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U.S. Department of State

United Kingdom Country Report on Human Rights Practices for 1998

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UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland (UK) is a longstanding constitutional monarchy with a democratic, parliamentary government. A lower legislative chamber (the House of Commons), the center of parliamentary power, is elected in periodic multiparty elections. An upper chamber (the House of Lords), with power to revise and delay implementation of laws, is made up of hereditary and life peers and senior clergy of the established Church of England. There is an independent judiciary, but Parliament may overrule its decisions through legislation.

Throughout the United Kingdom, police forces are responsive to, and under the effective control of, civilian officials. Since 1996 the intelligence agency MI-5 has had the authority to act in support of law enforcement agencies in the prevention and detection of serious domestic crime. In some areas of Northern Ireland, because of the continuing threat of terrorist and other violence, army units operated to reinforce the Northern Ireland police force, the Royal Ulster Constabulary (RUC). Although the security forces generally respected human rights and the rule of law, members of the police force committed some human rights abuses.

A highly developed, diversified, market-based economy provides most residents with a high standard of living. Certain geographic areas, particularly older industrial areas including Northern Ireland, suffer from higher than average unemployment rates. In addition, unemployment tends to be higher among some demographic groups, such as youth and racial minorities. The Government provides comprehensive social welfare services, including a national health system, housing and family benefits, and heavily subsidized higher education.

The Government generally respected the human rights of its citizens, but there were problems in some areas. Police occasionally abused detainees. Prison overcrowding remains a problem, and the number of prisoner suicides rose to 83 in 1998. The Government continued to take steps to combat violence against women. Societal discrimination against women, nonwhite minorities, and the Traveller community are problems.

In November the Government passed the Human Rights Act of 1998, which incorporates articles of the European Convention on Human Rights (ECHR) into British law. It requires all public bodies to act in a manner compatible with the ECHR and allows citizens to take cases involving of ECHR provisions to British courts for resolution.

On April 10, Good Friday, representatives of the major political parties of Northern Ireland agreed to new political and constitutional arrangements for Northern Ireland. The Good Friday Agreement, the culmination of almost 2 years of negotiations, was approved in a May 22 referendum by 71 percent of the voters in Northern Ireland. Constitutionally, the agreement provides that Northern Ireland is to remain a part of the United Kingdom unless a majority of its people decide otherwise. The agreement set up the framework for a devolved Northern Ireland assembly, elections for which were held on June 22. It also provided for north-south and British-Irish councils to enhance cross-border consultation and cooperation. The Good Friday Agreement was given legislative form by Parliament in the Northern Ireland Act of 1998.

The Good Friday Agreement/Northern Ireland Act contains a number of specific human rights provisions. The Standing Advisory Commission on Rights (SACHR) was replaced by the Northern Ireland Human Rights Commission. The Northern Ireland Fair Employment Commission, Equal Opportunities Commission, Commission for Racial Equality, and Disability Council will all become constituent bodies of the Equality Commission for Northern Ireland when the Northern Ireland Act is implemented formally in the spring of 1999. An independent Police Commission envisaged by the agreement was established in June and is scheduled to present a report in mid-1999 on the future of policing in Northern Ireland.

Some paramilitary dissident groups in Northern Ireland engaged in acts of violence aimed at disrupting the peace process. Paramilitary groups in Northern Ireland were believed to be responsible for 55 deaths, 210 shootings, and 126 bombings during the year. Both republican and loyalist paramilitary groups continued to engage in "punishment" attacks. Churches and religious organizations in Northern Ireland were the object of 25 sectarian attacks through July.

A May 29 Parades Commission decision to reroute a July 5 Orange Order parade away from the Garvaghy road in a nationalist area of Portadown led to serious and widespread public disturbances throughout Northern Ireland. The ensuing standoff led to rioting and was linked to the deaths of three young boys in a sectarian bombing attack on a suburban house near Ballymoney.

In support of the Good Friday Agreement, the Government in September began to release prisoners affiliated with paramilitary organizations whose political representatives were party to the peace process and that maintain a complete and unequivocal cease-fire. About 230 paramilitary prisoners, from both republican and loyalist organizations, were paroled by year's end, with parole for some 200 more to follow by May 2000.

Several British Army units in Northern Ireland have been withdrawn, leaving the Army's presence at its lowest level since the 1970s, around 15,000 troops.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by the Government.

In January police shot and killed James Ashley of East Sussex during a raid on his apartment. Ashley was thought to be responsible for drug trafficking and a stabbing in Hastings. In May the independent Police Complaints Authority ruled that there was no evidence linking Ashley to the stabbing. Eight members of the Sussex police subsequently were suspended on full pay.

