

Just News

Human Rights in Northern Ireland

EU Iran Human Rights Dialogue

The Committee on the Administration of Justice (CAJ) was recently invited to speak at the 4th EU Iran Human Rights Dialogue. Iran has a terrible human rights record – torture, extra-judicial killings, arbitrary arrests, public executions, rigged elections, flogging, and gender discrimination have been routine. Yet the EU is regularly meeting with the country’s officials to seek to improve the human rights situation. Is the Dialogue process working?

Well, from one perspective, it is clearly a useful forum. Iranians were eager to learn about the human rights abuses experienced in Northern Ireland and were interested in the fact that a major European power was being held to account by local NGOs, domestic media and regional and international human treaty mechanisms. It was useful to point out the value of the external scrutiny provided to assist human rights victims in Northern Ireland over the years via the European Court of Human Rights and UN Committees such as CERD, CAT, etc. It was useful to highlight the need for a comprehensive programme of change to address and remedy human rights abuses wherever they occur. It was useful to have an opportunity for non-governmental groups from the different countries of the EU and Iran to exchange ideas and information (albeit in a carefully controlled environment).

At this session, NGOs working on women’s rights were particularly well represented (3 out of 4 groups), and this served to emphasise rather than hide the terrible situation of women and girls in a society where they can be married at 9, a woman’s evidence in court counts for half that of a man’s, women travel in a reserved section (at the back) of public transport, women face enormous legal and social discrimination, and have to dress ‘modestly’ at all times. Foreign women aren’t exempt – having to don the head scarf as soon as the plane touches Iranian soil and not being able to remove the head covering except in private.

On the other hand, is this Round Table achieving anything other than the possibility for limited cultural exposure between privileged individuals? Is the EU (and its invited guests) conniving in giving a false impression that such exchanges are worthwhile? Were the formulaic, almost ritualised, exchanges across the table between

governmental officials from the EU and Iran helpful or harmful? They certainly helped to highlight the double standards the West uses. There is, after all, no easy answer to charges of Western hypocrisy, occupation, colonialism, economic exploitation....It is also humbling to learn that Iran hosts 2.5 million refugees. What major European power comes even close to that level of support for refugees? At the same time, while these multiple EU failings are very important, they tend to be used more as debating points, and as some kind of spurious justification for the serious human rights abuses carried out daily on Iranian citizens by their own government

The key challenge, if these Dialogues are to serve any purpose, is for the debate to become more open and transparent.

It is the Iranian people who need to hear that the EU cares about human rights abuses. It is the Iranian people who need to know what benchmarks have been set for measuring change, and it is the Iranian people who can best determine whether these exchanges advance or retard domestic programmes of change. Private meetings are perhaps justifiable when there is a genuine commitment to change and the discussion is more one of ‘how’ rather than ‘whether’ to change. On the basis of this meeting, that is not the current situation. However, this is probably not an argument for ceasing dialogue, but for seeking to deepen and widen it.

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Mental Health & Human Rights

Rights for those who have mental health difficulties have been the subject of an important research report by the Northern Ireland Human Rights Commission (NIHRC). The Department of Health, has estimated that at any point in time, one in six people will have mental health problems, which will in turn affect family and friends.

The report, *Connecting Mental Health & Human Rights* is timely given the Government's establishment of a Review of Mental Health and Learning Disability that will consider the reform of mental health legislation, policy and provision in Northern Ireland. The review, initiated by the DHSSPS in October 2002, is chaired by Professor David Bamford and is expected to last approximately two years.

Central to the research was the measurement of current practice in NI against both domestic and international human rights standards.

One of the key issues is when is it acceptable for the state to intervene in the life of a person who has a mental health difficulty either for their own protection or the protection of others. The report looked at several areas of the mental health system including the procedures for compulsory admission to hospital, the appeal system for those challenging a decision to detain and the rules governing compulsory medical treatment.

The report highlights a lack of information about what compulsory detention involves and a lack of access to advice for those detained. At present, there is no independent review of the detention unless the person detained or their nearest relative asks for it unless the detention is long term.

There are also a number of people in hospital who are deemed 'voluntary' patients even though they do not have the mental capacity to make a decision to stay in hospital or to leave. This means that even the safeguards built into the compulsory detention process are not applied and this group of people are left in a vulnerable position. The report calls for legislative protection for people in such situations.

