

## Equal Protection under the Law

### **"All are equal before the law and are entitled without any discrimination to equal protection of the law." Article 7, Universal Declaration of Human Rights**

We, the undersigned members of the legal profession in Northern Ireland, wish to express our grave concern at the failure of the rule of law and the relative immunity from prosecution of members of the security forces who have violated basic human rights and contravened national and international laws.

It is a fundamental tenet of the rule of law that all are subject equally to the law and that no-one is above the law. Yet in our professional experience we have witnessed numerous incidents where this basic principle has been abandoned.

We are concerned that this has led to a crisis of confidence in the administration of justice. We believe that it is of the utmost importance that immediate action be taken to address the following issues:

The State has a duty to uphold the right to life, the most fundamental of all rights. Since the conflict began those acting on behalf of the State have illegally denied that right to life in numerous circumstances. The failure of the State to uphold the right to life has led to a widespread belief that the security forces enjoy immunity from prosecution.

The relative immunity of members of the security forces from prosecution is perhaps best exemplified by the fact that only four security force members have been successfully prosecuted for murder while on duty - two of whom were released after serving only three years of their life sentences. No member of the RUC has been convicted of the use of lethal force while on duty. The subsequent response of the RUC, the Director of Public Prosecutions and the courts to such incidents has substantially eroded confidence in the legal system. The present inquest system has been proved totally inadequate in relation to disputed killings. In addition, hundreds of thousands of pounds of taxpayers' money has been paid out in compensation for deaths and injuries caused by plastic bullet injuries but no-one has been held accountable. This has contributed to situations as witnessed in 1996 and 1997 where thousands of plastic bullets were used recklessly, overwhelmingly against one section of our community.

- We remain particularly concerned at the circumstances of the murder of our esteemed professional colleague, Pat Finucane. It is simply unacceptable, that faced with compelling evidence of state involvement in the killing of a defence lawyer, no action has been taken. Serious allegations of collusion between members of illegal loyalist organisations and members of the security forces have yet to be properly investigated. Similarly no action has been taken about the continuing intimidation and abuse of solicitors by police officers via their clients in detention centres. We are all too aware of this continuing problem, which is one we face in our daily lives. A working party of the Law Society of England and Wales has reported that "there have been persistent reports that RUC CID officers interrogating detainees in the holding centres routinely disparage and make threats against particular solicitors." Such is the international concern at this issue that the UN Special Rapporteur on the Independence of Judges and Lawyers visited Northern Ireland to investigate these matters in October.