

HUMAN RIGHTS IN NORTHERN IRELAND

HEARING
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

—————
JUNE 24, 1997
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Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

42-396 CC

WASHINGTON : 1997

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-055520-5

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H461-68

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HUMAN RIGHTS IN NORTHERN IRELAND

TUESDAY, JUNE 24, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room 2200, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. The purpose of this hearing is for the congressional committee with prime jurisdiction over human rights to conduct a fair and thorough examination of human rights abuses in the north of Ireland. This is but the first step in what I hope will be an exhaustive, ongoing examination of this vexing problem.

Recent events provide tragic evidence of the deterioration of respect for fundamental and God-given human rights. In May, RUC constable Greg Taylor was kicked to death by a Loyalist gang in Ballmoney. In June 16, an IRA gunman shot to death two policemen, John Graham and David Johnston. And just this weekend two men were injured by a car bomb in an apparent Loyalist retaliation for the recent murder of the two policemen.

These events should be a lesson to all of us that violence begets violence, that lawlessness begets more lawlessness. A system of law enforcement and dispute resolution grounded in the rule of law and in the respect for the rights of all human beings may sometimes be fragile. Such a system may even carry important risks, such as the risk that respect for procedural rights has the potential of allowing criminals to go free. But the events of the last month are further proof that a system of respect for law and for rights is far more stable and far less risky and obviously far more just, than any of the alternatives.

So this hearing will be about respecting rights and the inherent worth, value, sacredness, and dignity of every human life.

I should add that when I speak of God-given rights, I do not use the term lightly. It is particularly tragic that some of those who resort to extrajudicial execution and other forms of violence in the north of Ireland pretend to be employing these tactics in the service of religion. Indeed, this fact has often been noted by the enemies of religion, who conveniently overlook the fact that the great butchers of our century—Hitler, Stalin, Mao Tse-Tung, Pol Pot and others—have all been atheists.

Nevertheless, if there is anything Catholics and Protestants should remember, it is that every human being is created in the likeness of God. We Christians, and our brothers and sisters of other faiths as well, believe that rights are given by God, not by governments or ideologies, and the most fundamental of these God-given rights is the right to life. Every murder is a crime not only against the victim and his or her family, but also against Catholicism, against Protestantism, and against Jesus Christ.

It is also important to point out that whatever the crimes perpetrated by the partisan paramilitary forces, or by the police for that matter, the central responsibility for protecting rights and maintaining the rule of law belongs to the government—which in this case, at this particular time, is the British Government. When governments resort to methods that are illegal, unjust, or inhumane, even when these methods are seemingly directed against the guilty or the dangerous, the effect is not to preserve law and order but to undermine it.

It is particularly shocking that the British Government, America's trusted ally, is the object of serious and credible charges of disrespect for the rule of law in the north of Ireland. Just as the My Lai massacre was especially revolting because it was carried out not by the Viet Cong, but by Americans, freedom-loving people everywhere are outraged to learn that law enforcement officials of the United Kingdom tolerate and even perpetrate some of the gross abuses that have taken place in the north of Ireland.

The State Department's most recent Country Report on Human Rights Practices—which I believe tries to be an honest and comprehensive document—although I am disappointed that the Administration did not see fit to send Assistant Secretary Shattuck or any other representative to our hearing today, and they were invited—highlights important human rights abuses in Northern Ireland during 1996 and I commend it to all of my colleagues for their reading.

That report and numerous others by Amnesty International, the Lawyers Committee for Human Rights, Human Rights Watch, the Committee for the Administration of Justice, and others, all concur that one of the most basic problems in the north is that pervasive restrictions on due process of law remain in effect.

Under emergency legislation applicable only to Northern Ireland, police have expansive powers to arrest and detain suspects and to search premises without a warrant. In addition, the government can suspend the right to trial by jury—the much maligned Diplock Courts System—and the universally recognized right to be preserved from self-incrimination has been abridged.

According to the Lawyers Committee on Human Rights, the so-called “emergency” statutes, that is, the Emergency Provision Act, or EPA, and the Prevention of Terrorism Act, the PTA, “are designed to obtain convictions in cases involving those suspected of paramilitary activity, based on confessions obtained through detention and intense interrogation.” The administration of justice in the north of Ireland is not only flawed, but its basic unfairness and lack of transparency exacerbate tensions and I believe that it breeds hate.

Amazingly, and regrettably, the British Government failed to repeal these sweeping policy State powers when it had a clear window of opportunity to do so—during the year-and-a-half cease-fire which began in the late summer and early fall of 1994.

It seems to me that the power to arbitrarily arrest, detain, intimidate; the power to deny timely and appropriate legal counsel; and the power to compel self-incrimination is an abuse of power normally associated with dictatorships and authoritarian regimes.

Human rights abuses committed by the members of the Royal Ulster Constabulary, the RUC, Northern Ireland's police force, is a pathetic reality. In addition to questions surrounding the deaths of Dermot McShane, who was run over by an armored personnel carrier, and Richard O'Brien, who was killed by police in 1994, credible accusations persist that security forces harass citizens and leak names of suspected Republicans to Loyalist paramilitary groups who then carry out the killings.

Michael Finucane, who as a teenager sat with his family at the dinner table when Loyalist thugs burst into the kitchen and shot his father, human rights lawyer Patrick Finucane, 14 times, will testify that, in his belief, collusion between security forces and Loyalist armed groups is at the root of his father's murder.

According to the Lawyers Committee for Human Rights, "at least 352 persons have been killed in Northern Ireland since 1969, by the use of lethal force by members of the security forces, many in disputed and controversial circumstances. In the same period, 32 agents of the State had been tried for offenses arising from or related to these deaths. Only six have resulted in successful prosecutions."

The quotation continues, "No soldier or police officer has ever been detained for 7 days in a holding center in connection with incidents which have occurred while they were on duty. Access to counsel of choice is never denied to agents of the State under investigation for scheduled offenses."

Why, I ask, the double standards in the administration of justice? The time has come, I believe, for the British authorities to respect and guarantee the rule of law for all. This should apply in all cases, to all suspects regardless of religious denomination, regardless of place of residence. No more double standards in law enforcement.

And speaking of double standards, in contravention of internationally recognized standards, the British Government uses plastic bullets in one and only one place—in the north of Ireland. This has not escaped the notice of the U.N. Committee Against Torture which has been highly critical.

Brenda Downes, whose husband was killed by these so-called "non-lethal means of crowd control," is representing the United Campaign Against Plastic Bullets and says in her testimony, "the security forces in the north of Ireland have been guilty of, and continue to perpetuate, gross human rights abuses. No member of the security forces has been convicted of any incident in relation to the use of these lethal weapons. They have been granted impunity in respect of the murder of 17 men, women, and children and the injury of thousands of others."

And another witness, Martin O'Brien, executive director of the Committee on the Administration of Justice, will testify that in 1996 his organization received first-hand accounts of police behavior from more than 60 observers who were deployed at the various controversial marches in Northern Ireland. Mr. O'Brien will testify that "these accounts describe the massive and indiscriminate use of plastic bullets, sometimes against completely innocent people coming out of restaurants and discos. In excess of 6,000 plastic bullets were fired by the security forces in the space of a week (normally the average is about 1,000 per year). This led to numerous injuries, many of a very serious nature," he says.

He also comments that there has not been an adequate explanation for the significant disparity in the targets of the plastic bullets, with some 5,340 being used against Catholic crowds.

The recent revelation about the use of defective bullets, their sectarian use, and the tragic consequences of death and permanent injury bring us to one conclusion: it is time to ban the bullets.

Today in the north of Ireland detention conditions are deplorable. The United Nations Committee against Torture and many human rights groups have raised concerns about mistreatment of detainees in Northern Ireland, where suspects arrested under emergency legislation are interrogated in special holding centers. The United Nations Human Rights Committee has termed conditions in certain facilities "unacceptable" and even the government-appointed Independent Commissioner for Holdings Centers has stated that some do not meet "minimum standards."

And then, of course, there is the continuing terrorist violence by both Loyalist paramilitary groups and the Irish Republican Army, including the detonation of a massive bomb in the Docklands area of London by the IRA in February of last year, which injured hundreds and killed two innocent people, and a double bomb attack on British army headquarters in Northern Ireland last October.

While it may be a surprise to some, according to the Congressional Research Service, Loyalist paramilitary groups were responsible for more fatalities between 1992 and 1994 than the Republican groups. But let me say this very clearly, both sides commit atrocities and should be condemned by all who seek justice and peace in the north of Ireland.

Finally, Northern Ireland is caught in a cycle of retribution and violence that we all believe needs to be broken. To shed some light on the scope of the conflict and to suggest possible solutions we have invited many distinguished guests to testify before the Congress today.

In addition to international human rights experts, we are pleased to have with us human rights advocates not only from the United States but also from both the Protestant and Catholic communities in the north of Ireland, as well as some who have most acutely felt the human cost of the conflict—relatives of victims claimed by violence or by the miscarriage of justice.

I look forward to hearing their insights, to hearing their experiences, and I hope that they will offer suggestions about what the United States can do to restore respect for human rights and to encourage all those involved to more respect the rights of each other in the north of Ireland.

I would like to at this time yield to my good friend and colleague, the distinguished gentleman from California, Mr. Tom Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

I want to commend you for calling this hearing. I have long since forgotten a number of hearings we have held on this subject, and it is a matter of deep anguish and anxiety and concern to me that conditions do not appear to be improving.

In this connection I would like to remind myself and all of us that the conflict in Northern Ireland is only one of many ethnic or religious conflicts in many parts of the world. And when we have the temptation to succumb to pessimism, it is always important to realize that occasionally these conflicts are in fact resolved.

It was just 3 weeks ago President Clinton asked me to take his personal letters to the Presidents of Romania and Hungary, who met at a historic meeting in Bucharest, to bring to a close an 1100-year-old conflict. And it was one of the most moving moments of my life to see the President of Hungary and the President of Romania joining hands and declaring that the blood bath, the fighting, the hatreds are over, and the two peoples will do their utmost under enlightened leadership on both sides to make a new beginning.

I wish we would be there with respect to Northern Ireland. Several of us were in Ireland not long ago, attempting to see again if there is anything the United States can do to alleviate the conflict. Let me state for the record, Mr. Chairman, that I have the utmost respect for the handling of this conflict by the President and our administration. President Clinton has done more than any President in history to bring this tragic and mindless conflict to an end. And I would like to pay personal tribute to the President's personal representative, Senator George Mitchell, for his indefatigable perseverance in trying to bring the two sides together. And I would like to place in the record a June 30 article by Senator Mitchell from Newsweek Magazine entitled "Peace Isn't Impossible."

Mr. SMITH. Without objection, the article will be made part of the record.

Mr. LANTOS. Thank you very much.

[The article appears in the appendix.]

Mr. LANTOS. There are fundamentally two sets of issues we are dealing with. The first one, and here always the party in power is primarily responsible, we must insist on the termination of all subtle or not so subtle violations of human rights in Northern Ireland. We must insist on the rule of law in all its manifestations. There can be no compromise on this issue.

You gave a brief list of violations. I fully agree with your list, and I want to identify myself with most of your comments. Yet at the same time I cannot underscore strongly enough that terrorism is unacceptable, and let me repeat this. The assassination of two police officers in Northern Ireland a short while ago was an outrageous act which set back the cause of reconciliation and peace yet again. I have equal condemnation for the counter-violence and counter-terrorism that followed.

The responsibility is clearly on the shoulders of leadership on both sides. We, the Congress, and the Clinton administration, are prepared to do anything to bring normalcy to both the Protestant

and Catholic communities in Northern Ireland, peace and normalcy and stability that all the people of this region so desperately need and so fully deserve. You have to visit Northern Ireland really to fully appreciate the high quality of the men, women and children in this long-suffering region of Europe.

Terrorism must come to an end. The rule of law must be observed in all its ramifications. And human rights violations must stop. This Congress and the American Government will do its utmost to bring about peace at long last in Northern Ireland.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Lantos.

I would like to yield to Mr. Gilman, the chairman of the full International Relations Committee.

Mr. GILMAN. Thank you, Mr. Chairman, and I want to thank you for arranging this historic opportunity to publicly explore the troubling human rights situation in Northern Ireland. It has made lasting peace and reconciliation in the north very difficult to achieve and has been neglected for far too long.

And I am pleased that we have with us several outstanding leaders from my area, Mr. Danny Withers, a member of the board of directors of Hibernian Civil Rights Coalition, and Dennis Lynch, general counsel of the Coalition. We welcome them here as observers today.

One of the most shocking abuses is displayed in the State Department's most recent human rights report. The report notes the use of plastic bullets—and, you know, they are not little, small 22 bullets—these are plastic bullets, it's a very deadly piece of plastic. Now one of the most shocking abuses is the note of these bullets being used in the north of Ireland, but not in the rest of Great Britain, as you have indicated, Mr. Chairman.

These plastic bullets have been widely criticized by human rights monitors, by the U.N. Commission Against Torture, and by the European Parliament. There has been a call for a ban on these plastic bullets' use, issued by the European Parliament and most recently by the *New York Times*, and we hope someone is going to sit up and take notice.

I find it particularly ironic that these plastic bullets are not used by British authorities in serious race or youth riots in places like Leeds and elsewhere in England, yet it is all right to use them in Northern Ireland. Nothing better illustrates the second-class status the Nationalistic community faces in the north.

I am particularly pleased that we have witnesses today from the north who are fully familiar with the abuses by the security forces with regard to these plastic bullets, especially against the Nationalistic community. Seventeen deaths, eight of which are young children, deaths from these plastic bullets are intolerable for Europe or anywhere around the globe for that matter.

Finally, the suspension of rights and the lack of due process in the Diplock nonjury courts, and the adverse inference that can be drawn from mere silence in criminal cases, have long concerned many of us who have been observers of Northern Ireland.

Today, we will have the opportunity to hear from the Kelly family on the Casement Park case. Their son, Sean, has spent many unjustified years in prison serving two life sentences for merely

being in the wrong place at the wrong time. He innocently observed two plain-clothes British army personnel who had wandered in an unmarked car into the middle of a Nationalist funeral, drew their weapons, a shot was fired, and were put upon by an angry crowd. This happened only days after a brutal attack on the Nationalist community when the anxiety level was very high, one of whom was being buried at the funeral.

There is no credible evidence that young Sean, who had sought to try to find his father in the crowd, who he knew was participating in the funeral of a fellow cab driver, did anything other than observe the chaos. He did not aid or abet the killings which later took place elsewhere. He sits in prison for life under a novel and erroneous legal theory called "common purpose," a very grave case of injustice which cries out for relief for both Sean and the other innocent Casement Park defendants. We will hear more about that today, and I was pleased to hear that one of these innocent young men was finally released just last week.

There are many cases of suspension of due process and fundamental fairness like the Casement Park matter on the Loyalist side as well, as we will hear today. I am pleased that some of these abuses are finally coming to light here in our own country. Maybe young Sean and others can finally get some long overdue justice in the north. It would certainly help start some of the healing and the reconciliation that is so badly needed there today.

So I look forward with my colleagues to today's testimony. It will put a human face on Northern Ireland, a place described recently before this committee by our good friend and very knowledgeable observer of the north, Father Sean McManus, who is here with us today, representing the Irish National Caucus, and his words were in describing Northern Ireland, "a sectarian State in which anti-Catholic discrimination is systemic, endemic, and institutionalized." Those words will linger.

Maybe today's hearing can help bring much-needed change in the north. So, Mr. Chairman, we thank you and we thank our witnesses who came from Ireland and suffered so much over these many years in painful silence.

Mr. Chairman, I ask unanimous consent that a recent report on human rights in Northern Ireland by Monsignor Raymond Murray, a well-known crusader for human rights, a leading scholar, and a historian on human rights in Northern Ireland, and former chaplain of Armagh Prison in Northern Ireland where I first met Chaplain Murray, be included at this point in the record.

Mr. SMITH. Without objection, it will be included in the record.

Mr. GILMAN. Thank you, Mr. Chairman.

[The report appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Gilman.

Mr. Payne, the gentleman from New Jersey.

Mr. PAYNE. Thank you very much. Thank you, Mr. Chairman, for calling this very important hearing on the plight of the people in Northern Ireland. I commend you for your continued push toward human rights around the world.

From the outset, let me just say that I cannot condone any form of violence, and I said that in my speech in Northern Ireland last summer, whether it is intended for Catholics in Mid Ulster, West

Belfast, or Caven Monahan of Curie or Dublin or the innocent people beyond the island. I visited Northern Ireland last year, as I indicated, at the height of the marching season, and around Bloody Sunday. And what I witnessed was appalling. Human rights in general is a problem there. However, the attack by the British Army and the RUC during the summer of 1996, in my opinion, contributed to a serious breakdown in the rule of law.

Since the RUC and the British army have begun to use plastic bullets as a weapon, as we have already heard, thousands have been injured, and we have already heard each of us mentioned it. Seventeen individuals have been killed by these bullets, including seven children.

This week's events, coupled with the tensions building toward the Orange marches in July, prompted me to introduce H.R. 1075, calling for an immediate ban on the use of plastic bullets. In 1986 convention of the Democratic Unionist Party criticized the blatant misuse of the plastic baton rounds in Portadown, and said this bullet, which I am holding in my hand as I collected while I was at Northern Ireland last year, was a killer weapon, designed to kill or to maim. This is not a 22 bullet. This is intended to kill and to maim, and at the velocity that it hits, even though they are supposed to use them at a distance, I have seen where they have been shot point-blank at people. I do not want to see a repeat of last year.

Let me conclude by saying that the question of decommissioning has not yet been removed as an obstacle in the negotiations. This remains the biggest stumbling block to the move forward. It is a very difficult question and I hope that there can be a resolution to that particular question. The marches through the Catholic neighborhoods by the Loyalists in the next few weeks could determine whether we move forward or backwards in the entire process.

George Mitchell says that he still has a lot of optimism. He says the time is now, it is very important, and hopefully we can move forward. But I think that the situation must be dealt with as it has been indicated, the situation of the hopelessness of the young people in the cities with despair and hopelessness and substance abuse and school dropout remind me of some of the same problems that we see in our inner cities here.

I was also moved by a plaque at one of the community centers that was put at that center in honor of the late Ron Brown who had visited Northern Ireland to try to deal with employment for young people, for dropouts, for people who felt that the world had shut them out, and also the admiration that I found in Northern Ireland for Mr. Nelson Mandela, who is a symbol to all of us about courage, and Mr. Mandela's appreciation for the situation in Northern Ireland.

So once again, Mr. Chairman, I appreciate you calling this hearing and I look forward to hearing from our esteemed group of panelists. Thank you.

Mr. SMITH. I thank my friend from New Jersey.

I would like to yield to the gentleman from New York, Mr. King.

Mr. KING. Thank you, Mr. Chairman. I want to join with all of the Subcommittee in commending you for scheduling this hearing, for holding it. I believe it is very timely, it is very vital, it is very

necessary, and it is illustrative of the fact that you have a deep concern for human rights violations and exposing them and bringing them out to the public no matter where it occurs in the world. I really want to commend you for that.

I also want to join Mr. Lantos in a bipartisan note in commending President Clinton for the work that he has done on the issue of the north of Ireland. He has certainly put the prestige of his administration on the line, and I think he has to be commended by all of us for the dedication he has shown.

Mr. Chairman, as I sit here today there is a certain tragic irony in this. I remember back in 1981 I was a member of an international tribunal which met in Belfast to examine the use of plastic bullets by the security forces. And one of the leading witnesses at that hearing at that time, in 1981, was a lawyer by the name of Pat Finucane. And he was extremely active in the civil rights movement in the north of Ireland. He gave especially compelling testimony at that tribunal, and ironically, to show how the cycle of violence continues through generations now, the suffering continues since that hearing in 1981. Pat Finucane was murdered, and that will be brought out in detail at this hearing, and his son who is testifying here today also is a lawyer. So it shows the intensity of the violence and it shows how the tragedy in the north of Ireland continues.

I just want to make several points clear on this. No. 1, I do not think we should be lured into the trap of saying this is a fight between Catholics and Protestants; that this is some sort of an ethnic or religious fight that is going on in the north of Ireland. The fact is historically and continuing through this moment the underlying cause of the violence in the north of Ireland is the British presence; it is the policies of the British Government.

The examples we are going to be talking about today on plastic bullets, on abuses by the police force, the Royal Ulster Constabulary, by the British army, by the courts, none of these are accidents. In any democratic society you are going to find certain accidents. You are going to find police who occasionally will carry out excesses. You will find judges who occasionally are biased. You will occasionally find a law which is Draconian and then subsequently repealed.

But the fact is violations of human rights, violations of basic human decency have been an integral part of British policy in the north of Ireland for the last 75 years. There have been no jury trials for political defendants in Northern Ireland since the State was created in 1922. This is not something that developed over the last 25 years. For the entire existence of Northern Ireland there have been no jury trials allowed for political defendants.

The use of plastic bullets and rubber bullets has been going on for over 20 years, and these are not accidents where somebody happens to get killed in a riot situation. Again, back at the tribunal in 1981, we had a young girl, Carol Ann Kelly, walking by herself on the street, the top of her head blown off by the British army. We had another girl, Julie Livingstone, shot dead by the British army for no purpose at all other than to avenge other acts that were going on in Ireland at that same time. There were IRA attacks against the British army. The British army responded by

shooting young girls in the streets of Belfast, and then putting out press releases somehow trying to tie this in with the IRA, somehow trying to tie this into riots or disturbances which were not going on. That showed the collusion, it showed the systemic corruption of the British forces in the north of Ireland.

On the issue of the courts, we had cases where you would have 30 to 35 to 40 defendants put on trial at one time based on the perjured testimony of one witness. These were, again, policies which were instituted by the British Government, carried out by the police and the army, and then fully implemented by the courts, which shows, again, the collusion, it shows how the systemic corruption is there at every level of the criminal justice system in the north of Ireland.

And Michael Finucane will testify today about the killing of his father. Yes, it was an absolute tragedy that his father was killed. It was terrible, he was shot in front of his family. He was shot by Loyalist paramilitaries, all of which is absolutely horrible.

What makes it more horrible, though, from a democratic point of view is the fact that he would not have been killed without the cooperation of the police force in the north of Ireland. The police force, the British army were active collaborators in the killing of his father.

That continues today where people living in Nationalist Republican communities have their identities given by the police to Loyalist paramilitaries to killers, and that is what is not really brought out to the American people who somehow see this as being some sort of tribal war going on in the north of Ireland where the British are there as referees or as honest brokers. They are not. They are the cause of the problem, they sustain the problem, and we as members of an elected body and those of us who happen to be lawyers in particular have to speak out and denounce the way the criminal justice system is so debased.

I know as a law student I studied very proudly the common law of the British. I mean, it was basically our system, was transplanted here from the British system, and I always had tremendous admiration for the British system of law until I saw how it was so distorted and so perverted in the north of Ireland. And that, I think, Mr. Chairman, from looking at the witnesses you have here today, certainly is the focus of where we are going, and it also shows that it is not enough to call on people to stop violence, it is not enough to call on people to seek peace when the underlying institutions are corrupt, are inherently violent and biased toward one section of the community.

There will never be peace in the north of Ireland until the criminal justice system is corrected, until the inequalities are rooted out, and until the State-sponsored terrorism or the British security forces against the people of the north of Ireland is rooted out, ended once and for all. Until then we can talk all we want, we can say all we want about peace, we can say all we want about non-violence. But until the systemic violence of the British security forces against the people in the north of Ireland ends we can never hope to see a realistic end to violence in that terribly shattered part of the world which has resulted from British policies over the years.

So I commend you for these hearings. I look forward to the testimony of the witnesses today, and I would just ask all of the people here today and all of the members of this committee not to allow themselves to be lured into the trap of this being a Catholic versus Protestant fight. It is not. It is a battle between, it is a struggle, it is a human rights struggle between an oppressive force against innocent people, both the Protestant and the Catholic communities. They have all suffered. The one group who has not suffered is the British Government, and they should be brought to task for the terrible injustice they have brought about.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. King. I want to thank you for your leadership on this issue in the Congress.

I would now like to yield to another gentleman from New York, Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. It is very difficult to add anything after the eloquent remarks of my colleague from New York, Peter King.

Let me also thank and commend you, Mr. Chairman, for your dedication to this issue and to all causes that have to do with protecting human rights around the world. You have truly been a leader and a champion in this area. And also, as Peter and Tom Lantos have mentioned, let me express the gratitude of all of us to the President of the United States who for the first time in my memory any chief executive is spending so much time and energy and effort trying to come to a just resolution of the troubles in Ireland.

I had the opportunity to visit Ireland not too long ago, and my personal guide was the legendary Paul O'Dwyer. And you hear about these things related by other people who tell you stories second and third hand. You can see them on television, you can read about them, but there is nothing like being on the ground and talking to the real people in their neighborhoods and in the communities where they are affected.

I had the chance of being in the Ardoine and walking along the Falls Road and going into homes and talking to people and their families. And as a former school teacher, I have to tell you how deeply I was impressed by meeting with the young people who grew up and were growing up with constant depression, seeing their mothers harassed and intimidated on a daily basis by policemen, and the kind of a toll that takes, and hearing story after story of not only discrimination, when you say "not only discrimination," there is a certain irony to that as well, but of the daily violence that is done to one's person and also one's psyche.

Peter is right. This is not only a battle between Catholics and Protestants. It is not only the story of discrimination. That is bad enough. But as Americans we should have a deeper understanding of what this problem is all about. It is really about the last vestiges of colonialism, and to remember that we too could not tolerate living under the occupation of foreign troops with other people being responsible for our own history.

The people of Ireland are entitled to their own self-determination as are peoples all over the world.

And with that, Mr. Chairman, I would really prefer to hear from our witnesses. Thank you very much.

Mr. SMITH. Thank you very much, Mr. Ackerman.

Mr. Menendez, the gentleman from New Jersey.

Mr. MENENDEZ. Thank you, Mr. Chairman. I want to thank you most particularly for calling this meeting. For those of us who have been pressing for some time to have a hearing on the question of human rights in Northern Ireland, we are particularly thankful to you for conducting the hearing. There has been a resistance in this Congress, not only this particular session but in the past, toward holding this hearing, this type of a hearing, and I appreciate your willingness to do so and those of us who petitioned you to do so.

You know, since Prime Minister Tony Blair took office we have seen more progress, I think, toward peace and reconciliation than maybe in the entire term of his predecessor. The Labour Government's actions have been promising, the possibility of opening the Bloody Sunday investigation, the transfer of prisoners closer to their families, tentative contacts with Sinn Fein speak volumes about the government's desire to see the peace talks succeeded. And I am hopeful that the new government will remain committed to that process.

The Blair Government has presented an unprecedented opportunity, I think, for peace in Northern Ireland. However, I want to say as a member who clearly is not of Irish dissent, maybe my closest connection is the Spanish Armada and its history, and who has consistently since he arrived here, and as a State senator in New Jersey where I presented the Free Joe Doherty Resolution in the legislature, who has consistently spoken out on the abuses of the rights of the people in Northern Ireland, I must say that the recent murders of the two police officers in Lurgan have frustrated, I think, a nation's opportunity for real and meaningful peace talks, and talks that would include what I have always argued for, along with other members, Sinn Fein.

After years and years of intransigence and abuse, clearly the Catholic minority is rightfully angry and suspicious. But if there is to be peace in Northern Ireland, that time is now. And it is crucial that the more extremist elements of the opposition be reigned in. And so I have got to take this opportunity, since we are talking about human rights, that this is a moment for restraint. It is difficult after decades of frustration, but is a moment for restraint. And those of us who consistently argue on behalf of peace and justice in Northern Ireland also have to be able to speak out when we see abuses on the other side.

Now, the history of abusive human rights in Northern Ireland is long and treacherous from the more recent confinement of Roisin McAliskey during her pregnancy, which I think was an abomination, to the use of plastic bullets and the countless violations of rights stemming from British emergency legislation which governs the six northeast counties in Ireland, the populace of Northern Ireland has suffered myriad abuses of its civil and human rights. The emergency legislation has been responsible time and time again for illegal arrests, detentions and interrogations.

Amnesty International speaks about its powers to hold detainees for days before bringing them to a judge, to prevent access to law-

yers, to deny lawyers access to their clients during interrogation, the use of special interrogation centers where detainees can be held virtually incommunicado. The list goes on and on.

The U.N. Committee Against Torture, the U.N. Commission on Human Rights, Human Rights Watch, Amnesty International have all repeatedly urged the repeal of this repressive legislation.

In my own trips to Belfast, the fact of the matter is I first became involved with a case called the Ballymurphy Seven, seven young boys who were arrested, rounded up for allegedly attacking British troops. The fact of the matter is there were no eye witnesses, no forensic evidence. They were rounded up in a way that was simply because of who they were and where they lived, spent—and I'm talking about boys, they were barely teenagers—spent years of their lives in jail waiting for trial.

And only because of the fine work of their solicitors who faced enormous pressures, Mr. Chairman, as I know that you have one of the witnesses who will testify who faced, in some cases attorneys who have been killed, in other cases who consistently face the threats of physical abuse and/or death, and who do so, as an attorney I admire their consistent courage in representing the rights of the Nationalist minority, who constantly are in need of that type of courageous representation, and yet they do so under a process by which their very lives are threatened.

And for those of us in the United States who practice law, I cannot fathom the possibility of having to go every day to court wondering whether on your travels to represent your clients you in fact might have your very life ended, and that is a reality for those courageous attorneys who represent individuals of the Nationalist minority.

So the Diplock Courts which derive their authority from the emergency legislation are a blot on English jurisprudence. Clearly, the convictions of people like Collen Duffy and Steven Larkin and most recently Damion Sullivan, all of whose convictions were overturned by working with their attorneys and also with organizations like Lawyers Alliance for Justice in Ireland, working with Voices of the Innocent and others, and Members of Congress, some of which I have solicited and others who have solicited me in the process of these individuals, their convictions have been overturned.

But in the process their lives have been marred, and their families have been hurt, and the fact of the matter is that their basic human rights have been abused time and time again, and those are names of real individuals. But there are so many that we could recite through this process.

So I appreciate the opportunity for this hearing to send the message that it is intolerable for a Nation which has enjoyed a great history of democracy to stoop to tactics used by military regimes and dictatorships on the people of Northern Ireland.

I believe the new Prime Minister seeks to make amends in Northern Ireland, but it will only be done if there is action, only if there is action.

So, Mr. Chairman, human rights, whether they are perpetrated by friend or foe, need to be exposed to the harsh sunlight of public scrutiny. Only then can they be rooted out and justice flourish, and

for that opportunity to speak about the human rights abuses of the people of Northern Ireland by those who we generally consider a friend and ally, I commend you for having this hearing.

Thank you.

Mr. SMITH. Thank you very much, Mr. Menendez. And I would agree with you that sunlight continues to be one of the best disinfectants, and hopefully this hearing, coupled with ongoing efforts by the Subcommittee, will bring some scrutiny and light to this terrible situation.

Mr. GILMAN. Mr. Chairman.

Mr. SMITH. Yes, I will be happy to yield.

Mr. GILMAN. Thank you, Mr. Chairman, for yielding.

Your earlier witness notice states that the Assistant Secretary of State for Human Rights was invited to participate in today's hearings, and I do not see any representative out there from the Administration to discuss their annual report on human rights as it relates to Northern Ireland. I see we have Amnesty International and a number of the other important organizations.

How come, Mr. Chairman, we have not heard from the Administration? Have you had any response?

Mr. SMITH. Chairman Gilman, we did invite John Shattuck, who is the Assistant Secretary for Democracy and Human Rights, approximately a month ago, and told him we would be flexible in terms of the date, it could be any day this week, frankly, as we were working on the schedules. We had hoped if he could not make it, perhaps someone else might give the testimony on behalf of the Administration. So that may have to wait for another day, but it is regrettable because I believe it is opportunity lost. But we did issue an invitation, and Mr. Shattuck has been a frequent witness before our subcommittee, as you know so well, and is a very articulate and able guy. So it is disappointing he is not here.

Mr. GILMAN. Thank you, Mr. Chairman. I hope this is not indicative of the kind of regard that they place on their report with regard to the troubles in Northern Ireland. But thank you for your response.

Mr. SMITH. Thank you, Mr. Chairman.

I would like now to go to our first panel, and again I want to thank each of our panelists for being here, and I will introduce them in the order that I would ask them to testify:

Martin O'Brien is the executive director of the Committee on the Administration of Justice in Belfast. Mr. O'Brien, who earned his degrees in human rights law and sociology from Queens University at Belfast was a recipient of the Reebok Human Rights Award in 1992, and has been selected by Human Rights Watch as an international human rights monitor. In addition to his extensive writing and speaking, Mr. O'Brien is involved with the Kilcranny House, a rural education center which he helped establish in 1985.

Michael Posner has been the executive director of the Lawyers Committee of Human Rights since its inception in 1978. Mr. Posner, who served on the board for Amnesty International, America's Watch, and the International League for Human Rights, has been a visiting lecturer at both Yale Law School and Columbia University Law School, and in previous times has been before our

subcommittee and provides enormous expertise and a wealth of information for our subcommittee.

Stephen Livingstone is currently co-director of the Human Rights Law Center at the University of Nottingham in England. Mr. Livingstone received his B.A. in law from Cambridge University and his L.L.M. from Harvard. He was previously the chairperson of the Committee on the Administration of Justice, and is the author of multiple books and articles on the situation in the north of Ireland.

Julia Hall is the W. Bradford Wiley Fellow and Northern Ireland researcher in the Helsinki Division of Human Rights Watch. Ms. Hall earned her J.D. at the State University of New York at Buffalo School of Law, and holds a certificate of international law from The Hague Academy of International Law.

And, finally, Maryam Elahi is the advocacy director of the Middle East and Europe in Washington for the DC office of Amnesty International, and Amnesty too is frequently before us as is Maryam, and has provided enormous insights as to the true on-the-ground situation of human rights, not only in Northern Ireland but in many other parts of the world.

Mr. O'Brien, if you could proceed.

**STATEMENT OF MARTIN O'BRIEN, EXECUTIVE DIRECTOR,
COMMITTEE ON THE ADMINISTRATION OF JUSTICE**

Mr. O'BRIEN. Mr. Chairman, thank you for the invitation to testify today. My comments today will be a summary of a longer written statement which I believe you have for the record.

I would like to begin by saying a little bit about the organization for which I work, which is the Committee on the Administration of Justice.

The Committee is an independent human rights organization which draws its membership from across the community in Northern Ireland, and it works on behalf of people from all sections of the community and takes no position on the constitutional status of Northern Ireland. We are opposed to the use of violence for political ends, and are profoundly disturbed by the breakdown in the IRA cease-fire and the return to violence.

As a number of you have already mentioned this morning, recent weeks have seen a number of particularly horrific events, including the kicking to death by Loyalists of two young men, one a Catholic and the other a policeman; and the shooting dead in recent days of two policemen by the IRA.

Although it may be easier to promote human rights in times of peace, it is particularly during times of conflict that they are most at risk. It is precisely because of this that we are so appreciative of the opportunity to speak to you today. International—especially U.S.—involvement in developments in Northern Ireland has been extremely important in the past and is urgently needed at times like this.

We are particularly grateful to Chairman Smith, Chairman Gilman, Mr. Lantos, and the other members of the Subcommittee for their interest in human rights in Northern Ireland.

The CAJ believes that issues of justice and fairness are at the heart of the current conflict in Northern Ireland. Peace is only likely to flourish when everyone feels that their rights are respected

and protected. We are therefore convinced that a lasting resolution of the conflict will require mechanisms to ensure that the rights of all are adequately protected.

We are concerned, however, that human rights were not integrated into the management of the peace process by the previous U.K. Government. This omission and the fact that further abuses occurred have contributed to the current impasse and the deterioration in the situation.

There is an inclination to make human rights a second stage. We believe it should be a primary agenda item and progress on human rights can help in reaching a settlement of the political and constitutional issue involved.

At key stages of the Northern Irish peace process U.S. involvement has played a vital role. President Clinton's close personal interest and the impressive work done by Senator Mitchell have been particularly important. A more targeted U.S. focus on making human rights a prime element in the peace process would be particularly opportune.

The new Labour Government has given strong public expression to its commitment to human rights in its international relations, and with regard to Northern Ireland. These early signals provide important and encouraging signs of hope.

It is important, however, that the international community does whatever it can to build upon these first tentative signs of hope. Moving from conflict to lasting peace is both slow and painful. Certainly this has been so in Northern Ireland. There are no quick fixes or easy solutions, and there will be many setbacks. International concern to keep the process on track is vital.

Human rights abuses are at the heart of the conflict. Addressing them cannot await long-term political solutions, but must be part and parcel of any attempt to build a lasting peace.

Accordingly, together with our sister organizations in Britain and Ireland, we have developed a human rights agenda for action, an agenda that should be addressed at the outset when discussions take place.

First, we call for effective mechanisms for the protection and promotion of human rights. Many human rights abuses in Northern Ireland occur because there is no written constitution, no codification of rights in the United Kingdom. The new Labour Government, however, says that it intends to incorporate the European Convention on Human Rights, and this is extremely welcome, but it is insufficient.

Northern Ireland needs its own bill of rights. Everyone in Northern Ireland, whether Nationalist or Unionist, shares an interest in, for instance, an accountable police service, freedom of expression, freedom from discrimination, freedom of religion, and other such fundamental liberties. All too often these shared interests are not effectively harnessed or prioritized. Indeed, we believe that a broad-based discussion of how best to protect everyone's rights would go a long way to facilitating discussion of other more controversial areas of political disagreement.

Second, CAJ calls for an end to emergency laws, and for a thorough review of the criminal justice system. The Lawyers Committee for Human Rights will speak to this issue in some detail. Suf-

It is not necessary to say that emergency legislation violates human rights, is unnecessary given the existence of other criminal justice legislation, and is counterproductive. The legislation has also led to many miscarriages of justice, affecting both Protestants and Catholics. You will hear more about these later.

The third key area requiring change is in the institutions which should protect human rights, but which all too often in Northern Ireland contribute to serious abuses. Human Rights Watch will speak in particular about the problems of policing which were encountered last summer and indeed more generally. These cannot, however, be seen in isolation. Particularly worrying are the continuing reports from detainees that police officers threaten and abuse lawyers via their clients.

The European Committee for the Prevention of Torture has commented that persons arrested in Northern Ireland under the Prevention of Terrorism Act run a significant risk of psychological forms of ill treatment, and that on occasions resort may be had by detective officers to forms of physical ill treatment.

To address this problem CAJ calls upon the government to introduce audio and video recording of interviews with detainees. This would be in the interest of detainees and would protect the police from false accusations.

We also call for steps to end police harassment which is regularly experienced by working class Protestant and Catholic youth.

The fourth issue that CAJ raises in its human rights agenda is the need to deal with the legacy of the past. The consequences of the failure to address past abuses are graphically highlighted by the ongoing controversy around Bloody Sunday. This year marks the 25th anniversary of the killing by the British army of 13 unarmed civil rights demonstrators in Northern Ireland.

Recent evidence has emerged confirming that the original inquiry was fundamentally flawed. A new and independent inquiry with international input is vital to establish the truth and remedy the injustice done to the deceased and their families. Moreover, addressing longstanding abuses of human rights can contribute itself to building a lasting peace in Northern Ireland.

Nor can the past be laid aside without addressing the issue of prisoners. It is ironic that the situation of Irish Republican prisoners held in Britain has actually deteriorated dramatically during the period of the cease-fire. Amnesty International will speak to the issue of prisoners in its presentation. The CAJ would urge that prompt steps be taken to secure the well being of prisoners.

Concrete action to improve the situation with respect to the areas I have described will contribute to the development of a strong culture of rights. The events of last summer where there was enormous communal tension emphasized the importance of developing a clear understanding that everyone is equal before the law, that human rights are inalienable, and that one must exercise one's rights with due respect for the rights of others.

There is a particular responsibility, however, on government to ensure that the rule of law applies. This will be vital in the coming marching season. Discriminatory behavior in all its forms must all be effectively outlawed, and I know this is an issue which has been of interest to people here in Congress. It has to be understood that

as the Universal Declaration of Human Rights says, "Recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace."

This brings us full circle to the argument which we made at the outset; namely, that having been at the heart of the conflict in Northern Ireland human rights must be at the heart of any peace process. Early signals from the new Secretary of State for Northern Ireland, Mo Mowlam, have been particularly positive. She however must not be deflected from prioritizing human rights concerns. It is also important that the new government in the Republic of Ireland show a clear understanding of the centrality of rights to building a lasting peace. It is particularly important at times when the political process encounters difficulties as it is bound to do, that the rights agenda provide tangible evidence of the benefits accruing from peaceful engagement with the democratic process.

With the resumption of paramilitary violence and the coming to office of new governments in both the United Kingdom and Ireland, Committee members and the U.S. administration may well hesitate to become involved at this moment on human rights issues. However, as human rights activists in Northern Ireland, we would argue that it is precisely because the peace process is so precarious that primary attention to the human rights agenda is necessary. The peace process is only likely to succeed when everyone feels that their rights are protected and respected.

Equally, it is precisely because there is a new government and a new opportunity to leave behind the appalling human rights track record of its predecessor that emphasis on human rights from a friendly ally, such as the United States, is so necessary.

Thank you very much.

[The prepared statement of Mr. O'Brien appears in the appendix.]

Mr. SMITH. Mr. O'Brien, thank you very much for your very eloquent testimony. We have been joined on the panel by Mr. Matt Salmon, who is vice-chairman of the Subcommittee on International Operations and Human Rights, our subcommittee, and also by Mr. Kennedy, distinguished gentleman from Massachusetts. If they would like to just say a word or two.

Mr. Salmon. Mr. Kennedy.

Mr. KENNEDY. Just very briefly. I want to thank both you, Mr. Smith, as well as Chairman Gilman, for the leadership that you are showing on this issue. There can be no more important, I think, issue pertaining to human rights than making certain that the light of justice is shown upon people of human rights, and the courage that you are showing by continuing to keep this Congress involved in these issues is, I think, a tribute to you.

But I also want to thank all of the witnesses that are coming before us today, and let you know that we very much appreciate the difficulties and troubles that many of you and your families have been through and the continuing courage that I think all of you show in making certain that these issues are dealt with in the way they ought to be.

I believe very strongly that even the current forward steps that have been taken with regard to the peace process in human rights

come largely because of the involvement of President Clinton, which I think has occurred because of the leadership that people like Ben Gilman and Peter and others, Don and Bob and so many others in the Congress showed over a period of years prior to President Clinton's active involvement on these issues.

So I think that the Congress really has been in some ways a catalyst for getting the peace talks under way. Obviously, there have been setbacks recently. But I think continuing to show some of the injustices in Northern Ireland is a critical component to making certain that ultimately we find a peaceful solution to the troubles and difficulties in the north of Ireland.

So, again, I want to thank you very much, Chairman Smith, for your involvement and for hosting this hearing this morning.

Mr. SMITH. Thank you very much, Mr. Kennedy, and I hope you will stay. Mr. Kennedy is not a member of the Subcommittee or even the full International Relations Committee, but out of his interest in the issue has come by. So we appreciate you doing so.

Mr. Posner.

**STATEMENT OF MICHAEL POSNER, EXECUTIVE DIRECTOR,
LAWYERS COMMITTEE FOR HUMAN RIGHTS**

Mr. POSNER. Thank you very much.

First, Chairman Smith, I want to thank you for your leadership in convening these hearings and for your longstanding commitment to human rights issues in general. You have been a real friend of our community and we deeply appreciate everything you have done.

I also want to say a special thanks to Chairman Gilman. As the chairman of the Full Committee, you have also been somebody we have been able to turn to over the years, and I know your commitment on these issues is deep, and it is really heartfelt, and we greatly appreciate it.

This is an important time for this hearing. It is easy on one level to be quite distressed and despondent over the recent upsurge in violence which a number of you have mentioned. We would certainly associate ourselves with your unequivocal opposition to the use of violence for political means. It does represent a setback. And yet despite that there is a unique window of opportunity here for the human rights issues to be advanced forward as a part of the peace process, and as a catalyst to help reignite a more constructive process.

As several of you have said, there has been a tremendous commitment by Senator Mitchell in particular, who has played a very useful role as a mediator, and the Clinton administration more generally. The new U.K. Government, Prime Minister Blair's government, has also in its early days expressed a commitment to human rights generally and with respect to Northern Ireland in particular, and that is a welcome sign.

This is a moment where we need to change the paradigm for looking at the peace process. What I want to emphasize this morning is that rather than saying that the larger political conflict has to be resolved before human rights can be respected, it is the other way around. Denial of basic human rights are at the heart of the conflict, and it is essential for the peace process to go forward suc-

cessfully that these issues be addressed. Incrementally, if you will, but these issues must be addressed in a serious way as a part of a strategy to getting all sides to the table in a meaningful discussion about the issues that really matter.

And so I welcome this hearing as an opportunity to help advance that agenda. I would hope that this subcommittee will continue to press on these issues, and in particular, I hope that you will press Assistant Secretary Shattuck or some other member of the State Department to come and testify at a later date and present the Administration's views. I think you have an important role to play in that regard.

We are concerned that in the context of the peace process there has not been great enough attention paid to what we regard as fundamental issues relating to the rule of law and justice. I want to highlight briefly three things which are outlined in my written statement, which I would ask be made part of the record of these hearings.

We are deeply concerned and share Martin O'Brien's concern that the whole emergency law framework in Northern Ireland has been the foundation for a longstanding pattern of human rights violations. We have called in a report we released last year for an end to the emergency laws. This is a moment where there needs to be a serious discussion about powers of detention where a number of abuses occur. The whole criminal justice process also needs to be examined because it often undercuts a number of the basic due process rights which are found throughout the British system, as Congressman King described in some detail.

We are also very concerned, and in the written testimony present added details about what we see as erosion of the judicial independence of the judiciary within Northern Ireland. In many cases confessions are obtained as a result of abusive police tactics. The absence of jury trials and lack of transparency in the appointment of judges are also part of a process which leads to an erosion in the rule of law. We believe these problems need to be corrected and addressed.

And the third area where we have devoted particular attention relates to the intimidation of defense lawyers. They play a critical role in any legal system in protecting the innocent. And in the case of Northern Ireland there has been a pattern, now longstanding, where clients or detainees are told that their solicitors—their lawyers—are sympathetic to one side or the other of the conflict, that they are not really lawyers, and that people are going to come after these lawyers. I am very pleased to see that Patrick Finucane's son, Michael, is here today and he will speak about that particularly awful and tragic case later on. It is striking to me that there has still been no independent inquiry into the murder of Patrick Finucane, now 8 years after he was killed at his home.

— These are ongoing problems. Lawyers continue to receive threats. I was in Northern Ireland less than 2 months ago. We continue to receive reports that the people running the detention facilities regard the lawyers as their opponents and their enemies. They try to do what they can to intimidate them, and as a result they undermine the judicial process. This pattern of attacks has to be stopped.

There has to be an investigation of it and the word has to come from on high that it is simply an unacceptable practice.

