

Special Edition

CAJ'S 21st Birthday

Fiona Doherty, CAJ Chair writes

CAJ is 21 years old this year. Anniversaries are often a time to reflect on what has gone before and what lies ahead. While it is difficult to identify a clear cause and effect for changes in society, I think CAJ can quite legitimately point to a whole series of achievements over the last 21 years where our efforts together with those of others have been successful.

Concrete achievements, to name but a few, include the repeal of the Payments for Debt Act, the closure of the notorious Detention Centres, the introduction of race relations legislation, the introduction of audio and video recording of interviews, independent investigation of complaints against the police, stronger legislation to combat discrimination and promote equality of opportunity, overturning wrongful convictions and victories in the European Court of Human Rights.

In the last few years the peace process and the political negotiations provided us with a unique opportunity to influence the content of the Agreement and to secure strong human rights provisions. These covered issues such as equality, policing, and criminal justice. New institutions designed to promote and protect human rights and equality have also been established. Another, perhaps more intangible but nevertheless important, achievement is the existence of a strong and growing constituency of groups committed to the advancement of equality and human rights for all.

In spite of these achievements, much remains to be done. We still have to secure a strong and inclusive Bill of Rights. The process to transform policing is in its infancy. Doubts remain over the adequacy of the changes to the criminal justice system and there is a long way to go before we secure a genuinely more equal society. While this is not an exhaustive list it gives some indication of the scale of action which is still required.

Of course as we publish this special issue of Just News to mark our 21st Anniversary we have also to be conscious of the wider political context for our work and in particular the very recent suspension of the local devolved administration. It is often at times of political uncertainty and deadlock that human rights are most at risk. The values and principles which underpin human rights thinking should however provide the building blocks for the way forward. CAJ has consistently argued that, in the absence of progress on the political front, it is all the more important that progress be made towards the creation of a fairer society for everyone who lives here in Northern Ireland. That will continue to be our call over the coming months and years.

This special issue on Just News looks back over 21 years of work by CAJ to tackle human rights abuses and to create a vibrant human rights culture. There is much to celebrate but much remains to be done.

On behalf of CAJ's current executive, I would like to take this opportunity to thank all of those who have made CAJ's work possible. I am particularly grateful to all those individuals, foundations and groups who have provided us with the necessary financial resources. Funders such as Rowntree and Cadbury have supported us from the outset, and many others have generously helped us to both continue our efforts and to expand upon them in response to the new demands and opportunities which have been presented to us. Independent funding has proved, and will for the foreseeable future prove, necessary to ensure an independent voice for human rights protection in Northern Ireland. As a general principle, CAJ does not accept government funding and this stance has given us a credibility and a freedom of action which has stood us in good stead over 21 years.

This is also an appropriate place to recognise all the work done by past and present CAJ members, volunteers and staff. Hours and hours of volunteer work are regularly committed to CAJ's endeavours, and have been crucial to securing some of the important changes noted earlier on.

In true CAJ tradition however, I cannot allow the focus to end on the past but rather would encourage everyone to redouble their efforts in the coming months and years. CAJ must continue to work for a just and peaceful society where the human rights of all are fully protected.

CAJ and its Critics

In 21 years of busy activity, it would be surprising if CAJ had not had to engage with criticisms of its work. Defending human rights during political conflict is not always a popular task. The number of human rights defenders killed around the world is testament to that, as are the cases of Patrick Finucane and Rosemary Nelson. However, those groups working in more “normal” circumstances also tend to be criticised. Our sister-organisations in the International Federation of Human Rights – Liberty, the Irish Council of Civil Liberties and the Scottish Human Rights Centre – have all faced the same problems as ourselves.

We have all at different times been considered ‘irrelevant’ or ‘left-wingers’; we have been considered either too radical or too conservative; and we have all been accused of having party political preferences (often conflicting ones). While the intensity of the political conflict and division here in Northern Ireland has on occasion meant that the accusations were more vitriolic, and indeed posed a greater danger to the individuals and for the work involved, CAJ’s experience is not particularly unique.

The fact that we have come in for such criticism can of course be seen as a backhanded compliment to the impact that CAJ has had. At the same time, the persistent existence of such criticisms, and the fact that they have come from right across the political spectrum, should not encourage any complacency. It is important, as we always have done, to examine any such criticisms closely to determine if in fact any change in policy or approach is called for. This article is an attempt – very briefly – to explore criticisms that have been made over the years about CAJ’s work and to explain why we refute them.

One persistent criticism of CAJ’s approach has been that civil liberties and human rights concerns are irrelevant at a time of political and military conflict. CAJ’s taking no position on the constitutional question has been challenged on all sides. Some have argued that human rights is a distraction from the ‘national question’; others that we refuse to accept the constitutional status quo and provide an apology for terrorism. In response, CAJ has argued that human rights abuses feed and fuel conflict and must be addressed. Much of the language of the Agreement accepts the logic of this position and we believe that the CAJ has played an important role in moving the idea of human rights from the margins to the mainstream in Northern Ireland.

Another criticism rests on the assumption that ‘impartiality’ and ‘balance’ are the same thing. They are not. CAJ has always taken the view that the rights of all should be

protected *impartially and equally*. However this does not mean that we feel rights should be advocated in a *balanced* way. When talking of racism we do not feel that we have to provide as many case-histories of white people who allege discrimination as of black people; when reporting on domestic violence, it is not appropriate to have an equal number of cases of men and women who have suffered such violence. Equally, given the history of Northern Ireland, it is likely that many more concerns about emergency law, policing, and equality are likely to be raised by nationalists than by unionists. We will work for all – black, white, male, female, nationalist and unionist – responding to all their different concerns.