There are significant concerns about the Mental Health Review Tribunal process relating to detention decisions including potential delay, fairness and adequate representation in hearings.

The report suggests the introduction of an automatic review of detention by an independent tribunal. This would be in line with the UN Mental Illness Principles. Principle 17 provides for review by an independent and impartial body as soon as possible after the detention decision has been made.

Even if an application is lodged at present there is a problem with delay in scheduling hearings. The report argues that there should be increased resourcing of the tribunal system together with a time limit within which a hearing can be expected in order to tackle delay. It highlights the need for funding for specialist, independent and accessible mental health legal advice and representation.

The human rights implications of compulsory medical treatment are considered in some detail in the report. Particular human rights concerns are the forced treatment of patients, the treatment authorised, the inadequate testing of capacity to consent to treatment and the under-funding of community services.

For the first three months of detention there is no obligation to establish consent to the administration of medication. The report argues that this blanket permission for medication without consent is at odds with the requirement in article 8 of the European Convention on Human Rights that any interference with the right to respect for private life needs to be justified and be proportionate in the circumstances of each case. The report also highlights that the position in Northern Ireland

falls short of the UN Mental Illness Principles as the proposed compulsory treatment is not subject to independent review which would consider both whether consent was possible or withheld and the person's best interests. The report recommends that legislation should ensure that people with capacity to refuse treatment are no longer treated against their will, except in very limited circumstances. The focus should be on working with people to gain informed consent.

It is suggested that detailed research should be carried out on the use of electro-convulsive therapy (ECT) and other potentially irreversible treatments. One of the concerns about the use of ECT is the lack of information available about the procedural safeguards, eg, the requirement for a second opinion where there is no consent.

In order to minimise the number of situations where the issue of compulsion arises, the report recommends that additional funding should be provided for promotion, prevention, early intervention services, community mental health and learning disability services.

In order to promote and protect the rights of people with mental health problems it is necessary to have a body that has clear responsibility for monitoring the implementation of mental health legislation and ensuring law, policy and practice is compatible with agreed human rights standards. The Mental Health Commission for Northern Ireland could meet this role. The report finds that despite having a broad remit, resource limitations have constrained the work of the Mental Health Commission and more resources are needed if this body is to fulfil its potential.

Connecting Mental Health and Human Rights, NIHRC 2003 (Davidson G, McCallion, M and Potter, M.

The full report can be accessed on line at www.nihrc.org or is available in hard copy from the NIHRC.

CAJ goes public

CAJ went public twice this past month about its human rights concerns.

Holy Cross judgment

The first press release issued related to the disappointing Holy Cross judgment. As the judge himself noted, the episode was “one of the most shameful and disgraceful episodes in the recent history of Northern Ireland”, and yet it seems the court was able to offer little remedy.

In response to a judicial review by one of the parents of a Holy Cross pupil, claiming that the police had not provided effective policing to ensure their child’s human rights, the judgement determined that the ‘best interests of the child’ principle had been properly upheld. Decisions about policing such events were considered to be operational matters, and operational matters were determined to be matters for the Chief Constable alone. Yet, aware of the controversy caused by the doctrine of the police’s “operational responsibility”, Patten had commented on this in some detail in his report. While the report stated clearly that neither the government nor the Policing Board should have the right to direct the Chief Constable as to how to conduct an operation, it went on to say that this “does not mean, however, that the Chief Constable’s conduct of an operational matter should be exempted from inquiry or review after the event by anyone. That should never be the case” (Patten, para 6.21, underlining added).

The judgment further found that the children’s right to education had been upheld and gave no consideration to the role that safe access to schools might have in securing an effective right to education. The judgment refers explicitly to the fact that medical evidence had been provided to the effect that the children “*displayed a wide range of nervous symptoms. Many of the young children required counselling even after the protest ended*”. Yet these factors are not thought to impinge on the basic right to education since, thanks to the sterling efforts of parents and teachers, the applicant’s daughter “has not in fact been denied her right to education”.

The judge concludes (in a somewhat roundabout way) that “*I would not be prepared to say, however, that the indignities, threats and naked intimidation to which the applicant was subject would not amount to ‘inhuman or degrading’ treatment for the purposes of article 3*” (of the ECHR). Despite this, no remedy is on offer.

There are lessons aplenty in this judgment for lawyers and non-lawyers alike. If the Bill of Rights (see elsewhere in Just News) is to deliver a fairer society, it will be important to ensure that the law is used as a tool for securing justice not obscuring it.

