

Mary Robinson tells Belfast: 'Human Rights Vision for World as Relevant Today as Ever'

Mary Robinson, the first female President of Ireland and former United Nations High Commissioner for Human Rights has told a thousand-strong audience in Belfast that the Arab Spring uprisings are a reminder that human rights are as relevant and necessary today as they have ever been. Dr Robinson was giving the keynote address at Amnesty International UK's 50th anniversary conference, held in Belfast in May. Here are key excerpts from her speech:

Arab Spring

"Corrupt dictatorships, economic decline, rising unemployment and grinding poverty as well as emerging demographic factors such as relatively large percentages of highly educated but dissatisfied youth populations have all been key to the developments of recent months from Tunisia to Egypt, from Yemen to Libya, Syria, Bahrain, and beyond. The calls we hear from the streets and squares for justice, the demands that people are making for a life of dignity, remind us yet again of the importance of the broad agenda set out more than 60 years ago in the Universal Declaration of Human Rights as a "common standard of achievement" for all peoples. That vision - which not only recognized civil and political rights – including freedom of speech and freedom from torture and other repressive acts by those in authority - but also the importance of economic, social and cultural rights – the right to decent work, to adequate health care and education among others - and their connections to questions of equitable development and to just and peaceful societies - is as relevant today as it was in the aftermath of the second World War. Indeed, the wide protests for dignity, democracy and human rights in the Arab world reinforce that the Universal Declaration of Human Rights is not a Western agenda, but embodies the values we need to live together in peace and justice."

Government

"The point is that the challenges of realizing rights are not just about what governments shouldn't be doing – not preventing freedom of association, not torturing, not blocking exercise of free speech. It is also about what they should do – providing effective institutions of justice, health systems, education, labour institutions, etc. and how difficult this can be even for the world's richest nations, let alone for those recovering from conflict or struggling to achieve economic and social development. It is a lesson that we still need to stress and act on. Across the island of Ireland, indeed across the globe, people are increasingly demanding 'healthy' democratic participation within the state. This is not some abstract political concept; it is about ensuring public decisions are taken on the basis of transparency, accountability and participation. It applies to 'big' questions like national taxation policies as much as it does, for example, to 'narrow' issues faced in the daily lives of residents from the Seven Towers here in Belfast asserting their right to adequate housing. This type of 'healthy' relationship with the state is the basis for a sustainable democratic and economic fabric tomorrow. Its absence today is the promise that yesterday's failures will be repeated tomorrow."

Amnesty International

"For a half century, Amnesty International's work to protect the inherent dignity and equal rights of all people has been a beacon of hope for individuals and communities around the world in their struggles for justice and freedom. Your mission and commitment are as vital and needed today as when Amnesty was founded in 1961. I know you all have a real sense of just how much Amnesty's efforts have impacted the lives of countless individuals in countries from all regions. But perhaps you don't fully realize as well the importance of Amnesty's role in shaping the development of the global human rights movement itself and indeed in supporting so many other rights advocates around the world over the years, myself included. Let me say for the record how much I have benefitted from Amnesty's inspiration and contributions in my own work at home in Ireland and abroad."

Patrick Corrigan, Programme Director, Amnesty International

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Interview with UN Special Rapporteur on Torture, Juan Mendez

Juan Mendez was appointed UN Special Rapporteur on Torture, and other Cruel, Inhuman and Degrading Treatment in October 2010. His previous positions include Special Adviser to the UN Secretary-General on the Prevention of Genocide (August 2004-07), Member (2000-03) and President (2002) of the Inter-American Commission on Human Rights, and President of the International Center on Transitional Justice (2004-2009). As a lawyer, he provided legal representation to political prisoners in Argentina during its period of military dictatorship (1976-1983), and was himself subjected to torture whilst administratively detained for a year and a half. The following is an extract from an interview with Juan Mendez by Michael Hamilton and Renata Uitz, conducted on 8 November 2010 in Budapest.

How can researchers begin to evaluate the success or otherwise of transitional justice initiatives, particularly given the often piecemeal and protracted nature of transitions?

