

8
9 The team has acted in many inquiries and inquests,
10 including those into Bloody Sunday, the Hillsborough 11:10
11 Stadium Disaster, Infected Blood, The Manchester Arena
12 Bombing, the Post Office Horizon IT scandal, the
13 McCullough Review and the ongoing Afghanistan,
14 Southport and Nottingham Inquiries.

15 11:10
16 In those inquiries and inquests, we have represented
17 bereaved families and victims. We have represented
18 Government departments, politicians, civil servants,
19 members of the police and armed forces and, in
20 particular, we have acted as Counsel to the Inquiry. 11:10
21 We also have extensive experience within the team of
22 dealing with matters relating to national security
23 including, as a special advocate, acting on behalf of
24 individuals excluded from such proceedings.

25 11:11
26 I would like to address you on two matters today;
27 first, the role of Counsel to the Inquiry and the
28 approach that we will take to our work, and, second,
29 some preliminary thoughts on how the Inquiry should

1 proceed in the coming months.

2
3 The role of Counsel to the Inquiry is to assist the
4 Chair and the Inquiry in fulfilling the Terms of
5 Reference thoroughly, fairly and efficiently. It is 11:11
6 our job to help gather and deduce the evidence that
7 you, Sir, will need to consider when coming to the
8 conclusions required of you. In doing so, we will help
9 ensure that the processes adopted are legally sound,
10 fair and proportionate. 11:11

11
12 In these and in all matters, we act as independent
13 barristers. We are instructed by the Solicitor to the
14 Inquiry, Mr. Brown, as your Counsel, but we undertake
15 that role from an independent perspective. We have no 11:12
16 case to advance and no interests to pursue other than
17 the public interest in ensuring that the Inquiry
18 fulfills its Terms of Reference and is conducted
19 fearlessly, rigorously and efficiently. We are
20 instructed to advise and to assist, but not to decide 11:12
21 on points of contention. Those decisions are for you,
22 Sir, as Chair. That is so both for the case management
23 decisions and for the conclusions that you will reach
24 in your report.

25 11:12
26 It may help to set out briefly some of the functions
27 that we will undertake to further explain these points
28 of principle. The most obvious role of Counsel to the
29 Inquiry is to question the witnesses that you call to

1 give evidence. When we do so, we seek to achieve two
2 things; first, to allow that witness the opportunity to
3 give relevant evidence to the Inquiry. Second, to test
4 that evidence by reference to other material before the
5 Inquiry or to the inherent plausibility or logic of the 11:13
6 account that is being presented. We do not do this to
7 put a case, as would be done in adversarial litigation.
8 As I have said, Counsel to the Inquiry have no case to
9 put and as you have said, these are inquisitorial
10 proceedings. We put questions to allow the Chair and 11:13
11 the public to hear the evidence of the witness and come
12 to their own conclusions on it.

13
14 witnesses must be allowed the appropriate space and
15 environment to give their relevant evidence. Part of 11:14
16 our role is to ensure that happens. This does not mean
17 we agree with that evidence, still less that it will be
18 accepted by you as Chair, but the fundamental purpose
19 of calling a witness is to hear what they have to say,
20 even where those listening may object in the strongest 11:14
21 terms to the accuracy of the account or the ethos that
22 lies behind it. Those with relevant evidence to give in
23 rebuttal will have an opportunity to put that to you as
24 Chair.

25 11:14
26 Our approach to questioning will be guided by the
27 principles of independence and fairness, the latter
28 extending not just to a witness before us but also to
29 those individuals affected by that witness's evidence.

1 we will test the evidence robustly but always with
2 those principles in mind.

3
4 As you have said, Sir, the Inquiry and its counsel will
5 take a trauma-informed approach to all interactions 11:15
6 with all witnesses. We recognise that witnesses may
7 find requests to provide evidence destabilising and
8 distressing. Support will be offered both by the
9 Inquiry and in collaboration with the Core Participants
10 assisting those giving evidence. Your team will always 11:15
11 welcome conversations about how best to approach
12 witnesses and how best to obtain their evidence,
13 considering their individual circumstances.

14
15 More generally, we welcome the knowledge, suggestions 11:15
16 and questions of the Core Participants which will
17 inform the matters that we raise with witnesses. In
18 due course, a process will be put in place to allow
19 such liaison to take place efficiently. I will return
20 a little later to the collegiate approach that we will 11:16
21 adopt and encourage.

22
23 The second role for Counsel to the Inquiry is making
24 submissions to the Chair on evidence, on procedural
25 matters and on legal questions that arise during the 11:16
26 Inquiry. Those submissions will, in general, be made
27 publicly where the law allows. Our intention is to
28 help the Core Participants and the public to understand
29 the matters that the Chair will have to decide and the

1 wider progress that the Inquiry is making. Part of the
2 purpose of our submissions is to help frame the debate
3 and focus the collective efforts of all involved on the
4 most important matters that require your attention. It
5 is also our role to ensure that the full range of
6 lawful options are before you when you make your
7 decisions.

11:16

8
9 However, Counsel to the Inquiry may have a view on what
10 amounts to the best course of action. That will be
11 based on an independent assessment of what the balance
12 of evidence shows or where the law points or what is
13 the most efficient, effective and fair way to proceed.
14 Such submissions will be made from an independent
15 neutral perspective, but that does not preclude
16 advocating for a preferred outcome. To borrow a phrase;
17 "An open mind is not necessarily an empty one."

