

CHILDREN IN NORTHERN IRELAND

**Abused by Security Forces and
Paramilitaries**

**Human Rights Watch/Helsinki
(formerly Helsinki Watch)**

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Human Rights Watch

New York • Washington • Los Angeles • London

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Printed in the United States of America.

Library of Congress Catalog Card No.: 92-73446
ISBN: 1-56432-080-4.

Human Rights Watch/Helsinki (formerly Helsinki Watch)

Human Rights Watch/Helsinki was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the executive director; Lois Whitman is the deputy director; Holly Cartner and Julie Mertus are counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Christina Derry, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

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FREQUENTLY USED ABBREVIATIONS

AI	Amnesty International
CAJ	Committee on the Administration of Justice (The Northern Ireland Civil Liberties Council)
CSCE	Conference on Security and Cooperation in Europe
DMSU	Divisional Mobile Support Unit
DPP	Director of Public Prosecution
ECHR	European Convention on Human Rights
EPA	NI (Emergency Provisions) Act 1991
ICPC	Independent Commission for Police Complaints
ICCPR	International Covenant on Civil and Political Rights
IRA	Irish Republican Army
NIO	Northern Ireland Office
PACE	Police and Criminal Evidence (NI) Order 1989
PTA	Prevention of Terrorism (Temporary Provisions) Act 1989
RUC	Royal Ulster Constabulary
SACHR	Standing Advisory Commission on Human Rights
SDLP	Social Democratic and Labour Party
UDA	Ulster Defense Association
UDR	Ulster Defense Regiment
UFF	Ulster Freedom Fighters
UVF	Ulster Volunteer Force

ACKNOWLEDGMENTS

This report is based largely on a Helsinki Watch fact-finding mission to Northern Ireland carried out in April 1992. It was written by Lois Whitman, Deputy Director of Helsinki Watch. The Belfast-based Committee on the Administration of Justice was extremely helpful in assisting with the organization of the mission, and we are deeply grateful. The Royal Ulster Constabulary refused to meet with Helsinki Watch to discuss police matters or the punishment shootings and assaults carried out by paramilitary groups. Our request to meet with Army officials was also denied. However, Mr. John Ledlie, Deputy Under Secretary of the Northern Ireland Office in Belfast, graciously took time from his busy schedule to answer Helsinki Watch's questions.

Helsinki Watch wishes to thank the many children and youth workers who related their experiences but whose names cannot be revealed for fear of endangering them.

INTRODUCTION

Children¹ have suffered greatly as a result of the conflict in Northern Ireland; of the almost 3,000 people who have lost their lives since 1969 in political violence associated with "The Troubles," many have been children — killed by paramilitaries or by security forces.²

Moreover, children in the province are caught between two powerful groups — security forces and paramilitaries. Police officers and soldiers harass young people on the street — hitting, kicking and insulting them. Police officers in interrogation centers insult, trick and threaten youngsters and sometimes physically assault them. Children are locked up in adult detention centers and prisons in shameful conditions.

On the other side, paramilitary groups — the IRA (Irish Republican Army)³ and the UDA (Ulster Defense Association)⁴ — act as alternative police forces, punishing children they believe to be "anti-social" by punishment shootings (kneecappings) and severe beatings, and sometimes banishing children altogether from Northern Ireland. Police sometimes try to turn children into informers; informers who are found out by paramilitary groups run a strong risk of being killed.

The extent of the violence inflicted on children is appalling. Helsinki Watch heard dozens of stories from children, their parents, lawyers, youth workers and political leaders of children being stopped on the street and hit, kicked and abused again and again by police and soldiers. And seventeen-year-olds told Helsinki Watch of severe beatings in detention during interrogations by police.

Helsinki Watch also learned of the shameful treatment of children by paramilitary parallel criminal justice systems. Children are brought before paramilitary tribunals that make major decisions about children's lives, ordering warnings, punishments and banishings. These groups shoot and severely wound young people, beat and seriously injure them, and sometimes force them into exile — all in order to punish them for "anti-social behavior."

Because policing is extremely dangerous in many so-called "ghetto" areas, the Royal Ulster

¹ The term "children" is used in this report to refer to people under the age of 18; the terms "young people," "youngsters" and "teenagers" are used interchangeably with "children."

² Helsinki Watch was unable to obtain precise figures on the total number of children killed in the course of the conflict; however, seven children between the ages of 10 and 15 were killed between 1975 and 1989 by plastic bullets used by security forces for crowd control.

³ The IRA draws its support from the Catholic community and supports the use of political violence to gain independence from the United Kingdom. The group now known as the IRA is actually the "Provisional IRA," or "Provos," which broke away from the "Official IRA" in 1970. The IRA is an illegal group; it was outlawed by the NI (Emergency Provisions) Act of 1973.

⁴ The UDA draws its support from the Protestant community and supports the use of political violence to maintain union with the UK.

Constabulary (RUC — the Northern Ireland police) has largely abdicated normal policing there. Moreover, many people in both the Catholic and Protestant communities distrust and refuse to call in the police. As a result, paramilitaries have taken on the task of policing their own communities. This reflects a *de facto* delegation of authority by Northern Ireland authorities to paramilitary groups for the administration of criminal justice.

In both communities — Protestant and Catholic — opinion is divided on the paramilitaries' punishment acts against children. Some support them, feeling that the only alternative is lawlessness and chaos; some parents have even turned their own children over to the IRA or the UDA for punishment. Others believe that paramilitaries have no right to injure children because of what paramilitaries deem "anti-social" conduct.

In many cases, children themselves cooperate with paramilitary punishments. One youth worker told Helsinki Watch that he had been startled and upset a few years ago when "two kids asked me if I could get them an ambulance in a few hours; the IRA had ordered punishment shootings for them and they were scheduled to show up to be shot." This bizarre "punishment by appointment" presents a picture not only of paramilitaries' brazen use of violence, but of children's voluntarily submitting to it — under extreme pressure and with great fear.

One of the extraordinary consequences of the police abdication of normal policing and the resultant development of parallel justice systems is the way in which youth workers have been put in a bind of either standing by while children are shot or severely beaten by paramilitaries, or cooperating with paramilitary efforts to exile children or place them in reform schools. For humanitarian reasons, many youth workers negotiate with paramilitaries to extend deadlines for children who have been ordered out of the country, or to find alternative places to send exiled children. In other cases, youth workers persuade reform schools or other social agencies to take the children in — in order to save the children from beatings, shootings or banishment by paramilitaries. This is a complicated issue: one can understand the impulse to help children who are in serious trouble. But the bottom line is that this extraordinary situation has forced social agencies and youth workers to help paramilitaries banish children from their own homes or communities, or to sentence them to children's reform schools.

Helsinki Watch has concluded that children below the age of 18 in Northern Ireland are improperly detained in adult interrogation and remand centers; have been physically and mentally abused in Castlereagh Holding Centre; have been psychologically tricked, threatened and pressured by police during interrogation; are denied immediate access to solicitors; are not brought promptly before judges or, if charged, brought speedily before a court for adjudication; are incarcerated in inhumane conditions in Castlereagh Holding Centre and Belfast Remand Prison; and are physically and mentally abused and harassed on the street by security forces.

As to the mistreatment of children by paramilitary forces, Helsinki Watch has concluded that the RUC has largely abandoned normal policing in many troubled areas, and that paramilitary groups have filled the resulting vacuum with alternative criminal justice systems. In operating these systems, paramilitary groups inflict on children arbitrary and cruel punishments, including punishment shootings, severe beatings and expulsions. Moreover, children are denied due process of law in those cases in which their conduct is examined by a paramilitary panel that is part of an alternative criminal justice system.

The abuse of children described in this report is forbidden by international law. International agreements and standards forbid torture, inhuman and degrading treatment of children (as well as of adults) by security forces and require that children be provided with due process in the criminal justice system. International standards forbid placing children in adult detention centers or prisons and require standards of decency in institutions in which children are placed. Moreover, in circumstances of armed conflict, international humanitarian law (the laws of war) forbids the abuse of civilians, including children, by paramilitary groups, as well as by government.

Additional conclusions, as well as detailed recommendations, are spelled out in the final chapter of this report.

ABUSE OF CHILDREN IN THE CRIMINAL JUSTICE SYSTEM

Helsinki Watch found grave abuses against children in the criminal justice system in Northern Ireland. Some of this ill-treatment consists of physical and mental abuse of children by police during interrogation, and some stems from the laws themselves, many of which violate international standards.

Confinement of Children Under 18 in Detention Centers and Prisons

The age of majority in the United Kingdom is eighteen, yet seventeen-year-olds (and sometimes fourteen- through sixteen-year-olds) are treated as adults by the criminal justice system. Children can be interrogated in adult holding centers, detained in adult remand prisons while awaiting trial, and sentenced to adult prisons in violation of international standards for the treatment of children.

The United Nations Convention on the Rights of the Child defines a child as a person under the age of 18.⁵ Children are recognized as being in need of special care; the United Nations Declaration of the Rights of the Child states in Principle 2 that "the child shall enjoy special protection."⁶

The principle that incarcerated children must be kept apart from adults is central to international standards for the treatment of children: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice require that children be kept separate from adults in both detention centers and prisons.⁷

Helsinki Watch found that in spite of these international protections, children below the age of 18 in Northern Ireland are confined in both detention centers (remand prisons) and prisons for sentenced prisoners (see section on detention, below).

Treatment of Children Suspected of Political Violence

Children in Northern Ireland who are suspected of crimes connected to political violence are treated

⁵ Article 1 states: "For the purposes of the present Convention, a child means every human being below the age of eighteen unless, under the law applicable to the child, majority is attained earlier." On April 19, 1990, the United Kingdom signed the Convention; it has not yet ratified it. See Appendix B for the full text of the Convention.

⁶ See Appendix A for the full text of the UN Declaration of the Rights of the Child.

⁷ Article 13.4 of the UN Standards states:

Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.

The UN Standards also require separation of children from adults when they are convicted and sentenced to serve time in institutions:

Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults (Article 26.3).

For the full text of the UN Standard Minimum Rules for the Administration of Juvenile Justice, see Appendix

C.

differently from children suspected of ordinary crimes. By virtue of emergency laws, children can be detained longer in political cases, denied access to lawyers for 48 hours, sent to adult remand prisons and given longer sentences if convicted.

Under Section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (PTA), anyone suspected of "being a terrorist" — including children — may be held for 48 hours without being charged. In addition, the Northern Ireland Secretary of State has the power to extend detention for an additional five days.⁸ Under the Children and Young Persons Act (NI) 1968, however, a juvenile suspected of ordinary crime must be brought before a court no later than 48 hours after an arrest.

The Royal Ulster Constabulary (RUC — the Northern Ireland police) has issued special guidelines for police in dealing with young people. These guidelines, which do not have the force of law, indicate that children should be interviewed only in the presence of a parent, guardian, or some other person of the same sex as the child. Under emergency law, however, children suspected of crimes connected with political violence may be denied access to a lawyer for 48 hours (Section 14 of the PTA) and are questioned alone.

Under Section 6 of the Northern Ireland (Emergency Provisions) Act 1991 (EPA), a young person (aged 14 through 16) who is charged with a "scheduled offense" (including murder, armed robbery, possession of explosives, and certain lesser offenses) can be held in an adult remand prison until trial. Children suspected of ordinary crimes cannot be held in adult remand prisons.⁹ Elsewhere in the United Kingdom, children may not be confined in adult prisons.

Under Section 13 of the EPA, a juvenile may be sent to an adult prison if found guilty of a scheduled offense that can result in a sentence of more than five years.¹⁰ This overrules the Children and Young Persons Act provision that a juvenile can be sent to prison only for an offense that carries a sentence of more than 14 years.

Abuse of Children in Detention

In April 1992, Helsinki Watch interviewed at length two seventeen-year-old boys suspected of involvement in political violence. Both charge that they were physically and mentally abused by police during interrogation in Castlereagh Holding Centre — an adult detention facility in Belfast.

⁸ In *Brogan v. United Kingdom* (1988), the European Court of Human Rights ruled that a detention under the PTA that lasted for four days and six hours violated Article 5(3) of the European Convention on Human Rights. In response, the United Kingdom has derogated from that section of the Convention rather than reform its detention practices.

⁹ Children and Young Persons Act (NI) 1968, Section 51.

¹⁰ According to statistics provided by the Northern Ireland Office (NIO), two children, aged 14 through 16, were sentenced to adult prisons in 1990. For the previous eight years, between two and five such children were sentenced to adult prisons each year. As statistics are kept separately only for children under 17, there are no official figures on the number of 17-year-olds sentenced to adult prisons each year. Nor are there figures on the number of 17-year-olds interrogated in adult holding centers, or on the number of those interrogated who are subsequently charged with criminal offenses.

Damien Austin

Damien Austin is a 17-year-old Catholic boy who lives in West Belfast. He has been arrested several times by the Royal Ulster Constabulary (RUC), the Northern Ireland police.

Damien's first arrest took place at his home on May 7, 1991, under Section 14 of the Prevention of Terrorism Act, which provides for the arrest of persons suspected of being concerned in the "commission, preparation or instigation of acts of terrorism." He was arrested

in connection with an investigation into the killing of an RUC officer in an IRA rocket attack on May 1, 1991.

Damien was taken to the police interrogation center at Castlereagh, where he was held until May 10, 1991. On April 11, 1992, he described his treatment to Helsinki Watch:

They punched me and kicked me and beat me every day. One of them spat in my face. On the second day they pulled my trousers and underpants down and held a lighted cigarette lighter under my testicles — it left a very sore spot. They kept telling me they would kill me. I saw my solicitor after 48 hours, but they wouldn't let my family in to see me. On the second day they also strangled me and punched me in my stomach. They made me stand in the middle of the room and walked behind me and slapped me real hard on the back of my head.

They told me all my friends had signed statements and that I was going to jail. They threatened to take me to a Loyalist area and leave me there. They said I'd be dead before Christmas, and my father, too [Damien's father, Joe Austin, is a Sinn Fein Councillor].

Damien was released without any charges on May 10. He told Helsinki Watch that he was frequently stopped on the street, questioned and searched by the police and the army, sometimes twice a day, between his release and his second arrest, which took place on August 17, 1991. On that day, he was again arrested under Section 14 of the PTA. He told Helsinki Watch:

The Thursday before, a man was killed in Beechmount. At about 5:00 a.m., police sledge-hammered the door to my house, and then smashed the window and came in and arrested my father. I wasn't home, so they went to my friend's house, Joe Larkin's, and arrested me there, at 5:50 a.m. They took me to Castlereagh, and I saw a doctor there at about 8:00 a.m. The doctor said there were no marks on my body, but that I had four stitches in my right ear.

From 8:30 until 1:00 p.m. I was questioned by six detectives, working two at a time. It was a hundred times worse than what happened to me in May. They hit me and punched me and spat at me. They hit me under the chin, and in my

stomach, and on my arms and my throat and on the back of my head. They kept asking me about the man who had been killed — Jim Woods — and about Stephen Gillespie [the RUC officer killed on May 1], and saying, "Did you feel good about doing it?"

At one point I collapsed, and they lifted me up and hit me again. They had me in a choke hold and I couldn't breathe. I had two other questioning sessions that day. They made me stand for long times — once for about four hours. And in the afternoon interview somebody pulled my head backwards over the chair and held it there for a long time.

