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MEDIA ADVISORY

Northern Ireland: Amnesty International responds to the Patten Commission report

Amnesty International last week submitted its response to the report of the Independent Commission on Policing for Northern Ireland. It welcomed a large number of the specific proposals but expressing concern about omissions and flaws which could seriously weaken, or even undermine, its potential.

The Independent Commission, set up after the Multi-Party Agreement of April 1998, reported in September 1999. The 128-page report "A New Beginning: Policing in Northern Ireland", includes 175 recommendations.

Amnesty International considers that full implementation of the proposals would lead to a fundamental change in policing and could mark a major advance towards establishing a regime acceptable to all sections of the community and conforming to international human rights standards. The appointment of an international independent oversight commissioner to supervise the implementation of changes should ensure that the Royal Ulster Constabulary (RUC) does not block progress.

Amnesty International has expressed concern over the years about the lack of accountability in the RUC which has undermined the rule of law in Northern Ireland and led to a pattern of impunity for human rights violations.

The proposal for the comprehensive integration of human rights in policing, including thorough training, monitoring, a new code of ethics, and a human rights oath is a welcome step. Proposals for greater accountability and transparency are also positive steps. However, Amnesty International is concerned that the report also has several omissions which may eventually undermine the proposed reforms.

The organization is concerned the report did not examine the impact of emergency legislation on policing practices or address any of the concerns regarding the special powers for the police (whether under emergency or permanent legislation). The report also failed to address (or set up mechanisms to redress) past abusive policing practices and did not go far enough in establishing measures to ensure accountability.

Amnesty International urges that the following points be considered during the consultation process:

- changes in legislation on the use of lethal force;
- support for totally independent investigation of complaints;
- the formation of special units to immediately investigate possible criminal offences by police officers;
- a mechanism to exclude police officers allegedly involved in human rights violations from the new police force;
- transparency, by recommending the publication of previous reports into serious human rights violations;
- ensure that the Chief Constable be accountable to an independent body for those police operations which are deemed to involve national security precisely because there are patterns of human rights violations in the past which have been exempted from public scrutiny and accountability under the guise that they involved “national security” issues;
- recommend a review of inquests and police officers’ failure to testify at inquests;
- recommend the development of a strategy to prevent, record, investigate and prosecute incidents of collusion;

- recommend the establishment of a specialist unit to investigate collusion;
- recommend a strategy to deal with discriminatory policing;
- consider the creation of a civilian body which would step in and immediately review an investigation if the victim or the victim's family believed that an investigation was not being carried out thoroughly and impartially;
- recommend how police attitudes towards lawyers could be changed.

Recommendations regarding the Special Branch, a police unit renowned for human rights violations, do not go far enough. Amnesty International believes those units within the RUC which are associated with patterns of human rights violations, like Special Branch and its undercover armed units, should be disbanded and their past actions should be investigated with a view to bringing those responsible to justice. The units should be reconstituted with new personnel and new leadership in order to ensure that they operate in an accountable and impartial manner.

Amnesty International believes there should be a thorough review of covert operations in Northern Ireland, including the accountability of MI5 and military intelligence units. Amnesty International also recommends the establishment of a civilian body which would oversee the operations of intelligence agencies and covert operations.

Amnesty International urges the government to ensure that all policing is in conformity with international standards. This means repealing emergency legislation powers and ensuring that all new measures are in conformity with the full range of international standards and not just the European Convention on Human Rights.

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