Another fairly persistent criticism of CAJ is that we are not being impartial when we only monitor the human rights abuses committed by governments: what about the horrors perpetrated by paramilitary organisations? Our response to this criticism has been equally consistent: firstly CAJ is opposed to the use of violence. Accordingly, we condemn the killings or beatings carried out by any group. But on what basis can we take action? Governments have signed up to certain standards of behaviour, paramilitary groups, abusive partners, criminal drug dealers, exploitative employers have not. CAJ, in the tradition of human rights and civil liberties work around the world, says that the primary responsibility for upholding rights lies with governments and we work to ensure that governments do just that. Ironically, those groups who in recent years have started to extend their work to criticise those who seek to act like states (and in some countries control territory etc), have been led to the completely invidious position of arguing about the meaning of “legitimate targets”. CAJ remains totally opposed to all violence, and works for an effective response by making the criminal justice system, the police and public authorities conform to their international obligations to ensure the rule of law.

A new criticism has arisen recently - clearly reflecting the increased centrality accorded to human rights because of efforts by groups such as CAJ. The criticism has been largely aimed at the Northern Ireland Human Rights Commission, but its credibility is being challenged on the basis that some of the individual members also happen to be members of the CAJ. It should be noted that CAJ did not select the members of such bodies, but we did advocate that such bodies should include people with knowledge and expertise in human rights. This is in line with international best practice in this area.

For our part, the organisation is constantly re-assessing its work – listening to its critics and taking on board any justifiable concerns. We reject the many spurious attacks we have faced over the years and are confident that we will continue to work effectively, independently and totally impartially to ensure that the rights of all in Northern Ireland are respected and protected, no matter how unpopular that may be at times.

CAJ in the wider world

In the early 1990s CAJ came to the conclusion that in order to ensure the effective protection of human rights in Northern Ireland, it was necessary to give more priority to highlighting violations of rights at the international level.

One of CAJ's defining principles has always been the belief that states, including the United Kingdom, should be held accountable to the human rights treaty norms that they had signed or affirmed. We were also aware that states tend to be very concerned about international criticism of their domestic human rights practices. This meant that international interventions, if effective, could result in practical changes 'on the ground' in Northern Ireland. Our experience over the years has validated this view. Placing the international human rights spotlight on Northern Ireland has resulted in government changes of both policy and direction, as well as in a small number of cases a direct individual remedy for the victims of human rights abuses.

Over the years CAJ has developed a visible and effective presence at a variety of international fora. These include the UN Human Rights Committee, the European Court of Human Rights and the Committee of Ministers of the Council of Europe. We have also made representations to the UN Sub-Commission on Human Rights and the Commission on Human Rights. In particular, CAJ has focused much of its efforts on the UN monitoring committees: including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee Against Torture and the Committee on the Elimination of Discrimination Against Women. In all cases we have made substantial contributions in writing to the monitoring committees, generally supported by a CAJ presence at both pre-sessional and formal examinations.

We know that our interventions have ensured that key human rights issues are highlighted, and that independent information is provided to Committee members to complement the UK reports. For example after our 1991 interventions at the UN Committee Against Torture which led to the Committee making a number of findings in respect of Northern Ireland, there was a marked decrease in the numbers of complaints of physical ill-treatment of detainees. We also believe that the interventions which we made with the UN Committee on the Elimination of Racial Discrimination, and the Committee's findings, played a key role in the campaign to eventually secure race relations legislation in Northern Ireland.

Over the years, all these Committees have been strong in their criticism of the government, bolstering our position that the human rights concerns we raise are of merit and

can be sustained by independent scrutiny. Our experience of international interventions has also been the basis upon which wider participation of human rights organisations has been facilitated - as we have brought our experiences to the wider human rights community in Northern Ireland.

Moreover, CAJ has developed sustained relationships with other key international monitoring bodies and individuals such as the European Committee for the Prevention of Torture, the Special Rapporteur on Arbitrary and Summary Executions and the Special Rapporteur on the Independence of Judges and Lawyers. For example, when the report of the European Committee for the Prevention of Torture was published in 1994, it endorsed CAJ's concerns about the regime for detainees held under the emergency laws. Our longstanding relationship with UN Special Rapporteur Param Cumaraswamy has, we believe, been a key factor in ensuring the ongoing concern expressed by his office with respect to the deaths of Rosemary Nelson and Patrick Finucane. His visit to Northern Ireland in November 1997 was very significant in that it was the first visit by a Special Rapporteur to Northern Ireland.

In addition to our work through the international human rights machinery we have also intervened successfully with the US Administration and have regularly contributed to the work by the US Congress on human rights in Northern Ireland. This has been an important factor over the last few years in particular.

We have developed considerable expertise in using the international mechanisms and as a result we are increasingly being asked to share that expertise with groups working in other countries around the world. We have established firm relationships with leading international non-governmental organisations including Amnesty International, Human Rights Watch, the International Commission for Jurists, the International Federation for Human Rights and the Lawyers Committee for Human Rights. Over the years, all these organisations have published key reports on the human rights situation in Northern Ireland. Much of that work has been supported by CAJ. There has also been international recognition for our work most particularly the prestigious Human Rights Award presented by the member states of the Council of Europe.

The various strands of CAJ's international work underpin the wide mandate of our human rights work. They also function to ensure that we are supported in the controversial and difficult work we undertake.

The fact that the interventions we make are consistently reflected in the outputs and comments of various international bodies, and have a practical impact on the ground, encourages CAJ to continue to prioritise this international task of human rights monitoring and oversight in a thoughtful and professional way.

Policing

Work on police complaints began in 1982, and was thereafter a routine topic of concern with subsequent publications in 1983, 1990, 1991, 1993, advocating an independent complaints system. This culminated in active work pre-and post the Hayes report setting up a Police Ombudsman.

