

Just News

Human Rights in Northern Ireland

More power to the Commission?

What should the NI Human Rights Commission be doing, and how should it do it in the years to come? The health and ability of the NIHRC to carry out an energetic programme of work is crucial to delivering on its objectives. The Northern Ireland Office has, after unexplained and unjustifiable delays, at last resurrected the discussion on the powers to be accorded to the NIHRC.

CAJ and others argued at the time of the passage of the Northern Ireland Act in 1998 that the powers accorded to the NIHRC were insufficient. We had to be satisfied with the parliamentary compromise that required the NIHRC, established in 1999, to review the situation two years into its life. Accordingly, in 2001, the NIHRC carried out this review and (unsurprisingly for CAJ at least) concluded that they needed more powers. This was presumably not what government wanted to hear since after 15 months of inactivity, they decided simply to launch a further consultation in 2002. Dutifully many of the groups who had engaged in the NIHRC review again made their case for or against more powers, and made their submissions by the deadline of August 2002.

With a small exception government took no further action until December 2005 when it issued the most recent consultation document on the NIHRC's powers – that is, another 3 years of inactivity on something that was arguably self-evident in 1998! Even in this recent document, no reference is made to the findings of an important study carried out in 2003 by the Joint Committee on Human Rights. One might have hoped that the recommendations made by a committee of both houses of parliament about the work of the NIHRC would be of relevance to government thinking.

Intriguingly, the one exception to this long catalogue of inaction, was the statement in December 2004 that government intended to accord the Commission one of the powers requested. Government agreed that the Commission should have the power to make visits to places of detention. Observers assume that this commitment arose directly as a result of the recommendation made to this effect only the month previously from the UN Committee Against Torture. But, not simply was this commitment not operationalised in the year since it was announced - government have included

it with all the others to be consulted upon, so it may well never be operationalised.

In CAJ's detailed response to the consultation, we renewed our support for many of the initial NIHRC recommendations, and drew attention to a number of very useful recommendations made by the Joint Committee. We argued, amongst other things, that:

- A statutory basis be given to the principle of the NIHRC's independence;
- The government and Assembly have "due regard" to the Commission's advice;
- The NIHRC have a right to take cases in its own name;
- The Commission have the right to make unannounced visits to detainees under the Optional Protocol of the UN Convention Against Torture; and
- Have the power to compel documents and witnesses.

The second, quite distinct, paper out for consultation is slightly shorter term in its import – the NIHRC is consulting on its work over the next 3 years. As might be expected, the priority areas for work in the next few years are – tackling human rights abuses, developing a culture of rights, moving forward the Bill of Rights for Northern Ireland, and strengthening the Commission itself. In summary, we have welcomed the thrust of the key aims set for the Commission's work but indicated that clearer timelines and measurable targets might be useful in the final version.

For the various documents see as follows:

www.nihrc.org
www.caj.org.uk

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Where the poor live, officially

The Noble indicators, known officially as the Northern Ireland Multiple Deprivation Measure 2005, give definitive statistics on disadvantage at local level. They can be used as a tool to campaign against poverty, apply for funding or paint a picture of disadvantage at local level in Northern Ireland.

Importantly, they are objective measures based on robust statistics. Government and other agencies recently embarked on initiatives to construct special indicators of Protestant disadvantage, such as weak community infrastructure, in order to boost funding to loyalist areas. Certainly there are many loyalist areas that are severely disadvantaged and there is a wider problem of Protestant alienation that threatens to destabilise our society, inhibit peace building, prevent the restoration of devolved government and entrench sectarianism.

That, however, is a wider political issue that needs to be overcome through political talks and more intense engagement by very many bodies, including voluntary and community groups. It is highly dangerous to try to manipulate statistics to skew the allocation of resources according to the religion of recipients or the predominant political views of the areas in which they live. If we do so, we run the danger that violence will be seen as a way of attracting greater attention and funding. At the same time we are likely to provoke a reaction from other areas and groups that are losing out because their needs are not being met to the extent that objective measures would require.

Another danger is that by attempting to find spurious indicators to divvy out funding, government creates expectations that it cannot meet. Put simply, allocating money on a political or religious basis is illegal; it cannot be done.

