

UK Maintaining the Apparatus of Impunity

The UK Government has now refused to bring forward its promised consultation on the implementation of the Stormont House Agreement mechanisms on dealing with the past. On 12th December, the Secretary of State, James Brokenshire, announced that no consultation would be published without local political consensus. Speaking to the BBC he said: “I think it’s important that there is broad political consensus to ensure that when we move to a public phase, we do not suddenly see that hitting an immediate roadblock.”

It is now over a year since the negotiations around implementation of the Stormont House Agreement broke down over the demand from the UK Government to have a national security veto over what information could be divulged to families. There have been many private negotiations since and multiple promises of a public consultation. It now appears that the public will not be consulted until party political representatives have already agreed a text – which rather assumes that any consultation will be a sham.

We should be clear that the international obligation to properly investigate crimes of the past lies on the UK Government; its continuing failure to meet that obligation amounts to a continuing violation of human rights. The Government cannot avoid its duties by playing pat-a-cake with local political parties; it cannot hide behind devolution to evade its international human rights obligations.

We assume that the blockage in the negotiations is around national security. This undefined phrase can be used to mean whatever the government wants it to mean. James Brokenshire claims that “it is not about some sort of mechanism of hiding embarrassment. I’m very clear on that, in the way it is used.” Avoiding embarrassment may not be a priority for the government, but maintaining the apparatus of impunity clearly is. It is legitimate to protect the lives of people who might be identified in reports and to safeguard contemporary and legal methods of the security services. It is not, however, legitimate to give the Secretary of State power to withhold any material that may point to the culpability of state actors.

It is hard to be hopeful that this impasse will be resolved anytime soon. The victims’ families involved in the many outstanding cases will be devastated at yet another blow to their hopes for truth and justice – yet another delay. This deplorable decision comes in the context of international opinion uniting around the need for a resolution of the legacy cases.

Strasbourg comments on UK legacy cases

CAJ was invited by the Open Society Justice Initiative and the European Implementation Network (monitoring implementation of European Court cases) to provide a briefing to the Committee of Ministers’ representatives on 29th November in Strasbourg in advance of their meeting on 8th and 9th December.

The Ministers’ Deputies resolution in relation to the failure to implement these 2001-2003 judgments and provide prompt and effective investigative mechanisms into legacy cases is printed below.

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We also attended an OSJI NGO conference for European litigators on practice and procedure on 1st December and the bi-annual NGO meeting with the European Court on 2nd December.

CAJ were pleased to note the address of Charlie Flanagan, Irish Minister for Foreign Affairs at the Committee of Ministers in Strasbourg. He noted that it was now a year since the signing of the Fresh Start Agreement which committed to implementing the Stormont House mechanism. "It is deeply regrettable that in the time since there has been little visible progress with establishing the legacy institutions provided for under the 2014 Stormont House Agreement," he said. "The Irish Government shares the deep disappointment and frustration of victims and survivors of the Troubles, from all communities, who have had to wait for far too long for access to truth and justice."

Mr Flanagan also said that: "A further issue of acute concern for the Irish Government is the continuing failure to properly resource legacy inquests so that they can be concluded in a reasonable period of time." As reported before, the Lord Chief Justice has established a scheme to deal with all legacy inquests in five years – it just needs £10m to fund it. The request from the Executive to the UK Government for the requisite money has been held up by Arlene Foster, the First Minister – a decision that CAJ has challenged on equality grounds. However, the UK government should ignore the technicalities and pay the money to the Department of Justice so that the LCJ's plan can go ahead.