A particular cause for concern throughout the 80's and early 90's were allegations of **police ill-treatment**. A combination of local, UN and media work sought to address this serious problem.

Police accountability has been a consistent topic of work with a 1988 publication "Police Accountability in NI". This topic was also regularly re-visited with work on lay visiting to police stations (1990) and responses to various consultation documents (NIO document on "Policing in the Community in 1994", submissions to the Police Authority in 1995, and legislative proposals in 1995 and 1998).

Public order policing reports started in 1985 and a major publication in 1990 entitled "Plastic Bullets and the Law". The topic of plastic bullets was re-visited in 1998. At the same time reports on the policing of public order disturbances more generally began to appear. In 1996, CAJ issued a report entitled "Misrule of Law", and subsequent publications, a video, and shorter submissions were produced in 1997, 1998 and 2001, as well as a number of documents relevant to the Parades Commission

Policing in transition became the major focus of our work in more recent times. In 1997, we launched a major report "Human Rights on Duty: Principles for better policing-international lessons for Northern Ireland" drawing on international comparative research. This gave us extensive material from which we drew in 1998 to make our formal submission to Patten. We constantly fed in Council of Europe experiences, by both inviting experts here to Northern Ireland (1998 and 2001) and facilitating a visit to Strasbourg by the Patten team. In 1999, we organised cross-community conferences both pre- and post-Patten; we made a submission to US Congress and we began our response to the government proposals. The year 2000 was an active year of parliamentary lobbying around the Policing (NI) Act.

In the last few years, the focus has changed again to **implementation of policing change**. CAJ organised a Council of Europe seminar for Oversight Commissioner team; produced Benchmarks for Oversight Commissioner (April 2001); met with the new Chief Constable, commented extensively on policy documents – the draft police Code of Ethics, appointments to and the work of District Policing Partnerships, registrable memberships etc. We have monitored closely the work of the new policing institutions – the Police Ombudsman, the Policing Board, and the PSNI more generally.

Brief synopsis Economic rights

As with many civil liberties organisations, our work in the early years tended to focus on the more traditional arena of civil and political rights. However, as reported elsewhere in this newsletter, equality was an early concern, and



*CAJ and the Equality Coalition
it co-convenes visit Stormont*

initiatives were taken to address issues of gender, racism, fair employment and the rights of children and young people.

In time this equality work came to create a natural bridge between traditional civil and political rights and work to promote economic and social rights more generally. Equality work soon highlighted that some of the worst consequences for the victims of discrimination and inequality lay in their socio-economic disadvantage. It was after all in response to a government finding of the appalling legacy of disadvantage and discrimination that Catholics suffered - in terms of education, health, employment, housing and other differentials – that the anti-poverty programme called 'Targeting Social Need' was introduced in Northern Ireland.

CAJ in its submissions to the then Standing Advisory Commission on Human Rights, looking at religious and political discrimination in 1996, argued for more energetic initiatives to target need and for the mainstreaming of equality considerations in all public policy making. On this latter point, there has been some important movement: together with others, CAJ was successful in the course of the Northern Ireland Act 1998 to put equality at the heart of policy making and thereby address many of the inequalities in our society. There is, however, much more to be done to make it clear that poverty itself is a denial of basic human rights and must be tackled decisively.

This evolution in thinking in CAJ about the inter-dependence of rights mirrored very much debates that were occurring

of CAJ's work

at the international level. To quote Mary Robinson in a visit to Belfast in 1998 *"the legacy of the Cold War which suggested that there was some contradiction between civil and political rights on the one hand, and economic, social and cultural on the other, is slowly dissipating. How can one argue that the right to vote is more important than the right to a roof over one's head? And yet, without the right to vote – and all that entails in terms of democratic choice – how will people ever secure the policies which will provide roofs over their heads?"*

This realisation encouraged CAJ to make submissions to the UN Economic, Social and Cultural Rights Committee in 1994, 1997 and again in 2002. The Concluding Observations have on each occasion become stronger and more immediately relevant to Northern Ireland. Certainly, CAJ will continue to assert in its submissions on the Programme for Government, in its budget critiques, in its comments on rates, privatisation, location of jobs etc. the importance of economic, social and cultural rights, alongside civil and political rights.

Long-term safeguards

CAJ's work often has to be reactive, immediate and short term, since urgent problems demand urgent solutions. In spite of this, or perhaps because of it, the organisation has also worked hard over the years to ensure a more fundamental rights framework to ensure everyone in Northern Ireland protection over the longer term.

The idea of a Bill of Rights for Northern Ireland was raised initially at CAJ's 1984 annual conference, and has figured in its work programme ever since. It is fascinating now for example in 2002 – when there is a discussion underway between the NI Human Rights Commission and the political parties and general public about their attitudes to a Bill of Rights – to look back at CAJ's first report in 1985 addressing this topic. The report devoted a major section to an outline of each party's stance on rights protection; outlined the views of a variety of other groups (the NI Civil Rights Association, the then Standing Advisory Commission on Human Rights, and the Ulster Defence Association – which had just issued a booklet on the European Convention), and explored the practices in a number of other countries.

At a conference specially convened in February 1985, these various findings were debated and a resolution was passed *"the organisation decided to support as a minimum the idea of incorporating the European Convention on Human Rights into domestic law. But this by itself was declared to be insufficient. It was felt that in several respects the European Convention was inadequate..."* (emphasis in original).

