

TELEGRAM RETRIEVED FROM DATABASE 14 July 1999

RESTRICTED

FM [REDACTED]

TO IMMEDIATE KUALA LUMPUR

TELNO [REDACTED]

OF 271730Z FEBRUARY 98

AND TO IMMEDIATE UKMIS GENEVA

INFO ROUTINE UKMIS NEW YORK

PARAM CUMARASWAMY: SPECIAL RAPPOORTEUR ON INDEPENDENCE OF

SUBJECT: PARAM CUMARASWAMY: SPECIAL RAPPOORTEUR ON INDEPENDENCE OF JUDGES AND LAWYERS

SUMMARY

1. Instructions for Kuala Lumpur to ask Cumaraswamy to amend his draft report on the United Kingdom, and to UKMIS Geneva to take parallel action with the Office of the High Commissioner for Human Rights.

DETAIL

2. Cumaraswamy, Special Rapporteur on the Independence of Judges and Lawyers, visited the United Kingdom from 20-30 October last year. His main focus was the independence of defence lawyers in Northern Ireland.

3. The UN have now shown us an advance copy of Cumaraswamy's report on his investigations in the UK. Some parts of it are critical of UK practice. The report will shortly be printed and distributed as a UN Document. It will be placed before the UN Commission on Human Rights (meeting in Geneva from 16 March-24 April).

4. The UK will respond formally to the report when it issues. But there are two sentences we would like Cumaraswamy to remove before it issues. These come in paragraph 21 of the report (relevant passages following by fax). They are:

"However, the Chief Constable did express the view that some solicitors may in fact be working for the paramilitaries. In this regard, he stated that this is more than a suspicion."

5. The RUC Chief Constable maintains that he did not make these statements. The view of the Northern Ireland Office is that were these statements, attributed to the Chief Constable, made known, the lives of some defence lawyers would be put in danger from paramilitaries.

6. We have discussed this point already with Cumaraswamy's assistant in Geneva, Alan Parra, who agreed to our contacting Cumaraswamy direct. Could you please now do this at a suitable level. Please make the following points:

BEGINS

- The UN have passed to us an advance version of your report. When it issues, UK will comment formally and set out the action the UK intends to take in the light of your observations and recommendations.

- But we are concerned by one point of detail in the report. The Chief Constable of Northern Ireland says that he did not make the comments attributed to him in para 21: that some solicitors may be working for the paramilitaries, and that that view was more than a suspicion.

- There may have been some confusion in what was, after all, an oral exchange. But the comments attributed to the Chief Constable certainly do not represent his views.

- Under normal circumstances, we would wait until the report had issued to make this type of comment. But we are most concerned that the reference may put at risk the lives of some Northern Ireland solicitors, turning them into targets for paramilitary groups.

- Under these very exceptional circumstances, we ask you, with all deference, if you could consider removing the reference before publication of the report.

- Hope you will understand that this is not an attempt to interfere with the independence of UN mechanisms, of which, as you know, we are the strongest of defenders (we did our utmost to assist your visit to the UK); but a practical suggestion to set right a misunderstanding before it puts in danger solicitors working in Northern Ireland.

ENDS

7. We would be grateful for an early readout of Cumaraswamy's response.

8. We would be grateful if UKMIS Geneva would approach Parra explaining the action we are taking.

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YYYY		
MAIN	21	
HRPD		0
LRD/TREATY		0
LRD		0
CCI		0
WIAU		0
AMRG		20
AFRG		1
CFSPD		1
EUD (E)		0
EUD (I)		0
EUD (P)		0
FEPD		0
OSCE/COED		0
GIRG		1
HKD		0
INFO D1		0
INFO D2		1
LAD		0
LEG ADV		0
MENAD		0
NAPRG		1
NE D		1
PLANNERS		0
PRD		0