

**Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the right to privacy**

Ref.: AL GBR 3/2026  
(Please use this reference in your reply)

28 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 53/12 and 55/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the unlawful and covert surveillance of Mr. Darragh Mackin and Peter Corrigan's communications with clients in connection with their work as human rights lawyers and advocates.

Mr. Darragh Mackin and Mr. Peter Corrigan are partners and lawyers in the Phoenix Law firm, where they are involved in representing clients bringing challenges to laws and government actions which they allege violate human rights norms, as well as defense counsel in high-profile cases both domestically and internationally.

Since 2013, they have acted in a number of high-profile cases, including litigation challenging the Police Service of Northern Ireland (PSNI) decision not to investigate alleged torture of individuals detained by the Royal Ulster Constabulary and past police service collusion with armed groups.

According to the information received,

*Background*

Under the Regulation of Investigatory Powers Act, repealed and replaced in part by the Investigatory Powers Act 2016, the Police Service of Northern Ireland (PSNI) may obtain communications data on phone service subscribers – consisting of subscriber details and data showing which numbers were in contact with each other and length of contact – but are restricted from doing so in violation of legal professional privilege or other privilege.

In June 2024, following widespread public concern about the PSNI's collection of communications data, the Chief Constable of the PSNI appointed an independent consultant to conduct a review of the PSNI's use of surveillance against journalists, lawyers, NGOs and other regulators.

A letter from the independent consultant to Mr. Mackin and Mr. Corrigan, sent on 22 September 2025, as well as the independent review report, published on 24 September 2025, revealed an authorization of PSNI surveillance against Mr. Mackin and Mr. Corrigan.

A day prior to the report's publication, on 23 September 2025, the PSNI Chief Constable sent a letter to Mr. Mackin and Mr. Corrigan that further confirmed the listed allegations and pledged to "take [] action to resolve this issue." The letter also indicated that the Chief Constable wished to "apologise for the failings in these authorisations and the impact it has had (...)"

In the independent review report, the consultant allegedly expressed "significant concerns that the authorization for communication data was on a materially flawed basis" in relation to case study 1, which reportedly concerned Mr. Mackin and Mr. Corrigan.

The letter sent by the independent consultant to Mr. Mackin stated that PSNI applied for and received authorization to obtain his communications data in 2013. The Case Study 1 reportedly further elaborates that, in the course of investigating criminal proceedings where the subject lawyers were allegedly suspects, the PSNI submitted an application for communication data of Mr. Mackin and Mr. Corrigan's phones that stated "Legal privilege relates solely to advice a solicitor gives to a client and not the fact that they are a client or the topic of what they have discussed. None of the data obtained from this application could be seen as subject to Legal Privilege."

The PSNI made a number of other applications for communication data relating to Mr. Mackin and Mr. Corrigan's phones that did not refer to privilege at all, despite the potential for these calls to reveal client identities and otherwise sensitive information regarding ongoing cases. The information further suggests that private information had also been accessed under this surveillance. The report further noted other instances where the PSNI failed to obtain legal advice regarding legal professional privilege in the course of intercepting lawyers' data and otherwise sought authorization to continually surveil lawyers.

According to the information, the timing of the PSNI collection of communications data concerning Mr. Mackin and Mr. Corrigan coincided with their work as lawyers concerning a high-profile case involving the murder of a police officer.

To this day, Mr. Mackin and Mr. Corrigan do not know what information was collected, and what has been done with that data. They are also not informed of the exact dates that their private phones were under surveillance and do not know if the information that was collected has been destroyed. Furthermore, the security and safety of Mr. Mackin and Mr. Corrigan, since they have been under surveillance, is also a matter of concern.

Mr. Mackin and Mr. Corrigan sent a letter to the PSNI in November 2025, expressing their serious concerns and threatening civil litigation. They have not received any official reply.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our concern regarding the alleged authorizations granted to the Police Service of Northern Ireland for access to communications data that appear to infringe upon the internationally recognized right to confidential communications between

lawyers and their clients. Such confidentiality, often referred to as “legal privilege”, constitutes an essential component of the right to a fair trial and is indispensable to lawyers’ ability to freely and effectively represent their clients on an equal basis. These allegations raise serious concerns regarding the integrity of the confidential lawyer–client relationship and the broader guarantees essential to the independent and unhindered exercise of the legal profession.

