

Policing Strategies in N. Ireland

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Between 1922, when the Northern Ireland statelet was set up, and 1971, successive Unionist governments have used special legislation and a high degree of policing to suppress political opposition. Since Britain once again took over direct rule of Northern Ireland in 1972 it has continued to try to police that opposition away rather than deal with the underlying political problem. With a succession of laws such as the Emergency Provisions Act (EPA), the Repayment of Debt Act, and the Prevention of Terrorism Act (PTA), Britain has attempted to put a judicial front on its strategy of imprisoning political opposition. At the same time it has developed a system of widespread intelligence gathering and combining civil, police and military authorities to contain that opposition.

Now policing strategies developed in Northern Ireland have become the dominant ones in Britain as well. The new Police and Criminal Evidence Bill contains many of the provisions of the EPA. The Prevention of Terrorism Act introduced as emergency legislation has become permanent. Community policing is being widely trumpeted as the way forward for Britain's police. In reality that means widespread intelligence gathering, and the use of civil agencies such as the NHS and the DHSS as a part of overall policing.

Special Powers

Right from the start, policing and special legislation have been central to Unionist political strategy in the Northern Ireland state – the 'normal' course of law has never applied. In 1920 the Ulster Special Constabulary was formed to back up the police force. Entirely Protestant in composition, it was based on the structure and membership of the Ulster Voluntary Force (UVF), a loyalist paramilitary group set up to oppose the move towards an independent united Ireland. By 1922 the Special Constabulary numbered 44,000 – 1 adult male Protestant in every 5 – as compared with the Royal Ulster Constabulary (RUC) of 1,200. The Specials' lack of discipline and open sectarianism bitterly alienated the minority Catholic community and paved the way for their intense distrust of the RUC today.

The Specials played a crucial role in the establishment and maintenance of the Northern Ireland government, – backed legally by the 1922 Special Powers Act (SPA) which gave the Home Affairs Minister the power 'to take all such steps as may be necessary for preserving peace and maintaining order'. In effect this meant widely used powers of arrest, search, questioning, detention and internment without any requirement to give a reason. The Minister had the power to intern and release anyone, and this executive power was used to suppress political opposition, such as when Republican politicians were interned for a week in 1951 because of a royal visit. The minority community's bitterness towards the forces of law and order was exacerbated by distrust of the judiciary and juries. Of 20 High Court judges appointed since 1922, 15 were publicly associated with the Unionist Party. Because of property qualifications, juries were mainly Protestant and therefore open to loyalist bias.

This system of repressive, institutionalized and unashamedly sectarian law

and order was operated by the Northern Ireland Government for half a century. When British troops first went on the streets in 1969, it was in response to widespread civil rights unrest which had shown that the systematic discrimination against Catholics could not continue. Following televised police brutality, the Hunt Committee was set up by the British Government to advise on policing in Northern Ireland. As a consequence the RUC was disbanded and made responsible to an appointed Police Authority, and the Specials were disbanded and replaced by a new force (later named the Ulster Defence Regiment – UDR) under the control of the British Army. Meanwhile, equal voting rights were extended to all, and housing, education, planning, health and social services were reorganised with centralized management to distance them from the discriminatory practices of local authorities.

These reforms were too late and came too slowly, and the situation gradually became a guerrilla war between the IRA and the Army... The RUC soon rearmed, and the UDR became a new heavily armed version of the Specials with over 97% Protestant membership including close links with and infiltration by loyalist paramilitary groups. As the conflict became more bitter and violent, the Unionist Government followed tradition and re-introduced indefinite internment without trial in August 1971. In the first 6 months, 2,300 people were arrested, all Catholic. The blatant political nature of internment, and the violence with which it was implemented, incensed the minority community and contributed directly to the escalation of the guerrilla war on the streets. Internment also brought down the Unionist Government of 50 years, to be replaced by direct rule from London, though internment lasted as a policing tactic until 1975.

Total Policing

During the 60s there was a major rethink in Western capitalist countries about policing and the security of the state. One of the principal proponents of the new methods was Brigadier Frank Kitson, appointed army commander of the Belfast area in 1970. Although he only spent 18 months in Northern Ireland, the theories outlined in his 1971 book *Low Intensity Operations: Subversion, Insurgency and Counter-Insurgency* gradually became the dominant ones. Kitson's analysis is based on social and anti-social division in society, between those who support the government and remain within the law, and those regarded as undemocratic and outside the law. He stressed the need for co-ordination of the legal, civil, military and police authorities and for rigorous collection of basic intelligence data on the population.