I've never been very much in favour of making excessive claims about why and for what we do transitional justice. We don't push for justice because it's an instrument of peace or an instrument of reconstruction or an instrument of reconciliation. We push justice because justice deserves to be pushed for its own worth.

Of course, in an ideal world, you don't want to do things in a piecemeal way but it's also true that we never have an ideal situation in which we can do truth, justice, reparations and institutional reform in the first three months of a democratic regime – it just doesn't work that way. So [it's about] finding exactly the sequencing, and the timing in which to do things. I think sequencing in the domestic jurisdiction is probably necessary, especially if you need to reconstruct [the judiciary] before you actually embark on the most difficult trials but sequencing that says, 'we're going to prosecute from this day to that day and then afterwards we're not going to prosecute anybody, no matter what the evidence shows' strikes me as a half-amnesty, and there I'd be careful. It's a little bit like the 'Punto Final' law that was forced upon the Argentine democracy early on. By its terms, 'punto final' in Spanish means full stop and it just means that whoever you didn't prosecute by a certain date you couldn't prosecute later. What happened was that it caused a flood of cases, a race to the court house that actually made the instability worse. It also became completely erratic and unfair because it penalized cases where there hadn't been the wherewithal to bring the case within sixty days – it didn't have anything to do with the seriousness of the case or with the responsibility of the individual who was charged. Also, if you have only sixty days to do a serious investigation of really massive crimes, a lot of people who are very culpable are going to escape the net. I don't have any problem with insisting that you can't have prosecutions for the crimes in the past open forever. There has to be some kind of reasonable cut-off date as long as it's a reasonable time, and the specific investigatory activity is also serious. The main norm that international law requires is that the obligations that the state has have to be performed in good faith – a due diligence standard as in the Velasquez-Rodríguez decision of the Inter-American Court.

Can you see any trends that distinguish the different regional human rights systems in terms of the way that they have approached transitional issues?

What's significant for me is not that the Inter-American system has so many cases and so many decisions all going in the right direction but that you can look at any other system of protection, regional or universal, and there are no decisions going in the opposite direction. You find different approaches to similar problems but there's nothing saying, 'there's no obligation to investigate, prosecute or punish', or 'no – amnesty laws are okay'. The European Court [of Human Rights] has had a much more individual and case-by-case approach but has never contradicted the same findings by the Inter-American Court. On the contrary, we have several cases against Turkey where it says specifically, given these facts you have to investigate and prosecute and fine. You have cases where Estonia and France and other countries have tried to look at the crimes of Stalinism or of Nazism and they have found that eliminating statutes of limitation, for example, is not contrary to the European Convention. So my sense is that there are certainly some regional differences but not differences in the principles to be applied.

In light of your previous role as Special Adviser on the Prevention of Genocide, how (if at all) might these principles of transitional justice inform mechanisms on genocide prevention?

The need to prevent genocide or mass atrocity more generally often arises in the context of ongoing conflict and so lessons learned, for example, from a transition from military dictatorship to a democratic elected Government are not necessarily apropos. It's not that they are completely irrelevant but you have to recognise the difference. I think there are now several experiences of transitional justice mechanisms inserted into conflict resolution in situations of conflict – and even of ongoing conflict – that the principles of transitional justice have some experience that we can draw on – for example, consultation with the victims.

Since we've just visited the Open Society Archives here in Budapest, how, in your opinion, can memory best be preserved and whose responsibility is it?

Well I think, originally at least, it's the responsibility of the nation state to preserve memory and to make sure that documentation and evidence is not lost. But that's only the first step, I also feel it's important for civil society to participate actively, first in designing and implementing the policies by which memory is preserved and then perhaps to maintain a certain direction to the uses of the memory so that its properly disseminated, it's understood and it's debated in the proper fora, letting all voices be heard but without impermissible lies about what happened.

Given the importance of emerging norms regarding the right to truth, do you think the Wikileaks disclosures should be seen in that frame – are they to be applauded as a step towards truth?

Yes, I think the Wikileaks documents are very troubling in what they reveal, but I also feel that it's very legitimate to put them up to public scrutiny especially if in so doing, you don't sensationalise and you don't put in jeopardy people's lives or even the ability of state to conduct intelligence in ways that don't violate human rights. I think all in all, and without being familiar with all those documents (my information is what's in the press) that the revelation of the Wikileaks documents is a step in the right direction.