Human Rights Commission Take II?

The second foray for CAJ into media coverage this month related to a different, but not unrelated, issue – the move to appoint new members to the NI Human Rights Commission. The adverts for new Commissioners have appeared and head-hunters are on the phone to all and sundry seeking possible names. Yet, some very basic preliminary questions remain unanswered.

Together with a range of domestic and international groups, including Amnesty International, Human Rights First and Human Rights Watch, CAJ wrote an open letter to the press stating that “anyone seriously contemplating applying for these jobs will want answers to various questions”. What has happened, for example, to the February 2001 review of NIHRC powers? Will the NIHRC have at least the powers laid down by the UN Paris Principles? What follow up is being given to an array of recommendations from summer 2003 from the Joint Committee on Human Rights? How will the transition from ‘old’ to an entirely new’ Commission be managed so as to secure confidence and legitimacy in the new arrangements? And, so on.

Many of these concerns had already been raised directly with the Northern Ireland Office by CAJ in correspondence, but the NIO’s recent response, and a subsequent examination of the information pack which is to be provided to all potential candidates, fuels rather than calms our concerns. The government will issue its response to the Commission’s review of powers “later in the summer, once the appointments process has been launched and the applications received”. Why? The review of powers was submitted to government more than three years ago; deferring decisions for another few weeks candidates will not be properly informed of their duties before putting themselves forward for consideration.

But then, maybe that is exactly what is intended. The information pack emphasises repeatedly the need for Commissioners to have skills in teamwork, consensus-building and corporate governance. These are obviously extremely valuable skills. It seems, however, that no-one, including the Chief Commissioner, needs to have any expertise in human rights and, even more worryingly, candidates need not evidence any “demonstrable commitment to human rights”. The information pack does allude to this extremely important – and CAJ would argue essential criterion - but it is not one of the issues that all candidates must address in their application form and one that can be tested.

The Human Rights Commission (NIHRC) has recently produced a progress report on the Bill of Rights. This document updates the 2001 consultation document on “Making a Bill of Rights for Northern Ireland” and contains the Commission’s latest thinking on the proposals contained therein.

What is not clear is what exactly the status of this document is, and where the Bill of Rights process will go from here. The Commission are welcoming responses until 1st August 2004, and have indicated that they might provide further but not necessarily final advice to the Secretary of State towards the end of the year. This needs to be considered in the context of the upcoming change in the Human Rights Commission (the NIO having recently advertised for a new Chief Commissioner and Commissioners). Will the current Commission’s work on the Bill of Rights be delivered to the Secretary of State as a *fait accompli*, or will it be handed over to a new set of Commissioners to continue?

CAJ would have particular concerns about the former scenario—it is clear that the current work of the Commission on the Bill of Rights does not have sufficient political support to carry it through any parliamentary process. Indeed, there is a very real chance that the NIO may refuse to legislate exactly because the proposals do not have ‘cross-community’ support. It also seems that this document has not been as widely circulated as the Commission’s earlier materials on the Bill of Rights, so engagement by the wider community could be limited.

The Westminster Joint Committee on Human Rights recognised the importance of political and public ownership of the process, when its recent report emphasised that “*it is vital to ensure that the final advice on a Bill of Rights presented to the Secretary of State by the Commission is credible, and grounded in community and political participation*”. Despite the sterling efforts of the Commission in this regard, unfortunately this is not the case at present.

One way of beginning to remedy this is for political parties and representatives of civil society to engage in a roundtable forum to take the Bill of Rights forward—a proposal that has been on the table for some time, that the two governments have committed themselves to. Perhaps, we can hope to see some movement in the current talks process.

In any case, CAJ feels very strongly that submission of advice to the Secretary of State in the absence of wider political and public participation would foreclose the debate and waste the opportunity given to us to develop a Bill of Rights which all can share a part of. It will be in this context that CAJ will be responding.

It is impossible to do justice to the extensive document in a short article, so only a few issues have been commented on in this below.