11:17

11:17

18
19 On significant matters and points of contention, you
20 will, no doubt, wish to hear submissions from Core
21 Participants. These may be made in writing or orally,
22 and subject to legal requirements, and your discretion,
23 they may be given publicly at a hearing and published
24 on the Inquiry's website. It will be for you, as
25 Chair, to make decisions on contentious issues, having
26 heard all the relevant submissions. You may well
27 choose to reject Counsel to the Inquiry's submissions
28 and prefer those of a Core Participant or to come to a
29 different conclusion altogether. This highlights the

11:17

11:18

1 distinction I made earlier between the Chair and
2 Counsel to the Inquiry. We help to provide and present
3 the information but you are the one who decides.
4

5 Other elements of the work of Counsel to the Inquiry 11:18
6 are done behind the scenes. Indeed, this is where most
7 of our initial work will be undertaken. It will
8 include:

9 (1) helping the solicitor to the Inquiry to identify
10 and obtain relevant evidence. 11:18

11 (2) assisting in drafting requests made to individuals
12 and organisations for that evidence.

13 (3) analysing the material received by the Inquiry to
14 assess what is sufficiently relevant to be admitted
15 into evidence. 11:19

16 (4) working and advising on the redaction of documents
17 in line with the Inquiry's protocols.

18 (5) drafting preparatory documents such as
19 chronologies, overviews and agreed facts which may be
20 shared with Core Participants and admitted into 11:19
21 evidence.

22 (6) advising on, and drafting, the Inquiry's published
23 protocols, including those already on the website you
24 have mentioned.

25 (7) helping to organise the oral hearings and the 11:19
26 processions of receiving written evidence and written
27 submissions.

28 Finally, advising on the myriad legal issues that will
29 arise during the Inquiry.

1 In general, where we make submissions to the Chair on
2 contentious matters, those submissions will be made or
3 repeated in public, for reasons of transparency and to
4 allow Core Participants to make submissions of their
5 own.

11:20

6
7 There are exceptions to this; where you, as Chair, seek
8 legal advice in respect of an actual or threatened
9 judicial review, or on other matters that engage legal
10 professional privilege, that advice will be given
11 privately in the same way that a lawyer gives advice to
12 a client. It will be privileged and does not fall to
13 be disclosed.

11:20

14
15 A further exception may come when the law requires that
16 evidence is heard in closed proceedings. As you have
17 said, it may prove necessary to hold closed hearings
18 given the nature of this Inquiry. Counsel to the
19 Inquiry's independent role is of particular importance
20 here. We will assist by assessing and evaluating
21 closed material. We do so, first, to test its
22 evidential worth and, second, to interrogate the claims
23 to sensitivities for the purposes of ensuring that as
24 much is made public as possible and material is only
25 considered privately where it is truly essential to do
26 so for public interest.

11:20

11:20

11:21

27
28 It will be part of our role, working with the wider
29 Inquiry team, to discuss and liaise with those

1 providing the material and those who assert that the
2 information contained within it should not be publicly
3 disclosed. We will approach this exercise in a
4 cooperative collegiate manner but will challenge the
5 claims to sensitivity to ensure they stand up to
6 scrutiny. Where material is truly sensitive, we will
7 seek to consider alternatives to the binary by either
8 allowing material in open or restricting it to closed
9 hearings.

11:21

10
11 For example, we will always consider whether gists can
12 be provided, or summaries may through open witness
13 statements, or whether some parts of the evidence will
14 be redacted. In this task, we will work collegiately
15 with the material provided but we will do so with
16 questions and, where appropriate, with challenge.
17 There is a strong public interest in as much
18 information being made public as the law will allow,
19 particularly given the history of the investigations
20 into Patrick Finucane's murder.

11:21

11:22

11:22

21
22 Our team has experience in this field, including prior
23 work as Counsel to the Inquiry, as well as having acted
24 for state bodies, families and victims, and as special
25 advocate representing those who, for reasons of law,
26 cannot be provided with the closed material.
27 Our approach will be guided again by principles of
28 independence, fairness, thoroughness and efficiency.
29 We will look to provide pragmatic solutions. However,

11:22

1 where no such solutions are found or where matters
2 cannot be agreed, they will be brought before you, as
3 Chair, for your determination, subject to the oversight
4 of the courts. Again, Counsel to the Inquiry assist
5 and make submissions but the ultimate decisions are for 11:23
6 you as Chair.

7
8 The collegiate approach that I have mentioned in
9 respect of closed materials extends to all other
10 aspects of our work and to our approach to all Core 11:23
11 Participants. Counsel to the Inquiry do not claim a
12 monopoly of wisdom and we are acutely aware of the
13 expertise available from the legal teams and clients of
14 the Core Participants, and indeed of witnesses who are
15 not Core Participants. We are open to working with all 11:23
16 who are sincerely committed to assisting this Inquiry.
17 We are open to their perspectives, their knowledge and
18 their concerns.

19
20 We recognise that two people may look at the same set 11:24
21 of documents and reasonably come to different
22 conclusions in good faith. That is a truth not always
23 universally acknowledged in public inquiries, but it
24 will inform our approach.

25 11:24
26 We will do what we can to encourage and contribute to
27 the collegiate atmosphere that you expect. It is our
28 invariable experience that public inquiries work best
29 when those involved work together.

