



Winner of the 1998 Council of Europe Human Rights Prize

**Submission to the United Nations Human Rights Committee**

**Proposed Questions and Comments on the Fifth Periodic Report  
submitted by the Government of the United Kingdom under the  
International Covenant on Civil and Political Rights**

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*What is the Committee on the Administration of Justice (CAJ)?*

CAJ is an independent non-governmental organisation which is affiliated to the International Federation of Human Rights (IFHR). CAJ monitors the human rights situation in Northern Ireland and works to ensure the highest standards in the administration of justice. We take no position on the constitutional status of Northern Ireland, seeking instead to ensure that whoever has responsibility for this jurisdiction respects and protects the rights of all. We are opposed to the use of political violence.

Since 1991 CAJ has made regular submissions to the human rights organs of the United Nations and to other international and regional human rights mechanisms. These have included the Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, the Human Rights Committee, the Committee Against Torture, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Special Rapporteurs on Torture, Independence of Judges and Lawyers, and Extrajudicial, Summary and Arbitrary executions, the European Commission and Court of Human Rights and the European Committee on the Prevention of Torture.

CAJ works closely with international NGOs including Amnesty International, the Lawyers Committee for Human Rights and Human Rights Watch.

Our activities include: publication of human rights information; conducting research and holding conferences; lobbying; individual casework and legal advice. Our areas of expertise include policing, emergency laws, children's rights, gender equality, racism and discrimination.

Our membership is drawn from all sections of the community in Northern Ireland and is made up of lawyers, academics, community activists, trade unionists and other interested individuals.

In 1998 CAJ was awarded the Council of Europe Human Rights Prize in recognition of its work in defence of rights in Northern Ireland.

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## **Comments on the Fifth Periodic Report of the United Kingdom under Article 40 of the International Covenant on Civil and Political Rights.**

### *Introduction*

During the course of our comments, we will essentially mirror the submission of the UK government in terms of relevant articles and the division of subjects. In addition when we refer to the UK's submission we endeavour to include the relevant paragraph numbers from their report.

At the conclusion of a discussion on a particular issue, we have also generally included a suggested question which members of the Committee may wish to put to the UK delegation. These questions are also brought together for the convenience of the Committee at page 23 of our comments.

Generally, in respect of Northern Ireland, we are concerned that the UK report does not provide the Committee with sufficient detail to inform its considerations. We have therefore, where appropriate, sought to provide the necessary information.

While undoubtedly, the human rights situation in Northern Ireland, has improved significantly since the last occasion when the Committee examined the UK, much, in our view, remains to be done. In particular much of the legal and institutional framework which allowed violations to flourish relatively unpunished remains in place. Continued international vigilance therefore remains vital.

This is particularly so given the response to the measures suggested by the Human Rights Committee following the last examination of the UK. On 26<sup>th</sup> October 1995 Baroness Blatch, Home Office Minister of State in the upper house of the British Parliament was asked if any action had been taken in consequence of the Human Rights Committee's comments. She replied "We do not plan any specific changes in our arrangements for the protection of human rights in the United Kingdom in light of the committee's views....The Government regret that the [Human Rights] committee does not appear to have taken into account our long-standing cultural traditions and other particular circumstances which determine the way in which human rights are protected in this country nor the fact that the protection provided in the United Kingdom in relation to human rights is among the best in the world."

We find this response from a government spokesperson extremely disturbing and dismissive of the international human rights obligations of the UK. Baroness Blatch was of course a minister in a different government to the present UK administration. We would hope however for a more helpful response from the UK to whatever recommendations the Committee chooses to make on this occasion.

**Perhaps the Committee may wish to ask the UK if the parliamentary answer given by Baroness Blatch in the House of Lords on 26<sup>th</sup> October 1995 in relation to the last examination of the UK by the Committee, is an accurate reflection of the current government's attitude to its international human rights commitments.**

## **Article 2(2) and 26 Non-discrimination**

### *Race Relations in Northern Ireland (paras 70 - 73)*

A single Equality Commission was created in 1999 bringing together the long established Fair Employment and Equal Opportunities Commissions (dealing with religious/political and gender discrimination respectively) and the very new Commission for Racial Equality in NI (a fourth body, the Disability Council, was also included - see on for discussion of disability). While race relations legislation has existed for over 25 years in Britain, it has only recently been extended to Northern Ireland (thanks in no small measure to interventions by the UN Committee on the Elimination of Racial Discrimination). Concerns have already arisen as to the level of priority that is being accorded to race issues in the new arrangements. It would be completely unacceptable for race issues to be overlooked or marginalized merely because the numbers of people involved are small. Quantity is no indicator of the quality of disadvantage or inequality.

**We would respectfully urge the Committee to ask the government what proportion of the Equality Commission's staff, budget and legal casework are directly aimed at the need to protect members of ethnic minority communities from racial discrimination and ensure greater equality of opportunity for them.**

### *Religious and Political Discrimination in Northern Ireland (paras 74 – 83)*

For all government's efforts, this situation remains very serious and is a clear example of an inequality which very directly feeds and fuels the wider political conflict.

According to latest government figures, the unemployment differential, that is the ratio of the unemployment rates of Protestants and Catholics, is 1.9 for males, 1.6 for females and 1.8 overall for both sexes. This situation is even worse in relation to long term unemployment. Many studies have been carried out over the years and they highlight a clear consensus about what is needed to address these stark facts. Government has taken on board some of the many recommendations made, but has consistently refused to fully comply with the most far-reaching recommendations for example, the setting of clear goals and timetables and the employment of contract compliance as a tool of social policy.

**We would be grateful if the Committee could ask the UK**

- (a) why it delegated to the Equality Commission the responsibility of setting goals and timetables in reducing the unemployment differential, and what goals and timetables for change have been established?**
- (b) what measures has government taken to extend the potential of affirmative action programmes to address the continuing legacy of inequality in unemployment/health/education faced by the Catholic community?**
- (c) how does the government intend to use the current review of procurement practices in Northern Ireland to ensure that the £1bn of public funds that this**

**represents is harnessed to ensure a more equal (and therefore more stable) society?**

**(d) with regard to the data provided in the government's own report, the Committee may also want to ask what measures will be taken to improve the throughput of the Fair Employment Tribunal given the excessive number of 'live' cases still under consideration?**

### *Statutory Duty*

The Good Friday Peace Agreement led to a statutory duty on public bodies to promote equality of opportunity across a range of groups. At the time of the passage of the legislation in Parliament the Minister responsible stated that exemptions from the legislation would be 'used only in rare circumstances – for instance, when public authorities' activities in Northern Ireland are minimal and the effort involved in preparing the scheme, and having it validated by the Commission, would be disproportionate'.