Specifically, we would like to bring to your Excellency’s attention the United Nations Basic Principles on the Role of Lawyers<sup>1</sup>. Principle 16 affirms that governments must ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and consult with their clients freely; and are not subjected to, or threatened with, prosecution or administrative, economic or other sanctions for actions taken in accordance with recognized professional duties, standards, and ethics. Principle 22 further provides that governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

Furthermore, we would like to express our concern regarding indications of a pattern of communications data authorizations that seem to coincide with Mr. Mackin and Mr. Corrigan’s representation of clients bringing allegations against the PSNI. To the extent that any surveillance measures were undertaken, or continue to be undertaken, as a reprisal for their of clients bringing challenges to PSNI activity or raising other human rights concerns, such actions may amount to a violation of international standards protecting the right of lawyers to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please specify the steps your Excellency’s Government is taking to convey to Mr. Mackin and Mr. Corrigan information about the factual and legal basis for their surveillance, the time periods during which they were subject to covert surveillance measures, what information was collected, what has been done with that data and whether they are presently subject to surveillance.
3. Please identify what measures your Excellency’s Government is taking to implement the recommendations identified in the independent review

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<sup>1</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from 27 August to 7 September 1990

report, including recommendation 9 (“Legal advice in all cases involving lawyers”), regarding the establishment of clear protocols requiring prior legal advice when surveillance targets a lawyer or involves likely interception of legally-privileged material.

4. Please also provide detailed information regarding what other measures are being taken by your Excellency’s Government, on a broader scale, to prevent the further unlawful surveillance of lawyers in violation of international legal rights to confidentiality of communications between lawyers and clients and as a reprisal for their human rights defense work.
5. Please provide details on the measure taken to ensure lawyers may carry out their functions, free from interference and harassment, in line with international human rights standards.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government’s to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Ana Brian Nougrères  
Special Rapporteur on the right to privacy

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described, in particular article 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United Kingdom in 1976. Article 14 sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14(3)(b) enshrines the right to appoint and communicate with counsel of choice. The United Nations Human Rights Council general comment No. 32 (2007), in interpreting this provision, states that clients should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications (para. 34) as "an important element of the guarantee of a fair trial and an application of the principle of equality of arms" (para. 32). Counsel should also be able "to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter" (para. 34). Furthermore, the United Nations Human Rights Council, in their forty-fourth session held in July 2020 on the "Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers" (A/HRC/44/L.7), recognized "the importance of a privileged lawyer-client relationship based on the principle of confidentiality".

Furthermore, article 17 of the ICCPR states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation."

With regard to permissible restrictions to the right to privacy, we would like to refer to the general comment No. 31 of the Human Rights Committee on the nature of the general legal obligation on States parties to the ICCPR establishes that and that "any restrictions on any of [those] rights must be permissible under the relevant provisions of the Covenant. Where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights." The Human Rights Committee has later specified that States must ensure that any interference with the right to privacy, should be authorized by laws "(a) publicly accessible; (b) contain provisions that ensure that collection of, access to and use of communications data are tailored to specific legitimate aims; (c) are sufficiently precise, specifying in detail the precise circumstances in which any such interference may be permitted, the procedures for authorizing, the categories of persons who may be placed under surveillance, the limits on the duration of surveillance, and procedures for the use and storage of the data collected; and (d) provide for effective safeguards against abuse."

We would also like to call your Government's attention to General Assembly resolution A/RES/71/199 where States note that "while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law." In

particular, the resolution calls States “3 (c) to review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law” and d) “to establish or maintain existing independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data.” Similar recommendations are contained in the Human Rights Council Resolution on the right to privacy in the digital age, adopted in March 2017 (A/HRC/RES/34/7).

We would also like to bring your Excellency’s attention to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana from 27 August to 7 September 1990. Principle 16 provides that “[g]overnments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.” Principle 22 provides that “[g]overnments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.”

Additionally, we would like to refer your Excellency’s Government to the UN Principles and Guidelines on Access to Legal Aid, promulgated by the United Nations Office on Drugs and Crime in June 2013. Principle 7 requires states to ensure that effective legal aid is provided promptly at all stages of the criminal justice process and defines effective legal aid to include unhindered access to legal aid providers for detained persons, *confidentiality of communications*, access to case files and adequate time and facilities to prepare defense. Principle 12 requires states to ensure “legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality both within their own country and abroad, and to freely access prosecution and other relevant files; and do not suffer, and are not threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.” Guideline 5 requires states to affirmatively introduce measures “to ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer *in full confidentiality*”.