

Just News

Human Rights in Northern Ireland

Participation and Practice of Rights - an update

Readers of Just News will be familiar with the Participation and Practice of Rights project that CAJ has been involved in facilitating along with Combat Poverty Agency, Community Foundation NI, Irish Congress of Trade Unions and the Irish Council of Civil Liberties. This project has been ongoing for a number of years, and is generally concerned with encouraging and supporting community groups to use a rights based approach to enable them to address the social, economic and other inequalities which effect their daily lives.

More recently, the project developed a six month feasibility study in north inner-city Belfast and Dublin to further elaborate the work and thinking to date, and move towards "concrete application". As we come to the end of this six month period the feedback has been tremendously positive.

A rights based approach should complement what is happening within community development. However, it uses a distinct methodology from that of using local resources to meet community need. Rather, the rights based approach aims to tackle structural inequalities by giving marginalized individuals and groups the information and confidence to use international standards and rights to articulate what they have a right to. The focus of this pilot was particularly on social and economic rights.

Work has progressed in two inner city areas of North Dublin as well as in Mount Vernon and the New Lodge in North Belfast with support from the organising groups (as above). A wider network of activists, academics and community groups from across the island contribute to the process on a regular basis (for example, see report on "Making Connections - Owing Outcomes" conference in April 2004 issue of Just News). In addition international experts from around the world have committed to contribute to the project in an advisory and practical capacity. Throughout the pilot those involved met regularly to share the learning and the difficulties which arose.

While the organising groups have played an important role in influencing the direction the project has taken, the willingness to allow structures, ideas and decisions to emerge organically from discussion, reflection and participation has given real value to the work.

Supporting a rights based approach means that people identify their own issues and are enabled to challenge the inequalities they experience themselves. This is different from a community development strategy which frequently relies on a process of advocacy. However a rights based approach works best if community activists are skilled up to act as the enablers, if they are already using rights based language and understand the strategic elements of tackling inequalities.

Local people in each area participated in training on rights and action research provided by Community Technical Aid (Dublin). This was just one of many elements of confidence and knowledge building exercises. As a result a number of activities were carried out.

North Dublin

In North Dublin, for example, a health survey of residents in a local Council housing complex yielded a range of issues. The survey was carried out by local people and had a response rate of over 80%. On the basis of the survey results, residents have met with Council officials to attempt to resolve some of the issues which arose. The use of rights based language has resulted in a better level of engagement from the Council than in the past.

North Belfast

The residents in the New Lodge area looked at issues of disability access as well as issues of litter and rubbish dumping. This has led to more engagement with local statutory providers around these specific concerns, as well as an increase in the awareness of residents about their rights around these issues. In Mount Vernon a group of six

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The Impact of Housing Inequality

The May 2004 edition of Just News contained a review of the recent publication by the Equality Commission, 'Fair Employment in Northern Ireland: A Generation On', (Eds. Osborne and Shuttleworth (2004)). It is worth noting, however, that one of the anomalies of the equality debate over this period, and which the Commission publication reflected, is the almost total lack of focus on equality issues in relation to housing. Discourse around religious and political inequality has tended to be viewed through the experiences of the two communities in relation to the labour market, with the 'unemployment differential' between Catholics and Protestants occupying the attentions of many of those interested in equality issues.

In relation to housing however, the pattern over the past thirty years has been very different. Legislation outlawing discrimination in relation to the provision of goods and services was only introduced in 1998 – as opposed to the first Fair Employment Act in 1976. Whilst the creation of the Northern Ireland Housing Executive undoubtedly had a positive impact on ending the discriminatory allocation of public sector housing, there has been surprisingly little analysis of trends in relation to wider "housing inequalities". This has undoubtedly been a major omission in relation to discourse around the issue of Catholic and Protestant disadvantage. Certainly, recent figures released as a result of a Parliamentary Question by Eddie McGrady MP, would suggest that it is time that this issue rose further up the 'equality agenda'.

These figures reveal, for example, that in 2002-2003, Catholics represented 44% of those *waiting* to be allocated public sector housing in Belfast, but only 28% of those *actually* allocated public sector housing. Across Northern Ireland as a whole, the percentage of Catholics on the waiting list for public sector housing was 40%, while the percentage of those allocated a house was 35%. The comparative figures for the Protestant community show that 47% of those on the waiting list across Northern Ireland as a whole are Protestant, but that Protestants comprise 54% of those allocated

houses. Within Belfast, the figures are more stark with Protestants representing 43% of those on the waiting lists, but 64% of those allocated housing.

