

# Just News

Human Rights in Northern Ireland

## ***Judicial Review on Government delay over Cory***

**On Monday, 1st March 2004, an application on behalf of the Northern Ireland Secretary of State to adjourn a judicial review for three weeks in the matter of the British government's failure to give a date of the publication of the Cory Reports was granted. The applicants consisting of the families of Pat Finucane, Rosemary Nelson and Billy Wright who all lodged separate applications for judicial review were combined and brought before the High Court in Belfast.**

Mr. Declan Morgan, QC on behalf of the Secretary of State argued that the government is committed to publish the Cory Reports but requested an adjournment for three weeks so that the third parties named in these reports will be guaranteed their fundamental rights. He partly focused on the right to privacy and life. In addition, any issues of national security could also be dealt with in those three weeks. (Observers wondered if the three week delay was motivated more by government's need to avoid embarrassing questions in the US around St. Patrick's day).

Mr. Morgan argued that if granted a three-week adjournment it would allow the government the necessary time to deal with these complex issues. The government has committed it will either publish these reports or give a timeframe within which the reports are to be published within the three weeks. Otherwise, the government would be pressured to publish the reports prematurely and that would potentially cause those third parties named in the reports a high risk of not having their fundamental rights protected.

Justice Gillen questioned Mr. Morgan as to why some of the report could not be published separately and why must they all be combined together. For example if the government published Report A if it was ready and not necessarily B or C because more time was needed.

Mr. Morgan responded that although the cases were all different, some more complex than others, they all share the third parties issues of right to privacy, right to life and national security. The government needs to have consistency and make sure that the third parties are handled in a similar manner in each case.

Mr. Seamus Treacy on behalf of the applicants Geraldine Finucane and David Wright argued that Secretary of State had exceeded his powers and was now acting unlawfully by not publishing the Cory Reports. The government has

already delayed publishing the reports for almost five months.

Mr. Treacey also raised the issue that although the families had not been able to see the report, in fact other parties, such as the Police Service of Northern Ireland (PSNI), and the Ministry of Defence (MOD) had been given the report. Mr. Morgan confirmed that the report had been viewed by the MOD and PSNI because on behalf of the rights of the third parties named their expertise was needed to advise the government in the areas of right to life, right to privacy and national security issues.

Justice Gillen, in his decision, stated "he had to balance the desire of the families of the victims to have the reports published against any potential risk to the more than 100 people named in the documents."

While he stated he had "great sympathy" for the applicants and the five months that have passed with out the publishing of the reports, the court must be cautious and not infringe on the fundamental rights of the third parties, which could be irrevocably damaged if not given the three-week adjournment.

Justice Gillen did demand that the government at the end of those three weeks are required to give a date for when the reports are to be published.

Given the importance of progress on these cases to vindicate the right to life or Pat Finucane, Rosemary Nelson and Billy Wright, CAJ continues to demand that the government publish the Cory reports in a timely manner, without further delay and comply with the recommendations made in his reports.

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## LETHAL ALTERNATIVES

**Patten in his major policing report expressed “surprise and concern” at the failure of the government, the then Police Authority and the RUC, to invest more time and money in a search for an acceptable alternative to the plastic bullet. Seventeen deaths had occurred, nine of them of children aged 18 and under, and yet Patten was able to conclude that insufficient effort had been invested in developing safer public order weaponry. Clearly, it was hoped that this situation would be reversed with “an immediate and substantial” research programme to find alternatives. Observers of efforts to date are very far from reassured.**

Readers of Just News will be aware that a Steering Group was established to look at alternatives to plastic bullets and CAJ raised a number of concerns about its work with Minister Jane Kennedy at a meeting in July 2001. We have been consistently reiterating the same concerns in subsequent written submissions to the Steering Group

We have argued for example that independent human rights and independent medical and scientific expertise be added to the composition of the Steering Group. This has been repeatedly refused. We argued that European and not solely North American policing experiences be drawn upon – there is little evidence of any such change in focus across the four Steering Group reports and we urged the Group to engage with issues of training, guidelines and accountability, but we do not see much of this in the reports to date.