However, to date the Secretary of State has still not designated a number of key organisations in Northern Ireland, namely the British Broadcasting Corporation and the offices of the Director of Public Prosecutions and the Crown Solicitor. Moreover, the government has still not designated a number of UK government departments that have a significant influence on the furtherance of equality within Northern Ireland - namely, the Home Office, (with responsibilities for asylum and immigration), the Treasury, (with responsibility for finance) and the Ministry of Defence. This leaves broad and important areas of public decision making outside the requirement to promote equality of opportunity.

**The Committee may want to ask the government why there has been such a delay in bringing key UK government departments within the scope of the new statutory duty on equality in Northern Ireland, and when this omission is likely to be rectified.**

### *Disability discrimination*

The government report makes little reference to the deep disappointment, not to say anger, that the passage of the DDA created among many people with disabilities. While excellent that a piece of anti-discrimination legislation now exists in this area, issues of fundamental importance to people with disabilities (most notably education, training, transport etc.) were either not addressed at all, or addressed quite inadequately or unhelpfully. The slowness in developing any adequate enforcement mechanism, and the weakness of such mechanisms that now exist, are also obviously of concern.

The needs of people with disabilities are increasingly seen at the international level to be a matter of basic human rights and human dignity. It is certainly perceived that way by people with disabilities and the challenge to government must be to turn this principle into practice.

## *Gender*

CAJ needs to add little to the government report (see in particular para 100). The issue that the Committee will want to explore is whether anything has happened to the various recommendations helpfully tabulated by government?

The Equal Opportunities Commission for NI made these recommendations in 1997 and, to our knowledge, little action has been forthcoming. It is unfortunate that government chose to report the recommendations and not indicate whether or not they have been accepted, and when and how they will be implemented. A single Equality Bill is being developed for NI and this should provide an occasion for improving and strengthening all the anti-discrimination regimes (see on).

**The Committee may want to ask the government to indicate what steps it has taken, or intends to take, to ensure that all of the proposals from the Equality Opportunities Commission of Northern Ireland cited in para 100 will in fact be integrated into the new Bill.**

## *Single Equality Bill*

With devolution, most responsibilities for anti-discrimination and the promotion of equality have been devolved to the Northern Ireland Executive. The Committee may want to welcome the early signals from the Executive that they intend to take this responsibility seriously and, as a first step, create a harmonised single piece of anti-discrimination legislation. Such a measure, if well done, could simplify while strengthening current legal protections.

**The Executive has already committed itself to ensuring that there will be no diminution of protection and, since this is a basic principle of international law, the Committee may want to endorse this stance and ask for a report on developments at its next examination?**

## **Article 4 – Derogations (paras 124-126)**

When the UK was last examined by the Committee, the Committee recommended that the UK withdraw its derogation from the Covenant. We obviously welcome the decision of the UK to comply with this recommendation and withdraw the UK's derogations from the ICCPR and the European Convention on Human Rights. However we remain concerned that the new arrangements for extended detention under the Terrorism Act are far from satisfactory.

The new arrangements appear to have been designed to deal primarily with the judgment of the European Court of Human Rights in *Brogan v UK* which held that detention without recourse to a judicial authority for more than four days was incompatible with the Convention. The Terrorism Act, for the first time, introduces a judicial element into the procedures for extended detention in that after two days the police must apply to a magistrate for authority to detain the suspect further. However, the magistrate can then authorise detention for a further five days without further judicial review. In our view this runs contrary to the spirit if not the letter of the Covenant and indeed the Convention.

**We would therefore be grateful if the Committee could ask the government delegation why the Terrorism Act allows for detention of up to five days following initial judicial authorisation without the necessity for further judicial intervention in such cases?**

## **Article 6 – Right to Life (paras 135-137)**

In its concluding comments following the last report of the UK under the ICCPR, the Committee noted its concern that “notwithstanding establishment in the UK of mechanisms for external supervision of investigations of incidents in which the police or military are allegedly involved, especially incidents that result in death or wounding of persons, as the investigation are still carried out by the police, they lack sufficient credibility.”

Unfortunately the government has done little to change the way in which such investigations are carried out. In Northern Ireland in particular, where the state has been responsible for some 360 deaths during the conflict, and where the collusion of agents of the state has been alleged in many more cases, the lack of transparent investigation has become an acute problem. Not only have the police been the lead institution investigating such incidents, but the reasons for prosecutorial decisions subsequently taken by the office of the Director of Public Prosecutions (DPP) are not made public. The fact that the DPP, in the vast majority of cases, refuses to prosecute, increases public dissatisfaction with the process.

The inquest system compounds this dissatisfaction. Witnesses who have been responsible for the deaths are not compellable and the jury cannot apportion blame or indeed come to any conclusion beyond who the deceased was and how, when and where they died. In addition inquests in disputed killings often do not occur until years after the deaths. While the government did announce a review of the inquest system in Britain and Northern Ireland earlier this year, this also appears to be characterised by delay. At the time of writing it is still not clear who will serve on the review or the timescale envisaged by the government for the work of the review.

While the government provides statistics dealing with the situation of a small number of prosecutions since 1983 (para 136), the statistics relating to the 360 deaths caused by the police and army are more startling. There have been in the region of thirty prosecutions which have resulted in three extant convictions for murder. In those three cases the soldiers involved were all released after serving only a very small portion of their life sentences. In each case the soldier involved was welcomed back into the army.

On 4<sup>th</sup> May 01 the European Court of Human Rights delivered highly significant judgements in relation to these matters in the cases of *Kelly v UK*, *Shanaghan v UK*, *Jordan v UK* and *McKerr v UK*. These cases, two of which were taken by CAJ, concerned the deaths of eleven individuals at the hands of the police and army in Northern Ireland and one individual allegedly killed as a result of collusion between the police and his killers.

The cases focused primarily on the lack of proper investigations into the deaths, the applicants alleged that the procedural aspect of Article 2 of the European Convention, had been violated. In an important step, the Court also placed great significance on the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. The UK argued that the combination of police investigations, the review by the DPP, the inquest system and the possibility of

civil proceedings satisfied the requirement that there be an independent and effective investigation. This approach was rejected by the Court which found violations of the right to life in all four cases and subjected the inquest system and the office of the DPP to particular criticism.

