

REQUEST TO THE UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION FOR URGENT INTERVENTION IN THE CASE OF COLIN DUFFY

This request is made on behalf of Colin Duffy by British Irish RIGHTS WATCH, a non-governmental organisation and registered charity that monitors the human rights dimension of the conflict in Northern Ireland. British Irish RIGHTS WATCH takes no position on the eventual political resolution of the conflict and its services are available to anyone whose human rights have been violated as a consequence of the conflict, regardless of his or her political, religious or community affiliations.

Below, we summarise the grounds for our submission. We have not named witnesses in order to protect their confidentiality, but we attach for the confidential information of the Working Group copies of all the witness statements in our possession, together with a summary of their contents. We also attach, again in confidence, a detailed statement concerning Colin Duffy's arrest and interrogation, furnished by his solicitor, Rosemary Nelson.

Colin Duffy was arrested on 23rd June 1997. At first no specific allegations were put to him by the RUC (Royal Ulster Constabulary - the Northern Ireland police force), but late that evening he was questioned about the murder of two RUC officers, Constable Graham and reserve Constable Johnston, in Lurgan on 16th June 1997. The IRA claimed responsibility for the murders, which were carried out in broad daylight in the centre of the town. Two masked men shot the two victims at close quarters in the presence of eyewitnesses. These shootings were of particular significance in the tragic catalogue of killings that have happened over the past 27 years of conflict in Northern Ireland because they sent a strong signal that the IRA is not yet ready to declare a ceasefire. Many members of the public on all sides of the community in Northern Ireland were shocked and dismayed by the murders, which were condemned by politicians both locally and internationally. There was considerable pressure on the RUC to arrest someone for these murders swiftly.

Colin Duffy denies any involvement in these murders.

Colin Duffy was acquitted last year of the murder of an ex-soldier, after an appeal that attracted considerable publicity (a detailed account of the background to this case is attached). Prior to his arrest on that charge, he was an eyewitness to the murder of Samuel Marshall, who died in circumstances that are suggestive of official collusion (please see aforementioned account for further details). He is consequently well known in the town of Lurgan. When it became known that he had been charged with the murder of the two RUC officers, many witnesses came forward. One eyewitness who saw the perpetrators leaving the scene of the crime, who is casually acquainted with Colin Duffy, says that the masked men did not resemble Colin Duffy in height or build. Colin Duffy is slim and 6' tall, whereas the two perpetrators were both shorter and chubby. Several other witnesses, many of whom know Colin Duffy well enough to recognise but could not be