EMERGENCY LAWS IN NORTHERN IRELAND

The proceedings of a conference held in Belfast on 24 April 1982

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INTRODUCTION

Emergency law in Northern Ireland was one of the principal themes of a conference organised by the Committee on the Administration of Justice at the Students' Union, Queen's University, Belfast, on April 24, 1982. About 80 people took part in the conference, coming from all sections of the Northern Ireland community, and including lawyers, academics, social workers and probation officers, community activists, and members of peace groups and political organisations.

After hearing a substantial paper on the working of the Diplock stystem, and after discussion in a workshop and in the full conference, the conference passed a number of resolutions including a call for a full scale review of the working of the Emergency Provisions Act, and calling for specific changes in it, particularly in regard to the scheduling and descheduling of offences, interrogation practices and the admissibility of confessions, and to the practice of 'screening' arrests in which people are arrested solely as a means of gathering information. That paper, presented to the conference by QUB Research Student Dermot Walsh, and the discussions and resolutions which followed it, form the basis of this pamphlet, which is intended to contribute to the continuing debate on the practice and effect of emergency legislation, and which will be part of a series of publications by the C.A.J. on these important questions.

The Committee on the Administration of Justice itself was set up after a similar conference [illegible] June, 1981. That conference was called by a group of concerned individuals and was chaired by Lord Gardiner. After hearing reports and debates on a number of controversial aspects of the justice system in Northern Ireland, the conference unanimously passed two resolutions, one calling for an official enquiry into the administration of justice in Northern Ireland, the other urging the continuation of the research and debate which had been set in motion by the conference.

The Committee on the Administration of Justice was set up shortly afterwards, with the stated aim of securing 'the highest standards in the administration of justice in Northern Ireland by examining the operation fo the current system and by promoting the discussion of alternatives', and with the intention of providing a forum in which people with a professional or personal concern with standards of justice in Northern Ireland could exchange information and opinions.

Three working groups were established to investigate the areas which the committee identified as being those of principal concern — emergency law, prison reform, and police complaints procedures (later broadened to include the whole question of policing and the community). These three areas were the basis of the April 24 conference; the two conferences, along with the working groups which have been meeting regularly, have provided an opportunity, unique in Northern Ireland, for wide-ranging discussion of these fundamental issues.

The topic of emergency [illegible] is

covered in this pamphlet; it is intended that police complaints procedures and prison reform will be covered in two further pamphlets to be published by the Committee in the near future. At the April 24 conference the guest speaker on prison reform was Joe Costello, Chairman of the Prisoners' Rights Organisation in the Irish Republic; the workshop on prisons was chaired by West Belfast Probation Officer Alan Darnbrooke, and was particularly concerned with the possibility of establishing a non-sectarian, non-political approach to prison issues, seeking reforms in the interest of all prisoners regardless of background. The workshop specifically recommended a review of the present role of the Boards of Prison Visitors, who are currently expected both to look after prisoners' welfare and to sit in judgement in disciplinary cases against prisoners.

The speaker on policing and the community was Margaret O'Donnell, a community worker in Derry, who spoke on the work of the Derry Police Liaison Committee, of which she is a member. The workshop on policing, chaired by Belfast solicitor and former NI Police Authority member Donal Murphy, recommended the creation of an independent complaints body to investigate complaints against the police, and recommended the creation of liaison committees, based on local community representation, in all police divisions, with the power to receive complaints against the police and to deal directly with minor complaints themselves. The workshop also condemned the use of plastic bullets, and called for an enquiry into the recent deaths caused by plastic bullets; all these recommendations were endorsed by the full conference.

