

Just News

Human Rights in Northern Ireland

UN shines a spotlight on the Inquiries Act

2008 has been a busy year for the UK government at the United Nations. So far this year, it has been reviewed by the Committee on the Elimination of Discrimination Against Women, the Committee on the Rights of the Child and the Human Rights Committee. It has also been given a list of issues by the Committee on Economic, Social and Cultural Rights requesting further information pursuant to their fifth periodic report. This Report will be examined by the Committee in May of next year.

CAJ has always found the international monitoring system to be an extremely important mechanism for exerting pressure on government to comply with its international human rights obligations. In particular, it shines an international spotlight on domestic human rights concerns, and provides a vital opportunity for human rights NGOs to lobby on these issues.

The examination of the government by the UN Human Rights Committee in July this year proved a case in point, as the Committee shared the concern expressed by NGOs on a range of human rights issues. CAJ was present during the examination, and used the opportunity to lobby Committee members on a number of specific Northern Ireland issues, and to clarify or supplement information provided by government.

The Human Rights Committee is responsible for monitoring the implementation of the International Covenant on Civil and Political Rights. The government submitted its sixth periodic report in May 2007, reporting on how it felt it had lived up to its obligations under the Covenant. As is the norm, the Committee then produced a list of issues in November 2007 in which it requested further information from the government in advance of the actual examination in July of this year.

In contrast to the government's report - which was notable for its lack of reference to Northern Ireland - the list of issues and the actual examination by the Committee drew particular attention to a number of topics that have been of

concern to CAJ and other human rights organisations. In general, the Committee asked the government in the list of issues to provide more specific information as regards the human rights situation in Northern Ireland, and this request was repeated during the examination. During the examination itself, a number of particular topics that are of interest to CAJ were scrutinised by the Committee.

The Inquiries Act

In the list of issues the Committee requested the government to explain why the Finucane inquiry had to be conducted within the framework of the Inquiries Act, and whether the Act was compatible with Article 6 of the Covenant (the right to life).

In its written and oral response the government contended that criticism of the Inquiries Act was unjustified; argued that it was "perfectly capable of meeting all international human rights obligations" and that "nothing relevant can be withheld from the inquiry." In relation to the Finucane case in

particular, they argued that the case went to the heart of national security issues and dealt with a large volume of

cont. on page 2

**Committee on the Administration of Justice
Annual General meeting
Monday, 20th October, 2008
at
Clifton House, Clifton Street, Belfast**

12.00noon Business meeting
1.00pm Buffet lunch
2.00pm Panel followed by discussion:

***Human Rights Perspectives on dealing
with the legacy of conflict***

Speakers will include: **Prof. Kieran McEvoy**, QUB; and **Prof. Paddy Hillyard**, QUB

3.30pm Close

Contents

UN shines a spotlight on the Inquiries Act	1
Examination of Ireland by UN Human Rights Committee	3
Bill of Rights Forum - A church perspective	4
Community, Identity and the Bill of Rights?	5
Politicians, Gay Pride and the European Convention on Human Rights	6
Dermott Mc Shane Inquest	7
Civil Liberties Diary	8

contd from front page

sensitive material, disclosure of which would risk lives. They dwelt particularly on the power to issue restriction notices under the Inquiries Act, which they argued would never prevent material being seen by an Inquiry Panel, and which can be challenged in court. They neglected to inform the Committee however, that, this legal challenge would essentially be an ineffective remedy given that notices would most likely be issued on grounds of national security, which would not be examined in detail in the courts. They also failed to mention that the option of recourse by the government to Public Interest Immunity Certificates permitted under the Act would prevent even the Inquiry Panel seeing certain information.

During the actual examination, the Australian member of the Committee - Mr Ivan Shearer - highlighted the limitations in the Inquiries Act. He probed further and asked the government what kind of national security issues would be likely to arise in the Finucane case, and whether the Inquiries Act would prevent material being seen by the family (as opposed to the Panel).

In response the government conceded that restriction notices issued under the Inquiries Act "might" prevent information being disclosed to the family. In defence, they made reference to there being in any case a report at the end of the inquiry. However, they did not mention that the Minister can decide not to publish the report, or to redact any report that is published.

In the concluding observations, the Committee expressed concern that:

"... a considerable time after murders (including of human rights defenders) in Northern Ireland have occurred, several inquiries into these murders have not been established or concluded..."

