

Bulletin of the Committee on the Administration of Justice

Spinning Plastic Bullets

Much attention has been focused recently on the joint proposals from the two governments published following the Weston Park talks. The proposals contained much relating to issues of concern to CAJ. Plastic bullets are of course one such issue.

What exactly were the two governments proposing in relation to plastic bullets? According to the document published after Weston Park, 'both Governments remain committed to a new beginning in policing on the basis set out in the Good Friday Agreement'. Further detail in relation to this matter will be contained in a revised Implementation Plan. Apparently, this will set out in greater detail the plans for implementing among other matters, Patten's recommendations on the Full Time Reserve, the Part Time Reserve, the closure of Gough barracks and the future structure of special branch.

The plan will also apparently, 'set out the intention to avoid the use of Plastic Baton Rounds, except where there is a serious risk of loss of life or serious injury, while Patten's recommendation for a major research programme on alternatives is complete'. Before all the anti-plastic bullet campaigners among you tear up your placards, it is perhaps worth pointing out that this statement reflects exactly the current position in relation to the use of the weapon. According to the Guidelines for use of plastic bullets they should be restricted to situations where 'there is a serious risk of loss of life or serious injury'.

Neither, it should be pointed out, does the document refer to the fact that the 'major research' is being carried out by a steering group comprising the 'usual suspects', (RUC, NIO, Home Office, MOD).

So where exactly do we stand in relation to plastic bullets following the Weston

Park announcement. In the same position it would seem. We do now of course have a new 'safer' plastic bullet that came into operation on the 1 July. Anyone believing that this is an improvement on the previous model would do well to look at some of the newspaper coverage from the July period, particularly the photograph of the young girl who was hit in the face with one of the new 'safer' plastic bullets.

But then again, we should remember that language has consistently played a key role in perpetuating the myth that plastic bullets are somehow a soft, rioter-friendly device, essential for deterring Northern Ireland's most determined petrol bombers. Furthermore, veterans of the discourse around the use of these weapons will recall that in the early seventies, plastic bullets were introduced as a replacement for rubber bullets. Assurances were given that the new weapon would be more accurate, and cause fewer injuries.

Official discourse has of course served to hide the fact that plastic bullets, (whether the old or new variety) are lethal weapons that can kill people. In fact, while plastic bullets in the past

have killed 'some' adults, they have actually killed mainly children. That is why CAJ, along with Amnesty International, Human Rights Watch, the UN Committee Against Torture, and a host of other international organisations has consistently called for them to be banned.

Significantly, when children were killed as a result of the use of 'plastic' bullets, language again served to abrogate the responsibility for the deaths from the state. Stories were 'leaked', and 'informed sources' suggested that in some cases victims may have had 'abnormally thin skulls'. In other cases, innuendo suggested that totally innocent men, women and children, must have been in some way 'up to something'.

Similarly, now, with the post-Weston Park document, one is presumably supposed to applaud the fact that the implementation plan will set out the intention 'to avoid the use of Plastic Baton Rounds, except where there is a serious risk of loss of life or serious injury, while Patten's recommendation for a major research programme on alternatives is completed'.

Regardless of what is published in the implementation plan, or what the research programme comes up with, CAJ will be arguing unambiguously for the banning of plastic bullets.

Tim Cunningham

Contents

Better late than ever ... or is it?	2
Update	3
Legislation against Silence - review	4
"Mutilations, Beatings and other cruel punishments"	5
A Country Unmasked: Inside South Africa's Truth & Reconciliation Commission- review	6
Investigations into suspicious deaths - New developments	7
Civil Liberties Diary	8

Better late than never ... or is it?

Readers of Just News will be aware that the NI Human Rights Commission ended the first phase of its consultation process on a Bill of Rights for Northern Ireland at the end of February of this year. The Commission did this with a view to drawing together the views received to that date and the advice of the independent Working Groups into a consultation document which would take the form of a draft Bill of Rights.