**We would be grateful if the Committee could ask the UK what changes it intends to make to the way in which incidents of lethal force are investigated in light of the judgements from the European Court of Human Rights in the cases of *Kelly, Shanaghan, Jordan and McKerr v UK*. In addition we would urge the Committee to ask the government what steps it intends to take to ensure that the four incidents which are the subject of the European judgements are now properly investigated and when such steps will be taken.**

**We would also be grateful if the Committee could ask the UK why 90% of the victims of state violence were from the nationalist community which, according to the 1991 census, makes up only 38% of the population.**

### *Plastic bullets*

The government also refer to the use of plastic bullet rounds, asserting that the use of plastic bullets has declined sharply in recent years. They however do not provide the Committee with the relevant statistics for the period from 1995.

In 1996 during seven days of public order disturbances surrounding the Drumcree march<sup>1</sup> police statistics indicate that 6002 plastic bullets were fired by the RUC. It is believed that the army fired more than another thousand. The annual average for the years from 1982 to 1995 was in the region of one thousand. There was therefore a massive increase in the number of bullets fired, many of which were fired in contravention of the guidelines for their use, and there was clear evidence to suggest that the weapon was used in a sectarian manner. There was a huge disparity between the number of plastic bullets fired at unionist and nationalist demonstrators.

The main period of unionist unrest during the period of 7<sup>th</sup>-14<sup>th</sup> July 1996 was during the first four and a half days until the disputed Drumcree march was allowed to proceed through the nationalist Garvaghy Road area. During the following three and a half day period, which was the main focus of the nationalist unrest following the forcing through of the Drumcree march, the RUC fired 5340 plastic bullets, almost eight times as many as had been fired from 7<sup>th</sup> until 11<sup>th</sup> July. There is no evidence to suggest that the level of public disorder was proportionately more serious during this period than during the period of unionist unrest. The police have yet to provide an adequate explanation for the apparently sectarian manner in which plastic bullet weapons were used in this period. **We urge the Committee to ask the UK what official examination was carried out to explain the differential use of plastic bullets, as between nationalist and unionist demonstrators, during the period of 7<sup>th</sup> – 14<sup>th</sup> Jul 1996 and what lessons, if any, have been learnt as a result.**

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<sup>1</sup> The annual Orange Order march at Drumcree has been a source of regular violence. Many unionists believe that it should be allowed to proceed through a nationalist area while many nationalists disagree.

Many of the problems in 1996 of course then re-emerged in 1997. In the period between 5<sup>th</sup> July and 11<sup>th</sup> July 2500 plastic bullets were fired, almost all in disturbances against nationalists. Two children, a 14 year old boy and a 13 year old girl were seriously injured. The boy, Gary Lawlor spent four days on a life support machine and eight months later, his mother stated that *“he is not the same boy as before...He can’t eat and he can’t sleep. He has been taking epileptic fits since he came out of hospital. He is deaf in one ear and has lost his sense of smell. His right hand trembles and he trails his right leg behind him.”*<sup>2</sup> The girl suffered major trauma to her face and mouth. **We believe the Committee should ask the government to explain the circumstances in which serious facial injuries were sustained by two children, given that government guidelines for the use of plastic bullets indicate that they should be fired at the lower body.**

In 1998 the level of public disorder associated with the annual marching season events was reduced compared with previous years. However, there were still 837 plastic bullets fired in little over a week, almost all at one location, in this case, against loyalist protestors. CAJ received many reports of upper body injuries including the loss of an eye. Additionally we continued to receive complaints that the weapon was fired at bystanders rather than at individuals engaged in illegal activity.

The government also fail to mention that the Committee Against Torture called in 1998, following its examination of the UK, for the abolition of plastic bullet rounds. This recommendation has simply been ignored by the UK. There is no reference to it in any of the official documentation we are aware of and, for example, the recommendation was not referred to in the terms of reference of a government steering group established to consider the future of plastic bullets. The government itself recently announced the introduction of a new plastic bullet, which they allege will be more accurate, but according to a report from the government’s Defence Scientific Advisory Council (DASC), may actually prove deadlier than its predecessor. DASC concluded that the new plastic bullet is “likely to increase the incidence of some intra-abdominal injuries”; “the severity of injuries to the brain is likely to be greater”; and, if it “does contact the head, and it strikes perpendicular to the skull, there is a risk that the projectile will be retained in the head.”

In addition the Northern Ireland Human Rights Commission conducted an investigation into the recording of the use of plastic bullets in Northern Ireland which was published in June 2001. The investigation found that the RUC’s record keeping was inadequate in a number of cases in which plastic bullets were used, and that several cases had been closed without adequate accountability measures being implemented.

**We would be grateful if the Committee could ask the government why they have ignored the recommendation of the Committee Against Torture to abolish the plastic bullet as a means of riot control.**

**We would also urge the Committee to ask the UK why it has chosen to introduce a new bullet which is, according to their own experts, more dangerous than its predecessor.**

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<sup>2</sup> Irish News 11<sup>th</sup> March 1998

## **Article 7 – Prohibition of Torture and Cruel, Inhuman or Degrading Treatment (paras 174-183)**

### *Police discipline and complaints in Northern Ireland*

CAJ welcomed the establishment of the office of the Police Ombudsman in Northern Ireland and in particular the fact that there will in future be independent investigation of police complaints. It is too early to determine if the new office will result in an increase in complaints being upheld or indeed disciplinary or criminal action being taken against police officers. Undoubtedly however, this will be one criteria, by which the success or otherwise of the new office will be judged. This is particularly so given the fact that the previous system resulted in negligible numbers of complaints being upheld.

While the government provided figures for the Committee in relation to the years 1993 –1998, these figures are seriously misleading. The vast majority of formal disciplinary charges each year relate to complaints from supervisory officers. In addition, a much higher percentage of those complaints is upheld and much heavier punishments imposed. For instance in 1997, according to the annual report of the Chief Constable, 145 of the 159 formal charges came from fellow officers. None of these resulted in a “not guilty” verdict. However, of the 14 charges which arose from members of the public making complaints, only one resulted in a guilty finding. This means that only one complaint from a member of public was substantiated in 1997 out of approximately 5500 complaints completed.

The table below illustrates the true picture in relation to police complaints lodged by members of the public in the years 1993-98.

	1995	1996	1997	1998	1999
Total number of officers facing disciplinary charges	67	67	70	61	47
Number relating to complaints from other officers (number upheld)	49 (46)	54 (51)	63 (63)	56 (56)	44 (1)
Number relating to complaints from members of the public (number upheld)	18 (5)	13 (8)	7 (1)	5 (5)	3 (1)

This table, drawn exclusively from statistics in the annual reports of the Chief Constable paints a very different picture to that contained in the UK’s report. Remarkably, only 20 complaints from members of the public were upheld in the five year period above. This was from a total of 24749 complaints lodged during this same period, again according to figures provided by the Chief Constable. Therefore the total number of complaints from members of the public upheld during this period is 0.08%.