Housing allocation

What the numbers reveal therefore, is that while there are large numbers of people from both communities in need of housing, the chances of one actually being allocated a house is significantly less if they are a Catholic – particularly one who lives in Belfast! It is of course important to point out that the figures themselves may contain some margin of error - for example the question on religion was answered by "over 91% of applicants" (there are clearly the needs of ethnic minority community members, or those who consider themselves "neither Catholic nor Protestant" to consider). Equally, it would be unfair, particularly to the NIHE, to suggest that these differentials are caused by direct discrimination in relation to the allocation of housing.

Clearly there are structural issues within the housing market at play here reflecting concerns about where tenants feel safe, demographic features etc. Equally however, it is crucial to recognize that these figures highlight serious inequalities in relation to housing needs between the two communities. Moreover, as a result of Section 75, the clear onus is on the

NIHE and the DSD to put in place a strategy to reduce these differentials.

Unfortunately, the NIHE has been less than forthcoming in offering a solution to this problem. Indeed, the NIHE's 2004-2005 Corporate Business Plan cites "tackling sectarianism" as a theme of its housing priorities, and notes its commitment to facilitate and encourage "integrated public housing". Whilst "integrated public housing" is a noble objective, there must be an analysis of what impact such a policy will have on the current inequalities – this has not been explained to date. Will the integrated housing strategy reduce, or indeed exacerbate the differentials outlined above? Equally, questions remain as to what impact the private sector housing market, the new proposals for the "right to buy", and the policing of public space (including the chill factor created by flags, murals etc) will have on existing "community housing differentials".

Moreover, the ultimate irony of all this is of course the fact that where you live has a large impact on where you can work – particularly if you are on a lower income and rely on public transport. What is clearly required urgently is a detailed analysis of how all these factors interact, so that a comprehensive equality strategy could be put in place which would tackle these issues in a systematic way, with realistic targets and timetables for reducing community housing differentials. Such a study could of course be called an equality impact assessment of housing need in Northern Ireland.

Tony O'Rourke
visiting US intern



**Northern Ireland Judicial
Appointments Commission
Appointment of Lay members**

The Criminal Justice Review Group published a report in March 2000 recommending the establishment of an independent Commission that would have responsibility for judicial appointments. The report proposed that lay members should be selected on the basis of the additional value they would bring to the Commission's deliberations, including such qualities as experience of selection processes, the court users' perspective, and the ability to assess the personal qualities of candidates. The Northern Ireland Office has now circulated the following preliminary information on the post which will be advertised publicly in September 2004.

The lay members are to be persons who do not hold and have never held a protected judicial office and are not (and have never been) barristers or solicitors. The legislation also provides that arrangements should be made to secure, so far as is practicable, that the membership of the Commission is reflective of the community in Northern Ireland. The Northern Ireland Judicial Appointments Commission will have a number of responsibilities including:

- Giving advice on the procedure for the appointments of Lord Chief Justice and Lord Justice of Appeal;
- Conducting the appointment process and making recommendations in respect of all appointments up to and including High Court judge. The selection of a person to be appointed or recommended for appointment must be made solely on the basis of merit;
- To engage in a programme of action designed to secure, so far as it is reasonably practicable to do so, that appointments are such that those holding such offices are reflective of the community and to ensure that a range of persons reflective of the community is available for consideration by the Commission whenever it is required to select a person to be appointed or recommended for appointment; and
- Publishing an annual report on how it has exercised its functions.

Appointment as a lay member of the Commission will be a public appointment and will be made in accordance with the guidance issued by the Office of the Commissioner for Public Appointments (OCPA). Candidates will be required to submit application forms and will be subject to a selection process involving longlisting, shortlisting and a competence and knowledge-based interview. An independent assessor will be involved in the process.

● **CAJ's Legal Adviser**

We are delighted to welcome Maggs O'Connor to CAJ as the newly appointed Legal Adviser. Maggs began work with us on 9th August 2004.

**Memorial Event for
Professor Stephen Livingstone**

This is a thanksgiving service for the life and work of our friend Stephen Livingstone. Stephen was reported missing on 20th March this year and this event is planned by Queen's University, Belfast as an opportunity for family, friends and colleagues to remember and celebrate his many contributions.