It further expressed concern that:

"Even where inquiries have been established... instead of being under the control of an independent judge, several of these inquiries are conducted under the Inquiries Act 2005 which allows the government minister who established an inquiry to control important aspects of that inquiry."

The Committee went on to recommend that:

"The State party should conduct, as a matter of particular urgency given the passage of time, independent and impartial inquiries in order to ensure a full, transparent and credible account of the circumstances surrounding violations of the right to life in Northern Ireland."

CAJ will now be pursuing with the government how it intends

to take this recommendation forward, as we approach the 20th anniversary of the death of Pat Finucane.

Non-jury trials

In its list of issues, the Committee had noted the continuing use of non-jury trials in Northern Ireland, and asked the government to explain the difference between Diplock Courts and the new system of certification of non-jury trials by the Director of the Public Prosecution Service; and to justify the distinction between Northern Ireland and the rest of the UK in this respect.

The government argued in its written response that intimidation "remains prevalent" and "is a growing problem" without offering any objective evidence to back these sweeping claims. Even at the height of violence in Northern Ireland, there was no substantive body of evidence to prove that there was a serious problem of intimidation. The government might have been expected to offer more stringent evidence of intimidation in a period of relative peace and stability. Yet, it relied on superficial arguments that Northern Ireland's "small size" and "close knit communities" make it particularly vulnerable to intimidation, with absolutely no measurable data or evidence to support these arguments.

Popular perceptions cannot be the basis for inconsistencies in the criminal justice system and in the end, the Committee did not seem convinced by these arguments, asking for careful monitoring of whether the exigencies of the situation in Northern Ireland continued to justify these distinctions from the rest of the UK, with a view to abolishing them. It also expressed particular concern about the level of discretion placed by the system in the hands of the Prosecution Service, recommending that the government should ensure that:

"for each case that is certified by the Director of Public Prosecutions for Northern Ireland as requiring a non-jury trial, objective and reasonable grounds are provided and that there is a right to challenge these grounds."

Other issues

The Committee expressed concern in relation to a number of other issues particular to Northern Ireland, namely the detention in prison of asylum seekers and the use of the latest form of plastic bullet, Attenuated Energy Projectiles (AEPs). A number of other non-Northern Ireland specific recommendations will have a significant bearing here; in particular, the call for increased representation of women in the judiciary, and the recommendation that the definition of and legislation for anti-social behaviour be reviewed to ensure compliance with the provisions of the Covenant. CAJ will now be following up with government and its relevant agencies on how they intend to give effect to these various recommendations.

Examination of Ireland by UN Human Rights Committee

On 14-15 July 2008, the third periodic report of Ireland under the United Nations International Covenant on Civil and Political Rights 1966 (ICCPR) was examined by the UN Human Rights Committee in Geneva. Ireland ratified the Covenant in 1989 and undertook thereby to submit periodic reports to the Committee on the State's progress on civil and political rights in Ireland. Its first periodic report was examined in 1993 and its second in 2000.

Rights which are protected under the Covenant include the right to life, to a fair trial, to liberty, to equality before the law, to privacy and non-discrimination. The Committee itself is comprised of eighteen international human rights experts who are elected by the State Parties to the Covenant and who act in their individual capacities. Mr. Michael O'Flaherty from Ireland and Sir Nigel Rodley of the UK currently sit on the Committee. Shortly after the examination, the Committee adopts Concluding Comments which highlight positive developments since the State's previous examination as well as principal areas of concern with regard to the State's progress on the rights under the Covenant.

An alliance of NGOs from Ireland was invited to a meeting with the Committee before the examination. The NGOs made a presentation on issues of particular concern and presented a Shadow Report to the State's periodic report. Three Dublin based human rights organisations, FLAC – the Free Legal Advice Centres, the Irish Council for Civil Liberties and the Irish Penal Reform Trust collaborated on a joint Shadow Report which, together with the presentation, was very well-received by the Committee.