Finally, what do you hope to achieve in your new role as UN Special Rapporteur on Torture, Cruel, Inhuman and Degrading Treatment?

I'm going to have to insist on the elements that are already in the UN Convention Against Torture and that is that every act of torture requires an investigation, prosecution and punishment – even if it's a single act. And then I'm going to have an attitude of denunciation and condemnation when I see regimes that practice torture as a very deliberate pattern of conduct. There are also countries where torture is practiced because the state is indifferent to whether it is practiced or not, and I will insist on those states living up to their responsibility to stop it. And then there are states where torture and ill-treatment happens because the state doesn't have the wherewithal or the ability to stop it, and in those cases I'm going to try to be of assistance – if I find good will of course. I think in all three of the situations I'm going to keep an open attitude of dialogue because condemnation does not exclude the possibility of dialogue. The principles and the standards of international law – and also practices that can be emulated from other parts of the world – show that there are ways of dealing with torture. One is accountability (which I already mentioned) but the other is insisting on the exclusionary rule for statements obtained under torture. Here, I would even go a little further than the UN convention does and insist, *de lege ferenda* obviously, that not only the statements themselves but all other evidence produced as a consequence of the mistreatment should be excluded as well because you want to produce a very strong disincentive to interrogators to engage in torture. Beyond that I would insist on, for example, making judges and others and prosecutors responsible for pre-trial detention – not only for the conditions but also for the public information about where somebody is arrested, and for what. We need to eliminate the secrecy that sometimes surrounds torture and makes torture possible.

Interview conducted by Michael Hamilton for the Hungarian Human Rights Journal, 'Fundamentum' Issue 4, 2010.

**The full transcript of the interview is available on the TJI website, via the homepage.
<http://transitionaljustice.ulster.ac.uk/>**

Update on the NI Bill of Rights process

Support for a Bill of Rights for NI at East Belfast Hustings

In the run-up to the May 2011 Assembly elections, the Human Rights Consortium and the Lower Castlereagh Community Group hosted a very successful hustings event on 28 April 2011. Representatives from the main political parties and other political figures prominent in East Belfast comprised the panel. Discussions encompassed various pressing human rights issues including a Bill of Rights for Northern Ireland, educational underachievement and disadvantaged youth, mental health and suicide awareness, housing rights, gender justice, first time voters and more.

On the issue of a Bill of Rights for Northern Ireland, there was no rejection of the requirement for a Bill of Rights however there were some differences on how expansive this document should be. The Consortium is encouraged by the presence of all main parties on the panel and the constructive discussion of differences on this issue. This shows a willingness amongst our political representatives to engage with the Bill of Rights process. The importance of a constitutional document which would, according to Dawn Purvis MLA, 'secure a minimum standard of living for the citizens of Northern Ireland' was clearly evidenced by the consistent questioning on this and other human rights issues by the residents of East Belfast.

Baroness Harris of Richmond calls for progression on the Bill of Rights debate

On 19 and 20 April 2011, the Human Rights Consortium hosted a very successful visit by Baroness (Angela) Harris of Richmond, Chair of the Liberal Democrat Policy Committee on Northern Ireland. During her visit the Baroness met with the Consortium Board, member organisations and their members. The Consortium Board members welcomed the Baroness before a session focusing on disadvantaged youth. During this session the Baroness heard from Kathryn Stevenson on children's rights and particular case studies (Children's Law Centre), Frank Tipping (Belfast Unemployed Resource Centre) on youth participation, and Sara Boyce (Include Youth) on youth justice. Following this, Mairead McCafferty (West Belfast Partnership Board) led a visit to Newstart Education Centre in West Belfast where the Baroness heard from several young people who have benefitted from the excellent programmes run from the centre and how this work aims to address youth disadvantage in the area.

