

NORTHERN IRELAND: HUMAN RIGHTS ABUSES BY ALL SIDES

Helsinki Watch is deeply concerned about the continuation of human rights abuses by all sides in the on-going conflict in Northern Ireland. Abuses include killings by paramilitary groups and security forces, street harassment by security forces, ill-treatment in detention, problems in obtaining a fair trial, the abandonment of normal policing in some troubled areas and ill-treatment by paramilitary organizations.

Deaths Connected with "The Troubles"

The toll of deaths related to "the Troubles" in Northern Ireland continues to mount. Eighty-four people died in Northern Ireland in incidents connected with political violence during 1992; six were army personnel, three were Royal Ulster Constabulary (RUC) officers (the Northern Ireland police), and seventy-five were civilians.¹ Ninety-four people were killed in such incidents during 1991.

Of the eighty-four 1992 victims, six were killed by on-duty security forces (five by soldiers and one by an RUC unit). Most of the rest were killed by members of paramilitary organizations.

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¹ Source: British Information Service, March 24, 1993.

Helsinki Watch calls on the Northern Ireland Office and the United Kingdom to control strictly the use of lethal force by security forces, to investigate promptly and thoroughly each death caused by security forces and to prosecute those responsible. Helsinki Watch calls on paramilitary organizations, both republican and loyalist, to refrain from the use of violence for political ends.²

Killings by paramilitary organizations

Members of paramilitary organizations reportedly accounted for seventy-two deaths in 1992. Thirty-eight people were killed by loyalists and thirty-four by republicans.

The thirty-eight people reportedly killed by loyalists included:

* Catholics with no known political links	20
* Relatives of republican activists	7
* Member of the Irish People's Liberation Organization (IPL)	1
* Sinn Fein members ³	2
* Sinn Fein worker	1
* Former republican prisoner	1
* Alleged informers	4
* Alleged drug pusher	1
* "Punishment attack" ⁴	1

The thirty-four people reportedly killed by republicans included the following twenty-eight allegedly killed by the IRA:

* Civilians working for the police or army	9
* Alleged informers	5
* Royal Ulster Constabulary (RUC) (Northern Ireland police)	3

² Republican paramilitaries draw their support from the Catholic (Nationalist) community and support the use of violence to gain independence from the United Kingdom. They include the Irish Republican Army (IRA), the Irish National Liberation Army and the Irish People's Liberation Organization. The group now known as the IRA, the most important of the republican paramilitaries, is actually the Provisional IRA, or "Provos," which broke away from the "Official IRA" in 1970. All of these groups are illegal; they were outlawed by the Northern Ireland (Emergency Provisions) Act of 1973.

Loyalist paramilitaries draw their support from the Protestant (Unionist) community and support the use of political violence to maintain union with the United Kingdom. These groups are also illegal. They include the Ulster Defense Association, the Ulster Freedom Fighters and the Ulster Volunteer Force.

³ Sinn Fein is the political arm of the IRA.

⁴ See section below on the RUC's abandonment of normal policing in troubled areas and subsequent abuse of civilians by paramilitary organizations.

* British army	3
* Royal Irish Regiment, formerly the Ulster Defense Regiment (locally-recruited regiment -- some part-time)	2
* Alleged loyalist extremists	2
* Civilian "mistakes"	2
* IPLO member	1
* "Punishment" shooting	1

Another republican paramilitary group, the Irish People's Liberation Organization, now disbanded, claimed responsibility for five deaths in 1992: two uninvolved Protestants and three victims of an internal feud.

A third republican paramilitary group, the Irish National Liberation Army (INLA), reportedly killed one person, an army recruiting officer.

Two people were reportedly killed by "nationalist youths" who apparently were not members of paramilitary organizations.

Of the three RUC members and six army personnel killed by republican paramilitaries in 1992, eight were reportedly killed by the IRA and one by the INLA. The IRA reportedly killed nine civilians who worked for the police or the army as well.

Outside of Northern Ireland, five people were killed by the IRA in England in 1992. Four were civilians and one was a special constable.⁵

Killings by paramilitary groups violate not only domestic criminal law, but the principles underlying international humanitarian law as well.

