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26th March 2009

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Judicial review outcome



Basil McCrea MLA, Chairperson of the Policing Boards Human Rights and Professional Standards Committee has commented on the outcome of the judicial review today concerning the detention of suspects in the dissident republican murder case.

Mr. McCrea said:

"The object of Human Rights legislation is to protect people from abuses of power and in this regard I am a supporter of Human Rights. However, it is not in place to provide inventive ways to circumvent

potential justice or to use as a stick to beat the police service with. In many murder cases, especially when there are very few witnesses, the main tool for the police and the prosecution services is forensics. Forensic evidence takes time to collect and collate and I am confident that when this process is complete people will be charged. The only other option in such cases is for people led evidence; it is crucial that people come forward with any information that they consider relevant".

"Today's ruling by the High Court was based on a technicality which left Chief Justice Kerr with no other option but to make the ruling he did. However, this review throws up some wider issues".

"The Parliament of the United Kingdom - after intense debate and scrutiny - settled on a limit of 28 days detention for those suspected of involvement in terrorist crime. This was the settled will of Parliament in balancing the security of our society with civil liberties. And, something the Chief Commissioner of NIHRC appears to have conveniently forgotten, 28 days detention is subject to ongoing oversight and scrutiny by the courts.

"In light of Parliament's decision, it would be a serious case of judicial over-reach if the courts attempted to strike down 28 days detention as incompatible with the Human Rights Act. Parliament has made law - it is the role of the courts to interpret law, not to make and unmake it. Any attempt to do so would underline the importance of replacing the Human Rights Act with a UK Bill of Rights and Responsibilities that properly recognised the place of Parliament and restricted attempts by the courts to re-write laws".



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