They gave me dinner, and then they questioned me again from 7:30 until midnight. They hit me and punched me again, and one detective put his boot between my legs and pushed my testicles. One detective held me around the neck in an armlock; I thought I was going to pass out. I kept asking to see a doctor, but they wouldn't let me.

On Sunday at 7:30 a.m. I saw the doctor and he saw bruises and told me he would go to court and testify for me. He gave me two asthma inhalers and pain killers. The detectives wouldn't let me use the inhalers during the interviews, even though they knew I had asthma.

They did the same things to me on Sunday that they had on Saturday. Then a new detective came in before dinnertime and said, "I'm going to kill you — I'm going to make you a living shell." Then he grabbed my ears and pulled them. The cut that I had on my right ear started bleeding — two of the stitches were pulled out. Blood dripped onto my T-shirt.

After dinner, they squeezed my testicles again — the detective was sitting on the back of a chair in front of me. After the detectives left, I saw blood on my trousers. There was blood on my face, too; one of the detectives said they wouldn't talk to me when I had blood on my face, and spat on a dirty handkerchief and wiped my face with it. Later they took me back to my cell, and when I took off my trousers, I saw blood on my undershorts, and I could see that it had come from my penis.

Monday morning I saw the doctor again, and he saw marks and bruises on me. Then they interviewed me again and kept hitting me like they had done before. I saw my solicitor at about 10:30 a.m. and he told me to ask to see my own doctor. The beatings got worse after this.

Monday I was beaten really badly. I finally saw my own doctor, Dr. Giles, on Monday night at about 7:00 p.m. He saw the bruises and the torn stitches and said he'd go to court for me.

[Dr. Giles later filed an affidavit with the High Court, in which he stated that he had "examined [Damien] in detail and found evidence of severe assaults to his body. In

addition to the physical injuries he appeared dazed and apprehensive... I can confirm that Damien Austin is being subjected to severe ill-treatment and the Police Doctor agreed with me on this."]

After that there was another bad interview. They told me, "You can complain all you want — it's going to get worse." They said the UVF [Ulster Volunteer Force — a Loyalist paramilitary organization] would get me and my dad too. They said they would give the UVF information on me and my dad. They told me I would be out for two weeks, and then they would lift me again and keep me for another week.

Tuesday morning they beat me again. Then I saw my solicitor and he told me that he had filed a paper for *habeas corpus*. At 7:00 p.m. I was released. They never charged me with anything. When I left, the sergeant said, "See you again soon."

Damien was arrested again on the weekend of April 4 and 5, 1992. He told Helsinki Watch:

I was coming home from a concert at about 1:50 a.m. with my cousin. We were on Beechmount Drive. Four soldiers were peeing in the street. One of them shouted, "Austy's whore." They grabbed me by the hair and threw me down on the street. Then they put me and my cousin in the back of the jeep. My cousin was smoking. One of the soldiers took the cigarette and stuck it against my face — I still have a mark.

They took us to Newtownabbey Police Station in a Loyalist area and held us there from 2:00 a.m. until 6:30 a.m. Then they let us go, right in the middle of this Loyalist area. There was no bus service and no way to call a taxi, so we had to walk home through the Loyalist area. My dad and I have talked with our solicitor about bringing a wrongful arrest case.

Tony Garland

Tony Garland is one of three children; he was the only employed member of a single-parent Catholic family. On August 2, 1991, at about 12:30 in the afternoon, a coffee jar bomb was thrown at security forces on the Whiterock Road near Tony's home in the Ballymurphy section of West Belfast. At about 2:30 p.m., uniformed RUC officers came to Tony's house and arrested him on suspicion of taking part in the attack. Tony was taken to Castlereagh Detention Centre, where he was held for six days of interrogation and then charged with membership in the IRA and attempted murder.

Tony has been on remand in Crumlin Road adult prison (Belfast Remand Prison) since August. Helsinki Watch interviewed him in the visiting area on April 11. Tony is a slight boy, not much over five feet, with adolescent pimples and faint signs of the beginnings of a beard. His mother says that he weighed about 8.6 stones (about 120 pounds) when he was arrested, but weighs only 6.9 stones now (97 pounds), according to the prison doctor. He turned 18 on April 12.

Tony told Helsinki Watch that his interrogations took place throughout his stay; he was interrogated

in about six sessions each day. He said that did not see his solicitor until 48 hours after his arrest and did not see a doctor until the sixth day of his interrogation, although detainees are supposed to be seen by a physician on their arrival in detention. Tony is asthmatic, but he said that his requests to see a doctor who could give him an inhaler were rejected.

Tony told Helsinki Watch:

They kept slapping me and punching me real hard on the back of my head and my throat. I got real bad headaches and nosebleeds and swollen glands in my throat. Later on, a doctor gave me a pain killer for my swollen glands. The Peelers kept threatening me every time they questioned me. They told me that if I didn't cooperate, they would lift [arrest] my mother and my 12-year-old brother, Kieran, and beat them. They told me that if I didn't cooperate they would have to let me go after seven days, but that they would lift me again for another seven days. Once one of them picked me up and said he was going to throw me against the wall. They kept telling me that I had been part of the coffee jar bombing; that my job had been to leave open the front door of my house so that the ones who threw the bomb could go through my house and out the back door.

On the sixth day Tony signed a statement saying that he had, by pre-arrangement, opened his door and let two bomber flee through his house. Tony has repudiated his confession and denies that he ever belonged to the IRA or had any involvement with the coffee jar bombing.

Tony's mother told Helsinki Watch that when she saw him after he had signed the statement, she had said to him, "What did you sign for?" She said that Tony told her, "Mummy, you don't know what it was like — five minutes later they kept asking me the same questions. I didn't know what day or what time it was. I couldn't sleep. My mind was getting so mixed up, I didn't know what I was signing."

Tony's mother told Helsinki Watch:

He's not the same wee boy he was when they lifted him. He's been in Crumlin Road for eight months, and I think he's getting hardened. He says to me, "Mummy, why am I here? Can't you do something to get me out?" It looks like he could be there another eight months before the trial starts. And he's an innocent boy — he's never been in trouble. I'm so worried about what this is doing to him. What they did to him in Castlereagh was so terrible — he even had bruises on his chest from where a detective stood on him. Now my son Kieran, who just turned 13, said to me, "Mummy, when I get Tony's age, will I get lifted?" He knows his brother wasn't into anything. Everybody knows who's connected to the IRA.

Allegations of Abuse by Other Seventeen-Year-Olds

Damien Austin and Tony Garland are not the only seventeen-year-olds who have alleged ill-treatment in detention in the past year. Five West Belfast teenagers (known as the "Beechmount Five") are now on remand in Crumlin Road Prison, charged with the murder of Officer Stephen Gillespie in an IRA

rocket attack on May 1, 1991 (the attack about which Damien Austin was questioned). Two of these youths are seventeen years old — Kevin Mulholland and Lawrence Hillick. All were interrogated for seven days in Castlereagh Interrogation Centre. All made statements implicating themselves in Gillespie's death; all have since repudiated the statements. All, including Mulholland and Hillick, have alleged physical abuse and sleep deprivation while at Castlereagh.

In a November 1991 report, "United Kingdom: Allegations of Ill-treatment in Northern Ireland," Amnesty International described the cases of the two seventeen-year-olds:

- Kevin Mulholland, aged 17, was arrested on 7 May on suspicion of murder under Section 14 of the PTA. He was taken to Castlereagh Holding Centre and during his first medical examination he told the doctor that he was a diabetic. He claimed that during an interrogation one of the detectives kept shouting at him, telling him that he was lying. He alleged that the interrogators slapped him around the back of the head on several occasions. At one point one of the detectives sat beside him, put his arm around his neck and began to squeeze it hard. Kevin Mulholland's parents alleged that the RUC threatened to withhold his insulin during the interrogation. Kevin Mulholland claimed that he could not get food suitable for a diabetic. He also claimed that he had been at work on the day of the attack, but one of the detectives said that if his employer would confirm that information, he would be charged with aiding and abetting a murder. Kevin Mulholland stated that he did not want to get [his employer] into trouble. He signed a statement on the night of 7 May, and another one on 9 May. Forty-eight hours after he was arrested his lawyer was told that he could not see him as Kevin Mulholland was in the process of making a statement. He was charged with murder on 8 May.

- Lawrence Hillick was arrested on 5 June, two weeks after his 17th birthday, on suspicion of murder under Section 14 of the PTA. He was taken to Castlereagh. He alleged that he was ill-treated including being slapped on the back of his head and his back, and that as a result he signed his statement. He saw his solicitor on 7 June, 53 hours after his arrest. He was refused access to his family until after he made the confession. According to [his mother] he looked dazed and his features were changed. His face was swollen, he had a bruised lip and a cut on his forehead. Both Lawrence Hillick and his parents claimed that he was at work the whole day of the attack on 1 May. His instructor at work was not, however, called to give evidence at the bail hearing. Lawrence Hillick was charged with murder.

Interrogation Tactics Used Against Detained Children

A Belfast solicitor whose name has been withheld for his protection has represented many children under 18 who have been interrogated and detained. He described to Helsinki Watch in April 1992 some of the tactics used by police against children:

Young people are particularly vulnerable. Police treatment of young people is a very sinister thing. They use many tactics — some are crude and some are more

sophisticated.

I represent a young woman, 17, D.J. [not her real initials] who was charged with murder six or eight weeks ago. My client was taken to Castlereagh along with two other girls under 18. She was assaulted — she was pulled by her hair and insulted. She's in a young person's wing at Maghaberry Prison now.

D.J. has a low I.Q. — it's easy to mislead her about her rights. She was misled by the RUC during her interrogation. She was told that the charge against her was "withholding information," when it was really murder. Police tried to undermine her relationship with me, her solicitor, by saying things like "Do you know that your solicitor actually asked to sit in on an interview?" as though that was something improper.

At first I was barred from seeing her under Section 45 of the EPA. After 24 hours they let me in. She made a statement between the second and third times I saw her.

Police tell clients things like, "Didn't your solicitor tell you that it would be in your best interest to admit to a lesser charge?"

Six months ago, one of my clients [under 18] was charged with joyriding. PACE (Police and Criminal Evidence (NI) Order 1989) applies in cases of ordinary crime. My client didn't ask to see me. The RUC tried to get him to make statements implicating himself in nineteen or twenty other cases. Police told him, "If you don't tell us, we'll phone up Sinn Fein and they'll go around to your house and kneecap your mother." One officer called out to another, "Get me the Sinn Fein phone number." We call this "the Sinn Fein tactic;" they use it on joyriders or other "anti-socials."

Another client, E.C., under 18, was a wee lad who was brought in about a burglary around a year ago and was held for two hours and asked what Sinn Fein was doing in his area. I sued the RUC for unlawful detention and got him a £750 settlement.

The RUC tries to get young people to act as informers. A month ago another client under 18 was told by police, "Look, I have a wee warrant here for your arrest. It's up to me whether to enforce it. We could hold it a week or two if you cooperate."

Not long ago, Paul Murphy — his story was in the *Irish News* — tried to hang himself because the RUC was after him for shoplifting and was trying to get him to inform.

Sometimes police will get a kid to come in voluntarily under PACE. The kids don't know their rights — they're entitled to see a solicitor, but they don't know it. I've had two or three of these cases in the past year. Police will say, "You're not arrested — let's have a wee chat." It's a way to get around the PACE requirement that a solicitor be present. Sometimes it leads to charges, as the kid may admit

something.

Sometimes the RUC bring in the mothers and fathers and get them to say to the kid, "You tell the policeman what you did." There's no solicitor there — parents sometimes think you only need a solicitor if you're not guilty. So the kid makes admissions. This happened on a case of mine a couple of years ago.

What they do to young people is very sinister. Filing a complaint against the RUC is a waste of time — the complaint system is a joke. In thirteen years I've only had one complaint upheld.

Helsinki Watch believes that the use of threats and psychological duress against children violates international law provisions that proscribe inhuman or degrading treatment. Helsinki Watch also believes that children, who are particularly vulnerable, should never be questioned in detention — whether or not they have been formally arrested — or in matters that may lead to their detention without a solicitor being present.

Requirements of International Law

International law unequivocally forbids torture and inhuman or degrading treatment. Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which the United Kingdom is a party, states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 3 of the European Convention on Human Rights (ECHR), which the UK has also ratified, has almost identical language. Both the ICCPR and the ECHR contain provisions forbidding a country from derogating from the anti-torture provisions even in a time of public emergency that threatens the life of the nation.

The UK has also signed and ratified both the United Nations and the European conventions against torture. Article 1 of the UN Convention defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity . . .

Under Article 2 of the UN Convention,

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

The United Nations Code of Conduct for Law Enforcement Officials states in Article 5 that "No

law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment. . ."

In addition to these international agreements and codes forbidding torture, the United Nations Convention on the Rights of the Child specifically forbids the use of torture or other cruel, inhuman or degrading treatment or punishment of children (Article 37(a)). Article 37 provides other protections for children in the criminal justice system:

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. . .

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 40 guarantees due process rights to children.

The RUC's treatment of children under 18 during interrogation in holding centers appears to violate the ICCPR's and ECHR's proscriptions of torture, as well as those of the UN and European Conventions against torture and the UN Convention on the Rights of the Child. The two seventeen-year-olds interviewed by Helsinki Watch as well as the two reported on by Amnesty International allege that the RUC intentionally inflicted on them pain, both physical and mental, for the purposes of obtaining confessions.

In addition, the lengthy detentions of 17-year-olds may violate international standards that require detention for the shortest appropriate period of time. Moreover, the boys do not appear to have been treated with dignity and respect for their needs as children. Nor have they been granted prompt access to attorneys, brought promptly before a judge, or brought speedily before a court for adjudication of the cases against them — all requirements spelled out in Articles 9, 10 and 14 of the ICCPR, and in similar provisions of the ECHR and the United Nations Convention on the Rights of the Child.

Pressure on the United Kingdom to End Abuses in Detention

For some time, human rights groups have urged the United Kingdom to end the abuse of detainees — adults as well as children — in detention centers in Northern Ireland.

In Helsinki Watch's 1991 report, *Human Rights in Northern Ireland*, we recommended that:

- Detainees should have immediate and regular access to attorneys.

- Detainees should be brought before a court within 48 hours of detention.
- The UK should repeal its derogation from Article 5(3) of the European Convention on Human Rights, which provides that detainees shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear to trial.
- The RUC should prevent abuse of detainees during interrogations and should appropriately discipline officers who carry out such abuse.
- All interrogations should be video- and audio-taped with strict regulations against unwarranted disclosure.
- Detainees' attorneys should have access to all video- and audio-tapes of interrogations.

The Committee on the Administration of Justice and Amnesty International have described in detail ill-treatment in detention; both groups have called for major reforms in detention and interrogation practices in Northern Ireland. The Standing Advisory Commission on Human Rights (a quasi-governmental body that advises the Secretary of State for Northern Ireland on human rights conditions in the province) and Lord Colville, in his annual reviews of emergency legislation in Northern Ireland, have also recommended significant changes.

Shortly after the second arrest of Damien Austin in August 1991, Amnesty International issued an Urgent Action — its first on Northern Ireland — describing in detail his treatment at Castlereagh.