### Adding insult to injury

To add insult to injury, one concern that we and others have raised has been acted upon, but in a counter-productive way. CAJ urged the Steering Group to engage with the problem of the disproportionate effect of plastic bullet firing on children. The new plastic bullet guidelines issued in December 2003 do indeed include a specific reference to the risk in relation to children, but the single reference appears in para 1.9:

*“Every effort should be made to ensure that children are not placed at risk by the firing of baton rounds in public order situations and children should not be directly targeted unless their actions are presenting an immediate threat to life or serious injury, which cannot otherwise be countered”.*

The underlining is ours. CAJ had wanted a reference to children included so that their particular vulnerability would

be noted and ideally addressed; instead, the NIO seem to have clarified for baton gunners that children can be fired upon in the same circumstances as adults.

The fourth and final Steering Group report was issued in February 2004 and ‘launched’ at a meeting of the International Law Enforcement Forum in London. Several references were made to the “unprecedented transparency” of the event and the accompanying NIO press release noted the Minister’s satisfaction at the “major success” of the conference in providing for a “full exchange of views”. This, despite the fact that the event was being held in London rather than in Northern Ireland, that the audience was predominantly international and British law enforcement officials, that the non-governmental groups in attendance had received the report only days beforehand (if that), and that the report itself was not on the agenda for discussion.

One of the most surprising interventions on the day was that of Denis Bradley, vice-chair of the Policing Board, who from the platform issued a challenge to human rights groups to stop “standing apart” from the debate on plastic bullets, and to actively engage. We responded immediately, indicating that CAJ had sought to engage over many years, but with little effect, and we have subsequently written to him on this matter.

Of more importance is the longer-term impact of the work of the Steering Group. Unfortunately the group in focusing on the technology of public order rather than the need for genuine community support for and involvement in local policing is missing the point. This wider focus of course would have been carried very little credibility without changes in the composition of the group – which is limited to the NIO, Ministry of Defence and a range of other government officials.

As we feared, the Steering Group seems to be coming to the conclusion that the ‘alternatives’ to plastic bullets are just more accurate projectiles. In our meeting with Jane Kennedy three years ago, we did say that without important changes to the composition and working methods of the Group, the likely conclusion of all independent observers was likely to be “well, you would say that wouldn’t you!” and unfortunately it seems as though CAJ is being proved right.

### 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 in the office.**

**Anyone interested in this service, should phone (028) 9096 1122.**

## Participation and the Practice of Rights *Making Connections and Owning Outcomes*

Readers of Just News should be familiar with the Participation and the Practice of Rights project that CAJ is involved in along with the Combat Poverty Agency, Irish Council for Civil Liberties, Irish Congress of Trade Unions and Community Foundation NI. This project, which was launched in June 2001, aims to explore how the language and concept of human rights can be better used to tackle issues of poverty and discrimination, especially at local level.

At the end of 2003, funding was received to build on the work to date and to support a six-month feasibility study and pilot project exploring how marginalised and disadvantaged communities and groups can be encouraged and supported to use a rights-based process to both identify and enable them to redress the social, economic and other inequalities that affect their daily lives. This pilot project is currently operating in north Belfast and north Dublin. It is anticipated that any approaches developed from learning by doing could be transferred to other groups and communities across the island.

A conference is planned for Friday 12<sup>th</sup> and Saturday 13<sup>th</sup> March 2004 at the Carrickdale Hotel entitled "Making connections and owning outcomes". As well as a number of local contributors, we have also been lucky enough to secure inputs from Mary Robinson and Bruce Porter.

This conference is designed to explain the work at local communities in further detail, get feedback and ideas from those in attendance, both about how this project is developing and how it could be built into their existing work, and to make connections with existing local, national and international work.

We are particularly honoured that Mary Robinson, currently with the Ethical Globalisation Initiative and former UN High Commissioner for Human Rights, has agreed to open the conference with an address on what a rights-based approach means. Bruce Porter from the Social Rights Advocacy Centre in Canada is also joining us to share his immense experience of using rights at the local, national and international level. Those involved at the local level will explain their involvement in the project and what it means to their local communities, and activists at the national level will reflect on what a rights-based approach has meant in their work.

A report on the conference proceedings will be published in next month's Just News.

## VACANCY

### Director (CAJ)

The Committee on the Administration of Justice (CAJ) is an independent non-governmental organisation which seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. In particular, CAJ has prioritised four key areas of work - policing; criminal justice/emergency laws; equality; and protection of rights.

