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A society fascinated by crime

By Alan Patterson

Crimes are extremely damaging to individuals and so crime is naturally feared in society. We do not have to look too far to hear someone say that Ireland is a society gripped by rising levels of crime and anti-social behaviour. Most of us will have heard older family members refer to 'the good old days', a time when 'you could leave your key in the front door'. They will also tell you that times have changed and that now they are afraid even to step out the front door because they fear being mugged or attacked. Who else is telling these tales of uncertainty and fear? Well, endless media reports suggest that we are a country engulfed by a wave of crime. There is no doubt that like any other country we have our crime problem, but is the media just blowing the situation way out of proportion?

Exaggerated coverage can help to create unnecessary fear and moral panic among society. The way newspapers are portraying Dublin at the moment is a good example of over-the-top reporting. Recent headlines claimed: 'O'Connell Street is the most dangerous street in Ireland' and 'Streets of blood and vomit'. Reading some of these articles, you would wonder why O'Connell Street is not being renamed The Bronx. It seems a shame that one of the most famous historical and popular streets in Ireland is labelled in such a negative way. Dublin city centre is used by thousands of people every day and night of the week, especially for its pubs and clubs. With so many people in the city centre at the one time, it's a certainty there are going to be some crime-related incidents, as in any other highly populated city. There is a danger that a lot of people will stay away from the city centre because of this sort of bad press. Coverage of this sort can also make the politicians and government react with unnecessarily harsh new laws. If the crime problem in the city is as bad as it is being reported then why did the govern-

ment spend millions on the ugly and useless 'Spire' in O'Connell Street, and not instead spend this money on resources to tackle crime? In saying all this, sometimes the media help bring certain series crimes to the public's attention. One example was the clerical child abuse cases. These awful crimes were committed by priests and, for years, were knowingly kept quiet by the church. When victims came forward some of the media reported their horrible stories

and demanded action against those priests hiding behind the protection of the church.

At the same time, as well as being a society fearful of crime, we are also intrigued and fascinated by it. The TV schedules suggest we thrive on a high crime diet of murder tales and detective thrillers, along with true-life documentaries, especially about the police. It seems our favourite is the CCTV footage, which lets us see grainy black and white pictures of crimes that actually took place. Millions of people are highly interested and watch these types of programmes, and that's why they keep pro-

ducing them on our screens. And if you go into any bookstore you'll find a vast amount of fictional crime thrillers and books that claim to explore the mind of the criminal or gruesome biographies of serial killers. Maybe crime doesn't pay, but it certainly sells. Why are we fascinated by crime, given its harmful and destructive consequences? Maybe there is unconscious dark side to us that finds crime entertaining, or maybe we're just basically intrigued by crime because it involves risk-taking and it challenges the law. Whatever the reason, society does seem to be both repulsed and seduced by crime and criminals.

Alan Patterson is a republican POW in Portlaoise Gaol

If the crime problem in Dublin is as bad as the headlines make out, then why did the government spend millions on the ugly and useless Spire?

When a nod and a wink means no

By James Burke

Much of human history has been characterised by suffering, but during the 20th century we managed to excel ourselves by propagating misery on a global scale. Two modern world wars complete with tanks, planes and atomic weapons claimed an estimated sixty million lives. Through genocide, mass purges, arbitrary killings and torture under the regimes of people like Adolph Hitler, Josef Stalin, Idi Amin, Pol Pot, and recently Saddam Hussein, man's inhumanity to man has been revealed in all its stark reality. It was to prevent these attacks on humanity that the international community tried to draw up on a global scale, a means by which the powerless minorities of all descriptions would be protected in the future. In the name of human rights, the International Community has tried to establish a basic decency, a minimum global standard that is now part of international law.

This standard is reflected in the United Nations' Universal Declaration of Human Rights (1948), and by the European Convention on Human Rights of 1953. The Irish government signed up to both of these international treaties when they were introduced and one would have expected, given the noble thoughts behind both of these documents and what they were trying to achieve, that the Irish people would have been protected by what they contained. One would have expected that various Irish governments would have respected the 'faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.' The preamble to the UN Charter also states that 'it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.'

Despite the noble sentiments expressed by both charters, and their ratification by the Irish government, these two internationally accepted documents have never applied to Irish domestic law, and still don't, fifty years on from them being ratified by Dublin. Successive Irish governments have paid lip service to them, but have refused to implement them into domestic law and thus provide the Irish people with the protection they are meant to give. Over the past fifty

years the Irish people have had their human rights repeatedly violated by these same governments. At the sixty-ninth session of the United Nations Human Rights Committee in July of 2000, the committee chairperson, Cecilia Medina Quiroga severely criticised Ireland for its refusal to implement the UN Charter into domestic law. Michael McDowell, who was Attorney General at the time, led a ten-strong Irish government delegation to give the



Committee a report. He tried to justify Ireland's position by saying that the Irish government was going to incorporate the European Convention on Human Rights as part of the Good Friday Agreement. This was a barefaced lie in an attempt to save face. The Dublin government has not incorporated the ECHR into domestic law, nor have they done so with the UN convention. It seems that Dublin is good at signing up to all these charters but has no intention of implementing them.

Various well-respected human rights bodies have criticised the Dublin government over the years for their disregard for human rights. Amnesty International, for example, has compiled various reports highlighting the numerous breaches of both the UN and European Charters. These breaches range from outright torture by Gardai of prisoners in their custody during the period of the 'heavy gang' in the 70's, to the continued use of the Special Criminal Court today. The continued use by the Dublin government of the Offences Against The State Act of 1939 to jail Republicans is a prime example of Dublin's two-faced attitude to human rights. While talking about abuses in various corners of the world, Irish political figures ignore what is happening around the corner from Leinster House. The Special Criminal Court in Green Street is as busy as it ever was. People are jailed on the word of a policeman before the court, which is itself in breach of both the ECHR

as well as the UN Charter. Article 10 of the UN charter states, 'everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him'. Given that under the OAS Act 1939 there is no jury but only three judges appointed by the government, who can be removed if the government wants, and who could be replaced by army officers if required, the standard of this court falls far short of Article 10. The internationally accepted right to silence of an accused so that he or she will not incriminate themselves has been done away with in Ireland. The right to be seen as being innocent until proven guilty is likewise diminished by the Bail Act.

