

Without consent

Britain's abuse of human rights in Ireland



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Troops Out Movement



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Introduction

BRITISH MINISTERS have always been keen to lecture other countries about their human rights abuses. In the International Year of Human Rights, British politicians prepare to take centre stage.

Yet within a territory they claim is part of their own state, the rights they champion on behalf of other peoples have been denied for 70 years - the longest record of systematic human rights abuse anywhere in Europe, East or West.

That territory, carved out by the threat of force, is Northern Ireland.

Ruling without consent

Human rights are denied in Ireland's six north-eastern counties for the same reason as elsewhere: not because judges, police and soldiers are sadists but because the state - the establishment in London that runs these "security forces" - needs such brutal and oppressive methods to keep control.

That is why, for a lifetime, virtual martial law has prevailed there and such basic human rights as *habeas corpus* and freedom from arbitrary arrest have been unknown. That is why, in the European Convention on Human Rights, Britain has

had 21 human rights violations found against it on issues related to Northern Ireland - more than any other member country.

Just as in South Africa, China or Palestine, as in Iraq or El Salvador, the appalling record of human rights abuse in Northern Ireland shows the state is trying to rule without consent.

In this pamphlet, the Troops Out Movement reports on some of the most serious examples. Then we ask: how come, 400 years after the Tudors set about bringing rebellious Ireland under the English Crown, British governments are still trying to rule there **without consent**?



"Due process"

FOR HALF A CENTURY from its creation in 1922, the Northern Ireland statelet was governed through the use of the Special Powers Act (SPA). Besides such exotic features as provision for whipping prisoners and banning coroners' inquests, the SPA gave police virtually unlimited powers to prohibit demonstrations; search premises; arrest, detain and interrogate anyone on "suspicion"; and intern them without trial.

The eruption of protest after internment was used in 1971, and increasing international criticism, prompted Britain to "modernise" its system of judicial repression. It needed to be able to lock away those who resisted its rule, while presenting this as a judicial process against "criminals" rather than war against an insurgent community.

The 1972 Emergency Powers Act replaced the SPA while reproducing its main provisions. Together with the Prevention of Terrorism Act (see opposite) it set the framework for Britain's new "conveyor belt" to detention.

The system started with interrogation centres opened up at Castlereagh and Gough Barracks. Here, using PTA detention powers, confessions are extracted from detainees.

They are then tried in no-jury Diplock courts. Applying special rules of evidence from the Emergency Powers Act, Diplock judges can convict on confession or witness evidence **without corroboration**. In the early 1980s the authorities attempted mass trials where dozens, even hundreds at a time were accused by a single "supergrass". Many such cases later collapsed.

More than 10,000 people have, however, been convicted through the Diplock conveyor belt system.

In 1988 the odds were tilted still further against the defendant, when the Government decided Northern Ireland judges could now infer guilt from an accused person's silence - overturning the fundamental principle of English law that you are innocent until proved guilty.



The Prevention of Terrorism Act

EVERY WEEK in England, Scotland and Wales at least 1,000 people on average are stopped, questioned and computer-checked by police under the Prevention of Terrorism Act (PTA). The Act makes it an offence to "withhold information" in reply to any police question.

Most of these people are Irish.

Detention

The number actually taken into custody under the PTA totals nearly 7,000 since it was introduced in 1974 - around 200 annually in recent years. They are subject to some of the most draconian rules ever approved by Parliament. The PTA empowers police to arrest and detain any person on "reasonable suspicion" for up to seven days without charge.

In 1988 the European Court of Human Rights ruled that this seven-day detention, without a hearing before a judge or court, violated the European Convention of Human Rights to which Britain is a signatory. The Government's reply was to "derogate" from the ruling - that is, ignore it.

Extended custody gives interrogators ample scope to extract false confessions. The Guildford Four, Birmingham Six, Judith Ward and the Maguire family were all held

and framed under the PTA.

Internal exile

The PTA also empowers the Home Secretary to "exclude" from Britain to Ireland any person supposedly linked to terrorism, without stating the case against them. This is the power of internal exile bitterly criticised by British politicians when applied to Soviet dissidents.

Intimidation

Typically in recent years only about five percent of PTA arrests lead to any charge being made under the Act. (The percentage was even lower in earlier years.) PTA arrests and exclusion orders have often lost people their jobs, broken up families, destroyed mental health - and the vast majority have no bearing on any alleged IRA activity.

Targeted largely on the Irish community in Britain, the Act's real functions are to gather information on anyone who might oppose Britain's occupation of Ireland; and, above all, to intimidate them into keeping such views quiet.