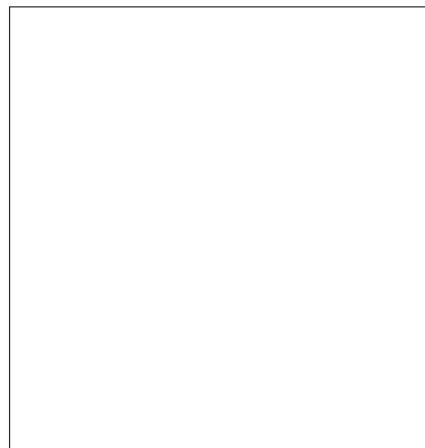
Originally, they were due to release this 'draft advice' at the end of May. With the elections, it was then decided to postpone the public consultation process until the middle of June. Unfortunately, however, things have slipped even further and the Commission will not publicly launch the document until the beginning of September.

There are a number of reasons for this delay. Firstly, and understandably, it has taken the Commissioners longer than expected to bring all the views together and actually draft a document. Editing and publishing is inevitably a time-consuming process.

Secondly, it was felt that the summer months might not be the best time to release a consultation document, given the summer holidays and the absence of strong media coverage. Again, there is some merit in this argument but equally, there are many groups and individuals who work through the summer months and who would benefit immensely from having early sight of the Commission's draft. Of great concern is the fact that the deadline from the original timetable may not be extended, that is, the consultation process may still finish at the end of November, which leaves a grand total of three months for consultation on what could be one of the most important documents for the people of Northern Ireland.

CAJ has a number of concerns about this. Firstly, while the consultation process has been running since March 2000, many groups have said that they would become more involved when a document was released, as they preferred not to work from a blank

sheet. These groups will now be left with a very short timeframe within which to consult with their networks and respond.



Secondly, by its nature, the draft document is likely to be quite a lengthy legal document and many groups will need time to adapt it to the needs of their own constituency – three months does not leave a very long time to do this, consult and respond.

Thirdly, if this process is to reach out to and involve everyone in Northern Ireland - one of the Commission's articulated goals - then there is a mammoth task ahead in bringing this to the attention of the public of Northern Ireland. In spite of the best intentions

and efforts of everyone involved, this seems to be an impossible task to complete in the space of three months. This would also be particularly difficult if the Commission is not awarded additional funding to mount a massive publicity campaign to coincide with the process.

It is critical that the best and most fully reflective Bill of Rights emerge from the consultation rather than risking the process being known and owned by the few community groups who are already 'in the know'.

For some time now, CAJ and Amnesty International have co-convened a grouping of over 50 organisations called the Ad Hoc Human Rights Consortium. The Consortium seeks to complement the work of the Human Rights Commission in its efforts to promote a broad public debate around a Bill of Rights. At its most recent meeting, the Consortium expressed grave concern at the current state of play in the timetable of the consultation process.

The Consortium has already written to the Commission to express these concerns and has also written to the Secretary of State to urge him to grant sufficient funding to the Commission to run the publicity campaign which is needed to make this consultation a success. Much work remains to be done if this debate is to realise its potential. The debate surrounding a draft bill of rights is of pivotal importance to individuals and communities in N. Ireland. Let us hope that all citizens are given sufficient time to engage in this "conversation".

Aideen Gilmore
Bill of Rights Project Worker

In the Headlines

CAJ holds newspaper clippings on more than 50 civil liberties and justice issues (from mid 1987- December 2000). Copies of these can be purchased from CAJ office.

The clippings are also available for consultation at the office. Anyone interested in this service, should phone (028) 9096 1122.

UPDATE

CAJ Publications

With this issue of Just News, we have enclosed the latest catalogue of CAJ's publications and submissions. This 16 page catalogue in A4 format, gives brief summaries of each publication and submission which are available to purchase (at a very reasonable cost) from the CAJ office.