Saturday, 11th September 2004

11.30 am

at the

**Union Theological College building
108 Botanic Avenue, Belfast**

(opposite the Law School Building in University Sq)

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local women carried out a survey in their area which identified issues around housing access, safety and a lack of statutory provision and consultation.

Subsequent meetings with the Housing Executive, Education & Library Board and the Health Trust have yielded more commitment to the area.

In each area the process of engagement with statutory agencies is only just beginning and while practical results to date are very small, there is now dialogue where none existed before. Also for groups in North Belfast, training modules are being developed to enable people to profile their local areas using census data. This will give them some of the information they need to compare themselves with other areas, and examine issues of resource allocations under government policies such as New Targeting Social Need. Another key facet of the project involves communicating information on the UN Universal Declaration of Human Rights and the European Convention on Human Rights in a manner that links the rights expressed therein with people's everyday lives.

This six month pilot project has had some short term impacts in these communities, but as a tool for tackling structural inequalities, a longer time period is needed. Those involved have been meeting on a cross border basis to explore the learning experienced and to evaluate how it could be used to develop actual models which could be replicated more widely. Work is also underway to assess the project's outcomes to date and develop the next phase of the work. CAJ continues to play a role in enabling this process though any proposals will be both the product and responsibility of all of the stakeholders.

Fidelma Carolan

Conference on Article 2 of the European Convention on Human Rights (ECHR): the impact of recent developments

The Northern Ireland Human Rights Commission (NIHRC) hosted a conference in June 2004 in Belfast on Article 2 – the right to life, and Article 3 – the right to freedom from torture, inhuman and degrading treatment (ECHR), with the intention of contributing to the debate on how best to protect these rights.

Part of the current strategic plan of the Commission has prioritised work around these two articles. This involves research on the system for investigating deaths, with particular focus on the role of the inquest system and police investigation. Contributors to the conference included Mark Kelly from Human Rights Consultants, an independent consultancy firm. His paper focused on 'Article 2 & 3, the Strasbourg Cases'. Here he gave an overview of developments in the case law of the ECHR in relation to these articles, and their relevance to the investigative processes on right to life cases in Northern Ireland. Virginia McVea, Investigations Worker with NIHRC, highlighted existing difficulties in the 'The inquest system in Northern Ireland' – such as:

- inadequate court service to deal with inquests wherein there are over 1,600 cases still pending, many over ten years old;
- the lack of training for those dealing with inquests;
- the time delay in getting information from the police where there is a criminal investigation also taking place in relation to the death; and
- families unable to address the court.

Virginia also highlighted a series of current interlocking reviews, such as The Shipman Inquiry, Death Certification and Investigation in England, Wales and Northern Ireland, The Coroners Service of Northern Ireland Proposals for Administrative Redesign, and the Home Office Position Paper 2004 on Reforming the Coroner and Death Certification Service.

Debbie Large, senior lecturer at the University of Teeside, continued the discussion with her paper on the 'Role of the coroners' officers' in the English system. Debbie gave a general overview of the development of coroners' officers from 1936 to date, and argued that even though the role is well established it is not without its difficulties. She highlighted some of the problematic areas, including funding and transparency.

In the afternoon session Paul Mageean, from the Northern Ireland Court Service, discussed 'Article 2, recent NI cases'. Paul highlighted the difficulty for relatives who thought they would have an Article 2 compliance route

through domestic legislation under the Human Rights Act, 1998. The problem is that in the McKerr judgment on 11th March 2004, the House of Lords ruled that the Human Rights Act applies only to deaths that occur after 2 October 2002, the date the Act came into force.

Detective Superintendent Gerry Luckett (retired) discussed 'Investigating Porton Down: a historic death inquiry.' This presentation addressed Operation Antler regarding ill-treatment or death of airmen in the 1950's in England. Here medical tests were performed on members of the military, some of whom died, in which it was not disclosed that the testing was chemical testing in nature. The presentation was interesting in relation to both retrospective investigation and the impact of human rights on this process.

Finally Professor Phil Scraton, of Queens University Belfast gave a paper on the Hillsborough experience. On April 15th 1989, 96 people died due to overcrowding at the F.A. semi-final between Nottingham Forest and Liverpool at the Sheffield Wednesday ground. Phil's delivery was particularly poignant as he included the very moving testimony of some of the relatives in their search for the bodies of the victims, and what happened in the aftermath of identification. Here he outlined how they were cross-examined after finding dead relatives (brother, sister, father, child), how the distorted media reportage fed into the notion of victim as hooligan, and how this affected the initial inquiry. He also summarised the long and arduous process of getting to the 'truth' about the tragedy, and the neglect that led to those supporters being effectively denied their right to life.

