Just News



Human Rights in Northern Ireland

January 2012

Secret Justice: coming to civil proceedings near you?

Based on the experiences of counter-terrorism measures in this jurisdiction, CAJ has long argued against knee-jerk reactions to particular events. In our experience, measures which effectively bypass rule of law standards and establish, in essence, a parallel justice system erode long held civil liberties and lead to human rights abuses which can fuel a conflict as well as contributing to the growing marginalisation of 'suspect communities'.

On the back of a number of court cases the UK Ministry of Justice has issued the 'Justice and Security' Green Paper. This paper bemoans particular problems which have arisen for the UK security services as a result of 'war on terror' practices such as extraordinary rendition (i.e. the kidnap, torture and unlawful detention of persons). It proposes a number of radical solutions. Below is a summary of the issues, the response you would have expected from a government framed human rights approach and what is actually being proposed. First the government's 'problems':

- There are "increasing numbers of cases challenging Government decisions and actions in the national security sphere," in particular compensation settlements are being paid to individuals over UK involvement their detention and treatment in Guantanamo Bay.
- Intelligence agencies in other countries are concerned that people who allege they were tortured by them have been able to get evidence via UK courts to support their cases abroad (i.e. information in the hands of UK Security Services which originated from the respective agencies of other countries); this is damaging the UKs relationships with such agencies;

The response one would hope for would be that the security agencies of states are neither infallible, beyond criticism nor above the law. Moreover, one would seek a response that the UK has a duty under the UN Convention Against Torture and domestic legislation to hold officials to account for complicity or participation in torture, wherever in the world it may have occurred. However what is actually proposed is to:

- legislate to introduce Closed Material Procedures (CMPs) whereby evidence, presumably based on Security Service intelligence, can be given in secret in relation to a whole range of civil court claims when a government minister decides sensitive material could 'cause damage' or 'harm' to the 'public interest';
- legislate to restrict disclosure of information in civil cases which the UK is not party to when it deems it is not in the 'public interest' to do so;

There is already a process (Public Interest Immunity) whereby certain sensitive evidence can be exempted from public disclosure and hence excluded from use in court proceedings by either party. The thrust of the proposals are to move away from PIIs towards CMPs. The Green Paper indicates that government is concerned that in a 'small number' of cases the independent judiciary has not endorsed Ministerial views as to what is to be disclosed in open court. There is therefore a 'real risk' of not being able to rely on the judiciary to uphold the Government's view. Government therefore wants CMPs to allow Ministers to take decisions on which information is 'too sensitive' to be seen in open court. In this model, a closed door proceeding will be held where the judiciary (but not the other party) to get a full picture of the evidence.

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Clearly, hearing evidence in this way will reduce the potential for such information to be subject to challenge, including of its origins and source. This may reduce the potential to uncover and hold the Security Services accountable for malpractice or human rights abuses. Government had sought to argue in the Supreme Court in *Al Rawi and others v the Security Services*, that CMPs could be utilised without legislating for them. This approach was rebuked by Lord Kerr arguing the

"right to be informed of the case made against you is not merely a feature of the adversarial system of trial, it is an elementary and essential prerequisite of fairness" (paragraph 89).

Secret evidence in other types of proceedings is, of course, not new. In the UK processes have been established in relation to Control Orders. In Northern Ireland such closed proceedings also apply in relation to national security exemptions to fair employment legislation and provisions for recalling to prison persons with conflict-related convictions who were released on licence during the peace process. The Green Paper argues that CMPs can deliver procedural fairness and highlights the system of 'special advocates' appointed to represent the interests of the excluded party as being central to this. The problem remains that most special advocates themselves note, in a submission to the consultation, that CMPs "represent a departure from the foundational principle of natural justice that all parties are entitled to see and challenge all the evidence relied upon before the court and to combat that evidence by calling evidence of their own" and have come to the "clear view" that the proposed extension of CMPs to civil litigation is "insupportable". The repercussions in Northern Ireland could be particularly "insupportable" given the Green Paper examines the potential to extend CMPs to inquest proceedings. Whilst Government appears to recognise the potentially far reaching consequences in relation to legacy inquests into conflict-related deaths, such an extension of CMPs to such inquests is not ruled out.

