

Bulletin of the Committee on the Administration of Justice

2nd Anniversary: Rosemary Nelson

It is difficult to believe that it is two years since the murder of Rosemary Nelson. In the interim CAJ have worked hard to try and uncover the truth surrounding the circumstances of her murder. Individuals in other NGOs and the Rosemary Nelson Campaign have also worked hard to this end. Obviously, as in any case of this nature, members of Rosemary's family have however borne the greatest burden in terms of loss, and also of work.

It is of course important to pause on occasion during such campaigns to remember why we are all engaged in a struggle which can often appear hopeless. Rosemary's anniversary gives us all occasion to reflect on the reasons why we are trying to seek the truth about her murder.

Rosemary's legacy

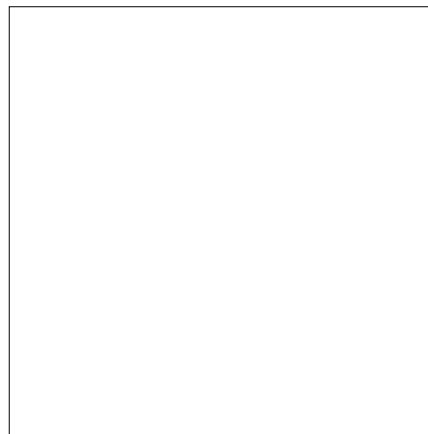
Rosemary committed much of her professional life to protecting the rights of her clients. I think many of those working on this case are motivated by a desire to honour this legacy. In my own mind her legacy challenges us to continue to work to increase the protection of human rights until all those in our society who have no voice can be heard. It is a challenge to those who believe that the human rights struggle is either over or can be won by establishing new institutions or legislation. This is of course part of the process of change but we need to ensure these things work, and if they do not, then we must campaign to change them. New institutions and legislation will prove their worth only if their impact can be felt by the clients Rosemary had.

Rosemary used the courts and the legal system to further the interests of those she represented. In the same way we must ensure that we use all available mechanisms to further Rosemary's case and the cause of human rights protection.

Threats

We are also compelled to seek the truth about Rosemary's murder because of what we knew before her murder, and what we have continued to find out since. Let us reflect on what we know.

We know that in the months and years leading up to her murder Rosemary's



clients received threats that she would be killed. We know that these threats came from police officers. We know that Rosemary also received anonymous threats both by phone and post. We know she suspected some of these threats came from security sources. We know that these threats increased after she successfully obtained the release of Colin Duffy from prison. We know Colin Duffy was intensely disliked by the police in the Lurgan area. We know Rosemary

complained about some of the threats she received. We know the RUC proved incapable of professionally investigating these threats and were removed from the investigation by the Independent Commission for Police Complaints which (until then) had proved virtually worthless in holding the police to account. We know that some of the anonymous threats were passed on to government by CAJ and were then passed to the police. We know that the police did not seek the originals of these written threats until after Rosemary was murdered.

We strongly suspect that the police did nothing to investigate these threats until after her murder. We know there was a heavy, and as yet insufficiently explained, security presence in the area surrounding Rosemary's house in the days and hours leading up to her murder. We know that, despite this, loyalist paramilitaries managed to get to her house, plant a bomb under her car and escape. We know that one of the few individuals arrested for her murder, arrested this time last year, was a serving soldier at the time of the murder.

If this had happened to a human rights lawyer in England, would Tony Blair still be saying no to a public inquiry?

Paul Mageean

Contents

2nd Anniversary - Rosemary Nelson	1
European Court finds against Ireland on Right to Silence	2
Council of Europe & the Oversight Commissioner team	3
Update	3
CAJ's preliminary submission to the NIHRC on a Bill of Rights for N. I.	4/5
Round table on Asylum seekers and Refugees	6
The demise of derogation	7
Diary	8

European Court finds against Ireland on Right to Silence

Just before Christmas, the European Court of Human Rights delivered its first ever judgment against Ireland in a criminal law context. It was also the first time the Strasbourg Court had found against a provision of the Republic's anti-terrorist legislation, the Offences Against the State Act, 1939 (the OAS Act).

The two judgments, which brought the total number of decisions against Ireland to only eight, came as the Republic prepares at last to incorporate the European Convention on Human Rights into domestic law. On the same day Strasbourg registered a "friendly settlement" whereby the Irish Government acknowledged that its mental health laws did not conform to Convention standards.

