



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Mr Jens Modvig
Committee Against Torture
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

Re: Follow-up regarding Concluding Observations adopted by the Committee Against Torture on the 5th periodic report of the UK

2 October, 2014

Dear Mr. Modvig,

Further to the recent submission from the National Human Rights Institutions of the UK on the Concluding Observations adopted by the Committee against Torture on the 5th periodic report of the UK I write to further update the Committee on emerging developments relating to the investigation of conflict related deaths in Northern Ireland.

The Committee will recall that in its follow up submission the UK Government stated in relation to the Historical Enquiries Team (HET) that:

“The HET is an operational unit of the Police Service of Northern Ireland (PSNI), which was established in September 2005 to review all deaths relating to the Troubles... The HET will continue to review all cases on a broadly chronological basis, whether or not

there is family engagement with the case. Investigations by the HET will continue to be an important element of the framework for transitional justice.”¹

Further, in relation to the work of the Office of the Police Ombudsman for Northern Ireland (OPONI), the Government stated that:

“OPONI was established under Part VII of the Police (Northern Ireland) Act 1998, which created a legislative framework for independent oversight of the police. It is tasked with investigating complaints by the public into the conduct of police officers, including any matters resulting from HET investigations which raise concerns of possible police criminality.”²

In this regard the Committee should be aware that on 30 September 2014 the PSNI issued a press release stating that it would be terminating the contracts of 300 staff members throughout the PSNI, including the Historical Enquiries Team. The Deputy Chief Constable Alistair Finlay stated:

“The loss of these posts by the end of this year will effectively mean the closure of the HET. In the last number of weeks, we have made it clear that the current financial challenges would mean there would be change in how PSNI responds to the demands of the past and the pace at which we can service the demand.

The PSNI understands the importance of dealing with past and that a huge deal of hurt and pain continues for the many people affected by our troubled history. If we are to achieve a safe, confident and peaceful society, dealing with the past is an issue that our society must address. However, achieving a solution lies well beyond the remit of policing.

As a Police Service, we will continue to meet our legislative responsibilities with regards to the past. This includes investigations where there is new and compelling evidence; as well as our responsibilities in responding to the requirements of coronial inquests.

It is anticipated that we will form a much smaller Legacy Investigations Branch. In recent weeks we have met with the Policing Board to discuss this challenge and we will continue to work with them as we progress the issue.”³

¹ CAT/C/GBR/CO/5/Add.1, available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f5%2fAdd.1&Lang=en, paras 27-28.

² *Ibid*, para 29.

³ PSNI, ‘Termination of contracts for Associate Workers’, 30 September 2014, available at: http://www.psni.police.uk/termination_of_contracts_for_associate_workers_

On the same day the Office of the Police Ombudsman publicly stated that reductions in its budget resulting in the loss of ten of its forty staff had undermined its ability to deal with the past. The Police Ombudsman stated:

*"The number of complaints we have received about historical matters has doubled since 2012 - we now have almost 300 cases. I had hoped that the additional funding we had requested could have allowed us to complete these cases within six years, but suspect they may now take 12 years or more."*⁴

Both public statements were met with disappointment by victims of the conflict.

The Secretary of State for Northern Ireland, Ms Theresa Villiers MP on September 28, 2014 stated that the UK Government will convene cross-party talks to try to solve outstanding political issues, including flags, parades and the past.⁵ The precise details of the talks have not yet been confirmed and the Secretary of State for Northern Ireland stated that she will be engaging with the five main parties and the Irish Government to discuss the precise format and agenda. However it has been announced that the Government of Ireland will also be directly involved in the talks and that the Government of the United States of America will play a constructive role.⁶

The Commission will be monitoring developments closely and will keep you updated on emerging issues. The Commission will also be writing to the Committee of Ministers of the Council of Europe in relation to this matter.

Yours sincerely,



Les Allamby
Chief Commissioner, NIHRC

⁴ BBC News NI, 'Police ombudsman: Budget cuts delay investigations into killings', 30 September 2014, available at: <http://www.bbc.co.uk/news/uk-northern-ireland-29431925>

⁵ Speech by the Secretary of State for Northern Ireland, Rt Hon Theresa Villiers MP, to the Conservative Party Conference, September 28, 2014, available at: http://www.politicshome.com/uk/article/105468/secretary_of_state_for_northern_irelands_rt_hon_theresa_villiers_mp_conference_speech.html

⁶ Ireland Department of Foreign Affairs and Trade, 'Minister will attend swearing-in of new U.S. Ambassador to Ireland and mark the 90th anniversary of Ireland-US diplomatic relations', 30 September 2014, available at: <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2014/september/minister-flanagan-u.s.-vice-president-washington/>