

# **A BEACON OF HOPE: THE STORY OF CAJ**

**BY MAGGIE BEIRNE**

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## Preface

Mary Robinson, then UN High Commissioner for Human Rights, visited Belfast a few months after the negotiation of the Belfast/Good Friday Agreement in 1998, and said of the Committee on the Administration of Justice: *“CAJ has been a beacon of light in Northern Ireland’s long hard night”*. People coming new to the organisation may want to know why she said this, and long-standing members may enjoy being reminded of their role in making this assessment possible.

This monograph is not what I set out to do. I wanted to write about the lessons that CAJ might have to offer to human rights groups in other parts of the world, and it was with this objective that I trawled CAJ’s archives; sent a questionnaire to nearly three hundred people (to which I received well over a hundred responses); and had face-to-face or telephone interviews with more than fifty people. Most people who participated in the research, and to whom I owe a great debt of gratitude (and my apologies), understood that I was specifically not doing a “history” of CAJ. I still intend to complete my original project but, as a long-time member myself, I realised that some of my findings were more likely to be of interest closer to home – both to CAJ’s supporters and to its critics.

This month marks the organisation’s 35<sup>th</sup> anniversary - this study is therefore intended to reflect on CAJ’s past: what has been done and achieved, and the principles, membership structures, and techniques that have evolved. It offers some learning for the future, but Northern Ireland is now coming out of its “long hard night” and the challenges are now very different to those of earlier years. This is not meant to be a eulogy to CAJ’s past - it touches on organisational weaknesses as well as strengths, but I have to admit to sharing Mary Robinson’s overall assessment. I can only hope that I have provided enough varied and objective insights to allow others to draw their own conclusions.

**Maggie Beirne**  
**June 2016**

## Dedication

*"Each time a person stands up for an ideal,  
or acts to improve the lot of others, or strikes out against injustice,  
s/he sends forth a tiny ripple of hope".*

Robert Kennedy

This book is dedicated **to all CAJ members past and present** who have contributed to the creation of hope. In particular, it is dedicated to the following people who I was fortunate enough to know personally, and who are no longer around to be thanked individually for their contribution to the cause of justice and peace in Northern Ireland: Cecil Allen, Jim Beirne, Kevin Boyle, Jean Craig, Terry Enright, Sheila Hamilton, Angela Hickey, Barney Kane, Stephen Livingstone, Barbara McCabe, Inez McCormack, John Morrow, Donall Murphy, Rosemary Nelson, Anne and James O'Brien, Jonathan Swallow, and Peter Tennant.

## **Table of contents**

<b>Preface and dedication</b>	
<b>CAJ's genesis</b>	<b>5</b>
<b>Getting up and running</b>	<b>8</b>
<b>Early organising principles</b>	<b>9</b>
<b>Early techniques</b>	<b>12</b>
<b>Establishing its credentials</b>	<b>14</b>
<b>Starting to professionalise</b>	
<b>Staffing/office/interns/office volunteers</b>	<b>16</b>
<b>Developing a board and governance</b>	<b>19</b>
<b>Membership involvement &amp; structures</b>	<b>21</b>
<b>Planning and strategizing</b>	<b>24</b>
<b>Outreach &amp; widening support</b>	<b>25</b>
<b>Individual casework</b>	<b>30</b>
<b>Financing human rights work</b>	<b>34</b>
<b>Physical security</b>	<b>37</b>
<b>Impartiality and independence</b>	<b>38</b>
<b>Official attitudes</b>	<b>43</b>
<b>Controversies</b>	<b>45</b>
<b>Moving towards 35<sup>th</sup> anniversary</b>	<b>48</b>
<b>Chronology: key work and achievements</b>	<b>51-65</b>
<b>Appendices</b>	
<b>Acknowledgements</b>	<b>67</b>
<b>Source material and acronyms</b>	<b>68-69</b>

## CAJ's genesis

The Committee on the Administration of Justice (CAJ), came into being in 1981 - which was one of the most violent years of the conflict - yet had its roots in earlier human rights activism.

Northern Ireland had not proved immune to the period of immense upheaval experienced throughout Europe and North America in the late 1960s. The black civil rights struggles, Vietnam war protests, and assassinations of Malcolm X, Bobby Kennedy and Martin Luther King Jnr. in the USA; the 'Prague Spring' and invasion of the then Czechoslovakia by the Soviet Union in 1968; the student uprisings in France and Germany in that same year; all – in their different ways – gave impetus to a wave of activism across Northern Ireland to counter what was seen as a situation of injustice. The Campaign for Social Justice was formed in 1964 with a view to collecting and distributing facts and figures about gerrymandering discrimination; in 1967, the Northern Ireland Civil Rights Association came into being; and in 1971 the Association for Legal Justice was established *“to monitor the workings of the justice and security system in Northern Ireland, with particular reference to discrimination against Catholics”*.<sup>1</sup> However, many in authority saw these endeavours as little other than a series of “IRA propaganda organisations”.<sup>1</sup>

The early 1970s saw some improvements in the human rights situation in terms of anti-discrimination measures regarding housing, employment and electoral practices, but it was too little too late for many. Moreover, the crack-down on dissent and protests by the security forces (with internment and Bloody Sunday) fed into a vicious cycle of violence that condemned society to what seemed like an inexorable downwards spiral for most of the next decade. 1981 has been described as a “watershed” year of the Troubles: in total, 117 people died;<sup>2</sup> ten of them in a phased IRA hunger strike between May and August.<sup>3</sup> It was a time of grave public disorder across Northern Ireland and a record 29,695 plastic bullets were fired. Seven people died as a result of plastic bullet injuries in this one twelve month period, several of them extremely young.<sup>4</sup> At the beginning of this year, the peaking of violence could not necessarily be foreseen, but it is interesting to speculate in retrospect why a positive initiative to establish a cross-community human rights campaigning group was launched in such a difficult and divisive environment.

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<sup>1</sup> A confidential army intelligence briefing (9 November 1971) implied that most of the Catholic population of the time supported the IRA and cited organisations (e.g. the Association for Legal Justice & the Catholic Ex-Serviceman's Association), and media (e.g. The Irish News *“a newspaper that is now an organ for printing IRA propaganda”*, and *“university groups and teachers”*, and *“vigilante or street committees who organise allegations and fake damage etc.”* and several named members of the Catholic clergy.

<sup>2</sup> Although the mortality rate had been worse in earlier years, the number of conflict-related deaths decreased after 1981 (see mortality statistics in *Lost Lives*, p 1474).

<sup>3</sup> CAJ was launched in June, with four hunger strikers dying before the conference, and six afterwards. An interviewee gave a revealing insight into the emotions of the time by reflecting on how, in her teenage years and from a unionist background, she had seen local celebrations as each hunger striker died.

<sup>4</sup> The stories of Carol Ann Kelly (11), Julie Livingstone (14) and Paul Whitters (15) are given in *Lost Lives* (pages 864, 861, and 856 respectively). In the same year, the circumstances surrounding the death of a mother of three killed by a plastic bullet - Nora McCabe - also became infamous when the police appeared to lie at her inquest (*Lost Lives*, page 870).

A study of the early files suggests that some people in Northern Ireland came to a justice agenda for utilitarian reasons, on the grounds that “if you want peace, work for justice”. Certainly many of the early activists were directly drawn from pacifist ranks – in particular members of Peace People,<sup>5</sup> of the Society of Friends (often known as Quakers), of Pax Christi & of Corrymeela. From a faith background, members of the Society of Friends, long established on the island of Ireland, had also been discussing internally how best to bear witness to their message of peace.<sup>6</sup> The Reverend John Morrow, a Presbyterian minister and at the time recently appointed leader of the Corrymeela community, was also an early supporter. It seems that pacifists and people of different faith traditions had concluded that it was necessary to “*break the spiral of violence.*”<sup>7</sup> The motivation of many of CAJ’s founders lay in the belief that peace and justice were inter-dependent.

Pacifists and people of faith were not alone in mobilising. Others – for example, practising lawyers and legal academics – were focused more on concerns of justice per se.<sup>8</sup> These early members did not contest the linkage between justice and peace (and injustice and violence) but were presumably drawn to the argument that grievances should be investigated and to the argument that the “*continuing violence is constantly refuelled by the lack of a constantly available, quick and effective procedure for investigating and reporting on injustice felt by any section of the community.*”<sup>9</sup> Moreover, a founding member explained that there was a deliberate effort to involve lawyers because: “*the legal arguments around emergency powers and criminal justice would be central, and the new organisation must be able to withstand any criticism that ‘you don’t understand the law’.*”<sup>10</sup>

Yet others presumably wanted to rail against the sense of powerlessness engendered when violence replaces politics as the main form of social discourse. People who, in other times or places, might have engaged in local or national politics concluded that social change required a different, more innovative kind of political action. CAJ was just one of many groups that benefitted from the desire of people of goodwill to reject passivity.

So, CAJ’s genesis was mixed: pacifists, lawyers, community activists, united in their wish to make a difference, and stop, or reverse, the seemingly inevitable trend to ever more conflict and injustice. Maybe it was precisely *because* of the increased levels of division and

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<sup>5</sup> The Peace People came into being five years earlier; a US intern Tom Foley, explained his motivation for pushing for more emphasis on justice questions: “*I had worked on several cases involving individual prisoners as well as the larger issues of emergency law and the hunger strikes. We rarely got any response at all from the RUC (on individual cases), or elected leaders across the pond. So my concern was to build a voice for justice that was broader than the single voice of the Peace People.*” He and Mairead Corrigan, Nobel Prize winner, were amongst the 12 signatories of the initial conference invite.

<sup>6</sup> Quaker Peace and Service (based in London) created a NI Committee, and opened Quaker House in Belfast in 1982 with a view to “*creating a neutral and safe place so that people could be more open in their discussions*” (see Le Mare and McCartney). Successive resident Representatives (the Sintons, Wigzells and Williamses) were all active in CAJ and used their home base to “*further the work of reconciliation and befriending all parties in Northern Ireland*” (ibid), but local Friends also were key. Peter Tennant, a Quaker and conscientious objector in World War II, was a signatory to the June 1981 initiative and went on to become one of CAJ’s most active and prolific members throughout its first decade.

<sup>7</sup> Undated memo c. January 1981 entitled “the need for an independent inquiry” (on file with CAJ).

<sup>8</sup> Several interviewees referred to the prior existence of the Association for Legal Justice and the NI Association for Socialist Lawyers; others referred to the then recently published “brilliant book” entitled “Ten Years On in Northern Ireland: The legal control of political violence”, by Kevin Boyle, Tom Hadden and Paddy Hillyard (Cobden Trust, 1980). A book review by Michael Dummett in the Sunday Times may have inadvertently encouraged the formation of a group like CAJ by recording that the book “*demand[s] close study by all those who care that the long agony of Northern Ireland be brought to an end.*”

<sup>9</sup> Paper tabled to the Jointly Sponsored Conference on Administration and Justice, undated.

<sup>10</sup> Interview 20 June 2012.

violence that occurred in 1981 that a new effort on the part of ordinary citizens was sparked off, and the organisation came into being because of, not despite, increased polarisation? Whatever the reasoning, on 8 April 1981 Peter McLachlan<sup>11</sup> wrote to the Joseph Rowntree Charitable Trust (JRCT)<sup>12</sup> to say that *“The various groups that have been concerned about emergency legislation, the continual need for change in the law to meet new types of crime, new problems in administration, plus the general decline in respect for the law among young people in the violent areas of the city have led to the formation of an informal group which includes members of the Law Faculty at Queens, Corrymeela, the Peace People, Pax Christi, and others. The group is sponsoring a one-day conference”*. JRCT pledged its support and donated £300 for room hire, travel, and production of a conference report.

On 1 May 1981, a letter was sent to several hundred invitees<sup>13</sup> to attend a Conference on the Administration of Justice. The invitation implied a strong sense of disillusion with previous efforts to mobilise activism, since its authors admitted: *“We have been working over the years both as individuals and in organisations to help secure a balance between individual liberty and public security.....We are all conscious that none of us has been able to make much lasting impression on public opinion, or to get our message through to the authorities, partly due to general public apathy, partly to distrust of any criticism of the security forces, and partly to the problem of establishing our impartiality.”* The authors themselves were a disparate group: it is interesting that four out of the twelve were not originally from Northern Ireland, and few had any identifiable political allegiances.<sup>14</sup>

The invitation letter noted that the conference plenary sessions would be *“completely open ended and will include discussion on whether there should be a call either individually or collectively, for the appointment of an official review along the lines of the Gardiner Committee of 1974, and on whether some more permanent unofficial body or forum should be established”*. In advance of the conference, some were keen on an official review: the Peace People, for example, proposed the creation of a Royal Commission on the Administration of Justice in Northern Ireland which *“would do much to reverse the cycle of violence in which this province has periodically found itself since the Act of Union”*. Others argued for an “unofficial” body, claiming that official enquires *“have tended to be ponderously slow and when their findings have been published, their impartiality has been the inevitable subject of suspicion so diminishing their effectiveness. It is therefore proposed that an independent inquiry should be set up to fulfil in part this role”*. Another option that surfaced was one consisting of: *“some twenty persons held in high regard in the community with a small back up team of researchers. They would be able to select general issues to investigate from any area in the administration of justice....where they felt prima facie a*

<sup>11</sup> Peter McLachlan’s obituary in The Independent (22 September 1999) suggested he was typical of several of the other signatories – a Presbyterian who became a Quaker, a former chair of the Peace People, and a lifelong organiser in a *“succession of peace, reconciliation and conflict-mediation groups”*.

<sup>12</sup> A Quaker charitable foundation based in York, England [www.jrct.org.uk](http://www.jrct.org.uk)

<sup>13</sup> The invitation list included nearly 20 trade unions; individuals from most political parties including Hugh Smyth, Gerry Adams, and Peter Robinson; a number of clergy, the Bar Library, numerous solicitors, and officials such as the General Officer Commanding, the police, the Northern Ireland Office (NIO), the Minister of State and then Senator Mary Robinson.

<sup>14</sup> Sr. Anna (Anglican nun); Mairead Corrigan (peace activist and Nobel Prize winner); Madge Davidson (community worker and NI Civil Rights Association); Tom Foley (US legal intern with the Peace People); Queens University legal academic, Tom Hadden; Steve McBride (journalist); Peter McLachlan (former elected unionist politician and Peace People chair); Rev Dr John Morrow, leader of the Corrymeela Community; Sinclair Stockman (PhD science student); Peter Tennant (English Quaker); Cobden Trust law student Dermot Walsh; and Margaret Watson (Pax Christi).

*general question arises which might become the subject of public conflict..... When evidence had been sifted on a particular issue, the Enquiry would issue a report of its findings publicly recording any area of doubt and divided opinions openly and honestly. By this process genuine problems would be differentiated from propaganda campaigns.”* The reference to ‘a backup team of researchers’ suggested a reliance on voluntary helpers.

In fact, the day ended in some disarray<sup>15</sup> because of an attempted bomb attack on the conference chair, Lord Gardiner, so there is no record of any decision being taken regarding the different models – or indeed if they were viewed as alternatives, or merely sequential. Otherwise the initiative was considered successful. Whilst no attendance list is available on file, later accounts report between 60 and 100 individuals and delegates attending and representing a wide range of organisations across legal, political and community spheres. According to the organisers – *“it was the first time that so wide a range of people had come together to discuss the administration of justice under emergency laws and that, in itself, was a justification for the concept of a jointly sponsored conference.”*<sup>16</sup>

CAJ dates its own establishment from the June 1981 conference date, and both its title, and early operational methods, were clearly envisaged to allow it to perform the function of a *“more permanent unofficial body or forum”* monitoring the administration of justice.

## **The first few years of getting up and running**

According to the Peace People’s Tom Foley, the IRA attack on the founding conference *“prevented us from setting our agenda going forward”* but, whilst he returned soon after to the US, others proved willing to take up the challenge. According to the first secretary, Steve McBride, the initiative could have easily petered out at this early stage, if one or two people had not shouldered the administrative burden of convening meetings and circulating notes. Just days after the conference, on 23 June 1981, a letter was sent on amateur letterhead entitled the “Joint Conference on the Administration of Justice” convening a follow-up meeting. The follow-up meeting was held, and another letter (7 July 1981) reports that *“it was decided to continue the work of the conference under the title of ‘The Committee on the Administration of Justice’<sup>17</sup> with three working groups covering key areas of concern..... The Committee will be open to anyone concerned about the issues involved, and will meet at regular intervals; the next such meeting will probably be in early September.....Anyone interested in taking part in any of these groups should either go along to the appropriate meeting or get in touch with the group convenor....”*. Letters thereafter

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<sup>15</sup> The conference began and ended controversially. A conference participant reported: *“We had difficulty getting a place to host us, as most people were concerned about security since our intention was to invite all the paramilitary organisations....At the last moment the University attempted to withdraw our permit, but the students stood firm in our defence and we were able to hold our meeting thanks to Queens University Student Union...”*. He also reported that the meeting was then halted by security forces because a bomb dropped off Lord Gardiner’s car, fortunately without any casualties. The Times (15 June 1981) reported an IRA press statement saying: *“We meant to kill Gardiner, the political architect of the criminalization policy and the H-blocks. The device fell off the car and failed to explode.”*

<sup>16</sup> Application for Finance for Committee on the Administration of Justice, 14<sup>th</sup> October 1981 (on file with CAJ).

<sup>17</sup> This genesis explains the unwieldy name that the organisation has had ever since. A name change was discussed at the 1987 AGM, but the eventual chosen name - “The Northern Ireland Council for Civil Liberties: the Committee on the Administration of Justice” – fell quickly into disuse, presumably because it was even more unwieldy (see JN May 2012).



were written in the name of the Committee on the Administration of Justice, and in October a seven member (all-male) Steering Committee was created.<sup>18</sup>

An early request for funding in October 1981<sup>19</sup> explained that: *“This project is the first of its kind to bring together people from widely varying interests and occupations all with the common aim of raising public awareness of the problems posed by the current system for the administration of justice in Northern Ireland. From 1973, and even before that, our whole legal system has operated in a manner which would be totally intolerable in any other part of the UK. Despite this, scarce attention has been devoted to the operation of this system or the impact it is having on communities throughout the province. Ours is the first positive initiative of this kind and given the necessary encouragement, it can promote a much more concerned level of debate on the administration of justice here and, for the first time, encourage a more critical approach to the question whether its extreme measures are really necessary.”*

This same funding request set out clearly the task ahead of CAJ as: *“to secure the highest standards in the administration of justice in NI by examining the operation of the current system and promoting discussion of alternatives....”*. The same memo alluded to a two-pronged approach which consisted of both educating members of the public and of lobbying policy makers to effect change; this approach was to remain a regular staple of the organisation over the years - it also was to prove a difficult balancing act.

CAJ did not formalise its work immediately. In the early days, it was sufficient to open a bank account in the name of *The Jointly Sponsored Conference on the Administration of Justice* to recoup conference fees, and then subsequently in the name of the Committee, so in this early phase, the Committee only existed inasmuch as people chose to turn up to meetings and agree on combined actions under the umbrella of a common name. Minutes record several attempts to structure the work to ensure maximum efficiency, and in October 1982 it was agreed that *“a proper membership list would have to be drawn up”* - though seemingly for the sole reason of determining who should be asked to pay fees and defray mailing costs. It is not clear if the list was compiled, and the first membership list still extant dates from as late as February 1987, listing a total of 51 members (including some organisational affiliations).<sup>20</sup> An executive was only formed two years after CAJ started work, and the first constitution was elaborated in 1984.

## Early organising principles

From the outset, it was considered important to create a non-partisan and independent voice speaking up for fairness and justice. The conference invitation encouraged participation in the venture from political parties across the spectrum, from republican and

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<sup>18</sup> Brice Dickson, Jackie Maguire, Donall Murphy, Steve McBride, Louis Scott, Peter Tennant, and Dermot Walsh.

<sup>19</sup> Application for Finance for Committee on the Administration of Justice, 14<sup>th</sup> October 1981.

<sup>20</sup> The annual report of 1986/7 listed 62 members, and 100 the next year, but the practice of public membership lists ceased from 1989 onwards.

loyalist groups,<sup>21</sup> senior army and police officials, and a range of politically unaffiliated individuals and groups. The twelve signatories were not identifiably aligned to any particular political viewpoint and – in combination – reflected several different strands in society. There is no explanation in the archives about why this principle of independence was adopted, and whether anyone questioned its importance or indeed its feasibility: it seems to have merely been a self-evident premise of the work from the outset.

A second and related CAJ principle was that it should work by consensus. It is not clear if this principle came about because of the personal and organisational styles of those involved,<sup>22</sup> or as the only rational way forward if one were to mobilise a broad diversity of opinion in what was a highly politically contested space. Whatever the motivation, the consensus requirement was built in operationally from early on since policy decisions and activities were decided upon by those present at a General Meeting (not delegated to a small executive group). The open-ended nature of General Meetings required that actions were taken only when they could secure the agreement of sufficient members; this could have slowed things down, and certainly mired some discussions in lengthy debate,<sup>23</sup> but was considered a useful safeguard for a young organisation learning how to operate in a polarised environment. The principle explains to some extent how the organisation was able to avoid or weather many potential controversies.

In this regard, it is interesting to compare and contrast the provisions of CAJ's first constitution, and that of its sister organisation in the Republic – the Irish Council for Civil Liberties (ICCL) – which was drafted around the same time.<sup>24</sup> Whereas the ICCL vested its policy-making in its membership as expressed at an Annual General Meeting (AGM), CAJ required at least ten General Meetings a year, and it is these that would *"have the power to make or change policy by simple majority vote, subject to a quorum of members being present"*. Both organisations required the membership gathered in an AGM to elect an executive, but CAJ set a maximum of 9 executive members, whereas the ICCL should appoint 18 with four possible co-optees. CAJ required that *"no person may serve on the Executive unless they have been a member of the Committee for a minimum of six months prior to nomination"* (this was later shortened to three months); for the ICCL, there was no such requirement. CAJ's constitution also reflected the organisation's chosen name by codifying the work of a *Committee* that would meet regularly, make or change policy at its meetings, and had an executive to *"conduct the business of the Committee"* merely in an administrative sense (for example by establishing working parties, raising and administering funds, and employing staff). Behind the formality of language and structure, it is evident that the ICCL chose to tread the traditional path of having an elected executive with authority between AGMs to establish and implement policy on behalf of the membership as

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<sup>21</sup>Tom Foley of the Peace People wrote (25.4.12) *"I had had some experience working with the political and paramilitary sides of the various organisations ...organising mini-symposiums in which members of the New Ulster Political Research Group (political wing of the UDA), the UVF, Sinn Féin and others would discuss issues at some length at Peace House"*.

<sup>22</sup>Reference has already been made to the active early involvement of members of the Peace People, of Quakers and Presbyterians - all of whom might feel culturally more comfortable with a collegial consensual approach.

<sup>23</sup>A member wrote in Just News (August 1985) *"Rarely does a meeting end on schedule, though consensus is usually established by lapse of time. I don't know if a vote has ever been taken at a CAJ meeting – maybe a vote would encourage clearer thinking and quicker decisions"*.

<sup>24</sup>Their sister organisation in England – Liberty – was founded almost exactly fifty years earlier (1934).

a whole; CAJ established a more collegial structure which operated by a process of consensus-building and direct membership involvement.

These organisational arrangements also facilitated the educational function CAJ sought to play. Monthly General Meetings - open to all members and invited guests - allowed for a discussion of topics as diverse as the Prevention of Terrorism Act, reviews of the Emergency Provisions Act, the use of plastic bullets, police complaints, tension in NI prisons, super-grasses, poverty and the law, abortion, and joyriding. The General Meeting was normally addressed by an invited guest and had a question and answer session. Occasionally – but not systematically - the debate would allow those present to develop shared positions, or mobilise them to further action. Often, draft CAJ publications or media statements were brought to such meetings and discussed in detail, allowing reflection and debate about highly controversial issues amongst a politically disparate group. This allowed the dozen or so active volunteer members who attended the General Meetings in the first two years of work to issue five publications through a consensual process.

Two examples give interesting insights into the value of such meetings. A General Meeting in January 1984 on the topic of super-grasses was addressed by CAJ members Donall Murphy and Tom Hadden, solicitor Pat Finucane,<sup>25</sup> and the then law lecturer David Trimble.<sup>26</sup> The notes record that: *“(t)he 20 or so members who attended were given a valuable opportunity to raise points and put questions, and are now in a better position to influence the policy of CAJ which must now make its position clear. The next General Meeting will have a motion prepared by a CAJ executive member and be submitted to a General Meeting for amendment and approval.”*<sup>27</sup>

In December 1985, a General Meeting discussed the Anglo Irish Agreement (AIA) which had just been negotiated to what was described by commentators as *“near universal unionist rage”*. Setting the context, the chair noted: *“CAJ would not be making a political statement with regard to the Anglo Irish Agreement – it would be evaluated as a civil liberties issue. CAJ would not be making any decisions on whether the Agreement was right or wrong or whether it was constitutionally correct”*. One concern related to whether CAJ should or should not engage in future with the Irish authorities on justice questions since to do so might imply that CAJ accepted the role accorded in the AIA to the Irish government regarding NI’s affairs (which would prove anathema to unionists).<sup>28</sup> A CAJ executive member subsequently drafted a policy memo entitled: *“Draft Philosophy on Going Down to Dublin”*, which is a masterpiece of its kind - concise, thoughtful, respectful of political differences, and focused very narrowly on the relevance of the Agreement for CAJ’s work.

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<sup>25</sup> Pat Finucane, the campaigning human rights solicitor, was murdered in 1989 by loyalists amidst allegations of official collusion – for info on the campaign for an inquiry see [www.patfinucaneinquiry.org](http://www.patfinucaneinquiry.org). The report of the meeting notes that the solicitor *“felt that (Diplock Court) judges were putting themselves in an invidious position by warning themselves, in the absence of a jury, of the danger of acting on uncorroborated evidence, and then proceeding to ignore their own warning.”*

<sup>26</sup> David (now Lord) Trimble was to become the (first) First Minister of Northern Ireland (1998-2002). The meeting report notes *“David Trimble based his case in favour of supergrasses on the argument that ‘supergrass’ is only a modern and discredited name for a longstanding and accepted practice – that is the use of accomplice evidence”*.