**Perhaps the Committee could ask the government to explain these astonishing statistics and also explain how the new police service will function properly while so many apparently guilty officers remain in its ranks.**

*Military Discipline and complaints in Northern Ireland (paras 207-208)*

The UK correctly describes the mandate of the Independent Assessor of Military Complaints in paragraph 207. It excludes any complaint of assault and the Assessor mainly deals with claims of harassment, delay at roadblocks etc. However, the Assessor himself has complained that “[A]s can be seen, my powers are quite limited. Such limitation to the areas of non-criminal and non-compensatory complaints has created what I consider to be a serious gap in the civilian oversight of complaints.”

The Assessor made these comments in the context of discussing the cases of Bernard McGinn and Mícael Caraher who were arrested in April 1997 by the army. Seven men in total were arrested during that incident in what appears to have been an undercover operation carried out by members of the Special Air Service, a special unit of the army. Five of the men were arrested at one location, and CAJ understands that all of these men sustained injuries at the time of their arrest. Subsequently, four of the men were charged in relation to various offences.

CAJ received a detailed account of the serious assaults on Bernard McGinn and Mícael Caraher. Both men allege that they were badly beaten. Mr McGinn alleged that he was beaten repeatedly and then kicked by soldiers when he was both in an upright and in a kneeling position. He says that he was not offering any resistance. His injuries were so severe that he had to be taken by police to Craigavon Area Hospital where he was treated for injuries to both temples, severe laceration to the bridge of the nose, laceration of the mouth, extensive bruising and swelling to both eyes, laceration of the right ear which required stitching, injury to the back of the head which required staples, laceration of the right shoulder, an extensive injury to his right arm which has rendered it impossible for him to use his right hand, injury to the lower back, knees and legs. When we spoke to Mr McGinn a number of weeks after his arrest there were obvious and apparent marks of the barrels of rifles on his arm which Mr McGinn alleges were driven into his forearm. So severe were the injuries sustained by this man that other detainees allege cleaners had to be brought in to clean up the blood which had spilled from him upon his arrival at Gough detention centre.

Mícael Caraher claims that he was subjected to repeated kicking and abuse and a weapon was placed in his mouth and he was told to smell it. He also was taken to Craigavon Area Hospital for treatment to damaged ribs, and a possible broken bone in his hand. He had to be taken to the hospital again during his detention.

Because this matter was a criminal complaint, it could not be investigated by the Independent Assessor of Military Complaints, and because it involved soldiers, it could not be supervised by the Independent Commission for Police Complaints. The government informed the Special Rapporteur, Mr Nigel Rodley that the matters were being investigated by the police. However CAJ are aware that the matter has been considered by the DPP and no prosecutions are to take place. **We would respectfully urge the Committee to ask the government for details of the investigation into the assaults on Caraher and McGinn by the army in April 1997, and the reasons for the failure to take any action against those responsible.**

**We would also be grateful if the Committee could ask the UK why no system for independent supervision/investigation of serious complaints against the military exists.**

*European Committee for the Prevention of Torture*

A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (ECPT) visited Northern Ireland from 29 November to 8 December 1999. During its visit, the ECPT delegation visited holding centres, prisons, and juvenile justice centres. The government gave its permission for the publication of the report on 3 May 2001. In this report, the ECPT explained that it had found significant evidence of ill-treatment during arrest. One of the more serious cases involved the arrests discussed above in the context of the Assessor of Military Complaints

Indeed, in each of the five cases, the medical officer at Gough Barracks found that the detainee bore injuries consistent with his allegations. Despite this, the government informed the ECPT on 30 June 2000 that the complaints against the police and army in these cases “have been fully investigated and no criminal or disciplinary procedures were directed by either the ICPC or the DPP.” In response to this, the ECPT has asked to receive a copy of the RUC’s investigation report, along with an explanation of the DPP’s decision not to prosecute the soldiers/police officers.

Another particularly disturbing case highlighted in the ECPT’s report involves a man held at Castlereagh Holding Centre between 29 October and 3 November 1999. This man had filed a formal complaint with the police, alleging that he had been physically assaulted in his cell and in an interview room. As the man’s allegations related (at least partly) to an incident in an interview room, members of the ECPT delegation watched the video tape corresponding to the period in question. They described the scene as follows:

When – a few moments later – the detainee enters the picture, he is being dragged by two uniformed officers (one of whom is holding his right arm, the other his left leg), who proceed to throw him against the interview room wall, on which he bangs his head. As the detainee lies prone, holding his head in his hands, the detective officers are seen to lift the desk, strike him with it, and then hold it down on top of him for nearly a minute. Afterwards, the detainee is carried out of the interview room (and out of the picture) by uniformed officers.

According to the ECPT, the tape “contains clear images of the detainee being physically mistreated.” The government insists, however, that it was the other way round; the detainee was assaulting the officers. In a letter dated 30 June 2000, the government informed the ECPT that the detainee’s complaint had been investigated and rejected.

In its report, the ECPT makes clear that it strongly disagrees with the government’s version of the incident. It emphasises that the ECPT’s description of the event is based on “at least three separate viewings of the video footage in question.” The

ECPT also found it “noteworthy that, some three weeks after the event, the ECPT’s delegation was the first body to request to view the video tape of this incident.” Specifically, the ECPT noted that neither the Deputy Independent Commissioner for the Holding Centres (who had recorded the detainee’s allegations in his logbook) nor the investigating RUC officer (to whom the formal complaint was submitted) had even bothered to view or request access to the video of the alleged assault.

**We would respectfully urge the Committee to ask the government why the Deputy Commissioner for the Holding Centres and the investigating RUC officer had not accessed the video of the interview referred to by the ECPT and also why no disciplinary or criminal action has been taken against the officers concerned.**

*Special Rapporteur on the Independence of Judges and Lawyers*

The UK report refers briefly to reports by the UN Special Rapporteur on the Independence of Judges and Lawyers, Dato’ Param Cumaraswamy at paragraph 183. It indicates that it has responded to these reports elsewhere and while, that is true, the UK has not responded in a manner satisfactory to the Special Rapporteur.

The Special Rapporteur visited Northern Ireland in late 1997 in response to growing concern about the situation of defence lawyers representing those detained under emergency laws. It was alleged that many of those lawyers were being subject to abuse and threats by interviewing police officers during interviews with clients. In addition, there was significant evidence that members of the police and army had colluded with the killers of defence lawyer Patrick Finucane in 1989.

