



The Association of the Bar of the City of New York

Office of the President

PRESIDENT

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The Rt. Hon. Tony Blair
Prime Minister
10 Downing Street
London, United Kingdom SW1A 2AA

Dear Prime Minister Blair:

I am writing on behalf of the Association of the Bar of the City of New York. The Association is an independent non-governmental organization with a membership of more than 23,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and from 50 other countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world.

For nearly two decades, the Association has been observing human rights conditions in Northern Ireland. We recently published a report on the criminal justice reform process, following an investigative mission to Northern Ireland in May 2003. This report is enclosed.

We write you now with regard to a public inquiry in the case of Patrick Finucane. We were gratified to read of your government's September 23 statement announcing its intention to establish an inquiry, and we commend you for taking that important step. We nonetheless urge, in the strongest possible terms, that the public inquiry be pursued in as open and transparent a manner as possible. Specifically, we urge that such an inquiry be undertaken under existing law rather than under any possible new legislation that would undermine a commitment to the requisite transparency.

Given the issues of public accountability at the heart of the Finucane case, the Association believes that it is not necessary to pass new legislation in order to initiate an inquiry in the case, but that the Tribunal of Inquiry (Evidence) Act of 1921 is an appropriate vehicle for the inquiry. This Act provides for public inquiries into matters of "urgent public importance," including allegations of misconduct; it vests an inquiry panel with the power to compel witnesses and documents; and it has adequate safeguards for

security issues that may arise. In these ways, the Act mandates the type of inquiry that Judge Cory recommended earlier this year. Enacting new legislation for this case at this juncture, finally, would only serve to delay an inquiry and engender criticism of the process.

On September 29, we met with Sir Joseph Pilling during his visit to New York. At this meeting, we reported our skepticism about abandoning the 1921 Act and reiterated our observation that only an independent and fair process will accomplish what an inquiry sets out to do: uncover the truth in Mr. Finucane's case and build public confidence in the system of justice. We believe the public and the Finucane family would be best served by the government taking immediate steps toward a public inquiry under existing legislation.

Thank you for your time and attention to these matters.

Sincerely,

Bettina B. Plevan
President
Association of the Bar of the City of New York

cc: [Pilling, Reiss, UK ambassador]