The 2005 indicators, published by the Northern Ireland Statistics and Research Agency (NISRA), are comprehensive and authoritative, developed by means of thorough research led by Professor Mike Noble from the University of Oxford and subject to extensive public consultation. What are they, what do they tell us about deprivation in Northern Ireland and how small are the areas covered?

Deprivation is defined using 43 different indicators, such as receipt of benefit, unemployment rates and sickness levels. These indicators are collected into seven 'domains' and given different weights in building the composite scores, known as the measure of multiple deprivation. The domains and their weight in calculating the measure of multiple deprivation are:

Income	25%
Employment	25%
Health and disability	15%
Education, skills and training	15%
Proximity to services	10%
Living environment	5%
Crime and disorder	5%

An important change since the previous indicators is the use of a new concept of 'super output areas' or SOAs in order to identify slightly smaller pockets of disadvantage than the 582 electoral wards in Northern Ireland and to get areas with roughly similar populations. Most wards are also SOAs but larger wards (such as Ballymacarrett and Upper Springfield) are split into two or three; altogether there are 890 SOAs with an average population of 1,900.

Community activists, policy makers, researchers and others can use the indicators to see how best to allocate resources, depending on the policy area involved. For example, the two Shankill SOAs come 1st and 2nd (most disadvantaged) in the education domain and are low on almost all other domains, but they come very high in the proximity to services domain. Two of the three Whiterock SOAs take the two bottom places in the employment domain and Whiterock 1 is the worst in Northern Ireland in the measure of multiple deprivation.

Overall, the indicators show that most deprived parts of Northern Ireland are in north and west Belfast. Urban parts of Derry, Craigavon, Strabane and Lisburn also feature among the fifty most deprived areas within Northern Ireland. Among the 100 lowest areas are pockets of rural deprivation such as Crossmaglen and Castlederg. At the other end of the scale, the least deprived parts of Northern Ireland are in North Down, Castlereagh and the Jordanstown area of Newtownabbey.

The published report also provides maps showing the seven domains of deprivation and the measure of multiple deprivation. The colour coding makes it immediately clear that deprivation is worst in parts of Belfast and the west of Northern Ireland.

On the website, you can put in your postcode to find out how your own local area measures up. Overall then, the Noble indicators are a valuable resource that activists can exploit.

Northern Ireland Multiple Deprivation Measure 2005 can be purchased from The Stationery Office, 16 Arthur Street, Belfast BT1 4GD; tel: 028 9023 8451; it can be downloaded free from www.nisra.gov.uk.

**Paul Mc Gill
NICVA**

Sub-contracting torture: Implications of *A and Others*

On 8 December 2005, almost a year to the day after their landmark decision in the first Belmarsh case (where they held that the indefinite detention provisions in the 2001 Anti-terrorism Act were incompatible with the European Convention on Human Rights) the Law Lords came up trumps again by holding that it was unlawful for British courts to rely upon evidence which might have been obtained through the use of torture.

Prior to this decision the general common law rule had been that evidence could be admitted in a court case regardless of how it had been obtained. By way of exception, judges had to exclude the evidence if the prosecution could not prove that it had not been obtained by 'oppression' or in circumstances making it unreliable, and juries retained a discretion to give little or no weight to evidence if they thought it had been obtained in some kind of unacceptable manner. The effect of the recent House of Lords ruling, made by a bench of seven Law Lords, is to confirm the existence of an important further exception to the general rule.

The case itself was brought by the same Belmarsh detainees who benefited from the House's decision a year earlier. The Home Secretary was not suggesting that he wanted to rely on evidence obtained by torture in these particular cases but he did argue that he ought to have that option available to him in future cases. Normally the courts do not adjudicate on hypothetical disputes (and of course the detention system put in place under the 2001 Act has now been abolished), but to their credit they did so here. It was important that the Court of Appeal's contrary ruling was expressly reversed. It had already been condemned by the UN's Committee Against Torture, the International Commission of Jurists and the Council of Europe's Commissioner for Human Rights.