<sup>27</sup> The practice of trials prosecuted on the basis of super-grass evidence was actually discontinued soon afterwards, but relied upon by the authorities again almost thirty years later – see JN Special (30<sup>th</sup>) anniversary edition, December 2011.

<sup>28</sup> Representatives present from the Progressive Unionist Party described the Anglo-Irish Agreement as *“lacking in justice for the majority of people in Northern Ireland”*, and raised the risk of splits in CAJ (draft notes of meeting on 3 December 1985, and attendance list on file with CAJ).

In essence, the memo asserts that CAJ's role is to effect positive change; this requires speaking to anyone who can effect change; doing so does not denote support for those engaged with; but, conversely, a refusal to talk to potentially influential people would flout this basic principle; and concludes that individual members have the right to resign. The policy crystallises many of the principles of the growing organisation: intense membership debate, development of a consensual policy line but one which required both personal and organisational courage, and then a pragmatic educational elaboration of the conclusions.<sup>29</sup> The system of deliberative decision making by way of General Meetings also meant that CAJ's early work was both productive and intensely participative for its active members. Yet, at times, the determination to take decisions by consensus sometimes fanned rather than resolved tensions, and policy formulation could be patchy with issues falling by the wayside. One of its own members said of the early days that CAJ was an *"often ill-organised body"*.<sup>30</sup> So, gradually other forms of membership participation were evolved in the hope of making more coherent and strategic interventions.

Consistency was another important and early principle. Whenever CAJ was presented with a new challenge, the organisation seemed to explore how similar issues had been handled previously: what worked, were there problems, was there a need for a change of stance, what potential problems might arise from a change in policy, what criteria should guide its decision making. Consistency was embraced as a helpful tool to ensure that any new policy, or change in an old policy, was well grounded, though of course in practice it could become an obstacle to change or renewal. This principle was particularly tested when CAJ explored its attitude to abuses by non-state actors (see later section on controversies).

## CAJ's early techniques

The archives suggest that CAJ's focus in the early days was primarily on information-gathering and solid research rather than widespread public campaigning, membership mobilisation or direct action. This approach came about for several reasons. For example, one activist from the early days spoke of CAJ providing an *"oasis of reason and humanity in the midst of so much hatred and sectarian polarisation"*. Another noted the importance of trying to capture for an audience nowadays how *"unpopular"* it was in the early 1980s to raise justice issues in NI and recounted that *"even broad-minded liberals were so nauseated by what the paramilitaries were doing, that few of them were prepared to pay much attention to the way in which the EPA (Emergency Provisions Acts) and PTA (Prevention of Terrorism Acts) were being applied by the state forces"*.<sup>31</sup> The same contributor also explained that *"it was extremely difficult to get hold of information about what exactly was happening within police stations and prisons .....(which) meant it was all too easy for sceptics to dismiss the arguments of the CAJ as founded on myths and fantasies"*.

<sup>29</sup> The memo also recognised that consensual positions do not require active agreement, just a willingness not to disagree.

<sup>30</sup> Letter of reference to JRCT on file with them dated 12 May 1984.

<sup>31</sup> A contributor wrote (22 March 2013) *"I well remember the night of 28 February 1985 when a mortar shell killed 9 police officers in Newry: there was a CAJ meeting that evening and we seriously debated calling it off because of the atrocity, but we eventually went ahead having persuaded ourselves that, regardless of the paramilitaries, the 'show must go on'"*.

Nor can one ignore the fact that people in NI had witnessed in the previous decade the risks that can flow from mass mobilisation and action. In January 1972, under the auspices of the Northern Ireland Civil Rights Association (NICRA) protesting against the practice of internment, fourteen people died; in August 1976, thousands of people took to the streets again to protest - this time at the instigation of the Peace People - and the number of fatalities was very high.<sup>32</sup> In the very year that CAJ was launched - 1981 - people again took to the streets, this time to protest the hunger strikes in which ten republicans died, and the highest ever annual number of plastic bullets were fired: the number of fatalities peaked again. After such experiences, it was hardly surprising that CAJ did not prioritise mobilising large numbers of people onto the streets. Yet, maybe it just eschewed these techniques because of its inability (rather than its unwillingness) to mobilise large numbers? At no point throughout its three and more decades has CAJ membership ever been more than 400, and it was normally much less. While a relatively impressive figure for a population of some 1.8m, a few hundred people cannot hope to have a major public impact as a force on the streets. Or, yet again, the choice of techniques may have resulted from the preferences of the naturally self-selecting group of people that founded CAJ?

Whatever the reason, CAJ focused its efforts on promoting debate about the justice system. This emphasis on educating the public (though it tended to be a rather small group of people) occurred by way of monthly General Meetings, publications, the circulation of an irregular newsletter, and cautious media work. In terms of publications, an impressive team effort by a small group of volunteers produced eight major publications on a range of different topics in the first few years. Though much of the initial drafting burden was shouldered by individuals with expertise or particular interest in the topic, the files reveal extensive debate, and drafting and redrafting was clearly an iterative cycle. Of course, this kind of work preceded the widespread use of modern technology, so drafting and re-drafting was much more onerous in practical terms than we can easily envisage now!

The impetus for any one publication tended to arise from personal interest and commitment, rather than any strategic decision about what needed to be written, by when, or by whom. Certainly, the visual presentation of these early publications was poor: often the type font was extremely small (presumably to save paper), and design was largely non-existent. It is unclear if this was due to limited resources, or a desire to emphasise substance over presentation. It is notable that even later, when resources were more readily available, CAJ reports sought above all else to convey 'seriousness'. Very few reports (out of hundreds) are visually attractive. Thus, the *Misrule of Law* (an account of serious public disturbances in the mid-1990s) was printed in an unusual size and has an eye-catching photo of the disturbances splashed across the cover page; and, more than a decade later, in January 2008, CAJ invested in the professional design of a publication entitled "War on Terror: Lessons from Northern Ireland": it is unusually sized, bold and attractive, but the colours still remain quite sober.

Publications were listed in the organisation's annual reports and they brought in a small but regular income in the early years. It is unclear however what dissemination was actively undertaken, although often the reports were launched with a press release, and there were

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<sup>32</sup> See *Lost Lives*: the greatest annual number of fatalities occurred in 1972 (496) and in 1976 (308).

standing arrangements with local book-stores to stock CAJ publications. An average print-run was a few hundred,<sup>33</sup> so the extent of their educational value is moot, but most times the publication would lead to meetings with senior officials, and occasionally government ministers, so they served an important advocacy function.

A less-labour intensive method of disseminating its message was CAJ's decision in October 1983 to issue a regular newsheet. The frequency was intermittent and early editions were typed documents with carbon copies; and in 1984, a two columned but still amateurish document surfaced for the first time, as did the title it has retained ever since - "Just News". Almost every issue called plaintively for contributions, and its target-audience was frequently re-visited. In the same vein of providing important information and educational materials to the general public on justice questions, CAJ agreed to the 1985 AGM proposal that it produce a regular handbook on civil liberties. This proposal had arisen previously, and the delay in approval stemmed from the complexity of the project rather than its intrinsic value. It seems that sceptics and proponents were both in the right: the first edition was only published in 1990, but it has remained popular (5th edition in 2015).

Most human rights groups actively seek a good relationship with the media to disseminate their message and educate potential sympathisers, but any study of CAJ's files indicate a somewhat wary relationship with the Northern Irish media. On the one hand, there was frequent reference to positive media coverage of the organisation's concerns and activities, as well as frequent exhortations to do better: *"The group felt that during the next year it should take more positive action to press home its views....Donall Murphy stressed the importance of good contacts with the press. We should be issuing press releases more frequently and more professionally"*.<sup>34</sup> There are also poignant complaints such as *"CAJ issued a press statement but nobody has reported a sighting in the press to date"* (Just News, January 1985). On the other hand, there are also frequent comments along the lines of those recorded at CAJ's 1985 AGM: *"The meeting made it clear that a considered rather than an immediate response was appropriate, and again cautioned (the office) on the danger of prejudicing CAJ's reputation for objectivity"*. The desire to provide considered and objective data, and not be used as a propaganda tool by any of the parties to the conflict, seems to have regularly trumped the desire for media coverage *per se*.

Larger public fora, with invited international speakers, and devoted to discussions of justice issues were to become a regular feature later on in CAJ's life, but not in the early days.

## **Establishing its credentials**

Many of the internal organisational decisions made, and techniques deployed early on were dictated by the fact that the organisation wanted to be seen by a wide variety of actors as a

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<sup>33</sup> This is a guess, since print-run records are unavailable; however, in the JRCT files in 1987 there is a reference to the *"paucity of resources which the organisation has (and how this) limits its vision of what it can achieve – for example, we were surprised that CAJ is ordering a print run of only 300 copies of its forthcoming pamphlet on the Stalker affair. The group's treasurer had set this limit for financial reasons"*. In the 90s, when external printing was used, average runs increased up to 1000, with 5000 promotional leaflets, but dissemination always remained a challenge.

<sup>34</sup> 25 May 1982, minutes of CAJ meeting.

reputable and reliable commentator on the justice system. A paper tabled at CAJ's launch conference presciently claimed that the effectiveness of any resulting body/Enquiry "*would depend on its credibility with the community, the police and Government. This credibility would only be established slowly as its work gained respect. Thus the early work of the Enquiry would need to be of an especially high standard and the initial group of members would need to command widespread respect*". Yet this was not an easy time to gain credibility and respect - the external environment was turbulent: the 1981 hunger strikes had sparked off massive street protests by nationalists and republicans; allegations had surfaced of a governmental shoot-to-kill policy; super-grass trials were introduced; a high level of political violence was maintained in NI and elsewhere (for example the 1984 Brighton bombing); there was great unionist unrest after the signing of the Anglo Irish Agreement in November 1985; and a steady stream of counter-productive legislative measures were introduced supposedly to counter the political violence.

CAJ tried to create space for debate. Reference has been made already to the breadth of the initial invitation list for the conference launch; to the techniques employed (publishing reports, organising small meetings and occasional conferences, and lobbying officials); and its desire to maintain internal cohesion and a non-partisan political stance. This did not necessarily lead to unanimous "approval" of its goals and methods by others.

An executive committee meeting in November 1983 recorded that: "*We have been informed that, at a recent conference, CAJ was described as 'compromisers' and 'collaborators'. We feel that this 'image' should be dispelled and consider that it would be useful for one of our members to seek an invitation to attend and speak to a meeting of any organisation which is thought to be holding this misconception.*" A February 1985 Just News newsletter reproduced (apparently approvingly) an article from Fortnight magazine in which CAJ was described as: "*another hard working group of liberal academics, lawyers and members of peace organisations who publish research papers and organise conferences on justice issues – emergency legislation, policing, Bills of Rights etc.*". Later, Just News (November 1985) reported on a Peace People's Annual Assembly where - "*Some speakers appeared to think that the CAJ was a middle-class academic organisation. If that is the image we portray, we ought to work hard to change it*".<sup>35</sup>

But did CAJ have a role beyond providing data to policy makers and educating the public? The organisation clearly wanted to have an impact and, in an October 1984 funding request, it concluded: "*We also feel, though this is not easy to prove, that we may have had some influence in helping to change policy over, say, the use of plastic bullets and the long delays in holding inquests*". CAJ's annual report covering 1985/6 also reports a fruitful meeting with a government minister about policing and indicated that "*a number of our recommendations appear to have been accepted*". The following year's annual report encouraged a debate about more effective campaigning given that the current efforts were then described by Stephen Livingstone as "*our anarchic campaigning methods*". He argued that "*CAJ has earned a good reputation for being able to supply good quality information on*

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<sup>35</sup> The author, in interviews in 1989, found the question of image was still problematic. Mary McMahon said that CAJ was often seen as "*too legalistic*" but spoke positively about campaigns like the Payment for Debts Act which directly affected larger numbers of people. Robin Wilson (who more recently was very critical of CAJ's directions) argued in 1989 that the organisation should be "*less reactive, more agenda setting, and impinge more directly on the political debate*".

*civil liberties ...(but) too much of our research is abstract and formalistic*".<sup>36</sup> Some members expressed the fear that CAJ might be so concerned about its reputation for objectivity and lack of bias that it might fail to deploy that reputation to best effect.<sup>37</sup>

## **CAJ begins to “professionalise” its efforts and mature**

### **Setting up a central office function**

#### **Staffing**

At the outset, CAJ relied entirely on voluntary help and, thanks to the Cobden Trust, benefited from the expertise of full-time research studentships at Queens University's law faculty. At the time of the launch, Dermot Walsh held the Civil Liberties Trust/Cobden Trust Studentship on emergency legislation in Northern Ireland; and, together with his supervisor, law lecturer (later Professor) Tom Hadden, they constituted two of the twelve launch signatories. Dermot's placement came to an end in 1983 but several of his successors in the Studentship were active in CAJ, and some remain so after decades of activism.<sup>38</sup> The practical aspects of convening meetings, recording discussions, managing the production and distribution of reports etc. are rarely however the *forte* of those who join an organisation because of their interest in issues such as policing or prisons or emergency laws. So, from December 1983, a systematic effort was made to fundraise for administrative support: a dedicated (volunteer) fundraiser, Michael Warden, prepared funding proposals, developed a job description, and office space was secured. In preparation, CAJ developed its first constitution to allow for the receipt of larger grants, and established oversight arrangements by way of a formal executive committee.

The appointment of its first staff member was seen by CAJ members to mark an important organisational transition, and in July 1985, Paddy Sloan was appointed as an “Information Officer”. As a solo staff member, Paddy set up many of the office systems but had a relatively short incumbency (1985-1987). Her successor as Information Officer, Martin O'Brien, came from several years of voluntary work with the Peace People and remained with CAJ until 2004, bringing much needed stability to the burgeoning group. A second (Research Officer) post was added in 1987,<sup>39</sup> and in 1990 Liz McAleer was appointed to work on administration (and is still with the organisation). In 1995, a hierarchy was introduced for the first time, with Martin appointed to the new post of “Director”, and being supported with two newly recruited full time programme posts: a Research & Policy Officer – the author - and, for the first time ever, a practising solicitor, Paul Mageean. This foursome constituted the CAJ staff team until 2000 when additional funding was secured and two more programme posts could be added – i.e. Tim Cunningham and Aideen Gilmore – who

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<sup>36</sup> Policy discussion document (March 1988) submitted by Stephen Livingstone to executive.

<sup>37</sup> Member Emer Murphy wrote in a Just News article in August 1985: “*Is the CAJ a research or a campaigning group? Does it adequately seek to influence? What does it achieve? .....Certainly the CAJ has done excellent work over the years – there is no need to keep it a secret. Maybe the time has come to widen the horizons of the group....*”.

<sup>38</sup> Dermot Walsh went on to become Professor of Law at the Universities of Limerick and currently Kent; he was duly replaced by Steven Greer, currently professor of human rights at the University of Bristol; and later by both Professor Colm Campbell, who served as CAJ chair 1991-93, and Professor Fionnuala Ni Aolain, who is and has been long-time editor of CAJ's newsletter.

<sup>39</sup> Sandy Barron, a journalist by profession, who worked as Research Officer from 1987-1989.



were employed to work on the Agreement commitments to equality and the protection of rights respectively.

### **Office premises**

Staff require office space (at least they did in the “pre-technology” age!). CAJ was fortunate to secure a room within an agency funded by the local trade union movement – the Belfast Centre for the Unemployed. This venue had several advantages: it was centrally located; it was in a “neutral” part of town not identified with either community; and it gave CAJ an institutional link with the trade union movement. Solidarity also meant that CAJ was able to benefit from a less-than-commercial rent, and saved costs in terms of shared photocopying, printing, telecommunications, and reception facilities etc. The venue also provided good physical security for CAJ and the premises allowed CAJ to rent more/less space as its staffing needs increased/decreased over time, allowing CAJ to stay at the one address for more than twenty years. However, the arrangement was not always ideal – most obviously, the informal landlord/tenant relationship meant for example that the premises were never adapted to fully accommodate people with disabilities, a serious disadvantage for a group fighting for equality of all.

### **Interns and office volunteers**

- *Visiting summer US interns*

In 1985 CAJ established contact with Alice Henkin at the Columbia Law School in New York offering to house a summer intern.<sup>40</sup> The first ever recruit was Martin Flaherty who, on his departure, wrote glowingly of his summer in Belfast.<sup>41</sup> Fifty interns from postgraduate (and occasionally undergraduate) programmes at several leading US academic institutions followed over the years.<sup>42</sup> Several of those who responded to a request to give input to this study spoke positively of their time with a small human rights group in Belfast, considering it seminal to later career choices. From CAJ’s perspective, there were several advantages - firstly, the interns undertook valuable substantive work;<sup>43</sup> secondly, important alliances were forged;<sup>44</sup> thirdly, the institutional links thereby built up with prestigious institutions such as Columbia, Fordham and Harvard etc. added that oft-sought ‘respectability’ to CAJ’s domestic and international efforts.

A few mistakes were made: one early intern “*was picked up at immigration in Heathrow (airport) and we had to fight quite hard to get them to allow him to come to Belfast*”; for some, Northern Ireland may have mistakenly seemed an ‘easy’ posting with English language and good living standards; and yet others may have over-estimated CAJ’s capacity or willingness to give them sufficiently challenging projects. In due course, it was realised

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<sup>40</sup> The suggestion to approach Columbia University had been made to CAJ by a US visitor; Columbia already had interns at the Argentinian human rights group CELS, and the International Secretariat of Amnesty International.

<sup>41</sup> Martin Flaherty’s leaving note reported: “*my experience was rich, full, indeed superlative. For all these reasons, the connection between the Human Rights Intern Program, CAJ, and Northern Ireland generally, is one that not only deserves to continue but to expand*”. On file with CAJ c. September 1986.

<sup>42</sup> Between 1986-2015 interns came from - Boston College (3), Columbia (20) and Fordham (13) Law Schools, Harvard University (6), NYU (3), with one each from American University, Minnesota, Princeton, Yale, and the University of Chicago.

<sup>43</sup> They acted as legal monitors at court cases and public order events; analysed draft legislation; helped to draft submissions to UN treaty bodies; carried out research for CAJ publications etc.

<sup>44</sup> For example, Martin Flaherty went on to be employed by Princeton and Fordham Universities, was active in the Human Rights Committee of the New York Bar Association, and came to be known to, and respected by, groups like the Lawyers Committee for Human Rights (now Human Rights First) and Helsinki Watch (now Human Rights Watch).

that what worked best (for interns and CAJ) was the creation of a 'mentoring' system with the intern working alongside a staff member/volunteer performing an array of duties (one-off research projects, legal tasks, and basic administration).<sup>45</sup>

- *Long term peace volunteers (the EIRENE scheme)*

CAJ also drew on European volunteers: after a member of its first executive, Brice Dickson (now Professor), visited Germany in 1986, it was agreed that CAJ would take a volunteer every year from the peace group EIRENE.<sup>46</sup> In exchange for a small contribution towards their costs, CAJ was able to benefit from the services of those young Germans who wanted to perform alternative service rather than face compulsory military service. Here, the experience was probably more mixed for the interns than for their US summer colleagues - the German volunteers were normally younger, stayed longer and, however good their English, faced some language and cultural barriers.<sup>47</sup> From CAJ's perspective, however, they provided an invaluable service. In the first year of CAJ's parades observing operation, the then EIRENE volunteer was crucial to all organisational aspects of recruiting, training, and supporting the pool of legal observers; and, in addition to one-off projects, other EIRENE volunteers organised CAJ's public library, mailing systems, website, database, and archives. Even though the work must at times have seemed menial to the individuals concerned, CAJ's office became increasingly dependent on the interns to welcome visitors, answer telephone calls, and undertake basic admin (especially IT support). It is very largely thanks to the nearly twenty-five EIRENE volunteers, that over the decades CAJ was always able to prioritise employing programme rather than administrative staff.

- *Locally recruited office volunteers/researchers*

CAJ also benefitted from local volunteers helping in the office. Cecil Allen, a retired trade unionist, came regularly to cut, paste and file an extensive press cutting service which was useful for the many journalists/visitors/researchers who wanted to access a central resource on criminal justice issues. Rose Perry – who this year is celebrating her 26<sup>th</sup> year of volunteering - addressed envelopes for mailings, and helped package and distribute CAJ's latest publications. Other volunteers came to the office initially to do a school/university/or research project, and remained members thereafter. CAJ's office also housed short-term project workers: for example, in 1994, Robbie McVeigh worked "night shifts" so that he could share desk and computer facilities with permanent staff; and in 1995, Linda Moore and Mary O'Rawe were recruited to carry out an 18-month comparative policing project.<sup>48</sup>

## **Terms and conditions for staff**

Given the long experience in Northern Ireland of discrimination in employment, it was important that CAJ operate fair and transparent recruitment practices, so posts were publicly advertised; interview panels were diverse (in terms of gender and community

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<sup>45</sup> In an e-mail dated 1 July 2012, an intern wrote: *"I felt like I was able to contribute as well as learn. From what I recall hearing from my law school colleagues at the time (and since), many other NGOs often under-used their interns and really did not give them any meaningful work. CAJ's model, in my view, was better. Because of the richness of my experience, I am excited to answer this email more than a decade after my internship"*.

<sup>46</sup> EIRENE describes itself as an international Christian service for peace ([www.eirene.org](http://www.eirene.org))

<sup>47</sup> It is notable that a much smaller % of EIRENE interns responded to the author's survey than did their US counterparts.

<sup>48</sup> Robbie McVeigh produced: "Harassment: It's part of life here..." – A survey of young people's attitudes to, and experience of, harassment by the security forces: CAJ, December 1994; Mary O'Rawe and Linda Moore wrote: "Human Rights on Duty: Principles for better policing – international lessons for Northern Ireland", CAJ, December 1997.

background) with at least one member external to CAJ; and candidates were assessed against a formal job description and person specification to ensure fairness.<sup>49</sup> It was also considered important to give staff financial stability, so – in its second decade – CAJ’s grant applications included provision for adequate pay scales, annual increments, and pension contributions.

In conclusion as regards the establishment of an office and the employment of staff, it is worth emphasising how important good staff teamwork has always proved to be for CAJ. It is remarkable how many interns, volunteers, staff members, and indeed international human rights visitors, commented on the importance to them of the positive atmosphere in, and the social life of, CAJ’s office.<sup>50</sup> The ‘informality’ of the working atmosphere may be valuable in any work environment but in human rights work it can have the additional advantage (albeit unwittingly) of easing potential tensions. An early worker wrote “*we coped with (the external situation) and the underlying differences between us all partly with a lot of sideways humour, including teasing*”.

## **Developing a board and governance**

As discussed before, policy in the early years was set for CAJ at General Meetings i.e. directly by all the members present, and the Annual General Meeting and the monthly executive meetings were essentially “administrative” in nature. From the early 90s onwards, the policy making authority shifted and General Meetings, which had been the backbone of CAJ, started to lose their substantive policy making role. This transition seems to have occurred when CAJ began to carry out its ‘educational’ function by reaching out to larger and more diverse audiences with major conferences, specialist seminars, panel discussions and media work. CAJ members were informed of, and invited to, such events but were no longer the primary audience. Year on year the number of such ‘public’ rather than ‘internal’ meetings expanded and replaced the old-style General Meetings. Moreover, the programme function previously performed by the General Meetings was undertaken instead by specially-created CAJ sub-groups working on specific themes (see on).

There are some who saw this trend away from direct democracy as a time of loss and certainly the demise of the General Meeting reduced the potential policy making influence of individual members. Yet, it could cogently be argued, that the change reflected an important programmatic transition for CAJ – from being re-active to more pro-active, and

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<sup>49</sup> In 2011, the author wrote to the executive about a failure to include ‘human rights expertise’ as an *essential* criterion in advertising for a new CAJ director, and the impact this decision/oversight might have for a fair recruitment process. Though an appointment had been made in the meantime, the chair replied “*the executive committee do consider that human rights knowledge and expertise is an essential prerequisite for the post of director. The omission of this (in the job spec) was inadvertent and if I had been aware of it, I would have ensured it was retained....I will ensure that it is restored to the personnel specification so that it is back in place whenever the post comes to be advertised again*” (e mail dated 7 September 2011).

<sup>50</sup> An EIRENE volunteer speculating on what CAJ might have to offer to other organisations said: “*the workers are more than just colleagues....you could suppose that relaxed atmosphere maybe leads to laziness but that is not the case. Motivation is caused by this closely linked relationship of staff to their work and colleagues.*” A US intern said “*I’ve learnt it is easy to burn out when doing difficult work without some semblance of balance....(CAJ) was a wonderful committed group of people who cared about and enjoyed each other (and the interns) and there is a lesson in that*”. Several referred to the importance of a largely open-plan office, and communal eating arrangements, in encouraging camaraderie and communication.

from a small expert group to one able to mobilise wider constituencies. Whatever the reasons for this trend away from the individual members setting policy, the consequence was that decisions were steadily delegated to/asserted by a small executive committee.

Comparing the composition of the executive in the 1980s and then again in the 1990s showed no dramatic changes, but active members in the first decade were for the most part no longer so involved in the 90s. Until the election of Jean Craig as chairperson in 1990, there had been no female serving as chair/vice-chair or treasurer, and the 80s generation of executive members were, for the most part, male, mid-career professionals, and Protestant. The 90s generation included for the first time a member of an ethnic minority, some non-Belfast residents, and they were as a group younger, more female and more Catholic (with the proportions of gender and religious background varying year on year). Though there was no formal exclusion from executive membership of people with political associations, the lack of such associations was marked. In total, nearly sixty people have served on CAJ's executive over its first three and a half decades and generational transitions seemed to have happened without any grave rupture.

