

Hearing on Northern Ireland

Hearing before the House Foreign Affairs Subcommittee on International Organizations, Human Rights and Oversight

October 22, 2009

OPENING STATEMENT OF CHAIRMAN BILL DELAHUNT

This briefing will come to order.

The Troubles in Northern Ireland refers to a period of over 3 decades of violence between the Nationalist Community (mainly Catholics) and Unionists (mainly Protestants). Paramilitary groups for both sides were used to intimidate segments of the population through violence and fear. Many innocent civilians were caught in the cross-fire. Since 1969, over 3,200 have died as a result of this political violence.

After years of fighting, and many rounds of intense political debate, The Good Friday Agreement was signed on April 1998. This agreement called for a restoration of devolved government - including provisions on disarmament, policing, human rights, security normalization, status of prisoners, and that a change in Northern Ireland's status could only come with the consent of a majority of its people voting in a referendum.

As we all know, however, decades of animosity and violence are sometimes difficult to overcome. Peace has not come easily for the people of Northern Ireland. Full implementation of the Good Friday Agreement has at times been problematic with the newly created devolved government being suspended four different times – most recently in October 2002 – before finally being restored to its current state on May 8, 2007, by the St. Andrews Agreement.

The United States shares a common interest with the events taking place in Northern Ireland. According to the US Census there are currently an estimated 34.5 million Americans that can trace their ancestry back to Ireland. I happen to be one of them.

Recently Secretary of State Clinton visited Northern Ireland's Stormont assembly, drawing international attention to the standoff between Catholic and Protestant leaders over the transfer of police and court authority from

London to Belfast. I want to take time to applaud these discussions currently under way, and hope that a conclusion is reached in a way that satisfies both sides and does justice.

With the peace process moving forward, I have been asked why hold a hearing on events that took place in the past. The answer is simple: I believe that a key component to this peace process actually lies with the unsolved murders from the Troubles. Bringing them to the fore once again with a public investigation will surely stir old emotions, but I believe it will also help create a lasting peace and genuine reconciliation.

That is why we are here today. I want to focus specifically on the misuse of informants, and whether the steps that have been taken by authorities in recent years will help restore the trust and confidence to a group of people that have had to endure far too many years of heartache and loss.

Old wounds can be difficult to heal and they often highlight the failings of a government or policing authority. The greatest tragedy is the one that can be prevented. Here in the U.S., there has been controversy focused on the Boston Office of the FBI, and its relationship and supervision of informants. Verdicts in the 10's of millions of dollars have been awarded against the FBI, because of murders by informants that could've been avoided.

We highlight two specific cases today. On February 12, 1989 Patrick Finucane was shot multiple times in his kitchen in front of his wife and kids. And on November 9th, 1997 Raymond McCord Jnr. was kicked and beaten to death with a cinder block. We are indeed fortunate to have their family members here with us today to testify regarding the circumstances surrounding their deaths. And I want to offer my condolences and that of this Congress for both of your losses.

A number of reports have examined the issue of state collusion in criminal activities in Northern Ireland, such as the retired Canadian Judge "Cory Report" and the "Lord Stevens Inquiries." In a moment we will hear from the Former Police Ombudsman for Northern Ireland, Ms. Nuala O'Loan, whose report – "Operation Ballast" – exposed the crimes of an informant for the Royal Ulster Constabulary, which included ten murders, ten attempted murders, and numerous assaults and weapons charges...all while being a paid informant, collecting over 80,000 British Pounds (\$120,000) over the course of more than a decade. Furthermore, it was particularly distressing that the Police Ombudsman faced countless obstacles while carrying out her investigation including missing and

destroyed murder files and decision logs as well marked resistance to her interview requests.

Retired Canadian Judge Cory said in his report, “without public scrutiny doubts based solely on myth and suspicion will linger long, fester and spread their malignant infection throughout the Northern Ireland community.”¹

Without allowing the people of Northern Ireland to fully understand and come to terms with the past, how can the government expect them to move forward? To address these concerns, the UK Government passed the Inquiries Act of 2005. This was designed to provide a framework under which future inquiries, set up by Ministers into events that have caused or have potential to cause public concern, can operate effectively to deliver valuable and practicable recommendations in reasonable time and at a reasonable cost.

Yet, respected voices expressed concern almost immediately. Amnesty International asked members of the British judiciary not to serve on any inquiry held under the Act, and Judge Cory was quoted as saying:

It seems to me that the proposed new Act would make a meaningful inquiry impossible. The Commissions would be working in an impossible situation. For example, the Minister, the actions of whose ministry was to be reviewed by the public inquiry would have the authority to thwart the efforts of the inquiry at every step. It really creates an intolerable Alice in Wonderland situation. There have been references in the press to an international judicial membership in the inquiry. If the new Act were to become law, I would advise all Canadian judges to decline an appointment in light of the impossible situation they would be facing. In fact, I cannot contemplate any self-respecting Canadian judge accepting an appointment to an inquiry constituted under the new proposed Act.

Certainly not a ringing endorsement. And I know both the Finucane and McCord families have their concerns with this act.

In a democratic society, only a full and transparent investigation of unsolved murders and inquiries into police collusion should take place, or the authorities risk losing the trust and confidence of their people.

In a healthy democracy the integrity of the justice system is absolutely essential, or else a democracy itself will be at risk.

¹ 1.297 – Cory Collusion Inquiry Report, April 1 2004

Today, we look forward to the testimony that will be given to this subcommittee as we weigh what, if any, actions Congress should take.