

Just News

Human Rights in Northern Ireland

The UN comes to Northern Ireland

The United Nations, in the person of its Secretary General, Kofi Annan, delivered the 7th Tip O'Neill lecture at Magee on 18 October, and spoke about the key lessons for building peace in war torn societies.

Kofi Annan in person is very much the person that one sees on TV – modest, softly spoken, precise in movement and language – but with a great presence. To an invited audience of students, University of Ulster staff and previous guests to the Tip O'Neill series, Mr Annan gave a wide ranging talk on international peace building.

His speech outlined nine steps in international peace building. They were all very simple lessons – or at least simple to enunciate, probably extremely difficult to follow. (1) the international community should learn how to say 'no' when necessary - it should know its limits and admit them and not take on more than possible; (2) all peace keeping operations must know what their objectives are, and must have clear and achievable goals; (3) it is important to understand the local context (Mr Annan emphasised that local and very particular circumstances determine what can be done and when, and international developments have to be guided by that local context); (4) a very hard won lesson lies in never neglecting security concerns; something that must be very close to his heart - not least as an 'employer' of a very large staff of people based in some of the most risky and dangerous locations around the world; and (5) the importance of managing expectations – internationally and locally.

It was in turning to the sixth lesson that he touched a particular chord with his audience. At the outset, he had indicated that his talk would only tangentially relate to Northern Ireland, and was essentially drawn out of his wide-ranging experience of international peace building. However, when he emphasised the need to "stay the course" there was almost a palpable and combined response from the audience of a hundred or so. He said that:

"nearly half of all peace processes collapse within 5 years. Others fall into a sort of limbo of no war, no peace. In the life of almost every peace process, there comes a time – usually three to seven years out – when disillusionment is high, when the wheels seem to be turning without any real forward movement. Fatally this often coincides with the waning of outside interest. Political engagement and financial support are reduced, just when the process needs a second wind".

The Secretary General went on directly to say –

"Hard-won agreements on human rights and the reform of justice are often eroded once domestic and international attention diminishes"

and he commented on examples of this in Guatemala and Haiti. He said that the most important lesson from this was that everyone needs to stay engaged – the international community, including international non-governmental organisations, the former parties to the conflict and "the people themselves, who are the most essential actors in any peace building process". Interestingly, he indicated countries where he felt that this lesson was at last being learnt and cited Sierra Leone, East Timor and Haiti as places where international peace-keeping planning was looking very much to the longer term.

His remaining lessons included (7) getting the sequencing right, keeping everyone on the same page (i.e. coordinated); and (8) allowing local populations to take responsibility for building the peace since they are the ones who will have to live with the results.

His very final remarks also had a particular resonance for debates in Northern Ireland. Mr Annan said

"we no longer contemplate demobilization and disarmament – the two "Ds" – without adding an "R", which stands for reintegration into the civilian economy. Without this, it is a virtual certainty that new weapons will be acquired and violence will resume. And there is also, of course the need for reconciliation, which cannot work unless the victims of atrocities feel that they have obtained justice or at least a full acknowledgement of past wrongs. Absent such a reckoning, there is a lingering sense of unfinished business, and in the long run this can be destabilising".

For someone who was not talking about Northern Ireland, he had a lot to say which had an immediate and direct relevance to our debates.

Contents

The UN comes to Northern Ireland	1
Effective Inquiries?	2
Northern Ireland goes to the UN	3
Parliamentary scrutiny in operation	4/5
Sub-contracting torture?	6
Which way forward for new TSN?	7
Civil Liberties Diary	8



Effective Inquiries?

The move to establish an inquiry into the murder of Pat Finucane has met a new and unexpected obstacle. Government has now decided that none of the models of inquiry adopted since the 1921 Act quite fit what they think is needed to deal with the Pat Finucane case. New legislation is apparently required!

At the time of writing, we assume that the political consequences of proposing an inquiry unique to Pat's death are too great to contemplate. Thus, it is much more likely that legislation will be brought forth that will facilitate the holding of a variety of inquiries - of which Pat Finucane is only one that will "benefit". Government statements also imply that the Finucane family and others should be grateful for this move to new legislation, because the new law will allow government to determine the extent of public and private hearings in advance, thereby avoiding the delays and problems incurred when Public Interest Immunity Certificates (PIICs) are regularly requested throughout the course of the inquiry. Needless to say, this measure does not reassure those who have insisted over the years on an independent, public and judicial inquiry to address the circumstances of Pat Finucane's murder. Nor is it likely to reassure anyone that wants to see justice done in any of the other cases where allegations of collusion have been made against government.