Issues covered in publications include:

Bill of Rights; Civil Liberties General; Human Rights General; Children & Young People's Rights; Criminal Justice/Emergency Laws; Detention and Prisoners; Disability; Economic Justice; Equality; Fair Trial; Gender; Harassment; Ill-Treatment; Language; Lethal Force; Peace Process; Policing; Public Order; and Racism.

A pull out section in the centre of the catalogue provides a publication order form and also an application form for membership of CAJ.

Should you know of any school, college, university, library, bookshop or institution which would like to have free copies of the list, please contact Liz McAleer on 90961122.

Up to date with CAJ

CAJ observers were present at parades at Portadown and Belfast.

There have been meetings of the Equality sub-group and Bill of Rights sub groups.

We would like to thank the visiting US interns, Peggy and Wanda for all their hard work during their 10 weeks with CAJ and to wish them all the very best.

Sadly, Michael Frahm's time as an Eirene volunteer comes to an end in August. We would like to take this opportunity to thank him for his extremely dedicated hard work and to wish him well in his future career.

Copies of the "Section 75: Next Steps – Screening and Impact Assessment conference report, are now available, price £5.00. Contact the Equality Coalition, on 90961120 for copies.

Liz attended the launch of the Remembering Quilt (see opposite).

Finally, we would like to welcome Clemens Stolzenberg from the Eirene project who will replace Michael in the CAJ office.

Liz McAleer

The Children's Law Centre
have vacancies for

(i) **Education and Training Co-ordinator**

Ref: ETC 01/01

NJC Scale 35-38 £23,451-£25,473

The successful candidate should have 5 years relevant experience or a relevant 3rd level qualification and 2 years relevant experience; knowledge of law, policy and practice affecting children's rights; is likely to have experience of developing and delivering training and should be IT literate.

Completed application forms for this post must be returned by 5.00 p.m. Thursday 23 August. Interviews will be held on Tuesday 4 September 2001. This Appointment will initially be for 2 years but with excellent prospects for renewal.

(ii) **Youth Support & Development Worker**

Ref: YSDW 01/01

NJC Scale 23-26 £16,203-£17,823

The successful candidate should have 5 years experience of working with young people or 2 years experience and a relevant qualification, an understanding of issues relating to young people, an ability to communicate effectively and work creatively with young people and should be IT literate.

Completed application forms for this post must be returned by 5.00 p.m. Thursday 30 August. Interviews will be held on 11 September 2001. This Appointment will initially be for 1 year but with excellent prospects for renewal.

Attractive terms and conditions attach to both posts, including pension. For job descriptions and application forms please apply in writing quoting reference number to: Helen Rafferty, Administrator, Children's Law Centre, 3rd Floor Philip House, 123/137 York Street, Belfast, BT15 1AB. *Both posts require a commitment to children's rights and to children's participation. The Children's Law Centre is an equal opportunities employer.*

Remembering Quilt

The Remembering Quilt produced by members of the Relatives for Justice Group, is a creative dedication to the lives of people lost because of the conflict, many of them children, and many affected by human rights abuses. All 250 contributions, each measuring 9" square, were created by families in this the first phase of the quilt. The quilt will be going on tour throughout Ireland. For further information on using the quilt for exhibition please contact the Project Manager Andrea Murphy, Relatives for Justice, 235a Falls Road, Belfast BT12 4PE Tel: 90220100 Fax (028) 90220101.

“Legislating Against Silence: The Northern Ireland Experience”

The study, *Legislating Against Silence: The Northern Ireland Experience*, commissioned by the Northern Ireland Office and conducted by Professor John Jackson, Katie Quinn and Martin Wolfe, analyses the debate over a defendant’s right to remain silent under police questioning, and at trial, as affected by the introduction of the 1988 Northern Ireland Criminal Evidence Order (“the Order”).