"The Prevention of Terrorism Acts have severely undermined the principles of natural justice and the rule of law. Their provisions violate international standards of human rights accepted by the British Government itself."

National Council for Civil Liberties (now Liberty)

House raids

November 1989:

Creggan, Derry

Raid on the home of Eithne Barker, aged 62 years. Her daughter was present and recalls

"My mother is an old age pensioner and she was very distressed at the house being raided. When for no apparent reason she was arrested, I asked why and was immediately arrested myself. We were both taken to Castlereagh Interrogation Centre and held for 24 hours."

OCCUPYING ARMIES down the centuries, faced with insurrection, have resorted to attacking people's homes at random to try and deter the local community from helping the insurgents. A major recent example is the bulldozing of Palestinian homes by Israeli forces in the *intafada* from 1988 onwards.

In Northern Ireland nearly 300,000 homes were searched by "security" forces between 1973 and 1988. Recent years have seen a shift towards raids which are apparently more targeted - 8500 in 1988 according to official (understated) figures - and more deliberately punitive.

In the typical raid, soldiers and RUC officers enter fully armed and confine the family for several hours to the house, even to one room. They ransack belongings; smash furniture, even permanent fixtures; often break into walls and ceilings. In some cases floors are dug up with pneumatic drills.

The vast majority of homes raided belong to nationalists.

Trauma

Deepening the trauma such raids inflict - on children especially - families may also face verbal or physical abuse, and see members of their household arrested and driven away in

armoured vehicles, with no reason given.

Generally women bear the brunt of house raids: putting the home together afterwards, coping with children's distress. Many suffer psychological damage from this assault on their homes.

Purpose

Britain claims house searches are conducted to "protect lives and property". But fewer than one percent of these searches reveal any arms or explosives. In a joint protest statement after an intense spate of house raids in 1988 - including 1500 in just three weeks during November - 90 Belfast community organisations gave a different view of their fundamental purpose:

"These raids are part of a deliberate policy designed to intimidate, brutalise and collectively punish the nationalist community. They are part of the continuing 'nationalist nightmare'..."

PHOTO: AP/RN

November 1988:

Turf Lodge, Belfast

For 29 hours British soldiers took over the home of Andrew and Janet Donnelly and their three children aged between one and nine years old.

Working in shifts, some sleeping in the family's beds, the raiding party rendered the house uninhabitable.

The kitchen was gutted, furnishings and equipment being torn out and thrown into the garden. Its floor was excavated to a depth of two feet. In other rooms all floor boards were lifted, holes knocked in walls and furniture smashed. Clothing was pulled from wardrobes and flung through windows into the back garden.

It was the second raid on the Donnelly's home in a month.

Janet Donnelly:
"We are homeless...The dreadful thing is, they could come back at any time and do it again..."

July 1990 :

Lenadoon, Belfast

Three-and-a-half hour raid by Parachute Regiment and RUC on Bennett family's home. Keeping the family under house arrest, they pulled cupboards off walls, ripped up floor boards, cut a hole in a bedroom ceiling, destroyed electric sockets, vandalised religious pictures and statues.

Jean Bennett: **"The British Army and RUC have wrecked my home and terrorised my family. My husband is an invalid who suffers severe kidney problems. The soldiers smashed a shower unit specially installed for him. They spat on all our food, emptying the contents of the fridge on to the floor. My husband is on a special diet but they destroyed everything. They allowed a sniffer dog to...kill one of our chickens and then British soldiers smeared blood from the chicken on to bed linen."**

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Sexual harassment

SEXUAL HARASSMENT of working-class nationalist women by the Army and RUC, though rarely documented, has been commonplace throughout 20 years of war. At a conference in Co. Tyrone in 1990, called to discuss an increase in such abuse, women described:

- * verbal sexual abuse by military personnel at road checkpoints late at night
- * intimate and degrading body searches in the street
- * sexual threats and harassment during interrogation in police custody
- * sexual threats and abuse during house raids - for example while held under arrest in one room with their children.

These experiences often go unreported because nationalist women fear the Army or RUC will retaliate. The few who dare seek redress through the courts usually end up being punished themselves.

Geraldine Skillen, 30-year old Belfast mother of three young children, is one of them.

In June 1989 the RUC stopped Geraldine Skillen in the street, then arrested her for allegedly giving the wrong date of birth. She was forced into their armoured jeep, leaving her children in the street. In the vehicle, while

two RUC officers held her down, a third sexually assaulted her. When she appealed to the other two RUC men, they told her she would be charged with assault if she did not stop struggling.

