

**NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

**Minutes of the Reconvened 40<sup>th</sup> Commission Meeting**

**Held on Saturday 20 April 2002**

**At 10.00 am in the NIHRC Offices, Temple Court,  
39 North Street, Belfast**

**Present:** Brice Dickson, Chief Commissioner  
Tom Donnelly  
Christine Eames  
Tom Hadden  
Inez McCormack (*By telephone*)  
Frank McGuinness  
Patrick Yu

**In Attendance:** Paddy Sloan, Chief Executive

**Apologies:** Christine Bell  
Margaret-Ann Dinsmore  
Harold Good  
Paddy Kelly  
Chris McGimpsey  
Kevin McLaughlin

*The reconvened 40<sup>th</sup> Commission meeting moved to point 7 et seq of the original agenda of 8 April 2002.*

**1.0 Report on Policing Developments**

- 1.1 A paper prepared and circulated by the Chief Commissioner was noted.
- 1.2 It was agreed that at this point in time there is no need for the NIHRC to make any public statement regarding the Police Ombudsman's inquiry into the police investigation of the 1998 Omagh bomb.
- 1.3 The NIHRC was represented at the graduation of the first batch of new recruits to the Police Service of Northern Ireland on 5 April 2002 by Tom Donnelly, who reported to the Commission on the event. Harold Good also attended this event in his capacity as Head of the Methodist Church in Ireland.

- 1.4 The Chief Commissioner will circulate correspondence to the Chair of the Policing Board, Desmond Rea as a result of the Commission's meeting with the Policing Board on 27 February 2002.
- 1.5 The next meeting of the staff policing group will be held on 1 May 2002 and a report of that meeting will be provided to the next Commission.

## **2.0 Bill of Rights**

*Miriam Titterton joined the meeting.*

- 2.1 Commissioners discussed the responses provided by political parties to the Chief Commissioner's letter outlining the Commission's proposals for phase three of the Bill of Rights process. Notes were tabled of the NIHRC meeting with the SDLP held on 18 April 2002. The SDLP's proposed consultation with other political parties on the Bill of Rights has not yet started and there is no indication of how long that process may run.
- 2.2 The Chief Commissioner then put forward points expressed by Paddy Kelly by email as she could not attend this meeting. Both Paddy Kelly and Tom Hadden had attended the meeting with the SDLP, together with Miriam Titterton.
- 2.3 There was general concern expressed about the seminar proposals put forward by the Bill of Rights Working Group which, it was felt, did not provide enough opportunity for input from political parties.
- 2.4 There was further discussion regarding the use of an independent chair to facilitate phase three discussions.
- 2.5 Some criticism was expressed of the proposed speakers and panellists in the Working Group paper and the important role of NGOs was acknowledged by the Commission.
- 2.6 It was noted that the Bill of Rights Working Group document reflects a primary brainstorming exercise only and should not be taken as a firm position.
- 2.7 The Commission acknowledged the positive progress with regard to the Bill of Rights process among the political parties who responded to our letter. There is a need to work to a Commission time-frame while bearing in mind the views of political parties, but not to be dependent on external deadlines.
- 2.8 It was agreed that the NIHRC should show leadership in taking forward the process of engagement with political parties and with wider society, in a single process.

- 2.9 It was agreed that the Chief Commissioner would write back to the political parties positively seeking to engage with them further in this next phase of the Bill of Rights process. The correspondence will highlight the Commission's concern to work with the political parties balanced with our responsibility to those who have submitted responses and to the international community, as well as the Commission's statutory responsibility to provide advice to the Secretary of State. The Chief Commissioner's draft correspondence will be circulated to Commissioners in advance of sending to political parties.
- 2.10 A further meeting on the process will be held for Commissioners at which issues such as the need for external facilitation and a timetable for phase three, will be discussed. This meeting will take place on Friday 24 May from 10.00 am to 4.00 pm at Temple Court.
- 2.11 The Chief Executive will prepare a statement for internal use by staff which will be reviewed by Commissioners. This will advise staff of the current state of play of the Bill of Rights process.
- 2.12 There followed some discussion on the best means to consider submissions already received. Rachel Rebouche has been commissioned to summarise the submissions on a series of topics. It was agreed that the Commission would continue to consider Rachel's papers and submissions sent to the Commission on various topics, without taking any new position or coming to any firm conclusions with regard to the final advice.
- 2.13 Bill of Rights submissions on criminal justice will be considered on 2 May from 2.00 pm – 5.00 pm and on language rights on 14 May from 10.00 am – 1.00 pm.

*Miriam Titterton left the meeting.*

### **3.0 Strategic Plan**

- 3.1 The final draft of the consultation document on the Commission's Strategic Plan for 2002-2006 is under final preparation and will be circulated to Commissioners prior to public release.

### **4.0 Billy Wright**

*Maggs O'Connor joined the meeting.*

- 4.1 The Chief Commissioner reported Paddy Kelly's views as submitted by email with the meeting.
- 4.2 The ongoing judicial reviews regarding release of documents should have judgment by this summer. It was proposed that the Commission should not

call for an inquiry until the outcome from those reviews and sight of documents is available.

- 4.3 Some Commissioners fully supported the call for an inquiry at this point in time and others were interested in advice from those more familiar with the case.
- 4.4 The point was made that the judicial reviews are based on Article 2 and can therefore proceed to the European Court at Strasbourg if necessary. It was proposed that this is a more effective channel than calling for an independent inquiry.
- 4.5 The Chief Commissioner pointed out that other Article 2 cases are currently going through the European Court which may have direct relevance to this case.
- 4.6 There followed some discussion regarding the Human Rights Commission's procedure for deciding when to link a substantive issue to a public relations strategy in order to contribute to the promotion of justice.
- 4.7 The particular interest of the Human Rights Commission in pursuing the case based on Article 2 to the European Court, if necessary, distinguishes the Commission from other organisations and individuals calling for an independent, international inquiry. Some Commissioners felt that both routes could be taken.
- 4.8 It was agreed that a paper would be produced providing advice on the procedural options and on the substantive issues with respect to Billy Wright for consideration at the next Commission meeting. In the meantime no call would be made for a public inquiry.

## **5.0 Rosemary Nelson**

- 5.1 There was a strong feeling among some Commissioners that the Commission should take a public and supportive position calling for an independent inquiry into the circumstances surrounding Rosemary Nelson's death.
- 5.2 The Caseworker talked through a paper tabled to Commissioners on the Rosemary Nelson case.
- 5.3 There followed discussion of the obligation on the state to protect life and to initiate a prompt investigation of killings in order to comply with Article 2 of the ECHR and the outcome of the Jordan case at the European Court.
- 5.4 It was suggested that Colin Port's investigation has been prompt, thorough and independent and that the Commission should await the outcome of that investigation and await the report currently being carried out by the Police

Ombudsman into the lack of investigation by the RUC of threats against Rosemary Nelson.

- 5.5 It was agreed that a special meeting of Commissioners would be convened to discuss further the issues of concern with regard to Rosemary Nelson's murder. Commissioners would meet on Thursday 2 May at 2.00 pm at Temple Court, and a paper will be prepared on the relevance of Article 2 to this case.

*At 1.10 pm Christine Eames and Inez McCormack had to leave the meeting which was then no longer quorate.*

- 6.0 It was agreed that the agenda items not covered at this reconvened meeting would transfer to the agenda for the next, 41<sup>st</sup>, Commission meeting scheduled for 13 May 2002.