On November 13, 1991, the United Nations Committee Against Torture (CAT) met to consider the UK's compliance with the Convention Against Torture. A large part of the committee's deliberations concerned allegations of physical mistreatment and mental intimidation of detainees in Castlereagh Holding Centre. It was the first time that the CAT had considered practices in the United Kingdom. Following its hearing, the committee issued a statement expressing its concern about the interrogation of suspects in police holding centers, especially Castlereagh.

Joseph Voyame, the CAT's chair, recommended that lawyers be present during interviews with suspects and that interrogations be video-taped. He expressed "enormous reservations" at the absence of "rather basic protections" which exist in "every other branch of the civilized world."¹¹ Professor Peter Burns, the UN rapporteur for the UK, said that certain practices created conditions for abuse, including:

- holding suspects incommunicado for 48 hours,
- extending detention for up to seven days,
- denying access to independent medical examination,

¹¹ See "Summary Record of the 91st Meeting," UN Committee Against Torture, CAT/C/SR.91, 15 November 1991, and "Just News," Vol. 6, No. 10, CAJ, Belfast, November 1991.

- the EPA standard on the admissibility of confessions,¹² and
- removing the right to silence.¹³

In April 1992, human rights activists and lawyers who represent detainees in Castlereagh told Helsinki Watch that they had not received complaints of physical abuse from detainees in recent months. It appears that international pressure has had an effect in stopping, at least temporarily, such physical abuse. The mechanisms to prevent its recurrence, however, are not in place. Until the recommendations of Helsinki Watch, the Committee on the Administration of Justice, Amnesty International and the Standing Advisory Commission on Human Rights are put into place, there is no guarantee that physical abuse, including the physical abuse of children under 18, will not occur again in detention centers.

Conditions in Castlereagh Holding Centre and Belfast Remand Prison

Although Helsinki Watch's request to visit interrogations centers in Northern Ireland was denied, Helsinki Watch received reliable reports that children are confined in abysmal conditions in Castlereagh Holding Centre and in Belfast Remand Prison.

The Standing Advisory Commission on Human Rights visited Castlereagh and Gough Barracks Holding Centers recently (SACHR has not yet visited the third holding center in London/Derry). Sir Oliver Napier, SACHR's chair, told Helsinki Watch in April that:

We were disgusted by the physical conditions in Castlereagh — they were degrading and appalling. There was two-year old graffiti on the walls; the walls were encrusted with grime. The cells were dirty and smelly — most unhygienic. There can be twenty detainees there at one time.

Gough Barracks in Armagh is smaller — only two or three people may be there at one time. The physical conditions there were satisfactory.

Damien Austin, Tony Garland, Kevin Mulholland and Lawrence Hillick were all detained and interrogated in Castlereagh Holding Centre in the abysmal conditions described by the SACHR.

¹² Under the EPA a confession may be admitted into evidence unless it was induced by torture, inhuman or degrading treatment, or a threat of violence. Confessions obtained by other threats, promises, inducements, psychological pressure and the like, however, are admissible. See *Human Rights in Northern Ireland*, Helsinki Watch, October 1991, pp. 27-40. Helsinki Watch concluded that the standard for admissibility of confessions permits the admission into evidence of unreliable confessions, some of which may have been secured by abusive treatment in detention. Helsinki Watch recommended that the EPA standard for the admissibility of confessions be abolished and that the standards used for ordinary offenses be used for scheduled offenses (offenses connected with political violence) as well.

¹³ The right of an accused person to remain silent, a major part of English law for over 300 years, was fundamentally changed in Northern Ireland in 1988 by the enactment of the Criminal Evidence (NI) Order. That order permits a court to take adverse inferences from a suspect's silence during interrogation or at trial in certain situations. Helsinki Watch concluded that the Criminal Evidence Order unjustifiably erodes the right to silence, and recommended that it be abolished. See *Human Rights in Northern Ireland*, Helsinki Watch, October 1991, pp. 40-43.

Conditions in the remand center in Belfast are dreadful. In Belfast Remand Prison (Crumlin Road Prison), which was built in 1854, 17-year-old prisoners like Tony Garland, Kevin Mulholland and Lawrence Hillick are locked in their cells 23 hours a day, with only one hour for exercise. They eat meals in their cells. Cells do not contain sanitary facilities; the boys must use chamber pots in the presence of cell mates or put their names on waiting lists to defecate in a toilet. Prisoners are supposed to "slop out" — empty their chamber pots — every morning, but report that at times they can slop out only every other day; they sometimes sleep and eat in cells with overflowing chamber pots. Prisoners complain of roach infestation, inadequate medical facilities, and a 16-hour wait between dinner (served at 3:30 p.m.) and breakfast (served at 8:00 a.m. the following day). Remand prisoners — including 17-year-olds — have no work, education, or activities other than the daily hour of exercise.¹⁴ Moreover, prisoners serve long periods on remand.¹⁵

In addition, Crumlin Road Prison is a dangerous place. Protestant and Catholic prisoners are not segregated from each other as many wish (and are in some Northern Ireland prisons), and violent incidents occur often. On November 24, 1991, a bomb exploded in the canteen in C Wing, killing two Loyalist prisoners, Robert Skey and Colin Caldwell, and injuring seven others.

Article 13.3 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice states that children detained pending trial are entitled to all the rights and guarantees of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Among other things, those rules require that

- Young prisoners shall be kept separate from adults (Rule 8(d)).
- Young prisoners . . . shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided (22(2)).
- Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions (85(2)).
- An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it (89).

Detention of 17-year-olds in Northern Ireland falls far short of these international standards.

The conditions in which 17-year-olds are confined in interrogation and remand centers further violate international standards. The UN Standard Minimum Rules for the Administration of Juvenile Justice state that detention pending trial should be used only as a measure of last resort and for the shortest possible time (Article 13.2). The standards suggest the use of alternative measures instead of detention,

¹⁴ See *Prison Conditions in the United Kingdom*, A Helsinki Watch Report, issued in June 1992; chapter on Prison Conditions in Northern Ireland, pp. 31-49.

¹⁵ See Lord Colville, "The Operational Policy in Belfast Prison for the Management of Paramilitary Prisoners from Opposing Factions," CM 1860, March 1992.

including close supervision, intensive care or placement with a family or in an educational setting or at home (Art. 13.2). The standards also say that while in custody, children should receive care, protection and all necessary individual assistance — social, educational, vocational, psychological, medical and physical — that they may require in view of their age, sex and personality (Art. 13.5). Care, protection and individual assistance are in short supply for 17-year-old inmates in Northern Ireland.

STREET HARASSMENT OF CHILDREN BY SECURITY FORCES

Introduction

One of the most frequent complaints that Helsinki Watch receives from Northern Ireland concerns street harassment by security forces — the Royal Ulster Constabulary (RUC — the Northern Ireland police force), the British Army, and the Ulster Defense Regiment (UDR), a locally-recruited regiment of the British Army made up of part- and full-time members.¹⁶ Children under eighteen appear to be particular targets of street harassment. Helsinki Watch found that harassment of under-eighteens is endemic in West Belfast and in other troubled areas in Northern Ireland; that harassment is not confined to Catholic youngsters, but is carried out against Protestant youth as well; and that lodging harassment complaints against security forces is generally seen as useless.

Under emergency laws in force in Northern Ireland, security forces have broad powers to stop and question people, including children under eighteen.¹⁷ Interviews with children and adults indicate that these powers have frequently been used to degrade and humiliate children and are often counterproductive — creating antagonism against security operations and sometimes driving children into the arms of paramilitary organizations that advocate political violence.

Extent of Harassment

In April 1992, Helsinki Watch interviewed in Belfast and in outlying areas eighteen young people about their experiences with security forces. In addition, parents, lawyers, community workers and local councilors told Helsinki Watch of many more incidents in which children had been abused by security forces.

Harassment of children in troubled areas is so common that children and their parents treat it as a matter-of-fact part of everyday life. Some children report that they are stopped, detained, questioned and pushed around several times a week. Some parents charge that there is a constant campaign of harassment against young people, ages fourteen to eighteen. S.J., a father in Ballymurphy, a heavily Catholic area of West Belfast in which trouble between security forces and residents is frequent, told Helsinki Watch:

The soldiers are on the street when the kids go to school, they're back when the kids come home for lunch, and they're back again when the kids leave school. They constantly provoke the kids. They call them "Irish bastards," and push and shove and jostle them. They search them and they put them against the wall,

¹⁶ On July 1, 1992, the UDR merged with another regiment; the combined force is now known as the Royal Irish Regiment.

¹⁷ Under Sections 23(1) and 26 of the Northern Ireland (Emergency Provisions) Act 1991 (EPA), police or army may stop any person or any automobile for the purpose of ascertaining "that person's identity and movements" and what the person may know "concerning any recent explosion or any other recent incident endangering life . . ." This power to stop and compel answers can be exercised without suspicion. Further, under Section 19(6)(a), the officer may search the person who has been stopped, to determine if s/he is carrying munitions or transmitters.

spread-eagled. They ask them to take their shoes and socks off, even in the middle of the street, and when it's cold or rainy. It's very humiliating. There's no great age gap between the soldiers and the kids — most of the soldiers are only 18 or 19. It's a sort of "hearts and minds" policy in reverse. It happens daily — they try to degrade the kids, to make them feel small. If we complain to the RUC about it, they say "it's not us, it's the Army," and don't do anything about it.

One kid in the area wouldn't spell his name for a soldier, and got a punch in the eye. Another kid was threatened that the soldiers would take him out in a jeep and drop him off on the Shankill Road [a Protestant area].

It's constant torture for the kids — lots of times the kids don't even tell their parents about it; they don't want them to worry. It's as though the army is trying to drive young people into the arms of the paramilitaries. The kids are marginalized as it is, pushed to the outskirts of society. With this kind of treatment they have no stake in the state at all. Education is a way out for them, but the underfunded Youth Training Programs are a joke — there are no jobs. So some of the kids drift into paramilitary organizations. The British government is responsible.

Another parent told Helsinki Watch:

There are two Army jeeps and two RUC jeeps in the area — in Greater Ballymurphy, including Ballymurphy, Beechmount and Springhill. They're patrolling all the time; they think we're the hard core of West Belfast. The kids won't leave their houses until the jeeps pass. They know they'll be stopped as soon as they walk out of the door. If they're out at night, they're afraid to come home late because of the police. So they stay at their friends' homes.

A mother of three reported:

They hassle certain families, and they concentrate on young people between 16 and 20. They tell the kids, "You'll go down for it next time." They stop young girls on their way to school and tell them to open their coats; they search their school bags and call them sluts. They use terrible language to the kids — sometimes the kids won't repeat it to their parents. One boy in the area got a death threat from the army — he wouldn't tell his mother. So our kids stay home and play cards and watch videos. Half the time they're afraid to go out. They're interned in their own homes. And mothers are so frightened they ask their kids where they're going — they shouldn't have to do that. The kids suffer and the mothers suffer. The kids should be allowed to stand on the corner with a ghetto blaster [large portable radio] and listen to music. But a soldier comes along and smashes the radio. Two or three kids have killed themselves in the last two or three years, and others have tried it — it's because of the harassment. And the RUC drives some of the kids into the IRA, because they can't stand the constant humiliating treatment. Their youth is taken away from them.

Individual Children's Experiences

In the Ballymurphy area of West Belfast, children related their encounters to Helsinki Watch:

- J.M., age 18¹⁸, reported: "Last year when I was seventeen, the RUC stopped me outside a Protestant estate [housing development] and slapped me around and threatened to leave me in the middle of the Protestant estate. Since I was 16, I've been stopped in the street and called names and cursed, by both the RUC and the Army. Last night the RUC stopped me — it was the DMSU [Divisional Mobile Support Unit]. They made me take everything out of my pockets. Then they asked me my name, although they knew it. They asked me where I was going, and where I had come from, although they had just seen me coming out my front door."
- J.A., a 15-year-old boy, said: "It happens all the time — you get used to it. Four weeks ago, the Army stopped me and asked me what was my name, where I was from, where I was going. They made me take off my scarf and my hat and my coat. Then they told me to take off my belt and my trousers, right there in the street. My friend's mother saw it and came out of her house and told the soldier to stop and told me I didn't have to take off my trousers. The soldier punched me and told my friend's mother to 'Fuck off, it's none of your fucking business.' Later she complained to the RUC. The RUC officer apologized for the soldier, but told her, 'I know he went a bit over the top, but he's only 19.'"
- S.B., 17, reported: "Last year a soldier hit me on the head with a rifle butt — I had to go to hospital and have two stitches. He threw me against the wall. I was just walking by a place where other kids were being questioned. Now I'm a chef, and I carry my knives for work with me. Now they hassle me about my knives."
- S.O., 15, said: "On January 8, 1992, police were raiding houses on Springhill Road. I was out walking with my mate. A Peeler lifted me up and threw me down; he said I wasn't allowed to be there. But there was no tape there saying people couldn't be there. He was part of a DMSU. He hit me on the back with his fists and kicked me with his boots."

"On the same night, a soldier grabbed me by the throat and started punching me. Then another soldier came, and both of them hit me for about two minutes. My friend's mother saw it and came and rescued me.

"Before that, in November of last year, a soldier shoved his gun in my face and said he'd blow my brains out. All I did was look at him, and he called me over. Some people throw stones at the soldiers and then the soldiers come and punch them out, but I hadn't done anything. This kind of thing has happened to me about four times in the past year. Sometimes soldiers in jeeps throw bottles and stones at kids."

¹⁸ The initials used to identify the children are not their actual initials; their names have been withheld for their safety.

- C.T., 15, told Helsinki Watch: "In January 1992 two Brits [soldiers] pinned me against the wall — one grabbed me around my neck and one punched me in the stomach with his elbow. Two Peelers were there, too. This went on for about ten minutes. Then a bigger kid came and told them to stop, and my mother shouted at them too. The Brits and the Peelers shouted at my mother and then walked away.

"One other time in January I was just standing on a corner. A jeep came, and one Peeler chased me with a baton and another one cocked his gun and shouted at me, 'I'll shoot it if you don't fuck off.'

"One time there was a fire in the middle of the road. I was wearing my Leeds football hat. A Brit shoved his gun into my face and told me to take my hat off. Then he kicked some of the fire at my mate.

"Another time a couple of weeks ago I had a brand new radio in a plastic bag. A soldier took it apart and threatened to smash it up. It took me a long time to put it back together.

"We've tried to go to the RUC to complain, but they just tell us to go on home."

- A.K., 15, reported: "Two weeks ago, I was standing on the street. Some nine-year-olds were throwing stones at the Brits. The Brits started shouting at them and at me, 'You Fenian bastards.' One Brit grabbed me by the throat. My Granny, who's 72, came and grabbed him. He pushed her out of the road and said, 'Go away, you old bag.' Then he shouted at me and pushed his gun into my stomach. I said, 'I didn't throw any stones.'

"Not a week goes by without some incident. Five or six times in the last year really bad things have happened to me. Last Christmas, at 10:30 p.m., Brits were searching a house in Beechmount. I went by, and a Brit grabbed me and started asking me questions. Then he grabbed his gun and jammed me up against the wall. He said, 'Wise up,' and pushed his gun into my chest. I was very nervous. He held me there for about fifteen minutes. Then a Peeler came along and told me to go home, and the Brit let me go.