Interestingly, the Lords relied mostly on English legal precedents to come to their conclusion. They referred also to the European Convention on Human Rights and to international law, but even Lord Bingham, the senior Law Lord, had to admit that neither of those sources makes it crystal clear that evidence obtained by torture cannot be used in courts. Having cited at length from a judgment of the International Criminal Tribunal for the Former Yugoslavia, Lord Bingham concluded: 'There is reason to regard it as a duty of states, save perhaps in limited and exceptional circumstances, as where immediately necessary to protect a person from unlawful violence or

property from destruction, to reject the fruits of torture inflicted in breach of international law'. He added: 'It would indeed be remarkable if national courts, exercising universal jurisdiction, could try a foreign torturer for acts of torture committed abroad, but could nonetheless receive evidence obtained by such torture'.

It is important to realise, though, that the House's decision is limited in at least four respects. For a start, the Law Lords were prepared to accept (without making a definitive ruling) that the Home Secretary would not be acting unlawfully if he arrested, searched and/or detained someone on the strength of torture evidence, wherever obtained. It is, apparently, only courts and tribunals which cannot use such evidence.

Secondly, the Lords also accepted the rule that, although evidence obtained by torture is inadmissible, further evidence obtained on the back of that evidence ('the fruits of the poisoned tree' as lawyers call it) *can* be admitted: if a murderer confesses under torture and says where the missing body can be found, the fact that the body was found there can be used as evidence in later court proceedings.

Thirdly, the House did not extend its ruling to situations where evidence might have been obtained by inhuman or degrading treatment. The UN Convention Against Torture itself makes this distinction. But the judges pointed out that the definition of torture is always changing and they suggested that the 'inhuman' techniques used in Hollywood Barracks back in the 1970s (e.g. hooding and spreadeagling against a wall) *would* amount to torture today.

Fourthly, five of the Law Lords (not Lords Bingham and Nicholls) said that the burden of proving that torture has been used to obtain questionable evidence must rest on the person objecting to that evidence. This is a highly regrettable conclusion because that person may be in no position to know who made the adverse statement relied upon by the prosecution and may not even know what it says. In the words of Lord Nicholls, such an approach to the burden of proof largely nullifies the main principle, otherwise vigorously supported by all their Lordships, that courts will not admit evidence procured by torture. It is a great shame that the Lords did not go the whole way on this one.

Brice Dickson
Queen's University Belfast

For full judgement see:
A and Others v Sec. of State for the Home Dept
[2005] UKHL 71

In previous issues of Just News, we reported on research CAJ had been conducting with a view to producing a major report on the devolution of criminal justice and policing powers. This report is now completed, and will be launched and disseminated very shortly. Given the recent publication of proposals by government on how devolution of these powers could be managed, this report is an extremely timely contribution.

CAJ takes no position on the constitutional status of Northern Ireland and this report therefore takes no formal position on devolution within the UK context, nor does it address a series of issues around an all-Ireland relationship. These questions can and presumably will be addressed in the course of detailed negotiations between the various political parties and the British and Irish governments. At the same time, it is fair to say that the starting premise of this work was that in principle devolution of criminal justice and policing to more localised democratic control was to be welcomed, because it brings crucial decision-making closer to those directly affected by those decisions. That said, our primary concern is that any eventual models of devolution be measured against clear human rights criteria, and that assessments of their relative merits and demerits be made on the basis of such criteria.

Any proposed devolution model needs to be assessed for its ability to:

- be open and transparent, so as to secure widespread public confidence;
- ensure an efficient and effective justice system;
- provide legal, democratic and financial accountability;
- represent the diversity that is Northern Ireland, and thereby ensure trust in its ability to work impartially and fairly for all; and
- deliver the administration of justice to the highest standards, as laid down in international and national human rights law.

CAJ recommends that the discussion about the appropriate devolution model to adopt should itself be an open and transparent debate, and should not be, or be seen to be, held behind closed doors and the subject to horse trading between different political parties. CAJ believes that the timetable for debate and for decision making is also a matter of public interest, rather than merely party political interest. Regarding the appropriate governmental structures in any devolved criminal justice arrangements, CAJ concludes on the basis of its research that:

- a single department/minister may meet concerns about efficiency and effectiveness but may pose concerns around credibility and legitimacy in a politically polarised society

ministry model, the emphasis will need to be on safeguards that will ensure that the party 'holding' the single ministry is behaving in an impartial and non-partisan way.

