



PRESS RELEASE

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NEW LEGISLATION SEEKS TO PUT GOVERNMENT IN CONTROL OF INQUIRIES INTO STATE MISCONDUCT

A new piece of draft legislation being debated in the House of Lords seeks to introduce unprecedented governmental control over public inquiries into state misconduct. The Inquiries Bill, which was introduced into the Lords on November 25th, puts an end to the establishment of public inquiries into matters of urgent public importance by a resolution of both Houses of Parliament, replacing them with inquiries set up and controlled by government Ministers.

"This Bill would bring an end to independent, public inquiries and allow the government to prevent independent scrutiny of a range of events where there are serious allegations of state misconduct," commented Jane Winter, the Director of British Irish Rights Watch (BIRW). "Individuals who have survived major disasters and the families of those killed with the active involvement of state agents, or through the negligence of state institutions, will find it much harder to establish the truth about what happened and hold those responsible to account," she added.

In a briefing sent to the members of the House of Lords, BIRW identified numerous provisions of the Bill that raise considerable cause for concern, including:

- A Minister will set the terms of reference for an inquiry and an inquiry may only act within those terms of reference. The Chair of an inquiry will have no power to seek any alteration to the terms of reference, should s/he consider them insufficient for the proper investigation of the matter in question;
- A Minister who establishes an inquiry can issue a "restriction notice" at any time before or during the inquiry, taking into consideration matters such as national security. These notices can prevent the disclosure of any evidence or documents produced to or by the inquiry from being made public, and can also prevent the inquiry from sitting in public for particular sessions, or in its entirety. Unless revoked by the Minister, such notices will last indefinitely, and information kept by the Minister from the inquiry will only be released after thirty years.
- The Minister can also withhold from publication anything in the inquiry's final report if s/he considers it in the public interest to do so. The "public interest" is defined broadly to include concerns about national security, international relations and economic interests.

Should the Bill be enacted as law, its effect on inquiries such as the long-overdue inquiry into the murder of solicitor Patrick Finucane in Northern Ireland, or any future inquiry into the allegations of bullying and mistreatment at Deepcut Barracks in Surrey, would be devastating.

For further information, please contact Jane Winter (jane.winter@birw.org) or Lorna Davidson (lorna.davidson@birw.org) on 0208 772 9161. More information about BIRW can be found on our website at <http://www.birw.org>