1 I turn now to a few initial observations about the
2 structure of the Inquiry and the work that it will
3 undertake in the coming months. I emphasise that these
4 are provisional and will be revisited once the Inquiry
5 is able to access more of the evidence that will form 11:24
6 the bedrock of our work.

7
8 The initial work of the Counsel to the Inquiry team is
9 focused on an ongoing review of publicly available
10 material. This includes the public reports of previous 11:25
11 investigations and open source material such as books,
12 articles and media reports. We are also involved in
13 the Inquiry's efforts to understand the scope, location
14 and archiving of material that is not in the public
15 domain. The Inquiry has contacted various 11:25
16 organisations that hold, or may hold, relevant material
17 and has received initial statements from some of these.
18 Once the material is identified and located, it will
19 need to be reviewed, assessed, coded and prepared for
20 use by the Inquiry, including, where legally 11:25
21 permissible, prepared for disclosure.

22
23 This work is time and labour intensive. It involves
24 the wider Inquiry team which includes archivists and
25 researchers as well as lawyers. There are no shortcuts 11:26
26 and the challenges are increased by material being held
27 on different sites, in different formats and within
28 systems that have changed over the years and will often
29 not allow for materials to be easily searched or

1 transferred. Individual documents may be held in
2 duplicate or near duplicate form in different archives.
3 These must be checked against one another. It is a
4 painstaking process but it is essential that it is done
5 accurately and done well as it is the foundation on 11:26
6 which the forensic work of the Inquiry will be built.

7
8 The magnitude of this task should not be understated.
9 It involves a product of more than 30 years of formal
10 and informal investigations where only the tip of 11:27
11 iceberg has been seen by the public. Sir Desmond
12 de Silva QC stated that his team had located over a
13 million pages of documents which formed the basis of
14 his review. More than a decade has passed since then,
15 during which time still more evidence has accrued. 11:27
16 working through this material will take considerable
17 time but that investment will be repaid. It will allow
18 for greater efficiency, greater focus and greater
19 forensic rigour during the Inquiry hearings and in your
20 report. The initial work will, however, take place 11:27
21 largely in private and without fanfare.

22
23 The Inquiry does not control all elements of this
24 timetable. Its progress will be dictated by external
25 factors. These include the extensive cooperation that 11:28
26 it receives from organisations holding the material in
27 question, be they Government departments and agencies,
28 the police or armed forces or other bodies or
29 individuals. The assistance organisations can give

1 will be dependent on the degree of resourcing and
2 prioritisation that they allocate to the Inquiry. We
3 recognise that many of these organisations, inevitably
4 and properly, have many other vitally important
5 functions to fulfil with finite resources. All 11:28
6 involved will need to approach matters with a healthy
7 degree of realism.

8
9 The pace of the Inquiry will also be dictated by the
10 speed at which it can finalise the establishment and 11:28
11 implementation of suitable systems and physical
12 facilities. The Inquiry team began the task of putting
13 these in place as soon as the Inquiry was established
14 and that work remains ongoing. However, we are reliant
15 on the continued assistance of external organisations 11:29
16 to procure appropriate infrastructure. There is
17 limited efficacy in reviewing materials in situ when
18 the Inquiry is unable to log, code and process the
19 documents so that it can use them in its submissions,
20 presentations and hearings. 11:29

21
22 Working this way can cause duplication, waste of
23 resource and unnecessary cost. Until the Inquiry can
24 receive and work on documents on its own suitable
25 systems, progress will be slowed no matter how hard the 11:29
26 Inquiry team works. It follows that there will be a
27 period during which most of the Inquiry's work will
28 take place out of the public sight. This is inevitable
29 and, for the reasons I have given, it is important that

1 this work is done thoroughly, accurately and
2 systematically. Other inquiries have cut short this
3 process, electing to proceed to hearings at an earlier
4 stage. Many have come to regret that decision.
5 We will approach the task diligently and determinably,
6 seeking to make progress as efficiently as possible
7 while establishing solid foundations of the Inquiry's
8 work. This will require patience from those awaiting
9 the full outcome of that process.

11:30

10
11 There are, however, two areas in which we invite you,
12 as Chair, to hold public hearings while this process is
13 taking place. First, we consider that it would be
14 helpful to spend some time setting out at a hearing
15 what can be gleaned from the publicly available
16 evidence in this case. We would propose do this
17 through Counsel to the Inquiry producing a presentation
18 on what open source material tells us about the murder
19 of Patrick Finucane, its circumstances and the
20 investigations that were conducted into it. It will
21 allow us to take stock and identify those matters
22 within the Terms of Reference where the facts are now
23 well established and those that remain contentious and
24 uncertain. It is intended as a starting point
25 identifying what can be agreed, albeit sometimes with
26 caveats, and what requires further investigation. Such
27 a hearing may also touch upon some procedural matters
28 where early decisions are required. We hope that this
29 hearing will take place in September.

11:30

11:30

11:31

11:31

1 The publicly available material is incomplete and will
2 not allow for a definitive history, nor would Counsel
3 to the Inquiry seek to put a patent on such a
4 narrative. Nonetheless, this work will serve several
5 purposes. Most fundamentally, it will inform the 11:32
6 public about some of the matters with which this
7 Inquiry is concerned. It will allow for Core
8 Participants to consider and, where appropriate, to
9 challenge that which is on the public record. In doing
10 so, it will help to identify areas that require more 11:32
11 attention than others for the remainder of the Inquiry.
12 It will help inform the issues that the Inquiry will
13 need to consider and the evidence that it will need to
14 address. Those are matters on which you will no doubt
15 wish to hear future submissions from us and from the 11:32
16 Core Participants. We feel that those submissions will
17 be better informed once this review of publicly
18 available material has been completed and presented.