This is not to say that there were no controversies, and one concern related to allegations of "entryism". It is obvious that, as General Meetings lost their policy making role to a small central executive, elections to that executive might appear – to anyone thus inclined – an easier route to 'co-opt' CAJ to a party political agenda. Yet, over a period of thirty-five years, it is noteworthy that only two elections gave rise to any allegations of impropriety. In the early 90s, there was somewhat unusually a competition for officer posts, and it was claimed that some of the candidates would use their positions to further the interests of the Workers' Party.<sup>51</sup> A few years later, a second controversial election allegedly involved Sinn Féin supporters - who seemed to display an intimate knowledge of CAJ's electoral processes.<sup>52</sup> Whether either or both of these allegations about attempted take-overs are true, it is fair to say that there was no marked change in the nature of CAJ's subsequent interventions. Nevertheless, it is interesting to speculate as to why entryism was not attempted (or thought to have been attempted) in CAJ's earlier years, or more often? The move from a network of individual members deliberating in General Meetings to decision making by a small executive would certainly have made manipulation of policy making arrangements easier, but perhaps CAJ was also now maturing into the kind of vehicle that outsiders might think worthwhile to control?

Supposedly uncontroversial elections can also be interesting. In the mid-80s, CAJ's chair was a known member of the Ulster Defence Association (UDA); in the mid-90s, the chair had previously been a vice-chair of the Social Democratic and Labour Party; and in 2011, a long serving executive member was nominated for re-election but was voted down at the AGM.

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<sup>51</sup> One contributor wrote: "*it had become clear that night (of the AGM) that there had been an organised effort by the Sticks (i.e. Workers Party) to get people elected*". This was strongly disputed by another contributor who was also present and who asserted "*There was no Workers' Party plot that I am aware of*". It is impossible now to determine the truth of these conflicting versions, but the AGM minutes do give some credence to the allegations by referring to a discussion of proxy votes (several had been received – "*discussion took place as to whether we could accept proxy votes; it was agreed that we could not*"); the fact that three of the seven posts were (unusually) contested; and the conclusion that "*the executive should review the current CAJ constitution with a view to proposing amendments for the next AGM*".

<sup>52</sup> Nominations were received minutes before the deadline, leaving no time for alternative nominees to be proposed and, according to the then constitution, uncontested nominees succeeded to the posts automatically.

At several points throughout the decades, it is also true that executive members were still or had previously been associated with the Alliance Party and/or the Communist Party. In none of these instances, however, did any suggestion appear to surface regarding an actual attempt at using the vehicle of a human rights group to pursue a party political agenda.

In governance terms, the issue of gender also arose from time to time. A contributor to this study noted: *"...I still remember a discussion outside of the (executive) meeting about which of the three female members of the executive should be 'allowed' to be chair....The importance of presenting a united front (to the outside world) generally trumped progressing any gender equality issue"*. Yet sometimes this male dominance was challenged. The executive in November 1991 records *"we should also look to see if there is any issue which is being neglected by the executive. One possible area is that of Women's Affairs"*. The March 1993 executive minutes' record *"that more attention needs to be focused on gender balance"* and that, amongst other things, the chairing of executive meetings should be rotated around all members. A subsequent procedural note, adopted by the executive, and dated April 1994, required *"equitable gender representation"* for CAJ delegations. A gender equality sub-group was formed in 1994 and, as the staffing levels increased, and more women were employed and, for a short time, a woman became CAJ Director, this debate fell into abeyance. It is difficult however to know whether gender (and other issues of diversity) had merely become more hidden: a gender/equalities audit (proposed by the executive in 2011) would be of questionable value given the size of CAJ's staff component, but appears not to have been pursued.

## **Membership involvement and structures**

As the organisation matured, the relationship between employees, the volunteer executive, and the membership steadily changed. Initially there were no staff, or for a few years one staff member, so it was CAJ volunteers who were primarily responsible for all the work - many of them giving several hours a week to research, writing and lobbying. In the next phase, staff started to play a more active, and occasionally directive, role in coordinating the efforts of a wider volunteer pool; and in a third phase, the staff carried out most of the work, submitting it for approval and endorsement by the voluntary leadership.

In the 1990s, as the General Meetings started to peter out, expert sub-groups were developed: they varied in size (averaging between 5 and 15 members); met as need arose (normally monthly, but on occasion, weekly) serviced by a staff member; and specialised in topics such as fair employment, policing, children's rights, prisoners. Work might include commenting on legislation, undertaking research, meeting with and lobbying decision makers, organising press or other events. From the perspective of an individual member, one could join a sub-group, become increasingly expert, and make a real contribution. Sub-groups (unlike their predecessor General Meetings) had no formal role in defining organisational policy, but did engage members over the longer term and helped CAJ evolve positions in response to practical challenges. Sub groups would thrash through issues such as: does human rights law say anything about the freedom to march versus the freedom from fear of marching? If plastic bullets are said to be safer than rubber bullets, should a human rights group endorse the move from one to the other? What are the implications of

the “best interests” principle as it relates to children rights? As with the earlier General Meetings, the political mix of members sought to guarantee eventual decisions being couched in human rights terms rather than in NI constitutional or party political terms.

Sub-groups were at their most prolific and effective in the mid-90s, but two challenges lead to their eventual demise. The first development was internal - CAJ increasingly prioritised impact over any educational function, and this led to more centralised strategy formulation. The files record no disagreement on the trend to be more strategic (quite the reverse), but the steady transfer of decision making from “the base” to “the centre” inevitably had an impact on the role of individual members. Thus, for example, a CAJ equality sub-group was created in 1998 to replace a number of related sub-groups that had grown up over time (on children, gender, religious/political discrimination and race). This merger was aimed at making the work more strategic, streamlined, and more ‘manageable’. In practice, it meant that members could focus on an over-arching theme rather than distinct, and sometimes competing, strands of the equality debate; the disadvantage lay in the fact that those ‘only’ interested in issues of race, or gender, might withdraw to the side-lines (or perhaps potential members might choose not to engage).<sup>53</sup>

The second trend in the demise of the sub-group lay in CAJ’s decision to develop stronger alliances with external bodies. So, for example, the formation of a single CAJ equality sub-group strengthened the organisation’s role vis-à-vis the newly created statutory Equality Commission, and facilitated the formation of a broad equality NGO coalition (see on). However, it also weakened the potential influence of individual CAJ members. Sub-group members might have excellent ideas (to organise a conference, invite an international speaker, prepare a report), but they might have to see them “owned” and operationalised by others, if it was thought more effective for the action to be undertaken by the wider Equality Coalition rather than CAJ. It is easy to see that this demands a lack of personal or organisational egos, and that it might over the longer term be de-motivating for individual CAJ members.

The change in the nature and extent of membership involvement begs the wider question: was CAJ ever truly a “membership organisation”? Four years into its work it could only claim twenty-one paid up members, and subsequent records are replete with efforts to reach out and recruit; however, rarely did the membership exceed 100-200. As noted earlier, this figure is not miniscule, particularly given NI’s overall population and when compared to its sister organisations, but neither does it amount to a “mass” organisation. The reasons were multiple. Many people were unwilling to focus on justice questions, especially in the midst of violent conflict (whether disinterested, afraid, or afraid of inadvertently giving spurious legitimacy to those intent on violently undermining the state); others were interested in justice, but chose not to join, or allowed their membership to lapse/resigned from CAJ over policy/personality disagreements. Others were supportive but

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<sup>53</sup> Stephen Livingstone (subsequently Professor) who was to become a leading prisoners’ rights academic and an active and highly appreciated member of CAJ, wrote to the organisation in July 1985 saying “*I notice the CAJ has a prisons working group. As I’m teaching some classes on prisoners’ rights next year, I’d be very interested to hear about what this group is doing. Could you please send me the address of the person to contact on this group?*” Would he have been equally attracted several years later to the generic “criminal justice” sub-group?

failed to join or self-described as “non-joiners”.<sup>54</sup> Yet others might have felt constrained by their professional or other affiliations;<sup>55</sup> or found the title “Committee” off-putting since it implied a small select group. Several joined as ‘temporary’ activists, but their studies, work, or family responsibilities took over; and CAJ itself seemed to make little real effort to accommodate members outside Belfast, with dependents, or with other access issues.

Organisational membership was an option, albeit with limited voting powers. In the 1986-1987 annual report, CAJ listed 62 members, of whom 8 were organisations and the following year listed 100 members, of whom 14 are organisations. However, this type of affiliation never seems to have worked well. So, the Linenhall Library and Central Library in Belfast were listed as “CAJ members and affiliates”, but presumably no active role was expected of them. There was nothing on file about the advantages/disadvantages of organisational affiliation and how such membership might be monitored.<sup>56</sup> Accordingly, it is not clear if the lack of such affiliation, and of any useful role accorded to those members, was due to CAJ’s failure to reach out, or because of genuine or perceived difficulties on the part of CAJ or any potential members. It is perhaps interesting that, even much more recently when CAJ developed close links with many voluntary and community organisations - working in formal coalitions with several of them - few have responded positively to frequent invitations issued by CAJ that they become formal members. There is also little sign of CAJ actively exercising its option to affiliate to other organisations.<sup>57</sup>

To conclude, CAJ moved in its second decade from an organisation that had been entirely membership dependent and driven, to one where members were less involved in policy formulation and even in the practical work. It seems that the trend towards more strategic interventions on the part of the organisation was a key factor in leading to an increase in central decision-making at the cost of an active membership. No explicit organisational decision was recorded regarding a downplaying of the role of members but the risks of such unintentional consequences were recognised early on. An executive planning day in January 1992 noted *“tensions appear to be between the need to keep high quality of work and membership structures which are professional but participative....”*.

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<sup>54</sup> Someone wrote in 2008: *“I have so many commitments that I am happy not to join..... I would also like to take this opportunity to thank you .....the cause of human rights in this jurisdiction would be greatly diminished without the hard work and dedication of people like you”*; another wrote: *“As a chronic non-joiner and a believer in the maxim of Groucho Marx - that I would not want to be a member of a club that would allow me to be a member - I was never a member”*.

<sup>55</sup> Public sector employment regularly averaged around 30% of all jobs and some may have worried that colleagues/employers in the public services would not ‘approve’ of CAJ affiliation; others (e.g. lawyers/journalists) may have felt obliged professionally to remain independent; a trade unionist wrote in August 1985: *“I do not want to become a member or associate member of CAJ because to do that, it means going through a complicated procedure with my Executive”*.

<sup>56</sup> How would CAJ refuse membership to legal groups that were highly objectionable to most others (see 2015 scandals about membership in the 1970s of the National Council of Civil Liberties, now Liberty, of the Paedophile Information Exchange)? Problems (in real and/or image terms) would also be created if only some political parties affiliated.

<sup>57</sup> The archives show that CAJ affiliated to the NCCL (now Liberty) in August 1985 and to CPAG (presumably the Child Poverty Action Group) in September 1986. Records are not however comprehensive and over time any such “affiliation” seemed to constitute little more than a way of subscribing to the newsletters of other relevant organisations; alternatively, very close working relationships with other groups (such as the Equality Coalition or Human Rights Consortium – see on) tend not to be treated as formal organisational affiliation *per se*.

## The move to greater planning and strategizing

Internal planning and strategizing started early on in CAJ with a Three Year Programme of Work on file with the 1985 AGM minutes, but systematic planning can be dated from 1989. The practice varied, but once or twice a year, a day (or occasionally two in a residential setting) was set aside for the staff and executive team to meet, often with the help of an external facilitator. Papers were sometimes prepared in advance, but the session tended to start with a free-flowing discussion of the political context, and the threats and opportunities facing the organisation. It was agreed that organisational flexibility in response to a constantly changing political landscape was vital, so the most important product of these sessions was often not the formal decisions *per se* but something more unquantifiable - a sense of a shared vision, and common purpose.

Most important CAJ initiatives and changes in emphasis can be traced back to such planning sessions. For example, in 1991, CAJ's leadership concluded that domestic pressure was inadequate: NI politicians had little power, and Direct Rule ministers, who did have power, ignored media and popular opinion with impunity (even assuming that media and/or popular opinion were interested in CAJ's concerns). This "democratic deficit" meant that after a decade of persistent hard work (issuing reports, holding meetings, and lobbying parliamentarians), alternative pressure points had to be found. Recognising that the UK government cared about its international reputation, and invested heavily in treaty body examinations at the United Nations, a paper from the then chair Colm Campbell to the January 1992 planning session proposed: *"It is becoming increasingly obvious that the only way positively to influence the government is through international pressure – CAJ therefore needs to build up its work in this area. Our submissions to the UNHRC and UNCAT provide useful indications of what can be achieved, but we need to think in terms of a five-year strategy, identifying the international pressure points, and working out how information/submissions prepared for one forum can be re-circulated in others to increase the compound effect"*. Several early successes<sup>58</sup> confirmed the value of CAJ's strategy of mobilising outside influences and in retrospect it is clear that one of the by-products of CAJ's gradual internationalising of its agenda was easy access to other domestic and international human rights NGOs.<sup>59</sup>

Yet again, a CAJ planning session in January 1993 concluded that that a new strategic direction aimed at increasing its work on racism and disability had succeeded in *"opening up awareness on issues apart from emergency laws"*; one in 1997 developed for the first time an organisational mission statement and logo: *"CAJ works for a just and peaceful society in NI where the human rights of all are protected"*. In a January 2000 planning event, a discussion about priority-setting, and the need to *"be more strategic still"* led to the

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<sup>58</sup> In a submission to the parliamentary JCHR, CAJ said *"It is our belief that after interventions made to UNCAT in 1991, the Committee made a number of extremely important findings with regard to NI. We are on record as reporting that, following the release of these findings, there was a marked decrease in the numbers of complaints of ill-treatment made by detainees."* Strong interventions by the UN Committee on the Elimination of Racial Discrimination (CERD) are also credited by many with the extension of British race discrimination legislation to NI in 1997.

<sup>59</sup> This easy access to other human rights groups allowed CAJ to take effective action both immediately after the declaration of the first 1994 ceasefires, and then again in the context of the 1998 peace negotiations. For example, regular NGO meetings started in 1993 so, only six weeks after the 1994 ceasefires CAJ's executive was able to organise a coordination meeting for US based and local NGOs at which *"to discuss a common strategy"*.



establishment of the so-called “CAJ Razor”:<sup>60</sup> the four programme areas that had formed the backbone of the organisation’s work in the lead-up to, and since, the peace agreement (i.e. criminal justice, equality, policing and protection of rights) were re-affirmed, but it was agreed to be more selective about what could/could not be done under each rubric. In 2001, the planning session reflected on the “*clearly coordinated*” hostility against CAJ and individuals within it – “*they are also linked to criticisms made of the NIHRC, including that it is subject to undue CAJ influence*”. It was agreed that the organisation needed to do more work “*popularising rights, reaching out to the majority community and reaching out to politicians*” whilst remembering that there were a lot more actors, organisations and institutions involved in human rights work which “*inevitably affects our role*”.

The move to be more strategic was in part a reaction to a first decade of work where even members concluded that CAJ’s output was “*worthy but stodgy*”. An interviewee said that the early prioritisation of carefully researched documentation meant its image was “*learned and worthy as it encouraged debate, but was not really very relevant*”, and this only started to change in the 1990s when the organisational focus moved to demanding more accountability from government. This re-orientation appears to have been recognised by others, though they neither agreed on the cause or the effect. Some contributors implied that this seeming generational change from “*recording facts*” to being more focused on “*advocacy*” might reflect a more politically motivated membership, but a senior civil servant of the time when interviewed, said of CAJ “*before 1993 or so, it was dreadful*”. Its product was, in her view, a “*mish-mash, not clearly thought through and not consistent*”; meetings with CAJ were “*frustrating....(CAJ people) felt very deeply, were extremely annoyed, but it was impossible to turn their primal scream into policy change*”; whilst, in the early to mid-90s, she believed that the organisation “*started to get its act together; assert some key points and it became an organisation one could listen to and engage with.*”

Details of the various planning sessions were reported to members via Just News and annual reports but it was only a decade or so later, and at the instigation of funders, that CAJ developed a formal (published) Strategic Plan for the first time ever.

## **Outreach and widening the constituency of support**

### **Public fora in Northern Ireland**

CAJ started to reach beyond its core membership base by convening larger public fora from 1987 onwards: the topics were diverse, intended to attract a wide audience, and enhance the organisation’s credibility and legitimacy, especially in policy-making circles. One of CAJ’s funders – JRCT - likes to take some credit for encouraging the group to be more outgoing and wrote in December 1987 that: “*We came away (from our meeting) feeling that CAJ lacks confidence in itself and undervalues the work which it is doing and its achievements. We would like to see the organisation promote itself more locally and expand its membership*

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<sup>60</sup> See follow-up notes from planning residential dated 21-22 January 2000 which agreed that proposed new initiatives would be decided upon using criteria such as (a) is this a CAJ priority; (b) is CAJ the right group to do this (c) who else is, or should be, involved; (d) what will deliver change; and (e) what added value does CAJ bring?

base.”<sup>61</sup> The introduction around that time of an annual Civil Liberties Lecture certainly helped promote wider debate of CAJ’s concerns amongst the judiciary and legal profession, since the invite lists were long (1000 invites sent out for the November 1988 lecture) and the guest speakers were often senior respected British lawyers (Tony Gifford, Michael Zander and Anthony Lester all delivered the annual lecture).<sup>62</sup>

Even wider outreach was hoped for when speakers were invited from further afield – the UN High Commissioner for Human Rights, various UN rapporteurs, the Council of Europe’s Human Rights Commissioner, numerous US Congressional Representatives and Supreme Court Justices (from South Africa, Canada and Australia) etc. By the time of CAJ’s 25<sup>th</sup> anniversary, the organisation was able to record an impressive roster of invited guests who had come to NI to share their experiences and expertise.<sup>63</sup> Such “human rights personalities” would be invited to give a keynote address (drawing on their own domestic or international experience) rather than commenting directly on Northern Ireland: CAJ wanted to secure external expertise, but actively discouraged outsiders from parachuting-in to offer local “solutions”.

### **Domestic human rights groups**

From early on, CAJ developed links to the already long-established London-based National Council for Civil Liberties (now Liberty) and used to attend meetings (funding permitting) of the NCCL’s Northern Ireland Committee. Links to the Irish and Scottish Councils of Civil Liberties (the latter now unfortunately defunct) were more *ad-hoc*. An important deepening of these relationships occurred in the early 90s, when - to advance its work at the UN - CAJ affiliated to the International Federation of Human Rights (often known by its French acronym, FIDH), and regular meetings were organised for members of the ‘British and Irish FIDH Panel’.<sup>64</sup> Northern Ireland tended to be the unifying element of this forum, and CAJ often had requests to make of its neighbours; they were willing to help - to the extent that their constitutions, resources and own organisational priorities permitted. Most indeed had an organisational self-interest in cooperation, since measures introduced in NI often pre-figured similar moves in their own jurisdictions.<sup>65</sup> Regular Panel meetings however fell away in the years following the peace agreement, presumably once the common agenda lost some of its salience.

CAJ did not create any formal institutional links with other NI-based NGOs working on criminal justice or policing issues, although information was regularly shared and

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<sup>61</sup> In an internal memo (8 November 1993), JRCT concluded that its critique had “*had a significant impact on CAJ. Our encouragement for the organisation to value their achievements have paid off. In the last six months CAJ provided a briefing document used by Bill Clinton when meeting John Major to discuss NI... this would have been unimaginable six years ago*”.

<sup>62</sup> These Lectures had several by-products: the executive reports that ten new members joined after one lecture, and Lord Lester subsequently wrote the foreword for CAJ’s Civil Liberties Handbook, and supported CAJ’s nomination for the Council of Europe Human Rights Prize. Another contributor was critical of the fact that in the 70s “*there was little outlet for cooperative efforts with practising lawyers*” but this changed: “*CAJ sensibly sought to harness the energies and skills of as many professionals as possible and I believe that this was one of the reasons for its growth and success*”.

<sup>63</sup> See Special Edition of Just News – “*CAJ’s 21<sup>st</sup> birthday*” – vol 17, no 10, October 2002.

<sup>64</sup> In addition to FIDH members – CAJ, the ICCL, Liberty and the SCCL - British Irish Rights Watch (now Rights Watch UK) and Amnesty’s International Secretariat also attended on occasion.

<sup>65</sup> An ICCL interviewee described these meetings as “*immensely useful*”; an SCCL contributor wrote of the value of sharing “*knowledge and analysis*” with others, and referred positively to the work done in connection with the UN Treaty Bodies.

collaborative campaigns organised. Thus, CAJ cooperated with groups working on the political vetting of community groups, the transfer of prisoners, and specific alleged miscarriage of justice cases (e.g. Thomas Green or the Casement Accused); in other instances they cooperated by pooling knowledge (a file note in 1992 reports that CAJ staff met with new members of the Relatives for Justice (RFJ) group *“to help them prepare for a meeting with civil servants to discuss the use of lethal force”*); or on one-off projects like parade observing on 12 July 1996 in Derry city centre with the Pat Finucane Centre (PFC).<sup>66</sup> Sometimes CAJ helped others take positions on human rights when they might otherwise have been hesitant: a trade union interviewee said *“it was difficult to have a common trade union position on controversial subjects like policing and criminal justice, but CAJ’s work gave the trade unions both substantive content and ‘political cover’”*. Other times it helped bring into being human rights groups that are still going strong – for example, the consultation events CAJ organised around UNCERD brought together for the first time the previously isolated small groups working on Chinese, Traveller and other race issues, and led in time to the formation of an over-arching NI Council on Ethnic Minorities (NICEM).

It was, however, really only with the move to peace that greater opportunities arose for formal NGO collaboration and cooperation. CAJ helped bring into being both the Equality Coalition and the Human Rights Consortium which are both still going strong. The Coalition had its genesis in the lead-up to the 1998 peace agreement, and was formalised in the lobbying to ensure that equality commitments were given legislative effect in the Northern Ireland Act; the Human Rights Consortium came into being to encourage public debate about, and subsequently support for, a Bill of Rights for Northern Ireland which was also one of the building blocks discussed in the course of the peace negotiations. CAJ worked with UNISON (for the Equality Coalition) and Amnesty NI (for the Consortium) to get these alliances up and running, aware that it had now become possible for many more NGOs to openly express their concerns in the language of human rights and equality. Moreover, the political and legislative advances made in the peace agreement needed to be embedded by way of strong civil society support. The alliance building had two purposes: to promote the specific agendas of interest (equality and a Bill of Rights) whilst simultaneously moving human rights from where it had been - at the margins - to the mainstream.

### **International human rights groups**

It was both the relative inefficacy and the controversial nature of human rights work at the local level which initially led to CAJ seeking the support, solidarity and protection, of well-respected international human rights groups. In planning sessions in the early 1990s, it was agreed that securing external support would help both secure the organisation’s objectives and give its own efforts more credibility.<sup>67</sup> Thus one 1991 planning memo from the chairperson argued that international pressure needed to be mobilised and concluded that *“.... networking this time at the international NGO level is vital”*.<sup>68</sup> The memo went on to

<sup>66</sup> More recently, a common interest in working on the past have given further opportunities for work with RFJ and PFC.

<sup>67</sup> Martin O’Brien, speaking in advance of the Human Rights Assembly, said in July 1991: *“when the PTA was being debated in parliament in 1989, we worked hard to prepare amendments and to lobby committee members....(yet) not one single positive amendment was made to the legislation. It brought home the point to us that we really do need to look outside these islands for sources of support....only by raising and internationalising the issues can we place them on the agenda”*.

<sup>68</sup> On an early visit to the US seeking support, an Irish embassy official was reported to have advised CAJ that *“there were difficulties in raising NI issues in the US and that interesting US civil liberties groups in the issue might be the most effective way to proceed”* (report to CAJ executive 15.5.90).

argue that building up and maintaining such links was a way of “*avoiding the ghettoization of our viewpoint*” and that there was a need for “*a set of alliances which is robust enough to marginalise criticisms*”. In March 1993, CAJ’s executive agreed “*to organise a seminar for international groups interested in NI*” and a paper addressed to participants at the international NGO strategy session subsequently held in Belfast in September 1993 noted that “*CAJ’s views are strengthened when there is a chorus of organisations from outside NI expressing broadly similar concerns*”.

Reaching out to Amnesty International was relatively easy since the organisation had had “*a long and honourable interest in NI*”;<sup>69</sup> the International Commission of Jurists (ICJ) was sympathetic;<sup>70</sup> and reference has already been made to CAJ’s affiliation to the FIDH, which dated from 1991 and very importantly allowed CAJ to make submissions to the various UN Treaty Bodies in its own right. US interventions were, however, treated with particular respect by the UK authorities, so it was also important for CAJ to secure the active support of US-based human rights NGOs able to lever out wider US political influence. In January 1990, CAJ visited New York and deliberately reached out to the then Lawyers Committee on Human Rights (LCHR, now Human Rights First HRF) and Helsinki Watch (now Human Rights Watch (HRW) asking for their help in initiating an independent review of the necessity for, and impact of, the emergency laws in Northern Ireland.<sup>71</sup> A long and fruitful relationship developed with both organisations which subsequently sent their own missions to Northern Ireland and, according to CAJ’s archives, produced “*three highly influential reports (which) attracted a very high degree of media attention and have been referred to in parliamentary debates and by other international commentators*”.

### **Bringing international expertise to bear locally**

In its work around the peace process, CAJ regularly sent human rights and equality updates to interested parties in the US, and an ally such as the leading NI trade unionist Inez McCormack was able to put these to excellent effect via her own contacts with Irish and US trade unions and many influential Irish Americans.<sup>72</sup> Such work helped CAJ learn how to inform, and to some extent, shape the human rights interventions of others,<sup>73</sup> in the belief that effective action required a mix of domestic know-how and international expertise.

<sup>69</sup> In March 1972, Amnesty had issued a “Report of an Enquiry into allegations of ill-treatment in Northern Ireland”; CAJ and Amnesty’s researchers on the UK were in regular touch; and several early CAJ members were AI members also.