We have made a number of specific recommendations in the written testimony relating to the restoration of jury trials and to specific changes that should be made to the emergency legislation, such as restoring the right to silence, and allowing suspects to be brought promptly before a judicial officer right after their arrest. These are steps in a process, and I don't want to dwell on any of them. This is a good moment to review this laundry list of things that can and should be focused on as part of a comprehensive approach that's central to, integral to, the peace process.

We would strongly urge, Congressman Smith, that you and others communicate directly with Senator Mitchell in terms of his role as the mediator, as the negotiator, and to try to encourage a greater attention to these issues on his agenda. We would also urge, as I said a moment ago, that you work to get the State Department to be more publicly outspoken on these issues, not only in its annual country report, but also to appear at a hearing like this.

Congressman Kennedy used the term "catalyst," and I think you are in fact the essential catalyst to ensure that these human rights issues are integrated more centrally into the peace process, certainly from the U.S. Government's perspective. We all can help groups like the Committee on the Administration of Justice, advocates like Michael Finucane, by reinforcing what they are trying to do in their own society. This is the moment for us to be forthright, strong, and to push to see that these issues receive the prominence they deserve.

Thank you.

[The prepared statement of Mr. Posner appears in the appendix.]

Mr. SMITH. Mr. Posner, thank you very much for your testimony and your full testimony, as well as that of all here, will be made a part of the record. And the Subcommittee will look very carefully at all of those recommendations and see how we can transmit that on to the British and other authorities, including Senator Mitchell.

Let me also point out that in the not too distant future I hope to put together a trip that will go to Northern Ireland. Many of us have tried to do this in the past, talk to the British Government, talk to others involved. But I think now with the change of government under Tony Blair there is a window of opportunity that ought to be seized to the greatest extent.

So, again, thank you for your very, very timely and very thoughtful recommendations.

Ms. Hall.

**STATEMENT OF JULIA A. HALL, W. BRADFORD WILEY FELLOW,
NORTHERN IRELAND RESEARCHER, HUMAN RIGHTS WATCH**

Ms. HALL. Thank you, Chairman Smith, and Chairman Gilman, and members of the Subcommittee for this opportunity to speak with you about pressing human rights concerns in Northern Ireland.

We also feel that it is a particularly important moment for the Subcommittee to turn its attention to Northern Ireland. The protection of individual rights and the maintenance and the rule of law are essential to advancing the peace in Northern Ireland. Regret-

tably, attempts by State authorities to control the conflict there have created an environment within which human rights violations are routine. This erosion of civil liberties and human rights in the interest of security and public order has in many ways served to exacerbate the conflicts. Thus, any effort to build trust and confidence in the peace process must include immediate and careful attention to protection of human rights for all of Northern Ireland's citizens.

We understand that recent events have had a negative impact on the peace process. The brutal murders of three police officers in the last month have shocked and saddened all those committed to peace. These senseless killings, coupled with serious tensions, with vast potential for violence, arising from the annual marching season signal an urgent need to resume efforts to create trust in all Northern Ireland's communities so that people have more of an investment in advancing the peace than they do in perpetrating or supporting acts of violence.

Human Rights Watch's research and advocacy in the past year has focused specifically on the reform of policing in Northern Ireland. This focus was a direct response to the final report of the International Body on Arms Decommissioning, chaired by former U.S. Senator George Mitchell, and tasked in 1995 with providing to the multiparty peace talks an acceptable plan for the decommissioning of paramilitary weapons.

However, the international body wisely recognized that success in the peace process could not be achieved solely by focusing on the decommissioning of weapons. To create trust in the peace process, confidence-building measures would also be necessary, including the normalization of policing, a review of the use of plastic bullets, a more balanced religious representation in the Royal Ulster Constabulary, the RUC, Northern Ireland's police force, which, as many of you know, is currently 90 percent Protestants, and the cessation of paramilitary punishment assaults.

Let me lay out for the Subcommittee some of our more specific concerns.

First, the policing of the upcoming marching season is a matter of urgent concern for Human Rights Watch. The marching phenomenon involves the ongoing dispute between Protestant fraternal orders supported by the Unionist community, and predominantly Catholic Nationalists organized to protest Protestant marches through Catholic neighborhoods.

A detailed investigation by Human Rights Watch of last year's marching season strongly indicates that a series of police actions sanctioned by the government of the United Kingdom exacerbated the inter-communal conflict and contributed to an effective breakdown in the rule of law.

The failure of State authorities to maintain the rule of law occurred when police officials reversed an earlier decision to re-route a Protestant march, and allowed the march to proceed down the predominantly Catholic Garvagh Road under threat of Unionist mob violence.

In the aftermath of this extraordinary reversal the RUC strategy for dealing with Nationalist protesters involved the use of brutal force in contravention of international standards. Of particular con-

cern to Human Rights Watch was the excessive use of physical force directed at peaceful demonstrators, and the massive and indiscriminate use of potentially lethal plastic bullets. Testimony from residents on the Garvarghy Road indicated that many persons peacefully protesting were brutally assaulted by RUC officer in riot gear, many of whom used sectarian language throughout the course of the police operation.

Furthermore, the massive use of plastic bullets by the RUC, often in situations where there was no imminent threat to life, resulted in grievous injuries, including shattered jaw bones, broken palates, and internal injuries leading to comas.

It is imperative to note that plastic and rubber bullets have killed 17 people in Northern Ireland. The United Kingdom Ministry of Defense admission just this month that defective plastic bullets were used during last summer's marching season supports our own conclusion that the bullets are inherently unreliable, potentially fatal, and thus should be removed from use.

Significantly, an internal police review of plastic bullet use during the summer of 1996 suggested that the presence of plastic bullet gunners can actually exacerbate tensions as opposed to defusing them.

For all of these reasons, Human Rights Watch continues its campaign to have plastic bullets banned. As well, we have called for a zero tolerance policy for the excessive use of force by police officers, and greater accountability for RUC operational decisions and conduct in order to avoid a repeat this summer of last summer's widespread police abuse.

Another immediate concern for Human Rights Watch is the daily violence of paramilitary punishment assaults and shootings in both Unionist and Nationalist communities. Throughout the troubles in Northern Ireland the police have concentrated their efforts primarily on the suppression of political violence. This anti-terrorism campaign has been waged to the exclusion of many traditional policing functions in some areas of Northern Ireland. In the absence of normal policing Loyalist and Republican paramilitaries have assumed quasi-policing rules in their respective communities by meting out punishments for perceived or actual offenses such as drug trafficking, wife abuse or burglary. These nonpolitical offenses, which would be addressed through routine policing by a traditional police force have instead been effectively delegated to irregular paramilitary law enforcement.

Paramilitary punishments in both communities take many forms. People have been brutally assaulted with baseball bats, irons bars and clubs driven through sharpened spikes. In some cases metal spikes have been driven through the legs and elbows of young men. Young women have been abducted, had their heads sheared, been tied to lamp posts, and had paint poured over them. Many people have been shot, some in the back of the knee which causes excessive bleeding and has led to the amputation of limbs.

In 1995-1996, eight men were summarily executed for alleged drug offenses by vigilantes widely believed to be associated with Republican paramilitaries. In addition, paramilitary organizations issue expulsion orders to force alleged perpetrators to leave a par-

particular city or all of Northern Ireland for a designated period of time under threat of being shot or beaten.

Testimony from residents in both the Unionist and Nationalist communities in Northern Ireland indicates that there is a profound lack of confidence in the RUC. Representatives from both communities appeared resigned to paramilitary policing because they felt that normal policing did not and would not occur in their neighborhoods.

Human Rights Watch has called for an immediate cessation of all forms of paramilitary intimidation. Punishment beatings and assaults are violations of humanitarian law and they cannot be tolerated. Furthermore, we have called the government of the United Kingdom to resume normal policing in many areas of Northern Ireland where these brutal alternative justice systems have become the only regular form of so-called justice that many residents know.

Finally, Human Rights Watch is deeply disturbed by persistent allegations of collusion between some members of the security forces and Loyalist paramilitary organizations. Members of the security forces are alleged to engage in collusion by conspiring directly with Loyalist paramilitaries to carry out acts of violence or by facilitating the commission of these acts. Actions that can constitute collusion include the leaking of security information such as photo montages and house floor plans, the diversion of law enforcement resources away from the scene of a Loyalist paramilitary assassination just prior to the crime, and the failure to adequately investigate Loyalist paramilitary killings by overlooking critical evidence, failing to interview key witnesses and generally failing to apprehend any suspects.

Because the police are invested with primary responsibility for identifying, gathering and securing information on suspected paramilitaries and investigating acts of paramilitary violence, the bulk of the allegations of collusion are made against the RUC. This is particularly true in cases where legitimately collected official information finds its way into the hands of Loyalist paramilitaries. A common scenario in Northern Ireland involves the RUC warning a person—usually a Nationalist—that she or he is under paramilitary threat because his or her security files have “gone missing,” that is, been lost, and are in the possession of a Loyalist paramilitary organization. The frequency of these so-called warnings, coupled with the fact that a number of persons whose security information has been passed on have subsequently been assassinated by Loyalist paramilitaries, indicates an urgent need for the RUC to take affirmative steps to address allegations of collusion.

Human Rights Watch has made a series of recommendations to the United Kingdom for effectively addressing allegations of collusion, including the immediate and thorough vetting of the RUC for officers with illicit associations to Loyalist paramilitary organizations, a reassessment of procedures for the handling of classified identification information, and a strong commitment to the rigorous investigation of Loyalist paramilitary killings in conformity with international standards.

In some cases we call for more specific measures. For example, with respect to the Loyalist paramilitary murder of Catholic criminal defense lawyer, Patrick Finucane—who suffered harassment

and death threats from RUC officers—Human Rights Watch urges that an independent, public inquiry be convened.

Human Rights Watch has welcomed the initiatives of the new Labour Government with respect to the reform of policing and the protection of individual rights. Clearly, the Labour Government understands, as we all must, how persistent human rights violations create a climate of hostility and a lack of trust in State authorities. The time is now for a renewed commitment to building confidence in the peace process by guaranteeing the protection of rights.

Human Rights Watch urges the Congress to support the new Labour Government's initiatives and to express its own commitment in concrete terms to the protection of human rights in Northern Ireland.

Thank you.

[The prepared statement of Ms. Hall appears in the appendix.]

Mr. SMITH. Ms. Hall, thank you very much for your testimony and for your many very valuable and worthwhile recommendations.

You know, when you were talking about plastic bullets, and again I glanced over and looked at one, and all of us have seen those bullets before, but they are more like plastic mini-bombs. I mean, the size and scope are beyond what many people think. Americans, when they think of plastic bullets, they think of some toy that might do a minimum amount of damage. And then you look at this atrocity and you realize that that can kill and maim very easily. So I thank you for your strong statement.

Mr. Livingstone.

STATEMENT OF STEPHEN LIVINGSTONE, DEPARTMENT OF LAW, UNIVERSITY OF NOTTINGHAM

Mr. LIVINGSTONE. Thank you very much, Chairman Smith, Chairman Gilman. I appreciate very much your invitation to come and testify before this committee today. I would like to thank the commitment to both this Congress and the Administration to the issues of human rights in Northern Ireland, which I think is of value to all communities in Northern Ireland.

I come before you in my personal capacity, as someone who as the Chairman said earlier, is from Northern Ireland, has taught in Northern Ireland, has worked as chair of the Committee on Administration of Justice and is a member of its board for a period. Although I now teach in England, I retain an interest in human rights in Northern Ireland, and particularly the issue of international human rights standards and their application to Northern Ireland.

And it is that topic that I wish to address in my speech today. I think it is important to note that international human rights standards, such as the European Convention, the United Nations and Human Rights Covenant, are standards that are agreed by States, including United Kingdom as one of the early movers in conventions such as the European Convention. They are acknowledged to be minimum standards. They are standards which are structured to acknowledge that the State may need to take steps to protect members of the public against acts which threaten their rights. And, moreover, international bodies reviewing the conformity of the Government in Northern Ireland with international

human rights standards have acknowledged the severe difficulties faced by the government in dealing with paramilitary violence from both Loyalist and Republican groups in Northern Ireland, and violence which is responsible for over 90 percent of the deaths in the Northern Ireland conflict both with members of the security forces and with citizens who are not tied up in any way with the activities of the State.

Nevertheless, those international human rights bodies have acknowledged that there are limitations which must be placed on any democratic State in dealing with conflicts or threats to the safety and security of its citizens no matter how aggrieved. And sadly, the United Kingdom has consistently failed to conform to those standards in many aspects of its dealing with the conflict in Northern Ireland.

For example, in the forum of the European Convention on Human Rights, in 1978, the United Kingdom was found to breach the guarantees against inhuman and degrading treatment in relation to its treatment of detainees in police stations and detention centers in Northern Ireland.

In 1995, in the McCann case, resulting from shooting of three people alleged to be planting a bomb in Gibraltar, the United Kingdom was found to have violated the protection against the right to life, one of the most fundamental guarantees in international human rights standards.

In 1989, in the Brogan case the European Convention of Human Rights found a violation of the right to liberty when detainees were detained for more than 7 days without judicial supervision for questioning, and similarly in the Fox, Campbell and Hartley case in 1990, a violation was found of the right to liberty when inadequate information was given to people arrested as to what they were suspected of.

Finally, in the Murray case in the European Convention context in 1996, the violation of the right to fair trial was found, particularly in the drawing of inferences from defendants refusal to testify and the failure to grant them immediate access to legal representations after their arrest.

Both the United Nations Committee on Torture in 1991 and 1995 and the European Committee on the Prevention of Torture in 1995 have expressed strong concern that the circumstances for the interrogation of those suspected of terrorist offenses in Northern Ireland create a significant risk of the mistreatment of suspects. It is, of course, particularly disturbing that in 1995 we are finding the same concerns expressed about the interrogation of suspects which animated the 1978 European Court decision in the Ireland versus United Kingdom case. That problem has remained permanent in Northern Ireland.

Finally, in this international context it is worth mentioning that the United Nations Human Rights Committee in 1995 expressed concern that permitting courts to draw inferences from the silence of those charged with offenses in Northern Ireland, coupled with failure to give them immediate access to their lawyers, created a risk that their right to fair trial would not be protected.

As I said, these are significant findings in areas of basic human rights protections. Moreover, as I said, these are findings made by

international tribunals and monitoring bodies that fully acknowledge the difficulties of the circumstances in Northern Ireland and the difficulties caused by political violence there.

If a common theme can be discerned in these cases, it is the failure of the State to provide adequate, effective and independent means for reviewing the conduct of law enforcement authorities, especially where they have been granted increased powers. The consistent theme of law enforcement policies in Northern Ireland in the current phase of the conflict has been that a combination of violence and intimidation, plus the need for quick results in serious cases, is thought to make law enforcement particularly difficult where law enforcement is based, as it normally is, on the cooperation of the citizenry.

And State measures such as non-jury courts, lengthy periods of detention of questioning, and the drawing of inferences from silence, which reduce reliance on the cooperation of the public, give increased powers to police and prosecution.

But the constant danger with these measures is that they risk sections of the public increasingly seeing law enforcement as something that is done to them rather than for them; hence, fueling the lack of confidence in the law enforcement agencies and turning the lack of public support on which policies are predicated into a self-fulfilling prophecy. Such suspicions that increased law enforcement powers are merely a cover for arbitrary action are fueled when the mechanisms do not appear to exist to render law enforcement transparent and accountable.

The continuing controversy of the Bloody Sunday shootings in 1972 is perhaps the most significant example of why the lack of adequate scrutiny mechanisms can render public distrust and suspicion of law enforcement. Hence, from human rights perspective it seems to me there is need for changes which would render law enforcement more transparent and accountable, something which, in turn, should ensure compliance with international human rights standards.

A fully independent system for the investigation of complaints against the police, the introduction of video and audio taping of all police interrogations in Northern Ireland, judicial review of any extensions of detention of suspects, and indeed the lack of a need for detention for suspects beyond the period of say 48 hours, and qualified access of lawyers to their clients, and better procedures at inquests would all be high on the list of matters necessary to ensure the protection of human rights in Northern Ireland.

All of these, it seems to me, can be achieved without rendering law enforcement authorities incapable of dealing with genuine examples of crime and politically motivated crime. The incorporation of the European Convention on Human Rights is likely to be initiated by the present government. It seems to me this is indeed a very welcome stand. But this must be supported by giving adequate powers to an independent human rights commission, whether a revamped Standing Advisory Commission of Human Rights or a new commission, to fully investigate the protection of human rights, and to initiate litigation where it feels these rights have not been given effect to.

I think it is true to say one must acknowledge that while human rights violations are at the core of Northern Ireland's problems, better protection of human rights alone would not solve Northern Ireland's problems. It is a deep political conflict that needs to be addressed by political steps. And it is also true to say that human rights may flourish better in time of peace.

Moreover, it seems to me that measures to enhance the protection of human rights, particularly to guarantee these core protections of human rights of life, liberty and a fair trial, seem to me essential to contribute to an atmosphere of public trust. They are things that are right in themselves. And by generating that better public trust confidence and the sense of public security they may help to contribute to an environment in which an overall settlement is more likely to be achieved.

Thank you very much.

[The prepared statement of Mr. Livingstone appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Livingstone, for that very fine statement, and for your very valuable recommendations.

We have been joined on the panel by Congresswoman Ileana Ros-Lehtinen who is the chairwoman of the International Economic Policy and Trade Subcommittee.

Ileana, do you want to say a word or two?

And also by my good friend from New York, Eliot Engel.

Eliot, would you like to say a few words?

Mr. ENGEL. Well, I just want to say, first of all, it's good to be back in the Committee again, and I just want to commend you, Mr. Chairman, for conducting this hearing. As you know, I have, since the beginning of my tenure in Congress, been very concerned about the human rights abuses in the north of Ireland, and I look forward to listening to the testimony.

And, you, of course, as chairman, have been preeminent in this Congress about human rights abuses, not only in Ireland, but all over the world, and I really want to commend you and publicly compliment you for the work that you do. I think of all the work we do in Congress one of the best things that we can ensure is to let people all over the world know that Members of Congress and the United States are watching, and doing more than watching; that we will not tolerate or stand for the kinds of human rights abuses that we have seen in Ireland for so many years. I think it is very, very important for us to hold these kinds of hearings.

So I again commend you for the work that you have done, and I look forward to listening to the testimony. Hopefully, we can highlight some of the problems, and encourage the Administration and Congress to take a more active position in concert to end these human rights abuses in the north of Ireland.

Thank you.

Mr. SMITH. Mr. Engel, thank you. And thank you for coming. As you pointed out, you are not a member of the Committee but because of your deep and abiding interest made time in your schedule to join us at this hearing. So I do thank you for that.

I would like to ask our final witness if she would present her testimony, Maryam Elahi from Amnesty International.

**STATEMENT OF MARYAM ELAHI, ADVOCACY DIRECTOR,
MIDDLE EAST AND EUROPE, AMNESTY INTERNATIONAL**

Ms. ELAHI. Congressman Smith, I would like to take the opportunity like my colleagues before me to thank you for holding these hearings, and to thank Chairman Gilman and other members of this panel, and Congressman Engel, for the support you have had in the leadership on this issue, and on other human rights issues.

We welcome this opportunity to testify before this subcommittee on the human rights situation in Northern Ireland and in other parts of the United Kingdom.

Mr. Chairman, I request that my written testimony be submitted into the record, together with two Amnesty circulars on the case of Roisin McAliskey and the special security units, and the 1997 Amnesty International Annual Report entry on the United Kingdom.

Mr. SMITH. Without objection all of that material will be made a part of the record.

Ms. ELAHI. Thank you very much.

Mr. Chairman, in its work on Northern Ireland over many years Amnesty International has identified laws, procedures and practices of law enforcement officials which have led to violations of the internationally recognized right to life, to freedom from torture or cruel, inhuman or degrading treatment, to fair trials, and to freedom of expression and assembly. In particular, Amnesty International has been seriously concerned about the British Government's failure to investigate independently and fully serious allegations of human rights violations, to make public the results of internal investigations, and to bring the perpetrators of human rights violations to justice.

Given the large number of human rights violations perpetrated in Northern Ireland, there is a particular need for the new government, the new British Government, that is, to review a number of issues, including policing and emergency legislation provisions, with a view to increasing the protection of human rights in Northern Ireland. The protection of human rights and the creation of a human rights culture are without a doubt central to lasting peace.

Mr. Chairman, we believe that the new government has an opportunity to make significant moves for the protection of human rights throughout the United Kingdom, and we welcome the commitments expressed in initial government statements to emphasize issues of fairness and justice in Northern Ireland.

In my written testimony submitted for the record I have focused on Amnesty International's wide range of concerns about human rights violations in the United Kingdom and Northern Ireland. In the short time available to me today, I would like to touch upon our concerns in three particular areas.

First, unfair trials in Diplock Courts, and focus on the Casement Park case; second, to address special security units in the United Kingdom and the treatment of Category A prisoners; in that particular case to focus on Roisin McAliskey's treatment; and, third, alleged extrajudicial killings as illustrated by the case of Diarmuid O'Neill.

Before I begin, Mr. Chairman, I would like to note for the record that we too are baffled by the absence of a representative from the State Department. This year's State Department report on the

human rights situation in the United Kingdom was even-handed and strong in its language, and it is unfortunate that Assistant Secretary Shattuck is not here to discuss what steps the Administration is prepared to take to raise these issues of mutual concern with the British Government. We do hope that his absence merely reflects a scheduling conflict and not a determination by the Administration to evade public criticism of one of its closest allies when they do wrong.

I would like to first address our concerns about extrajudicial killings. We have called on the British Government to carry out an independent inquiry into all alleged extrajudicial killings. Such an inquiry should examine the legislation governing the use of lethal force, the procedures used to investigate such killings, the lack of accountability of the security forces and the police, and the severely restricted nature of the inquest procedure which is prevented through legislation from carrying out the proper and public inquiry into the full circumstances of a disputed killing. We ask that the result of such an inquiry be made available to the public.

Our concerns about such killings are highlighted by a recent case in September of last year in which lethal force was applied by armed police carrying out a planned raid on a house in London in the early morning, resulting in the death of Diarmuid O'Neill and the arrest of two others.

Diarmuid O'Neill was apparently shot six times by two officers from Scotland Yard. Initial statements by the police tried to justify the death of Mr. O'Neill by stating that he was killed during a shootout between the police and the arrested suspects. However, subsequent reports have confirmed that Diarmuid O'Neill and the other suspects were unarmed. The British Government needs to account for the initial misleading statement and its justification for killing an unarmed man.

We also believe that there should be an investigation into the treatment received by Diarmuid O'Neill in the wake of the shooting. The photos of smeared blood on the front steps of the house would seem to indicate that Diarmuid O'Neill was dragged seriously wounded down the steps to the pavement rather than being treated where he lay or removed on a stretcher.

Another aspect of this case which needs clarification is the reported use of CS gas during the operation. British officers should be asked why CS gas was used and what effect that amount of CS gas used would have had on Mr. O'Neill's reasoning.

I should mention that a police investigation was indeed carried out into this incident by senior officers of the Metropolitan Police Service, the very same police force that was involved in the incident. And the results of this investigation, if indeed it is now finished, have yet to be made public.

The second concern that I would like to touch upon in this hearing is that of special security units or SSUs. Amnesty International has urged that the British Government carry out a review of the security measures which have been implemented within the British prison regime in order to ensure that such measures do not amount to cruel, inhuman or degrading treatment of prisoners. We believe that the special security units in which the exceptional escape risk Category A prisoners are held does constitute cruel, inhuman or

degrading treatment. It denies remand prisoners a right to a fair trial in violation of the United Kingdom's obligations under international treaties.

The conditions that prisoners face in the SSUs are as follows: Small group isolation; the lack of adequate exercise, educational and work facilities; the lack of natural daylight and long distance vision; the lack of adequate medical treatment; and strip searching and other security measures, including the closed visits.

Many aspects of the SSU regime violate international standards. The conditions have led to serious physical and psychological disorders in prisoners.

Mr. Chairman, our concern about the SSUs is part of a wider concern about the conditions in which Category A prisoners are held. Category A prisoners are often denied their very basic rights which are recognized under international standards on an arbitrary basis. The denial of basic rights is greatly exacerbated in these SSUs. Basically, the SSU is a prison within a prison.

Mr. Menendez mentioned the case of Roisin McAliskey. The case of Roisin McAliskey is illustrative of our concerns relating to Category A prisoners. Ms. McAliskey, who was arrested in November 1996, 4 months pregnant, on an extradition warrant, was detained in total isolation in an all-male prison for 6 days before being transferred to a women's detention facility, Holloway Prison. She was detained as a Category A high-risk prisoner in Holloway, a prison which does not have facilities for Category A prisoners. She was subjected to very frequent strip searches, closed visits, and severe restrictions throughout her pregnancy on her rights to associate with other prisoners and to receive Irish press and to exercise.

Amnesty International believes that she was detained in conditions which constituted cruel, inhuman or degrading treatment. It was only through international protest that some of the restrictions were eased toward the end of her pregnancy, and I would like to thank members of this subcommittee for being very active on this case, and she did give birth on the 26th of May in a civilian hospital. She is now currently on bail in a mother and baby unit in a secure hospital in London.

Let me now address our concerns about unfair trials in Diplock Courts. Diplock Courts were established under emergency legislation in 1973, to deal with serious offenses linked to alleged terrorist activities. There are a number of people who have been convicted in these courts who are victims of miscarriage of justice. Amnesty International has urged the government to review the functioning of the Diplock Courts to ensure that the specific troubling provisions of this system are brought into conformity with international standards for fair trials.

One case that brings home many of the concerns related to fair trial issues is the Casement Park trials. On March 30, 1990, Patrick Kane, Sean Kelly and Michael Timmons were all convicted after a trial in a Diplock Court of the murders of two British army corporals. Each of them was sentenced to serve two life sentences. Their trial was in violation of internationally recognized fair trial standards. Once arrested, they were not promptly brought before a judicial authority. They were denied access to their counsel dur-

ing interrogation, and the defense had unequal access to evidence and experts.

In the case of Patrick Kane, the prosecution's case rested on voluntary statements that he made out of fear and confusion during interrogation, even though they were in conflict with evidence which was presented by the prosecution itself. Mr. Kane, 29 years old at the time, had an intelligence equivalence to an 11-year-old. He suffered from a serious hearing disability, was unable to read and could only write his name. It is absolutely outrageous that he was detained and questioned in the absence of a lawyer or other appropriate adult, as is required by the pertinent legislation.

Recently, the Northern Ireland Secretary of State referred the case of Patrick Kane to the Court of Appeal. His conviction was quashed by the Court of Appeal in June 1997 because new evidence showed that his confessions might have been inadmissible and unreliable. We are happy to report that Patrick Kane was released on June 20th, this last Friday.

Amnesty International is concerned that the convictions of his two co-defendants, Sean Kelly and Michael Timmons, have still not been reviewed and we request that this committee recommend to the British Government that they be similarly reviewed as soon as possible.

I know that Mr. Kelly is here and will give more details on the current status of Sean Kelly.

In conclusion, allow me to state that Amnesty International believes that central to the functioning of any democracy is respect for basic civil liberties and political rights. The continued aberration of these basic rights has played a central role in the conflict in Northern Ireland. Any attempt to address the conflict must be coupled with a recognition that in order for peaceful lasting solution to occur human rights must be respected and be made central to the peace process.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Elahi and circulars appear in the appendix.]

Mr. SMITH. Thank you very much for your very fine testimony and for all of your insights and recommendations. And I am sure that many of the questions that my colleagues and I have, have really been answered preemptively by what you have said, because it was very thorough. But I do have a couple of remaining questions.

Obviously, this is another time of opportunity, with Tony Blair's new government, and it seems to me that we frequently review and press for human rights recognition and respect in some of the emerging democracies, particularly those that are in transition from communism to democracy. And usually the last part of the puzzle to fall into place is the judiciary.

But when you are talking about the United Kingdom, we are not talking about an emerging democracy. We are talking about a very mature democracy that has had a judiciary that has been imitated around the world. That is what is so disappointing and troubling when, by design, the emergency laws are crafted and implemented with such vehemence that people's fundamental, universally recognized rights are cavalierly abridged and desecrated.

I would like to ask all of you whether you believe that the emergency powers, the EPA and the PTA, are likely to be repealed by the new government, or at least overhauled and changed; whether you feel that, as we have seen in other parts of the world like El Salvador, a truth commission might be helpful. It could get a whole new set of eyes and ears looking at the old cases that still demand justice. As some of you have said today, until those are looked at there will continue to be a sense of violence. We see this with South Africa where old wrongs need to be righted, information has to be divulged, and complete transparency needs to be the order of the day rather than continued concealment. So I'm interested in whether you think that a truth commission might be something useful, or perhaps you think it's already happening.

Again, I'm also interested in the prospects for repeal of the emergency legislation and whether you think Tony Blair will seize this opportunity to take a fresh look at this and begin to work through it.

Mr. Posner, you look like you want to jump first.

Mr. POSNER. Sure. Let me take a start at that, and others I am sure will have thoughts as well.

As an incrementalist approach one would hope that the Blair administration, the Blair Government would begin to look at the emergency legislation, or probably look at some pieces of it where there is the possibility of providing some immediate relief. Access to counsel or the right to see a judicial official immediately after arrests, those are areas that could be immediately addressed in a way that—as Stephen Livingstone said—would give confidence to both sides. All parts of the community would see that there is some shift afoot and that the authorities are beginning to look at these issues in a serious way.

I am not persuaded that the Blair administration is going to do this without a collective effort on all of our parts to push them in that direction. That is to say, there is no indication thus far that they are about to take those steps. From our perspective, we are operating on the assumption that this is a moment where in the context of the peace talks these are appropriate issues to put on the table, to have a discussion with all the parties there, to say these are the kinds of confidence building measures that are going to advance the larger peace process objectives.

With respect to the truth commission, several people in our panel have referred to particular cases, the Patrick Finucane murder, the Bloody Sunday killings which occurred 25 years ago. In these and other key cases, there has been and continue to be calls for independent inquiries undertaken by the government. Perhaps this is the first step. There may be a broader effort to look at a whole range of cases, but, again, as an incremental step that would give people a sense of confidence. If the government were willing to go forward right now and say that they will pick a few very celebrated egregious cases and designate independent inquiries, I think that would go a long way toward setting a new tone for the situation.

Mr. SMITH. Mr. O'Brien.

Mr. O'BRIEN. I would like to endorse what Mike Posner from the Lawyers Committee has said. When the Labour party was in opposition for very many years they voted against emergency legisla-

tion. We were particularly disappointed to see that as the prospect of office loomed, their opposition weakened. It is by no means certain that the Labour Government will repeal emergency legislation.

One of the concrete things which we think they should do is to act to comply with one of the most recent rulings of the European Court of Human Rights in relation to the Murray case. That was one which found a violation of fair trial provisions of the European Convention. That was over a year ago, and as yet there has been no firm indication as to what will happen.

I think, given Labour's decision to incorporate the European Convention into domestic law, they will almost certainly have to make changes to emergency law. The extent of those changes remains to be seen. We feel very much that emergency legislation has been part of the problem in Northern Ireland rather than part of the solution, that it has led to human rights violations, that it is entirely counterproductive, that it feeds and fuels the conflict, and that it leads to alienation from the legal system. We would like to see the government acting quickly to repeal emergency law.

In relation to the point about truth commissions, certainly that is something of which there has been some discussion in Northern Ireland. The U.N. Human Rights Committee has called on the British Government to deal with outstanding cases of concern. Obviously, this is something which is relevant to victims on all sides of the conflict who have unresolved questions about what actually happened to their relatives.

There is an argument, however, that there has been virtual impunity in relation to human rights violations by the State, and that some mechanism in particular is needed to deal with those. One very concrete thing which the government could do would be to establish an independent inquiry into Bloody Sunday, and that is something which we would hope might take place in the not too distant future. We would very much welcome assistance from Congress, both in pressing for repeal of emergency law and for the tackling of these outstanding violations of human rights.

Ms. HALL. I would also like to add that it is important to remember that many of the abusive powers the police have derive from the emergency legislation. The geography of this is also tied to the emergency legislation insofar as the holding centers are specifically established to deal with persons who are picked up for political crimes under the emergency legislation.

So the language that the Labour Government has been using recently in terms of police reform necessarily indicates that the abusive powers in the emergency legislation would have to be reviewed if they are serious and committed to a reform of policing.

Mr. LIVINGSTONE. On the question of emergency provisions, I think it has been true for some time that it can be said that the emergency powers are not necessary; that there are quite sufficient, adequate powers in the ordinary criminal law in Northern Ireland to deal with the offenses committed, the violence, including political violence, in Northern Ireland.

Unfortunately, however, I think it is not clear by any means that the government will repeal these measures. I think it is disturbing, for example, that they have not taken action to repeal provisions on exclusion orders even though it does not seem that exclusion or-

ders are being used very much; the orders that are given to people traveling between Northern Ireland and Great Britain, or Great Britain and Northern Ireland. I think the use of these has decreased significantly. They could have been repealed but the government has not taken even that kind of step. So I think it is disturbing that they have kept those things.

With regards to the issue of a truth commission, I think that it is certainly my position that the government is already under an obligation to have independent and effective mechanisms of dealing with allegations of human rights violations, and those have not been put in place.

A broader truth commission from that may be, I think, of value to the conflict. But since that would need to address not only activities by the State but also activities by armed opposition groups and many unsolved killings or injuries undertaken by them, that may be something that has to wait until a more general political settlement, I suspect.

Ms. ELAHI. Congressman Smith, your question touches on the two important steps that the government needs to take in terms of confidence-building measures and addressing the peace process in a serious way in Northern Ireland.

Obviously, with respect to the truth commission, we believe that accountability is central to moving forward, and whatever the structure may be in terms of addressing past abuses such as an independent inquiry into Bloody Sunday, it is absolutely crucial that steps be taken in this direction.

And with respect to the emergency legislation, there are a number of structures that need to be looked at under that rubric, whether it is the Diplock Court system or the emergency legislation and other legislation that is being currently used that leads to human rights violations—all of that needs to be looked at and serious changes need to be made.

I would also like to mention that Amnesty International is this Friday releasing a document addressing an agenda on human rights for the new British Government, and we will be seeking meetings with a number of the Secretaries of State in Britain.

Mr. SMITH. Let me ask one additional question before you leave, Mr. King. In your testimony today, several of you noted—I think one of you actually said it—that there is a profound lack of confidence in the RUC, and I was wondering what your recommendation would be in terms of replacing especially egregious offenders of human rights in Northern Ireland.

One of the experiences we have had on this committee—and all of you as human rights activists know this as well—is that there are very often some people, particularly higher-ups in any given apparatus, with whom there is a problem, who are notable offenders.

What is being done to try to finger those individuals, particularly those who are collaborating with killings by the paramilitaries, but also those who commit the other kinds of crimes and are responsible for these human rights abuses when people are in detention?

And if you could, while you are answering that, tell us what the status is of the shoot-to-kill policy. What is the status of that in Northern Ireland?

Mr. POSNER. I will take the first part anyway.

One recommendation that has recently been made by a prominent former government official, Maurice Hayes, is to establish an independent ombudsman to investigate complaints against the police. And this follows an investigation that he undertook, through a process where he was asked by the government to look at the existing procedures.

It is clear that there needs to be some independent and effective process where people whose rights have been violated by the police feel they have a recourse and an effective remedy. I think his recommendations are very much in the right direction. We need to follow up on what he has proposed and to see that his suggestions are acted upon.

Mr. O'BRIEN. I think your question goes to the core of the problem in relation to accountability and this issue of impunity. For example, despite the fact that large amounts of compensation have been paid to people who were detained and abused during detention, no police officer has ever been disciplined as a result of physical ill treatment during detention under emergency legislation. And what we have in a sense is a system which is designed to ensure that there is no accountability—a system where lawyers are denied access to interviews. There is no independent record by way of audio and video recording, and these are all things which could and should be done to try to ensure greater accountability in that area.

The point which you made in relation to the judiciary is also particularly relevant if you reform the police and make a lot of changes to legislation. But if judges are still not prepared to believe that police officers can tell lies, then you have a very serious problem. We have particular problems which have to be addressed in relation to our judiciary. For example, not least, is the fact that there are no women judges in Northern Ireland, so there are big issues about representativeness in terms of the judiciary.

On the shoot-to-kill issue, the whole question of extrajudicial killings, that I think is one area where there has been some improvement. The incidence of these kinds of events has considerably decreased, and that I think is in no small measure due to the interest and attention of people around the world.

There have, however, been some recent disturbing developments in Northern Ireland in relation to the use of undercover soldiers and police officers, and where there have been shooting incidents, which could have led to fatalities in Northern Ireland and very fortunately did not. And so that is something which continues to require scrutiny, but is undoubtedly something where some progress was made in terms of actively limiting the number of incidents of this kind.

Ms. HALL. I would turn the Subcommittee members' attention to a recent report by Human Rights Watch specifically on the issue of policing, which contains five pages of concrete recommendations to the government of the United Kingdom and to the upper management of the RUC, the police force in Northern Ireland.

Of particular concern to us, of course, is the composition of the RUC in that it is 90 percent Protestant, 99 percent male, and 100 percent white. We realize that the demographics of Northern Ire-

land themselves speak to some of that, but certainly not to the religious composition.

One of the major issues for us is the collusion issue. While the complaints system may be effectively addressed through an ombudsman, we do not feel that an ombudsman is the appropriate mechanism for dealing with complaints of collusion. There is a classic blue wall of silence around this issue. Collusion may occur at the lower levels, but it certainly is implicitly endorsed at the higher levels. We feel very strongly that this is an issue that the government of the United Kingdom must take out of police hands in terms of an independent inquiry into both specific cases, like Patrick Finucane, and the overall culture of policing in Northern Ireland, which is heavily security-dependent and heavily dependent on silence between officers to ensure that any collusive activities that do take place at whatever level are never brought to light. There is no mechanism for transparency and understanding how collusion occurs. We direct most of those recommendations to the government of the United Kingdom specifically.

Mr. SMITH. If you could, Ms. Hall, provide us with a copy of those recommendations, we would make it part of our record.

Ms. HALL. Packets of the report were FedEx'd to all members of the Subcommittee last week. They are in your boxes.

Mr. SMITH. OK, thank you.

Mr. Livingstone, did you want to respond?

Mr. LIVINGSTONE. Yes, I think just on the policing question. I think, as I have already said, it points out again the need for adequate and effective scrutiny of the police. The government has made a number of attempts to revamp and change police complaints procedures, but none of these have established purely an independent side of the investigation. These investigations are still done by the police, even if they are overseen by members of the police complaints authority. And I do not think any of those have established the confidence of the public in those investigations. As Martin O'Brien has already said, none of these resulted in disciplinary proceedings.

On the issue of shoot-to-kill policy, I think as Martin said already, there have not been as many incidents. But I think when John Stalker wrote his book on his experience in investigating that policy, he said it was not that one finds any particular directive or notice pinned on the board or anything like that. His concern was more that a culture developed, and cultures like that can develop and decline. And I think that makes it even more important that one looks again at what happened in that period, and it is distressing that the government has still not published the full report of Stalker and Samson's inquiry. That is something, again, that the government could do urgently.

Mr. SMITH. Let me before I yield to Mr. King just say that, you know, recent history is replete with a number of leaders who when they took the helm immediately took action to replace violators of human rights. President Arsu and Guatemala comes to mind. I mean, in his first few days and weeks in office he sacked in excess of 100 generals and colonels who had very poor records on human rights.

So our hope would be that based on data, based on good facts, that there be some kind of urging of the elements of these abuses in the RUC and that it be done immediately by Prime Minister Blair.

Mr. King.

Mr. KING. Thank you, Mr. Chairman.

First of all, I want to thank all the members of the panel for their testimony. I think it was very illuminating and very detailed.

I would like to follow up on what Chairman Smith was asking, I think going to the root of the problem, about the RUC itself and the entire criminal justice system, because, for instance, we have just asked about the shoot-to-kill policy, and, yes, the shoot-to-kill policy is not as bad as it was several years ago. But you can find that with almost every element.

For instance, the torture in the prisons is not as bad today as it was 20 years ago. But then the torture was replaced by the super grass trials. And then there were the plastic bullets. We still have the denial of jury trials. So it appears as though there is almost like a seamless garment here where at every stage of the line the criminal justice system is perverted and it is distorted.

I just wonder if it can be reformed, because generally, whether it is this country or any country, if there is a particular agency which has corruption in it you can root out those who are guilty of corruption. If there is a police force where there is brutality, you can try to effectively address that brutality. But it appears to me that the entire criminal justice system is just filled with these types of human rights violations.

And I guess I could address this question to any of you, but maybe specifically to Mr. O'Brien first since he is actually on the ground. Does he see any way, do any of you see any way that the system can be reformed or in effect would you have to have a disbanding of the RUC and almost a total restructuring of the court system?

And also, if we are talking about a peace process and people in the communities having confidence, I mean, I have spent some time in West Belfast. I cannot imagine a family in the Twinbrook or Lenadoon or Andersonstown or Ballymurphy any time in the foreseeable future having any faith in the police department if there were just reforms made.

And the same with the court system, you know, obviously there must be some judges who are doing their job, and I am not trying to cast all of them the same. The fact is I think if you spoke to the average person in a working class area, either Nationalists or Loyalists, they would say they have no faith in the court system.

So I am just wondering, apart from the individual abuses that occur, if you are trying to talk about creating a system or a climate where people have confidence in the police, confidence in the courts, confidence in the prison officers; can that be done without almost a total disbanding and then restructuring of the police, the courts, and also I would add the prison officials?

I guess I will start with Mr. O'Brien.

Mr. O'BRIEN. I think the answer to that question lies in some of the comments which you were making earlier, Mr. King. Basically since the origins of Northern Ireland we have had a system of

emergency law, and there has never been a time when there hasn't been emergency law, and the nature of emergency law is that it has a particularly corrosive effect, and that it seeps into the way in which the whole system operates.

I think the picture which you paint is an accurate one in terms of the depth of distrust and the depth of the lack of confidence which many people have in the legal system in Northern Ireland.

Our approach in relation to the issue of policing, for example, has been to say that there are certain standards which a police force has to meet. Those are, for example, that it be representative, that it be accountable, that it be responsive to the needs of the community, and that it operate within internationally agreed human rights standards. The RUC currently, in our view, fails to meet those standards, and any police force which will command the confidence and the respect of people from across the community must meet those standards if it is to succeed. Historically, the rule of law has not applied in Northern Ireland, and we have at various points seen particularly graphic illustrations of that; for example, last summer. The challenge really is to put in place the rule of law, that means that no one is above the law and people are equal before the law, that the law is clear, fairly enforced. These are all principles which go right to the core of any legal system.

One of the concrete things which we are doing in relation to policing is looking at how other countries which have had similar problems, for example, El Salvador, South Africa and the Middle East, and countries like Canada and Spain and others that have had particular problems with aspects of their policing systems, have dealt with their problem. We will be publishing a major report in the autumn which seeks to learn from those experiences and give concrete examples of how you go about building a police service in which people can actually have confidence.

Mr. KING. I think that goes to the question, and we can ask the others to answer it though, are we talking about reform or are we talking about a new police force?

Mr. O'BRIEN. As I say, I think what we are saying is that the police service as it exists now does not meet these standards, and it would have to be transformed in order to meet those standards. We have not taken a position in the sense that this argument has been presented, as to disband or reform. We would not take a position on that argument. We would simply say that any police service needs to meet certain standards. The RUC fails to do this and it would require a considerable process of transformation if it were to meet these standards.

Mr. POSNER. If I can just follow up on that. There is this sort of surreal quality in some ways about the discussion we are now having. We are getting into the details of a lot of things that I think are rarely even mentioned in the context of the actual peace process.

And so when Martin talks about a transformation or a process of transformation, I think you are hearing from him and from all of us that there are structural problems in the emergency legislation, there are problems in the composition of basic institutions of government, the police is over 90 percent from one side of the com-

munity. These disparities create problems, and there is a history of bad practices, and no, or very little official accountability.

Those are the issues that ought to be on the table when people are discussing the future of Northern Ireland. And it is a process by which those discussions will lead to some resolution that will answer your question. I do not think any of us here are going to have the answer. It is clear that right now there is a problem in all three areas.

If I can just add one anecdotal reference. I know Michael Finucane is going to speak later. But when we went to look several years ago at the so-called investigation into the murder of Patrick Finucane it was quite startling to me. We went to the police, and they said there is an ongoing investigation, but we cannot talk about it. There were reports of army collusion. We went to talk to people who knew something about that, and they said, well, we cannot talk about it. There is somebody doing an inquiry about that. We went to talk to journalists and they said, well, you know, we know some things but we cannot say them because we may get in trouble with the authorities if we write about it.

There was a sense that the system was not working in holding violators accountable. It is clear that a violation occurred, and yet there has never been a serious investigation. That cycle of impunity has to be broken, and I think that is where I would start, at least in a few key cases, I would say let us make sure that somebody knows that the law is the law, and that it applies to officials as well as others.

Ms. HALL. I would also like to add just a short story about what happens when the police actually do their job and maintain the rule of law in conformity with international standards. One of the rare instances last summer where the police actually upheld the rule of law was in a small community, a Catholic community almost 100 percent, which gave Human Rights Watch testimony that they had confidence in the police that particular day with that particular incident.

So I think what Martin O'Brien says is really true; that when specific standards are maintained and the police pay careful attention to their obligations under the law, communities will take note.

This question of reform or disbandment dichotomizes in a way that leaves out the possibility that with a lot of work toward maintaining international standards, training in such standards and non-discriminatory composition the police force can do its job. What you may call a disbandment I may call a transformation. The ultimate goal is to get communities to take note, like this community did in the north. They said to us, "The police have never done anything for us before this day," but on that particular day the police did their job, they followed the law, and the community noticed.

Mr. KING. We are talking about anecdotal stories. I just asked Mr. O'Brien today on the issue of community confidence. If a home in Ballymurphy was burglarized, would the owner of the home call the RUC or the IRA?

Mr. O'BRIEN. I think it is extremely unlikely that they would call the police. If they were to, it might be simply for the purposes of making sure that they were able to claim insurance, for example. But generally speaking, I mean, the current situation is that in

particular parts of Northern Ireland there is virtually no confidence in the police force to do its job, and that has led, as Julia Hall referred to, to some quite appalling examples of informal community policing. If you have a vacuum in terms of policing, one of the things which can happen is that quite appalling mechanisms are used to fill that vacuum. So all of these issues are inextricably linked, and in some areas normal policing for all intents and purposes disappeared.

Mr. KING. Mr. Chairman, if I could ask Mr. O'Brien one further question.

One thing you touched on in your testimony that really struck me the most was the fact that during the cease-fire you are saying that the conditions of prisoners in Britain actually deteriorated.

Mr. O'BRIEN. Yes.

Mr. KING. Can you give any rationale for that because that was a time when confidence-building measures were being looked for? I mean, it would seem to me during the cease-fire—let me just back up for a second. All of you said, I think, that it is easier to have human rights respected in times of peace. Now, here you had a 17-month cease-fire, and yet during that time the British used the opportunity to treat prisoners even more badly than they had before.

Mr. O'BRIEN. Yes.

Mr. KING. Is there any political or any rationale you can give for why the British carried out that conduct during those 17 months?