Such examples of breaches of human rights are unlimited. It would seem that despite international standards, various Irish governments felt they had a right to ignore these fundamental rights on the grounds of 'state security' or some other pretence. Government ministers condoned torture in the 70's on the grounds that it helped the Gardai. The rule of law is bent and twisted today on the self-same excuses. Here in Ireland we have the culture of the nod and the wink, the signing and ratifying of international agreements but the implementation of none. Even the Good Friday Agreement, the implementation of which Dublin is so fond of talking about, falls into this limbo. Under the Agreement, Dublin was to implement the European Convention on Human Rights, as well set up a Human Rights Commission, both of which, five years on have not been done. Even more worrying is the fact that McDowell, as the present minister of Justice, intends to introduce more draconian laws which will give the Gardai even more power to infringe people's human rights, without at the same time implementing the international standards we are entitled to. For too long the hypocritical attitude of the various Irish governments to human rights has been accepted. For Ireland to be seen as a part of the modern world, as a part of Europe free from the madness of the 20th century, it must implement the basic world ideal of respect for and protection of human rights, not just for its own people but as an example to others.

Bail farce hurts families

It begins at sunrise with a raid on a house. Dragged out of our beds amid screaming and shouting. Family terrorised. Arrested. House pulled apart. Brought to a police barracks for three days of interrogation, and at the end, a charge of IRA membership at the Special Criminal Court. An interruption during proceedings from defending counsels for a bail hearing. Minutes later you're in a holding cell waiting to be transported to Portlaoise Gaol by armed guard.

At the bail hearing the gardai do everything in their power to prevent bail being given to the accused. Bail is given after a fight from your counsel but with a high price and conditions attached. As much as €50,000 in some cases, which has to be borrowed to secure the application. No one gets released until the court has the money.

This money is then placed into a government high interest savings account. What happens to the interest? Maybe it goes to pay for Bertie Aherne's make-up, or fuel for Mary Harney's private air force jet. What is certain is that the families never see it. They're lucky just to get their money back.

In one case a family had to wait over 20 months for the return of their money. Other families 13 months, 10 months, 9 months. The list goes on. In another case, 94 phone calls were made to the court clerk of the Special Criminal Court. Numerous letters later, this family managed to get their money back, but only after 6 months of fighting tooth and nail. This money was taken out as a Credit Union loan to get a family member out of jail until his trial. The interest on the loan repayments was a price they could ill-afford to pay.

Another family have been waiting seven months for their money. Each time they ring the court clerk's office they are given the same answer: 'You should have already got that bail money back'. Most times they are told that the matter will be looked into. Nothing ever happens.

How many more families must endure the embarrassment of chasing these people for their money? The Special Criminal Court are quick enough to take the money, but not so quick when it has to be returned. One wonders whether they are actively attempting to delay the return of bail money as a tactic to intimidate and discourage people from going bail for anybody charged with a republican offence. It certainly feels that way to the families involved.

Richard White is a republican POW in Portlaoise Gaol

Prisoners in England

By Claire Beesley

At present there are eight republican prisoners being held in various jails in England. Five of the men are in Belmarsh high security unit, and three others are spread between Full Sutton and Whitemoor. All these prisoners are serving very long sentences. However, the British authorities are not content with giving the men sentences ranging from 16 to 30 years, but insist on keeping them in conditions that are unacceptable in a so-called 'civilised society'.

The prisoners are held in Special Secure Units (SSU), or jails within a jail, where they have little access to exercise, education, or other activities which would make life in prison more bearable. They are limited as to the number of books and papers they can receive, and have no in-cell TVs, which are now standard issue in all British jails. They are subjected to continuous strip-searching, which is meant to humiliate and degrade the men and which, given the circumstances of their confinement, serves no useful security purpose. In Belmarsh, for example, the visits are 'closed', with no contact possible with family or friends, and conversations are conducted by way of phones. Prisoners going on such visits are strip-searched both going to and coming from them, for no other reason than to humiliate and degrade the prisoners.

In 1996 Amnesty International published a report on these 'closed units', describing them as tantamount to 'inhuman, unusual and degrading treatment'. This was shocking enough at the time, but when we consider that the conditions in these units have deteriorated even further in recent years, we get some idea of the treatment republican prisoners are forced to endure. In the last couple of weeks, the partner of one of the prisoners was arrested when she travelled to England with their young child for a visit. The mother was separated from her baby and held for twenty-four hours before being released. She missed her visit and had to return home in a distressed state. It is little wonder that these prisoners have applied to be transferred or repatriated back to a prison in Ireland. People might feel that at least being at home will improve matters for the men. However, it should be borne in

mind that for the prisoners to undertake this action they will be forced to forgo any possibility of appeal against their conviction or sentence, and, given the length of time involved, this is no easy decision. Furthermore, those who end up in Magaberry will find themselves in conditions which are, like their present ones, far from ideal. Those prisoners sent back to the south are further punished by the fact that rates of remission differ between Ireland and Britain. This means that several extra years will be served by any man doing a long sentence, given the fact that remission in the Ireland is only a quarter, while it is a third in England.

Long sentences are of course nothing new where republican prisoners are concerned. Over the years, numerous Irishmen arrested in England have been given very lengthy sentences on little or no evidence. The infamous conspiracy laws used to jail Irishmen suspected of being republicans have led to an outright abuse of the British judicial system. Men were given thirty years for little or nothing, while others who were not Irish were regularly given five or six year sentences for even more serious offences. The anti-Irish attitude of the British establishment can be seen clearly through the workings of the British police, courts and prison management. With the present climate in Britain following the September 11 attacks, along with the recent Iraqi war, the plight of republican prisoners held in British jails can be overlooked at times. As well as the ill treatment they receive from their jailers, they may feel forgotten about and isolated. Fortunately, there are those in Britain who are active on the prisoners' behalf, helping visiting family members and keeping in contact with the men. This work is very important, and those engaged in it deserve our appreciation and thanks. It was action by these friends of the prisoners that helped get treatment for one man who risked losing his leg. Having been injured in a car accident prior to his arrest, he was being neglected by the prison authorities. His situation in this regard has improved, but more needs to be done in the future. Anyone wishing to write to the men should do so as it would be greatly appreciated.

Republican POWs in England

Fintan Farrell:

Full Sutton Prison, York, YO41 IPS.

Declan Rafferty and Michael McDonnell:

Whitemoor Prison, Longhill Rd., March, Cambs., PE15 OPR.

John Paul Hannon, James

McCormack, Robert Hulme, Aidan Hulme and Noel Maguire:

Belmarsh Prison,
Western Way, Thamesmead,
London, SE28 OEB.

Maghaberry POWs

Recent months have seen a marked increase in tension within Maghaberry Prison between republican and loyalist prisoners. Prison campaigners have stated that if the situation continues it is only a matter of time before a prisoner is killed because of the policy of forced integration.