<sup>70</sup> CAJ had discussed affiliation to the ICJ and the May 1993 executive minutes record: “*though CAJ couldn’t affiliate, there is a willingness to consider doing more on NI amongst ICJ staff*”. The institutional barrier to affiliation lay in the (long) prior existence of a “UK” affiliate in the form of London-based Justice which noted in correspondence to CAJ that “*as you will know, we have so far done no work at all on what is happening in NI*” (letter dated 10 August 1993). Though Justice had indicated it was “*not closed to the idea of (CAJ) contacting the ICJ regarding affiliation*” (CAJ, June 1993 executive minutes) formal affiliation was not pursued. The ICJ were vital to the organisation of a ‘Chatham House’ type seminar in Belfast in 1999 on criminal justice reform which brought together senior judicial and legal figures to meet their NI counterparts.

<sup>71</sup> HRW was reportedly convinced of the seriousness of the situation in NI when they were informed that the UK government’s then Independent Reviewer of Emergency Legislation in NI was Lord Colville of Culross; HRW had already been critical of Lord Colville’s inaction on human rights abuses in Guatemala (CAJ executive meeting – 16 January 1990).

<sup>72</sup> As a long standing activist with CAJ, Inez McCormack gained a hearing for many of its concerns with influential people in Ireland and in the US - she led the Irish Congress of Trade Unions, and the NI Committee of same, and UNISON; she was a signatory of the MacBride Principles which gave her great name recognition in Irish American circles; and she had a long and illustrious history of involvement in a wide range of human rights, civil liberty, equality and feminist campaigns.

<sup>73</sup> CAJ files abound with briefing notes sent in advance to visitors with proposed itineraries and issues to be raised.

International sympathisers rightly wanted to resist co-option to local agendas but their intervention would be less powerful if uninformed by local expertise.<sup>74</sup>

Northern Ireland hosted several visits by “human rights celebrities” over the years – many at the invitation of CAJ or other local groups. Sometimes the visitor would liaise directly with all or some of the individuals to be met (human rights victims, the Chief Constable, members of the judiciary); alternatively, CAJ might be asked to provide a briefing or act as an administrative intermediary.<sup>75</sup> Needless to say, it was for the visitor to decide whether or not to rely upon the advice/briefings provided.

To cite two very different examples – Archbishop Tutu visited NI from South Africa on several occasions, one of which was in response to an invitation from CAJ and a US-based group Global Citizens Circle.<sup>76</sup> Coincidentally, the visit took place at the time of the siege of Holy Cross primary school – a particularly difficult moment<sup>77</sup> – and CAJ, as his local host, felt responsible for advising the Archbishop as to how he might negotiate this potential quagmire. In retrospect, the visit went as well as it could do: sensitivity and respect on the part of all the parties involved had turned a problem into an opportunity. An article in *Just News* (December 2001) reports that, after a private visit to the school: *“(the archbishop) went to Stormont where he met a delegation from Glenbryn (protestors), and then had a meeting with four (local) politicians; Billy Hutchinson, Gerry Kelly, Alban Maginnis, and Chris McGimpsey....At the meeting with the politicians, it was clear that great efforts were underway to try and solve the dispute, and the archbishop jokingly spurred the politicians to greater efforts, promising them first-class tickets to heaven if successful!”* The dispute was soon ended with CAJ glad that it had resisted pressure to encourage the archbishop either to ignore the appalling situation entirely, or to show ‘balance’ by visiting and thereby equating a local Protestant school to its besieged Catholic neighbour.<sup>78</sup>

However, a less successful visit involved a UN Special Rapporteur who, possibly wary of seeking help from domestic human rights groups, arrived in Belfast with little advance notice and prioritised meetings with a range of church people (on the grounds presumably that the NI conflict was essentially religious in nature). Other groups, with relevant testimony to share in relation to the Mandate, were either deliberately ignored or – much more likely – unknown to the Rapporteur’s Geneva-based staff.

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<sup>74</sup> An international human rights contributor wrote of joint NGO statements: *“I think this gave credibility to both sides really – international weight behind and giving credibility to national NGOs, but also national NGOs on the ground adding credibility to international NGOs”*.

<sup>75</sup> Knowing the local geography, allowed CAJ to group meetings logically; they also could provide relevant contact details. CAJ rarely accompanied the visitor except if human rights victims wanted someone they knew and trusted to be present whilst telling (or retelling) a stranger about harrowing personal events.

<sup>76</sup> [www.globalcitizenscircle.org](http://www.globalcitizenscircle.org)

<sup>77</sup> In the summer and autumn of 2001, verbal and physical abuse (sectarian taunts, stones, bricks, fireworks and worse) meant that the police had to provide an armed presence to secure safe passage for the parents and their children going to the school – see *Holy Cross: The Untold Story*, Anne Cadwallader, 2004.

<sup>78</sup> Both scenarios (*“as an outsider, better you leave it to us locally to resolve”* and *“what about the local Protestant school?”*) had been canvassed (sometimes by his religious confreres) with the archbishop and CAJ. CAJ’s 21<sup>st</sup> anniversary edition (2002) later explored the false equivalences often drawn in NI and elsewhere between ‘impartiality’ and ‘balance’.

## General outreach

In some cases, visitors (students, journalists, researchers, or British Council delegations) were in town already, and simply required a short human rights briefing.<sup>79</sup> CAJ would be one of many stops on an itinerary, and for the most part the visitor offered little directly to CAJ's agenda. Other visitors however necessitated a lot of practical and administrative support - help with travel, accommodation, preparing briefings (not simply for the visitor, but also for those being met who did not necessarily know what a UN Special Rapporteur was, or what advantage could derive from telling their intimate story to a visiting parliamentarian). The effort and tact required to coordinate such endeavours should not be underestimated, but briefing outsiders also encouraged CAJ to think through its own policies and test its instincts against that of other human rights actors; secured the organisation credibility in the eyes of domestic actors;<sup>80</sup> and, most importantly, led to better informed and effective interventions by powerful advocates in relation to NI and further afield.<sup>81</sup>

## Individual casework

In its first decade, CAJ by and large had not worked on individual cases. The choice was very conscious: a file-note states that there will be *"no investigation of individual cases unless related to general policy"* – presumably on the basis that the organisation was established to work on the *administration* of justice, rather than individual cases of alleged injustice. However, already in the November 1986 Just News, the fear was expressed that if the organisation did not *"embroil"* itself in particular instances of injustice, it would fail to sell itself to ordinary people, and would succeed only *"in firming up the soft centre of faulty structures instead of working on their hard edges"*.

From the 1990s onwards the pressure for change grew even more, not least because it was becoming apparent that commenting on policies in the abstract was insufficient to effect change, and because an increasing number of requests were coming to the office from individuals wanting legal support and help. In a 1990 funding request, CAJ argued: *"ever since its inception the CAJ has been torn between the competing work of general campaigning and individual casework.....the need for casework has not disappeared...hardly a day passes when we are not approached by someone with an individual grievance"*. But its efforts to secure the funding for a legally trained staff member were to prove unsuccessful for many years. Perhaps as a form of "half way house", CAJ decided initially to produce written advice - a Civil Liberties Handbook - which gave individuals (and local community workers/neighbourhood advisers who were the primary audience for the text) basic legal guidance. The Handbook was published in 1990 and proved very popular: it addressed issues as diverse as army and police powers, laws governing meetings/ demonstrations, sex discrimination, and social security rights. In December 1992, CAJ volunteers produced the

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<sup>79</sup> A thank-you note from an Israeli delegation with Jewish and Arab members said *"this was one of the best programmes they have ever experienced"*; and IAUC *"your brief update on the current situation in NI and the progress of the various Agreement institutions was very helpful in our meetings with the NIHRC and the Criminal Justice Review Group"*.

<sup>80</sup> A unionist MP gave the example of an event addressed by South African Constitutional Court Judge Albie Sachs attracting people who might not normally accept invitations from CAJ and allowing them to see *"that you don't have horns!"*.

<sup>81</sup> *"Our meeting with you was exceptionally interesting and helpful and certainly afforded a different perspective from some of the other official bodies we had met"*, letter to CAJ from the then newly created UK-wide Criminal Cases Review Commission after an exploratory information-gathering visit to NI in 1997.

first of several Case Bulletins aimed at better informing NI's legal profession about human rights developments in the courts:<sup>82</sup> and in 1994, in response to the needs of bereaved families, a free information pack was produced for those affected by lethal force.<sup>83</sup>

Another way of bringing some influence to bear on individual cases whilst remaining somewhat at "arms-length" was by sending volunteer observers to the courts. The 1991-1992 annual report regretted CAJ's inability to respond to all the requests received for legal observers to trials, inquests, appeals and judicial proceedings, but also cited an impressive number of court observations that had occurred over the year (including the Armagh/UDR Four appeal; the McKerr inquest and judicial review; the Brian Robinson inquest and Brian Nelson trial; pre-trial hearings of members of the military facing charges for the killing of alleged young joy-riders Martin Peake and Karen Reilly; a House of Lords appeal re Kevin Sean Murray in a right to silence case; and several other inquests and alleged miscarriage of justice cases). CAJ also used its burgeoning work with the UN treaty bodies to highlight the human impact of government policies: case-studies were included in submissions to show the practical implications of government policies (or lack of same)<sup>84</sup> for individual human rights victims. But rarely could such work expect to have a direct impact on the situation of those individuals alleging that their human rights had been abused.

At last, in 1995, through a variety of small funding grants, it was possible to employ a dedicated case-worker (Paul Mageean), and CAJ could offer direct and immediate legal assistance to a wide variety of human rights victims. The annual report for 1995/6 reported *"(Paul's) appointment has made a considerable difference in that we are now able to offer a more efficient and effective service to the growing number of individuals seeking our advice and assistance. In his first year, we have dealt with some 500 requests for help"*. The annual report cited a wide range of inquiries (including prisoners complaining about their treatment, complaints of racial discrimination, concerns around children's rights etc.) and noted that the *"inquiries come from across the community and often from people for whom there is little if any public sympathy or support"*. Almost immediately an important success was achieved: the annual report the following year celebrated the release of Patrick Kane (one of the Casement Accused) *"after an unjust nine years in prison"*. The case against three of the defendants revolved around the dubious doctrine of joint enterprise,<sup>85</sup> and, in Pat's case, a confession. CAJ worked closely with Pat Kane's solicitor and secured testimony from Gisli Gudjonsson - an Icelandic professor of forensic psychology, and internationally renowned authority on suggestibility and false confessions – who convinced the courts that Pat's conviction was unsound: his mental capacity meant that he was "too suggestible" for his confession to be accorded any weight.

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<sup>82</sup> Five bulletins in total were issued between December 1992 and August 1994; this service is now being provided by way of regular electronic bulletins from different organisations, most significantly from PILS.

<sup>83</sup> See Killings by the Security Forces – an Information Pack for Families of Victims.

<sup>84</sup> Several case-studies in CAJ's submission to UNCERD (1993) showed the problems created by an absence of race-discrimination measures in NI: some people alleged racism in employment (resulting one person failing to get a job, another being dismissed, and another made redundant); in housing (Travellers evicted from a site and one person told by several landlords that they would not rent to "Chinese people"); and in their dealings with the police (one couple were arrested at their Chinese takeaway after calling the police to deal with a rowdy customer!).

<sup>85</sup> The Supreme Court in February 2016 ruled that the joint enterprise principle had been *"wrongly interpreted"* by the courts for decades.

Some of the casework involved providing advice – in person, by phone or in correspondence – on a one-off basis, but some demanded years of campaigning alongside families and victims of alleged human rights violations. Normally people had their own solicitor to represent them in the domestic courts, but wanted advice on how to push their concerns more effectively – how might they get the authorities to react to any complaints about policing? how could they secure some public attention for what they considered to be a miscarriage of justice? how could they get international or European mechanisms (UNCAT, ECPT, the ECHR) to take up the case? how could they move the legal process forward a bit more speedily and effectively? When needed, CAJ’s solicitor would accompany family members and their legal team to official meetings – either to brief dignitaries visiting NI, or to support them at meetings in London, Dublin, or Washington. The death of Robert Hamill in Portadown - which raised questions of police collusion with his killers - was a case which, with CAJ support, led to the face-to-face meetings between his family and the different Prime Ministers and Taoisigh of the day.

Some cases surfaced and became the subjects of much wider campaigning, and indeed several became central to the political negotiations. The murders of Pat Finucane, Robert Hamill, Rosemary Nelson, and Billy Wright, all spring to mind since they resulted (for three of the four) in extensive public inquiries, and - largely to avoid a similar inquiry into the death of Pat Finucane - the introduction of new legislation.<sup>86</sup> In all of these cases, CAJ campaigned for greater official accountability, especially around allegations of collusion. Many other cases, however, never secured the same level of political leverage: in those cases, CAJ’s willingness to be available for families and victims with advice and support was perhaps just as important.

A legal waiver allowing CAJ to represent clients directly in the domestic courts was not secured for another decade, so this fact, along with a concern to have as much impact as possible, encouraged the caseworker initially to prioritise work at the European level. The 1995/6 annual report records that individual cases were lodged with the European Commission “*on the right to life, collusion, Irish language, right to silence and fair employment*”. In due course, CAJ successfully represented three cases before the European Court of Human Rights – all concerned with the right to life (Shanaghan v. UK; Kelly and Ors. v. UK; and McShane v. UK)). The basis of the Court’s ruling was that the mechanisms established by the state to investigate controversial killings were not sufficiently independent or effective to comply with the European Convention’s requirements. This was the optimum result from CAJ’s point of view since the strategy had been to secure positive judgements to force the government to overhaul the inquest system. The judgement also criticised the police investigations and the role of the DPP, reflecting additional concerns CAJ had articulated in its submissions to the Court, and which could be built upon on its subsequent work with the Criminal Justice Review. To ensure effective follow-up, CAJ has submitted material nearly every year since, and sometimes several times a year, to the Council of Europe’s Committee of Ministers which has responsibility for ensuring Court decisions are fully and effectively implemented by the Member State.

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<sup>86</sup> i.e. the Inquiries Act 2005. CAJ’s annual report (2004/5) reported that the Act “*clearly dramatically changed the power balance*” moving decision-making about future public inquiries from parliament to the executive.



Even ‘unsuccessful’ cases can prove important. CAJ’s annual report of 2000/2001 which reported on the right to life cases above also related a case that had been ruled inadmissible. CAJ had taken the case of *Marshall v UK*, relying on the improved security situation in NI post-peace agreement to challenge the continuing validity of the UK’s 1988 derogation in respect of seven-day detention. Referring to its previous case law, including the case of *Brannigan and McBride v United Kingdom* (1993), the Court noted the limits on its power to review derogations, but added that *"in exercising its supervision the Court must give appropriate weight to such relevant factors as the nature of the rights affected by the derogation, the circumstances leading to, and the duration of, the emergency situation."* Whilst the Court rejected the Marshall application as inadmissible, it noted that it must: *"address with special vigilance the fact that almost nine years separate the prolonged administrative detention of the applicants Brannigan and McBride from that of the applicant in the case before it."* CAJ’s annual report concluded that the decision was disappointing, not just for NI but for further afield, but also noted: *"we believe the Court’s decision may have been influenced by the fact that the United Kingdom had withdrawn its derogation when the case was pending. Indeed, we believe the government may have decided to withdraw the derogation as a result of the case being taken in the first place, and if so, CAJ’s initiative was very worthwhile"*.

At last, the waiver was granted in 2005 so CAJ could appear before the domestic courts, and an early success was secured almost straightaway when CAJ intervened in a judicial review relating to the Section 75 equality duty. Pursuant to a complaint to the Equality Commission, the NIO was found to have failed to comply fully with its equality duty, and this was relied upon by a young man querying the lawfulness of his Anti-Social Behaviour Order. CAJ was granted leave to intervene and argued that the NIO was using the case as a platform to ‘over-judicialise’ the entire Section 75 process. CAJ’s 2004/5 annual report noted that *"the effect of the NIO’s arguments, if accepted by the court, would have been to potentially nullify any future investigations by the (Equality) Commission"*. Thankfully the court welcomed CAJ’s contribution and determined *"the powers and duties of the (Equality) Commission must be interpreted in a way that does not emasculate the role of the Commission"*.

Ever since, CAJ has appeared in the courts in a variety of cases: in 2014 alone, for example, the principle of transparency was re-asserted in a number of cases taken against the Parole Commission, the NI Courts and Tribunals Service, the NI Tourist Board and the Information Commissioner. In recent years, the legal adviser has also been greatly taken up with providing support for families and victims pursuing historic cases in their search for justice. CAJ’s client Frank Newell had an earlier conviction quashed and, in at least one case (that of the infamous “Hooded Men” of the 1971 internment era), the client is alleging ill-treatment prior to CAJ even coming into existence. This work requires ongoing representation of clients engaged with the different official bodies working on historic cases, including the Police Ombudsman and the Coroner’s courts.

Equally, a very forward-looking initiative was taken in 2015 when CAJ won a landmark case in which the courts determined that *"the Executive Committee of the NI Assembly has acted unlawfully"* by failing to develop an anti-poverty strategy. It is bound to be an uphill challenge for the organisation to try and ensure that current and future NI governments

target social need on the basis of objective criteria, and particularly regardless of political or religious opinion; but few would doubt that it is a worthwhile challenge. Courts globally are not always found to be imaginative when it comes to protecting a person's socio-economic rights, but they provide vital fora in which to test for procedural and substantive fairness, and this alone can lead to radical results. Indeed, the efficacy of strategic litigation became so evident on the basis of CAJ's experience over the years that funders responded positively to CAJ's suggestion that a dedicated service be established to this effect in Northern Ireland. The Public Interest Litigation Service (PILS) was established formally in 2009 and the two organisations continue to work closely together.

## Financing human rights work

CAJ always raised some income from membership fees, publication sales and conference fees, but the sums were very small<sup>87</sup> and its activities were almost entirely dependent on securing financial support from philanthropic foundations committed to justice. The Joseph Rowntree Charitable Trust (JRCT) was the first to come to the organisation's aid by funding the initial organising conference, the production of some early publications, and eventually providing core funding for staff and premises. But the role of JRCT was not merely financial. The Foundation was a reputable organisation with a track-record of working on social justice and civil liberties. JRCT had long funded the National Council for Civil Liberties in England (now Liberty) established in 1934, and was an early funder of Amnesty International, founded in 1961. Early and visible support for CAJ from JRCT gave legitimacy to a project eager to establish its *bona fides*: the fact that the JRCT was English-based and Quaker (and therefore pacifist), made it less easy for potential critics to dismiss CAJ as promoting an Irish or Catholic or republican agenda. Until 1989, CAJ was almost solely funded by the JRCT, when the Barrow and Geraldine S. Cadbury Trust (also a Quaker foundation) agreed to support the organisation's research officer post. Smaller grants/donations from supporters in the US were made via the America Ireland Fund (or later on via Bridges to Peace),<sup>88</sup> and monies received from the Joseph Rowntree Social Service (subsequently Reform) Trust were used to cover non-charitable activities.

As CAJ entered into its second decade, its expenditures were increasing<sup>89</sup> so it was crucial to diversify its funding base. Smaller occasional or one-off donations were received, towards the costs of publications and organising conferences, from the trade unions – both in the US (AFSCME) and NALGO locally; from the Northern Ireland Voluntary Trust; from various church groups (for example, the British Irish Council of Churches and the Inter Church Emergency Fund contributed to the costs of the first Handbook); and generous donors in the US (including the Hilda Mullen Foundation and the Fireman Foundation). Two important new funding sources allowed for an increase in CAJ's international campaigning:

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<sup>87</sup> In a funding request dated October 1990, CAJ estimated that 10% of its required income would be secured from membership fees plus conference charges and publication sales; the remaining income derived from grants.

<sup>88</sup> Some of the early US support for CAJ resulted from links made previously by the Peace People - CAJ executive reports in 1987 and 1989 refer to visits by Martin O'Brien to the US for the Peace People, on which CAJ could "piggy-back". But by May 1990, CAJ's executive records that – for lobbying and fundraising reasons - "*We should try to send someone from the CAJ to the US every year in the future*".

<sup>89</sup> Annual reports include expenditure accounts that steadily grew over the years: 1986-1987, £12,000; 1988-1989, £13,200; 1989-1990 £33,374; and £46,122 by 1991.

Reebok awarded Martin O'Brien its 1992 Human Rights Prize<sup>90</sup> (\$25,000, which he donated to CAJ) and the trade union UNISON agreed a three year grant totalling £24,000 starting in 1993 (this was subsequently renewed several times). The former was important as it gave an international profile to the organisation, and the latter allowed for parliamentary and other such lobbying, which might fall out-with the charitable objectives of other funders.

One-off grants for specific projects were also very important – thus the Roderick J. MacArthur Foundation made a donation of US\$20,000 towards the harassment project carried out in 1994; a grant from the Ford Foundation allowed for the comparative policing project published in 1996; and the European Human Rights Foundation made a grant to assist in CAJ's observing operation in the mid-90s (in the latter case, the grant was financially small but very important for the credibility bestowed on a potentially controversial activity). A series of grants large and small allowed CAJ to employ a full-time legal caseworker, long after the need for such a post was initially recognised (John Merck, John Moores, John Paul Getty Jnr Charitable Trust, Nuffield Foundation, the Paul D. Schurgot Fund, Rockefeller Philanthropies and others). Other foundations and trusts made one-off contributions – the Allen Lane Foundation, the Banyan Tree Foundation – and donations from individual supporters were always much appreciated: President Mary Robinson donated her honorarium for a US visit to be shared between CAJ and the ICCL; Angela Hickey a long-time activist and trustee with BIRW (now RWUK) left a generous bequest to both organisations on her premature death; and the Dunfey family were also very supportive over the years.

Thankfully though, throughout this period, JRCT continued to maintain core funding for the organisation, and Barrow Cadbury Trust added to its staffing support with a major grant of £350,000 (spread over five years) to allow CAJ to create an endowment fund aimed at giving the organisation much greater long term financial security.<sup>91</sup> In the lead-up and pursuant to the peace agreement, CAJ wanted to expand its level of activity and the Oak Foundation contributed very generously to assist the organisation look at legacy issues and – in more recent years – grants from Esmée Fairbairn and the Henry Smith Charity enabled CAJ to engage in more systematic political outreach to promote its objectives.

The most dramatic growth in CAJ's programmes however was due to the decision of Atlantic Philanthropies to support in a variety of ways an extensive peace building programme in Northern Ireland: it is difficult to imagine that CAJ's interventions in the context of the peace negotiations and subsequently could have been nearly as effective without this major funding support for nearly two decades. The work of CAJ in promoting a Bill of Rights and equality, as well as the spin-off organisations it helped create - the Equality Coalition and Human Rights Consortium – were entirely underpinned by Atlantic's support. The more recent decision of the funder to spend down globally poses new challenges but the creation of a NI Human Rights Fund should ensure that the work that Atlantic did so much to encourage is able to be maintained over the long term.

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<sup>90</sup> A 1991 attempt to have the Prize awarded to CAJ's Stephen Livingstone had proved unsuccessful and a colleague at the Lawyers Committee on Human Rights (now Human Rights First) reportedly said that "*it was difficult to convince (Reebok) that NI was in the same league as Guatemala etc.*"

<sup>91</sup> It was this funding that allowed CAJ to purchase property in 2010: it had initially been hoped that such a large grant would lever out other core grants of this kind, and an energetic fundraising campaign was mounted in the US, but to limited effect.

This almost complete reliance on funding from philanthropic sources came about because CAJ had from the outset decided neither to seek nor receive government funding - so as to avoid either the reality or the perception of government influence. This principle seems to have been a self-evident one – flowing from CAJ’s commitment to political independence – given that there is no discussion of it on file. The principle certainly allowed the organisation a freedom denied service-provider NGOs which occasionally (depending on the funding cycle) could feel circumscribed in their policy interventions. CAJ sometimes deemed indirect government funding acceptable – for example selling publications to public agencies; participation in a generic state-run unemployment scheme; and accepting a grant for the *printing* of its Civil Liberties Handbook - but only if the principle of financial and political independence could be maintained. CAJ did *not* for example request funding from the European Union’s Special Support Programme on Peace and Reconciliation (EUSSPPR) – which was a major funding source for many voluntary groups in the mid 1990s - because all grants were conditional on the UK government being willing to “top up” with a 20% contribution. The principle was reviewed in the last few years, and the ban on accepting government donations was essentially reiterated.<sup>92</sup>

On the other hand, CAJ – like its sister organisation Liberty in England - *did* establish an independent charitable arm (the Human Rights Trust) in 1997 so as to benefit from the tax advantages applicable to charitable work in the UK.<sup>93</sup> Whilst this move gave rise to no obvious problems, CAJ subsequently felt it necessary to express concern at changes in the charities legislation introduced supposedly as part of a money laundering clamp-down. A CAJ submission to the consultation process in October 2006 welcomed the overall intention of the legislation but argued that *“It is appropriate (for independent authorities) to ensure that any charity registered as such is complying with its legal obligations, and is in no sense misleading its donors as to its use of their monies. It is obviously appropriate to ensure that charities do not benefit from a positive tax regime without just cause. It is however quite inappropriate to oversee the operations of charities in such a way that – deliberately or inadvertently – charities lose their autonomy and independent status”*. The experience globally of a diminution of democratic space in more recent years suggests that CAJ was correct to assert that any kind of government scrutiny of charities and their finances should be done in ways that are not overly intrusive, do not facilitate malicious or vexatious complaints, and neither imply government approval or disapproval of the charity.