The authors arrive at the conclusion that the Order represented only a “symbolic victory” for the police and prosecutors who believed that it would be a panacea for dealing with terrorism in Northern Ireland. The authors ask, however, whether in principle there is anything unfair about requiring that a defendant provide an explanation for his/her conduct once a prima facie case has been made against them. This question is at the heart of the philosophical differences between those who support the Order, and thus restrictions on the right to remain silent, arguably for the public good, and those who oppose it on the principle that the encroachment on the rights and privileges of individuals leads to a high risk of miscarriage of justice, which reflects on society as a whole.

The authors’ objectives in conducting this research were to “examine the arguments in principle for and against the Order” and to determine the effect and operation of the Order in later stages of its implementation. On the one hand, the government believed that the Order would “bring to justice those who had previously avoided conviction by resorting to silence.” Those who oppose the Order argue that it is incompatible with Article (6) of the European Convention, which guarantees the right to a fair trial. Case law demonstrates that the European Court on Human Rights has refused to answer this question generally and has limited the scope of its review to the facts of the individual cases before it.

The data the researchers used to answer the question whether the Order had had the intended effect was

obtained from the Department of the Director of Public Prosecutions and the annual reports of the Commentary on Northern Ireland Crime Statistics. The authors also examined the depositions, judgments and other material in leading cases in Northern Ireland and interviewed the RUC and practitioners on both sides of the bar.

According to the authors, the examination of leading cases showed that the Higher Courts had given the tribunals enormous latitude to use the inferences against defendants who refused to answer questions after being cautioned. They also found that the judges did not do so mechanically. The authors explain that the judges used the inferences to “discredit an explanation or dispel any possibility of there being a reasonable doubt” and that the inferences were also used to corroborate evidence against the accused, or provide supportive background on which to hang evidence that must in itself provide the basis for the guilty verdict.

The authors also concluded that the inferences were not used to fill in large holes in the prosecution case. They asserted that inferences could be drawn under the Order only after certain conditions had been met, and only after the prosecution established a prima facie case.

According to the authors, there was little evidence that the inferences drawn from silence affected the outcome of cases. They found, in fact, that the clear-up rates, guilty plea rates and conviction rates had been higher before the implementation of the Order. They acknowledge,

however, that similar trends were recorded in England and Wales, where the Order did not operate, as pointed out by CAJ and Justice.

The authors recognized that the Order places defendants in an unfair “catch 22”. The European Court of Human Rights also acknowledged this characteristic of the Order. In *John Murray v United Kingdom* (Application no. 18731/91, 8 February 1996, *Reports* 1996-I, no. 1) and *Magee v. United Kingdom* (Application 28135/95, 6 June 2000), the Court observed that, “under the Order, at the beginning of police interrogation, an accused is confronted with a fundamental dilemma.”

For this reason the European Court was of the opinion that “the scheme contained in the Order is such that it is of paramount importance for the rights of the defence that an accused has access to a lawyer at the initial stages of police interrogation.” However, it also stated that the right to access to a solicitor may be subject to restrictions for “good cause” and that the question, in each case, is whether the restriction, “in the light of the entirety of the proceedings, has deprived the accused of a fair hearing.”

The recommendations of the authors conform to the holdings in European Court. They recommend that legal advice be made available to both scheduled and non-scheduled defendants at police interviews, in addition to that police interviews be audio-taped and that there be a two stage cautioning process. These are likely the best means to ensure that the risk of miscarriage of justice is kept a minimum. After all, as Judge Jambrek in the dissenting opinion in *Murray v. United Kingdom* (Application no. 14310/88, 28 October 1994, A300-A), noted “under emergency laws, individual rights may be abused even more easily and on a larger scale than in normal times. They should therefore be given an even more careful protection in view of the intensity of national interests in taking repressive measures against crime.”

Wanda Sanchez (US intern)

Editorial note: Accountability for violations committed by non-state actors remains a live issue in Northern Ireland. Although outside CAJ's working remit, the editorial board takes the view that it remains a matter of considerable importance.