Killings by security forces

In 1992 soldiers and police killed six people while on duty:

* Four IRA members (Peter Clancy, Kevin Barry O'Donnell, Patrick Vincent and Sean O'Farrell) were shot and killed on February 16 by undercover soldiers after attacking the Coalisland RUC station. The RUC reported that uniformed troops encountered armed men and an exchange of gunfire ensued. However, eyewitnesses reported that the victims had just driven up to St. Patrick's Church and were still in their truck when surrounded by troops who immediately opened fire. Questions were raised as to whether the men could have been arrested, rather than killed.

⁵ The source for information on the killings by paramilitaries is "Body Count" by David McKittrick, *Fortnight* magazine, February 1993.

* Peter McBride was shot dead in the New Lodge area of Belfast by two regular British Army soldiers on September 4. McBride had been stopped, questioned and searched by an army patrol. He broke away from the patrol and ran down a street. The soldiers chased him, took firing positions and shot him in the back. The soldiers were charged with murder the next day.

* Patrick Pearse Jordan was shot and killed by an RUC officer on November 25 when he tried to run away after the car he was driving was forced to stop on the Upper Falls Road in Belfast. Eyewitness statements taken by the Belfast-based Committee on the Administration of Justice (CAJ) alleged that the victim was shot at fairly close range and that he could have been arrested, but that no effort had been made to do so. Witnesses also stated that no warning had been given before the shooting.

In addition to the six people killed by on-duty soldiers or police, four more were shot by off-duty security force members. In the first incident, in February, three people in the Sinn Fein offices in Belfast were killed by an RUC officer who later committed suicide. In a second incident, a man in Fermanagh was killed by an off-duty Royal Irish Regiment soldier.

The standard applied for the use of lethal force by security forces in Northern Ireland continues to be "such force as is reasonable in the circumstances." This standard provides too much leeway and leads inevitably to abuses. Helsinki Watch recommends that, as provided by international standards, deadly force should be permitted only when absolutely necessary, and only in proportion to the immediate danger posed by a suspect.

Security force members charged in killings⁶

Helsinki Watch and others have raised questions about the investigation of the use of lethal force by security forces in Northern Ireland, including the extremely small number of police and officers prosecuted for killings.

According to the Northern Ireland office, charges have relatively recently been brought against one police officer and ten soldiers in four cases of killings by security forces. Trials in three of the cases are pending and one is underway.⁷

Karen Reilly and Martin Peake. Six paratroopers have been charged in connection with the shooting deaths of two teen-age joy-riders, Karen Reilly and Martin Peake, in West Belfast on September 30, 1990. One paratrooper was charged with murder, two with attempted murder, and three with other offenses. A trial is underway.

Fergal Caraher. Two Royal Marines have been charged with murder for the December 30, 1990, killing at a checkpoint in South Armagh of 20-year-old Fergal Caraher. A trial date has not been set.

⁶ See Helsinki Watch, *Human Rights in Northern Ireland*, 1991, pages 69-81.

⁷ Information from the Northern Ireland Office, April 20, 1993.

Kevin McGovern. An RUC officer has been charged with murder in the killing of 19-year-old student Kevin McGovern in Cookstown in September 1991. No date has been set for the trial.

Peter McBride. As noted earlier, two soldiers have been charged with murder in the shooting death of Peter McBride in the New Lodge area on September 4, 1992. A trial date has not been set.

Harassment by security forces

Street harassment of children and adults by security forces continues. Children under 18 and adults are frequently stopped on the street, kicked, hit, insulted and abused by security forces. The Committee on the Administration of Justice reported in March 1993 on a pattern of harassment by security forces in the Cookstown area. The CAJ found harassment by the army (the Coldstream Guards) involving physical assault and verbal abuse, including death threats. The CAJ also reported harassment of young people by the RUC, including allegations of kidnappings, death threats, malicious prosecutions and threats of malicious prosecutions.

Helsinki Watch again recommends that the U.K. take steps to end random street stops and searches and to ensure that all searches are conducted without degrading or harassing measures.

Complaints against the army

In early 1993, the Northern Ireland Office established a new position to deal with procedures used in making complaints against the army -- Independent Assessor of Military Complaints. Helsinki Watch will monitor the impact of Assessor David Hewitt's appointment.