The decisions against Ireland involved three men who were convicted under Section 52 of the OAS Act, which makes it an offence for persons arrested under the Act not to give an account of their movements. Conviction carries a maximum sentence of six months in prison and all three - Paul Quinn, who took one of the cases to Strasbourg, and Anthony Heaney and William McGuinness, who took the other case - were given the maximum term.

Paul Quinn was arrested in the wake of the murder of Garda Jerry McCabe in Adare, Co. Limerick in June 1996. Anthony Heaney and William McGuinness, both from Derry, were arrested in Co. Donegal in October 1990 shortly after the bombing of a Border checkpoint, which killed several soldiers and a civilian. They were charged with membership of the IRA and with failing to give an account of their movements, contrary to S.52. They were acquitted of the membership charge. Paul Quinn was charged only with the S. 52 offence.

All three men appealed to Strasbourg, arguing that they were exercising their right to silence when they refused to give an account of their movements. They claimed that their convictions were in breach of Article 6 of the Convention, which guarantees the right to a fair trial.

The Irish Government strongly opposed the Strasbourg appeals, arguing that Article 6 only applied to actual trials, not to questioning after arrest; that the curtailment of the right to silence was proportionate to the continuing security threat; and that a recent Supreme Court decision (*Re National Irish Bank, 1999*) meant that answers to a S.52 demand could not be used in evidence against the accused).

The Strasbourg Court's response was robust. It said Article 6 does apply to questioning after arrest. It added that "the right to silence and the right not to incriminate oneself are generally recognised international standards which lie at the heart of the notion of a fair procedure under

Article 6". It stated that the compulsion imposed by s.52 "destroyed the very essence of the privilege against self-incrimination and their right to remain silent".

The Court pointed out that the *National Irish Bank* judgment was given well after all three applicants had served their sentences and could not have any bearing on their cases. And on the security argument, it said "the security and public order concerns of the Government cannot justify a provision which extinguishes the very essence of the applicants' right to silence and against self-incrimination guaranteed by Article 6.1 of the Convention".

The Court found that there had been violations of Article 6 in all three cases and awarded the three men £4000 each in compensation.

The effect of these decisions, which become final next month, must mean that s.52 will have to be scrapped. However the Gardai are still using it to try to pressure people to answer questions. Any further charges under s.52 would be likely to lead to more appeals to Strasbourg and another embarrassing judgment against the Republic.

More generally, the Court's rejection of the Irish Government's security argument in these cases may lead to more complaints about other aspects of the Offences Against the State Act and its amendments. And it will put pressure on the committee set up by the Irish Government to review the OAS Act. The committee, which was promised in the Good Friday Agreement, was set up in September 1999 and virtually nothing has been heard from it since.

The "friendly settlement" announced at the same time as the *Quinn* and *Heaney and McGuinness* decisions was in the case of *Sean Croke -v- Ireland*. Mr Croke had challenged the lack of an independent review of his detention under the Mental Health Acts. The Government acknowledged its failure to provide a proper review system. It paid compensation to Mr Croke and promised to change the legislation.

These three decisions have come just as the Government plans to introduce legislation to incorporate the European Convention. Some members of the legal profession in the Republic have been arguing that there is no need to incorporate the Convention because the Irish Constitution and courts protect every right enshrined in the Convention as well or better than the Convention itself.

These cases support the argument that some rights *are* better protected by the Convention and its jurisprudence than by the Constitution.

Michael Farrell

Michael Farrell is a member of the executive committee of the Irish Council for Civil Liberties and of the new Human Rights Commission in the Republic. He was the solicitor acting for Paul Quinn in his Strasbourg case.

Update

Council of Europe and the Oversight Commissioner team

CAJ proposed and facilitated a recent visit to Belfast by a Council of Europe delegation to meet with the Oversight Commissioner team. As reported subsequently on their website: “the transition to policing in a peaceful society in Northern Ireland is a priority project for the Human Rights Cooperation and Awareness Division (of the Council of Europe)”.

After earlier meetings in Belfast and Strasbourg with Patten Commission members, the Council of Europe welcomed CAJ's further proposal that they meet with the Oversight Commissioner and his team, to discuss how the 41-member inter-governmental organisation could be of assistance at this stage in the process.

