Bulletin of the Committee on the Administration of Justice

Just News

Human Rights in Northern Ireland

December 2006

Reviewing public appointments

In April 1998 Sir Kenneth Bloomfield the designated Commissioner for victims published his report "We will remember them". One of the recommendations of the report was that in the longer term the interests of victims should be made the concern of a Standing Commission or Protector or Ombudsman for Victims.

The Government accepted the report and this led to the creation of the Victims Liaison Unit in the Northern Ireland Office (NIO), whose remit was to progress work in that area. In the Office of the First Minister and Deputy First Minister ("OFMDFM") a Victims Unit was established to raise awareness of and coordinate activity affecting victims across the devolved administration. This latter unit replaced the Victims Liaison Unit.

CAJ wishes everyone Season's Greetings and a peaceful 2007

In March 2005 the Secretary of State announced proposals for a Victims and Survivors Commissioner and published a consultation paper "Services for Victims and Survivors" concerning the next phase of the victims strategy and the establishment of a Commissioner for Victims and Survivors. The consultation period ended in March 2005 and the Government was satisfied that the need for the appointment of a Commissioner was established and concluded that legislation should be introduced to establish the post. The announcement of the appointment of an IVC, Bertha McDougall was made in October 2005. Mrs McDougall is the widow of a part time member of the RUC who was shot dead in January 1981 while on duty in Belfast.

Brenda Downes, the widow of John Downes who was killed by a plastic bullet fired by an RUC Reserve Constable in 1984, sought an order of certiorari quashing the appointment of the IVC and or alternatively, a declaration that her appointment by the Secretary of State was illegal. The application was based in five grounds.

- Firstly, it was contended that the Secretary of State did not have legal authority to make the challenged appointment.

- Secondly, it was alleged that in making the appointment the Secretary of State failed to take account of a relevant consideration, namely that there was no evidence that the appointee would command cross community support.

- Thirdly, the Secretary of State made the appointment for an improper purpose, namely for a political purpose, in response to a demand for "confidence building measures" by the DUP.

- Fourthly, Ms Downes claimed to have a legitimate expectation that any such post would be subject to advance consultation due to the practice that had arisen of extensive consultation on victims issues generally and the need for a Victims Commissioner specifically.

- Finally, the applicant argued that the involvement of the DUP in the process leading to the appointment of the IVC and the failure to involve any other political party was contrary to Section 76 of the NI Act 1998.

Mrs Downes argued in her affidavit that she welcomed the concept of a Victims Commissioner as a move towards recognising the impact of the legacy of the Troubles, provided that the Commissioner is independent, representative of the views of all victims, and fairly appointed. Ms Downes also stated that she felt aggrieved that she only learned of the appointment of the IVC through the media and did not know that such an appointment could be made.

Girvan J found that the appointment did breach 76 of the Northern Ireland Act 1998; was in breach of the power of appointment under the Royal Prerogative; was motivated by an improper political purpose at the expense of the

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proper norms of public appointments; and failed to take account of evidence that there would be no cross-community support.

In the course of Mrs Downes challenge, a letter was sent from the NIO office explaining the background to Mrs Dougall's appointment. The letter was in the name of the head of the Civil Service, Nigel Hamilton, and approved by Secretary of State Peter Hain.

Mr Justice Girvan however found that in relation to the letter (Para. 27)

"for some reason it was decided within government that incorrect and misleading information would be supplied. It may be the case that the writer of the letter acted conscientiously in passing on the information that was supplied to him to pass on. Questions, however, arise as to the source of the incorrect information that was sent out in the letter of 5 January 2006; as to who decided to provide that information in that form; and as to who decided to effectively withhold the correct information that the DUP was consulted, played a role and had nominated Mrs McDougall at the request of the Secretary of State. When the matter was mentioned before me when I indicated my provisional views I raised the question as to how it came about that the incorrect information came to be sent out in the letter. The respondent did not explain that and the additional submissions left that question unanswered."