"The next night I was stopped by the same Brit. He hit me a dig on the back of my head and on my ribs, so it wouldn't show. Then he shoved his gun against my throat and said, 'You were lucky a Peeler came up the other day — he kept you from getting shot.' Since then I've been afraid to leave my own area. I'm too scared to walk down that way again."

- M.E., 20, told Helsinki Watch: "Since I was fourteen I've been harassed. When I was 16, I was lifted under Section 12 of the PTA and taken to Castlereagh. They threw me against the wall and put a gun to my head. They wanted me to be an informer. I refused. They kept me there for three days. I brought a claim against them for false arrest and I won it.

"Now they stop me every time I go on the street. When a new Army regiment comes in, the RUC tells them, 'Watch him.' They go around and point out people's houses to the Army

and tell them who to watch."

- M.P., 19, said: "When I was sixteen I was accused of throwing bricks at the RUC — it wasn't true. They hit me over the head with a gun. I've got two cases against the RUC."
- K.G., a 15-year-old girl, told Helsinki Watch: "Last Thursday the Peelers stopped me and asked me questions and called me a lot of dirty names — I won't even repeat them."
- A.C., a 16-year old girl, reported: "Last month the Peelers said they were going to lift me. They told me to go to the barracks. I was very afraid. They made me open my coat and one kicked me on the leg. Then a policewoman opened my coat and made remarks about my chest. I'm afraid to complain — all the kids are."
- L.T., a fifteen-year-old girl, told Helsinki Watch: "I was on my way to school a few weeks ago, and the Peelers stopped me and took me to Castlereagh. They shouted at me and told me that I must be a blanket for the IRA. Then they let me go."
- B.D., a nineteen-year old young woman, reported: "Last year when I was eighteen the Peelers took me to Castlereagh and kept me there for a week. They wanted me to be an informer. They insulted me; they said I was so well-built I would make a good blanket for a top IRA man. Now sometimes the Peelers and the Army — six at a time — will stand outside my door and yell, 'Top IRA woman,' for about five or ten minutes. My nerves are very bad. They told me if I was blown up it would take five or six body bags to pick up my body."
- Damien Austin, 17, whose treatment during interrogation at Castlereagh was discussed in the previous section, told Helsinki Watch: "Harassment is so common — it's a way of life. Four weeks ago a Brit grabbed me by my throat and pushed and shoved me. Sometimes they pay compensation for what they've done to you, but then you have to agree not to talk about it."
- M.D., a seventeen-year-old girl who attends a youth training program, told Helsinki Watch, "Five months ago I was walking up to Donnelly's with my cousin. A Brit called me a slut. He said, 'There's M., she's a slut and her brother's in jail.' My cousin said it wasn't true. Then the Brit hit me with his rifle and broke a bone in my wrist; I had to go to the hospital to have it set. My arm was in a sling for three weeks. I reported it to the barracks and I got a letter saying they were dropping the case. I'm going to take it to court. I'm very angry."

U.D., a seventeen-year-old boy from North Belfast, told Helsinki Watch of an incident that took place on January 27, 1992:

I was coming home for lunch. There were three army foot patrols about fifty yards from my house. One of the Brits said, "Are you following us?" Then he punched me in the face and said, "I'll put one on you." I fell against a second Brit and he grabbed me and held me. Then the first one punched my face and the side of my head and my nose. There were three of them altogether. I struggled free and ran

away. Four Brits chased me down the street and I ran into a friend's house. Two doctors examined me; there were bruises on my face and my nose was swollen — it bled when they punched me. I made a complaint through my solicitor on January 28. Since the incident, the DMSU know me by name, and they stop me and question me. Four times they have stopped me and told me to take off my shoes, but I never did. Sometimes they push a kid to the ground and take his shoes off by force.

In the middle of February, three guys were questioned about burning buses. One of them told me that the police asked them if they knew me.

U.D.'s mother told Helsinki Watch:

I'm very worried now that my son has come to the attention of the police. It's a pattern I've seen over the years — the police know you and then they keep after you. It happens again and again. Now my son is very bitter about the security forces; he thinks they have it in for him.

There have been lots of harassment incidents in this neighborhood — most of them happen to kids under eighteen. They seem to target that age group; they put the fear into the kids.

Brian Feeney, a Social Democratic and Labor Party Councillor who represents North Belfast, told Helsinki Watch that he is extremely concerned about the harassment of young people by the security forces. He has compiled a dossier of incidents of harassment:

The complaints began about the middle of January [1992], not long after the troops were drafted in, and just grew in frequency. Basically what I have done is compile a menu of incidents. These range from, at the very least, aggressive questioning, to teenagers being beaten up in areas like the Bone, the New Lodge and Ardoyne.

Very often, the incidents arise from insults traded on the streets by soldiers and youngsters. When extra troops were drafted in, the army could do nothing except put them on the streets. They formed large foot patrols which naturally came into conflict with kids. There would appear to be no reason for them being there. No arrests have been made as a result of their presence. If anything, they have now become targets for abuse from kids or from the IRA who have already thrown coffee-jar devices at them. . . .

The general perception is that these soldiers are on a temporary tour of duty. They would rather not be here. They simply can't wait to get out. Soldiers also think they're on a winner because if somebody complains they can charge them with disorderly behavior. Soldiers are offered protection by this charge because basically this comes down in court to your word against four or five British

soldiers. If you're 14 or 15, you don't want a criminal record.¹⁹

Councillor Feeney told Helsinki Watch about a case in which a fourteen-year-old was running home a few months ago when he was stopped by security forces in a land rover. They drove him around for twenty minutes and then let him go. His mother reported that he came home ashen and terrified.

Mr. Feeney also told Helsinki Watch of the following incidents:

- January 28, 1992: D.S., 14, coming out of North Queen Street Community Centre, exchanged insults with soldiers. He was grabbed by a soldier. His father ran to his aid. The soldier pointed a rifle at his father. The boy was thrown into a jeep and beaten about. The father intends to bring a complaint. I believe the boy has been charged.
- February 14, 1992: two youths under eighteen stopped in X Street in the afternoon; searched and made to take off shoes and socks.
- Early February 1992: a ten-year-old boy was drinking orange juice at the corner of Y Street. Exchanged insults with a soldier. The soldier tipped the drink over on him.
- Night of February 27, 1992: W.B., 18, of Z Road, was asked for ID and address. Answered, "there," and was grabbed by the throat and held against the wall. Told the next time he was "seen at night he would get a bullet in the head."

Mr. Feeney was so concerned about harassment of children that he asked a neighborhood community worker to ask young people at the North Queen Street Community Centre in the New Lodge on March 20, 1992, whether any of them had recently been harassed.

He told Helsinki Watch that the community worker had been amazed at the response she received from the dozen kids at the center; her report follows:

- F.D., 13, of A Road. On 18 March stopped on North Queen Street by soldiers. Made to remove jacket. Searched. "Always being stopped."
- M.B., 14, of B Road. 7 March stopped in C Street (New Lodge). Searched. Made to take off shoes. Threatened by a soldier.
- G.M., 15, of D Street. Being stopped on a regular basis by soldiers. A few weeks ago during rioting and bus burning at E was stopped by soldiers and grabbed by the throat. Questioned and his answers taped, he says. Was pushed around by soldiers. Very scared. He was in a group of about twelve young people when this incident took place.
- H.S., 18, of F Street. On 17 March stopped on the Falls Road by soldiers. Searched, asked to remove trouser belt, subjected to verbal abuse.

¹⁹ *The Irish News*, March 9, 1992.

A youth worker in West Belfast, who asked that his name not be used, told Helsinki Watch that children are sometimes stopped as often as nine times in one day:

One of the lads I work with, who's now seventeen, has been stopped continually. He was assaulted by security forces three times in the last year — one time they busted his head against their jeep. He had to have stitches in his mouth. And he had bruises on his arms and chest and legs. He was fifteen years old the first time he was assaulted by police.

A supervisor in a youth training agency in West Belfast told Helsinki Watch that harassment of children by security forces is very common. He reported that one boy he knows has been arrested two or three times; last time he was arrested, police released him in the center of town and told him to find his own way home. He described the case of another boy who was verbally abusive to a foot patrol a few months ago; a soldier put him against the wall, hit him and searched him. His face was badly bruised.

Another youth worker in West Belfast who wished to remain anonymous told Helsinki Watch:

Adults don't hear about most incidents of harassment of children — the children accept it as an everyday occurrence. When a new regiment arrives for its tour of duty, the men are ordered to familiarize themselves with the area and given ID sheets and photos of people to watch, in order to collect intelligence information. They immediately make their presence known to the young people in the area. Just recently I saw two 17-year-old boys I know spread-eagled against the wall by soldiers. The boys were searched and forced to remove their jackets, shoes and socks. I told the soldiers to let the boys put their shoes and socks back on; they did.

In January or February of this year a soldier shouted abuse at a fourteen-year-old boy I know. The boy then threw a stone at the soldier and the soldier hit him on the head with the butt of his rifle. The boy was lifted by police for throwing stones.

Kieran McEvoy, an information officer with the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), told Helsinki Watch:

Harassment of under-eighteens is endemic in West Belfast. The police and the army have limitless power. They alienate the community with no security gain. Security forces call it "blanket security" — they say they know who the main players are. They're always "P-checking" people [personal checking]. Pedestrians can be P-checked two or three times a day; car drivers not as much in Belfast — there's a class differential. And security forces let off steam by hassling youngsters. With under-eighteens, police have an expectation of trouble.

Dr. Joe Hendron, the recently-elected Member of Parliament for West Belfast, carried out a medical examination of Paul Hughes, a 17-year-old boy who had allegedly been assaulted twice during a seven-hour period by British soldiers in April 1992. The boy said he was head-butted by soldiers; he received a cut lip, a swollen nose, and cuts around his eye. Dr. Hendron called the actions of the soldiers "absolutely

disgraceful" and said:

This sort of thing is happening regularly to so many of the young fellows in this area. The young people are being treated like dirt.

Street harassment of children takes place outside of Belfast as well. In April, Helsinki Watch talked with four young people in Carrickmore, outside of Omagh, County Tyrone. M.S., 18, told Helsinki Watch that he had been arrested and taken to Gough Barracks Holding Centre for interrogation two weeks ago:

They abused me verbally — they told me to watch myself, and said, "We'll get you." It was a death threat. I was there two days. They questioned me for an hour and a half at a time, from 9:00 a.m. until midnight. I saw my solicitor that same night, after I'd been there about thirteen hours. But my family couldn't see me. After 48 hours, they let my family bring me clean clothes, that's all.

When they lifted me, they asked me who I was voting for, Sinn Fein? One time, when I was fifteen, I was lifted and taken to Omagh Police Station. My father and my Councillor went with me, too. I didn't say anything. Since then, they stop me all the time; every week there's an incident. They stop me for about forty minutes and search me — and my car, if I'm driving — from top to bottom. It's the army and the police together. It's happened to me forty or fifty times in the last six months.

M.P., a seventeen-year-old boy, told Helsinki Watch:

Friday night, about 200 yards outside the center of town, I was stopped by the Brits and told to get out of my car. They kept me there for one hour. They asked me my name, my address, my date of birth, where I was going, where I had come from, what I worked at. They searched me, spread-eagled against the car. They made me hold my arms up the whole time.

They made me take my coat off. Then they asked me to take my shoes off, which I wouldn't do. If you won't do it, they say you have "an attitude problem." If people are around, they don't hit you. But if no one's there, they hit you in your ribs with the butt of a gun. They did that to me Friday night; I have no bruises, but my ribs are very sore. Two times they jammed the gun into my ribs. And they kicked me in the shins with their boots and called me a "Fenian bastard."

In the last six months, whenever I've been in town, I've been stopped. Two or three times a day, there are patrols with checkpoints. They are mostly directed at young people. They don't hit you all the time. They laugh at you while they're searching you. It's happened to me forty to fifty times in the past six months. If you're driving out of Omagh and they see you, they make a U-turn and flash their lights and put on the siren and follow you and stop you.

The RUC know everyone, but none of the RUC come from County Tyrone. It's not in the Catholic culture to join the RUC. I'd join the Foreign Legion first.

Once I was walking at midnight, and the RUC pointed me out to a new UDR man, who searched me. The RUC said, "My mates will get you," and said to the UDR, "Don't forget his name and his face."

M.A., 18, told Helsinki Watch:

I've had my own car since July. Any time I leave my house in the car, I'm stopped and pulled in. Last night I was at my girlfriend's house. The UDR stopped me on my way home, and kept me for about 35 minutes — from about 3:30 a.m. until 4:00 a.m. They asked for my license, and when they saw I was from Carrickmore they pulled me over to the side, and asked for my insurance certificate and my M.O.T. certificate [issued for cars over five years old] and checked the road tax. They made me open the bonnet and searched the car and they searched me too. It was raining and I got soaking wet. They made me take off my jacket, but I refused to take off my shoes. They said they would call the RUC, but they didn't.

Two weeks ago the UDR searched me and tried to cut wires in my car. They try to get you for traffic violations or bald tires or parking tickets. They want you to have a record.

Two weeks ago I was taken to Gough Barracks [Holding Centre] with a friend. They called me a Fenian bastard and insulted my family and called my mother names, and said they would shoot my father. I had put up a Sinn Fein poster for the election, so they thought I was IRA. They said, "Watch your back; we're going to put you in the long grass." They said, "Wise up, don't hang about with Sinn Fein."

Before that, about two months ago when I was seventeen, I was arrested in Omagh. The police punched me in my face four times and continually elbowed me in my ribs. They were very rough until my solicitor came, three or four hours later. They pushed me around and verbally abused me. They held me for one day. Sometimes they lift one lad on like a Tuesday, and then release him. Then the next day they'll lift five more, so everybody in the village thinks the lad gave information on the other five. They're really vicious.

Barry McElduff, a local Sinn Fein councillor, told Helsinki Watch:

Harassment is so common the local press won't carry stories about it anymore; people get punched and head-butted all the time and no one pays any attention.

They record everything the young people have on them — phone numbers, anything. It all goes into a computer. All the kids — and adults too — have pages of citations. They put in it who you were with and where you were going. Then sometimes they'll tell you, "Your file has gone missing — your life may be in danger [from Loyalist paramilitaries]."

It's true that they try to get everyone for minor offenses, like broken lights or bald tires. That way they can oppose letting you out on bail if you "re-offend."

If a kid attends an "illegal rally," that's an offense. For a first offense, you can get a conditional discharge or a £50 fine. For a second offense, you can get six months in prison. Now we notify police if we're going to hold a march; it's to save our young activists from serving six month sentences.

If you keep silent when they're questioning you in Gough Barracks, they say, "only a terrorist says nothing; therefore you must be a terrorist." The whole community is very disaffected from the state.

When young girls are stopped and searched, they have to be searched by a woman officer; that means there's a further delay, because sometimes they have to bring in a woman officer from as far away as ten miles.

Anna Fowler, Terry Creaney and Maura Campbell of the Drumcree Faith and Justice group (DFJ) in Portadown have been recording harassment incidents in Portadown since October 1991. They have recorded sixty incidents and have filed complaints on all of them with the RUC. All of the complaints but one are against the UDR; the remaining complaint was against the Army. DFJ reports that local people are skeptical about filing complaints; many fear that complaining will result in further harassment. DFJ has held seminars to tell people what their rights are; the Committee on the Administration of Justice (CAJ) has provided speakers and information.