The most recent incidents have seen serious assaults on two republican POWs. John Connolly suffered a severe scalding as a result of boiling water being thrown in his face. John Swift was hospitalised after a particularly vicious beating at the hands of a number of loyalist prisoners. He received a broken arm and thirty-one stitches to his head. A spokesperson for prisoners said that he was lucky to survive the attack.

The prison authorities have proved more than willing participants in the criminalisation of republican POWs. New phone procedures, introduced by the authorities, have forced republican prisoners to refuse all phone calls. The reason for this is that prisoners would have to give over the personal details of any person they wished to telephone. Given the long and sordid history of collusion, the POWs are understandably cautious that such information could be handed over to loyalist death squads. Prisoners have also initiated legal action against the prison authorities over the issue of sniffer dogs being used against prison visitors. On several occasions, these dogs have been used as an excuse to turn visitors away from the prison. This, despite the fact that republicans, unlike loyalists, have never been involved with drugs. Without doubt, there is an ongoing concerted campaign being waged by the prison authorities and their cohorts in the UDA against republican POWs.

The families of republican prisoners have been rightly critical of the response to the issue of forced integration. It is a damning indictment of ineffectiveness of anti-agreement republicans that the families of the POWs have had to turn to the likes of the SDLP and Sinn Féin in order to highlight the plight of their loved ones. Whilst the families understandably use all avenues open to them, it is more than a little hypocritical of Sinn Féin to condemn forced integration and the criminalisation of republicans when they were the ones who signed away political status under the terms of the Good Friday Agreement.

The onus is now on all republicans to seriously address the issue of prisoner rights before the situation in Maghaberry prison deteriorates even further.

Stakeknife or Steering Wheel?

By Kevin Lally

Saturday, May 10, 2003 will be forever remembered by some as the day that the 3 year old enigma as to the identity of the infamous Stakeknife - the Force Research Unit's supposedly highest ranking informer - was made public knowledge on a number of Internet websites. Alfredo Scappaticci, known simply as 'Scap' in his locality of West Belfast, is, allegedly, the face to the codename. If the allegations are true, it will prove to be very embarrassing for the Provisional leadership and a monumental blow to the Provisional movement as a whole.

Scappaticci, an Irish Italian, was interned in Long Kesh in 1971. During his internment he formed a very close bond with the current Sinn Féin president, Gerry Adams, and, it is said, went on to become one of his bodyguards during the 1980's. But it is an alleged event that took place in 1978 which led to the British 'jewel in the crown', as he has been described in the press by various British military intelligence sources, volunteering his services to crown forces. After an altercation with a senior member of the Provisionals, he was subjected to a severe punishment-style beating, leading him to become what is known in foreign intelligence circles as a 'walk in'.

During a 25-year tenure, Scappaticci amassed a small fortune - reputed to be worth in and around £80,000 per annum - that was kept in a bank account opened on his behalf by the British in Gibraltar. Another of the perks provided by the British was his very own team of soldiers, with a fleet of vehicles on 24-hour standby at their disposal, charged with his personal protection and to provide an accurate analysis of the information he furnished them with.

It was this information that led to various British coups against the Provisionals during the 1980's and 1990's. Some of the most notable examples are the murders of Vols. Gerard O'Callaghan, Jim Lynagh, Pádraig Mc Kearney, Pat Kelly, Declan Arthurs, Seamus Donnelly, Tony Gormley and Eugene Kelly at Loughgall, Co. Armagh, on Friday, May 8, 1987, in an ambush by members of the SAS and RUC. Members of the SAS went on to murder Vols. Mairead Farrell, Sean Savage and Danny McCann at Gibraltar, on Sunday, March 6, 1988. It is events like these that made no sense at the time, or which were explained away incorrectly, that make the most perfect sense now.

Speculation has been rife in the British press with regard to the lengths that the Force Research Unit went to to protect their

so-called 'crown jewel'. It has been suggested that a number of innocents were sacrificed to keep Stakeknife intact. The most obvious case is that of Francisco Notorantonio, a 66-year-old pensioner murdered by the Ulster Defence Association on October 9, 1987. Loyalist elements became aware of an IRA commander in the West Belfast area with an Italian sounding name. They quickly decided on Scappaticci. The Force Research Unit's agent within the ranks of the UDA, Brian Nelson, soon became aware of the plot to target Scappaticci, and requested all the relevant information on him from his handlers. Nelson's handlers, realising the magnitude of the events that were probably going to take place, informed him that the UDA's intelligence was inaccurate and redirected the loyalist death squad to the home of Notorantonio, thus saving their most prized asset.

It is, of course, quite probable that the Force Research Unit used Stakeknife as a tool to remove those who they regarded as a serious threat in a particular area. The obvious case here is that of Paddy Flood, a republican from Derry, who many believe was set up for execution by the British army. They were able to engineer a series of incidents involving the jamming of weapons, the defusing of explosive devices etc., ensuring the finger of suspicion was pointed at Flood. Stakeknife was then in a position to come in and fulfil his masters' wishes.

It is also certain that the high-ranking mole was used to cleanse the Force Research Unit's repertoire of double agents as and when they outlived their usefulness or became obsolete. Three such agents - Aiden Starrs, John Dignam and Gregory Burns - were to become a prime example of this cleansing in 1992. All three were expunged after they were refused permission to leave the employ of British military intelligence. Three traitors caught and exposed - but the biggest traitor of all now increased in stature within provisional circles. One better than the proverbial two birds with one stone.

In the fullness of time it will be proven beyond question that the British did indeed have a high-ranking, or a number of high-ranking moles within the provisional movement. When this occurs, the name Alfredo 'Stakeknife' Scappaticci will become insignificant. What will be significant is the fact, pointed out by noted republican and critic of the Provisional movement, Mr. Anthony McIntyre, that the British have been moulding and steering the Provisional's strategy for years.

Crime and punishment in Ireland

Colm Byrne offers a damning indictment of successive governments' response to crime in Ireland, where social class is the primary factor determining which criminals get punished and which go free

As another article in this month's magazine points out, one would have to search hard to find a greater source of fascination within Irish society than the subject of crime. Countless films, TV programmes and books are devoted to it. Our newspapers - and not just the tabloids - spend more column inches on crime than on any other topic. Some, such as the Sunday World, seem to exist solely to feed an apparently insatiable appetite to read about crime and criminals. If one were to take this media view literally, one would think Ireland had become some sort of Mad Max-style lawless country where marauding bands of drugged out criminals stalk and terrorise ordinary folk. Is this in any way an accurate portrayal of crime in modern Ireland?

