



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Press release: Immediate

22 January 2007

**COLLUSION REPORT DEMONSTRATES NEED FOR EFFECTIVE
SCRUTINY AND ACCOUNTABILITY OF NATIONAL SECURITY**

The Northern Ireland Human Rights Commission condemns the human rights violations revealed in the report released by the Police Ombudsman today (22 January 2007).

Welcoming the recommendations made in response to the findings of police collusion with loyalist paramilitaries in North Belfast and Newtownabbey during the period 1991-2003, the Commission believes the report of "Operation Ballast" is a landmark contribution to dealing with the legacy of the conflict in Northern Ireland.

According to Professor Monica McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission:

"The report raises a number of major human rights concerns and reveals a systemic failure in the management and operation of police intelligence systems. I believe there is a need to reopen a number of the murder investigations referred to in the report and the Commission will be urgently addressing the means by which this can be taken forward."

The Chief Commissioner also expressed concern that the gross inadequacies in relation to police management did not come to the attention of the Surveillance Commissioner until 2003.

Monica McWilliams added:

"This clearly demonstrates the need for effective and transparent arrangements for the oversight of covert policing without which there can be no confidence in the administration of justice. Abuses of this kind must never happen again."

The Commission is particularly concerned that the Police Ombudsman encountered a number of difficulties during her investigation, including the fact that murder files, decision logs and intelligence documents were either missing, lost or destroyed, thus preventing senior police officers from being held to account. The Police Ombudsman is of the view that this was a deliberate strategy and had the effect of avoiding proper accountability. The Human Rights Commission believes that every effort should be made to bring any officers implicated in obstructing the investigation to account.

In the opinion of the Commission, the findings of the report place a responsibility on the Government to instigate new and more effective investigations in regard to the particular murders and attempted murders examined by the Police Ombudsman, in compliance with Article 2 of the European Convention on Human Rights.

In addition, there is a requirement under international law for the Government to provide an effective remedy to victims and their families in regard to the collusion of state agents in violations of human rights. The Commission also believes that government should take into account United Nations guidelines on the removal from public service of officials and officers responsible for such violations.

The Commission formally welcomes the recommendations made by the Police Ombudsman in her report and the positive response of the PSNI to these proposals. The experience of many other countries emerging from conflict is that there must be full confidence in the accountability and scrutiny mechanisms of intelligence gathering in order to prevent a return to the past.

Further information

For further information, please contact Peter O'Neill, Head of Information, Education and Development on 028 9024 3987 (office), 07786 338290 (mobile).

Notes to editors

1. The Northern Ireland Human Rights Commission was established in 1999, by the Northern Ireland Act 1998, to protect and promote the human rights of everyone in Northern Ireland. The powers and functions of the Commission include reviewing law and practice, advising the government, promoting an awareness of human rights and taking cases to court.

2. Principle 36(a) of the *Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*: UN Doc. E/CN.4/2005/102/Add.1, 8 February 2005.

"Public officials and employees who are personally responsible for gross violations of human rights, in particular those involved in military, security, police, intelligence and judicial sectors, shall not continue to serve in State institutions. Their removal shall comply with the requirements of due process of law and the principle of non-discrimination. Persons formally charged with individual responsibility for serious crimes under international law shall be suspended from official duties during the criminal or disciplinary proceedings."