

Consultative Group on the Past

The Consultative Group on the Past launched its report on Wednesday 28th January 2009, the culmination of a year and a half's deliberation on how to deal with the vexed issues still unresolved arising from the conflict. The launch was controversial and disappointing with protests orchestrated by a small number of people undermining the dignity of most present. CAJ provided two submissions to the group and has welcomed the report for the serious way in which it has attempted to deal with difficult issues.

Arising from the controversy attending the proposal to give an acknowledgement payment of £12,000 to relatives of each of those killed during the conflict, the Secretary of State, Shaun Woodward, has since declared that he will not follow this recommendation. He has indicated that he will consider the other 30 recommendations and make his views known in due course.

Dealing with this acknowledgement payment first, CAJ is of the view that this was an important statement by the Group that hierarchies of victims are unhelpful in moving towards societal healing. It is regrettable therefore that Mr. Woodward has ruled this out for further consideration.

The Consultative Group itself has now closed down. The important question will now be who takes ownership of the report. There is a serious question for society to decide whether the matters in the report should be left to the Secretary of State Shaun Woodward and his civil servants in the NIO to take forward or whether a wider ownership is necessary.

In a wide-ranging set of proposals, the Consultative Group recommended the establishment of a Legacy Commission with responsibility for dealing with outstanding cases from the conflict. The work of the Historical Enquiries Team and the Ombudsman's investigations into past cases would be taken over by the Legacy Commission. Three units would be established as follows:

- a Review and Investigations Unit that would assess cases and process them to prosecution should sufficient evidence emerge. This first port of call for cases is an indication that the Consultative Group set its face against amnesty. Where evidence exists, prosecution will follow. The numbers are, however, likely to be few;
- In the absence of any prosecution, the case would pass to an Information Recovery Unit. This element would seek as much information as possible from state and non state combatant groups with a view to providing information to victims' relatives. This appears to be modeled on the Commission for the Location of Victims' Remains; and

- a Thematic Examination Unit that would examine linked cases. This is the mechanism that is intended to deal with allegations of policy against combatant groups such as collusion by state agencies or ethnic cleansing along the border by the IRA.

The Commission would be established as an independent body with an international chair and two other commissioners. Right to life principles under the European Convention on Human Rights emphasise that investigations into state killings be carried out independently. The independent and international authority of the chair is helpful in this regard.

As with other elements of the report, however, the question of selection of commissioners, drafting of legislation particularly in relation to powers and remit will be crucial for interested groups.

While it is positive that the report gives strong recognition of the importance of human rights principles in finding a way to deal with the legacy of the past, the fact that the Consultative Group didn't see the introduction of a strong Bill of Rights as an important element of societal reconciliation is disappointing.

The group's recognition of the social and economic impact of the conflict is an important development. Their call that future economic prosperity must reach the most vulnerable parts of Northern Ireland 'where the damage of the past was most keenly felt' (page 79) is important for future government policy in relation to services and investment.

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The final point to make is how disappointing it is that the Consultative Group did not unreservedly reiterate the call for an independent inquiry into the killing of Pat Finucane. CAJ continues to support the family's call for the government to implement Judge Peter Cory's recommendation for an inquiry under the then legislation.

The next step is for the British government, in discussion with the Irish government, to consult on and implement the proposals. The record of the British government is not encouraging in relation to the past investigation of security force actions as the list below suggests. It is to be hoped that there will be a willingness to provide a fuller accounting without prevarication on this occasion.

British government record with regard to investigations of security force actions:

i. The use of the 5 interrogation techniques on individuals interned in 1971 was eventually condemned in the European Commission and Court of Human Rights as torture and inhuman and degrading treatment respectively.

ii. William Black, a UDR soldier was shot in January 1974 by British army intelligence operatives. He had prevented an army undercover unit from stealing cars in his street. The Attorney General directed that there should be no prosecutions though Mr Black received compensation.

iii. In 1982, 6 killings carried out by the RUC became the focus of allegations of extra-judicial execution. Investigations into these killings and were faced with obstruction and delay by Special Branch, military intelligence and the Chief Constable. Prosecutions related to the killings were unsuccessful. Recommended prosecutions relating to the cover-up were scrapped at cabinet level to protect intelligence.

