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UK MISSION CRANCERY

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40. Between 1987 and 1991, access to lawyers was deferred in 58% of all PTA detentions on average. This rate of deferral fell to 26% in 1992, 14% in 1993, 16% in 1994, 0.5% in 1995, and 3% in 1996." According to the Chief Constable of the RUC, in 1997, as of October, only 19 of 322 cases have been deferred.

41. Principle 5 of the Basic Principles on the role of lawyers provides that: "Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon detention or when charged with a criminal offence." Principle 7 provides that "Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention. Principle 8 provides that "All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and to consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials."

42. Read in conjunction, these principles indicate that, at a minimum, an individual has right of access to a lawyer within forty-eight hours of his or her arrest. Deferral of access beyond forty-eight hours is in violation of the Basic Principles. Further, the detainee must be informed immediately of the right of access to counsel upon his or her arrest or detention.

B. The Right to have a solicitor present during police interrogations