Council of Europe Committee of Ministers Resolution on Legacy Cases

The Deputies

1. *concerning the individual measures*, recalled that the completion of the outstanding investigations in the group is linked to the progress made under the general measures and underlined the urgent need to take those measures without further delay; recalled also the Committee's decision of December 2015 in relation to the *Finucane* case to resume consideration of the reopening of individual measures once the domestic litigation has concluded;
2. *concerning the general measures*, expressed their concern that the Historical Investigations Unit (HIU) and other legacy institutions agreed upon in December 2014 have still not been established because agreement on the legislation has not yet been reached;
3. called upon the authorities to take all necessary measures to ensure the HIU can be established and start its work without any further delay, particularly in light of the length of time that has already passed since these judgments became final, and the failure of previous initiatives to achieve effective, expeditious investigations;
4. noted the authorities' ongoing engagement and strongly encouraged them further to ensure that the proposed public consultation phase regarding the HIU legislation is launched and concluded within a clear timescale to ensure that the legislation can be presented to Parliament and the HIU established and made operational without any further delay;
5. regretted that the necessary resources have not been provided to enable the Legacy Inquest Unit to be established and for effective legacy inquests to be concluded within a reasonable time; strongly urged the authorities to take, as a matter of urgency, all necessary measures to ensure both that the legacy inquest system can be properly reformed, resourced and staffed as proposed by the Lord Chief Justice of Northern Ireland and that the Coroners' Service receives the full co-operation of the relevant statutory agencies to enable effective investigations to be concluded;
6. decided to review the progress made in these cases at their 1288th meeting (June 2017) at the latest.

Pablo de Greiff calls for action on behalf of the United Nations

Pablo de Greiff is the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. In November 2015 he made an official visit to the UK and spent some days in Northern Ireland. His report, published on 17th November this year, concentrates on measures to deal with the past here and is critical but also compliments the guarantees of non-recurrence, especially police reform.

Some key recommendations from the Report relating to the principles of dealing with legacy cases were:

- The proposals made by the Lord Chief Justice of Northern Ireland to improve the efficacy of coroner inquests should be supported.
- The structural and systemic dimensions of violence and rights violations and abuses should be examined. A comprehensive understanding of the past requires instruments that do not treat it merely as a series of unconnected events.
- All future truth-seeking and justice arrangements should incorporate procedures to guarantee both the reality and appearance of independence and impartiality. Similarly, they should be funded in a reliable way that guarantees independence and effectiveness, and allows for long-term planning.
- Adjudicating issues concerning disclosure is central to the credibility of truth and justice initiatives. The use of “national security” as a blanket term should be avoided in order to make transparent past practices that were, retrospectively, illegal under national and international law and of dubious effectiveness in furthering security. The Special Rapporteur encourages the Government to work with academic and non-governmental experts to devise an approach that makes disclosure practices, human rights and constitutionally compliant.
- National security, in accordance with both national and international obligations, may only be served within the limits of the law, and allowing for adequate means of comprehensive redress in cases of breach of obligations.



Daniel Holder CAJ, Pablo's staff member, Julia Raue Pablo's staff member, Rory O'Connell TJI, Dessie Donnelly PPR, Catherine O'Rourke TJI, Brian Gormally CAJ, Patricia McKeown UNISON, Pablo de Greiff, Helen Flynn HRC, Paddy Kelly CLC, Karen Sweeny WSN, Chris Quinn NIYF and Susan McCrory Falls Women's Centre

Bedroom tax good but marriage equality bad

If there was an annual prize for the most bizarre interpretation of the statutory 'good relations' duty 2016 would have some prime contenders. Eyebrows were raised back in 1998 when this duty (which involves the promotion of good relations on the grounds of religious belief, political opinion and racial group) was added as a second limb to the nine-ground statutory equality duty incorporated in Section 75 of the Northern Ireland Act.

The concern back then was that the formulation of the duty risked equality being turned on its head, with rights and equality based policies obstructed on the grounds they were politically contentious and hence 'detrimental' to good relations.

Back then the UK government responded by introducing safeguards on the face of the legislation. This included an explicit duty to assess the 'impacts' of new and revised policies, and the concurrent duties to consider alternative policies and mitigating measures, applying to the equality limb of the duty only. The good relations duty however remained undefined in the legislation- unlike its counterpart law in Britain which frames it as a positive duty to tackle prejudice and promote understanding. A combination of this and an Equality Commission recommendation that took effect in 2011 for public authorities to nevertheless assess the 'impacts' of new and revised policies against the undefined concept of good relations has led to some bizarre results.

Council of Europe treaty bodies have long raised concerns about the good relations duty being used to obstruct initiatives such as bilingual English-Irish signage; and there are a number of examples of the duty obstructing housing and other socio-economic rights initiatives. This includes a 2014 Equality Commission investigation into the then Department of Social Development's 'Housing-led regeneration' pilot programme, which had set out -in the name of good relations- to select target areas on the basis of sectarian parity rather than objective need.