In 1990, some of the language used in our report "Making Rights Count" is also uncannily relevant in 2002 – *"Could the Bill of Rights serve as a basis for inter-party talks? We think the answer is 'yes'. A discussion about the content of a Bill and its form would address constructive and important issues, unlike the sterile debate to which we are accustomed.....Everyone – man, woman or child; Protestant or Catholic; Unionist or Nationalist – stands to benefit from a Bill. No-one can be disadvantaged by it. A Bill of Rights might not only help to defuse current political and societal tensions but also lay the foundation for a more just, a more equal and a more genuinely free society in the future"*.

Certain elements have run consistently through CAJ's campaign for a Bill of Rights. The focus has been on - outreach to the political parties; involvement of the general public; an educational and campaigning approach; study of comparative and international practices; exposure to international legal and other experts knowledgeable in the domain; and the preparation of detailed and specific proposals. The real difference now is that government has committed itself in the Good Friday/Belfast Agreement to give consideration to advice from the NI Human Rights Commission on this topic. While therefore CAJ's message is unchanged, the potential for long term rights protection is very different and much more positive than in the past. It is to be sincerely hoped that the current political hiatus will be positively used to move forward the debate about long term safeguards.



Archbishop Desmond Tutu in Belfast extolling the virtues of a Bill of Rights

We were encouraged in this direction by Archbishop Tutu who, on a recent visit to Belfast, was asked by a journalist if Northern Ireland was ready for a Bill of Rights yet. He answered: *"That is very like the kind of question that people used to ask of South Africa – 'do you think these people are ready for freedom?' ...one thing that we found in South Africa was that a Bill of Rights and the Constitution helped inject new values in a society that had not had any previously"*.

CAJ through the decades...

Like many organisations, CAJ started with no staff, no office, no statutes, no money – but with a single big idea. The big idea was the need to explore how justice could be improved in Northern Ireland. From the outset, it was agreed that this search for justice should be cross-community, and should be politically impartial. In the early years, the pattern of work – followed ever since – was initiated with the establishing of sub-groups to bring together volunteers to strategise together, the development of a strong research element, and the regular and frequent issuing of publications.

Certain themes have been a consistent focus. The first publications in 1982 addressed issues of police complaints and emergency laws; in 1983, the first newsheet discussed prison segregation and allegations of a shoot-to-kill policy; and in 1984 a working party was established “to draft a Bill of Rights”. Other themes have also been a consistent focus, but have probably received less public attention.

So, in 1984, CAJ campaigned for sheltered accommodation for homeless young people, and expressed concerns about the abuse of young children in care. It is very clear from even a cursory glance through our publications and newsletters that concerns around children and young people were high on CAJ's agenda for many years.

In recent times, the creation of more specialised groups and the higher profile given to the rights agenda by long-standing childrens' groups, have allowed CAJ to operate in more of a supportive role than previously. In 1993, for example, CAJ was calling for an independent Childrens' Rights Commission and, as we now approach 2003, it at last seems as though the creation of a Children's Commissioner may be a real possibility.

Similarly our work on gender and race has not always had a very high profile, but it has been consistent. In 1987, a CAJ general meeting was addressed by the late Madge Davidson and Monica McWilliams (now MLA) on the topic of women's rights, and this interest

led over the years to the organisation being involved in establishing a gender subgroup. For example, the group co-ordinated the production of a beautiful quilt entitled "Women's Rights are Human Rights" in time for the World Conference in Beijing in 1995. The quilt, and a little booklet explaining each panel, was later displayed in numerous locations in Ireland, thereby providing a focus for debate on women's rights. CAJ also continued its international focus by making a detailed submission to the UN's Committee on the Elimination of Discrimination Against Women in 1999.

In 1990, CAJ's annual meeting considered the issue of racism, and articles in Just News, particularly from 1993 onwards, focused on the importance of extending to Northern Ireland (or even ideally improving upon) race relations protections long-established in Britain. CAJ attended the UN Committee on the Elimination of Racial Discrimination in 1993, and made submissions in 1996 & 1997.

The latter submission was made in cooperation with the NI Council for Ethnic Minorities, which itself dates its genesis to the lobbying of ethnic minority groups around the introduction of effective race legislation. One of the outcomes of the work to develop NI-specific race legislation was the establishment of an umbrella coalition providing support to the many smaller groups working specifically on issues around Travellers, or the Chinese population, or people of South Asian origin..... *contd. on next page*

Peace

Of course, for the last few years, the main focus of CAJ – like so many others – has been on the potential offered by the peace process. Given our work throughout the 80s and early 90s, we were very clear that human rights abuses had fed and fuelled the conflict. Any peace-building process worthy of the name must therefore, we argued, address the effective protection of human rights.

A first major initiative was launched on **December 10th 1994** when we, together with the Irish Council of Civil Liberties, Liberty, British Irish Rights Watch and the (then) Scottish Council of Civil Liberties launched a Declaration on Human Rights, the Northern Ireland Conflict and the Peace Process. The Declaration opened with the following words – *“firm and effective legal protection of human rights and civil liberties, and the creation of a culture in which everyone's human rights are respected, are crucial if the peace process is to succeed”*. The Declaration went on to urge that *“all those involved in negotiating a new political framework for Northern Ireland must recognise the central role of human rights and civil liberties if there is to be a just and lasting peace in the longer term”*. Specifically, the five groups called for a broadly-based Commission into Policing to examine the nature, structure and methods of policing; a fully independent police complaints system; the enactment of a Bill of Rights; an independent review of the criminal justice system; an independent Commission of Investigation into past abuses and the integration of human rights education and awareness into school curricula and all training programmes.

In **December 1995**, the same five groups launched a report entitled “Human Rights the Agenda for Change”. The 60 page report consisted of a series of presentations at a conference organised earlier that year. The then US Assistant Secretary of State John Shattuck, speaking at the event, endorsed the initiative noting that *“the challenge of putting respect for human rights into the responsibility of government is perhaps the greatest and most urgent challenge of the peace process that is underway”*. The conference, and an earlier small seminar, provided the material from which an “18 point human rights action programme” was evolved.