“Mutilations, Beatings and other cruel punishments”¹

“One of them pulled an iron bar from inside a jacket and hit him across the face.” This was the opening blow of a “punishment” attack on a 15 year old child. The beating, which involved five masked men believed to be members of the Provisional IRA, took place in a home in the strongly nationalist New Lodge area of north Belfast on Sunday, 11 March 2001. The boy, who has special needs and admits to juvenile delinquency, was taken to the bedroom where he was struck with iron bars for twenty minutes. The blows were mainly to his head and upper body. His jaw was fractured during the attack. Traumatized, disfigured and barely able to speak, he was taken to hospital. Weeks later, James sits in his room staring at the television, jumpy and scared.

This was just another weekend in Belfast: a common story of working class life which merited a few columns in the *Irish News* (12 March 2001). Other media did not even bother to carry the story. The pervasive, if little acknowledged reality is that the Ulster Volunteer Force, the Ulster Freedom Fighters, the Irish Republican Army and other paramilitary groups engage habitually in the ‘policing’ of their communities by means of intimidation, mutilation and exiling.

Over the last two decades (1982-2000) paramilitary organisations have been responsible for 1,462 ‘punishment’ shootings, and an even larger number of ‘punishment’ assaults. The latter amounted to some 1,698 cases, of which the plight of James is but one example. These are the *reported* cases. As with rape statistics, they represent minimum estimates of the extent of neighbourhood repression in areas under the influence of orange and green paramilitaries. These totals, it may be added, exclude a small but horrific number of instances where the victim has died subsequently as a result of an attack.

During the 1980s ‘kneecappings’ and other forms of shootings to the body were more commonplace. In the 1990s, however, beatings with iron bars, baseball bats, hurling sticks and hammers were increasingly substituted for gunshot wounds to the knees, legs, ankles and elbow joints. These frequently resulted in more severe injury, as surgeons found it difficult to deal with damage to smashed bones and joints.

The trend towards ‘punishment’ beatings and mutilation was particularly marked since the republican and loyalist paramilitary ceasefires of 1994. In the year following, the IRA carried out not a single ‘punishment’ shooting. Loyalist guns were relatively silent as well. Three such shootings were catalogued in 1995, the lowest toll since the official collection of statistics began in 1973.

But this did not betoken a happier state of affairs. There was a veritable explosion of ‘punishment’ *beatings* by armed groups. In 1995 loyalists were responsible for 76 such assaults, which was exactly double that of the previous year. On the republican side, the rate of increase was greater still, up from 32 in the ceasefire year of 1994 to 141 in 1995. The upward momentum was maintained in 1996 which was the single worst year of the last two decades in terms of vigilante beatings and other forms of assault.

One might have expected that the Good Friday Agreement of 1998, building on the Mitchell Principles of non-violence, would have produced a major diminution in paramilitary repression. This has not been the case. ‘Orange on orange’ violence, as well as ‘green on green’ violence, continue apace. While ‘punishment’ assaults by loyalists and by republicans have fallen in recent years, down from a combined total of 156 in 1998 to 128 in the year 2000, the level is still remarkably high.

There is a new trend which offsets even this mild improvement. The guns have not been silent, and they have spoken with increased and increasing frequency in recent years. In addition to murders carried out by the IRA, the UVF and the UFF against members of their own community – attacks across the communal divide are equally reprehensible but do not fall within the same ‘punishment’ framework of analysis – there has been a reinvigoration of the use of the gun in ‘punishment’ cases.

The largest increase has been on the loyalist side. In 1998 there were 34 such cases; by the year 2000 this had risen to 86. Over the same period republican shootings of civilian victims rose from 38 to 50, or an average of one per week. The first six months of this year show a further intensification of rights’ abuses by armed groups. This upward trend in gun law on the part of both sets of paramilitaries is clearly at variance with humanitarian law and is a particularly worrying feature of the contemporary justice scene in Northern Ireland.

Liam Kennedy

The title is taken from *Ends and Means: Human Rights Approaches to Armed Groups* (International Council on Human Rights Policy, Switzerland 2000).