The following day all Consortium members were given the opportunity to attend a morning coffee session with the Baroness and provide an overview of their organisation's work. Members who attended included: Janet Muller (POBAL), Frances Murphy (Contact a Family), John McCormick (Carers NI), Colin Flynn (Queerspace), Paul Pope (Belong) and Anne Moore (Save the Children). Baroness Harris then visited the REAL Network at Disability Action where the particular circumstances of people with disabilities in Northern Ireland were discussed. Lower Castlereagh Community Group followed this by bringing the Baroness on a walk around inner East Belfast where she heard about existing and potential projects in the area, in particular the rights based work which is ongoing.

The Board members hosted Baroness Harris for lunch at Nick's Warehouse and were joined by Baroness Blood and Basil McCrea MLA for Lagan Valley and Chair of the Policing Board's Human Rights and Professional Standards Committee. Lunch was followed by a visit to the WAVE Trauma Centre where the Baroness heard about the current and unresolved issues affecting victims and survivors of the conflict and had coffee with youth workers and men from the injured support group. The day concluded with a trip to NICEM's recently established Belfast Migrant Centre where the problems of asylum seekers, refugees and migrants were discussed.

The Human Rights Consortium would like to thank Baroness Harris for her time and interest. We appreciate her support for a Bill of Rights for Northern Ireland, and her interest in human rights issues here generally. We would also like to thank our members for their time and effort in welcoming Baroness Harris and stepping aside for a while from the invaluable work that they do to speak to the Baroness about it. We will continue to follow up with Baroness Harris and her colleagues at Westminster and over the summer will be producing a member's guide to Westminster lobbying.

Lynda Sullivan, Human Rights Consortium, www.BillofRightsNI.org

Tributes to a human rights defender

This month saw the release of the findings of the Rosemary Nelson Inquiry Report. CAJ issued a press statement following the report which is available on our website - www.caj.org.uk We will respond more fully to the report in next month's Just News. In the meantime, we felt it was fitting to reproduce a page of Just News from March 1999, where a selection of human rights campaigners and organisations paid respect to our friend and colleague, Rosemary Nelson.

"In 1998 the Council of Europe awarded its Human Rights Prize to the Belfast - based Committee on the Administration of Justice, of which Mrs Nelson was an Executive Board member. In deciding to award its prize to the CAJ, the organisation sought to highlight the work of the many voluntary members who, like Mrs Nelson are committed to upholding the highest standards of justice and defending the human rights of everyone in Northern Ireland."

Secretary General, Council of Europe

"The CIJL knew Ms. Nelson as a courageous human rights lawyer who defended her clients professionally...the assassination of Rosemary Nelson sadly reminds us of the continued attack on human rights defenders throughout the world."

Committee of International Jurists and Lawyers

"I am shocked and saddened by the cowardly murder in Northern Ireland today of Rosemary Nelson, a courageous human rights lawyer whose life had been repeatedly threatened in the past for her work. The attack on Rosemary Nelson seems designed to keep the communities in Northern Ireland from achieving reconciliation and full respect for the rights of all citizens. Her death has sad echoes of the murder of Pat Finucane and comes at a particularly sensitive time in the peace process. The people of Northern Ireland must not allow this to deflect them from their determination to implement the peace agreement. Pursuing the road to peace and human rights is the greatest tribute they could pay to her memory...."

United Nations High Commissioner for Human Rights, Mary Robinson

The success of the peace process is predicated on the people's ability to believe that injustices such as this will be investigated thoroughly, fairly, and transparently ...It is absolutely critical that a truly impartial investigation of Rosemary Nelson's murder will be conducted and in the end help further the cause of peace . A champion of due process rights, Rosemary deserves no less."

Resolution introduced by Congressman Chris Smith

"All at CAJ extend their heartfelt sympathy and support to the family and friends of our colleague Rosemary. Rosemary Nelson was a highly respected and courageous lawyer who represented all of her clients with the utmost professionalism and integrity and her murder has sent shockwaves through the local and international human rights community."

Martin O'Brien, Director CAJ

Amnesty International is shocked and deeply saddened by the killing today of a human rights defender in Northern Ireland. Rosemary Nelson gained prominence for her defence of individuals under emergency legislation in the context of the political violence in Northern Ireland. In recent years she lodged complaints with international and national human rights organisations as well as the authorities that she was the subject of intimidation by the Royal Ulster Constabulary (RUC) and the Royal Irish Regiment (RIR), and received anonymous death threats."