He concludes this judgement by finding that (Para. 60)

"The relevant government departments initially provided partial, misleading and incorrect information as to the manner of the appointment, failing to disclose the true nature of the limited consultation which took place; and giving the false impression that the appointment was made on the basis that the appointee was the best candidate in terms of merit when in fact the ordinary principles applicable to an appointment solely on merit were disregarded."

In a further ruling, Mr Girvan went on to outline the seriousness with which he takes the issue of the "misleading" letter. He states for example that (Para. 5, Part 2):

> *"The letter of 5 January 2006 was in response to a solicitor's letter written in the context of a likely judicial review challenge. If incorrect and misleading information was deliberately given to put the applicant on a false trail then prima facie that conduct would appear to fall within the concept of perverting the course of justice. If, in the course of the substantive judicial review itself, there was a deliberate attempt to mislead the court the same would be true. The letter and the evidence provided by Mr Hamilton (ie Nigel Hamilton, Head of the Northern Ireland Civil Service) as approved by the Secretary of State had the tendency to mislead. The question which arises in this case is whether there was a deliberate attempt to mislead and if so by whom".*

So serious did the judge find the issue that he has referred the papers in the case to the Attorney General to decide what, if any steps should be taken in the matter in the light of all the circumstances.

Signficantly, he also sets out in a Schedule what appears to him to be the key questions (67 in total) which need to be addressed in a "*rigorous and searching investigation into the matter."*

A selection from the "67 questions" is listed below – as indicated, the letter was in the name of the head of the Civil Service, Nigel Hamilton, and approved by Secretary of

Who drafted the letter of 5 January 5 2006?

What information was supplied to the drafter of the letter?

Who supplied that information?

Who authorised answers indicating that Mrs McDougall was the best candidate in terms of merit?

Who decided not to answer the question how Mrs McDougall became aware of the post?

How many drafts of the proposed letter were prepared?

Who prepared those drafts?

Who settled the final draft?

Do all the drafts continue to exist and if so where are they?

Did the Secretary of State play a role in the settling of the document, and if so, what role?

Was the letter considered by Mr Hamilton before it was sent?

Was it considered by Mr (Jonathan) Phillips (NIO Permanent Under Secretary)?

At what point did the Secretary of State, Mr Hamilton, and Mr Phillips become aware of the contents of the letter and become aware that the letter was inaccurate?

The ideal trump card!

"National Security" is such a great phrase – it covers everything and nothing, and its interpretation depends on who is using it! When one runs out of rational arguments for doing something, then use the trump card of "national security" and it very often seems to work, for example, when trying to stop a criminal investigation or further inquiry into an arms company.

The conclusion of the Attorney General in the BAE systems case - after consulting the Prime Minister, Foreign Secretary and Defence Secretary - that the wider public interest in terms of national security outweighed the need to maintain the rule of law, exemplifies the problem. We have always been led to believe that no one or nothing is above the law - clearly, however, national security is.

Closer to home, Patten recommended that policing be devolved as soon as possible "except for matters of national security", and that the Chief Constable should respond to all Policing Board requests except *inter alia* on "issues such as those involving national security". The subsequent policing legislation, and a variety of newer anti-terrorism legislation, is replete with references to national security exceptions. However, in none of these various texts is the terminology defined.

Few would argue that the state does not need to protect national security, but this assertion does not have to amount to a blank cheque. Law must establish the parameters of the measures that can and cannot be taken in the name of national security; and democratic oversight mechanisms must ensure that the law is firmly abided by, so that the mantra of national security does not encompass ill-treatment, arbitrary arrest, or other serious human rights abuses.