Representing the State at the examination was a high-level delegation including the Attorney General and the Secretary-General of the Department of Justice. The Attorney-General began his presentation by highlighting positive developments in the State with regard to the provisions of the Covenant, such as the State's intention to withdraw its reservations to Article 14 with regard to military discipline and to Article 10(2) relating to the segregation of remand from convicted prisoners and children in prisons from adults. The Committee welcomed the establishment of the Garda Síochána (Irish Police Force) Ombudsman Commission though it remained concerned with regard to the funding of the Commission, its back-log of cases and the possibility of complaints involving potentially criminal conduct of Garda being referred to the Garda Commissioner. The State was praised for its establishment of the Irish Human Rights Commission though the continuing accountability of the Commission to the Department of Justice, Equality and Law Reform rather than the Oireachtas (Irish Parliament) as well as funding identified as regrettable by the Committee.

A number of issues highlighted in previous Concluding Comments are still of concern to the Committee today and were raised at the examination or in the Comments issued on 24 July 2008. These included the lack of incorporation of the Covenant into national law, available remedies for domestic violence, imprisonment for civil debt, inequality between men and women, permitted derogations to the Covenant, access to abortion, prison conditions and religious oaths for judges. The Committee again pointed out that the retention of the Special Criminal Court is incompatible with the Covenant. The State noted that it would not abolish the Courts until such time as the intimidation of jurors did not exist. It said that it is the view of the police and Government that a credible threat exists at a lower level from dissident subversive republican organisations and from crime gangs who seek to undermine the criminal justice system. With regard to the rights of minorities, the State again confirmed that it does not recognise Travellers as an ethnic minority group.

On the issue of same-sex marriage, the State advised of its plans to introduce civil partnership legislation; the Committee recommended that it ensure that such legislation is not discriminatory in particular on the grounds of taxation and welfare benefits. The Committee expressed its surprise that the State was appealing the decision in the *Foy Case* which held that Irish law was incompatible with the European Convention on Human Rights by its refusal to recognise the acquired gender of a transgendered person. Swedish Committee member Judge Elisabeth Palm asked the Government why they simply did not change the law.

In both its questioning and its concluding comments, the Committee focused on a number of areas relating to immigration such as the increased detention periods for asylum seekers under current legislation and the possibility of summary removal of migrants under proposed legislation.

A number of issues arose in relation to the State's prisons, such as the practice of "slopping out", overcrowding and inter-prisoner violence. The Committee requested specific information, to be forwarded to it within one year, on the implementation of its recommendations on this issue together with the State's counter-terrorism measures, extraordinary rendition and religion in education.

Documentation relating to the examination such as the State's periodic report, the NGO Shadow Report and the Concluding Comments can be found at www.rightsmonitor.org.

Edel Quinn, Author of the NGO ICCPR Shadow Report and Legal Research Officer at the Free Legal Advice Centres.

Bill of Rights Forum - A church perspective

Unlike MLAs etc, who continue in office, my mandate as the Irish Council of Churches (ICC) representative to the Bill of Rights Forum expired with the Forum on 31st March, so I now write in a personal capacity. However I hope I can reflect some Church thinking on issues arising.

Church statements have favoured the idea of a Bill of Rights for Northern Ireland, but with the proviso that such a Bill should have cross-community support. If the "two main communities" in Northern Ireland have learned anything in recent years it surely is that one of them should not impose its will on the other. Of course consent to a Bill of Rights (or anything else) should not be withheld unreasonably.

I prefer a Bill of Rights that is "minimalist" rather "maximalist". This does not mean a grudging granting of the least possible rights to anybody but rather a Bill that is concise. In an understandable enthusiasm the Forum and some Working Groups did get tied up in rather much detail; a Bill the length of for example the European Convention on Human Rights would be ideal. Put it all on two pages of A4!

Churches have own particular concerns - medical ethics, freedom of thought, conscience and religion, freedom of expression, etc. In an age that is increasingly intolerant of any public sign of religion a fair Bill of Rights will be needed by the faith communities. They do not want to be secularised or to have a Bill of Rights that imposes the ethics and values of secular humanism on their beneficial activities (youth work, residential homes, hostels for addicts, ex-prisoners, concern for immigrants, adoption agencies, etc). That said, ICC engaged in this process not out of self-interest but primarily out of concern for the wellbeing of the whole community.

It would have simplified matters greatly if there had been a modern U K-wide Bill of Rights enacted at Westminster; the Forum could then have focused harmoniously on additional matters clearly distinctive to Northern Ireland, such as parity of esteem for "the two main communities", discrimination, flagst and parades. However there is not a modern U K Bill of Rights in force and I see no sign of one.

