

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 22nd Commission Meeting

Held on Monday, 9 October 2000

**At 2.00 pm in the NIHRC Offices, Temple Court,
39 North Street, Belfast**

Present: Brice Dickson, Chief Commissioner
Christine Bell
Tom Donnelly
Margaret-Ann Dinsmore
Harold Good
Tom Hadden
Angela Hegarty
Paddy Kelly
Frank McGuinness

In Attendance: Paddy Sloan, Chief Executive

Apologies: Inez McCormack

1.0 Commissioners and staff expressed their concern and good wishes towards Inez McCormack in respect of her illness. Inez is currently in the Royal Victoria Hospital.

2.0 Commissioners were notified of a bomb hoax the previous evening outside the Deer's Head Bar. A controlled explosion resulted in superficial damage to the windows of Temple Court.

3.0 Minutes

The Minutes of the 21st Commission meeting were reviewed for accuracy.

3.1 In point 3.1 Confidentiality – this is to be amended to read “.... all the policies need to be reviewed by Senior Counsel in the light of experience and practice”.

3.2 RUC Training minute number 2.7.1 is to be amended to include the following:

“Angela Hegarty expressed concern that the Commission's comments on the RUC Human Rights Act training materials had not been taken on board and consequent surprise that a member of staff was to take part in a training

session. She expressed the view that there was a need to clarify the role and expectations of both organisations and that a Memorandum of Understanding ought to be agreed between the two organisations in advance of any further meetings or participation in training.”

4.0 Matters Arising

4.1 Equality Commission

It was agreed that the meeting with the Equality Commission should go ahead without an external speaker.

4.2 Bill of Rights Conference

It was agreed that the Commission would host a dinner for some of the Judges and representatives of NGOs as an opportunity to meet with Justice Arthur Chaskalson from the South African Constitutional Court. A private reception would also be arranged (if possible) for Justice Chaskalson to meet with the Judiciary on their own.

4.3 Meeting the Secretary of State regarding the Police Bill

4.3.1 This was a disappointing meeting and was not considered productive by those Commissioners who attended. It was agreed that the Chief Commissioner would draft an article for inclusion in the Times/Guardian together with a press release prior to the House of Lords debate on the Police Bill.

4.3.2 The Chief Commissioner will write to the Taoiseach regarding the word “repetitious” in the Bill, which the Secretary of State advised Commissioners was introduced by the Irish Government and should be pursued with them.

4.4.1 Patrick Finucane

It was agreed that Commissioners would seek to meet with Mr Orde again. A meeting has already been requested with the Secretary of State. The Chief Commissioner will write to the Prime Minister Mr Tony Blair now that he has taken a personal interest in the case and will copy the correspondence to the Secretary of State. Copies of the Government’s legal advice on the impact of introducing an independent public inquiry while a criminal investigation is ongoing will be sought for consideration by Commissioners.

4.4.2 It was agreed that Christine Bell, Angela Hegarty and Frank McGuinness will prepare a paper on how to take forward the Commission’s work on the case.

4.5 Bill of Rights Residential

The dates for the residential were confirmed as Friday 10 and Saturday 11 November and the venue will be the Radisson Roe Hotel in Limavady. Margaret-Ann Dinsmore, Paddy Kelly and Christine Bell agreed to meet with Richard Reoch to plan the residential and Angela Hegarty will feed in her ideas also.

4.6 RUC Training

A written report that will be a composite of the Chief Commissioner and two members of staff's experiences will go to the RUC by the end of the week if possible. A copy will also go to Adam Ingram and be tabled in the House of Commons Library as a result of Kevin McNamara's Parliamentary Question. The report will be emailed to all Commissioners prior to submission, for comment.

4.7 Women's Rights

Comments on the Women's Rights pamphlet drafted by Christine Bell have been submitted to the Bill of Rights Committee. Any further comments should be submitted to Christine as soon as possible.

4.8 Website

Some concern was expressed that the website appeared to be going down inexplicably. Paddy Sloan agreed to investigate this in the office.

5.0 Chief Commissioner's Report

5.1 Launch of the Human Rights Act

From the Commission's perspective this was a successful occasion at which two of the most recent HRC publications were launched. There was good press coverage for the Commission although a very narrow focus taken by the media. The Secretary of State was very supportive of the Commission in his speech and in his article in the Belfast Telegraph

5.2 Annual Report and Strategic Plan

Staff were complimented on the presentation of both these documents.

5.3 Equality Scheme

This Revised Draft of this Scheme is not as yet finalised. It will go out as soon as possible for consultation. The Chief Executive agreed to seek comments from the Equality Coalition on the second draft of the Scheme.

5.4 Criminal Justice Review

The Commission's submission to this Review has gone and thanks were offered to Commissioners for their comments.

5.5 Other Responses

5.5.1 The Civil Justice Review is not as yet complete.

5.5.2 Programme for Government – comments have still to be prepared and they will be circulated to Commissioners prior to submission.

5.6 Memorandum of Understanding with the Equality Commission

Final comments from the Equality Commission are awaited. It is to be hoped that these will be received in time to circulate Commissioners prior to the joint meeting on 23 October at which it was hoped to sign off this Memorandum between the two Commissions.