iv. In the late 1980s and early 1990s, a former head of the Metropolitan police in London, Sir John Stevens conducted 3 separate inquiries into allegations of collusion between the state and loyalist paramilitary groups. The outcome of his investigations has still not been put into the public domain.

v. The Saville Inquiry was established in Jan 1998 to undo the damage caused by the long-discredited Widgery Tribunal into the Bloody Sunday killings. This inquiry's work has been obstructed by government agencies: many decisions directing them to assist the inquiry have been appealed and evidence has also been lost or destroyed.

vi. Six cases were investigated by Canadian Judge Peter Cory. He recommended that there was sufficient prima facie evidence to justify full public inquiries in all six. In response, the British government produced new legislation on public inquiries that considerably narrowed their scope and gave British Ministers powers to interfere or scrap them. The family of Pat Finucane continue to campaign for an inquiry under the previous legislation.

Intergenerational Practice

Intergenerational practice (IP) has been established in Northern Ireland for ten years. Intergenerational programmes are vehicles for the purposeful and ongoing exchange of learning and resources among older and younger generations for individual and social benefit. It is recognised as relevant to many agendas including health, education, neighbourhood and urban renewal, community safety, social policy, equality and employment and business. There are a number of developments taking place which are moving IP up various agendas, locally, across England, Scotland and Wales and also within the European Union.

A number of cities in Britain have committed to working towards becoming "intergenerational cities". The National Youth Agency has signed a memorandum of agreement with the Centre for Intergenerational Practice to develop the work in the Youth Sector in England and they have received a grant of just under £200k from the Dept for Children, Schools and Families to support this work. The Scottish Executive has made funding of £200k available over each of the next number of years to develop a Centre for Intergenerational Practice for Scotland and the Welsh Assembly has funded a Centre for Wales for over 5 years, recently relaunching this after extensive public consultation.

The European Union has designated 29 April as a European Day of Solidarity Between Generations and 2012 as the Year of Positive Ageing and Solidarity Between Generations.

In Northern Ireland a Steering Group is planning the way ahead, examining potential partnerships and funding streams. Belfast and Newtownards Councils are currently funding work and the NI Youth Council has provided funding to the NI Youth Forum to undertake a scoping exercise to examine whether it will become a strategic partner/host organisation in the strategic development of IP. A new NI Youth Award for Intergenerational work has been introduced. The Community Safety Unit has also indicated its support for the next two years and others are in the pipeline.

David McConnell
Intergenerational Project

Anyone interested in knowing more/getting involved, should contact David McConnell at dwmac77@hotmail.co.uk

Review of Non Jury Trials

Since the abolition of the Diplock court system, non-jury trials are permitted under the Justice and Security (Northern Ireland) Act 2007. Under Diplock the presumption was that trials for scheduled offences were without a jury. Now the default is that all trials are held with a jury although the Director of the Public Prosecution Service has the power to issue a certificate which permits the trial to take place without a jury in certain circumstances.

The legislation presently allows the Director of Public Prosecutions to issue a certificate for a trial to be conducted without a jury if certain conditions are met. In order to issue a certificate, the Director must be 'satisfied' that 'there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury'.

The conditions which must be met are in relation to the nature of the crime and/or defendant if question; if the Director 'suspects' that the defendant is or was (or is/was an 'associate' of) an organisation that is or was illegal; or that an illegal organisation was in anyway involved or connected the offence; or if the crimes committed was sectarian. The term 'associate' is described as including friends.

The term 'suspects', 'associate' and 'satisfied' are highly subjective and permit a broad application of the power to issue certificates, even when applied in conjunction with the prescribed conditions. Also worrisome is that the application of this discretion raises questions regarding the right to respect for private and family life and freedom for the defendant, family and friends.

The United Nations Human Rights Committee (HRC) which monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR) recently raised concern regarding the use of non-jury trials and the lack of a sufficient appeal mechanism for challenging a decision by the Public Prosecution Service to hold a trial in absence of a jury. The HRC noted the lack of obligation on the Director to 'provide objective and reasonable grounds' when applying different rules of criminal procedure which is contrary to the ICCPR (article 14).