PTA AND EPA ENQUIRIES

The Committee on the Administration of Justice welcomes the setting up of the committee, chaired by Lord Jellicoe, to review the operation of the Prevention of Terrorism Act, and the announcement of a similar inquiry into the operation of the Northern Ireland Emergency Provisions Act. We hope that the committees will note that the operation of emergency powers can actually encourage people in terrorism just as it can assist in the apprehension of those suspected of being involved; and the dividing line between the two is not always easily discerned. Our view is that the use of the police and army powers of arrest and interrogation under sections 11 and 14 of the Emergency Provisions Act and section 12 of the Prevention of Terrorism Act have overstepped this line and alienated many communities from the forces of law and order. Equally so, we feel, that the use of exclusion orders and the operation of the rules on the admissibility of confessions are such that confidence in, and respect for, the whole administration of justice has been severely dented in many communities. We trust that the committees will pay particular attention to these areas in their work and will come up with recommendations which will encourage greater respect for the machinery of justice in all communities. Such recommendations in themselves, however, will be pointless unless the government demonstrates the resolve to act on them and take the steps necessary to break down the barriers between police and community which prevail in many parts of Northern Ireland. We feel that the action which we recommend throughout this pamphlet would constitute a positive step forward in restoring normality.

THE DIPLOCK PROCESS IN NORTHERN IRELAND TODAY

by Dermot Walsh, Cobden Trust Research Student at Queen's University, Belfast

RESEARCH ON EMERGENCY LAWS

When it was first introduced in 1973 the Northern Ireland (Emergency Provisions) Act made far reaching changes in the administration of justice. In the last two years I have carried out detailed research into two aspects of these changes: police powers of arrest and interrogation and the operation of Diplock Courts. The empirical side of this work consisted of two distinct but related exercises. The first involved a survey of individuals who had been arrested under the emergency legislation, interrogated and then released without charge between December 1980 and June 1981. I interviewed sixty individuals representing both communities, from rural and urban environments and old and young. Cases of this kind account for ninety per cent of all arrests made under the emergency legislation. In each case the individual concerned gave me a detailed account of his experiences from the moment of his arrest to his release.

The second exercise consisted of a detailed analysis of the court files on all the cases which appeared before the Diplock Courts in January, February and March 1981, a total of 170 cases. These files incorporated a record of the police interrogation of the suspect as well as details of the suspect's age, occupation, address, previous record, the charges against him, his plea, the outcome of the trial and the sentence, if any. The material in the official files on the interrogation of these defendants allowed a comparison to be made between the police account of interrogation and that of the suspects whom I interviewed in the previous exercise.

EMERGENCY POWERS AND DIPLOCK COURTS

Before discussing the results of these surveys it is necessary to consider briefly the basic components of the emergency apparatus. The first important aspect is the extended powers of arrest. Under **Section 11** of the Northern Ireland (Emergency Provisions) Act 1978 the police can arrest anyone whom they suspect of having been or being involved in terrorism. The suspect can then be held in police custody and interrogated for up to three days. Under **Section 12** of the Prevention of Terrorism Act 1976 the police can arrest anyone whom they reasonably suspect of having been, or being, involved in terrorism, and can hold him for forty-eight hours followed by a further five days if the approval of the Secretary of State is forthcoming. These powers have been interpreted in the courts in such a way tht the police, in making such an arrest, do not have to suspect the individual of any particular offence; an arrest under either statute may be regarded simply as the first step in the investigations into whether the suspect was involved in any terrorist activity as held in **ex parte Lynch**. The other important power of arrest, conferred by **Section 14** of the 1978 Act, is that which allows a member of Her Majesty's forces on duty to arrest anyone whom they suspect of committing or of having committed or being about to commit an offence. The arrested person can then be held for four hours. Here there is no need for the offence to be connected with terrorism at all. But it would seem that the individual must actually be suspected of a particular offence before the arrest will be lawful.

If the suspect makes a confession while being interrogated in police custody, the rules governing the admissibility of that confession in a Diplock Court differ substantially from those in an ordinary criminal court. In the latter the prosecution must prove beyond a reasonable doubt that the confession was given voluntarily by the accused. Voluntary in this context means that it was not given by him out of fear of prejudice or as a result of some hope of advantage exercised or held out by a person in authority or by oppression. Further, if the police do not comply with the judges rules during the questioning then there is always the possibility that any confession obtained would be excluded by the judge in the exercise of his discretion.

