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## DURKAN - SECRET INQUESTS A DIGITAL REMASTERING OF SPECIAL POWERS ACT

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SDLP Leader and Foyle MP Mark Durkan MLA said the introduction of secret inquests under the terms of Counter-Terrorism Bill will recreate some of most 'obnoxious' elements of the old Northern Ireland Special Powers Act.

Mr Durkan and fellow SDLP MPs, Dr Alasdair McDonnell and Eddie McGrady will all vote against the Government's proposals for 42-day detention today.

Speaking from Westminster Mr Durkan said: "I have voiced my serious concerns at the prospect of secret inquests.

"Public consultation is a legal duty in the North but I must question has there been any discussion with OFMDFM on this matter.

"Will these powers be devolved and if so to whom? If they are not devolved and the Government hold onto these powers, the Government will have thrown a grenade into the negotiations.

"Why is there a hurry to apply these provisions to Northern Ireland when we are due a Coroners Bill? Is there a forthcoming inquest here where the Government intends to use the powers?

"We are now left with powers that allow the Secretary of State to remove a jury on virtually limitless grounds, whenever he or she likes.

"This totally undermines the independence of the judiciary when a politician can tell the judicial branch of the state what to do.

"And this is not just any politician but one with a conflict of interest. Juries are necessary especially in cases where inquests are required due to possible wrongdoing or negligence by the State. Yet we are supposed to accept an unfair system that would allow the Secretary of State to decide whether there should be a jury in these types of cases.

"Furthermore, the Secretary of State not only gets the right to sack the jury but sack the Coroner too.

"Where first we got Diplock Courts we are now to get Diplock inquests.

"In Northern Ireland we are still have around 20 inquests outstanding involving 30 deaths.

"We only need look at the case of 76-year-old Roseanne Mallon who was shot dead by loyalists in 1994. Her sister who was also shot took a civil action against the MoD and managed to get hold of tapes held by the Army.

"They revealed that her house was under observation by the SAS. They saw the loyalists arrive at the house. They saw what was happening. They radioed back to Mahon Barracks for instructions. Mahon Barracks told them to do nothing. And that was that.

"The Coroner went to ask for a copy of the tape from the MoD. The MoD has flatly refused to give it. God alone knows for what reason. Maybe it's "national security." Maybe it's the "public interest." But whatever it is, now they will be able to sack the jury on that ground too.

"That inquest still has not happened. Nor have the inquests in the shoot to kill cases in the early 1980s, that of Raymond McCord or Sean Brown in the late 1990s. That leaves families literally wondering if inquests are being stalled until one generation of the family die off. That the State feels that time is on their side and they'll play it as long as it takes.

"People have asked about other countries and what they have done. Well let me tell you what was done in

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one country. For these Clauses are uncannily similar to a provision allowing a Minister to:

“Provide for the duties of a coroner and a coroner’s jury (or of either of them) as respects any inquest prohibited by the order being performed by such officer or court as may be determined by the order.

“That was from the notorious Northern Ireland Special Powers Act. The civil rights movement that got underway 40 years ago set as its goal the repeal of that obnoxious law. A law so obnoxious that the South African Minister for Justice, Mr Vorster, said that he would trade a Coercion Bill that he was introducing for just one clause of the Northern Ireland Special Powers Act.

“So what we are getting in this Bill on inquests is the same as the Special Powers Act. It is the Special Powers Act digitally remastered for a new generation.”

ENDS

NOTES TO EDITORS

The SDLP’s 3 MPs are in Westminster today and are available for interview. Please contact the SDLP Press Office 028 9052 0466

11-06-08

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