19
20 The Terms of Reference state the Inquiry must ensure 11:32
21 that there is no unnecessary duplication of
22 investigative work already undertaken. The approach we
23 propose would be an important step in complying with
24 that requirement.

25 11:33
26 The second area of initial public hearings is one which
27 you have foreshadowed in your opening. We consider
28 that an opportunity should be given to the Finucane
29 family and others affected by events to speak about the

1 impact of Patrick Finucane's murder. The murder was an
2 act of abhorrent public violence with profound effects
3 across society, but it was also a private tragedy. It
4 is important that this is acknowledged and that those
5 who wish to speak about the impact of the murder upon
6 them are given the opportunity to be heard.

11:33

7 Thereafter, we will need to develop a practical
8 approach to the work of the Inquiry which allows
9 evidence to be adduced, considered and presented in a
10 way that permits manageable hearings and informs public
11 understanding. Much will depend on the nature of the
12 evidence once inspected, but we see value in proceeding
13 to hearings by reference to the various groups with
14 which this Inquiry is concerned. Those directly
15 involved with the killing of Patrick Finucane, the
16 roles played by the British Army, the RUC and the
17 Security Service, and the involvement of politicians
18 and civil servants.

11:34

19
20 This approach, by group rather than by issue, has
21 several advantages. It is coherent for the public to
22 follow. It allows for the official designation of Core
23 Participants only to those sections of the Inquiry with
24 which they are concerned, which avoids unnecessary
25 cost. It allows the Core Participants and Counsel to
26 the Inquiry to make focused opening statements at the
27 outset of each evidential section. There are also
28 practical advantages to focussing each set of hearings
29 on a particular cohort of documents. However, we

11:34

11:34

1 stress that these are early days, and that this is a
2 proposal to which we will return once a more complete
3 review of available evidence has taken place. We also
4 note that there may be good reasons to take witnesses
5 out of turn, for example, where age or infirmity means 11:35
6 that their evidence should be heard sooner rather than
7 later. We will invite you to take a pragmatic approach
8 to such matters but one always informed by the
9 principles of fairness, thoroughness and efficiency
10 that I have highlighted this morning. 11:35
11

12 That, Sir, is all I say on behalf of the Counsel
13 Inquiry team for now. We have a formidable task ahead
14 of us. We will approach it with independence, with
15 humility and with determination. As you are aware, 11:35
16 Sir, a number of Core Participants have indicated they
17 wish to address you today with introductory remarks,
18 beginning with the family. Before they do, may I
19 invite you to rise for 30 minutes to allow the
20 stenographers a short break. During this time we would 11:36
21 politely encourage those returning to the hearing room
22 not to leave the site. Thank you, Sir.

23 CHAIR: Thank you very much, Mr. Hill. The Inquiry
24 will now a short break. I will return at ten past
25 twelve. Thank you all very much. 11:36
26
27
28
29

1 THE HEARING RESUMED AFTER A SHORT ADJOURNMENT AS
2 FOLLOWS:

3
4 CHAIR: Thank you. I would now like to invite Danny
5 Friedman, King's Counsel, to make his remarks on behalf 12:11
6 of the Finucane family. Thank you, Mr. Friedman.

7
8 ADDRESS BY MR. FRIEDMAN

9
10 MR. FRIEDMAN: Thank you, Sir, and thank you to 12:12
11 yourself, your assessors, your secretariat and your
12 legal team for arranging this first public hearing at
13 the beginning of your work.

14
15 Myself, Christopher Jacobs and Séamus McIlroy are 12:12
16 instructed by Martin Howe and David Enright of Howe+Co.
17 We act on behalf of the family of Patrick Finucane.

18
19 All their lives will forever be affected by the murder
20 of Patrick in the family home in front of Geraldine and 12:12
21 the children on the 12th of February 1989.

22 The Finucane family know they are not alone in Northern
23 Ireland in having experienced this type of trauma, nor
24 having had the truth about their loved one's murder
25 withheld from them. But there are reasons that make 12:12
26 Patrick Finucane's murder especially significant; who
27 he was, why and how he was killed, and the damage done
28 by the State's continuing failure to account fully for
29 what it did.

1 In 1968, Patrick Finucane, the son of a man who had to
2 work two jobs to feed his family, won a place to study
3 English, French and Philosophy at Trinity College,
4 Dublin. He was the first in his family to go to
5 university, by then his father, Patrick Senior, and his 12:13
6 mother, Kathleen, who had eight children, lived in a
7 rented house on Percy Street in West Belfast. This was
8 not a political or a republican family. Patrick's
9 sister married an English man, who served in the
10 British Army. One brother moved to England and joined 12:13
11 a religious order. Another married a life-long
12 pacifist. At Trinity, Patrick, a working class
13 Catholic from West Belfast met Geraldine, a middle
14 class Protestant from East Belfast. However, conflict
15 and politics engulfed this family, as they did so many 12:14
16 others. They were politicised by events.
17 In August 1969, hundreds of Catholic homes in Belfast
18 and Derry were attacked. Patrick's parents and his
19 younger brothers were forced out of theirs. The
20 internal powers of 1972 to 1975 were applied to the two 12:14
21 of his brothers, one of them 20, the other just 16. In
22 an age group where nearly 25% of the male population
23 spent time in detention, the fact that some of the
24 Finucane brothers went to prison was not unusual. By
25 1978, their father died in considerable part because of 12:14
26 the stress that these events had upon them.