In a Diplock Court it is much easier for the prosecution to have a confession admitted. For a confession to be included, the accused must raise a prima facie case that he was subjected to torture, inhuman or degrading treatment, and the prosecution must then fail to prove beyond a reasonable doubt that it was not so obtained. Despite the fact that the judges have retained a discretion to exclude confessions even if the case falls short of the 'torture, inhuman or degrading treatment' test, it is obvious that many confessions which would be inadmissible in the ordinary system are admissible under the Diplock system.

The other major feature of the Diplock system is that the courts sit without a jury. The decisions on questions of fact and law are taken by the judge alone. There is no input from laymen at all.

RESEARCH FINDINGS

Though the analysis of the survey on the court files is still only at a preliminary stage, the results of my two research studies have highlighted some disturbing features of the operation of this emergency apparatus.

The first feature is the apparent use of the emergency apparatus in non-terrorist type cases. When the Diplock system was first introduced in 1973 it was widely regarded as a temporary creation designed to deal with the peculiar problems of political violence prevailing at the time. It was expected tht when the violence finally disappeared so too would the Diplock system. What seems to be happening

ho..ever, is that the emergency system is gradually displacing the normal procecures for dealing with crime. In my sample of trials over 40% of the cases did not appear to merit the label 'terrorist' at all in the sense of being motivated by loyalist or republican paramilitaries or by sectarianism or having been committed by the security forces in dealing with terrorism. Instead they were ordinary criminal actions carried out for ordinary motives. Most concerned armed robberies, although there were some truly bizarre cases such as attempted rape and indecent assault. Yet all these cases were tried before the special non-jury courts with their special rules of evidence rather than before the ordinary criminal courts.

The fact that so many ordinary criminal cases are dealt with by the Diplock Courts highlights the ease with which the emergency sytem can displace normal procedures. In order for a case to be tried before the Diplock Courts it need only involve at least one 'scheduled' offence. But virtually all offences which could possibly be committed by terrorists in pursuit of their goals are scheduled. So if an individual is charged with committing a scheduled offence, even if there is no terrorist motivation at all, he may find himself before a Diplock Court.

INEFFECTIVE SAFEGUARD

The safeguard in this context is a discretion vested in the Attorney-General to de-schedule charges in individual cases where he thinks that there is no terrorist element involved. Why then are such a large number of ordinary criminal cases finding their way through to the Diplock Courts? There are two possibilities. Firstly it could be that the Attorney-General is failing to exercise his power to deschedule and is automatically passing all scheduled offences to the Diplock Courts irrespective of motivation; the second possibility is that the police might be supplying further details on the accused to the DPP which are not directly relevant to the charge itself and which are not made available to the accused. The precise reason or reasons are not immediately obvious.

MISUSE OF EMERGENCY POWERS OF ARREST

The surveys also suggest that the police are using their emergency powers of arrest in situations where their ordinary powers would have sufficed. Although only 60% of the cases in my sample court cases concerned a terrorist-type charge, over 80% of the related arrests were carried out under emergency legislation. This would suggest not only that ordinary criminal cases are finding their way into Diplock Courts but also that the police are using their emergency powers of arrest in ordinary criminal operations.

Furthermore, there is evidence that they are using their emergency powers of arrest in operations, whether of a terrorist nature or not, where their ordinary powers would have sufficed. IN sixty-eight cases the arrest was carried out elsewhere than at the suspect's home (i.e. in circumstances where it was more likely that the police would have sufficient knowledge to use their ordinary powers of arrest). IN fifty-two of these cases it was known which power of arrest the police actually used, as were the surrounding circumstances. I reckoned that in almost 80% of these the police used their emergency powers of arrest where their common law powers would have sufficed. In the remaining 20% of cases they did, in fact, use their common law powers.

It would seem, therefore, that the police are deliberately making use of their emergency powers of arrest and interrogation much more often than they actually need to. It is not difficult to understand why they do. It allows them to hold the suspect for a much longer period of time; it allows them to question him on a much wider range of matters; and it frees them from the shackles of the Common Law requirements of a valid arrest. In short it gives them much more power over the suspect. While this makes life much easier for the police, it must not be forgotten that it represents a fundamental shift in the balance between the powers of the police and the liberty of the individual; a shift which is not being confined to terrorist-related operations.

