

proper medical attention to a detainee who had taken an overdose of paracetamol; death in custody from postural asphyxiation; death within an hour of arrest; death of A detainee who had spent nearly 24 hours in a body belt; death from asphyxiation and death from asphyxia following restraint. A case in which the victim was reportedly run over and killed by an armoured personnel carrier operated by the British army during a riot in Londonderry was also referred to the government.

In addition to responding to the specific cases referred to it by the SR, the government replied in detail to general allegations that had been transmitted in 1996. The government stated that deaths in police custody had decreased, but acknowledged that deaths in the custody of the Prison Service had increased. The government informed the SR that, in 1994, the Prison Service had launched a strategy on caring for the suicidal in custody. It denied that many of the deaths in custody could have been prevented by proper medical attention, and that violence at the time of arrest is a contributory factor to deaths in custody. In response to the allegation that there exists a link between ethnic origin and the occurrence of death in custody, the Government informed the SR that the police would start recording the ethnic origin of those who die in police custody as of 1996. In respect to persons who die in Prison Service custody, the Government advanced figures indicating that the deaths of Black and Asian prisoners are proportionate to the numbers of Black and Asian prisoners within the prison system.

The government response to the question of the practice and procedure of inquests in Northern Ireland pointed out that differences with England and Wales are procedural. The government maintained that the procedural differences do not fundamentally affect the function of an inquest, which is to establish the facts surrounding a death and not to express opinions on criminal and civil liability. The government informed the SR that, as of October 1996, there were no plans to change the current system.

The SR welcomed the decision that the police will record the ethnic origin of those who die in police custody in the future. In terms of the question of the way in which inquests function, continuing concern was expressed, noting that, contrary to the government's statement, the power of juries in England and Wales to return a verdict of "unlawful killing" seemed to assume the function of determining criminal or civil liability. The SR also stated that there was no apparent reason for maintaining differing procedures in Northern Ireland, on the one hand, and in England and Wales, on the other.

**Independence of judges and lawyers, Special Rapporteur on:** (E/CN.4/1997/32, paras. 170–179)

In his 1996 report the Special Rapporteur (SR) had expressed concern over comments by ministers and/or highly placed government personalities on decisions of the courts made on judicial review of administrative decisions of the Home Secretary (E/CN.4/1996/37, para. 226). The 1997 report summarizes points raised during an extended debate in the House of Lords in June 1996 on the relationship between the judiciary, the legislature and the executive. The key focus of the debate was the role of judges in the development of the law, their independence and the extent to which judges should participate in public discussion of developments in the law. The report notes that the SR had not received any specific

allegations that the independence of any particular judge was threatened and his concern related more to the threat to the institutional independence of the judiciary. The SR concluded, on the basis of the debate, that any legislative attempt to restrict judicial review will be strongly resisted, at least in the House of Lords.

The report recalls that the SR's 1996 report also referred to information he had received with regard to difficulties encountered by "high risk" prisoners in obtaining access to legal advice/representation. The 1997 report provides additional information on this issue alleging that there were attempts to restrict lawyers' access to their clients in Northern Ireland police stations and English prisons, the judiciary and government-appointed functionaries had failed to uphold lawyers' rights, and proposals had been made which that would allow clandestine surveillance of lawyers' offices. The Independent Commissioner for the Holding Centre for Northern Ireland replied to the SR's concerns indicating that he might favour an independent investigation into the nature and extent of any intimidation of defence lawyers. The Chairman of the General Council of the Bar of Northern Ireland also responded to the information sent by the SR. In light of the information received from non-governmental sources and the responses from the authorities, the SR noted that consideration is being given to seeking from the government an invitation to visit Northern Ireland for an *in situ* investigation into the allegations he has received.

**Mercenaries, Special Rapporteur on the use of:** (E/CN.4/1997/24, para. 15)

The Special Rapporteur had requested from the U.K. government details on Executive Outcomes (EO), a British and South African registered security company, and its activities in Sierra Leone. The government's reply covers EO's affiliation with a number of companies (mining, airlines) operating in Sierra Leone and claims that there is no evidence that EO's employees are engaged in activities intended to terrorize the civilian population. The U.K.'s response also notes that the government of Sierra Leone had contracted EO to provide the army with assistance and training and, further, that details of contracts between Sierra Leone's government and foreign companies are a matter between them. The response referred to the fact that, in the U.K., the recruitment of mercenaries is only illegal in certain very limited cases, namely, when British citizens would serve in the forces of another state at war with a foreign state which is at peace with the U.K. On the question of the U.K. capacity to adopt legislation to give effect to the UN Convention on Mercenaries, the government noted that it had been considered but, from a legal point of view, would be very difficult to implement.

**Racial Discrimination, Special Rapporteur on:** (E/CN.4/1997/71, para. 36)

The report of the Special Rapporteur (SR) on racial discrimination notes that the Draft Race Relations (Northern Ireland) Order 1996 was submitted to the Parliament for consideration. If adopted, the bill will: introduce specific legislation on race relations in Northern Ireland; prohibit racial discrimination in employment, housing and the supply of goods and services; protect "travellers"; and establish a commission on racial equality for Northern Ireland.