The first responsibility of Governments, as set out in the first article of the Vienna Declaration adopted at the UN World Conference on Human Rights, is the "protection and promotion of human rights". The Green Paper turns this notion on its head by its first sentence stating "The first duty of government is to safeguard our national security." A truly independent process to ascertain and address security service involvement in the potentially illegal practices followed by robust measures to prevent recurrence would be the appropriate response to the 'problems' government faced. Instead, faced with a boycott from human rights NGOs who regarded it as toothless, government has abandoned its 'detainee inquiry' and issued this Green Paper. As well as good relations with other security agencies the proposals appear driven by the underlying concern the reputation of the UK's Security Services are being tarnished by the increased potential for its activities to be scrutinised in open court and the 'embarrassing' revelations this may entail, rather than giving due regard to the rights of those affected by their potential actions.

CAJs full submission to the Justice and Security Green Paper is available on the website.

Prevention of Terrorism

CAJ Director, Brian Gormally, attended a conference recently in which he presented the following firsthand account of CAJ's experience of terrorism prevention. The conference was organised by De Montfort University and the Home Affairs Committee, with support from the Barrow Cadbury Trust and was entitled "The roots of violent radicalisation." Brian presented this paper at a workshop called "How can we use the lessons from NI to inform our Prevent strategy?"

"CAJ has given written evidence to this Committee and I will not rehearse it here. However, it will be fairly obvious from the nature of my organisation that I will be taking a human rights based approach in my comments. That position is not a whim nor a politically correct but impractical stance – I think it is absolutely central to a discussion about engaging with and preventing terrorism and specifically about the Prevent programme. Let me give you a couple of specific reasons. First, the UN General Assembly has said over and over that "acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy [...]." To fight terrorism is therefore to defend human rights – or, to put it the other way, to defend human rights is to fight terrorism. Human rights and the rule of law are the antithesis of terrorism – so let us be very clear which side we are on. Second, the Prevent Strategy itself says: "Challenging [terrorist] ideology is also about being confident in our own values - the values of democracy, rule of law, equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind." So championing human rights is central to the ideological battle against terrorism. However, if that is seen as just a verbal commitment; if the actions of our or allied governments appear to contradict the claim to the moral high ground of human rights compliance then the charge of hypocrisy will completely destroy the ideological challenge to terrorism. Less than two months after 9/11 the Office of Democratic Institutions and Human Rights, the UN High Commissioner for Human Rights and the Council of Europe felt it necessary to issue a joint statement which said: "While we recognize that the threat of terrorism requires specific measures, we call on all governments to refrain from any excessive steps which would violate fundamental freedoms and undermine legitimate dissent. In pursuing the objective of eradicating terrorism, it is essential that States strictly adhere to their international obligations to uphold human rights and fundamental freedoms." We may consider the extent to which these obligations have been maintained during the "War on Terror." I am not going to get into a critique of events since 9/11 – suffice it to say that the first rule of a human rights based approach is "do not abuse human rights" and the second is "if abuses occur, investigate them properly and make due redress."

Assuming we obey those rules, I think there are some guiding principles that arise from the adoption of a human rights based approach towards terrorists or those who might be tempted in that direction. In my view, when these principles have been adopted in Northern Ireland we have made advances and when they have not, we have suffered more violence. The most important is the principle of rationality. The concept of universal human rights clearly involves a vision of the human as a rational being, capable of cooperating with others in social and political institutions. So when we want to engage with someone who has been or may be involved in conflict, we must start from the appreciation that there is a rational basis to their actions, however much we may disagree with them. This principle is widely neglected or abused in counter-terrorism discourse. There is a tendency to demonise, to exclude and to deny the rationality of those categorised as terrorists. This may involve using medical metaphors – terrorists are "pathological" or "infected" by radical ideas. Or it may involve terminology that defines them as outside "normal," "rational" society.