THE OUTCOME OF DIPLOCK TRIALS

Some idea of the dangers inherent in allowing the emergency apparatus to become the norm in the administration of justice can be gained from the survey of Diplock trials. In my sample guilty pleas were entered in almost 90% of cases. This represents a noticeable increase in the firgures for 1979 published by Boyle, Hadden and Hillyard in **Ten Years On in Northern Ireland**. It continues an almost steady annual increase in the rate of guilty pleas in the Diplock trials from their inception in 1973, when it was 56%.

When these guilty pleas are examined more closely it appears that confessions made in police custody play a major part. My survey reveals that in over 90% of these pleas it was alleged that the accused had made a confession to the police, and in over 80% of these the resultant conviction was based either wholly or substantially on the confession. The importance of confessions in Diplock trials is further emphasised by the fact that in almost 90% of all cases in my survey the accused was alleged to have made one. This represents a slight increase in the figures for 1979 produced by Boyle, Hadden and Hillyard.

INADMISSIBLE CONFESSIONS

It has already been seen how the special rules of evidence in the Diplock Courts render more confessions admissible than would be admissible at common law. My survey suggests that some of the confessions would have been inadmissible at common law. In almost 20% of cases the police did not appear to suspect the accused of being involved in any particular offence when they arrested him. In these cases the questioning in police custody would usually begin with a general discussion on terrorist or criminal activities in the area where the accused lived. This would be interspersed with, or followed by, questions about his family, his background, his movements, inter-

es and associates. The suggestions would constantly be made that the police believed that the accused had been involved in some criminal or terrorist activity without ever specifying what that might be. The ultimate result in every one of these cases was a confession by the accused of having taken part in some criminal or terrorist activity.

The very distinct impression I get from these cases is that the accused is not giving the confession voluntarily but as a reult of the psychological pressures which he is under. As we shall see later, the police would almost certainly have detailed information on the life and movements of the accused. It appears that they use this information to convince him that they know all there is to know about him. In these circumstances if they constantly tell him that they have information that he was involved in something it is likely that the accused will eventually be convinced that they firmly believe he has done something. It is not hard to imagine, given the reputation of the interrogation centres at Castlereagh and Gough, that the accused will be reluctant to persist in his denials of their assertions and will eventually make a confession to something, whether true or not. Other factors would contribute to his willingness to make a confession, not least the fact of being taken from the safety of his bed at six o'clock in the morning and thrust into the unfamiliarity of Castlereagh or Gough, and the fear that he will not be released until he has confessed to something.

Under the common law it is highly unlikely that confessions taken in such circumstances would be allowed to be given in evidence. Under the emergency legislation, however, it appears that the practice is quite legal and that the confessions would be admissible under the special rules on the admissibility of confessions. Under their emergency powers of arrest the police do not have to suspect the accused of any particular offence in order to arrest and interrogate him. A confession will only be ruled inadmissible if the prosecution fail to prove beyond a reasonable doubt that it was not obtained by torture, inhuman or degrading treatment, or if the judge decides to exercise his discretion. The practice described above can hardly be described as torture, inhuman or degrading treatment. As for the judge's discretion, it is hardly ever exercised in these cases; in my survey there was only one acquittal in cases of this kind.

Many of the practices which are now regularly employed in Northern Ireland in both 'terrorist' and 'non terrorist' cases could only be described as oppressive — the arrest of a person without suspecting him of having committed a particular offence, taking him to a specially constructed interrogation centre and subjecting him to repetitive interrogation sessions in which he is constantly told that the police believe he has committed a crime and that it would be in his own interest to make a full confession, particularly when the accused knows that he can be subjected to such treatment for at least three days, and perhaps up to seven days. Are convictions obtained in such circumstances acceptable?