Recent months have witnessed two further prime examples, in the equality screening exercises into LGB marriage equality by Fermanagh and Omagh Council and the Bedroom Tax by the Department of Communities. Both screening exercises are unusual in the sense they are essentially hypothetical. They register no impacts on equality or good relations limbs of the duty, on the grounds that the policy in question is not actually being implemented (in the case of the Council it has no power to introduce marriage equality, but passed a recommendatory motion; in the case of the Bedroom Tax the screening document focuses only on the three year period the tax is dissapplied under the terms of a mitigation scheme introduced as part of the Fresh Start Agreement). The screening exercises nevertheless go on to indicate what the likely 'impacts' on good relations would be if either policy were implemented.

In relation to marriage equality the screening exercise unsurprisingly finds that the policy would be good for equality but conversely concludes Marriage Equality would constitute an 'adverse impact' on good relations on grounds of 'religious belief'. The document identifies potential impacts on members of Protestant and Catholic communities "if they believe marriage should not be available to same sex couples" and a potential impact on religious belief 'celebrants' who 'do not wish to solemnise a same sex marriage'. In relation to 'political opinion' the document finding is supported by it merely noting that the Assembly has already vetoed same sex marriage.

Whilst marriage equality is therefore apparently 'bad' for good relations (and hence alternative policies and mitigating measures should be considered), the cheery news is that the implementation of the Bedroom Tax, whilst admittedly pushing families into poverty or worse housing conditions, may be 'good' for good relations.

This conclusion is reached in the same document that rightly concedes the policy of reducing housing benefit [HB] or moving families in social housing who have a 'spare' room, would have a "dramatic impact,

for good relations say public authorities

driving a high proportion of working age HB claimants into poverty” particularly given the general non-existence of sufficient smaller properties in the local social housing stock to transfer tenants to. The alleged positive impact on good relations is however derived from the assertion that Bedroom Tax may compel social housing sector transfers which could encourage persons to move to places where they would have more opportunity to mix with persons of different religious beliefs/racial groups.

Whilst CAJ and the Equality Coalition still take issue with the Equality Commission position that promoting good relations is conducive to a simple lay notion of assessing the ‘impacts’ on good relations of a policy, we are supportive of the Commission’s movement on promoting a proper definition of the concept. The Commission’s definition, which gives a nod to the aforementioned ‘tackling prejudice and promoting understanding’ formulation in GB law, also includes as elements of good relations “a high level of dignity, respect and mutual understanding” “an absence of prejudice, hatred, hostility or harassment” and “a fair level of participation in society”.

Taking steps in pursuit of this definition of good relations would assist in tackling the causes of housing segregation. By contrast none of these dimensions of good relations would be furthered by the fresh grievance of the compelled removal of families into, by definition, worse housing conditions into areas they have potentially already chosen not to live in due to well founded fears of not being safe in the context of racist/sectarian paramilitary intimidation.

A review of how best to interpret and harness the good relations duty is long overdue, in the meantime it will continue to risk turning the intention of the original equality duty on its head.

Constitutional Law 101: The Brexit judgment on the prerogative in Miller

The Miller judgment on the use of prerogative powers has immediately become one of those classic landmark judgments where judges intervene in a major social and political debate. Miller offers lessons in Constitutional Law 101 for the government, whose legal position comes in for criticism.

The judgment is a unanimous one of three judges on the Divisional Court. The unanimous judgment in Miller is significant symbolically and practically. It sends out a strong signal that this is a clear legal decision, and that no one member of the Court can be the subject of criticism (or indeed praise). It also means there is no scope in dissents or concurrences to find any leeway or wriggle room in the judgment. The strength of this is enhanced by the stature of the judges involved: the Lord Chief Justice and the Master of the Rolls are the two most senior judges in the courts of England and Wales.

It is not just the composition or unanimity that makes this a difficult judgment to overrule. In many ways, it is strong, clear and legally convincing.

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One of the judgment's strengths is that legally it is very conventional. The judgment relies on basic principles common to any Constitutional Law 101 module. The judgment relies on legal arguments about statutory interpretation and the position of the royal prerogative.

The discussion on the royal prerogative – the residue of royal power at any time left in the hands of the government – invokes classic constitutional law precedents. The prerogative is used for multifarious purposes, including the conduct of foreign affairs. It is commonplace that the prerogative must yield to an Act of Parliament in a system based on parliamentary sovereignty. It then becomes a question of statutory interpretation as to whether the European Communities Act 1972 displaces the prerogative.