Earlier this year the Department of Constitutional Affairs issued a consultation paper entitled "Effective Inquiries". Unfortunately, few individuals or groups in Northern Ireland were included on the initial list of consultees, and CAJ believes that not many groups here learnt of the consultation or engaged actively in it from the perspective of the experience in Northern Ireland.

This was particularly unfortunate as it is quite clear that much of the impetus for the move to change inquiries has come about because of concerns expressed about perceived failings in the Bloody Sunday Tribunal. Moreover, the analysis of those perceived failings would not necessarily be widely shared in Northern Ireland. In our own submission, CAJ concluded that

"the Bloody Sunday Inquiry far from being a justification for the holding of fewer inquiries, provides a convincing argument for holding more. If, as in England, genuinely public and independent inquiries had been more regularly established in Northern Ireland to inquire into matters of grave public interest, matters involving serious human rights could have been more effectively and promptly dealt with than has in fact been the case".

Amongst other things, the consultation document for example speculated that the 1921 Act (which is the Act CAJ and others have argued should be used to address the Pat Finucane murder) could now be considered redundant. The issues canvassed for discussion included: the appointment of the inquiry chairman (sic); the composition of the panel; the setting of the inquiry's terms of reference; the extent to which evidence could be heard in private etc.

Incidental to the wider discussion, it is worth noting that CAJ had suggested that the frequent and reiterated use of the term "chairman" when speaking of the inquiry chair was inadvisable. The Department by way of a footnote indicated that they had

"used the term 'chairman' in the belief that it is now common usage for it to apply to both men and women. We would like to stress that there is absolutely no presumption that the chairman of an inquiry will be a man".

Clearly a decade or more of calling for gender-sensitive language has not worked; what hope is there for any of our other even more 'radical' recommendations?

Returning to the issue of effective inquiries, CAJ argued that much should be left to the inquiry chair, after taking soundings from those with a direct interest in the matter. Clearly public inquiries will vary greatly and while inquiries into allegations of serious child abuse might require strict privacy, others would have little justification for private sessions.

In our submission we argued that:

"on occasion, an inquiry is set up precisely because of a lack of trust, or a need for closer scrutiny, of the exercise of ministerial functions. In such instances, it seems highly unlikely that an inquiry composed of appointees of the Minister, and working to terms of reference established by the Minister, could ensure the necessary legitimacy and credibility. It is entirely counter-productive for public monies to be spent on a public inquiry aimed, hopefully, at clearing away distrust and learning lessons for the future, which instead merely compounds suspicions of cover-ups".

It is far from clear whether this argument has been taken on board by government. Conversely, government is feeding grave distrust about the nature of all future inquiries. Government would be much better advised to embrace open, public, and independent scrutiny mechanisms, rather than argue for fewer of them.



Northern Ireland goes to the UN

The front page of Just News reports that the UN is coming to Northern Ireland, in the shape of Kofi Annan, the Secretary General. But the traffic is not all one way! In November, the UK government will be being examined by the UN Committee Against Torture (UNCAT) and CAJ has prepared a short submission and will be attending the various hearings.

While it is likely that the Committee will want to look very closely at allegations of ill-treatment by British officials in Iraq, and allegations of ill-treatment against Muslim detainees in Belmarsh, there are also many issues related more directly to Northern Ireland that we hope will be tackled.

We will also be arguing that Northern Ireland has much to offer elsewhere. Our submission has stated for example that *“the many initiatives taken by the UK government in its response to the alleged ‘war against terror’, both domestically and internationally, appear to totally ignore the important lessons of NI. When seeking to end political violence, it is unhelpful to set aside the rule of law, to create suspect communities, and to diminish hard won civil liberties: the NI experience proves that this approach is totally counterproductive, feeding rather than counter-acting conflict and violence”*.

Emergency?