- a two or more departmental model would potentially offer Northern Ireland greater security against charges of ministerial partisanship since the departments can be headed up by members of different political traditions, who could be expected to act as a safeguard upon each other. This model risks being or appearing less efficient, and if pursued, the emphasis would need to be on mechanisms aimed at ensuring coordination, and collaboration across the criminal justice agencies will need to be the primary consideration.

- Northern Ireland already has the experience of the Office of the First and Deputy First Minister, which seeks to bring together cross-community ministerial responsibility within the operation of a single department. In reality, no other country studied had a model of this kind, so comparisons with elsewhere cannot be easily drawn upon. When learning from experience to date in Northern Ireland, it would appear that if this joint-leadership cross-community model were to be applied to criminal justice, it would be important to (i) have a clear delineation of responsibilities between the Minister and Deputy Minister (ii) establish clear protocols governing when joint agreement is needed and/or when a veto arrangement might operate and (iii) introduce a fall back mechanism to resolve any stalemates.

No executive governmental model (one, multiple, shared) is going to be self-sufficient in providing safeguards in such a highly contentious and politically problematic area. Northern Ireland should give active consideration to all of the following additional safeguards:

- Constitutional safeguards and Bills of Rights: a strong Bill of Rights for Northern Ireland will be an extremely important element of developing a criminal justice system that is both human rights compliant and sympathetic, and as such has a central role to play as an engine for transformation and change within criminal justice institutions.
- Parliamentary safeguards: tried and tested traditional methods of parliamentary scrutiny such as committees, questions and reporting obligations are extremely effective methods of holding minister(s) to account.
- Inspectorates/oversight mechanisms: such mechanisms have already proved essential in monitoring the implementation of change in policing and criminal justice, and more permanent mechanisms should be considered.

- **Complaints systems:** while these are traditionally more common in relation to policing, the Criminal Justice Review recognised the importance of criminal justice institutions adopting procedures for complaints. Clearly the more independent these mechanisms are the better.
- **Effective and independent judiciary:** the judiciary must be in a position to rule objectively on the standards and human rights to which a member of the executive must adhere in the exercise of his or her ministerial responsibilities. Its established presence as an impartial and distinct organ of government should be a powerful deterrent to any justice minister who is tempted to act in a way which would be inconsistent with his or her office.
- **Scrutiny at the local administrative level:** the Criminal Justice Review envisaged a single local entity – building upon the Patten idea of District Policing Partnerships (DPPs) – which would deliver a holistic participatory approach to local policing and community safety. Government’s decision to run two local entities in tandem (DPPs and Community Safety Partnerships (CSPs)), with little coordination, seriously risks undermining the impact either body can hope to have.
- **International scrutiny mechanisms:** Government policy, the judiciary, the police, and all the criminal justice agencies, are obliged to comply with the international human rights standards that the authorities have freely signed up to.
- **Civilian oversight and statutory commissions:** bodies such as the NI Policing Board, Judicial Appointments Commission, Police Ombudsman and Criminal Justice Inspectorate will all be extremely important in monitoring the police and criminal justice institutions.

CAJ recommends that any major institutional change in criminal justice and policing be built upon a detailed programme of work which ensures that the new arrangements embrace change and commit to principles such as openness, transparency, accountability and human rights as set out in recommendation 1 of the Criminal Justice Review.

In particular, CAJ notes that a number of the key recommendations from the Criminal Justice Review that are instrumental in bringing about such change have made the least progress in implementation. Institutional resistance to change, and the failure to fully embrace cultural transformation, leads to serious questions about the ability of the criminal justice system to transform itself into one

which commands the confidence of the community it serves. In particular, this report highlights how recommendations relating to securing a representative workforce, a more reflective judiciary, equity monitoring of those who pass through the criminal justice system, the policy around the giving of reasons for no prosecution, the implementation of complaints mechanisms, codes of ethics and discipline, and the provision of adequate and relevant human rights training have been most protracted in their implementation. CAJ notes that institutional and political resistance to deeper cultural change is evident in relation to these recommendations.

Without pressure for deeper institutional change, rebuilding confidence in the criminal justice system faces a tough challenge. At present it is difficult to see where such pressure exists. Arguably, the devolution of criminal justice and policing powers, and the local scrutiny and accountability that this will entail, could increase such pressure. Equally, however, failure to embrace the real and meaningful cultural change envisaged by the Criminal Justice Review could mean that other recommendations run the risk of becoming redundant, and the devolution of criminal justice and policing powers would be of limited affect.

