

(1994) annual report, he published the results of a further survey purporting to show delays in solicitors attending their clients in the holding centres.

- 5.6 In his third (1995) annual report the Commissioner acknowledged that the debate about his proposal had become academic, but devoted considerable space to defending it. He referred to complaints of abuse and intimidation by lawyers, and also to informal complaints by police officers about "the behaviour of a few solicitors who have been coming regularly to confer with their clients detained at the Holding Centres." He demurred from Hogg's statement about "unduly sympathetic" solicitors, but criticised the Northern Ireland Law Society for not seriously considering the possibility of impropriety and of either putting in place a control mechanism or adopting his scheme. He ignored the fact that the Law Society's complaints system covers solicitors' work in Castlereagh along with all other aspects of their work, although he does report that the Law Society has never received any complaints about solicitors in Castlereagh. He quoted from Lord Mountbatten's report of his *Inquiry into Prison Escapes and Security* (1965), emphasising the passage,

"I am also afraid that, very rarely, solicitors or their clerks have been used to convey information improperly to or from a prisoner."

The Commissioner then went on to resurrect his proposal, posing it as a solution to this problem, even though he acknowledged that the informal complaints made against solicitors by police officers are unsubstantiated. He continued to argue that delays in solicitors getting to Castlereagh justifies his scheme, although he did not produce any more recent statistics to back this up. The overall impression left by this section of the report is that the Commissioner believes that some solicitors who regularly attend Castlereagh are corrupt.

- 5.7 British Irish RIGHTS WATCH has not received any complaints from detainees concerning the amount of time it took their solicitors to attend on them when they were arrested. What we have noticed is that solicitors often attend Castlereagh as often as four times a day when a client is detained, frequently visiting at very unsocial hours to take their instructions and check on their welfare. To the best of our knowledge, the Commissioner is alone in considering that sufficient of a problem exists in relation to delays that detainees would be willing to trade their own choice of counsel for seeing a lawyer more quickly.
- 5.8 In his efforts to prove his case in the teeth of opposition from defence lawyers and the Law Society, the Commissioner has caused RUC officers to monitor closely the comings and goings of solicitors at Castlereagh, with the effect that lawyers have felt that the Commissioner has compromised his own independence by using the RUC as his researchers. Given the abuse that solicitors have suffered at the hands of some RUC officers, this action on the part of the Commissioner was to say the least insensitive.