Among the various issues raised for examination by Committee members, we are drawing attention to the continued use of emergency legislation in Northern Ireland. We hope the government will be asked to justify why they believe the international test for emergency legislation has been met. In short, whether there exists a threat to the life of the nation currently in Northern Ireland.

CAJ also expresses concern about the detention of foreign nationals in NI under the Terrorism Act and whether they can be reassured that – despite the recent Appeal Court ruling (see page 6) – evidence gathered abroad by non-UK nationals employing torture will not be relied upon in courts here.

Prisons

The submission cites the Prison Service annual report about deaths in custody and the steady increase over recent years of self-inflicted injuries. We raise concerns about the use of prisons to detain refugee claimants; and refer the Committee to the major new report brought out by the NIHRC into the situation of women prisoners. Factual information provided by the government, but disputed in other official statistics, about the extent of current reliance on the Holding Centres, and the extent of Catholic representation across all branches of policing, is challenged and the Committee urged to question the government on the accuracy of some of their assertions.

CAJ reminded the Committee of their recommendation that plastic bullets be abolished as a form of crowd control, and urged them to question the government closely on their failure to take effective action in this regard (though thankfully noting the dramatic decrease in reliance on this weapon). CS spray is also on their agenda as is physical punishment for children and the introduction of ASBOs.

ASBOs

Government claim that *“in recent years, a greater emphasis has been placed on diverting young people from crime and reducing the need to place them in custody”*. It will be interesting to see how the UK delegation intend to argue that the introduction of ASBOs is consistent with the stated desire to reduce youth detention.

The government frequently asserts in their submission the value of the Human Rights Act in ensuring that the rights of all are now fully incorporated

into domestic law, and are thereby upheld. In our submission to the Committee, we noted however that many outstanding problems remain.

Human Rights Act

We cited by way of example the fact that the NI Children’s Commissioner cannot be considered a ‘victim’ for the purposes of the Act, thereby requiring an individual child always to be willing to take on the burden of pursuing a legal challenge. In another arena, we noted the court decision *In re: McKerr* where the Human Rights Act was found to have no retrospective impact prior to its introduction, and therefore it seems there is no remedy for those who successfully argued in Europe a breach of their Article 2 right to life.

We also cited the Holy Cross case as another failure for victims to access any effective remedy. This incident was described by the judge *“as one of the most shameful and disgraceful episodes in the recent history of Northern Ireland”*. He went on to determine 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”*. Despite this, neither the parents nor the children secured any remedy – so the Human Rights Act in and of itself is clearly not a panacea.

Report card

UN Committees serve as a bit of a ‘report card’ for governments. It is to be hoped that UNCAT will welcome such of the advances made in Northern Ireland towards ending the risk of torture, or cruel, inhuman or degrading treatment. But it is likely that the Committee will also want to point to areas of concern and highlight the risk posed by the government’s so-called ‘war on terror’ which risks replicating the mistakes of the past. Human rights abuses feed and fuel conflict, they do not end it.



The Westminster Northern Ireland Affairs Committee (NIAC) has held an unexpected number of inquiries on subjects of direct relevance to CAJ over the course of the last year. The greater volume of work may be dictated by the suspension of the Assembly, and the belief that Direct Rule Ministers need particularly close scrutiny during a period of lesser local scrutiny. If this is the case, Westminster scrutiny is obviously not sufficient, but it is certainly better than nothing.

The four inquiries of relevance to CAJ include the Quigley Review (including the operation of the Parades Commission); hate crime legislation; the Police Ombudsman and, just beginning, is an inquiry into the work of the Policing Board.

Parading

CAJ's primary concern in its submission to the Committee was that the police not be returned to the position of judge and jury as regards deciding upon the legality of parades to be permitted.

- ✍ Decisions on whether or not parades are to be permitted should be kept quite distinct from the policing of permitted marches.
- ✍ We stated that the Parades Commission could make a number of improvements in its work – for example better communication, more outreach and greater transparency. By and large, however, it is CAJ's belief that the creation of a Commission, acting as an independent arbiter, constrained by clearly laid down and agreed legal criteria, has made a positive contribution to defusing parade related tensions over the years.
- ✍ We do not see the need for any radical overhaul, and we certainly opposed the suggestion of Sir George Quigley that 'human rights considerations' be separated out and addressed in a particular phase only of the decision making process. His recommendation disregards the fact that all public bodies, including the PSNI, must abide by the Human Rights Act. As a legal matter they cannot shirk this responsibility on the grounds that some other body at some other stage in the process has done all necessary 'human rights proofing'.