Progress report

Identity and community

This chapter was highly criticised the first time around. Some were concerned that the focus on the principle of “parity of esteem” referred to in the Agreement could mean that the rights of people whose identity was neither unionist nor nationalist would not be properly recognised. Obviously, prior to commenting, CAJ will want to hear from those groups working with ethnic minority communities and particularly with Travellers about their reactions. The right to “be nomadic or sedentary and the right to change from one mode of living to the other” appears different to that originally proposed by Traveller groups, and presumably covers English New Age travellers? Does this and other changes in this chapter reassure Northern Ireland’s various ethnic minorities, and indeed others describing themselves as neither nationalist nor unionist, that their rights are being fairly addressed?

Others were concerned about the balance to be struck between individual rights and the rights of groups, and indeed individuals as members of groups. This issue seems to have been a particular concern of the Commission, since the right *not* to be treated as a member of a particular minority is mentioned repeatedly in the commentary. Their conclusion however is not to allude to this right explicitly in the final draft text, but to conclude that the Framework Convention for the Protection of National Minorities should be incorporated in full. CAJ would normally be very supportive of initiatives to ‘domesticate’ regional and international human rights instruments, but it would have been very helpful if the NIHRC had explored in the commentary some of the arguments for and against incorporation. Experts in the European Framework Convention, invited specifically to advise on the Bill of Rights, counselled against the issue of self-identification being addressed in the Bill of Rights (simply on grounds of its complexity). The text on offer from the NIHRC does not mirror the text proposed by the Council of Europe, and it is not clear if this is due to any disagreement.

New problems also arise in this text. It was clear that there had been internal Commission disagreement about the extent to which, if at all, some of the original proposals might negate voting mechanisms laid down in the Agreement to ensure representativity in political decisions and decision-making. Yet, the new document retains the original contested text and does not say whether those early concerns have been satisfactorily resolved. Moreover, though the issue of “cultural” rights, which appeared to have been inadvertently omitted in the first version, does figure in the new version, reference is also made to limitations on those rights. Why was it felt necessary to refer to limitations specifically in the context of cultural rights, and why, according to the Council of Europe experts, do the limitations go beyond those in the Human Rights Act?

in the Bill of Rights

Socio-economic rights

The new text drops the earlier interpretative clause which is most welcome – since it automatically set this chapter apart from all the other rights, implying that socio-economic rights were somehow lesser than the (mainly) civil and political rights outlined in other chapters. Otherwise, however, the consultation process is more not less difficult than in the last round.

The NIHRC offers three possible approaches: 1. minimum justiciable rights; 2. no justiciable rights but rather obligations on public authorities to progressively realise the rights set out; or 3. a combination of both these approaches.

CAJ would imagine from the extensive debate and interest elicited amongst Human Rights Consortium members, and indeed the general public, regarding the potential for a Bill of Rights to deliver change in terms of protecting rights to health, housing and work, that it would be the latter of these three options that might prove the most attractive and feasible. Yet the third option is not explored, and no text or models about how it might work are elaborated. It would, in our view, have been most helpful of the Commission to propose a specific text along the lines of the third option, and allowed critics to argue for more or less protections (along the lines of 1 and 2).

The current formulation allows for a polarisation of debate along the lines of the ‘all or nothing’ models outlined in models 1 and 2 – leaving those wanting to explore constructive options without any specific proposal to comment upon or support. The Commission devotes several pages to its two alternative options and concludes that a third option “would amalgamate versions 1 and 2, so that there would be a set of minimum rights enforceable through the courts as well as a range of additional rights which are to be progressively realised. No additional commentary is required”. CAJ begs to differ – version 3 is both the most realistic and valid model, and proponents of the inclusion of socio-economic rights in the eventual Bill of Rights are left with little guidance as to how best to contribute to the debate.

In other ways also the thinking of the Commission is not crystal-clear. They say that the minimum rights on offer in model one “are those which are now recognised as such by the UN’s Committee on Economic, Social and Cultural Rights”, but they in fact use very different language. What is “protection from destitution”? Presumably it is intended to use this formulation to avoid using the ESCR formulation of an “adequate standard of living”? The Commission text refers to the right to access to healthcare, when the UN Covenant talks of the “right to the enjoyment of highest attainable standard of physical and mental health”.

In one domain the Commission does not however hedge its bets. It says that “Commissioners are clear, however, that whichever approach is adopted, this part of the Bill of Rights should be made expressly applicable to the operations of the Northern Ireland Assembly and Executive”. This suggestion is apparently being made to counter any read-across fears but open the way for several problems. This limitation makes it very easy to hide behind the excuse of “no resources”; it risks making these rights dependent on policy decisions made in Westminster rather than locally; and it ignores the fact that the upholding of important civil and political rights may also be devolved in future.