Mr. O'BRIEN. That is a question which maybe should be directed at the British Government. More generally, I think, there was a tendency on the part of the government to treat human rights as bargaining chips. They were things to be given out as rewards for good behavior rather than as absolute rights. And the issue of prisoners was, I think, very much treated in the manner of something which gets traded on, rather than by complying with the internationally agreed standards.

We think that that is particularly unfortunate, and that the lack of movement in relation to human rights issues and the examples where further abuses continued contributed to the deterioration in the peace process. We think that that is a very important lesson to learn for anyone attempting to rebuild a peace process, that you cannot keep testing the peace, you have to build the peace. Building the peace means making sure that human rights issues are addressed. Not least among that is the importance of addressing the situation of prisoners. The testimony which Maryam Elahi gave from Amnesty went to some of those concrete points about the deterioration in the situation of prisoners.

Mr. KING. And this really is my final question. Do any of you at the table, anyone on the panel, assuming the government wanted to do it, do you think the jury trials could be restored in the north of Ireland?

Mr. POSNER. Why not?

Mr. KING. Well, over the years—

Mr. POSNER. I mean, the argument has been for a long time that it would be dangerous for people to serve on the jury.

Mr. KING. Right.

Mr. POSNER. They would be intimidated and so forth. There is some truth to that. But it is also true that we face lots of cases in

this society where people are involved in very politically sensitive cases, and we find a way to address concerns about the safety of jurors. And in the United Kingdom, which has a fine legal tradition, they also find a way. They have lots of sensitive cases where juries sit.

It seemed to me in the context of a lot of other things that have to be done in terms of dismantling the emergency, that this would be an important signal that there is confidence that the system can be just and fair. I think it would send a very important positive signal.

Mr. KING. Mr. O'Brien.

Ms. ELAHI. If I can just follow up on that.

Mr. KING. I am sorry.

Ms. ELAHI. Not only is it important to look at the issue of reestablishing jury trials, but to change some of the key elements of the Diplock Court, such as the admissibility and the right-to-silence issue and equal access of defense. So those need to be emphasized in terms of changing the structure of the Diplock Courts and moving toward a fair trial standard.

Mr. KING. Well, the reason I asked about the jury trials is that the British officials have said for years that they could not impanel juries because they would be intimidated by members of the community. And for someone who is on the ground, how would you feel about that?

Mr. O'BRIEN. I think it is quite interesting because when one looks back to the time when jury trial was abolished, there was no statistical evidence to establish the fact of intimidation of jurors and the perverse verdicts. In a sense, jury trial was abandoned in a very cavalier fashion in Northern Ireland, and the case that intimidation exists has never been effectively made.

Undoubtedly people would, I think, have fears in participating in jury trials, but one of the negative consequences of the abolition of jury trials is that you have a legal system which the public really is not involved in. If you want to build a society with a fair legal system and one in which people have confidence, then they need to feel that they have some kind of involvement in that.

Clearly, if jury trials were to be restored, and it is our position that they should be, particular measures would need to be taken in order to try to ensure the safety of jurors and representativeness in juries. One of the other reasons given for abolition was that jurors would enter perverse verdicts because they would look at the particular background of the person who is on trial, and then make their decision on that basis rather than on the merits. So those are all issues that would have to be looked at, but it has been our consistent position and remains our position that jury trials should be restored.

Mr. KING. Thank you very much.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. King.

Mr. Payne.

Mr. PAYNE. Thank you very much. I apologize for missing practically all of the testimony. I was really looking forward to it, but several conflicts that were unavoidable came up, and so it is dif-

difficult to question the witnesses by virtue of not having heard the testimony.

I do have a question though, and I am not sure whether it has been asked, about the RUC in general. And as you know, the argument goes that Catholics do not join because they feel reprisals from the community. You know, the other side, of course, indicates that it is clear that Catholics are not really welcomed.

I just would like to ask a question, and it may have been asked before, but do you think that the RUC can be reformed or transformed, or do you think that there would just have to be a totally new police unit?

One of the difficulties with a lack of an adequate police system is that people take law into their own hands, say, for basic crimes that normally a police department would investigate if their main function is other than dealing with just crime in the community, then people tend to take the whole question of enforcing law by virtue of vigilante types.

And so I guess my question is basically, one, do you think the RUC can be reformed? Two, do you think it would just have to be abolished and a new kind of a police department come in because in the absence really of a police too then you find that the military are the police, and military men and women are the worst police. In many countries, in Third World countries, currently even in the Congo, there is no police and the military are the police. Demonstrations by the new leadership there have been banned by virtue of the fact that military people inherently cannot police. They are a fighting force, and they should not be used for police duties.

So I just wonder about this whole question of RUC, whether it is possible to reform it or whether it would just have to have a whole clean sweep to begin again.

Mr. POSNER. We did discuss this a bit a moment ago. But to just put it in a different way, I think it is premature and it is probably not for us to answer the question you put to us. It is, it seems to me, part of a larger negotiation process by the political parties to figure out this structure or the transformation of the police.

What we are all clear about is that there is a serious problem there, and it is a structural problem. There are laws on the book which make it too easy for the police, for example, to have an opportunity to coerce confessions. That is a structural problem. It is part of the emergency legislation that has to be addressed.

There is a problem of the composition of the police. You are right in saying, and I think it is probably both things, that there is a lack of confidence in large parts of the community, particularly the Catholic community, in the police. Therefore it is hard to recruit people from those areas. And people who do join the police probably do feel threats. These problems have to be addressed as part of a comprehensive package.

And the third element is that there is a lack of accountability, and that is also a contributing factor to the problem. When the police abuse civilians there is no effective mechanism to make sure that they are disciplined or weeded out of the force.

I think you have to address this whole package. Each of these issues ought to be part of the negotiating process and a transformation will occur over time. Whether the police are organized in

a new force or reformed force is, I think, a question for another day.

Mr. LIVINGSTONE. Yes, I think one of the things that has to be said is that it is really getting this issue clearly established and getting the government to accept the need to review policing going on. There has not really been a review undertaken by the government of policing in Northern Ireland since 1972, despite the continuing problems with policing. And I think it is going to take that review to establish what principles are relevant to a police force, and then the outcome of that might be a new police force; it might be a reformed police force. But I think it is getting that process started is where we are at the moment. And rather than taking one position or the other at this stage, which I think forecloses the debate that needs to be undertaken, I think it is the development of that debate which I think is very important.

Ms. HALL. I would also like to add that this is not a phenomenon that is just related to the Nationalist community. I have noticed almost a presumption that it does just impact the Catholic Nationalist community. Much of the testimony in our recent report deals with working-class Unionist communities who likewise fail to have confidence in the RUC. When they call the police they do not come. If the police do come, the first thing they embark on is an effort to get either the perpetrator or the complainant to inform on potential terrorist suspects.

Mike Posner's suggestion that this become part of the debate is something that has great potential because it is not just one political party that actually sees it as a problem in their community.

We spoke with a number of the Unionist parties who also very clearly failed to have confidence in the police force. There is great potential at this particular point for this to become a subject of debate at the table.

Mr. PAYNE. Just on the whole question of marches with the marching season coming, of course we remember what happened at Drum Creek last year, and I was in Derry the week before. The march is when the debate was taking place and the discussion about whether the march along the wall should occur. As you know, I am not sure it was just the apprentices, but when the marches come through in Derry they, as you know in some instances throw pennies down to the side of the wall, once again showing this tremendous amount of arrogance and sort of reliving history.

And I wonder if anyone has any thoughts on this marching season since it is the 25th anniversary of Bloody Sunday. Do you think that perhaps an inquiry to begin before the marching season begins would be a way of bringing out discussions and seeing that we are even talking about apologies in this country? I am not sure whether we are looking for apologies. You know, that is a debate that has come up for different past actions.

Does anyone have any thoughts on the question of the marches in this season being an anniversary, which would tend to heighten tension?

Mr. O'BRIEN. This is something which is of particular concern. In fact, some of the marches have already begun, and within a matter of weeks this will be upon us. I think the particular issue which

we feel people can focus on and where something can be done to minimize the potential for conflict is to focus on the way in which the police police these kinds of confrontations. There is, it seems to us, a clear conflict of rights in this situation, and what is particularly important is that there is some kind of fair adjudication of that conflict of rights. Last summer we saw an appalling breakdown in the rule of law where the police effectively gave way to mob rule, leaving people feeling completely vulnerable. An internal police inquiry has itself been highly critical of the way in which the police policed last summer. It seems to us very important that there not be a repetition of the things we saw last summer, whereby peaceful protestors on the Garvarghy Road had plastic bullets fired at them, were physically assaulted and were verbally abused. Steps must be taken to ensure that there is no repetition of that kind of problem. It is very important to make sure that the massive use of plastic bullets, which we saw last summer, is not repeated this summer. The police in these situations have the potential either to aggravate or to bring some calm to the situation. Unfortunately, to date and very often their response has been to aggravate rather than to calm what is potentially a very explosive situation.

Mr. PAYNE. Just a last comment. You know, I do not know if you saw the news today that I think one of the British royalty saw a movie and there is a tremendous amount of discussion going on in England about the boys being taken to see the movie.

Anybody have any comment? Have you heard this new conversation that started yesterday?

Mr. KING. The movie was "The Devil's Own," and apparently Princess Di took her two kids to see it, and there is an uproar.

Mr. PAYNE. OK. Well, then, I just thought I would mention that. It certainly is going to be a matter of debate in the next few days there. It started yesterday, so you will probably hear more about it.

But thank you. I will yield back the balance of my time.

Mr. SMITH. Thank you, Mr. Payne.

Just let me note for the record—and if you would like to say something, please do—that Rick Lazio and John McHugh, both distinguished members from New York, have joined our panel.

Mr. MCHUGH. Mr. Chairman, if I might, as a member of the Full Committee, not a member of this subcommittee, I want to thank you for the opportunity to sit here and to hear these very distinguished panelists, and let me thank them for their very important work that they do. And I also want to thank you, Mr. Chairman, and the members of the Subcommittee for taking up this very important cause. The issue of human rights in Northern Ireland is a longstanding topic of concern for many members of this House. I think it is especially of concern to several of us who have been trying to work with you and other members who will be here today in trying to find a positive role for this House, for this Congress and for this country.

I also want to commend you before the second panel beings on the obvious quality of the panelists. There is a gentleman who will be appearing before you who, among his many distinctions, lives in the 24th congressional district, which I have the privilege of rep-

resenting. I am certainly looking forward to Mr. Wallace's testimony.

So I thank you, Mr. Chairman.

Mr. SMITH. Thank you, John.

Let me ask you this on behalf of Chairman Gilman. He wonders if each of you could indicate with a yes or no whether or not you support the McBride principles.

Mr. O'Brien.

Mr. O'BRIEN. We have been particularly active in the whole field of religious discrimination. This is a very timely issue because the Standing Advisory Commission on Human Rights is later this week to publish a report on religious discrimination in Northern Ireland. We very much hope that that will lead to concrete improvements in the legislation. It is clear that the McBride campaign here in the United States has played a very important role in moving forward legislative provision in Northern Ireland. Religious discrimination remains a very serious problem, and it is important that people in the United States continue to focus on these kinds of issues.

Mr. POSNER. We also take a strong position in support of efforts to address religious discrimination. We have not taken a position on the McBride principles.

Ms. HALL. Human Rights Watch endorses the McBride principles.

Mr. LIVINGSTONE. I think the McBride principle is a helpful contribution to the debate on firm employment action, and the review that will be published shortly is a very important one, and I think will lead the way for improvements in legislation on fair employment, which remains such a central question in Northern Ireland.

Ms. ELAHI. I do not have a position on it.

Mr. SMITH. I want to thank our very, very distinguished panelists for their expert testimony. There are many, many recommendations—

Mr. LAZIO. Mr. Chairman.

Mr. SMITH. Yes.

Mr. LAZIO. I wonder if I would just be permitted to ask a question. Thank you very much. I appreciate the courtesy and apologize for not getting here earlier. I was chairing my own hearing.

But I want to make just a brief comment if I could and ask one question. The comment simply has to do with, given my background in the law as a prosecutor, and Mr. King's background in the law as a prosecutor, I would suggest that both of us, if I could speak for him for a moment, are very highly offended by the pre-trial detentions and the erosion in the confidence in the rule of law in the area. And that is compounded by the punishment beatings. Until those issues are forthrightly addressed, I cannot see how we can begin a good faith discussion of restoring a sense of justice into the area, and I do not know what we can do, but it seems as though we need to provide more leadership from here in order to put pressure to ensure that both things are changed.

And if I can just ask one question, and that has to do with punishment beatings. Do you believe that because it happens ordinarily, evidently in the same community of the people, the paramilitary organizations that organize these horrific acts, have the paramilitary groups become so accustomed to this type of horrific

activity and retribution that they cannot be brought on board with the peace process; that they are so accustomed now to a culture of violence that you cannot see that reconciliation process bringing them into a more democratic, humanitarian process?

Mr. POSNER. I think in any conflict where there is despair and there is a sense that the political process has broken down and where the rule of law has broken down, there are people on the extremes on all sides who are going to essentially take any action to achieve their ends.

The task for us, for those of us at this table, for those of you sitting up there, is to break that cycle of violence. And what we have talked about here, very usefully this morning is how we can advance a law-based agenda, a human rights agenda into a peace process which is now very much underway. Chairman Smith and all of you who are interested, and there is obviously a great deal of interest here, ought to be joining forces, to go see, and send a "Dear Colleague" letter to Senator Mitchell. You should say that this is the moment where these sorts of issues—pretrial detention, access to counsel, basic human rights protections—ought to be more on the agenda than they are in the peace process. This is the central message that I hope you take from this hearing because there are a range of issues that are not being discussed which are essential to going forward in a larger peace process.

Once you succeed in that I think it isolates the extremes and it makes it possible to go forward.

Mr. LAZIO. Thank you. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Lazio.

I want to thank this very fine panel for their expert testimony. We look forward to working with you in the near future.

I would like to welcome our second panel, and ask our panelists to come to the witness table. And just as a matter of administration, I will probably have to leave for about 15 minutes, and Mr. King has agreed to take the Chair. The House, as you may know, is debating Most Favored Nation status for the People's Republic of China, an issue that I have been very active in, and I am the next to the last speaker before we go to a vote. So I will be called when my time comes up, and will be out of the room for that period of time. But thank you, Congressman King, for agreeing to do that.

Mr. KING. Sure. Mr. Chairman, at this stage could I ask unanimous consent to submit a statement for the record from Father Bryan Lennon on the firing of plastic bullets last year in Portadown?

Mr. SMITH. Without objection, so ordered.

[The prepared statement of Father Bryan Lennon appears in the appendix.]

Mr. SMITH. I want to welcome our second panel beginning with Michael Finucane, who is the eldest son of Patrick Finucane, a Belfast solicitor who was murdered in front of his family, as we know, in 1989. In his work for the Pat Finucane Center, Michael has actively sought justice and a full disclosure of the facts behind that crime.

The second witness will be James Kelly, who is the father of Sean Kelly, who was convicted and sentenced to life imprisonment for his alleged involvement in the killing of two British army sol-

diers in West Belfast in 1988, even though there was evidence that he was not at the scene of the fatal shooting.

Brenda Downes, whose husband, John, was killed by a plastic bullet in 1994, obtained an Honor's Degree from Queens University in 1993. In addition to her work with the United Campaign Against Plastic Bullets, Mrs. Downes is a women's development worker in the Beachmount area of Northern Ireland.

Edward J. Wallace is the national president of the Ancient Order of Hibernians in America. In addition to his 42 years of service with the Hibernians, Mr. Wallace has been active in the Knights of Columbus and is a member of the Pastoral Council of the St. Mary's Church in Clayton, New York, and we also know he is John McHugh's constituent.

And, finally, Mary Paglione is the national president of the Ladies' Ancient Order of Hibernians in America. Mrs. Paglione has also served as the national treasurer and secretary and vice-president during her 49 years of service to that organization.

And I would have to point out, John, that she is my constituent and very much welcome to the Subcommittee this morning.

Michael, we will begin your testimony at this point.

**STATEMENT OF MICHAEL FINUCANE, PAT FINUCANE CENTER,
SON OF PAT FINUCANE (DECEASED)**

Mr. FINUCANE. Thank you, Mr. Chairman. Mr. Chairman, I would like to preface my remarks this afternoon by extending on behalf of myself and my family very sincere gratitude for the invitation to testify here today. And I would also like to say that my remarks this afternoon will be a summary of a more lengthy document which I submitted to Congress sometime last week.

Mr. Chairman, members of the Subcommittee, my fellow speakers, ladies and gentlemen, my name is Michael Finucane. I am 25. I am the eldest son of Patrick Finucane, who was brutally murdered by a pro-British Loyalist death squad on the 12th of February, 1989. My father, who was a human rights lawyer practicing in Belfast, was shot to death in front of me; my younger sister, Katherine, who was 12; and my younger brother, John, who was 8; my mother, Geraldine, was also shot.

We were all sitting down to our Sunday evening meal when the assassins kicked in our front door and shot my father 14 times in front of all of us. The Loyalist gunman said nothing and fled immediately afterwards, leaving my father lying dead and bleeding on our kitchen floor. The Loyalist gunman who murdered my father issued a statement saying that he was a member of the IRA. They had to say that. Their statement was a coverup. It was a lie.

My father was not a member of the IRA. He was not a political activist, nor was he a member of any political party. He was a solicitor who vigorously represented his clients within the law. He sought the protection of British justice for his clients. He represented anyone who needed his expertise from both sides of the community.

Shortly after my father's murder my mother said that such was his dedication and professionalism, he would have defended the very people who murdered him.

From an early age I was aware that my father was doing important work for both prisoners and people who were under arrest or injured as a result of the conflict in Ireland. He represented the families of those killed by the RUC and the British army, exposing the injustices of the British political and judicial system.

It was only after his murder that I gradually learned about the circumstances surrounding his death. His successful pioneering work in the area of civil rights was the true reason for his murder. The large number of people who came to our house and to my father's funeral was a testament to the work that he did. There were many people from outside Ireland who attended. Many of his friends from the United States attended. Lawyers who studied the Northern Ireland legal system and who had concerns about its repressive nature were there. Lawyers from South Africa who were familiar with civil rights abuses and State-sponsored political assassinations were there. They all talked about his work and were devastated by his death. It was a very difficult period for my family.

The suspicious and controversial circumstances surrounding my father's murder have already been investigated by many international human rights groups. The National Council for Civil Liberties carried out an investigation shortly after his murder in 1989. Helsinki Watch investigated his murder in 1991. The Lawyers Committee for Human Rights investigated his murder in 1992. All of these distinguished organizations called for a full independent judicial inquiry into my father's murder. They are joined in this call by Mr. Louis Joinet, former United Nations special rapporteur on the Independence of Judges and Lawyers; Dr. Claire Palley, the British expert nominee to the United Nations on the Protection of Minorities; Peter Burns, the rapporteur in the United Kingdom for the Committee Against Torture; the Northern Ireland Standing Advisory Commission on Human Rights, Viscount Colville of Culross QC; Amnesty International; the International Commission of Jurists; Fédération Internationale des Droits de l'Homme; Committee on the Administration of Justice; Liberty; British-Irish Rights Watch; the Haldane Society; the Law Society of England and Wales; and the Association of the Bar of the city of New York.

The American State Department in its recent report to the Senate on human rights in the United Kingdom has also raised my father's murder for the second consecutive year.

My family and I are very concerned that the evidence available to us indicates a conspiracy at the very highest level of the British Government. Shortly before my father's murder, he was subjected to death threats from the Royal Ulster Constabulary, the political police force, which is 95 percent Unionist. It has been accused by many international observers of colluding with Loyalist death squads by providing information and support. The death threats against my father were recorded in his own handwriting when he took details from his clients who were held for interrogation in Castlereagh Interrogation Center. The Lawyers Committee for Human Rights were given these handwritte.1 notes.

In January 1988, a complaint was recorded by Amnesty International that a man who was severely beaten in Castlereagh was told that Patrick Finucane should be shot dead by Loyalists. In the

months that directly preceded his murder the death threats became more frequent. Three weeks before my father's murder, on the 17th of January, 1989, Douglas Hogg, the Parliamentary Under-Secretary of State for the Home office, as he then was, said in the British Parliament under privilege, and I quote, "I have to state as a fact but with great regret that there are in Northern Ireland a number of solicitors who are unduly sympathetic to the cause of the IRA." He gave no reason or justification for his statement, but simply said, and again I quote, "I state it on the basis of advice that I have received, guidance that I have been given by people who are dealing with these matters, and I shall not expand on it further."

John Hume's Deputy, Seamus Mallon, who was in the British Parliament that day immediately realized the implications of such a statement. His warning to Hogg that he had placed solicitors' lives in danger was proved grimly prophetic.

On the day after my father's murder many influential people called for Hogg's resignation. They could see a clear connection between my father's murder and Hogg's statement. Hogg refused to resign and was subsequently promoted. He became and remains the British Government Minister for Agriculture.

My father was murdered with a gun that was supplied by the British army, as discussed in the report of the Lawyers Committee for Human Rights. My father's murder was planned and executed by a British army agent, Brian Nelson, also in the report of the Lawyers Committee.

After my father's murder I worked in his law practice and I saw statements and talked to people who had been interrogated by the RUC in Castlereagh. I found out that members of the RUC gloated about my father's murder. They said things like, and I quote, "Ah no, it's Madden and Finucane, minus Finucane. Finucane was a bastard and it was a good job well done and he deserved it."

When another detainee asked for the firm, he was told, "Sure, that cunt is dead. I will go and dig him up." To another, "Who is your solicitor? Finucane? We'll arrange for you to meet him." And many other comments in language more offensive and derogatory were detailed in that 1991 Helsinki Watch Report, Human Rights in Northern Ireland.

I accuse the British Government of ordering and arranging the murder of my father. There is an obvious connection between the RUC death threats, Hogg's statement, the role of Brian Nelson, the origins of the murder weapon, my father's assassination, and the powerful motivation of the British Government to silence the embarrassing revelations of my father's successful human rights work. I am not the only one making this accusation.

On behalf of my family, I would ask for the support of this committee in calling for the establishment of an independent international public inquiry acting with full judicial powers to investigate the murder of my father and the continuing intimidation of defense lawyers. My father's murder will never be forgotten. Those who ordered his murder should not rest easy.

In South Africa today the Truth and Reconciliation Commission hearings show that the truth cannot be hidden forever. Those in

high places are just as accountable as other citizens for the wrongs that they do.

In order for my country to achieve peace and reconciliation the truth must prevail. Without it there will never be justice, and without justice there will never be peace.

I am not seeking revenge. I only seek the truth. The memory of my father and the courage he displayed in doing the work he did deserves nothing less. In order that my family and I can fully reclaim our shattered lives, we ask that the British Government conspiracy behind the murder of Patrick Finucane be investigated and exposed.

I would like to thank this honorable committee for its time.

[The prepared statement of Mr. Finucane appears in the appendix.]

Mr. SMITH. Mr. Finucane, thank you for that very moving testimony, and I can assure you that this subcommittee—and I believe we will have widespread support on both sides of the aisle throughout the Congress—will join you in asking for that international scrutiny, such as a commission to look into all the facts concerning your dad's murder. So thank you for that recommendation. We will follow up on that, I assure you.

Mr. FINUCANE. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Kelly.

STATEMENT OF JAMES KELLY, FATHER OF SEAN KELLY

Mr. KELLY. Chairman Smith and members of the Committee. Could I begin by thanking the Committee for their kind invite and for taking the time to hear our plea? My wife, Bridge, and myself are here today as part of our continuing fight for justice for our son, Sean, and his co-accused, Michael Timmons. I am happy to inform the Committee that I had to change my original submission for on Friday, June the 22nd, the Criminal Court of Appeal overturned the conviction of Pat Kane, another co-accused.

Sean and Michael are still serving life in prison for their alleged involvement in the tragic death of the two British army soldiers. The incident happened in March 1988 when two soldiers armed but dressed as civilians drove their car into the funeral cortege of Kevin Brady. Mourners believed the funeral was coming under attack and reacted. The car was attacked, the occupants were overpowered and during that struggle a shot was fired. The soldiers were taken into Casement Park. After a few minutes the soldiers were taken away and they were shot dead by the IRA.

Representatives of the ward's media attended the funeral of Kevin Brady. Pictures of the frenzied attack on the soldiers' car were flashed all over television screens. To understand why the mourners reacted so forcefully, a series of related events must be taken in account. March 1988 was a particularly traumatic period for the people of West Belfast. Previously, a Loyalist had launched a grenade and gun attack on mourners who themselves attended a funeral of the Republicans from West Belfast. The three had died in controversial circumstances at the hands of undercover soldiers.

The Loyalists' attack on the mourners in Miltown Cemetery resulted in another 3 dead and 68 injured. Kevin Brady was one of the dead and it was into his funeral the soldiers drove their car.

In view of the way Kevin met his death, it is little wonder the mourners reacted the way they did. We see the background and buildup of tension prior to the 19th of March is important. Yet, in the written judgment, the trial judge allotted just three links to the background. Sean and Michael were arrested almost 1 year after the event. They were charged and released on bail, and the trial took place almost 3 years after the incident.

Charged with aiding and abetting and procuring others in the murder, the men protested their innocence. After a 4-week trial the judge conceded the men could not be guilty of aiding and abetting the murder because they were not present at the scene of the shooting. After failing to prove any of the four elements of their charge, the judge found the three guilty by applying the principle of common purpose.

Sean and Michael are not guilty of murder. Neither of them attended the scene of the actual shooting; their alleged involvement ended at Casement Park. The two soldiers were taken from the park and driven to Penny Lane. There a struggle took place, ending with both soldiers shot dead. When the shots were fired, Sean was with me. I repeat, Sean was with me half a mile away from Penny Lane, and Michael Timmons was with the funeral procession to the Miltown Cemetery.

In another trial connected with this verdict, a different trial judge found a different defendant did not have the proper ground for murder. Yet that defendant was at the scene of Penny Lane fighting with one of the soldiers when the soldier was shot dead.

Neither Sean nor Michael knew the final attackers were gunmen. They did not know the soldiers would be killed, they did not agree with the death of the soldiers. Neither they nor we can understand how they can be held responsible for the actions of men they did not know, for actions not approved of, and carried out at a scene they had no knowledge of and did not attend.

We believe the principle of common purpose should not apply in this case for both the essential ingredients needed as proof are missing. One, there was no premeditation; and, two, there was no meeting of minds.

Sean was walking past the funeral when the soldier's car went on the pavement beside him. Neither Sean nor Michael could have known what was going to happen. None of the men charged knew each other prior to arrest. All attended Kevin Brady's funeral for different reasons, and they came to the scene from different directions.

It is accepted by everyone none were members of any Parliament or political group, legal or illegal, they were caught up in an unforeseen and unexpected incident. Neither of them left home with any preplanned notion or criminal intent on their mind. We believe the net of common purpose was cast so wide the prosecution did not have to prove guilt. The prosecution simply had to suggest the death of the two soldiers at the hands of the IRA may or must have been one of a thought which passed through the defendants' minds.

It seems that Sean and Michael are serving a life's sentence for a thought they may or may not have had, by the actions of men they didn't know and over whom they had no control. This convic-

tion should not be allowed to stand. The injustice must be addressed and we appeal for help to achieve that end.

Thank you.

[The prepared statement of Mr. Kelly appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Kelly, and I can assure you that we will do everything we can to see that justice is served. That is why we wanted you here to make this appeal. I am a father of four and I can just imagine how I would feel if one of my sons or daughters were accused of doing something that they did not take part in. So I want to thank you for your testimony.

Mr. KELLY. Thank you, Mr. Chairman.

Mr. SMITH. Mrs. Brenda Downes.

STATEMENT OF BRENDA DOWNES, CAMPAIGN TO BAN PLASTIC BULLETS, WIDOW OF JOHN DOWNES

Mrs. DOWNES. Mr. Chairman and members of the Subcommittee, I thank you for this opportunity to testify on the use of plastic bullets. I have traveled here today with Bronagh Groves, the daughter of Emma Groves, who was blinded in 1971 with rubber bullets. I am here representing the United Campaign Against Plastic Bullets. I will give a small summary of our written testimony that has been submitted for records.

I want to start off this delivery by thanking the people gathered here today who have shown an interest in these plastic bullets, not only in Ireland, but throughout the world.

My name is Brenda Downes. When I was 21, my husband, John Downes, was shot dead by a plastic bullet in Belfast. This happened when Martin Galvin was attending a rally in commemoration of the introduction of internment. Internment was a device used by the British Government to detain people whom they suspected of being members of illegal organizations without trial or jury. It was an event which was commemorated by the Viseles community in the north of Ireland because they were the community which suffered most from the introduction of internment. They were protesting against what they saw as indiscriminate use of power to detain people without trial or jury.

My husband, John, was 22 years of age when he was shot dead by an RUC man. He was a young man. He had so much to live for, but his life was cut short by the indiscriminate use of plastic bullets by the RUC. When people talk about plastic bullets, they have a vision of a bullet which does not kill or maim. The fact of the matter, however, is that 17 people have been shot dead by plastic bullets. Seven of those victims have been young children, as young as 10 years of age.

When I speak here today, however, I speak in the capacity of a person who is totally committed to the banning of plastic bullets throughout the world. They are a lethal weapon, and the terminology of plastic bullets would suggest a weapon which does not maim or kill. The fact of the matter, however, is that they do kill and maim. I was 21 when my husband, John, was shot dead. We were a newly married couple. We had a daughter called Claire, and we both had so much to live for.

The unfortunate reality, however, is that the future which we could have had was cut short when my husband was shot dead by a plastic bullet.

When John was shot dead, however, I was left in a situation where I had to care for my daughter, Claire, and initially did not cope with the situation. I was prescribed tranquilizers by a doctor, and remained on those for a number of months. I could not cope with life. But I realized then, as I do now——

[Pause.]

Mrs. DOWNES. Sorry.

[Pause.]

Mr. SMITH. There is no hurry, so please take your time.

Mrs. DOWNES. May I just take a moment?

Mr. SMITH. Sure. Absolutely.

Let me just note for the record that Congress has not had hearings on the human rights situation for Northern Ireland before, as far as I know. The House has not done so before. But I was approached by friends from the Hibernian Civil Rights Coalition, Joe Barrett, Ms. Lynch, Ed Ahern, and from the Ancient Order of Hibernians, Joe Roach and Mary Paglione. They suggested a hearing and brought me volumes of information on how bad the situation is, and suggested that perhaps we were at a moment of change. At that time, they were talking about the upcoming elections and whether it would be appropriate and timely to do one immediately after the election, especially if a new government were to be elected.

So I want to thank them for their concern about the human rights situation there. As all of the speakers have said, the key is human rights. If we are going to have confidence going forward, respect for the individual seems to be paramount, and we will ratchet up the pressure now. I can assure you that we will not let go, and I speak, I know, for members of our subcommittee. Friends do not let friends commit egregious human rights abuses. If we are such great allies with the British Government, then we need to speak loud and clear about the need for reform in the north of Ireland. The time has come. No more delays. This is a ripe opportunity. Hearing these very compelling stories of grieving family members puts a burden on each of us that is not easily relieved to try to help them secure justice, reconciliation, and hopefully peace and democracy in the north of Ireland.

Brenda, if you would like to continue.

Mrs. DOWNES. I joined the campaign for the ban of plastic bullets and for a number of years I have campaigned throughout the world in order to generate enough pressure to have these bullets banned. I do not come to the hearing looking for sympathy. I come to this hearing hoping that enough pressure is put on the British Government to ensure that plastic bullets are banned.

I think of my own situation, and the effect which these plastic bullets has had on my own life and that of my daughter, Claire. I also think of Julie Livingstone, Carol Ann Kelly, and I ask myself why. They were children. They offered no threat to anyone, but their lives were cut tragically short by a plastic bullet. I also think of Emma Groves who has been an inspiration to me and she was blinded in her own home by a rubber bullet.

The use of plastic bullets is wrong, and I am of the opinion that this hearing should follow the example of the European Parliament and most European countries and demand that plastic bullets be banned. The campaign for the banning of plastic bullets is an apolitical organization. We stand for the right to life, and our campaign is geared toward ensuring that there are no more deaths or fatalities because of the use of this plastic bullet.

I realize that when I speak here today I do so in the capacity of a person who has witnessed first-hand the impact which a bullet can have on peoples' lives. Recently, a report has been published highlighting the fact that the RUC, British army, were using plastic bullets which were more lethal than what the British Government was prepared to admit.

Last summer more than 6,000 plastic bullets were fired in 1 week, the normal average for a year is 1,000. We need your help to ensure that these plastic bullets are not used this coming summer during the marching season. One and one-half million pounds, equal to three million dollars, has been paid in compensation to families and individuals who have been maimed or killed by the plastic bullets. Is this a situation that any democratic party or government can allow to continue?

I am of the opinion that if you believe in democracy, then you believe in the right to life. If you believe in the right to life, then you will demand that plastic bullets are banned not only in Ireland, but throughout the world.

Again, I would like to thank you all here for hearing this testimony. As has been the case in the north of Ireland, we have never been given justice. No prosecutions have ever taken place. No accountability. The police are a law unto themselves. They kill, maim children, men, women with this indiscriminate use of plastic bullets.

Again, I would just like to take this opportunity to thank you. [The prepared statement of Mrs. Downes appears in the appendix.]

Mr. SMITH. Thank you, Mrs. Downes.

Mr. King.

Mr. KING. Mr. Chairman, could Mrs. Groves' daughter identify herself? Thank you.

Mr. SMITH. Thank you, Mr. King.

Again, Mrs. Downes, thank you for your testimony, and we will do what we can, and I do agree with you.

Mr. Wallace.

STATEMENT OF ED WALLACE, NATIONAL PRESIDENT, ANCIENT ORDER OF HIBERNIANS

Mr. WALLACE. Thank you, Mr. Chairman. I welcome all the Members of Congress. I welcome my Congressman, John McHugh, and bring greetings from northern New York, commonly known as God's country.

For the record, the Ancient Order of Hibernians traces its roots back to the 1500s in Ireland when Irish people found it necessary to ban together to defend their faith and their fatherland. With the great wave of immigration in the early 1800s, it was found necessary to establish the Ancient Order of Hibernians in the United

States, which was done in 1836. Again, to help the immigrants defend themselves against discrimination, their faith and their ancestry. We continue today on a daily basis to support human rights for our people here and in Ireland.

So, thank you, Chairman Smith, not only for the opportunity to share the views of our membership with you, but your leadership and that of the members of your committee in taking up this critical task.

In our view, America has a unique contribution to make to the resolution of the conflict and to the protection of human and civil rights for all in Ireland. The political landscape in England and Ireland has changed dramatically in recent weeks, and the United States is presented with a window of opportunity to express its concern and demonstrate its resolve in promoting the justice upon which peace can endure.

First, I must emphasize that Hibernians seek the use of non-violent means to restore the unity to Ireland lost when Britain chose to unilaterally and undemocratically partition Ireland with a lot in 1919, for which not one Irish vote was cast.

The violence used by the British and their Loyalist allies fails to receive the attention acts of Nationalist paramilitaries are given. It would no doubt surprise you that nearly 900 innocent civilians, amongst one-third of the total casualties, have lost their lives to those who claim to be for law and order, democracy, and who have foresworn violence. The index of deaths, 1969 to 1994, by Malcolm Sutton, portrays the conflict quite a bit different from the one often seen in the U.S. media.

The AOH abhors the use of violence. The AOH condemns the use of violence on both sides. Violence is a dead end, and only unconditioned dialog in the cause that brings us here today, the protection of human rights, will bring peace to Ireland.

First, a core problem which was created by the British to sustain the statelet is anti-Catholic discrimination. Most particularly, in employment. In the McBride Fair Employment Principles, named after the famed Irish nobel peace prize honoree, Dr. Sean MacBride, Americans have a way to ensure that their economic clout, whether by investment or purchase power, promotes fair employment in the north. The principles were supported in the 1996 platforms of both the Democratic and Republican parties.

Republicans supported private investment in the North, fully consistent with the MacBride Principles for Fair Employment in order to address the systematic discriminatory practices that still exist against Catholics in the work place. I applaud your followup, Mr. Chairman, to that commitment by inclusion of the Principles in the bill recently reported from Chairman Gilman's International Relations Committee, and which links the Principles to recipients of money from the International Fund for Ireland.

Second, I draw your attention to a resolution adopted by larger Irish-American organizations this past March 15, 1997. The use of plastic bullets in the North, although introduced as an alternative to regular bullets, has had deadly consequences. The RUC and British army have killed 17 people, 16 Catholics, and permanently maimed hundreds of others, including most recently, Kevin

McCafferty, a 16-year-old from Derry who lost his eye to a plastic bullet at Union Hall Place last year.

In this issue we find ourselves in rare agreement with the *New York Times*, which has called upon Prime Minister Blair to ban their use as a confidence-building measure. We appeal for this committee to join the European Parliament, the Irish Bishops Conference, the U.S. Conference of Bishops, and Physicians for Social Responsibility in opposing the use of these devices, which are banned from use throughout the rest of the United Kingdom.

Third, the true work of peace is to work for measures that will promote justice. Such measures come in many shapes and sizes. The corruption of law which wrongfully imprisoned the Birmingham Six and the Gilford Four, to achieve political ends is ongoing with cases like that of the Casement Three, and that of Danny McNamee, and the punitive detention of Roisin McAliskey. Your expression of concern might serve to expose these injustices to the light of truth.

During the period 1989–1992, nine Sinn Fein-elected officials and campaign workers were slain. Since 1992, five more campaign workers have been murdered and dozens more are regularly detained without charge during campaigns. No other party in a modern democracy has experienced such persecution, which usually begins with the RUC telling a person that his or her file has suddenly “gone missing.” The collusion of security forces in this campaign to derive Nationalists of their right to participate in the political process is apparent to all not too blind to see.

As elected representatives, you can campaign here free of such violent intimidation. Your further inquiry into this campaign to silence Sinn Fein could prove critical to restoring a true democracy to the political process in the north.

Finally, I would appeal to you to specifically question on behalf of members of our organization who are imprisoned in the North. Suffice it to say we believe their term of imprisonment should be reduced by the time they spent in confinement in this country while we and most other Irish-American organizations supported their lengthy battle against deportation and extradition. This is a humanitarian plea on behalf of their families, and in the interest of promoting the healing so necessary for the reconciliation of the divided communities. I would ask that this committee or its members individually write to Dr. Mowlam, the Secretary for Northern Ireland, and that the time in America be credited to their original sentence.

Mr. Chairman, I thank you for your attention to my testimony and ask that it may be included in its entirety in the record of these proceedings.

Mr. SMITH. Without objection, Mr. Wallace, your full statement will be made a part of the record, as will all the others.

[The prepared statement of Mr. Wallace appears in the appendix.]

Mr. SMITH. Before going to Mary Paglione, let me thank the Hibernians again for the work that you are doing. I think that there is a much more energized effort underway to make Americans, particularly Americans of Irish descent, more knowledgeable about the ongoing human rights abuses in the north of Ireland, and about the

fact that the only way to attain a just and sustainable peace is to address the human rights question, aggressively, honestly, and transparently. So I want to again thank the Hibernians for your leadership on this.

Let me also acknowledge that Congressman Neal is here. If you have any comments, you are welcome to make them.

Mr. NEAL. I will wait.

Mr. SMITH. OK, thank you.

**STATEMENT OF MARY E. PAGLIONE, NATIONAL PRESIDENT,
LADIES ANCIENT ORDER OF HIBERNIANS IN AMERICA**

Mrs. PAGLIONE. Mr. Chairman, thank you for this opportunity to address this committee. I am Mary Paglione, president of the Ladies Ancient Order of Hibernians in America.

The LAOH was established in 1894, and now has over 11,000 members from all over the United States. Like the AOH, we are committed to our Irish heritage and our Catholic faith, and support our brothers and sisters in all of Ireland.

Despite the circumstances that force many of our ancestors to these shores, we are proud of the Irish contribution to America, and even prouder now to have the opportunity to give something back to Ireland; hopefully, peace with justice.

The very real and systematic abuse of human rights that have taken place in the six counties of Northern Ireland are a matter of utmost concern to the members of the Ladies Ancient Order of Hibernians. In August, 1995, on a tour of Ireland with the officers and members of the LAOH and the AOH we participated in a mass at the cathedral in Armagh. A woman approached me and two other officers who were wearing officers' sashes that are orange, white and green, which is the color of the Irish flag. Her statement to us was, "My, but you are brave to wear the tri-colors here." At that time we thought little of it. Yet it shows the fear that the residents of that area live under.

I will not try to enumerate the specifics or try to point out to you the most horrific instances. That we are here today indicates that the problem is at last being addressed by the appropriate body, the U.S. Congress. You have already heard many distinguished panelists give their views today. I would like to offer mine from the perspective of an Irish-American woman, wife, and mother.

For each act of abuse, there is a shockwave of victims. Each victim of abuse is a son, a husband, a sister, a daughter. Their pain is not felt alone. It is no surprise that the loudest voices called for peace in Northern Ireland are those of women. Being a Catholic woman in Northern Ireland carries with it the double burden of discrimination, a system that ridicules your religion, allows church goers to be pelted and stoned on the way to mass, and then places women lower on the employment list than any other category. It is not only abusing basic human rights, it is an affront to human dignity.

The LAOH has always been concerned with human rights abuses in Northern Ireland. I recently appointed Eileen C. McNeill of Ohio, chairperson, National Office of Catholic Action, to serve with me on this committee. The LAOH is participating in a prisoners dependents' fund, St. Paul's Parish Church in Belfast, to assist with

their building fund. Our record of donations to human rights funds is well documented. The LAOH has been constant in prayers for peace and justice throughout our history.

As a resident of Florence Township, Burlington County, New Jersey, I live within the 4th Congressional District represented by Congressman Christopher H. Smith. I thank you, Chairman Smith, and the members of this committee on behalf of the Ladies Ancient Order of Hibernians in America and all women of goodwill. I urge you to pursue with appropriate legislation and the moral authority of these United States an end to the abuse of basic human rights practiced in Northern Ireland with great dispatch.

Thank you very much.

[The prepared statement of Mrs. Paglione appears in the appendix.]

Mr. SMITH. Mrs. Paglione, thank you very much for your testimony and for your leadership on this issue.

Let me ask one general question, and perhaps our witnesses from Ireland will take a stab at this first. Now that the baton has been passed to the Blair Government, do you believe that there is a heightened sense of expectancy and hope? There is also the fact that our own President is more energized on this—and the Congress, I believe, is now going to step up to the plate and do what it ought to do, and become more aggressive in our relationship with the United Kingdom. As a friend of the United Kingdom, we must demand that there be true justice and respect for human rights.

It is easy to criticize a developing country, a Third World country, which has little or no commerce or cultural contact or ties with us, and much harder when it is a good ally that was with us in the Persian Gulf. But I think it is all the more reason why we need to speak out loud and clear, with a lucid sense of what the problem is.

Is it your sense that there could be some changes in the offing?

Mr. FINUCANE. I remain optimistic that change will come from the point of view of President Clinton's involvement, and I think, and I am sure Jim will agree with me on this, you would really have had to have been present in Belfast the day he made his appearance with the First Lady. It was quite an undescrivable feeling. The people were lifted immeasurably. There is really nothing I can compare it to that would do the occasion justice. And President Clinton's involvement is vital because through his influence on the mechanisms of the two governments, and when they come together it can make a very, very serious difference on the ground.

The noticeable absence of RUC officers and army soldiers during the cease-fire in which America played no small part was commented on on a daily basis by the people of Northern Ireland.

But as far as that involvement is concerned it needs to be continuing, and Mr. Blair, it must be said, is in a different position from his predecessor in that he has a strong government majority and is not beholden to independent elected representatives who may hold the balance of power. I think that majority should be used and used to good effect.

And although from my own point of view I remain optimistic, the lessons of recent years have shown that optimism can be very short lived if action is not taken.

Mr. SMITH. Mr. Kelly. Thank you.

Mr. KELLY. Initially, when we received the invite to come and address this committee we were well pleased and remain well pleased, and the intention of coming here was we realize that your voice, the voice of your government here, your committee here, could have wide-ranging implications for persuading, as you put it, your friends in the British Government to address our issues, the issues that we are here representing all the person cases.

Our hope remains that that in fact will be the case, that we have been able to convince you of the right of our case, and that you will take that, button up and carry it forth on the thing. However, we get conflicting readings from the British Government. On one hand, we hope. He seems open to persuasion, open to change, and on the other hand, we get the like of the government who have not addressed and could have addressed a couple of other issues, and not specifically our own. And so we are getting conflicting messages across. Nobody knows where we are going, what the strength of the government will be.

However, we cannot overemphasize your part in persuading your friends to adopt the right course of action here, and if that is of any help to you.

Mr. SMITH. Thank you for that insight. And Michael, thank you.

Mrs. Downes.

Mrs. DOWNES. Sorry. I did not hear what the question was.

Mr. SMITH. The question had to do with whether or not this was an opportune time for the Blair Government to take action, whether or not there was hope and some expectation that a new day may be dawning. Will he seize this opportunity?

I think you were out of the room when I said that I can assure you that our committee will begin earnestly ratcheting up as much pressure as we can muster in this regard because I do believe that the time has come for change. Enough is enough. We need to speak out in a bipartisan way, which I believe we have been doing, but we will do so even more earnestly now.

Mrs. DOWNES. Well, coming here today I have expectations. I have high expectations that you will put enough pressure onto the British Government to expose the injustice and to ban the plastic bullet. Members of our campaign met with the Labour Government when they were not in power. They gave reassurances that once they did get into power, that they would then ban the plastic bullet. Since they have taken up their position, there has been no forwarding suggestion that they are going to ban the plastic bullet. So I do feel that pressure from yourselves could enhance their knowledge and to ban the bullet.

Mr. SMITH. One of the reasons why we thought you should be here is to amplify that message. I do believe that there is unanimity on the part of Members of Congress that the use of plastic bullets remains an abuse of rights, especially with 17 people dead, many of them children. It is an impermissible means of crowd control. And so, again, that is why we wanted you at the witness table today, to try to amplify that message.

Mr. Wallace.

Mr. WALLACE. Like Senator Mitchell, our organization remains confident and optimistic that the peace process will get back on

track. With the efforts of President Clinton, who I had the opportunity to thank personally for his efforts, he took risks that previous Presidents who also claimed to have Irish ancestry would not take the risks to bring the abuses in Northern Ireland to light.

But with some of the changes such as the election of Prime Minister Blair and a Nationalist mayor of Belfast, some of the key players and increased focus on Northern Ireland and also with hearing what Congress is doing here in the United States, we remain optimistic that things would get back on track, and that overwhelming pressure would make a difference. As you said earlier, if the Brits claim to be our allies, then why do they not make some changes? It is not going to take a bandaid approach. It is going to take major surgery to have some real reforms to the situation.

Mrs. PAGLIONE. All I can say at this time is that I will have to put my faith and trust in Congressman Smith and his committee as a constituent of Congressman Smith. I know that any task that he has taken, he has worked to the utmost to find a solution. So I therefore can only pray that this committee will follow through and see that there will be peace and justice in Ireland.