The primary justification by the UK government for non-jury trials in Northern Ireland is to avoid 'paramilitary and community based pressures on jurors'. The government has said that 'it is difficult to judge the level of juror intimidation in Northern Ireland' yet concludes that 'it remains prevalent, and intimidation more generally is a growing problem'. Nonetheless, the government has failed to provide any substantial evidence to this end.

The Justice Oversight Commissioner (JOC), in his final report, conveyed that 'ten cases of possible intimidation, of which two involved jurors, have been recorded by the Court Service and these were dealt with promptly and appropriately. The risk of intimidation particularly of jurors by means outside the vigilance of the court remains a matter for concern on some occasions.'

The UN Human Rights Committee (HRC) also expressed trepidation about what they considered to be 'no right to appeal the decision' to have a case held without a jury. The right to legal challenge, particularly judicial review, is a basic right which was acknowledged by the Northern Ireland Office in its 2006 consultation paper regarding the replacement of Diplock Courts, which stated: 'the [Director's] decision will be challengeable by means of judicial review. This will enable defendants to be sure that the decision has been taken properly'. However, the actual legislation only permits judicial review in 'exceptional circumstances'.

While the State has a responsibility to ensure the safety of jury members, non-jury trials are unwarranted in Northern Ireland. Northern Ireland is not experiencing an emergency situation as defined by Article 15 of the ECHR. Measures which are less restrictive than non-jury trials may be applied in order to secure juror safety. To continue to trial provisions in Northern Ireland as an emergency perpetuates a lack of confidence in the rule of law.

It may be argued that judges sitting alone can impartially and independently hold trial and therefore non-jury trials are not a breach of the right to a fair trial. But jury trials are inexorably linked to the common law system and legislation which undermines this principle weakens public confidence in the justice system and the overall peace process in Northern Ireland. According to the Criminal Justice Review over ¾ of the population of Northern Ireland believe that juries are better at deciding cases in the Crown Court than judges sitting alone. In the words of the Criminal Justice Review, jury trials reflect 'a symbol of normality with all that means for public confidence'.

The HRC stated that the government should carefully monitor whether the situation in Northern Ireland warrants judicial procedures that are intrinsically different of the rest of the UK 'with a view to abolishing' such distinctions.

The introduction of jury trial for all cases would be a way to acknowledge and commend the enormous political and social strides which have been made in the past decade, furthering reciprocal confidence between the people and the State.

CAJ response to the NIHRC advice on the Bill of Rights

On 10th December 1998, the Northern Ireland Human Rights Commission (NIHRC) presented its long-awaited advice to the Secretary of State on a Bill of Rights for Northern Ireland. Coverage of this event was marred by a focus on the extent to which the all of the Commissioners were in agreement, which meant there was no real analysis or debate on the content of the proposals and the important impact they could have on the everyday lives of ordinary people.

A Bill of Rights must be a forward looking and impactful document - therefore it must positively promote and advance the protection of rights, not merely adopt a lowest common denominator approach. Based on this, and using international human rights standards as a starting point, CAJ developed last year a number of benchmarks against which it would measure any proposals for a Bill of Rights. This article will provide a brief analysis of the advice presented by the Commission against these benchmarks.

Process

Benchmarks

- While deadlines are useful in giving the process impetus, we have only one opportunity to get this right. Therefore, let us not draft something in haste that we repent on at leisure. Take the time to get the Bill right.
- Those who need rights most, are those who need to know their rights and need to have access to those rights. It is imperative that the language of the text, discussions around it and the outreach conducted on the Bill of Rights are accessible to everyone.

Comments

Perhaps inevitably, the document produced by the Commission is quite long and much of the language used in it is technical and inaccessible in nature. However, the Commission are now in the process of producing an accessible version of the proposals, which is a welcome move.

Form

Benchmarks

- A Bill of Rights should be a concise expression of our fundamental rights. It should be broad, robust and open to interpretation in line with changing times. Changing its interpretation can make it continually relevant in society.
- The Bill of Rights should not be easily amended; it

is intended to provide a strong human rights framework in the face of any change.