The Special Rapporteur presented his report on his visit to Northern Ireland to the Commission on Human Rights in April 1998. He concluded that the police had engaged in intimidation and harassment of defence lawyers. He also called on the UK to establish an independent public inquiry into allegations of collusion by members of the police and army in the murder of Patrick Finucane. The Special Rapporteur has repeated this recommendations before the Commission on Human Rights in each year since 1998 but the UK has consistently refused to establish such an inquiry.

In his 1998 report the Special Rapporteur also highlighted the case of Rosemary Nelson. Ms Nelson was a practising lawyer in Northern Ireland, and although her name was deleted from the final report at the request of the Chief Constable, the Special Rapporteur was particularly concerned about her safety. In March 1999, Ms Nelson, who was an Executive Committee member of CAJ, was murdered. Responsibility for her murder was claimed by a loyalist paramilitary group but there were suspicions that members of the police or army also played a role in the murder.

These concerns have been highlighted by the fact that a man identified in the media as one of the main suspects in the murder, and convicted of other unrelated offences, was a serving soldier at the time of the murder.

In addition CAJ’s concerns about the police attitude to threats made against Rosemary Nelson increased shortly after her death. In August 1998, seven months before her

murder, CAJ sent two documents threatening the life of Ms Nelson to the Minister for Security in Northern Ireland. He informed us that these had been forwarded to the police for investigation. Nothing further appears to have been done. One week after Ms Nelson's murder, two police officers came to our offices seeking the originals of the documents in order to subject them to forensic testing. We immediately began to ask why this basic investigative step had not been taken eight months previously when the documents were given to the police. In addition we began to ask for details of what the police had done in the interim period leading up to the murder. We have not received an adequate response to these questions.

**We would therefore respectfully urge the Committee to ask the UK why the police did not seek the originals of these documents sent to the government by CAJ until after Ms Nelson's death. We would also be grateful if the Committee could ask for the details of what the police did in the seven months prior to the murder in response to the receipt of the threats.**

**When the UK was last examined before the Committee, the Committee urged the UK to make specific efforts "to enhance in Northern Ireland, confidence in the administration of justice by resolving outstanding cases." We would suggest the Committee ask the UK what specific efforts it has made in this regard.**

**We would also ask the Committee to urge the UK to establish public inquiries into the murders of Patrick Finucane and Rosemary Nelson.**

## Article 9 – Liberty and Security of the Person

### *Video and audio recording of police interviews*

We have already referred to the findings of the European Committee for the Prevention of Torture following their visit to Northern Ireland in late 1999 and in particular their discovery of a police video showing officers seriously assaulting a detainee. Thus, a safeguard which is designed to protect the rights of detainees, has proved in this case at least to be of minimal value. No action has been taken against the officers involved.

However, in addition to that finding, the ECPT also pointed to a number of instances when detectives conducted “unauthorised ‘off-tape’ interviews of up to five minutes with detainees.” Complaints were made to the ECPT that during these ‘off-tape’ interviews detainees were subject to threats and psychological ill-treatment.

**We would therefore respectfully urge the Committee to ask the UK what steps it has taken to discipline officers responsible for the ‘off-tape’ interviews, identified by the ECPT.**

### *Compensation arising from civil actions against the police*

While the government indicates that it is keen the police learn from civil actions taken against them, it appears that little has been learned in Northern Ireland. Indeed, if anything the situation seems to be getting worse. Thus, publicly available figures in relation to compensation claims against the police, suggest that adverse findings in such cases do not result in disciplinary charges against officers. For instance, £400,000, £440,000 and £700,000 was paid in compensation in 1995, 96 and 97 respectively resulting from 640, 860 and 980 claims. Given that, as we have seen, the number of substantiated complaints from members of the public in those years was 8, 5, and 1 according to the Chief Constable’s figures, it is difficult to detect any correlation between substantial complaints from the public and the quite high compensation figures.

In 1998 five complaints from members of the public were upheld. Almost one million pounds were paid out in compensation. In 1999, when again only one complaint from a member of the public was upheld, the total amount of compensation was £1,129,000, an increase of 15% on the previous year. Either the public purse is being improperly depleted, or there are many more justified complaints that are recorded.

**We would request that the Committee asks the UK to explain these alarming statistics and to indicate what steps it has taken, beyond those outlined in its report, to deal with the massive discrepancy between complaints upheld and compensation paid. In particular what steps has it taken to identify the officers involved and hold them to proper account.**

### *Legislation against Terrorism*

While the government has now repealed the two main pieces of nominally temporary emergency legislation which applied in Northern Ireland, the Emergency Provisions Act (EPA) and the Prevention of Terrorism Act (PTA), it has replaced them with a permanent Terrorism Act which applies across the whole of the UK. Undoubtedly a number of the most egregious provisions of the emergency regime have been deleted from the Terrorism Act, but the bulk of the EPA and PTA have been included in the new Act in a specific part of the Act which relates only to Northern Ireland. Thus the government has clearly contradicted its statement in the report to the Committee that its “position is that there will be no need for any temporary powers specific to Northern Ireland” (para 234).

This is profoundly disappointing. Since the beginning of the peace process many have identified emergency legislation as being one of the main stumbling blocks in the path to normalisation of society in Northern Ireland. In 1995 both the United Nations Human Rights Committee and the Committee Against Torture pressed the UK to begin to dismantle the emergency legal apparatus in Northern Ireland. In 1998 the UK appeared before the Committee Against Torture again and were again called upon to close the holding centres established to hold those detained under the PTA. They have not yet done so, except in the case of Castlereagh.

Under this legislation it is entirely possible that more than 10 years after the declaration of the IRA cease-fire there will still be extensive emergency powers in place in Northern Ireland. This flies in the face of the commitment the British government made in the Agreement to “make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat”.

We also believe that the continuance in force of these provisions will undermine the process of transformation in policing. Northern Ireland has operated under emergency legal powers since 1922. This has contributed to a culture of human rights abuse in the criminal justice system in general and among the police in particular. Granting such powers, even to a changing police service in Northern Ireland, will be to court failure of the whole policing project.

**We would therefore urge the Committee to ask the UK why they have passed specific legislation in relation to Northern Ireland in the Terrorism Act which is contrary to the spirit of the Good Friday Agreement and the indication they gave to the Committee in their report.**

**We would also be grateful if the Committee could ask the UK to give an indication as to when the Northern Ireland specific provisions of the Terrorism Act will be allowed to lapse.**

## Article 10 – Treatment of Detainees

### *Suicides in custody*

We are somewhat perplexed at the figures given by the government in relation to suicides amongst the prison population in Northern Ireland. According to the government figures there was only one prison death in Northern Ireland in 1996. In fact according to information provided to us by the Coroner's office in Belfast, four prison deaths were recorded as having taken place that year, all in Maghaberry prison. These were James McDonnell, Date of death 30/3/96; Stephen Hamill, Date of death 28/7/96; Vincent Edward Cunnane, Date of death 5/9/96; Janet Henry Holmes, Date of death 23/11/96. While it is accepted that the death of James McDonnell was not a suicide (see below), it still appears that there were three suicides during 1996 when the government is suggesting there was only one. In addition all of the deaths occurred in one prison establishment which gives the figures a rather different complexion.