One problem with this approach is that it puts up obstacles in the way of a rational engagement with those we perceive to be our enemies – instead we have to cure, disinfect or quarantine them. Another problem is that it leads to a view that they do not deserve or warrant human rights – if they are less than rational beings, then human rights do not apply. At its most extreme, this approach can lead to statements such as "put them down like the mad dogs they are!" The second major principle really arises out of this assumption of rationality. If we are talking about rational human beings who have a cause, however worthless we think it is, there is likely to be some basis for it in objective fact – however twisted and distorted it may be by a predetermined ideology. So perhaps we should call this the "principle of fallibility." If rational people are moved to assault our society and institutions there may, just may, be something wrong with them. Nothing like enough to justify a violent attack on them, we may believe, but something nonetheless. If we adopt an assumption of rationality and admit the possibility of fallibility we start opening up routes to productive engagement. If we are open to the idea of societal change then we are immediately talking about politics – the possibility of political engagement and facilitating political as opposed to violent routes to change. How successfully these routes can be travelled will depend upon the concrete circumstances in any given situation, but it makes no sense to block them off from the beginning.

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CAJ in Geneva

CAJ was invited to attend the Regional Consultation for Europe on enhancing cooperation between the United Nations and Regional Human Rights Mechanisms on prevention of torture and the protection of victims of torture, especially people deprived of their liberty. The event was held in Geneva, on 15th and 16th December 2011. CAJ's Criminal Justice Programme Officer, John Patrick Clayton, represented CAJ at this event. The consultation took place in the UN Office at Geneva at Palais des Nations and was organised by the UN Office of High Commissioner for Human Rights. The consultation was opened by the High Commissioner for Human Rights, Navi Pilay.

The aim of the consultation was to identify concrete means of cooperation between the UN and European Human Rights Mechanisms, such as the Committee for the Prevention of Torture (CPT), in the fight against torture and other ill treatment. Topics discussed at the consultation were the sharing of information, possible joint activities and follow-up on recommendations by human rights mechanisms. The role of National Preventive Mechanisms (NPMs) and civil society organisations was also discussed. NPMs are bodies designated by each state party to the UN Optional Protocol to the Convention Against Torture (OPCAT) to carry out visits to places of detention and monitor the treatment of detainees within that state. The United Kingdom ratified OPCAT in 2003 and designated its NPM in 2009. It is currently comprised of 18 bodies, 4 of which are based in Northern Ireland. These are the Independent Monitoring Boards (IMB), Criminal Justice Inspection Northern Ireland (CJI), Regulation and Quality Improvement Authority (RQIA) and the Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS).

The consultation consisted of five sessions over the two days. Each session began with a panel of speakers who gave presentations on the issues outlined above. There then followed an interactive discussion led by a moderator. Panelists included the President of the CPT, the UN Special Rapporteur on Torture, a member of the UN Committee Against Torture (CAT) and a member of the UN Subcommittee for the Prevention of Torture (SPT), established under OPCAT to advise state parties on issues relating to NPMs and to carry out in-country missions to monitor the treatment of those deprived of their liberty. Presentations where also given by a representative from France's NPM and the Head of the Human Rights Department at the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights.

A major issue discussed at the consultation was information sharing between UN and European human rights mechanisms. It was outlined that a potential barrier to information sharing within Europe is the requirement of confidentiality. Reports by the SPT and CPT in relation to individual states remain confidential, unless published by the state concerned. The rationale behind this is to ensure cooperation and collaboration by state parties with these mechanisms. However, the potential to share information outside of reports was discussed, such as methods of work, experiences and criteria for interviewing detainees and visiting places of detention. The need to share information was also apparent in discussions around possible joint activities between UN and European human rights mechanisms in order to develop common standards and enhance expertise.

The need for civil society organisations and NPMs to follow up on the recommendations by UN and European human rights mechanisms was emphasised, as they are 'on the ground' and potentially in a better position to do so. The final session considered the role of NGOs and heard presentations from Matthew Pringle, from the Association for the Prevention of Torture (APT) and Liam Herrick, Executive Director of the Irish Penal Reform Trust (IPRT).

During the course of his presentation, Matthew Pringle described CAJ as a well-respected organisation and praised the work of CAJ as an example of how NGOs can fulfill the 'watchdog' role in relation to the performance of an NPM. He referred to correspondence CAJ had with some of the NPM bodies in Northern Ireland during 2010 in relation to concerns raised about the conditions for separated prisoners in Roe House, Maghaberry (which CAJ forwarded to the APT and SPT) as an example of this.

This demonstrates that a local human rights NGO such as CAJ can use the NMPs effectively by drawing their attention to issues on the ground and hence ensuring a practical impact of internationally agreed standards and their implementation mechanisms.