It is for this reason that people in Northern Ireland should be concerned about the provisions in the St Andrews Agreement regarding future national security arrangements. No definition of national security exists in law, yet we are being asked to transfer this authority from the police to MI5. Many people continue to question the bona fides of the police, but since 1998, strenuous efforts have been made to ensure that NI has a police service which, in the words of the Agreement *"is accountable, both under the law for its actions and to the community it serves….(the new policing) structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat".*

Annex E to the St Andrews Agreement disingenuously suggests that the policing accountability structures will remain unchanged - *"there will be no diminution in police accountability. The role and responsibilities of the Policing Board and the Police Ombudsman vis-à-vis the police will not change (emphasis added)".* But this is tantamount to closing the stable door after the horse has bolted! Removing the most contentious area of policing from the police (ie issues of an undefined "national security" type) and expecting people to be reassured that the Policing Board and Ombudsman can oversee what remains. What happens in a future Stormongate? Or Omagh? Or contentious house raids? Or the arrest of a journalist? In the past, these issues have all been investigated by the Police Ombudsman, and she will continue to do that. But in future she will be frustrated in her inquiry if she finds that the police were acting in good faith on information supplied by MI5 (an institution over which neither she nor the Board has any remit).

Patten, for all the advice about how to devolve policing functions in an appropriate way, did not envisage that the policing function would change radically. The Patten Commission did not propose that Special Branch work be handed over to another body completely, but instead argued that it be further integrated within normal police structures and activities - amalgamated into CID; limited tenure and greater rotation of officers; local District Commands be kept in the loop regarding security operations etc. In short, intelligence policing should be fully integrated into normal policing and overseen by OPONI and the Board. Instead, government is proposing hiving off Special Branch type functions , and thereby removing them fom the hard-won oversight mechanisms secured in the Patten reform process. The alternative oversight mechanisms available to hold MI5 to account are entirely toothless by comparison.

CAJ will follow the debate closely. There is after all some good international practice to draw upon, and the Council of Europe is drawing up guidelines about holding intelligence agencies to account (on a par with their excellent Code of Conduct for police officers). Academics and human rights experts in this area argue that there is a need to define in law, not only the role of intelligence services, but the concept of national security and the authorisation of special powers; the role of the executive and legislature in oversight; appropriate complaints systems; how and who can access what information, and what role will be carved out for external review bodies. All of these questions need to be asked and answered satisfactorily in Northern Ireland before too much more progress is made in the transfer of functions from the police to MI5.

The vital work that Patten did in ensuring that the police can meet the high expectations of legal and democratic accountability required of them by the Agreement will be seriously undermined if we do not get these answers right.

The Human Rights Committee,

In July this year the United Nations Human Rights Committee (which oversees the implementation of the International Covenant on Civil and Political Rights (ICCPR), issued its views on the case of Michael O'Neill and John Quinn against Ireland. The Applicants were two of the men convicted in conection with the fatal shooting of Det. Garda Jerry McCabe during an IRA robbery in Adare, Co. Limerick in June 1996. The case concerned alleged violations of articles 2 (1) & (3), article 26, and article 9 of the ICCPR.

Article 2 (1) requires states to "respect and ensure respect" for the ICCPR without distinction on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 2(3) protects the right to an effective remedy. Article 26 protects persons' equality before the law on the basis on non-discrimination, and prohibits discrimination. Article 9 outlines the manner in which the ICCPR oversees the right to liberty and security of the person. This is an important case because it involves the Committee's deliberation on the status of an international peace agreement (the Good Friday Agreement) as well as its specific views on the provisions made in that Agreement concerning prisoner release. The outcomes are somewhat positive in a procedural evaluation but disappointing as regards the application and scope given to Article 26 of the Covenant.

Both O'Neill and Quinn claimed that they were discriminated against because the Minister for Justice refused to specify them as qualifying prisoners under the *Criminal Justice (Release of Prisoners) Act 1998*. This act was the mechanism used by the Irish government to implement the Prisoner Release scheme agreed by both British and Irish governments when negotiating the Good Friday Agreement. Being a qualifying prisoner under the Good Friday Agreement meant that one would be released at the end of two years from the commencement of an early release scheme. Thus, the status of qualifying prisoner was key to the operation of the domestic legislation, both in the Republic of Ireland and the United Kingdom, as well as to the review undertaken by the Human Rights Committee.

