

## **Helsinki Commission Hearing:**

### **“Northern Ireland: Stormont, Collusion, and the Finucane Inquiry” Wednesday, March 18, 2015**

#### **Statement of Senator Benjamin L. Cardin, Ranking Senate Commissioner**

I want to commend the Chairman for convening today’s hearing. Developments related to the peace process in Northern Ireland have been of deep and ongoing concern to the United States of America, and we want to see continued progress. Our historic bonds to the peoples of Britain and Ireland, I believe, will ensure that we will remain actively engaged, encouraging all parties to find the will and resources to achieve true, self-sustaining peace. The Stormont House Agreement of December 2014 is the latest step to be taken, and focus should now be on its implementation. I look forward to the views of our witnesses on this matter.

At the Commission’s first hearing of the year, last month with the Serbian Foreign Minister serving as the 2015 OSCE Chair-in-Office, I noted that the work of this Helsinki Commission is often about raising individual cases. In that context, I raised the lack of justice for the three Albanian-American Bytyqi brothers, who were murdered, execution-style, by Serbian Interior Ministry forces in 1999. The clear lack of justice in that case not only perpetuates the hurt felt by surviving friends and family. It also denies Serbia the ability to confront a dark time in its history and to put the past behind it. It allows a degree of distrust between neighboring communities and peoples to linger. It is a single case, but one which reverberates.

In that same sense, as well as in the senseless brutality of the crime, the lack of a public inquiry in the 1989 murder of lawyer Patrick Finucane – in his home, in front of his wife and children – is strikingly similar. A key promise, that of the British Government to conduct public inquiries into recommended cases where collusion is suspected, has yet to be fulfilled in regard to the Patrick Finucane murder.

Going back to the original recommendation of the internationally respected jurist and former Canadian Supreme Court Justice Peter Cory, who testified before this Commission in 2004, the decision not to proceed with a Public Inquiry is more than a source of enormous frustration to the Finucane family. It reverberates throughout Northern Ireland, leading some to question London’s true commitment to peace and reconciliation. All the other positive steps taken in the past two decades make me believe the answer to that question is “yes,” but it is understandably difficult for those whose trust London must still win to be confident about this when faced with such a glaringly deliberate avoidance of the truth. I therefore stand with them.

In my view, if London agreed to abide by a recommendation, and if the recommendation was for a formal Public Inquiry, then nothing falling short of that will ever prove adequate. If there are reasons why a Public Inquiry is such a serious challenge to conduct, those very reasons may themselves make it not just a recommendation, but a necessity for the United Kingdom itself, to conduct such a Public Inquiry.

If one looks at the Helsinki Commission's record over time, I believe a sincere attempt emerges to advocate human rights, democracy and the rule-of-law in U.S. policy as even handedly as possible, toward the closest friend, the most dangerous foe, and everyone in between. The fact that the United Kingdom is a close friend and a critical ally should not keep us from raising an injustice when it occurs. The Commission, indeed, takes seriously the heartfelt concerns of many in Europe, including our British colleagues, regarding the United States record, be it the Guantanamo Bay detention facility, capital punishment, our electoral process and lingering manifestations of racism and discrimination. Many of us, in fact, share some of those same concerns. We want action, too.

I believe that we need to remain consistent in our approach to human rights, criticizing not only the United Kingdom but other friends and some NATO allies that are falling short on their OSCE commitments, in some recent cases increasingly more so. I similarly hope that the British Government will consider the concerns raised in this hearing as credible and genuine, and that it will respond in a way that should bring greater satisfaction to all.