CAJ recommends that criminal justice only be devolved once there is a clear delineation of the exact powers that are to be ‘devolved’ and those that are to remain ‘excepted’. It is particularly important that there is clarity in the area of emergency powers and national security. There will be arguments as to whether to devolve more or less authority to locally elected bodies in these particularly contentious areas, but this must be determined in advance of the transfer of powers.

It is CAJ’s view that ambiguity surrounding the nature and extent of authority and powers being transferred from Westminster to Northern Ireland would be very destabilising for the peace process, and could seriously undermine the efficiency and legitimacy of the eventual arrangements. Decisions underway currently, for example, regarding the transfer of key intelligence functions from the Police Service for Northern Ireland to MI5 will determine to a great extent the nature of criminal justice and policing powers to be devolved. In the past, problems of communication between internal branches of the police service – Special Branch and the regular units of either the RUC or PSNI – has led to grave errors (see, for example, the inquiry into the Omagh bombing). The transfer of some of these functions to an agency outside of the Police Service of Northern Ireland makes the likelihood of such errors more not less likely in future. Very importantly, it removes some key functions – ones which traditionally lend themselves most easily to abuses of human rights – from effective local oversight. Devolution of powers that is seen by people in Northern Ireland to be devolution in name only will be counter-productive.

Beyond Criminology: Taking Harm Seriously

A Review

This newly published book, edited by Paddy Hillyard et al, is a rare creature; a work of scholarship that is ambitious, masterful and has the potential to reshape the way we think about a fundamental area of legal and political scholarship and practice.

The book is the product of many years of thinking by the European Group for the Study of Deviance and Social Control, starting when they took a critical look at the 'theoretical rational and political utility of retaining a commitment to the analysis of crime, (criminal) law and the criminal justice system'. From those deliberations we gain an insightful and arguably heretical rethink of many of the basic assumptions which underpin the allocation of criminal blame. From this we gain insights into the allocation of resources to contain and control crime as well as the way in which punishment is calculated and enforced in western societies.

The central idea of the book is neatly expressed in the introduction and chapter 1, where the editors set out that their goal is to move beyond the narrow confines of criminology, focused on whether certain kinds of harms constitute crimes or not, to a broader concentration on the different kinds of harm that people experience from 'cradle to grave'. The first chapter by Hillyard & Gordon also neatly sets out overarching criticisms of the dominant discourses in criminology. The book then proceeds to explore different types of harm. What this exploration delivers is a thoroughly radical rethink of the extent to which people experience harm during the course of their lifetimes, and the manner in which certain kinds of harm are 'valued' over others, through the criminal law.

A variety of issues are addressed by contributors; including the harms produced by neo-liberal economies (Chapter 3, Toombs and Hillyard); Chapter 4 extends and contributes to this economic concentration by examining the relationship between poverty and prevailing economic and social power structures (Jamil Salmi); Chapter 6 explores the idea of state crime (Tony Ward); Chapter 7 presents an innovative review of miscarriages of justice through the social harm prism, arguing that it would be useful to focus substantial energy on lower level appeals processes (Michael Naughton); Chapter 8 examines the notion of 'victimised state', specifically looking critically at the profile of harms that are centre stage involving prison and police officers, and compares their statistical profile to the deaths of civilians in state custody/control (Joe Sim); Chapter 12 presents an illuminating 'life course approach' to the harms suffered by women (from birth to old age) in developing countries.

Each of these chapters presents a unique micro-study of the dominant theme of underestimated and under conceptualised harms experienced by individuals and groups in a variety of social settings. This review cannot do justice to the breadth of the book but a close look at chapter 12 (women) reveals the capacity of the book to reshape the way we look at a particular issue. The chapter opens with the premise that while WHO statistics indicate that women are living longer lives than ever before, this statistical descriptor fails to demonstrate that 'the experience of many female lives continues to be one lived at great risk of serious harm at all stages of life...'. From this follows a step by step analysis of the most serious harms experienced by women in the developing world. Contextualising this analysis is an assessment of why criminology has largely ignored such harms, focused primarily on the harm of specific violence(s) experienced by women and children (in both familial and non-familial settings).