In workshops, discussions took place around a variety of topics, for example, the fact that Article 2 issues are not just about criminal responsibility but also about 'state duty'; the fact that the perpetrator may not be a recognised public body; the reform of governmental arrangements for overseeing medical research where non-medics inquire into ethical responsibility on the part of the doctors; the question of the coronial investigation being linked to other evidence gathering; and the siting of the coroners office. Finally in Northern Ireland the backlog of 1,600 cases feeds into the bigger debate on a Truth and Reconciliation Commission. In this context a key question is whether it makes sense to design a solution for the past or for the future, or are they two separate agendas?

This conference was exciting, well attended, discursive, great workshops and covered a huge range of issues around Article 2 and the right to life, both historical and contemporary.

Adrienne Reilly
University of Ulster

Criminal Cases Review Commission

Innocence, guilt, truth, justice. These are all highly emotive words. And they are the type of words that many people might use when they talk about the criminal justice system. They might also be used to characterise the work of the Criminal Case Review Commission.

In fact, these concepts do not appropriately fit with any description of the unique role that the Commission fulfills in a mature and highly developed democratic society.

Set up in the wake of high-profile miscarriages of justice like the Birmingham Six, the Commission can only deal in the facts of a case as opposed to its rights and wrongs. It is a review body - nothing more, nothing less. The Commission is entirely independent and does not represent the prosecution, defence or indeed any other part of the criminal justice system. It is a public body, funded by Parliament through the Northern Ireland Office and the Home Office. Quite simply, the Commission's job is to examine the safety of convictions (or fairness of sentences) and decide if there is a "real possibility" that an appeal court would find a conviction unsafe. The safety of convictions can be undermined in any number of ways and it is the Commission's job to decide if there is any new evidence or new argument that casts doubt on a verdict.

Usually, before the Commission can review their case, applicants must have exhausted the normal appeals process either by having their appeal turned down or by being refused leave to appeal. Applications cannot simply rely on arguments that have already been explored at the original trial or appeal. However, the Commission has extensive investigatory powers that enable it to get material from any public body, which may not have been seen by the defence, or indeed the prosecution.

The Commission can also seek the advice of experts and re-interview witnesses or interview new witnesses. It also has the power to appoint outside bodies, usually another police force, to investigate on its behalf in particularly complex or sensitive cases. The Commission took over responsibility for reviewing suspected miscarriages of justice from the Home Office and Northern Ireland Office in 1997, inheriting a significant backlog of cases in the process. In the past seven years the Commission has developed what is widely regarded as an efficient and thorough case working process and case accumulation has fallen from a peak of 1,200 to under 300.

The Commission, which is based in Birmingham, employs 16 Commissioners, from a wide range of backgrounds including one from Northern Ireland. Their principal role is

to make a decision when the review is completed. It has additional staff of about 100, including 50 Case Review Managers who each have a small portfolio of cases. All have legal or investigative experience and many have previous professional backgrounds in the legal profession or law enforcement. The Commission uses the wide range of backgrounds and experiences of its Commissioners and Case Review Managers for the benefit of the review of its cases. Once this process is completed, a document called the Statement of Reasons is sent out to the applicant, which explains the decision and the reasons behind it.

Applicants can usually get Legal Aid, and the majority are legally represented. The Commission encourages applicants to get legal representation, but will review all cases irrespective of whether a lawyer is involved or not. The Commission gets about 900 applications a year. It is a demand-led service and the review process is by its very nature time-consuming. For example, getting material such as legal papers or reports from other bodies or individuals inherently takes time. Most cases can be dealt with relatively quickly, but about one in five require a longer review because of their complex nature and cannot be allocated for review immediately. Applicants who are in prison are given priority. Currently there are about 60 such cases involving applicants who are in custody who will wait about a year for the main review to begin. About 40 such applicants are at liberty and are likely to wait two years.