Amnesty International

The Special Rapporteur on the independence of judges and lawyers, Dato' Param Cumaraswamy, was saddened to learn of the tragic murder of solicitor Rosemary Nelson, who died from injuries suffered in a car bomb attack outside her home in Lurgan, County Armagh earlier this afternoon."

Dato' Param Cumaraswamy UN Special Rapporteur on the independence of judges and lawyers

"She ought to have been protected. It would have been known that she was at risk... fundamental international law also applied to defence lawyers."

Gareth Peirce

"The Observatory for the Protection of Human Rights Defenders expresses its profound indignation over the assassination on 15th March 1999 near Lurgan, Northern Ireland, of Rosemary Nelson, lawyer and human rights defender and member of the Executive Committee of the Committee on the Administration of Justice (CAJ) a member of both FIDH and OMCT."

FIDH and OMCT

"Nothing is more encouraging than the commitment of people to human rights – nothing is more moving than the dedication to act for the sake of others. We have gathered here today to pay tribute to human rights defenders who give us both; encouragement and example. Attacks against human rights defenders continue. The murder of Rosemary Nelson in Northern Ireland only days ago...remind us of how far we are from achieving the objectives of the Declaration on Human Rights Defenders." ***The United Nations High Commissioner for Human Rights Mary Robinson on the occasion of lighting the eternal flame established in honour of human rights defenders in front of Palais Wilson, Geneva.***

Taking a closer look at CAJ

Each month in 2011, Just News will profile a different staff member, outlining his/her role in the organisation and giving an overview of the kind of work they do on a day to day basis. If you believe the CAJ staff person can be of any assistance to you, please contact them directly.

Donal Lyons, Public Affairs Officer

Donal Lyons began post as CAJ's Public Affairs Officer in November 2010. This is a new post in CAJ. Here, Donal explains the need for such a role, and outlines the kinds of public affairs work carried out by CAJ.

Over the last decade we have seen a huge change in how Northern Ireland is governed. The democratic structures are becoming more attuned to public needs and more decisions are being made locally about our day to day lives. As the breadth of issues being covered by the Assembly has increased, so too has the depth. The opportunity is greater than ever before for local organisations to influence and improve local services, standards and protections. Our legislators in the Assembly are not only more accessible but are also better placed to take advice and action on difficulties faced by people in Northern Ireland. However the structure of the Assembly means it is imperative for civil society to monitor legislation, priorities and the workings of our local tier of government. The reduction in public expenditure only serves to emphasise this need.

CAJ has four main project areas – policing, criminal justice, equality and the protection of rights. These four areas all contribute to the public discussion in different ways. Be it policy formation or appraisal reports, assisting with individual complaints or presenting evidence to a government committee, all aspects of CAJ's work are intertwined with public affairs. There are also other aspects of our work which span the project areas such as our support for a strong and inclusive Bill of Rights for Northern Ireland. Over the last decade much progress has been made on the shape and content of a Bill of Rights. More work remains to be done in the political arena to clarify misunderstandings and to ensure that the overwhelming public support for a Bill of Rights is not politically overlooked. CAJ will be working with all the political parties, stakeholders and friends to ensure the implementation of the remaining pieces of the Good Friday / Belfast Agreement.

The Agreement also placed a statutory duty upon public authorities to have due regard to promote equality of opportunity. CAJ continues to work towards a more progressive approach to this section 75 duty, which would help reduce inequalities in our society and so ensure a more cohesive and integrated society. CAJ also continues its support and lobbying for the implementation of international resolutions such as the United Nations Security Council Resolution 1325, Women, Peace & Security. At the same time, CAJ continues to raise issues of local concern on the international stage, such as presenting evidence to the United States Congress and the United Nations. International bodies offer an objective judgement on governmental behaviour but poorly informed criticism can undermine respect for international human rights law and create an atmosphere where rights are seen as an optional extra rather than fundamental to modern democracy and an important inhibitor on the arbitrary exercise of power.