Children’s rights

Some concerns have already been expressed by children’s rights organisations in that the original text has been greatly reduced and some important rights appear to have been omitted in the second version. These omissions might be resolved if the UN Convention on the Rights of the Child were to be “incorporated into the law of Northern Ireland en bloc” as suggested, but it is not clear whether that is the implication of the text that “public bodies shall carry out their functions in relation to children in accordance with the UNCRC”. Certainly, the statute of the NI Children’s Right Commissioner refers to “having regard to any relevant provisions of the UNCRC” but in a recent court ruling, the judge concluded that the UNCRC had little impact in domestic law. The Commission will need to be asked for clarification on this matter – what exactly is being proposed?

In conclusion

CAJ is following this debate closely and even our members find it difficult to trace the different twists and turns of the debate, and to assess whether progress is being made or deferred. It is certainly difficult to see how the consultation process in its current state can mobilise the necessary popular and cross-community support. It will be necessary in the coming months to push for a richer and deeper debate than has been possible to date. The exact formulation of the Bill of Rights is somewhat secondary to getting support for its general parameters and the framework it could create for a society respectful of human rights. We must fervently hope that the Round Table process could kick off a more productive and constructive phase for the debate.

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.

Judgment in the McKerr case

Colin Middleton committed suicide in an English jail on 14 January 1999. Sheena Creamer, also a suicide, died in a Yorkshire prison on 7 August 2000. Gervase McKerr was shot dead by RUC officers in Armagh on 11 November 1982. In the case of the former two, inquests were held and concluded, but in both of these cases the next of kin wished the issue of neglect to be formally recorded and took judicial proceedings to that end. In Gervase McKerr's case an inquest was long delayed and finally abandoned by the Armagh Coroner in 1994, due to obstruction by the state. His son sought to give effect to the European Court of Human Rights findings that there had been a breach of Article 2 of the ECHR in his case. That finding was that the 'procedural' aspects of Article 2 had been broken by failing to undertake an independent effective investigation. Mr McKerr's son was trying to overturn a blanket refusal by the Northern Ireland authorities to carry out a new and Article 2 compliant investigation.

These three cases, having made their way through the various legal systems, ended up in the House of Lords and were all decided on the same day – 11th March of this year. In the former two cases the House of Lords held that the Human Rights Act 1998 applied and that the inquests system which had investigated the cases had to be Article 2 compliant.

In Gervase McKerr's case, they decided it did not apply and that consequently there was no domestic legal requirement to hold a new investigation. In this case they said that the failure to hold a new investigation was not a breach of Article 2, as Mr McKerr's killing had occurred before the Human Rights Act took effect, on 2nd October 2000. In deciding this, they applied the by-now established rule that the Human Rights Act does not apply retrospectively.

The Court rejected arguments by lawyers for Mr McKerr's son that the issue of retrospectivity did not apply. They argued there was a continuing breach of the Article 2 requirement to hold an independent effective investigation for as long as no such investigation was held. The nub of the case was, as Lord Hoffman said,

"Either the [Human Rights] Act applies to deaths before 2 October 2000 or it does not." Emphatically he and the rest of the court found that it did not.

Fine, one might say. After all, they're just applying the now established legal principle that the Human Rights Act isn't retrospective. Sure, it's not as if they're doing anything different in this case than in any other. The problem is that they are.

Consider the last passage in the decision of the same court, on the same day, in the case brought by Colin Middleton's mother. "In this appeal no question was raised on the retrospective application of the Human Rights Act and the Convention. They were assumed to be applicable. Nothing in this opinion should be understood to throw doubt on the conclusion of the House in *In re McKerr*" (emphasis added). Isn't it odd how the Human Rights Act could be found by the House of Lords to apply to the death of a man in England in 1999, but not to the death of another man in Northern Ireland in 1982?

In the case brought by Sheena Creamer's mother, the court was less overt, but still found that the failure of

the coroner in the inquest into her daughter's death to allow the jury to consider the issues fully "deprived the inquest of its ability, when subjecting the events surrounding [her] death to public scrutiny, to address the positive obligation that article 2 of the Convention places on the State to take effective operational measures to safeguard life." (emphasis added) If the Human Rights Act didn't apply – because Sheena Creamer died before 2 October 2000 - then why was the court finding that a coroner's actions were in breach of the Convention and by extension, the Act?