The meeting was extremely informative for CAJ, whose representatives were able to sit in on the discussion. Ralph Crawshaw, a former British police officer and now human rights academic at Essex University, and Dr Markus Mohler, a very senior Swiss police officer, were accompanied by a staff member from the secretariat in Strasbourg, Linda McQue Michael. The three of them shared their practical and academic experience of good practice models elsewhere and, in their words, emphasised “the importance of involving all actors in the process - both the police and the policed”.

The Council of Europe has an extensive library of human rights training materials and is working on a Draft European Code of Police Ethics, and they were able to make this available to the Oversight Commissioner team. Follow up is not yet clear, but CAJ intends to prepare a “police benchmarking” document which will draw extensively on the excellent material we received. This, when completed, should allow “the policed” to become more actively involved in assessing the work of the Oversight Commissioner's team and in determining the extent of progress in policing change.

Maggie Beirne

Up to date with CAJ

There have been meetings of the Equality and Policing subgroups.

Aideen and Liz attended a Human Rights Commission organised event on Women's Rights and the Bill of Rights process.

Meetings have taken place of the Ad Hoc Human Rights Consortium.

Aideen has facilitated a few meetings on the issue of a Bill of Rights for Northern Ireland to various groups including Shankill Women's Centre.

Paul gave a presentation to a group of visiting young European lawyers hosted by the British Council.

Once again, the “Quilt for Beijing” was on display. It was used at the recent event “a celebration of women” hosted by Belfast City Council which was held at the Belfast Waterfront Hall. The “Quilt for Beijing” was created by women from the North and South of Ireland in preparation for the 4th United Nations World Conference on Women, Beijing 1995. It is 11ft wide by 9ft drop. Anyone wishing to exhibit the quilt should contact Liz at 90961122. Copies of the report “A stitch in time” which depicts the stories of all the panels on the quilt are available at £3.00 each.

We would like to take this opportunity to welcome new volunteers Peter and Moya, and to say a big thank you to Rose Perry for her continuous help with Just News every month.

Finally, we would like to congratulate Fionnuala ni Aolain (Editor of Just News) on her recent marriage to Oren.

Liz McAleer

Action Column

- To all members in 2000, its time to renew for 2001 and at the same time encourage friends and colleagues to join also. Please give CAJ the support it needs.**
- CAJ's preliminary submission to the Northern Ireland Human Rights Commission on A Bill of Rights for Northern Ireland is now available on request. Ref: S.106 Cost £3.50.**
- It may be you are interested in getting a copy of other publications, do check with us, we may have exactly what you want.**

Please get in touch with Liz at the office on (028) 90961122 for further information.

CAJ's preliminary submission to the NI Human Rights Commission

As Just News readers will know, under the Good Friday/Belfast Agreement, the NI Human Rights Commission was tasked with consulting and advising on the scope of a Bill of Rights for Northern Ireland. The first phase of the consultation process has passed and CAJ, along with many other individuals and groups, has made a submission to inform the consultation document which will be produced by the Commission over the next month or two. This article summarises the main points of that submission.

CAJ has long campaigned for a Bill of Rights for Northern Ireland. We have a consistent record of engagement on this issue and have argued about its importance for some time. We were not alone in this stance, indeed, all the political parties and many other organisations have consistently expressed support for the idea. So, while the current process has its roots in the Agreement, there has long been a consensus on the need for a Bill of Rights for Northern Ireland.

CAJ had, of course, its own Bill of Rights with which many readers will be familiar. The challenge for us was to update and improve many of our previous suggestions, bearing in mind the particular circumstances of Northern Ireland to which the Agreement refers, but also the many important developments that have occurred in international human rights standards. It seems to us, therefore, that the challenge for the Commission is to send the message that an expansive Bill of Rights is something which the people of Northern Ireland deserve and expect. In particular, we are concerned about attempts to promote a narrow approach based upon an inaccurate reading of the Agreement. The human rights imperative must remain the dominant one and the Commission should not be constrained in any sense by perceptions of what the government or the political parties might accept.