Anna Fowler told Helsinki Watch:

Local RUC officers are a bit more sensitive, but the UDR says things like "we're here because you're all fucking murderers. You're all Fenian bastards." They make lots of anti-Catholic remarks, especially at night. They make you take your shoes off in the middle of the street. Most of it is directed at young people under 25; it happens all the time to children under eighteen. They even curse decent middle-aged women.²⁰

²⁰ At the request of the Drumcree group, several 13- to 15-year-old Catholic boys wrote a statement about their feelings toward the police and toward their treatment in Portadown:

Being a Catholic youth in Portadown means you cannot go anywhere in the town. If you are going to town you are told not to look like a Catholic, this means no school uniform or no football scarfs. The other side can go where they want and wear what they like. We would love to go to the swimming pool with our friends or just mosey around the shops.

We hate the police -- they always stop us, and say hateful things. One day a policeman told a friend of ours that his mother was a whore and that his dad was having it off with his sister. Sure we call

Parents of teenagers, youth workers and political leaders told Helsinki Watch that harassment of young people by security forces pushes many into the arms of paramilitary groups. Dr. Joe Hendron, the SDLP Member of Parliament from West Belfast, has described

the harassment of young people in West Belfast as "the lifeblood of the Provisionals."²¹ North Belfast Councillor Brian Feeny has accused British soldiers of pushing people toward Sinn Fein:

There can be little doubt that soldiers are pushing people into the hands of Sinn Fein. . . . The powers that be must realize that people with no republican leanings may turn to Sinn Fein if they are subjected to this kind of abuse day in, day out from British soldiers.²²

One mother of a teenager in North Belfast who had been harassed by British soldiers told Helsinki Watch that she was terrified that his bad experiences would drive him to the paramilitaries:

I've seen it before. The Brits beat a kid up and he can't do anything about it, and the Provos go to him and say, "We know how to deal with them," and the next thing you know, the lad is in with the IRA.

Harassment of Protestant as Well as Catholic Youth

Security forces harass Protestant youths as well as Catholics. William Smith, the head of Justice for All, a group formed in 1989 to bring attention to abuses suffered by Protestants at the hands of security forces, told Helsinki Watch:

What we have in West Belfast is a paramilitary police force geared for action with flak jackets, rifles and armored cars — they're in full battle dress. Northern Ireland is split into war zones and non-war zones. In the war zones, police only drive around in cars or land rovers, accompanied by soldiers. There are no police

them names but if they called you a Fenian bastard would you not call them names?

We don't hate prods [Protestants], but we don't know that many anyway, but last week a prod woman helped our mate when she saw him getting a hiding up the town. He got eight stitches in his head. Maybe she didn't know he was a Catholic when she went to help him.

We do take part in cross community things. We have played football matches and we have gone away for weekends, but when we come back none of the groups want to visit us. We want to live in a place that wants us and Portadown doesn't.

We don't really understand the fighting here. People die for no reason. The Provos kill prods, the prods kill Catholics, and the Security Forces kill Catholics. Who comes out worst? We do.

²¹ *The Irish News*, April 13, 1992, p. 5.

²² *The Irish News*, March 9, 1992.

walking a beat in a neighborhood. And the attitude of the police is that every young person is a potential terrorist — this is true in the Protestant areas as well as the Catholic ones. They harass young people all the time.

The result of all this harassment is that a sub-culture of violence has developed over twenty years. Young people have little respect for any type of statutory body — the Housing Executive, the RUC, the Army, Social Services. Kids twelve and thirteen have no respect for the government.

There are all these unemployed lads on the streets — unemployment of young Protestants in this area is as high as 60 or 70 percent — and they're constantly picked on by the RUC. The police treat West Belfast as one entity — they don't discriminate between Catholic West Belfast and Protestant West Belfast. They deliberately stop people — they have stopped so many people on Shankill Road [Protestant area]. The last six months it's been worse because of the increase in violence. Politicians have been pressuring the government for greater security. In the end, it's the community that suffers. We've been ringed off since the end of last year. They stop pedestrians and they stop cars and search them. They stop cars for anti-terror purposes, and give people tickets for flat tires, lights, no insurance. People are really tortured through road blocks and security precautions.

What we want is police on the beat — we want them to be pulled off of security and put back to policing.

Efficacy of Filing Complaints Against the Police

Filing complaints of harassment against the police, the army or the UDR is problematic. In theory, complaints can be lodged with special units of the RUC and the Army. The RUC's investigation of complaints against the police can be supervised by the Independent Commission for Police Complaints of Northern Ireland (ICPC).²³ However, lawyers, youth workers and young people told Helsinki Watch that most complaints get nowhere. A community worker told Helsinki Watch:

The pattern we see is that young people are lifted and then beaten up on their way to the station. If they file a complaint with the RUC, the RUC then files a criminal complaint against the kid. The case is heard before the kid's complaint is investigated by the Police Complaints Division. The case goes to Magistrate's Court, and five cops testify that this one kid beat them up. The magistrates always take the cops' word for it. So the kid is convicted — sometimes given a suspended sentence — but now the kid has a record.

So it's a pointless exercise to complain. And the kids know that you just get more hassle if you complain — the cops have it in for you, even if you drop the

²³ See Helsinki Watch report, *Human Rights in Northern Ireland*, 1991, pp. 69-84, for a description of the investigatory process.

complaint.

The pattern is so consistent. And a lot of the police come in here with a Loyalist background. They believe everyone hates them — some of them are not much older than the kids they beat up. Their sectarianism, or latent sectarianism, comes out. They don't act like neighborhood cops who come from and remain in the community.

A youth worker who runs a program for young people in West Belfast, told Helsinki Watch:

One lad who was joyriding [stealing a car and driving it around the community at high speeds for pleasure] was stopped by the RUC and dragged out through the windscreen — he was badly hurt. He charged the policeman with assault. Then the RUC countercharged him, and the RUC said "If you'll drop your charges, we'll drop ours." And he did.

In the past year we've had eighteen to twenty-two cases where lads have filed complaints against the RUC or the Army; most of them have been dropped. Currently about eight or ten are facing court appearances.

It's hard to get people to complain. A woman I know saw a soldier verbally abusing her son, using rude explicit sexual remarks. She asked him to stop, but he continued. The woman then said to a policeman, "Are you going to do anything about this?" The policeman said, "What are you talking about? I didn't hear anything." The woman just walked away, feeling there was no point to making a complaint, but I finally persuaded her to.

The RUC overreacts. I was driving two lads in my car on January 23rd of this year; we saw an RUC patrol. One of the lads had a bench warrant out on him for joyriding. The RUC stopped us and that lad started to run away. Police jumped out of the land rover and grabbed the lad who was with me and hit him in the jaw. Then a soldier put a rifle across my chest. The RUC threw the lad over the bonnet of my car and hit him again. The kid pushed the cop. I was saying, "Don't hit him." I identified myself as a youth worker. The policeman was angry. He searched my car and then turned around and hit the second lad in the face. More police came — finally there were six or seven land rovers there. One of the RUC knew the kids; when he heard what happened, he told the others to let the lads go. I've filed a complaint.

William Smith, of Justice for All, told Helsinki Watch that it's very rare for Protestant youngsters to file complaints against the police:

First of all, Protestants aren't supposed to complain about the police — they're supposed to be *their* police. And if they do, things only get worse. People are very practical: one young lad I know filed seven complaints against the RUC. After each one he was harassed all over again — they even kept searching his house.

Finally he said to the police, "If I drop my complaints, will you stop harassing me?" He did, and the police stopped.

Requirements of International Law

Harassment of children by security forces violates international law. The International Covenant on Civil and Political Rights (1966) (Article 7), the European Convention on Human Rights (1950) (Article 3) and the United Nations Convention Against Torture (1964) prohibit inhuman or degrading treatment, as well as torture. The United Kingdom has signed and ratified all three. In relation to the rights of children, the United Nations Declaration of the Rights of the Child states in Principle 2 that children "shall enjoy special protection." The United Nations Convention on the Rights of the Child requires "protection and care" of children (Article 3); and specifically outlaws the "torture or other cruel, inhuman or degrading treatment or punishment" of children (Article 37).²⁴

Conclusions

Helsinki Watch concludes that harassment of children under eighteen in Northern Ireland is endemic, is directed against children in both traditions — Nationalist and Unionist — and is in violation of international agreements and standards.

²⁴ See Appendices A and B for the texts of the United Nations Declaration of the Rights of the Child and the United Nations Convention on the Rights of the Child. See Appendix C for the text of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, which require in Paragraph 10.3 that "Contacts between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him, with due regard to the circumstances of the case."

ABUSE OF CHILDREN BY PARAMILITARY ORGANIZATIONS

Introduction

Police in Northern Ireland have largely abdicated normal policing in troubled areas. Instead, the RUC concentrates its efforts on fighting political violence; police in the troubled areas travel in armored personnel carriers, or patrol with rifles, backed up by soldiers in full battle gear.

Because of the absence of normal policing, paramilitary groups — both Republican (Catholic) and Loyalist (Protestant) — have stepped in to fill the vacuum as "self-appointed guardians of law and order."²⁵ The IRA operates a parallel unofficial criminal justice system that handles complaints of ordinary non-political crimes allegedly committed by members of its own community. The IRA acts as investigator, prosecutor, judge and jury, and carries out its own sentences. People called before IRA tribunals are denied all but the bare rudiments of due process. On the Loyalist side, the Ulster Defense Association (UDA) orders punishment shootings and severe beatings for "anti-social activities" by Protestants and carries them out.

These informal justice systems have ordered maimings and shootings and have banished people from Northern Ireland. Their actions are carried out against children as well as adults. Public opinion appears to be divided on these "rough justice" systems; some residents applaud them and some residents are horrified by them. In circumstances of armed conflict, their actions are forbidden by international humanitarian law (the laws of war).

Policing in Northern Ireland is difficult and dangerous. Two hundred eighty-four police officers have been killed in the political violence that has taken place since 1969²⁶; police fear that calls for assistance from the "ghetto" (working class) areas may be traps. But Helsinki Watch has concluded that unless the Royal Ulster Constabulary resumes normal police work, the vacuum left by police inaction will continue to be filled by armed paramilitary groups using brutal tactics against the people of Northern Ireland — Catholics and Protestants alike.

The RUC's Failure to Carry Out Normal Policing

The RUC acknowledges that it does not carry out normal policing in certain areas in Northern Ireland. In a recent statement, the RUC said:

The level of terrorist threat, the possibility of ambushes, and the terrorists' well-documented disregard for the safety of local people when mounting such attacks against police officers and soldiers all necessitate caution. This inevitably has

²⁵ D. McCullough, T. Schmidt and B. Lockhart, *Car Theft in Northern Ireland: Recent Studies on a Persistent Problem*, Extern, CIRAC Paper No. 2. Belfast, 1990, p. 7.

²⁶ According to the NIO, during the same time period 434 members of the British Army, 197 members of the Ulster Defense Regiment, and 2,060 civilians (including members of paramilitary groups) were killed in violence associated with "The Troubles."

resulted in the RUC not being able to respond on occasion, and in specific areas, as quickly as either they or the public would wish.²⁷

Sir Hugh Annesley, Chief Constable of the RUC, has said:

It is a fact, a highly regrettable fact, that terrorism has distorted policing, to the disadvantage of the community and the Police — and against the desires of both. Necessary security measures have adversely affected policing methods; the terrorist threat has inhibited the degree and quality of contact between the Police and the public and, at times and in places, the nature of the Police response to community needs.²⁸

Policing the troubled areas of Northern Ireland is dangerous; one RUC officer said:

If you get a call, everything has to be checked. You just can't go off to it. If it was something like an abandoned vehicle, an army helicopter would be sent out first. Anything at all could be a booby trap for us. A lot of the time we just don't go to it — it's just too dangerous.²⁹

A 1990 Extern Organization study, *Car Theft in Northern Ireland*, described policing in West Belfast:

The police and the army — "legitimate targets" in the eyes of the IRA — are confined in West Belfast to fortress-like bases with look-out posts and security fencing. Tours of the area are made in heavily armored Land Rovers, often travelling in convoy. The occasional foot patrol undertaken by the RUC is always backed up by a contingent of soldiers. As a consequence, normal community policing in West Belfast is difficult to establish. Throughout the seventies standard crime prevention was necessarily a low priority for the RUC. They did not have the resources or the presence to deal with crimes such as vandalism, street fights, or car theft. Even now in West Belfast the car thief has a fairly low risk of being apprehended in a stolen car. The police are reluctant to venture into areas such as Divis Flats and will leave the relative safety of their Land Rovers only on rare occasions. For this reason the owners of stolen cars discovered in West Belfast usually have to travel into the area to reclaim their cars themselves.³⁰

A spokesperson for the Northern Ireland Office told Helsinki Watch that police would have to triple

²⁷ Cited in BBC television documentary "Dispatches," by Malachi O'Doherty, broadcast in February 1992.

²⁸ Address to the Armagh Diocesan Synod, October 22, 1991, p.5.

²⁹ "Border Blues," *Fortnight*, April 1992, p. 25.

³⁰ *Car Theft in Northern Ireland, op.cit.*, p. 6.

their resources to resume normal policing.

Development of Parallel Criminal Justice Systems

Alternative criminal justice systems are not a new development in Northern Ireland. In 1918, before the six northeastern counties were partitioned from the rest of Ireland, Sinn Fein won 78 of the 100 Irish seats and declared that it was the provisional government of Ireland, Dail Eirann.³¹ That government established alternative policing and courts, believing that

it was the duty of the Republican Government to preserve a regard for justice, and prevent adventurers and criminals from taking advantage of the guerrilla warfare for their own ends. . . . A Republican police force was formed. Its members were without uniforms, and for the most part unpaid. But they were also able to make themselves effective The Republican police, not having control of jails, usually removed delinquents for the term of their sentence to an "unknown destination."³²

Later, in the early 1970s, following the UK's establishment of internment without trial, the IRA set up "people's courts" to resolve disputes and handle cases of minor offenses. Local panels were elected to hear cases, decisions were made, and community service sentences were meted out. These courts did not last.³³

In April 1992, Helsinki Watch talked with political leaders, youth workers, lawyers, human rights activists and parents about the absence of normal policing in many areas and the informal justice systems currently operated by paramilitary groups and their dealings with children under eighteen. Helsinki Watch did not talk with children who had been victims of paramilitary "justice" for fear of endangering them.

Youth workers whose names cannot be used told Helsinki Watch that two important factors lie behind the failure of the police to carry out normal policing in troubled areas: first, the RUC won't respond to complaints of crime because they believe there is a good chance that they are being set up for an attack, which has happened in the past; and second, many Catholics won't call in the RUC because they don't trust them, seeing them as representatives only of the Unionist community.

The Drumcree Faith and Justice Group in Portadown has described its attitude toward police:

³¹ Michael Morrissey and Ken Pease, "The Black Criminal Justice System in West Belfast," *The Howard Journal*, Volume XXI 1982 (Morrissey and Pease), p. 160. See pp. 159-166 for a discussion of the alternative justice system set up by the IRA.

³² D. MacCardle, *The Irish Republic*, Irish Press, Dublin, 1951, pp. 347-349. Quoted as "an unashamedly partisan work" in Morrissey and Pease, *ibid*.