Sometimes the best contributions to a debate are not the statements made but the questions asked. Accordingly I raise the following.

1. Do the "particular circumstances of Northern Ireland" refer to those pertaining on Good Friday, 1998? If so, is our society to be frozen in time for the next 40 years (the useful life of a Bill of Rights)? We cannot ignore the past but should we not also prepare for a future which, hopefully, will be very different?

2. Should certain issues simply be dismissed with the rejoinder that "there is existing legislation, so those matters need not be mentioned in a Bill of Rights?" If that principle were strictly followed, would not the Bill of Rights be very brief indeed?

3. Are there many issues that are truly particular to Northern Ireland? If so, what are they?

Victims? Are there no victims of our conflict in Great Britain (or elsewhere)? If there are, would they be covered by an N.I. Bill of Rights?

Irish Language and Ulster Scots? Are they substantially different from Gallic in Scotland or Welsh in Wales? If so, how?

Discrimination? Is there any fundamental difference between religious/political discrimination here and racial discrimination in Great Britain?

4. The Forum was asked to produce "agreed recommendations" but was that remit not merely ambitious but flawed? If some unpopular minorities could never command a majority vote are they not in special need of protection from a Bill of Rights? Majorities of course could be magnanimous.

5. Is there any risk that agreeing a Bill of Rights might become one more bargaining chip (among others) for the political parties?

5. Can care be taken that the final decisions are not swayed by whichever strident lobbies speak loudest? I fear that's what happened to some recommendations of the previous Human Rights Commission.

Having raised these questions I would reiterate that there is church support for a Bill of Rights for Northern Ireland but we need clear answers to questions like these.

In due course I expect a public consultation. I hope (i) that it will not be rushed - or conducted quietly over the summer holidays; (ii) that responses to it will be many, thoughtful and varied; and (iii) that such responses will be taken very seriously by those who finally draft the Bill.

The Forum did not entirely succeed nor did it entirely fail. Even if its Report didn't produce many "agreed recommendations" it did contain much useful material. In any case the process itself was of value.

Rev. Samuel Hutchinson

Community Identity and the Bill of Rights

In June of this year CAJ held the first in a series of planned seminars looking at key aspects of the current Bill of Rights debate which aimed to assist the Northern Ireland Human Rights Commission as it works towards formulating final advice to the Secretary of State. Whether or not the NIHRC benefited from the seminar remains to be seen, however CAJ certainly found the event valuable in terms of clarifying our own thinking and progressing the debate on an important issue.

The first topic which CAJ sought to explore in our seminar series was the question of where identity rights might fit within the Northern Ireland Bill of Rights process. The seminar was held under Chatham House Rules in order to facilitate a more open debate, and what follows is not a summary of the discussion per se, but rather a summary of the position CAJ has reached in light of the information presented and discussed on the day.

Suffice to say that CAJ was pleased with the way that the discussion flowed, and the range of participants. The event opened with presentations by Professor Christopher McCrudden of Lincoln College Oxford, and Professor Tom Hadden of the Human Rights Centre of QUB, outlining their own views on the current proposals set out in the Bill of Rights Forum report on Culture, Language and Identity. Those attending included representatives from all the main political parties, the Human Rights and Equality Commissions, and various other stakeholders including the churches, trade unions, and civil society.

One of the main themes of the event was the extent to which Northern Ireland might best give effect to the provisions of the Framework Convention for the Protection of National Minorities (FCNM), and in particular, Article 3 of the Convention which states that:

"Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice."

It is easy enough to identify situations in which Article 3 would clearly be breached – and indeed situations which Article 3 was specifically drafted to prevent. This would include for example the requirement under Nazi rule that Jews should wear yellow stars.

Such a process of classification, designed to facilitate discrimination, victimisation, or worse, is clearly somewhat different from the anonymous monitoring process designed to promote greater equality which exists in Northern Ireland. The extent to which Northern Irish law might be compatible with Article 3 is however a matter of concern, not least in relation to the extent to which any future Bill of Rights might impact on existing law in Northern Ireland.