The Director shall provide strategic leadership in the planning, implementation and monitoring of the work of the organisation. The post holder will lead the senior management team and report to the Executive Committee. S/he will have responsibility for representing the organisation, the delivery of services and the effective management of the organisation.

The successful candidate will have a degree or equivalent qualification, at least three years management experience at a senior level, successful fundraising and lobbying experience, proven written and communication skills, an in depth knowledge of human rights related issues relevant to Northern Ireland and a range of other essential and desirable skills and experience as outlined in the personnel specification. The starting salary for the post will be £35,181 (under review) and the Directorship is a pensionable post. For informal inquiries about the post, please contact Paul Mageean at the number below.

The deadline for the receipt of applications is **Friday 19<sup>th</sup> March** and interviews will take place on **30<sup>th</sup> March 2004**. For an application form and related materials please contact; Liz McAleer, Committee on the Administration of Justice, 45-47 Donegall St, Belfast BT1 2BR Tel: +44-(0)28-90961122 Fax: +44-(0)28-90246706 email: [liz@caj.org.uk](mailto:liz@caj.org.uk) <http://www.caj.org.uk>

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## Introduction

Just what Professor Des Rea (Chair of the Policing Board) was up to the other week in calling (in a personal capacity or as an independent member of the Board or mandated by the Board depending on which interview you listened to) is a matter of conjecture. Professor Rea called for a truth process which would replace Cory's proposal for public inquiries into the Finucane, Hamill, Nelson and Wright cases. What is certainly an outcome of his misconceived intervention is that the prospect of an early – and consensual – truth process is further away now than it might have been. Few in the nationalist and republican community feel that the call was anything other than self-serving of the police in a context where pressure has been building to institute inquiries into the Cory cases.

Notwithstanding this development, it is clear that the issue of truth will not go away. As Professor Rea's intervention indicates, discussions are well advanced in senior security circles. Rumours persist that the NIO is circling the issue as a means of circumventing commitments made at Weston Park around the Cory process. Sinn Féin adopted a policy on truth last October. The House of Lords has rulings on statutes of limitations in relation to past cases. Weekly news and comment pieces appear in the print and electronic media.

Thus far, however, the debate has focussed on point-scoring and a struggle over legitimisation of various forms of violence. Nationalists and republicans raise the many cases of state killings and collusion between state agencies and loyalists. Unionists and the PSNI respond with unsolved murders involving illegal groups, but particularly the IRA. Different definitions of justice are hurled across the airwaves and the debate poisons any prospects of the political generosity required for a discussion about truth to progress.

If anything, the atmosphere is now less propitious than when the Eolas document on Truth and Justice (available on the Relatives for Justice website at [www.relativesforjustice.org](http://www.relativesforjustice.org) or in hard copy from **Relatives for Justice, 235a Falls Road, Belfast BT12 4PE**) was launched last October. Since then we have been involved in a consultation involving a number of meetings and conversations seeking to see whether the debate on truth could take a more positive direction. Thus far, there is a sense that people are only just beginning to consider the true implications of the quest for truth. However, we remain convinced that debating the issues is crucial so that, should a truth mechanism ever be established, it has a maximum chance of wide consensus.

## The Eolas document

Globally, dealing the legacy of the past has become a characteristic part of conflict resolution. There have now been over 24 different formal truth processes throughout the world, the best known being the South African Truth and Reconciliation Commission.

# Let's have a real debate

In Ireland, however, as already stated, instead of trying to build a healing consensus on these difficult issues, victims' issues have almost become a site of struggle. The pattern was set by the discredited Bloomfield Report, which ignored victims of state violence when setting out a policy agenda for victims. Since then, dealing with the past in a way which acknowledges *all* the hurt and pain caused by *all* parties to the conflict has become more rather than less difficult. Everyone wants truth and justice for themselves. But discussions on how to do it are scarce.

In this context, an informal grouping of organisations and individuals working with victims and ex-prisoners in republican and nationalist communities came together to see whether there is scope for more focus on how a formal truth process could be achieved.

We called ourselves **Eolas** (the Irish word for 'information'). Essentially, we are working in the present through seeking to come to terms with the past.