³³ Morrissey and Pease, pp. 160-161. See also, Dr. Ronnie Munck, "The Lads and the Hoods: Alternative Justice in an Irish Context," p. 44. Dr. Munck suggests that these courts did not last because committee members were subjected to harassment by forces of the state.

Our attitudes toward the security forces are very negative. We would not describe the RUC as a police force, but as a security force. For some of us our only experience of them is one of harassment: coming to the house at 5:00 a.m. and turning it upside down. . . .

Others among us would resent talking to the RUC even about a road accident although we would phone them if we needed them. We admit that there is an inconsistency here but the uncomfortableness we feel in dealing with the security forces is difficult to describe. It's an awful distrust. . . . If we are talking to an RUC man we feel that he is almost certainly thinking something negative about us. Our experiences with the RUC are mostly bad.³⁴

William Smith, the leader of Justice for All, a Protestant group in West Belfast concerned with publicizing problems experienced by Protestants with security forces, told Helsinki Watch in April that working class Protestants don't rely on the RUC either:

Normal law and order broke down in 1969, and the paramilitaries grew out of that. Since then the police have never regained their previous position with either the Catholic or the Protestant community. Just last week, Protestants in the Shankill estate shot at police; the RUC hasn't regained control in the Shankill area.

There are unwritten rules between the police and the paramilitaries about policing in these areas. People in West Belfast — both Catholic and Protestant — found that the RUC was not responsive to cases of break-ins, burglaries and theft. In the Protestant areas it was not really because they were afraid of being attacked. They just abdicated responding to normal crime calls and put all their energies into fighting a war against terrorists. All their resources went to fighting terrorists, so people had to go to the paramilitaries for justice.

About eighteen months ago some hooligans broke fire hydrants in this area [Shankill Road] and there was no water pressure. Some housewives went to the RUC and the RUC told them to call the UDA [Ister Defense Association — Loyalist paramilitaries]. On other occasions they have told Republicans to call the IRA.

The Protestant community doesn't trust the police; 95 percent of the RUC come from outside Belfast and they're an elitist group. None of them are from Shankill Road — they're middle class, not working class. Some of them used to live here, but in 1985 Protestants burned the RUC out of their homes in the area because they were so angry at the Anglo-Irish Agreement. They believed that the RUC were a pawn of the Anglo-Irish Agreement and just a police force that was carrying out the actions of the state. Over one hundred police homes were attacked. Local

³⁴ Drumcree Faith and Justice Group, "The Story of a Journey: A Response to 'Breaking down the Enmity.'" Portadown, undated, pp. 14-15.

Protestants have joined the UDR [Ulster Defense Regiment], and before that the B-Specials, but few of them have joined the RUC.

A community worker who asked that his name not be used told Helsinki Watch that Protestants in Loyalist areas are less reluctant to call police than Catholics are, but that the RUC may tell them to take their complaints to the UVF commander.

Policing and Punishment Shootings and Assaults by Paramilitary Groups

The RUC refused to meet with Helsinki Watch to discuss the RUC's policing methods or the paramilitary groups' efforts to police "ghetto areas." However, the Northern Ireland Office has described policing and punishments by paramilitary groups as follows:

Punishment shootings are carried out by both Republican and Loyalist paramilitary groupings in order to establish their control and authority in areas where they have support within the local community. On the Republican side PIRA [Provisional Irish Republican Army] believe that they are the "Alternative Police Force" and the local people are encouraged to bring complaints to them rather than the RUC. Within the organization PIRA has set up Civil Administration Units whose function is to deal with local complaints in the Nationalist community and decide on the appropriate punishment. The vast majority of punishment shootings are carried out against individuals for "anti social behavior." This term encompasses such activity as joyriding,³⁵ thefts, burglaries, robberies, drug dealing, intimidation and loose talking. PIRA believes that the carrying out of punishment shootings is beneficial as, in its opinion, the local Nationalist community is given visible evidence of its efforts to clean up crime in its area. PIRA is also paranoid about its own security and believes that such criminal activity attracts security forces into an area which may hamper proposed PIRA operations. The punishments given can range from the individual receiving verbal warnings, ordered to leave the country, beatings or shootings. In an effort to justify its action and explain the reasons for a punishment shooting PIRA will usually issue leaflets or posters in the local area and release statements to the media.³⁶

The IRA

³⁵ Joyriding is the act of stealing cars for pleasure rather than for profit. It began in Belfast in the late 1960s, when paramilitaries encouraged teenagers to hijack cars to use in roadblocks. Joyriding then became attractive to young people who liked the fun and excitement it provided. Young people drive at high speeds, evade police chases and abandon the cars; this produces a "high" of excitement. In the process, they endanger themselves and others. Joyriders have been killed in crashes, have killed pedestrians, and have been shot dead by security forces (the most recent case was the killing of two teenage joyriders, Karen Reilly and Martin Peake, in West Belfast in September 1990; six soldiers were subsequently charged with their deaths). Others in the community are frightened and angered by joyriders' behavior. In areas in which the police will not act, many residents support paramilitaries' punishments of joyriders. See *Car Theft in Northern Ireland, op.cit.*

³⁶ Undated statement given to Standing Advisory Commission on Human Rights in early 1992.

Helsinki Watch was not able to interview the IRA, a proscribed organization, about its punishment or policing efforts.

Malachi O'Doherty, a journalist who produced a documentary for the TV program, "Dispatches," that dealt with punishment shootings, beatings and expulsions by the IRA, told Helsinki Watch that

the Republican movement puts as much energy into policing the community as anything else. More people are involved, and there is more consciousness in Catholic areas of the continuing policing role of the IRA than there is of IRA bombings. They'll even get involved in domestic disputes, and they say they are good at settling quarrels between families.³⁷ Their influence is felt through all areas of life in the Catholic areas of West Belfast.

According to community workers, the IRA informal justice system punishes both those who show "anti-social" behavior and those who pose perceived dangers to the organization.

Joe Austin, a Sinn Fein councillor who represents an area in North Belfast, described at length to Helsinki Watch the workings of the Republican parallel criminal justice system:

The policing role is not played by Sinn Fein, but by the Republican movement — the IRA. The community should police itself — the IRA shouldn't do it. But the dilemma is that if the movement does nothing, people will resort to self-help and take matters into their own hands.

It works like this — if a shopkeeper knows who stole £400 worth of stuff from his shop, he reports it to the IRA. A panel of three civil administrators, whose job it is to hear cases like this, usually does some sort of preliminary investigation. Then it sends for the person who's been accused, and has a meeting with the shopkeeper and the accused person. This panel is solely responsible for administering these cases; its members don't have authority to attack the Brits. There are instructions that the panel has to follow for the cases it hears.

³⁷ The Extern Organization, a voluntary organization working throughout Northern Ireland on crime prevention and community initiatives, reports that: "The extent to which paramilitary organizations could be said to be involved in resolving neighborhood conflict is very difficult to gauge. Various attempts at contacting Sinn Fein were unproductive. The punishment shootings that occur are evidence of paramilitary involvement in discouraging various criminal activities, but their influence in neighborhood disputes is hard to assess." Tim McQuoid, Extern Report No. 1: *Report of the Extern Working Party on Neighborhood Disputes in Northern Ireland*. Belfast, 1990, pp. 23-24. One solicitor interviewed by Extern said that "for every person who consulted his firm about a neighborhood dispute three or four would have contacted Sinn Fein instead." *Ibid.*, p. 12. "Attitudes to the police, especially in West Belfast, will change overnight according to the political climate; some will go to Sinn Fein before contacting the police with their problems and quite a number will not contact the RUC for fear of recriminations." *Ibid.*, p. 20.

Dr. Ronnie Munck reports that "in many cases of 'wife battering' the IRA has intervened to drive the culprit out of the community." "Lads and the Hoods," *op. cit.*, p. 46.

If the person who's accused thinks he can't get a fair hearing before the panel, he can ask to be heard by a panel in another part of Belfast, and that will automatically be granted. You are supposed to have your witnesses ready for the meeting; if they're not there, the meeting may be put off until you can get them there. In theory, you could be represented by a lawyer, but no lawyer would appear before the IRA. But someone else could come to represent you — family or a friend.

The panels don't get evidence like fingerprints or other forensic evidence. But you can bring character witnesses.

The panel doesn't usually make a decision right away, but tells the people to come back in a few days for the decision. There is no higher level to appeal to, but if you think you didn't get a fair decision, you can ask to go before another panel in a different part of Belfast. In some cases the panel can't make a decision, so they say to the people concerned, "We don't know what happened, but we will be watching you."

The shootings you hear about happen in only a small minority of the cases. Republicans acknowledge that it's barbaric to beat or shoot someone, and so there are lots of alternatives possible. For instance, if a seventeen-year-old is accused of housebreaking — breaking and entering — and there's proof of it, the parents will be visited by the IRA. They'll give the evidence to the parents, and advise the parents that their son is involved with bad company, or is drinking, or is a substance-abuser, and tell the parents they should keep an eye on the boy.

If there is a second incident with the boy, the IRA will visit the parents again, and the boy will be curfewed — he might have to be home by 10:00 p.m. every night for about three months. If it's drink-related, he won't be allowed to be served in the local pubs; all the pubs will be visited and told not to serve him.

In 99.9 percent of the cases, the first visit is enough. In most of the rest of the cases, the second visit is enough. But if there's another recurrence, the boy will usually be physically punished. But it depends on the offense. A young person might be placarded — that is, he might have to stand on a busy corner wearing a big sign that says something like, "I steal car radios." Or a person who has stolen something could be ordered to repay the amount — maybe at a rate of £5 a week.

For cases of rape or child abuse, the person is confronted with the accusation. If he admits it, he could receive a number of directions: first, he could be told to immediately seek psychiatric treatment, and hospitalize himself. And he could be told that, in the end, he would not be allowed back to the place of the attack, but would have to move somewhere else. This is because the victim's family might kill the guy, and, anyway, there's a risk of a further attack.

For heavy drugs — heroin, smack or cocaine — someone who promotes drug use

could be shot dead. Last summer the IRA did a major push against pubs that were promoting drug use. Some were closed down, and one was demolished.

The last punishment option for the panel to order is physical punishment or expulsion. A seventeen-year-old could be shot in the calf, not knee-capped, as the press talks about. He would be shot in the fleshy part of the calf, not in the joint. This happens to people who habitually create problems, and commit violent crimes like armed robbery, rape and muggings. People don't get shot for joyriding or breaking and entering. And people can be ordered to leave the country for a certain period of time.

The other option is that the person could be beaten. Some people have been very badly beaten. Sean Dunlop was beaten in Belfast last Christmas week. He was a habitual petty thief, 28 years old. His family is very respectable and well-known. They said the IRA had a right to beat Sean, but that his beating had been too severe. They wanted to protest to the IRA. They called me and asked me to go to see Sean in hospital. I couldn't, because he was in a hospital in a Loyalist area. But I saw photos of his injuries. He had broken toes, ankles, legs, elbows, wrists and a broken collarbone. I agreed that it was severe, if not barbaric. Sean Dunlop had been ordered excluded from Northern Ireland earlier, and had come back, which is why he had been beaten. The family protested the severity of the beating and asked for a meeting with senior IRA people. The beating was not defended, and the IRA waived the expulsion order. Now he's out of the hospital. The case was known publicly — Sean was asked on TV what he thought of the IRA, and he said "I deserved it."

The IRA doesn't want to be in the policing business. Last year at Easter, the IRA announced that it would no longer take responsibility for crime in West Belfast, and that they would no longer punish people for petty crime. That was on Sunday. By Wednesday, there were two hundred women with placards on Andersonstown Road, demanding that the policy be reversed. Without ever saying anything, the IRA went back to taking complaints. But they don't have any prisons or rehabilitation centers or skilled workers who understand the nuances of crime. Their people don't have proper training. There should be public acknowledgement that the IRA and Sinn Fein can't solve these problems. And I worry about the fear factor — it's a very frightening thing to have the IRA send for you. I worry that people, especially young people, may just say what they think the IRA wants them to say, out of fear. Amnesty International says it's going to examine violence by paramilitaries — that's good news. The IRA would accept rules; then if the rules were broken, they could be criticized.

The remarkable thing in this area is not that there are bad people, but that there are good people, with all the problems we have — bad housing, no jobs, not enough sports facilities, battered women, child abuse, petty crime. What we need to develop in people is a thirst for justice.

Although Joe Austin reported that the normal procedure in criminal complaints brought to the IRA was for a hearing to be held before a panel of civil administrators, Helsinki Watch was told of cases in which the IRA issued punishment orders without such hearings.

Northern Ireland's paramilitary alternative justice systems have been described in academic journals. In an article entitled "The Black Criminal Justice System in West Belfast" Michael Morrissey and Ken Pease reported on what Sinn Fein had told them:

Physical punishment is only used as a last resort, usually after warnings and repetitions of offenses. Moreover other types of wounding, related to seriousness of offenses and the record of the offender, were implemented. The range of possibilities included the number of limbs which were shot, the calibre of weapon employed, and the location of the wound itself (i.e., angle of entry and wound position relative to the joint). However, it was stressed that tactics which did not involve physical punishment were frequently employed. Examples were given of youths who were forced to go round the clubs and pubs of their area and read out statements of guilt concerning particular offenses as "a form of public humiliation." With very young people, their parents consulted to work out some form of discipline in conjunction with the IRA, for example, IRA-imposed curfews. . . . It was argued that physical punishment only occurred because the IRA did not have the resources to take people out of the environments that generated crime. The criteria by which particular punishments were adopted were the seriousness of the offence, the record of the offender, and to a degree, the sex of the offender. The latter was explained as being the product of the reluctance of the community to accept wounding as a legitimate form of punishment for female offenders.³⁸

The UDA

Helsinki Watch was not able to interview the UDA about its punishment shootings and policing efforts. Community workers described to us how UDA practices differ from the IRA's. They reported that Loyalists, like Republicans, punish "anti-social" acts and behavior that is perceived as dangerous to the organization. In addition, they report, Loyalists punish people who refuse to join the organization and those who try to escape from the organization.

One community worker who asked that his name be withheld reported:

Unlike Republican areas where the policing vacuum is evident, anti-social behavior is dealt with fairly rapidly by the RUC in Loyalist areas. Joyriding, for example, is not as significant in Loyalist areas as it is in Republican areas. This is not to suggest that individuals are not placed under threat if they have been engaged in anti-social activities. However, the reasons for being under threat can be more

³⁸ Morrissey and Pease, *op.cit.*, pp. 163-164. See also, Munck, "The Lads and the Hoods," *op. cit.*, and Ronnie Munck, "Repression, Insurgency, and Popular Justice: The Irish Case," *Crime and Social Justice*, No. 21-22 (1984).

varied in the Loyalist context. Young people involved in anti-social crime, rather than being marginalized by paramilitaries can often be "actively encouraged" to either join up or contribute a percentage of the proceeds. In these areas for a young person who becomes involved, and then wishes to cease paramilitary activities, disengagement may be all the more difficult.

Another worker reported:

Generally, Republicans give advance warnings before punishment shootings or assaults, but Loyalists don't. Loyalists punish people for "anti-social behavior" and also for offending Loyalists — like stealing a wallet, or sleeping with someone's wife. Republicans also punish people for "anti-social behavior," and, apparently to a lesser extent, for personal reasons.