On the one hand it could be argued that the suspects in these cases are only confessing to crimes they actually committed. On the other hand, it could be that these suspects, or some of them, are innocent and only gave the confessions through fear of the possible consequences of not doing so, or simply out of a desire to get out of the alien environment of the interrogation room and back to the safety of their homes. Can we be satisfied that confessions obtained in such circumstances are reliable, or is there sufficient doubt to require a tightening of the rules in relation to arrest, interrogation and the admissibility of confessions? The common law accepts that there is a sufficient doubt and refuses to acdept such confessions. A very strong case, therefore, would have to be made out to allow them into the Diplock Courts, especially when it appears that 40% of the cases before these special courts are ordinary criminal cases.

UNJUSTIFIED INTERROGATION

The importance of police arrest and interrogation practices is not confined to the confessions in Diplock Courts. As stated earlier, 90% of all cases in which arrests are made under the emergency legislation do not even reach the courts. In these cases the police simply arrest and interrogate the suspect and then release him without charge. The first survey I carried out was concerned solely with this type of case.

The most significant conclusion I arrived at in this survey was that the police seemed to be using their powers of arrest and interrogation to build up and maintain dossiers of information on the lives and movements of individuals. Of those interviewed only 28% said that they had been questioned about a specific offence. Many more claimed they were asked details about — themselves and their families (65%); other people (48%); and their political views (35%). Almost half claimed that they were subjected to verbal abuse (48%) and one third to pressure to pass on information (35%).

The analysis of Diplock trials provided further evidence to support the view that one of the primary concerns of police interrogation is to build up and maintain dossiers on individuals and whole communities. In 56% of the cases the court records indicated that the accused was questioned about his family, his personal life, his associates and political sympathies. In 57% of cases it was recorded that the suspect was asked about what was described as "other matters". What these "other matters" are is not made clear in the records and one can only speculate to as to their content.

PROLONGED INTERROGATION

The extent to which the police are using their powers of arrest and interrogation as a primary means of policing is further illustrated by the fact that in the sample although 80% of the confessions were made within the first six hours of interrogation, in 85% of known cases the suspect was held in excess of twenty-four hours. Furthermore, in almost 60% of confessions the suspect was interviewed for more than two hours after

h[illegible]ad actually made the confession. In some of these cases the questioning produced further confessions, but in many it revolved around the suspect's knowledge of general terrorist or criminal activity in this area, his family, his interests and movements and his associates.

Under normal circumstances powers of arrest are conferred on the police to apprehend persons whom they reasonably suspect of having committed an offence. The power to question is conferred on them to separate those cases where the initial suspicion appears justified from those where it is not, the former being charged, the latter released. The judges rules specifically require that the police charge a suspect as soon as they have sufficient evidence to do so and forbid any substantial questioning after that moment. What would appear to be happening under the emergency legislation in Northern Ireland is that the powers of arrest and interrogation are being deliberately used to build up dossiers on individuals and communities, to keep a check on the movements of individuals, to check whether individuals have been involved in any criminal activity and to intimidate them from becoming so involved.

ARMY SCREENING

Nor is it only the police force which is indulging in such activity. The army, currently portrayed as a mere back-up force to the RUC, also appear to be indulging in these practices. In the period 1st June 1980 to 31st May 1981, 1,503 persons were arrested by the army under their 'four hour power'. Of these only 418 were transferred to the custody of the RUC. What happened to the other 1,085? From my first survey it appears that the army, too, are not primarily concerned with whether the individual has committed an offence, but with building up and maintaining files on the individuals, their families and their associates. In the case of the army this is not only blatantly illegal; it also contradicts the myth that the army is merely playing a back-up role to the RUC. By making arrests and carrying out "screening" interrogation on such a large scale, they are fulfilling the role of a police force, and what is more a role more often associated with a police force in a totalitarian state.

