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July 27, 1998

The Right Honorable Dr. Marjorie Mowlan
Secretary of State for Northern Ireland
Stormont Castle
Belfast, Northern Ireland BT4 3ST

Dear Dr. Mowlan,

On behalf of the American Bar Association (ABA), I write to express our longstanding commitment to the rule of law and to convey our serious concerns regarding occurrences in Northern Ireland. We are particularly concerned with police conduct toward lawyers defending parties charged with terrorism-related offenses and widespread denial of basic rights-of-the-accused for defendants in such cases. These human rights violations have been persuasively and comprehensively described in the Report of April 1, 1998 by Data Param Cumaraswamy, the United Nations Rapporteur on the Independence of Judges and Lawyers, a copy of which is enclosed.

Representing more than 392,000 members, the American Bar Association has a long standing commitment toward the preservation of the rule of law throughout the world. Pursuant to this commitment, we seek to encourage a justice system which actively preserves the independence of judges, lawyers and human rights advocates in order to uphold internationally recognized standards of fairness and justice. We appreciate the United Kingdom's commitment to that goal.

The American Bar Association is concerned about the U.N. Special Rapporteur's conclusions that officers of the Royal Ulster Constabulary have engaged in systematic abuse of defense lawyers in Northern Ireland, including allegations of official involvement in the murder of Belfast solicitor Patrick Finucane. In addition, the Special Rapporteur's Report reveals a widespread and continuous denial of core rights, including the right to counsel during interrogation, the right to remain silent, the right to be free from use of confessions that were secured by psychological pressure, deprivation, or other nonviolent forms of coercion, and the right to trial by jury.

The American Bar Association believes that such harassment of lawyers and denial of basic rights of the accused, if true, clearly would violate international human rights norms. These norms include Articles 19 and 22 of the International

Convention on Civil and Political Rights ("ICCPR") (protecting freedom of expression and association) and Article 14 (preserving, among other rights, the rights of the accused to communicate with counsel of his own choosing, to be fairly tried without undue delay, and to be free from self incrimination). The ABA supports the ICCPR and passed a resolution in 1979 urging the United States to ratify the ICCPR, which it did in 1992. Because the United Kingdom is a party state to the ICCPR, the government is surely poised to take steps to end the patterns of harassment of lawyers and policies denying rights of the accused, and to insure compliance with international obligations under the ICCPR.

The American Bar Association is aware that the recently approved Peace Accord, which won enormous approval of opposing interest, has identified preservation of basic human rights as an essential ingredient of any lasting peace. The peace process obviously is at a critical juncture.

We urge the government of the United Kingdom to give serious consideration to the specific recommendations and solutions proposed by the U.N. Special Rapporteur to address the ongoing deprivations of human rights in Northern Ireland. Indeed, the Irish government has expressed the view that the Special Rapporteur's Report "will be of considerable assistance in addressing the need to build confidence in the administration of justice on the part of both traditions in Northern Ireland." In particular, immediate action is highly desirable to address the intimidation and harassment of defense lawyers, including conducting independent investigations of all threats to legal counsel in Northern Ireland; providing the necessary protection when threats of physical violence are made against lawyers; and education of police on the importance of defense lawyers to the administration of justice. Moreover, with regard to the rights of the accused, we endorse the Special Rapporteur's recommendations for legislation to restore to the accused the right to have a solicitor present during all police interviews; to restore the rights to remain silent under police questioning and to refrain from testifying in self-defense without adverse inferences being drawn from such silence; to restore the right to trial by jury; and to provide human rights training for members of the judiciary and the police.

The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it, a concern that we know is shared by the legal profession in the United Kingdom. We recognize that preservation of the security of the state and public order are responsibilities of any government. Nevertheless, we suggest that these concerns can be addressed without causing or permitting harassment of defense lawyers in Northern Ireland. Similarly, the government's concern for security should not justify abrogation of fundamental rights of fair criminal procedure.

We therefore, respectfully urge the government of the United Kingdom to take all steps necessary to ensure that lawyers are not intimidated because of the

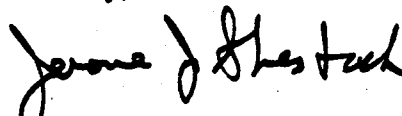
clients or causes that they champion, and that the rights of the accused, as basic human rights, be preserved.

In view of the 50th Anniversary of the Universal Declaration of Human Rights, it is especially appropriate for all nations to implement the fundamental human rights to which it has subscribed as a member of the United Nations. The United Kingdom's heritage of encouraging the rule of law makes the concern of the U.N. Rapporteur especially compelling.

We look forward to your reply so that we can address our hundreds of thousands of members in this country and worldwide of your government's response to our serious concerns.

With expression of esteem.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerome J. Shestack". The signature is written in a cursive style with a large initial "J".

Jerome J. Shestack

cc: The Honorable Madeleine Albright, Secretary of State, United States
Department of State
The Honorable Bertie Ahern, Taoiseach
The Honorable John Shattuck, Assistant Secretary for Democracy, Human
Rights and Labor, United States Department of State
The Honorable Philip Lader, United States Ambassador to the United
Kingdom
The Honorable Jean Kennedy Smith, United States Ambassador to Ireland
The Honorable Christopher Mayer, Ambassador of the United Kingdom to the
United States
The Honorable Sean O'Huiginn, Ambassador of Ireland to the United States