While it is clearly essential to justify the adoption of rights within the terms of the Agreement, an equally important issue in this debate must be which rights a modern Bill of Rights should contain, given comparative experience and international developments. The Agreement refers to rights supplementary to the European Convention on Human Rights, and the importance of drawing when appropriate on international instruments and experience. The text must reflect the particular circumstances of Northern Ireland and the principles of mutual respect for the identity and ethos of both (sic) communities and parity of esteem. CAJ argues that the best way to ensure that the identity and ethos of both communities is respected, given

the particular circumstances of Northern Ireland, is the creation of an inclusive Bill of Rights dedicated to the protection and vindication of the human rights of all.

Recognising a common set of rights in a document that all can commit to, is an important element in building a new society, providing the possibility of common identification by all with the basic document. For this reason, it is important that the rights identified should not be too narrow in their focus. The narrower the range identified, the less likely it is that individuals will identify with the bulk of rights on the list. In particular, the more the rights specified are seen to appeal across the communities, the more likely it will be that rights can be seen as something that binds the communities together rather than dividing them.

CAJ wishes to ensure that the Bill of Rights reflects an imaginative and effective commitment to a progressive vision of human rights. The starting point must be the needs of individuals and communities in Northern Ireland. The Human Rights Commission must work for the best possible document for Northern Ireland. This ultimately should be a document which stands proudly alongside existing Bills of Rights the world over. It should be living evidence of the fresh start that has been made and demonstrate that Northern Ireland can be a beacon of hope in the human rights field.

CAJ's submission contains a broad range of rights (see box) and in formulating these we have drawn on the main international human rights instruments, including the recently adopted EU Charter of Fundamental Rights, as well as rights provisions from the constitutions of other countries.

In the area of civil and political rights, we have included all the recognised international standards from the European Convention on Human Rights and the International Covenant on Civil and Political Rights. However, where necessary, we have amended or added to these to address issues which have been of particular concern in Northern Ireland.

CAJ, for example passionately believes that the Bill of Rights must include socio-economic rights. There are a number of reasons for this: the Agreement talks of inclusion in the Bill of Rights supplementary rights to those already contained in the ECHR and the most obvious omission from the ECHR is socio-economic rights and indeed, throughout the Agreement there are many explicit references to the importance of socio-economic rights. The intensity of the political conflict here has moreover meant that many of the advances made in other societies in the socio-economic area have not taken place here, and internationally the two sets of rights are seen as interdependent. Northern Ireland would be behind the times if it tried to suggest that one set of rights was more important than the other. For these reasons, we have made a number of proposals

ts Commission on a Bill of Rights for Northern Ireland

Which rights?

- Right to Life
- Freedom from torture
- Right to an adequate standard of living
- Right to a clean and healthy environment
- Right to adequate housing
- Right to education
- Right to health
- Right to work
- Right to culture and language
- Right to property
- Right to peaceful assembly and association
- Right to privacy
- Right to marry and divorce
- Right to freedom of conscience and religion
- Right to freedom of movement
- Right to freedom of expression
- Right of access to information
- Right to just administrative action
- Right to participate in public affairs
- Right to liberty and security
- Right to fair trial (criminal law)
- Right to fair and public hearing (civil law)
- Right to equality before the law
- Rights of children
- Rights of victims
- Limitations clause
- Right to a remedy
- Interpretation clause
- Amendments to the Bill of Rights

relating to housing, health, education, work, and so on which again draw largely on international instruments, including the EU Charter, and comparative experience.

We have also drawn up a strong equality provision, a topic which is given explicit attention in the Agreement and our background notes give some suggested definitions for direct and indirect discrimination. There are also clauses covering victims' rights, children's rights and cultural rights.

Effective enforcement is essential if concrete meaning is to be given to the promises which the Agreement contains. A single, accessible document containing a plain statement of our rights will assist in promoting the Bill of Rights in practice. An overly complex document will have a damaging impact. Therefore, we believe that the Human Rights Act 1998 should be repealed in relation to Northern Ireland and replaced with the new Bill of Rights. We believe that a new Northern Ireland Human Rights Court should be established to function as a guardian of the Bill of Rights. This Court will

sit above the Northern Ireland Court of Appeal but below the Privy Council and the House of Lords. A fresh start requires a new institution. This Court should ensure that all members of the judiciary in Northern Ireland take human rights seriously. The process of appointments to this Court must be open and transparent. The new judges should have proven knowledge and experience of human rights and a commitment to their effective realisation. Consideration must be given to including judges from outside of Northern Ireland.