The past cannot be undone but it is our belief that it can be dealt with in a way that acknowledges *all* the loss, the harm and the abuses inflicted. We believe that truth and justice processes can help to redress the wrongs of the past and support the transition to a just future.

We launched a document in October 2003 which examines the case for an official truth process and presents some models. The document is intended as a contribution to an ongoing debate.

Whilst concentrating on discussion and consultation within our own community, we remain acutely aware of the range of unresolved issues and incidents that concern the unionist/loyalist community and people affected by the conflict in Britain. We affirm that these conflict-related incidents must be dealt with in the same way as the concerns of nationalists and republicans.

## Models for discussion

Three possible models were put forward for discussion and are, we believe, suited to the particular local circumstances of the conflict in and about the north of Ireland. They show a number of areas of common concern:

- **The importance of an international dimension to truth and justice mechanisms.** This is imperative to ensure the **independence** of the process. In each of the models an International Panel was envisaged. There was general agreement that they should not be subject to 'domestic' governmental or judicial control or interference. The method adopted for the selection of members of an international panel has to ensure impartiality and objectivity.

# e on truth and justice

- **A strong emphasis upon the need for a bottom-up, community-orientated and victim-centred approach.** The role of NGOs was seen as particularly vital here. This would begin with their direct engagement in any **negotiations** tasked to design a mechanism. It would continue in providing both **interface** and **support** functions during the truth process. Maintaining clear lines of communication with local communities and victims would be essential in preserving grassroots trust.
- **A balance between an individual and an institutional focus.** The need to address outstanding issues for victims and relatives in individual cases was clearly evident. Support structures, investigative processes and the publication of information should all be tailored to the needs of individual victims/relatives. However, there was a strong sense that **structures, issues and role of institutions** should also be examined. This should include the analysis of both **combatant groups** and other **social institutions** (e.g. churches, media and judiciary) in the generation and perpetuation of the conflict. Contact between the truth mechanism and parties to the conflict should be organised on an institutional basis. *All* combatant organisations should be encouraged to participate in the search for **collective rather than individual responsibility**.
- **The investigative dimension.** The models envisage the establishment of an independent body (or processes) vested with certain powers to uncover the causes, nature, extent, whereabouts and details of human rights violations. This investigative process should be as inclusive as possible and should include all actors in the conflict and stakeholders.
- **The outcome of the process should be non-punitive and non-judicial.** This was allied to the desire to avoid a process that sought to attribute individual responsibility. The possibility of amnesty, and/or having a criminal record expunged should be explored as part of the negotiation. It was felt by some that none of the evidence gathered in the investigation process should be used in future litigation. This does not mean, however, that a truth mechanism would necessarily preclude the possibility of pursuing other, legal avenues of redress. Outcomes should concentrate on delivering **macro truth**, documenting **truth in individual cases** and providing for **public acknowledgement of suffering and wrongdoing**.

It is our belief that an official truth process should deliver something specific and additional to other mechanisms for

dealing with the past. The proposals outlined in our document are premised on the belief that full acknowledgement and understanding of the human rights abuses of the past can assist all victims and contribute to building a just future for all.

## The human rights perspective

What then of the human rights approach to truth processes. Clearly, the developing consensus over the last number of years has been that, where illegal activity has taken place, the appropriate place for this to be processed is in the courts through prosecution and, following guilty verdicts appropriate punishment should follow. In this context, how can human rights activists approach a mechanism which almost by definition allows those involved in illegal activity escape prosecution and punishment?

There is also the point that the tradition of the human rights community has been of monitoring the activities of state forces, on the basis that it is the police/army which have been charged with processing illegal activity by others. In this context, the prospect of agents in the police/intelligence services avoiding scrutiny of their own illegal activity with these very individuals remaining in position and polluting the hoped for new start would – from a human rights perspective – be unconscionable.

However, the approach of the variety of British security institutions to the Bloody Sunday Inquiry, the Stevens Inquiry, the Cory reports and the Barron Commission suggest that we could be struggling for closure for a very long time. The culture of secrecy at the heart of the British state (recently exemplified by its reaction to whistle-blowing over spying in the run up to the war in Iraq) shows no sign of easing – even for the sake of building peace in Ireland.

It is in this context that a strategic decision that information for victims families – at the expense of prosecution – may be an approach that now needs to be considered.