5.7 Critique of US State Department Report 1999

Jane Winter of British Irish Rights Watch prepared this paper on behalf of the Commission. Commissioners reiterated their desire to review all papers prior to submission. It was agreed that comments on this paper could be accepted by 5.00pm on Wednesday.

5.8 Appearance before the Committee of the Centre at the Northern Ireland Assembly

5.8.1 The Chief Commissioner, Chief Executive and Research Worker appeared before the Committee of the Centre on 27 September. Due to political disruption within the Committee the debate was dominated by Unionist members. A Hansard does not exist but the session has been taped and can be heard at Stormont although cannot be released.

5.8.2 As a result of this meeting Roy Beggs MLA wrote to the Commission seeking answers to various questions. In discussion it was agreed that the Investigations Committee would not be able to do anything further on collusion allegations until into 2001, due to its current work schedule. It was agreed that the Chief Commissioner would respond to Roy Beggs seeking any further information that he can supply. A draft of this letter will be circulated to all Commissioners in advance for comment.

5.8.3 Commissioners agreed to review the discussion held in London/Derry regarding state and non-state abuses and the Commission's position with respect to punishment beatings. It was agreed that without doubt punishment beatings can be classified as a serious abuse of human rights.

5.9 Awards

It was agreed that the Commission would not be making any nominations for consideration by the Appointments Commission for the House of Lords nor for the Human Rights awards being co-ordinated by Liberty and Justice – Human Rights Lawyer of the Year, Young Human Rights Lawyer of the Year and the Human Rights Award 2000.

6.0 Chief Commissioner's Supplementary Report

6.1 Death at Hydebank Wood Young Offenders Centre

Commissioners were disturbed that the Commission did not have a higher profile in the media condemning this death in custody of a seventeen year old boy. The Chief Commissioner has written to the Director General of the Prison Service for more information but has not received a reply. This will be pursued initially with Mr Robin Halward by the Chief Commissioner. It was agreed that a press statement will be issued in due course.

6.2 Omagh Bomb Inquest

The Commission is applying this week for leave to Judicially Review the decision of the Coroner not to allow the Commission to intervene at the Omagh Inquest. The Commission's written submissions were accepted (on a without prejudice basis, but its verbal submissions were not).

6.3 Panorama Programme

The Commission has for the first time taken a case in its own name to seek an injunction to stop the screening of the Panorama programme tonight that is supposedly naming individuals responsible for the Omagh bombing. The Case Worker is currently in the High Court and a decision is expected later in the day. There has been a high level of public interest and media coverage of this case.

6.4 Correspondence with the Lord Chancellor

Margaret-Ann Dinsmore took no part in this discussion.

6.4.1 Commissioners discussed the response from the Lord Chancellor to the Chief Commissioner's previous correspondence regarding the Lord Chief Justice's role in the case involving two Senior Counsel taking a declaration prior to their appointment as QCs. Commissioners decided that this response required some consideration and proposals would be brought to the next meeting as to how to proceed.

6.4.2 The Chief Executive undertook to review previous minutes, as there was an understanding on the part of one or two Commissioners that the Commission

would be writing to the Bar Council for clarification of their current position with regard to this case.

6.5 Law Centre Research on Asylum Seekers

This paper has been circulated and comments from Commissioners are sought by 5.00 pm on Wednesday.

6.6 Chairing of Commission Meetings

The proposal of the Chief Commissioner to rotate the responsibility for Chairing meetings amongst all Commissioners was discussed briefly and will be considered in more detail at the next meeting.

6.7 Minutes of Commission Meetings

It was agreed that it would be helpful if minutes of the Commission meetings could be circulated to Commissioners within a week of meeting. There will not be an opportunity to amend the minutes until the following Commission meeting and the minutes will be circulated again with the full set of papers as usual.

7.0 Chief Executive's Report

7.1 Staffing

The Report was noted and Commissioners asked the Chief Executive to consider further training for staff on Human Rights International Standards. The Chief Executive agreed to pursue this and also requested that appropriate Commissioners consider providing a training session on the Bill of Rights similar to that undertaken by Commissioners in September.

7.2 Accommodation

Commissioners clarified that the funding for refurbishment of the ground floor would not be coming from the core budget and advised the Chief Executive to ensure that electric shutters are installed downstairs.

7.3 Publications

Commissioners were content with the publications produced to date and are anxious that the Bill of Rights pamphlets be produced as soon as possible. The Chief Executive was advised to ensure that local press releases are issued to coincide with the billboards being sited across Northern Ireland.

8.0 Working Groups

- 8.1 The Chief Commissioner had to leave the meeting at this point to undertake media interviews on the Panorama case. Professor Tom Hadden took the Chair.

8.2 Bill of Rights Working Groups

There was an extensive discussion of both the process for the forming of the Working Groups and the membership, in particular, of the Victims Rights Working Group.

- 8.3 Different views were expressed on the representativeness and section 75 compliance of the Bill of Rights Victims Working Group. As Commissioners did not reach agreement on the membership, no decision was made. Believing that this situation would seriously impede the task of ensuring a more inclusive and representative Victims Working Group within a realistic timescale, and that the integrity of the process had been compromised in this matter, Harold Good (Chair) and Tom Donnelly tendered their resignation from the Victims Committee. The other members of the committee shared their belief but chose not to resign.

- 9.0** The meeting closed at 6.00 pm.