The 1997 figures are also misleading. The government suggests that only one suicide occurred. According to the Coroner's office, there were in fact two; John McNutt, Date of death 28/5/97 and Robert Bradshaw, Date of death 27/12/97. These deaths also took place in Maghaberry prison.

While no figures are given for 1999 we are aware of at least one further suicide, that of Hugh McNamara on 1<sup>st</sup> February 1999. This death took place in Magilligan prison.

**We would respectfully urge the Committee to ask the UK to explain the apparent discrepancies between their figures on prison suicides in Northern Ireland and those from the Coroner's office. We would also suggest that the Committee may wish to ask the UK what measures have been put in place as a result of these deaths to ensure that similar deaths do not occur in future.**

James McDonnell died in Maghaberry prison on 30<sup>th</sup> March 1996. He had been restrained by prison officers and brought to the Punishment and Segregation Unit of the prison. Prisoners who spoke to him in that unit claim that he had told them that he had been beaten and that he thought his ribs were broken. He died shortly afterwards and the post mortem documents indicate that he had indeed suffered broken ribs along with bruising to various parts of the body, fracture of the breastbone and of a bony projection on top of the voice box.

**We would be grateful if the Committee could ask the UK to explain how Mr McDonnell received his injuries in Maghaberry prison in March 1996 and also why the Director of Public Prosecutions refused to prosecute anyone in relation to the death.**

### *Prison conditions*

While the government has closed the holding centre at Castlereagh, two other such centres, specifically designed for the interrogation of those accused of politically motivated offences, remain open. The European Committee for the Prevention of

Torture in its most recent report on Northern Ireland echoed the call of the Independent Commission on Policing for Northern Ireland (the Patten Commission) for the closure of all the holding centres.

**We would therefore ask the Committee to ask the UK why it has not closed all the holding centres and when it intends to do so.**

The ECPT also drew attention to the conditions prevailing in both Maghaberry and Magilligan prisons during its visit in 1999. It stated that in both prisons a small number of inmates were accommodated two to a 6 to 7 square metre cell. It found that at Maghaberry the situation was aggravated by the lack of partitioning of the in-cell lavatories. “Even in the event of single occupancy, prisoners held in these cells could be said to be living in a lavatory,” the CPT concluded.

Concern was also expressed that the practice of “slopping out” continued to be a regular feature of the morning routine at Magilligan prison.

**We would respectfully urge the Committee to ask the UK when it will ensure single occupancy in cells which are only 6 to 7 square metre cells. We would also be grateful if the Committee could ask the UK for a timetable for the ending of the necessity of “slopping out” in Magilligan prison.**

## **Article 14 – Procedural Guarantees in Civil and Criminal Law**

### *Diplock Courts*

Successive governments have justified the Diplock system and the other emergency powers that have been used in Northern Ireland on the basis that they were a temporary expedient necessitated by the public emergency posed by paramilitary violence. The departure from fundamental domestic and international norms, it was argued, was a necessary evil to protect the community from even greater harm.

CAJ has always questioned whether the panoply of powers contained within the emergency legislative framework, and especially the Diplock courts, was a reasonable and proportionate response to the conflict in Northern Ireland. We have always contended that the easy resort to emergency powers represented a grave abandonment of the state's responsibility to abide by internationally agreed human rights standards. The injury that has been caused to civil liberties throughout the three decades of violence has provoked a crisis of confidence in the institutions of the state and in the administration of justice in particular. In many respects, the use of emergency powers has proved to be counter-productive.

The necessity of a swift return to a non-emergency justice system should be obvious. The cessations of violence adopted by all the major paramilitary protagonists have been in place since mid to late 1994. With periodic exceptions these ceasefires have been maintained. The political representatives of these groupings have shown a willingness to engage in the political process and have worked to prevent a return to violence. There has been violent opposition to the peace process from dissidents on both sides, but these groups have received little support, and with the exception of the Omagh bombing, their actions have thankfully caused few fatalities.

CAJ believes that the caution which has attended the Government's deliberations on the question of the continued need for emergency powers can no longer be justified. The changing political and security context requires a radical change of approach to these issues.

No serious observer could contend that Northern Ireland remains in the throes of an emergency. Even if that situation ever pertained – an assertion that the CAJ has consistently challenged – the current climate is far removed from the definition of emergency accepted by international norms. In the absence of an emergency in Northern Ireland can the Government justify, on purely legal/security as opposed to political considerations, its continued reliance on the Diplock system?

The original justification for imposing the Diplock scheme was two-fold: firstly, it was said, despite a lack of any hard data to that effect, that jurors were being intimidated by paramilitary groups, and secondly it was argued that there was a risk that jurors would seek to return verdicts partial to their own political aspirations.

In the absence of an emergency situation it is clear that the twin arguments adopted by Lord Diplock for recommending juryless trials become even less convincing. While we welcomed the Government's commitment "to move as quickly as circumstances

allow to jury trial for all offences,” (para.13.5, Legislation Against Terrorism, Cmnd. 4178), the recent Terrorism Act has provided for the continued operation of the Diplock Court for the next five years. This means that eleven years after the cease-fires by the main paramilitary groups, non-jury trials will be in operation in Northern Ireland.

**We would respectfully urge the Committee to ask the government to explain why Diplock courts continue to be necessary and to give details of cases where jurors or witnesses were subject to intimidation.**

#### *Access to Legal Advice*

While the government point to the relatively small number of cases where access to legal advice was denied to those arrested under the emergency laws in Northern Ireland, it does not inform the Committee that the Terrorism Act, despite the suggestion in the consultation paper, Legislation Against Terrorism, includes provision for denial of access to legal advice on essentially the same grounds as existed under the old emergency system.

The government mentions the John Murray judgement from the European Court of Human Rights (para 388), and correctly states that the Court found that denial of access to legal advice alone did not amount to a breach of article 6. However, the government report did not mention the Magee case (presumably because it came after the submission of the report) which found that denial of access to legal advice to someone detained in a holding centre did amount to a breach of article 6. Not only does this have implications for future cases, it also has significant implications for many previous convictions.