Northern Ireland was a perfect arena for practising this total approach to policing. The old system of blatant oppression wasn't working, the army had considerable autonomy, and although not as far away as Kenya, Northern Ireland does not come under the same scrutiny as, say, Merseyside. In each area, civil representatives were appointed to co-ordinate housing improvement, street maintenance, etc. with army policing operations. A 'hearts & minds' offensive was launched, with community projects, sports facilities for young people, meals-on-wheels for old people in Derry – all with army involvement. A massive system of intelligence-gathering was started. Computer-based, it was fed by random identity checks (P-checks), detention without charge and house searches.

Police involvement with civil administration was increased – police now sit

in on and have a veto on all major planning developments. Housing estates are now built with a limited number of exits; factories, warehouses and new roads are placed in areas to act as barriers; at police request pavements in the Poleglass housing development were reinforced to take armoured vehicles.

This enrolment of all state functions to the service of policing was further illustrated by the 1971 Payment of Debt Act, introduced as a direct re-

sponse to the 26,000 strong rent & rates strike by the Catholic community against internment. The Act empowers housing authorities, gas and electricity boards, etc unilaterally to deduct any debts at source from people's benefits or wages. The Act's use is primarily political and takes no account of individual financial circumstances - it remains on the statute book and is used to counter political protests over housing and poverty.

Legal Framework

Kitson laid out the bones of the policing theory, but further legal refinement was required because counter-insurgency techniques evolved in the Empire since the War were too crude for domestic use. In *Low Intensity Operations* Kitson states: *'the law should be used as just another weapon in the government's arsenal, and in this case it becomes little more than a propaganda cover for the disposal of unwanted members of the public - for this to happen efficiently the activities of the legal services have to be tied into the war effort in as discreet a way as possible'*. In 1972 the Diplock Commission was set up to devise a more judicial manner of containing the continuing opposition to government policies in Northern Ireland, and its recommendations became the 1973 Emergency Provisions Act (EPA).

The composition and operation of the Diplock Commission indicated the thinking behind it. The four members were a prominent English law lord, a professor of criminal law, a former intelligence corps major and a former TUC general secretary. The Commission never visited Northern Ireland and the mainly oral evidence was from legal administrators and the civil and armed services. The Report took no account of the political reasons for the conflict, focusing instead on the maintenance of law and order, i.e. the status quo. Basic civil rights central to any notion of justice, such as the admissibility of statements, became technical details secondary to the proposed law and order strategy.

In effect the EPA was an updated version of the 1922 SPA:

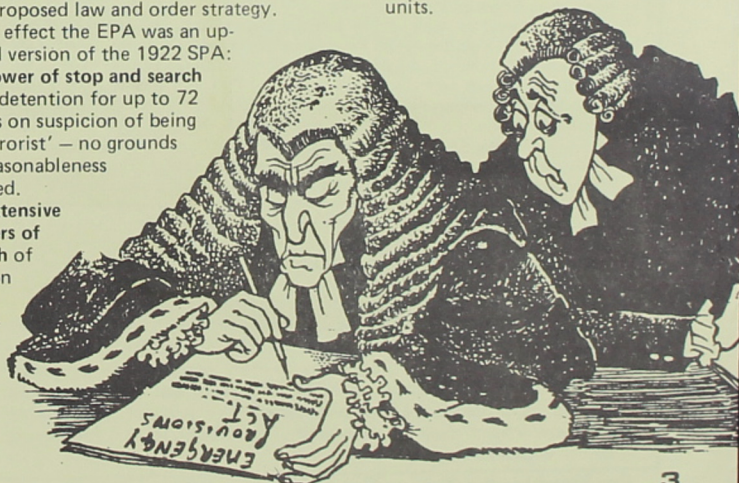
- **power of stop and search** with detention for up to 72 hours on suspicion of being a 'terrorist' - no grounds of reasonableness needed.
- **extensive powers of search of person and property.**

- trial before single judge with **no jury.**
- acceptance of **hearsay evidence** with no right of cross-examination
- **assumption of guilt** in alleged arms possession cases with onus of proof on the accused.
- amended rules on the **admissibility of confessions** - making them more difficult to challenge in court.