In discussing statutory interpretation the Court offers useful advice on how to approach reading statutes. The Court highlights a basic point: acts of parliament must be interpreted against a set of background assumptions about the constitutional principles in the UK. This approach to interpretation is sometimes known as the presumption of legality or the constitutional rights doctrine. An Act of Parliament will be assumed not to take away constitutional rights unless its language does so expressly or by necessary implication.

The endorsement of this approach has wider constitutional significance – it suggests that even in the absence of a Human Rights Act the courts will be ready to offer some protection to some rights.

The Divisional Court identifies with clarity the rights that would be affected by the triggering of Article 50. Much of the discourse about Brexit has focused on rights like workers' rights, anti-discrimination rights, data protections rights. These are rights that, in theory, a UK Parliament (or NI Assembly) could re-enact post-departure. The Court though points out that this is one category of rights affected but there is a second and a third category. The second category includes the rights UK nationals enjoy when travelling in other countries of the EU. The third category includes rights unique to being a member of the EU e.g. the right to vote for the European Parliament, to run for the European Parliament etc.

The Court examines the language of the European Communities Act 1972 very closely and concludes that the Act, properly interpreted, intends to create extensive EU rights in UK law and it would be inconsistent with that intention for the Executive to end those rights unilaterally through the royal prerogative.

Some commentators have expressed puzzlement that the Miller judgment has reached a different outcome from that in the McCord and Agnew applications. Part of the answer is that the Northern Ireland High Court deliberately decided not to answer the central issues that were being discussed in London.

Having said that, in Miller the Divisional Court points out that some of the arguments in the earlier McCord judgment may have been based on the wrong 'starting point' and may not have fully considered the effect of Article 50.

The effect of the Divisional Court's judgment – assuming it is upheld – may set the stage for the next chapter in the constitutional turmoil enveloping the political constitution unleashed by the vote of 23 June 2016. In the event of a clash between parliamentary democracy and the direct democracy of a referendum we may have a constitutional crisis of the sort not seen since the 1909-1911 crisis sparked off by the Lords' rejection of the People's Budget, a controversy where Irish parliamentarians ultimately played a major role.

Rory O'Connell, TJI Ulster University

The death penalty in Bahrain

In September 2016, human rights group Reprieve published its report “Belfast to Bahrain”: the torture trail. This detailed how a Stormont-owned company, Northern Ireland Co-operation Overseas (“NI-CO”), was training Bahrain’s police, prison guards and oversight institutions, under UK Foreign Office contracts ostensibly aimed at raising human rights standards in the Gulf kingdom.

The report raised concerns that even after years of NI-CO’s assistance, these Bahraini bodies were continuing to carry out, or cover up, abuses. A debate followed in the Irish press, with staff involved in the program, and the Bahraini Embassy, arguing that Reprieve was wrong to criticise, and that Bahrain “deserved a chance”.

Reprieve’s report highlighted the case of death row inmate, Mohammed Ramadan, a former policeman and father of three young children who was tortured into making a false confession. The UK Foreign Office paid NI-CO to train Bahrain’s Ombudsman to handle complaints about abuse by security forces. However, the watchdog refused for more than two years to investigate complaints about Mohammed’s torture, robbing him of vital evidence with which to challenge his wrongful conviction. When the Ombudsman eventually began to investigate in May 2016, it flouted international minimum standards for torture inquiries and intimidated Mohammed’s wife by interrogating her about contact with foreign NGOs.

Another concern raised was that in 2015, more than a dozen NI-CO experts worked with Bahrain’s prison staff at jails where systematic torture took place, and trained as many as 400 guards who work at Jau Prison, which holds prisoners awaiting execution like Mohammed.

NI-CO is embedded in Bahrain’s internal security apparatus, creating potential conflicts of interest. A victim could be abused by NI-CO trained police, tortured in prison by NI-CO trained guards, and then have their torture allegation investigated and dismissed by the NI-CO trained ombudsman. Whilst Reprieve is not opposed to genuine reform, it called on NI-CO to stop work with Bahrain’s Interior Ministry until the Bahraini government ratifies the optional protocol to the UN Convention Against Torture and allows the UN Special Rapporteur on Torture to visit the country. However, Stormont’s Economy minister, who has ultimate responsibility for NI-CO, refused to intervene. Concerned by the Executive’s lack of oversight, Reprieve has now asked the Economy Committee to hold an inquiry into NI-CO.