Due to the inability to fully record crime, generating a precise picture of criminal activity in Ireland is not easy. This failure can be broken down into two categories: crimes that the Gardai do record but which are under-reported to them and crimes that traditionally they (and sometimes society) have largely ignored or have not vigorously pursued. Examples of the first category include such crimes as theft from motor vehicles, minor assaults, and acts of vandalism. People are regularly not reporting these types of crime because they believe the Gardai are either lacking in the resources and/or the will to tackle them and that there is little likelihood of the perpetrators being caught. The second category is the crimes that have often been ignored or in the past remained hidden. One obvious example is child sex abuse cases. In recent years there has been a huge increase in the number of reported incidents but it is likely that this largely represents an increase in reporting rather than an increase in the actual number of offences taking place. Another - and arguably more deliberate - example of hidden crime is corporate and 'white-collar' crime. It is only in recent years through various tribunals and other revelations that we have been able to get any idea of the extent of this problem.

Official statistics

The flaw in recording methods does not mean that official statistics are completely worthless. It is still possible to use them to reach some broad conclusions. It is undoubtedly the case that over the past decade the reported incidents of some crimes have increased significantly. One example, already mentioned, is the increase in reported sex offences. Another is the murder rate. It has almost doubled since 1992. However, it is important to realise that comparatively speaking the murder rate in Ireland is still quite low. It currently stands at around 14 murders per million people. This is the same level as England but is considerably less than most other developed countries (Italy's murder rate is 30 per million, the US 98 per million). As to other crimes, the Irish crime rate has, despite occasional fluctuations, remained largely the same or even decreased since the early 1980s. In 1983, the number of recorded

indictable crimes in the 26 counties was 103,000. By 1998, and despite an increase in population, this number had dropped to 85,500. In 2001 and 2002, there was an increase in recorded indictable crimes but the most recent figures released from the Department of Justice (for the first quarter of this year) show that serious crime is down 9% on the same period last year. This includes drops of 19% in the murder rate, 18% in reported rapes, 43% in other sexual assaults and a 37% drop in assaults causing harm. This is hardly consistent with the view of Ireland as a country where crime is out of control.

The statistics reveal that the problem of recorded crime is predominantly one against property - theft, burglary, and criminal damage. Crimes of violence against the person are very small in comparison (less than 10% of all crimes). Given the often sensationalised media treatment of crime it is perhaps not surprising that people are more concerned about those crimes which they are least likely to experience. This is not to make light of the very real suffering of victims; it is only to point out that the risk of serious assault in Ireland is still extremely low.



Reclaiming the streets - but on behalf of whom?

Crimes committed by the powerful

While certain crimes get inordinate attention, others barely receive any at all. This is especially so in relation to crimes committed by the wealthy and powerful. These come in several varieties, such as tax evasion, health and safety violations, environmental offences and financial frauds. But so lacking is the research in this area that it is difficult to get a full appreciation as to the extent of the problem. Ironically the types of white-collar crime that do tend to get investigated and prosecuted are at the more trivial end of the spectrum and are more usually carried out by poorer people: social welfare fraud and the passing of stolen cheques. According to the official records, not only do the rich not commit 'street' crimes they don't commit white-collar crime either.

And yet we know that this is not the case. Several tribunals have shown that. The Beef Tribunal highlighted huge frauds by meat companies, at least some of which was perpetrated in collusion with the Department of Agriculture. The McCracken Tribunal - which exposed the Ansbacher accounts - showed that some of the country's wealthiest and most powerful people were participating in large-scale tax avoidance schemes. In a separate scandal, investigations by RTE in 1998 showed that National Irish Bank was both stealing money from customer's accounts by overcharging them for services and was also helping its richest customers avoid tax by arranging for offshore accounts. Subsequent investigations by the Revenue Commissioners showed that NIB was not the only bank helping out its richest customers in this way. AIB had to pay a total of £90.4 million in tax arrears and fines, the ACC had to pay £17.9 million. Not one person has gone to prison as a result of these crimes. Other tribunals such as Moriarty and Flood have pointed to

extensive corruption at the highest levels of power in Ireland. There is little doubt that these revelations represent only the tip of the iceberg.

There is a myth that such crimes are victimless. But by evading tax the wealthy are reducing the amounts of money available to spend on health, education and other vital services. Furthermore, many crimes perpetrated by the powerful directly result in people dying. Take the case of the Blood Transfusion Service and Brigid McCole. Mrs. McCole died as a result of receiving contaminated blood products. Justice Finlay later concluded that there was 'negligence' and a 'total failure' by the Blood Transfusion Service. Had this case happened in France or Canada, it could have resulted in criminal prosecutions. However, the inadequacies of the criminal law in Ireland means that crimes committed by those in positions of power are often able to go unpunished. People dying as a result of such crime is not rare.

In Britain, the Health and Safety Authority estimated that 70% of the 25,000 deaths that have occurred in incidents at work since 1965 have been the result of management failures. Only a tiny fraction of these resulted in prosecutions.

Ireland's prisoners

If the powerful and wealthy criminals aren't ending up in Mountjoy and other prisons, then who is? Dr. Paul O'Mahony profiled the 'typical' Mountjoy inmate: he will probably come from a large family, have left school at the minimum age, have been unemployed ever since and will come from the inner city areas. There is a good chance that he is very young. It is estimated that as many as one-quarter of our prisoners are under the age of 21; in most European countries the percentage of prisoners under that age is less than ten percent. The majority of prisoners in Mountjoy are also heroin addicts and many of them suffer from either AIDS/HIV or hepatitis.

Clearly there is a compelling case to be made for the existence of a link between certain crimes and poverty. The political Right usually respond to this assertion with two arguments: that people are better off than they were fifty years ago yet there is more crime now and poverty is only an excuse because the vast majority of poor people don't engage in criminal activity. These arguments miss two crucial points. Firstly, those who point to the link between poverty and crime are referring to relative poverty. This means that some people commit crimes because relatively speaking they are poor and lack legitimate means for attaining wealth. The hyper-consumer culture of the Celtic Tiger - where a large section of the population did very well but a significant section got left behind - has undoubtedly exacerbated this problem. Secondly, nobody is suggesting that all poor people commit crime, simply that social exclusion and lack of opportunity in life increases the likelihood of it happening.