Guidance as to where the requirements of Northern Irish fair employment legislation fits within the acceptability continuum of Article 3 can however be found with the Council of Europe (COE) who specifically examined this issue. Significantly, the Advisory Committee on the FCNM in an opinion on the UK in June 2007, noted that data collected under the fair employment legislation remained anonymous and was used purely for statistical purposes in order to determine whether members of each community are enjoying fair participation in employment and if not, to identify additional measures that could be adopted to secure fair participation.

The Advisory Committee reminded the UK that restrictions on the right to free self-identification by persons belonging to national minorities are not consistent with Article 3 of the Framework Convention. However, the Committee went on to say that in the specific context of Northern Ireland, and at this particular time, the determination by employers of the community background of their employees, trainees, and applicants may be relevant in order to secure the fair participation of under represented groups. The Committee did however recommend that Government should regularly review these arrangements "in order to ensure its continuing relevance to the objective of securing equality in the field of employment."

Crucially therefore, the COE did not conclude that the current fair employment arrangements were contrary to Article 3 of the Convention. In fact, the COE went on to advise that the fair employment model should be applied to other areas of racial and ethnic equality. Clearly therefore, the COE recognised the difference between an anonymised monitoring process designed to deliver greater equality, which they considered acceptable, and a "yellow star" approach, which they clearly would not.

The question remains however as to where the COE view fits within the current debate within Northern Ireland on the Bill of Rights. Particularly given that the Bill of Rights Forum report did recommend a "right not to be identified as a member of a community".

Significantly, the COE in February 2004 concluded that:

"the issue of self-identification should not be examined in the context of a Bill of Rights project, but rather outside of the project in a more appropriate forum."

Thus, what would be the effect of including a provision in the BOR for Northern Ireland which allowed for a right to choose, or not to choose to be a member of a minority or a community.

cont. on page 6

cont. from page 5

Based on the COE advice, there is a chance that fair employment monitoring, 50/50 recruitment in the PSNI, and the current voting arrangements in the NI Assembly may be ruled lawful.

However, it is likely that under such a provision there would certainly be a legal challenge to fair employment monitoring, 50/50 recruitment to the PSNI, and the voting arrangements in the Assembly. At best, such litigation might be thought to be “destabilising” – particularly as the cases progressed through the undoubted appeal processes as the final outcome on voting arrangements in the Assembly or PSNI recruitment was to be decided by the Law Lords.

Certainly, this does raise wider questions as to the role of the judiciary in ruling on political arrangements. CAJ in general is sceptical about arguments that a Bill of Rights per se would give undue power to the judiciary. In this context however we believe that such concerns would be justified. Not least because it is unclear what exactly is being achieved in constructing a “right not to be identified as a member of a community – or minority for that matter”. We would therefore support neither Option A, nor Option B as currently outlined in the BOR Forum Report.

In summary, our advice to the Human Rights Commission regarding minority rights would be to follow the position advocated by the COE – and leave issues pertaining to the Framework Convention for the Protection of National Minorities within the remit of OFMDFM and any future legislation around either the Convention, or a Single Equality Bill. Fair employment monitoring is currently under review in that context. Moreover, a robust equality clause in the Bill of Rights would actually serve a much more useful purpose in ensuring that minority rights are protected in our view that seeking to tinker with international language to fit with the particular circumstances of Northern Ireland. And as for political arrangements – CAJ has always been of the view that such matters are best decided by politicians.

Such an approach would in our view not only be the best way of complying with the requirements of international law and international treaties, but would also provide the best practical solution to a problem that has bedevilled the Bill of Rights process for some years.

Politicians, Gay Pride and the European Convention on Human Rights

Baczowski v Poland (Application 1543/06, 3 May 2007), concerned the Foundation for Equality NGO, which sought permission to hold Equality Pride marches in favour of equality, including sexual orientation equality. A local official refused permission, citing a technical reason (a failure to submit a plan for organising traffic); the officials permitted marches by other groups, including groups opposing sexual orientation equality, even though they did not submit such a plan.

The Polish courts found this decision to refuse permission to march was lawful under domestic law. The European Court of Human Rights therefore held this was a violation of the freedom of association and assembly. However, the European Court went further: it said there was also a violation of the right to non-discrimination on grounds of sexual orientation, even though the official’s decision showed no overt indication of such discrimination.