Hate Crime

The second inquiry carried out recently by the Committee and to which CAJ submitted testimony related to hate crime in Northern Ireland. Initially the Committee focused on legislative responses.

Parliamentary s

CAJ highlighted the value in government extending the existing legislation, but we also examined why current protections appear not to be working. Prohibitions on inciting hatred and intimidation are rarely if ever used. Notably in Scotland new legislation introduced to address crimes motivated by religious hatred has led to 178 prosecutions in nine months. Is this high level of action a result of much clearer legislation; or more aggressive action by the police and/or the prosecution service; or all of these? Whatever the answer, Northern Ireland would benefit from learning what is happening in Scotland – legislation not made practically meaningful by enforcement on behalf of those subjected to hate crime is worse than useless, since it feeds a sense that the criminal justice system and agencies do not care about this kind of crime.

Of course, as important, or perhaps more important than the legislative responses, are the policy responses that need to be brought into play – more focus on human rights education in schools; measures to tackle racism, sectarianism and other bigotry within the criminal justice agencies themselves; improved research; greater funding for the groups working to counter racism, and other such policy initiatives.

Police Ombudsman

A third inquiry, coming to an end in the next few weeks, is an inquiry into the work of the Police Ombudsman. CAJ addressed the following issues in its oral and written submissions:

- ✍ The independence of the office and its staff
- ✍ The effective quality control of its investigations
- ✍ The need for clarity on the role of the Ombudsman inquiring into operational issues such as the nature of raids and the treatment of suspects.
- ✍ The value of mediation (without in any way reducing the right of complainants to refuse this option)
- ✍ The need for a review of current low substantiation rates and consideration of options such as the introduction of an "unable to determine" case outcome category, and/or a "police misconduct" case outcome category (the latter for instances where misconduct occurred but it is not clear which officer was responsible)
- ✍ The importance of the Ombudsman's office reporting on the outcome of all disciplinary hearings resulting from their investigations.



itiny in operation

- ✍ The need for an independent review into the action taken by the DPP in response to cases originating from the Ombudsman's office.
- ✍ The need for the Ombudsman to consult on and publish detailed criteria for determining on action on retrospective cases, plus the need for adequate funding for cases investigated.
- ✍ The need for as much transparency as possible of the Office of the Police Ombudsman. While the Ombudsman is relatively open - especially when compared to other policing institutions – those clients of the office that we interviewed had mixed experiences of the level of transparency

✍ A specific problem in this regard is the matter of disclosure, which was the issue that attracted by far the most concern from solicitors surveyed by the CAJ. CAJ is currently pursuing a judicial review against the Chief Constable and Police Ombudsman in this regard.

If institutional learning and institutional change is to occur, it is vital that the findings of the Ombudsman be forwarded to, and acted upon, by police trainers and middle-level as well as senior police managers. In our submission, we also drew attention to the lack of frequent and routine contacts between the Board and the Ombudsman, despite an interest on the part of the Ombudsman for more systematic exchanges. Hopefully NIAC will be exploring in their report the extent of information exchange and learning being transferred from the Ombudsman to the policing institutions who could most benefit from her Office's work – the PSNI and the Policing Board.

Policing Board

The fourth inquiry, which is just beginning, relates to the work of the Policing Board. CAJ's short submission updates the key recommendations made in our Commentary of November 2003 and notes a number of problems that the Committee should address.

The Committee (NIAC) should examine the composition of the Board – why has Sinn Fein decided not to sit on the Board, why are there so few women, and why are there so few community workers? What can be done to make the public meetings of the Board much more dynamic, interactive and a genuine exercise in "holding the Chief Constable publicly to account"? How will the Monitoring Framework document be used by the Board to oversee the human

rights performance of the police and what role can the District Policing Partnerships, and the general public, play in holding the police to the human rights standards once agreed?