At the police barracks she was held for three hours, strip searched and threatened with her children being taken into care. Finally she was charged with assault and disorderly behaviour, and released.

When subsequently she tried to lodge a formal complaint, the RUC refused to accept it. So instead she herself brought a charge of sexual assault against her attackers.

Her reward was six months of constant harassment by the RUC. They frequently stopped her and questioned her on the street. They stopped her five-year old daughter and searched her bag. In November 1989 they made a night-time raid on her home, smashing the fireplace and destroying clothes and bedding. In February 1990 she was again arrested and beaten.

When the police charge against her reached court, Geraldine Skillen was convicted of disorderly behaviour and of assaulting the three RUC officers.

Strip-searching

ACCORDING TO the Northern Ireland Office, strip-searching is a routine security measure - applied also to men, they say, and in Britain. But the intensity with which it has been imposed on Irish republican women prisoners since the early 1980s is far from routine. Besides searches before and after receiving visits, they have frequently been strip-searched before and after changing prison cells and making court appearances that involved no contact with any members of the public. The only items ever found at Armagh Jail by this "security measure" were a phial of perfume and some money.

Irish women in English jails have been strip-searched with particular zeal. For example Martina Anderson and Ella O'Dwyer, on remand in Brixton prison, were strip-searched a staggering 800 times between them in 11 months. Nothing was ever found. Martina Shanahan, one of the Winchester Three freed when the case against them fell apart on appeal, also underwent constant strip-searching and harassment.

It was in 1982 that Britain began strip-searching Irish women remand prisoners with such intensity and ruthlessness, experienced by many as a form of torture. This was the period when - with Sinn Fein rapidly gaining political

strength after the H-Block hunger strikes - judicial techniques like "supergrass" trials (see page 4) were being developed in a bid to lock up and demoralise as many republicans as possible.

Professor Ivor Browne of University College Dublin's Department of Psychiatry, speaking on motives for strip-searching in Armagh Prison, said: "...the main reason would seem to be to gain emotional control over the person...to intrude and violate the very private part of a person is...a very powerful way of breaking down a personality."

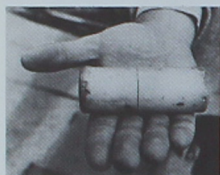


PHOTO : C/W

"You are told to strip naked. You are always in view of the prison staff, usually about six...your body is inspected front and rear. A warder takes hold of your hands and inspects your palms, and picks up your feet to inspect your soles. It is like a cattle market...Warders search your hair. menstruating women are ordered to remove their tampon or pad. If a prisoner refuses, their sanitary protection is forcibly removed and inspected." Ex-prisoner, Armagh women's prison, Northern Ireland

Former Armagh prisoner Linda Quigley: "There must be some similarity between what we feel and what a rape victim feels. Our bodies are actually being violated."

Plastic bullets



THE PLASTIC BULLET is a technologically-advanced version of another much older British invention: the Riot Act. Both were devised to frighten working-class protesters off the streets.

Plastic bullets stem from an idea transferred by Britain from its Chinese colony Hong Kong to its Northern Irish colony as insurgency developed in 1969. Hong Kong police, two years earlier, had manufactured a wooden projectile fired by cartridge to help them curb trade union-led demonstrations. Porton Down chemical warfare establishment was asked to help adapt this wooden "baton round" to a form more acceptable within "part of the UK". The result was the rubber bullet introduced onto Northern Irish streets in 1970 where it killed three people before, in 1975, the

Government replaced it with the plastic bullet - said to be more accurate.

Lethal force

A plastic bullet is a solid PVC cylinder, 4.5 by 1.5 inches, weighing almost 5 ounces. Fired by cartridge, it travels at a velocity between 130 and 170 mph.

Since 1975, 14 people including seven children have been killed by plastic bullets in Northern Ireland. Thousands more have suffered injuries, some serious, including brain damage; blinding; fractures to skull, jaw and limbs; damage to internal organs, and wounds requiring up to 40 stitches.

This is hardly surprising. US Army research shows a crowd control weapon with an impact

energy over 90 foot/lbs (the force of a 1lb weight dropping 90 feet) will cause "severe damage" including skull fracture, heart rupture, even liver fragmentation. At 50 yards the plastic bullet has an energy of 110 foot/lbs. Official regulations authorise its regular use in Northern Ireland at any range over 20 yards; in practice it is often fired at much less distance than that.

The Government claims plastic bullets are used only in riot situations and are aimed at lower parts of the body. In fact most people killed by them had not been involved in rioting and sustained injuries in the upper part of the body, especially the head.