This wholesale suspension of centuries-old civil liberties was a major step towards the present Police Bill, justified by the Labour government at the time because of the 'nature of the emergency'. The EPA has formed the basis of army and police operations since 1973, and immediately causing a massive increase in arrest and search for purposes of harassment and intelligence gathering. In 1971 17,000 houses had been searched. In 1973 75,000 houses were searched - one fifth of all houses in Northern Ireland.

In 1974 the passing of the Prevention of Terrorism Act (PTA) by the Labour government consolidated the measures in the EPA and extended the maximum detention period from three to seven days.

To implement their policing strategies the government appointed a London police commander, Kenneth Newman, as Deputy Chief Constable of the RUC. He immediately began organising the RUC - re-arming it, expanding its information gathering capacity and setting up specialised units.



However, policing still had an obvious political face to it. The political dimensions of the situation were recognised to an extent by the government — prisoners of the political conflict were granted special category status and there were regular informal contacts between the

administration and groups involved in the guerrilla war. Also, despite the reorganisation and strengthening of the RUC, the Army was still the principal policing force in the ghettos containing the dissident population and enjoyed considerable autonomy.

PREVENTION OF TERRORISM ACT

When the P.T.A. was introduced in 1974, the then Labour Home Secretary Roy Jenkins described it as a temporary and draconian measure. Nine years later it is still law, and because of P.T.A. exclusion orders the U.K. remains unable to ratify Protocol 4 of the European Human Rights Convention which protects the rights of citizens to freedom of movement within their own country. The Act allows internal exile from one part of the U.K. to another, detention for up to 7 days without charge, and denial of the rights of Habeas Corpus, a court hearing or an appeal. The open decision of a court is replaced by the secret decisions of police, civil servants and government ministers — legally defined and protected rights are replaced by arbitrary executive powers.

Only 100 of the 5,600 persons detained in Britain have been charged with offences under the P.T.A., and virtually all those detained are Irish. P.T.A. detention is used for purposes of harassment and information-gathering, rather than for the investigation of acts involving 'the use of violence for political ends'. The effect of the P.T.A. in Britain has been to discourage political activity around Irish matters and to allow the police, especially in London and Liverpool, to gain useful experience in psychological interrogation techniques during extended detention. It also created the political precedent for the 96 hour detention clause in the Police Bill.

See T.O.M. publications for a more detailed look at the use of the Prevention of Terrorism Act.

Criminalisation

In May 1976 Kenneth Newman was appointed RUC Chief Constable. In an interview with the *Irish Times* he stressed the importance of combining civil, military and police authorities, and said he viewed his stay in Northern Ireland as experience which would be needed for policing British streets in the future.

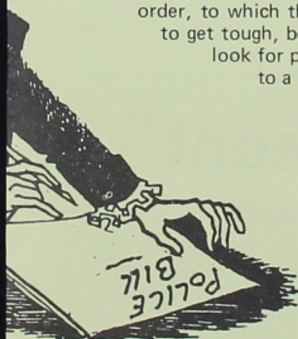
In July 1976 he issued a directive stating he was taking full personal control for interrogation at the new centralised detention centre at Castlereagh, later extended to Gough Barracks because of the volume of business. In September 1976 Roy Mason arrived as Northern Ireland Secretary, the month the European Commission on Human Rights found the British government 'guilty of torture, inhuman and degrading treatment' of internees in 1971. Special category status had been withdrawn from March 1976, and henceforth the political aspects of the conflict were to be ignored. The 'problem' was presented as one of law and order, to which the 'solution' was to get tough, because you don't look for political solutions to a 'crime wave'.

The new strategy of criminalisation filled the gap

left by the ending of internment by Merlyn Rees in 1975 — it depended on the conveyor-belt system of justice made possible by extended periods of detention, and the ready admissibility of confessions as sufficient evidence to convict in the no-jury courts. The 1972 Diplock Report stated that the jury system in Northern Ireland had not broken down but might break down in the future. The Report also recommended accepting confessions as admissible evidence 'unless obtained by the use or threat of physical force'. Crucially, no such qualification appeared in the EPA.

Soon there were complaints of confessions being obtained by physical abuse — simultaneously the rate of conviction by self-incriminating confession rose dramatically. The conviction rate in the Diplock courts was an incredible 94%, with 70-90% of the convictions based wholly or mainly on confession under interrogation. There was also a marked gap between the average 58% acquittal rate for jury trials and the average 19% acquittal rate for juryless Diplock trials (figures apply to contested trials 1976-9).