Those who have observed the machinations of the state and its attempts to hide the truth about the 'dirty war' in Northern Ireland will draw their own conclusions. The effect of the judgment in the McKerr case is, once again, to prevent the open and independent investigation of very serious allegations about the state's activity in Northern Ireland and by extension to prevent similar investigations in numerous other such cases.

As Lord Steyn observed in his judgment:

"The deliberate killing of individuals under suspicion of subversive activities by agents of the state is something that one associates with lawless totalitarian regimes. That is not to say that in liberal democracies such events cannot occur. The difference between totalitarian states and democracies lie in their response to a serious allegation that such targeted killings took place. It would be antithetical to the nature of a totalitarian state to permit such killings to be investigated."

Well, yes it would, wouldn't it?

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University of Ulster

Tackling miscarriages of justice

Innocence, guilt, truth, justice. These are all highly emotive words. And they are the type of words that many people might use when they talk about the criminal justice system. They might also be used to characterise the work of the Criminal Case Review Commission (CCRC).

In fact, these concepts do not appropriately fit with any description of the unique role that the Commission fulfills in a mature and highly developed democratic society. Set up in the wake of high-profile miscarriages of justice like the Birmingham Six, the Commission can only deal in the facts of a case as opposed to its rights and wrongs. It is a review body - nothing more, nothing less.

The Commission is entirely independent and does not represent the prosecution, defence or indeed any other part of the criminal justice system. It is a public body, funded by Parliament through the Northern Ireland Office and the Home Office.

Quite simply, the Commission's job is to examine the safety of convictions (or fairness of sentences) and decide if there is a "real possibility" that an appeal court would find a conviction unsafe. The safety of convictions can be undermined in any number of ways and it is the Commission's job to decide if there is any new evidence or new argument that casts doubt on a verdict. Usually, before the Commission can review their case, applicants must have exhausted the normal appeals process either by having their appeal turned down or by being refused leave to appeal.

Applications cannot simply rely on arguments that have already been explored at the original trial or appeal.

However, the Commission has extensive investigatory powers that enable it to get material from any public body, which may not have been seen by the defence, or indeed the prosecution. The Commission can also seek the advice of experts and re-interview witnesses or interview new witnesses.

The CCRC also has power to appoint outside bodies, usually another police force, to investigate in particularly complex or sensitive cases.

The Commission took over responsibility for reviewing suspected miscarriages of justice from the Home Office and Northern Ireland Office in 1997, inheriting a significant backlog of cases in the process. In the past seven years the Commission has developed what is widely regarded as an efficient and thorough case working process and the caseload has fallen from a peak of 1,200 to under 300.

The Commission, which is based in Birmingham, employs 16 Commissioners, from a wide range of backgrounds including one from Northern Ireland. Their principal role is to make a decision when the review is completed. It has additional staff of about 100, including 50 Case Review Managers who each have a small portfolio of cases. All have legal or investigative experience and many have previous professional backgrounds in the legal profession or law enforcement. The Commission uses the wide range of backgrounds and experiences of its Commissioners and Case Review Managers for the benefit of the review of its cases.

Once this process is completed, a document called the Statement of Reasons is sent out to the applicant, which explains the decision and the reasons behind it. Applicants can usually get Legal Aid, and the majority are legally represented. The Commission encourages applicants to get legal representation, but will review all cases irrespective of whether a lawyer is involved or not.

The Commission gets about 900 applications a year. It is a demand-led

service and the review process is by its very nature time-consuming. Most cases can be dealt with relatively quickly, but about one in five require a longer review because of their complex nature and cannot be allocated for review immediately. Applicants who are in prison are given priority.

Currently there are about 60 such cases involving applicants who are in custody who will wait about a year for the main review to begin. About 40 such applicants are at liberty and are likely to wait two years. A relatively small number of cases are eventually referred back to the appeal courts, but to date about two-thirds of referrals have resulted in a conviction being quashed or a sentence varied.

However, the profile of the Commission's casework in Northern Ireland differs significantly from that in England and Wales. Since 1997 the Commission has dealt with more than 6,500 criminal cases, but less than 100 applications have been made from Northern Ireland. Almost all of the applications from Northern Ireland concern the most serious types of offences like murder, or causing explosions, arising from the conflict which preceded the Belfast Agreement

The rate of referrals to the appeal courts is much higher and to March 31 2004 a total of 13 of the 74 Northern Irish cases dealt with had been referred to the appeal courts.