Of soldiers and RUC officers responsible for the 18 rubber and plastic bullet deaths, only

one has ever been prosecuted. He was acquitted.

Targeted

Plastic bullets in Northern Ireland are targeted mainly on the nationalist community. Whenever street protests are stepped up - rioting or demonstrations - more plastic bullets are fired at nationalists. During the 1981 hunger strikes plastic bullets killed seven people in as many months; in May and June alone 17,000 were fired.

Production and distribution of plastic bullets is part of a burgeoning trade in anti-civilian weaponry. They are now used by a number of other regimes, including South Africa and Israel, which face mass resistance on the streets.



Official assassination

"Some people believe in selective internment. I believe in selective assassination."

British Army major,
East Tyrone
(Guardian interview,
19 February 1980)

LEAVING ASIDE the many deaths they have caused off duty, members of the Army and RUC have since 1969 killed well over 300 people in Northern Ireland, most of them nationalists.

Some were shot indiscriminately, random civilian victims - from the 14 peaceful civil rights marchers massacred by British paratroopers in Derry on Bloody Sunday 1972, for example, to little known fatalities like Anthony Hughes, a passer-by caught in a hail of RUC bullets when he drove into an ambush set up by security forces for an IRA unit at Loughall, Co. Tyrone, in May 1987. A number of others killed by security forces were of course members of the IRA or other paramilitary groups, armed and engaged in acts of war.

Selective assassination

But in many cases, British forces have used lethal force as an alternative to arrest, to eliminate nationalists who were unarmed and had been carefully selected as targets.

This is the strategy of "shoot to kill" or official assassination, designed to dispose of people known (or believed) to be republicans. Public attention in Britain was focused on it especially by three incidents in 1982 when undercover

RUC units killed six unarmed nationalists in Co. Armagh.

On the orders of their senior officers, the RUC officers responsible at first lied to cover up the reality of these operations. Growing public disquiet led to some of them appearing in two trials during 1982. These hearings confirmed that they belonged to "E4A", a unit trained by the SAS to put opponents - as RUC Deputy Chief Constable Michael McAtamney said in court - "permanently out of action".

At the first trial, policemen who had ambushed and shot three unarmed IRA members were warmly commended by the judge, and acquitted. At the second, the RUC constable who had shot dead two unarmed members of the Irish National Liberation Army claimed it was self defence. Congratulating him on his sharp-shooting, the judge acquitted him. No charge has ever been brought against the officers responsible for the third 1982 incident, in which a youth with no paramilitary links was shot on entering a hayshed they had "staked-out".

With controversy fuelled by the trials, the Government brought in Manchester's Deputy Chief Constable John Stalker to "investigate" the E4A killings. But when he actually began insisting on full access to RUC records about

them, Stalker found himself promptly suspended from duty on trumped-up allegations of misconduct.

"In cold blood"

Official use of assassination squads like E4A neither began nor ended though, with the 1982 deaths. In 1977 and 1978, for example, SAS units had shot a series of nationalists across Northern Ireland, some of them IRA or INLA members but none of them armed. Ten years

later Aidan McAnespie, a nationalist who had been threatened often by security forces despite having no paramilitary connections, was killed by a machine-gun bullet as he walked past an Army observation post at Augnacloy, Co. Tyrone. The soldier who shot him claimed it was an accident. There was no prosecution.

Soon afterwards, in March 1988, an SAS team killed three IRA volunteers in Gibraltar. The bomb they were alleged to have planted was never found. They were unarmed. Eyewitnesses refuted claims that they made "threatening" movements. They could have been arrested; the SAS squad simply eliminated them. It was reported that the operation was authorised at Cabinet level. There was no prosecution.

Of all the Army and RUC personnel responsible for over 300 deaths in Northern Ireland, only two have ever been convicted. Pte. Robert Reid Davidson who shot a woman driving through a road block got a 12 month suspended sentence for manslaughter. Pte. Ian Thain was sentenced to life imprisonment for murder, after he put a bullet through the back of a civilian while on patrol; two years and three months later he was released to rejoin his regiment.

"For the police and army to have a 'shoot to kill' policy, whether in Belfast in the 1970's or in Gibraltar in 1988, is unacceptable in a democracy... there can be no lawful justification for shooting down suspects in cold blood. Once the state stoops to murder - for whatever reason - democracy is not being defended; it is being murdered along with the victims."
National Council for Civil Liberties, 1990 Annual Review

PHOTO:FACEMAKER