Detention conditions

Ill-treatment of detainees during interrogation continues. In 1992 and early 1993, adults and children under 18 were threatened, tricked, insulted and on occasion physically assaulted by police during interrogation.

In December 1992, the Northern Ireland Office appointed Sir Louis Blom-Cooper QC as Independent Commissioner for the Holding Centres in Northern Ireland. Sir Louis is to make irregular and unannounced visits to the Holding Centres. His duties will include:

- * inspecting physical conditions;
- * seeing that current procedures for monitoring interviews by closed cable television and electronic time-stamping of interview notes are carried out;
- * interviewing detainees about their welfare and treatment;
- * referring complaints by detainees or their legal representatives to the Chief Constable for investigation;
- * reviewing the Codes of Practice and recommending revisions; and

- * publishing an annual report in which he may make recommendations to the

Secretary of State for Northern Ireland (the chief executive).⁸

The appointment of Sir Louis is promising. Whether it will significantly decrease abuses by police in interrogation centers remains to be seen. Helsinki Watch will monitor Sir Louis's activities.

Unfortunately, the government has not agreed to a recommendation long made by Helsinki Watch and other human rights groups to videotape and audiotape interrogations by police in holding centers. Such a practice could significantly decrease ill-treatment of detainees and could also protect security forces against false allegations of abuse of detainees.

Detainees continued in 1992 to be denied immediate access to attorneys. Under Section 14 of the Prevention of Terrorism Act a "terrorist" suspect -- including a child under 18 -- can be interrogated for up to 48 hours without the right to consult a solicitor. The U.K. has not adopted Helsinki Watch's recommendation that detainees have immediate and regular access to attorneys.

In addition, emergency legislation (the Prevention of Terrorism (Temporary Provisions) Act) provides that police can detain a suspect for up to seven days. The European Court of Human Rights ruled in 1988 that a detention of four days and six hours violated Article 5(3) of the European Convention on Human Rights, which provides that a detainee must be brought "promptly" before a judge. The United Kingdom officially derogated from Article 5(3) in 1989, and unfortunately maintains that derogation today. The validity of the UK's derogation is currently before the European Court of Human Rights. Helsinki Watch again recommends that the United Kingdom repeal its derogation from Article 5(3) of the ECHR.

Children under 18 continue to be detained in adult interrogation (holding) centers and remand centers. These detained children are mentally and sometimes physically abused during interrogations, pressured to become informers, and psychologically tricked, threatened or pressured by police during interrogations. Children are often detained in inhumane and unsanitary conditions in interrogation and remand centers. All of these practices violate international human rights law; Helsinki Watch has protested all of them and again recommends that they be stopped.

Right to a fair trial

The right to a jury trial for offenses connected to political violence has been suspended since 1973. The right to silence is still restricted by rules that permit a court to draw adverse inferences from a person's refusal to answer questions during police interrogation or in court. Moreover, evidentiary rules in non-jury courts permit the admission into evidence of unreliable confessions, some of which may have been secured by abusive treatment in detention. In 1992

and early 1993, solicitors who represent defendants in political violence cases continued to be harassed and intimidated.

In July 1992 three of four Ulster Defense Regiment soldiers who had been convicted of a 1983

⁸ Press release from Northern Ireland Information Office, 16 December 1992.

murder were released when the Court of Appeal held that police officers had lied at their trial in 1986. Helsinki Watch is disturbed that the fourth soldier, Neil Latimer, remains in prison.

Helsinki Watch again recommends that the U.K. and the Northern Ireland Office:

- * gradually resume jury trials for offenses related to political violence and take steps to prevent the intimidation of witnesses and jurors;
- * abolish the Emergency Provisions Act standard for the admissibility of confessions;
- * rescind the Criminal Evidence (N.I.) Order that permits a court to take adverse inferences from a suspect's refusal to answer questions asked during interrogation by police or at trial; and
- * protect lawyers who represent suspects in political terrorism cases and ensure that they can represent clients without interference, harassment or intimidation.