The applicants in the case argued that four documents made available to them through Freedom of Information legislation in the Republic of Ireland demonstrated that:

1) The offences committed by them clearly came within the criteria established by the Department of Justice – thereby qualifying them for release under the early release scheme;

2) That persons convicted of crimes similar to theirs had been listed by the Department as eligible for early release, including persons who had been committed of murdering members of An Garda Siochána;

3) That persons who had been convicted in the Special Criminal Court would be eligible for early release; and

4) That all persons convicted after 10 April 1998 for offences committed before that date would be covered by the early release scheme, with the exception of those persons "convicted of the murder" of Garda McCabe.

These combined with other factual and legal assertions laid the basis for their claims of discrimination under Articles 2 (1) and 26. In short, they argued that the Minister for Justice had acted in an arbitrary and discriminatory manner by refusing to certify them as eligible for the early release scheme.

The Irish government fundamentally contested the admissibility of the case. They argued that because the violations alleged took place during an ongoing peace process the Human Rights Committee should not insert its views in a politically sensitive domestic context. On the facts alleged, the government argued that the applicants were never deemed to come within the remit of the early release scheme. They argued that this was clear from many communications publicly made by the government during the negotiations related to the Good Friday Agreement. Fundamentally, the government also contested the argument that because there was a discretionary state privilege granted to some persons under the release scheme, this gave rise to a more general legally enforceable right.

The Human Rights Committee divided its views into two parts. As regards admissibility, the Committee robustly held that ongoing political negotiations did not, by themselves, exclude the Committee's competence to review. This is an important finding. Had the Committee held otherwise, it would have given states carte blanche to assert in a multitude of circumstances that the political sensitivity of the issues required exclusion of external

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Prisoner Release, and Rights

international review. Positively, the decision stands as a clear statement of the Human Rights Committee's formal right of review in contested political circumstances.

As regards the merits of the case, the Committee was divided. A majority rejected the complaint but there were strong dissents by three members, including the Chairperson of the Committee, Mme Christine Chanet. The majority opinion gave a thorough and accurate overview of Article 26. It stated that states parties were bound in their legislative, judicial and executive actions to ensure that persons were to be treated without discrimination on the grounds listed in the article. The Committee noted that "… the distinction made by the State between the authors and those prisoners included in the early release scheme is not based on any of the grounds listed in Article 26". They found that the authors were not excluded from the scheme because of their political opinions. The argumentation here is somewhat circular in that such a claim was not made by the applicants nor was it defended by the state. However the specific language of Article 26 which prohibits discrimination on the grounds of "other status" is not explored in any meaningful way.

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In particular, the Committee's views do not deal with the basic claim of discrimination made by the applicants – namely that they were treated differently and prejudicially vis-à-vis other prisoners (both in Northern Ireland and the Republic of Ireland) deemed eligible for the early release scheme.

The majority of the Committee then proceeds to contextualize its findings in the context of the negotiations leading to and culminating in the Good Friday Agreement. It finds that it "cannot examine this case outside its political context". From here the Committee finds that the early release scheme did not create any entitlement to early release but left it to the discretion of the relevant authorities to decide in individual cases, if persons should benefit from the scheme. On a plain reading of the Good Friday Agreement as well as the domestic Irish legislation it is arguable that this construction is deeply flawed. It is also, in the broader context of the Committee's jurisprudence, problematic that the jurists should cede that in effect a different form of legal analysis (and standards application) comes to bear on Peace Agreements of this kind and any other kind of international agreement or legislative enactment. This seems to envisage a two-tier kind of review, in which states can justifiably claim to have political considerations dominate interpretations of the legal when the Committee analyzes legal acts that pertain to political negotiations.

The Committee goes on to find that the state's discretion in the context before them is "very wide" and the "mere fact" that prisoners in similar circumstances were released does not automatically amount to a violation of Article 26. The ground is ceded to the state completely when the Committee finds:

> *The Committee considers that it is not in a position to substitute the State party's assessment of facts with its own views, particularly with respect to a decision that was made nearly ten years ago, in a political context, and leading up to a peace agreement.*

The Committee then dismisses the applicants' allegations of Article 26 and 9 violations. Despite the disturbing finding that the Irish Supreme Court's consideration of the issues was based on erroneous facts, the Committee also failed to find a violation of Articles 2(3) and 14 (1).