Mr. SMITH. Let me ask one final question before yielding to Mr. Gilman who has to get back to the floor. I asked earlier about the repeal of the emergency powers legislation, the PTA and the EPA, and whether you think that is probable under the Blair Government. It seems to me—and our previous witnesses spoke very eloquently about this—that human rights have to be central to the peace process, not a tangential issue, but right at the core. The ultimate confidence builder would be a bold initiative, perhaps in the area of human rights.

Prime Minister Blair has a golden opportunity, if only he would seize it, and perhaps he will. This could help move the peace process along mightily.

Regarding the repeal of the emergency powers, do you have hopes on that, Michael?

Mr. FINUCANE. Yes, I do. I think that many, many aspects of the emergency legislation that is in existence in Northern Ireland runs contrary to the spirit of the common law—

Mr. KING. Would you speak up a bit, please?

Mr. FINUCANE. Sorry. I think it completely flies in the face of accepted international standards. It runs contrary to the common law as espoused by all other parts of Britain, and many, many aspects of the emergency provisions have been condemned by European courts and also other international courts.

From my point of view, I can say that one of the circumstances which contributed very, very strongly to my father's death was a particular provision in the emergency legislation which excludes lawyers from interrogation rooms while persons are under arrest and being questioned by the RUC. And I think that one way of perhaps persuading the RUC to act in a more professional manner when interrogating suspects, and also to establish another fundamental right of an arrested person, that he have his lawyer present during questioning, I think that particular part of the emergency legislation should be repealed.

And it is worth mentioning that the same law, the Prevention of Terrorism Act, which runs throughout Britain and not just in

Northern Ireland, in the rest of Britain lawyers representing clients detained under the Prevention of Terrorism Act have been allowed in to attend interviews. But the same piece of legislation when operated in Northern Ireland has been operated in a completely different fashion.

And it is also worth mentioning that the discretion as to whether to allow a lawyer to attend upon his client while in custody is a complete discretion at the level of a senior officer of the RUC. The comments that I referred to earlier in my testimony I daresay would not have happened had my father been in the room.

Mr. SMITH. Just let me add something before Mr. Kelly responds. "At the Crossroads: Human Rights in Northern Ireland Peace Process," is a study put out by the Lawyers Committee for Human Rights. In it, they make the point that when somebody from the RUC is charged with something—a soldier or police officer—they are never detained for 7 days. And they also point out that they have access to counsel of choice, which is never denied to agents of the State under investigation for offenses.

So when the accusation goes the other way against somebody from the RUC, full access to a legal counsel is provided.

Again, there is this double standard. I noted at the outset of the hearing that it is inconceivable to me that we continue to have a double standard when this mature democracy known as the United Kingdom, with all of its hallowed principles in the area of jurisprudence, would so cavalierly disregard them for people in Northern Ireland. But they do not disregard it for their own people.

Mr. FINUCANE. I think it is also worth mentioning that for the first 48 hours a person cannot have a lawyer at all, and no consultation is allowed, and it is usually in this 48 hours that the most damaging admissions are made by detainees when very often they are disoriented, confused, and under the severe pressure of rotating of RUC detectives who are trained to get admissions by any means at their disposal.

Mr. SMITH. Is most of it physical or psychological?

Mr. FINUCANE. These are cases of both types of pressure, and in some cases are well documented. The case I referred to in my testimony involved a man who after having been arrested was taken to Castlereagh Interrogation Center and was beaten so badly that one of his ear drums was perforated, and he spent some time in the hospital after that, after being released from Castlereagh.

Mr. KELLY. I would, of course, like to see the repeal of the Emergency Provisions Act because it was actually under the Emergency Provisions Act that the Diplock Courts were set up, and it was in the Diplock Courts that Sean was tried and convicted. And all independent observers who have studied the transcripts of the trial and the trial judgment all agree that if these three had come before a jury court, that they would not have been convicted.

I would welcome the repeal of the Emergency Provisions Act. However, whether it is likely to be repealed prior to any sort of settlement is a matter of conjecture. I do not know what Tony Blair he will do. He might have the strength to do that where he has not got people looking over his shoulder, where maybe with the backing of your own government he might feel that he is able to take on that burden.

Mrs. DOWNES. I would also like to see a repeal of the emergency courts. Again, when you look at the whole legitimacy of the police and the British soldiers under this legislation and these laws, they act with carte blanche and are not accountable to anybody, so I would also want repeal on those grounds.

Mr. WALLACE. I would agree that for long-term peace and justice that those particular laws, even though they are called emergency, would have to be repealed, even though many times this window dressing that they remove an offender it seems as though instead of just changing the players, you would have to change the rules also. And for fairness. We know our country is not perfect, but our system works, and they should take examples from us. Perhaps this committee might put together an advisory committee to go over and offer a bit of education in their justice system.

Mrs. PAGLIONE. I have to agree with the previous speakers and with Mr. Wallace that things will have to change. We will try to change here in our country and hopefully they will change in Ireland and the repeal of the act is taken care of.

Mr. SMITH. Thank you very much.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I regret I had to be on the floor. We have a little matter of the Most Favored Nation debate on with China, and my staff has brought me up to date.

I was just reading the background on John Downes' slaying, and Mrs. Downes, let me ask you, have you ever received a death certificate?

Mrs. DOWNES. I eventually got a death certificate 7 years later.

Mr. GILMAN. You did receive it, you say?

Mrs. DOWNES. Seven years later.

Mr. GILMAN. And what did the death certificate show as cause of death?

Mrs. DOWNES. Hemorrhage to the heart.

Mr. GILMAN. Are you aware of where these plastic bullets are made? Have you ever heard any information about where they come from or where they are manufactured?

Mrs. DOWNES. They had been made here in the United States, a company in Alabama had been making the plastic bullets. Emma Groves traveled here a number of years ago, along with another young fellow from Derry who also lost an eye, and the company making them stopped.

Brocks in Scotland had been manufacturing plastic bullets. We campaigned for a number of years. They then ceased to make them. But a new company, Standard, took over their contract. We have with us additional information which will be submitted that has a whole list of places who are manufacturing these weapons.

Mr. GILMAN. Can you submit that information to our committee?

Mrs. DOWNES. Yes.

Mr. GILMAN. We would welcome that.

Allegedly the purpose of these bullets is to try to deter the use of petrol bombs against the police, but we cannot understand why they have not been used against numerous reported instances of fire bombings in Great Britain.

Mr. Chairman, I would like to ask to be included in the record a list that I have of some recent riots involving petrol bombs in

England where no plastic bullets were ever used, if that could be made a part of the record.

Mr. SMITH. Without objection, so ordered.

Mr. GILMAN. Thank you very much.

[The material appears in the appendix.]

Mr. GILMAN. Mr. Kelly, what did the British authorities do to investigate or follow up on the witness, the former school teacher of Sean who was on the site and said he did not go into the park where the soldiers were taken? Did they ever follow up on that?

Mr. KELLY. That schoolmaster has never been interviewed. And I met one of Sean's former teachers, and a lot of years after Sean was convicted, as a matter of fact after his first appeal was refused, and during the course of conversation it emerged that he had seen Sean outside the gates of Casement Park. This, he believes, was at the time when the gates to the park were closed, and the soldiers were inside the park. He gave a statement to a solicitor and that statement was forwarded on, and it was the Committee for Alliance of Lawyers from here in the States who actually included it in a submission to the then Secretary of State, Patrick Mayhew.

I was talking to Fergus, the school teacher, not less than 3 weeks ago, and up until that date he hadn't been interviewed.

Mr. GILMAN. But that statement was made part of the record?

Mr. KELLY. That statement was made part of the record.

Mr. GILMAN. And who submitted this statement? You say the Alliance of Lawyers?

Mr. KELLY. The American Alliance of Lawyers for Justice in Ireland. It was part of the coordinator, Ed Lynch's submission to Patrick Mayhew looking for a referral of the cases back to the Court of Appeal.

Mr. GILMAN. What is the status now of your son's case? Is it being reviewed?

Mr. KELLY. That former Secretary of State Patrick Mayhew had actually considered the cases of the three men and decided to refer the case of Patrick Kane alone on the grounds of Patrick's slow IQ and his hearing difficulty. He refused the request to send Sean's and Michael Timmons' case back to the Court of Appeal.

The British Government set up, I believe it was in April, a new commission to look into miscarriage of justice and the case has been referred to them. However, how long their consideration will take, I have no way of knowing.

Mr. GILMAN. So at this point there is no further pending legal action.

Mr. KELLY. There is no further legal action.

Mr. GILMAN. I am just wondering, how could there be a common purpose with all three of these young men, who never knew each other, who met at the march for the first time, on the day of the funeral?

Mr. KELLY. Exactly my sentiments.

Sean and Michael did not know each other, and in fact the indictment was that they were charged with murder in that they aided and abetted others' murder. And when the trial judge submitted his written considered judgment he commented that the defendants could not be found guilty of aiding and abetting murder

because apparently under law to be found guilty of aiding and abetting, you must be present.

The other two constituents of aiding and abetting is conscious and procuring, the four elements needed for murder. There was no evidence offered of conscious and procurement, which seemed to be the case of murder against the three of them. The judge did not comment further on them but then went on to find them guilty under a principle of common purpose.

And from my knowledge, the principle of common purpose contains two elements. One, that there must have been some sort of premeditation. I already commented on the fact that the guys didn't know each other. They were at the funeral for different reasons and different things. There was no preplan, and there was no meeting of minds and there was no evidence offered for meeting of the minds.

Mr. GILMAN. Mr. Kelly, was the person being buried a cab driver?

Mr. KELLY. Yes, he was.

Mr. GILMAN. Were you a fellow cab driver?

Mr. KELLY. He was one of my co-workers.

Mr. GILMAN. That is why you went to the funeral?

Mr. KELLY. That is why I was at the funeral.

Mr. GILMAN. And did you mention to Sean the night before the funeral that you were going to be in the line of march?

Mr. KELLY. Sean knew I would be at the funeral, yes.

Mr. GILMAN. So Sean had good knowledge that you were going to be there and that is why he was looking for you?

Mr. KELLY. However, I must point out that I did not know Sean would be at the funeral because in fact Sean did not attend the funeral as a mourner, as a spectator. He was actually passing the funeral on the footpath when the soldier's car entered the footpath. And that is how far away he was from any sort of knowledge of what was going to happen or what eventually did occur with the death of the two soldiers.

Mr. GILMAN. Well, I am going to join with Chairman Smith in our call to the British Government to review the Casement case once again.

Mr. KELLY. Thank you, sir.

Mr. GILMAN. We must raise some of these issues.

These hearings, I think, Mr. Chairman, have put a human face on Northern Ireland. It has also made it clear that as Chairman Smith has said, friends such as the United States and the United Kingdom need to have a frank dialog on the unacceptable human rights situation in the north. And these historic hearings I hope will open the door for that dialog.

I want to thank your good co-chairman of our Irish caucus, Peter King, who has done such an outstanding job. And please forgive me for having to run back and forth between the floor and this hearing. I just wish I could have sat through the entire hearing. But I want to commend our panelists for taking the time out of your lives to be here on a very important occasion. Thank you.

And thank you, Mr. Chairman.

Mr. KING. Thank you, Mr. Chairman.

We are joined by Congresswoman Sue Kelly. You can join us up here if you wish. Congresswoman Kelly is from New York and has a long interest in this issue.

I want to thank all the panelists for being here today, especially those of you who took the time to come from Ireland to really illuminate us with your testimony.

I think it is important your being here and that you put this into a totally different perspective from what the American people usually hear; and with all the talk of terrorism and violence in the north of Ireland, and often justification given by the British that they have to take certain action against paramilitaries of the IRA.

I would just like to ask, Mr. Finucane, was your father ever a member of the IRA?

Mr. FINUCANE. No, he was not.

Mr. KING. Mr. Kelly, is there any allegation ever made that your son was a member of the IRA?

Mr. KELLY. No, quite the reverse.

Mr. KING. Mrs. Downes, any allegation that your husband, John, was a member of the IRA?

Mrs. DOWNES. No.

Mr. KING. And I know Mrs. Groves' daughter is here. Obviously, your mother was never a member of the IRA. And my understanding of your mother's case is that she was shot and blinded by a British soldier. She was in her home listening to Irish music. And that was the justification for shooting her, she was listening to music.

Ms. GROVES. That is correct.

Mr. KING. OK. Mr. Finucane, in your testimony you described events leading up to your father's death, how there was a statement of Mr. Hogg, how there was statements being made by RUC officers to defendants about your father being killed.

Could you also describe anything that occurred on the ground that day? Was that neighborhood where your family lived, was the area cleared before the Loyalists came in?

Mr. FINUCANE. Yes, where my family home is situated in Belfast is a smaller, quieter street off a main thoroughfare. That main road had been the subject of RUC traffic check points up until approximately 30 minutes before the murder took place. And again, no reason has been forthcoming as to why they were removed, but one thing is very, very clear, that the access which the assassins had on the night my father was murdered was made very much easier by the absence of police in the area. And, of course, they were afforded a clean getaway afterwards.

Mr. KING. Have the RUC or the British Government or the Secretary of State given you an update on the status of the investigation of your father's death?

Mr. FINUCANE. The status of the investigation, as I understand it, is that 14 people were arrested in a very short time afterwards, i.e., 1989. Since then as far as I am aware nothing has been done.

Mr. KING. And what happened to the 14 who were arrested?

Mr. FINUCANE. They were released without charge.

Mr. KING. I would just like to state for the record that I knew your father very well over a number of years, both in Ireland and

the United States He did an outstanding job for the course of human rights.

Mr. Kelly, is there any difference between your son's case and the case of Pat Kane who was released on Friday?

Mr. KELLY. Well, they were able to isolate Pat only in the fact that he had a low mental IQ, and at the time of interrogation had a severe hearing difficulty, which the Appeal Court was able to interpret as—that he couldn't have been responsible for the confessions that he was alleged to have made, a confession in a sense that he confessed to killing, the confessions that he had stomped on one of the soldiers. So that was the distinction that was made between Pat's case and the case of Michael and Sean.

Mr. KING. What efforts are you taking right now to have this case brought up for review again?

Mr. KELLY. There are a couple of outstanding court cases in the House of Lords in England that are trying to deal with this issue of using the principle of common purpose in a murder trial. And I believe that both the defense lawyers and the judges, the appeal judges who have ruled on Pat Kane's case are waiting for that verdict, to see if somehow they can apply it to Sean and Michael Timmons. That verdict is expected, I believe, in the middle of July, and we are hoping, of course, that it will be of a positive nature, and that that alone will allow the cases to be referred back to the Court of Appeal.

Mr. KING. All right. To put it in perspective, the day that your son was there at the funeral, it was Kevin Brady's funeral. There were cameras from all over the world. There were thousands of people there.

Did anyone have any idea that that car driven by the two British corporals was going to be at the funeral at that place in time?

Mr. KELLY. No. I mean, I was at that funeral. In fact, my feeling at the time of the funeral was that I was relieved that this was the last in a series of long funerals. I mean, that month, I think, we were at something like nine funerals. I belong to the West Belfast Taxi Association, and regularly when there is this type of funeral on the road we knock off work for an hour, you know, because the funeral processions usually take over the whole road. And because there was no security present, my feeling was of relief. I was half way back in the funeral cortege when whatever happened at the front happened, and all the young lives ran forward. And all the feeling, the fear, the dread, the apprehension all returned on the thing because of just Kevin Brady himself was killed just 3 days previous, another type of funeral, and that attack resulted in 3 dead and 68 injured.

So it was not just the case of going to a funeral, a car stranded until the funeral and sat upon by a frenzy mob which is how the authorities and some of the media portrayed it. This was a highly charged atmosphere, and the bubble burst when these two guys—the tires were squealing, this was not just an interruption of the funeral, this was an aggressive interruption of the funeral. Armed, dressed as civilians, and the crowd believed that this was another just copycat type of killing.

Mr. KING. Who fired the first shots?

Mr. KELLY. There was only one shot actually fired. It was discharged out of the soldier's gun. I believe that was during the struggle when they were trying to drag him out of the car.

Mr. KING. And obviously nobody in the crowd would have known that they were soldiers?

Mr. KELLY. No, not at the time. I believe there is speculation about when, in fact, their identity was established.

Mr. KING. And there is no way that your son would have known that that car was going to enter the funeral procession at that point, that he would have known that those two men in the car were British soldiers and he could have been waiting for them?

Mr. KELLY. Not only would Sean not have known, nobody in that funeral procession would have known.

Mr. KING. With all of the camera crews that were there, with all those photographers that were there, was there any evidence at all of your son being involved in an illegal act? Was there any video tape produced?

Mr. KELLY. No. Sean was shown as part of the crowd to run toward the car. In fact, the prosecution presented the case that Sean attacked the car, and after careful examination of his interpretation of it, the judges concurred that he didn't attack the car. He only came within arm's length of it.

Mr. KING. Did your son make any effort to escape that day?

Mr. KELLY. Well, it's kind of reverse. I mean, the judges apply a logic called the actions of man who are carrying out illogical deeds. In this instance you have a car that arrives on the scene, somebody says they are armed. Logic tells you you go the other way. So how can the judge apply logic to guys who run against the men, it does not—I mean, the judge cannot apply a proper man's reaction to illogical actions of a man who believes somewhat that they are defending themselves or reacting as part of a crowd or reacting to what they perceive to be another Loyalist attack.

Mr. KING. He was first arrested a year later, right?

Mr. KELLY. Yes, almost a year later.

Mr. KING. During that year did he make any attempt to hide? Did he leave the country?

Mr. KELLY. No time whatsoever. He lived with myself and his mother.

Mr. KING. Even though he knew that everything that he had done had been photographed, videotaped, he still made no effort to hide or escape?

Mr. KELLY. I think part of what is actually missing is, you know, there was no feeling of guilt. They did not do anything. They did not believe that what they had done led to the death of the two soldiers. The IRA killed these two guys, all right? They did not believe that anything that they had done was illegal, wrong or anything. In fact, they were surprised when they were arrested, not so much surprised because there were hundreds of people arrested and questioned over the thing.

In fact, it is an ongoing investigation because the man who actually killed the soldiers has never come before the courts.

Mr. KING. OK. I have one more question for Mr. Finucane, and then I will ask Congressman Neal if he has any questions, or Congressman Kelly.

Mr. Finucane, you make a very compelling case that there was obvious collusion between the Loyalist paramilitaries and the Royal Ulster Constabulary. That was 8 years ago.

Mr. FINUCANE. Yes.

Mr. KING. Has that situation improved at all or do you believe that that same type of collusion exists today?

Mr. FINUCANE. I believe that, as was remarked I think by the first speakers—

Mr. KING. Speak a little louder.

Mr. FINUCANE. Sorry. As I think was remarked by the first panel this morning, it is systemic. It is ingrained in the RUC to a very senior level, if not the most senior level, and the leaking of police files is a matter of public record, and indisputable.

As I understand it, something like 59 people were prosecuted for the possession of these files, but no RUC officer has ever been prosecuted for giving them away. And quite clearly, they just did not walk out with files on their own. Somebody handed them over and no one has been prosecuted.

And from my own opinion, I think one of the most compelling aspects of my father's case is that the threats on the abuse that were being made against him were recorded in his own handwriting, obviously before he died. And therefore it is evidence of something that was going on for a very long time. And I think that situation has not improved.

I am aware of some groups who have been taking testimony from lawyers as recently as 10 days ago, or 10 days to 2 weeks ago, where allegations of abuse were being made against RUC detectives.

And I think it is also worth pointing out that abusing a solicitor or anyone legally representing a person detained is not even so much as a disciplinary offense in the RUC today. That was a position that was in existence 8 years ago, and it is the position that has not changed, and any kind of abuse, verbal or otherwise, I think should be made the subject of at least disciplinary proceedings. That is just not happening where the RUC are concerned.

Mr. KING. Let me ask you the same question I asked the panel before. Without getting into a debate over transforming and restructuring and disbanding or reforming, whatever, what do you think can be done with the RUC? Is it salvageable? Can it be rectified, or is there massive transformation required? Have you given any thought as to what could be done to make the police force in the north of Ireland more accepted by all communities?

Mr. FINUCANE. Well, one interesting comment that was made by a member of the CAJ to the U.N. Human Rights Committee in Geneva 2 years ago was that the RUC be transformed from a police force to a police service. The difference obviously being that they are there to serve the community as opposed to force them to do what the RUC wants them to do.

I am not really a qualified person in terms of rebuilding law enforcement agencies, so I cannot really offer a strategy for rebuilding the RUC, but one thing I would say is that there are so many things wrong with it that, in effect, if you took out all the compartments of the RUC procedure and the function of an RUC officer, and tried to reform them, you would have such a large job on your

hands that by the time you finished performing there would be a completely unrecognizable organization.

I do think, to a large extent, they are beyond redemption because the system and the organization within which RUC officers work has remained the same and has been endorsed and substantiated by the British Government over the years, and no change in that direction seems to be forthcoming.

Mr. KING. Thank you.

I would just like to acknowledge in the audience is the partner of your late father, Peter Madden, who spent his formative years in New York before going back to Belfast. We miss him in New York.

Congressman Neal.

Mr. NEAL. Thanks, Peter.

Let me welcome the panelists; I apologize for being tardy. My committee has the responsibility for the MFN debate today, and that is where I have spent my time.

What I think is important to acknowledge here is that there are still very few Members of the Congress that have any idea of what plastic bullets are constructed like, and they have very little understanding of how they are used. I spent an afternoon a few years back with Father Matt Wallace, and we had a chance to interview some of the young men who had been hit with plastic bullets. In one case the individual had been hit in the temple, and as a result was paralyzed on the right side of his body. You see, that is a statistic that is lost here in America.

The application of those plastic bullets, which would never be allowed on the streets in any police force in America, would never be tolerated for one moment. The Brits have used those in an opportunity of what they call crowd control. But overwhelmingly they have been used to keep the Nationalist communities in place.

And the first speech I ever made on the House floor 9 years ago was calling for the abolition of plastic bullets, and I still believe that that is an avenue that we can travel here in the Congress to have some influence on British policy.

The Birmingham Seven and the Gilford Four, those are examples, as well as your testimony today, of how sensitive, I believe, British Government is to American popular opinion. And time and again it has been these sorts of panels with people like you who have had a chance to take us down the road to changing some of that opinion on the other side of the Atlantic.

What I am struck by is how little attention that meeting received that Peter King and I had with Mo Mowlam just a couple of weeks ago in which she indicated to us at that time that there would be a full review of Bloody Sunday, and that was one of the things that she promised the Nationalist community, and she told me that she had assured John Hume of that occasion.

My point is this; that I know it is nice to hear Tony Blair's comments, but the truth is that from Gladstone to Blair Labour and the Liberals have always said the right thing and never done it. They always give comfort verbally to Nationalist aspirations. Now they have a chance to do something about it.

I have had a chance to visit the Nationalist center and I have had a chance to interact with many people in this room today on

this issue, and there is a golden opportunity here for everybody who is involved. And the question is not just how far the Nationalist people are willing to move; it is how far the British are willing to move. And if the intransigents of David Trumball and others is allowed to stand, there never will be progress.-That is the obligation of the British Government, to move the Unionist parties and to bring them to the bargaining table without preconditions.

And I thank you for the testimony you bring here. It is not lost on deaf ears. We have changed the opinion in the House of Representatives. We now regularly, I believe, can count on up to 150 members of the House that are sympathetic to the argument we make. That is a long way from where we were 10 years ago.

So when you come here and you offer this testimony it is very important in helping us to develop what I think are opinions that are shared on the other side of the Atlantic and that do count with the British Government.

Thanks, Peter.

Mr. KING. Congresswoman Kelly.

Ms. KELLY. First of all, I want to thank you, Mr. Chairman, for allowing me to sit in and participate with this panel. I am only sorry that I was not able to be here earlier, but I had previous commitments on my schedule today. I came because I wanted to learn, and this is what I have just learned about, which I think is absolutely astounding. I had no idea of the size and I had no idea of the damage it could do. So I thank you for being here and telling me, and you can be assured that I am interested in making sure that other people in Congress, who do not know this information, can hear it from my lips as well as these other Congressmen.

As the mother of four children, and as someone who is interested in the peace in Ireland, I wonder, apart from the militants on both sides of the conflict, I am wondering about the other people in Ireland. How open to reconciliation and working out a peaceful coexistence are the average Protestants and Catholics in Northern Ireland? Is the situation at this point, or do you think it can be?

And I am throwing this question open to all of you, and if you would like, you are welcome all of you to answer each in your own turn. I understand it is difficult to generalize, but I really am interested in the possibility of whether there is something that we can maybe work out. I am beginning to worry and, quite frankly, to despair. So maybe you want to start with from one direction or just pick it up as however you wish.

Mr. FINUCANE. I would like to say that it was commented by a number of members of the Subcommittee earlier that the division between people in Northern Ireland really runs much closer to political division rather than religious division.

The Catholic population and the Protestant population of Northern Ireland really have a lot in common. The difficulties of providing support for one's family or earning a living really do not change because you go from one religious faith to the other.

Where I think the solution lies is the taking up of the responsibility that is on all the political leaders in Northern Ireland, and to work together and find a compromise, and I think, as has been mentioned a few moments ago, the intransigents of certain parties and the unwillingness to even negotiate, never mind compromise,

is a great cause for despair. And I think that responsibility extends all the way back to the British Government in Westminster. I think they have a huge role to play. I think they have a huge responsibility to bring about a resolution of the conflict. I do not think anyone else can fulfill the role that they have, and I really sincerely hope that the new Prime Minister of the British Government will take up his responsibility and perhaps provide us with a solution that every single person in Northern Ireland not only needs but richly deserves.

Mr. KING. Sue, if I could just add one point on that. Michael's father, who was murdered, was a Catholic. His mother who was wounded, was a Protestant. So certainly in that family there was not a division between Protestant and Catholic.

Ms. KELLY. May I just follow up with that based on some thing you have said? You said that you hope that the new British leader will take it upon himself. I think my question was really aimed more at can the will of the Irish people rise up to such an extent that they will themselves create peace if given the opportunity by the British leader?

Mr. FINUCANE. Yes, I think everyone in Northern Ireland wants peace more than anything, and the difficulties that have been placed in the way of peace settlement unfortunately were of a political nature, and the last British administration, it is an accepted political reality that Mr. Major had a very, very narrow majority and depended on a certain group of individuals for support. Otherwise, he could not run his government. And in that situation very many capitulations were made to the Unionist voting block, which certainly raised the tensions in the Nationalist community because they perceived themselves as being discriminated against, and it was being done on the basis of return of favors.

I think that sort of political situation highlights very much the need for parties to put aside all divisions. The problem, I think, is that not that the people do not have the will or the ability or the need to come to a reconciliation, but that the further up the pyramid you go the narrower the mind.

Ms. KELLY. Would anyone else like to address that? You have done it so eloquently, I must say.

Mr. KELLY. I concur with Michael. The problem, I think, with the ordinary people is that they are not getting the example. I think if you look at what has happened with the fringe Loyalists, they are willing to talk, and the Republicans seem to want to talk. But the more elder of the Unionist parties are using the fact that they are not talking, they are getting the example of the British Government, that they are not talking. And the case seems to be talk. Irregardless of what is happening talk. If you are not talking, you are fighting.

I mean, the ordinary people do not seem to be getting the example or the leadership, but I think that the ordinary people are willing to talk about each other's ideas.

Mrs. DOWNES. Could I also just take the opportunity to reaffirm that this is not a religious conflict. I mean, campaigns for both Nationalists and Loyalists, we protest at any day. And to date there have been 17 people murdered with the plastic bullet. Sixteen of those have been Nationalists, and there has been one Loyalist. We

are not sectarian, and when we campaign, we are campaigning for both sides of the community.

Mr. WALLACE. I would also agree that the average Irishman and Irishwoman are tired of what has happened, and seek peace. Certainly those two ladies some years ago, one Catholic and one Protestant; I cannot recall their names, that made history by speaking out and saying that they could live side by side.

Certainly the children are the ones that are really hurt in all of this because it perpetuates generation after generation of mistrust. That is the reason the program Project Children to bring children over to America and other countries was stated, that religion should not be a big factor with people getting along. My wife and I hosted two children, one from Derry and one from Tyrone, and they told us that they had friends that were of the other faith, and that to them religion was not a big thing. But as they grow older, certainly they soon learn what the British have done to them, so they cannot help but pick up the same feelings.

But I think the average person, if asked, certainly would get along.

Mrs. PAGLIONE. My own personal feeling is the news media plays up the small skirmishes and brings forth the information to us on this side of the ocean that the turmoil there has a large magnitude, but I really feel that—I have only been to Northern Ireland once, and it was during the peace process—but I really feel that people can live side by side, and I think they will try, and maybe just these small skirmishes that are happening can be quelled so that we will see that the people in Northern Ireland can live in peace.

Ms. KELLY. Thank you all very much for responding to that.

Mr. KING. I appreciate again your allowing me to be on this panel, and I have no more questions.

Mr. KING. We always welcome your input. Thank you very much.

We are going to close the hearing in a few moments. Just for the record, though, I would like to get certain questions asked and answered so we can have a full record.

Brenda, was Carol Ann Kelly who was murdered by a plastic bullet in Twinbrook in 1981, was she involved in any type of demonstration or riot at all?

Mrs. DOWNES. Carol Ann had gone to the shop for a carton of milk for her mother. There was no riot taking place at that time.

Mr. KING. And she was shot in cold blood by the British without any—

Mrs. DOWNES. She was shot dead.

Mr. KING. There were no IRA people around her, there were no petrol bombs, there was no disturbance going on?

Mrs. DOWNES. There were no disturbances at all, no.

Mr. KING. OK. And was she shot the same day the British soldiers were involved in another part of Northern Ireland where they suffered casualties?

Mrs. DOWNES. Sorry?

Mr. KING. Are you aware that she was killed the same day as there was an IRA/British army encounter in another part of Northern Ireland that same day?

Mrs. DOWNES. Yes.

Mr. KING. And that the British soldiers when they shot Carol Ann Kelly said this was in return for the soldiers who were killed that day?

Mrs. DOWNES. That is correct.

Mr. KING. OK. Mr. Finucane, just three legal questions and then we will wrap this up.

Are you aware of any other democratic societies in Europe today that permit an adverse inference to be drawn at trial from a defendant's silence during interrogation?

Mr. FINUCANE. Apart from the United Kingdom?

Mr. KING. Apart from the United Kingdom

Mr. FINUCANE. I cannot really give a yes or a no answer to that because it would not be entirely accurate. What I would say is that some of the systems in Europe which are different and do permit a different type of inquiry have their own safeguards and their own counterbalances where what would be considered hearsay evidence in the U.S. legal system or in the U.K. legal system is admitted for the record in some European countries. There is a different safeguard to counterbalance that.

I think the problem with the abrogation of the right of silence under U.K. legislation is that an inference may now be drawn from an accused person's silence both while being interrogated in custody and also if he refuses to give evidence at trial, but no comparable safeguard has been put back in place such as extended access to legal advice in order to help him combat the adverse inference which may be drawn against him for saying absolutely nothing. And this was a specific point addressed by the European Court. They said that this was unacceptable in any forum where a person's silence could be held against them, but at the same time, and this is the position under the emergency legislation, they were not allowed access to a lawyer.

Mr. KING. I believe you are talking about the case of Anto Murray that went to the European Court—

Mr. FINUCANE. That is correct.

Mr. KING. Has any action been taken by the British Government to address that finding by the European Court?

Mr. FINUCANE. No. No. The provision in the Prevention of Terrorism Act remains. The criminal evidence order which was introduced in 1988 remains in force. It is a general provision of evidence and may be applied in any crime, not just one of a political nature. And persons who are detained under scheduled legislation for a suspected scheduled offense may still be detained the first 48 hours with no access to a lawyer, and for the remainder of the 7-day period which is allowed under the legislation they have limited access to a lawyer, and cannot have him present during interrogation.

Mr. KING. Is it not also true that the British Government has been found guilty of violating human rights more times by the European Court than any other country?

Mr. FINUCANE. I believe that is true, yes.

Mr. KING. Mr. Kelly, was the silence issue, the right to silence issue used in your son's case at all?

Mr. KELLY. Indeed it was. That legislation came in in late 1988, and so that the defendants originally arrested for this offense had, if you want the protection of the right of silence.

Mr. KING. So the law came into effect in late 1988.

Mr. KELLY. Yes.

Mr. KING. The so-called incident that your son was charged with occurred in March 1988?

Mr. KELLY. That is correct.

Mr. KING. Before the law was changed.

Mr. KELLY. So the ones that were arrested at a later stage, and had a solicitor, they could exercise the right of silence, but they did so that it is likely to be used against them. In fact, what the legislation did was, it was pretty new at the time. The lawyers, I think, were still, if you want, feeling it out. But the advice to Sean from the solicitor was that he did not have to worry about it, and in fact there was no evidence offered against him and therefore he should not take the stand.

And, in fact, that was used as weight of evidence against him, and the other two defendants, their counsel thought otherwise, and thought the two should take the stand, and therefore they were subject to cross-examination. But in the case of Pat Kane where the IQ was not really that great, it was very easy for a skilled prosecutor to, if you want, get out words.

I think this case actually illustrates why the protection of the right-of-silence should have been covered fasten if you want instead of diluted it because here the defendants were arrested some year later where the facts of the case had already become widely known, where the defendants did not feel that they had any guilt about them. They did not feel that they were responsible for the deaths of the two soldiers.

And therefore when the investigators suggested, well, the thought must have crossed your mind that the IRA might kill these guys, that they did not see the danger and admitting, well, that might have happened. You know, that might have crossed my mind. They did not see that that was enough for the prosecution to say, oh, now, you see, you had thought it out, and therefore the thought entered their mind and therefore you are guilty of the things.

In fact, I think this illustrates why the man said, you know, keep your silence.

Mr. KING. Mr. Finucane, under the emergency powers obviously the judge is the sole trier of fact and law. So enormous power is in the hands of a judge.

Mr. FINUCANE. Yes.

Mr. KING. Certainly on questions like silence and inferences that could be drawn from silence. It gives tremendous authority to judges in the north of Ireland.

How are these judges chosen, and are there any remedies available if they show a pattern of sustained bias?

Mr. FINUCANE. There are no remedies available for any pattern which is systemic in the judgments of the judges of the Diplock Court. The panel of judges currently on the bench in Northern Ireland is appointed by the Lord Chief Justice, I believe, from the senior bar and in consultation with the Secretary of State, I believe. It is a complete appointment process. There is nothing in the nature of an election involved.

Mr. KING. Do they have a life tenure?

Mr. FINUCANE. Yes, they do.

Mr. KING. I want to thank all of you for your testimony. I certainly want to thank Chairman Smith for putting together this hearing and his staff who worked so hard to get the witnesses here. I want to thank you for traveling here, those of you who traveled from across the sea to join with us today to make the sacrifice to be with us, especially those of you who had relatives who were murdered or Mr. Kelly and Mrs. Kelly's case, whose son has been imprisoned, and Mrs. Groves' daughter was here today, you know, for really showing us how important it is for us as Americans to speak out and be heard, and to use whatever influence we have on the British Government to stop these flagrant violations of human rights and injustice which, unfortunately, have become almost a personification of the society in the north of Ireland.

It is not aberrations. They are not deviations. They are really what the society has become because of British rule in Northern Ireland.

And your testimony today, and certainly the testimony of the prior panel, has added to our information and has added to our wealth of knowledge. So thank you for being here.

The meeting is adjourned.

[Whereupon at 2:30 p.m., the Subcommittee was adjourned.]

APPENDIX

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REP KENNEDY

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**U.S. Rep. Joseph P. Kennedy II
Statement before the House Committee
on International Relations
Subcommittee on International
Operations and Human Rights
Hearing on Human Rights in Northern Ireland
June 24, 1997**

Mr. Chairman, I want to thank you for convening today's hearing and for all the leadership you have shown on the issue of human rights in Northern Ireland and around the world. Today's subcommittee hearing is yet another statement of your commitment to shining the light of justice on human rights abuses wherever they may occur.

I also want to thank Chairman Gilman for his longtime support of the human rights struggle in the province. Though the peace process faces a critical juncture, the progress made to date is in no small part due to your bipartisan leadership, drawing together a strong alliance in the fight to deliver not only lasting peace but justice as well to all the communities of Ireland.

I also want to thank all the witnesses who have come forward today to testify. The work of groups like the Committee on the Administration of Justice, Amnesty International, Human Rights Watch, and the Lawyers Committee for Civil Rights has been absolutely essential in bringing world attention to bear on individual cases like that of Roisin McAlistroy as well as systemic abuses of basic human rights. I especially want to thank the families who have come so far today to share their stories -- those like Michael Finucane and James Kelly, who put a human face on the tragic circumstances of sectarian hatred and state-sanctioned abuses of human rights.

Mr. Chairman, recent events in Northern Ireland bear tragic witness to the futility of violence. The cowardly murder of two Royal Ulster Constabulary officers by IRA gunmen will serve not to achieve a political goal but simply increase the climate of fear and hostility as we approach the showdowns of the annual marching season. Such actions invite a return to the deadly cycle of retaliation that has long scarred the landscape from Derry to Belfast. We can only hope that the subsequent car bomb attack on two men from the Nationalist community does not signal a complete breakdown of the Loyalist ceasefire.

But we are here today to focus on another kind of violence -- not the random acts of outlawed paramilitary groups that are easy to denounce, but violence against the rule of law and internationally accepted codes of judicial conduct. Whether it's no-jury Diplock Courts or the exercise of sweeping police powers under the Emergency Provision Act or the Prevention of Terrorism Act, the British government in Northern Ireland observes unacceptable codes of conduct that have drawn the condemnation of numerous human rights groups, many of them with us today.

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In my visits to Northern Ireland, most recently last December, I have met and talked to people, young and old, who have been the victims of these practices. On the streets of West Belfast, I met the father of the child whom Roisin McAliskey recently gave birth to under armed guard, and he told me how important it was for the British government to hear from Members of Congress and friends of justice everywhere if Roisin and her newborn were to receive adequate medical attention.

There is no question in my mind that the British government heard our pleas, and your pleas, for help. And that's what we're doing here today. Offering our help. This forum allows us to hear from those who have suffered at the hands of loyalist paramilitary groups, at the hands of the IRA, and yes, at the hands of the British security forces. Only by holding up these abuses to the light of day can we hope to correct them.

And so, Mr. Chairman, I welcome the opportunity to hear from our witnesses and thank you once again for convening this important hearing.

**Statement of Martin O'Brien,
Committee on the Administration of Justice**

**Before the International Operations and Human Rights Subcommittee
of the House International Relations Committee
Hearing on Human Rights in Northern Ireland**

24th June 1997

Written Statement

Thank you for the invitation to testify today. The Committee on the Administration of Justice (CAJ) is an independent human rights organization which draws its membership from across the different communities in Northern Ireland. CAJ was established in 1981 and works to ensure the highest standards in the administration of justice in Northern Ireland. In particular we are concerned to ensure that the United Kingdom government lives up to its commitments in international human rights law. We work on behalf of people from all sections of the community and take no position on the constitutional status of Northern Ireland. We are opposed to the use of violence for political ends, and are profoundly disturbed by the breakdown in the IRA ceasefire and the return to violence in Northern Ireland. Recent weeks have seen some particularly horrific events, including the kicking to death by loyalists of two young men, one a Catholic and the other a policeman and the shooting dead in the last few days of two policemen by the IRA.

It is precisely because this is a very sensitive time in the peace process that we are so appreciative of having the opportunity to speak to you. We feel that international, especially US, involvement in developments in Northern Ireland has been extremely important in the past, and is urgently needed at difficult times like this. We are particularly grateful to Chairman Smith, and to other members of the subcommittee, for their interest in the human rights situation in Northern Ireland.

CAJ believes that issues of justice, human rights and fairness are at the heart of the current conflict in Northern Ireland. Peace is only likely to flourish when everyone feels that their rights are respected and protected. We are therefore convinced that a peaceful and lasting resolution of the conflict will require the establishment of mechanisms to ensure that human rights issues are addressed, and that the rights issues has the additional advantage that it can facilitate progress on resolving wider political questions.

We are concerned however that the human rights dimension to the conflict was not fully integrated into the management of the peace process by the previous government. This omission has of itself contributed to the current impasse. During the ceasefire not only were human rights concerns, or confidence building measures as they were described by Senator Mitchell, not adequately addressed, but indeed further abuses occurred. The significance of these in terms of their negative impact should not be underestimated.

Experience with the management of peace processes elsewhere suggests that ending human rights abuses and protecting human rights creates a constructive context within which to resolve conflict. The vindication of rights played a central role in securing a successful resolution of the conflict in South Africa, and was given concrete expression at a very early stage when a joint working group was established to examine human rights issues. While it would be simplistic to ascribe the relative success of the South African process to the importance attached to human rights, it is equally clear that the consequent sense of security for the individual, alongside real signs of change, impacted positively on the transitional political landscape. Such an approach would ensure that, at difficult times like those we are passing through now, the rights agenda would continue to provide tangible evidence that change is possible.

At key stages of the Northern Irish peace process United States involvement has played a vital role. President Clinton's close personal interest in the Northern Irish situation, and the impressive work done by Senator Mitchell, have been particularly important and welcome. A more targeted US focus on making human rights a prime element in the peace agenda would now be particularly opportune. The new Labour government has given strong public expression to its commitment to human rights in its international relations. With regard to Northern Ireland, Dr. Mo Mowlam, the new Secretary of State, said during her recent visit to the United States, that the government's approach would be based on justice and fairness. These early signals provide important and encouraging signs of hope.

It is important, however, that the international community undertake to do whatever it can to support and build upon these first tentative signs of hope. Moving from conflict to lasting peace is both slow and often painful. Certainly this has proved to be so in Northern Ireland. There are no "quick fixes" or easy solutions, and there will be many setbacks. International concern to keep the process on track, to help the protagonists resist any temptation to test rather than to build the peace, and to support positive progress, can be vital.

Let us firstly give you some examples of areas where human rights initiatives should have been taken by the previous UK administration, and where the failure to act effectively undermined the peace process itself. Very little has been done to address the situation of prisoners, and indeed the conditions for Irish prisoners detained in Britain has deteriorated. The scope of emergency powers increased rather than lessened. Little was done to tackle the fact that the police force is drawn predominantly from one community and fails to command widespread confidence. Furthermore, the government failed to deal with outstanding human rights problems such as the many victims of miscarriages of justice, both Protestant and Catholic. While there is significant agreement among all the political parties that a Bill of Rights should be implemented for Northern Ireland, the previous government failed to take any initiatives in this regard.

The combined effect of the lack of movement on these issues has been to undermine still further respect for the rule of law. CAJ believes that it is a pre-requisite in a democratic state that the rule of law and respect for human rights operate as the defining dynamic in the relationship between the government and the governed. No one should be above the law, everyone should be equal before the law, the law itself should be clear, fair and comply with international human rights standards and an independent judiciary should enforce that law.

The Universal Declaration of Human Rights articulates this principle clearly when it states in Article 7 that:

"All are equal before the law and are entitled without any discrimination to equal protection of the law."

The adoption of this principle and its application by states is an integral aspect of any democratic society. It provides citizens with the security necessary to lead their lives in a peaceful and productive fashion. It is axiomatic that the rule of law must be enforced by an accountable and representative police service and by an independent judiciary. If the principle is violated it undermines respect for the administration of justice and the integrity of the law, and society itself is questioned. Its continued violation leads to a loss of faith in notions such as respect for the law. Instability and conflicts often result.

Consistently in Northern Ireland the law has failed to guarantee equal and adequate protection for the rights and liberties of every person. This failure, coupled with the abuse of human rights, has fed and fuelled the conflict in Northern Ireland and led to widespread alienation from the system of the administration of justice and its agencies. The events across Northern Ireland during the 1996 marching season and, particularly

during the Drumcree standoff and its immediate aftermath, signalled a new low in community confidence in the protection they can expect from the police and the rule of law.

In those circumstances, the community alienation and instability that have contributed to the conflict in the past can only worsen. This is not in the interests of anyone in our society. The state must be held accountable for the actions of its agents and for the damage they have done to respect for the rule of law. It is imperative that efforts to establish the primacy of the rule of law in Northern Ireland be redoubled in light of the events of last summer.

The summer of 1996 saw a particularly disturbing collapse in the rule of law when the police were seen to give way to the use and threat of violent disorder. CAJ received first hand accounts of police behaviour from more than sixty observers from the organization who were deployed at the various controversial marches in Northern Ireland. These accounts described the massive and indiscriminate use of plastic bullets, sometimes against completely innocent people coming out of restaurants and discos. In excess of 6000 plastic bullets were fired by the security forces in the space of a week (normally the average for a year would be just over 1000). This led to numerous injuries, many of a very serious nature. It has since emerged that many of the bullets used were apparently defective. There has not been an adequate explanation for the significant disparity in the targets of the plastic bullets, with some 5340 being used against Catholic crowds. The subsequent feelings of communal insecurity were compounded when the former Secretary of State for Northern Ireland, Sir Patrick Mayhew, said he could not guarantee that the police would not again succumb to the use or threat of force.

CAJ is convinced that even had substantive and inclusive political negotiations been underway this time last year, the conflict of rights on the streets, and the actions of the police, would have rendered continued negotiations difficult, if not impossible. Human rights abuses are at the heart of the conflict; addressing them cannot await long term political solutions, but must be part and parcel of any attempt to build a lasting peace. Accordingly, we, together with our sister organizations in Britain and Ireland, have developed a Human Rights Agenda for action - an agenda that should be addressed at the outset of any discussions.

Firstly, we call for effective mechanisms for the protection and promotion of human rights. Many of the human rights abuses we suffer from arise because there is not formal written codification of rights available in the UK. Frequent calls to the government by international bodies to, at least, incorporate the European Convention on Human Rights into domestic

legislation, were steadfastly ignored. The new Labour government, however says that it intends to move rapidly to incorporation.

This is extremely welcome, but is insufficient. Northern Ireland needs its own Bill of Rights. Human rights should be the property of all. Everyone in Northern Ireland, whether nationalist or unionist, shares an interest in, for instance, an accountable police service, freedom of expression, freedom from discrimination, freedom of religion, and other such fundamental civil liberties. The passage of a Bill of Rights is clearly in the interest of all who live in Northern Ireland. Yet all too often these shared interests are not sufficiently prioritized. Indeed, we believe that a broad based discussion of how best to protect everyone's rights would go a long way to facilitating discussion of more controversial areas of political disagreement.

Secondly, CAJ calls for the ending of the emergency law regime that applies in Northern Ireland, and for a thorough review of the criminal justice system. The Lawyers Committee on Human Rights has informed us that they will be speaking to this issue in some detail, so suffice it to say at this time that emergency legislation violates human rights, is unnecessary given the existence of other criminal justice legislation, and is counter-productive. To retain, and even to extend, emergency provisions during the 17 month ceasefire, as the previous government did, was a violation of international human rights law. It was also an example of what we call "testing" rather than "building" the peace. Emergency legislation has meant significant restrictions on access to legal advice and the effective removal of the right to remain silent. These departures from the normal due process have contributed to many miscarriages of justice and have led to significant numbers of Catholics and Protestants becoming increasingly alienated from the criminal justice system.