A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission

Dr. Alex Boraine, in his book, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*, tells a spectacular story about the events that led the newly elected government of Nelson Mandela to embrace the path of a Truth and Reconciliation Commission (TRC). Rather than embrace a Nuremberg style tribunal system or full amnesty, in order to deal with past gross human rights violations, South Africa employed a philosophy of reconciliation and reconstruction, which included qualified amnesty and reparation to victims. Dr. Boraine points out that South Africa is not Northern Ireland. The observation is an important one but there are significant similarities including the quest for truth about gross human rights violations by the State and the connection that both jurisdictions have made between lasting peace and the availability of socio-economic opportunities for all.

Dr. Boraine explains in great detail the political strategies taken to ensure a TRC and how the parliament came to pass the bill that brought the Commission into existence. He writes frankly about the process by which each Commissioner came to the Commission and the attitudes they brought with them. He examines the structure of the Commission and explains that the model chosen often relates closely to the mode of transition experienced by the country in question. He also explains the adversity and travails that the TRC confronted throughout its work.

It was hoped, that healing and reconciliation would come about if TRC was given a victim-centered focus. Thereby victims were allowed to speak up and in some instances to confront those who had committed the atrocities. Another unique aspect of the transition process in South Africa was that perpetrators were required to submit individual

applications for amnesty and were required to provide full disclosure of their activities in order to be eligible, (i.e., no-one could escape accountability through vicariousness.)

Reconciliation in South Africa involved everyone. Institutional and special hearings were held by the TRC and included, not only the armed forces and state institutions but, political parties and churches that may have been guilty of what Dr. Boraine calls "aggressive silence".

In the case of Northern Ireland it is not yet clear which path will be chosen in order to address past gross human rights violations. It is an open question whether Northern Ireland will embrace truth-telling as a means to heal the wounds of the past as South Africa has successfully done or whether immunity or tribunals systems will be employed. There are concerns about whether full investigations into gross human rights violations will ever be fully conducted and whether closure will ever be possible for Northern Ireland. For example, although some cases have drawn international attention, the government has not yet provided a full explanation about the events surrounding the deaths of Pat Finucane, Billy Wright, Rosemary Nelson and others.

In addition to the need for reconciliation Dr. Boraine, also tells us that the healing of a nation and the restoration of moral order require disciplined commitment to economic opportunities. As spiritually uplifting as the TRC's hearings were to the process of reconciliation through forgiveness and catharsis, national reconciliation is a process that would require socio-economic transformation as well. Dr. Boraine questions whether, post truth-telling and some individual reconciliation, economic justice will be deferred or encouraged. He ties national

reconciliation to socio economic justice. In South Africa the war against poverty is also tied to a "corresponding ruthless stand against inefficiency, and maladministration by the private and public sectors." Dr. Boraine states that if

"white people in particular can see the government to be committed to and reasonably successful in bringing down the crime rate and rooting out corruption, particularly where it exists in state department, this can only be an incentive for cooperation and a commitment to coexistence."

In Northern Ireland there is certainly talk about lasting peace through the creation of a Bill of Rights which includes social and economic rights. At the moment thousands have been consulted about what should go into a Northern Ireland Bill of Rights, and proposals were submitted by local communities and NGOs to the Northern Ireland Human Rights Commission. It is expected that the NIHRC will give its recommendations in early September 2001, and more consultation is expected before the recommendations are sent to parliament. If we follow S. Africa's example, arguably socio-economic rights protection must be at the heart of the proposals on a bill of Rights for Northern Ireland.

South Africa's Truth and Reconciliation model is often used as a point of reference by other countries in transition because of the success it has enjoyed; in particular in gathering support for its work from both sides of the conflict. It is hoped that support and encouragement of economic justice will also be as forthcoming. Dr. Boraine explains that in order for this to happen government must take an active role in helping to change people's attitudes. This suggestion applies equally to Northern Ireland.