A relatively small number of cases are eventually referred back to the appeal courts, but to date about two-thirds of referrals have resulted in a conviction being quashed or a sentence varied. However, the profile of the Commission's casework in Northern Ireland differs significantly from that in England and Wales. Since 1997 the Commission has dealt with more than 6,500 criminal cases, but less than 100 applications have been made from Northern Ireland. Almost all of the applications from Northern Ireland concern the most serious types of offences like murder, or causing explosions, arising from the conflict. The rate of referrals to the appeal courts is much higher and to March 31 2004 a total of 13 of the 74 Northern Irish cases dealt with had been referred to the appeal courts.

The Commission is beginning to look into the reasons why the situation may differ in Northern Ireland, and also to try and raise awareness of its role and powers. To this end a delegation spent three days meeting a range of stakeholders, including a highly informative visit to the CAJ, and a further visit is planned for the autumn.

Boris Worrall

CCRC, Alpha Tower, Suffolk Street Queensway, Birmingham, B1 1TT. www.ccr.gov.uk, tel 0121 633 1800.

The Fight Against Terrorism: Council of Europe Standards

Since September 11th, there has been a proliferation of international standards concerning the regulation of terrorist acts and groups. There has also been a steady stream of recommendations, resolutions and declarations by international bodies concerning their views on the obligations of states in this arena. This very useful and timely book brings together the various standards and sentiments of the Council of Europe on the subject. Knowledge of these developments is essential for those working in the human rights field, particularly those concerned with ensuring the ongoing protection of rights in the context of eliminating the threat of terrorism.

This book makes clear that the Council of Europe has had a long engagement with the issue of terrorism, starting in 1977 when the Council agreed the Convention on the Suppression of Terrorism (reproduced here with recent amendments). Moreover, it is reassuring to see that the Council has generally adopted a holistic and distinctly European approach to the threat of terrorism, specifically in its ongoing attempts to understand the phenomena of terrorism and its political and social causes. For example, Resolution 1258 of the Parliamentary Assembly, *Democracies Facing Terrorism* (2001), calls upon states to 'renew and generously resource their commitment to pursue economic, social and political policies designed to secure democracy, justice, human rights and well-being for all people throughout the world'. Particularly striking is the theme that human rights must be respected when states take political and legal measures to fight terrorism. Useful here are the *Guidelines of the Committee of Ministers of the Council of Europe on Human Rights and the Fight Against Terrorism* (2000) (p271). The Preamble states that '... it is not only possible, but also absolutely necessary, to fight terrorism while respecting human rights, the rule of law and, where applicable international humanitarian law'.

The tone stands in marked contrast to the unilateral arrogance demonstrated by individual states, such as the United States. Moreover, in numerous declarations and resolutions one finds reference to the need for long-term measures to fight terrorism, specifically addressing the causes of terrorism by promoting in particular, cohesion in European societies and multicultural and inter-religious dialogue. There is also evident respect for the role of international bodies in processing transnational terrorist groups and acts. Thus, multilateral action by states is consistently advocated (e.g. *The Declaration on the Fight Against International Terrorism* (2001) (p215)), as is a clear role for the International Criminal Court in processing terrorist acts.

The book makes evident that there is no consensus on a European definition of 'terrorism', though arguably this lacunae has been filled by increased post-September 11th clarity on what constitutes 'terrorist acts' (see p278-9). It is also evident that the Council has moved to fill perceived gaps in its regulatory sphere such as compensation for victims of terrorism, seizure of assets and terrorists funds, as well as the regulation of financial systems that could facilitate terrorist activity. Also strongly affirmed is the need to protect the due process rights of persons accused of terrorist acts, given the dangers that special

methods to deal with terrorism may create for individual liberty and the criminal justice system as a whole. Thus, for example the Committee of Ministers *Guidelines* prohibit legal arbitrariness in the fight against terrorism, and makes clear that persons detained for terrorist activities must be brought promptly before a judge. The contrast with the rights of American detainees in Guantanamo Bay could not be harsher. One concern of note is that the book also sets out in detail legal measures advocated by the Council of Europe in the area of organised crime (e.g. *Recommendation (2001) 11 concerning Guiding Principles on the Fight Against Organised Crime*) (p217).

As this juxtaposition makes clear there is an increasingly identical regulatory system being applied to terrorist and organised crime. While there are obvious transnational similarities between the two this reviewer believes that a much stronger case must be made to depart from the general regulation of crime for organised crime.

In conclusion, the book is a useful reference point for human rights advocates and gives strong language to those who confront governments about their lack of respect for human rights norms when they seek to regulate terrorist activity.