NIAC is also being encouraged by CAJ to look at the need for the Board to do much more effective community outreach. We noted that a recent minute on the Board website reported a member as implying that the Board (and indeed DPPs) ought to be careful about engaging with the non-statutory sector (in this instance, attending a conference on DPPs organised by CAJ). This runs entirely counter to Patten's recommendations regarding the importance of working with the statutory and non-statutory sector. We have no sense that the Board has built up close working relations with the Ombudsman, the NI Human Rights Commission, the NI Children's Commissioner, still less umbrella non-governmental groups working on issues of race and gender or community groups.

An example of their somewhat 'go it alone' attitude can be found in their decision to endorse the police purchase of CS spray: the Board took this decision at a private not a public session of the Board and it has neither published any study into the data it surveyed or encouraged any public debate of the appropriate weaponry to be provided to the police. Despite the obvious public interest in any new weapon being provided to the PSNI, the Board has not ensured that the guidelines for the use of CS spray are placed in the public domain, nor publicly raised concerns to this effect.

Effective scrutiny?

On the basis of our involvement to date, CAJ believes that NIAC is performing a very useful function, especially in a period of very limited local political oversight. Like the Joint Committee on Human Rights, their reports and recommendations have proved very useful in lobbying efforts. The quality of the work, the use of independent expertise, the transparency of the hearings (members of the public can attend), and the breadth of interest, all set a useful role model for any Assembly scrutiny mechanisms established in the future.

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.**



Sub-contracting torture?

The following article appeared in the newsletter of our sister organisation – the Scottish Human Rights Centre, thanks to one of their volunteers, Vicky Somerville. The Court of Appeal ruling clearly has important potential ramifications beyond England, and CAJ is commenting on this issue in its submission to the UN Committee Against Torture (see page 3)

A and Others v Secretary of State for the Home Department - the implications for civil liberties

A and Others is a case which was decided by the English Court of Appeal at the beginning of August 2004. It has set a worrying precedent for the future, departing from the UK's obligations to oppose the use of torture under the United Nations Convention Against Torture and the European Convention on Human Rights.

Reliance on torture

The case concerned certificates which the Secretary of State may issue, in order to deport someone suspected of being involved in terrorism and threat to national security, from the UK, under the Anti-Terrorism, Crime and Security Act 2001. In deciding to issue certificates in respect of the applicants in A and Others, the Secretary of State had made his decision based on evidence obtained through the use of torture in Guantanamo Bay. The applicants appealed this decision on the basis that because torture was illegal in the UK, the government's decision could not be based on such evidence.

However, it was held by the Court of Appeal that as long as it had not been agents in the UK who had extracted the evidence, but instead agents of other jurisdictions, to whom the UK had no power of direction, the government could rely on such information. The court went on the further state that as long as the Secretary of State had acted in good faith, recognition of his responsibility for national security was required when assessing his approach to the material available to him.

"We unreservedly condemn the use of torture. However, it would be irresponsible not to take appropriate account of any information which could help protect national security and safety"

David Blunkett, Home Secretary

Nevertheless, this judgement effectively endorses the use of torture in obtaining evidence, in the sense that it is acceptable as long as the UK government is not seen to be getting its hands dirty. The decision violates the UK's obligations under the UN Convention Against Torture, to which it is a signatory, and the European Convention on Human Rights, which the government incorporated into UK law in the Human Rights Act 1998. It specifically violates the prohibition of torture in Article 3 ECHR. The general jurisprudence from Strasbourg is that it would be consistent with maximising the scope of protection given by Article 3 to treat the admission of evidence obtained by torture as a violation of a person's right to a fair trial under Article 6.

The UK has used its power of derogation under Article 15(3), in respect to the right to liberty under Article 5(1), in the Human Rights Act 1998 (Designated Derogation) Order 2001. The order allows a departure from the UK's obligations under the right to liberty, by declaring that the UK is in a state of emergency due to the threat of terrorism, which stems from 9/11. However, the government would be unable to depart from its obligations under Article 3, due to the prohibition in Article 15(2), which states that "no derogation can be made from the obligation to prevent torture, except during lawful acts of war". The UK government is trying to get around this due to the fact that agents of the State did not carry out the torture. However, it is unlikely that this argument would be accepted in Strasbourg.