We would very much appreciate comment from CAJ members on this difficult point.

**Mike Ritchie**

*Mike Ritchie is a contributor to Eolas and comments on the document can be submitted to Eolas, c/o Relatives for Justice, 238A Falls Road, Belfast.*

## Update on Neil Latimer case

On Monday, February 9<sup>th</sup> 2004, Lord Justice Nicholson read the judgment from the Court of Appeal on Neil Latimer's third appeal against his conviction for the murder of Adrian Carroll.

*"Having considered the case against the appellant in the light of the evidence given on appeal, we are satisfied, for the reasons which we have given, that the conviction of the appellant for the murder of Adrian Carroll is safe. We therefore dismiss the appeal."*

### Background

Neil Latimer was one of the four UDR men found guilty on 1 July 1986 of the murder of Adrian Carroll. On November 8, 1983, Neil Latimer was one of 13 UDR men on duty in Armagh when Adrian Carroll was shot dead by a gunman in an alleyway off Abbey Street, as he walked home from work. At the trial, an eyewitness, Elaine Faulkner (later known as Mrs. Dunne) stated that the gunman who she saw was definitely not Neil Latimer. Another witness known as Mrs. A, stated that she did see a man dressed as a civilian, accompanied by two UDR soldiers, on Lonsdale Street. Mrs. A testified that man was Neil Latimer, someone she had known and recognised. The trial judge accepted the evidence of Mrs. A as "a true and reliable account of the Lonsdale Street incident and the subsequent shooting." He was therefore satisfied that the appellant was guilty of the murder of Adrian Carroll.

The defendants all appealed against their conviction but the court dismissed their appeals on 4 May 1988. The case was on 25 July 1991 referred to the court by the Secretary of State of Northern Ireland under the provisions of section 14(1)(a) of the Criminal Appeal (Northern Ireland) Act 1980. The court granted the appeals of the three other defendants in light of new evidence introduced due to the discovery by use of the Electro Static Detection Apparatus (ESDA) process that some of the police interview notes bore signs of having been rewritten but denied the appeal of Neil Latimer. The court rejected the arguments that Latimer's confessions were unreliable based on the evidence of the ESDA testing. The court reasoned that:

*"The statements were admissible by virtue of section 8 of the Northern Ireland Emergency Provisions Act 1978, and that it was not a case for the exercise of the judicial discretion to exclude them as being the product of unfair pressure. The false statements of the police officers in evidence did not affect the issue, in that the court was satisfied from evidence other than that of the officers that the appellant did not make the admissions because of threats, promises or improper pressure on the part of the police."*

### New Evidence

The appellant was released from prison in 1998 after serving 14 years. Under the powers contained in the Criminal Appeal Act 1995 the Criminal Cases Review Commission (CCRC) referred the appellant's case on 9 May 2001 once again to the Court of Appeal for a review of his conviction because of the emergence of medical evidence, not previously considered by the trial judge or the Court of Appeal. The burden of the evidence, on which the submissions presented on behalf of the appellant, was based on two respects:

- (1) Mrs. A's evidence is less reliable than the judge supposed, for her medical history and psychological make-up show that it should be accepted with caution;
- (2) doubt is cast on the truth of the applicant's confessions by the psychological evidence showing that he is unusually compliant and so more willing to agree under pressure with the version put to him by the interviewing officers that the judge had supposed.

Evidence was given about Mrs. A's psychological make-up by three consultant psychiatrists, Lord Alderdice and Dr. FWA Browne called on behalf of the appellant and Dr. PLA Joseph called on behalf of the Crown. None of the three had at any stage examined Mrs. A, who died two years ago, and their evidence was based on examination of the medical notes and records relating to her, particularly hospital notes from St. Luke's hospital, Armagh, covering a period in 1964-65. The court concluded:

*"We do not find it possible to accept any one of these opposing views in its entirety rejecting any conflicting opinion. We have tested our provisional view by asking whether the evidence adduced on appeal before us, if given at the trial, might have affected the decision of the trial judge to convict the appellant. The judge might well have exercised some caution before accepting Mrs. A's evidence, if he had known her history, but we are satisfied that he would have reached the same conclusion regarding her identification of the appellant as the man whom she saw in the tartan cap and gold-rimmed glasses in Lonsdale Street as reliable. We therefore do not regard the conviction of the appellant as having been rendered unsafe on this ground."*