Wanda Sanchez
US intern

Investigations into suspicious deaths

New Developments

Two recent cases in England have brought new hope to those campaigning for public inquiries into the deaths of people killed by the state or while in state custody. The first is that of Paul Wright, who died after suffering a severe asthma attack at Armley Prison in Leeds. The second is that of Zahid Mubarek, who was murdered by his cellmate at Feltham Young Offenders Institute.

The Death of Paul Wright

Paul Wright had a long history of serious asthma and required constant medication. On 7 November 1996, he suffered a severe asthmatic attack while locked in his cell without adequate medication or medical equipment. His cellmate pressed an alarm button, but by the time help arrived, Mr. Wright was not breathing. Attempts at resuscitation failed. It later emerged that the General Medical Council had previously disciplined the prison doctor treating Mr. Wright for serious professional misconduct.

The Home Office admitted liability for Mr. Wright's death but would not provide a full explanation of what had happened. Lawyers for the family pressed the Home Office to set up an independent, public investigation into the causes of Mr. Wright's death, but the government refused. On 2 November 2000, Mr. Wright's family brought judicial review proceedings against the Home Office under the European Convention for Human Rights. They sought a mandatory order requiring the defendant to initiate an independent investigation into the circumstances of Mr. Wright's death.

On 20 June 2001, Mr. Justice Jackson granted the families request and ordered the Home Secretary to set up an independent investigation into the death of Paul Wright. In ordering this investigation, Mr. Justice Jackson relied in part on *Jordan v. the United Kingdom*, one of the four ground-breaking Northern Ireland cases recently decided by the European Court of Human Rights. This case involved the death of Pearse Jordan, an unarmed IRA member, who was killed by an RUC officer on 25 November 1992.

Mr. Justice Jackson explained that the European Court's judgement in *Jordan* had established the essential features of an investigation under Article 2 of the European Convention. He explained that the European Court had made clear that the investigation must be: (1) independent; (2) effective; (3) reasonably prompt; (4) capable of public scrutiny; and (5) capable of involving the next of kin to the

appropriate extent. Mr. Justice Jackson found that that government's investigation into Mr. Wright's death (by way of inquest and civil proceedings) had failed to meet these requirements. Accordingly, he ordered the Home Office to set up the independent investigation.

The Death of Zahid Mubarek

Zahid Mubarek, a 19 year old Asian man, was beaten to death by his cellmate Robert Stewart on 22 March 2000. He died five hours before he was due to be released. Mr. Mubarek's family believe that prison officials knowingly placed Mr. Mubarek in a cell with a racist murderer. They claim that prison officers had intercepted letters from Mr. Stewart in which he repeatedly expressed his racist views. The family also believe that Mr. Mubarek had asked prison officials four times to be transferred from his cell after becoming concerned that his cellmate was "acting very strangely."

Mr. Mubarek's family are calling for a public and accountable investigation into the circumstances of his death. Shortly after the killing, the Commission for Racial Equality (CRE) did launch a formal investigation into prison racism, which was to include claims that prison officers at Feltham had made serious errors leading to Mr. Mubarek's death. The CRE decided to hold its sessions in private, however, and would not allow the involvement of his family. In addition, the Home Secretary refused to allow a public inquiry into the killing and the coroner refused to reconvene the inquest into Mr. Mubarek's death.

On 30 July 2001, Mr. Mubarek's family applied for a judicial review of the CRE's decision not to hold its investigation in public. At the hearing, Mr. Justice Hooper suggested that the family also apply for a judicial review of the decisions of the Home Office and the Coroner. The judge explained, "Otherwise I think each will pass the buck to each other." The judge then adjourned the hearing until September 3, when he will hear the judicial reviews of the decisions of all three parties. At the hearing, each party will be asked to explain why it has refused a public investigation into the case.