A couple of weeks before the official’s decision, but after the Equality organisation sought permission for the march, the local Mayor gave an interview in which he indicated he would oppose any demonstrations by homosexuals. He said he did not favour employment discrimination against gay men and lesbians, but he promised “there will be no public propaganda of homosexuality” as “propaganda of homosexuality” was not freedom of assembly.

The European Court said there was no indication in the written record that the official was influenced by this interview. However, the official was acting in the mayor’s name. Further, the interview took place only shortly before the official’s decision. Accordingly, the Court thought “it may be reasonably surmised that his opinions could have affected the decision making process in the present case”. The implication of this case is clear: elected politicians need to be careful about public statements if such statements might appear to influence the decisions of their officials. Equally clearly, officials need to scrupulously follow procedures correctly. If there is a questionable official decision, and if politicians have made negative statements about gay men and lesbians, then this may enable the courts to infer that the decision was tainted by discriminatory motives.

**Rory O’Connell, Human Rights Centre
QUB Law School**

Dermott McShane Inquest

Mr Dermott McShane was killed by an Army Saxon on 13th July 1996. The driver of the Saxon drove into a piece of hoarding being used as a shelter or barricade by people during a riot situation in Derry. It is reported that the driver punched through and mounted a hoarding crushing Mr McShane who was sheltering behind it. After twelve years and a protracted legal battle including a successful application to the European Court of Human Rights in which the United Kingdom was found in violation of its obligation under Article 2 (right to life) of the European Convention on Human Rights (ECHR), the Coroner with a jury heard the inquest touching on the death of Mr McShane during the months of June and July 2008.

The Jury saliently found in their verdict of 5th July 2008 that *"Due to the intensity of the situation and limited personnel numbers there was confusion and a breakdown of communication between army and RUC personnel resulting in a situation where procedures were not followed ie the RUC gave direct orders to military personnel, no top cover was used during the driving of the Saxon, the Saxon did not give a warning to the crowd and the barrier was punched through rather than pushed through. Another contributory cause was Mr McShane's presence on the rioters' front line."*

The driver did not follow procedure in that he should not have driven the vehicle without being accompanied by a commander (as top cover) who had better vision and gave direction to the driver. The commander's role is crucial as the Saxon driver's vision was severely restricted as he would have been looking through a slit the size of a letter box.

That in mind it is of grave concern that the driver of the Saxon was not available to give evidence at the Inquest. He deprived the family's representative of the opportunity to cross-examine him to ascertain whether he was reckless to the life of Mr McShane and others, when he drove the vehicle in the manner he did. Particularly where in his written statement that he submitted to the police that afternoon, stated that *"I charged a sheet of corrugated iron in the centre of the street which was my target. While approaching the barricade I saw around 5/6 persons round it, most ran away on sighting me approaching but [I] was unsure that I did or did not cause injury to any person."* This question could only be answered by the driver and no one else, whether he knew or ought to have known that there were people behind the hoarding.

One of the main complaints to the European Court of Human Rights in *McShane v the United Kingdom (Application no. 43290/98)*, notified on 28/08/2002, was the non-compellability of security force and police witnesses to give evidence at the inquest. The European Court found at paragraph 120 of its judgment that *"the effectiveness of*

the inquests were undermined by the lack of compellability of security force witnesses which meant that key witnesses in the incident were not available for examination or cross-examination."

However, following the European Court Judgment in *McShane* and a number of other cases which concerned security forces killings, the coroner *"...may issue a summons for any witness whom he thinks necessary to attend such inquest at the time and place specified in the summons, for the purpose of giving evidence relative to such dead body..."* (Section 17 of the Coroners Act (Northern Ireland) as amended).

However, in this case the coroner was not able to issue a summons as the driver of the Saxon was living in a country outside his jurisdiction. The United Kingdom was found in breach of the procedural requirement of Article 2 ECHR for failing to conduct a prompt, effective, independent and transparent investigation in the death of Mr Dermott McShane (Paras. 126-127 of the judgment), it is disturbing that the driver of the Saxon that killed Mr McShane was facilitated in to circumventing the law.

It is similarly disturbing as it has been reported that Sergeant A, who killed Pearse Jordan on 25th November 1992 (another case in which the UK was found in breach of Art. 2 before the European Convention on Human Rights), allegedly unlawfully, would not be available to give evidence at the Inquest due to commence on 12th January 2009. He too is living in a country outside the coroner's jurisdiction. The wider concern however, is that there are a significant number of cases that remain pending before the coroner's courts concerning allegations of unlawful and unjustifiable killings by security forces. It is not clear if whether or not key witnesses in these case would be available to give evidence.

