

be monitored during the entire interrogation by a uniformed officer, the presence of a doctor who is available upon the request of the detainee, and the appointment of the Independent Commissioner. The RUC also stated that there is an agenda driven by paramilitary organizations to ensure that detainees remain silent, with solicitors possibly conveying this message to detainees, and part of the political agenda is to portray the RUC as belonging to the unionist tradition, with allegations concerning police intimidation and harassment of solicitors reflecting this political agenda. In response, the report emphasizes that no evidence was presented to the SR to support allegations that lawyers were acting on behalf of paramilitaries or involved in any complicity with a crime. The SR expressed concern that the RUC had in fact identified lawyers, who represented those accused of terrorist related offences, with their clients or their clients' causes, and that the RUC had interfered in the attorney/client relationship by questioning, during the course of interrogations, the integrity and professionalism of lawyers.

The role of the Independent Commission for Police Complaints (ICPC) is considered, with the report noting that: the ICPC has come under severe criticism because of its limited powers; the ICPC cannot initiate investigations but only supervise those referred to it by the Secretary of State, the Police Authority, or the Chief Constable; this supervisory authority is limited insofar as a member of the Commission may only make suggestions to the assigned RUC officer about how an investigation should proceed, but cannot take direct action; if the investigation is considered inadequate, the ICPC can only withhold a statement of satisfaction; of the 16,375 complaints received by the ICPC through 1994, not one resulted in any disciplinary sanction against any RUC officer; the ICPC 1996 report indicated that during 1996 the Chief Constable notified the Commission of 2,540 new cases of complaint and that in only 10 cases — involving 39 charges and 10 officers — were disciplinary charges made; and in only one case was an RUC officer found guilty of abuse of authority.

The report notes that in response to criticisms of the manner in which police complaints were handled, the government authorized an independent review of the system in Northern Ireland. The review recommended that: the position of Police Ombudsman be established, responsible to Parliament, with the duty to investigate complaints and to report the findings; the post should be filled by a judge or a person of the quality and experience of a senior judicial figure; the Ombudsman would recruit a staff which would include investigators, lawyers, and people with police experience and others; the Ombudsman would investigate complaints against police even where the action complained about amounted to criminal behaviour; and all complaints about the police and not just those on conduct, should be made through the Ombudsman in the first place. The government responded favourably to the recommendation that the post be created and, at the time of the SR's visit, the draft Police (Northern Ireland) Bill was pending submission to Parliament. If adopted, the report notes, the Police

Ombudsman would replace the Independent Commission for Police Complaints.

In the section dealing with access to counsel, the report notes that section 14 of the PTA, provides that a person who has been arrested may be detained for up to 48 hours with the possibility of extending this initial detention period for up to five days upon authorization by the Secretary of State. Further, section 47 of the EPA, provides that a detainee has the right to see a lawyer, but access can be deferred for up to 48 hours if a senior police officer reasonably believes that such access will interfere with the investigation, alert other suspects, or hinder the prevention of an act of terrorism. This initial deferral of access can be renewed for further periods of up to 48 hours, although renewal of the deferral is rare. With regard to the right to have a lawyer present during police interrogations, the report notes that, in practice, solicitors have not been permitted by the RUC to be present at any stage during interrogations. Following on this, the report cites the case of *In re Charles Begley's Application* in which the High Court ruled that those detained under emergency laws have no right to have a solicitor present during interrogations and that no exceptional circumstances existed which warranted the exercise of discretion on the part of the RUC to allow the solicitor to be present. On appeal, the House of Lords held that a person arrested in Northern Ireland under section 14 of the PTA had no right to be accompanied and advised by his solicitor during interviews with the police. In its decision, the House of Lords pointed out that a suspect detained under the terrorism provisions was merely entitled to consult privately with a solicitor under section 47 of the EPA. Further, the Code of Practice, issued under section 61 of the 1991 Act, was to the same effect. Nowhere was there reference to any right for a person arrested under terrorism provisions to have a solicitor present during interview.

On the issue of closed visits, the report addresses a number of points, including that: in England and Wales, but not Northern Ireland, the Home Office instituted a policy under which certain prisoners are designated as exceptional high risks of escape and are allowed legal visits in prisons only where the prisoners are separated from lawyers by a transparent screen; in these cases, lawyers are searched several times as they enter and exit SSUs (Special Secure Units); prisoners are strip-searched before and after visits, despite the fact that they had no contact with their lawyers or anyone apart from the prison staff; documents are exchanged between the solicitor and client by means of an x-ray screening machine to ensure that no unauthorized materials are passed between the two; a prison guard remains just outside the sound proof room to monitor the visit (by sight not sound); trial preparation is extremely difficult under these conditions because of problems related to the examination of documents by lawyers and clients jointly and confidentially; it is very difficult for lawyers to establish the relationship of trust and rapport with their clients that is necessary for them to prepare for the defence adequately; and although lawyers may request