No excuses

It is true that national security is under serious threat in the UK, and that this inevitably conflicts with individual protection under human rights law. However, we are no better than the terrorists themselves if we are to allow such violations of individual protection. It is vital to remember that evidence obtained from torture is extremely unreliable and denies the individual the right to be protected from torture and from being given a fair trial.



Which Way Forward for New TSN?

In April of this year the Office of the First Minister and the Deputy First Minister (OFMDFM) issued a consultation document on the future of New Targeting Social Need (New TSN), the Government's high level policy for tackling poverty and social exclusion. "New TSN – the way forward" concludes that to address persistent and emerging poverty, New TSN needs to evolve into a wider anti-poverty strategy. There are serious concerns in the community and voluntary sector that the changes proposed in this document do not have the potential to eradicate poverty and many are of the view that New TSN is most certainly not "the way forward."

New Targeting Social Need

Targeting Social Need (TSN) was introduced in 1991 as one of the government's three spending priorities along with 'law and order' and 'strengthening the economy' as a means of combating disadvantage, objectively defined. It was relaunched in 1998 and thus became *New TSN*. The policy aims to tackle poverty and social exclusion by:

- promoting employment and employability amongst the most disadvantaged;
- tackling other areas of inequality such as health, education and housing; and
- establishing formal arrangements for departments working together to tackle social exclusion in vulnerable groups such as people with a disability, minority ethnic groups etc.

New TSN is not a separate programme with a dedicated budget, but a general approach to programme development and delivery involving all departments skewing effort and resources towards those in greatest objective need. Following widespread criticism of the policy, New TSN was evaluated in 2000 by Deloitte and Touche for the OFMDFM. The report examined the impacts of New TSN on reducing unemployment, increasing employability, targeting resources, the number of people affected, and the degree to which the targets could affect change.

The evaluation showed that in many respects TSN is not working. For example under TSN the proportion of children living in workless households has remained the same and the proportion of children achieving no GCSEs has increased and is higher amongst Catholic managed schools and higher for pupils entitled to free school meals. Numerous aspects of the policy could not be evaluated. As one community group put it, "*The all-encompassing vagueness of parts of New TSN meant that it was rarely possible to attribute any positive or negative socio-economic changes directly to the policy.*"

The "Way Forward" document summarises the key findings of the above work and outlines a number of proposals covering the development and future direction of the policy.

The Way Forward?

On the face of it a number of the recommendations in "New TSN - the way forward" are welcome:

- ✍ Newly named the Northern Ireland Anti-Poverty Strategy.
- ✍✍ More focus on the outcome rather than the process of key actions taken to address poverty and social exclusion.
- ✍ An overall strategic objective will be to improve income and living conditions for the most disadvantaged and progress toward this objective will be measured against specific targets. Indicators will be used to monitor progress.
- ✍ Strategic framework will include three high level priorities: Building capacity; Increasing employment opportunities; Dealing with financial hardship.
- ✍ Co-ordination of the strategy through a ministerially led inter-departmental/ inter-sectoral anti-poverty forum.

Encouragingly the proposal states that "policy must evolve in a way that builds on success, avoids past shortcomings and is relevant to current needs and challenges". Unfortunately on more detailed reading it would seem that this document does not in actual fact provide for such a policy evolution.

Concerns

There are numerous groups and individuals who have long campaigned for a NI anti-poverty strategy who have been very disappointed by these latest proposals. Some of the failings highlighted are, a continued lack of detail particularly with regard to targets, timetables, outcomes; no definition of poverty; and no evidence as to how budgets will be skewed. Also there is to be no legislative weight to the policy or sanctions for breach and there has been no analysis of the links between TSN and the equality duties imposed on public bodies. Reducing inequality is even not among the aims, objectives or priorities proposed.

In other words, 'the way forward' provides a commitment to developing an anti-poverty strategy, but lacks any real detail as to how this would take place. For this reason, NICVA led a community and voluntary sector rejection of the document, arguing the need for concrete anti-poverty proposals to address issues such as the current income disparity between the wealthiest and poorest members of society. In our submission, CAJ endorsed the NICVA position, agreeing that the time has long since passed for vague commitments – TSN first appeared in 1991. With the gap between rich and poor widening, and likely to get wider still with the introduction of water charges, this really is a case of Government needing to put its money where its mouth is on the issue of addressing poverty.