People must be able to access their rights. We believe there should be liberal "standing" rules and that resources must be provided to guarantee that people can access their rights in practice. In order to mainstream human rights the Bill of Rights should form part of the fabric of Northern Irish society. Extensive work will have to be done to ensure that everyone is aware of the human rights implications of their work. Getting a Bill of Rights for Northern Ireland will be a struggle - ensuring that it is meaningful in practice will be just as difficult. We are only at the beginning of a journey towards the creation of an inclusive human rights culture.

What next?

The Human Rights Commission faces a mammoth task in trying to pull together the advice from the Working Groups, and the numerous and varied submissions which it has received, into a comprehensive, yet simple and accessible, consultation document. CAJ feels strongly that the Commission must put forward strong and radical proposals at this stage, as a weak document may not withstand the inevitable attempts at dilution. We eagerly await this document and in the meantime will continue to examine ways in which our own draft could be improved by studying the submissions of others.

We are also continuing to send out the Information Pack upon request to a wide variety of community groups and have been conducting training sessions based on the Pack. Many groups have made submissions to the Commission and it is heartening to see so many varied groups from right across Northern Ireland getting involved and making a contribution. We must ensure that the momentum is maintained, particularly in the next few months while people await the publication of the consultation document.

Colin Harvey

*Copies of the full submission (cost: £3.50 plus postage) are available from the office. A 2 page summary is also available (free of charge)

Round Table on Asylum Seekers and Refugees

On Saturday, the 17th February Democratic Dialogue (DD) hosted a Conference entitled "Asylum Seekers and Refugees – The Next Stage in the Development of a Multi-Cultural Society", which was attended by more than 60 people representing a broad variety of organisations. Margaret Ward from DD welcomed the participants stressing that she was very glad to see three members of the Belfast City Council among them. She regretted that, although invited, nobody from the NIO or the Office of the First and Deputy First Minister attended the event.

Prof. Brice Dickson, Chief Commissioner of the NIHRC, Prof. Colin Harvey from the University of Leeds and Hope Hanlan from the United Nations High Commissioner for Refugees gave a brief overview of the obligations and rights which arise from international treaties. All three speakers made clear that the 1951 Geneva Convention does not meet the modern requirements of migration. Its definition of refugees is far too narrow to cope with all forms of modern persecution. It was suggested that one outcome in the current EU-wide discussion could be to redefine what a refugee is, although there was a danger of getting only the "lowest common denominator". Ms. Hanlan explained that the UNHCR wanted to assess the procedures in all countries. The findings of this assessment are then to be discussed with experts, academics and NGOs.

Ironically, contributors to the panel "The Devolution Experience" Mrs. Shona Robinson, Member of the Scottish Parliament and Lord Avebury from the House of Lords made explicitly clear that the Home Office has retained control of the asylum and refugee field. This is a potential impediment to progress in the field.

Peter O Mahony, Chief Executive of the Irish Refugee Council, Ursula Fraser, Refugee Officer with Amnesty International (AI) and the former director of the Irish Refugee Agency, John O' Neill explained their experience in refugee work in the South. David Costello of the Department of Justice defined the Irish government's

position. It was made very clear that Ireland is not (yet) able to cope with the increasing figures of asylum seekers (in 1995 there were 424 asylum seekers, while five years later the figure was 10,938). In the wake of this development, the 1996 Refugee Act was amended to speed up procedures. The Irish government considers this as essential to cope with the increasing figures. However, AI and other NGOs regard some of the new procedures as constitutional breaches, and some will evidently be challenged in the High Court.

The aspiration of a multi-agency approach was debated after lunch. Sharon Dillon from NICEM, Fidelma O'Hagan from the Law Centre (NI) and Jacqui Irwin, Regional Manager of the National Asylum Support Service (NASS) made interesting contributions. While Fidelma O'Hagan illustrated the results of research contained in "Sanctuary in a cell" (published by the Law Centre) and concentrated on the coherence of these results with a multi-agency approach to support asylum seekers, Sharon Dillon from NICEM described the tasks, which are linked to the care of asylum seekers and pointed out some problems NICEM and others NGOs are facing. Some of the problems are practical in nature, for example, some retailers do not accept vouchers given to the asylum seekers instead of cash, causing evident problems. But a lot of these problems make the life of refugees unnecessarily hard and show the need for coordinated work of the different support groups. Jacqui Irwin gave an overview of the tasks,

functionality and statutory duties of NASS and its cooperation with NIACRO and NICEM as service providers.