Conclusion

These two cases hopefully signal a new era of government accountability. They are indications that the Human Rights Act 1998, which came into effect in November of last year, is beginning to take root. Other families whose loved ones have been killed either by the state or while in state custody will be able to point to these two cases in demanding a full public investigation.

Fiona Doherty (US intern)

Civil Liberties Diary

June 1 Campaigners sought signatures to a manifesto pledge that the new plastic bullet should not be used in N. Ireland. The use of plastic bullets has caused multiple deaths and injuries, mostly against civilians many of them children.

June 3 U.N. Special Rapporteur on Torture, Sir Nigel Rodley flew into Belfast to speak at a conference organised by CAJ.

June 4 Schools are to receive detailed advice on meeting human rights obligations. This follows accusation that the current transfer system used by schools, could breach international standards of human rights.

June 6 Two men were arrested yesterday by police investigating the murder of solicitor Rosemary Nelson. They are being questioned at Gough detention centre on suspicion of serious terrorist offences.

June 7 A former Derry City footballer, Mr Frank Campbell told the Saville Inquiry that he believed the drivers of British armoured vehicles deliberately tried to run people down on Bloody Sunday. Another witness Mr Brendan Harley said that within seconds of hearing shots being fired in Rossville St, one soldier was firing as if he was on a pigeon shoot.

June 8 Belfast coroner, John Leckey will convene a preliminary hearing in the wake of the recent European Courts of Human Rights landmark rulings on the use of lethal force. The hearing will discuss the impact of the ruling on a number of issues relating to inquests that may be viewed as contentious.

June 15 A Department of Education report released yesterday showed while children entitled to free school meals or from the Travelling Community were attaining better qualifications, there was still a gap between them and other children.

June 25 Unemployed people in Northern Ireland are set to receive their own charter of human rights. This is due to be launched soon and has been drawn up by the Organisation of the Unemployed. It aims to improve the quality of services available to the unemployed and covers individuals treatment by statutory bodies.

June 28 Up to 44,000 homes in N.I. are unfit for habitation and 22,000 people were still on a waiting list. The Chief Executive office of the Housing Executive said progress had been made over the past 30 years of the Executive's existence but indicated that significant progress was still required.

June 29 Education Minister Martin McGuinness called for a culture of zero tolerance to combat widespread racism in schools. The 'good practice' guide on racial equality in education, which he launched on June 28, provides a benchmark against which racial equality standards in schools can be measured

July 14 A shocking new report has revealed that the unemployment crisis in West Belfast is deepening at a time when the economy across Northern Ireland is booming. Despite 20 years of government economic initiatives over one quarter of the male population of West Belfast are unemployed. The report's authors argue for a completely new approach to economic regeneration in the most deprived areas of city. Their research proved that current economic policies have created more jobs in the area which enjoyed the highest employment, while making little impact in the job wastelands.

July 17 The Government is considering the appointment of an international judge to consider whether inquiries should be held into a series of high profile murders

including those of Robert Hamill, Rosemary Nelson, Pat Finucane and Billy Wright. The proposed review would begin next year with the government having the option of accepting or rejecting the judge's recommendations.

July 18 Police Ombudsman, Nuala O'Loan, has decided to investigate the incident in which an RUC vehicle mounted a pavement and drove at a group of children. Ms O'Loan's office is also handling individual complaints of police assaults in Ardoyne and during loyalist riots in Portadown.

July 26 In a case that could test school admission criteria against new equality and human rights legislation, the parents of two pupils in Derry are launching a legal challenge after their sons were refused a place at the local grammar school. The two boys received A grades in their 11+ but were refused places at Derry's highly regarded Lumen Christi College. The parents will ask the court if the criteria for entrance to the college could indirectly discriminate against children from lower income families and thus breach international standards of human rights and equality.

Compiled by Peter Gahan from various newspaper sources.

Just News

Just News welcomes readers' news, views and comments.

Just News is published by the Committee on the Administration of Justice Ltd. Correspondence should be addressed to the Editor, **Fionnuala ni Aolain, CAJ Ltd.**

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