A final comment: some financial contributions cannot be measured by the sum of money involved. The Reebok Prize for CAJ put the organisation on the map with a younger international audience; funding from UNISON allowed for activities not strictly charitable in nature and encouraged greater trade union collaboration in human rights work; and grants from US foundations illustrated CAJ’s *bona fides* for US-based individuals and groups who could be politically influential. JRCT which was CAJ’s earliest funder recorded *“CAJ has always valued its relationship with JRCT as being more important than just the material value of the grant”*. In the case of the three funders who contributed extensively, and over

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<sup>92</sup> The 2012/3 annual report recorded that CAJ had never sought nor accepted government funding but that *“during the year the Executive Committee thought it useful to re-visit the issue as it was apparent there may be some ‘grey areas’.”* After discussion the policy was reasserted, with the proviso that *“if, however, a funding stream emanates from a body which, though itself in receipt of government funding, has a wholly autonomous control over the disbursement of the relevant funds, (CAJ) will consider each case on its merits”*.

<sup>93</sup> To facilitate similar arrangements for US donors, the Human Rights Trust also secured tax exempt status in the US.

many years (i.e. JRCT, Barrow-Cadbury, and Atlantic Philanthropies) there was a great sense of common purpose. JRCT claims some credit for encouraging CAJ to be more out-going; Atlantic sustained CAJ's peace-building efforts and made possible the development of much broader equality and human rights coalitions; and Barrow Cadbury's provision, with others, of a one-off endowment fund encouraged CAJ to develop a permanent 'home' for itself. These and other funders also made seminal contributions by proposing and funding independent evaluations, strategic reviews and longer term planning exercises.

## Physical security

Despite the often hostile political environment, physical security concerns were rarely centre-stage, but certain safety measures were introduced. For example, CAJ's office was located in a safe neutral venue and though it never worked in secret, neither did it draw attention to itself.<sup>94</sup> Postal mailings did not carry overt CAJ identification (until relatively recently) and arrangements were made to back up, and store off site, its data. The latter measure was slow to be introduced but minds were concentrated when the ICCL in Dublin saw all its documentation and archives destroyed overnight in an accidental office fire. Since CAJ could not easily ascertain if correspondence was interfered with or telephones bugged, it worked on the assumption that they *might* be.<sup>95</sup> One interviewee queried the wisdom of CAJ's 'open-door' policy; however, the organisation had neither the resources nor the skills to protect itself, or those seeking its assistance, against covert infiltration, and the best safeguard seemed to lie in a policy of transparency.

There were occasional moments of concern when threatening letters were received and staff members were warned more than once of an increased risk. The most worrying period was when CAJ learnt that its director was named on a loyalist "hit list" in the US. The risk also increased in the wake of high profile media coverage. The Office Report of December 1991 for example reported that the staff "*received an unpleasant phone call....the line was that we're going around the world discrediting the RUC and 'we are monitoring everything you do'...This is included in order to document and perhaps provoke some discussion on the inevitable consequences of doing some work successfully*". The minutes of the same executive meeting were frank but hardly reassuring "*it was emphasised the people should be aware that working for CAJ is not risk-free*".

In spite of these occasional periods of heightened security concerns, the physical security of CAJ staff and volunteers does not appear to have been an ever present concern. Human rights campaigners do however have to recognise that their work sometimes requires great personal courage. The solicitor Rosemary Nelson was a CAJ board member when she was murdered in 1999, though no-one ever suggested a link between membership and the attack. As a human rights defender it was her high-quality professional work for various 'unpopular' clients that had unfortunately attracted such murderous attention.<sup>96</sup> Like the

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<sup>94</sup> CAJ's office was in a larger trade union building and shared reception and entry-phone arrangements, so people could not walk in off the street without being identified.

<sup>95</sup> Interestingly, Liberty, the ICCL and BIRW won a case at the ECtHR that their Article 8 rights had been violated because of surveillance of their communications (1 July 2008; Liberty and Others versus the UK; Case number 58243/00).

<sup>96</sup> Rosemary was co-opted to CAJ's executive in the hope of offering some protection (see JN Special Edition, March 1999).

murder of Pat Finucane ten years earlier, this was the killing of a defence lawyer by loyalists, but one in which state collusion was alleged.<sup>97</sup> In both instances, there was a strong sense that these lawyers had become an irritant to some in authority; CAJ members, friends and colleagues could only show their solidarity by demanding accountability on their behalf.

It seems that the main threat over the years was not so much physical, but the fear of serious reputational damage, so great efforts were deployed over the years in positioning CAJ so as to avoid the work being undermined by hostile critics.

## **CAJ's reputation for impartiality and independence**

CAJ was founded in the belief that it could only secure the desired impact if the organisation developed and maintained a reputation for acting in an independent, politically impartial, objective, and measured way. Whilst concerns about physical security ebbed and flowed, the determination to avoid reputational damage appeared fairly constant. CAJ was, for example, very lucky as an open-membership organisation to survive the fact that one of its active members was arrested for terrorist offences in the early 90s.<sup>98</sup> To protect its agenda against attack externally, CAJ developed a reliance on international objective legal standards,<sup>99</sup> a relatively defensive media strategy<sup>100</sup> and sought external validation and support through alliance building with influential international supporters.

It seemed useful, in this anniversary year, to ask contributors if this focus on impartiality and independence was appropriate and, still more importantly, if they thought that CAJ effectively lived up to its own objectives in this regard. Several questioned whether it was either feasible or indeed proper to seek to be independent and impartial as between different parties to the conflict. A CAJ member wrote of *"the fundamental paradox in being unable to address the elephant in the room in terms of dominance and subordination of British/Irish Nationalist/Unionist social positions"*. A non-member wrote of CAJ's role in the parading dispute *"I had some difficulties with (CAJ) reports: they normally reported the events as peaceful. I did not regard them as such, even when there was no violence. But I accept that there is a dilemma here: my response was based on my analysis of the justice of the situation. Obviously others disagreed with me. And for CAJ to have agreed with one side would have compromised their work. So, it was a dilemma"*. Another human rights NGO wrote *"CAJ's attempts to engage with local politicians and to try to keep as many people on board as possible has sometimes held CAJ back"*. A Labour MP who was otherwise very positive about CAJ's work argued a similar point - *"There are, when I think about it, cases where the CAJ may have missed a trick or two. There seemed to be a reluctance to use*

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<sup>97</sup> Pat Finucane's murder was described in Just News (February 1989) as: *"an attack on his right and the right of the entire legal profession to carry out their work and the right of all defendants to be properly represented"*.

<sup>98</sup> Felim O hAdhmaill resigned and apologised for any reputational damage that his paramilitary involvement (unknown to CAJ or Irish-language activists, or indeed his employers at NICVA and the University of Ulster) might create for the organisation; press interest was short-lived.

<sup>99</sup> A policy options paper for CAJ's executive dated June 1991 in relation to extradition argued: *"In such a political minefield, the overarching question which must be asked is – are there any over-arching legal standards which can be appealed to? – since if only such standards exist can any degree of depoliticisation of the argument be achieved"*.

<sup>100</sup> CAJ often had to refuse media interviews that risked positioning it incorrectly (e.g. head to head with a unionist politician rather than as a third voice independent of both nationalism and unionism) or phone-in radio interviews which could often be relied upon to lead to offensive and sectarian abuse, but little else.

*sympathetic MPs to put down Parliamentary Questions (PQs).... There was a danger that the putting down of PQs in the House of Commons might result in the CAJ being overtly identified with a particular individual/political party, which it might not wish to".*

An international human rights colleague also expressed concerns, wondering: *"Is it possible to truly be impartial? Is it possible to undertake research in communities that will, especially in a deeply divided society, affiliate human rights with a particular political viewpoint?"* The conclusion was uncertain: *"One of the things that I remember well with CAJ is the divide between CAJ and other human rights groups in the North. There was a strain there and a sense (both ways) of distrust. Was this inevitable or did CAJ's tendency to maintain such a distance from these groups result in an unnecessary divide?"* Another interviewee, commenting on the need to work as a form of solidarity with local people, argued *"....the more 'professional' a group, the less useful it is for people on the ground"*. Another contributor, touching on the same theme of CAJ's work with local campaign groups, seemed to imply that some 'distance' might be wise: *"I'd say that dispassionate analysis is vital. Of course other groups are also needed to keep pressure on, but I think a slightly removed view can be effective in gaining some ground."*

It would however be fair to say that the vast majority of interviewees for this study started from the same assumption as did CAJ – i.e. that effectiveness required it trying to be, and being seen to be, as independent and impartial as possible. A NI peace activist argued that *"CAJ did not present a threat, and its good will was obvious. It had a clear agenda (human rights) but it was also clear that the agenda did not conflict with the agendas of its interlocutors, and in the fact they would be more effective in supporting a human rights based agenda themselves. This was true of the government whom it criticised, but always on the basis that respect for human rights would lead to more effective government policy. Equally it was able to reach out to paramilitary groups who were looking for allies but, without supporting their campaigns, supported their fair treatment by the authorities. In time it won the respect and trust of all these bodies, (no mean feat) the loyalists being the most suspicious and slowest to accept their good offices."*

An academic living in London wrote about the value of keeping a distance from partisan political agendas: *"CAJ managed to be active and influential in promoting human rights without being sucked into the morass of Northern Irish politics - in particular, it avoided becoming seen as a mouthpiece for Nationalist concerns."* A human rights NGO wrote: *"When I first knew CAJ, one of its greatest strengths was its dedication to a non-sectarian approach in the midst of a deeply sectarian conflict. (We) certainly modelled ourselves on CAJ in that regard, and CAJ has managed to maintain that approach throughout."* An international NGO activist noted that CAJ *"had no axe to grind....one felt that with CAJ you were getting the full story and you would be told if they were not sure of their analysis or facts....this meant we could trust their objectivity"*.

Kevin McNamara, former Shadow Secretary of State for NI, wrote in glowing terms: *"Of all the NGOs that I met over nearly 40 years as an MP, the most impressive was the CAJ. Working on a shoe string budget, it had a relatively small permanent staff, perhaps half a dozen all told, with a larger dedicated volunteer membership drawn from both communities. It produced work of the highest quality and integrity often exploring areas where the*

*political and security establishments and paramilitaries on both sides of the community did not wish to see revealed or particular stones unturned. It has to be recalled that at the inception of the CAJ, Northern Ireland was in a state of virtual civil war, the rule of law was often honoured more in the breach than the observance, and the concept of human rights was seen as an interesting study for those not living in the real world who refused to grow up and be prepared to treat fire with fire. The staff throughout this time demonstrated physical and intellectual courage of the highest order, refusing to be swayed by threats, direct or implied, to themselves or the organisation. Gradually they won the grudging respect of all the parties in the conflict, who began to realise that the CAJ's rugged, stubborn independence and its determination to uphold the rule of law and respect for human rights were to be essential elements in any future settlement".*

Others were more critical. One contributor suggested simply that divided societies require people to take sides, and it is extremely difficult if not impossible to withstand this pressure. A NI democracy activist wrote: *"My own view, I'm afraid, on CAJ, is that it forgot the lesson of its own establishment. CAJ was set up in the early 80s by people who felt NICRA (the NI Civil Rights Association) had become too politically driven and that what was needed was a broader organisation which anyone supportive of civil liberties could endorse.....(but) inevitably, the organisation became increasingly seen as associated with Sinn Fein's agenda and so was once more marginal in impact."* And other contributors felt that *"For all the emphasis CAJ put on being neutral about the constitutional position of Northern Ireland, it was undoubtedly perceived as being pro-nationalist; we should have made more of an effort to win friends on the unionist side"* or tout court *"CAJ has not attracted enough 'mainstream' Protestants to its cause"*. Yet an early CAJ member spoke also of *"the wariness towards CAJ in republican circles"* because of its decision to work with everyone (including, or maybe particularly, the statutory sector) to effect change. Even well-respected international human rights groups faced difficulties in proving their *bona fides*; a former researcher talked of the political polarisation of the 1980s - *"Amnesty was hated in republican circles, and it was very difficult to get anyone to engage with us.... (NI) was a very difficult environment in which to work impartially and have credibility with all parties"*.

The concern about reaching out to those suspicious of a human rights agenda was alluded to by a former member, now living in the USA: *"I think back to my time with the CAJ in the mid-80s, I have most respect for those in the group who came out of the Protestant tradition. I had joined CAJ because I wanted to "do something" about the Troubles affecting my own Catholic community, while rejecting the violence of the IRA. But looking back, that was a relatively easy path to take. Our group focused on abuses of human rights by the government, the police, the judiciary, or the military. We were critical of these institutions, demanding that they adhere to the highest values of a civilized western nation and indeed of their own laws. But criticizing abuses by the police was a braver thing for someone from the Protestant side to do than for me"*.

A contributor who resigned over the issue of non-state actors (see on) thought that CAJ's membership from the Anglo-Irish Agreement in 1985 onwards was predominantly drawn from the Catholic/nationalist community, with those Protestants involved (many of them in leading roles within the organisation) being largely non-aligned, rather than unionist. *"My feeling is the key to unravelling these questions of increasingly selective recruitment through*



*time lies in a statistical analysis of the membership, and its evolution through time (those joining and those leaving) ....There would be errors of course, but if there are broad trends, then these should emerge with a high degree of confidence. A more precise but labour-intensive approach would involve talking to many of those who dropped out of the CAJ and comparing their responses with those who remained within.*"<sup>101</sup> Another interviewee claimed that CAJ was *"biased by omission"*: the problem lay not in what was said, but what was not said. For example, though CAJ was vocal in pushing the rights of minorities, it failed to highlight the responsibilities of minorities to respect the rights of others and most importantly, from his (unionist) perspective, CAJ failed to highlight the duty of the minority community to respect NI's constitutional position.

Some interviewees suggested that the barriers to effective CAJ engagement with unionist opinion was not entirely within the gift of CAJ itself. For example, one interviewee (a CAJ member from a unionist background) said *"to be Protestant and involved in human rights work was always seen as dodgy.....the human rights discourse was either not known to, or was seen as antithetical to, a culture which saw the state both as benign and as under attack"*. Viewpoints of others varied quite a bit, so one community activist said of CAJ's efforts to mobilise unionist support that *"it really tried"*, but some Quaker colleagues wondered out loud if CAJ *"ever recognised the lack of adequate unionist support to be a big issue, since they seemed unwilling ever to engage with it"*. A working class Protestant argued that *"CAJ could have sold themselves better in the Protestant community"* but used class terms to explain the difficulties that CAJ would have faced in mobilising within her community. She believed that CAJ's principles and approach were normally transmitted via middleclass professionals and they had a ready hearing from Catholic middle class professionals (especially lawyers): since the Catholic middle class still lived within their nationalist/republican communities, she thought that they could act as 'bridges' for CAJ into working class community organisations. However, the interviewee argued that Protestant professionals tended rather (with education and money) to move away from their original neighbourhoods, so were not available within loyalist working class communities to act as friendly interlocutors for CAJ (even if they had been willing).

This view was strongly critiqued by another contributor who claimed the idea of a cohesive Catholic community that transcended class divisions was very prevalent (particularly amongst Protestants!) but entirely misplaced. He argued that most of CAJ's membership was middle-class (regardless of their religious beliefs); that few of the middle-class Catholic members lived in working class areas; and that the idea of Catholic class-less "solidarity" was wrong.<sup>102</sup>

A very different class analysis was provided in an interview with another Protestant community worker who thought that the issue was more one of 'professionalism'. As a loyalist ex-prisoner who had worked on several occasions with CAJ he thought that *"CAJ*

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<sup>101</sup> There is some reference to a 'falling off' of members in the wake of the AIA in Leo Whelan's 1992 Human Rights Quarterly article, but it was not possible to confirm this; indeed, records show that there were 19 paid up members in July 1985 and 50 by February 1987, without any obvious profile change. As a one-off project by the author in 1989, former CAJ members were interviewed about their attitudes to the organisation, but no dramatic trends were reported; more generally CAJ's membership records (even when computerised) were never kept in a way to facilitate such trend-spotting.

<sup>102</sup> Indeed, if the analysis is wrong, it is also dangerous, as it can lead policy makers to conclude, as some have done, that a lack of community solidarity means that "Protestant disadvantage" is worse than "Catholic disadvantage".

*were professional people and worked to a code of ethics, values and principles which meant that they could not explicitly disregard Protestants". With such an analysis, he expected CAJ to do its best for himself and others at the sharp end of human rights violations, regardless of their respective religious or political beliefs. The same community worker did however make a distinction between working class Protestants who experienced human rights violations and might be willing to accept help from any quarter, whereas the wider unionist community often demonised talk of human rights "because of its criticism of the state". He argued that middle class unionists avoided talk of human rights abuses (even as experienced by fellow Protestants) on the grounds that this only reinforced a republican agenda. When asked if CAJ could have done more to attract wary unionists and loyalists, he concluded: "I suppose they (CAJ) could have gone on a charm offensive, though I am not sure it would have worked – the fear factor is well deployed in loyalist working class communities."*

These comments were confirmed in other interviews. For example, a unionist politician talked of being "*relatively hostile*" to CAJ in his student days in the early 90s, and blamed this hostility on a perception that CAJ was wittingly or unwittingly serving the same agenda as those violently seeking to overthrow the state. But he also admitted frankly that he was more likely to have campaigned to allow the state more - not less - flexibility defending itself and its citizens against violent attack and therefore would not, for example, have shared CAJ's concerns about restrictions on the right to silence, or even shoot-to-kill allegations. When asked what might have made CAJ more 'acceptable' to unionists like himself, he thought in retrospect that if several leading unionist politicians had argued that upholding human rights was crucial to defending the Union, it might have been feasible for younger members to lend their support too. But even then, he felt that such a stance would have been difficult for political leaders to take given the risk of antagonising their electorates.

Certainly the stereotype that insists that CAJ is either uninterested in working with, or actively antithetical to, unionists is a persistent one: years after the peace agreement, a loyalist community worker, visiting the CAJ office, expressed surprise at how helpful the exchange had been, and wondered aloud if he was the first loyalist ever to seek help from the organisation, clearly having forgotten that he had been recommended to come by other loyalists who had already benefitted from CAJ's help.

Some interviewees raised a different concern which was that CAJ might have been so concerned about its reputation in unionist circles, and so eager to maintain its credentials as a cross-community group, that it was "*too cautious at times*" when publicly defending human rights victims who were unashamedly republican, or that it "*bent over backwards*" in its outreach to avowedly sectarian groups.

Another interviewee placed CAJ's dilemma in a broader international perspective. His own experience in Latin America and elsewhere suggested that human rights work was generally not attractive to those on the political "extremes" of either right or left, and that it generally drew support from people of a liberal left, centre, or liberal right political orientation. In his view, human rights activists tended to be people who are more fearful of the idea of even one person being wrongly imprisoned (or executed, or denied welfare benefits or denied immigrant status), than the thought of one person wrongly escaping unpunished. If there is any truth to this analysis, then it may be impossible for human rights groups to draw

support from across the whole political spectrum. He argued however that there was a strength in insisting on objective tools like the law so that human rights groups can show themselves willing to be inclusive: whilst this stance may result in a desire for, and a show of, pluralism which is more aspirational than real, this was nonetheless valuable in his view.

## Official attitudes to CAJ

A careful examination of the archives revealed extensive correspondence between CAJ and various civil servants, government ministers, and other officials over many years. Whereas the government routinely disagreed with CAJ's analysis and its conclusions, there were no examples found of any specific CAJ facts being disputed by government,<sup>103</sup> or of CAJ having to publicly retract any of its factual assertions. When detailed comments were received from government, CAJ responded in kind, and the exchanges on both sides were rarely anything other than courteous.

Accordingly, it was very helpful that a few interviewees were able to offer some first-hand insights into official attitudes to, and perceptions of, CAJ's work. A senior police officer reported that: *"When I reflect on CAJ, my memories are mostly positive, but I also know that for some you (CAJ) were seen as a 'thorn in the side' (or similar, more subjective descriptions!), and this seemed to be based on a perception that the organisation was over-demanding, seemingly unappreciative of the complexities of policing and command responsibilities, and, at times aligned with certain political agenda(s), to knock confidence in policing."* He went on: *"I am also aware that perceptions played a part too. There were those in senior and middle ranks in the police who simply did not get it (i.e. what you were about, your remit, objectives, motivations were) - but I also shared the feeling and frustrations at that time that CAJ did not fully get us either."*

Another senior official in the prison service said: *"CAJ's difficulty, and in a sense failure, has been the same as other NGO's working in countries where similar human rights difficulties exist - in that it was seen as part of the opposition. The view of work colleagues was that CAJ was a subversive organisation and to be resisted. Most certainly there was no encouragement from government or senior civil servants to take on board anything that CAJ might have to say and perhaps more might have been done at that level."* He continued that this was not solely the responsibility of CAJ to remedy and concluded: *"The prison system only listens when it has no choice."* His views were indirectly endorsed by a contributor with international experience: *"I saw how CAJ and a couple of other groups started to hold a beacon in a very dark period. The system very quickly demonised CAJ behind the scene and that is not unusual for any justice or human rights organisation in conflict situations."*

It is interesting that CAJ sought to evidence its impartiality and independence by keeping its distance from others, whilst it seems that at least some of those in authority saw

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<sup>103</sup> There is a minor caveat to this statement, in that the NIO did apparently initially dispute facts that CAJ had asserted in relation to the OPONI recruitment process resulting in the appointment of Ombudsman Al Hutchinson. However, CAJ was able, by way of a series of Freedom of Information requests, to show that its assertions were indeed accurate, and that it was the NIO that had been guilty of misinformation.

impartiality and independence as being evidenced by way of closer collaboration. The senior police officer above wrote that CAJ could have accrued more credibility with his colleagues in a variety of ways: *“Joint training and/or events (which allow knowledge and understanding of policing and human rights organisations to be gained) have a role. Once people engage and exchange views and knowledge in a non-controversial way, things usually improve. Giving respect and credit (when and where it is due) helps to foster this. It may sound like I am advocating a cosy relationship but I am merely reflecting the need for balance. Senior police should stress to junior police the importance of being held to account, to respond to concerns expressed by CAJ and others, and point out the positive roles and representative mandate which NGOs perform.”*

It is true that it was not always clear what the ‘ideal’ relationship should be between a good human rights NGO and the officials it seeks to influence. A local political representative took CAJ to task for its report on policing and public order on the grounds that it should have been more “constructive” and offered the police more advice about how best to avoid public order problems in future. Yet simultaneously, the Chief Constable objected to the same report’s findings on the grounds that CAJ observers were not public order experts (i.e. he presumably considered that CAJ had been offering *too much* advice on the basis of limited expertise). Meanwhile, the report had recounted the known facts, openly acknowledged CAJ’s lack of public order expertise, and concluded that a public inquiry was needed. The exchange highlights the difficulties of NGOs being constructive (in tone and recommendations) without falling foul of complaints that they are straying too far beyond their area of expertise.

The prison official referred to earlier noted that he always considered himself as *“a member (of CAJ), but not part of it”*, not least because he found some of the other CAJ members to be *“frosty”* and suspicious of his claim to want to bring about a humane prison regime. He very generously concluded that *“the fault was probably mine”*, but it is likely that many NGO activists are as wary of government officials, as the latter may be of them.

An NGO director in another jurisdiction indicated that this question of collaboration with government was likely to become all the more difficult at a time of political change: *“This is a special challenge, I think, for those of us working in areas where traditionally we have had a very adversarial relationship with power in highly charged areas of policy. As politics change and as our agenda is engaged with by Government, we have had to very quickly shift our approach to how we deal with (i) Government Ministers; (ii) Government officials; and (iii) Opposition. In a short space of time, this has presented us with very difficult choices which we had not thought out in advance; such as whether to accept appointments to State policy-making bodies, or whether to accept invitations to convene Government-led consultation process. Also, we have not been used to welcoming Government developments – because there was so little positive to say for so long. How do we now re-position ourselves when there are positive developments?”* He concluded that while *“the situation of an NGO on the margins of policy making is never, and should never be, comfortable; the line between being an insider and being an outsider is (also) a difficult one to walk”*.

## Controversies

To the extent that CAJ maintained an external reputation for impartiality and effectiveness, this must be ascribed, at least in part, to the fact that despite frequent internal disagreements and heated exchanges around the work there was no obvious rupture with mass membership resignations. The principles (discussed earlier) of consensus and focusing on what people could agree upon meant that, even in the midst of serious violent conflict and a deeply politically divided society, the work was maintained. Presumably individual members did resign over the years because of policy or personality disagreements, but it seems that for the most part members unhappy with CAJ's efforts simply failed to renew their membership - there are very few resignation letters on file, still less any suggestion of several people leaving simultaneously. It may of course be that people did not join CAJ, or left once having joined, when the organisation decided not to work on particular issues.

Thus, CAJ did not take up the right to choose/abortion issue (on the grounds that there would be no consensus), and surely this must have been off-putting to some women's rights activists who might otherwise have joined the organisation?<sup>104</sup> Similarly, the fact that CAJ did not take a position on Northern Ireland's constitutional status must have been an active disincentive to those, both nationalists or unionists, who considered the constitutional question to be entirely intertwined with questions of justice.<sup>105</sup> However, the only issue on which there is documentary evidence of any resignations by active members<sup>106</sup> relates to CAJ's decision not to actively monitor abuses by paramilitary groups alongside its work against human rights violations by the state. Indeed, this was also the single most critical remark made about CAJ in the course of many interviews i.e. that the organisation failed to tackle the violent abuses by loyalist and republican groups. The omission was perceived by some to be a moral failure (given the nature and extent of horrendous acts carried out by non-state actors) and/or a symptom of a clear political bias.<sup>107</sup> The issue goes to the heart of CAJ's credibility with some actors, and certainly merits some comment.

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<sup>104</sup> One CAJ activist wrote "I feel that the most negative failure of that period was the inability to address the issue of 'right to choose' - I think more generally this issue made the CAJ relatively poor at any intervention around human rights and gender equality...(and CAJ therefore) offered none of the leadership on gender and human rights that it had on race". There was also no clear international human rights framework at the time to take on such work so it is interesting to see what (if any) position CAJ will choose to take in response to more recent developments in ECtHR jurisprudence. Some have already questioned JN articles about reproductive rights, querying why the rights of the unborn child were ignored - clearly the issue remains as controversial as ever: will the principle of consensus prevail or be set aside?