27
28 Patrick Finucane did not join the IRA, nor was he ever
29 unduly sympathetic to it, to quote Minister Douglas

1 Hogg, speaking of a number of solicitors in the
2 province in a debate of the Prevention of Terrorism Act
3 weeks before the murder, having been briefed to say as
4 much by the Chief Constable of the RUC. Detective
5 Superintendent Alan Simpson told the inquest in 1990 12:15
6 that all police inquiries found was a law abiding
7 citizen going about his business. The Coroner agreed,
8 adding that the deceased was known inside and outside
9 the legal profession to have discharged his duties with
10 vigour and professionalism. The truth is that when bad 12:15
11 things happen to this family, as they did to so many
12 families in this place at that time, Patrick Finucane
13 did not join a paramilitary group. What he did was to
14 come home and to go to law school, and he found that he
15 loved the law. He was not starry-eyed, he knew the 12:16
16 pious platitudes about liberty and equality before the
17 law were not applied equally in Northern Ireland, but
18 the law offered a chance to help marginalised people
19 who had met no other constitutional avenue to help
20 themselves. He, and Peter Madden created their firm in 12:16
21 1979. Madden & Finucane joined a small cohort of other
22 lawyers such as Oliver Kelly, who was Patrick's master
23 during his apprenticeship, and PJ McGrory, a lawyer who
24 took the Gibraltar SAS shooting case to Strasbourg.
25 Patrick's barrister of choice was Seamus Treacy who 12:16
26 became, and is, a Lord Justice of Appeal. Amongst many
27 clients, including loyalists, Patrick represented Bobby
28 Sands and other hunger strikers. For the family of
29 Gervaise McKerr, he challenged the incapacity of

1 inquests to investigate the "shoot to kill" deaths, the
2 Article 2 principles that lawyers so often cite today
3 are the legacy of that case.
4

5 To take the last year of Patrick Finucane's life; in 12:17
6 January 1988 his affidavit on the ill-treatment of
7 Brian Gillen in the infamous Castlereagh Interrogation
8 Centre led a court for the first time to halt police
9 interviews of a person detained under the Prevention of
10 Terrorism Act by a writ of habeas corpus. Later in the 12:17
11 year, Patrick defended Patrick Maguire, whose charges
12 for murder of two soldiers in Casement Park were
13 dismissed by a judge holding there was no case to
14 answer.

15 12:17
16 In November, in the same week that the RUC were telling
17 the government that Patrick Finucane was one of the
18 lawyers "in the pockets of terrorists", his client,
19 Brian Pettigrew was awarded exemplary damages by the
20 new Lord Chief Justice Hutton for unrestrained revenge 12:18
21 attacks by prison officers in the aftermath of the Maze
22 Prison escape.

23
24 This is not legal history for its own sake. In one of
25 the darkest times for the rule of law in modern UK 12:18
26 history, Patrick Finucane and Peter Madden held a
27 mirror to the establishment using the standards of the
28 rule of law and of embryonic human rights. This
29 defence of democracy would in time help open the path

1 to the constitutional settlement Northern Ireland
2 depends on to this day. But before then, it is the
3 reason Patrick Finucane was murdered.

4
5 To the crime itself: Those who organised and carried 12:18
6 out the murder included British agents. They were
7 employees, surrogates and assets of the Ministry of
8 Defence and of Special Branch of the RUC or both.

9 Brian Nelson profiled Patrick as the target. William
10 Stobie supplied the guns. Ken Barrett was part of the 12:19
11 assassination team. They were all members of the UDA,
12 and Brian Nelson and Tommy Lyttle sat within its chain
13 of command. This murder was not an isolated incident.

14 The relationship with the paramilitaries that produced
15 it was part of a widespread and systemic practice, one 12:19
16 that successive Governments allowed to exist with what
17 Sir Desmond de Silva called "a willful and abject
18 failure to subject it to any legal framework,

19 monitoring or serious censure." Documents now in the
20 public domain show that for his legal work, the 12:19
21 security forces regarded Patrick Finucane as a thorn in
22 the side of the establishment. There were intelligence
23 reports of threats to kill him in 1981, 1985 and

24 November 1988 and each time, Special Branch decided not
25 to warn him. Knowing he faced credible threats, MI5 12:20
26 deliberately spread false propaganda that Finucane was
27 in the IRA because of the people he represented.