Disquiet about interrogation methods formally surfaced as early as April 1977 when the Police Doctors' Association complained to the Police Authority. In April 1978 the Police Authority expressed their serious concern to N.I. Secretary Roy Mason — police doctors were now continuously documenting physical abuses during interrogation. Both Mason and Newman still publicly denied that any such activities occurred and expressed their faith in the system (Newman was knighted in 1978).



In 1977 Amnesty International had begun an investigation and in June 1978 parts of its report were leaked before publication. The IBA banned a *This Week* TV programme on the Amnesty Report, but *Nationwide* exposed it. The Report concluded that '*maltreatment of suspected terrorists by the RUC has taken place with sufficient frequency to warrant the establishment of a public enquiry to investigate*'. An international outcry followed — the Callaghan government responded by setting up a commission under Judge Bennett to consider interrogation procedures.

Meanwhile the maltreatment continued — in January 1979 there were 26 complaints lodged of assault during interrogation and in March 1979 a Castlereagh police doctor stated on TV that he personally had seen evidence of assault on 160 detainees, such as punctured eardrums and broken bones. A week later the Bennett Report was published and in effect corroborated the allegations of systematic torture under interrogation. As a direct result the Labour government fell three weeks

later on a House of Commons no confidence vote because Irish nationalist MPs refused any longer to provide a majority for Labour.

The EPA and the juryless Diplock Courts remained unscathed, however, as did Newman. By the time he moved on, in January 1980, the RUC had recovered the prime policing role from the Army, greatly increased their intelligence gathering capacity and gradually increased in numbers. Out of a constant figure of over 31,000 Crown forces, 14,500 were in the RUC Reserve or UDR in 1973; by 1980 these Ulster forces comprised 19,500. Newman massively re-armed the RUC with machine-guns, rifles and armoured cars and created a paramilitary force rather than the civilian one recommended by the 1969 Hunt Committee.

His reputation not at all dented by the exposures of RUC brutality, Newman went on to become London Metropolitan Commissioner in October 1982. To this day he denies that any systematic maltreatment occurred in the interrogation centres.

Informers

The Bennett Report resulted in a dramatic drop in lodged complaints of assault during interrogation — from 267 in 1978, 159 in 1979, to 15 in the first months of 1980. Simultaneously the number of confessions, and convictions, fell. The new safeguards introduced did stop routine physical abuse, but silent video-cameras left one avenue open. Psychological pressure is the heart of the interrogation process, and was increasingly important with the growing use of seven-day detentions under the PTA.

At the end of 1980 a meeting was held, attended by M16 intelligence chief Maurice Oldfield, Attorney-General Michael Havers, the Director of Public Prosecutions, senior RUC personnel, Northern Ireland judges and legal advisors. This meeting marked the official green light for the use of informers in the Diplock courts, and the strategy was later approved at Cabinet level. The intelligence services provided the necessary know-how and resources — psychological techniques of coercion for the recruitment of informers, and safe houses in Britain and abroad (Cyprus) for 'protective custody' to allow uninterrupted schooling of the informer's testimony.

The carrot and stick technique of coercion involves inducements of life-

long immunity from prosecution or a reduced sentence and threats of a lifetime in prison following certain conviction, backed up by bribes of £100,000 or more with promises of a new identity in an English-speaking country such as South Africa. The immunity is ratified by the Attorney-General, the money comes from the Northern Ireland Office and M16 looks after the international end.

The whole system is now in full swing: scores of people have been sentenced to thousands of years' imprisonment on the uncorroborated evidence of paid perjurers. Over 300 people, facing 700 charges on the word of 26 informers, are effectively interned on remand awaiting a show-trial (some for up to two years).

To concentrate exclusively on the use of uncorroborated evidence in the show-trials is to not see the wood for the trees, for nearly all the cases brought to the Diplock courts after PTA detention lack supporting evidence. It is the use of psychological techniques of co-optation, coercion and control that is the central feature of the strategy, made possible by extended periods of detention under the PTA and in 'protective custody' and unquestioned because of the absence of a jury.

See TOM's leaflet 'Informers and Show Trials' (10p) for a detailed look at this technique.

Silencing Dissent

The methods of imprisoning dissent have always been accompanied by the routine use of violence by the Crown forces to silence dissent directly. Three such uses are described here: Bloody Sunday, plastic bullets, the shoot-to-kill policy.