Geoff Maxwell, of Families Against Intimidation and Terror, an organization set up in late 1990 to publicize paramilitaries' use of violence, told Helsinki Watch:

The UDA carries out a lot of punishment shootings and beatings, but they don't portray themselves as much as policing the area as the IRA does.

Raymond McCord, a 38-year-old Loyalist who alleges that he was badly beaten by the UDA in February 1992 (both legs and arms and his nose were broken and his ribs were cracked), told Helsinki Watch:

The UDA rules by terror in Protestant areas. I refused to join them when I was seventeen, and over the years they decided to make me an example. Now they are going after my son, too. Last year, when he was sixteen, UDA lads punched and kicked him. Now he's in the Air Force. When he was home on leave at Christmas, he was in a local video shop. A man called out to him and then hit him on the chin. He said, "That's for your father. The UDA won't miss your Dad the next time." They have told me, "If your son wants to be a big lad, tell him to join the paramilitaries." The beating they gave me in February was the worst beating in my area in twenty years.

In my area it's just the UDA that does it. The UVF (Ulster Volunteer Force) only discipline their own men; they don't go after others. The UDA press gangs seventeen-year-olds into their organization. If you get in trouble, they tell you to join the UDA. Last year one of my son's mates, who was seventeen, joined. Now he can't get out. He daren't speak out about it. Mostly, you know that if you don't join, you're history. And the police don't help. One time the UDA came into a bar and started a fight. A detective was there, but he just ran out the door, and the owner wouldn't call the police.

I've charged them with my beating — I'm the first person in twenty years to do that. Five of them have been arrested and charged. They're out on bail. They attacked me outside a bar with flagstones. They dropped flagstones on my arms and legs

and kicked my face while I was lying on the ground. Their usual weapons are baseball bats.

Victims of Punishment Shootings and Assaults

The number of people who are victims of punishment shootings and assaults by the IRA and the UDA is appalling. The Northern Ireland Office issues statistics on both. Between 1969 and February 29, 1992, 1,670 people were victims of punishment shootings — 1,061 by Republicans and 609 by Loyalists. In the first 13 years, shootings by Republicans heavily outnumbered those by Loyalists. Since 1986, however, in every year but 1989 shootings by Loyalists have outnumbered Republicans'.³⁹

As for punishment assaults — between 1982 and February 29, 1992, 445 people were victims; 299 were severely beaten by Republicans, and 146 by Loyalists.⁴⁰

Helsinki Watch was not able to obtain a complete breakdown of punishment shootings and assaults by age. It is clear, however, that a great many of the victims of punishment shootings and assaults are young people — in some cases, even younger than seventeen. For the years 1988 through 1991, the NIO reports a total of 409 punishment shootings; of these, 113 (27.6 percent) were of people under twenty years old.⁴¹

The NIO provided further age breakdowns for the year 1991. In that year, ten young people (17-19 years) were shot by Republicans and seven (17-19) by Loyalists. One child under seventeen was shot by Loyalists.

In the same year, eight young people (17-19 years) were assaulted by Republicans and six (17-19) by Loyalists. Five children under seventeen were assaulted by Republicans.⁴²

As for the damage inflicted by these shootings and assaults, paramilitary punishment shootings range from flesh wounds to serious disabling of all four limbs. Some of the punishment beatings carried out by paramilitaries have been very grave. According to the NIO, "the injuries . . . can be of a most serious nature and it is a fact that victims have bled to death. Clearly some of the victims do suffer permanent injury or disfigurement as a result of the attack."⁴³ Young people have been laid out on the ground and had

³⁹ See Appendix D.

⁴⁰ See Appendix E.

⁴¹ See Appendix F.

⁴² See Appendix G.

⁴³ Undated statement given to the Standing Advisory Commission on Human Rights in early 1992.

the bones of their arms and legs systematically broken.⁴⁴

A community group in West Belfast described the kinds of damage imposed:

In 1989, 50 attacks occurred that involved the use of hurling sticks, baseball bats (sometimes with nails driven through them), hammers, hatchets and breeze blocks. Injuries sustained included fractures to the skull or limbs, spinal injuries, broken fingers and cuts and bruises. In the same period, 51 severe attacks occurred using fists and/or feet. Injuries sustained included fractures to jaws and limbs. Some of these attacks were perpetrated against women.

In 1989, 161 shootings occurred. Weapons used included stun guns, hand guns, rifles and sawn-off shotguns. Injuries sustained included fractures to the elbows, knees, ankles, hands and thighs. There was also damage to skin, muscle, blood vessels and nerves.

The common injuries resulting from "kneecappings" included damage to kneecaps, soft tissue, tendons, muscles, arteries, veins and nerve damage. In some cases total mutilation occurred. Where there is total mutilation of a joint, a surgeon may consider amputation.

The director of a youth training agency that provides job training to sixteen- and seventeen-year-olds told Helsinki Watch about the case of seventeen-year-old Danny Morris, who was severely beaten by the IRA in January 1992 for "anti-social behavior." The case was reported in the press after Danny's mother decided to make the beating public. According to *The Irish News* (January 17, 1992), Mrs. Mary Morris said that Danny had been attacked by

several men while baby sitting at a friend's house in Lenadoon. She said that the men had bored three holes into her son's left arm with a chisel, and

[a]fter hitting him with hammer, chisels and bats they told him he had 48 hours to get out of the north once out of hospital. They said he was done for "anti-social behavior."

The Irish Times (January 17, 1992) reported that Danny Morris is four feet three inches tall and weighs about 90 pounds.

According to Mrs. Morris, Danny had been forced to leave Northern Ireland in August 1991 because of a similar IRA threat — for joyriding. He fled to Southampton, where he was arrested by English police and sent back to Northern Ireland to face joyriding charges by police. According to his mother, Danny had decided this time to defy the IRA and remain in Belfast.

The Irish News quoted the IRA as saying that its "temporary expulsion" of Danny Morris was due

⁴⁴ Malachi O'Doherty, "Social Work-over," *New Statesman*, Vol. 5, No. 191, 28 February 1992, p. 22.

to his

persistent offenses against the nationalist community over a considerable period of time. On numerous occasions he was warned about his actions, and his family were asked to curb their son's activities. . . He remains expelled from Ireland for the period up to July 31, 1992.

The youth training agency director, whose name has been withheld for his safety, told Helsinki Watch of another recent severe beating — the beating of C.R., seventeen, in Turf Lodge. The IRA beat C.R. for anti-social behavior — joyriding and breaking and entering — but subsequently issued a statement admitting that the beating had been a mistake — a case of mistaken identity. C.R. was hospitalized for several weeks; he had been beaten with iron bars and hurling sticks [similar to ice hockey sticks].

The director told Helsinki Watch:

There has been a long list of these beatings and kneecappings over the years. Now our sixteen- and seventeen-year-old kids are being put out of the area. Just recently two kids knocked on my door at 7:00 a.m. and said they had to get out of the area. They knew that if they stayed around they would be kneecapped.

Ten or twelve of our young people have been harassed by paramilitaries in the last few months. Over about a year and a half, between ten and twelve have been put out of the area. They were all boys except for one. One girl was put out a year ago for joyriding and anti-social behavior. Her head was tarred and feathered.

Our kids get into joyriding out of a sense of hopelessness and despair. They have no future. There are very limited opportunities in West Belfast, that's the sad reality. The kids have no jobs and no hope. Some of them are terror-stricken of leaving the area. Many of them have never even been in the center of town, about two miles away, because they're afraid of the UDA and the other Protestants. We take them on trips into town — most of them have never seen City Hall. Many of them had never met a Protestant until they met the Protestants on our staff [four or five Protestants out of eighteen staff members]. Some of the bolder ones get into joyriding because it gives them a high — it gets their adrenaline pumping. They can be "king of the road." They steal cars from the center of town or from a Protestant area and speed around here in them. Then they leave the cars here — they don't sell them. Now some of the kids are starting to get high on drugs; and drinking is a major problem. The Provos are very strongly anti-drug — they're especially hard on drug dealers.

The paramilitaries have taken on the policing role because people in this area have an inherent fear of the police; the RUC is seen as just an arm of the Unionist administration that wants to clamp down on Catholics. Of course, there are very few Catholics in the RUC. No RUC live in the area.

People have to report some things to the RUC. If your car is stolen, you have to

report it for insurance purposes, and also because if it's used by paramilitaries for political violence the police could lift you. We need a police force that's acceptable to the majority of the people.

A youth worker at a training agency who asked that his name not be used told Helsinki Watch that for some kids being kneecapped is a status symbol:

The hard core of kids aren't afraid of being shot — they run wild. They'll steal cars from their own area, race the cars around, burn the cars and put people at risk. One or two of them have left the country recently — their families have made them. The Provos have told the families, "You deal with it or we will."

Recently beatings have become much more severe. Kids have been crow-barred and had their joints smashed — compound fractures. The kids tell us there's a new possible punishment called "Fifty-fifty." It means they'll shoot a bullet into your spine and it's fifty-fifty whether you live or die. But I haven't heard of anybody actually being a victim of this.

The rule is that the Provos don't "punish" — that is, don't shoot or severely beat — kids under sixteen. Some of our younger kids have been "branded" — that is, made to stand against a lamppost, or outside church on a Sunday, with a placard around their necks saying, "I am a hood," or "I am a joyrider." It's the softest option the Provos can take — public shaming. The kids don't like it — some of them would rather be beaten. Also, some say they would rather be shot than beaten on the theory that you recover faster from a bullet wound unless it was in a joint.

Community Attitudes Toward Paramilitary Policing and Punishments

Observers told Helsinki Watch that many members of the Catholic community support paramilitary policing, particularly with regard to joyriders. Because police by and large won't respond to civilian calls for help, many in the community feel they have no alternative but to support paramilitary police efforts. Helsinki Watch was told that a frequent response to a story about a joyrider's beating at the hands of the IRA is, "Well, he deserved it."

William Smith of Justice for All, said:

A lot of people in the Protestant community support the UDA's beatings and kneecappings as a form of "rough justice" — they think the ones beaten deserve it.

Support for paramilitary policing actions is far from unanimous, however. Members of the Drumcree Faith and Justice Group in Portadown, for example, told Helsinki Watch that many people in their largely Catholic area opposed kneecappings and punishment shootings:

Two years ago we did a survey — we went to every house in our area — Churchill Park — 162 houses. We told Sinn Fein that we were going to do the survey and that we would publish the results, no matter what they were. Ten

families were out, but 98 percent of the rest said that kneecapping was wrong. We did the survey just after a young lad was shot in the stomach — he was supposed to be shot in the leg, but he moved. The IRA had charged him with unspecified anti-social behavior.

Republicans say that the police don't do anything about the hoods in the neighborhoods, so the Provos feel they have to do something. But we believe that just because the IRA *thinks* a lad did something wrong, that doesn't mean they can blow his kneecaps off. Now the Provos are shifting to kicking kids out, instead of shooting them.

Another group that clearly does not support paramilitaries' use of violence against members of their own communities is Families Against Intimidation and Terror. FAIT was formed in September 1990 by victims of paramilitary violence and their families; it has 55 members. Its aim is to highlight human rights abuses carried out by paramilitary groups in Northern Ireland. It believes that victims must go public — must publicize their beatings or shootings and fight paramilitary banishment orders.

In eighteen months, FAIT has recorded sixty cases of punishment assaults or shootings. Initially, most of the cases reported to the organization were on the Republican side; now fifty percent concern assaults or shootings by Loyalists. Overall, 37 of the 60 cases concern the IRA and the rest, Loyalists. Of the sixty cases, ten or eleven involved children under 18: four were children between thirteen and fifteen; one was sixteen, and the rest were seventeen.

Geoff Maxwell told Helsinki Watch:

The paramilitaries say that law and order has broken down, but it isn't always true. Of the last 42 young people who were badly beaten in West Belfast by paramilitaries, 38 had been or were going through the legal judicial system.

There was one case in Derry a year ago where four kids, ages 13, 13, 14 and 15, burned down a school. People in the community were very angry. The boys were lifted and charged by the RUC. While they were out on bail awaiting trial, a Sinn Fein Councillor went to each family and told them the boys had to leave for three months or be shot by Republicans. He did it because it was good public relations — the community would see that the IRA was doing something about the kids.

How can you tell a 13-year-old to leave the country? Where would he go? Some people got the Social Services involved and they sent the boys on Outward Bound trips in Enniskillen; then the boys were sent to St. Patrick's Training School for six or seven months until the trial. The trial took place four or five months ago. The oldest, the 15-year-old, was found guilty and sentenced to one more year. The others were released.

The paramilitaries deny people's basic civil liberties and the statutory bodies [government agencies] don't protect them. There is no presumption of innocence.

One Sinn Fein official talks about "cleansing the area of undesirables." Catholic kids have as much chance of being tortured and beaten by the IRA as by the British Army. What the paramilitaries do is not policing — it's brute force on the streets.

People have to tell their stories — tell what happened to them. The paramilitaries tell stories about people — they'll call someone a child abuser, for example, and people believe them. They don't want to believe that the IRA would torture someone for nothing. And the person never has a chance to tell people his side of the story.

The response to paramilitaries must come from the communities. Unfortunately, people live in so much fear of the other community that they tolerate the paramilitaries in their own community. Publicity has worked for us; we've been involved in some cases in which the IRA has had to back down and lift a death threat or an expulsion order. Recently, the IRA has started throwing more kids out, rather than shooting or severely beating them. The kids don't usually say anything about beatings or shootings, but they often don't want to be thrown out.

We're trying to help the kids who are ordered to leave the country. What can a poor 16-year-old kid do? We try to put kids up with our members for a couple of days until we can arrange an airplane ticket to England where there's a support group that can help them find jobs. Recently one 16-year-old was ordered out. I went to his house to get his stuff; he had pathetically few belongings — a small sports bag, a pair of jeans, a jumper [sweater], two posters and a ten pound note.

Involvement of Youth Workers and Social Agencies

One of the extraordinary results of the police abdication of normal policing and the resultant paramilitary policing is the way in which social agencies and youth workers have been forced to choose between watching children be shot or viciously beaten by paramilitaries, or helping paramilitaries to exile children or place them in reform schools. Helsinki Watch was told by many community workers whose names cannot be used that for humanitarian reasons community workers sometimes negotiate with paramilitaries to obtain more time for a child who has been given twenty-four hours to leave the country, or with social agencies to get a child under threat admitted to a reform school or some other social program.

One youth worker told Helsinki Watch that he had first become involved in helping children under threat a few years ago, when two young boys asked him if he could provide an ambulance in a particular place at a particular time — the boys were scheduled to be shot by paramilitaries for "anti-social behavior." Often their families submit to paramilitary punishments as well; some parents who cannot control their children have actually turned them over to paramilitaries to be punished, hoping that they will straighten the children out.⁴⁵

⁴⁵ Malachi O'Doherty's "Dispatches" television documentary reported the case of a father who had turned his son over to the IRA for punishment, believing the son was beyond his control. "The IRA provided the muscle to discipline my son," he said. The punishment assault went wrong, gangrene spread up the boy's leg, and the boy was in danger of

Another youth worker told Helsinki Watch:

Accurate figures are impossible to come by, but we think that about 300 people a year are under threat from paramilitaries. Most of these threats are in West Belfast. Eighteen-year-old kids are officially eligible to be shot in the knees or worse. The paramilitaries are reluctant to shoot kids under eighteen, but they do. What they do to sixteen- and seventeen-year-old kids depends on how big a profile the kid has — how high his "up yours" attitude is.