The outcome is, on the whole, disappointing. The Committee has perhaps failed to realize that international legal oversight of the legal provisions which follow from peace negotiations can be as important as the terms of the agreement itself. This is because states often fail to translate into law (or ineptly translate into law) the general principles agreed in treaty form.

As has been demonstrated by academics such as Professor Christine Bell, and in policy form through the UN Secretary General's Report on the Rule of Law and Transition, the long term security and stability generated by peace agreements can only be fully realized when states fully conform to the legal obligations agreed to therein.

The Irish government's position with respect to the early release of prisoners is at odds with the approach of the British government on the same issue. This should suggest that it is not that the legal and political issues are any different for each state, rather that one takes the domestic implementation of its international legal obligations more seriously than the other in this particular context.

Fionnuala ni Aolain, Transitional Justice Institute

Understanding Human Rights

I was pleasantly surprised reading the 'Manual on Human Rights Education – Understanding Human Rights', produced by the European Training and Research Centre for Human Rights and Democracy (ETC) in an initiative that came from the Human Security Network and in collaboration with a wide range of partners. The book is written in an effort to enhance human security with the background of the New World Programme for Human Rights Education (05-07) in mind, wanting people to not just know about their human rights but also to claim them:

"The human rights framework, if known and claimed, is the ultimate guideline to chart our future. It is a critical support system and a powerful tool for action against current social disintegration, poverty and intolerance prevalent around the world" – Shulamith Koneig (Preface, Pg 22, Par 4).

Its format - an A5 fairly thick book (410 pages!) - closely resembles a course text book so had me a bit nervous that the content would be heavy. I thought I might have to wade through legalistic language, plough through complicated concepts and generally pinch myself to stay awake! Not so. From the first few pages, you get the sense this book was actually put together to be a used and useful resource for human rights educators and trainers for both formal and informal education and for all age groups. The book is backed up by easily accessible online resources from www.manual.etc-graz.at

The manual consists of three main parts, i.e a general introduction into the basics of human rights, a special part with selected "core issues" in the form of modules, which should help to understand the functioning of human rights in daily life, and a third, so-called "additional resources part", which contains useful information on relevant institutions, references to further reading and on-line resources.

The on-line resources are well worth checking out especially if preparing to deliver a human rights programme or a one-off session. You can access the whole manual this way, but it is especially relevant for specific topics you may be covering that include (and I paraphrase): Torture, Poverty, Non-discrimination; Health; Women, Rule of Law and Fair trail; Religion; Education; Children; Armed Conflict, Work, Expression and media; and Democracy. The resources are divided into 'need to know' with printable power point presentations; 'good to know', that goes into more depth; 'selected activities' – actively implementing the topics; and a 'chronology' that outlines the relevant legal documents.

The Chapter on Freedom from Poverty, for example, begins with a short 'Illustration Story' titled "Dying of hunger in a land of surplus" followed by a few questions for discussion. It then moves on to the Section on 'Need to know' – introducing poverty, defining poverty, intercultural perspectives and cultural issues and implementation and monitoring of poverty, that looks at, among other things, the UN Millennium Development Goals and the Committee on Economic, Social and Cultural Rights. The 'Good to Know' section then goes in to more depth, giving examples of good practice and ends with the Chronology – listing the relevant legal documents and their relevant sections. The Chapter ends with two 'Selected Activities' in various parts, depending on what time is available and to what extent you want to go into the topic. The second of these two activities is an 'Action Campaign on a local issue relating to poverty'.

The few and minor criticisms that I have would be, firstly, the 'minis' (smiley faces) used to 'facilitate the navigation of the text' just confused me and I needed to keep flicking back to work out which each of them represented – there were 7 symbols in all which ranged from 'need to know' to areas like 'intercultural perspectives and controversial issues' that was represented by 3 faces in varying colours of grey with different facial expressions! The other main fault, is the format but it looks more daunting than it actually is. However, I for one will definitely be referring to this manual and on-line resources regularly and think this will be the best approach for anyone using it: you don't need to read it cover to cover and understand every single thing about human rights. It can be picked up when needed and the information that will help to understand particular areas of human rights and deliver information on rights and implement rights easily accessed, as well as being a useful infantry of the legal documents. It also makes no apologies for the fact that States need to live up to their human rights responsibilities and that people need to fight to claim these rights! At a time when our human rights are under threat by draconian anti-terrorism legislation, human rights education is a vital and powerful tool of liberation. One worth ordering and certainly sharing around networks – not one for leaving on the shelf collecting dust!