Fionnuala Ni Aolain

The Fight Against Terrorism: Council of Europe Standards, 408pp
Published by the Council of Europe (2003).

In the Headlines

CAJ holds newspaper clippings on more than 50 civil liberties and justice issues (from mid 1987- December 2000).

Copies of these can be purchased from CAJ office.

The clippings are also available for consultation in the office.

Anyone interested in this service, should phone (028) 9096 1122.

Terrorism or crime – a confusion of aims

Below is an article which recently appeared in Statewatch* regarding Europe-wide measures purportedly aimed at countering terrorism. It provides a fascinating insight into the attack on civil liberties underway at the European and domestic level:

Of the 57 measures put forward following 11 March 2004 by the Council of the European Union (the 15 EU governments) and the European Commission, 27 have little or nothing to do with tackling terrorism, but are rather measures dealing with crime in general, and the surveillance of telecommunications and of movement. This strategy begs the question whether there is, at the highest level, a confusion of aims and effort.

A classic example is a Commission Communication dated 29 March 2004 containing a proposal for an exchange of "information and cooperation concerning terrorist offences" and a "wish-list" on criminal matters. The logic is to bring together the:

"Union's arsenal of weapons against terrorism. Many of these are not specifically anti-terrorism but range wider while including terrorism [and] a link should be established between terrorism and other forms of crime [even though these are] not always immediately obvious.. if the fight against terrorism is to be totally effective, it must be handled in conjunction with the fight against other forms of crime."

The European Commission argues that the similarity comes, in part, through the use of "similar" methods and proposes everybody's (criminal or not) bank accounts should be "registered" and "be accessible to law enforcement agencies". Companies and charitable organisations too are to be targeted because they could be "infiltrated" by terrorists.

The big project is the creation of a "European Criminal Record" to be held on a "European Criminal Registry" – which according to a Commission spokesperson would contain not only all convictions and disqualifications but also all charges brought (even of those found innocent) from the whole of the EU - in "the fight against crime, and in particular terrorism".

The simplistic notion is that there is an intrinsic link between terrorism and organised crime and indeed all crime - turned around it implies that all crime is linked to terrorism.

The concrete proposal in the Communication is a draft Council Decision on "the exchange of information and cooperation concerning terrorist offences". This envisages in Article 2 the exchange of "information" during investigations and prosecutions concerning terrorist

offences as set out in Articles 1 to 3 of the 2002 Framework Decision on combating terrorism.

The "information" is to be communicated to Europol and Eurojust (EU prosecutors) and made "available immediately to the authorities of other interested Member States".

It is clearly sensible that such information should be made available. However, the proposal contains no provision for the "information" to be removed/deleted should a person be found innocent. Equally, there is no provision for the "information" passed over on those caught up in a "criminal investigation", but never charged, to be removed/deleted. This latter category is especially worrying as an "investigation" into a suspected terrorist offence would embrace not just the subject but their family, friends and work associates to see if there were any links. A typical investigation might involve 20-40 other people who are found to be quite innocent (and against whom no suspicion has even been implied) but "information" on them could be "immediately" transmitted to dozens of agencies across the 25 EU member states.

In April ten Muslim "suspects" were arrested in the north of England but never charged - this could have led to several hundred names and personal details being put into EU-wide circulation with no obligation for them to be deleted. If there is no obligation to delete the names and details of innocent people, they could find themselves on "watch-lists" for years to come.

There is another problem with the draft Decision. The intention is to widen the scope from those persons, groups and entities placed on updated lists of alleged terrorist groups to all those investigated under Articles 1 to 3 of the controversial Framework Decision on combating terrorism (2002) which covers those acting with the aim of:

"unduly compelling a Government or international organisation to perform or abstain from performing any act (Art 1. ii)"

This Communication - which is one of the most confused ever produced - should be withdrawn. It should be re-presented and deal only with the Framework Decision on terrorist offences (including safeguards for those caught up in investigation).

The tendency, especially by the Commission, to stress the "anti-terrorist" benefits of crime control and surveillance measures is illogical and divisive. Tony Bunyan editor of Statewatch concluded that "Under the guise of tackling terrorism the EU is planning to bring in a swathe of measures to do with crime and the surveillance of the whole population. After the dreadful loss of life in Madrid we need a response that unites Europe rather than divides it."