While not decrying the value of understanding the existence and forms of such violence (s), Pantazis notes that the conception of violence (and harm) remains a narrow one, and one mostly attuned to the experiences of western women. The value of the broader life course overview set out in this chapter is that it demonstrates the breadth of harm women may experience in a lifetime, exposing vulnerabilities hitherto underestimated and under-sanctioned. It also demonstrates the commonalities of the harm experience for women, as well as the particular harms that accrue in particular parts of the female life cycle.

The book opens up the capacity for interesting debate across a range of fields and issues concentrated on a radical notion of harm. It is particularly valuable for the emphasis it places on economic harms, especially those produced by the dynamics of international neo-liberal economics. In doing so, it further confirms the class and privilege elements of the harm spectrum, and the insulation which class and colour donates to many in the western world. The editors acknowledge that the theoretical and policy implications of the 'harm theory' remains a work in progress and that some of the core ideas are in a development stage. Nonetheless, the work is a highly significant contribution to the literature and may (as did Paddy Hillyard's previous book *Suspect Community*) ultimately change the way we think about a particular set of social and political practices. It is highly recommended.

"Beyond Criminology: Taking Harm Seriously"
Edited by Paddy Hillyard, Christina Pantazis, Steve Tombs & Dave Gordon
Pluto Press (2004)pp 275

Policing the past: Historical Enquiries Team

The Police Service of Northern Ireland has set up a new investigation team named The Historical Enquiries Team. Its sole job is to re-examine all deaths attributable to the security situation here between 1968 and 1998. This is one of the most difficult parts of our history. It holds many unanswered questions for bereaved families who lost loved ones during that time. The Historical Enquiries Team hopes to help bring a measure of resolution where possible to these families. It will work closely with them and on their behalf to a modern, professional policing standard. Of course, the impact of such tragedies never fades. However, further investigation of the issues involved may offer these families a greater level of resolution. It will be painstaking and complex work. It will have to be conducted with great sensitivity. It is a massive challenge for everyone involved, but it is one that can and should be undertaken.

What will the new unit look like?

The Historical Enquiries Team will be staffed by police officers and civilian staff recruited both within Northern Ireland and externally. Command will rest with officers from outside the Police Service of Northern Ireland but who have gained experience of Northern Ireland issues.

It will have two distinct Review and Investigation teams. Exclusively externally seconded officers from other UK police services and An Garda Síochána will staff one team whilst the second will be made up from locally recruited staff. This balance is designed to deliver professionalism, integrity and an effective response to the challenges ahead, building and maintaining confidence in the policing process.

What will the new unit do?

We envisage a re-examination process for all deaths attributable to the security situation with case reviews leading to re-investigation in appropriate circumstances where there are evidential opportunities. Families will sit at the very heart of our investigations. The primary objective will be to work with them to achieve a measure of resolution in these difficult cases.

The second objective will be to enable a sense of confidence among those directly affected and the wider public that all these cases will be comprehensively examined to current professional standards.

How will cases be managed?

As a general rule, cases will be examined on the basis of when they happened, starting with the earliest cases. There will be some exceptions, for example, linked cases or those already re-opened. The process of case examination will involve several stages:

- **Collection and assessment.** This includes the recovery and examination of existing records and exhibits.
- **Review.** Here cases will be examined to determine whether any further investigative or evidential opportunities exist.
- **Re-investigation.** This will involve further investigative work which focuses on the issues identified by the review process.
- **Judicial proceedings.** Where possible in appropriate cases or, alternatively, resolution.

The whole process will be underpinned by contact and liaison with families. We intend also to liaise with non-governmental organisations (NGOs) and other representative groups as appropriate, and take advantage of any support that they can offer.*

What will be the results of this work?

This is probably the most difficult question to answer. It is important to recognise from the outset that this is a policing initiative. It is not a part of any political or 'truth and reconciliation' process. The work involves assessing each case to identify whether any investigative opportunities were missed originally, or if new developments have resulted in a fresh chance to progress the enquiry. This could result from any source, such as new forensic processes (e.g. DNA) or new witnesses being identified.

How will Family Liaison work?

In every case, we will ask families what are the issues that concern them. These will be many and varied but our goal will be to try to bring honest answers to them all, irrespective of whether a case can be progressed or not.