The evidence of whether the applicant's confession was reliable due to his personality being abnormally compliant came from Professor Gisli H Gudjonsson on behalf of the appellant and Dr. Michael Heap on behalf of the Crown. Professor Gudjonsson a forensic psychologist, specializing

## Royal Hospitals - Equality and TSN

**The Royal Hospitals are co-ordinating two new outreach programmes as part of their Equality and New Targeting Social Need (TSN) work. Both these projects aim to show that practical steps can be taken to provide services for those in greatest health and social need. Funding has been obtained from the Department of Social Development (DSD) Outreach Fund to provide a three year health outreach programme for the Traveller Community in Greater Belfast.**

The DSD Outreach Fund is a new programme to promote partnership work between statutory, voluntary and community sector organisations to reach groups in social need. The health of the Traveller Community has consistently been found as the poorest in Ireland on indicators including standard mortality rate, sudden infant death and incidence of chronic conditions.

The Royal Hospitals submitted its bid for Traveller Health Outreach funding in partnership with the Belfast Traveller Support Group and Belfast Traveller Education and Development Group. The programme involves recruiting a Traveller Health Outreach Nurse to carry out health checks and health promotion activities with adults. Data will be gathered on the incidence of chronic conditions to obtain a fuller picture of Traveller health status in the Greater Belfast area. The Royal Hospitals Health and Social Inequalities Department said: "Partnership with Traveller Support Groups is crucial to this project. Building relationships with the Traveller Community is a central aim and health education is key to the sustainability of the project in the longer term. The project partners are working closely with inter-agency colleagues in North and West Belfast Health Action Zone including North and West Belfast Health and Social

Services Trust, Northern Ireland Housing Executive, Belfast City Council and Belfast Education and Library Board. A programme of work will also be carried out within the Royal Hospitals to ensure the needs of the Traveller Community are met. We are also liaising with the authors of the All-Ireland Study of Traveller Health, the first since 1986".

### Community Play Specialist Project

A second project being co-ordinated by the Royal Hospitals aims to bring specialist skills for children out of a hospital setting and into community environments. The Community Play Specialist Project is being funded by the Royal Hospitals as part of its New TSN work for a period of six months. Play Specialists are skilled staff who play a crucial role in supporting and developing children while they are in hospital. This project aims to share those skills with childcare staff working in community settings. The project has several strands involving staff and parents at both Whiterock Children's Centre and Windsor Women's Centre Creche. Two schools in the locality of these centres are also involved and the play specialist will engage with children and teachers in nursery and primary one classes. Staff from the childcare centres will have the opportunity to visit the Royal Belfast Hospital for Sick Children and find out what the role of a Play Specialist is and how children are helped by this service.

#### **Claire Armstrong**

To find out more about these projects contact Claire Armstrong, Health & Social Inequalities Department, 1<sup>ST</sup> Floor, Bostock House, Royal Group of Hospitals, Grosvenor Road, BT12 6BA. Tel: 90 635237/ 90 635266. E-mail: Claire.L.armstrong@royalhospitals.n-i.nhs.uk

in the vulnerability of persons detained by police for questioning, testified that Mr. Latimer was " a psychologically vulnerable individual" and "therefore more likely to confess to something he had not done while under intensive pressure of questioning in Castlereagh". Dr. Michael Heap fainted on the witness stand and was unable to complete his testimony to rebut the evidence given by Professor Gudjonsson. His reports were received in evidence, together with such oral evidence he had given.

In examining the new evidence brought before the court in reference to whether or not Mr. Latimer's confessions were reliable, the court stated:

*"We have reached the conclusion that the course of the interviews points strongly to the appellant's confessions being reliable and true. Applying the test contained in paragraph 19 of the speech of Lord Bingham of Cornhill in R v.*

*Pendelton to which we have referred, we consider that the trial judge, if he had had before him the psychological evidence adduced on appeal concerning the reliability of the appellant's confessions, would have reached the same conclusion as he did, that the content of his confessions was true and reliable."*

After the verdict was announced, Mr. Latimer, who had maintained his innocence throughout and served 14 years in jail, shouted, " What do you think I went through all this for? There is no justice." In a later interview Mr. Latimer said that this would not be the end of his fight stating, " I have no intention of giving up. I have not come this far and fought for 20 years to let it go now."