The Prison Service reported 133 deaths in custody during the year, of which 83 were self-inflicted, 45 were due to natural causes, 4 were considered homicide, and one remained under investigation. The Prison Service has implemented policy changes in an attempt to curb the rise in prisoner suicides. Changes include evaluating prisoners upon entry and, depending upon the level of risk, providing counseling or placing prisoners in easily monitored cells. The nongovernmental organization (NGO) Prison Reform Trust endorsed the measures taken by the prison service.

A June Crown Prosecution Service (CPS) review of the case of Nigerian asylum seeker Shiji Lapite, who died in December 1994 after a struggle with police in north London, resulted in a determination insufficient evidence existed to prosecute any officer for Lapite's death. A 1996 inquest into the case had determined the killing to be unlawful. Earlier in the year, three officers were charged with manslaughter for causing the death by asphyxiation of Irishman Richard O'Brien in 1994. The officers were awaiting trials, which were scheduled for June 1999.

On September 2, the Government released Scots guardsmen Mark Wright and Jim Fisher, who were convicted of the September 1992 killing of Peter McBride, a young Catholic man from Belfast. McBride had been stopped by a military patrol and was shot as he ran from the patrol. The soldiers claimed that they believed that the bag McBride carried contained explosives.

The Police Complaints Authority completed a report on the death of Dairmud O'Neill that has not yet been published. O'Neill was killed in 1996 when police raided his London apartment during a counterterrorism operation. Human rights groups charge that O'Neill, who subsequently was found to be unarmed, was denied needed immediate medical treatment by police. In 1997 the CPS agreed to review the case of Derek Treadaway, whom police officers suffocated to unconsciousness with plastic bags in 1992. In February it found that there was insufficient evidence to prosecute. The case of Ibrahima Sey, who died at the Illford police station in 1996 after being sprayed by tear gas, was rereferred following an inquest's finding of unlawful killing. On review, the court decided not to prosecute. In 1998 a court ruled that there would be no new inquest into the death of Brian Douglas. Douglas, an Afro-Caribbean man, suffered a fractured skull after a confrontation with two baton-equipped police officers. In March 1997 his family had won the right to challenge an inquest jury's decision that his 1995 death was due to misadventure.

In April the CPS decided that no prosecution would occur as a result of Dermot McShane's death. McShane was killed during the 1996 disturbances in Londonderry when he was run over by an armored personnel carrier. No information was available on the status of the case of Jim McDonnell, who died in 1996 in Northern Ireland's Magherry prison (fellow prisoners charged that he was beaten by prison staff) or the retrial of the police officer charged with the 1996 killing of David Ewen.

In January the Government established a new judicial inquiry into the events of January 30, 1972--"Bloody Sunday"--when 14 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces was held accountable. The decision was made as a result of new ballistic evidence and eyewitness accounts. The inquiry began its preliminary hearings. A full inquiry is scheduled to begin in the spring of 1999 with a report to follow at some point in 2000.

Despite declarations of cease-fires by the main paramilitary groups, killings by both republican and loyalist groups in Northern Ireland continued, although the number of incidents diminished. Republican paramilitary groups include the Provisional Irish republican Army (PIRA), the "Real" IRA, the Continuity IRA (CIRA), and the Irish National Liberation Army (INLA). Loyalist paramilitary groups include the Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF), the Ulster Volunteer Force (UVF), and the Loyalist Volunteer Force (LVF).

The December 27, 1997, murder of LVF leader Billy Wright in the high-security Maze prison sparked a series of violent incidents during the early part of the year. In October INLA members Christopher McWilliams, John Kennaway, and John Glennon, all serving sentences in the Maze prison, were given life sentences for Wright's murder. On January 10, Catholic Terry Enright was killed in a drive-by shooting as he worked as a doorman at a central Belfast nightclub. On January 18, Catholic Fergal McCusker was shot in the head in County Londonderry. The LVF was blamed for both attacks. On January 19, the INLA killed Protestant Jim Guiney at his shop at Kingsway in Dunmurry. The same day, Catholic taxi driver Larry Brennan was killed while sitting in his car in Belfast. On January 21, Catholic Benedict Hughes was killed in the Sandy Row area of Belfast. The UFF claimed responsibility for both the Hughes and Brennan killings. The LVF was responsible for the January 23 killing of Catholic gas worker Liam Conway and the January 24 killing of Catholic taxi driver John McColgan.

On February 9, Direct Action Against Drugs (DAAD), an alleged Provisional IRA cover organization, was blamed for the death of Brendan Campbell, a Belfast drug dealer. On February 10, Protestant Robert Dougan, a loyalist with links to the UFF, was killed as he waited to pick up a friend in Dunmurry. On February 18, the body of Catholic Kevin Conway was found; he had been killed with his hands bound in a County Antrim farmhouse. The RUC suspected that a republican group carried out the killing.