RUC's abandonment of normal policing in troubled areas; subsequent abuse of civilians by paramilitary organizations

The RUC has largely abandoned the normal policing role in some troubled areas in Northern Ireland. As a result, paramilitaries on both sides have created alternative criminal justice systems in which suspects of ordinary crimes -- both children and adults -- can be tried informally and punished. Punishments range from warnings to brutal beatings, shootings and banishments. In 1992 two people died from punishment attacks or shootings -- one at the hands of loyalists, one by republicans.

Both children and adults 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.

Helsinki Watch again recommends that the RUC resume normal policing and administration of criminal justice in troubled areas and provide adequate protection for police officers and others who carry out such duties.

Helsinki Watch recommends to paramilitary organizations that they put an end to the alternative criminal justice systems, punishment shootings, assaults and banishments.

UK's practices in Northern Ireland criticized at United Nations

The United Kingdom's practices in Northern Ireland have been criticized recently by two committees at the United Nations and raised at the United Nations Commission on Human Rights.

United Nations Committee Against Torture

At a hearing in Geneva on November 13, 1991, the United Nations Committee Against Torture (CAT) expressed "enormous reservations" about police practices during interrogation of suspects in Northern Ireland holding cells, especially at Castlereagh in Belfast. CAT's chairman, Joseph Voyame, called for lawyers to be present during interrogations and expressed grave concern over the absence of video-taping of interviews.

Professor Peter Burns, the rapporteur for the UK, noted several practices that he believed create conditions for abuse:

- * holding suspects incommunicado for 48 hours;
- * extending detention for up to seven days;
- * denying access to independent medical examination;
- * the EPA standard on the admissibility of confessions; and
- * removing the right to silence.⁹

United Nations Subcommittee on the Prevention of Discrimination and the Protection of Minorities

The Subcommittee heard testimony about human rights in Northern Ireland in August 1992. The independent expert appointed by the UK to listen to these concerns, Professor Claire Palley, commented that:

- * "criticism about police questioning procedures requires prompt remedial action by the UK government";
- * the introduction of video and audio recording of police interviews was "overdue";
- * "an independent system, without involvement of other police, [should] be introduced to investigate complaints against the police";
- * concerns about the intimidation of defense lawyers "appear wholly to be justified"; and
- * an independent inquiry [should] be established into the murder [in 1989] of solicitor Patrick Finucane as "suspicions of official collusion in Mr. Finucane's murder must be put to rest".¹⁰

United Nations Commission on Human Rights

In March 1993, following the release of a report by the U.S.-based Lawyers Committee on Human Rights (see below), that committee, along with the Federation Internationale des Droits de l'Homme, the International Commission of Jurists and the Committee on the Administration of Justice raised at the United Nations Commission on Human Rights the questions of the killing of solicitor Patrick Finucane and of the threats against and intimidation of lawyers by elements within the police force of Northern Ireland. Responding during the UNCHR session, the United Kingdom criticized the Lawyers Committee report and stated that the U.K. "is fully committed to ensuring fair treatment of all detainees in holding centres, and to protecting the rights of all defence lawyers and their clients."

Report of the Lawyers Committee on Human Rights

⁹ *Just News*, Committee on the Administration of Justice, Belfast, November 1991.

¹⁰ *Just News*, Committee on the Administration of Justice, Belfast, September 1992.

In September 1992, the U.S.-based Lawyers Committee on Human Rights investigated the murder of solicitor Patrick Finucane and the allegations of abuse and intimidation of defense lawyers in Northern Ireland. An ensuing report, issued in February 1993, recommended an independent public inquiry into the allegations of official threats and abuse of defense solicitors. As to Patrick Finucane's murder, the committee concluded that there was "credible evidence suggesting collusion between elements within the security forces and loyalist paramilitaries" in his murder and urged an independent, judicial public inquiry into the killing.

Helsinki Watch supports the recommendations of the Lawyers Committee on Human Rights.

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This newsletter was written by Lois Whitman, the deputy director of Helsinki Watch.

Helsinki Watch was established in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The chair of Helsinki Watch is Jonathan Fanton and the vice chair is Alice Henkin. Jeri Laber is executive director; Lois Whitman is deputy director; Holly Cartner is staff counsel; Erika Dailey, Rachel Denber and Ivana Nizich are research associates; and Pamela Cox, Christina Derry and Alexander Petrov are associates.

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Helsinki Watch is affiliated with the International Helsinki Federation in Vienna, Austria.