- In order to promote coherence, accessibility and impact, CAJ advocate mainstreaming the rights of vulnerable groups where possible. This does not preclude separate additional rights for particular groups, for example, children and young people.
- In order to avoid undermining the Human Rights Act, CAJ advocates maintaining it as it is, and supplementing it with rights that are 'particular' to Northern Ireland. Similarly, the ECHR cannot be rewritten unilaterally; however it is possible to strengthen the rights it contains by adding to them.
- The implementation of a Bill of Rights is as crucial as its provisions - it is incumbent upon government to support and resource a programme of activities that will ensure the rights contained in the Bill of Rights are made accessible and available to all.

Comments

There are sections of the document that we believe are overly long and detailed, and where the document in our view strays into the realm of policy recommendations that belong more appropriately in the realm of politics or other legislation. So, for example, recommendations that would make elections subject to proportional representation as a right and that would establish an independent electoral authority do not in our view belong properly in a Bill of Rights.

CAJ was particularly disappointed by the section on implementation. Many of the excellent recommendations of the Bill of Rights Forum - which recognised explicitly the primary and fundamental responsibility for implementation lying with the government, particularly in terms of funding - have disappeared and the Commission instead recommends the establishment of a taskforce. There was total agreement by all the political parties and civil society representatives on the Bill of Rights Forum on crucial implementation measures such as accessibility and the provision of litigation support through specific legal aid funding which we believe the Commission should have endorsed and supported.

Substance

Benchmarks

- It is imperative that the Bill of Rights makes provision for, or at least does not undermine the existing operation of, equality and fair discrimination in Northern Ireland.

- CAJ also believes that the Bill of Rights should not undermine the existing level of international protection for minorities by equating the term 'communities' with the term 'minorities'. In the same vein, provision for members of a community to choose or not choose to be treated as such, represents a distortion of the Framework Convention.
- Fully justiciable social and economic rights are an essential element of a Bill of Rights for Northern Ireland. Those rights should be concise, strong and robust.
- Even the strongest rights can be undermined by weak enforcement mechanisms; all rights in the Bill of Rights need to be fully enforceable.
- The establishment of a Human Rights Court would send a clear symbolic message about the importance of human rights and the Bill of Rights. Similarly, however, it is important that all levels of the judicial system are involved in enforcing rights.
- All aspects of government activity - devolved, reserved and excepted - must be subject to the provisions of the Bill of Rights.

Comments

Overall CAJ found that the proposals were strong and robust and particularly welcomes the inclusion of justiciable social and economic rights and strong equality protections. However, there are a number of areas where we question whether the recommendation meets international human rights standards, or delivers on the particular circumstances of Northern Ireland.

The section on language rights is very limited, conferring very few stand alone rights to the use of and respect for language and referring instead to the obligations that already exist under the European Charter for Regional and Minority languages.

As regards victims' rights, there is a differentiation between victims of crime, who are offered some protection, and victims of the conflict whose rights are to be addressed in separate legislation. There can be little doubt that victims are a particular circumstance of Northern Ireland and as such it is disappointing not to see proposals to name and address their rights on the face of a Bill of Rights

As highlighted above, we welcome the inclusion of justiciable socio-economic rights in the proposals but do have some concerns as regards the level of protection, and particularly whether the language used regarding 'taking appropriate measures' meets the international standard.

The International Covenant on Economic, Social and Cultural rights obliges governments to "take steps...to the maximum of its available resources with a view to achieving

progressively the full realization of the rights," a formulation that we believe should have been reiterated requiring as it does under international law evidence of proactive and positive steps towards realisation of the economic right in question. The Commission's formulation talks of taking "all appropriate measures" which does not impose the same level of obligation of continual improvement. In the Commission's defence, this was a formulation adopted by the Bill of Rights Forum, about which we also expressed concern.

In terms of specific social and economic rights, the proposed supplementary rights in relation to education fall significantly short of the standards set by the International Covenant on Economic, Social and Cultural Rights. Similarly, the recommendation put forward under the right to an adequate standard of living that "no one shall be allowed to fall into destitution" seems a more negative formulation than the international obligation of "continuous improvement of living conditions."