We believe that by bringing these international instruments to the local level and, correspondingly local experience and expertise to the international level, we can move towards a society based on rights and respect. Human rights were given a central position in the Good Friday/Belfast Agreement, in recognition of their vital importance to a peaceful and thriving future in Northern Ireland. Since its establishment 30 years ago CAJ has had lobbying and campaigning on human rights issues at the core of its work. Whether it is raising awareness of international obligations, seeking redress where rights have been breached or arguing for more protection for the most vulnerable in our society, CAJ has always worked with likeminded organisations and individuals to bring about a more just and equal Northern Ireland.

Human rights bring transparency to government, ensure fairness and equality and ensure structures are trusted by and representative of society. As Northern Ireland continues to transform CAJ will continue its work to ensure that we move in a socially just direction by ensuring that human rights are at the very centre of our society.

To contact Donal Lyons, please email donal@caj.org.uk or telephone 028 9031 6000

Creative reflections on key human rights instruments - United Nations Convention Against Torture, 1984



“What I’ve Seen” by Eoin Mac Lochlainn, Artist

Civil Liberties Diary - April

1st April

Northern Ireland's Lord Chief Justice, Declan Morgan, has delivered a speech in which he has asserted that the judiciary should have control of its own budget. He told an audience at the University of Ulster that "everyone agrees that judges ought not to be accountable for the decision making to the legislature or the executive." He went on to state "I entirely accept that the judiciary have an obligation to take all reasonable steps to secure public confidence in the administration of justice but that does not make judges accountable to anyone." The Lord Chief Justice went one step further in stating that "salaries, conditions of service and pensions of judges should be guaranteed by law and should not be altered to their disadvantage after appointment." He concluded that the judiciary should be responsible for the administration of its own budget "in collaboration with the executive."

5th April

A Latvian woman was put on trial in Newry Crown Court charged with stealing a packet of prawns worth £6.99. The trial is the latest in a number of similar cases brought against women for shop lifting items worth less than £10. One of the earlier cases was successfully appealed last week with senior judges ruling the earlier decision to jail a woman for 3 months as excessive. The same woman will now serve 100 hours of community service.

6th April

It has been announced that use of non-jury trials is to be extended by a further 2 years in Northern Ireland. Officially, Diplock courts were abolished in 2007, however the Director of Public Prosecutions can still issue a certificate for a non-jury trial in Northern Ireland. The Secretary of State placed before Parliament a written statement which will see this practice continue for a further 2 years. His statement

concluded that the "government remains committed to a return to jury trial in all cases as soon as it is deemed appropriate."

14th April

Criticism has been made of the PSNI 'clearance' rates of paramilitary assaults and shootings which have resulted in less than 4 percent being cleared. Out of 272 such assaults identified by the PSNI between January 2008 and December 2010 only 12 were cleared and they resulted in no convictions.

15th April

The Lord Chief Justice has called for all sentencing judges to hear from victims directly as to what harm they suffered. He underscored that it was vital to fully understand the impact of crime in the real world.

Sam Pollock, the Chief Executive of the Police Ombudsman Office for Northern Ireland, has resigned amid claims of civil service interference. Mr Pollock who has held his position for over 10 years will leave in August.

18th April

Sinn Féin has spoken out against the extension of police detention beyond "normal periods." In practice the police can hold a suspect in custody for up to 28 days provided that they apply regularly to the courts for custody extensions.

20th April

The Office of the Police Ombudsman for Northern Ireland will carry out an investigation into claims made that a member of the PSNI assaulted a Co. Armagh school boy.

21st April

The opening date for the Smithwick Tribunal, which is being chaired by Judge Peter Smithwick, has been set for June 7. The inquiry is being held to examine claims that the Gardai colluded with the IRA in the murder of two senior RUC officers in March 20 1989.

It has been announced that there will be an investigation into the independence of the Police Ombudsman's Office. The independent review will be carried out by Tony McCusker. His report should be concluded by May 16 and it will include his recommendation whether further inquiries will be required.

Compiled by John Keers from various newspapers

Recruitment Opportunity

CAJ is currently recruiting for a Director.

Further information is available on the website - <http://www.caj.org.uk/jobs>

Just News

Just News welcomes readers' news, views and comments.

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