Fighting Discrimination and developing multi-culturalism

Joan Harbison, Chief Commissioner of the Equality Commission stressed that discrimination against a small minority of asylum seekers was significantly hidden by the conflict in Northern Ireland. Furthermore she drew attention to the special needs of people whose mother tongue is not English. For example, if one doesn't know what one is entitled to, how can one know if one is treated equally. This shows very clearly that in terms of equality, language facilities are urgent and appropriate interpreter services are required. Dr. Paul Connolly of the University of Ulster presented the results of his research about racial prejudices and attitudes in NI. Although there is a strong commitment to racial equality in principle (around 85%), in practice over 25% do not want Chinese or Afro-Caribbean living in their local area. And the figures about attitudes to Travelers were even worse.

At the end the participants looked back to a very interesting day enriched with a lot of exciting contributions made by very committed people. Although significant problems remain, every participant certainly got new insights and new energy for her or his daily work. *Michael Frahm*

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.

The Demise of Derogation

On the 19th February, the British government announced the withdrawal of its derogation under Article 15 of the European Convention on Human Rights. The derogation was an international legal procedure which facilitated the United Kingdom in maintaining the power of arrest and detention for up to seven days under the Prevention of Terrorism Act, without falling foul of its international human rights treaty obligations. While the move is to be welcomed, the fact that it has taken the United Kingdom this long to remove the derogation is cause for concern. Given the cease-fire commitments by paramilitary organisations, the reality of a devolved assembly and the ongoing improvements in the security situation in Northern Ireland, there is a strong argument that the derogation's continued existence after the cease-fire agreements was in violation of international law.

This derogation has had an almost permanent existence throughout the Northern Ireland conflict. Despite repeated calls for its removal and a series of cases which challenged the validity of its existence, the United Kingdom continued to argue that it was a necessary and proportionate means to respond to the situation in Northern Ireland. There are strong legal

grounds to dispute this claim. CAJ consistently maintained that the United Kingdom abused the power of arrest and detention facilitated by the derogation. In short, that the PTA power functioned as a means to screen and monitor particular communities, rather than as a means to effect arrest for particular offences. Moreover, CAJ persistently claimed that the ordinary law was sufficient as a means to deal with the security concerns of the state. Indeed we currently have a case before the European Court of Human Rights challenging the validity of the derogation.

While the derogation's removal is to be welcomed – CAJ would stress that democratic governments should not resort to the permanent use of the derogation provisions. We would also urge the Council of Europe and the European Court to take a strict view of the obligations of the state in such situations. Emergency powers as facilitated by the derogation regime are intended to facilitate a short-term resort to exceptional measures by the state. Their normalisation, as has been the case in Northern Ireland, should be anathema to the democratic state. The challenge now is to ensure that the legacy of a permanent emergency is dismantled and the legal system is restored to a functional normality as speedily as possible.

Fionnuala Ni Aolain

CAJ in the news

CAJ members may have noticed a recent proliferation of adverse press criticism of the organisation, focused particularly on the fact that a number of CAJ members are also members of the Northern Ireland Human Rights Commission. CAJ has also been the subject of a series of Parliamentary Questions, including questions such as whether government agencies have ever funded CAJ's work (Members will of course be well aware that the answer to that question is that we have never asked for, or received, government funding).

As an effective human rights organisation we have enough work to occupy us without responding to every criticism of our policy and activities.

At the same time, we have been concerned at the timing and apparent co-ordination of the public attacks, which suggests that the motive may not be limited to criticising us, but signal an attack generally on the human rights advances of the Good Friday Agreement. Therefore in response to an article in the Irish News, Martin O'Brien, CAJ Director, published a defence of our work which is available on our website, www.caj.org.uk

In the article we said: "While effective human rights groups must expect a level of criticism from those whose interests coincide with the state, the extent of recent criticism cannot go unanswered because its ultimate goal is to undermine the human rights protections promised to all us in the Good Friday Agreement". Of course, CAJ remains open to constructive criticism which promotes debate and discussion about human rights protections in Northern Ireland.

