

depends on the circumstances of each case, but the facilities must include access to documents and other evidence which the accused requires to prepare his case, as well as the opportunity to engage and communicate with counsel ... Lawyers should be able to counsel and to represent their clients in accordance with their established professional standards and judgement without any restrictions, influences, pressures or undue interference from any quarter." 15/

53. In the view of the Special Rapporteur, in the absence of evidence that solicitors are abusing their professional responsibilities, the closed visits within the SSUs constitute an undue interference with the lawyer/client relationship and create unnecessary impediments for adequate trial preparation. At a minimum, the burden should be upon the prison officials on a case-by-case basis to demonstrate that the closed visits are an exceptional measure necessary to maintain prison security. In the light of what the Chief Inspector of Prisons said to the Special Rapporteur, it is expected that closed visits will be discontinued.

D. Proposal for a Legal Advice Unit: Independent Commissioner for Holding Centres

54. The Independent Commissioner for Holding Centres (ICHC) was appointed in 1992. His role is described as "providing further public reassurance that terrorist suspects detained in any of the then holding centres (Castlereagh, Belfast; Strand Road, Londonderry; and Gough Barracks, Armagh) were fairly treated and that the statutory and administrative safeguards for their treatment were being properly observed and apply". The mandate of the Independent Commissioner does not include investigation of complaints against police. He may receive complaints, yet such complaints must be transmitted to the Chief Constable for investigation.

55. In 1994, the Independent Commissioner for the Holding Centres proposed the establishment of a legal advice unit at Holding Centres, which would modify the present legal aid system in Northern Ireland by granting legal aid only to those detainees arrested under the emergency legislation who choose a government-appointed solicitor from a unit of lawyers associated with the holding centres. The Law Society of Northern Ireland would manage and operate the legal advice unit and it would be funded by the Government. 16/ This proposal came under severe criticism on the grounds, *inter alia*, that it violated the principle that a defendant has the right to counsel of his or her choice. During his discussions with the Independent Commissioner, the Special Rapporteur learned that the Independent Commissioner has withdrawn this proposal.

IV. VIDEO AND AUDIO-RECORDING OF POLICE INTERVIEWS

56. The pervasive allegations of harassment and intimidation of lawyers and of the accused himself during police interrogations in the Holding Centres in Northern Ireland has led many commentators to call for the installation of video or audio/video recording of interrogations. Interrogations are currently relayed on a silent television monitor which is monitored by a police officer. However, there has been no instance in which a disciplinary or criminal charge has been brought against any police officer as a result of