The CCRC is beginning to look into the reasons why the situation differs in Northern Ireland, and to raise awareness of its role and powers. To this end a delegation spent three days meeting a range of stakeholders, including a highly informative visit to the CAJ; a further visit is planned for the autumn.

Boris Worrall

See the CCRC's website at www.ccrc.gov.uk, telephone 0121 633 1800 or write to CCRC, Alpha Tower, Suffolk Street Queensway, Birmingham, B1 1TT.

Civil Liberties Diary

May 6 The NIO announced that a new human rights chief for Northern Ireland would be appointed by the autumn, along with a new team of commissioners.

A new book, *Fair Employment In Northern Ireland – A Generation On*, says that Northern Ireland is currently experiencing a Protestant brain drain and that increasingly senior professional and managerial posts are being filled by highly-qualified Roman Catholics.

May 7 The family of murdered GAA administrator Sean Brown have agreed to assist the PSNI with their investigation into the killing, based upon Police Ombudsman Nuala O'Loan's report last January which found that there were "significant failures" in the original RUC investigation. The family only agreed after they were assured that none of the original investigating officers would be involved.

May 10 Nationalist residents in South Armagh prevented a meeting of the area's District Policing Partnership (DPP) in a local community centre after more than 270 people in Forkhill signed a petition expressing their opposition to Newry and Mourne DPP using the centre.

May 10 Sinead McSweeney, a member of Fianna Fail and special adviser to the Republic's justice minister Michael McDowell, has been appointed as head of Media and Public Relations in the PSNI.

May 11 A report published by the Organised Crime Task Force (OCTF) indicates that around 235 criminal gangs, with two-thirds linked to loyalist and republican paramilitaries, are responsible for taking tens of millions of pounds from the economy through fuel smuggling, counterfeiting and other rackets.

Chief Constable Hugh Orde confirmed that community workers linked to loyalist and republican paramilitaries

could be "policing" Northern Ireland during the summer, though the move is aimed at ensuring a peaceful marching season.

May 12 Twelve Canadian MPs, including the parliamentary leader of the Bloc Quebecois, Conservatives, Liberals and Democrats, have signed a petition addressed to Tony Blair calling for an inquiry into the murder of Pat Finucane. They claim that such an independent international inquiry could aid the peace process.

The widow of Pat Finucane released new papers supporting her application for a judicial review of the British government's decision to postpone an inquiry into Mr Finucane's death. She accused Secretary of State Paul Murphy of attempting to block a public inquiry and claims that he has erred in law in holding that there is a requirement to wait until criminal proceedings are completed.

May 12 The NIO is to commence a pre-consultation initiative to find a mechanism to deal with the legacy of the Troubles by talking to victims' groups, academics and Churches. A special unit to review unsolved murders over the past 30 years is already active and is to be followed by a wider consultation process with the general public and the Irish government to find ways to assist with the healing process for victims.

May 13 PSNI statistics for 2003-2004 show that while the total overall number of crimes recorded during that period have fallen, the number of racist incidents has risen from 226 to 453 in the past 12 months.

May 18 Reserve police officers who serve for more than 15 years are to become eligible for long-service medals. The move follows recognition that the numbers of years' service given by members of the Full Time and Part Time RUC Reserve was not taken into account when they became members of the PSNI.

May 20 Judith Gillespie, the newly appointed first-ever female Assistant Chief Constable.

May 20 Derry's District Policing Partnership (DPP) announced plans to hold a public meeting in the city's Bogside region as part of a drive to increase support for the body and for community policing.

May 24 The PSNI met with members of the DPP, Community Safety Partnerships and councils at a conference, *Your Community – Your Concern*, to explore ways of improving people's quality of life by reducing crime.

May 27 Belfast City Council is considering proposals to cut funding for citizens advice centres across Belfast by £30,000, despite an ever-increasing demand for such services.

May 30 Chief Constable Hugh Orde stated that the issue of amnesties for those who committed crimes during the Troubles should be discussed as part of the overall peace process and that paramilitaries and security force members accused of involvement should be included in any forum.

Compiled by Sophie Orr from various newspapers.



Just News welcomes readers' news, views and comments.

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