The Merger of the Irish Human Rights Commission and the Equality Authority In September 2011, the Minister for Justice, Equality and Defence, Mr Alan Shatter TD, signalled his intention to merge two important statutory agencies - the Irish Human Rights Commission and the Equality Authority. In his statement Minister Shatter pledged that the new body, tentatively titled the Human Rights and Equality Commission (HREC), would when established unequivocally keep faith with the 'Paris Principles'. Adopted by the UN General Assembly in 1993, the Paris Principles provide guidance to states on the competence, independence and methods of operation of National Human Rights Institutions (NHRIs).

The Minister indicated that a leaner, more streamlined body would enable greater effectiveness, efficiency and cohesion in the delivery of services. Acknowledging existing difficulties in the funding and operation of both bodies particularly in relation to successive and sometimes severe budgetary cuts, the Minister also highlighted an apparent overlap in functions, something he believes could be addressed within the new structure. In its submission (available at: www.iccl.ie/equality-publications.html) to the working group set up to oversee the establishment of the new body the Irish Council for Liberties (ICCL) broadly welcomed this proposal highlighting that, subject to meeting certain structural criteria to ensure functional independence, adequate resourcing and effective leadership, the new body could operate with significantly enhanced effectiveness than presently enjoyed by either the IHRC or EA.

The ICCL set out the criteria that it believes necessary for any new body to substantively satisfy the Paris Principles and to ensure that important existing functions remain undiminished. The new body must, at a minimum, maintain the appropriate legal functions of both pre-existing bodies as well as powers to monitor, investigate, review, educate and carry out research. The merger also provides an opportunity to ensure that the structures and working methods of the new body reflect international best practice and a will by Government to safeguard the protection of human rights and equality in Ireland.

At present the IHRC can apply to appear as amicus curiae or 'friend of the court' in any case involving or concerned with human rights or discrimination against persons. Similarly, the Equality Authority maintains a wealth of experience and expertise in providing legal advice and assistance to claimants who have experienced discrimination. The new body should have enhanced powers to offer legal assistance to those who would be, either financially or otherwise, prohibited from making claims in relation to human rights or equality law violations and these protections should, in accordance with the Paris Principles, be extended to groups of persons (including their representatives, third parties, NGOs trade unions and other representative organisations). Where such persons are unable to pay for legal assistance, it should be provided free of charge by the HREC. The ICCL believes that given existing and well documented difficulties for people on low incomes in accessing the judicial system, such provisions are vital.

An effective, efficient and cohesive HREC would also have the power to monitor and investigate alleged violations of human rights and allegations of discrimination. It would have the power to review and propose changes to legislation to ensure that human rights and equality standards are being met across all areas of government. A mandate to assist businesses and employers in maintaining adequate human rights and equality protections for employees and service users would be complimented by powers to legally enforce recommendations to help combat unfair practices. Finally the ability to carry out real and substantive educational and promotional activities, to conduct in-depth research into areas of concern and to produce codes of practice to inform both legislators and legal practitioners would enhance the protections not practically supported within the current system. Thus the opportunity for an enhanced all encompassing service afforded by the merger is, in the opinion of the ICCL, real and substantive. Yet, not unexpectedly potential pitfalls remain.

In the current climate of austerity a ring-fenced budget is crucial. Safeguards to protect the agency from 'corrective' budgetary action are equally important particularly if and when the HREC takes decisions considered by an incumbent Government to be unfavourable. The process of staffing and appointment to the board must be transparent, inclusive and merit based. While enhanced accountability via a direct reporting function to the Oireachtas or a subcommittee thereof as proposed by the Minister is welcome, lack of accessibility, physically or institutionally, would render the project at once ineffective. Notwithstanding these concerns the ICCL looks forward to the publication of legislation enabling the merger and to further opportunities to engage with the process.

Stephen O'Hare, Equality Officer, Irish Council for Civil Liberties, www.iccl.ie

Hopeful for Change in 2012

While there are many reasons to be pessimistic about the economic situation the State is in, and the pressure on public and community services, the Irish Penal Reform Trust (IPRT) is hopeful and optimistic that 2012 is going to be a historic year for turning around the Irish prison system. The prison population is leveling off; the Government has announced the establishment of a Strategic Review Group in penal policy; and with the plans for the Thornton Hall Prison in North Dublin shelved, the Prison Service can shift its focus to improving the existing prison stock. With leadership and political will, we believe that Ireland can begin to move from the failed policy of expansion to developing a more effective and focused prison system – and that there can be very significant, positive changes over the coming 12 months.