On March 3, two gunmen killed Protestant Philip Allen and Catholic Damien Trainor in a bar in Poyntzpass, County Armagh. The LVF was blamed for the attack on the two friends. On March 15, David Keys, one of four men charged with the attack on Trainor and Phillips, was killed in the LVF Section of the Maze prison. Keys was found hanged in what police initially thought was a suicide. Later, the RUC determined that he was killed because he was about to cooperate with the RUC investigation into the Allen-Trainor murders. Two LVF prisoners were charged with his murder. On March 27, Cyril Stewart, a former RUC officer, was murdered outside a supermarket in County Armagh by the INLA. On April 24, Catholic Adrian Lamph was killed in Portadown, County Armagh. Catholic Ciaran Heffron was killed on April 26 in Crumlin, County Antrim. Both killings were blamed on the LVF. On June 22, a British soldier, Corporal Gary Fenton, was killed after being hit by a truck at an army checkpoint in South Armagh.

On July 11, Jason, Mark, and Richard Quinn, three brothers all under the age of 10 died after their house in Ballymoney, County Antrim, was the target of an arson attack. RUC investigators arrested a man with loyalist ties in connection with the murders. On July 19, Catholic Andy Kearney was dragged out of his home in north Belfast and shot in both legs; he subsequently bled to death. The RUC considered the killing a revenge attack directed and carried out by a Belfast PIRA figure.

In October RUC Constable Frank O'Reilly died from head injuries received the previous month when a blast bomb was thrown at police during loyalist rioting in Portadown. O'Reilly and other police officers came under attack during protests against the authorities' refusal to allow Orangemen to walk along Garvaghy Road.

In December the court of appeal overturned the conviction of Danny McNamee after hearing new evidence in the case of the IRA Hyde Park bombing in which four soldiers died in 1982. McNamee was freed in November under the Good Friday Agreement after having served 11 years of a 25-year sentence. McNamee's conviction was based in part on limited fingerprint evidence, which according to his counsel was the result of his work at an electronics factory. Prosecuting authorities withheld fingerprint evidence of the involvement of another person, a convicted IRA bomb-maker. While ruling that this withholding of evidence made his conviction unsound, the judges said there was still strong evidence he had been involved in the bombing.

On October 31, two gunmen in north Belfast killed Brian Service, a 35-year-old Catholic. The "Red Hand Defenders," a little-known renegade loyalist group, claimed responsibility.

The Real IRA, a splinter republican group, took responsibility for the August 15 car bombing in Omagh, County Tyrone, which killed 29 persons, including children, and injured several hundred more. The bombing was condemned by every political party in Northern Ireland, including Sinn Fein, and caused widespread revulsion throughout the community. Police indicated that the attackers deliberately planted the car bomb in an area where there would be a large number of people. After Omagh the Government, in close coordination with the Republic of Ireland (see Sections 1.d. and 1.e.), passed the Criminal Justice (Terrorism and Conspiracy) Act.

The 1989 killing of Patrick Finucane, counsel to many IRA suspects, remained a disputed case. In a civil suit, Finucane's widow alleged government negligence in his wrongful death, and the unresolved status of the case has been interpreted by a number of human rights organizations as evidence of collusion between government officials and loyalist paramilitary groups. In April in a report to the United Nations Human Rights Commission that resulted from an October 1997 visit to Northern Ireland, the United Nations (U.N.) Special Rapporteur on the Independence of Judges and Lawyers called on the Government to reopen the Finucane case under the Commissions of Inquiry Act. The U.N. report stated that precedent for a reexamination was established by the reopening of the Bloody Sunday case. The Government ruled out such an inquiry, stating that there was no justification to reopen the case in the absence of new evidence.

Coroners do not have the power to compel those suspected of involvement in extrajudicial killing to testify at inquests, and the relatives of the deceased receive no advance disclosure of evidence. In Northern Ireland, coroners are permitted to inquire only into "how"--that is "by what means"--the deceased died, rather than into the broad circumstances of death. Human rights groups argue that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

Former Chilean President Augusto Pinochet was arrested in London in October under a warrant issued by a Spanish judge that sought his extradition to Spain to stand trial for the torture and murder of over 3,000 people during his time in office. The High Court's ruling that Pinochet had sovereign immunity from arrest was overturned by the Law Lords in November in a 3 to 2 verdict, in which they concluded that there should be no immunity for crimes against humanity. Extradition proceedings began in December. However, the Law Lords set aside their decision in De