If it is true to say that it is the poor who tend to end up in prison it is equally true to say that the numbers of them ending up there has increased enormously over the last forty years (and especially in the last decade). In 1961, the average daily prison population was 447. By 2000, this number had increased to over 2,500. Ireland also tends to send a greater proportion of its citizens to prison than any other country in Europe. This is due to the policy of imprisoning people for short periods for the most trivial of offences. Around 35% of committals to prison are for failure to pay a fine.

Does the increased use of prison work? The figures are depressing. On any given day, 90% of the inmates in Mountjoy have previously served a sentence; the average number of previous sentences stands at nine per prisoner. Clearly, based on these simple stark statistics, prison is not working on either rehabilitative or deterrent levels.

Need for radical reappraisal

There is an urgent need for radical reappraisal of the crime issue. Gardai estimate that two-thirds of indictable crime in Dublin is committed by drug addicts and that 90% of heroin users commit crime to finance their habit. The response of the government to the drugs epidemic could best be described as beginning with ignorance and inertia, followed by a long period of inaction, and ending

with the present fatalistic resignation. It seems our political leaders have already given up on a significant section of yet another generation of the country's youth. This is simply not good enough, not for the young people caught up in drugs and not for their victims. Simple arithmetic suggests that if the problem of heroin abusers needing to steal to pay for their fix were



to go away then a very substantial reduction in crime would occur. One possible way for this to happen, as argued elsewhere in this magazine, is to legalise drugs thus ensuring their safe and cheap supply and ending the need for addicts to commit crime to sustain their habit. This is a very controversial proposal and there are probably good arguments both for and against it but what is certain is that radical well-argued ideas such as this must not be dismissed out of hand.

Legalising drugs and other bold initiatives such as restorative justice will clearly not solve all street crime in Ireland. It is utopian to expect any measure to achieve that. Ultimately though, if the state is to get serious about this issue, then it must tackle the root cause of this type of crime: poverty must be eradicated. There is little evidence that this, or any other, government has any intentions of attempting this. They seem content to let the present situation continue indefinitely and when the occasion necessitates it - usually in a knee-jerk response to some media instigated crime panic - they launch a hotchpotch of confused policies and draconian (and usually ineffective) legislation. It is equally unlikely that a tougher attitude toward corporate crime and other crimes carried out by the powerful will be taken. Our present political leaders simply have too much to lose by such action. And those responsible for investigating crime - the Gardai - have repeatedly shown themselves to be so corrupt that, in the absence of major reform, one doubts whether they have either the inclination or the ability to properly fulfil their role. Perhaps, in describing the current criminal justice system operating in Ireland, one should quote Jonathan Swift, 'Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through'. It is simply not good enough that poor people are sent to prison for trivial offences while rich people go unpunished for far more serious crime. It's time the wasps and the hornets were brought to account.

Drugs are bad, and other superstitions

By Darren Mulholland

Much ink has been spilled in recent years over the issue of drugs, most of it in vain. The problem remains unsolved, and there is little sign of any consensus on the way forward. The cause of Reason has not had much success in this debate - indeed, the battlefield is strewn with the corpses of rational solutions, mown down by the army of puritans who guard our moral borders. This is not surprising. There are few areas in which the ignorant and the ill-informed are accorded as much authority as on the question of how other people should be living their lives.

I would like to step back and look at the issue from a rational angle. I am not a drug user, nor do I profit from the sale of drugs. My interest in the matter is practical - given that we live in an imperfect world, populated by imperfect people, how do we minimize the harmful effects of drug use while at the same time preserving the liberty to which we are all entitled?

As it stands, the drug problem in Ireland is both real and immense. A recent study by the National Advisory Committee on Drugs estimates that there are almost 14,500 heroin addicts in the country, most of them in Dublin. This is a sizeable group in itself, but their effect on society is massively disproportionate to their numbers. Heroin users are responsible for over 80% of all property crime, along with much of the gang violence that plagues our cities, and have brought fear and misery to the lives of millions. By any standard this is a 'problem', but it is not the entirety of the 'drug problem' as it is traditionally envisaged. More worryingly, at least for those who worry about such things, cannabis and ecstasy are used on a regular basis by hundreds of thousands of ordinary, otherwise-law abiding citizens, fuelling, in the process, a boom in organized crime unparalleled in Irish history.

The issue seems simple, and is usually presented as such: drug use causes immense harm; therefore it should be stamped out. Actually, it's a little more complex than that. Most of the harm allegedly caused by 'drug use' is in fact caused by the *criminal nature* of drug use - if drugs were cheaply and legally available, it would disappear overnight. The crime, violence and squalor associated with drug taking are all ascribable to the artificially high prices demanded by the black market, a criminal bonanza which only exists *because* the drugs are illegal. So the real, underlying question is:

why are drugs illegal in the first place? And it should be clear to all that the harmful effects of *criminalized* drug taking cannot, logically, be used retrospectively to justify that criminalization.

In fact, the drugs debate is really a dispute over the morality of intoxication, and has deep historical origins. Most official opposition to drug taking has little to do with the alleged 'harm' caused by the drugs themselves. Instead, it goes back to the early Christian doctrine that we are not put on this earth to enjoy ourselves. We are sinners who must repent or be damned. One

them. I would only be justified in doing so if, by taking drugs, they were doing significant harm to other people.

Mill's vision of a liberal society is one we should all aspire to. The right to live one's life in accordance with one's own desires, insofar as one does not in the process harm others, is the purest form of liberty available to us. But its practical advantages are also worth considering.

Let us first acknowledge that we live in an imperfect world. People, being people, will always seek easy solutions to their problems. Drugs have been used in every

known culture throughout human history. This is not likely to change. And as we know, it is impossible to force change. Despite a decades-long 'War on Drugs', drugs remain easily, if expensively, available. Our prisons, meanwhile, are filled to bursting point, while the vulnerable in our society live in constant fear of drug-related crime.

A liberal Ireland would be very different. By legalizing and controlling the trade in drugs, we

would eliminate 80% of property crime overnight. The criminal empires of the drug barons would collapse, and the money saved on policing and imprisonment could be used to fund a comprehensive system of treatment and rehabilitation clinics across the country. Drug users, no longer a criminalized underclass, could lead fulfilled and useful lives. Like smokers today, their addiction would harm nobody but themselves.

The question of drugs is, at heart, a question of tolerance. Are we prepared to tolerate those whose choices we disagree with? I will leave the final word on this issue to Mill. 'Mankind,' Mill said, 'are greater gainers by suffering each other to live as seems good to themselves than by compelling each to live as seems good to the rest.'

