



Pat Finucane Centre

PRESS RELEASE

Good News and Bad News

~ First the Good News

On 8 July 2010 the Home Secretary announced the suspension of the broad stop and search powers found in section 44 of the Terrorism Act 2000.

The Pat Finucane Centre welcomes the news that these unnecessary powers under section 44 of the Terrorism Act 2000 have been suspended. Speaking for the PFC Maggie O' Connor said *"the very existence of these powers and their use was not only a breach of human rights but undermined the development of confidence in policing because of the lack of protection against abuse. The police already had all the powers necessary to stop and search where they had grounds for doing so"*

Ends

Editor's notes

Before Section 44, the police could only stop and search individuals if they had 'reasonable grounds' for suspicion and certain criteria were met. With the powers in section 44 the powers were considerably widened. On the 12 January 2010 the European Court of Human Rights, in the case of *Gillan and Quinton v the United Kingdom*, ruled that Section 44 violated the right to respect for private life guaranteed by Article 8 of the Convention on Human Rights. They did so because the power was so broad that it failed to provide safeguards against abuse. In April the judgment became final as the UK did not appeal it.



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~And Now the Bad News

On the 7th July 2010 it was confirmed that the Chief Constable of the PSNI intends to appeal the decision of the High Court in Belfast that Families and their legal teams are entitled to disclosure of information which is essential for Inquests into the deaths of their loved ones to be properly conducted.

In particular the court said they were entitled the key relevant sections of the Stalker/Sampson report into controversial shootings by the RUC and also to associated documents. The Pat Finucane Centre is not only deeply disappointed for these families, who will now experience further distress and delay, despite the fact that they have been seeking the truth about their loved ones deaths for over 25 years, but also believes that this cover up culture undermines confidence in policing and wastes limited resources.

Speaking on behalf of the Pat Finucane Centre Maggie O'Connor said "*We welcomed the Court's decision that the families should have access to the information they need so that the truth about their loved ones deaths can emerge. We have recently seen here in Derry how important and healing it is when people get this information and acknowledgement. We are concerned that this decision to appeal reflects support for a culture of resistance to dealing with the past. Creating more obstacles and delay fuels peoples legitimate concerns and does nothing to build public confidence. It is also deeply disturbing and unacceptable that there is no level playing field, as while the families have to date do not have legal aid, the Chief Constable has public funds at his disposal to pursue this appeal.*

We are also concerned that this appeal will result in the PSNI resisting disclosure of documents that the Coroner decides should be available to families and their legal representatives for the proper conduct of other Inquests involving controversial deaths. It is about time that these outstanding cases were properly dealt with instead of families being constantly retraumatised. We call on the Chief Constable to play his part in setting the truth free for these families."

Ends

Editor's notes

The Coroner decided to disclose information concerning the shooting dead of six unarmed men in three separate incidents in November and December 1982 as part of new inquests into the killings, following submissions by their legal representatives. The killings, part of a shoot-to-kill policy operated by a specialist RUC unit, led to international criticisms of the British government who then appointed senior police officers from England, John Stalker and then Colin Sampson, to conduct investigations into the shootings. Their report has never been made public. The inquests were indefinitely suspended. Following rulings by the European Court of Human Rights concerning three of the killings and other controversial and disputed killings by the RUC, British army, and in instances whereby official collusion was suspected/evidenced, changes in the conduct of Inquests led the Coroner to re-open the inquests



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