28 Disgruntled Army and police officials, amidst losing
29 litigation that Madden & Finucane brought against them,

1 failed to stand Brian Nelson down or to disrupt the
2 UDA's increasing fixation on this lawyer as a
3 legitimate target in their minds.
4

5 when the murder occurred, Sir Desmond de Silva 12:20
6 described what followed as a relentless attempt to
7 defeat the ends of justice. Information was withheld
8 from the police, the Army denied that it ran any
9 informants in Northern Ireland. Evidence was hidden or
10 destroyed. Suspects were tipped off before arrest. In 12:20
11 1990, just before Nelson was about to be arrested, Lord
12 Stevens' incident room for his investigation burned
13 down and during Canadian Supreme Court Justice Cory's
14 inquiries in 2003, his computer hard drive was forcibly
15 removed by MI5. 12:21

16
17 Two features of these arrangements should never be
18 overlooked because together, they meant, as Lord
19 Stevens concluded, that the State had, in effect,
20 sanctioned executions. First, men like Nelson and 12:21
21 Barrett who conspired to murder Patrick Finucane were
22 deliberately placed or left inside the UDA not to
23 prevent crime but to carry it out. Second, from the
24 1970s right through to 1992, the UDA remained a lawful
25 organisation even though the police, the Army, MI5 and 12:21
26 the government all knew it to be a paramilitary body
27 that was murdering people, knew its so-called military
28 ring, The Ulster Freedom Fighters, to be a fiction and
29 knew that British State agents were doing the killing

1 and being protected afterwards. The fact of the
2 collusion is no longer disputed but the journey to
3 admission was tortuous and since then, the
4 determination to control the truth rather than to
5 ventilate it has been extraordinary. Two decades after 12:22
6 the murder, the government in 2011 accepted shocking
7 levels of State collusion and issued an official
8 apology. Instead of ordering a public inquiry, it
9 appointed Sir Desmond as a private reviewer. Until the
10 charge of government in 2024, this family were made to 12:22
11 wait, even though de Silva uncovered further wrongdoing
12 which has shown this murder and its cover-up to be more
13 reprehensible still. It all begs the question if the
14 UK government has apologised, what is it apologising
15 for? 12:23

16
17 Accountability requires several things. Those
18 responsible need to publicly account for their actions.
19 There must be fullest possible account of the facts.
20 The survivors, never themselves accounted for at the 12:23
21 time, must be allowed to give their own account into
22 challenging the accounts of those responsible, and
23 accountability means learning, so that the State can be
24 held to account in the future so that things can
25 change. None of this has yet been achieved. A private 12:23
26 review, without power to compel a single witness or
27 document, and without the family's involvement, could
28 never fully interrogate the system in which this murder
29 took place. The identity of all those who colluded and

1 the precise nature of the help they gave before, during
2 and after the crime have never been publicly disclosed.
3 The extent to which the political, military and
4 intelligence chains of command enabled the collusion
5 under the governments of Margaret Thatcher and John 12:24
6 Major and thereafter, and they became complicit in it,
7 it seems, have never properly been analysed. Even now,
8 the barriers will work to frustrate this Inquiry. The
9 agencies concerned have practised in special pleading
10 on delay, excused too readily by the sensitivities of 12:24
11 The Troubles, and that plea will be made again, even
12 though the files used by the previous reviews ought to
13 be ready to produce at once.

14
15 And then there is the question of truth itself. The 12:24
16 right to the truth belongs not only to the bereaved
17 family but to other victims of similar crimes and to
18 the public. Against that stands the recurring claim of
19 national security. The family has heard the Inquiry's
20 anxious determination to disclose all information 12:25
21 unless mandated not to do so by the law. On this, we
22 know the family would want you to bear in mind the
23 reality that does not appear in the law reported cases.
24 Too often, this family, like so many others, have been
25 victimised by the misuse of the law on State secrecy. 12:25
26 So when this family makes submissions against
27 withholding evidence, they do not do so out of
28 intransigence but lived experience. State secrecy
29 enabled the State's involvement in Patrick Finucane's

1 murder and the impunity that followed; truth is part of
2 reparation and of recovery, secrecy and closed
3 proceedings are contrary to both.
4

5 Sir, for nearly four decades now, our clients have

12:25

6 fought one of the most powerful and tenacious single
7 family campaigns for justice that perhaps any of us
8 will ever see, yet they, more than anyone, understand
9 that this Inquiry bears significance beyond them.

10 Patrick Finucane's death was a tragedy for his family

12:26

11 but it was catastrophic for the rule of law. The
12 undoing of law and traducing of democracy came not from

13 below from lawless and disaffected groups but from

14 above, from the State, its agencies and agents. The

15 failure for so long to give the Finucane family or

12:26

16 wider society of the truth is one of the reasons why
17 Northern Ireland today may be largely post-violence but

18 it is not yet post-conflict. The Inquiry has its role

19 to play in helping that transition, to support the

20 people of Northern Ireland to understand and recognise

12:26

21 their shared history and to ensure this family and all
22 families bereaved by violence know the full truth about

23 what happened to their loved ones, and are granted the

24 dignity and equality of justice that is due to them

25 all.

12:27

26
27 For present purposes, this is an Inquiry into a

28 State-sanctioned murder, indicating an utter failure of

29 constitutional democracy in which the agencies

1 established to protect its citizens and the rule of
2 law, murdered, facilitated murders and obstructed and
3 subverted the rule of law. Patrick Finucane's family,
4 his wife, children, siblings, in-laws and grandchildren
5 are here today to say that it is high time that that 12:27
6 truth was reckoned with. Thank you, Sir.

7 CHAIR: Thank you, Mr. Friedman. Now I would like to
8 invite Martin O'Rourke, King's Counsel, to make any
9 remarks he would like on behalf of Peter Madden.