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implication of this once powerful idea is obvious - if something feels good, it must be bad. Drug taking feels good; *ergo* it is bad and must be prevented. (Alcohol feels good too, but Puritanism traditionally goes hand-in-hand with hypocrisy, while persecutors inevitably find themselves drawn to the weakest in society.) I am not suggesting that this motive operates on a conscious level - it doesn't have to. It is buried deep in our culture, and such fundamental tenets of morality are rarely questioned or examined. It was only in the second half of the last century that our traditional attitude to sex - formerly an inherently 'sinful' activity - was reassessed and found wanting. Similarly, our modern attitude to drugs is an accident of history, another unwelcome hangover from our superstitious past.

So, is there a better alternative? The great liberal philosopher John Stuart Mill argued that there is. Society, he said, should be governed not by religious dogma, but by the Liberty Principle: 'The only purpose for which power can be rightfully exercised over any member of a civilized community against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant'. Personally, I have no desire to ever take drugs, but, according to the Liberty Principle, this does not mean that I am justified in preventing others from doing so. I may reason with them, implore them not to, but - if they are rational adults - I have no place coercing

FORUM MAGAZINE

Stakeknifed

It was shaping up to be a slow news week. The war in Iraq had skidded to an unsatisfying end. The northern 'peace process' had achieved the seemingly impossible feat of becoming even more turgid and apathy-inducing than ever. International disasters looked few and far between. Thankfully, the naming of Alfredo Scappaticci, former head of the IRA's Internal Security unit, as the infamous FRU agent 'Stakeknife', filled the gap nicely.

Not that the media's evident joy at his unmasking was shared by all. The revelation has left the Provisional movement in disarray, raising serious questions about the viability of the Adams-McGuinness leadership. Scappaticci was a close and longstanding associate of Adams, and had benefited significantly over the years from McGuinness's patronage and protection. Already under pressure over the forthcoming disbandment of the army, the exposure of their protégé's 25-year career as a British agent has not enhanced their credibility.

And despite his public denials, the general consensus among informed republicans is that Scappaticci was an informer. Whether he is *the* 'Stakeknife', and whether he was really the highest-ranking informer in the organization, are very different questions, which will probably not be answered for some time. What is immediately clear, however, is that immense damage was inflicted on the IRA's campaign by Scappaticci. His position in Internal Security - the unit responsible for locating and eliminating informers - gave him unique access to the internal workings of the organization, and, perhaps more importantly, the ability to selectively protect and deflect attention from other British agents.

That Internal Security was compromised will come as no surprise to many Provisional volunteers. The unit, along with Scappaticci himself, has a somewhat checkered past. Indeed, Scappaticci was head of Internal Security when the unit was stood down by the Army Council in the early 1990s. 'They were out of control,' one informed source has told Forum Magazine. 'Brutal and ineffective. They weren't very good at catching touts, but they were gathering a lot of dirt on other volunteers, especially senior figures. They knew more about the organization than the leadership.' At the time, many republicans questioned why the situation had been allowed to deteriorate so far. Volunteers had been complaining about Internal Security's behavior for years, but their concerns had been ignored. Many suspected that the unit was being protected by senior figures in the leadership. Such questions will surely be raised again in the aftermath of the recent revelation.

But other, more immediate, questions will be uppermost in the minds of most Provisional volunteers at this moment. For, even more interesting than the Scappaticci revelation itself, was the media coverage that surrounded it. The sensationalist tone of much of the reporting was only to be expected, but a number of compet-

ing agendas were clearly visible through the hype.

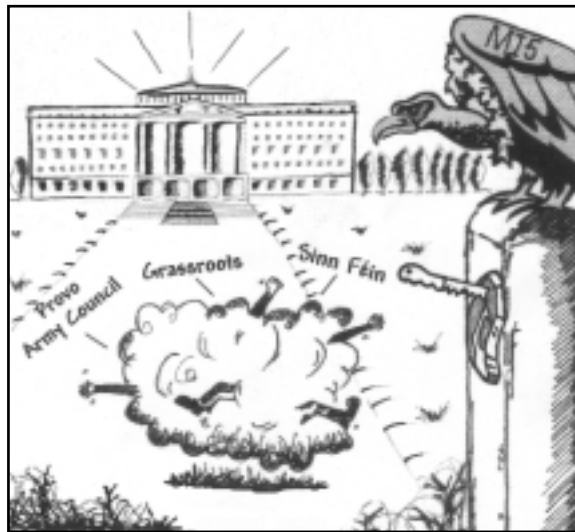
On the one hand, British security sources were clearly eager to 'talk up' Scappaticci's prominence within the IRA. Their leaks to the media emphasized the range of his activities and the extent of his influence within the organization. Much of this was highly exaggerated. Scappaticci was a senior figure, but he was never a member of the leadership, and his influence on the overall direction of the organization was slight. Some observers have seen an element of misdirection at work here. IRA volunteers have long sus-

spected the existence of an informer at leadership level in the organization. If such a figure exists, his handlers may well be taking advantage of Scappaticci's downfall to deflect attention from their prized asset. Scappaticci's role may have been exaggerated out of a desire to protect someone higher still.

Sinn Féin officials, on the other hand, have been eager to play down the significance of the whole Stakeknife affair. Adams and McGuinness kept a low profile, as is usual in such circumstances, but Gerry Kelly and Danny Morrison soon emerged to pour scorn on the allegations. The duplicitous nature of British Intelligence, and the possible innocence of Scappaticci, were the twin themes emphasized. Embarrassment undoubtedly played a role in motivating this damage-limitation exercise, but other factors may also have been in play. Some suspect that the Provisional leadership has already cut a deal with Scappaticci - guaranteeing his safety in return for his future public silence. Scappaticci's reappearance in West Belfast to hold a press conference with his solicitor - an unlikely action for a man on the run from the Provisionals - would seem to lend some credence to this suspicion.

It would not be the first time that such a deal has been cut by members of the Provisional leadership. In the mid-1990s, two high-ranking MI5 agents were uncovered within the IRA. Both were prominent figures in the movement - one a Sinn Féin councilor from Armagh City, the other a Sinn Féin councilor from Offaly. Had the men been ordinary volunteers, they would undoubtedly have been executed, but, because of their prominence, and the embarrassment their exposure would have caused to the Sinn Féin leadership, the two were effectively 'pardoned'. Unsurprisingly, most volunteers were never informed of the affair.

As is usual in such matters, the long-awaited unmasking of Stakeknife has raised more questions than it has answered. Only one thing can be known for certain - the British government's dirty war in Ireland goes on. Scappaticci was not the first to betray the IRA, and he will surely not be the last. Indeed, he would probably feel very much at home on a typical Sinn Féin negotiating team.