**We respectfully urge the Committee to ask the government what steps it has taken to respond to the Magee judgement from the European Court of Human Rights and how it intends to review the safety of the many convictions obtained in Northern Ireland which were based exclusively on admissions.**

#### *Right to Silence*

When the UK was last examined before the Committee, the Committee recommended that a review be carried out by the UK of the right to silence legislation applying in both Northern Ireland and Britain to determine if the legislation complied with article 14 of the Covenant. There has been no such review and this is in spite of the fact that the report of the Criminal Justice Review, established by the Good Friday Agreement to consider the future of the criminal justice system in Northern Ireland, also called for research to be conducted, as a matter of urgency, into the same legislation as it applied to juveniles in Northern Ireland.

We would respectfully urge the Committee to ask the government why it has not complied with the recommendation from the Committee in 1995 to review the Criminal Justice and Public Order Act 1994 to determine if it complies with the provisions of Article 14.

## Article 19 – Freedom of Opinion and Expression

Recently the UK Ministry of Defence (MOD) has taken out an unknown number of injunctions against elements of the media to try and prevent them publishing details about the Force Research Unit (FRU), an undercover branch of British army intelligence believed to have been involved in a series of murders in Northern Ireland in the late 1980s and early 1990s. Many of the injunctions have been obtained in England but recently the MOD brought action against a Northern Ireland based television company.

The Ulster Television (UTV) *Insight* programme prepared a documentary entitled “Following Orders.” This documentary dealt at least in part with the activities of the FRU. We have been informed that the documentary reveals how members of the FRU infiltrated the Irish Republican Army (IRA) to report back on its activities. At least one of the former FRU agents who appears in the documentary reportedly revealed that in order to protect their cover, the army authorised them to participate in IRA bombings and other attacks.

UTV intended to broadcast “Following Orders” at 10:20 PM on 24 April 2001. It notified the D Notice Committee, a voluntary arrangement in relation to matters which might be security sensitive, to that effect on 19 April 2001. The D Committee did consult the Ministry of Defence (MoD) about “Following Orders,” but we understand that the MoD did not at that time raise any objections to the documentary.

At 6 PM on the evening that “Following Orders” was scheduled for broadcast, the MoD applied to the Northern Ireland High Court for an injunction. The MoD’s application was made *ex parte* because of its “emergency nature,” even though lawyers for UTV were present in the court building. Mr. Justice Kerr granted the MoD an interim injunction, which prevented UTV from broadcasting “any information which identifies or which might lead to the identification of any former member or any former informant or any former agent of the Force Research Unit.” The interim injunction also prevented UTV from broadcasting or disclosing any information about the “methods of operation or operational techniques or trade craft” of the FRU. Under the terms of the injunction, UTV may not broadcast any programme containing such information without giving the MoD 24 hours notice and providing it with an opportunity to view the programme first.

UTV challenged the validity of the interim injunction at a hearing on 27 April 2001. At this hearing, UTV argued that proper procedure had not been followed. It objected to the fact that the hearing was held *ex parte*, as well as to the fact that the MoD had not been required to file an affidavit in support of its application. UTV also objected to the “enormous width” of the injunction. It claimed that the MoD should not have been given the authority to act as a censor in this way. In response to UTV’s arguments, Mr. Justice Kerr amended his order to require the MoD to file an affidavit and said that he would hold another hearing to determine the validity of the injunction.

This hearing was held on 8 May 2001. The MoD, which we understand had not even seen the documentary, argued that the revelations made by former FRU agents might put the lives of other agents at risk. The judge upheld the injunction, holding that the

right to life had to prevail over the right to freedom of expression. Human rights groups are very concerned, however, that the MoD was simply attempting to block UTV from making embarrassing revelations about the activities of the FRU.

Although the hearing was held in public, all of the documents connected with the hearing were kept confidential. Geraldine Finucane, the wife of murdered solicitor Patrick Finucane, attempted to intervene in the case to get access to any of these documents that dealt with her husband's murder. Her application was refused.

**We would urge the Committee to ask the UK how many injunctions have been sought and granted in relation to media stories relating to the Force Research Unit.**

**We would also be grateful if the Committee could ask the UK on what basis these injunctions have been sought and granted.**

## **Article 25 – Participation in Public Life**

The UK report provides figures in relation to the participation of women in political life in Northern Ireland but does not provide any figures in relation to the judiciary although it does so for Britain.

The judiciary of Northern Ireland from county court level upwards is currently made up of 24 men and 1 woman. While some imbalance in gender representation still exists in other democratic jurisdictions and is being addressed, the situation in NI is so extreme as to require urgent and immediate attention.

None of the judges is from an ethnic minority background. No figures are currently available analysing the religious composition of the bench. CAJ believes that this information should be publicly available as in other fields of public service.

In the absence of published data, CAJ is of the opinion that the religious balance in the present judiciary is not proportionate to the population of Northern Ireland. While there are a number of Catholic judges, their numbers are unjustifiably small. In addition there is a definite perception amongst the nationalist population in Northern Ireland that those Catholics who sit on the bench are not representative of the mainstream nationalist community and do not hold nationalist views. This is partly the result of the background of those particular judges but also relates to the obviously British and unionist ethos of the criminal justice system and the courts in particular.

The Good Friday Agreement established a Criminal Justice Review Group to examine future arrangements for the criminal justice system in Northern Ireland. The Review Group reported in March 2000 and one of their recommendations was to establish a Judicial Appointments Commission which would organise, oversee and make recommendations on judicial appointments in Northern Ireland. At the time of writing (June 01) the government has not indicated if it will implement this recommendation.

**We would be grateful if the Committee could ask the UK what steps it is taking to remedy the gender and religious imbalance in the judiciary in Northern Ireland. We would also be grateful if the Committee could ask the UK for a breakdown of the Northern Ireland judiciary in terms of community background.**

**We would also urge the Committee to ask the UK whether it intends to establish a Judicial Appointments Commission in Northern Ireland as recommended by the Criminal Justice Review, and if so, when.**