The recommendations in relation to children's rights again in many places seem weaker than the standards set by the UN Convention on the Rights of the Child, in particular imposing programmatic obligations on what are stand alone rights in the Convention, such as the right to play and the right of children to be informed of their rights and have their views respected.

An extremely important recommendation made by the Bill of Rights Forum, on which there was again total agreement and support from all members, was in relation to the harmonisation with and non-diminution of international human rights obligations. The formulation of the Forum spoke of nothing in the Bill of Rights "adversely affecting" other rights and freedoms conferred by common law, statute, EU law or international law and agreements to which the UK is a party. The Commission's formulation however lowers the standard to 'not denying the existence' of these obligations. While the Commission was of course free to take its own mind on the proposals put forward by the Forum, it is of concern that in doing so, some of these proposals which had total support have been weakened.

Conclusion

Overall CAJ was impressed with the advice produced by the Commission, and particularly their foundation in international human rights standards which the government is already obliged to protect. We now call on the government to respond to this advice in a comprehensive and timely fashion and allow time and resources for people in Northern Ireland to properly absorb and respond to the consultation. We particularly urge them to use the Commission's recommendations as a base upon which to build, rather than a point from which to roll back.

Community Arts and the right to expression

“Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”

Article 27 of the UN Declaration on Human Rights

Since its inception this declaration has been the Community Arts Forum’s (CAF) guiding principle. The belief that cultural participation and access is a right everyone is entitled to informs all CAF’s work. Founded at a meeting of community arts activists in Belfast in January 1993, CAF is an umbrella organisation whose membership is made up of groups and individuals representing all sections of society and working in all art forms. CAF’s work includes providing information and advice to those trying to access the arts, advocating and lobbying on behalf of community arts and offering opportunities for development and networking through training and seminars.

Community arts is a unique form of arts practice which places participants not artists, and process, not artistic product, at its core. Through collective creativity guided by and for participants, groups and individuals can explore a range of issues in a safe space for personal and community development.

So what is cultural access and why is it such an important and defensible human right? Culture in its broadest sense is at the core of communities and crucial to the formation of individual and group identities. Cultural expression, through a range of art forms including dance, drama, music and visual arts allows individuals and groups to self-define and express and explore who they are. The need for an identity and the ability to express it are among our most basic human and psychological needs. Meaningful opportunities for people to participate in the cultural life of their communities have the potential for numerous socio-economic and personal benefits for those involved.

Group and social cohesion; improved self esteem (one study produced in 1998 reported that 93% of participants in community arts programmes had improved self confidence); pathways to education and employment; improved recovery times for hospital patients ; and opportunities for conflict resolution are just some of the many ways arts participation can impact positively on individuals and their communities.

In investment terms, community arts offers outstanding value for money. Its participant led approach delivers local capacity building and addresses interdepartmental government objectives. Despite this, communities desperate to develop arts projects can find it difficult to access necessary support in the face of lack of understanding about the benefits of arts.

Instigating community arts projects and allowing people access to their cultural rights regardless of their ability to pay is, like much other community development work, heavily reliant on funding. The overall per capita spend on the arts in Northern Ireland is the lowest in the UK and the Republic of Ireland. This low spend represents a lack of parity of esteem and results in a situation where, at all points of entry, access to the arts and therefore cultural participation is severely limited. The impact of this continued under funding is huge, resulting in an unstable sector in which new projects find it difficult to gain a footing and existing ones must fight for survival.

Thanks in part to the sustained lobbying of community arts activists, the principal funder for arts in the region The Arts Council of Northern Ireland (ACNI), has made inroads into addressing the unique support needs of community driven arts practice. Despite this, community arts received just 9% of total ACNI revenue spend in the 2008-2009 funding round.

This article is written against the backdrop of deepening global economic decline and locally, a review of arts funding by the Northern Ireland Assembly. Despite having a clear focus on arts in community contexts and opportunities for participation at local level, the review raises serious concerns that government is seeking to make cuts to an already beleaguered sector.

