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# EMINENT JURISTS PANEL on Terrorism, Counter-Terrorism and Human Rights

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IMMEDIATE RELEASE

## EMINENT JURISTS END VISIT TO NORTHERN IRELAND

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Members of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights, Justice Arthur Chaskalson (South Africa) and Justice Raúl Zaffaroni (Argentina), concluded their visit to Northern Ireland today.

The hearing, which was organised by the Committee for the Administration of Justice (CAJ), was the fourth in a series of hearings within the global inquiry of the Panel into the impact of terrorism and counter-terrorism on human rights and the rule of law.

The Panelists appreciate that Northern Ireland has a distinct history and that events here must be seen and understood in the context of that history. Lessons can, however, be learnt from what has happened in Northern Ireland.

Those from whom the Panel members heard included academics, legal practitioners, representatives of non-governmental organisations, the Northern Ireland Human Rights Commission and political parties. They also heard directly from members of the public, including victims of terrorist and counter-terrorist operations and their family members. The Panel heard the views of delegations from the Police Service of Northern Ireland, the Courts Service, the judiciary, the Public Prosecution Service, the Law Society and the Bar Council.

Various persons who made representations to the Panelists stressed the following:

- a) The intensity of the violence which marked the conflict put Northern Ireland under great stress;
- b) Concern was expressed about emergency laws introduced as temporary measures become permanent features of the legal system;
- c) It is necessary to confront and address the causes of terrorism in addition to taking measures to prevent and curtail it;
- d) The vesting in security forces of wide and discretionary powers which are not subject to strict control can easily lead to abuse, and this has in fact happened in Northern Ireland;
- e) An important safeguard against abuse of powers is to ensure that persons in custody have prompt access to legal representatives and doctors of their choice and to family;

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- f) The misuse of exceptional powers is counter-productive, causes resentment within suspect communities and is likely to exacerbate grievances that fuel the conflict;
- g) It is also important that there should be an institutional culture of respect for human rights within the security forces and that independent bodies with appropriate powers should be established to review the efficacy of, and manner in which the exceptional powers are exercised and to receive and investigate complaints. The incorporation of international human rights treaties such as the European Convention on Human Rights plays an essential part in creating a human rights culture.
- h) Abuses by security forces should be dealt with promptly and transparently, if this is not done a culture of impunity is likely to develop, and this can have serious adverse consequences likely to bring the administration of justice into disrepute;
- i) Measures which have been introduced in recent years including the use of video and audio recording when taking statements, the appointment of a police ombudsman, a policy of transforming the police service into a body representative of the community as a whole, and encouraging greater transparency in the functioning of the service have had a beneficial impact.
- j) Concern was expressed about the absence of legal provisions for full and transparent investigations of deaths where there are suspicions of state involvement. In this regard the recently enacted Inquiries Act, 2005 was criticised as adversely affecting the independence of inquiries that may be carried out under its provisions.

The Panelists met family members of persons who have lost relatives as a result of unlawful killings and who have been struggling for many years to have full and transparent investigations of the circumstances in which those deaths occurred. They have suffered much anguish as a result of the failure to do so. The Panelists urge the authorities to address this real and substantial grievance.

The panel will study these and other issues brought to its attention in more detail. It will conduct similar hearings in other parts of the world and complete its report when the hearings process is completed.

Its next hearing will be in London on April 24 – 26, 2006.

The Panel would like to particularly thank the Committee for the Administration of Justice (CAJ) for organising the hearing and supporting the work of the Panel in Belfast.

The Panel would also like to thank all those who have made written and oral submissions to the Panel. The information the Panel has received will be of great value in preparation of the Panel's report.

## Background

The Panel is composed of eight judges and lawyers from all regions of the world. The Panel exercises its mandate independently, with the logistical support of the ICJ Secretariat and its network of organizations. Arthur Chaskalson, former Chief Justice and first President of the Constitutional Court of South Africa, chairs the Panel. The

other members are Georges Abi-Saab (Egypt), Robert K. Goldman (United States), Hina Jilani (Pakistan), Vitit Muntarbhorn (Thailand), Mary Robinson (Ireland), Stefan Trechsel (Switzerland) and Raúl Zaffaroni (Argentina).

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