<sup>105</sup> In the early 90s, CAJ - in an attempt to emphasise its non-partisan nature - amended its statutes to explicitly record that the organisation "shall take no position on matters relating to the constitutional status of the area of NI". This stance however might only have reinforced CAJ's perceived political bias in the eyes of those republicans who rejected the constitutional status quo, and those unionists who saw as problematic any ambivalence on the constitutional status quo.

<sup>106</sup> To be entirely factual, there is only one member's formal resignation on file but the extent of the disagreement leads one to conclude that others may have failed to renew their membership without any formal notification; others who felt very strongly about the need to extend CAJ's work to paramilitary groups remained members, despite losing the argument.

<sup>107</sup> Several contributors/interviewees referred to CAJ's failure to take on the issue of non-state actors as an example of bias. One contributor wrote that "CAJ turned a Nelsonian blind eye to the most serious and pervasive human rights violations"; another compared CAJ to NICRA's retreat into what he described as a 'political ghetto' - "CAJ made the same mistake when in the early 90s it refused for political reasons to ally itself with respected international human rights campaigners, principally Amnesty"; yet another wrote "it is also true that greater legitimacy for CAJ's just criticisms of some state action would have been more pervasive throughout NI society (and beyond) had there been more strident, tactical condemnations than there were of, say, IRA or UDA violence"; and a member wrote "I wish that I personally had pushed inside CAJ for more vocal condemnation and critical analysis of the abuses by the IRA and other paramilitaries".

Of course, when CAJ was founded in 1981, it would have seemed as strange to ask why CAJ was not working on paramilitary abuses as to ask a group like Save the Children why it did not work on problems facing the elderly. Until then, and worldwide, civil liberties groups had focused solely on the responsibility of the state to protect and uphold people's rights. An internal debate started only in the mid to the late 80s as to whether or not CAJ should "*act in an attempt to influence those who resort to violence in pursuit of political aims*",<sup>108</sup> but no consensus was reached.

The issue came back more firmly onto the agenda in the early 90s when the international post-Cold War environment began to change due to a combination of circumstances: human rights groups both domestically and globally were growing in influence so their work came under closer scrutiny and governments were finding it increasingly irritating to be criticised for their human rights records when they considered themselves or their allies/client states to be under violent attack. Under pressure to change its stance, and after much internal debate, Amnesty International decided in September 1991 that it would monitor abuses by opposition groups<sup>109</sup> and this was an important incentive for CAJ (with many members belonging to both organisations) to re-visit its stance. The problem facing CAJ was stark. If it chose to work on non-state abuses, its limited resources would be further stretched by the need for new legal expertise (see on) and new techniques,<sup>110</sup> which might deliver little by way of impact on NI's paramilitaries, whilst also undermining CAJ's original aim of holding government to account. On the other hand, if it chose not to work on paramilitary abuses, it risked the opprobrium of many who would see this stance to be cowardly, one-sided, immoral - or indeed all of these things. After much debate, CAJ decided, for several reasons, that it could not extend its work on non-state abuses.

The first challenge for CAJ, if it was to remain independent, was to find objective international standards against which to critique the actions of armed groups. Human rights law applies principally to governments which are expected to voluntarily sign up to abide by this code of behaviour: it is therefore appropriate (and some would say it is the duty) of citizen action groups to hold governments to account against these standards. This same body of law was not written for, and cannot easily be applied to non-state armed groups, so CAJ would need other standards. An option closely studied was the possibility of relying upon international humanitarian law when addressing armed groups, since the laws of war can (in clearly defined circumstances) be applied to both governments and armed groups. The problems here were many however, not least that CAJ would have to take positions on a number of issues which were highly contested between all parties to the conflict.

As with many violent armed conflicts, the different NI parties disagreed about the nature of the conflict itself;<sup>111</sup> with a few disputed exceptions, the level of jurisdictional control by the armed groups never reached the level which would trigger the appropriate use of the laws

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<sup>108</sup> A General Meeting in May 1985 agreed to refer the debate to the executive.

<sup>109</sup> "*We continue to hold governments directly responsible for the protection of human rights under international law and violations by governments will remain the focus of our work, but we must confront the atrocities committed by groups like the Tamil Tigers in Sri Lanka and Sendero Luminoso in Peru*" (Amnesty press statement 7 September 1991).

<sup>110</sup> The naming and shaming tactics which had been evolved by the human rights movement to deal with governments were unlikely to impact in the same way on paramilitaries.

<sup>111</sup> CAJ was founded in the very year (1981) when ten people starved to death in a hunger strike aimed at securing republican prisoners special-category (or "political") status to which the UK government was implacably opposed.

of war;<sup>112</sup> and, most controversially of all for CAJ members, the ‘laws of war’ called for distinctions to be made between “legitimate” and “illegitimate” targets. As an organisation that had its roots in pacifism and was opposed to the use of violence, it would have been very difficult for CAJ to accept, for example, that the killing of British soldiers was a “legitimate” action to be undertaken by armed groups.<sup>113</sup>

Last but not least, there were specific circumstances in Northern Ireland which made the application of international humanitarian law controversial. Thus, the UK government never accepted that it was engaged in a ‘war’ with republican, still less loyalist, paramilitaries. Also, republican and loyalist groups had different tactics and – by and large – from the 1980s onwards several IRA actions would have fallen within the parameters of behaviour considered acceptable under the laws of war (when they targeted British soldiers for example), whereas many loyalist actions would have fallen foul of the same laws (there were few “legitimate” republican targets, and the killing of Catholic civilians on the assumption that they supported republicanism would fall foul of the laws of war). Accordingly, CAJ might find itself criticising the UK government (for violations of human rights – and perhaps – humanitarian law) and many loyalist actions for violations of humanitarian law, whilst remaining silent in the face of attacks (often republican) that at least arguably complied with the laws of war.

In the face of all these difficulties – some of which meant that charges of bias against CAJ could be heightened not lessened – the organisation could not secure sufficient consensus for any extension of its mandate. Perhaps if there had been an argument that a change of mandate would bring about some reduction/ending of violence, the debate would have led a different result. But if the problem was largely one of perception – which many believed it to be – then it was agreed that in future the organisation should be much more vociferous about, and publicly insistent upon, its opposition to all violence (whether state or non-state). CAJ’s pacifist roots gave it an ‘advantage’ over groups like Amnesty International, since it was entirely opposed to violence and, if this were said clearly and frequently enough, surely it would reassure the public that CAJ was taking a principled stance?

Yet, twenty years on, the arguments had still not convinced some of CAJ’s critics, and the lack of work to counter paramilitary violence was cited by several interviewees as a reason for CAJ not securing more acceptance, particularly amongst unionists. Even sympathisers of CAJ (and its stance) said that they believed that more could have been done over the years to emphasise CAJ’s disapproval of *all* violence so as to undermine any accusations of being republican ‘fellow-travellers’. One senior unionist politician, however, when asked explicitly about his willingness to support CAJ if it had directly tackled republican (and presumably

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<sup>112</sup> For more details on international humanitarian law and human rights law see bibliography in International Review of the Red Cross, 1 September 1998, no 324, p.572-575 and Fact Sheet no 13 of the Office of the UN High Commissioner for Human Rights. Regarding NI, see Kieran McEvoy paper for the International Council on Human Rights Policy “Holding Armed Oppositional Groups Accountable: A comparative study of obstacles and strategies – the NI experience”.

<sup>113</sup> This however was the logic of the position taken by Amnesty once it moved to address non-state actors. According to an Irish Times article (13.2.1999) in advance of an Amnesty International mission to NI, “*The main criticism of Amnesty is that while it will urge the IRA, UVF and UDA to observe humanitarian law....it will make no similar pronouncements relating to paramilitary murders of RUC officers and British soldiers*”. Responding to criticism from Sir Patrick Mayhew, SoS NI, a senior Amnesty official reportedly said “*he could understand why Amnesty’s refusal to condemn certain killings could cause offence but Amnesty was not pacifist. He stressed that Amnesty was not stating that a legitimate “war” was or had been waged in NI – it was just silent on the matter.*”

loyalist) violence, speculated that it might have made a difference, but only if CAJ did this work *instead of*, rather than as well as, criticising government behaviour.<sup>114</sup>

## **CAJ's status as it approaches its 35<sup>th</sup> anniversary**

Before moving to a chronology of CAJ's key activities and achievements over the last 35 years, it is worth noting some of the more recent organisational developments:

### **Staffing**

As CAJ entered the 21<sup>st</sup> century (and started to embed the Agreement's human rights gains), it had six full time staff (Director, Legal Officer, Research & Policy Officer, Equality Officer, Protection of Rights Officer and Administrator). In 2009, there was a very important injection of new funding which allowed the organisation to almost double its staff complement for a few years – allowing a full time staff member for each of the four thematic programmes (criminal justice, equality, policing, and protection of rights), a strengthened management and administrative team, and – for the first time ever – a full time Communications Officer and, the following year, a Public Affairs Officer. By the time of the organisation's 35<sup>th</sup> birthday, the staffing levels reverted to those of earlier years and now consists of a Director, Deputy Director, Solicitor, and Office Manager; a fifth post (the Equality Officer) is employed by CAJ working part-time for the Equality Coalition.<sup>115</sup>

While this recent reduction in staffing levels poses great challenges to the organisation as it goes forward, it is also worth noting that it now has a much larger network of groups that share its agenda of concerns. Some NGOs working alongside CAJ are of long standing but have in the last fifteen or so years increased the importance they accord to rights and equality (such as the many partners CAJ works with in the Equality Coalition and in the Human Rights Consortium). Other human rights organisations are of more recent vintage and CAJ can claim some credit for them coming into being – the Coalition and the Consortium themselves, as well as PILS (Public Interest Litigation Support) and Participation and Practice of Rights.

If one were to add to this pool of NGO workers, all those who are employed in the numerous statutory commissions looking at different aspects of rights that have come into being since 1998,<sup>116</sup> as well as those employed in the public sector with a human rights and/or equality brief,<sup>117</sup> there is indeed a large cohort of professional staff who theoretically share the same objectives. But do they in fact? One of the challenges for CAJ in the years ahead is to provide an independent non-governmental voice scrutinising the record of

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<sup>114</sup> As a committed unionist, he felt that it was wrong to undermine the state's ability to fight its enemies when the UK state was under violent attack.

<sup>115</sup> Brian Gormally, Daniel Holder, Gemma McKeown; Liz McAleer and Emma Patterson respectively.

<sup>116</sup> Including the Commission for Victims and Survivors, the Commissioner for Older People in NI, the Equality Commission for NI, the NI Commissioner for Children and Young People, the Police Ombudsman, and perhaps most obviously the NI Human Rights Commission.

<sup>117</sup> Including the PSNI's human rights lawyer, the Policing Board's Human Rights Adviser, and the many section 75 Equality Officers working throughout the public sector.



government and ensuring that the potentially enormous staffing resources nominally devoted to the promotion of human rights and equality really delivers on its promises.

## **Legal status**

In 1997, CAJ became a Company Limited by Guarantee, largely with a view to giving effective liability protection to its elected executive, but this had little impact on the nature of the organisation. In November 2010, the organisation's legal status was further updated, in line with the company legislation that had been introduced in the meantime. This move was intended to formalise the links between CAJ and the Human Rights Trust and allow the use of its endowment fund to purchase new premises. From that time onwards, the old-style CAJ constitution (previously included in CAJ's annual reports) was directly incorporated into a Memorandum and Articles of Association. This administrative move seemed to coincide with changes already underway in CAJ's operational methods; accordingly, though reference is still made in the Articles to CAJ sub-groups, they have the traditional sense of being a sub-group of a Board of Directors rather than having a life of their own as in previous decades.

Since then, as it approaches its 35<sup>th</sup> anniversary, and in response to an initiative by a key funder (Atlantic Philanthropies) to spend down its monies in Northern Ireland, a Fund has been established to support four key human rights organisations. CAJ has therefore formed a Joint Venture Company - Human Rights Partnership Ltd - along with the Human Rights Consortium, Participation and Practice of Rights, and Public Interest Litigation Support. This legal arrangement also made it sensible for the four organisations to move together into a single building in 2015 to facilitate cooperation and make some economies of scale.

## **Governance & Membership**

In the 21<sup>st</sup> century, CAJ no longer has either General Meetings of the members (the 1980s practice) or regular sub-group meetings (the 1990s practice), so no longer offers these opportunities for volunteers to get involved. The experience of other organisations suggests that voluntary efforts can diminish with an increase of paid staff, and this was presumably a risk in recent years. The reversion to a small staff team once again may therefore prove somewhat of a blessing in disguise, and there has apparently been a dramatic rise in recent years of the number of young volunteers wanting to work in the office or remotely.

At the executive level, many of the long-standing members active in the 80s or 90s have stood back to give way to a new generation (again seemingly without any major disruption). Since volunteer activism has always been an important safeguard for the integrity of CAJ's work it will be important to see how the new governance arrangements evolve. In the early 90s, the move from a direct democracy to one where the elected leadership had more authority gave rise to allegations of entryism (see earlier). The political challenges to CAJ are quite different now to those faced when it started work, but the independence of its strategy making, policy formulation and decision making is still likely to be as crucial as ever.

## **Moving forward**

CAJ's work moving forward is not so different to that set out in its founding conference, but the political and human rights context is very different indeed. The organisation has to look backwards and protect the gains made in the Agreement, but it also has to deal with contemporary problems and hold NI's current political leadership to account. CAJ no longer has to try and influence policy makers based in Westminster who were by and large immune to domestic pressure (with no local electorates to respond to). Instead it has to develop a much wider public ownership of the human rights agenda, so that locally elected politicians, and their departmental staffs, are continually made aware of their responsibilities to uphold the human rights of all.

CAJ's conference report marking the 15<sup>th</sup> anniversary of the Good Friday/Belfast Agreement, entitled Mapping the Rollback in December 2013, noted:

*".... a significant part of official discourse on the peace settlement had veered towards an 'end of history' narrative which sought to project the idea that, following the devolution of justice and the Assembly completing a full term, the final blocks of the peace settlement had been solidly put into place and were indeed a model for the world..... Well before this, and in contrast to official optimism, increasing concern had been expressed by CAJ and other human rights organisations that there had been and continue to be persistent attempts at a 'rollback' by the state, or elements within its institutions, of the human rights provisions of the Agreements. This includes commitments made as part of the settlement which have never been implemented and areas where institutional and policy gains were made which are now being undermined".*

CAJ has established its current priority concerns to be:

- combating impunity for state agents,
- promoting a human rights approach to dealing with the past,
- working for accountability in contemporary policing,
- and equality as a standalone underpinning of all human rights.

# Review of key aspects of CAJ's work and achievements over the decades

## The 1980s

The first decade consisted of CAJ establishing a reputation for independent impartial research and seeking to influence government measures in a variety of fields.

Key areas included work on emergency laws; policing (accountability, an effective complaints system, liaison with the community, and public order); allegations of a shoot to kill policy; minority rights and the value of a Bill of Rights in addressing them; and the situation of prisoners.

**1981** ● A few months after the founding conference, CAJ delegations met with senior civil servants and, subsequently, government ministers to pursue all these concerns (see box above) **1982** ● In March, members submitted papers to the Minister on arrest/interrogation and exclusion orders; a document arguing for repeal of the Prevention of Terrorism Act (PTA) to which the minister reportedly said *"the government is resisting pressure to approve even more strong-armed tactics by the security forces or to go for an all-out military solution to terrorism"*; a paper on police complaints which highlighted that the then system was only leading to great cynicism in the general public; and a request that the Secretary of State (SoS) publish annual reports on the situation in the prisons ● CAJ published a conference report on "Emergency Laws in Northern Ireland" in April ● A CAJ working group published a report on police complaints procedures in September which explained the then NI system, compared it to those elsewhere, and concluded that *"a new wholly independent agency for the investigation of complaints against the police"* was needed (a change only introduced in the late 1990s) ● In October *"it was agreed that the CAJ would write to Lord Gowrie (the then Minister), urging a measure of separation between Loyalist, Republican and other prisoners, as an urgent step to defuse the present crisis"* **1983** ● A CAJ press statement in March complained that a review by Lord Jellicoe into the PTA *"fails to convince CAJ that the Act is either necessary or effective. By (Lord Jellicoe's) own criteria, it is manifestly unacceptable: it has not contributed significantly to a reduction in the level of terrorist activity either in Great Britain or in Northern Ireland, its aims could equally well be achieved through use of the ordinary criminal law, it makes gross inroads into civil liberties, and it does not provide adequate safeguards – nor could it – against the possibility of the powers it confers being abused"* ● In an oft-reiterated critique later, the same statement complained that the reviewer's terms of reference were too restrictive, since they assumed that some sort of anti-terrorist legislation was needed ● Concerns around an alleged shoot-to-kill policy led CAJ to submit a paper to the then SoS in December about incidents involving the RUC which resulted in the death of nine people in an 18 month period, noting that police and civilian versions of events differed.

**1984** ● Attitudes to super-grass trials were explored by way of an opinion poll carried out in eight wards in Belfast, mixed in both class and religion terms, and the results were submitted to the *Fortnight* magazine for publication ● General Meetings were organised throughout the year: Poverty and the Law (February), prisoners serving sentences in England (May), prison reform (September) ● CAJ's campaign for a Bill of Rights started in earnest with a discussion at its annual conference in May 1984 which looked at how best to protect individual and group rights in divided societies ● From the early days the lack of transparency on the part of the authorities was criticised: an internal CAJ memo complained about misleading statistics and suggested *"what we should do is get Fortnight, or some such publication, to tell the story of how the authorities want to deny a group like ours a copy of the Judicial Statistics. That they are not available to interested organisations is unbelievable"* ● Just News (CAJ's monthly newsletter) started, albeit irregularly at first **1985** ● A letter on file (April) exemplifies why CAJ started campaigning for the transfer of prisoners held in Britain back to NI: *"on my mother and fathers' behalf I would like my brother transferred to a NI prison to serve his sentence as it would mean so much to them to be able to see him. Otherwise due to his long sentence and their age they are not likely to see him again for the rest of their lives"* ● In the wake of a June 1985 report on policing, a member wrote (in September): *"I have read with great interest the report of the working group set up by the Police Authority to look into consultative arrangements between the community and the police....I feel we can already be proud of having goaded the Police Authority at long last into taking some positive action"* ● In July, the first of several (e.g. 1986, 1990, 1996-2003, and 2016) CAJ reports into public order policing and the use of plastic bullets was published ● The first staff member was appointed; an office was established; and a press cuttings and library resource on justice issues was created and made available to researchers, journalists and

the general public ● A report to the CAJ executive in September 1985 noted that *"ill treatment is alleged at Castlereagh and Gough, and videos of interrogation are not being taken"*. These allegations occurred frequently, but the audio and video recording of interviews that was introduced for 'ordinary crime' with the Police and Criminal Evidence Act 1984 (and its NI equivalent in 1989) had to wait until 1999 to be extended to detainees accused of terrorism offences (arguably those for whom the safeguard was most essential).

**1986** ● In March, CAJ issued a press statement endorsing the Chief Constable's annual report recommendation that decisions on the holding and routing of parades be made by an independent tribunal; a body with this remit (the Parades Commission) was only established in 1998 ● Meeting with the NIO in April 1986 was described as *"productive"* and in the same month the staff report *"the Irish government seem anxious to receive objective credible research carried out in the North by an organisation not involved in party politics"* ● In May, a General Meeting agreed to formulate a CAJ policy on strip searching ● CAJ asserted in a June publication that *"A Bill of Rights should be a statement of our most basic values, underpinned by law, to safeguard our freedom and dignity"*, and over the next few years, CAJ members researched international comparators and lobbied politicians regularly on this issue ● CAJ's first summer US intern started work in the office ● Lord Hylton, in a House of Lords debate held in the wake of the Brighton bombing in July 1986, said *"I should like to pay tribute to others who now bear some of the heat and burden of these difficult issues. I mention first the Committee on the Administration of Justice in NI. This multidisciplinary voluntary body, which arose out of the fragments of the 1970s movement of the peace people, has held a number of conferences and has published no fewer than eight reports....Had it not been for that body, there would not now be in NI so large a pool of informed, responsible, non-violent opinion on these difficult questions"*.

**1987** ● Delegation from the New York Bar Association visited Belfast in May to study the criminal justice system with particular reference to the Diplock courts; CAJ helped set up local meetings ● EIRENE intern programme started and nearly 30 years later CAJ's office still benefits from the support of German peace activists ● CAJ's annual report continued to complain about the *"inane degree of secrecy which seems to pervade all official circles"* and the chair suggested that CAJ should remedy the *"laissez faire attitude we tend to adopt when our recommendations are (ever so politely) rejected"*, and instead that *"we need to make more of a nuisance of ourselves, otherwise we will continue to be tolerated while in effect being ignored"* ● One-day conference in November had Lord Gifford give the opening address, and discussed emergency powers, discrimination legislation, policing, public order and prison reform ● The government proposal for an 'Oath of non-violence', which would require local government electoral candidates to declare that they would not support or assist proscribed organisations, was described by a November Just News contributor as *"unnecessary, unworkable and counter-productive"* ● Just News (December) reported: *"CAJ expresses its total abhorrence at the Enniskillen atrocity. Murder and death should be excluded absolutely from the agenda in any struggle for social and political change. CAJ voices its sympathy for those who have suffered loss or bereavement in the massacre. At the same time, we counsel against any resort to panic measures to cope with terrorism. The lessons of the Birmingham pub bombings in 1974 are now clear for all to see"*.

**1988** ● A publication in April entitled The Stalker Affair explored the various investigations to date into lethal force ● A series of CAJ seminars was organised throughout the year on the topic of *"tackling discrimination in the workplace"* - the Fair Employment Act, the Sex Discrimination Order, and the lack of any protections in the area of race, disability or sexual orientation: the seminars were considered *"to be very successful and brought us into contact with trade unionists, politicians, community workers and business people"* ● In a report to funders in October, CAJ recorded that *"in cooperation with a number of other groups, we acted as the coordinator for a private meeting between six of the groups involved in campaigning for changes in the life sentence review procedure which included members from the groups representing loyalist and republican prisoners. The meeting was a great success and may well lead to some kind of coordinated action by all of the groups involved"* ● An Annual Civil Liberties Lecture was introduced this year with Professor Michael Zander as the speaker, and Lord Anthony Lester the following year ● A meeting was organised with Quakers and others to discuss a spate of house searches ● At a November General Meeting on coroners' inquests, the speaker aired common concerns: *"it takes too long before an inquest is held; verdicts have to all intents and purposes been replaced by findings; and there are various problems with getting evidence from the people involved in carrying out the killings"* ● The December General Meeting discussed draft fair employment legislation (later the Fair Employment Act 1989) and agreed that *"CAJ should prepare a briefing paper for MPs pointing out the deficiencies and suggesting remedies for these"*.

**1989** ● In February 1989, the murder of human rights solicitor Pat Finucane led to the mobilisation of international legal networks demanding a public inquiry into the circumstances surrounding his death, though to date this demand has not been met ● The same month, CAJ issued a report on Life Sentence and SOSP Prisoners, and concluded that the procedure *“is seriously defective and there is much that can and should be done to improve it”*, not least a move to determinate sentencing ● A CAJ report (June) entitled *“Debt – an emergency situation?”* showed the pervasiveness of emergency measures: *“The Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971 (PDA) was enacted in October 1971 to counter a rent and rates strike which had been called in protest against the introduction of internment in August 1971. The legislation stated that the Act was to stay in force until six months after the end of the emergency that had caused the Act. The Governor of Stormont was given powers, by Order in Council, to declare that the emergency which had caused the introduction of the Act was over. The power was transferred to the Secretary of State for NI in 1974. Yet internment ended in December 1975. The rent and rates strike was officially called off by the Civil Rights Association on 29 March 1976. Over 12 years later, the PDA remains in use and on the statute book as emergency legislation. Since 1975, the scope of the Act has been extended. More recently, in 1988, the government created ordinary powers to cover many of the deductions from social security benefits that were previously made under emergency legislation”*. Within a few months of the report being published, CAJ campaigning, combined with a successful judicial review taken by the Law Centre, led to repeal of the Act ● In the course of the year, CAJ introduced an annual planning system involving the executive and staff ● General Meetings were organised on the EPA, security force harassment, a draft Bill of Rights, and extradition.

### **The 1990s**

**The first annual report of the decade noted that, “CAJ has not merely survived but prospered in terms of membership resources and reputation. Its members can be justly proud of its achievements ..... (but) CAJ has still a long way to go to become the kind of presence the civil liberties problems of NI require. Its reputation has in the past been founded on the quality of its information and the well thought-out nature of its positions, but, in recent years, attempts have been made to ally these research strengths to a more activist strategy to influence change”.**

**The early 1990s was a time for more outreach to mobilise more effective, levers for change. Activities now focused on four key priorities: criminal justice, equality, policing and protection of rights. Work on equality opened up new lobbying avenues given the existence of UN treaty bodies working on gender, race, children, economic and social rights and, much later, disability.**

**This decade was also a time when the inter-relationship between human rights and peace building began to be canvassed more pro-actively, and by others beyond CAJ.**

**1990** ● In April, CAJ members travelled to the USA to explore the potential for international pressure; an otherwise sympathetic State Department interviewee *“expressed the view that the US generally wished to keep its distance from human rights issues in NI”* ● In June, a one day CAJ seminar on mental health in prisons was attended by the NIO, Chief Probation Officer, chief Prison Psychiatrist, prison chaplains, boards of visitors, ex-prisoners, and prisoners’ families ● After UTV decided not to screen it, CAJ showed a Yorkshire TV docudrama *“Shoot to Kill”* for an invited audience of 100 at Queens Film Theatre ● In October, CAJ issued its first detailed draft for a NI Bill of Rights (Making Rights Count) ● A report into the Political Vetting of Community Work in Northern Ireland was issued the same month by a number of NGOs, CAJ included ● First edition of a Civil Liberties Handbook was published and became a basic text for students and local advice workers: CAJ’s annual report subsequently noted that of 2000 print run, all but 350 were sold in the first few months - *“the book has been widely reviewed and has received numerous plaudits”* (fifth edition, 2015) ● CAJ established an annual prize with QUB for the *“best civil liberties essay”*.