Economic concerns aside, CAF believes this is a timely juncture to reiterate the importance of cultural rights. As Northern Ireland becomes an increasingly diverse society and emerges from the legacy of the conflict, creative space to explore emerging identities is crucial. Since robust lobbying tools to convince and compel government to recognise cultural rights and access are key to securing sustained financial backing, the current review of the International Covenant of Economic, Social and Cultural Rights presents a key opportunity for campaigners.

The current list of issues for consideration by the UK government refers only to language rights which although vital, represent only one aspect of the spectrum of cultural needs. CAF is one of a number of organisations preparing a submission to urge the review to include a broad definition of cultural rights and place this on the human rights agenda at local, national and international levels.

A more inclusive definition of cultural rights in the covenant will give lobbyists a point of reference for future campaigning and a firm basis to push for genuine equality of opportunity for arts participation for all.

Heather Floyd and Caragh O’Donnell
Community Arts Forum

Human Rights and Regeneration: Girdwood Update

“...my plea today in Belfast is for public duty bearers, for the National Human Rights Institution and other supervisory bodies, for civil society, and the corporate sector, involved in the regeneration process for Girdwood, and other similar projects, to recognise the Residents’ Jury as an excellent example of how to build a culture for human rights and meaningful participation that can really constitute a golden opportunity for change.”

(Virginia Bras Gomes, United Nations Committee on Economic, Social and Cultural Rights member)

Crumlin Road Gaol and Girdwood Barracks, a 27 acre site in north Belfast, straddles some of the most deprived communities in Northern Ireland. In the immediate vicinity there are 5 electoral wards which are highly segregated: Shankill, Crumlin, Ardoyne, New Lodge, and Waterworks. These communities, as well as being some of the areas worst affected during the conflict, suffer the consequences of structural inequalities resulting in them consistently ranking in the top 5% (and often top 1%) most deprived wards in terms of housing, education, employment and health across Northern Ireland.

The North Belfast Community Action Unit estimates that there will be £231 million worth of investment in the Girdwood site across a 10-15 year period. Therefore this regeneration, and the plethora of others planned for the vicinity, have the ability to significantly improve the lives of residents in these communities.

On 28th May 2008, a diverse group of residents from the communities surrounding the Girdwood site convened a unique Residents’ Jury with the Participation and the Practice of Rights Project to hear evidence on how the Girdwood regeneration process can begin to reverse decades of inequality and make tangible improvements in the quality of life for existing, and future, residents. Evidence was presented from a wide range of national and international experts including planners, community development practitioners, residents from other areas undergoing regeneration, human rights NGOs, a member of the UN CESCR, and a representative from the Department for Social Development.

To prepare for this event, the residents on the Jury underwent a six week development programme with the PPR Project looking at core human rights themes of equality, participation and accountability – and how these relate to regeneration processes. They explored local deprivation and inequality, the legislation in place locally to address this, and the history of the Girdwood development to date. This programme equipped the residents to consider critically the evidence offered to the Jury and informatively question speakers and experts at the event.

On 30th October 2008, the Residents’ Jury released their findings which took the form of process based human rights indicators and benchmarks on how human rights themes of equality, participation and accountability can be mainstreamed throughout the regeneration process. The Residents’ Jury declared their intention to monitor five specific stages of the early regeneration process: Gathering Information, Developing Proposals, the Final Masterplan, Budget, and Implementation Body. The Residents’ Jury intend releasing the results of their indicators measurement shortly in relation to the Gathering of Information stage as this step concerns the Draft EQIA produced by the DSD.

For more information please visit the following website: www.pprproject.org and www.youtube.com/pprproject or email dessie@pprproject.org

Update on Girdwood EQIA Process

Last October, the DSD published the draft EQIA of the Crumlin Road Gaol and Girdwood Park Draft Masterplan with a closing date for comments of 20 January 2009. CAJ, PPR, and a number of other organizations submitted responses to the consultation, generally expressing disappointment at the lack of specific outlined mitigating and alternative measures which would better promote equality of opportunity.

This consultation process however represented the fifth step of a seven step process. The important point here from a consultees perspective is the commitment in the DSD Equality Scheme (which is legally binding) that

“in making any decision on a current or proposed policy, the Department will take into account any relevant equality impact assessment and the outcome of associated consultation.”