Letters and articles can be sent to Forum Magazine at:

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Israel: the economics of occupation

By Paul Maguire

On Tuesday 29 April, as Israeli citizens awaited the publication of the internationally sponsored 'road map for peace', a Palestinian suicide bomb destroyed a beach front bar in downtown Tel Aviv just hours after Benjamin Netanyahu, the Israeli Minister for Finance, unleashed one of the most austere economic budgets in the country's fifty-four year history. Many would argue that both suicide bomb attacks and the government's stringent economic programme are the inevitable outcome of Israel's ongoing occupation of Palestinian territories, its subsidisation of Zionist settlements, the continuous breakdown of peace negotiations and the postponement of the creation of a Palestinian state.

Netanyahu's budgetary cutbacks are the culmination of a two-year period that has seen the Israeli economy contract by 2%. Over the same period GDP per capita has fallen by 13%, wage levels have dropped by 5%, while unemployment has stagnated at 11% as the Israeli government grapples with a 6% budget deficit. Netanyahu has predicted that his 'fiscal reform package' will save the Israeli exchequer 11bn shekels arising from a proposed 20% reduction in the salaries of higher paid public servants, a 50% reduction in children's allowance, the dismissal of 10% of the Israeli public service, the reduction of unemployment benefits and the raising of the retirement age from 65 to 67.

Israel's poor economic performance has been attributed to a number of factors: the collapse of high-tech industries, the global economic downturn, and regional instability. However, the massive costs incurred by the occupation of Palestinian territories, the subsidisation of Zionist settlements, and the ongoing attempts to militarily crush the second intifada are the primary contributing factors. It is estimated that Israel's current defence budget is 9% of GDP or \$10bn. During a recent Knesset debate on the peace-process, Shimon Peres stated that 'Israel cannot remain an occupying force, we are simply paying too high an economic price'.

However, notwithstanding the poor performance of the Israeli economy, the Sharon government remains ideologically committed to the expansion of Zionist settlements throughout the occupied territories. Amir Prezet, the leader of Israel's national public sector union, has accused Sharon of 'investing in ideology' and has condemned his appeasement of right-wing elements through the subsidisation of Zionist settlements. Prezet highlights the

fact that the gradual dismemberment of Israeli welfare state is just one outcome of these misguided policies.

The Israeli government is undoubtedly confronted with a clear political choice. It can continue to subsidise Zionist settlements and attempt to defeat the second Palestinian intifada while the economy continues on its downward spiral. Or it can transform the political situation through a process of dialogue which must culminate in the creation of an independent Palestinian state and the removal of all



Zionist settlements in the occupied territories. The question is what path will Israel follow?

The first phase of the road map urges Israel to desist from creating further Zionist settlements. Israel is also compelled to initiate a process of 'dismantling settlement outposts erected since March 2001' and 'to withdraw from Palestinian areas occupied from September 28, 2000'. There are approximately seventy settlements scattered throughout the West Bank. All are illegal under Israeli and international law. The document also calls upon Israel to 'cease deportations, attacks on civilians, confiscation and/or demolition of Palestinian homes and property'.

The second phase requires Israel to 'enhance maximum territorial contiguity for the Palestinians'. Under this phase an internationally sponsored conference will launch a process leading to the creation of an 'independent, democratic and viable Palestinian state by 2005'. Under phase three a second international conference will oversee the creation of a Palestinian state and resolve all other outstanding political matters such as the final status of Jerusalem, Israel's borders and the fate of Palestinian refugees.

Apart from the appointment of Abu Mazen as Prime Minister, the Palestinian Authority's obligations under the road map

are mostly counter-insurgency in nature. Under phase one the Authority must 'issue a statement reiterating Israel's right to exist' and 'disrupt and restrain individuals and groups conducting and planning violence on Israelis' while visibly undertaking efforts to 'dismantle terrorists capabilities and infrastructure'. The Authority is also compelled to 'bring all security matters under the control of a relevant interior minister'. By phase two the Authority must ratify a Palestinian constitution as precursor to the declaration of statehood in 2005.

The prospects for peace will undoubtedly revolve around whether Israel is prepared to avail of this favourable opportunity to conclude a permanent political agreement with the Palestinian Authority, Syria and Egypt. Israel has never before been in such a strategically advantageous position, now that the US administration has secured the quiescence of its main regional enemies. Furthermore, Israel's dire economic predicament seems to demand a termination of the intifada, the removal of Zionist settlements and a withdrawal from Palestinian territories. But will political and economic common sense win out over ideology?

Although Netanyahu has withdrawn some financial subsidies from settlers, it is inconceivable that Sharon will risk losing the support of his right-wing coalition partners in the National Union or the National Religious Party by dismantling Zionist settlements. But is Israel prepared to sustain the political and financial costs of an ongoing colonisation of the occupied territories while continually obstructing the creation of a Palestinian state? It would seem so, as the early indications are not encouraging and seem to point towards a continuation of the failed policies of the past. Even though the road map urges Israel to 'cease deportations, attacks on civilians, and the demolition of Palestinian homes', the Israeli Defence Forces demolished twelve Palestinian homes and killed 16 civilians within thirty-six hours of the document's publication.

The entire international community must unite to demand an end to Israeli state terror, while ensuring that the road map is fully implemented and Palestinian independence realised. However, while the creation of a Palestinian state is a just and democratic imperative, it must be a precursor to the emergence of a representative political leadership which has the welfare of the Palestinian people as its main priority.

Cuba: defending the revolution

By Phil Forsyth

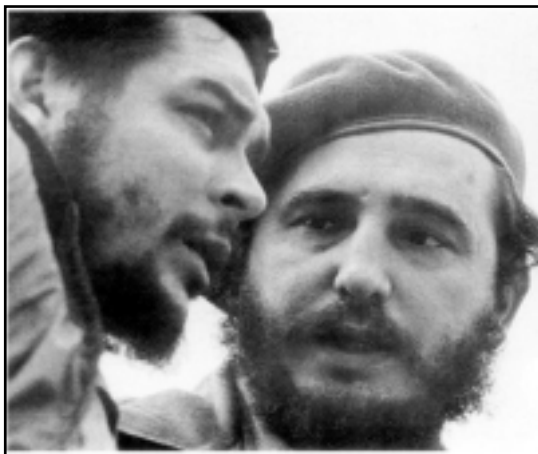
Since last summer the Bush administration has been involved in a pattern of escalating aggression against the Cuban people. The Cuban government has recently responded to this provocation by arresting and convicting seventy-five US-backed opponents of the revolution. A further eleven people were convicted in April for hijacking a passenger ferry in Havana. Three of those were subsequently executed. Both the Bush administration and Western media have tried to claim a link between the criminal hijackers and the seventy-five counter-revolutionaries in order to create the false impression that it is now Cuban government policy to execute so called 'dissidents'. As is often the case, the truth is somewhat different to what the Washington spin-doctors would have us believe.