Prison Population

Last year saw the numbers in prison custody begin to level out after decades of penal expansion. From a peak of 4,587 in April 2011, the prison population remained at around 4,250 for the last 6 months of 2011. Coming after double-digit increases every year for the past decade, this is highly significant. IPRT believes that 2012 could be the first year since the 1960s when the prison population is reduced year on year. If we are serious about reducing and keeping the prison population down, we need to focus on a number of areas:

- The Fines Act and the system of payment by instalment has to be finally implemented in 2012 and this should see an immediate reduction in imprisonment for fine default. Similarly, the use of Community Service as an alternative to prison must continue to be expanded, and there have been promising signs in the last year of the capacity of the Probation Service to take more people under community supervision.
- There must also be a comprehensive review of our mandatory sentencing policies, particularly around drugs offences. The Law Reform Commissions published a consultation paper on 19th January. We believe that there is a new political willingness to address what has been a disastrous drugs policy in Ireland over the past two decades.
- Finally, the main priority for IPRT in the area of sentencing in 2012 will be on parole reform. An Oireachtas sub-Committee has been established to examine ways for the safe early release of prisoners in a structured and regulated manner. We will be working closely with the Oireachtas Committee and with Government to come up with proposals for a fair and just system of parole, temporary release and remission.

As we set out in our submission to the Thornton Hall Review Group, we are convinced that with steady progress in each of these three areas, we can reduce the prison population significantly over the next few years.

Prison Conditions

Some progress on slopping out in the C-block at Mountjoy has been followed up with the allocation of funds for expanding that work to include the B-block in 2012. We are now at a point where the prison service should shortly be able to give us a final date for the abolition of slopping out in the prison system.

There has also been a gradual acceptance of the Inspector of Prisons' guidance on the real capacity – as opposed to the bed capacity – of the fourteen prisons in the State. The targets for reducing overcrowding are now clear, and we will be pushing Government to set out plans to meet those targets.

In any plan for the redevelopment of the prison system, IPRT will continue to demand that priority is given to addressing conditions in our worst prisons – Mountjoy, Limerick and particularly Cork – where the situation of slopping out, overcrowding and poor cell conditions is urgent.

Recent attention on the Dóchas Centre Women's Prison should also mean that misguided plans for dormitory accommodation are revisited, and 2012 is the year in which the government can finally accept our recommendation for a more wide-ranging review towards women offenders, moving towards alternatives to imprisonment for women.

Accountability

Underpinning any programme of reform must be improved accountability. The need for a Prisoner Ombudsman has been raised again in the context of the tragic death of a prisoner at Cloverhill Prison (20 December 2011). We believe that the case for an Ombudsman is stronger than ever; that a Prisoner Ombudsman would be a cost effective way of underpinning real accountability within the Prison system. To this end, IPRT is delighted to announce that Northern Ireland Prisoner Ombudsman, Pauline McCabe, will speak at an IPRT event on prisoner rights and complaints mechanisms taking place on 30th March 2012. A new publication, 'Know Your Rights - Your Rights as a Prisoner' will be launched at this event.

There are already some signs of movement on improving the internal complaints system within the Prison Service and reform of the Prisons Visiting Committees. A further essential element in 2012 would be for Ireland to ratify the Optional Protocol to the UN Convention against Torture (OP-CAT) which will strengthen the inspection systems within our prisons and other places of detention.

Youth Justice

Finally, in Youth Justice, the focus is now firmly on ending the detention of children in St. Patrick's Institution. IPRT is working with a strong alliance of children's rights groups to apply maximum pressure on both the Minister for Justice and the Minister for Children on this issue. It is a disgrace that during the boom years, this vulnerable group of children continued to be neglected by successive Irish Governments – but we are confident that with the transfer of responsibility for young people in the criminal justice system to the Minister for Children and Youth Affairs. Thus a solution to this clear human rights violation is now moving closer.

Keeping the numbers down; addressing the key human rights issues in the prisons; strengthening accountability; and ending the detention of children in St. Patrick's. None of these goals need cost the earth – in fact most of them would save exchequer funds. What they do need is leadership and commitment at Government level. Surely not too much to ask for 2012?