In the past year we haven't heard of young kids actually being shot, but we know of about 25 cases in which kids were threatened with shootings — both Republicans and Loyalists. They were accused of sexual abuse, property damage, joyriding, burglaries, general anti-social behavior or using drugs. There are grades of punishment: verbal cautions, beatings, kneecappings. You can be ordered shot once, twice, four or six times, and in particular parts of your body. Kids see the beatings as worse than the shootings, although shooting with hand guns can do a lot of damage. With beatings, kids have had arms or legs held across beer kegs and had their bones smashed — multiple fractures.

Recently we helped one seventeen-year-old get out of the area. He'd been given 24 hours to leave, and threatened with "fifty-fifty" [being shot in the spine]. He is a cocky, arrogant kid who had been beaten, but not shot. The IRA said he "couldn't be allowed to stay."

With most of the under-eighteens, it's a problem getting them out of the jurisdiction. You need parental consent. We try to get the statutory agencies to take responsibility for them — it's their responsibility to protect children. It's very difficult. The statutory agencies are using training schools inappropriately — sending kids there who shouldn't be there. But many kids are beyond parental control, and they can't be placed with foster parents.

What we need is a whole range of options — non-custodial places with safe accommodations and quality supervision and with appropriate and relevant programming for the individual's needs — activities and social skills training — the aim being to reintegrate the kid into his home community or to move him on to something more possible. The assessment period is very important — you need five to seven days to work out what is the best placement for that individual. Some can go to relatives or friends out of the country.

Most of these kids are not easy kids. We need educational hostel networks for them — we need to lessen the damage from past inappropriate placements. The

losing his leg. The father reported that he was not angry at the IRA, but at his son for causing the trouble.

under-eighteens are a problem — they can't sign contracts, so they can't rent a flat, even if they have jobs. There are only a few places in London that will take sixteen-year-olds.

Another youth worker described his efforts to help children under threat from paramilitaries:

If kids are threatened — by either Loyalists or Republicans — we try to negotiate time and space for them, and get support for the kids and their parents. Sometimes a kid or his whole family will be put out temporarily or permanently. The Valliday family in Divis Flats — all 28 of them — were ordered out a few years ago. They all went to England — the mother and father, the daughters, the sons, the grandchildren and the in-laws.

Some people are trying to set up an independent mediation center that would work on both intra- and inter-community disputes. The idea is to provide an alternative to punishment shootings.

All this is a big moral quandary for us. I want to make it clear that no one has the right to abuse anyone. But we are forced to respond to whatever power situation is affecting our young people. Some of our kids have had terrible experiences. Last year a seventeen-year-old was taken from his home by the Provos. They put a hood over his eyes, beat his head, put a gun in his mouth, threw "rats" on his back (they were really hamsters); they subjected him to terrible physical and psychological torture.

Our young people are caught in the middle between two power systems — the police and the paramilitary policing squads. When the police lift our kids for joyriding — they do arrest some kids — they try to get them to inform on paramilitaries. They tell the kids they'll drop criminal charges and give the kids some money if they'll keep the RUC posted on what's happening in the neighborhood. If the kids do this, they're in real danger of being killed. Informers are killed by paramilitaries. In a few recent cases, kids who have informed have later gone to Sinn Fein and told them what they had done. Sinn Fein then held news conferences to have the kids report on the methods the RUC is using. Since the kids had confessed, the IRA gave them lesser punishments.

Sinn Fein Councillor Joe Austin described to Helsinki Watch the way he becomes involved with government agencies:

Sometimes the punishment system works out well. A few months ago there were two crazy kids, eleven and fifteen, who were terrorizing Ardoyne. They continually drove cars from one end of the place to the other, joyriding right through people's gardens. Because of their age they couldn't be physically punished. But they wouldn't observe the curfew the IRA set, and the family couldn't control them. So the IRA told the family they would have to leave the community, and gave them two weeks to get out. The family didn't want that, so

they took another option: the two kids were sent to an institution, St. Pat's training school. Their conduct was monitored, and they were to stay there for a specified time, and then the matter would be reviewed. After three months, their father asked me to go with him to St. Pat's. So I did. The kids had learned their lesson, so they were released last weekend, and so far there has been no trouble. When I get involved in these cases, I feel that my job is a success if no one is physically punished.

In the case of those two boys, who had not been convicted of or even charged with any criminal offense, the Sinn Fein account shows that the IRA had, in effect, tried them, found them guilty, sentenced them to serve time in a reform school, monitored their progress, and had them released.

Journalist Malachi O'Doherty reported on the relationship between paramilitaries and social agencies in *The Observer* (Feb. 23, 1992):

Statutory social services, probation officials and voluntary agencies have been reluctantly drawn into working the system for the IRA. According to social workers, one young offenders' institution in West Belfast, intended to hold youths on custodial sentences, always has a few boys "sentenced" not by the courts but by the IRA. . . .

They have effectively been sent there by the IRA, nominally under threat of physical punishment. They have been told that if they are seen out on the streets within a fixed period, usually three months to a year, they will be shot.

Probation and social services realize they are being manipulated. Often, as an alternative, they try to find places for the youths on Outward Bound courses. One boy was sent on two three-month courses to keep him out of Belfast until his "sentence" expired. . . . Precise numbers of people exiled, usually with 48 hours' notice, are not available. But a worker for one of the organizations that have sprung up to assist their flight said he was dealing with as many as three cases every week. . . .

The agencies say they do not negotiate with the IRA, but seek clarification of punishments or request extensions to expulsion deadlines. They argue that if they did not go to the IRA, they would never know whether they were simply being manipulated by people wanting money and free passage to England.

An official of the Northern Ireland Probation Board told Helsinki Watch:

We've tried not to create a supportive bureaucracy around [the paramilitaries'] actions. But these are problem kids with a whole gamut of problems. They are not innocents put upon by the paramilitaries — they are kids who are almost out of control — provocative, insulting to the British Army, bordering on lawlessness. But they need help.

Requirements of International Law

International humanitarian law — the laws of war — forbids the kinds of treatment meted out to civilians by paramilitary forces in Northern Ireland. These laws have as a central concern the victims of armed conflicts. The four Geneva Conventions of 1949 cover not only international armed conflicts, but also, in Article 3, common to all four conventions, internal armed conflicts.

As Helsinki Watch reported in *Human Rights in Northern Ireland* in 1991, Common Article 3 requires that civilians be treated humanely, without regard to religion or other criteria. It specifically prohibits murder, cruel treatment, torture, and humiliating or degrading treatment. It also forbids the passing of sentences and carrying out of executions without a previous judgment by a recognized court and without due process of law. Common Article 3 is binding on all parties to the conflict, government and opposition forces.

As we said in *Human Rights in Northern Ireland*, whether Common Article 3 can strictly be applied to the conflict in Northern Ireland is debatable.⁴⁶ However, we believe that, whether the conflict is technically considered "an internal armed conflict" or "internal strife,"⁴⁷ the norms set forth in Common Article 3 embody minimum standards of customary international law and thus apply to the situation of armed strife in Northern Ireland.

Measured against these standards, the parallel criminal justice systems organized and run by paramilitary groups in Northern Ireland are in clear violation of international humanitarian law. Civilians are shot or savagely beaten, exiled from Northern Ireland and subjected to other punishments for alleged criminal offenses.

In the course of these punishments, civilians — children and adults — are deprived of due process of law. While non-governmental entities cannot strictly be held liable under international human rights law for this deprivation, it is useful to look at the due process rights that are an established part of international law.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) sets forth the international standards required for the due process of law:

- a fair and public hearing by a competent, independent and impartial tribunal established by law;

⁴⁶ For a full discussion, see *Human Rights in Northern Ireland*, pp. 110-117.

⁴⁷ The term "internal strife" is used to describe conflict situations that are below the level of violence required for the applicability of Common Article 3. See Theodor Meron, *Human Rights in Internal Strife, Their International Protection*, Grotius, 1987. In December 1990, the Institute for Human Rights adopted a Declaration of Minimum Humanitarian Standards to be used in situations of internal strife. The declaration applies to all parties in a conflict. Article 3 requires that all persons be treated humanely, and prohibits "murder, torture, mutilation, rape, as well as cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity." It also forbids collective punishments and the taking of hostages. Article 6 prohibits "Acts or threats of violence the primary purpose or foreseeable effect of which is to spread terror among the population." Adopted at Abo Akademi University in Turku/Abo, Finland, 30 November-2 December 1990.

- a presumption of innocence.

The ICCPR also enumerates the rights of individuals, including the rights:

- to be informed promptly and in detail of the charges against one;
- to have adequate time and facilities to prepare a defense and communicate with counsel of one's choosing;
- to be tried without undue delay;
- to be present at one's trial and to defend oneself in person or through legal assistance; to have free legal assistance if one cannot afford to pay counsel;
- to examine witnesses against one and provide one's own witnesses;
- not to be compelled to testify against oneself or to confess guilt;
- to have one's sentence reviewed by a higher tribunal according to law; and
- in the case of juveniles, to have taken into account their age and the desirability of promoting their rehabilitation.⁴⁸

Civilians in Northern Ireland, including children under eighteen, are woefully lacking in these protections against the arbitrary and cruel actions of paramilitary organizations.

Conclusions

Northern Ireland presents the extraordinary picture of paramilitary groups that use violence for political ends in attacking security forces and each other, simultaneously attempting to police and control their own communities. Paradoxically, both groups inflict arbitrary and cruel punishments against their own community members which are often more severe than those that would be ordered by courts of law. Helsinki Watch concludes that punishment shootings and assaults by paramilitary groups are unjust and inhumane, and violate international humanitarian laws. The paramilitary groups and the Northern Ireland authorities must share the blame — the paramilitaries for carrying out these abuses, and the government for its *de facto* delegation of authority to the paramilitary groups. Helsinki Watch also concludes that unless the RUC resumes normal police work in troubled areas, armed paramilitary groups will continue these brutal and illegal acts.

⁴⁸ See the International Covenant on Civil and Political Rights, Article 14, (1966) for the full text of these rights. Article 6 of the European Convention for Human Rights (1950) provides similar guarantees.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In relation to the treatment of children by security forces in Northern Ireland, Helsinki Watch finds that:

- Children below the age of 18 are improperly detained in adult interrogation (holding) and remand centers.
- Children have been physically and mentally abused in interrogation centers; such treatment constitutes inhumane and degrading treatment and, in some instances, torture.
- Children have been psychologically pressured and threatened by police during interrogation; such treatment has coerced some children to sign statements admitting guilt which they have later repudiated.
- Children are sometimes pressured to become informers.
- Children, who are particularly vulnerable, are denied immediate access to attorneys.
- Children suspected of offenses are not brought promptly before a judge.
- Children charged with offenses are not brought speedily before a court for adjudication.
- Children in Belfast Remand Prison are not accorded treatment appropriate to their ages.
- The conditions in which children are incarcerated in Castlereagh Holding Centre and Belfast Remand Prison are inhumane and violate international standards for the treatment of prisoners and detainees.
- Children are physically and mentally abused on the street by security forces. Such treatment constitutes inhumane and degrading treatment.

The conduct of the United Kingdom and its agents in all of the above findings violates international laws or standards (see earlier chapters for specifics). Helsinki Watch also concludes that current complaint procedures have been ineffective in eliminating abuses by security forces.

Helsinki Watch finds that the RUC has largely abandoned normal policing in many troubled areas, and that paramilitary groups have filled the resulting vacuum with brutal alternative criminal justice systems. The Northern Ireland authorities have *de facto* delegated authority to the paramilitary groups and must share the blame for their abuses. Northern Ireland authorities must also share the blame for the current situation in which youth workers in effect help paramilitaries to carry out punishments of children in order to protect them from greater harm.

In relation to the treatment of children by paramilitary organizations operating alternative criminal justice systems, Helsinki Watch finds that:

- Paramilitary groups inflict on children arbitrary, brutal and cruel punishments, including punishment shootings, punishment assaults and expulsions.
- Children are denied due process of law in those cases in which their conduct is examined by a paramilitary panel that is part of an alternative criminal justice system.

The conduct of paramilitary organizations is in violation of international humanitarian standards — the laws of war.

Recommendations

Helsinki Watch makes the following recommendations to the government of the United Kingdom and the Northern Ireland Office:

- Children below the age of 18 should not be detained in adult interrogation (holding) and remand centers or sentenced to adult prisons.
- Children should not be physically or mentally abused in interrogation centers.
- RUC officers who abuse children during interrogation should be appropriately disciplined.
- Children should not be psychologically tricked, threatened or pressured by police during interrogation.
- Children should not be pressured to become informers.
- All interrogations should be video- and audio-taped with strict regulations against unwarranted disclosure.
- Detained children should be allowed immediate and regular access to solicitors.
- Children suspected of offenses should be brought promptly before a judge.
- Children suspected of offenses should be detained only as a last resort; alternatives to incarceration should be provided.
- Children charged with offenses should be brought speedily before a court for adjudication.
- The UK should repeal its derogation from Article 5(3) of the European Convention on Human Rights.
- Children accused of offenses should not be incarcerated with adults.

- Incarcerated children should be given treatment appropriate to their ages.
- Children should not be detained in inhumane and unsanitary conditions.
- Children below the age of 18 should not be physically or mentally abused on the street by security forces.
- The UK should take steps to end random street stops and searches to ensure that all searches are conducted without degrading or harassing measures.

In relation to the treatment of children by paramilitary organizations, Helsinki Watch recommends that:

- The UK should resume normal policing and the administration of criminal justice in troubled areas and provide adequate protection for police officers and others who carry out such duties.
- Paramilitary organizations should put an end to the alternative criminal justice systems' punishment shootings, punishment assaults and banishments.

Helsinki Watch urges the government of the United States to acknowledge the abuse of children that has been described in this report, and to use its best efforts to persuade the government of the United Kingdom to follow the recommendations made by Helsinki Watch.

Children in Northern Ireland are caught between two powerful groups — security forces on one hand, and paramilitary groups that advocate political violence on the other. Many of the almost 3,000 people who have lost their lives in "The Troubles" since 1969 have been children. Moreover, police officers and soldiers harass young people on the street — hitting, kicking and insulting them. Police officers in interrogation centers threaten, trick and insult youngsters and sometimes physically assault them. Children accused of crimes are locked up in adult detention centers and remand prisons in shameful conditions.

Because police in Northern Ireland have largely abdicated normal policing in many troubled areas, paramilitary groups have filled the resulting vacuum with alternative criminal justice systems. These paramilitary groups — the Irish Republican Army on the Catholic side, and the Ulster Defense Association on the Protestant side — police their own communities. They punish children they believe to be "anti-social" by shooting or brutally beating them, and sometimes by banishing them from Northern Ireland.

The abuses of children by all sides violate international human rights laws and standards as well as international humanitarian law — the laws of war.

This report, the second issued by Helsinki Watch on Northern Ireland since October 1991, details the treatment of young people under 18 and makes recommendations to all sides. It is based on a fact-finding mission to Northern Ireland in April 1992.