In **February 1996**, the peace process seemed to collapse with the setting off of a bomb in Canary Wharf by the IRA and the breakdown of the ceasefire. In CAJ's newsletter, the editorial

Process

talked of how *"the palpable sense of depression, frustration and fear had a debilitating effect throughout the community and none of us were unaffected"*. But the article continued: *"CAJ's position will remain the same as it was before and after the ceasefires. We remain unequivocally opposed to the use of violence for political ends. We remain convinced that human rights abuses have fuelled this conflict for the past twenty five years and that any attempts to resolve this conflict which involve serious abuses of human rights will condemn all of us to more years of violence and death. We remain convinced that a commitment to human rights is the solid foundation which must underpin any political negotiations on the future of this jurisdiction"*.

On **Human Rights Day 1996**, the same five human rights organisations again issued a common statement entitled "The human rights challenge" on the grounds that *"(current) political developments make it more not less important to emphasise the centrality of human rights"*. We called for a Bill of Rights, the repeal of emergency legislation, major institutional changes to policing, the judiciary and criminal justice system generally, a process for addressing the legacy of the past, and initiatives aimed at building a culture of human rights.

In **March 1997**, Just News was bemoaning the *"old-fashioned political horse-trading"* which was missing the potential offered by the ceasefire *"to inject much needed moral urgency and common ownership ie to develop a process based on rights and not on political deals"*. By **February 1998**, the editorial was talking of the difficulty of planning for human rights change against the backdrop of the wave of killings which followed on from the murder of Billy Wright in the Maze Prison. The executive nevertheless determined that the *"next few weeks are crucial... we believe that international human rights standards and principles of democracy and fairness demand that a number of issues are non-negotiable"*.

In **April 1998**, the Good Friday/Belfast Agreement was negotiated and human rights issues were placed mainstream onto everyone's agenda. Apart from the importance accorded to human rights generally in the language, and in the concepts promoted, specific reference was made to many of CAJ's long-term concerns.

Since that date, CAJ has been busy working to operationalise these commitments.

CAJ through the decades contd

Of interest to CAJ members, because of the insight it gives into civil liberties development over time, may be the following list of some of the single issue campaigns that the organisation has been involved in over the years – issues such as –

- Super-grasses
- Strip searching
- Payments for Debt Act
- Shoot-to-kill policy
- Oath of non-violence
- Political vetting
- Transfer of prisoners
- Police complaints systems
- Exclusion Orders
- Training Schools
- Ill-treatment in Castlereagh and other Holding Centres
- Introduction of audio-video recording of interviews
- Individual cases (also see page 11) – Beechmount 5, UDR 4, Casement Accused, Christopher Sheals, Roisin McAliskey, Thomas Greene ...
- Equality mainstreaming in law

A few CAJ Milestones:

First staff member appointed	-	July 1985
First executive elected	-	October 1983
First chairperson	-	Louis Scott
First funding	-	January 1985
First conference	-	June 1981 (launch of CAJ)
First newssheet	-	October 1985
First school-talk	-	February 1986
First US summer intern	-	June 1986
First Eirene volunteer	-	1994
First report on policing	-	1985
First report on plastic bullets	-	1990
First intervention at UN	-	1991
First UN visit to Northern Ireland	-	November 1997
First visit to NI by ECPT	-	1993
First meeting with US President	-	March 1996
First civil liberties handbook	-	1990
First prisoner handbook	-	September 1998
First Annual Report	-	1987
First publication on Bill of Rights	-	1985
First caseworker appointed	-	1995
First racism conference	-	1999
First testimony to House of Commons	-	1999
First testimony to NI Assembly	-	2001
First report on police complaints system	-	1983
First testimony to US Congress	-	September 1997
First report on Life Sentence Prisoners	-	1989
First public order observing	-	1996

21 years at a glance

1981

June 1981: Conference at Queens on the theme of "The Administration of Justice in Northern Ireland". The conference is convened with two objectives: to highlight those aspects of the existing law and practice that had given rise to particular difficulties in recent years, and to consider how the administration of justice might best be reviewed and monitored.

1981-1982: no formal records exist, but four publications are issued and working groups established to cover issues such as emergency laws and police complaints systems.

1983

October 1983: the first executive is elected The first newsheet is issued and it refers to CAJ's policy stance on capital punishment, prison segregation and allegations of a police 'shoot to kill' policy.

1984

May 1984: A working party was established to draft a 'Bill of Rights' with particular emphasis on group rights.
December 1984: The first reference to "job discrimination" appears in the occasional newsheet. Sub groups continue work on Bill of Rights, emergency powers, and prisons.

1985

January 1985: The first grant money begins to arrive from Cadbury, Rowntree and the Ireland Fund. **July 1985:** First Information Officer appointed and premises secured at the Centre for the Unemployed. Current, paid up, membership stands at 19 and fees are £3 waged, £2 unwaged.
September 1985: "CAJ, among others, has called for the Stalker report to be made public, to avoid speculation and further erosion of public confidence in the police force".
October 1985: Just News monthly newsletter is printed on a regular basis for the first time and it reports on CAJ's decision to develop a handbook on civil liberties "the idea is to explain in simple language the present state of the law concerning civil liberties in an authoritative but readable form".

1986

March 1986: Newsletter articles cover strip searching, the Payments for Debt Act, supergrasses, and shoot to kill policy. Just News reports on the recent death of Keith White from a plastic bullet and the call of Harold McCusker, then deputy leader of the Official Unionists, for an inquiry.
April 1986: "The CAJ is encouraged by the Chief

Constable's suggestion in his annual report that the responsibility for decisions on the holding and routing of parades should rest with an independent public tribunal".