Liam Herrick, Executive Director, Irish Penal Reform Trust, www.iprt.ie

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The third principle arising from a human rights based approach is the principle of justice. This might seem tautologous but we can see justice as the product of the rule of law based on human rights – it is the desired end result of a human rights based approach. Justice is rarely present in a violent political conflict – the innocent suffer without redress and the guilty often get away with human rights abuses. Thus arises the concept of "transitional justice" – a set of procedures, mechanisms, principles, laws and processes seen as necessary to move from a state of conflict and human rights abuses to a society based on the rule of law, equality and justice. In Northern Ireland I believe we have applied these principles – not wholly or consistently perhaps – but sufficiently to have made great strides forward.

From my point of view, the engagement with those who took up arms during the conflict formed part of the peace process designed to resolve it. In so far as that engagement has been successful, I believe it was based on an approach informed by human rights and on the principles of rationality, fallibility and justice that I identified earlier. We have engaged in inclusive negotiations resulting in political engagement supported by an infrastructure of human rights protections. We still have unresolved issues that deeply engage human rights and we still have a terrorist threat. However, it is my view that the more work we do on the former, the less we will have of the latter. In respect of the Prevent agenda, any genuine engagement with potentially disaffected communities must be based on human rights principles. Not only do they represent the values that most of us would profess to uphold but they actually work. To abandon human rights in the name of a war on terror or extremism strikes at the rule of law which is the foundation of civilisation; it also fuels violent insurrection and will bring down the horrors of war on future generations."

Civil Liberties Diary - December 2011

2nd December

CAJ and the Pat Finucane Centre raised serious concerns as to how potentially inaccurate information, allegedly reflecting findings of an unpublished report by the PSNI's Historical Enquiries Team (HET) into the Loughgall killings, had been published in today's media, without families being informed.

A judge has ruled that DNA evidence in the Massereene Barracks murder trial, obtained using a new technique, is admissible. The forensic evidence had been challenged by the defence on behalf of the accused, Colin Duffy and Brian Shivers.

It is reported that the PSNI is proposing to close 34 of its 83 police stations in Northern Ireland as part of a cost-saving exercise.

5th December

The Belfast Telegraph claims that the as-yet unpublished HET report into the Enniskillen Poppy Day massacre has found that the IRA deliberately targeted civilians with a no-warning bomb.

9th December

The families of 10 people shot dead by British soldiers in Ballymurphy 40 years ago have appealed to Taoiseach Enda Kenny to support their calls for an independent investigation.

The inquest into the death of a teenager killed during Operation Motorman in Derry nearly 40 years ago has found that the soldier who killed 15 year old Daniel Hegarty opened fire without warning and that Mr Hegarty "posed no risk" when he

was shot. The second inquest was ordered by the Attorney General in 2009 after a HET report which found the original RUC investigation was "hopelessly inadequate and dreadful." In 2007, the UK government apologised to the Hegarty family after describing Daniel as a "terrorist."

10th December

Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights calls for the formation of a truth commission in Northern Ireland to aid a healing process he believes is crucial for the future. He also urged continued vigilance against a regression of civil liberties.

14 December

The families of three men shot dead in the Miami showband massacre in 1975 have said a report by the PSNI Historical Enquiries Team into the killings indicates an RUC Special Branch agent was involved.

17 December

A US federal judge has ordered Boston College to turn over recorded interviews of a former member of the IRA to federal prosecutors in Boston. US federal prosecutors subpoenaed the material on behalf of British authorities.

20th December

A report by the Office of the Police Ombudsman for Northern Ireland finds that police officers with less than five years' experience are more likely to have complaints made against them. We have recently launched a new pocket-sized guide to the Human Rights Act.

Download your copy from our website or contact us for a copy today.

We would like to take this opportunity to wish all of our readers a very happy and prosperous 2012.

From all at CAJ

Just News welcomes readers' news, views and comments.

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Correspondence should be addressed to the Editor, **Fionnuala Ní Aoláin**,

CAJ Ltd.

2nd Floor, Sturgen Building

9-15 Queen Street

Belfast BT1 6EA

Phone: (028) 9031 6000 Fax: (028) 9031 4583

Email: info@caj.org.uk

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