10
11 ADDRESS BY MR. O'ROURKE
12

13 MR. O'ROURKE: My name is Martin O'Rourke. I am one of
14 the counsel instructed on behalf of Mr. Peter Madden,
15 who is a Core Participant in the Inquiry. I appear 12:28
16 with Ms. Askin and Ms. Smyth and I am instructed by
17 Fearghál Shiels of Madden & Finucane. We don't intend
18 to make any introductory remarks at this juncture but
19 would like to reserve our position in that regard until
20 a later stage of these proceedings. So thank you. 12:28

21 CHAIR: Certainly, Mr. O'Rourke. Thank you very much.
22 I would now like to invite Mr. Peter Coll, Kings
23 Counsel, to make remarks for the Secretary of State for
24 Northern Ireland on behalf of His Majesty's Government.

25
26 ADDRESS BY MR. COLL
27

28 MR. COLL: Mr. Chairman, my name is Peter Coll. I am
29 instructed in this Inquiry on behalf the UK Government

1 as a Core Participant in the Inquiry with my learned
2 Friends, Ms. McGahey KC, Mr. Gray KC, Ms. Ellison and
3 Mr. McCartan. The UK government in the immediate
4 context includes the Northern Ireland Office, the
5 Ministry of Defence, the Cabinet Office, the Home 12:29
6 Office, the Foreign Commonwealth and Development Office
7 and the UK intelligence community. Each of these
8 organisations has already engaged with the Inquiry
9 through the Government's legal team and they welcome
10 the opportunity to be represented here today, and 12:29
11 indeed we have a number of senior officials here both
12 in person and online to listen to what is said. This
13 preliminary hearing marks a significant step in the
14 progress of the Inquiry and my clients are committed to
15 continuing the ongoing engagement to assist the Inquiry 12:29
16 in its important work.

17
18 As the Secretary of State for Northern Ireland said
19 when announcing the establishment of this Inquiry to
20 Parliament, Patrick Finucane was brutally murdered by 12:30
21 the UDA on the 12th of February 1989. We further
22 remember that Mrs. Finucane was herself shot and
23 injured, and that this all occurred at the family home
24 with the children present. It was a horrific crime.
25 Since then, Mrs. Finucane and her family have worked 12:30
26 tirelessly in search of answers about his murder. On
27 behalf of the UK Government, it is acknowledged and
28 recognised that this is a very significant day for the
29 Finucane family.

1 Mr. Chairman, everyone involved in this Inquiry will be
2 acutely aware of the number of previous investigations
3 undertaken by the State over the years into this
4 killing, including that undertaken by Sir Desmond de
5 Silva QC. As envisaged in its Terms of Reference, the
6 Inquiry will be able to build on those significant
7 investigative foundations and address the earlier
8 deficiencies identified by the Supreme Court in
9 compliance with the obligations under Article 2 of the
10 ECHR.

12:30

12:31

11
12 The UK Government looks forward to working
13 constructively with the Inquiry and the other Core
14 Participants towards the fulfilment of the Terms of
15 Reference.

12:31

16
17 I made brief reference to the de Silva review. The
18 Inquiry will be aware that on publication of
19 Sir Desmond's report in 2012, the then Prime Minister,
20 David Cameron, spoke in the House of Commons of the:
21 "frankly shocking levels of State collusion." He went
22 on to say: "Collusion should never ever happen." So
23 on behalf of the Government, and the whole country, let
24 me say again to the Finucane family I am deeply sorry.

12:31

12:32

25
26 The Government reinforces the point made by the
27 Secretary of State for Northern Ireland on the
28 establishment of this Inquiry when he said in the House
29 of Commons as follows:

1 "It is very hard for any of us to understand fully the
2 trauma of those who have lost loved ones, sons and
3 daughters, spouses and partners, fathers and mothers
4 and what they have been through."

12:32

6 There is, of course, nothing that any of us can do to
7 bring them back or to erase the deep pain that was
8 caused but what we can do is seek transparency to help
9 provide answers to families and work together for a
10 better future for Northern Ireland which has made so
11 much progress since these terrible events. I hope that
12 this Inquiry will finally provide the information that
13 the Finucane family has sought for so long.

12:32

14 Thank you, Sir.

15 CHAIR: Thank you, Mr. Coll. I would now like to
16 invite Ms. Laura McMahon, King's Counsel, to make her
17 remarks on behalf of the Police Service of Northern
18 Ireland.

12:32

20 ADDRESS BY MS. MCMAHON

12:33

22 MS. MCMAHON: Chair, Assessors to the Inquiry and Core
23 Participants, I would like to start by introducing the
24 legal team assisting the PSNI at this Inquiry. I am
25 Laura McMahon KC and I am with Mr. Ian Skelt KC. We
26 lead a team of Junior Counsel, consisting of Joseph
27 Kennedy, Helena Wilson, Christopher Wallace, Thomas
28 Stewart, Rachel McGookin and Richard Campbell,
29 instructed by Richard Ferguson, Senior Legal Adviser in

12:33

1 the PSNI.