June 1986: First in long series of US annual summer interns begins with Martin Flaherty a Columbia Law student from New York.

1987

March 1987: "This month's general meeting will focus on juvenile justice. It had been suggested last year that CAJ should set up a working group to look at this aspect of the justice system". **June 1987:** "The next meeting will be on the subject of women's rights. This is an area on which CAJ has done little work ... Madge Davidson and Monica McWilliams will be speaking at the meeting...and it is hoped that CAJ will establish an active interest in this field". **November 1987:** CAJ objects to the oath of non-violence to be taken by all candidates at local government election. In response to Enniskillen "CAJ expresses its total abhorrence at the Enniskillen atrocity..... At the same time we counsel against any resort to panic measures to cope with terrorism. The lessons of the Birmingham bombings in 1974 are now clear for all to see". **December 1987:** "As we go to press, arrangements are going ahead for a public tribunal to be held early in the new year around the issue of political vetting of community groups".

1988

March 1988: A CAJ report on police accountability calls for decisions on policing policies to move from the Chief Constable to a new Police Authority. **April 1988:** "We must all increase our efforts to bring the use of exclusion orders to an immediate end." Other articles in the same issue of Just News discuss fair employment, homelessness, rape law, workers rights, and the Gibraltar shootings. **October 1988:** CAJ issues press release expressing concern about apparent intention of Douglas Hurd to introduce legislation to undermine the right to silence.

1989

January 1989: A one day seminar on the transfer of prisoners was organised in Dublin co-sponsored by the CAJ, Irish Commission for Prisoners Overseas, the National Association of Probation Officers and the NI Association for the Care and Resettlement of Offenders. **February 1989:** "All in the Committee on the Administration of Justice wish to register their deep shock and regret at the murder of solicitor Pat Finucane". **September 1989:** "The death of Seamus Duffy is only one of a series of recent

The administration of justice as seen through the lens of CAJ's Just News magazine over the years – selected extracts from our archives

incidents about which CAJ has registered concern. Others are the allegations of collusion between elements within the security forces and loyalist paramilitaries which surfaced following the murder of Loughlin McGinn; the announcement that a soldier convicted of passing on information likely to be of use to loyalist paramilitaries has been reinstated in his regiment; the decision to issue plastic bullet guns to the UDR; and the growing number of allegations concerning army harassment”.

1990's

1990

January 1990: New Fair Employment Act (1989) comes into force with a Fair Employment Commission replacing its predecessor the Fair Employment Agency. **March 1990:** publication of CAJ pamphlet on plastic bullets arguing “*the evidence against continued use of the weapon is overwhelming, and that it should be withdrawn immediately*” **June 1990:** CAJ publication on police complaints – “*finally the report points out one major flaw which the earlier recommendations cannot remedy – investigations are still being conducted by the police themselves*”; Payments for Debt Act repealed; reports that campaign relating to the Armagh (or UDR) 4 is “gathering pace”. **September 1990:** Casement Accused Relatives Committee launched; CAJ calls for independent inquiry into deaths of Karen Reilly and Martin Peake; pamphlet arguing for a Bill of Rights is launched.

1991

February 1991: Helena Kennedy speaks at 3rd annual civil liberties lecture on Bill of Rights. **September 1991** – Amnesty issues first urgent action in relation to Northern Ireland – it concerns alleged ill-treatment of 17 year old Damien Austin. **November 1991:** UN Committee Against Torture expresses serious concerns about interrogations in Castlereagh– and “*calls for lawyers to be present during interviews*”

1992

March 1992: Relaunch of disability campaign group under name of Disability Action (previously NI Council on Disability); press release on DPP failure to prosecute soldiers for killing of John McNeil and others in Whiterock; general meeting to be held on immigration law. **April 1992:** Strip searching reported to be “*back with a vengeance*”; campaign and legal action restores funding to Glor na

nGael after 18 months of political vetting; CAJ produces BBC 2 Open Space programme broadcast entitled “Behind the Walls of Castlereagh”. **October 1992:** research project on police harassment launched. **November/December 1992:** CAJ's Director is awarded Reebok Human Rights award and the following month the Human Rights Watch award.

1993

January 1993: Patrick Leo Nash having been “*subjected to an horrific catalogue of physical and mental abuse*” was acquitted. **July/August 1993:** CAJ information pack on lethal force is issued. **September 1993:** campaign starts for Northern Ireland anti-racism legislation; CAJ attends Geneva hearings of Committee on the Elimination of Racial Discrimination. **December 1993:** information submitted to UN Special Rapporteur on Arbitrary and Summary Executions; CAJ calls for the establishing of an independent Children's Rights Commission.

1994

January/February 1994: newsletter reports publication issued on police complaints; gender equality sub group formed; CAJ receives 700+ cards from Amnesty groups in Asia supporting our work for human rights; organisation of lethal force conference; press release on age of consent; acquittal of police officer for murder of Kevin McGovern; harassment report launched - “Adding insult to injury” - and end of section 31 Order in Republic. **June 1994:** report co-authored with Justice on issue of Right to Silence. **October 1994:** Casement Accused leaflet; Ballymurphy 7 out on bail; no convictions of police involved in case of UDR 4; judicial review of exclusion orders.