"Too many international actors today are pursuing policies based on fear, thinking they will increase security. But true security cannot be built on such a basis. True security must be based on the proven principles of human rights." – Sergio Vieira de Mello UN High Commissioners for Human Rights, 2003. (Chp 1. Pg 28).

Fiona Murphy, Human Rights Programme Officer

Manual available on the internet at www.manual.etc-graz.at in several languages.

Understanding Policing: A Resource for Human Rights Activists

Understanding Policing **aims to clarify international and other standards relevant to policing and to provide practical advice to human rights advocates intending to initiate or hoping to improve the impact of their work on policing.**

The book's central premise is spot on - in order to work effectively on policing issues, human rights activists need to have an understanding of what policing is all about. The book assists in this endeavour by providing useful references in terms of international human rights and police specific standards generated by - among others - the UN, Council of Europe and NGOs like Amnesty International. It also provides a sense of different police cultural and organisational issues that will need to be engaged with to give the human rights message 'bite'. The book presses home the importance of multi-layered engagement, with human rights advocacy in this area needing to function at many levels and take different forms at different times.

Activists are also encouraged to consider how their interventions might actually play out negatively in terms of enhancing respect for human rights. This reflection will ultimately make it easier to design a strategy for effective intervention, tailor-made to the contextual and professional policing realities being considered – and it is in providing a resource to assist the design of such strategies that the book finds its niche.

The book is divided into 4 parts canvassing a number of core police functions and powers. The final chapter, drawing lessons from Amnesty International's experiences of engaging directly with police organisations, is particularly helpful in eliciting issues and dilemmas for NGOs who choose or are contemplating this approach.

On perusing the 321 pages, however, it is clear that certain areas merit more attention than they are currently afforded in this volume. Police culture alone deserves a dedicated section to tease out and work through some highly challenging issues. More emphasis should also be given to achieving 'buy-in' from police officers on the basis that police officers have human rights too, and that poor personnel management practice will affect how seriously police employees take the admonishment to deliver human rights to others.

There are other things which trouble me slightly, including the book's use of language in places. Conflating 'policing' with 'what police do' in order to 'avoid confusion' actually removes a whole other layer of necessary debate about how policing and community safety interact, and what it is that policing should provide in any given society. The 'neutral' phraseology of 'police agency' is equally problematic on a different level. This smacks of rendering us all consumers of police 'service delivery'. In attempting to short-circuit the force/service debate, the book unwittingly provides an example of the 'technocratic' and 'clinical' language which it actually warns against in other places. The danger with rendering language too sanitised is that this, in itself, can remove the debate from the level of values by placing the issues squarely within a narrow, managerialist framework. This can mask the need for more substantive thinking and change around the need for transformation rather than reform. As the book, itself, states (p.46): '*Professionalism, although essential, is not sufficient to ensure human rights compliant policing.*'

A final criticism, from the point of view of pure accessibility, is that the typeface is very small, with a great deal of text packed tightly into every page. Given the density of text, some key messages may simply be lost or insufficiently signalled to the uninitiated. This contributes to the book struggling in parts to find a balance between talking to those already working with police agencies, and those that have little understanding of how policing operates organisationally, but want to improve the impact of their human rights concerns.

Ultimately, the book makes a very valuable contribution to the literature in this area. It brings together a range of valuable source materials and references key research, evolving standards and ongoing work in the area of police reform. It also draws on this wealth of information and experience to frame a series of useful questions to be asked in given areas, and provides helpful jumping off points in terms of analysing a range of issues from use of force and the conduct of investigations to accountability, recruitment and the enhancement of professionalism. On a personal note, it is gratifying to see that the research conducted 10 years ago by CAJ for the '*Human Rights on Duty*' project still merits reference and quotation on a number of occasions, and continues to have applicability beyond the Northern Ireland experience.