In 1996 the European Court of Human Rights found that aspects of the detention regime violated the Convention. One year later, the United Kingdom government has not altered the law to comply with the judgment. The Labour Party, then in Opposition, did not oppose the renewal of the offending legislation, and we have had no indication that they intend speedily to move to repeal it now that they are in government.

This is despite the fact that the maintenance of the legislation requires that the United Kingdom continue to derogate from the International Covenant on Civil and Political Rights and from the European Convention in respect of the powers that allow for seven-day detention without being brought before a court. The only other country derogating from the European Convention of Human Rights is Turkey. Regrettably the United Kingdom government has failed to respond adequately to the concerns expressed by the European Court and indeed has on several occasions shown flagrant

disregard for the findings of international bodies established for the protection of human rights.

The third key area requiring change is in the institutions which should protect and promote human rights, but which all too often contribute to serious abuses. Most particularly, we think of policing. We have noted earlier the special problems that arose last summer around the policing of contentious parades, and Human Rights Watch will speak to this issue in some detail. Last year's events cannot, however, be seen in isolation. Particularly worrying are the continuing reports from detainees that police officers threaten and abuse lawyers via their clients in a manner entirely inconsistent with the UN Basic Principles on the Role of Lawyers. CAJ has received recent and alarming reports of police officers making death threats and engaging in extreme personal abuse of a lawyer during interrogation of detainees. The death of defence lawyer, Patrick Finucane and the evidence of official collusion in his murder remains unresolved.

Following widespread concern among non-governmental organizations, and the findings of bodies like the UN Committee Against Torture, the government eventually agreed to introduce silent video recording of police interviews as a safeguard to prevent ill treatment of detainees. - While welcome, this measure has still not been introduced and will not protect detainees against verbal and psychological abuse. The European Committee for the Prevention of Torture, following its special visit to Northern Ireland, concluded that *"persons arrested in Northern Ireland under the Prevention of Terrorism Act run a significant risk of psychological forms of ill-treatment during their detention at the holding centres and that on occasion, resort may be had by detective officers to forms of physical ill-treatment."* (ECPT 1994)

CAJ continues to receive complaints of psychological ill treatment and occasional assault. We call upon the United Kingdom government to reconsider this refusal to introduce audio recording for these interviews. Such a step would be in the interests of detainees and would serve to protect the police from any false accusations. We also call for action to establish an independent complaints mechanism as an urgent priority, alongside steps to end police harassment, which is regularly experienced by both working class Protestant and Catholic youth.

The fourth issue that CAJ raises in its human rights agenda for action is the need to deal with the legacy of the past. The consequences of the failure to tackle human rights concerns, and to address past human rights abuses are graphically highlighted by the ongoing controversy around Bloody Sunday. This year marks the twenty-fifth anniversary of the killing by the British Army of 13 civil rights demonstrators in Northern Ireland. Further

significant evidence has now emerged which confirms that the original Tribunal of Inquiry into these events was fundamentally flawed. A new and independent inquiry, with international input - perhaps along the lines of the Mitchell Commission - is vital. Such a step is necessary to establish the truth of what happened and remedy the injustice done to the deceased and their families. Moreover redressing long-standing grievances could make a major contribution to building a lasting peace in Northern Ireland. In 1995, recognizing this fact, the United National Human Rights Committee called on the United Kingdom to resolve outstanding cases. Thus far the government has failed to implement this recommendation. A new inquiry into Bloody Sunday, launched by the Labour government, would give a clear signal of the commitment to change.

Nor can the past be laid aside without addressing the issue of prisoners. A series of initiatives will have to be considered. There is, for example, the situation of Irish republican prisoners held in jail in Britain. It is ironic that their conditions actually deteriorated dramatically during the period of the IRA ceasefire. This small group is being held in special secure units with a highly restricted and punitive regime. Independent medical experts have attested to the deterioration in their physical and mental well being as a result of being held in these conditions, and Amnesty International will speak to this issue in its presentation. CAJ would urge that prompt steps be taken to secure their well-being. In particular, we urge that their requests to be transferred to prisons in the Republic of Ireland and Northern Ireland be met so that they can be serve their sentences near their families. While there has been some recent progress in this area it is important that the remaining prisoners are transferred immediately.

Concrete action to improve the situation with respect to the areas I have just described will contribute to the development of a strong culture of rights. The events of last summer, where there was enormous communal tension and conflict, emphasized the importance of promoting a greater awareness of the meaning of human rights. Most importantly, in Northern Ireland, we need to develop a clearer understanding that everyone is equal before the law, that human rights are inalienable, and that one must exercise one's rights with due respect for the rights of others. There is particular responsibility on government to ensure that the rule of law applies and is seen to apply. This will be especially important as we approach the coming marching season.

Discriminatory behavior -- whether on grounds of religious belief, political opinion, race, gender, sexual orientation, physical or mental ability, or ethnic origin -- must be effectively outlawed. More importantly, Northern Irish society has to come to understand that, as the Universal Declaration of

Human Rights says in its preamble: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace."

This quote brings us full circle to the argument that we made at the outset of our oral statement - that is, that human rights having been at the heart of the conflict in Northern Ireland, must be at the heart of any peace process. The various parties to the Northern Irish conflict are currently assessing what are the implications of the arrival of a strong Labour government for the stalled peace negotiations. We will have to wait for the details to emerge, but Mo Mowlam, the new Secretary of State for Northern Ireland, has indicated that she intends to concentrate on the issues of policing, the controversy around marching, discrimination in employment and the question of a Bill of Rights. We hope that she will not be deflected from prioritizing such issues. We also await clear signals from the new government in the Republic of Ireland, with regard to the centrality of rights to build a lasting peace.

Human rights are not and must not be seen as "concessions", they represent something that everyone can benefit from. Human rights can also play a crucial role in building the sense of trust necessary for successful negotiations. To date the peace process has been characterized by an unhealthy narrow focus on the constitutional aspects of the conflict. To attempt to deal with these issues at an early stage is to court failure. In order to build belief that the process can succeed and, most importantly, to encourage trust between the parties, a series of confidence building measures are necessary. These should take place in the context of a developing culture of human rights which seeks to involve all communities in devising mechanisms to protect and promote human rights for everyone in Northern Ireland. These steps can only be taken by two governments as co-sponsors of the current talks process, and in particular the British government, as the ultimate authority within Northern Ireland.

A focus on human rights issues enjoys three distinct advantages. Firstly, they can be driven by an agenda agreed by the parties to address matters on which there is an element of agreement between the parties. The parameters of the debate can be set by the international standards for the protection of human rights which are already in existence. In this way the agreed delivery of means to protect rights will be externalized and will therefore partially insulate them from the potentially divisive nature of an internally focused debate. It will be difficult for the two governments to disagree with this method or the conclusions which it reaches insofar as they are consistent with international standards which the governments have helped to set.

Additionally, this mode of dealing with human rights issues, will ensure that the vindication of human rights will be seen as an integral part of the process as opposed to being part of the political horse-trading accompanying the peace process. This will avoid situations such as that which arose when the exclusion orders on Gerry Adams and Martin McGuinness were lifted by the British government while many others remained in place. The lifting of the two orders was seen by unionists as a concession to republicans, rather than a positive contribution to the protection of human rights. Respect for human rights and, consequently for the rule of law, cannot be successfully built on the notion that human rights are optional extras or trade-offs between parties. The inverse of the causal link between the abuse of human rights and conflict will not be achieved unless the protection of those rights is a matter of concern to all.

Thirdly, and most significantly, the Mitchell report on decommissioning recognized the importance of confidence building measures taken by all sides to build trust and confidence throughout the process. Decommissioning is obviously one of those measures but since, as Mitchell recognized, 'success in the peace process cannot be achieved solely by reference to the decommissioning of arms,' other steps are needed. Many of the examples that Mitchell gave of such steps relate directly to the items on the list of recommendations elaborated by the human rights community in Agenda for Change. Agreement on these human rights issues and related matters could create confidence and therefore space for manoeuvre on all sides. This is the necessary dynamic to move the process forward.

Human rights activists, would argue that the state has an obligation to protect human rights in all circumstances, and especially in situations of conflict. They also recognise, as does international law, that the state has a right to defend itself from violent attack. However, that defence has to be proportionate and has to operate within certain defined parameters, one of which is that as soon as the threat passes, the state's recourse to exceptional measures must cease. The propensity of states to only pay lip service to these human rights imperatives not only undermines their moral and political authority, but also endangers the search for peace. Indeed, even in the shorter term, we believe that the resolution of the political tensions that arise from the abuse of human rights will ease the search for an overall settlement. It is important, therefore, that some mechanism be found to integrate human rights issues into the political framework and to place them at the forefront of the search for a settlement. A consistent and strategic approach, which utilizes international goodwill, and builds upon the international consensus that exists on the need to safeguard human rights, is required. Such an approach would ensure that if, as appears inevitable, and is currently the case,

the political process encounters difficulties, the rights agenda could continue to provide tangible evidence of the benefits that can accrue from a peaceful engagement with the democratic process.

We understand that there will be some concern in the minds perhaps of committee members, and of the U.S. Administration, that strong statements in defence of human rights may not be appropriate at this time. With the resumption of paramilitary violence, and the coming to office of a new government in the UK, observers may well hesitate to become involved. Yet as human rights activists based on the ground in Northern Ireland, our conclusion is quite the opposite.

CAJ argues that it is precisely because the peace process is so precarious at this point in time that external involvement is necessary. Violent attacks on the state can understandably spark off a violent knee jerk reaction. Indeed, many analysts would say that this is the intention, that violence on one side leads to violence and instability on the other. But the existence of paramilitary violence does not remove the United Kingdom's obligation to comply with the international standards to which it is bound. In particular it does not justify the imposition of a legal regime which violates the basic rights of many. Such measures feed and fuel the conflict. Peace is only likely to be achieved when everyone feels that their rights are respected and protected.

Furthermore, it is precisely because there is a new government, that a focus on human rights from a friendly ally, such as the U.S., is so necessary at this time. There is a unique opportunity at this early stage in the life of the new government, for it to make a public and genuine commitment to leave behind the appalling human rights track-record of its predecessor. The new Labour government should indicate by word and deed its belief that it is only in protecting people's rights that genuine progress towards a peaceful settlement can be made. Just as Senator Mitchell has helped to move the process forward at difficult times, this subcommittee can now contribute to the creation of the vision and positive sense of direction that is so urgently needed.

Accordingly, we urge you to use your good offices to push the centrality of human rights in the peace process by:

- encouraging, by all means possible, greater prioritization by both British and Irish governments of the human rights agenda. Both governments committed themselves in the Framework Document to the active pursuit of human rights measures, but little tangible progress has been made to date.

- encouraging all parties to give consideration to specific measures such as:
 - the development of a Bill of Rights
 - the ending of emergency legislation and reform of the criminal justice system
 - institutional change, especially in regard to policing
 - resolutions of outstanding miscarriage of justice cases and other legacies of past human rights abuses
 - the creation of a dynamic and vibrant human rights culture

- encouraging, in particular, the U.S. Administration and Senator Mitchell to place human rights concerns at the centre of their discussions with the British and Irish governments

10/1-23-1997 15:21 FROM LCHR DC
**LAWYERS COMMITTEE
 FOR HUMAN RIGHTS**

TO
 Washington DC Office
 100 Maryland Avenue N.E. Suite 502
 Washington DC 20002

2257485 P. 02
 Headquarters
 130 Seventh Avenue, 10th Floor
 New York NY 10001

Telephone (202) 547 2672
 Facsimile (202) 543 5999
 E-mail: WDC@lchr.org

Telephone (212) 679 6170
 Facsimile (212) 967 0916
 E-mail NYC@lchr.org
 http://www.lchr.org

STATEMENT OF
MICHAEL POSNER, EXECUTIVE DIRECTOR
LAWYERS COMMITTEE FOR HUMAN RIGHTS
TO THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS
COMMITTEE ON INTERNATIONAL RELATIONS
UNITED STATES HOUSE OF REPRESENTATIVES

June 24, 1997

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HUMAN RIGHTS IN NORTHERN IRELAND**STATEMENT OF
MICHAEL POSNER, EXECUTIVE DIRECTOR
LAWYERS COMMITTEE FOR HUMAN RIGHTS
TO THE
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS**

June 24, 1997

I. Introduction

Chairman Smith and members of the subcommittee, thank you for inviting me to testify today. I appreciate the opportunity to be a part of this hearing and to share with you our perspective on these important issues. The Lawyers Committee for Human Rights is an independent, non-governmental organization. Since 1978, the Committee has worked to protect and promote fundamental human rights, -- holding all governments accountable to the standards contained in the International Bill of Human Rights and related international human rights instruments. In its efforts to provide workable solutions to human rights problems, the Lawyers Committee brings a principled legal focus drawn on international norms.

In addressing the issue of human rights in Northern Ireland, the Lawyers Committee is mindful of the context in which these issues arise. We oppose the use of violence for political ends, and are deeply disturbed by the breakdown of the cease-fire and the return to violence in Northern Ireland. The killing last week of two policemen, members of the Royal Ulster Constabulary, by the IRA is the latest example of such tragic violence. In recent weeks there have also been violent incidents perpetrated by loyalists, including the beating to death of two young men, one a policeman. As these and other incidents continue to occur, we recognize the United Kingdom's right -- indeed, its obligation -- under international law to take steps to restore public order and to maintain security in the territories under its control. As an organization concerned solely with internationally recognized human rights, the Lawyers Committee takes no position on the form that such a settlement should take.

Nevertheless, the Lawyers Committee is deeply concerned that significant violations of well established rules of international law continue to occur in Northern Ireland and that these violations cannot be justified. Therefore, what we do advocate is that the Clinton Administration and members of Congress pay greater attention to human rights violations in Northern Ireland, and underscore the importance of these issues in bilateral discussions with United Kingdom officials.

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Chairman Smith, we greatly appreciate your interest in the human rights situation in Northern Ireland. It is consistent with your longstanding concerns about human rights problems throughout the world, and your efforts to seek concrete ways to address these problems. It is our hope that today's hearing will serve as a catalyst to encourage the Clinton Administration and Senator Mitchell to incorporate human rights issues more centrally into the Northern Ireland peace process. Today's hearing takes place at a time when, despite the recent violence, there is a unique window of opportunity with respect to Northern Ireland. The United States is now playing a vital role in the peace process and Senator Mitchell's ongoing involvement and the President's own interest and involvement are part of why the window of opportunity now exists. The recent election of a Labour government has provided impetus to the process. Prime Minister Blair's government has signaled its own strong commitment to human rights generally, and with respect to Northern Ireland in particular.

We are mindful that many people have argued that respect for human rights in Northern Ireland will come only after larger political issues have been resolved. We disagree. Human rights are not mere side issues to be addressed when constitutional structures have been agreed and negotiated. The denial of human rights has been and continues to be at the heart of the conflict. By the same token, it is only by reasserting the centrality of rights that peace can be achieved. By addressing longstanding human rights concerns such as the repeal of emergency legislation, the authorities in Northern Ireland can build confidence on both sides. By taking concrete measures to build an independent legal system, and by strengthening the rule of law, both Protestants and Catholics will see tangible benefits associated with the peace process. By addressing issues such as more humane and just treatment of detainees, both sides will be able to achieve mutually desired objectives. In two reports following extensive fact finding missions, the Lawyers Committee has focused on the emergency law framework, constraints on the judiciary, and the intimidation of lawyers as important human rights problems that need to be addressed promptly and aggressively. I wish to outline our concerns in each of these areas. In our view, efforts to address these problems will serve as confidence-building measures on both sides of the conflict, and serve to advance the peace process.

II. Emergency Laws

A. The Emergency Law Framework

The primary emergency laws currently in force in Northern Ireland are the Northern Ireland (Emergency Provisions) Act 1996 (EPA) and its counterpart, the Prevention of Terrorism (Temporary Provisions) Act 1989. The EPA has evolved from a piece of legislation first passed in 1973. Together, these statutes help to obtain convictions in cases involving those suspected of

See Lawyers Committee for Human Rights, Human Rights and Legal Defense in Northern Ireland: The Intimidation Defense Lawyers, The Murder of Patrick Finucane, (1993). See Lawyers Committee for Human Rights, At the Crossroads: Human Rights and the Northern Ireland Peace Process, (1995).

paramilitary activity, based on confessions often following prolonged detention and intense interrogation. Government-sponsored reviews of this legislation occur regularly, but these reviews have been limited in scope, taking as their starting point the view that emergency legislation is needed. This point was underscored by the decision of the Secretary of State for Northern Ireland to renew the LPA in August 1996, a move that arguably placed the United Kingdom in default of its international legal obligations.

In Northern Ireland, the criminal justice structure has served as the primary vehicle to effect state policy since the emergency regime's creation. The use of the criminal justice structure has a number of distinct advantages for the state in responding to the crisis. First, it has a useful symbolic effect, allowing the state to claim that the crisis is under control while maintaining the appearance of a normal process -- even though the ordinary criminal justice system may be severely modified. Second, legitimacy is maintained by the use of legal sanction as opposed to extralegal measures. Nevertheless, this approach is seriously flawed.

Among our concerns are these:

- derogation of Article 5(3) of the European Convention on Human Rights, and Article 9(3) of the International Covenant on Civil and Political Rights, requiring that those arrested and charged with any offense be brought promptly before a court;
- failure to close Castlereagh holding center, as has been recommended by the United Nations Human Rights Committee and the government-appointed Independent Commissioner for the Holding Centres;
- criminal Evidence (Northern Ireland) Order of 1988 and Section 34 of the Criminal Justice and Public Order Act 1994, which allows a judge to draw an adverse inference to silence of the accused during police questioning and trial testimony;
- the use of exclusion orders under the PTA, permitting the Secretary of State to deny the right of persons to travel between England and Northern Ireland without meaningful explanation, hearing, or right to appeal.

Unnecessary reliance on emergency powers limits the opportunity for a society in transition to learn to function with all the key legal protections for the rights of its citizens in place. In a society where lack of rights protection has been one of the leading causes of strife, the development of a stronger rights culture is of paramount importance for social progress and accommodation. There is little doubt that confidence building measures focused on dismantling the emergency regime would aid the process of social reconciliation, as well as satisfying the international legal obligations by which the United Kingdom is bound.

B. Judges and the Judicial Framework

The judiciary of Northern Ireland confronts a predicament typical of permanent "emergency" states. On one hand, judges in Northern Ireland must implement the basic guarantees of due process amidst the demonstrated threat of danger from paramilitary violence. On the other hand, the Northern Ireland judiciary must also do its job in the face of domestic legislation that too often derogates from the standards of fairness that international law charges judges to ensure. The Lawyers Committee believes that even if parliament has enacted legislation contrary to international human rights principles, or permits the creation of a system such as the Diplock courts, the judiciary nevertheless has leeway to interpret domestic laws as fairly as possible and attempt to ensure an impartial tribunal as stipulated in international law.

Specific problems include the following:

- the absence of jury trials for some crimes listed under the EPA;
- the willingness of the judiciary to admit confessions obtained as a result of abusive police tactics during prolonged detention;
- the willingness of the judiciary to draw inferences of guilt from a defendant's decision to remain silent;
- the reluctance on the part of the judiciary to question uncorroborated police statements;
- the disparaging comments made by some members of the judiciary in reference to defendants, particularly those who appear before non-jury Diplock Courts;
- the lack of transparency in the process by which members of the judiciary are appointed to the bench;
- the narrow interpretations of ambiguous domestic laws drawn by the judiciary where binding guidance from international conventions exists;
- the reluctance of the judiciary to enforce Article 2 of the European Convention on Human Rights with respect to protection of persons against the unnecessary use of lethal force by the security forces.

The Lawyers Committee recognizes that an independent judiciary functions under considerable stress when subject to chronic political instability, personal threats and the continued suspension of rights by the executive. Individual judges have demonstrated patience and courage. However, it is the core function of an independent judiciary to correct swiftly any abuse of authority by the executive and to strive to protect the rights guaranteed to each citizen by national

and international law. An independent, fair-minded and impartial judiciary -- and a clear public perception of those qualities -- are key components for Northern Ireland to move beyond civil strife, and towards the creation of a more pluralistic and inclusive society.

C. Intimidation of Defense Lawyers

The legal setting in Northern Ireland all but ordains that defense lawyers suffer intimidation. Together the EPA and PTA encourage the security forces to rely on custodial interrogation as the primary means of obtaining convictions. Practices and conditions within the detention centers facilitate this incentive. The overall approach the law establishes makes legal counsel more crucial and therefore more often subject to police hostility. Far from checking this hostility, the law encourages it, often in dangerous ways. Complaints procedures, which might provide a measure of redress, remain ineffectual, prompting the skepticism solicitors accord the complaints process and contributing to their tenuous position in the system itself.

No event came to symbolize the hazards faced by Northern Ireland's defense lawyers more than the murder of Patrick Finucane. A leading defense and civil rights solicitor, Finucane was murdered by loyalist paramilitaries in circumstances that suggested that elements of the security forces colluded in the killing. Despite this information suggesting official collusion, the Northern Ireland Director of Public Prosecutions (DPP) chose not to prosecute despite promising publicly disclosed lead in the case. The Royal Ulster Constabulary's (RUC) own investigation into Finucane's death remains incomplete. To date, none of the government inquiries relating to the Finucane case have been made public. In its 1995 report, the Lawyers Committee summarized the case, noting, "unhappily, not only has there been no independent public inquiry, there has been no tangible progress in publicly identifying Finucane's killers, much less bringing them to justice."² The Lawyers Committee and other human rights groups have called for an independent and public judicial inquiry into Patrick Finucane's murder. An inquiry now would put suspicions of official collusion to rest and provide a key showing of good faith on behalf of the UK government.

Among the Lawyers Committee's concerns about the failure of the UK government to prevent the intimidation of lawyers are these:

- continued threats made by interrogators to detainees with the purpose of interfering with the attorney client relationship and interfering with the accused's choice of counsel;
- failure of the Independent Commission for the Holding Centers to address the problem of threats against solicitors occurring in detention centers;

² See Lawyers Committee for Human Rights, *At the Crossroads: Human Rights and the Northern Ireland Peace Process*, *supra* at 107.

- failure on the part of UK authorities to provide an effective means of investigating threats against solicitors;
- section 47 of the EPA, permitting police to prevent any person detained under emergency provisions from seeing a solicitor for up to 48 hours after initial arrest, and then for subsequent 48 hour periods until charge or release;
- inability of detainees to access legal advice during interrogation;
- delays by UK authorities in the installation of video cameras in detention centers for purposes of record interrogations, and its refusal to permit audio recordings;
- failure of the UK to provide an effective means of investigating complaints of police harassment and abuse.

So long as the emergency laws remain on the books they provide a basis for the harassment of defense counsel. As an initial matter, this holds true even for provisions that do not apply to lawyers directly. Such general provisions include measures ensuring prolonged detention, easy admissibility of confessions and the effective elimination of the right to silence. The result is a system that gives the security forces every incentive to rely on confessions obtained in custody and, in turn, to impede solicitors who are often the only significant hurdle to safeguard against improper convictions. Far from eliminating these incentives, the government has demonstrated its resolve to keep them in place for the foreseeable future.

III. Recommendations

We urge Congress, the Clinton Administration and this subcommittee to press its concerns about human rights in Northern Ireland with Senator Mitchell. Specifically, we urge you to convey to the President the importance of raising these issues, as confidence building measures, in the context of the Northern Ireland peace talks:

A. Emergency Laws

- The right to trial by jury should be reinstated for all inhabitants of Northern Ireland, with proper safeguards to protect the integrity of jurors.
- The right to silence should be reinstated. Neither judges nor juries should be permitted to draw adverse inferences at trial from a defendant's failure to respond to police questioning.
- The power to intern suspects without trial should be removed in Northern Ireland.

- The power to issue exclusion orders should be eliminated, in accordance with international legal standards.
- B. The Judiciary**
- The government of the United Kingdom should conduct a new inquiry into the shooting deaths of 13 unarmed persons by security forces on "Bloody Sunday," in January of 1972. The original government inquiry absolving security forces in the "Bloody Sunday" shootings has been widely discredited and a new inquiry needs to be undertaken.
 - The government of the United Kingdom should undertake measures to ensure that the composition of the judiciary broadly reflects the traditions and attitudes of the community at large. The process of appointing judges should be made more transparent and accountable to the public.
 - The Judicial Studies Board for Northern Ireland should be expanded, and should implement training programs on international human rights standards and minority relations.
 - The Northern Ireland judiciary should be encouraged and accorded the resources to meet and consult with judges from other jurisdictions, particularly those facing social transformation.
 - Judges should take every opportunity to demonstrate publicly their commitment to the principles of a transparent and independent judiciary, as a means of overcoming perceptions of the legal order in Northern Ireland.
- C. Intimidation of Defense Lawyers**
- 1. Allegations of Intimidation**
- An independent public inquiry should be held into the murder of Patrick Finucane. The RUC should make a public statement regarding the status of its investigation into the Finucane murder.
 - The IJK authorities should require vigorous and independent investigation of all threats to legal counsel in Northern Ireland. Solicitors who report threats of violence should be accorded effective protection.
 - The Independent Commissioner for the Holding Centres should investigate all allegations of official threats and abuse of defense lawyers.

2 Access to Lawyers

- The right to immediate access to counsel of choice should be respected. Detainees should have access to such legal advice during interrogation.
- Detainees should have regular, constant and confidential access to their solicitors.

3. Detention Practices and Conditions

- All interrogations should be audio and videotaped. Solicitors representing detainees should have access to such audio and videotapes.
- For as long as the detention centers continue to function, the Lay Visitor Scheme should be extended to them.

4. Complaints Procedure

- The government should implement the recommendations made by Maurice Hayes to establish an independent ombudsman to investigate police complaints.
- The Law Society should establish formal public complaints procedures for alleging official harassment or threats.

Prepared Statement to

House Committee on International Relations
Sub Committee on International Operations
and Human Rights

Hearing on *Human Rights in Northern Ireland*

Tuesday 24 June 1997

by

Stephen Livingstone

Co-Director
University of Nottingham Human Rights Law Centre*
tel 44-115-9515622
fax 44-115-9515696

e-mail stephen.livingstone@nottingham.ac.uk

*This statement is made in my personal capacity and should not be attributed to the University of Nottingham Human Rights Law Centre

access to legal advice during interrogation.' Both the United Nations Committee on Torture in both 1991 and 1995⁶ and the European Committee on the Prevention of Torture in 1995 have expressed strong concern that conditions for the interrogation of those suspected of terrorist offenses in Northern Ireland create a significant risk of the mistreatment of suspects. The United Nations Human Rights Committee in 1995 also expressed concern that permitting courts to draw inferences from the silence of suspects (especially when coupled with the denial of access to legal representation) compromised the protection of the right to fair trial.⁷

These are significant findings in areas of core human rights protections. Moreover they are findings by international tribunals and monitoring bodies who are fully aware of and acknowledge the difficulties faced by the state in the circumstances of Northern Ireland. If a common theme can be discerned in these cases it is the failure of the state to provide adequate, effective and independent means for reviewing the conduct of the law enforcement authorities, especially where they have been granted increased powers. A consistent theme of law enforcement policies in Northern Ireland over the past twenty eight years has been that a combination of violence and intimidation, plus the need for quick results in serious cases, makes normal law enforcement based on the co-operation of the public very difficult. Hence the adoption of measures such as non jury courts, lengthy periods of detention for questioning and the drawing of inferences from silence which reduce reliance on the co-operation of the public. The constant danger with such measures is that they risk sections of the public increasingly seeing law enforcement as something that is done to them rather than for them, hence fuelling lack of confidence in the law enforcement agencies and turning the lack of public support on which such policies are based into a self fulfilling prophecy. Such suspicions that increased law enforcement powers are merely a cover for arbitrary law enforcement action are fuelled when mechanisms do not exist to render law enforcement transparent and accountable. The continuing controversy over the Bloody Sunday shootings of 1972 is perhaps the most significant example of how lack of adequate scrutiny mechanisms can engender public distrust and suspicion.

Hence from a human rights perspective there is a need for changes which would render law enforcement more transparent and accountable in Northern Ireland, something which in turn should ensure compliance with international human rights standards. A fully independent system for the investigation of complaints against the police, video and audio taping of all police interrogation of suspects, judicial review of any extensions of detention for questioning beyond 48 hours, unqualified access of lawyers to their clients in custody and better procedures at

⁷ I have discussed a number of these cases in greater length in Livingstone, "Reviewing Northern Ireland in Strasbourg 1969-94" (1995) *Irish Human Rights Yearbook* 15

⁶ See CAT/C/SR.92 and CAT/C/25/add 6.

⁵ see CCPR/C/79 Add.55

As a human rights lawyer who has experience of studying the human rights situation in a number of countries around the world I believe that it is important to get the situation in Northern Ireland in perspective. There are many parts of the world where human rights are more consistently violated than in Northern Ireland. Moreover Northern Ireland over the past twenty eight years has been the site of sustained campaigns of political violence by armed groups both opposed to and in favour of the current constitutional arrangements. Unlike many of the conflicts with which Northern Ireland is so often compared, such as central America, South Africa or the Middle East the vast majority of the killings in the Northern Ireland conflict (around 90%) can be attributed to those groups rather than the state. These groups have killed around five times as many police officers and soldiers than police officers and soldiers have killed of them and over ten times as many people without any affiliation than have been killed by agents of the state. These facts are well known, and the threat which political violence poses to the security of all the people of Northern Ireland has regularly been accepted by international human rights monitoring bodies as permitting the state to derogate to some extent from its human rights commitments.¹

However as a human rights lawyer its is also deeply disturbing that the United Kingdom, one of the prime movers in the creation of international human rights law after world war two, continues to be found in breach of particularly fundamental human rights provisions in relation to Northern Ireland. Remember this is breach of what are acknowledged to be internationally agreed minimum human rights standards and standards which are structured so as to permit states to take necessary steps to protect the rights of others in times of crisis. In the forum of the European Court of Human Rights at Strasbourg for example the United Kingdom has been found to have breached the right to protection against inhuman and degrading treatment in the 1978 *Ireland v United Kingdom*² case on interrogation conditions and the right to life in the 1995 *McCann*³ case on the Gibraltar shootings. It has also been found to have breached the right to liberty in the 1989 *Brogan*⁴ case on seven day detention after arrest and the 1990 *Fox, Campbell and Hartley*⁵ case on the operation of emergency arrest powers, and to have breached the right to fair trial in the 1996 *Murray*⁶ case in connection with

¹ For example by the European Court of Human Rights in *Brannigan and McBride v United Kingdom* 19 European Human Rights Reports 193 (1994)

² 2 European Human Rights Reports 25 (1978)

³ 21 European Human Rights Reports 97 (1995)

⁴ 11 European Human Rights Reports 117 (1989)

⁵ 13 European Human Rights Reports 157 (1990)

⁶ 22 European Human Rights Reports 29 (1996)

inquests would all be high on that list. All of these are achievable without rendering the law enforcement authorities incapable of performing their legitimate tasks of preventing and detecting crime, including politically motivated violence. The incorporation of the European Convention on Human Rights, promised by the current government, is a welcome step but this must be supported by giving powers to an independent Human Rights Commission (whether an improved Standing Advisory Commission on Human Rights or some new body) to scrutinise its enforcement and initiate litigation where it feels the Convention is breached.

It would be naive to believe that effective enforcement of human rights alone would resolve Northern Ireland's conflicts. It is true to say that the protection of human rights is more likely to flourish in a time of peace. Moreover exactly how certain rights are given effect to in Northern Ireland is itself likely to be the expression of a political settlement. However measures to enhance the protection of certain basic rights like those to life, freedom from torture, liberty and fair trial are both right in themselves and might contribute to an atmosphere of greater public trust and confidence in which a settlement is more likely to be achieved.

HUMAN RIGHTS WATCH

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STATEMENT

OF

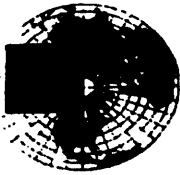
JULIA A. HALL

**W. BRADFORD WILEY FELLOW
NORTHERN IRELAND RESEARCHER**

HUMAN RIGHTS WATCH

JUNE 24, 1997

**HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS**



485 FORTH AVENUE
NEW YORK, NY 10017-6104
TEL (212) 978-8400
FAX (212) 978-0905
E-MAIL: hrw@hrw.org

1518 K STREET, N.W., #910
WASHINGTON, DC 20005-1808
TEL (202) 371-6199
FAX (202) 371-0194
E-MAIL: hrw@hrw.org

33 BUNTING HIGH STREET
LONDON N1 9JH UK
TEL (44171) 713-1995
FAX (44171) 713-1800
E-MAIL: hrw@hrw.org

15 RUE VAN CAMPENHOUT
1000 BRUXELLES, BELGIUM
TEL (322) 739-9009
FAX (322) 739-0471
E-MAIL: hrw@hrw.org

WEB SITE: <http://www.hrw.org>

CONTRIBUTE
people@public.humanrights.org 5000

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Human Rights Watch believes that it is a particularly important moment for the Subcommittee on International Operations and Human Rights to turn its attention to Northern Ireland. The protection of individual rights and the maintenance of the rule of law are essential to advancing the peace in Northern Ireland. Unfortunately, attempts by state authorities to control the conflict there have created an environment in which human rights violations are routine. This erosion of civil liberties and human rights in the interests of security and public order has, in many ways, served to exacerbate the conflict. Thus, any effort to build trust and confidence in the peace process must include immediate and careful attention to the protection of human rights for all of Northern Ireland's citizens.

We understand that recent events have had a negative impact on the peace talks. The brutal murders of three police officers in the last month have shocked and saddened all those committed to peace. These senseless killings, coupled with serious tensions—with great potential for violence—arising from the annual marching season, signal an urgent need to resume efforts to create trust in all Northern Ireland's communities so that people have more of an investment in advancing the peace than they do in perpetrating or supporting acts of violence.

Human Rights Watch's research and advocacy in the past year has focused on the reform of policing in Northern Ireland. This focus was a direct response to the final report of the International Body on Arms Decommissioning chaired by former U.S. Senator George Mitchell and tasked in 1995 with providing to the multi-party peace talks an acceptable plan for the decommissioning of paramilitary weapons in Northern Ireland. However, the International Body wisely recognized that success in the peace process could not be achieved solely by focusing on the decommissioning of weapons. To create trust in the peace process, confidence-building measures would also be necessary, including the normalization of policing, a review of the use of plastic bullets, a more balanced religious representation in the Royal Ulster Constabulary (RUC), Northern Ireland's police force (which is currently 90 percent Protestant), and the cessation of paramilitary punishment assaults. Human Rights Watch's report *To Serve Without Favor: Policing, Human Rights, and Accountability in Northern Ireland*, released in May 1997, addresses all of these issues.

Let me lay out for the Subcommittee some of our specific concerns. First, the policing of the upcoming marching season is a matter of urgent concern for Human Rights Watch. The marching phenomenon involves the ongoing dispute between Protestant fraternal orders supported by the unionist community and predominantly Catholic nationalist communities organized to oppose Protestant marches through Catholic areas. A detailed investigation by Human Rights Watch of last year's marching season strongly indicates that a series of police actions—sanctioned by the government of the United Kingdom—exacerbated the intercommunal conflict and contributed to an effective breakdown in the rule of law. The failure of state authorities to maintain the rule of law occurred when police officials reversed an earlier decision to reroute a loyalist march and allowed the march to proceed down the predominantly Catholic Garvaghy Road under threat of unionist mob violence. In the aftermath of this extraordinary reversal, the RUC's strategy for dealing with nationalist protesters involved the use of brutal force in contravention of international standards.

Of particular concern to Human Rights Watch was the excessive use of physical force directed at peaceful demonstrators and the massive and indiscriminate use of potentially lethal plastic bullets. Testimony from residents on the Garvaghy Road indicated that many persons peacefully protesting on the road were brutally assaulted by RUC officers in full riot gear, many of whom used sectarian language throughout the course of the police operation. Furthermore, the massive use of plastic bullets by the RUC—often in situations where there was no imminent threat to life—resulted in grievous injuries, including shattered jaw bones, broken palates, and internal injuries leading to coma. It is imperative to note that plastic and rubber bullets have killed seventeen people in Northern Ireland. The United Kingdom Ministry of Defense admission just this month that defective plastic bullets were used during last summer's marching season supports our own conclusion that the bullets are inherently unreliable and potentially fatal and thus should be removed from use. Significantly, an internal police review of plastic bullet use during the summer of 1996 suggested that the presence of plastic bullet gunners can actually exacerbate tensions as opposed to defusing them. For all of these reasons, Human Rights Watch continues its campaign to have plastic bullets banned. As well, we have called for a "zero tolerance" policy for the excessive use of force by police officers and greater accountability for RUC operational decisions and conduct in order to avoid a repeat this summer of last year's widespread police abuse.

Another immediate concern for Human Rights Watch is the daily violence of paramilitary punishment assaults and shootings in both unionist and nationalist communities. Throughout "the Troubles" in Northern Ireland, the police have concentrated their efforts on the suppression of political violence by paramilitary groups. This "anti-terrorist" campaign has been waged to the exclusion of many traditional policing functions in some areas. In the absence of normal policing, loyalist and republican paramilitaries have assumed quasi-policing roles in their respective communities by meting out "punishments" for perceived or actual offenses such as drug trafficking, wife abuse, or burglary. These non-political offenses, which would be addressed through routine policing by a traditional police force, have instead been effectively delegated to irregular, paramilitary "law enforcement."

Paramilitary punishments in both communities take many forms. People have been brutally assaulted with baseball bats, iron bars, and clubs driven through with sharpened spikes. In some cases, metal spikes have been driven through the legs and elbows of young men. Young women have been abducted, had their heads sheared, been tied to lampposts, and had paint poured over them. Many people have been shot, some in the back of the knee which causes excessive bleeding and has led to the amputation of limbs. In 1995-96 eight men were summarily executed for alleged drug offenses by vigilantes widely believed to be associated with the IRA. In addition, paramilitary organizations issue "expulsion orders" to force alleged perpetrators to leave a particular city or all of Northern Ireland for a designated period of time under threat of being shot or beaten.

Testimony from residents in both the unionist and nationalist communities of Northern Ireland indicates that there is a profound lack of confidence in the RUC. Representatives from both communities appeared resigned to paramilitary policing because they felt that normal policing did not occur in their neighborhoods. Human Rights Watch has called for an immediate cessation of all

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forms of paramilitary intimidation. Punishment beatings, shootings and expulsions are violations of humanitarian law and cannot be tolerated. Furthermore, we have called on the government of the United Kingdom to resume normal policing in the many areas of Northern Ireland where these brutal alternative justice systems have become the only regular form of so-called justice residents know.

Finally, Human Rights Watch is deeply disturbed by persistent allegations of collusion between some members of the security forces and loyalist paramilitary groups. Members of the security forces are alleged to engage in collusion by conspiring directly with loyalist paramilitaries to carry out acts of violence or by facilitating the commission of violent acts. Actions that can constitute collusion include the leaking of security information such as photo montages and house floor plans to paramilitary organizations; the diversion of law enforcement resources away from the scene of a loyalist paramilitary assassination just prior to the crime; and the failure to adequately investigate loyalist paramilitary killings by overlooking critical evidence, failing to interview key witnesses, or generally failing to apprehend a suspect.

Because the police are invested with primary responsibility for identifying, gathering, and securing information on suspected paramilitaries, and investigating acts of paramilitary violence, the bulk of the allegations of collusion are made against the RUC. This is particularly true in cases where legitimately collected official information finds its way into the hands of loyalist paramilitaries. A common scenario in Northern Ireland involves the RUC warning a person—usually a nationalist—that she or he is under paramilitary threat because his or her security files have “gone missing,” that is, been lost, and are in the possession of a loyalist paramilitary organization. The frequency of these so-called warnings, coupled with the fact that a number of persons whose security information has been passed on have subsequently been assassinated by loyalist paramilitaries, indicates an urgent need for the RUC to take affirmative steps to address allegations of collusion.

Human Rights Watch has made a series of recommendations to the United Kingdom government for effectively addressing allegations of collusion, including the immediate and thorough vetting of the RUC for officers with illicit associations to loyalist paramilitary organizations, a reassessment of procedures for the handling of classified identification information, and a commitment to the rigorous investigation of loyalist paramilitary killings in conformity with international standards. In some cases, we call for more specific measures. For example, with respect to the loyalist paramilitary murder of Catholic criminal defense lawyer, Patrick Finucane—who suffered harassment and death threats by RUC officers—Human Rights Watch urges that an independent, public inquiry with powers to administer oaths and issue subpoenas be convened. In the case of the loyalist paramilitary killing of nationalist Patrick Shanaghan, we call on the RUC to address a number of serious investigative failures and to find and punish those RUC officers who persistently harassed and threatened Patrick Shanaghan over a ten year period before he was killed.

Human Rights Watch has welcomed the initiatives of the new Labour government with respect to the reform of policing and the protection of individual rights. Clearly, the Labour government understands, as we all must, how persistent human rights violations create a climate of

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hostility and a lack of trust in state authorities. The time is now for a renewed commitment to building confidence in the peace process by guaranteeing the protection of rights. Human Rights Watch urges the Congress to support the new Labour government's initiatives and to express its own commitment in concrete terms to the protection of human rights in Northern Ireland.

Amnesty International Testimony

Human Rights in Northern Ireland

Before the

House Committee on International Relations

Subcommittee on International Operations and Human Rights



Presented by

Maryam Elahi

Advocacy Director, Middle East and Europe

Amnesty International USA

June 24, 1997

I. Introduction

Amnesty International USA welcomes this opportunity to testify before the House International Relations Subcommittee on International Operations and Human Rights on the human rights situation in Northern Ireland. Mr. Chairman, I request that my written testimony be submitted into the record together with two AI circulars on the United Kingdom: Cruel, Inhuman or Degrading Treatment, Detention of Roisin McAliskey and Special Security Units: Cruel, Inhuman or Degrading Treatment and the 1997 Amnesty International Annual Report entry on the United Kingdom.

Amnesty International (AI) is an independent worldwide human rights movement which works for the release of prisoners of conscience, individuals detained for their beliefs, color, sex, ethnic origin, religion or language, provided they have not used or advocated violence. The organization also works for fair and prompt trials for all political prisoners and for the abolition of the death penalty and torture.

Amnesty International takes no position on the legitimacy of territorial claims or on issues of polity. Amnesty International's work is based on the Universal Declaration of Human Rights and other international and regional human rights treaties. Amnesty International condemns the torture and execution of prisoners by all governments and opposition groups. By reminding governments of their responsibility for preventing such abuses, Amnesty International seeks to promote adherence to the rule of law and international standards for the protection of human rights.

II. Human Rights Violations in Northern Ireland

In its work on Northern Ireland over many years, Amnesty International has identified laws, procedures and practices of law enforcement officials which have led to violations of the internationally recognized rights to life, to freedom from torture or cruel, inhuman or degrading treatment, to fair trial, and to freedom of expression and assembly. In particular, Amnesty International has been seriously concerned about the British Government's (hereafter referred to as "the government") failure to investigate independently and fully serious allegations of human rights violations, to make public the results of internal investigations, and to bring perpetrators of human rights violations to justice.

Given the large number of human rights violations perpetrated in Northern Ireland, there is a particular need for the new government to review a number of issues, including policing and emergency legislation provisions, with a view to increasing the protection of human rights in Northern Ireland. The protection of human rights and the creation of a human rights culture are without a doubt central to a lasting peace. Mr. Chairman, we believe that the new government

has an opportunity to make significant moves for the protection of human rights throughout the United Kingdom and we welcome the commitments expressed in initial government statements to emphasize issues of fairness and justice in Northern Ireland

A. Alleged extrajudicial killings and ineffective inquests

There must be an independent inquiry into all alleged extrajudicial killings by the security forces in Northern Ireland. This inquiry should examine the legislation governing the use of lethal force, the procedures used to investigate such killings, the lack of accountability of the security forces, in particular, concerning operations of undercover officers and soldiers, the severely restricted nature of the inquest procedure which is prevented, through legislation, from carrying out a proper and public inquiry into the full circumstances of a disputed killing, and the systematic use of Public Interest Immunity Certificates to block the disclosure of crucial evidence. The result of such an inquiry should be made available to the public.

Amnesty International's concerns are highlighted by a recent case in September 1996 in which lethal force was applied by armed police carrying out a planned raid on a house in London in the early morning resulting in the death of Diarmuid O'Neill and the arrest of two others. Diarmuid O'Neill was apparently shot six times by two officers from Scotland Yard's tactical firearms group, SO19. Initial statements by the police justified the death of Diarmuid O'Neill by stating that he was killed during a shootout between the police and the arrested suspects. However, subsequent reports have confirmed that Diarmuid O'Neill and the other suspects were unarmed. The British Government needs to account for the initial misleading statement and its justification of killing an unarmed man.

Amnesty International further calls for an investigation into the treatment received by Diarmuid O'Neill in the wake of the shooting. The photos of smeared blood on the front steps of the house would seem to indicate that Diarmuid O'Neill was dragged, seriously wounded, down the steps to the pavement, rather than being treated where he lay or removed on a stretcher. Another aspect of this case which requires clarification is the reported use of CS gas during the operation: why was CS gas used and what effects would that amount of CS gas used have had on Diarmuid O'Neill's behaviour/mental reasoning?

A police investigation was carried out into this incident by a senior officer of the Metropolitan Police Service, the same police force that was involved in the incident. This would appear to depart from past practice whereby senior officers from external police forces have been brought in to investigate serious allegations about police conduct. The results of this investigation (if indeed it is now finished) have yet to be made public.

Amnesty International is also concerned about the circumstances of the shooting in Coalisland of Gareth Doris on 28 March 1997. Gareth Doris, 19, was shot and wounded by undercover soldiers shortly after a small explosion at a police station in Coalisland. It would appear that a number of undercover soldiers had been lying in wait for an Irish Republican Army (IRA) attack. The following eye-witness account was given to Amnesty International:

"I was at the art exhibition at the Heritage Hall, otherwise known as The Mill, that evening. At approximately 9.40pm I heard a loud explosion, dull, followed quickly by 8 to 10 shots. There was silence in the hall, no one knew what they were hearing.

Then we went out on the street. We saw a person lying on the ground, and a person kneeling next to him, tying his hands. The person standing over him held a gun to the head. A number of cars appeared from different directions. One car mounted the footpath just in front of me. People got out of the cars, they were armed, dressed in civilian clothing, wearing baseball caps with a fluorescent white band round them.

The crowd gathered. The soldiers were in an agitated and nervous mood, they shouted at people to stand back. They were firing at the ground, there were explosions on the ground, flashes/sparks on the ground. People were drawing back and then moving forward again.

I went back into the mill, people were upset, especially the elderly women, but there were women and children inside. There was a continuous sound of gunfire outside. I went out again. The soldiers screeched off. While moving off, there was a whole series of crackers on the ground, explosions or flashes on the ground.. They were loud, fireworks-type thing, never been used before here.

It was a very traumatic situation. The actual incident at the barracks was a dull explosion and lasted about 1-2 minutes (including immediate shooting). But it was the aftermath which really scared people.

The whole incident has to be investigated and an explanation has to be given to the public. People are entitled to know the reason for the firecrackers, why there was an undercover operation in a public area while there was a cross-community function taking place."