1995

January 1995: European Committee on the Prevention of Torture slams ill treatment at Castlereagh. **February 1995** – series of seminars organised by CAJ with Professor Bob Rowthorn (on fair employment) and Canadian Supreme Court Justice Beverley McLachlin (on the Bill of Rights). **March 1995:** Launch of report on emergency laws entitled – “No emergency, no emergency law”. **July/August 1995:** UN calls for closure of Castlereagh. **December 1995:** launch of Human Rights Agenda for Change – an 18-point programme for human rights change in Northern Ireland.

contd. on next page

contd. from previous pages

1996

March 1996: UN Committee on the Elimination of Racial Discrimination criticises non-existence in Northern Ireland of anti-racism legislation and presses UK govt for specific date to introduce such protections; CAJ Director meets President Clinton in Washington; chair David Cook and Chris Ryder sacked from the Police Authority for Northern Ireland. **June 1996:** CAJ attends Harvard seminar on right to truth; NIO proposals on policing are described as akin to "rearranging deck chairs on the Titanic". **November 1996:** launch of CAJ publication on public order policing entitled "Misrule of Law"; discussion documents on the Policy Appraisal for Fair Treatment guidelines; submission to North review of parades. **December 1996:** Declaration entitled "The Human Rights Challenge" launched on International Human Rights Day by CAJ, British Irish Rights Watch, the Irish and Scottish Councils for Civil Liberties, and Liberty.

1997

April 1997: The family of Robert Hamill come to CAJ for help after he is kicked to death in Portadown; Women's rights are human rights conference co-sponsored by CAJ. **November 1997:** "first official UN visit ever" with Dato Param Cumaraswamy. **December 1997:** Comparative police research report entitled Human Rights on Duty: Principles for better policing – international lessons for Northern Ireland; the UN Committee on Economic, Social and Cultural Rights says that "*poverty in Northern Ireland is unacceptable*".

1998

March 1998: publication launched entitled "Benchmarks for Change". It includes conference proceedings, speech by Mary Robinson to a Belfast audience, and an analysis of the equality duty in the Northern Ireland Act. **April 1998:** The Good Friday Agreement is concluded; Congressional Hearings on human rights in Northern Ireland; the White Paper on fair employment is described as a "retreat from SACHR's blueprint for change". **June 1998:** CAJ is awarded Council of Europe Human Rights Prize **July/August 1998:** Anita Hazenberg of Council of Europe Police and Human Rights directorate invited to Belfast by CAJ to meet Patten Commission. **October 1998:** Prisoner Handbook launched by former prisoner governor "*I am bowled over by this book. It is a magnificent achievement which can become a model text for other countries.....*"

1999

March 1999: Murder of Rosemary Nelson, solicitor and member of CAJ's executive. **May 1999:** South African, Justice Goldstone speaks to CAJ on the topic of - the changing judicial landscape: emergency laws to human

rights. **September/October 1999:** Patten report into policing launched; journalist Ed Moloney pursued for sources on collusion allegations; audio recording of interviews introduced; UN Special Rapporteur on Freedom of Expression visits Northern Ireland.

and since the Millenium!

2000

January 2000: conference report issued on Council of Europe seminar on economic and social rights organised by CAJ in Belfast. **March 2000:** NI Human Rights Commission launches its Bill of Rights consultation with uplifting address by former hostage Brian Keenan. **May 2000:** Ill-treatment of Bernard Griffen recognised by court; draft Patten legislation introduced to parliament amongst much criticism. **October 2000:** entry into force of Human Rights Act. **December 2000:** formal complaint lodged against Chief Constable over the police's handling of the threats against Rosemary Nelson; launch of CAJ's Bill of Rights Information Pack; Equality Coalition conference held on equality screening and impact assessment.

2001

January 2001: Special edition of Just News on 30th anniversary of Bloody Sunday. **February 2001:** CAJ calls for public inquiry into Billy Wright murder. **March 2001** – Council of Europe seminar organised by CAJ for the Oversight Commissioner and his team. **May 2001:** "Right to Life" cases won by CAJ in Europe; Bruce Porter, a Canadian housing rights activist, speaks at seminar on economic & social rights in domestic law; European Committee on the Prevention of Torture reports on conditions in Northern Ireland. **October 2001:** special Just News issue entirely devoted to Bill of Rights. **December 2001:** Archbishop Desmond Tutu speaks on Bill of Rights and meets with different people involved in the Holy Cross dispute; the Implementation Plan on the Criminal Justice Review is reviewed.

2002

January 2002: CAJ complains about attacks on the Police Ombudsman in the wake of her inquiry into the police handling of the Omagh investigation. **February 2002:** CAJ invited to meeting in Mexico to discuss economic & social rights and their effective inclusion in budgetary planning. **June 2002:** Mary Robinson, as one of her last tasks as UN High Commissioner for Human Rights visits Northern Ireland at the invitation of the Human Rights Consortium; the ECHR again rules that the UK has violated article 2 of the Convention (McShane judgement); the Ombudsman issues a first report on plastic bullet usage. **October 2002:** Planning meeting on economic and social rights assesses CAJ's recent work on rates, privatisation, and equality; UN Committee on the Rights of the Child have several recommendations directly relevant to NI.

A small selection of CAJ Casework

Patrick Finucane was a well known defence lawyer who was murdered at his home in 1989 with the collusion of the army and the police. His family have led a long campaign to try and establish the truth of what happened to Pat. CAJ and others have been active in assisting in that campaign. We have accompanied the family to lobby politicians and officials in Washington and elsewhere. We have also testified along with family members before the US Congress. The Finucane case is also on the list of cases Judge Cory is examining.

Relatives of the nine people killed at **Loughgall** in May 1987 contacted CAJ in advance of the inquest into their loved ones' deaths in 1995. We attended the inquest and when it was completed lodged the case at the families' request with the European Court of Human Rights. The case took six years to come to judgement and in May 2001 the European Court declared that the UK had violated the right to life of those killed by failing adequately to investigate their deaths.

