

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 23rd Commission Meeting

Held on Monday, 13 November 2000

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

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

In Attendance: Paddy Sloan, Chief Executive

Apologies: Christine Bell
Angela Hegarty
Inez McCormack

1.0 The Commission expressed good wishes to Inez for a speedy recovery now that she has come through her operation successfully.

2.0 Chairing of the Meetings

It was agreed that meetings would continue to be chaired by the Chief Commissioner. However on occasions when he is absent from the Commission a Deputy Chair will be appointed on an alphabetical rota among Commissioners. The first Deputy Chair will therefore be Christine Bell if and when the occasion arises.

3.0 Minutes

The Minutes of the 22nd Commission meeting were reviewed for accuracy.

3.1 At minute 4.6 it was agreed that the minute should be amended to delete the names of staff and to replace them with “Chief Commissioner and two members of staff”.

3.2 At minute 8.3 an amended text was agreed – “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”.

4.0 Matters Arising

4.1 Website

The Website problems are due to the central server, which it is hoped will be renewed when the offices are ready downstairs.

4.2 Visit of Justice Chaskalson

The programme for Justice Chaskalson’s visit will be finalised as soon as possible and circulated to Commissioners.

4.3 Police Bill

4.3.1 A press release is to be prepared on the Police Bill and an article is to be written for submission to the Guardian or The Times.

4.3.2 The Chief Commissioner has written to the Taoiseach regarding the use of the word “repetitious” in the Police Bill and the Irish Government’s interest in this. A response has not been received.

4.4 Pat Finucane

The Chief Commissioner has written to the Prime Minister and copied it to the Secretary of State regarding the need for an independent public inquiry into Pat Finucane’s murder. The report being prepared by Commissioners on how to proceed with this case is still being prepared.

4.5 RUC Human Rights Act Training Report

A copy of the Commission’s report on the observations of staff and the Chief Commissioner of the training on the Human Rights Act by the RUC will be submitted to Adam Ingram and Kevin McNamara. A copy has gone to the RUC but there has not been any official reaction as yet. This is now a public document and tabled in the Library at the House of Commons.

4.6 Programme for Government

This has been reviewed by the Legislation and Policy Committee but it is unlikely that the Commission will be making any serious comment.

4.7 Civil Justice Review

Comments have been submitted with the possibility of further amendments should time allow.

4.8 Correspondence with the Lord Chancellor

Margaret-Ann Dinsmore took no part in this discussion

The Chief Executive is to check the minutes of the July Commission meeting regarding how the Commission may take this forward.

5.0 Chief Commissioner's Report

5.1 OFM/DFM Protocol

Agreement has *almost* been reached on a protocol with the Northern Ireland Executive. One change has come back subsequent to the meeting between OFM/DFM and the Commission. This is on their duty to maintain confidentiality. A suggested rewording is to be considered by the Legislation and Policy Committee.

5.2 Police Bill

Both Lord Archer and Lord Hilton referred to the NIHRC briefing in the House of Lords debate, however none of the Commission's points were accepted.

5.3 Code of Practice

Michael Potter has agreed to do a draft response on the Code of Practice and the Working Group on the Terrorism Act, Tom Hadden and Brice Dickson, will supervise this.

5.4 Assembly Bills

The Commission needs to decide how to prioritise responses to Assembly Bills with the Legislation and Policy Committee. No *substantive* comments have as yet been made except regarding the Fisheries (Amendment) Bill.

5.5 Legislation and Policy Committee

The Legislation and Policy Committee needs to assess what work is absolutely necessary for response by the Commission, in particular to the range of consultation documents currently outstanding.

5.6 Asylum Seekers Research

The NIHRC received very positive publicity associated with the publication of this research despite having simply endorsed the findings of the Law Centre.

5.7 Stephens Inquiry

A meeting has been arranged with Hugh Orde on 15 November at 10.00 am at the Commission. Brice Dickson, Tom Hadden and Frank McGuinness will attend.

5.8 Death at Hydebank Young Offenders Centre

The family of the 17 year old who hanged himself at Hydebank Wood in September is content that the Commission makes further inquiries regarding this case.