2
3 we are also assisted by dedicated PSNI personnel who
4 will work with us to fulfil PSNI's obligations to the
5 Inquiry and the Core Participants. These opening 12:34
6 remarks are made on behalf of the PSNI and we are
7 grateful to the Inquiry for the opportunity to do so.
8

9 Mr. Finucane was murdered on the 12th of February 1989.
10 The PSNI and its legal representatives for this Inquiry 12:34
11 offers its and our sincere condolences to his family.
12 In 2012, following the de Silva report, the then Chief
13 Constable offered an unconditional apology and accepted
14 that the Finucane family had been abjectly failed.
15 That serious issues arise from Mr. Finucane's murder is 12:34
16 very clear. Those have been touched on over the past
17 many years through various processes, including the de
18 Silva review and extensive litigation through the
19 courts. Those issues form the background to this
20 Inquiry. 12:34
21

22 This Inquiry will examine the circumstances of the
23 murder and will want to, and will expect to make prompt
24 progress towards answering the issues set out in the
25 Inquiry's Terms of Reference. The present Chief 12:35
26 Constable has made clear that the PSNI will fully
27 cooperate with this Inquiry. The PSNI will provide to
28 the Inquiry all material relevant to the Inquiry's work
29 and engage constructively with the Inquiry and the Core

1 Participants.

2
3 There has been much publicity about the strain on
4 resourcing for policing generally, especially for the
5 PSNI. It has to balance the work that it must do now, 12:35
6 policing society in the present day against its
7 important obligations of dealing with our past. PSNI
8 wishes to ensure the Inquiry, the Finucane family, the
9 Core Participants and the wider public that it has
10 allocated significant resources to the Inquiry and the 12:35
11 work to be done to assist in its work.

12
13 As the Inquiry and participants will be aware, the PSNI
14 holds much material, records and institutional
15 knowledge that will be relevant to the Inquiry's work. 12:36
16 Experience in other inquiries has illustrated the
17 challenges that are faced when dealing with materials
18 relating to events that are now many years old. The
19 PSNI has already started a substantial information
20 management programme to recover and structure historic 12:36
21 records, many of which exist only in hard copy or
22 legacy systems. The scale of the work is considerable,
23 requiring the organisation and reconstruction of
24 material from almost four decades ago across multiple
25 investigations and systems. 12:36

26
27 In addition to constructing systems for the
28 organisation and handling of material, PSNI has put in
29 place dedicated teams to handle both open and sensitive

1 materials supported by specialist researchers and the
2 legal team.

3
4 It is inevitable that at least some of the material and
5 evidence that the Inquiry shall have to consider will 12:37
6 be sensitive. The PSNI has legal duties around the
7 handling of sensitive information, those duties are a
8 matter of law and public record, and apply in every
9 case or Inquiry. However, the PSNI repeats that it
10 will engage constructively in this process and do all 12:37
11 it can to assist the Inquiry in its important work. In
12 making these remarks about documents, we are not
13 seeking to identify problems, but it is important that
14 everyone understands the scale of the work. The work
15 has to be done properly and comprehensively to ensure 12:37
16 that this Inquiry can achieve its goals and do so
17 within a reasonable period of time.

18
19 In summary, the Inquiry can be assured that the PSNI
20 has a clear understanding of its obligations and 12:37
21 responsibilities and will take a positive and
22 constructive approach to this Inquiry, provide full
23 cooperation, provide all relevant material and dedicate
24 extensive resources to support the Inquiry in its work.
25 Once again, we thank you for the opportunity to be able 12:38
26 to address you this morning.

27 CHAIR: Thank you, Ms. McMahon. I would finally like
28 to invite Ms. Clair Dobbin, King's Counsel, to make her
29 remarks on behalf of Mr. McIlwrath and

1 Mr. Simpson and Mr. Brown.

2
3 ADDRESS BY MS. DOBBIN

4
5 MS. DOBBIN: Sir, I appear in this Inquiry with Mr. Sean 12:38
6 Devine instructed by Mr. Winters and Mr. O'Donnell on
7 behalf of Trevor McIlwrath, Alan Simpson and Johnston
8 Brown. They wish me to reiterate on their behalf their
9 condolences to Mr. Finucane's family and his friends
10 and to acknowledge that it is only because of their 12:39
11 resolve over decades that this Inquiry is finally
12 taking place.

13
14 Mr. McIlwrath, Mr. Simpson, and Mr. Brown were RUC CID
15 officers and part of investigations subsequent to 12:39
16 Mr. Finucane's murder. Each of these men has waited
17 years in order to be able to give evidence in a forum
18 equipped to get to the truth of how their
19 investigations were frustrated and impeded by others,
20 and what greater truth this reveals. 12:39

21
22 They are grateful to you, Sir, for having made them
23 Core Participants and for the opportunity to play their
24 part in getting to the truth. Thank you.

25 CHAIR: Thank you, Ms. Dobbin. That concludes today's 12:40
26 proceedings for the Inquiry's first preliminary
27 hearing. I would like to thank all those who spoke,
28 their contributions today and to everyone who followed
29 the proceedings both in person and online. I look

1 forward to engaging further with you all as we move
2 forward. I am particularly grateful to Counsel to the
3 Inquiry, Matthew Hill, for his helpful remarks in which
4 he outlined the proposed way forward, including in
5 relation to potential themes that might be explored in 12:40
6 the next series of hearings. We hope to provide more
7 details of those soon.

8
9 As an Inquiry, we will ensure that both Core
10 Participants and the public are kept informed of 12:41
11 developments and our intended approach. The Inquiry
12 will publish details of its progress and the next
13 stages on the Inquiry website in due course.

14
15 Mr. Hill referred to the enormity of the task ahead. 12:41
16 We don't underestimate it, and we are realistic as to
17 how long parts of it may take. Several counsel on
18 behalf of both the Inquiry and Core Participants have
19 referred to some of the challenges we face and we don't
20 underestimate them either, but everyone should rest 12:41
21 assured that we will press forward with this Inquiry
22 with all of our efforts and with all possible speed.
23 Thank you all very much.

24
25 THE HEARING THEN ADJOURNED. 12:42
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