Robert Hamill was fatally assaulted by a loyalist crowd in the centre of Portadown in April 1997. He died more than a week later in hospital. The attack on him had taken place within yards of a police land rover with four armed police officers inside. His family quickly contacted CAJ. We have worked with the family since then and have accompanied them to meetings with the Prime Minister, the Taoiseach, the Secretary of State and others. Robert's case is one of those which is being examined by retired Canadian Supreme Court judge Peter Cory to determine if there are grounds for a public inquiry.

Rosemary Nelson was a member of CAJ's Executive Committee when she was murdered in March 1999. She had initially approached CAJ to complain about threats and abuse which her clients claimed were being directed against her by police officers during interrogation. She was also receiving anonymous threats which we passed to the authorities. In the aftermath of her death we have worked with her family and others for a public inquiry. Her case is also on Judge Cory's list.

Dermot McShane was killed by an army vehicle during serious disturbances in Derry in 1996. CAJ sent observers to the city the day after Mr McShane's killing. We took witness statements from many individuals who were unhappy with the police investigation of the death. We then lodged the case immediately with the European Court of Human Rights. Judgement was delivered in June 2002 and the Court criticised the effectiveness of the police investigation characterising it as so inadequate as to be a violation of the right to life. The Court also criticised the UK for attempting to hinder the application to Strasbourg by lodging a complaint against Mrs McShane's solicitor with the NI Law Society.

William Bell was convicted of the murder of Jack KIELTY in 1988. The case relied primarily on confession evidence. William agrees that he made a statement admitting to driving the car used in the killing but claims he did this in order to secure the release of his sister who had also been arrested. William was convicted of the murder. CAJ worked with him to put together a submission to the Criminal Cases Review Commission, which identified a number of alibi witnesses who did not give evidence at trial, and argued that the case should be referred back to the Court of Appeal. This proved unsuccessful and William is still protesting his innocence.

Patrick Shanaghan's family believe he was murdered with the collusion of the police in August 1991. The family were so disillusioned with the inquest that they established a community inquiry into the death and then asked CAJ to pursue the case to Europe. The case was joined with the Loughgall case and others and was part of the successful judgement on 4th May 2001. Perhaps the most significant of the four judgements delivered that day, it will have serious implications for the way cases of collusion are investigated in the future.

Billy Wright was a leading member of the Loyalist Volunteer Force. He was serving a prison sentence in the LVF block in the Maze prison and was shot dead by members of the INLA housed in an adjacent block in December 1997. His family immediately began to ask questions about how it was possible that such a killing could take place in what was purportedly one of the most secure jails in Europe. CAJ has assisted the family in trying to uncover the truth of what happened and his case is one of those being investigated by Judge Cory.

Patrick Kane was convicted of the murder of two soldiers in West Belfast in 1998. His conviction rested on admissions he made at interview and on footage taken from helicopters. He was convicted of murder along with two other men even though the Crown accepted that none of them were at the scene of the murder. CAJ had long argued that the convictions of the men were unsafe. In 1996 we commissioned a leading QC in London to examine the convictions. We supplied his opinion to the then Secretary of State who referred Patrick's conviction only back to the Court of Appeal which ordered his release.

CAJ's invited guests

Over the years, CAJ – on its own or in combination with others – has invited a wide range of experts to visit Northern Ireland and share their human rights insights and expertise with us. Our records are far from comprehensive but listed below are just some of our many guests.

John Alderson, former Chief Constable, Devon & Cornwall
 Regis Brillat, Council of Europe
 Beatrix Campbell, journalist and author
 Andrew Coyle, former governor of Brixton Prison
 Ralph Crawshaw, University of Essex
 Dato Param Kumaraswamy, UN Special Rapporteur
 John Darcy, Council of Europe
 Professor Stein Evju, European Committee of Social Rights
 Lord Gifford, QC
 Justice Richard Goldstone, South African Supreme Court Judge
 Lord William Goodhart, International Commission of Jurists
 Francesc Guillen, Catalonian Police Training Academy
 Professor David Harris, Council of Europe
 Anita Hazenberg, Council of Europe Police and Human Rights Division
 Mary Holland, journalist
 Zelda Holtzman, Assistant Commissioner, South African Police Service
 Professor Paul Hunt, UN Committee on Economic, Social & Cultural Rights
 Abid Hussain, UN Special Rapporteur
 Lee Jasper, 1990 Trust
 Helena Kennedy, QC
 Justice Michael Kirby, Justice of the High Court of Australia
 Frank LaRue, Guatemalan human rights campaigner
 Lord Anthony Lester QC
 Professor Christopher McCrudden, University of Oxford
 Justice Beverley McLachlin, Canadian Supreme Court judge
 Dr. Markus Mohler, Swiss police chief
 Professor Rod Morgan, University of Bristol
 Felix Morka, Nigerian human rights activist
 Egbert Myjer, Court of Appeal, Amsterdam
 Michael O'Boyle, European Court of Human Rights
 Ramona Ortega, New York anti-hunger campaigner
 Gareth Pierce, solicitor
 Professor Allyson Pollock, University College, London
 Bruce Porter, Canadian housing rights expert
 Mary Robinson, as Irish President, and then UN High Commissioner for Human Rights
 Sir Nigel Rodley, KBE, UN Special Rapporteur on Torture
 Professor Bob Rowthorn, University of Cambridge
 Albie Sachs, South African Constitutional Court
 Professor Phil Scraton, Edge Hill University College
 John Shattuck, US Assistant Secretary of State
 Professor Dirk van Zyl Smit, University of Cape Town
 Jon Snow, broadcaster
 Justice Barry Strayer (Canada)
 Jonathan Swallow, Swallow Consulting
 Katarina Tomasevski, UN Special Rapporteur
 Archbishop Desmond Tutu
 Heather Ward, Vera Institute of Justice, New York



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

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