The extent to which the DSD “takes into account” the views of consultees in making their final decision on the way forward is therefore a crucial one. Moreover, the Equality Commission Guidelines on this point state that:

“clear evidence of the consideration of mitigation of impacts must be apparent, and details of mitigation and plans for its implementation must be included in the final recommendations presented during decision making. Justifications must be given if these alternatives have not been accepted.”

For consultees, the next key part of the process will be an examination of the final EQIA report when it is published in order to determine the extent to which the DSD has complied with this important requirement.

Civil Liberties Diary

2nd February

The Irish government raises the case of 11 people shot dead by the British army in 1971 with the NI Secretary of State. Families of the victims of the Ballymurphy massacre have called for an independent investigation and a public acknowledgement of their innocence.

3rd February

The Court of Appeal hears a renewed attempt by the NI Children's Commissioner to have the smacking of children banned. Even though legislation allows parents to physically chastise their children, it was argued that it involved illegitimate violence and physical or physiological pain. Counsel for Ms. Lewsley argued that youngsters are protected from such treatment under the UN Convention on the Rights of The Child.

DUP MP William McCrea tells the Billy Wright Inquiry that a government source told him about a threat to kill the LVF leader a month before he was shot dead by the INLA at the Maze Prison.

5th February

The Billy Wright Inquiry is told that the PSNI has admitted Special Branch officers knew the INLA was plotting to murder the LVF leader in 1997. The revelation came to light as the former head of MI5's Assessment Group in Northern Ireland (witness HAG) gave evidence.

11th February

The PSNI launches a High Court bid to compel the Rosemary Nelson murder inquiry to make findings of fact. Lawyers for the Chief Constable are challenging a decision by the tribunal that it is not obliged to reach definitive verdicts in assessing allegations against officers.

Irish News obtains figures which show that from April 2007 until March last year 346 people were charged under the Prevention of Terrorism Act. In the eleven years since the Good Friday

Agreement the PTA has been used to bring charges on almost 3,200 occasions.

12th February

The Court of Appeal by 2-1 rules that twelve soldiers should be named at the Rosemary Nelson Inquiry. Their request for anonymity was turned down despite their fears of being targeted by dissident republicans.

13th February

Events are held in both Belfast and Dublin to commemorate the 20th anniversary of the murder of solicitor Pat Finucane. His family, friends and professional colleagues again call on the British government to set up an independent inquiry into the murder and subsequent police investigation.

19th February

The Billy Wright Inquiry hears that prison chiefs ordered the emergency destruction of more than 5000 files after the LVF leader's murder. Two people were allegedly paid £14,000 to get rid of documentation before data protection regulations were introduced.

23rd February

Two former IRA prisoners who were denied jobs with a charity take their case to the House of Lords. In 2005 a fair employment tribunal in Belfast found that the Simon Community had discriminated against Sean McConkey and Jervis Marks when it refused to employ them because of their backgrounds. However, the tribunal said that they were not protected under law against less favourable treatment because their political opinions were interpreted as supporting violence.

20th February

The Public Prosecution Service confirms that Detective Inspector Philip Marshall and Constable Fiona Cooper will not face legal action after being cleared by an investigation by the Police Ombudsman Al Hutchinson. The two officers had been accused of lying by the judge in the

Omagh bomb case.

24th February

In the Court of Appeal the Children's Commissioner Patricia Lewsley loses her case to have the physical punishment of children outlawed.

25th February

The public inquiry into the murder of Rosemary Nelson hears from Colin Port, a senior British police officer, that he had to be ordered to head an investigation into the killing "as no one else would do it".

Office of the Police Ombudsman reopens the murder inquiry into the 1977 killing of Sgt. Joe Campbell after uncovering new leads which point to police involvement. He had told RUC Special Branch officers that he believed he was in danger of being killed by a fellow officer due to his investigations into robberies in Cushendall.

The family of Pearse Jordan meet the NI Secretary of State in an attempt to have the last obstacles to his inquest removed. Relatives want police to provide an inventory of material in their possession about the death.

26th February

NI Secretary of State Shaun Woodward rejects the £12,000 payout to families of victims recommended by the Eames/Bradley report.

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Just News

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