The right to life is a fundamental and non-derogable right. A case in which three unarmed members of the IRA were killed by members of the Special Air Services (SAS) in Gibraltar in March 1988 was brought before the European Court of Human Rights. In its judgment in the McCann and Others v. UK, the Court stated:

"A general legal prohibition of arbitrary killing by the agents of the State would be ineffective, in practice, if there existed no procedure for reviewing the lawfulness of the use of lethal force by State authorities. The obligation to protect the right to life under this provision ... requires by implication that there should be some form of effective official investigation when individuals have been killed as a result of the use of force by, *inter alios*, agents of the State."

The Court further stated that, in this particular case, it was not necessary to decide what form such an investigation should take place because it accepted that, despite the various shortcomings in the inquest proceedings, the inquest in Gibraltar involved a detailed review of the events surrounding the killings.

Amnesty International is concerned that given the deficiencies in the legal and investigative processes in relation to the use of lethal force by law enforcement officials, the government is failing to protect the fundamental right to life. The inquest system in Gibraltar cannot be compared to the inquest system in Northern Ireland. The inquest system in Northern Ireland has been so severely restricted, first through legislation, and then through interpretation of the law and the rules by the courts, that it can no longer fulfill any useful role in determining the circumstances of a disputed killing. Justice McCollum stated In Re: Arthurs' Application, QBD, that "an inquest is an inquisitorial procedure with a limited objective" and that "the purpose of an inquest is to determine who died and how, when and where he came by his death". He also stated that "the court cannot state an opinion on questions of civil or criminal liability or any other matter". This would appear not to comply with the spirit of the European Court's statement that there should be an official investigation into the lawfulness of the agents' actions.

A number of other alleged extrajudicial killings have been of concern to Amnesty International over the last few years, including those of Pearse Jordan, John McNeill et al, Patrick Shanaghan and Liam Thompson. In all of these cases (and in others) the current inquest system failed to provide a proper and public inquiry into the full circumstances of disputed deaths. Amnesty International urges the government to establish a wide-ranging judicial investigation which in conformity with international standards would create public judicial procedure to examine alleged extrajudicial killings.

In June 1996, the Appeal Court upheld the coroner's decision, during the hearing into the death of Pearse Jordan (see annual report entry) , to allow police officers to give evidence anonymously and to deny the family's lawyer access to witness statements at the outset of the inquest. This judicial decision has been appealed and other inquests into disputed killings have been adjourned pending the outcome. However, this is an example of the difficulties faced by victims' families attempting to use the procedure - *the only one available* - to ascertain the full circumstances of an apparent extrajudicial killing.

The inquest into the death of Liam Thompson was postponed indefinitely in January 1996 after the Royal Ulster Constabulary (RUC) Chief Constable blocked crucial RUC and civil service witnesses from appearing. Eye-witnesses claimed that Liam Thompson was killed in 1994 by Loyalist paramilitaries after entering the street through a breach in a security wall. It was also revealed that the authorities had not responded to the community's earlier pleas to repair the breach.

The inquest, held in June 1996, into the killing of Patrick Shanaghan by Loyalist paramilitaries in 1991, exposed the inadequacies of the procedure in investigating allegations that he had been killed as a result of collusion between the UDA (Ulster Defence Association) and the security forces. The High Court stated that it was beyond the scope of the inquest to examine the police investigation of the incident; and the RUC Chief Constable was successful in blocking evidence concerning allegations that while Patrick Shanaghan was detained at Castlereagh interrogation centre, his life was threatened by police interviewers who said his name would be leaked to Loyalist paramilitaries.

B. Death in custody

A recent case in which a 36-year old west Belfast man died while in custody raises concerns about the treatment of prisoners in Northern Ireland. On March 30 1996, Jim McDonnell, died in Maghaberry Prison in Northern Ireland. He had asked to share a cell with his brother, Liam, because their father had died the previous night. His request was refused, a fracas ensued, and he was transferred to the punishment wing of the prison. He was found dead in his cell later. An initial post-mortem found that he died of a heart attack; he also sustained serious injuries including 11 broken ribs, a fractured sternum and a torn cartilage in his neck. The family was told that the injuries had been caused by attempts to resuscitate him. No decision has yet been taken by the Director of Public Prosecutions in relation to this case.

C. Illegal use of plastic bullets

Amnesty International is concerned about the indiscriminate firing of plastic bullets by security forces, a method of crowd control used only in Northern Ireland. Since 1969, seventeen people have been killed by the use of plastic or rubber bullets. Eight of the victims have been children under the age of sixteen years. Plastic bullets were first introduced in 1973 and were initially used along with rubber bullets (the use of rubber bullets was discontinued in 1975). Sixteen of the seventeen deaths by plastic/rubber bullets have been Catholic and more than half of them were children. The number of rounds discharged in 1996 is second only to 1981 (the year of the hunger strikes).

Ostensibly the use of plastic bullets is limited to riot control, however, in ten of the fourteen deaths resulting from the use of plastic bullets, security force contentions that the victim had been involved in rioting have been refuted by eye-witnesses or by the judge or coroner conducting the inquest. Despite the questionable circumstances surrounding these cases, only one member of the security forces (RUC) has ever been charged in connection with deaths resulting from the use of plastic or rubber bullets (he was subsequently acquitted). In many instances, the regulations governing the use of such potentially lethal bullets are not adhered to. The guidelines state that plastic bullets should only be aimed at the lower half of the body and, unless lives are at risk, should not be fired at a range of less than 20 meters. Amnesty International believes there should be a review of the misuse of plastic bullets.

International standards, such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, require that law enforcement officials should avoid the use of force in the dispersal of assemblies or, where that is not practicable, should restrict such force to the minimum extent necessary; that the use of force should be in proportion to the seriousness of the offense; and that the deployment of weapons should be evaluated in order to minimize the risk of endangering uninvolved persons.

On June 10 1997, the government announced that a large percentage of plastic bullets issued from early 1994 had velocities which were over the upper recommended limit. The faulty bullets had been withdrawn in April 1997 and replaced by stocks which did not exceed the stipulations. The higher velocity meant that the bullets would have hit their targets at excessive speed. The government statement did not say how many faulty plastic bullets had been issued, nor how many had actually been fired. However, a total of 7,437 plastic bullets were fired by the RUC and 1,424 by the British Army since the faulty plastic bullets were issued in May 1994, of which 6,951 by the RUC and 1,386 by the British Army were fired in 1996. The government stated that 94 alleged injuries have been caused by plastic bullets since the beginning of 1994. It was also revealed in The Independent of June 21 1997 that the Ministry of Defense had known since early 1996 that "some of the rounds were going marginally faster than the specified velocity, but the tests were not considered conclusive".

D. Collusion

Amnesty International continues to express concerns over the possible collusion between members of the security forces and loyalist paramilitaries. In those cases where evidence of possible collusion is raised, the rate of prosecutions and convictions appear to highlight the claim that there is one law for the security forces and another for the civilian population.

In February 1996, the Northern Ireland Court of Appeal considered a submission by the Attorney General to review the sentence of Derek Adgey on the grounds that it was "unduly lenient". Derek Adgey, a Royal Marine soldier, had been jailed for four years after admitting 22 charges relating to information he obtained while on duty and gave to the Ulster Freedom Fighters (UFF). He stated that he gave the information because he "hated the Provos [IRA] and would rather they were killed than innocent Catholics". The Court of Appeal refused to increase the sentence.

In June 1996, Royal Irish Regiment corporal, Mark Black, was sentenced to 12 months' imprisonment suspended for three years for possessing forbidden army documents containing details of alleged IRA members. He told police the information was for his personal use "in combating terrorism". He said he did not pass on or intend to pass on information to Loyalists. Earlier the court heard that the following items were found in his house: a handkerchief with the UDA emblem; surgical gloves; a green woolen hat; a ski-mask; a cleaning instrument for an SA 80 rifle. He was not charged with possession of these items.

E. Allegations of ill-treatment

Amnesty International believes that all allegations of ill-treatment should be promptly, thoroughly and independently investigated and that the perpetrators of ill-treatment should be brought to justice. Despite the many court damages awarded to plaintiffs for assault and the many out-of-court settlements there have been very few prosecutions of or disciplinary sanctions against officers allegedly involved in ill-treatment.

Currently, in Northern Ireland, apart from the internal chain of command within the RUC and the political oversight performed by the Secretary of State, there are two additional bodies which are responsible for overseeing the work of the RUC and ensuring that they meet standards set in domestic legislation and by the UN Code of Conduct. These are the Police Authority and the Independent Commission for Police Complaints.

Amnesty International considers that the government should give urgent consideration to a report issued by the Independent Reviewer of the Police Complaints System in Northern Ireland, Dr. Maurice Hayes. His report, published in January 1977, recommended the appointment of a police ombudsman whose duty would be to investigate complaints against the police by using his or her own staff of independent investigators.

A number of recent cases highlight Amnesty International's concerns over the failure to secure the rule of law and in particular to ensure that policing is carried out in an impartial manner. Royal Ulster Constabulary conduct during the "parade" season of July and August 1996 in Northern Ireland led to claims of

human rights violations by the police, including ill-treatment and beatings of peaceful protesters and the batonning of victims seeking medical treatment in Altnagelvin Hospital. Claims were also made of biased policing; evidence supporting the claims included the disproportionately high number of plastic bullets fired at Catholic crowds.

Amnesty International was concerned about allegations that five of seven men arrested in and around Crossmaglen on April 10 1997 were ill-treated by undercover soldiers, possibly members of the SAS. One of the men, Bernard McGinn alleged that he was beaten repeatedly and then kicked when he was both in an upright and in a kneeling position. He was taken to Craigavon hospital where he was treated for many injuries including to both temples, his nose, mouth, both eyes, the right ear which required stitching, the back of the head which required staples, his right shoulder and right arm, lower back, knees and legs. Another man present, Miceal Caraher claimed that he was repeatedly kicked and abused, and that a weapon was placed at his mouth. He was also taken to Craigavon hospital for treatment of his ribs and his hand.

F. Cruel, inhuman or degrading treatment

Amnesty International has urged that the government carry out a review of the "security" measures which have been implemented within the British prison regime, in order to ensure that such measures do not amount to cruel, inhuman or degrading treatment of prisoners. We have noted independent medical reports that indicate that conditions pertaining to Category A prisoners lead to a serious deterioration of the prisoners' physical and psychological health. Prisoners, on remand or convicted of serious offenses, can be categorized as Category A if their escape is considered as highly dangerous to the public or the police or to the security of the state. Category A prisoners are divided into three sub-categories: standard risk, high risk and exceptional risk (of escape).

Amnesty International is concerned that the Special Security Units (SSUs), in which "exceptional escape risk" Category A prisoners are held, constitute cruel, inhuman or degrading treatment and deny remand prisoners their right to a fair trial in violation of the United Kingdom's obligations under international treaties.

Amnesty International is greatly disturbed by the conditions in the SSUs, including "small-group isolation"; the lack of adequate exercise, sport, educational and work facilities; the lack of natural daylight and long-distance vision; the lack of adequate medical treatment; and strip-searching and other security measures, including the "closed" visit regime. Many aspects of the SSU regime violate international standards. The conditions, which have led to serious physical and psychological disorders in prisoners, constitute cruel, inhuman or degrading treatment.

Mr. Chairman, our concern about the SSUs is part of a wider concern about the conditions in which Category A prisoners are held. Category A prisoners are often denied many of the basic rights, which are recognized under international standards, on an arbitrary basis. The denial of basic rights is greatly exacerbated in SSUs. The SSU is a prison within a prison. A small number of prisons in England have SSUs: Whitemoor Prison and Full Sutton Prison for convicted prisoners and Belmarsh Prison for remand prisoners. In February 1997 there were 29 prisoners in SSUs.

In May 1996, the Prison Service commissioned an inquiry into the effects of the SSUs on prisoners' health. The report of that inquiry, completed in mid-1996, was made public in May 1997. It recommended that prisoners should be held in SSUs for as short a period as possible; that more opportunities for mental stimulation and physical exercise should be provided, including the provision of meaningful activities; and that prisoners should have access to open visits with members of their immediate family. In addition, three independent psychiatrists prepared a report in January 1997 on the effects of imprisonment in SSUs and examined five prisoners who had been held in SSUs for lengthy periods of time. The psychiatrists concluded that the SSU regime "comprises an environment, a set of practices in that environment and a set of rules regarding de-categorization which constitute a systematic physical and psychological stressor likely to lead to mental and physical disorders". The psychiatrists also concluded that, "four of these defendants have developed mental illnesses which go beyond the ordinary and expected anticipatory anxiety."

The conditions within the SSUs have also seriously impeded remand prisoners' right to a fair trial, both because they undermine the defendants' capacity to prepare their defense and because they restrict the facilities for the preparation of the prisoners' defense through "closed" legal visits.

Amnesty International urged the authorities to seek alternatives to the use of "small-group isolation" as a regular form of imprisonment. The organization called on the authorities to ensure that security considerations do not undermine the requirements of international standards and to eliminate such aspects of conditions of imprisonment that may constitute cruel, inhuman or degrading treatment. In particular, prisoners' physical and mental health should not deteriorate as a result of punitive measures which appear to be arbitrarily applied in the name of security and which constitute cruel, inhuman or degrading treatment. We also urge that the authorities ensure that prisoners are not held in conditions which violate their right to a fair trial.

The UK should ensure its compliance with the provisions of the European Convention on the Transfer of Sentenced Persons and approve further transfers of prisoners from England to Ireland or Northern Ireland, so that prisoners can serve their sentences closer to their families.

The case of *Róisín McAliskey* is illustrative of our concerns relating to the treatment of Category A prisoners. Ms. McAliskey who was arrested in November 1996 -- while four months' pregnant -- on an extradition warrant, was detained in total isolation in an all-male prison for six days before being transferred to a women's detention facility, Holloway Prison. She was detained as a Category A high risk prisoner in Holloway Prison, a prison which does not have facilities for Category A prisoners. She was subjected to frequent strip-searches, "closed visits" (meaning that there is no possible physical contact between her and the visitor) and severe restrictions throughout her pregnancy on her rights to associate with other prisoners, to receive Irish press, and to exercise.

Amnesty International believes that she was detained in conditions which constituted cruel, inhuman or degrading treatment. It was only through international protest that some of the restrictions were eased towards the end of her pregnancy, and she gave birth on 26 May in a civilian hospital. She is currently on bail in a mother-and-baby unit in a secure hospital in London.

G. Emergency Legislation

Legal justice, that is, the fair and just dispensation of the law, remains one of the most enduring and contentious issues in Northern Ireland. Northern Ireland's history is marked by fitful republican campaigns coupled with (later) civil unrest which challenged both the authority and legitimacy of the state. Civil protests of the late 1960s turned to political violence inviting harsh and repressive state responses; a normalization of emergency was realized. Repressive responses by the state had two significant effects; they awoke and legitimize a previously dormant republican movement; and they served to further alienate and radicalize the Catholic community.

Emergency legislation in Northern Ireland was initially embodied in the Civil Authorities (Special Powers) Act (NI) which was introduced in 1922 and remained in effect until 1972. The Act provided the security forces with sweeping powers of search and seizure, arrest, and detention. Following a review by a government commission led by Lord Diplock in 1972, a series of recommendations was made culminating in the Northern Ireland (Emergency Provisions) Act (EPA); an infrastructure of 'emergency' began. Many of the provisions of the repealed Special Powers Act were resurrected in the EPA. Under this legislation a system of trial without jury, commonly known as the Diplock Courts, was established. Subsumed under the EPA were sweeping powers of detainment, arrest, internment without trial, and the authority to proscribe organizations.

Additional "special powers" were adopted under a series of Prevention of Terrorism Acts (PTA) first instituted in 1974. The most current PTA (1989) allows for detention for up to seven days, proscription of organizations, and for the execution of Exclusion Orders. Unlike the EPA, the PTA applies to all of the UK. In 1990, the Police and Criminal Evidence (Northern Ireland) Order (1989) was adopted, which addressed police powers. This was followed by the Northern Ireland Emergency Provisions Act 1991 which essentially readopted provisions from earlier PTAs, incorporated PTA provisions and expanded special powers to include provisions for search and seizure, anti-racketeering, and the establishment of an independent assessor of military complaints.

Under the guise of protecting the security of the state, these emergency provisions flourished. Instituted initially as a temporary provision to respond to (arguably) a crisis of state, these emergency powers essentially became a permanent part of Northern Ireland's judicial process. From the perspective of the state, these provisions were (and continue to be) warranted to counter the use (or potential use) of political violence by paramilitary. However, statistics reveal the number of persons detained under the PTA continued to increase despite a leveling in the record of violence. This only reinforces accusations that detention under the PTAs served as an information gathering technique rather than, as intended, as a 'second best' due process mechanism.

Whatever the conditions or state justification for the necessity of these emergency provisions, however, it is clear that the use of emergency powers, together with the manner in which they were executed (and by whom), is as much a cause as a symptom of the protracted conflict. It is not merely that these emergency powers exist but that those empowered with their execution were, and continue to be, perceived by Catholics as biased and that when invoking these provisions were used disproportionately against the minority community. Amnesty International considers that many provisions in the emergency legislation are in breach of international treaties and standards and urges that the government ensure their complete conformity with such standards.

In October 1996, the review of all legislation governing the prevention of terrorism in the UK, was carried out by Lord Lloyd of Berwick and Mr Justice Kerr. The review was based on the premise that there would be a "state of lasting peace". By the time the review was completed, the IRA had resumed military activities. Thus, since a number of the recommendations were predicated on a peaceful situation, the government at the time said they would not be implemented. However, we believe that some of these measures should be implemented now. Lord Lloyd recommended, among other provisions: the discontinuing of the "Diplock courts"; the abolition of exclusion orders and internment without trial; judicial scrutiny of extension of detention beyond 48 hours; and that interviews with suspects should be tape-recorded and conducted in the presence of a solicitor.

The special police interrogation centers in Northern Ireland, which are used for the detention of suspects arrested under emergency legislation -- the most notable of all being Castlereagh Holding Center in Belfast, have been the subject of many allegations of police misconduct since the 1970s. Despite the allegations, there continue to be inadequate safeguards for the protection of suspects detained in these special centers. Although the number of complaints of ill-treatment have decreased, in 1995 there were 80 formal complaints of assault lodged against the interrogating officers. We also continued to receive complaints of verbal and psychological abuse, threats of violence, as well as complaints that detectives made derogatory comments about the suspects' lawyers. In many instances people have alleged that they were forced into making an involuntary or untrue confession because of ill-treatment or under duress.

Amnesty International has urged the government to comply with the recommendation made by the UN Human Rights Committee in July 1995 and the Independent Commissioner for the Holding Centers to close down Castlereagh Interrogation Center. The government should also consider detaining suspects, arrested under emergency legislation, in designated police stations. The following safeguards should apply to such detentions:

- a) the government should withdraw its derogation from the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR) and the European Convention and provide prompt judicial scrutiny of detentions;
- b) legislation should be introduced giving lawyers immediate access to their clients, as well as allowing lawyers access to interrogations;
- c) further safeguards should be introduced, including the audio and video recording of all interrogations. Although the government committed itself to introducing legislation in June 1996 for the video recording of interviews, legislation has still not been introduced.

"Diplock Courts" were established under emergency legislation in 1973 to deal with serious offenses linked to alleged terrorist activities. There are a number of people who have been convicted in these courts who claim to be victims of miscarriages of justice. Amnesty International has urged the government to review the functioning of the "Diplock Courts" to ensure that the following specific provisions are brought into conformity with international standards for fair trials:

- * the lower standards for the admissibility of confession evidence;
- * the lack of full disclosure by the prosecution to the defense of crucial evidence;
- * the curtailment of the right of an accused to remain silent during interrogation or trial without negative inferences being drawn.

Amnesty International sent representatives to several court hearings in Northern Ireland during 1996 and 1997 because of possible unfair trial concerns. Some cases of alleged wrongful convictions were heard in the courts, leading to the acquittal of Stephen Larkin on a charge of murder in a retrial in May 1996 and the quashing of the murder conviction of Colin Duffy by the Court of Appeal in September 1996. Colin Duffy had been convicted of murdering a former soldier and Stephen Larkin of attempting to murder a leading Loyalist. The conviction of Damien Sullivan for murder was quashed by the Court of Appeal in March 1997. Judgment is still pending in connection with the appeal by Christopher Sheals in April 1997 against his murder conviction in 1994. Billy Gorman was convicted in 1980 of the murder of a policeman; he claims that he was convicted on the basis of a confession which he made after being ill-treated in Castlereagh. Although he was released after serving 14 years, he is still trying to get his case referred to the Court of Appeal. It is believed that ESDA tests have proved that the police tampered with the interview notes. The Director of Public Prosecutions decided in January 1997 not to bring any prosecutions against the police officers involved.

The Northern Ireland Secretary of State referred the case of Patrick Kane to the Court of Appeal in May; Patrick Kane had been convicted in March 1990 in connection with the murder of two army corporals. His conviction was quashed by the Court of Appeal in June 1997; the conviction was considered unsafe and unsatisfactory because new evidence showed that his confessions might have been inadmissible and unreliable. Patrick Kane was released on June 20th. Amnesty International is concerned that the convictions of two of his co-defendants, Sean Kelly and Michael Timmons, have still not been reviewed and are recommending that they be similarly reviewed as soon as possible.

In February 1996, the European Court of Human Rights ruled in John Murray vs. UK that the denial in Northern Ireland to access to counsel for the first forty eight hours, in a situation where the right of defense might thus be irretrievably prejudiced, whatever the justification, was incompatible with article 6 of the European Convention on Human Rights. In this case, John Murray was wrongfully denied access to a lawyer at Castlereagh Interrogation Center in Northern Ireland. The Court said that John Murray should have been given access to legal advice as soon as questioning began. The government has still not introduced legislation in order to comply with this judgment.

H. Other fair trial concerns

Amnesty International believes that the historically recognized right to remain silent both during initial police interviews and during trial should be re-instated. The organization believes that the curtailment of the right of silence violates ICCPR Article 14(3)(g) which guarantees the right not to be compelled to testify against oneself or confess guilt.

New legislation, the Criminal Procedure and Investigations Act 1996, reduces defense lawyers' access to information, held by the prosecution, about all the potential evidence in a case and how it was collected. Recent miscarriages of justice, including the Bridgewater Four, the Guildford Four and the Ballymurphy Six, have shown the importance of allowing the defense to have full disclosure of all the evidence. The lack of full disclosure may violate the international fair trial principle of equality of arms to both sides in criminal proceedings. The withholding of information by the prosecution from the defense is contrary to the UN Guidelines on the Role of Prosecutors and the UN Basic Principles on the Role of Lawyers.

I. Government Accountability

Despite the many serious allegations of human rights violations in the past in Northern Ireland, there has been a marked failure by successive governments to carry out wide-ranging independent investigations into such allegations and to make the findings public. International standards require authorities to carry out prompt, thorough and impartial investigations and to publish the findings. On two of the crucial issues, that of killings by the security forces and of collusion between the security forces and Loyalist paramilitary groups, there were internal limited inquiries and the reports of senior police officers John Stalker, Colin Sampson and John Stevens, were never made public. These reports should be published because issues that they were to address remain outstanding; for example, the investigation into the death of the lawyer Patrick Finucane, and the role of intelligence agent Brian Nelson and his army handlers.

During 1997, a large volume of evidence has emerged concerning the Widgery Inquiry into the killing of 13 unarmed people and the wounding of 15 others by British Army soldiers on 31 January 1972, known as "Bloody Sunday". This evidence shows that the original findings of the inquiry were seriously flawed. Amnesty International believes the government should quash the findings of the Widgery Tribunal and establish an immediate and full inquiry into the events of "Bloody Sunday" in 1972, in order that the full circumstances of the killings be known.

J. Lack of evenhanded policing

Amnesty International has been concerned by the authorities' failure to ensure that policing is carried out in an evenhanded manner. We have raised these concerns in relation to allegations of collusion between the security forces and Loyalist paramilitary groups. More recently, we expressed concern about the disproportionate number of plastic bullets fired at Catholic protesters as opposed to Protestant protesters during the summer parades of 1996. This apparently

disproportionate use of plastic bullets gave rise to concerns about the impartiality of policing.

According to police figures, 662 plastic bullets were fired during the unionist protests at Drumcree from 7 to 11 July, and over 5,000 plastic bullets were fired during nationalist protests from 11 to 14 July. However, these were based on the RUC initial figures of 6,002 plastic bullets fired during that week; revised figures were given in March 1997 that 6,921 plastic bullets were fired. We believe that a fundamental review must be carried out into all aspects of policing. Amnesty International welcomes the Northern Ireland Secretary of State's commitment to introduce measures to increase police accountability and public confidence, and believes that the implementation of Dr Maurice Hayes' recommendations would be one fundamental measure to help build public confidence.

K. Human rights abuses by paramilitary groups

Current human rights concerns in Northern Ireland arise against a background of civil conflict since 1969 during which about 3,400 people have been killed. The republican armed groups, notably the IRA, come mainly from the Catholic community. They support the creation of a united Ireland. The paramilitary Ulster Defense Association (UDA) and the Ulster Volunteer Force (UVF) come from the Protestant community, and are known as loyalists because they favor Northern Ireland remaining a part of the UK.

The cessation of military activities called by the Irish Republican Army in September 1994 ended in February 1996 with a bomb attack in London which killed two people. The Irish Continuity Army claimed responsibility for several bombings and attempted bombings in Northern Ireland. Loyalist armed groups, including the UDA and the UVF, have officially maintained their cessation of military activities. However, a new group called the Loyalist Volunteer Force has claimed responsibility for some bomb attacks and some killings. An internal feud within the Irish National Liberation Army led to six deaths in 1996, including that of nine-year-old Barbara McAlorum, before one of the two factions, the GHQ Staff, disbanded itself in September of the same year.

Amnesty International continued to be concerned about reports of human rights abuses carried out by armed political groups. The IRA claimed responsibility for two car bombs which exploded in Thiepval army barracks in Northern Ireland in October 1996, killing one soldier and injuring 30 people, including an eight-year-old girl. In December the IRA shot and injured an RUC officer inside a Belfast hospital for children. Loyalist armed groups planted a number of bombs outside Sinn Fein offices during March and April 1997.

There were several deliberate and arbitrary killings in Northern Ireland, including

that of John Molloy, a Catholic man, for which no organization claimed responsibility but which may have been carried out by loyalists for sectarian reasons. In addition, Michael McGoldrick, a Catholic, was shot dead in his taxi in July 1996, allegedly by the UVF. In December, a booby-trap exploded under a car, injuring a well-known republican, Edward Copeland. In March 1997, John Slane, a father of ten and a Catholic, died after being shot in the back and in the chest by loyalists in an alleged sectarian attack.

Ciaran Delaney, a Catholic, was waiting for a lift to work on 9 April 1997 when he was shot in the neck and seriously wounded by a loyalist bogus postman. Robert Hamill, a catholic man aged 25 and father of two, died on 8 May 1997; he had been severely beaten by a large crowd of Protestants in Portadown on 27 April. Family members who were with him claimed that RUC officers, who were sitting in a parked police vehicle at the scene of the beating, did not intervene to protect Robert Hamill and the others. At least six men have been charged in connection with his death. Sean Brown, a prominent GAA club chairman, aged 61, was abducted by loyalists, shot in the head and left dead beside a burning car on May 13 1997. Three days previously, a group of Catholics severely beat Ivan Heatherington, 21, a Protestant, in London/Derry. A number of youths have been charged in connection with the beating. On June 1 1997, an off-duty RUC officer, Constable Gregory Taylor, died in Ballymoney, Co. Antrim, after a Loyalist crowd beat and kicked him, and stamped on his head; the officer was attacked after an argument about the RUC handling of a Loyalist demonstration in a Catholic village. At least five men have been charged in connection with his death.

Amnesty International is also deeply concerned about the so-called "punishment" killings and beatings, which are actions taken by paramilitary groups against members of their own communities in Northern Ireland. According to police figures for 1996, Republican armed groups were responsible for three shootings and 172 beatings, and loyalist armed groups carried out 21 shootings and 130 beatings. It was more difficult than in previous years to ascertain which paramilitary groups were responsible for which actions, because such groups were less willing to claim responsibility.

The "punishment" shootings included the shooting of a young man in both legs in March 1996 by an organization called Loyalists against Thuggery. Tommy Sheppard was shot dead in March 1996, allegedly by loyalist paramilitaries, and Thomas Stewart, a UVF leader, was shot dead by loyalists in October 1996. The republican organization Direct Action Against Drugs shot dead Ian Lyons in January 1996, and Sean Devlin in October 1996. On 13 June 1997 loyalists killed Robert Bates, a former loyalist prisoner; he was shot dead in Belfast as he arrived for work.

"Punishment" beatings continued unabated. On January 21 1996, the Ulster Freedom Fighters, a loyalist group, beat Ervine Fleming and later apologized claiming mistaken identity. He was holding his two-year-old daughter when a gang broke into his home and attacked him with hammers and baseball bats in front of his wife and children. He suffered serious head injuries and bruising. On 27 March 18-year-old Martin Doherty was bound, gagged and sustained puncture wounds and broken limbs when metal spikes were driven through his knees and elbows by a group of six or seven republican men. Also in March Kerry Deeds, aged 17, was beaten with hurley sticks by three men, knocked to the ground and kicked. He suffered two broken arms, head injuries, leg injuries and body bruising. In the same month, a 19-year-old was shot in both legs; Loyalists Against Thuggery claimed responsibility. In June, reports were received of a new form of "punishment" beating in west Belfast: tying youths upside down and beating them. A 21-year-old man was found hanging upside down, tied to railings. He had been attacked by men armed with iron bars and wooden clubs spiked with nails. Previously a 16-year-old boy was given similar treatment. George Scott was beaten to death in September 1996 by masked men wielding baseball bats.

On February 7 1997, a group of masked men, allegedly Loyalists, broke into the home of a Presbyterian minister, Mr. David Templeton, and beat him with wooden sticks. His injuries included a fractured skull and two broken legs and he died on 24 March. On February 27, a 16-year-old girl, Judith Boylan, was tied to a lamp post, beaten, threatened with an iron bar; her attackers, allegedly from the IRA, then threw paint on her and hacked her hair off.

III. Conclusion

Amnesty International believes that central to the functioning of any democracy is respect for basic civil liberties and political rights. The continued abrogation of these basic rights has played a central role in the conflict in Northern Ireland. The pace of events in Ireland that began to unfold in the summer of 1994 gives hope that political movement on the constitutional question will continue. Yet as commentators have observed, issues of social justice in Northern Ireland are intertwined with the constitutional question and indeed may very well be one and the same. Any attempt to address Northern Ireland's constitutional status must be coupled with a recognition that in order for a peaceful and lasting solution to occur, human rights must be respected. The current liberties and human rights must be integral to any attempt to bring peace to this troubled region. We believe that a thorough address of these questions will serve as a confidence-building measure that can, in turn, impact other parts of the peace process.

SUBMISSION TO THE UNITED STATES CONGRESSIONAL SUB - COMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
BY MICHAEL FINUCANE, ELDEST SON OF PATRICK FINUCANE
JUNE 24TH 1997

On 12th February 1989, the Belfast solicitor, Patrick Finucane, my father, was murdered by an illegal loyalist paramilitary group, the Ulster Freedom Fighters. No-one has been prosecuted for his murder. There is evidence of collusion in his killing by members of the British security forces. There is also evidence that death threats were made against him by police officers prior to his death. He was killed shortly after a government minister made remarks in Parliament disparaging solicitors in Northern Ireland. The police investigation into his murder and the inquest were both deficient. No-one has been prosecuted for his murder, despite the fact that a British secret agent, Brian Nelson, has allegedly admitted to participating in his murder.

Patrick Finucane was murdered at around 7:25 p.m. on Sunday 12th February 1989 by two masked assassins who broke into his home and shot him in front of my mother Geraldine, who was herself injured, probably by a ricocheting bullet, and my younger sister and brother, aged 13 and 8 respectively. He was shot two or three times in the chest and stomach and while he was lying helpless on the floor around 12 further shots were fired into his head and neck at close range. At the inquest into his death the pathologist, Dr Jack Crane, said that Patrick Finucane was struck by 14 bullets to the head, neck and trunk. At least one of the bullets fired into Patrick Finucane's head was fired from a range of 15 inches. During the attack, my mother managed to activate a panic alarm behind the kitchen door. The

RUC and neighbours arrived within minutes of the incident, but by then Patrick Finucane was dead.

The Inquest took place on 6th September 1990. Forensic evidence showed that Patrick Finucane had been hit at least 11 times by a 9mm Browning automatic pistol and twice by a .38 Special Revolver.

Detective Superintendent Simpson of the Royal Ulster Constabulary (RUC), who was in charge of the murder investigation, gave evidence that the Browning pistol was one of 13 weapons stolen from Palace army barracks in August 1987 by a member of the Ulster Defence Regiment (a locally recruited regiment of the British army) who was subsequently jailed for the theft. These weapons found their way after the robbery into the hands of three members of the illegal Loyalist paramilitary group the Ulster Freedom Fighters (UFF), who were convicted of possession of the weapons and UFF membership. The RUC stated that they were satisfied that these men were not in possession of the pistol at the time of Patrick Finucane's murder.

The Inquest heard evidence that the murderers used a red Ford Sierra car, registration number VIA 2985, which was hijacked from taxi driver William Reid by three men shortly before the murder. They told Reid that his car was needed "for the cause". They seemed nervous and prone to panic. One man drove the car away while the other two held Reid hostage. The car was found abandoned later that evening.

DS Simpson told the inquest:

"I believe that the persons who hijacked the taxi were not the same as the persons who shot Mr Finucane. Those persons displayed coolness and did not panic."

He further told the Coroner:

"His murder was unusual both for its ferocity and the fact that he was struck by all 14 shots fired.....The murder was carried out with precision by persons who I believe must have murdered before."

Police roadblocks in place up to an hour before the murder in close proximity to the family home were removed, thus affording the murderers unfettered access to the house, and a clean getaway afterwards. According to evidence given at the Inquest by DS Simpson, fourteen people were interviewed by the police in connection with the murder. He testified:

"We are reasonably certain that, the main perpetrators of the murder were among these suspects but no evidence is presently available to sustain a charge of murder, but enquiries are ongoing....."

The day after the murder, February 13th 1989, a man telephoned the press with the following statement:

"The UFF claim responsibility for the execution of Pat Finucane, the PIRA [Provisional Irish Republican Army] Officer, not the solicitor. While Provos continue to execute Loyalists, and members of the security forces who share their lunch with them, then there will be the inevitable retaliation."

However, at the Inquest, DS Simpson completely rejected the UFF's allegations, stating:

"The police refute the claim that Mr Finucane was a member of the PIRA. He was just another law-abiding citizen going about his professional duties in a professional manner."

The family of Patrick Finucane can confirm that although certain members of the family had paramilitary connections, Patrick Finucane

himself had none. Patrick Finucane was an able, effective and innovative lawyer who represented clients from both sides of the conflict in Northern Ireland.

He was involved in a number of high profile legal cases arising from the conflict, including cases taken against the United Kingdom at the European Commission of Human Rights. The Finucane family believes that it was because of his work on these cases that he was targeted for murder.

Before his death, Patrick Finucane received a number of death threats, mainly delivered via his clients by RUC officers.

In May 1987 a group of solicitors in Northern Ireland issued a public statement from the offices of the firm of Patrick Fahy & Co. in Omagh alleging that their clients had reported regular abuse of the solicitors by members of the RUC, who had not acted upon complaints made to them by the solicitors concerned. Patrick Finucane's name appeared in the list of solicitors subscribing to this statement.

Amnesty International, in its report of June 1991 "UNITED KINGDOM HUMAN RIGHTS CONCERNS", said that a client of Patrick Finucane's had "said that his lawyer, Patrick Finucane, would be killed" (p. 56) This statement was recorded a year before the murder took place. That client was Brian Gillen, who suffered severe ill-treatment in RUC custody, for which he later received compensation. Brian Gillen told the American Lawyers Committee for Human Rights that after Patrick Finucane filed a petition for habeas corpus on his behalf, police officers told him that, "it would be better if he [Patrick Finucane] were dead than defending the likes of you."

They threatened to give details concerning the solicitor and his client to loyalist paramilitaries (See "HUMAN RIGHTS AND LEGAL DEFENSE IN NORTHERN Ireland" Lawyers Committee for Human Rights (1993) at p. 49.)

Occasional threats had been made against Patrick Finucane since the late 1970s. After the Gillen case the incidence of threats escalated. Clients reported abuse of Patrick Finucane by RUC officers during interrogations at holding centres such as Castlereagh. Several former clients of Patrick Finucane's told the Lawyers Committee about death threats made against him by police officers. He also received threatening telephone calls at his home.

John Stalker, in his book *Stalker* (1988, p. 49), wrote of his experiences of trying to investigate allegations of a shoot-to-kill policy in Northern Ireland. He reported that in 1984 or 1985 an RUC sergeant made the following comment to him in the lobby of a Belfast courthouse:

"The solicitor is an IRA man - any man who represents IRA men is worse than an IRA man. His brother is an IRA man also and I have to say that I believe a senior policeman of your rank should not be seen speaking to the likes of either of them. My colleagues have asked me to tell you that you have embarrassed all of us in doing that. I will be reporting this conversation and what you have done to my superiors."

The lawyer of whom he spoke was Patrick Finucane, identified by his client's name and case. John Stalker professed himself surprised at the sergeant's "studied vehemence".

On 5th January 1989, five weeks before his death, one of Patrick Finucane's clients alleged that an RUC officer

".....Informed me that my solicitor was working for the IRA, and would meet his end also.....He asked me to give Mr Finucane a message from him.....He told me to tell him he is a thug in a suit, a person trying to let on he is doing his job, and that he, like every other fenian [republican] bastard, would meet his end."

On 7th January, another client was told,

"Fucking Finucane's getting took out [murdered]."

[Source: Instructions taken by Madden & Finucane, solicitors.]

The Finucane family can confirm that the RUC had been making death threats against Patrick Finucane for some time before his death. Geraldine Finucane, Patrick Finucane's wife, attempted to make a statement to that effect at his inquest, but was prevented from doing so by the Coroner. Her attempts to read out her statement were ruled irrelevant by the Coroner, John Leckey, who was constrained by the rigid rules on inquests in Northern Ireland, which do not allow the inquisition to extend beyond the identity of the deceased and how, when, and where he died. In the absence of an RUC prosecution, the Coroner's Inquest is the only available public forum for investigating a murder.

Patrick Finucane's death came less than four weeks after Douglas Hogg MP, then Parliamentary Under-Secretary of State for the Home Department, said in a Committee stage debate on the Prevention of Terrorism (Temporary Provisions) Bill on 17th January 1989:

"I have to state as a fact, but with great regret, that there are in Northern Ireland a number of solicitors who are unduly sympathetic to the cause of the IRA."

Although challenged, he failed to substantiate this allegation, although he repeated it several times in similar language, saying only:

"...I state it on the basis of advice that I have received, guidance that I have been given by people who are dealing with these matters, and I shall not expand on it further."

Statements made in Parliament are privileged and cannot be made the subject of legal action. Speaking in reply, Seamus Mallon MP of the SDLP said:

"I have no doubt that there are lawyers walking the streets or driving on the roads of the North of Ireland who have become targets for assassins' bullets as a result of the statement that has been made tonight.....Following [this] statement, people's lives are in grave danger. People who have brought cases against the European Court of Human Rights will be suspected. People accused of IRA membership and other activities will be suspected."

Commenting on this episode, the American Lawyers Committee for Human Rights said (p.52):

"Hogg's remarks caused a public outcry, especially from within Northern Ireland's legal community. Mrs Finucane told us that her husband was especially shocked. Not only could he not understand why a government minister would make so irresponsible a statement, he also began to take the threats against him as more than interrogation devices. After Finucane's murder, another outcry against Hogg arose that included calls for

his resignation, but these went unheeded. Hogg has since moved on to another post. To date, neither he nor the government has issued an apology for his remarks save for feeble expressions of regret at Finucane's killing. Hogg also refused to meet with our delegation to discuss his remarks."

It is a matter of public record that substantial amounts of confidential Intelligence information have regularly been leaked from law enforcement sources to Loyalist paramilitaries. On 14th September 1989, the Chief Constable of the RUC appointed John Stevens, Deputy Chief Constable of the Cambridgeshire police force, to investigate allegations of such leaks by the RUC and by the Ulster Defence Regiment.

As a result of his inquiry, 59 people were charged or reported to the Director of Public Prosecutions, including Brian Nelson. Not one of the 59 was an RUC member, even though the leaked information came from police files. Indeed, all those prosecuted were alleged to have been recipients rather than providers of information. It emerged at the inquest into Patrick Finucane's death that Stevens had included his murder in his investigations, but the outcome of his enquiries has never been made public.

Brian Nelson was an agent working for British military intelligence who became the chief intelligence officer of the Ulster Defence Association. This is a Loyalist paramilitary group involved in illegal activities, including murder, which directed the activities of the Ulster Freedom Fighters. Nelson was arrested in January 1990 as a result of the investigations of the Stevens inquiry team. At his trial, the British authorities claimed that he had got out of hand and had become personally involved in Loyalist murder plots.

Originally he faced 35 charges, but 13 of these, including two charges of murder, were dropped by the prosecution. He was eventually convicted on 5 charges of conspiracy to murder, for which he received the remarkably lenient sentence of 10 years' imprisonment.

So far as the murder of Patrick Finucane is concerned, allegations of Brian Nelson's involvement had surfaced at Patrick Finucane's inquest, when reference was made to an earlier report in the London newspaper, *The Independent*, of 28th May 1990. Although Patrick Finucane's murder was not one of the ones for which Brian Nelson was ultimately tried, further revelations were made about his life as an agent on a BBC TV programme, "*Panorama*", transmitted on 8th June 1992.

According to a diary written while in prison and quoted on the programme, Brian Nelson admitted to having targeted, in his capacity as a UDA intelligence officer, both Patrick Finucane and another Belfast lawyer, Paddy McGrory. He alleged that two weeks before Patrick Finucane's murder a "UDA terrorist" asked him "what he could discover about Finucane's movements". Brian Nelson says that he told his British army handlers about this approach "at the time". They took no action to prevent the murder. Nelson passed a photograph of Patrick Finucane to the UDA man on the Thursday before he was killed. The programme went on to allege, "According to loyalist sources Nelson himself pointed out Finucane's house to his killers."

The transcript of the *Panorama* programme was passed to the Director of Public Prosecutions (DPP) of Northern Ireland in June 1992. He asked John Stevens to investigate these allegations. Stevens completed his enquiries in January 1995, and submitted his final report to the DPP on 24th January 1995, having submitted earlier reports on 25th April 1994 and 18th October 1994. On 17th February 1995, the

DPP issued a direction of no prosecution to the Chief Constable of the RUC.

In an answer to a Parliamentary Question published on 15th May 1995, Sir John Wheeler MP said that the DPP had concluded that there was insufficient evidence to warrant the prosecution of any person, despite Nelson's alleged confession. He also refused to place copies of Stevens' three reports in the House of Commons library, claiming that police reports are confidential. On 14th May 1995 an article in another London newspaper, *The Sunday Times*, reported that Stevens' report "detailed evidence of allegations against four members of the security forces". None of Stevens' reports has been published.

Brian Nelson's prison diary sheds light on some of the evidence given on his behalf by his security service handler, identified in court only as Colonel 'J'. Colonel 'J' testified that Brian Nelson was a security service agent. He was infiltrated into the UDA and became their senior intelligence officer. In that capacity he came into possession of numerous records of potential targets for assassination. He passed all of these to his handlers, whom he met regularly, in order to inform them of planned loyalist assassinations. Colonel 'J' said on oath,

"I think that it is worthwhile saying there's absolutely no doubt in my mind that Brian Nelson was not loyal to the UDA, Brian Nelson was loyal to the Army."

(transcript, p. 20).

According to the *Panorama* television programme:

"On his return to Belfast, the UDA appointed Nelson their Chief Intelligence Officer. He inherited a bin-liner [garbage bag] full of documents identifying Republicans as possible targets, many leaked by locally recruited soldiers and policemen. Nelson says

he gave the binliner to an army handler who weeded out details of targets that were regarded as out of date. The handler returned to Nelson this more selective list."

The Finucane family believes that the British security service thus colluded with the UDA in assisting them to update and improve their intelligence records.

Nelson's reports were regarded as highly valuable. He was considered to be "a very important agent." Intelligence supplied by him was reported to senior officers in RUC Special Branch and the RUC Chief Constable, the highest levels of the military command in Northern Ireland, the Special Branch of the Irish police service, and the Secretary of State for Northern Ireland. The Finucane family are convinced that the information to which Douglas Hogg referred in his remarks was supplied by Brian Nelson.

Colonel 'J' referred to a particular incident during his evidence when Nelson had been asked by the UDA for a photograph of a particular individual who was an assassination target, and had shown them a picture of him coming out of the courthouse with another person, who was in fact the intended target. It is now understood that the true target was Patrick Finucane, who was portrayed in the photograph in the company of a client. It is further understood that Colonel 'J' was attempting to suggest by his testimony that Nelson's handlers did not know that Patrick Finucane was the target. Nelson, however, according to the *Panorama* programme, informed his handlers of that fact some weeks prior to the murder.

The following list of independent functionaries and non-governmental organisations has expressed concern about the murder of Patrick Finucane and the issue of intimidation of lawyers, including:

- M. Louis Joinet, the former United Nations Special Rapporteur on the Independence Judges and Lawyers;
- Dr Claire Palley, the independent expert nominated by the United Kingdom to the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities
- Peter Burns, Rapporteur on the UK for the Committee Against Torture;
- the Standing Advisory Commission on Human Rights, which advises the UK government on human rights in Northern Ireland;
- Viscount Colville of Culross QC, who until recently acted as independent scrutineer of UK emergency laws;
- Amnesty International
- the International Commission of Jurists;
- the Fédération Internationale des Droits de l'Homme;
- the Committee on the Administration of Justice;
- Liberty;
- British Irish Rights Watch,
- the Haldane Society;
- Norwegian Helsinki Committee;
- Human Rights Watch (formerly Helsinki Watch);
- the Lawyers Committee for Human Rights; and
- the Association of the Bar of the City of New York.

The American State Department, in its recent report to the Senate on human rights in the UK, also raised the murder for the second consecutive year.

This international concern has gone unheeded by the United Kingdom government, which has failed to disclose any of the information it has concerning the murder.

The family of Patrick Finucane believes that the UK government had prior knowledge of the plan to assassinate Patrick Finucane, but took no steps to protect his life. The family further believe that, through their agent Brian Nelson, they actively colluded and participated in his death.

Name: Mr. Jim Kelly

Title and affiliation: Father of Sean Kelly

Date of Hearing: June 24 1997

Name of Congressional Committee: House Committee on International Relations.

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Preamble.**Introduction**

Could I first thank this committee for the opportunity to air this injustice.

My name is Jim Kelly and I come from the Falls Road area of West Belfast. I shall speak to you on behalf of my son Sean Kelly and his co-accused, Pat Kane and Michael Timmons.