## QUESTIONS

1. Perhaps the Committee may wish to ask the UK if the parliamentary answer given by Baroness Blatch in the House of Lords on 26<sup>th</sup> October 1995 in relation to the last examination of the UK by the Committee, is an accurate reflection of the current government's attitude to its international human rights commitments.
2. We would respectfully urge the Committee to ask the government what proportion of the Equality Commission's staff, budget and legal casework are directly aimed at the need to protect members of ethnic minority communities from racial discrimination and ensure greater equality of opportunity for them.
3. We would be grateful if the Committee could ask the UK
  - (a) why it delegated to the Equality Commission the responsibility of setting goals and timetables in reducing the unemployment differential, and what goals and timetables for change have been established?
  - (b) what measures has government taken to extend the potential of affirmative action programmes to address the continuing legacy of inequality in the areas of unemployment/health/education faced by the Catholic community?
  - (c) how does the government intend to use the current review of procurement practices in Northern Ireland to ensure that the £1bn of public funds that this represents is harnessed to ensure a more equal (and therefore more stable) society?
  - (d) with regard to the data provided in government's own report, the Committee may also want to ask what measures will be taken to improve the throughput of the Fair Employment Tribunal given the excessive number of 'live' cases still under consideration?
4. The Committee may want to ask the government why there has been such a delay in bringing key UK government departments within the scope of the new statutory duty on equality in Northern Ireland, and when this omission is likely to be rectified.
5. The Committee may want to ask government to indicate what steps it has taken, or intends to take, to ensure that all of the proposals from the Equal Opportunities Commission of Northern Ireland cited in para 100 will in fact be integrated into the new Bill.
6. We would therefore be grateful if the Committee could ask the government delegation why the Terrorism Act allows for detention of up to five days following initial judicial authorisation without the necessity for further judicial intervention in such cases?

- 7. We would be grateful if the Committee could ask the UK what changes it intends to make to the way in which incidents of lethal force are investigated in light of the judgements from the European Court of Human Rights in the cases of *Kelly, Shanaghan, Jordan and McKerr v UK*. In addition we would urge the Committee to ask the government what steps it intends to take to ensure that the four incidents which are the subject of the European judgements are now properly investigated and when such steps will be taken.**
- 8. We would also be grateful if the Committee could ask the UK why 90% of the victims of state violence were from the nationalist community which, according to the 1991 census, makes up only 38% of the population.**
- 9. We urge the Committee to ask the UK what official examination was carried out to explain the differential use of plastic bullets, as between nationalist and unionist demonstrators, during the period of 7<sup>th</sup> – 14<sup>th</sup> Jul 1996 and what lessons, if any, have been learnt as a result.**
- 10. We believe the Committee should ask the government to explain the circumstances in which serious facial injuries were sustained by two children, given that government guidelines for the use of plastic bullets indicate that they should be fired at the lower body.**
- 11. We would be grateful if the Committee could ask the government why they have ignored the recommendation of the Committee Against Torture to abolish the plastic bullet as a means of riot control.**
- 12. We would also urge the Committee to ask the UK why it has chosen to introduce a new bullet which is, according to their own experts, more dangerous than its predecessor.**
- 13. Perhaps the Committee could ask the government to explain the astonishing police complaints statistics and also explain how the new police service will function properly while so many apparently guilty officers remain in its ranks.**
- 14. We would respectfully urge the Committee to ask the government for details of the investigation into the assaults on Caraher and McGinn by the army in April 1997, and the reasons for the failure to take any action against those responsible.**
- 15. We would also be grateful if the Committee could ask the UK why no system for independent supervision/investigation of serious complaints against the military exists.**
- 16. We would respectfully urge the Committee to ask the government why the Deputy Commissioner for the Holding Centres and the investigating RUC officer had not accessed the video of the interview referred to by the**

**ECPT and also why no disciplinary or criminal action has been taken against the officers concerned.**

- 17. We would therefore respectfully urge the Committee to ask the UK why the police did not seek the originals of these documents sent to the government by CAJ until after Ms Nelson's death. We would also be grateful if the Committee could ask for the details of what the police did in the seven months prior to the murder in response to the receipt of the threats.**
- 18. When the UK was last examined before the Committee, the Committee urged the UK to make specific efforts "to enhance in Northern Ireland, confidence in the administration of justice by resolving outstanding cases." We would suggest the Committee ask the UK what specific efforts it has made in this regard.**
- 19. We would also ask the Committee to urge the UK to establish public inquiries into the murders of Patrick Finucane and Rosemary Nelson.**
- 20. We would therefore respectfully urge the Committee to ask the UK what steps it has taken to discipline officers responsible for the 'off-tape' interviews, identified by the ECPT.**
- 21. We would request that the Committee asks the UK to explain the alarming statistics relating to complaints and compensation paid and to indicate what steps it has taken, beyond those outlined in its report, to deal with the massive discrepancy between complaints upheld and compensation paid. In particular what steps has it taken to identify the officers involved and hold them to proper account.**
- 22. We would therefore urge the Committee to ask the UK why they have passed specific legislation in relation to Northern Ireland in the Terrorism Act which is contrary to the spirit of the Good Friday Agreement and the indication they gave to the Committee in their report.**
- 23. We would also be grateful if the Committee could ask the UK to give an indication as to when the Northern Ireland specific provisions of the Terrorism Act will be allowed to lapse.**
- 24. We would respectfully urge the Committee to ask the UK to explain the apparent discrepancies between their figures on prison suicides in Northern Ireland and those from the Coroner's office. We would also suggest that the Committee may wish to ask the UK what measures have been put in place as a result of these deaths to ensure that similar deaths do not occur in future.**
- 25. We would be grateful if the Committee could ask the UK to explain how Mr McDonnell received his injuries in Maghaberry prison in March 1996 and also why the Director of Public Prosecutions refused to prosecute anyone in relation to the death.**

26. We would therefore ask the Committee to ask the UK why it has not closed all the holding centres and when it intends to do so.
27. We would respectfully urge the Committee to ask the UK when it will ensure single occupancy in cells which are only 6 to 7 square metre cells. We would also be grateful if the Committee could ask the UK for a timetable for the ending of the necessity of “slopping out” in Magilligan prison.
28. We would respectfully urge the Committee to ask the government to explain why Diplock courts continue to be necessary and to give details of cases where jurors or witnesses were subject to intimidation.
29. We respectfully urge the Committee to ask the government what steps it has taken to respond to the Magee judgement from the European Court of Human Rights and how it intends to review the safety of the many convictions obtained in Northern Ireland which were based exclusively on admissions.
30. We would urge the Committee to ask the UK how many injunctions have been sought and granted in relation to media stories relating to the Force Research Unit.
31. We would also be grateful if the Committee could ask the UK on what basis these injunctions have been sought and granted.
32. We would be grateful if the Committee could ask the UK what steps it is taking to remedy the gender and religious imbalance in the judiciary in Northern Ireland. We would also be grateful if the Committee could ask the UK for a breakdown of the Northern Ireland judiciary in terms of community background.
33. We would also urge the Committee to ask the UK whether it intends to establish a Judicial Appointments Commission in Northern Ireland as recommended by the Criminal Justice Review, and if so, when.