Neil Latimer will now be taking his case to European Court of Human Rights. CAJ will continue to monitor Mr. Latimer's case closely.

## Civil Liberties Diary

**Jan 1** The Criminal Justice Inspectorate (CJI), a new independent watchdog designed to scrutinise the work of Northern Ireland's criminal justice system, will start a process of consultation today. The CJI will bring the inspection of police, public prosecution, probation, prisons and youth justice services together for the first time anywhere in the world.

**Jan 9** The Police Ombudsman has mounted a new investigation into the murder of part-time UDR soldier Joseph McIlwaine after serious flaws were uncovered in the original probe. His family believes that the police failed to follow up vital intelligence on a suspect and that forensic work was not fully carried out at the scene of the killing in 1987. It is thought to be the first killing of a member of the security forces to be re-investigated by police.

**Jan 12** More than 150 civilian staff are being recruited to work at Maghaberry jail in jobs currently carried out by prison officers. The move comes ahead of the reintroduction of the separation of loyalists and republican prisoners. The Prison Officers Association condemned the move, predicting that it would lead to "disastrous security breaches" at the prison.

The British government came under intense pressure to release the findings of Judge Cory's report after the judge himself personally contacted the victims' relatives to inform them that he has recommended separate public inquiries into the killings. The relatives of those killed, called upon the British government to make public the findings of the reports.

**Jan 15** A deal was reached after two days of talks to prevent a UK-wide prison officers' strike as loyalist prisoners in Maghaberry jail were locked down after a night of rioting. Damage totalling £100,000 was caused and 18 prison officers injured during the riot. Northern Ireland Secretary Paul Murphy faced demands in the House of Commons

yesterday to make an urgent statement on the disturbances.

A website on which complaints against the PSNI are to be published was launched today. The website will run from the Police Ombudsman's office and it is hoped that it will inform the public about specific cases in towns and villages across Northern Ireland. The initiative is the first of its kind in the UK and would normally only be available to senior police officers.

**Jan 19** Police Ombudsman Nuala O'Loan described the RUC's investigation into the sectarian murder of prominent Co Derry GAA official Sean Brown as "incomplete and inadequate". Following a two-and-a-half year investigation, errors uncovered included the "unexplained disappearance" of the Murder Investigation Policy File and the failure to identify and properly deal with all available forensic opportunities. Further errors included the failure to seek witnesses and the disregarding of one key witness who came forward, the failure to investigate the history of the murder weapon and a failure to share "all relevant intelligence" held by Special Branch with the original investigating team. In conclusion, the Ombudsman upheld two complaints made by the Brown family, that the investigation into his death had not been "efficiently and properly carried out" and that "no earnest effort was made to identify those who properly carried out the murder". A full and independent review of Mr Brown's death was recommended. However, the Brown family will seek legal redress to prevent a PSNI investigation into the murder, instead calling for an external inquiry.

**Jan 20** An application was granted for the widow of murdered solicitor Pat Finucane to hold a judicial review into the failure of Secretary of State Paul Murphy to publish the Cory report into the killing. The hearing is due to take place on March 1.

**Jan 26** The Equality Commission has been consulted in relation to the neutrality of District Policing Partnership meetings. The move comes in response to a situation at the Ballymena DPP meeting, where Union flags have been displayed and on one occasion placed beside a police commander.

Statistics in a survey compiled by the Police Ombudsman's Office have highlighted that increasing numbers of Protestants are making complaints against the PSNI. For the first time more Protestants than Catholics are making allegations of improper policing.

The Police Ombudsman has uncovered more than ten RUC investigations, including several murder probes, in which the police failed to examine vital evidence.

**Jan 29** Two alternatives are being considered to replace plastic bullets in Northern Ireland according to the Northern Ireland Office minister Jane Kennedy. The announcement follows the release of the fourth report by a Government steering group set up to identify alternative riot control weapons. However, the Minister said that plastic bullets would remain in use in Northern Ireland until an alternative is produced.

*Compiled by Sophie Orr from various newspapers.*



**Just News** welcomes readers' news, views and comments.

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