**1991** ● In March, one of several attempts was made by CAJ to create a *“legal practitioners group”* to facilitate information exchanges between practising human rights solicitors ● CAJ made its first interventions at the United Nations – the UN Human Rights Committee (April) and the UN Committee Against Torture (November) ● Shorter, more audience-specific, ‘submissions’ were introduced alongside publications - by its 35<sup>th</sup> anniversary, CAJ had issued more than 450 such submissions ● In October, Helsinki (now Human Rights)

Watch issued a report described by CAJ as *"the most comprehensive overview of the human rights situation for many years"*; CAJ had been instrumental in bringing Helsinki Watch to NI ● In November, UNCAT is reported in CAJ's annual report as having *"delivered a stinging rebuke to the British government over the situation in Castlereagh"*; front page media coverage in Britain of the Geneva findings proved very embarrassing for the government ● Further to a symposium in Boston in March, CAJ attended an invitation-only event in Iowa in November about a Bill of Rights, with human rights experts and NI politicians from five political parties: *"the event was a great success; our draft Bill was the centre of discussion over the three days"* ● On the same trip, the idea of establishing a tax exempt organisation in the US to assist with fundraising was proposed and later pursued ● In December, CAJ organises NI's first conference on racism - the beginning of a long campaign to introduce anti-racism legislation to protect members of ethnic minorities.

**1992** ● Funding is restored in March to Glór na nGael after campaign against political vetting (see 1990) ● Article by Leo Whelan entitled *"The Challenge of lobbying for civil rights in Northern Ireland: the Committee on the Administration of Justice"* was published in Human Rights Quarterly ● A Human Rights Assembly organised in London in April led international lawyers from South Africa, the USA and Europe to conclude: *"Human rights are always vulnerable during periods of violent conflict. But it is precisely during such times that the defence of human rights standards is more important than ever. Any solution to the conflict in Northern Ireland must include respect for human rights, for minority and cultural rights, for the rule of law and for the principles of natural justice"*: the Assembly report ('Broken Covenants') was published by Liberty in 1993 ● 'Behind the Walls of Castlereagh' - a film which CAJ produced and edited - was aired on BBC2 in April ● In July, a CAJ case-study on fair trial in relation to the Casement cases was published with a leaflet update two years later: the doctrine of joint enterprise (central to the Casement cases) had however to wait until 2016 for the Supreme Court to rule that it had been *"wrongly interpreted for more than 30 years"* ● CAJ's UN work started to deliver results: the expert UK member of the UN Sub-Commission on Discrimination and Minorities called in August for audio and video recording in Castlereagh, a public inquiry into Pat Finucane's death, and argued that it was unsatisfactory for complaints against the police to be investigated by the RUC themselves; and CAJ's annual report noted that *"since the Torture Committee hearings, the number of allegations of physical abuse in Castlereagh appear to have considerably declined, although this has to be balanced by increasing concerns over psychological ill-treatment"* ● The Lawyers Committee for Human Rights (now Human Rights First) sent its first mission to NI to investigate the murder of Pat Finucane and examine *"the wider implications of his murder in the context of the treatment of defence lawyers in NI and the functioning of the legal system"* ● CAJ Director awarded the Reebok Human Rights Award ● CAJ issued a first Case Bulletin in December to report on human rights developments in the courts; it was not sustained beyond a few editions, but modern electronic equivalents have since been introduced by groups like PILS (see 2007).

**1993** ● A conference was organised jointly in January with the ICCL in Dublin to develop an all-island agenda of human rights concerns ● At the UN Commission on Human Rights (February) some Western governments agreed (reluctantly) to raise concerns privately with UK, and a report to the CAJ executive noted that the lobbying had been *"hard work (but) this work and previous efforts have undoubtedly contributed to some improvements: increased access for lawyers, a fall in the number of incommunicado detentions and some decrease in the number of reported threats"* ● The influential Friends of Ireland St Patrick's Day statement noted *"confidence in the forces of law and order, and in the impartial administration of justice, is fundamental to the construction of a just and peaceful society in NI"* (the following year they called for the government to *"address the recommendations made in the reports by the CAJ in NI and other internationally recognised human rights organisations"*) ● Allegations of psychological ill-treatment of detainees were submitted to the European Committee for the Prevention of Torture (ECPT); the ECPT then visited in July, and CAJ arranged for them to meet with several detainees recently released from Castlereagh without charge ● As a resource for bereaved families, a free information pack was prepared building upon a 1992 report on inquests and disputed killings ● After making a submission to US President Clinton, CAJ reported *"we now know that our briefing was on the table during the meeting between (President) Clinton and (Prime Minister) Major"*. ● CAJ's antiracism work intensified with - a conference report demanding NI-specific legislation to counter racism, lunchtime briefing sessions to encourage the voluntary sector to engage in government consultation on antiracist legislation, and lobbying of the Home Affairs Committee and UNCERD in Geneva ● In September, CAJ convened a first coordination meeting in Belfast with several international human rights NGOs; a Human Rights Day joint statement was subsequently issued ● A CAJ report on the status of the Irish language in light of the European Charter for Regional and Minority Languages was published in September.



### Peace negotiations phase (1994 -1999)

In retrospect, this next five-year period of CAJ's work (which ran from the time of the Downing Street Declaration in December 1993 to the bedding down of the Good Friday/Belfast Agreement) was very much dictated by events in the wider external political environment. Political talks and breakdowns of same; ceasefires and breakdowns of same; human rights advances and retreats – all created unique challenges for the organisation. For a more detailed analysis of how human rights was brought “from the margins to the mainstream” over this period, see CAJ article in the *Fordham International Law Journal* (April 1999).

**1994** ● CAJ organised a conference in February on the use of lethal force with speakers from both republican and loyalist backgrounds ● CAJ staff and executive recorded their surprise that, at a meeting in April with the newly appointed Independent Reviewer of the Emergency Provisions Act, he had said he was not sure if his remit extended to human rights considerations ● A joint Justice/CAJ report on the right to silence was issued in May ● General Meetings were organised during the year on the right to silence, fair employment legislation, and juvenile justice ● In August, a submission was prepared for the first examination of the UK by the UN Committee on the Rights of the Child ● In September, the authorities agreed to publish annual reports on PAFT (Policy Appraisal and Fair Treatment) compliance: the publication of these reports highlighted problems with the discretionary nature of the equality guidelines and led to the subsequent lobby for what was to become the “Section 75” equality duty of the Northern Ireland Act ● In October, an urgent meeting of international NGOs working on NI was held in Belfast to discuss the ceasefires and the possibility of concerted action over coming months; a Human Rights Day joint statement was the first product of the meeting (see 1995 also) ● A report into security force harassment of young people – entitled “Harassment: it’s part of life here....” was published by CAJ in December 1994. As a result of a two-year research project, this major piece of quantitative and qualitative research included the preparation and circulation of a survey addressed to young people. Responses revealed a deeply worrying level of security force harassment - of both young republicans and loyalists - that was seen by some to be almost commonplace; they also highlighted a less well known problem i.e. the gendered nature of security force harassment (see follow-up report in 2012).

**1995** ● Building on the 1994 Human Rights Day NGO statement, a ‘Chatham House’ seminar was organised in January with senior policy makers (UK and Irish civil servants and representatives from the Court Services, the Police Authority, the Probation Service and the Lord Chief Justice) and a major public conference was held in March ● A report on emergency law entitled ‘No Emergency, No Emergency Law’ was published in March; it “*refutes arguments for the panoply of emergency measures, calls into question their legitimacy under the European Convention of Human Rights, and the legality of their application by the Government, the RUC, and the Army*”. The publication had a long genesis but was timely given the intervening ceasefires by the republican and loyalist paramilitary organisations ● In a review of the 1989 fair employment legislation, CAJ lobbied successfully to have an independent review undertaken by SACHR rather than government; pursued research on departmental practices in tackling poverty and equality proofing; organised a series of academic seminars (in January, March and September); published two bulletins summarising material in circulation; and met with and briefed the Shadow SoS on several concerns ● A White House conference in May on fair employment and investment in NI gave CAJ a platform which facilitated “*considerable contact with senior members of the Clinton Administration regarding the need for concrete improvement in the human rights situation to be at the heart of any lasting settlement*”; this was followed up with meetings with the NY City Comptroller when he visited NI later in the year ● CAJ’s gender group coordinated the production of an all-island quilt depicting human rights of concern to women to be displayed at the Fourth World Conference on Women in Beijing; the quilt was used in workshops and seminars for years afterwards and the Irish President met those involved in January 1996 and “*acknowledged the important role the quilt had played in giving women locally an international voice*” ● UNCAT in November called *inter alia* for the abolition of detention centres in NI; repeal of emergency legislation; re-education and retraining of police officers plus “*the extension of taping interrogations to all cases and not merely those that do not involve terrorist related activities, and in any event to permit lawyers to be present at interrogations in all cases*” ● In December, CAJ published “Human Rights: The Agenda for Change”. Drawing on NGO statements, the January seminar, and

the March conference; this Agenda became the basis of all CAJ's interventions in the lead-up to, and follow up from, the Good Friday/Belfast Agreement ● Made submission in December to US Senator George Mitchell's International Body on Decommissioning arguing for a series of *"confidence-building measures"* of the type he later proposed (such as an early review of emergency legislation and the normalisation of policing).

**1996** ● After more criticism from UNCERD (March), draft anti-race discrimination legislation was published by government in July which CAJ believed *"marked a major success for CAJ racism sub-group and the minority ethnic communities who were at the forefront of the campaign on this issue....this work shows the importance of coalitions and the importance and effectiveness of using international mechanisms"* ● In CAJ's first full year of having a dedicated caseworker on staff, 500 requests for help were recorded and several individual successes are reported in the annual report, but *"at a more strategic level we have also submitted amicus curiae briefs in several European actions and we have also lodged a number of cases with the European Commission"* ● In October, Jon Snow, Channel 4 broadcaster, helped CAJ launch *"The Misrule of Law"* - a report on the policing of events during the summer when there was serious public disorder, with one fatality, numerous injuries, and thousands of plastic bullets fired over seven days. Drawing on observer reports and witness statements, the report addressed immediate but also systemic problems – thus *"our observations confirm our persistent demands that police need to be more accountable, more representative of the communities policed, and acceptable to local communities"* ● Shadow SoS Mo Mowlam forwarded the report to the official review of police complaints then underway: *"CAJ makes some very specific suggestions as to how public confidence in the system of police complaints in NI could be improved and I am writing to ask you to give their recommendations serious consideration"*; and the summer's learning informed CAJ's interventions in subsequent years with the North review, the Parades Commission (and subsequent NIO and Quigley reviews of the latter), as well as Patten's Policing Commission ● Advance lobbying by trade unionists and others had ensured that funding via the European Union Special Support Programme for Peace and Reconciliation (EUSPPR) should comply with domestic equality (PAFT) and anti-poverty (TSN) guidelines. To give this work practical effect at the local level, CAJ produced written guidance in November and subsequently delivered training for members of the District Partnerships (EUSPPR's local funding delivery mechanisms).

**1997** ● Prior to the UK election, CAJ and sister organisations gave a half-day briefing session to the Labour Party's NI team, and subsequently the annual report noted: *"We feel that our work has had some impact on their public pronouncements since. Within a few weeks of her appointment, the Secretary of State announced that marching, fair employment, policing, and mechanisms for protecting human rights would all be priority areas for her administration"* ● Engaged with HMIC Inspection in March about the previous summer's events but accountability for plastic bullet usage was limited, since ACPO had informed CAJ that the Public Order Manual *"is subject to privilege, therefore I am not at liberty to describe or discuss its contents"*; in August, CAJ issued a press release *"welcoming the declassification of the guidelines governing the RUC use of plastic bullets"*: this though revealed important disparities between NI and the stricter British rules (where plastic bullets had never been used) ● Anti-race discrimination legislation and a NI Commission for Racial Equality (CRE) were introduced, though the latter was soon disbanded (see 1998) ● In July, SACHR issued three volumes of research and final recommendations on fair employment ● The Special Rapporteur on the Independence of Judges and Lawyers visited NI to investigate allegations of collusion in the murder of Pat Finucane and ongoing charges of police harassment of defence lawyers ● In November, a CAJ international comparative study resulted in *"Human Rights on Duty: Principles for better policing – international lessons for NI"* which proved a timely 'good practice' compendium on policing recruitment, training, legal and political accountability – thus providing objective standards to be built upon when offering advice to all interested parties (in the setting of the terms of reference for a policing commission in the Agreement, in the submissions to that commission, and in the lobbying around policing legislation and policies subsequently enacted) ● CAJ acted as a formal adviser to the 'Making Women Seen and Heard Project' which monitored whether or not European funding (see EUSPPR, 1996) was delivering for women ● After years of work on alleged miscarriages of justice, CAJ met with the newly established Criminal Cases Review Commission on their visit to NI ● In December, CAJ launched a report with other groups on the topic of racism and poverty in NI.

**1998** ● The Prime Minister announced a new public enquiry into the events of Bloody Sunday ● CAJ's Director was given sight of a near-final version of the negotiated agreement, thus allowing for confidential interventions to be made across a wide range of political parties and influencing the human rights commitments which appeared in the final text of the Good Friday/Belfast Agreement ● A White Paper in



March, supposedly in response to SACHR's 1997 fair employment review, rejected key recommendations, proposing instead radical changes such as amalgamating long standing (EOC and FEC) and new (CRE) equality bodies: CAJ issued a one page summary response to shape the debate and, later, a full response; prepared a summary of the 120+ consultation responses to ensure transparency; facilitated debate of draft equality proofing legislation; and in June organised with ICTU a lobby of the SoS by the nascent Equality Coalition ● CAJ issued a "Commentary on the human rights aspects of the Multi-Party Agreement" within days of its passage, and CAJ files reflect extensive lobbying for the next few months of parliamentarians, NI's political parties, the British/Irish and US governments, and non- and inter-governmental observers to ensure the Agreement's political commitments survived into the Northern Ireland Act 1998. At one stage, CAJ was meeting to discuss draft legislative text with the ministerial team on a weekly basis ● In May, the Policing Board concluded (again) that there was no suitable alternative to plastic bullets despite 14 deaths (7 of them children) ● The Patten (Policing) Commission started work and, at CAJ's instigation, in June, the Secretary General of the Council of Europe wrote to chair Chris Patten offering assistance and extending an invite to visit Strasbourg ● In September, CAJ was awarded the Council of Europe Human Rights Prize ● A CAJ guide to prisoner's rights and prison law in NI was launched in October and was made available to every prisoner ● US influence remained important: CAJ was invited to testify before a Congressional Committee (September) and the Irish American Labour Coalition issued a press release in October saying - *"US trade unionists have been at the heart of the American side of the Irish peace process, and have been closely following the Northern Ireland Bill implementing the steps toward equality..."* ● The Agreement mandated a review of NI's criminal justice system and CAJ made a submission in November and again in October 1999 ● In December – the 50<sup>th</sup> anniversary of the UDHR - the UN High Commissioner for Human Rights spoke of the Agreement at a Belfast CAJ/UNISON conference: *"Few documents emerging from divisive and difficult political negotiations have so well captured the importance of fairness in creating right relationships. In its preambular paragraphs, throughout the text, and indeed in all the new institutions and mechanisms established as a result of the Agreement, concerns around fairness and justice are a recurring theme"*.

**1999** ● Inside Out – a conference on young people and the justice system – was co-hosted by CAJ and others (February) ● CAJ volunteers attended many Patten public meetings; prepared a "preliminary analysis of material submitted to Patten from political parties and interventions at public meetings"; submitted evidence to a US Congressional Committee on the work of Patten; organised cross community conferences before (February) and again (in October) after Patten published their findings; and made a detailed submission in response (November) ● The NIHRC, established pursuant to the Agreement, met for the first time (March) ● Rosemary Nelson, CAJ executive member and human rights solicitor, was killed (March); in a statement to the US Congress, only a few months earlier, she talked of the police harassment she had experienced and asserted *"The UN Special Rapporteur has made a number of recommendations which would remedy the situation, but which to date have not been implemented.....I believe that my role as a lawyer in defending the rights of my clients is vital The test of a new society in NI will be the extent to which it can recognise and respect our role and enable it to be discharged without improper interference"* ● Justice Richard Goldstone of the South African Constitutional Court addressed a CAJ conference on emergency laws in April ● Continued UN and US lobbying: Congressional Committees (in April and September), Commission on Human Rights (April), CEDAW (May), and the UN Sub Commission (August) ● Senior CoE expert spoke at a CAJ June seminar about how one might build upon the Agreement and the European Social Charter to uphold fundamental social rights ● In June also, in conjunction with the ICJ and QUB, a small private expert seminar - with some of the world's most eminent jurists – discussed criminal justice reform along with members of the Criminal Justice Review Group ● Engaged in series of detailed consultations initially with the ECNI (on their guidelines), and then with 100+ public bodies on their draft Section 75 equality schemes (from November onwards).

### Peace process: progress to date

In December 1994, CAJ and other leading human rights NGOs issued a Declaration insisting that *“respect for human rights and civil liberties must be made an integral part of any political settlement”* and the Agenda for Change asked *inter alia* that:

- A Bill of Rights be enacted, after a broad public debate;
- All emergency legislation be repealed, and a review of criminal justice undertaken with attention given to the process of selection and human rights training of the judiciary and the legal profession generally;
- A mechanism be created for establishing the truth about past rights’ abuses
- A radical series of changes be made to the mission, philosophy, powers and composition of the police and an independent police complaints system be established;
- A prisoner review take place of sentencing, release & licensing arrangements;
- Anti-discrimination legislation should be extended and proper equality measures be integrated fully into government policies, programmes and procedures by way of a statutory basis for the Policy Appraisal and Fair Treatment guidelines.

The 1998 Agreement offered a *“truly historic opportunity for a new beginning”* and chose to look forward rather than back, so a comprehensive mechanism for dealing with the past was not agreed. However, all the other demands were addressed:

- A newly formed NI Human Rights Commission was created and asked specifically to consult and advise on a Bill of Rights for Northern Ireland (still ongoing)
- A criminal justice review was established and made human rights a central focus; emergency legislation was also reviewed by government though unfortunately it was largely incorporated into later UK-wide counter-terrorist legislation
- A Policing Commission (with Chris Patten as chair) was established with detailed terms of reference to recommend a new beginning for policing the arrangements for which *“should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community”*
- Regarding prisoners, *“both governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners....any such arrangements will protect the rights of individual prisoners under national and international law”*
- And *“....the British Government intends, as a particular priority, to create a statutory obligation on public authorities in NI to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion, gender, race, disability, age, marital status, dependants and sexual orientation”*.

It is accordingly unsurprising that CAJ concluded in its Commentary on the human rights aspects of the Agreement *“CAJ warmly welcomes the frequent and positive references made to human rights throughout the Agreement....We are reassured to see that the British and Irish governments and all parties engaged in the talks process have clearly accepted (human rights) as a starting premise.....(suggesting) that the commitment is more than rhetorical” ....”*.

That is not to say that once the ink was dry on the Agreement everything fell into place. The period from 1998 onwards was a time of intense activity trying to ensure that the commitments made by the negotiators were in fact translated into legislative change and, even more importantly, practical effect on the ground.

## 2000 until the present day: embedding change and moving forward

From 2000, despite political set-backs - with the NI Executive sometimes operating, sometimes not - CAJ sought to operationalise the human rights commitments made in the Agreement; to focus on issues which had been side-stepped in the negotiations (for example, the need for a comprehensive approach to the past); and to counter-act any roll-back.

The 1999/2000 annual report noted that *“much of the year has been spent trying to prevent government clawback and civil service dilution of many of the hard-won human rights and equality safeguards promised by the Agreement and eventually legislated for in the NI Act 1998. Rather than being in a position to build upon the gains already made, CAJ has been forced into a position of trying to ensure that human rights undertakings, already given, are in fact delivered.”* Presciently the chair concluded in the same report *“Certainly the language of human rights has become more mainstream, but, in some ways, this has been a double-edged sword. The rhetoric masks, in many cases, a very disappointing reality”*.

CAJ's comment the following year was even more worrying: *“It appears that the more human rights move to the mainstream, the more they arouse a fear in those more comfortable with the status quo. This has resulted in organisations like CAJ being castigated and vilified. It is often easier to attribute false political agendas to an organisation than deal openly and honestly with the concerns it voices”*.

**2000** ● CAJ submission made in January to the Diplock Review arguing for a speedy return to jury trial ● In an attempt to prevent any roll-back in policing change - CAJ met the NIO's 'Patten Action Team' (January), the RUC's Change Management Team (March), the SoS in June, and in the same month organised a briefing session involving *“a small group of people with direct experience of policing problems (and) a visiting group of cross party MPs”*. Direct lobbying for detailed amendments in the Commons and Lords debates meant that *“more than 52 substantive changes”* were secured to the draft legislation, and in November CAJ noted that *“the SoS said repeatedly and at every successive stage of the debate in the Commons, that the government was following the spirit and the letter of Patten...clearly it defies all logic that each different version of the legislation mirrored Patten”*.....indeed some Patten proposals had to await subsequent legislation ● Briefed UN's Human Rights Commission (April) and US Congress (March and September) on progress/reverses on embedding the Agreement's promises on human rights ● After the Agreement promise for a public debate on a Bill of Rights, CAJ and Amnesty NI had formed an ad-hoc NGO alliance to pursue this, with CAJ's Bill of Rights worker servicing the group - the Human Rights Consortium was now formalised with dedicated staffing and funding ● In August, CAJ responded to the report of the Criminal Justice Review welcoming the significance the Review had accorded to international human rights standards ● Meetings organised during the year with the Irish Taoiseach and Attorney General along with members of the Hamill family and their solicitor and – separately – a meeting with the SoS on the Hamill, Finucane and Nelson cases ● In December the Equality Coalition organised a conference (with almost 100 public sector and some 40 community/voluntary sector representatives) outlining the practical steps involved in carrying out equality impact assessments – the conference report, and a short newsletter, summarising key findings, were widely distributed ● A Bill of Rights Information Pack was developed to encourage input to the NIHRC consultation – it was distributed to over 600 community groups and feedback suggested that many recipients went on to make a submission.

**2001** ● To oversee and report publicly on the implementation of the Patten policing changes, an Oversight Commissioner team was established; in February, CAJ organised a private briefing for the team from senior policing experts from the Council of Europe ● Interventions with the UN and US continued (Commission in April and Human Rights Committee in June; Congressional Hearings in March) ● Seeking to embed policing and criminal justice change was a constant, with an April response to the NIO's Patten Implementation Plan; commentaries on Oversight Commissioner's reports in September and December; and a commentary on the Implementation Plan for criminal justice in January 2002 ● CAJ corresponded with the NIO Steering group looking at Patten's criticism of plastic bullets and public order equipment ● In October, the Human Rights Consortium developed a four-page newspaper for distribution as a Belfast Telegraph supplement explaining

the Bill of Rights debate in an accessible way – it was delivered to over 140,000 homes across NI ● In November, the police decided to incorporate several CAJ proposals in their new Code of Ethics, in line with the European Code of Police Ethics (which, already reflected NI lobbying by alluding to the importance of defence lawyers) ● Archbishop Tutu spoke at a CAJ/Global Citizens Circle event (November), and intervened with interested parties involved in the Holy Cross primary school dispute ● CAJ engaged in NIHRC Bill of Rights consultation with an initial response in March, seminars organised with international experts in May, and a full response in January 2002 ● Equality work continued at a high level, with CAJ submissions on a Single Equality Bill (August) and a Commissioner for Children (November) and its continued servicing of the Equality Coalition, which involved numerous submissions to and meetings with government departments throughout the year in relation to equality screening and the conduct of impact assessments across a range of policy areas (the Industrial Development Bill; Social Security Agency Information, Advice and Assistance Policy; EU Structural Funds; NI's Programme for Government/Budget etc.) ● In December, CAJ was informed that army guidelines for the use of plastic bullets were still 'classified', undermining accountability when the police and army worked together in public order situations (see 1997).

**2002** ● In February, CAJ organised a seminar on inquests and the ECHR's article 2 (right to life) ● CAJ made submissions to, and had meetings with, George Quigley on parading (in May and June, and in January 2003) ● The Consortium's work was given international backing when the outgoing UNHCHR, Mary Robinson, gave the keynote address at a May conference attended by around 250 people ● A submission was made to the UN Economic, Social Cultural Rights in May ● Engaged with government consultations on District Policing Partnerships and on the Policing Board's ability to hold the police to account by calling for reports/carrying out inquiries (May and June) ● In May, government responded to the NIHRC review of powers (undertaken in 2001), and CAJ made a submission in July critiquing both the delay and the tone of the response, particularly given the virulent attacks being made on the NIHRC, arguing that government *"had failed in its duty to lend the necessary support to what should have been a key building block"* of the Agreement ● CAJ issued a 21st anniversary leaflet commenting also on the hostility being directed at the NIHRC, in part supposedly because several appointees were or had been CAJ members ● Annual report of COSO (Coalition on Sexual Orientation) reported positively on its membership of the Equality Coalition and recorded its belief that *"the inclusion of sexual orientation as a category for protection in the statutory duty (i.e. section 75 of the NI Act) has redefined the political debate around the equality agenda for LGBT people"* ● In December, Paul Hunt the UN Special Rapporteur on the Right to Health said of an all-island meeting on socio-economic rights, organised by a consortium of five groups (including CAJ), that *"it was undertaking pioneering work"*: the conference was an early initiative in the life of what was later to become the Participation and the Practice of Rights project.

