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TUESDAY
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British government accused of Finucane cover-up

The British government has been accused of a scandalous cover-up after a decision not to prosecute police officers or soldiers in connection with the assassination of Belfast solicitor Pat Finucane.

Even though former Scotland Yard chief Lord Stevens established rogue security force elements colluded with the loyalist paramilitary killers, prosecutors in Northern Ireland ruled there was insufficient evidence to bring charges.

Their decision, which means senior officers in the former Royal Ulster Constabulary and military intelligence will not stand trial for alleged involvement in the Finucane killing, baffled the solicitor's family.

Mr Finucane's son Michael, also a solicitor, said he was extremely disappointed and very perplexed by the outcome.

He said: "I think the DPP (Director of Public Prosecutions) has taken a very soft and very submissive approach to the manner in which prosecutions would be mounted."

Mr Finucane, 39, was shot dead in February 1989 in front of his family when Ulster Defence Association (UDA) gunmen burst

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into his north Belfast home.

He was targeted for representing IRA members and republicans in the courts - but his family categorically denied he was linked to the organisation.

They have also rejected the terms of a public inquiry into his shooting, claiming it will not uncover the full truth.

Amid separate demands for incoming Prime Minister Gordon Brown to draw a line under the affair by announcing a fully independent tribunal, the SDLP MLA Alban Maginness branded it a bad day for justice.

He claimed: "This decision is frankly and literally outrageous, it is the mother of all cover-ups."

And Alex Maskey, a Sinn Fein member of the Northern Ireland Assembly who survived a UDA gun attack at his home in west Belfast in which a close friend was shot dead in May 1993, said: "This is an absolute scandal that no action is being taken.

"People are being told that while the State was involved in the murders of their loved ones, no prosecution will be taken.

"It shows the British Government is incapable of facing up to their own responsibilities in all of this."

Just one of Mr Finucane's killers was convicted, while a second was acquitted and later shot dead by former associates in the UDA.

Northern Ireland's Public Prosecution Service (PPS) said a wide range of offences, including murder, had been considered against a number of individuals, but there was not enough evidence to bring charges.

In a report handed over four years ago, it was claimed that informants and agents were allowed to operate without effective control and to participate in terrorist crimes.

Lord Stevens said the Finucane killing could have been prevented, and claimed his investigations were wilfully obstructed and misled.

But as the PPS announced its decision that no further prosecutions will be brought, assistant director Pamela Atchison said: "Some of the difficulties included an absence of particular records, potential witnesses who had since died and the inability in certain instances to identify the role and responsibilities that individuals played in specific events.

"In addition, the prosecution had to take account of potential abuse of process arguments by the defence that any trial at this stage would be unfair."

At the heart of the Stevens inquiry, his third into Northern Ireland's

`Dirty War`, was the role of the Army`s surveillance operations in Ulster at that time, especially the Force Research Unit (FRU).

Nine former members of the covert agency, including its ex-chief Gordon Kerr, were questioned, as well as seven police officers and one civilian.

Investigators are also understood to have taken witness statements from three former Northern Ireland chief constables - Sir Ronnie Flanagan, Sir Hugh Annesley and Sir John Hermon.

Also under investigation were three top UDA men who worked for the intelligence services - Brian Nelson, who supplied information to the FRU; Ken Barrett, who later admitted shooting Mr Finucane; and William Stobie, an RUC informer shot dead by loyalists when they feared he was about to testify against them.

Although it was claimed British intelligence had been warned in advance that the lawyer was going to be shot, Mr Finucane was not alerted.

But in a statement the PPS insisted: "There was insufficient evidence to establish that any member of FRU had agreed with Brian Nelson or any other person that Patrick Finucane should be murdered or had knowledge at the relevant time that the murder was to take place."

The British Irish Rights Watch (BIRW), whose report triggered the Stevens III investigation, claimed former Northern Ireland Secretary Mo Mowlam was mistaken to refer the case back to the ex-Metropolitan Police Commissioner.

Jane Winter, BIRW Director, said: "As a result, victims of collusion between the security forces and loyalist paramilitaries have today received no justice whatsoever."

Meanwhile, it was revealed that weapons deactivated after Stobie gave them to his police handlers in 1989 were later used in loyalist killings.

Investigators had examined the conduct of RUC officers and a civilian employee in relation to the possession and handling of five guns.

The Stevens team uncovered evidence that two of the batch were either partially or fully deactivated before being handed back to Stobie.

One of the guns, a Browning pistol, was later reactivated and used by terrorists who shot dead Catholic man Aidan Wallace in west Belfast`s Devenish Arms bar in December 1991.

Less than three months later, in south Belfast, the same weapon was used in the Sean Graham`s bookmakers massacre, when UDA gunmen shot dead five people.

The Police Service of Northern Ireland tonight confirmed one officer

involved in that process was still with the force, although currently suspended.

The three Stevens inquiries, which produced more than one million pages of documentation, resulted in 46 convictions.

Seven of those followed the third inquiry, including Barrett, 44, who confessed to the Finucane murder, but was released from jail in May last year. He is understood to be living at a secret location in England.

Stobie, 51, was charged but later acquitted of a range of offences, including killing Mr Finucane and Adam Lambert, a Protestant student murdered in 1987.

Just weeks after Stobie, a UDA quartermaster, walked free he was gunned down outside his north Belfast home.

As with Nelson, the PPS decided there was insufficient evidence to establish any RUC officer either consented with Stobie in the Finucane or Lambert murders, or had knowledge at the relevant time of his alleged involvement in the killings.

The law firm acting for a number of former FRU members under investigation tonight criticised Lord Stevens for going public with his collusion allegations.

A statement issued by Kingsley Napley said: "Our clients have been the victims of hostile media scrutiny since 1992 and the subject of two criminal investigations spanning a total of 13 years, whilst at the same time continuing to serve their country.

"Whilst, as the Director indicates in his Statement `an investigator may properly reach general conclusions arising from his enquiries`, it is entirely without precedent for an investigating officer, particularly of Lord Stevens` seniority, to publish general conclusions whilst their subject matter is under consideration by a Prosecutor and may form the basis of criminal charges.

"As a result of this unprecedented behaviour, the media and the public have been misled and our clients have been further vilified for the past four years, constrained by the Official Secrets Act, and the possibility of criminal proceedings, from responding."

Northern Ireland Human Rights Commission Chief Commissioner Monica McWilliams said she had requested an urgent meeting with the PPS for further information.

"The accountability and transparency of the State in its ability to investigate itself is now in question," she said.

"There is a clear responsibility on Government to state how an effective

independent investigation into this period of our past can be mounted when even the Prosecution Service is unable to proceed with cases after such an extensive investigation."

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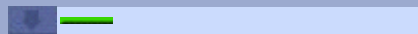
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