Civil Liberties Diary

Sept 1 Tony Blair held his first meeting with the Independent Monitoring Commission (IMC). The IMC chairperson Lord Alderdice confirmed that he had requested the meeting.

Sept 1 Seven packages filled with a white powder that were intercepted at postal sorting offices were addressed to the Police Ombudsman and members of the Policing Board and DPPs.

Sept 3 Chief Constable Hugh Orde has called for a review of parades legislation in a bid to bring supporters at flashpoint marches into line.

Prisoners in Maghaberry jail who opted for segregation because of fears for their safety claim the regime is far more restrictive than they were promised. One such prisoner, Mr. Patrick Leonard, is applying for a judicial review.

Sept 7 The Lord Chancellor, Lord Falconer, announced the start of the process to appoint a new Judicial Appointments Commission (JAC) for Northern Ireland. From next summer Lord Chief Justice Brian Kerr will chair the new Commission and sit with 12 others – five of whom will be lay members – to make the appointments.

Sept 9 The NIO has announced the reappointment of Dr Bill Norris to serve another term as Independent Commissioner for Detained Terrorist Suspects in Northern Ireland. Dr Norris' role is to observe, comment and report upon the conditions under which paramilitary suspects are held.

Sept 10 The Chief Constable announced he is to cut the 1487-strong PSNI full-time reserve by just over half and place the remainder on three-year contracts. Patten recommended that the Reserve be abolished.

Sept 13 The new system for calculating rates, which will be based on the value of the property and not the notional rental value, has been attacked as unfair from all sides.

Sept 14 Loyalist and Special Branch informer, Ken Barrett pleaded guilty to the murder of Belfast Solicitor Pat Finucane, (see CAJ's website for press release by human rights groups)

Sept 16 Anti-plastic bullet campaigners symbolically burnt a million pounds of fake notes outside Policing Board headquarters as part of their long-running bid to get the weapon banned. The campaigners called on the Policing Board to "justify the £1 million plus spent on plastic bullets since 2002."

Sept 21 The latest report of the Oversight Commissioner Al Hutchinson has raised concerns about a failure to implement changes to encourage more Catholics to join the PSNI whilst acknowledging that the force has already undergone remarkable transformation. Among the areas of concern were the unrepresentative nature of the civilian workforce in the PSNI, the decision to locate recruitment pilot projects in Protestant areas, and the lack of an exchange programme with the Garda.

Sept 22 A Dublin born solicitor launched a legal challenge against a decision that she is ineligible for a post in Northern Ireland's new Public Prosecution Service because of her Irish nationality. The solicitor had been invited for interview as a legal assistant in the new service but the invitation was withdrawn as the NIO had designated the position as a "public service post" requiring UK nationality.

Sept 23 The Housing Executive spent £45 million in the last financial year dealing with families forced from their homes by sectarian intimidation – seven times more than in 2001.

The family of Patsy Kelly, murdered in 1974, returned to court to continue their attempt to overturn a police decision not to allow an independent investigation into the 1974 killing. The family believe that members of the security forces were involved in Mr Kelly's murder and that there was a lack of a proper investigation.

Sept 24 The government announced an inquiry into the murder of Belfast solicitor Pat Finucane. (see page 2) .

High Court judge Justice Coghlin expressed concern that leading loyalist Ihab Shoukri was not arrested after breaching a condition of his bail requiring him to stay out of Belfast. At the hearing, Crown counsel, on being asked why Shoukri had not been arrested said, "There are certain things I am not at liberty to go into at the moment". He also stated that his instructions were not to proceed with the application to revoke Shoukri's bail.

Sept 28 Tough new laws to help combat hate crime came into force. The changes place a requirement on judges to treat racial and religious aggravation or hatred of sexual orientation or disability as an aggravating factor when sentencing.

Sept 30 Mr. Justice Girvan upheld the DPPs decision not to prosecute two police officers for perjury; the Police Ombudsman's investigation had recommended they be charged.

A judicial review application challenging the DPP for failing to provide sufficient reasons for not prosecuting a soldier suspected of killing Mrs. Kathleen Thompson in 1971 was dismissed.

Compiled by Ciaran Fox from various newspapers.



JustNews welcomes readers' news, views and comments.

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