Although NI-CO claims to be promoting Northern Ireland’s experience of post-conflict institutions to countries like Bahrain, the company occupies a curious place on Northern Ireland’s institutional landscape, raising issues for Stormont. The vast majority of its work is in the field of policing and justice, but it sits within the Department for the Economy, being owned by the regional development agency Invest Northern Ireland.

Whilst the PSNI needs the Policing Board’s approval for international secondments, there is no requirement for NI-CO to consult the board about sending former PSNI officers abroad, even though it is a public body. And NI-CO’s training of hundreds of prison guards in Bahrain did not require the approval of the Department of Justice or the Justice Minister. It also occupies an awkward position in the UK institutional framework. Under normal circumstances, public bodies have to perform formal human rights risk assessments before they provide training for foreign police forces. But NI-CO has effectively admitted it played no role in this process, and let its funders in the UK Foreign Office worry about the training’s human rights risks.

If NI-CO’s work is meant to raise the standards of other country’s governance structures, its own position domestically should be urgently considered first. Whatever NI-CO’s position, it is clear that both Stormont and the UK government are dangerously involved in the death penalty in Bahrain.

Harriet McCulloch, Deputy Director of Reprieve’s death penalty team

The Implications of Donald Trump's

In the past five weeks, human rights activities worldwide have all been mesmerized by the fallout from the US elections. Like many others, most assumed that Hillary Clinton and the Democratic Party would win this election. Though there were policies upon which we reasonably disagreed with Secretary Clinton, we shared some consensus on core human rights values including equality, dignity, and tolerance. Donald Trump's electoral college victory poses many challenges for the international human rights movement. The effects of his domestic and international policies may have profound global implications. Some of the following areas will be particularly important to watch:

- Trump's unending insistence on 'defeating' ISIS may lead to deepened US insistence on prioritizing counter-terrorism, countering violent extremism, and preventing violent extremism in its foreign policy objectives. This could include greater use of targeted killings, drone strikes, intelligence gathering within other states, indefinite detention of persons suspected of membership in Jihadist organizations, and support to regimes (notwithstanding their lack of democratic credentials) that promote US counter-terrorism policies.
- President Elect Trump's "American First" rhetoric can be expected to put US interests above all other multilateral and global interests, undermining international and multi-lateral institutions including those committed to human rights protection.
- In the area of environmental rights and protection, given that President Elect Trump has filled a number of key cabinet posts with climate sceptics we can expect the Paris Agreement to be undermined and global environmental protection to be under-funded and destabilized.
- President Elect Trump has repeatedly suggested that he would use torture as a method to advance his counter-terrorism agenda. Despite the global consensus on torture's prohibition, we can expect this norm to come under pressure in the new regime.
- President Elect Trump has promised to use the notorious and widely condemned Guantanamo Bay prison to further his security agenda.
- President Elect Trump's divisive rhetoric; specifically, his sexist, misogynistic, and racist language has emboldened hatred and division in the United States. By targeting particular groups of people, for example by calling for a Muslim Registry and building a wall on the Mexican/ U.S. border he has undermined the fundamental value of non-discrimination. He has emboldened the extreme right in the United States and played coy with racists and neo-Nazi ideologies. The impact of this language takes the United States away from the core constitutional and human rights value of respecting each human being.

In response to the likely onslaught of policies undermining human rights protections what is the international human rights movement to do? The following thoughts provide a preliminary roadmap.

- Believe what President Elect Trump says. Given the scale and intensity of his rhetoric, activists must not fall into the easy trap of pretending that words don't matter. Rhetoric matters not least because the words the President Elect has used is shaping public practice and the tolerance for human rights violations. Moreover, his actions as President Elect, and particularly the individuals he has appointed to key cabinet posts show that he means to implement in policy precisely what he has said rhetorically over many months.