Civil Liberties Diary

Feb 1 Belfast Coroner, John Leckey, adjourned an inquest hearing relating to the death of an unarmed IRA man, Pearse Jordan, who was shot dead by undercover police officers in November 1992. The inquest was adjourned while the European Court of Human Rights considered the impact of the Human Rights Act 2000 on the scope of inquests in Northern Ireland, the limited nature of which has been a source of controversy for many years.

Feb 6 Highlighting the impact of the Human Rights Act, South African mediator Brian Currin addressed a special general meeting of the Grand Orange Lodge of Ireland, concluding "In my respectful view, the Public Processions NI Act of 1998 and the body it created, the Parades Commission, provide a key to the preservation of cultural diversity in Northern Ireland. If that key is thrown away, the consequences for Orangeism, its culture and traditions, will be dire. Ironically, from your perspective, given the approach to freedom of assembly in Europe, the Parades Commission could be the saviour rather than the destroyer of the parading tradition in Northern Ireland.

The Chinese Welfare Association launched its four-year strategic plan for 2001-2004.

Feb 9 In an awards ceremony for "The Rights Stuff" competition, which encouraged teenagers to express their views on human rights, Chief Commissioner of the Northern Ireland Human Rights Commission, Brice Dickson emphasised the importance of children's input into the drawing up of a Bill of Rights.

Police Ombudsman Nuala O'Loan confirmed that from April she will have extended retrospective powers permitting her to investigate cases back over a two year period, instead of the original one year limit. In addition she will be able to investigate any case, without time limit, in circumstances where there is both

new evidence and a public interest in the matter being reopened. Mrs O'Loan confirmed that in the first three months of her new post she had received 1006 complaints against police, covering 1314 different allegations.

Feb 14 David Adams, who was awarded £30,000 compensation for injuries received while under police arrest, was refused leave to appeal to the House of Lords over a decision not to prosecute RUC officers alleged to have beaten him up.

Lawyers for Johnny Adair lodged papers in the High Court in Belfast seeking a judicial review of the decision of the Sentence Review Commission not to release him. At a hearing in Maghaberry prison in January, evidence was given against Mr Adair by RUC Chief Constable Sir Ronnie Flanagan and two Special Branch officers. The fact that the evidence was given in private without Adair or his lawyers present forms the basis of the challenge.

Feb 21 Taoiseach Bertie Ahern publicly called for an independent judicial public inquiry into the murder of solicitor Rosemary Nelson stating: "Rosemary Nelson's case raises wider issues of concern to her family, to the public and to the international community. It is essential that the truth be established in a manner which will command the confidence of the whole community. For this reason, I am of the view that an independent, judicial public inquiry needs to be established into all of the circumstances surrounding her death."

Feb 22 In Belfast High Court, compensation was paid to a Portadown man allegedly held at gunpoint during an undercover RUC operation at a Co Armagh pub. A further 80 actions could be pursued arising out of the undercover raid on the Derryhirk Inn in March 1997.

Witnesses stated that masked and armed RUC men stormed the bar dressed in paramilitary-style uniforms and failed to identify themselves. None of the officers involved were prosecuted.

It was announced that Further and Higher Education Minister Seán Farren MLA would formally request that universities and colleges become subject to "section 75" equality legislation.

Feb 23 The RUC launched a television advertising campaign for the new police service amid criticism from nationalists opposing the start of the campaign in the absence of agreement on reform.

Feb 26 It was reported that MI5 might be given responsibility for intelligence gathering within the new police service as a means of addressing long-standing concerns about the activities and operation of Special Branch.

Feb 27 The father of murdered LVF leader Billy Wright succeeded in his campaign to obtain witness statements relating to his son's death, when proceedings were halted at the high court and the coroner John Leckey faxed two witness statements to Mr Wright. Mr Wright is continuing to seek a full public inquiry into the murder.

Compiled by volunteers 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.**

45/47 Donegall Street, Belfast
BT1 2BR Phone (028) 9096 1122

Fax: (028) 9024 6706

The views expressed in Just News are not necessarily those of CAJ.