Our sons were convicted and sentenced to life imprisonment for their alleged involvement in the tragic deaths of two British Army soldiers serving in Northern Ireland.

Background information.

May I now take this opportunity to focus on the event which entails my attendance at this Congressional hearing today.

On the 19th March, 1988 a funeral¹ was proceeding peacefully along the Andersonstown road in West Belfast enroute to the Milltown Cemetery¹. During the course of this event a car, containing two men and travelling at speed, drove into the funeral cortege - this happened on the Andersonstown Road outside the gates of Casement Park - a GAA sports stadium. In a state of surprise and shock some of those present believed the funeral was coming under attack from armed Loyalists and reacted accordingly. The car was stopped and an attempt was made to drag the occupants from the car during which one of them discharged a handgun². From this point on a mood approaching mass hysteria broke out.

The two men were dragged from their vehicle and pushed into Casement Park³ and the car, which some thought might contain a bomb, was driven away. This was to clear a path for the funeral to proceed. The men were held in the park for a few minutes after which they were put into the back of a taxi and driven away. The taxi travelled via a number of side streets and eventually came to a stop at waste ground beside an alley known as 'Penny Lane'. Here a fight took place between the occupants of the car and their captors. The fight was still taking place when one of the captors shot first one soldier then the other. This man handed the gun to another who in turn shot both soldiers as they lay on the ground. The killings were later claimed by the Irish Republican Army. It later transpired the two men were in fact British Army soldiers, dressed in civilian clothing and driving an unmarked car.

To understand why the mourners reacted in the way they did it is important to examine the sequence of events leading up to that fateful day.

¹ See 'Appendix 1' for the British Government analysis of the environment in which the funeral was taking place.

² For a graphic illustration of the tension which existed between the mourners and the two soldiers when they drove into the funeral cortege please refer to 'Appendix 2'.

³ 'Appendix 3' provides a location map of the scene of these incidents.

Events prior to 19th March 1988.

The 'Mad Month of March' as it has become known was a particularly traumatic period for the Nationalist people of West Belfast ⁴. On the 6th of March three Republicans from West Belfast were shot dead by British undercover soldiers from the Special Air Services (or the SAS). The shooting happened on the holiday island of Gibraltar. The three dead were all from West Belfast. They were Mairead Farrell, a 31 year old woman, Sean Savage, aged 24 years of age and Daniel McCann, a 30 year old married man.

The ruthless manner in which they died caused world wide controversy and this controversy was reinforced when it later emerged that none of the three were armed when shot. The people of West Belfast viewed the deaths as a form of summary execution. Rioting erupted in Nationalist areas on a scale not witnessed for many years and continued for a number of days. After an acrimonious delay on behalf of the authorities the bodies of the deceased were eventually returned to Belfast and the funerals took place on the 16th March.

Furthermore, on the 15th March, on the night the bodies were expected home, another Republican, Kevin McCracken, was shot dead by the British Army. The shooting occurred close to the home of Sean Savage - one of the three people killed in Gibraltar. Around the same time another Catholic, Charlie McGrillen was shot dead by Loyalist paramilitaries.

On the 16th March thousands of people turned out for the joint funerals of Mairead Farrell, Daniel McCann and Sean Savage. As the last of the bodies was lowered into the grave a Loyalist paramilitary launched a grenade and gun attack on the defenceless mourners ⁵. The result of that attack in Miltown Cemetery was another three men shot dead - John McErlane, Tommy Murray and Kevin Brady - and 68 mourners, including women and children, injured. At great risk to themselves mourners at the procession gave chase and captured the Loyalist attacker.

Yet again the people of West Belfast faced another round of funerals of victims of violence. The last man to be buried was Kevin Brady and it was into this funeral the two British soldiers were to drive their car. It was little wonder the mourners instinctively reacted the way they did to what they perceived to be another attack on a funeral.

⁴ A series of tragic and violent events occurred during the month of March 1988 many of which were linked to the deaths of three people in Gibraltar by British soldiers. For a list of these events please see 'Appendix 4'.

⁵ This indiscriminate attack was on men women and children attending the funeral of the 'Gibraltar Three' - an illustration of which can be seen in 'Appendix 5'.

Importance of the background information

The reason why I explain the background in some detail is that build up influenced the mood, atmosphere and general feeling of apprehension felt by most of the mourners at that point in time. This should be compared to the Trial Judge in his 70 page written judgement who only refers to the background scenario in passing - in fact only allotting three lines to its significance.

It is our honest belief our sons did not receive a fair trial and below are a number of reasons which we believe support our claim.

- (a) Our sons were tried before a non jury, one Judge, Diplock Court. In this type of court the Judge becomes his own witness ⁶.
- (b) The Judge allowed the use of hidden witnesses. These witnesses were identified as A, B, or C etc. and gave evidence from behind a curtain hidden from the defendants and the public ⁷.
- (c) The Judge used articles 3 and 4 on the right of silence against the defendants ⁸. The defendants felt compelled to take the stand and their testimony was then used against them. In Sean's case, on advice from his Legal Counsel, he declined to take the stand and that refusal was then also used as added weigh of evidence.
- (d) The defence was denied Equality of Arms. After protracted appeals to the Court and the Law Society the defence was given a U-matic video player and monitor to view the tapes. In contrast, the DPP had at its disposal hi-tec projectors and multi-banks of monitors. The images were shown on a large screen 10 feet by 7 feet. Their expert operator could freeze each frame an play the same forward or backward at very slow and normal speed. In fact, it was only after the trial that it was discovered the side panel of the U-matic monitor used by the defence was a touch control panel for sound etc.
- (e) The video evidence, when it was used for identification, was misused. Without the knowledge of or consent from the defence the Heli-teli was colour enhanced. An arrow was placed over a blurry image which the Crown alleged was the accused. Set pieces of film were played over and over at slow and normal speeds, backward and forward for hours on end in what could best be described as a form of brainwashing.
- (f) Earlier court decisions excluded the uses of psychological evidence. The Judge commented that he was "in as good a position as anyone to evaluate the men's behaviour".

N.B. It is the combined reasons stated above which we believe justify our claim of an unfair trial.

⁶ For information on the implementation of the Diplock courts and their significance in this case please refer to 'Appendix 6'.

⁷ For information on how hidden witnesses affected the atmosphere of the court please see 'Appendix 7'.

⁸ For background information and on and the implications of Articles 3 and 4 in this case please refer to 'Appendix 8'.

When we asked for these cases to be referred to the Court of Appeal that request was refused. We were told we needed new evidence or something of substance for a referral to be granted.

New evidence

I respectfully submit a list of new evidence which the authorities say is not enough.

1. Psychological report on the mental age of Pat Kane. This suggests Pat Kane has a mental age of a twelve year old.
2. Medical report from Dr. Joe Hendron, M.P., on the hearing disability of Pat Kane. This would suggest he should have had advisors during the Police interviews.
3. Statement from school teacher Fergus O'Hare. This places Sean Kelly on the outside of Casement Park when the park gates are closed and the soldiers are presumably inside the Park.
4. Statement from Jim Kelly, father of Sean, which places Sean half a mile away from Penny Lane, the scene of the fatal shooting of the soldiers.
5. Submissions on the men's behalf by the American Alliance of Lawyers, submissions made by the Committee of Administration of Justice, submissions made by Amnesty International, submissions made by Kevin McNamara M.P. and former shadow spokesperson for Northern Ireland.
6. Opinion by Mr Peter Thornton, Q.C., Barrister. This opinion undermines the use of the use of the murder charge and the misuse of the law, especially the principle of Common Purpose.
7. Report from Professor Andrew Coleman - expert in the psychology of crowd behaviour.
8. The British Broadcasting Corporation 'Rough Justice Programme'. This BBC documentary highlights major differences between the Court's interpretation of events and that of the video evidence i.e Pat Kane was alleged to have removed the Priest From Casement Park. This was clearly shown not to be the truth.

When weighing the strength of the new evidence there are a few facts which must be given full consideration.

Remember.

1. None of the accused knew each other;
2. None were members or even alleged members of any paramilitary or political group.
3. None attended Penny Lane - the scene of the fatal shooting;
4. The charged atmosphere of that day was not taken into account i.e. the combined effect of the Gibraltar Three killings by the British Army and the Milltown Cemetery gun and grenade attack by Loyalists.
5. The two essential ingredients necessary for a guilty verdict in relation to 'Aiding and Abetting Murder' or of 'Common Enterprise' are missing:
 - (i) There was no hint of premeditation and,
 - (ii) There was no meeting of minds.

Humanitarian aspects

When the Committee is considering this injustice we would ask them to include some humanitarian aspects.

The denial of the three men's freedom via their continuing, unjust imprisonment speaks for itself.

The heartbreak felt by the families when we leave our sons behind is real and hurtful.

Sean Kelly has a daughter, our first grandchild. For a couple of years we have watched her grow and we grew to love her with a passion. After a while Sean's partner met and married someone else and for a number of years Sean, the proud father and we, the doting grandparents, were heartbroken. Recently our grand daughter's mother relented and now we see Colleen at least once a week. During his time in prison Sean lost his last two grandparents. (His grand father Kelly and his grand mother Stevenson). We are a very close family and the loss cuts deep.

Prior to his imprisonment Pat Kane was engaged to be married and making plans for his future. That relationship could not withstand the separation and broke up. Pat's parents are both frail and elderly and the campaign on their son's behalf has affected the health of both of them. Both are deeply religious and belong to a number of cross-community groups. Pat was their last son living at home and they had grown to rely on him.

Michael Timmons is a married man with five children. It would bring tears to a stone to watch them kiss goodbye after a family visit. His wife, Laura, has had to struggle hard to make ends meet while he is in prison. His children have grown and at times have made their First Holy Communions and Confirmations - both important events in the life of young Catholics. Michael's mother and father are pensioners and Michael's father is in very poor health so much so he can no longer go to the prison to visit his only son.

We submit this injustice to you in the hope that after careful consideration the Committee can embrace our call for justice.

The families of Sean, Pat and Michael realise that on our own we are but voices in the wilderness. As long as the authorities could keep us inside the restrictive boundaries of Northern Ireland they could just ignore us.

Please do not underestimate this committee's power to influence both the Northern Ireland Office and the British Government.

On behalf of Sean, Pat and Michael and their families I would like to thank you for listening.

This injustice can and should be addressed. We believe tackling this will not cause any conflict across the religious or political divide.

Once again I thank you for taking the time to listen.

Appendix 1.

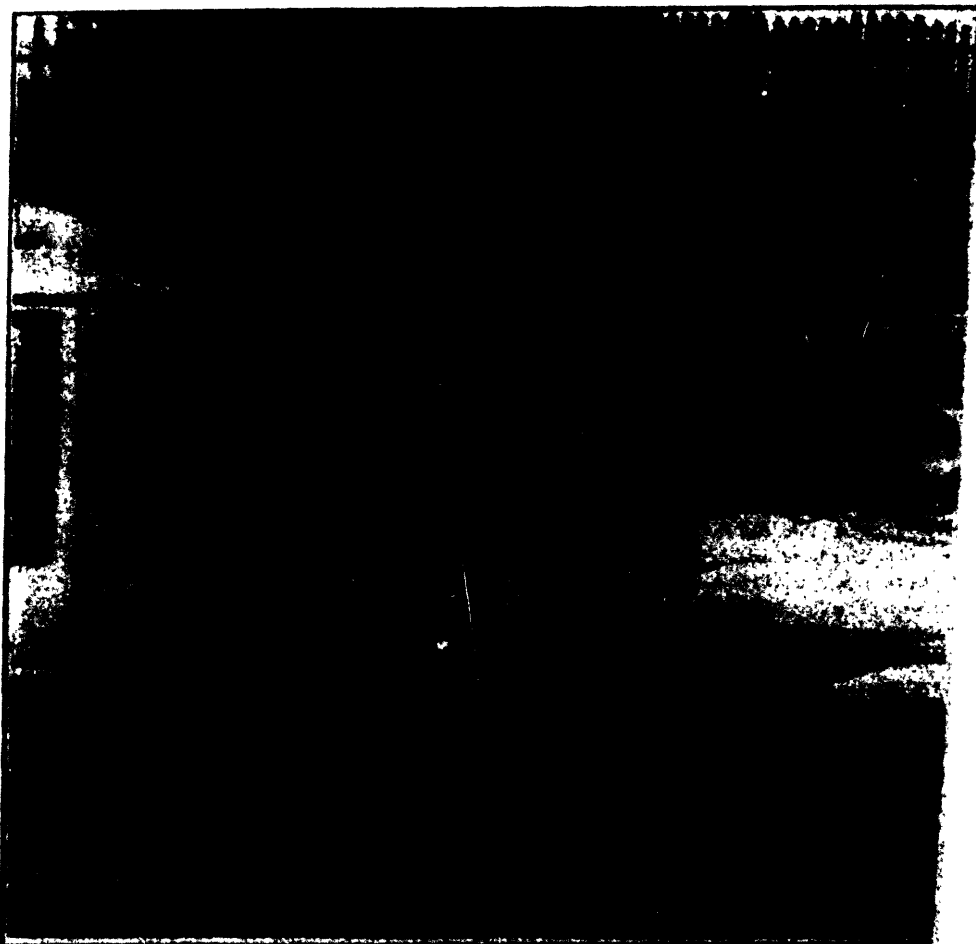
Extract from Hansard, official transcript of British Parliament; March 21 1988, 3.30pm, Page 21, Para. 2, detailing events of March 16th relating to funeral of Gibraltar Three.

"In spite of large crowds and the extremely tense situation in West Belfast, the funerals had proceeded in an orderly manner without violence and without paramilitary display" . . . "A vicious attack took place at Milltown Cemetery by a Loyalist gunman. In that attack three people were killed and a large number injured, one remains in intensive care".

(Secretary of State for Northern Ireland - Mr. Tom King).

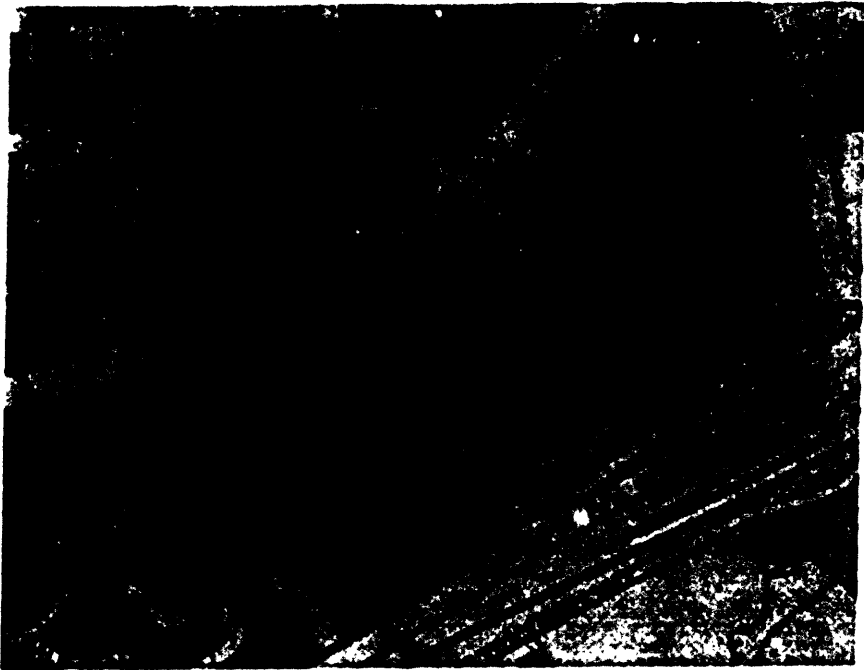
Appendix 2

The photograph below shows the driver of the vehicle which drove into the funeral cortege of Kevin Brady on the 16th March 1988. This individual emerged from the car brandishing a handgun which he subsequently discharged when approached by the mourners.



Appendix 3

Location map Roger Casement Park within West Belfast and scene of the incident of 16th March 1988.



Appendix 4

Details of the sequence of events occurring during March 1988 leading to the funeral of Kevin Brady.

- March 1st Brendan Burns and Brendan Moley died in a premature explosion.
- March 2nd Taoiseach, Charles Haughey, expresses some disbelief on the British explanation of the shooting of Aiden McAneaspie by a soldier.
- March 3rd Crowd angry as coroner refuses to release the remains of Brendan Burns and Brendan Moley.
- March 4th Birmingham 6 call for huge turnout at rally???
- March 5th Tight security at the funeral of Brendan Moley and Brendan Burns. Television reports are full of scenes where mourners are being batoned by the Royal Ulster Constabulary.
- March 6th Three Republicans from West Belfast shot dead by the S.A.S. in Gibraltar.
- March 7th Families of Brendan Moley and Brendan Burns hit out at heavy handed behaviour of the Royal Ulster Constabulary.
16 year old youth injured by plastic bullet during rioting in North Belfast.
- March 8th North Belfast Catholic survives Loyalist murder bid.
'Shoot to kill' allegations levied at British authorities over the killings in Gibraltar. Irish Republican Army claim all three were unarmed when shot.
- March 9th Widespread violence erupts in the North.
Irish government expresses concern over Gibraltar killings.
- March 10th Rioting continues as the relatives of the Gibraltar Three have to wait due to delays in having bodies released and flown home.
- March 11th Rioting continues amid fears a private plane may have to be chartered to bring home the bodies of the Gibraltar Three.
- March 12th Fury rages over the Gibraltar execution claim.
Rioting continues and Police are urged by the Irish Government to adopt a low profile at the funerals of the Gibraltar Three.
- March 14th Families of Gibraltar Three urge 'Let us bury our loved ones in peace'
Funeral cortege is hijacked by the Royal Ulster Constabulary.
Kevin McCracken shot dead by British soldiers.
- March 15th 25 years old Charles McGrillen, an innocent Catholic, was shot dead at his place of work by Loyalist paramilitaries.

(Appendix 4 Cont.)

- March 16th** **Priest brands the killing of Mairead Farrell a barbarity. As the Gibraltar Three are buried Loyalist, Michael Stone, attacks the mourners in Milltown Cemetery.**
- The Irish Republican Army allege Kevin McCracken was left to bleed to death by the British soldiers who shot him.**
- March 17th** **Television and newspaper reports are full of details of the slaughter in the Milltown Cemetery.**
- Three men die and 68 are injured as a result of this attack. The victims were John Murray, a 26 year old father of two, 20 year old Thomas McErlean and 30 year old Kevin Brady.**
- One of the seriously ill victims is a 7.5 month pregnant mother of four.**
- A Catholic man, Kevin Mulligan, died from injuries received in an earlier Loyalist gun attack.**
- It was reported 10 000 people attended the Gibraltar Three funerals. Media representing the World's press were in attendance.**
- Funerals of Kevin McCracken, Thomas McErlean and Charles McGrillen take place.**
- March 18th** **Cardinal slams 'horrific atrocity' at Milltown Cemetery.**
- March 19th** **Funeral of Kevin Brady, victim of the Milltown Cemetery attack takes place. The funeral is interrupted by a car driving into the funeral cortege. Two plain clothes soldiers removed from the car and shot by the Irish Republican Army.**
- Funerals of John Murray and Kevin Mulligan take place.**

Appendix 5

The photograph below illustrates the vulnerability of the men, women and children attending the funerals of the Gibraltar Three when under attack from Loyalist paramilitary Michael Stone.



Appendix 6**Diplock Courts.**

Non-jury Diplock courts were established to deal with terror related cases. For justification of the implementation of this process the Authorities cite fear of intimidation of jurors by paramilitaries and / or bias by jurors selected from either side of the community. It is our view the Diplock court should not have applied in this case. None of the defendants were members of any paramilitary or political organisation - legal or illegal. The threat of jury intimidation was non existing.

Appendix 7**Use of hidden witnesses.**

This was the fifth in a series of related trials. The practice of using hidden witnesses was well established and endorsed by the then Lord Chief Justice Hutton. This practice suggested the witnesses may have something to fear from the defendants.

In this instance the practice completely changed the atmosphere of the court and, coupled with the use of the Diplock Courts, cast the defendants in a completely wrong light.

Appendix 8

Prior to this case I would not have attached much importance or weight to an accused's right of silence. I would have subscribed to the Authorities' simplistic approach "If they have nothing to hide then they have nothing to worry about". This case was to transform my opinion.

Articles 3 and 4 refer to two periods of judicial processing:

- a) When questioned by the police.
- b) When the accused eventually appear in court.

In the first instance the police inform the accused that they have the right of silence but if they exercise that right it can be used against them i.e. 'answer all our questions since refusal will be taken as proof of guilt'.

The Articles were relatively new when this case was investigated therefore lawyers were unsure as how to interpret them. One of the anomalies of this case relates to the fact some of the early 'Casement Accused' had the full protection of the right to silence, but men arrested at a later date but for the same offence had their rights curtailed.

On March 16th 1988 a couple of men were arrested just after the incident at Casement Park and over the following weeks many more were arrested and charged. Sean, Pat and Michael were arrested almost one year later. Sean and Michael were arrested in February 1989 by which time the fate of the two soldiers was widely known. Sean, Pat and Michael were not present when the soldiers were killed. In their own mind they did not feel guilt for they did not knowingly do anything to bring the deaths about. When the men were first questioned by police they stated they did not know the soldiers would be shot dead. However, in light of the fact everyone had by then knew of the fate of the two soldiers it became increasingly difficult for the three men to keep repeating their ignorance. It then became relatively easy for highly experienced detectives to suggest the three men may, at some stage, have thought "The IRA will kill these two". The three men, knowing they didn't supply weapons or encouragement towards the death of the soldiers, could not see any danger in admitting ' They, the accused, may have "Thought the IRA might kill these two soldiers".

We respectfully submit the Director of Public Prosecutions did not have to prove guilt but instead had the easy task of inferring a thought may or must have entered the men's minds.

NAME **BRENDA DOWNES**

ORGANISATION **UNITED CAMPAIGN AGAINST PLASTIC BULLETS**

DATE OF HEARING **24 JUNE 1997**

COMMITTEE **HOUSE COMMITTEE ON INTERNATIONAL RELATIONS**

**SUBMISSION BY THE UNITED CAMPAIGN AGAINST PLASTIC BULLETS TO
THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS**

PLASTIC BULLETS - THE REALITY

Julie Livingstone is dead 16 years. She was 14 when she was murdered. No one was ever charged in respect of her death. Had she not been murdered by a plastic bullet she would have been 30 now. She probably would have been married with children of her own. She might have been playing a key role in building peace in Ireland. We will never know. Sadly her father Archie died in 1995. He spent the last years of his life, even during ill health, campaigning for the truth about Julie's murder to be told. Fighting to ensure no other child was killed by these horrendous weapons. Supporting in his own inimitable way, other families who had suffered in the same way as his. He died without justice and in the knowledge that these weapons were still being used on the streets of the North of Ireland. Knowing that there was a real possibility that more children, like Julie, would be killed by plastic bullets.

This is the human face behind the cold statistics that 17 people, 8 of them children, have been killed by rubber and plastic bullets in the North of Ireland.

Ten year old Stephen Geddis was killed by a plastic bullet on 30 August 1975. A very quiet child, he had refused to go outside for three weeks after returning from a sponsored trip to the USA, a break from the conflict at home. Despite eye witness accounts at the time which stated that Stephen was an innocent bystander, no soldier was ever prosecuted for his murder.

In August 1995, 20 years after Stephen's murder, the police, the Royal Ulster Constabulary (RUC), reopened his case. A former soldier who witnessed the incident came forward and gave an account of what he saw. This differed significantly from the official British Army version given at the time. The Geddis family do not believe that anyone will go to jail for murdering Stephen, but they hope the truth will be told. Joe Geddis, speaking 20 years after his brother's murder, said of his mother "...All she wants to see happen is for the truth to come out at last about her son and for the family to be left to grieve in peace".

No one has ever been convicted in respect of any of the deaths or injuries resulting from the use of plastic bullets. Only in the case of John Downes, who was murdered in front of thousands of people and the world's media, was anyone charged. No civilian witnesses were called to give evidence at his trial. He was acquitted.

Over 1.5 million pounds has been paid out in compensation but

there is a blank refusal to admit liability. Victims and families of those murdered by plastic bullets demand justice not compensation. They want to know who murdered their loved ones, they want to know why they have been blinded and they demand to know who gave the orders.

Twenty six years ago, 51 year old Emma Groves, a mother of 11, was blinded by a rubber bullet when standing in her own sitting room. Emma lost both her eyes. No one was charged. Now 77, Emma still campaigns tirelessly to have plastic bullets banned and to secure justice for those who have suffered. She is the living legacy of these vile weapons. Thousands like her have, and continue to suffer as a result of horrendous injuries sustained by these weapons. Unfortunately the numbers continue to grow. Three young men lost eyes after being hit by plastic bullets last summer. Many more sustained serious head and upper body injuries.

Plastic Bullets replaced rubber bullets and were marketed by the British Government as being "soft squidgy and harmless". The brutal reality has seen plastic bullets murder 8 children and 9 adults. Injuring thousands of others, they have left a catalogue of carnage, grief and brutal sectarian oppression. In only two of the fatalities was it found that the victim was killed during a civilian riot. The very large majority of plastic bullets are fired in non riot situations. Plastic bullets have been and continue to be fired at children at play, young girls on errands for their mothers, at football matches, at young people leaving discos and even into victims homes.

Julie Livingstone (14) died after being hit on the head with a plastic bullet. She had gone on an errand with a friend. Six days later Carol Ann Kelly (12) was hit on the side of the head with a plastic bullet when she was doing an errand for her mother. She died three days later.

PLASTIC BULLETS AND POLICING CONTROVERSIAL MARCHES

Significantly, given last years events and the frightening prospects for this summer, both children died during a period when there was considerable public demonstration on the part of the nationalist community at the political strategies of the British Government - during the hunger strikes.

"I got very scared and frightened. I panicked and ran down the street and a round the corner straight into a line of riot police who had the bottom of the street blocked off. There was a wall dividing them and the group of us who had tried to get away from the trouble. The wall was pretty high up so the police could only see my head and upper body region. I just stood there and felt someone put their hand on my shoulder, and as I turned to see who it was I was hit on the side of the face with a plastic bullet. The distance was about 8 yards. I was knocked unconscious for about 5 minutes and really don't remember much more after that. When I came too, people were trying to stem the flow of blood and I was taken to the City Hospital by ambulance.....They had to insert 60 stitches both externally and

internally in my face wounds. I have to have 2 steel plates and screws put in to hold the bones of my face together. These will remain there permanently. My face is fractured and broken in 6 or 7 places and is very badly swollen and sore....When the swelling subsides I have to go back to the hospital for plastic surgery."

This young man, Tommy Turner, is another statistic among the thousands who have been seriously injured, maimed and disfigured by plastic bullets. He could very easily have become the eighteenth person to be murdered by these hideous weapons. He was engaged in a peaceful protest against the forcing through the nationalist Lower Ormeau area of Belfast, of a sectarian Black Preceptary march in August 1995.

US Army research (Technical Report No 74-79, US Army Land Warfare Laboratory, Aberdeen Proving Ground, Maryland 21005) which is known to the British Government, has proven that the kinetic energy of plastic bullets at a range of 25 yards is such that being hit on the head with one at that distance is very likely to cause death. This young man was hit from a distance of only 8 yards. All 14 fatalities from plastic bullets died from injuries sustained to the upper part of the body, 10 from head injuries and 4 from injuries to the chest. In so far as can be ascertained at least half the fatalities were shot at a range of less than 20 meters. 7 of the 14 children were aged 15 or under.

The flagrant and widespread use of lethal force against unarmed civilians, the attempted murder of Tommy Turner on Belfast's Ormeau Road and the firing of an incredible 100 plastic bullets on the same day, 12 August 1995, in Derry, constituted the 1995 "policing" of a disputed and controversial march, one year into the ceasefires. Eye witness accounts state that Tommy Turner was running away from the area when he was hit. There was a clear message sent out by the RUC on 12 August 1995 that they were not neutral in the policing of marches through contentious areas and that they were prepared to use lethal force against the local communities in such circumstances. The firing of the plastic bullets in Belfast and Derry on that occasion, as in so many other occasions, led to further civil disturbances and alienation from the RUC. It was only a precursor of what was to come during the summer of 1996.

Plastic bullets are made of PVC, they weigh 5 grammes, measure 3.5 inches in length and 1.5 inches in diameter and are fired at a velocity of 250 kilometres per hour. At a range of 25 yards the plastic bullet has a velocity of 56 meters per second and a kinetic energy of 212 joules. Even at a range of 50 yards the kinetic energy is 150 joules. At any range feasible for their effective use the probability of causing death or serious injury is extremely high. Eye witness accounts state that during the summer of 1996 they were being fired at point blank range and so fast that the guns used to fire them were overheating and jamming. Human rights observers, including TD's and Senators from the Irish Government, witnessed plastic bullets being fired at and injuring the head and upper part of the body.

Plastic bullets were introduced into the North as a technological escalation to "control" the legitimate democratic expression of political opposition through street protests. They were introduced, and remain deployed, to silence those who wish to engage in civil protests against the Government, a fundamental right in any democracy, in the same way lead bullets were used on Bloody Sunday. They are deployed with the aim of making people afraid to come out on the streets to protest.

It is not insignificant that 16 of the 17 deaths caused by rubber and plastic bullets were Catholics. Since their introduction they have been used by a protestant security force to frighten and intimidate the nationalist population. This was graphically re-enforced during the summer of 1996. One human rights observer was shocked to see them being aimed at young children in prams in Rutland Street on the nationalist Lower Ormeau Road, Belfast during the 26 hour curfew imposed over the 11/12 July 1996, when the entire street was sandwiched between two rows of RUC landrovers and there was no avenue of "escape". Nor can it be ignored that a British Home Secretary refused to use plastic bullets in Britain because "someone might get hurt".

The issue of sectarian marches remains unresolved, ready to explode again within the next two weeks. Post 1996 almost half the population of the North of Ireland are alienated from the Rule of Law and believe, with due cause, that those charged with upholding it are guilty of behaving in a sectarian manner. These same forces of law and order are, despite the Labour Government's pre election policy commitment, still armed with lethal weapons in the form of plastic bullets, as a means of controlling civil disturbances. It is true to say that the Nationalist community in the North of Ireland are terrified at the prospect of these lethal weapons being used again this summer by these sectarian forces.

The 1996 "marching season" saw an escalation in the use of plastic bullets significantly only comparable to the numbers used during the 1981 hunger strike.

From April to August 1981 7 people were killed by plastic bullets in the North (3 of them children). In the month of May 1981, during the hunger strikes, 16,656 plastic bullets were fired, 537 per day. In Derry on three consecutive nights between 11-13 July 1996, 3026 plastic bullets were fired, 1008 per night. In May 1981, 3 innocent people died from head injuries inflicted by plastic bullets in non riot situations.

A SECTARIAN WEAPON FOR A SECTARIAN FORCE

While researching their excellent report "The Misrule of Law" into the policing of the events of the summer of 1996 in the North of Ireland, the Committee on the Administration of Justice were told that 6002 plastic bullets had been fired during the "12th week". The disparity in the numbers fired against nationalists and unionists highlights the sectarian nature of the use of plastic bullets. In the four day period from 7-11 July 1996, there was widespread public disorder orchestrated by unionists and loyalists who supported the Orange Order's stand

off at Drumcree, near the Garvaghy Road, Portadown. Businesses were petrol bombed, unionist/loyalist roadblocks prevented people moving to or from work or indeed outside of their areas, the airport and the ports were blocked, nationalist communities were attacked and burnt out of their homes. The North was held to ransom. During this time 662 plastic bullets were fired.

During the subsequent 3 days of protests by nationalists at the British Government and RUC's "U" turn forcing the Orange Order parade down the Garvaghy road and the curfewing of the entire nationalist Lower Ormeau Road (Belfast) community, a staggering 5340 plastic bullets were fired, 3026 in three nights in Derry. Human rights observers, who witnessed events throughout the North during that week, were horrified and frightened by the numbers and the manner of the use of plastic bullets, particularly in Derry. They described them as being fired like confetti and plastic bullet guns jamming and overheating because the bullets were being fired so quickly. Observers witnessed large numbers of people with serious injuries including many with head and upper body injuries.

WHO IS COUNTING?

Interestingly the figure of 6002 plastic bullets fired during the 7-14 July 1996 period increased (according to official figures) to 6921 when Human Rights Watch/Helsinki were researching their recently published report "To Serve Without Favour". In statements of 9 June 1997 in respect of the deployment of "faulty" plastic bullets having been used during the summer of 1996, the British Government are now claiming that 7500 faulty plastic bullets had been fired during the summer of 1996. An increase of 1500 or 25% on the original figure given to the Committee on the Administration of Justice. This begs the very serious question of accountability, control and monitoring of soldiers and members of the RUC firing of lethal rounds. The discrepancy in figures can only lead one to assume that those issued with and using lethal force do not even have to account for lethal rounds discharged. *Ipsa facto* they can kill with impunity.

THE LAW

In respect of the use of plastic bullets the security forces in the North of Ireland have been guilty of, and continue to perpetrate, gross human rights abuses. No member of the security forces has been convicted of any incident in relation to the use of these lethal weapons. They have been granted impunity in respect of the murder of 17 men, women and children and the injury of thousands of others.

The use of plastic bullets contravenes domestic and international law. This was starkly highlighted in the manner in which they were used during 1996. Their use is inconsistent with the use of minimum force and should not be tolerated by any society aiming to maintain democratic and human rights standards. Facts surrounding the use of plastic bullets unequivocally demonstrate that the British Government has repeatedly breached articles in the United Nations Declaration of Human Rights which

guarantee the right to life, the right to be free from torture and cruel, inhuman and degrading treatment or punishment and the right to freedom of expression and peaceful assembly.

Relatives and victims of these weapons have been denied access to the facts and evidence surrounding the deployment of plastic and rubber bullets in circumstances which have resulted in death and serious injury. In the absence of prosecutions on the part of the British government relatives have sought justice through private prosecutions. In such cases they have been denied access to the identity of the individuals responsible for the discharge of the fatal bullet. Families who have pursued redress through national and international courts have been systematically harassed and intimidated by the British Army and the RUC.

Claims for damages through the civil courts have been indefensibly delayed. Those who have received compensation for death/injury have had such damages as they have received clawed back through the withholding of state benefits. Civil claims have been settled out of court with no admission of liability and no full disclosure of the facts of the case. In an attempt to dissuade those who have been injured by plastic bullets from pursuing legal redress, victims have been threatened with fabricated prosecutions.

In the absence of criminal or civil cases being heard in open court the only means by which relatives can find out the truth of what happened to their loved ones has been through the inquest process. In some cases the State has refused to hold inquests. Others have been inexcusably delayed. In some cases the State has lied to families about the proceedings. Death certificates have been withheld for inordinately long periods of time.

FAULTY WEAPONS

The plastic bullet has been found to be ballistically unstable. In October 1991 the British Government admitted that the anti riot gun weapon used to fire plastic bullets was defective. The design faults of these weapons have been known since 1982. Because of monetary considerations, 1987 plans to replace the weapons were shelved despite the body of evidence that the gun was faulty. This admission begs a number of questions;

- 1 If these deaths and injuries were being fully investigated in accordance with the British Government's international obligations why was this defect not detected?
- 2 Why if it was discovered, given the lethal nature of the weapons, was it not immediately withdrawn?
- 3 Why were the victims, relatives and general public not informed of this fault?
- 4 Since the fault design had become known, 1982 people have been killed and maimed by these weapons. Why was this allowed to happen?

Dr Peter Waddington, Director of the Criminal Justice Department

at Reading University, carried out research into the weapon and found it to be inaccurate by a distance of about 10 feet at a range of less than 30 yards and that the bullet is ballistically unstable. It doesn't maintain its orientation... it's direction becomes variable and it weaves around in flight.

Ian Hogg, editor of the defense manual Jane's Counterinsurgency believes plastic bullets of their very nature to be dangerous. He stated "It is just a slab of plastic and with the best will in the world you can't guarantee where it is going to go when you pull the trigger-you do your best to aim at a specific spot but it has no ballistic shape, doesn't spin so it is not stable that way and it will hit and bounce and do all sort of stupid things."

On 9 June 1997 in answer to a Parliamentary question the British Government stated that plastic bullets issued in early 1994 including the majority of those used during the summer of 1996 in the North of Ireland, were again faulty. The admission came only days after Human Rights Watch condemned the use of plastic bullets and more worryingly just weeks before the disputed Orange Order march on the national St Garvaghy Road. The "admission" is a feeble attempt to silence any international concerns about their use again this summer and to counteract the irrefutable evidence, including the US Army research, that plastic bullets are by their very nature lethal weapons which cause death and horrendous injuries. Faulty weapons was also the excuse used for the murder of John Downes, Stephen McConomy and the only protestant murder by these weapons, Keith White.

RULES OF ENGAGEMENT

Rules of engagement for the use of Plastic Bullets have been issued, but are not available to the public. The Chief Constable of the RUC told Human Rights Watch that;

"Plastic bullets are not to be shot at a range of less than twenty meters and are not to be bounced off the ground. They are only to be shot if the safety of police officers or others is seriously threatened. Plastic baton rounds are to be fired only at selected individuals and never indiscriminately at a crowd. they are to be aimed to strike the lower part of the target person's body directly".

All those murdered by these weapons have died as a result of injury to the head or upper part of the body. Emma Groves is unfortunately one of a growing number of individuals who have lost one or both eyes as a consequence of being shot by these weapons. They were fired according to one eye witness like confetti in Derry on the night of the 12 July 1996.

Evidence indicates that individual members of the security forces are sometimes unaware of the existence of rules of engagement, were usually ignorant of what the rules stated and rarely adhered to them. This again was obvious given the actions of the RUC and Army over the summer of 1996. The rules are not legally enforceable. So far as can be ascertained no member of the security forces has even been disciplined for breaching the Rules of Engagement.

Human Rights Watch in their recent report concluded that .."plastic bullet use in many instances was indiscriminate and that the RUC's own guidelines for use were ignored. Moreover, testimony from numerous people indicates that the verbal abuse levelled against nationalists by the RUC officers was sectarian in nature and thus lends credence to allegations of the sectarian nature use of plastic bullets."

VOICING CONCERNS

Over the years the use of plastic bullets has been and continues to be condemned by the human rights and international community. As early as 13 May 1982 the European Community passed a motion calling on Governments of Member States to ban the use of plastic bullets. There is currently a report before the European Parliament which proves that the use of plastic bullets is counterproductive in that it provokes rather than quells violence. In July 1983 the Northern Catholic Bishops said the use of plastic bullets was morally indefensible and that they should be withdrawn.

In 1995 the UN Committee on the Rights of the Child voiced it's concern about the use of plastic bullets in the North of Ireland. Recently the UN Human Rights Committee and the UN Committee Against Torture also voiced their concerns about their continued use. The Committee on the Administration of Justice, Human Rights Watch/Helsinki, and British Irish Rights Watch have all called for plastic bullets to be banned. Amnesty International have voiced their concerns about their use and are calling for an enquiry.

The January 1996 report of the International Body chaired by Senator George Mitchell called for a review of the use of plastic bullets. Paragraph 55 of the Report states that "a review of... the use of plastic bullets, and continued progress towards more balanced representation in the police force would contribute to the building of trust." The then British Prime Minister, John Major, binned that paragraph along with the rest of Senator Mitchell's report.

In March 1995 at a Belfast conference, organised by the Committee on the Administration of Justice, John Shattock, Assistant Secretary of State for Democracy, Human Rights and Labour, stated

"Anyone and everyone desiring a peaceful future for Northern Ireland must support the.....elimination of such deadly security measures as the use of plastic bullets for civilian crowd control".

CONCLUSION

The increased militarisation of the security forces in the North of Ireland is to be viewed as a retrogressive step in respect of policing. The use of military and technological means to suppress political expression, like that of the communities opposing the routing of sectarian Orange marches through their areas, is particularly to be deplored as a serious threat to any democratic society. The increased militarisation technology has

spawned, especially in the hands of the sectarian security forces in the North of Ireland, exists as a barrier to the creation of any peaceful, democratic society.

Until the use of lethal force in the form of plastic bullets is ended, stock piles decommissioned and the truth about the deaths and injuries caused by these weapons told, building peace, democracy, trust and faith in the Rule of Law will be an impossible task.

The UNITED CAMPAIGN AGAINST PLASTIC BULLETS, respectfully requests the HOUSE COMMITTEE ON INTERNATIONAL RELATIONS to do all within it's power to secure a withdrawal of plastic bullets in the North of Ireland and to secure justice for all who have suffered as a result of their use because;

- * Plastic bullets are highly dangerous, lethal weapons. The British Government use them in full knowledge of their lethal nature and grant immunity from prosecution to those who use them to murder. In effect they are operating a shoot to kill policy
- * They have been used during the conflict in Ireland in non riot situations as a means of intimidation against innocent individuals including small children. Their use has proven to be counterproductive.
- * There is clear evidence that they have been used in a sectarian manner against the catholic community in the North of Ireland
- * The Rules governing their use are clearly not adhered to.
- * Military and medical research show that of their very nature they are highly dangerous.
- * Those who use them are not subject to the Law. Nor it would appear are they subject to internal discipline when Rules of Engagement are breached.
- * In the use of plastic bullets the British Government has contravened Domestic and International Legislation.
- * Relatives of those who have been murdered by plastic bullets and those who have been injured have been denied justice.
- * Their continued use is a major obstacle on the road to peace and their deployment and use to "resolve" that which demands political resolution is not only counterproductive, it is immoral, illegal and contrary to the cornerstones of democracy

And least we forget the human reality behind the statistics amid the legal and political arguments, those who were murdered by rubber and plastic bullets were.....

Rubber Bullets

Francis Rowntree	11 years	20 April 1972
Tobias Molloy	18 years	16 July 1972
Thomas Friel	21 years	22 May 1973

Elastic Bullets

Stephan Geddis	10 years	30 August 1975
Brian Stewart	13 years	10 October 1976
Michael Donnelly	21 years	10 August 1980
Paul Whitters	15 years	25 April 1981
Julie Livingstone	14 years	13 May 1981
Carol Ann Kelly	12 years	22 May 1981
Henry Duffy	45 years	22 May 1981
Nora McCabe	30 years	9 July 1981
Peter Doherty	40 years	31 July 1981
Peter McGuinness	41 years	8 August 1981
Stephen McConomy	11 years	19 April 1982
John Downes	23 years	12 August 1984
Keith White	20 years	14 April 1986
Seamus Duffy	15 years	9 August 1989

Let us hope it is a definitive list.

Prepared by the **UNITED CAMPAIGN AGAINST PLASTIC BULLETS**
92 STEWARTSTONE PARK
BELFAST
BT11 9GN
IRELAND

The United Campaign Against Plastic Bullets is a non political, non sectarian group, committed to the banning of plastic bullets and the securing of justice for all those who have suffered as a result of the use of plastic bullets. The Group consists of relatives and victims of those who have been killed or injured by plastic bullets in the North of Ireland.

24 June 1997

BRIEF SUMMARY OF PREPARED STATEMENT OF BRENDA DOWNES OF THE UNITED CAMPAIGN AGAINST PLASTIC BULLETS TO THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS ON THE 24 JUNE 1997

- * Plastic bullets are highly dangerous, lethal weapons. In using them with the full knowledge of their lethal nature and granting immunity from prosecution to those use them to murder, the British government are in effect operating a shoot to kill policy
- * They have been used during the conflict in Ireland in non riot situations as a means of intimidation against innocent individuals including small children. Their use has proven to be counterproductive.
- * There is clear evidence that they have been used in a sectarian manner against the catholic community in the North of Ireland
- * The Rules governing their use are clearly not adhered to.
- * Military and medical research show that of their very nature they are highly dangerous.
- * Those who use them are not subject to the Law. Nor it would appear are they subject to internal discipline when Rules of Engagement are breached.
- * In the use of plastic bullets the British Government has contravened Domestic and International Legislation.
- * Relatives of those who have been murdered by plastic bullets and those who have been injured have been denied justice.
- * Their continued use is a major obstacle on the road to peace and their deployment and use to "reolve" that which demands political resolution is not only counterproductive, it is immoral, illegal and contrary to the cornerstones of democracy

NATIONAL BOARD



ANCIENT ORDER
OF HIBERNIANS IN AMERICA
INCORPORATED
Organized in New York City, May 4, 1836

REMARKS DELIVERED BY

EDWARD WALLACE, NATIONAL PRESIDENT

OF THE

ANCIENT ORDER OF HIBERNIANS

BEFORE THE SUB-COMMITTEE ON HUMAN RIGHTS,

HOUSE INTERNATIONAL RELATIONS COMMITTEE,

ON JUNE 24TH

WASHINGTON, D. C.

THANK YOU CHAIRMAN SMITH NOT ONLY FOR THE OPPORTUNITY TO SHARE THE VIEWS OF OUR MEMBERSHIP WITH YOU BUT FOR YOUR LEADERSHIP AND THAT OF THE MEMBERS OF YOUR COMMITTEE IN TAKING UP THIS CRITICAL TASK. IN OUR VIEW AMERICA HAS A UNIQUE CONTRIBUTION TO MAKE TO THE RESOLUTION OF THE CONFLICT AND TO THE PROTECTION OF HUMAN AND

-2-

CIVIL RIGHTS FOR ALL IN IRELAND. THE POLITICAL LANDSCAPE IN ENGLAND AND IRELAND HAS CHANGED DRAMATICALLY²⁹ IN RECENT WEEKS AND THE UNITED STATES IS PRESENTED WITH A WINDOW OF OPPORTUNITY TO EXPRESS IT'S CONCERN AND DEMONSTRATE ITS' RESOLVE IN PROMOTING THE JUSTICE UPON WHICH PEACE CAN ENDURE.

FIRST, I MUST EMPHASIZE THAT HIBERNIANS SEEK THE USE OF NON-VIOLENT MEANS TO RESTORE THE UNITY TO IRELAND LOST WHEN BRITAIN CHOSE TO UNILATERALLY AND UNDEMOCRATICALLY PARTITION IRELAND WITH A LAW IN 1919 FOR WHICH NOT ONE IRISH VOTE WAS CAST. THE VIOLENCE USED BY THE BRITISH AND THEIR LOYALIST ALLIES FAILS TO RECEIVE THE ATTENTION ACTS OF NATIONALIST PARAMILITARIES ARE GIVEN. IT WOULD NO DOUBT SURPRISE YOU THAT NEARLY 900 INNOCENT CIVILIANS(ALMOST 1/3RD OF THE TOTAL CASUALTIES) HAVE LOST THEIR LIVES TO THOSE WHO CLAIM TO BE FOR LAW AND ORDER, DEMOCRACY AND WHO HAVE FORSWORN VIOLENCE. THE INDEX OF DEATHS (1969-1994) BY MALCOM SUTTON PORTRAYS A CONFLICT QUITE A BIT DIFFERENT FROM THE ONE OFTEN SEEN IN THE U. S. MEDIA. VIOLENCE IS A DEAD END AND ONLY UNCONDITIONED DIALOGUE AND THE CAUSE THAT BRINGS US HERE TODAY--THE PROTECTION OF HUMAN RIGHTS-- WILL BRING PEACE TO IRELAND.