Electoral Success for Human Rights

- Complacency is misplaced. Human rights activists cannot wait until Guantanamo is filling up again, or torture is being practised to act. Across the globe it is vital that ordinary citizens communicate to their governments (who will now start to calibrate their relationship with the incoming US administration) that only the values of human rights, decency and fair democracy matter in each country's relationship with the United States. Chancellor Angela Merkel's communication to President Elect Trump provides a starting road map. She said:

"Germany and America are connected by values of democracy, freedom and respect for the law and the dignity of man, independent of origin, skin color, religion, gender, sexual orientation or political views ... I offer the next President of the United States close cooperation on the basis of these values."

- Solidarity is required. The global human rights movement will be under siege in the next 4 years. Recognizing that requires seeing that US action in one country or region has an indelible effect on human rights protections in our own jurisdiction. Despite the pressing challenges we face in Northern Ireland, we must be prepared to consistently look beyond our own borders and show real engagement and support to human rights defenders around the world.

- We must be innovative. The US election (like Brexit) has revealed extraordinary economic and social challenges. Human rights advocates must find new ways to communicate and engage with the communities who are the most marginal and excluded in our society. The elections show that these communities can speak, and do so powerfully. We must self-examine and be profoundly aware of the extent to which we have also been complicit in a failure to listen.



[https://upload.wikimedia.org/wikipedia/commons/d/de/Donald_Trump_\(27150683144\).jpg](https://upload.wikimedia.org/wikipedia/commons/d/de/Donald_Trump_(27150683144).jpg)

- We must resist. It is not only human rights violations that challenge human rights defenders but it the tolerance for their occurrence which must preoccupy us too. As the global space for human rights constricts, we have an obligation across borders to speak out and take action. Most of all, we must resist fatigue and complacency as the consequences of the US elections and its global effects start to take shape.

Professor Fionnuala Ni Aolain

CAJ sends open letter to Colombian Civil Society

In the context of the narrow referendum defeat for the FARC-Colombia peace accord, and on the occasion of President Santos visit to Belfast in November, CAJ published and distributed an open letter of solidarity to Colombian civil society.

The correspondence contained reflections on the many obstacles which belied (and continue to manifest themselves) in the NI peace process and dealt extensively with the context of transitional justice in a post-conflict context. In particular we discussed that whilst the objective of a peace process is to move to a normal society, a post conflict society usually requires specific transitional measures, particularly in the justice sphere. We contended a peace process is unlikely to succeed if essentially one group of protagonists puts the other on trial whilst maintaining impunity for itself. We pointed to the many aspects of our own process, including the institutional reform of the police and the early release of conflict-related prisoners, whilst they were heavily contested at the time, are now measures that few would argue were not necessary elements of the process.



Carta abierta a la Sociedad Civil Colombiana: Una reflexión sobre los procesos de paz

En ocasión de la visita del Presidente Juan Manuel Santos a Belfast esta Carta contiene un mensaje de solidaridad desde Irlanda del Norte, en nombre del CAJ, *Committee on the Administration of Justice*, en apoyo al proceso de paz que se lleva a cabo en Colombia.

En nuestra región, llevamos más de 20 años inmersos en nuestro propio proceso de paz. Este camino, no exento de escollos, nos ha conducido al contexto actual. Hoy en día vivimos una mejor situación comparada con el pasado, dominada por un conflicto armado, lo cual nunca iba a resultar en una 'victoria' para ninguna de las partes enfrentadas en el mismo.

CAJ es una organización de derechos humanos no gubernamental e independiente. Fue fundada en 1981, durante una de las etapas más duras de nuestro conflicto armado. Nuestro trabajo desde un principio ha sido tratar de frenar las violaciones de los derechos humanos derivadas del conflicto en nuestra región. Posteriormente, nuestro esfuerzo se ha centrado en tratar de asegurar que los acuerdos de paz fueran implementados con medidas que aseguraran el respeto los derechos humanos. Actualmente, nuestro trabajo está enfocado en evitar la repetición de nuestro pasado. Esto incluye que, en dado caso, el Estado enfrentará cualquier tipo de acción armada exclusivamente en el marco de la ley, respetando los derechos humanos.

El proceso de paz irlandés ha recibido el apoyo de la comunidad internacional, así como de la ONU. En cuanto a los obstáculos para la no repetición del pasado, nuestro proceso ha recibido últimamente el apoyo del Relator Especial para la promoción de la verdad, la justicia, la reparación y las garantías de no repetición.