For more info – see www.statewatch.org/news/2004/mar/swscorebaord.pdf

*a bulletin which monitors civil liberties in the EU

June and July 2004

Civil Liberties Diary

June 3 The Masonic Order and two PSNI officers launched separate legal actions challenging the obligation on police to declare their membership of outside organisations in compliance with the Registration of Notifiable Memberships, as recommended by the Patten Report. Parties involved are concerned that information may be passed to the Police Ombudsman or revealed in any criminal or disciplinary proceedings, contravening the right to a private life.

The Policing Board dismissed Newtownabbey DPP member Arthur Templeton after he was convicted of harassing a DPP colleague over his sexual orientation between 2001 and 2002. Police Board chairman Desmond Rea said that the decision was measured and informed and would ensure that any such future cases would be dealt with effectively.

Referring to the recent jailing of four men for displaying LVF flags in Holywood, Chief Constable Hugh Orde claimed that he expects further prosecutions for the flying of paramilitary flags during the marching season. The prosecutions were the first of their kind under the Terrorism Act.

June 8 Following a 21-month delay, Dungannon has decided to set up a new DPP in compliance with directions from the Secretary of State.

June 18 A poll carried out by the Northern Ireland Policing Board on public perceptions of the police show that more than 1 in 5 people in Northern Ireland think that the PSNI are doing a poor job. While 57% of people - 61% Protestant and 52% Catholic - think that the PSNI do a very or fairly good job, this figure is down from a 62% rating achieved in a similar survey last October and 63% recorded in April of last year. The dissatisfaction rating also increased to 22% from 18% in October and 16% in April 2003. Less than 2/3 of people questioned believed that the two communities are treated equally.

June 23 A 196-page consultation paper on a single equality bill was launched by NIO Minister John Spellar at Stormont.

June 29 The draft Criminal Justice Order, intended to reduce hate crime, was laid before Parliament at Westminster. The legislation includes a statutory requirement for judges to treat hostility based on religion, race, disability, or sexual orientation as an aggravating factor when sentencing.

July 1 Police Chiefs temporarily suspended the scheme forcing all members to declare membership of outside organisations, in the hope that it will allow Chief Constable Hugh Orde to amend his guidelines before the process is restarted in mid-September.

July 2 Commissioner Patricia Kelly resigned from the Human Rights Commission. On leaving she said that the review of the Commission's powers had not been acted upon by the British Government and that the planned recruitment of a new team of Commission members was flawed.

July 6 Policing expert, Dave Wood, executive director of the Police Ombudsman's Office, tells of his shock at what he describes as a generally poor level of policing during the Troubles. In response to these comments former chairman of the Police Federation for Northern Ireland, Jimmy Spratt, urges former RUC officers to withdraw all co-operation and support from the Police Ombudsman Nuala O'Loan.

July 8 Secretary of State Paul Murphy set out the framework for inquiries into the murders of Rosemary Nelson, Billy Wright and Robert Hamill.

July 5 The Police Ombudsman found that the PSNI did all they "reasonably could" to protect the life of loyalist informer William Stobie.

July 9 Justice Oversight Commissioner Lord Clyde voices concerns that a lack of funding for the new Public Prosecution Service could delay its establishment. The new agency, which is due to replace the Director of Public Prosecutions (DPP) in 2006, will deal with all criminal cases in Northern Ireland.

July 13 Concern was expressed over the PSNI's use of controversial CS spray for the first time in Northern Ireland. The Police Ombudsman's Office is to carry out an investigation into the use of the spray following two complaints.

July 23 Secretary of State Paul Murphy indicates that Parades Commission legislation may be toughened to make it more effective, particularly in relation to dealing with supporters following marchers.

The Northern Ireland Affairs Committee has decided to conduct an inquiry into the functions and performance of the Policing Board.

July 27 Police Ombudsman Nuala O'Loan is to press ahead with her request to interview a former undercover British soldier who said the IRA murder of Lance Bombardier Stephen Restorick could have been prevented. The MOD have placed a gagging order on the ex-soldier.

Compiled by Sophie Orr and Ciaran Fox from various newspapers.



Just News welcomes readers' news, views and comments.

Just News is published by the Committee on the Administration of Justice Ltd. Correspondence should be addressed to the Editor, **Fionnuala Ni Aolain**, CAJ Ltd.

45/47 Donegall Street, Belfast BT1 2BR
Phone (028) 9096 1122

Fax: (028) 9024 6706

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