5.9 Case of 15 year old in care

Margaret-Ann Dinsmore did not take part in this discussion.

The Chief Commissioner has written to the Minister for Health, Social Services and Public Safety in relation to the apparent lack of secure accommodation for young people in care in Northern Ireland. This system may in fact be the subject of a Judicial Review. The Commission agreed to write again as a matter of urgency to the Minister given the potential ambiguity of the first letter.

5.10 Visits/Engagements

A report on the visit to Maghaberry will be agreed by Harold Good and Maggs O'Connor prior to circulation.

5.11 Grievance Procedure

A complaint is being investigated from a member of staff as a result of his failure to be appointed to the post of Investigations Worker, Job Share. As the Chief Commissioner and the Chief Executive were on the appointments panel the first stage of the NIHRC Grievance Procedure is inappropriate. Two Commissioners, Margaret-Ann Dinsmore and Frank McGuinness have therefore been asked to work with an outside advisor, Margaret Magennis, to assess the complaint.

5.12 Investigations

A paper has already been prepared on the relevant international standards and Commissioners discussed the viability of continuing with this investigation. This will be further considered by the Investigations Committee and Michael Waters will do a brief for the next Investigations Committee meeting on 11 December 2000.

- 5.13 A paper was received from Michael Ritchie regarding amnesty for political prisoners. It was agreed that the Commission should be creative in its response in order to recognise the validity of concerns. This to be done in the context of international human rights standards and the Commission should resist any trespass into the field of conflict resolution. Tom Hadden agreed to do a paper on the relevant international humanitarian law. After this paper has been considered a response will be prepared to Michael's paper.

6.0 Chief Executive's Report

6.1 Staffing

- 6.1.1 It was suggested that the Research Worker's post should be advertised immediately as a Job Share as Denise has requested. The Chief Executive agreed that this would be done when the Research Worker had confirmed in writing that this is how she wishes to proceed.

- 6.1.2 In the interim pieces of work that are required for the Legislation and Policy Committee should be commissioned externally.

- 6.1.3 The 4.5% pay rise for the year 2000/2001 as negotiated for the Northern Ireland Civil Service was agreed by Commissioners to be paid to staff on agreement from the NIO in London.

- 6.1.4 Commissioners agreed to a suggestion that the Commission office be closed during Christmas week in recognition of the efforts of staff in the first year of operation of the Commission. This means an additional two days Christmas leave for all staff.

6.2 Finance

The financial report was welcomed by Commissioners.

7.0 Committee Reports

7.1 Bill of Rights

The video diary was highlighted as a priority with a cautionary note that permission needs to be given prior to filming.

Consideration should be given to a more regular slot for Bill of Rights meetings to ensure better attendance.

7.2 Casework Committee

There are many outstanding cases on which Counsel are currently briefed. This year's budget therefore needs to be checked in more detail.

There is a need to check with Brendan Garland whether when Junior Counsel becomes Senior it is no longer necessary to take a Junior Counsel on as well, therefore one Counsel would cover the case. To be checked.

7.3 Reports of all the Committees were noted by Commissioners.

8.0 Confidentiality Policy

It was agreed that the draft policy should be sent to senior counsel for comments by 11 December if possible.

9.0 Threats to Defence Lawyers

The paper on priorities needs to be prepared before the Commission can undertake new work. However it was agreed that the Chief Commissioner would write to the Chief Constable and the Bar Council regarding the current website that is naming Solicitors and Barristers as being associated with the Provisional IRA.

10.0 Victims Committee

Following the resignation of Tom Donnelly and Harold Good the remaining Commissioners, Angela Hegarty, Christine Bell, Frank McGuinness and Brice Dickson met to look at the names of those who meet in the Victims Working Group, with a view to identifying any gaps that might exist. As a result of their analysis 4 new names were proposed. These names are the recommendations of the Victims Committee to the Commission. In addition the Committee would like Tom and Harold to rejoin the Committee.

It was however not possible to secure agreement among Commissioners and no further additions to the Working Group *were made*.