En los últimos años, hemos tenido el privilegio de recibir más de una docena de delegaciones de diferentes grupos de la sociedad civil colombiana: sindicatos, grupos de mujeres, periodistas, campesinos, ecologistas, religiosos, refugiados, entre otros. Gracias a estos grupos, que realizan una labor parecida a la nuestra en su país, hemos podido conocer de primera mano la realidad de la situación en Colombia. A diferencia nuestra, que hoy día realizamos nuestra labor sin correr ningún peligro; somos conscientes del riesgo que todavía hoy corren nuestros colegas colombianos de manera cotidiana.

Queremos decir desde el *Committee on the Administration of Justice* que apoyamos el proceso de paz de Colombia establecido entre el Estado y las FARC. También queremos manifestar que apoyaríamos futuros procesos que buscaran la paz con otros grupos en Colombia, siempre y cuando el propósito de estos acuerdos tenga como base el respeto de los derechos humanos de todas las personas. Sobre todo, vemos absolutamente necesario poner fin a todas las 'guerras' que se producen contra la sociedad civil en Colombia.

Somos conscientes de que ninguno de los actores en el conflicto colombiano tiene las manos limpias. Los procesos de transición entre el conflicto y la consecución de la paz deben ser un camino que facilite la normalización de la sociedad. Sin embargo, los procesos de transición

Whilst international human rights groups like FIDH and Amnesty had supported the Colombian peace process, Human Rights Watch had taken a more controversial critical line of opposing provisions in the accords, which also motivated CAJ in setting out the Northern Ireland experience.

Following the narrow referendum defeat a revised accord was presented and approved by the Colombian parliament. The letter was sent to civil society groups in Colombia who we have met with in recent years, as well as being sent via the FIDH networks and TrÚcaireís networks. A copy of the letter was also handed to President Santos during his visit by a member of the local Colombian community. It was picked up by Colombian media and we were interviewed on Radio W, Colombia's main radio station.

We called for an end to all the wars in Colombia, including the many that continue to be waged against Colombian civil society and urged our counterparts to keep up their work, efforts and hope for the future and not allow the path to peace to be sabotaged.

Civil Liberties Diary - October

3rd October

A Rabbi who ministers to Belfast's Jewish community has bemoaned an apparent increase in anti-Semitism in the city. This comes as thirteen Jewish graves were attacked in West Belfast while graffiti which featured a swastika and a reference to the gassing of Jews was discovered elsewhere. Rabbi David Singer, claimed that bigotry towards the Jewish community was on the rise, but hastened to add that these isolated attacks 'haven't changed,' his 'impressions of the people of Northern Ireland,' and are often met with condemnation and a flood of public support. The Rabbi, who made his remarks during BBC Radio Ulster's Sunday sequence, emphasised that the majority of people 'are very warm and welcoming,' and that the attacks were the work of unrepresentative 'vandals.'

6th October

David Ford has stepped down as the leader of the Alliance party, stating that he feels the time is right to 'pass the reins to a new generation of leadership for the party.' The former social worker, who affirmed his confidence that the next leader 'will continue the upwards trend of growing the party,' will continue to serve as an MLA for South Antrim. His Stormont colleagues have offered warm words upon his departure; First Minister Arlene Foster lauded his 'pivotal,' role in securing new justice arrangements following the devolution of policing and justice arrangements,' while UUP Leader Mike Nesbitt congratulated him on 'sticking

the pace for 15 years as party leader.' East Belfast MLA Naomi Long succeeds him, having ran uncontested.

10th October

Demonstrations across the border, have recently been instigated by campaign groups such as Border Communities against Brexit, who fear the disproportionately detrimental impact of the U.K's decision to leave the European Union on border regions. Among the largest protests was that between Carrickarnon, County Louth and Newry, where organisers erected a mock customs building. Politicians from a number of parties including Sinn Fein, the SDLP and Fianna Fail, which share the group's fears as regards the economic impact of the reintroduction of customs checkpoints were present.

19th October

A 45,000 strong petition calling for reform of Northern Ireland's stringent abortion laws has been sent to Stormont as a poll shows support for a change to the legislation. The NGO Amnesty have called on Stormont to 'honour human rights and public opinion,' by decriminalising abortion in the region. Outgoing Justice Minister David Ford, who attempted to introduce a bill decriminalising abortion in the case of foetal fatal abnormalities during his tenure, has expressed his concern as regards current abortion laws, arguing that it is 'essential that we have a consideration of the issue.'