**2003** ● CAJ made submissions to consultations on parading (January), devolution of justice and policing (February), race and sectarian hate crime (February), plastic bullets (March), cohesion and sharing (June), rehabilitation of offenders (September), criminal justice oversight (September), deaths in custody (October), and the inquest system (October) ● A meeting in Washington between the SoS and US Congressional staff in February discussed many of CAJ's concerns on policing change, the Ombudsman's powers, the Cory inquiries, and resignations from the NIHRC ● Equality Coalition, consisting now of some 60 member groups, continued to meet monthly as well as having routine meetings with the Equality Commission, and with the Equality Directorate of the Office of the First Minister and Deputy First Minister, to exchange information and concerns ● In July CAJ published *"A Bill of Rights for NI through the years – the views of the political parties"* showing that – though the motivations were varied – all parties had supported the initiative at different times ● A series of three detailed commentaries looking at the new policing institutions were launched in November with a review of the work of the Policing Board (followed in 2005 with a study of the District Policing Partnerships in May and the work of the Police Ombudsman in June) ● CAJ's annual report cited several positive examples of equality advances – the revised procurement contract which addressed the adverse impact on predominantly Catholic, female, low paid workers; compensatory measures were introduced for the visually impaired when hospital facilities were closed; pro-active language support was provided for migrant workers who had been issued with arrest warrants for minor offences; and a ground-breaking series of events to enable people with learning disabilities to influence health and social service provision was organised.

**2004** ● Legislative lobbying continued with CAJ testimony to Congressional Hearings (March) and submissions to the NIAC on hate crime (March) and the Police Ombudsman (July) ● In April, retired Canadian Supreme Court judge Peter Cory published reports into the deaths of Pat Finucane, Robert Hamill, Rosemary

Nelson and Billy Wright and concluded *“in each of the four cases, the documentary evidence indicates that there are matters of concern which would warrant further and more detailed inquiry”* ● After extensive lobbying, the Justice (NI) Act 2004 was passed addressing belatedly many of the problems with its 2002 predecessor (which had been intended to give statutory effect to the Criminal Justice Review, but had failed badly) ● The chair and members of the CCRC visit CAJ’s office and expressed surprise at the small number of alleged miscarriage of justice cases brought to their attention from NI; CAJ offered to promote the work of the CCRC more actively amongst relevant legal and victim circles ● CAJ was the only local NGO participating at an EU-Iran Human Rights Dialogue in Tehran in June, positioning it well to share experiences and undercut the antipathy displayed to some EU participants by the Iranian officials present ● Submissions on the draft Code for Prosecutors (July) and the community outreach programme of the Public Prosecution Service (September) ● Submission to UNCAT (October) ● Through the year, CAJ made submissions on wide range of equality concerns regarding: water reform, public administration, hate crime legislation, the Electoral Fraud Act, neighbourhood renewal, the NI curriculum, the introduction of public private partnerships in the education sector, and Unauthorised Encampments legislation.

**2005** ● The March issue of Just News reported the commencement of inquiries into the deaths of Robert Hamill, Rosemary Nelson, and Billy Wright as recommended by Judge Cory ● Submission was made by CAJ to Congressional hearings on policing (March) ● Despite appointing a solicitor to the staff nearly ten years beforehand, it was only this year that CAJ received the necessary legal waiver to appear before the NI courts ● Commentary on various government proposals in March regarding investment strategy, gender issues, a young people’s strategy and water reform, and subsequently proposals on codes of practice for District Policing Partnerships (May), charity legislation (May – this was ‘updated’ in February 2008 when the Assembly discussed NI-specific charity legislation), public processions (May), victims and survivors (June), and a major review of public administration (September) ● At an Equality Coalition seminar in May, the guest speaker, the NY City Comptroller (the sole trustee of second largest US pension fund, and responsible for \$100bn investment worldwide) explained that his statutory obligation was to invest to generate the highest return for his shareholders but *“we think you can do well financially and do good at the same time, and doing good helps you do well”* ● In September, CAJ submitted a response to ECNI’s review of the effectiveness of the equality duty, recording concerns about the failure of the duty to have the hoped-for impact ● Despite strong opposition from CAJ and others, parliament passed the Inquiries Act which would make securing accountability about past wrong-doing much more difficult.

**2006** ● To mark CAJ’s 25<sup>th</sup> anniversary, an anthology (published in January) brought together speeches given by international contributors at CAJ events over the years; a short pamphlet also highlighted *“25 years of campaigning, lobbying, producing publications and lots more...”* ● CAJ completed a major international research project into the topic of - Change and devolution of criminal justice and policing in NI: international lessons (January) ● In March, CAJ issued a briefing which took issue with *“the notion that there is ‘no longer any problem’ in relation to inequality between the two communities”* and with several recent government pronouncements *“which serve to sectarianise issues of poverty and disadvantage”* ● Visit by the ICJ’s Eminent Jurists Panel (EJP) in April 2006 to hold hearings on the learning from NI for the “War on Terror” – CAJ published its final submission to the EJP in January 2008, and the global report (which drew extensively on the NI visit) was published by the ICJ in July 2009 noting *“the Panel found it remarkable that these past lessons seem to have been largely ignored by governments in shaping their responses to terrorism since the September 11 attacks”* ● Updated and re-designed version of the Bill of Rights information pack published in June and distributed free as a training resource for community groups (see 2000) ● In September, CAJ published a major report entitled ‘Equality in NI: the rhetoric and reality’ which built on the earlier briefing on religious and political differentials: whilst noting *“the success story for equality legislation in relation to those in employment”*, it highlighted other concerns, and especially the discriminatory impact of housing policies ● In the same month, CAJ made a presentation at a Council of Europe event in Athens on the risk of emergency legislation becoming permanent; many of the points made about the situation in NI resonated with other participants and influenced the final recommendations ● In November, CAJ urged more analysis of the fact that out of the 99 police officers appointed in the previous five years (under the 50/50 rule), and who had since left, 26 were Protestant and 72 were Catholic: *“there is little value in expending great energy in ensuring that under-represented groups are recruited to the police, if they then leave in disproportionate numbers”*.



**2007** ● The Bill of Rights Forum (consisting of equal numbers of civil society and party political representatives) was established to try and progress the debate; CAJ represented the human rights sector on the Forum and played an active role, not least by chairing the Forum working group looking at the preamble, implementation and enforcement of a Bill of Rights ● Funding was granted to CAJ for a 5-year pilot project which resulted in PILS being formally established in May 2009 with the aim of advancing human rights and equality through the use of and support for public interest litigation ● Delivered training seminars throughout the year using Bill of Rights information pack (see 2006) to wide variety of local groups ● Engaged with range of Council of Europe, EU and UN reviews, respectively – the Framework Convention on National Minorities, in March; consultations on EU Structural Funds in March and EU Peace III in April; and submissions to the UN Special Rapporteur on Freedom of Religion or Belief (May) and on the Universal Periodic Review (December) ● Submissions were made to NI government consultations on the Irish language (March and June), the Comprehensive Spending Review (July) and the investment strategy (August); and UK-wide consultations led CAJ to make submissions to the NIAC inquiry into prisons (in May) and to the Home Office on counterterrorism measures in October.

**2008** ● In January, CAJ corresponded with the Policing Board to clarify decision making on police training in the use of tasers ● CAJ issued “War on Terror: lessons from NI (January) as a formal submission to Eminent Jurist Panel (see 2006) and launched it for peers and MPs in Westminster; the Council of Europe Human Rights Commissioner subsequently praised the report in his newsletter circulated to all Member States ● In February, a special issue of Just News was devoted to the topic of dealing with the past ● Submissions to the UN continued - CEDAW (February), Committee on Economic, Social and Cultural Rights (May), and the Human Rights Committee (June) – and prove useful: the latter urged that “*as a matter of urgency, independent and impartial inquiries be established*” to investigate violations to the right to life in NI ● The Forum (see 2007) submitted its final report to the NIHRC in March, and CAJ had a special JN edition in April which summarised its proposals, and produced a response in June - Best Bill of Rights: A guide – suggesting the broad principles to be followed by the NIHRC in preparing final advice to the SoS ● CAJ continued to pursue its concerns by meeting with, and making various submissions to, the Strategic Review of Policing (August) ● As official attention moved belatedly to dealing with the past, CAJ met with and submitted “a human rights perspective” to the Consultative Group on the Past (“Eames/ Bradley”) in September ● Equality consultations continued apace; although hundreds had already been submitted, they are numbered and listed in CAJ’s publications catalogue for the first time ● NIHRC presented its Bill of Rights advice to government on 10 December.

**2009** ● The February issue of Just News was devoted to human rights defenders with updates on the Finucane and Nelson cases ● Coinciding insensitively with the 20<sup>th</sup> anniversary of Pat Finucane’s murder, the government wrote to his family in February that they were still considering “*whether it remains in the public interest to proceed with an inquiry*” ● In April, CAJ issued a position paper on tasers ● The UN Economic, Social and Cultural Rights Committee called *inter alia* in May for the enactment of a Bill of Rights for NI “*without delay*” and that “*Equalities Impact Assessment be effectively implemented in NI, particularly in the context of urban regeneration programmes*” ● In May, CAJ organised a seminar to discuss the Eames/Bradley report which had been issued shortly before the Consultative Group had disbanded a few months earlier, and the June Just News was entirely devoted to the report and reactions to it ● Maintaining its interest in policing change, a CAJ conference was held in November to examine “Patten 10 years on” (report published June 2010) ● CAJ responded to several prison-related consultations - the management of women offenders (May), prison rules (November), and the offender management practice manual (January 2010) ● Other consultations CAJ responded to included - the Police and Criminal Evidence (PACE) in April; the accuracy of the electoral register (April); independent investigations (June); the DNA database (July); and the draft PPS hate crime policy and the Eames/Bradley report (October) ● Submissions relating to a NI Bill of Rights were made to two parliamentary committees (the NI Affairs Committee in April and the JCHR in July).

**2010** ● Thanks to a dedicated staff member working on communications for the first time (Louise McNichol), an audit led to a revamped CAJ website, a regular e-newsletter (launched in August), and arrangements to sell selected publications via Amazon ● In January, CAJ commented on proposals for a NI Commissioner for Older People ● Submissions were made on the Spending Review (March), legislation on public assemblies, parades and protests (July), and sentencing guidelines (December) ● In February, CAJ issued a submission entitled “A Bill of Rights for NI: next steps” in response to an NIO consultation on the topic ● Two CAJ seminars were organised with the Chief Constable and command staff to discuss policing with

working class communities ● Devolution of criminal justice occurred; this led to many consultations from the new Department of Justice, and a September CAJ conference on human rights and devolution was addressed by the NI Minister for Justice and the Lord Advocate of Scotland ● To counter the risks posed by austerity, CAJ wrote to all departments before the budget urging that *“an objective analysis of the impact of any spending cuts across each of the S75 groups should help minimise the harsh consequence of the budget on existing inequalities and social exclusion”* ● Philippe Sands QC spoke of his *“huge admiration”* for CAJ’s work when launching the new office ● To mark ten years since Patten, the Royal Irish Academy launched a publication (*‘Policing the Narrow Ground’*) to which CAJ contributed a chapter with a human rights NGO perspective; and, in November, CAJ organised a conference specifically assessing community policing change ● A submission was made to OFM/DFM to their consultation on cohesion, sharing and integration (November) ● In December, a CAJ research project aimed at putting human rights at the heart of prison reform concluded that *“what is needed is a comprehensive and systemic review”* (the project was timely: a Prison Review Team was established and reported in 2011).

**2011** ● In March, CAJ met in Belfast with the Advisory Committee of the Framework Convention for the Protection of National Minorities in the context of the UK’s 3<sup>rd</sup> periodic report ● Made submission on the subject of non-jury trial arrangements (March) ● A CAJ publication reviewing the work of the Police Ombudsman in relation to historic cases, together with a report commissioned by the Department of Justice and an investigation by the Criminal Justice Inspection, found similar concerns and – for the first time ever, CAJ called for the resignation of a public official ● Inquiry report into the death of Rosemary Nelson launched in May; June’s JN reports that the inquiry found *inter alia* that actions by the police *“legitimised (Rosemary) as a target for the loyalist group that murdered her”* ● To mark its 30<sup>th</sup> anniversary, CAJ organised a conference in June on “counter terrorism and human rights: the permanence of temporary powers” with speakers addressing - the use of emergency powers in NI and further afield, radicalisation, Islamophobia and stop and search powers ● A JN Special 30th Anniversary Edition compared work over the years on topics such as - supergrasses, the Bill of Rights, police complaints, parading, mental health in prisons, and fair employment ● After lobbying at UNCERD in August, the Concluding Observations made several helpful recommendations including the need for a long-delayed Single Equality Bill and (an even longer delayed) Bill of Rights ● Submissions were made to the consultation about a UK-wide Bill of Rights (to avert any contradictions between those efforts and the NI campaign) in November and, in response to their report, in September 2012 ● CAJ made a submission to the Universal Periodic Review of the UK in November.

**2012** ● In January CAJ responded to the consultation on the Youth Justice Review ● The Equality Coalition and PILS jointly hosted two events (in February and March) on the use of S75 to challenge public spending cuts that impact disproportionately on disadvantaged groups ● In April, CAJ intervened in the negotiations around the Brighton Declaration to emphasise the importance to human rights victims of the European Court of Human Rights ● A series of activities took place in the context of the UK’s Universal Periodic Review – meeting with the Ministry of Justice in London; running a workshop session at the Foreign and Commonwealth office; and inviting members of the community and voluntary sector to CAJ’s office to watch sessions live from Geneva, with real-time twitter updates on the day ● CAJ’s research on stop and search drew comparisons with a study 20 years earlier (see 1994): the November publication - *“Still Part of Life Here?”* concluded: *“What is particularly striking is the similarity of many of the concerns documented in previous research to many of the issues being raised with us today. There are also correlations between many of the past deficiencies in the legal, policy and institutional framework, and those manifesting themselves now....along with the lack of a Code of Practice, the most glaring omission in the policy framework relates to monitoring, particularly monitoring on the grounds of community background. As long as such practices and gaps persist many of the issues raised in this report are likely to continue to be ‘still part of life here’.* ● A pocket-sized guide to the Human Rights Act was published ● In December, CAJ published a report on covert policing entitled *“The policing you don’t see”*: the report contended that the post St Andrews arrangements undermined the Patten vision - *“by shifting the most sensitive areas of covert policing in the opposite direction, effectively ring fencing them outside the post-Patten accountability arrangements”*.

**2013** ● Work with the UN continued with - a briefing paper to the Special Rapporteur on Freedom of Peaceful Assembly and Association (January) and submissions to UNCAT (April), CEDAW (June), and CRC (July) ● February’s Just News reported on the De Silva desktop review into Pat Finucane’s death ● Regressive

measures persisted with the passage (despite lobbying by CAJ and sister NGOs in Britain) of the Justice and Security Act 2013 (which extended the possibility of ‘secret justice’); and the Anti-Social Behaviour, Crime and Policing Act, which lowered the evidential threshold for finding a miscarriage of justice ● In April, to mark the 15<sup>th</sup> anniversary of the Agreement, CAJ organised a conference together with the two NI universities: the report published in December, and revealingly entitled “Mapping the Rollback”, included conference speeches examining the key human rights and equality provisions of the Agreement and progress/regression since ● On language, CAJ engaged both with the CoE on the European Charter for Regional and Minority Languages (May) and with the NI Tourist Board after learning from an Freedom of Information request that an *unwritten* rule penalised District Councils for using bi-lingual (English/Irish) material ● Specifically in relation to equality, CAJ re-visited the Agreement with a conference and a report (launched in June) entitled ‘Unequal Relations’ concluding that: “*A combination of factors, including decisions and advice by the ECNI, have led to a situation whereby equality initiatives, and the purpose of the Section 75 equality duty and Equality Impact Assessments (EQIAs), are being undermined by the present interpretation and application of the ‘good relations’ duty*” ● CAJ responded to various initiatives – the NIO on non-jury trials (March), the House of Lords inquiry into the Inquiries Act (September), and the multi-party group chaired by US envoy Richard Haass (August).

**2014** ● In January, a Special Edition of Just News was devoted to a commentary on the Haass process ● In February, CAJ and QUB hosted a lecture to mark the 25<sup>th</sup> anniversary of the murder of solicitor Pat Finucane ● The Equality Coalition commissioned two papers (in April and October) defining “sectarianism” and “good relations” in law: the first paper concluded that “*securing a legal definition of sectarianism grounded in international law is central to human rights and equality and, ultimately, to peace itself*”; the second tackled the tensions that can arise between the promotion of good relations and of equality ● In May, in a ruling emphasising the importance of transparency, CAJ won the judicial review it took against the Parole Commission’s decision refusing access to a parole hearing ● CAJ requested the ECNI in May to launch an investigation into government housing policy: the report of the subsequent investigation “*broadly found that the complaints were justified in that the DSD had failed to comply with its Equality Scheme*” ● In June, an RTE screened a documentary releasing new information on the Hooded Men case; CAJ subsequently was asked to take up the case of Sean McKenna deceased who was one of those subjected to in-depth interrogation in the 1970s ● In July, CAJ and the UU’s Transitional Justice Institute hosted a seminar marking ten years on from the Cory Inquiry reports into collusion (conference report published in May 2016) ● CAJ made a submission to the Human Rights Committee in July ● A report entitled “Inquiries Observation Project 2008-2010” was published by CAJ, in conjunction with RWUK and the TJI at UU, analysing the ‘Cory’ inquiries into the deaths of Robert Hamill, Rosemary Nelson and Bill Wright ● CAJ’s client Frank Newell had his conviction quashed.

**2015** ● ‘The Apparatus of Impunity – a narrative of official limitations on post-Agreement investigative mechanisms’ published in January in cooperation with QUB concluded that: “*the emergence of patterns across a number of mechanisms suggests a concerted effort by some to prevent damaging facts about state involvement in human rights abuses coming to light and those who were responsible for such abuses (or for covering them up) being held accountable*” ● CAJ’s annual report reported “*a significant victory*” early in the year as the Home Office accepted “*after a two year long battle*” that the newly created NCA should be made accountable in NI to post-Patten institutions ● In April, the parliamentary JCHR branded as “*unacceptable*” the UK’s delay in implementing European Court judgements relating to the past in NI ● In May, CAJ - together with QUB, the UU and Amnesty - held a conference on the Stormont House Agreement, subsequently publishing a report and a Model Implementation Bill with Explanatory Notes ● Work with relevant UN treaty bodies continued with submissions to the UNESCR (May) and to the UN Human Rights Committee (June); regarding the latter, CAJ’s annual report later noted: “*we could hardly have hoped for a more explicit endorsement of our positions*” - and in November, CAJ hosted a meeting with the UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence ● A platform paper was issued in June on the possible repeal of the HRA ● In June also, thanks to a judicial review launched in 2014 by CAJ, the courts found that the NI Executive had acted unlawfully by failing to develop an anti-poverty strategy ● CAJ lobbied successfully to ensure that the Policing Board retained its independent Human Rights Adviser function ● A special Autumn JN edition was devoted to a human rights commentary on the Stormont House Agreement ● In September, gender principles were launched at Stormont by CAJ and others to ensure that “*gender is taken into account in any mechanisms taken forward to deal with the legacy of the past*” ● The Equality Coalition organised an October conference entitled “*Austerity and Inequality: A threat to peace?*” with speakers from the UNESCR and the OECD; the conference report launch was sponsored by the OFMDFM Junior Ministers.



**2016** ● In February, CAJ issued a publication on public order policing *“to give an account of the standards to which the PSNI aspires when carrying out public order policing ..this should improve accountability both in identifying clearly where and how the police get things wrong and also a clear defence and rationale for decisions and actions which are right, albeit unpopular”* ● In March, CAJ issued a publication on the equality impacts of the Stormont House Agreement on the two main communities – concluding *“that the decoupling of equality from peacebuilding marks a dangerous new juncture in the peace process. Sectarian inequality was a catalyst for instability in the past and it would be cavalier to assume that it no longer matters in NI”*.



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## Source material

Most of the material drawn upon for this study is available from CAJ: internal documentation is held in the archives and all documents in the public realm are available on CAJ's website – [www.caj.org.uk](http://www.caj.org.uk)

Much other relevant material can be found on the websites of the Human Rights Consortium ([www.humanrightsconsortium.org](http://www.humanrightsconsortium.org)), Public Interest Litigation Support Project ([www.pilsni.org](http://www.pilsni.org)), & the Participation and the Practice of Rights project ([www.pprproject.org](http://www.pprproject.org)). Equality Coalition material can be found on the CAJ website.

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## Acronyms

**AI** – Amnesty International; **ACPO** – Association of Chief Police Officers; **AIA** – Anglo-Irish Agreement; **AGM** – Annual General Meeting; **BIRW** – British Irish Rights Watch (see on for RWUK); **CAJ** – Committee on the Administration of Justice; **CAT**, **CEDAW**, **CERD**, **CESCR** – see **UNCAT**, **UNCEDAW**, **UNCERD** and **UNCESCR**; **CoE** – Council of Europe; **CCRC** – Criminal Cases Review Commission; **COSO** – Coalition on Sexual Orientation; **CRE** – Commission for Racial Equality; **DoJ** – Department of Justice; **DPP** – Director of Public Prosecutions; **DSD** – Department for Social Development; **ECHR** – European Convention on Human Rights; **ECtHR** – European Court of Human Rights; **ECNI** – Equality Commission for Northern Ireland; **ECPT** – European Committee for the Prevention of Torture; **EOC** – Equal Opportunities Commission; **EPA** – Emergency Provisions Act; **EQIA** – Equality Impact Assessment; **EU** – European Union; **EUSSPPR** – European Union Special Support Programme for Peace and Reconciliation; **FEA** – Fair Employment Act; **FEC** – Fair

Employment Commission; **FETO** – Fair Employment and Treatment Order; **FIDH** – French acronym for International Federation of Human Rights; **FOI** – Friends of Ireland or Freedom of Information; **GFA** – Good Friday/Belfast Agreement; **GOC** – General Officer Commanding; **HMIC** – Her Majesty’s Inspectorate of Constabulary; **HRA** – Human Rights Act; **HRF** – Human Rights First (formerly LCHR); **HRW** – Human Rights Watch; **ICCL** – Irish Council for Civil Liberties; **ICTU** – Irish Congress of Trade Unions; **IRA** (or **PIRA**) – (Provisional) Irish Republican Army; **JCHR** – Joint Committee on Human Rights; **JN** – Just News; **JRCT** – Joseph Rowntree Charitable Trust; **LCHR** – Lawyers for Human Rights (now **HRF**); **LCJ** – Lord Chief Justice; **LGBT** – Lesbian, Gay, Bi-sexual and Trans-gender; **MP** – Member of Parliament; **NALGO** – trade union, now incorporated into **UNISON**; **NCA** – National Crime Agency; **NGOs** – Non-governmental organisations; **NI** – Northern Ireland; **NIAC** – Northern Ireland Affairs Committee; **NIACRO** – NI Association for the Care and Resettlement of Offenders; **NIC-ICTU** – Northern Ireland Committee of ICTU; **NICRA** – Northern Ireland Civil Rights Association; **NICVA** – NI Council for Voluntary Action; **NIHRC** – Northern Ireland Human Rights Commission; **NIO** – Northern Ireland Office; **NIPB** – Northern Ireland Policing Board; **NIVT** – NI Voluntary Trust; **OECD** – Organisation for Economic Cooperation and Development; **OFMDFM** – Office of First and Deputy First Minister; **OPONI** – Office of Police Ombudsman for NI; **PACE** – Police and Criminal Evidence Act; **PAFT** – Policy and Fair Treatment; **PDA** – Payments for Debt Act; **PFC** – Pat Finucane Centre; **PILS** – Public Interest Litigation Support; **PQs** – Parliamentary Questions; **PPP** – Public Private Partnerships; **PPR** – Participation and the Practice of Rights; **PPS** – Public Prosecution Service; **PSNI** – Police Service of Northern Ireland; **PTA** – Prevention of Terrorism Act; **QUB** – Queens University Belfast; **RFJ** – Relatives for Justice; **RUC** – Royal Ulster Constabulary; **RWUK** – Rights Watch UK (see also **BIRW**); **SACHR** – Standing Advisory Commission on Human Rights; **SCCL** – Scottish Council for Civil Liberties; **SHRC** – Scottish Human Rights Centre/Commission; **SoS** – Secretary of State; **SoSNI** – Secretary of State for Northern Ireland; **SOSP** – Secretary of State’s Pleasure; **TJI** – Transitional Justice Institute of UU; **TSN** – Targeting Social Need; **UDA** – Ulster Defence Association; **UDHR** – Universal Declaration of Human Rights; **UK** – United Kingdom; **US** – United States; **UN** – United Nations; **UNCAT** – UN Committee/Convention against Torture; **UNCEDAW** – UN Committee/Convention on the Elimination of all forms of Discrimination Against Women; **UNCERD** – UN Committee/Convention on the Elimination of all forms of Racial Discrimination; **UNCESCR** – UN Committee on Economic, Social and Cultural Rights; **UNCRC** – the UN Committee/Convention on the Rights of the Child; **UNHCHR** – UN High Commissioner for Human Rights; **UU** – University of Ulster; **UVF** – Ulster Volunteer Force.



# **A BEACON OF HOPE:**

## **THE STORY OF CAJ**

**by Maggie Beirne**

This monograph is written to mark the 35<sup>th</sup> anniversary of the Committee on the Administration of Justice (CAJ), founded in Belfast in June 1981. In one of the most violent and divisive years of the Northern Ireland 'Troubles', people came together to assert that injustice served to feed and fuel further conflict.

This is the story of a small voluntary membership organisation that learnt how to mobilise effectively and created a broad alliance of support for the idea that respect for human rights is central to any successful peace building.

CAJ's work came to fruition in the political negotiations leading up to the peace agreement in 1998, and has since concentrated on countering any roll-back and embedding the human rights and equality advances made.

**Written and produced by Maggie Beirne  
for the 35<sup>th</sup> anniversary of the  
Committee on the Administration of Justice (CAJ)  
Citylink Business Park  
6a Albert Street  
Belfast BT12 4HQ  
[www.caj.org.uk](http://www.caj.org.uk)  
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