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

Dear Dr. Mowlan:

I write to convey our serious concerns regarding alleged violations of human rights occurring in Northern Ireland. We are particularly concerned about the investigation into the murder of human rights lawyer, Rosemary Nelson.

On behalf of our more than 400,000 members, the American Bar Association has a long-standing commitment to 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 reports from human rights organizations and the UN Special Rapporteur on the Independence of Judges and Lawyers, Dató Param Cunaraswamy, that officers of the Royal Ulster Constabulary (RUC) have engaged in systematic abuse of defense lawyers in Northern Ireland. Indeed, in testimony before the US House of Representatives International Relations Committee in September 1998, Mrs. Nelson alleged that RUC officers made threats against her personal safety, including death threats. In addition, the Special Rapporteur's Report reflects a widespread and continuous denial of core rights, including the right of access 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.

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The American Bar Association believes that such alleged harassment of lawyers and alleged 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 or her 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, to remove policies denying rights of the accused, and to ensure compliance with international obligations under the ICCPR.

The American Bar Association is aware that the April, 1998 Peace Accord (the Good Friday Agreement), which won approval of opposing interests, has identified preservation of basic human rights as an essential ingredient of any lasting peace. The allegations surrounding the Rosemary Nelson case could, if not dealt with fairly, jeopardize the peace-building process in Northern Ireland.

We respectfully 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. These include the recommendation that an independent judicial inquiry should be established to investigate allegations of official collusion in the murder of human rights lawyer Patrick Finucane ten years ago.

The ABA fully appreciates and welcomes the announcement of Minister Paul Murphy "that no stone will be left unturned in investigating Rosemary Nelson's murder." In light of the tension between Mrs. Nelson and the RUC, and her charges of RUC harassment and threats, the investigation into her murder should be performed by an authority independent of the Royal Ulster Constabulary in order for it to have credibility within the national and international legal and human rights communities. It is our understanding that, although the investigation is currently being led by a senior English policeman, there continues to be day-to-day RUC involvement in the investigation.

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 the responsibilities of all governments. Nevertheless, we suggest that these concerns must 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.

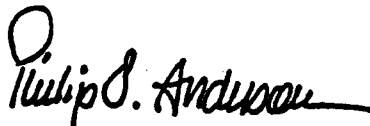
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We, therefore, respectfully urge the government of the United Kingdom to take all steps necessary to ensure that lawyers are not intimidated because of the clients or causes that they champion, and that the rights of the accused, as basic human rights, 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 inform our hundreds of thousands of members in this country and worldwide of your government's response to our serious concerns.

Respectfully yours,



Philip S. Anderson

cc: The Honorable Madeleine Albright, Secretary of State, United States Department of State
The Honorable Bertie Ahern, Taoiseach
The Honorable Harold Koh, 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 Michael J. Sullivan, 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