

UNITED KINGDOM Rosemary Nelson, human rights defender, lawyer

Amnesty International is concerned that the team appointed to investigate the killing of Rosemary Nelson, a prominent human rights defender and lawyer in Northern Ireland, is not sufficiently independent in view of the circumstances of this case.

Rosemary Nelson was killed by a car bomb on 15 March 1999. The Red Hand Defenders, an armed Protestant Loyalist group, has claimed responsibility.

In recent years she had been the subject of a campaign of intimidation, harassment and threats by members of the police (the Royal Ulster Constabulary, RUC) and the army (the Royal Irish Regiment) and had also received anonymous death threats. Amnesty International believes this was as a result of her work as a lawyer and human rights defender.

Rosemary Nelson was due to review the results of an investigation into her complaints of intimidation and harassment by the RUC at the end of this month. A Commander from the Metropolitan Police in London took over the investigation from the RUC after the Independent Commission for Police Complaints raised serious concerns about the initial investigation being conducted by them.

Although the investigation into her death is being supervised by an English Chief Constable, with assistance from the FBI, Amnesty International and other NGOs expressed concerns in a meeting with the Secretary of State for Northern Ireland the day after her death that these measures were insufficient, since the actual investigation is being carried out by RUC officers. These concerns were echoed by the recently established Northern Ireland Human Rights Commission which said that it would be in the best interests of the RUC itself, given the circumstances of this case, that non-RUC officers should be involved in the actual investigation work.

In addition, Amnesty International and other NGOs have called on the government of the United Kingdom to initiate an independent judicial inquiry into allegations that defence lawyers are systematically harassed and intimidated by members of the security forces in Northern Ireland. They have also called for a separate independent inquiry into the killing of another lawyer, Patrick Finucane, who was shot dead in February 1989 by the Ulster Freedom Fighters, allegedly in collusion with members of the security forces.

BACKGROUND INFORMATION

Rosemary Nelson gained prominence for her defence of individuals detained under emergency legislation and was a passionate advocate of the principle of the rule of law.

She was recently involved in a number of high profile cases. She represented residents of the predominantly Catholic Garvaghy Road neighbourhood in Portadown who have been subjected to systematic intimidation and violence since a Protestant Orange Order march was re-routed away from this neighbourhood last summer. She also represented the family of Robert Hamill who was killed by a loyalist mob in 1997 during which RUC officers reportedly positioned nearby failed to intervene.

Noting the killing of Patrick Finucane and complaints by Rosemary Nelson and other lawyers, of intimidation, harassment and threats by the security forces, the United Nations Special Rapporteur on the independence of judges and lawyers conducted a fact finding mission in 1997. In his report, published in April 1998, he concluded that "the RUC has engaged in activities which constitute intimidation, hindrance, harassment or improper interference" with lawyers. The Special Rapporteur recommended that the authorities conduct an independent and impartial investigation of the threats received by lawyers and called on the government to initiate an independent judicial inquiry in to the killing of Patrick Finucane. To date, none of these recommendations have been implemented.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- urging the government to ensure that the investigation into the killing of Rosemary Nelson is carried out by investigators independent of the RUC;
- urging the government to initiate without delay a judicial inquiry into allegations of harassment and intimidation by security forces of lawyers in Northern Ireland and a separate judicial inquiry into the killing in 1989 of Patrick Finucane;
- urging the government and the heads of all security forces to state clearly and publically that the intimidation and harassment of lawyers and human rights defenders will not be tolerated;
- urging the authorities to take measures to ensure the safety of lawyers;
- urging the government to call on the UN Commission of Human Rights when it meets in Geneva, Switzerland from 22 March- 30 April 1999 to establish and appoint a Special Rapporteur on Human Rights Defenders.

APPEALS TO:

The Rt. Hon. Dr. Mo Mowlam, MP
 Secretary of State for Northern Ireland
 Northern Ireland Office
 Stormont Castle Belfast BT4 3 ST
 Northern Ireland

Telegrams:Dr. Mowlam, Secretary State, Northern Ireland

faxes:+ 44 1232 528 201 (N. Ireland)/ + 44 171 210 0246 (London, England)

Salutation:Dear Secretary of State

The Rt. Hon. Tony Blair
 Prime Minister
 10 Downing Street
 London, SW1 2AL
 England

Telegrams:Prime Minister, London, England

Faxes:+ 44 171 925 0918 / 270- 0196

Salutation:Dear Prime Minister

COPIES TO:

to diplomatic representatives of United Kingdom accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.