NORMALISATION

It would appear, thereofre, that the "temporary" emergency provisions introduced into Northern Ireland in 1973 are more and more becoming the permanent face of the administration of justice. It would be a mistake, however, to believe that these characteristics of law enforcement in Northern Ireland will not become a permanent feature of the administration of justice in the United Kingdom. The Royal Commission on Criminal Procedure has recommended new rules on the admissibility of confessions very similar to those now in force in Northern Ireland, and new powers of arrest and interrogation not at all dissimilar to those enjoyed by the RUC. If these are accepted then it can be expected that the features described here will become a United Kingdom phenomenon.

REPORT OF THE WORKING GROUP DISCUSSION ON EMERGENCY POWERS

The working group on emergency powers was chaired by Richard Ferguson Q.C., a regular practitioner in Diplock Courts. The discussion focused on three major features of the operation of emergency laws: the control of powers of arrest; the control of interrogation practices; and the practical effects of the suspension of jury trial.

ARREST POWERS

The group considered a number of methods of controlling the very wide powers of arrest conferred on the security forces under the Northern Ireland (Emergency Provisions) Act 1978 and the Prevention of Terrorism (Temporary Provisions) Act 1976. It was generally agreed that the formal difference between the powers of arrest under the two statutes — reasonable suspicion being required under the Prevention of Terrorism Act as opposed to mere suspicion under the Northern Ireland (Emergency Provisions) Act — made little practical difference in that it would be very difficult to challenge an arrest under either of the two statutes. The security forces could readily claim to have made an arrest on the basis of 'information received' which could not be produced without jeopardising their sources or breaching the undertaking in respect of information given on the confidential telephone.

A further difficulty was that the power to arrest on suspicion of membership of an illegal organisation, which is an offence under the Prevention of Terrorism Act, made it easy for the security forces to justify arrests of those suspected of general 'involvement' rather than of having committed specific acts of terrorism. There was a general feeling that if the powers of arrest were to be effectively curtailed and restricted to cases in which there was reasonable suspicion of specific terrorist activity it would be essential to remove the power to arrest on suspicion of membership or information offences.

The group did not come to any firm conclusion on these issues. But it was generally agreed during subsequent discussion at the plenary session that it was important, not least in preventing the arrest of individuals for general 'screening' or information gathering purposes, to remove the general powers of arrest under section 11 of the Northern Ireland (Emergency Provisions Act and section 12 of the Prevention of Terrorism Act and to replace them with a single power to arrest on reasonable suspicion of involvement in specific terrorist acts.

It was also agreed during further discussion at the plenary session that it would assist if the authorities were required to produce a record of the reasons for arrest before it had been made, and to compensate those held for long periods on charges which

were subsequently withdrawn.

INTERROGATION

It was generally agreed that while the problems of intimidation and fear of reprisals persisted some power to hold suspects for interrogation was justifiable. It was also agreed that since the implementation of most of the recommendations of the Bennett Committee the problem of physical abuse during interrogation had been more or less eliminated. But there was evidence, both from Dermot Walsh's surveys and from practitioners, that the police were relying increasingly on oral confessions and 'verbals'. It was very difficult to contest such claims, since it was in effect the word of several policemen against one suspected terrorist. In addition the police story was likely to be supported by the production of notes which had been carefully prepared to support the claim of a confession and which could not effectively be challenged. The only possible defence against an alleged oral confession or damaging 'verbals' was to attempt to pick holes or to point out inconsistencies in the police evidence. But judges in Diplock courts were not sympathetic to such tactics, despite the widespread belief that police notes of interrogation sessions were constructed in standard form after the event.

The group considered a number of ways in which possible abuse of interrogation powers might be controlled. It was generally agreed that it would be of some assistance if the RUC Code of Interrogation Practice was published and if confessions should only be admitted if the Code was shown to have been adhered to. But it was also agreed that this would not get to the heart of the problem, that there was no guarantee that the police record of what happened during the interrogation was accurate. The most obvious solution would be the tape recording of interrogation sessions and a requirement that the tape of any alleged confession or 'verbal' be produced. Alternatively it might be made a requirement that any contested confession should be corroborated in the same way that identification evidence must now be corroborated.