24th October

The proprietors of the Ashers

Bakery have lost their appeal of a ruling that the couple had discriminated against customer Gareth Lee on the grounds of his sexual orientation by refusing to ice a cake which carried the message 'support gay marriage.' The McArthurs, who refused to do so on the basis of their strong Christian faith, are hoping to appeal the ruling once more to the Supreme Court. The case, emblematic of the tensions between the right to equal treatment in the provision of goods and services and the freedom to discriminate, garnered international media attention. Prominent figures including LGBT rights activist Peter Tatchell, weighed in on the case and the precedent it may set with regards to 'freedom of expression.' The plaintiff Mr Lee, himself an LGBT activist who was backed by the Equality Commission in his action, stated that he 'welcomed the judgment,' felt 'relieved,' and was 'very grateful to the Court of Appeal.'

28th October

Two legal challenges taken in the wake of the Britain's vote to leave the EU have been rejected by Northern Ireland's High Court, despite the fact that 56% of Northern Irish voters opted to remain within the EU in June. Those behind the actions (victims' campaigner Raymond McCord, then Alliance leader David Ford, SDLP leader Colum Eastwood, Sinn Fein MLA John O'Dowd and Green Party leader Steven Agnew) argued that it would be unlawful to trigger article 50 of the Lisbon Treaty without first securing Parliamentary authorisation.

Civil Liberties Diary - November

1st November

More than a quarter of inmates at Maghaberry prison have been said to be suffering from 'Severe Mental Health issues.' These issues have become highlighted following review of an incident in 2014 where an inmate blinded himself through self-harm as well as the death of inmate Patrick Kelly who died in Maghaberry from an overdose of prescription medication in 2015. Politicians from across the political spectrum, including Health Minister Michelle O'Neill, have called for serious action and immediate measures on prevention and early intervention.

Stormont could be set to vote for the first time on the matter of gay rights legislation as an attempt to pardon men convicted in NI before homosexuality laws were decriminalised in 1982 has been launched in the House of Lords. However, TUV leader and QC Jim Allister claims that overturning these convictions could be unlawful under the Belfast Agreement because section 75 of the Northern Ireland Act outlaws discrimination on the grounds of sexual orientation. Therefore, a pardon that is defined by sexuality could be unlawful, despite the intention of these laws being to protect the rights of gay people.

22nd November

A man in NI who wed his partner after officially changing

gender has launched a legal bid to ensure his gender history is kept secret. Beforehand, both he and his partner were classified as women in a Civil Partnership before he applied for a Gender Recognition Certificate (GRC). The couple then had to annul their civil partnership before getting married. The legal challenge is founded on a breach of the applicants ECHR Article 8 rights to privacy and was confirmed by the High Court. The breach stems from the fact that the marriage certificate reveals that the applicants were previously in a Civil Partnership and that one of them has a different gender history. The man's legal team put forward a solution of changing his previous status on the marriage certificate as being single.

The PSNI and Ministry of Defence (MOD) has for the first time accepted the innocence of 15 year old Manus Deery, who was shot dead by a British Soldier in May 1972 and until now been deemed as an armed 'terrorist.' The death of Manus has been considered one of the most controversial of the troubles cases and an inquest was ordered by Attorney General John Larkin in 2012, the MOD accepted Manus had not posed a threat to soldiers and that there was a breach of the Yellow Card and military law. However, MOD and PSNI barrister Martin Wolfe urged the coroner to take into account the age of the soldier responsible and that he was on his first tour of duty in NI when considering his verdict.

25th November

The Court of Appeal has this month heard from the widow of Belfast Solicitor Pat Finucane, who was assassinated in his home in 1989, that no authority has been held accountable. This is despite an abuse of power in his murder being confirmed by a public inquiry from Sir Desmond de Silva QC in 2011 which stated that both agents of the state and military intelligence unit FRU were involved. Both the barrister and Judge stated that the State had not met its human rights obligations to investigate and bring justice. Lord Justice Gillen has promised a decision and implications to be delivered as soon as possible.

Compiled by Helen Byrne and Stephen Maginn from various newspapers

Just News

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