CAJ will be running FREE training on the Bill of Rights on 6th October 2008 in Derry/Londonderry. This training will cover:

- What are human rights? What is a Bill of Rights? What will a Bill of Rights for NI mean? How do I get involved in a Bill of Rights? And an update on where the process is of getting a Bill of Rights – final advice will be given to the Secretary of State this December so don't miss out!
- Training will run from 10am – 4pm, lunch included.
- Participants will receive an information pack on the Bill of Rights and CAJ's new report 'The Best Bill of Rights – a guide'.
- Training will also be held in Belfast on the 29th October. Please email fiona@caj.org.uk - further information will be sent on registration of interest

Civil Liberties Diary

5th September

A specialist team of detectives are to investigate the involvement of Special Branch agent Mark Haddock and his UVF gang in more than 16 murders. The work is to be carried out by a senior unit within the Historical Enquiries Team. This follows the Police Ombudsman's report into collusion in January.

12th September

An inquest into the 1997 murder of Seamus Dillon in Dungannon is halted after Chief Coroner John Leckey asks to see a report by the PSNI's Historical Enquiries team.

13th September

A South Belfast Landlord replaces a sign saying "no foreigners" were welcome to rent his property with one which says he wants tenants the "neighbourhood will like". There has been a history of racist attacks in the loyalist Donegal Road.

15th September

The United Nations Committee on Human Rights reports on the extent to which United Kingdom is meeting its international obligations. In particular the report was concerned by the chilling effect libel laws had on free speech and anti-terrorist legislation.

18th September

The Policing Board declines to approve the latest PSNI proposals for its estate and related stations closure. The Board's resources and improvement committee has withheld approval pending further clarifications.

19th September

SDLP calls for an independent inquiry into the deaths of 11 people during the introduction of internment 37 years ago. The victims, including a Catholic Priest, were shot dead by the British army in the Ballymurphy area of west Belfast.

The family of Kevin McAlorum allege that his killers are being protected as police informers. His murder took place in June 2004 in Derriagh.

21st September

Michaela Hollywood (18) wins a disability discrimination case against her Co. Down school after her application was subjected to a special and lengthy assessment by the South Eastern Education and Library Board.

Policing Board members clash over Ian Paisley Jnr's statement that the police should "shoot dissident Republicans on sight".

22nd September

PSNI record the first use of a new Taser stun-gun. The weapon was used in Derry to subdue a father who had locked himself in a house with his two young children. A police spokesman said the action had been "an appropriate and proportionate tactical option to bring the matter to a safe conclusion".

The High Court in London finds that MI5 participated in the unlawful interrogation of a British resident now held in Guantanamo Bay. Binyam Mohammed, an Ethiopian national, was unlawfully held in Pakistan and then secretly rendered to Morocco where he was tortured.

26th September

Some 300 IRA prisoners are to attempt to have their convictions overturned and claim compensation. They allege that confessions were extracted from them under duress amid mistreatment in Northern Ireland security force holding centres. As a result of their convictions many cannot find jobs, insurance or loans and also cannot enter the United States.

28th September

The Police Ombudsman announces that it is to begin using mediation as a

means of investigating complaints against PSNI officers. A pilot scheme will be introduced in north and west Belfast which will bring the complainant face to face with the officer in question.

Survey conducted by the Northern Ireland Statistics and Research Agency finds that fewer than one in seven people believe the independent bodies set up to monitor policing are doing a good job. The results also showed that only 12% of respondents knew who was on their local District Policing Partnership.

29th September

The Irish Law Society expresses "grave concern" about the possible implications of the merger of the Irish Human Rights Commission with other bodies as part of the Government's programme of economic stringency measures.

The Parades Commission bans a loyalist march through two mixed housing estates in Stoneyford after previous parades were found to have deliberately intimidated Catholic residents. This follows a previous ban in July of this year.

Compiled by Mark Bassett from various newspapers



Just News welcomes readers' news, views and comments.

Just News is published by the Committee on the Administration of Justice Ltd.

Correspondence should be addressed to the Editor, Fionnuala Ni Aoláin, 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.