DIPLOCK TRIALS

It was generally agreed that there was a serious problem of case-hardening among judges in Diplock trials. One practitioner made the point that judges find it difficult to avoid an implicit belief in the police side of the story and that defence counsel would never choose a judge trial in preference to a jury trial. The fact that judges often expressed satisfaction with the Diplock system was not unconnected with the fact that in Diplock trials the judge was in total control of all aspects of the trial, and had full access to all statements including those which might not be admissible before a jury. This meant that judges were often in the position of 'knowing' what was alleged to have been said by co-defendants in parts of their statements which were not formally admissible in evidence. There was some suspicion that the police were aware of this and prepared the record of interrogations accordingly.

On the other hand there was no general agreement that an immediate return to jury trial for all cases would be practicable given the risk of intimidation or sectarian attitudes. The best way to move forward in this sphere appeared to be to limit the number of cases coming before Diplock courts and to introduce some element of lay participation to reduce the risk of case-hardening. The former could be achieved by requiring the DPP to certify positively that a scheduled offence had been committed by members of a paramilitary organisation before a case could be tried before a Diplock court. The second could be achieved by appointing a panel of lay assessors, similar to those already provided for in juvenile courts in Northern Ireland, to sit with the judge in contested Diplock trials. Given the relatively small number of such cases, it was not thought that this would pose any serious problem in practical terms and that it was quite proper to ask selected members of the community to play their part in this way in the administration of justice in the difficult circumstances at present prevailing.

RESOLUTIONS

Following the report to the plenary session of the conference of the discussion at the working group on emergency powers the following resolutions were unanimously carried.

1. That as an immediate measure the law should be changed to ensure no case is tried before a Diplock Court unless the Director of Public Prosecutions certifies that the offence is a scheduled offence involving terrorism as defined in the existing statute.
2. That the Committee on the Administration of Justice should continue to press for an official inquiry into the operation of the Northern Ireland (Emergency Provisions) Act in addition to that which had recently been appointed to review the operation of the Prevention of Terrorism Act.
3. That the working group on emergency powers should arrange meetings with both barristers and solicitors who practised regularly in Diplock Courts to pursue discussions on the practical operation of the system.

It was further resolved that the working group on emergency powers should pay particular attention in its discussions and representations to the following issues:

1. The elmination of 'screening', possibly by the repeal of section 11 of the Northern Ireland (Emergency Provisions) Act and section 12 of the Prevention of Terrorism Act and the imposition of a general requirement that any arrest for interrogation should require a reasonable suspicion that the individual arrested had been involved in a specific act of terrorism other than membership of an illegal organisation.
2. The exclusion from trials of evidence obtained by improper interrogation practices, possibly by requiring proof of compliance with a published code of interrogation practice, and in addition by requiring the production of a tape recording of any oral admission and/or corroboration of any contested confession.
3. The introduction of an element of lay participation in Diplock trials, possibly by the appointment of lay assessors.
4. The provision of suitable provisions for the compensation of those held in custody for long periods prior to the dropping of all charges.

The Committee on the Administration of Justice is a broadly based group set up with the intention of securing 'the highest standards in the administration of justice in Northern Ireland by examining the operation of the current system, and promoting the discussion of alternatives'. It involves community activists, academics and lawyers, and was established after a conference held in Belfast on June 13, 1981, with the intention of providing an opportunity for people with a professional or personal concern about the standards of justice in Northern Ireland to exchange information and opinions. The CAJ currently works through three working groups, on emergency law, prison reform, and policing, and it is hoped to establish a further group to work on the problems of young people and the law. Through the publication of pamphlets such as this and the organisation of conferences and seminars the CAJ aims to raise the level of public debate and understanding on these important issues; further information about the Committee on the Administration of Justice and copies of its publications can be obtained from:

The Secretary,
Committee on the Administration of Justice,
c/o 7 Lower Crescent, Belfast 7.

Publications

CAJ Pamphlet No. 1: The Administration of Justice in Northern Ireland: the proceedings of a conference held in Belfast on June 13, 1981 .....50p

CAJ Pamphlet No. 2: Emergency Laws in Northern Ireland; a conference report.

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