

AMNESTY INTERNATIONAL

Public Statement

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United Kingdom: chief suspect in the killing of human rights defender Rosemary Nelson is found dead in his cell at Maghaberry Prison

Mark Fulton, a 42-year-old leading member of the Loyalist Volunteer Force (LVF) -- one of Northern Ireland's main Loyalist paramilitary groups -- was found dead in his cell, reportedly lying on a bed with a belt around his neck, at Maghaberry prison, Co Antrim, Northern Ireland. Mark Fulton had been named, as a key suspect, for the loyalist murders of human rights lawyer Rosemary Nelson and of Sunday World newspaper journalist Martin O'Hagan.

Mark Fulton, originally from Portadown, Co Armagh, Northern Ireland, had been on remand awaiting trial on charges of conspiracy to murder Rodney Jennett. He was a close associate of Billy Wright, the founder of the LVF who was shot dead in the Maze prison in December 1997 by two Irish National Liberation Army (INLA) prisoners. There have been reports that Mark Fulton had received death threats from the INLA and that he feared for his life. He had also been reported as suffering from bouts of depression.

Given the death threats Mark Fulton had reportedly received from the INLA, his alleged involvement in the killing of Rosemary Nelson, as well as the allegations of official collusion in the latter, it is imperative that, if any doubts as to how he came to die are to be put to rest, an independent investigation into all the circumstances surrounding his death, including what measures for his protection were in place, be conducted as promptly as possible.

The Police Service of Northern Ireland has reportedly opened an investigation into the circumstances of his death, and is allegedly treating it as suspicious, despite media reports suggesting that Mark Fulton might have taken his own life.

Amnesty International is calling on the authorities to ensure that the investigation into Mark Fulton's death be thorough, independent and impartial, and that its remit include all the circumstances surrounding his death. This was required by a number of recent judgments (*Jordan, McKerr, Kelly and others, Shanaghan, McShane*) of the European Court of Human Rights arising from deaths in disputed circumstances in Northern Ireland. In those judgments the Court concluded that investigation procedures had violated the state's obligations to respect and protect the right to life, enshrined in Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Amnesty International also urges the authorities to ensure that Mark Fulton's family are made aware of their right to have an independent forensic pathologist present at the post-mortem examination in accordance with Principle 16 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.¹

¹ Principle 16 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions states: "Families of the deceased and their legal representatives shall be informed of, and have access to any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a

notification of death shall be posted, and the family or relatives of the deceased shall be informed immediately. The body of the deceased shall be returned to them upon completion of the investigation."

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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