BLOODY SUNDAY

On 30 January 1972 a large civil rights march against internment took place in Derry, one of several which were exerting pressure on the government at the time. Northern Ireland Army Comm-

der General Ford was present — unusual in itself — and overruled the advice of the local RUC chief that the 15,000 marchers be allowed free passage. The Paratroop Regiment opened fire on the march — sustained, deliberate, methodical, aimed gunfire — and killed 14 people. Despite the outcry, the killings meant there were no large street demonstrations for the next 8 years in Northern Ireland — through fear.

PLASTIC BULLETS

A plastic bullet is a 4-inch hard PVC cylinder, which along with its forerunner the rubber bullet, was introduced as a 'minimum force riot control weapon' — they are used in Northern Ireland to keep people from protesting in the streets. Of the 14 killed by these weapons, only 2 were in the vicinity of riots and 7 were young children. As well as deaths, these bullets have caused countless horrific injuries — brain damage, blindness, shattered bones, etc. — and have terrorised the minority community.

Between 1973 and 1980 28,485 rubber or plastic bullets were fired. Then, in response to the first large demonstrations since 1972 (in support of the hunger-strikers), 29,665 were fired in 1981 alone, with an incredible 16,656 in the month after the death of Bobby Sands MP. Although the use of plastic bullets has become a sensitive issue, they are still routinely used in Northern Ireland, and the Royal Ordnance factory in Enfield is now testing a riot machine-gun capable of firing alternate rounds of plastic bullets and CS-gas.

SHOOT-TO-KILL POLICY

Between December 1977 and November 1978 ten people were shot dead by Army undercover squads, and an army major later commented 'some people believe in selective internment, I believe

in selective assassination' (*Guardian*, 19/2/79). Between November 1982 and August 1983, a series of shootings resulted in the deaths of 14 people, this time mostly carried out by the RUC. Despite widespread protest, the Northern Ireland Office has consistently denied that any shoot-to-kill policy exists.

The Crown forces appear to be legally immune — no-one has been convicted for any of these killings, nor for the plastic bullet deaths. This apparent immunity is evident elsewhere — the Bennett Report noted that of 19 RUC interrogators charged with offences against detainees between 1972 and 1978, only two were convicted and both these convictions were set aside on appeal.

Invariably, when Crown personnel are brought to court, the charges are relatively minor and the prosecution case is weak with relevant evidence not presented. In May 1981 an Army land-rover drove at high speed into a Derry crowd — two youths were killed. The driver and co-driver were charged with traffic offences and acquitted. Two years later the youths' families won their fight for an inquest, which then clearly showed that the state's case in the trial had been inaccurate and under-prosecuted, altering or ignoring important facts. These findings would have led to an inquest verdict of manslaughter or unlawful killing, but ever since the Bloody Sunday coroner returned a verdict of 'sheer unadulterated murder', inquests in Northern Ireland have not been allowed to reach a verdict!

The lack of legal restraint on the RUC and Army has led to a situation where the International League for Human Rights cites Northern Ireland, along with Chile, Iran and Poland, as a country where the state security forces regularly employ excessive force (submission to the United Nations, 26/8/83).

Policing Politics

The last 14 years in Northern Ireland have seen the emergence of total policing (Newman's 'community policing'), with the recruitment of all state agencies, civil, legal and welfare, to service the policing effort. Increasing police powers have been mirrored by decreasing local government.

'Emergency' laws have become the norm. Legal measures have been developed through internal executive review in conjunction with police and army chiefs — the public are not consulted, merely presented with formulated policies. Just as the 1973 EPA was based on and went beyond the 1972 Diplock Report, so the Police Bill includes and exceeds the recommendations of the 1981 Royal Commission on Criminal Procedure.

The EPA and the PTA have completed the shift from policing offences to policing people, a shift from policing crime to policing politics. This is seen most clearly with the present informer strategy, with cases of the same person being held successively on the word of up to 5 informers for different alleged offences until one charge sticks and the person is convicted. The dominant form of policing is not arrest followed by prosecution for a specific offence, but regular questioning on the street or in extended detention of those listed on the RUC's 500,000 computerised files as 'suspects' or 'potential terrorists'.

So long as the British public acquiesces in government policies which treat Northern Ireland as a policing problem, there can be no reversing the trend in policing typified by the Police Bill and the stocking of plastic bullets and other paramilitary paraphernalia by police forces. Inevitably political conflicts in Britain will be increasingly defined as problems of 'law and order'. The political problems of Northern Ireland must be dealt with. The solution to that problem is British withdrawal.