Mary O'Rawe
University of Ulster

Understanding Policing by Anneke Osse (Amnesty International, Netherlands) can be downloaded from www.amnesty.nl/policeandhumanrights.

Civil Liberties Diary

Nov 1 The findings of the Bamford Review of Mental Health and Learning Disability, chaired by Professor Roy McClelland, are presented to the British government. Amongst other things the review recommends legislative reform which would better respect the individual.

Nov 3 Inquiry into the murder of Billy Wright has heard that hundreds of files on former paramilitaries were destroyed but no record has been found of who ordered their destruction.

Nov 6 The pay gap between male and female directors is highlighted at a conference in Belfast. The event is part of the Business in the Community charity's Opportunities Now Campaign which has been focusing on women's equality in the workplace for the past 14 years. A recent Institute of Directors study found that female directors of UK were paid on average 19% less than their male counterparts.

Nov 7 An international report has found credible and significant evidence of security force collusion in 74 murders carried out by loyalist paramilitaries. The panel, including a former International Criminal Court investigator, urged the British government to conduct an independent inquiry to examine how much senior government figures and police officers knew.

Nov 9 A poll commissioned by the District Policing Partnerships show that as many Catholics as protestants are now reporting crime to the PSNI.

Nov 10 Brenda Downes wins her judicial review challenging Bertha McDougall's appointment as Victim's Commissioner. The judge ruled that there was no evidential basis for concluding that she would command cross community support.

Nov 13 Irish Human Rights Commission tells Irish government that its power to determine the length of life sentences for prisoners could be in breach of international human rights law.

Nov 14 Up to 400 new uniformed civilian officers recruited to help the PSNI combat anti-social behaviour will be employed under the 50/50 recruitment policy, a police spokesman has confirmed.

Nov 15 Prisoner Ombudsman Brian Coulter calls for the closure of Magilligan Jail saying the state of the building coupled with overcrowding could lead to crisis. He is currently investigating the deaths of 6 prisoners, 2 of which occurred in Magilligan.

Nov 17 Police Ombudsman is to investigate the 1991 murder of Sinn Fein councillor Eddie Fullerton.

Nov 20 UUP calls for complete reform of the Parades Commission.

The home and car of a Lithuanian couple in Antrim is damaged in a suspected racist attack.

Nov 21 Mr. Justice Girvan recommends that the Attorney General, Lord Goldsmith, examine whether the High Court or a west Belfast woman who challenged Secretary of State Peter Hain's decision to appoint Bertha McDougall as interim Victim's Commissioner were deliberately misled in an attempt to pervert the course of justice.

Nov 23 Five prison officers and officials are granted leave in the High Court to apply for anonymity when they give evidence at the Billy Wright murder inquiry.

Nov 24 Mr. Justice Weir, the judge presiding over the Omagh bombing trial, calls for a full investigation into why some police statements relating to the case appear to have been altered or lost.

Figures released by the PSNI show that 76 police officers have been suspended from duty in the past 5 years following allegations which range from attempted murder to driving without insurance

Nov 28 Criminal Oversight Commissioner Lord Clyde warns that progress on community restorative justice is being delayed for political reasons.

Nov 29 Charity group Save the Children launch a campaign to end child poverty in Northern Ireland. Currently it is estimated that one in four children will go without essentials this winter.

Nov 30 An Oireachtas committee has found that British security forces colluded with loyalists to carry out a number of gun and bomb attacks in the Republic. Victim's families welcomed the report.

DNA samples belonging to 1,116 people who have not been convicted of, or charged with, any offence, are being held by the PSNI. The information came to light following a FOI request from Radio Foyle.

Compiled by Mark Bassett from various newspapers.

CAJ requires volunteers for court and inquiry observing. If you are interested, please contact the office on:

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Bulletin of the Committee on the Administration of Justice
Just News
Human Rights in Northern Ireland

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