Our view is that this whole initiative begins and ends with the families of the victims. To that end, our starting point will be to include in every review an acknowledgement of what outstanding issues have been raised by the families, and every resolution process will include a response to address those matters.

We are introducing a liaison process that will aim to deliver the highest level of contact and support.

As in all of our dealing with the community 'trust and openness' will be key goals for this work. Our principle of 'maximum permissible disclosure' – simply telling people as much as we can – will be vitally important.

Phil James
Historical Enquiries Team

* As part of this process, CAJ agreed to carry this short information article on the HET's work

Civil Liberties Diary

January 3 Victims' group FAIR hand over a dossier to police containing more information on the Kingsmill massacre of thirty years ago.

January 5 Chairman of the Parades Commission, Roger Poole, says the newly formed body will review its operating procedures and wants to involve the Loyal Orders as he plans a "new approach" to solving problems surrounding marching.

Annual report by the Equal Opportunities Commission in Britain says it will take up to 200 years for women to gain a "fair share" of power. It showed continued under representation in many areas of the workforce.

January 9 Police Ombudsman Nuala O'Loan has been asked to investigate claims that a PSNI officer drew a loaded gun on a group of primary school pupils in the Turf Lodge estate.

January 11 Alison Antonio, a black woman living in an estate in Antrim, may be forced out of her home following racist intimidation.

January 12 Peter Hain announces the British government is not to go ahead with the much criticised "On The Run" bill which was to grant an amnesty for murders committed during the troubles. Related legislation in the Republic is also not to go ahead.

Family of murdered solicitor Pat Finucane have had a series of meetings with Irish political parties in Dublin.

January 13 NIHRC is to launch a probe into the conditions facing immigration detainees in Northern Ireland who are detained as a matter of course unlike in the Republic of Ireland or in Britain.

Children's Commissioner Nigel Williams urges NIO ministers to swiftly implement all measures necessary to

keep sex offenders and paedophiles out of Northern Ireland classrooms.

January 17 Attorney General Lord Goldsmith has denied any political interference in the decision by prosecutors to drop charges in the Stormontgate case.

January 19 Family of Seamus Ludlow call on Oireachtas sub-committee to launch a full public inquiry into his 1976 murder in Louth.

January 20 Justice Oversight Commissioner Lord Clyde announces that there continues to be overall steady progress in the overhaul of the criminal justice system in NI. He praised progress in a number of areas including a formal agreement on cross border co-operation, a victim's information service, school courses helping teenagers understand judicial systems, and 17 year olds being dealt with now by youth courts.

January 24 A report on the suicide of prisoners in Northern Ireland jails by Prof. Roy McClelland has criticised the standard of mental care within the prison system. The independent review on the six deaths (2002-04) identified failings at almost every level in prison services' health care provision.

Cases involving the RUC will not be investigated by the Historical Enquiries Team which will begin examining 100 unsolved killings. Such cases are to be left to the Police Ombudsman.

The Equivalence in Promoting Equality Report looks at how equality provisions under the Agreement have been implemented on both sides of the border. It has claimed that in some areas the legislation in the Republic lags behind that in the North.

January 25 Brenda Downes, widow of a man killed by a plastic bullet, is to challenge the appointment of Victims Commissioner Bertha McDougall by way of judicial review on the grounds

that she does not command cross-community support.

Council of Europe report raises concerns over the possibility of human rights abuses in Ireland after widespread suspicion that the United States has used European airports to deal with terrorist suspects in a manner known as extraordinary rendition.

January 26 Lisburn DC faces an action of judicial review of its decision to fly the union flag all year long on civic buildings despite an equality impact assessment commissioned by the Council warned it would be unlawful.

January 30 Abuse of the elderly is being overlooked as people focus on poverty and child abuse claims the charity Help the Aged as it launches a new national awareness campaign.

January 31 Young man loses sight in one eye after a homophobic attack in Derry city centre.

Ex-policeman is fined and issued with a driving ban for endangering a crowd of people demonstrating against a march on the Springfield Road in 2002.

Compiled by Mark Bassett from various newspapers.



Just News welcomes readers' news, views and comments.

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The views expressed in Just News are not necessarily those of CAJ.

Title to be put on page 4/5:

***Change and devolution of criminal justice and policing in
Northern Ireland: International lessons***