The trials of the seventy-five counter-revolutionaries were held between April 3rd and 7th. After being found guilty, all were sentenced to prison terms ranging from six to twenty-eight years. On April 9th, two days after the trials ended, Cuban foreign minister, Felipe Perez Roque held a press conference. He stated that the counter-revolutionaries were indicted for violations of the Cuban Penal Code, in particular Law Eighty-eight, known as the Act for the Protection of the National Independence and the Economy of Cuba. This law was adopted in response to Washington's efforts to implement the notorious 1996 Helms-Burton Act. This Act states that US sanctions will remain in place until a 'transitional government', approved by the US, is established in Cuba. The Act also allows for the funding of Cuban opposition groups in their efforts to subvert Cuban sovereignty.

In order to highlight the impartiality and fairness of the Cuban judicial process, the Cuban foreign minister produced evidence from the trial at the April 9th press conference. This included receipts and bills that clearly showed that a number of the defendants had received funds from US diplomats and officials connected to the US Agency for International Development (USAID). USAID is funded under the terms of the Helms-Burton Act and according to the Associated Press USAID has passed upwards of \$20 million to US-based anti-Castro paramilitaries. Testimony also came from a number of Cuban security agents who successfully infiltrated counter-revolutionary groups. These agents testified to working with the defendants and US officials who provided funds and who also briefed the Cubans as to how to compile

bogus reports on human rights violations in Cuba. These bogus reports were then forwarded to the US State Department, Amnesty International, Human Rights Watch and other organisations.

Also exposed at the trial and subsequent press conference was James Cason, head of the US Interest Section in Havana. Since the victory of the revolution in 1959, when the US-backed Batista dictatorship was overthrown, the US has refused to recognise the Cuban revolutionary government and so both government's diplomats operate out of Interest Sections hosted by a third



country. But Cason has, deceitfully, used his position to incite and fund counter-revolutionaries within Cuba and has also met with US-based groups such as the Council for the Freedom of Cuba. This group has been implicated in a number of terrorist attacks against Cuba which were launched from US soil.

The evidence produced by the Cuban authorities is more than enough to refute the allegations made by the US and international media that the Cuban government is unfairly cracking down on dissidents. What the Cuban government is doing is simply protecting its sovereignty and the Cuban people's right to self-determination. The Cuban government could not do these without the overwhelming support of the Cuban people. The Cubans also issued a warning to the US administration and to Mr. Cason stating that they had not released all the evidence in their possession and that if America continues its campaign of disinformation the US could very well find itself embarrassed once again.

Both Washington's policy and the reckless actions of James Cason have encouraged a spate of hijackings since August of 2002. Seven armed hijackings have taken place in Cuba and their occurrences seemed to becoming more regular; the last three occurred within a two week period from mid-March to the beginning of April. Not surprisingly US officials have refused to

prosecute the criminals responsible or return hijacked planes and boats. It seems America's war on terrorism is a more than a little selective. It has long been American policy, under the 1966 Cuban Adjustment Act, to automatically grant citizenship to any Cuban who manages to reach mainland America regardless of the methods used or the crimes committed in the process. This enticement has cost the lives of many Cubans who have drowned at sea and has also encouraged acts of terrorism such as the hijacking of planes and ships. All this just to maintain the illusion that the Cuban people are being governed and imprisoned against their will. The US government has maintained this façade by cynically refusing to issue visas to Cuban citizens who are not prevented from travelling by the Cuban authorities.

As with the trial of the seventy-five counter-revolutionaries the Cuban government could not stand idly by while acts of terrorism and subversion were taking place on a weekly basis. Cuban officials cited evidence of 29 attacks that were planned but have been foiled by Cuban security agents. An important fact is that no new incidents have been reported since the courts convicted the perpetrators of the April 2nd ferry hijacking. This is undoubtedly because of the strong stance taken by the courts in relation to three of the hijackers who were executed along with eight others who received lengthy jail sentences. The death penalty has always been used sparingly in Cuba (unlike in the US). It's a pity that the international media is so selective in its criticism of countries that have the death penalty enshrined in domestic law.

The evidence provided by Cuba in both the trial of the subversives and the execution of the hijackers clearly shows that there is no policy to execute opponents of the government. If it was policy, enough evidence existed to execute more than just three of the hijackers. To suggest otherwise is to repeat US-inspired anti-Cuban propaganda. The only link between the two events - the hijacking and the counter-revolution trial - is American foreign policy and its continued aggression against the Cuban people's revolution. President Fidel Castro best summed up the situation in his most recent address to the world, 'We are not happy having to apply the death penalty... If revolutionaries do not defend themselves their cause is defeated and they pay with their lives.'

Phil Forsyth is a republican POW in Portlaoise Gaol

The New Republican Forum

The New Republican Forum is a coalition of political and community activists, founded to challenge the political status quo in Ireland by providing a radical Republican alternative to the mainstream political establishment.

The New Republican Forum:

- Stands for the reunification of Ireland and opposes all aspects of British interference in Irish affairs.
- Opposes the Belfast Agreement, which subverts the Irish people's inalienable right to self-determination.
- Stands for the creation of a just society in Ireland, based on principles of equality, social justice and genuine democracy, underpinned by a comprehensive charter of inalienable human rights.
- Supports the promotion and development of Irish culture.
- Opposes the resurgence of imperialism as a political ideology, led by the United States, its allies and client regimes.
- Supports all oppressed peoples struggling for national liberation.
- Opposes any attempt by the Dublin government to aid or assist any Western military alliance.

Our aims are:

- To establish a credible Republican opposition to British rule in Ireland.
- To critically reassess and analyse the history of the Republican struggle in Ireland, and by so doing, chart a course for the future of the Republican movement.
- To establish, support and coordinate the activities of Republican, community-based and other progressive organisations, forging a basis for a new national movement.
- To liase with other progressive forces, nationally and internationally, including anti-capitalist groups, trade unionists and environmental movements, along with national liberation movements worldwide, to further the cause of anti-imperialism.
- To establish a range of independent media outlets providing Irish people with alternative sources of information on political and social issues.

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