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FIRST, A CORE PROBLEM WHICH WAS CREATED BY THE BRITISH TO SUSTAIN THE STATELET IS ANT-CATHOLIC DISCRIMINATION MOST PARTICULARLY IN EMPLOYMENT. IN THE MACBRIDE FAIR EMPLOYMENT PRINCIPLES, NAMED AFTER THE FAMED IRISH NOBEL PEACE PRIZE HONOREE DR. SEAN MACBRIDE, AMERICANS HAVE A WAY TO INSURE THAT THEIR ECONOMIC CLOUT, WHETHER BY INVESTMENT OR PURCHASE POWER, PROMOTES FAIR EMPLOYMENT IN THE NORTH. THE PRINCIPLES WERE SUPPORTED IN THE 1996 PLATFORM OF BOTH THE DEMOCRATIC AND REPUBLICAN PARTIES. REPUBLICANS SUPPORTED "PRIVATE INVESTMENT [IN THE NORTH] FULLY CONSISTENT WITH THE MACBRIDE PRINCIPLES FOR FAIR EMPLOYMENT IN ORDER TO ADDRESS THE SYSTEMATIC DISCRIMINATORY PRACTICES THAT STILL EXIST AGAINST CATHOLICS IN THE WORKPLACE." I APPLAUD YOUR FOLLOW UP TO THAT COMMITMENT BY INCLUSION OF THE PRINCIPLES IN THE BILL RECENTLY REPORTED FROM CHAIRMAN GILMAN'S INTERNATIONAL RELATIONS COMMITTEE AND WHICH LINKS THE PRINCIPLES TO RECIPIENTS OF MONEY FROM THE INTERNATIONAL FUND FOR IRELAND.

SECOND, I DRAW YOUR ATTENTION TO A RESOLUTION ADOPTED BY THE LARGER IRISH-AMERICAN ORGANIZATIONS THIS PAST MARCH 15TH 1997. THE USE OF PLASTIC BULLETS IN THE NORTH ALTHOUGH INTRODUCED AS AN ALTERNATIVE TO REGULAR BULLETS HAS HAD DEADLY CONSEQUENCES. THE

RUC AND BRITISH ARMY HAVE KILLED 17 PEOPLE(16 CATHOLICS) AND PERMANENTLY MAIMED HUNDREDS OD OTHERS INCLUDING MOST RECENTLY KEVIN MCCAFFERTY, A 16 YEAR OLD FROM DERRY WHO LOST HIS EYE TO A PLASTIC BULLET AT UNION HALL PLACE LAST YEAR. ON THIS ISSUE WE FIND OURSELVES IN RARE AGREEMENT WITH THE NEW YORK TIMES WHICH HAS CALLED UPON PRIME MINISTER BLAIR TO BAN THEIR USE AS A CONFIDENCE BUILDING MEASURE. WE APPEAL FOR THIS COMMITTEE TO JOIN THE EUROPEAN PARLIAMENT, THE IRISH BISHOPS CONFERENCE, AND PHYSICIANS FOR SOCIAL RESPONSIBILITY IN OPPOSING THE USE OF THESE DEVICES WHICH ARE BANNED FROM USE THROUGHOUT THE REST OF THE UNITED KINGDOM.

THIRD, THE TRUE WORK OF PEACE IS TO WORK FOR MEASURES THAT WILL PROMOTE JUSTICE. SUCH MEASURES COME IN MANY SHAPES AN SIZES. THE CORRUPTION OF LAW WHICH WRONGFULLY IMPRISONED THE BIRMINGHAM SIX AND THE GUILFORD FOUR TO ACHIEVE POLITICAL ENDS IS ONGOING WITH CASES LIKE THAT OF THE CASEMENT THREE AND THAT OF DANNY MCNAMEE AND THE PUNITIVE DETENTION OF MS ROISIN MCALISKEY. YOUR EXPRESSION OF CONCERN MIGHT SERVE TO EXPOSE THESE INJUSTICES TO THE LIGHT OF TRUTH.

DURING THE PERIOD 1989-1992 NINE SINN FEIN ELECTED OFFICIALS AND CAMPAIGN WORKERS WERE SLAIN. SINCE 1992 FIVE MORE CAMPAIGN WORKERS HAVE BEEN MURDERED AND DOZENS MORE ARE REGULARLY DETAINED WITHOUT CHARGE DURING CAMPAIGNS. NO OTHER PARTY IN A MODERN DEMOCRACY HAS EXPERIENCED SUCH PERSECUTION WHICH USUALLY BEGINS WITH THE RUC TELLING A PERSON THAT HIS OR HER 'FILE' HAS SUDDENLY GONE MISSING. THE COLLUSION OF SECURITY FORCES IN THIS CAMPAIGN TO DEPRIVE NATIONALISTS OF THEIR RIGHT TO PARTICIPATE IN THE POLITICAL PROCESS IS APPARENT TO ALL NOT TOO BLIND TO SEE. AS ELECTED REPRESENTATIVES YOU CAN CAMPAIGN HERE FREE OF SUCH VIOLENT INTIMIDATION. YOUR FURTHER INQUIRY INTO THIS CAMPAIGN TO SILENCE SINN FEIN COULD PROVE CRITICAL TO RESTORING A TRUE DEMOCRACY TO THE POLITICAL PROCESS IN THE NORTH.

FINALLY, I WOULD APPEAL TO YOU TO SPECIFICALLY ON BEHALF OF TWO OF OUR MEMBERS—JOSEPH DOHERTY AND JIMMY SMYTH. THERE IS NOT ENOUGH TIME TO DETAIL THE CIRCUMSTANCES OF THEIR CURRENT IMPRISONMENT IN THE NORTH. SUFFICE IT TO SAY WE BELIEVE THEIR TERM OF IMPRISONMENT SHOULD BE REDUCED BY THE TIME THEY SPENT IN CONFINEMENT IN THIS COUNTRY WHILE WE AND MOST OTHER IRISH-AMERICAN ORGANIZATIONS

SUPPORTED THEIR LENGTHY BATTLE AGAINST DEPORTATION AND EXTRADITION. THIS IS A HUMANITARIAN PLEA ON BEHALF OF THEIR FAMILIES AND IN THE INTEREST OF PROMOTING THE HEALING SO NECESSARY FOR THE RECONCILIATION OF THE DIVIDED COMMUNITIES. I WOULD ASK THAT THIS COMMITTEE OR ITS' MEMBERS INDIVIDUALLY WRITE TO DR. MOWLAM, THE SECRETARY FOR NORTHERN IRELAND, AND THAT THE TIME IN AMERICA BE CREDITED TO THEIR ORIGINAL SENTENCE.

MR. CHAIRMAN, I THANK YOU FOR YOUR ATTENTION TO MY TESTIMONY AND ASK THAT IT MAY BE INCLUDED IN ITS' ENTIRETY IN THE RECORD OF THIS PROCEEDING.

BRITISH SECURITY FORCES USE OF PLASTIC BULLETS

WHEREAS, in the North of Ireland British Crown forces have consistently used six inch hard, solid plastic cylinders called "plastic bullets" to maintain crowd control and to intimidate and injure civilians; and

WHEREAS, the use of those bullets has cost 17 people their lives - including 8 children; and

WHEREAS, thousands of Irish people have suffered serious and permanent injury from these bullets including most recently Kevin McCafferty, a sixteen year old youth from Derry who in July 1996 lost his eye at Union Hall Place; and

WHEREAS, plastic bullets are currently banned by the Home Office in Great Britain, Wales and Scotland; and

WHEREAS, the European Parliament, the British Labor Party, Physicians for Social Responsibility, and the U.S. Catholic Bishops Conference have all condemned and called for a ban of their use; Now Therefore Be It

RESOLVED, that the undersigned organizations call upon the President to publicly appeal for a British ban on the use of these plastic bullets; and Be It Further

RESOLVED, that the President instruct the U.S. Ambassador to the United Nations to raise this issue for action by the U.N. General Assembly; and Be It Further

RESOLVED, that should the British fail to ban the use of these bullets we undersigned call upon Congress to hold public hearings on the suspension of contributions to the IFI.

Date Adopted: March 15, 1997

Ed Wallace
National President
Ancient Order of
Hibernians

Paul Doris
National Chairman
Irish Northern
Aid Committee

Frank Hoare
President
Brehon Law Society

Cody McCone
Vice President
Irish American
Unity Conference

Jack Gavin
Sir Knight (Past)
Knights of Equity

Joseph Roche
Facilitator
(Past President
Ancient Order of Hibernians)

Ladies Ancient Order of Hibernians



Organized in 1884

Mary E. Paglione
Ladies Ancient Order of Hibernians in America
National President
June 24, 1997
House Committee on International Relations
Subcommittee on International Operations and Human Rights

Mr. Chairman, thank you for this opportunity to address this Committee. I am Mary E. Pagione, President of the Ladies Ancient Order of Hibernians in America. The LAOH was established in 1894 and now has over 11 thousand members from all over the United States. Like the AOH we are committed to our Irish heritage and our Catholic Faith and support for our brothers and sisters in all of Ireland. Despite the circumstances that forced many of our ancestors to these shores, we are proud of the Irish contribution to America and even prouder now to have the opportunity to give something back to Ireland, hopefully peace with justice.

The very real and systematic abuse of human rights that is taking place in the six counties of Northern Ireland is a matter of utmost concern to the members of the Ladies Ancient Order of Hibernians. In August, 1995, on a tour of Ireland with officers and members of the LAOH and AOH we participated in a Mass at the Cathedral in Armagh, a woman approached me and two other officers who were wearing officers sashes that are orange, white and green. Her statement to us was "My but you are brave to wear the tri-colors here". At the time we thought little of it yet it shows the fear that the residents of that area live under. I will not try to enumerate the specifics or try to point out to you the most horrific instances. That we are here today indicates that the problem is at last being addressed by the appropriate body, the United States Congress.

You have already heard many distinguished panelists give their views today. I would like to offer mine from the perspective of an Irish-American woman, wife and mother. For each act of abuse there is a shock wave of victims. Each victim of abuse is a son, a husband, a sister, a daughter. Their pain is not felt alone. It is no surprise that the loudest voices calling for peace in Northern Ireland are those of women.

Being a Catholic woman in Northern Ireland carries with it the double burden of discrimination. A system that ridicules your religion, allows church goers to be pelted and stoned on the way to Mass and then places women lower on the employment lists than any other category is not only abusing basic human rights it is an affront to human dignity.

The LAOH has always been concerned with human rights abuses in Northern Ireland. I recently appointed Eileen C. McNeill, of Ohio, Chairperson, National Office of Catholic Action to serve with me on this committee. The LAOH is participating in the Prisoners' Dependents Fund and St. Pauls' Parish Church in Belfast building fund.

Our record of donations to human rights funds is well documented. The LAOH has been constant in prayers for peace and justice through out our history.

As a resident of Florence Township, Burlington County, New Jersey, I live within the 4th Congressional District represented by Congressman Christopher H. Smith. I thank you Chairman Smith and members of the Committee, on behalf of the Ladies Ancient Order of Hibernians in America and all women of goodwill. I urge you to pursue with appropriate legislation and the moral authority of these United States an end to the abuse of basic human rights practiced in Northern Ireland with great dispatch.

MY TURN

PEACE ISN'T IMPOSSIBLE

It's not too late to negotiate an end to centuries of bloodshed and despair in Northern Ireland

BY GEORGE J. MITCHELL

IS THE PEACE PROCESS DEAD? THE QUESTION HANGS OVER Northern Ireland like a heavy fog, blanketing the land with fear and anxiety.

Last week, in the most recent episode in a recurring cycle of hope and despair, optimism was once again struck down by an assassin's bullet, complicating even further the negotiations sponsored by the British and Irish governments. Launched after a decade of effort, the talks have been difficult; progress has been painfully slow. The sticking point has been the decommissioning of arms illegally held by the competing paramilitary groups. But hopes rose again when a new British government was elected in May. Tony Blair and his secretary of state for Northern Ireland, Mo Mowlam, moved quickly to reach out to Sinn Fein. Because of the relationship between Sinn Fein and the IRA, the previous government had refused to meet with Sinn Fein until the IRA restored the 18-month-old ceasefire it broke in February 1996. Blair reversed that policy.

In early June British officials held two meetings with Sinn Fein, and a third was scheduled for last week. The sessions' goal was to restore the ceasefire and engage Sinn Fein in the talks, which are aimed at achieving a settlement that would command the support of both communities. Progress seemed possible.

Then, last week, with shocking brutality, two police officers in Northern Ireland were murdered, each shot several times in the back of the head at close range. The IRA quickly claimed responsibility, and the British government called off all further contact with Sinn Fein. Progress toward peace again seemed a distant dream.

Is it? I may be an incurable optimist, but I believe a historic opportunity to end centuries of conflict in Northern Ireland still exists. If it's not seized now, though, it may be years before we have another chance, and the failure could cost many lives on both sides.

It's worth pursuing a political settlement for one overriding reason: the overwhelming majority of people in Northern Ireland want political stability and reconciliation. To give up now, to succumb to despair and sectarian war, would be to declare that a handful of men of violence are winners and the rest of the people are losers. That's a result I'm not prepared to accept.

The next few months are critical. First, the marching season must pass without violent incident. That's when each side celebrates its history with an estimated 3,000 summer marches, most of them by Protestant organizations. There was widespread rioting during last year's season. A repeat this year could doom the talks, discourage economic investment and devastate Northern Ireland tourism. Today, urged on by business and church leaders, local newspapers and Secretary of State Mowlam, people in both communities are working feverishly to avoid that result.



life than they've had. Of course, there are those who don't want anything to change, ever. They want to re-create a past that is gone forever. But their way will only guarantee never-ending conflict. It will ensure that the next half century is as full of death and fear as was the past half century. If, on the other hand, we can end the violence and people can live free of fear, then gradually the walls of division will finally come down.

I'm constantly asked by Americans concerned about Northern Ireland, "What can I do?" Here's my answer: The American people, and especially the leaders of the Irish-American community, must say clearly and repeatedly that they condemn violence, that they demand its end, that they will not support those who engage in or condone violence. They must say it publicly, loudly and forcefully. Political violence, from whatever source, is morally wrong. It's counterproductive. It deepens divisions. It increases hatred. It hurts innocent people. It makes peace and reconciliation more difficult to attain. It must end.

After his election, to emphasize its importance, Prime Minister Blair chose Northern Ireland for his first trip outside London. In a speech there he said: "I am ready to make one further effort to proceed with this inclusive talks process. My message to Sinn Fein is clear. The settlement train is leaving. I want you on that train. But it is leaving anyway, and I will not allow it to wait for you. You cannot hold the process to ransom any longer. So end the violence. Now."

So the process must and will move on. Only the outcome is in doubt. Some have said that the political talks are all that's preventing widespread war. But as the participants in those talks know better than anyone, they cannot go on indefinitely. They must either move forward or end in failure. For the people of Northern Ireland, the time for decision is now.

At the request of the British and Irish governments, Sen. George J. Mitchell (formerly majority leader of the U.S. Senate) serves as chairman of the negotiations on the future of Northern Ireland.

To: Chairman Benjamin A. Gilman
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC 20515

NAME: Raymond Murray, Parochial House, 1 Convent Road, Cookstown,
County Tyrone, N. Ireland.

TITLE AND ORGANISATION : Rt Reverend Monsignor. Relatives for
Justice.

23 June 1997

Report on Human Rights N. Ireland

BIOGRAPHICAL SKETCH. Formerly chaplain of Armagh Prison, N. Ireland, 1967 to 1986. Parish Priest, Cookstown, County Tyrone. Chairperson of Relatives for Justice and Chairperson of the Campaign for the Right to Truth. Well-known crusader for human rights in Northern Ireland. Author of *The SAS In Ireland* (1990) and many books and pamphlets and numerous leaflets on the violation of human rights there. Relatives for Justice was formed in April 1991 in order to focus on the use of state terror by the British Government in Northern Ireland. It was founded by people who lost relatives as a result of the British Government's shoot-to-kill policy in Northern Ireland, its widespread use of the deadly plastic bullet and its collusion with 'loyalist' death squads.

STATEMENT OF REV. MONSIGNOR RAYMOND MURRAY

Relatives for Justice represent poor, humble and vulnerable people who have suffered at the hands of the state in the past twenty-nine years. Great publicity has been given at home and abroad to testimonies from victims and their relatives who have suffered grievously at the hands of paramilitaries. I sympathise with these victims. I hope they are ably represented at this committee and that their story will be told. In this statement I am focusing narrowly on a section of people, victims and their relatives who feel they have been neglected and ignored. The ghetto poor have to a great extent been a voiceless people - although they can be eloquent - voiceless because they are without power. Government officials, religious people and academics were not always willing to listen to them and so their lack of human rights and civil rights and justice were not addressed. They found it difficult to get their story told. These persons have been the victims of the corruption of law. Such a problem is worldwide. I am focusing here on Northern Ireland and Britain but governments and politicians in the Republic of Ireland must also be challenged on periods of ill-treatment of suspects and occasions of inhuman conditions in prisons; their silence on the Dublin and Monaghan bombings, considered to be the work of the British secret service in collusion with loyalist paramilitaries, is as deafening as the explosions themselves. The

agents of the law in Northern Ireland and Britain, people in charge of the law, have violated the law to use it as a weapon to torture men in interrogation centres, to send some innocent people to jail for life, to kill and injure civilians with plastic bullets, to shoot citizens with army guns, to act in collusion over twenty-five years with the murderous intent of the loyalist paramilitaries. A second hurt, added to the injuries, is that the law has provided no adequate remedy for proper investigation; no truth or justice for the relatives.

The British Government does not hold the high moral ground in the conflict in Northern Ireland. Like the paramilitaries it should also acknowledge and repent for its crimes, the deaths and suffering of innocent people it has caused. Truth helps a peace process and has healing effects. Justice and charity flow from it.

My statement outlines 16 classifications of the violations of human rights. The headings are:

1. Internment of 2000 Catholics men and 30 women under special powers and the cruel ill-treatment of same, 1971-75.
2. Inhuman and degrading treatment of detainees in Palace Barracks, Holywood, and Girdwood Barracks, Belfast, 1971-2.
3. Torture of 14 hooded men by sensory deprivation in Ballykelly Barracks in 1971.
4. Duress: Arrested people in the 1970s were forced to sign statements admitting crimes the police wanted to connect them with. Corrupt courts for many years accepted these statements.
5. Harassment: For 20 years nationalists were subjected to arbitrary house searches, house-wrecking, beatings, verbal harassment, census taking by security forces.
6. Ill-treatment of arrested persons in RUC stations 1972-75.
7. Ill-treatment of arrested persons in the interrogation centres at Castlereagh and Gough Barracks 1976-77.
8. Alleged verbal statements of accused given out by the police were accepted on their word in the Diplock Courts; beating, thumping and kicking prisoners and interrogating them for long periods and putting them in positions of stress, were not accepted as cruel and degrading treatment and statements taken after these forms of ill-treatment were accepted in court. There followed great disparity in sentences and some of the sentences were inhuman. Despite the censures of the British domestic report, the Bennet Report, in 1979, ill-treatment continued, centred on beatings designed not to

leave marks, on psychological torture and threats, blackmail and the use of supergrasses.

9. Severe punishments were inflicted on prisoners who refused to do prison work and wear prison clothes in the 1976-81 period.

10. Degrading stripping naked of the women prisoners in Armagh Prison 1982-86.

11. 18 innocent Irish people were imprisoned for long years by police action and judicial procedures in Britain which were contrary to human rights. The cases of the Birmingham Six, Guildford Four, Maguire Seven, and Judith Ward are known internationally. They were finally released and declared innocent after spending many long years in prison.

Their cases now make legal history. I express my eternal gratitude to Congressmen Hamilton Fish and Benjamin Gilman who helped me publicise the plight of the Birmingham Six. In April 1992 the Committee on the Administration of Justice published a booklet on the trials involving persons accused of being implicated in the deaths of British Army Corporals David Howes and Derek Wood in March 1988. It is essentially a study on the right to a fair trial in Northern Ireland. I understand that a representative of families pleading the innocence of people sentenced for this terrible crime will pit their case before the committee..

12. Some Irish political prisoners in British prisons were treated with cruelty.

13. The Prevention of Terrorism Act brought great suffering to many thousands of Irish in Britain.

14. Widespread and deadly use of rubber and plastic bullets resulting in severe injuries and the deaths of 17 people, of whom 8 were children and one was a woman.

The Royal Ulster Constabulary still make use of this lethal weapon. Last year they fired 6000 rounds into a small Catholic ghetto after forcing a large Orange Order loyalist parade through the Catholic area of Portadown in County Armagh. This lethal weapon has never been used in riot situations in Britain. I understand that a relative of one of the victims of plastic bullets will give evidence to the committee.

15. Murder and unjust killings by the security forces. 148 members of paramilitary organisations and 138 innocent civilians have been killed by the Royal Ulster Constabulary (RUC) and the British Army; some of these can be classified as murder and some as unjust killings. Prosecutions and conviction of members of the security forces have been avoided in most cases. The case of the 14 civilians shot by British paratroopers on January 1970, the shooting dead of six unarmed men by the RUC in County Armagh in 1980, and 46

people shot by the Special Air service (SAS) of the British Army are among these shootings.

Two examples I give here will illustrate this violation of the right to life. I have given the account of the Gibraltar shootings of unarmed IRA members by the SAS on 6 March 1988 in an extended appendix. It is written by Naill Farrell, the brother of Mairead one of the victims. He is secretary of Relatives for Justice. The shooting of a civilian, Aidan McAnespie, on 21 February 1988, when walking by a British Army Post at Aughnacloy, County Tyrone, is here related by his sister.

**The Shooting of Aidan McAnespie
by Eilish McAnespie**

"It is of paramount importance that the killing of my brother, Aidan McAnespie, on the 21st of February 1988, is not viewed as an isolated incident but rather as the result of systematic and routine victimisation for several years by British crown forces. These include members of the Royal Ulster Constabulary, the Ulster Defence Regiment and the British Army.

My brother, Aidan McAnespie, was the youngest of a family of six children. He was born in Aughnacloy, a predominantly loyalist village situated on the border with the Republic of Ireland. The area historically had a high unemployment rate, that is, for those nationalists living there. As a consequence, Aidan looked for work across the border and was fortunate enough to get a job in a poultry processing plant in Monaghan town, in the Republic of Ireland, some ten miles south of Aughnacloy. To go to work each day, Aidan had to pass through a permanent British Army checkpoint at the southern side of the village. As a result, the security forces became familiar with him and often asked him to remove his car from the road for what was termed a 'routine search'. They would then take the car apart, removing door panels and wheels. They would also search through his lunch with their bare hands saying, 'You'll be late for work today Aidan'. Aidan made complaints to his trade union about these incidents and they made representations on his behalf, but the harassment continued unabated. On other occasions they would ask him to remove his coat, shoes and socks in the rain. When he refused, they would put him on the ground and one soldier stood on his throat while another pulled off his shoes and socks. Aidan made complaints to the local RUC station.

It was not unusual for Aidan to be taken into the British Army base for a vehicle search two or three times a week and the car pulled apart. The harassment got so bad that he stopped driving through the checkpoint; instead he would drive to the filling station just south of the checkpoint and would phone my mother. She would then cycle down through the town and out past the checkpoint and walk back through with Aidan. On one occasion a soldier shouted after them, 'Are you trying to protect your son Mrs McAnespie?'

Aidan contacted newspapers seeking the protection that publicity might have given him and one national newspaper carried a story describing him as the most harassed person in Ireland. He could have wallpapered his room with official complaints made to the RUC both through solicitors and the local parish priest. Aidan's life revolved around the continual threat of harassment and physical violence at best and the real threat of being killed at worst. A soldier stopped my father a year before the shooting and asked, 'Are you Aidan's father?'. When he said he was the soldier said, 'We have a bullet here for him'.

On the 21st of February 1988, Aidan parked his car at the northern side of the checkpoint and walked towards the local GAA pitch, which was just south of the checkpoint. He had only walked three hundred yards when a single bullet from a heavy calibre machine gun cut him down, in the prime of his life, on a lovely sunny afternoon, while on his way to a Gaelic football match. Aidan's life was taken, his killer watched him walk towards the football pitch, aimed and fired to kill. This is the view of our family and many community and church leaders. The then Primate of All Ireland, Cardinal Tomás ó Fiaich, described the killing as murder. In stark contrast the British army described the killing as a tragic accident. They claimed, firstly, that the gun used was being passed from one soldier to another when it was accidentally discharged. This account later changed to one of accidental discharge when the gun was in the process of being cleaned. Because the Northern Ireland Office's statement of what happened supported this version, all subsequent investigations carried out by the RUC were mobilised to support this explanation of events. In actual fact, the security force explanation was so incredible that they had to create evidence to support their claim.

For example, eye witnesses saw a man coming out of a sanger from which Aidan was shot, wearing casual clothes and sports shoes. The next day the British Army had a number of their people painting the checkpoint dressed in casual clothing. Aidan's car was parked close to the checkpoint in a nationalist housing estate. On the day of the funeral eye witnesses saw a man remove it. Our family phoned the local RUC station to report it missing. They said they knew nothing about it but to try CID (Criminal Investigation Department) in Dungannon. CID in Dungannon were not aware of the missing car. We then phoned the local police to report the stolen car. The press got to hear about the missing car and shortly after speaking to the local police, a local journalist could tell the family that the car was removed by police for its safety. It seems incredible that of all the cars parked in the housing estate this was the only car in some kind of danger.

In addition, the Army claimed, that due to the accidental discharge of the weapon, three shots were fired, one of which ricocheted off the road hitting Aidan. Local people living nearby say the Army reconstructed this account of things when, as darkness fell, a flashing light was placed at the spot where Aidan was shot and three shots were heard fired. It is widely believed that the Army fired the shots to mark the road to support their ricochet theory.

When challenged by the press, the Army claimed that they came under fire from terrorists, a claim denied by the IRA and local people nearby who say no attack of any kind took place.

A soldier, David J. Holden, was charged with unlawful killing. While on this charge he was allowed to go home to his family in England. Approximately six months later all charges were dropped.

At Aidan's inquest, the coroner, Roger McLernon, said the death was a cause of 'profound regret' and 'was avoidable and should have been avoided'. The RUC stated at the inquest, and it was repeated by the coroner, that there was no suggestion that Aidan had ever been involved in any form of illegal activity. Guardsman Holden was not compelled to attend the inquest. The coroner advised the jury that, although the soldier was entitled under law not to attend, his unsworn statement should be treated with caution. The only other soldier in the sanger when the fatal shot was fired was conveniently absent without leave for the six months previous to the inquest. The coroner said this was 'amazing' and of 'profound concern'.

Our family was not present at this inquest because we had no faith in its ability to discover the truth. We have a series of unanswered questions: Why did the gun that killed Aidan have 'a live round in its breach while being cleaned'? Why was it cocked? Why was the safety catch off? How could David Holden's hands still be slippery and wet ten minutes after he finished washing sanger walls? Is it possible to accidentally exert nine pounds of pressure on a weapon's trigger, pulling it backwards and upwards? Why was Holden out of uniform, wearing what appeared to be a track suit when he left the sanger under police escort after the shooting?

How could the Northern Ireland Office release a definitive statement of the shooting less than an hour after it had taken place? Was this a rigorous investigation?

It must be remembered that this is in no way the only incident of its type. The SAS, the British Army and the RUC have been involved in the killing of many nationalists in controversial circumstances. On the day of Aidan's funeral the only serving member of the British Army, Private Ian Thain, convicted for the murder of an Irish person, Kidso Reilly, was set free after serving just over two years of a life sentence. He returned to active service (in fact he was never discharged from the British Army). Holden was subsequently released and was charged before a military tribunal with not taking proper care of a weapon and was disciplined. He was later discharged on medical grounds and is a free man.

We are now told that it is important to build for the future. If we are to overcome our past, we must come to terms with it and we can only do that if we know the truth about it. The British must acknowledge the atrocities which they have carried out on the Irish people."

16. Collusion of the British intelligence system, members of the Ulster Defence Regiment (later Royal Irish Rangers), members of the RUC, with

loyalist paramilitaries leading to the murders of hundreds of Catholics. On 13 October 1994 loyalist paramilitaries declared a ceasefire. In the four years previous to this ceasefire loyalist paramilitaries killed 185 people (3 others not in these figures were killed by an off-duty RUC member in a Sinn Féin office in Belfast in 1992). Of the 185 killings 168 of them were sectarian or political in motive. The remaining 17 deaths were internal and non-sectarian. There were also over 300 attempted killings and other attacks during the same period. In 103 of the sectarian/political type killings there is evidence of some form of collusion between loyalist paramilitaries and the security Forces.

The RUC informed some of the victims that their personal details, contained in official British Intelligence files, were in the hands of loyalist paramilitaries. Some victims were killed by loyalist gangs with members of the Security Forces in their ranks. Some were killed by weapons reportedly stolen from members of the security forces. Some received death threats from members of the security forces before their deaths. Some were killed by weaponry acquired by loyalist paramilitaries with the assistance of a number of British intelligence agents, Brian Nelson being the best known of these. Brian Nelson when he appeared in court in January, 1992, was suspected to have played a vital role in 10 murders and the targeting of a further 16 people who were later murdered or wounded. An apparent deal was made and he was convicted of less serious offences.

Brian Nelson received a 10-year sentence in February 1992 for his role in loyalist violence. He was a British military agent. He was also the Intelligence Officer of the Ulster Defence Association (UDA) responsible for setting up people to be killed. He had unlimited access to security force intelligence documents on nationalists and republicans. Such information was supplied to the UDA by himself or by security force personnel sympathetic to loyalist paramilitaries. The effects of Nelson's work in refining the UDA's intelligence department remained after his imprisonment.

"The legacy is that since Nelson's arrest another 6 people have been killed and 3 injured. These people's names were among the 369 found in Nelson's possession at the time of his arrest" (BBC Panorama Programme The Dirty War 1992)

The role of Nelson and other British agents in assisting loyalist paramilitaries in acquiring an arms shipment from South Africa had a great impact on loyalist violence. The significance of the South African weaponry to loyalist death squads and how they acquired it, was exposed in a report on BBC's 'Inside Ulster' programme on 28 January 1993. British Intelligence services alleged a breakdown of their own intelligence and surveillance services. The shipment, it was reported, had been monitored by British Intelligence from South Africa to the North of Ireland, but a breakdown occurred when it arrived and they lost trace of it. The report pointed out how the South African weapons enhanced the killing capacity of loyalist paramilitaries, revealing that after the arrival of such sophisticated weaponry

loyalist killers were more likely to have used home-made machine-guns, sawn-off shot-guns and old revolvers.

The killings in Cappagh, at the mobile shop in Lurgan, at the Hyster factory in Lurgan, the Ormeau and Oldpark horse-race betting shops, Castlerock and the pub massacres at Greysteel and Loughinisland, were all carried out by loyalists using weaponry imported from South Africa. They also used them in many individual killings.

In fact, from the Milltown Cemetery killings in March 1988 to the slaughter of six men watching a football match on television in a public house at Loughinisland, Co. Down in June 1994, all loyalist multiple killings have been carried out with South African weaponry.

Note the following comparison. In the 6 years before the arrival of the weapons for January 1982 to December 1987, loyalist paramilitaries killed 71 people of whom 49 were sectarian/political in nature. In the 6 years following from January 1988 to 1 September 1994, loyalists killed 229 people of whom 207 were sectarian/political in nature.

Brian Nelson was arrested in January 1990 following the investigation of Cambridgeshire Chief Constable John Stevens into the leaking of security forces files. The Ulster Freedom Fighters (UFF, cover name for UDA) had boasted that they used intelligence files in the murder of a Catholic, Loughlin Maginn, in August 1989. Stevens ended his inquiry in May 1990. In his report he was able to conclude: 'that members of the security forces have passed on information to paramilitaries' and that 'there was no organised campaign of leaks'. But if his recommendations were introduced, he said, 'then there is every hope that future collusion between the security forces and paramilitary groups will be eradicated'.

Among the 83 recommendations of John Stevens were the blurring of files when photocopied and a system to identify user access to computer records on suspects. Amnesty international in a statement following the release of people charged with possession of leaked files in October 1990 said,

'It is obvious from all the evidence that collusion remains a fact of life and that the Government is not prepared to confront it.'

Catholics have complained that in face of loyalist murders that the security forces have failed to respond to nationalist demands for protection; they have often oppressed Catholic areas following loyalist attacks; there have been incidents where there was no follow-up operation of the RUC; RUC forensic teams have been wilfully negligent or incompetent in gathering evidence at the scene of murders carried out by loyalist paramilitaries. The RUC is 93% Protestant and loyalist. Nationalists want a radically reformed police force.

When those charged with upholding the law appear to violate it with impunity in this way, the foundations of respect for law and order disappear. The question is: will the new northern Ireland with a radically restructured police force, with strict regulations reappointment of judges, magistrates and coroners, avoid political prejudice, guarantee the human and civil rights of all citizens, provide independent modes of investigation of police and legal

abuse, and will citizens in positions of power show concern for justice regarding security and social justice? I hope so.

Rev. Mgr Raymond Murray

APPENDIX TO MGR MURRAY'S STATEMENT

THE GIBRALTAR MURDERS BY NIALL FARRELL

**A REPORT ON THE GIBRALTAR MURDERS PRESENTED TO THE US
CONGRESSIONAL HEARINGS JUNE 1997**

Introduction

On March 6th 1988 Mairéad Farrell, Dan Mc Cann and Sean Savage were shot dead in Gibraltar by members of the British Army's elite regiment the SAS. While all three were members of the IRA they were all un armed and could have been arrested. Indeed, independent witnesses stated that Mairéad, who was shot eight times, and Dan, shot five times, had their hands up in surrender when shot. Witnesses to Sean's killing - he was shot sixteen times - said he was given no chance to surrender and was shot as he lay on the ground. In all three instances the scientific evidence pointed to the fact that all three were finished off on the ground.

These killings had all the hallmarks of other shoot-to-kill deaths carried out by the British security forces in N. Ireland. The families of the dead decided to challenge these killings through the courts. Justice was not forthcoming through the British legal system, so seven long years later their case was heard by the European Court of Human Rights in Strasbourg France.

The court in a landmark decision found that Mairéad Farrell, Dan Mc Cann and Sean Savage had been unlawfully killed that the British Government was guilty of having breached Article 2 of the European Convention of Human Rights, the Right to Life. In its Judgement the court stated that the actions of the authorities lacked "the degree of caution in the use of firearms to be expected from law enforcement personnel in a democratic society"¹.

The British Government responded angrily to the verdict. The Deputy Prime Minister, Mr. Michael Heseltine stated: "If we were faced with similar circumstances as those in Gibraltar, I have not the slightest doubt the same decisions would be taken again."²

There is an eerie postscript to this case. Exactly a year later a young Irishman, Diarmuid O'Neill, was shot dead by the British security forces in a house in

¹ European Court of Human Rights, Judgement, Paragraph 212, Strasbourg, France. 27th September 1995

² Guardian 28th September 1995

London. He too was unarmed and the authorities employed the same excuses for his death as they did when they murdered the three in Gibraltar. Within Relatives For Justice we firmly believe that the British Government carried out the O'Neill killing with pre-meditation, as a bloody act of defiance against the highest human rights court in Europe, the European Court of Human Rights.

The Gibraltar Killings

On Sunday the sixth of March 1988 at 3.41 p.m. my sister Mairéad Farrell and a companion Dan Mc Cann were shot dead in Gibraltar. Seconds later, Sean Savage who was approximately 100 metres behind them was also gunned down. The killings were carried out by members of the British Army's elite regiment the SAS.

While all three were on "active service" for the IRA at the time of their deaths they were, however, all unarmed. They were in Gibraltar planning an attack against British Army personnel. Since November of the previous year, both the British and Spanish authorities had been aware that such an attack was being planned. And on March 6th the three had been closely followed by the Spanish police as they travelled in two separate vehicles to Gibraltar from Marbella.

The Spanish police have stated since the killings that they informed their British counterparts that all three were unarmed and were not in possession of any explosive devices. It is worth noting that the day following the killings the British Government in parliament thanked the Spanish for their cooperation.

The Actual Killings

At 12.30 pm Sean Savage drove into Gibraltar in a white Renault 5 car. Indeed, he entered the colony using a passport in the name of Coyne, which was known to the authorities. He parked the car in a parking area where on the following Tuesday a British Army band was to assemble. He did all this under the watchful eye of the British military. My sister and Dan McCann crossed the border at 2.30pm and met Sean Savage near the parked car. They then set out to return to Spain with Dan Mc Cann and Mairéad walking together. Sean Savage who was following behind them, turned at a road junction and walked back again in the direction of the town centre, away from the border.

As the pair passed a petrol station a police siren sounded and they turned to see at least two armed SAS soldiers in plain clothes approach them.

According to one of the principal independent witnesses, Carmen Proetta, who lives in a flat overlooking the garage, both Dan and Mairéad raised their hands in surrender. Despite that the soldiers opened fired.

Carmen Proetta was discovered not by the police but by a researcher working for Thames Television which was making a programme on the shootings entitled Death on the Rock. The researcher believed Ms Proetta's evidence because it coincided with another account she had received from a person who did not wish to come forward publicly³.

Ms Proetta told Thames TV: "They [security forces] didn't do anything ... they just went and shot these people. That's all. They didn't say anything, they didn't scream, they didn't shout, they didn't do anything. These people were turning their heads back to see what was happening, and when they saw these men had guns in their hands they put their hands up. It looked like the man was protecting the girl because he stood in front of her, but there was no chance. I mean they went to the floor immediately, they dropped."⁴

Another independent witness Stephen Bullock who was 150 yards from the shooting saw Dan Mc Cann falling backwards with his hands at shoulder height. The gunman was about four feet away. At the inquest into the killings Mr. Bullock, a lawyer by profession, stated: "I think with one step he could have actually touched the person he was shooting."⁵

Both Carmen Proetta and Stephen Bullock gave further evidence, along with a third witness Josie Celecia, whose flat faces the petrol station, that the soldiers fired on Dan Mc Cann and my sister as they lay on the ground.

The scientific evidence presented by the pathologist Prof. Alan Watson at the inquest corroborated this evidence. Mairéad had been killed by three bullets fired into her back - at a distance of a few feet according to the forensic evidence - all of the wounds were within two and half inches of each other. The upward trajectory of the bullets meant that the gunman was either kneeling and shooting upwards or that my sister was on the ground or close to it when these shots were fired. These three shots were the fatal ones, Mairéad had died from gunshot wounds to the heart and liver. She had also had head wounds, but these were superficial. Prof. Watson believed she had first been shot in the face and then in the back. In other words, even after initially shooting Mairéad in the face she was still alive and could have been arrested. In total she was shot eight times.

³ The Windlesham/Rampton Report on Death on the Rock, P.92, paragraph 85, Faber & Faber, London 1989.

⁴ Op. cit. P.53

⁵ Op. cit. P.55

The pathologist further believed that Dan Mc Cann had been first shot in the jaw. This had stunned him and then the lethal shots "when he was down or very far down" were fired. Dan had two entry bullet wounds in his back which were again close together. The trajectory of the bullets were also upward. He had an entry bullet wound at the top left back of his head, which also strongly suggests he was on the ground when this shot was fired.

The Killing of Sean Savage

At the time Mairéad and Dan were shot Sean Savage was walking in the opposite direction towards the town centre. He was being followed by two members of the SAS (referred to as Soldiers C and D at the inquest) who said they were only five or six feet behind Sean when the shots that killed Mairéad and Dan rang out. According to the soldiers Sean spun round at this point and one of the soldiers claimed to shout a warning and then proceeded to open fire, the second soldier then followed suit.

There were three independent witnesses to this shooting. Diana Treacy told the inquest that she saw two men running towards her. After she was passed by the first one, who was Sean Savage, the second man who had a gun opened fire. She saw this same gunman fire up to five shots into Sean as he lay on the ground.

Another independent witness was a British holiday-maker, Mr. Robyn Mordue. In the commotion of the shooting he was knocked to the ground when a woman on a bicycle collided with him. He thought there was a madman on the rampage, as he saw a man who had been walking towards him being shot again and again. He got up and ran behind a car where he was sick. He then looked back at the death scene, but what he saw is not clear. Mr. Mordue was a very nervous witness. He had reason to be nervous. Before the inquest his identity was only known by the authorities. Nevertheless, in the weeks leading up to the inquest he received a number of threatening phonecalls, "Bastard...stay away". Mr-Mordue's telephone number is ex-directory.

Kenneth Asquez was the third witness to this killing. He had alleged in two statements - one hand-written and the other before a lawyer but all unsigned in order to hide his identity - to Thames TV that he saw a man with his foot on Sean Savage's chest, firing at him at point blank range. Up until the inquest he had remained anonymous, but he decided to retract this statement. However, Asquez's retraction must be treated with scepticism. As the hand-written statement said that the man with his foot on Sean's chest was wearing a black beret and that the shooting had been prefaced by the shout "Stop, it's okay it's the police." In fact, one of the soldiers who shot Sean had donned a black beret and the shooting had been prefaced with these words. But until the inquest these two facts had not been publicised. At the inquest many

observers believed that Kenneth Asquez had also been put under pressure by those who feared the truth. Mr Asquez must surely have feared being vilified by the British gutter press the same way Carmen Proetta had been for telling exactly what she saw. In fact, the Windlesham/Rampton Report records that "local people were afraid to speak about what they might have seen"⁶ to Thames TV researchers and that was before Carmen Proetta was slandered.

The scientific evidence produced by Prof. Watson was damning. Sean had twenty nine wounds in what the pathologist described as "a frenzied attack". He believed that between 16 and 18 bullets had hit Sean. He had seven head wounds, five of them were presumed to be entry wounds. Our lawyer, Mr Paddy McGrory, showed Prof Watson at the inquest a photograph taken by the police of four circled strike marks within the outline of Sean's head. This was the first time the pathologist had seen this photograph. He was asked by our lawyer whether it seemed as though these four shots had been fired into Sean's head as he lay on the ground. Prof Watson replied: "Yes, that would be reasonable."

The Role of the Police

The role of the police in investigating these three killings must be questioned. In the case of witnesses to Sean Savage's death the inquest was told that there were some thirty people who saw the shooting. However, there were only three independent witnesses found and two of them were discovered by the media. The same was true for witnesses to the shooting of my sister and Dan Mc Cann. The police failed, for example, to set up the customary incidents' centres in the vicinity of the killings.

There is in police methodology a universal principle known as the preservation of the scene of the crime. It was applied sparingly in Gibraltar on that day. Within minutes of the killings, the police had ensured that it would be extremely difficult to reconstruct the killings. Spent cartridges were collected without first marking where they had been found. The bodies were removed without first photographing them in situ. The bodies of Mairéad and Dan Mc Cann were not chalked around. And the killers were not interviewed by the police until two weeks afterwards.

Normal police practice was disregarded just as it was in 1982 when six unarmed civilians were killed in County Armagh, Northern Ireland by an SAS-trained RUC team. There the police, too, failed to preserve the scenes of the shootings. As a result valuable evidence was tampered with and lost. Also the RUC, just like their Gibraltar counterparts, were recalcitrant in the search for eyewitnesses; they too failed to set up the customary incidents' centres in

⁶ Op. cit. P.92 paragraph 86

the vicinity of the killings. The similarities between these killings would suggest a set plan for the execution of unarmed dissidents.

In the Gibraltar case the positive obstruction of the establishment of the facts concerning the shootings continued. The pathologist, Prof. Watson was not given the normal cooperation. The hospital had an X-ray machine, which he would need to trace the track of the bullets through the bodies, but it was not put at his disposal. The clothing had already been removed; torn fabric can help determine entry and exit wounds, while the spread of blood stains could indicate whether the three were upright or prone when they were shot. The photographs taken in the morgue were inadequate, the police photographer not being under Prof. Watson's supervision at the time. He was not supplied with surgical assistance. Subsequently he was not given any copies of the ballistic and forensic reports, nor the reports on the blood samples he had submitted in London on his return to Britain. The systematic disruption of routine procedures parallels exactly the persistent refusal to arrest the three suspects at numerous opportunities.

The forensic scientist, David Pryor of the London Metropolitan Police, had also been hampered in his work. The blood soaked clothes had been sent to him in bags. "The clothing was in such a condition when I received it," said Pryor, "that accurate determination of which was an entry site and which an exit was very difficult."

Another peculiar feature was the fact that the evidence of the pathologist and the forensic scientist, although complementary, did not directly follow one another at the inquest. Instead, Prof. Watson testified on Sept. 8th 1988 and Mr. Pryor on Sept. 27. With the result that the significance of the combined evidence was deliberately blurred. What Pryor's evidence did make clear is that the powder marks found on Mairéad's jacket and Sean Savage's shirt indicated the gun that killed Mairéad was fired at her from a distance of three feet, and the gun fired at Sean's chest was done so at a distance of four to six feet. In other words, the obvious question arising from the scientific evidence, too, was: why were these three unarmed people not arrested rather than killed?

The British Version

By the time the inquest was held, six months after the killings, the British government had prepared what they saw as a credible story. Despite having publicly praised in the House of Commons the role of the Spanish police in the surveillance of the three, the British authorities began to claim that the Spanish had in fact lost track of the three on March 6th 1988 and that their appearance in Gibraltar took the British security forces by surprise. The British authorities believed, the story goes, that the Renault 5 driven into Gibraltar by Sean Savage - supposedly unnoticed - was packed with

explosives. On top of that, the security forces were convinced that the bomb was to be detonated by remote control. The soldiers in their testimony claimed that the movements of the three seemed to indicate that they were about to use a "button job", as they described it in tabloid-speak, and therefore had to be shot to death.

To back up the claim that the Spanish police had lost the three the Gibraltar police tried to present a copy of an alleged statement from a Spanish police inspector, Rayo Valenzuela, supporting this line. Our lawyer objected to its admissibility as the police inspector, who supposedly made it, would not be attending the inquest and therefore would not be available for cross-examination. It now transpires that this document is totally fraudulent. Not only was the statement unsworn, but the English translation delivered to the coroner was even unsigned.

However, a sworn statement does exist and was sent to the Gibraltar authorities. On April 11 1990 the Spanish Minister of the Interior told the Spanish Senate that a Spanish police officer made a statement for the inquest, which was sworn before a judge. This statement was never presented to the inquest.

Any attempt by our solicitor, Paddy McGrory, to probe into the surveillance operation was made impossible with the issuing of a Public Interest Immunity Certificate by the British Government. Nevertheless, this aspect of the official story was exposed when the head of Gibraltar's Special Branch, Detective Chief Inspector Joseph Ullger, gave evidence. He admitted that the authorities had deliberately allowed the three to enter Gibraltar in order to gather evidence for a subsequent trial. It also became apparent that on March 6th a member of the Gibraltar police was present on the Spanish side of passport control with the aliases and passport numbers of the three. So when Sean Savage crossed the border using the known pseudonym in the name of Coyne he was immediately identifiable.

The British gave no real evidence to back-up their claim that the notional bomb in the white Renault would be detonated by remote control. The only fact presented by Mr. O, a senior British intelligence officer, was that an alleged IRA arms cache had been uncovered in Belgium and it had contained a remote control device. This had supposedly led the authorities to believe that the Gibraltar bomb would also be detonated in such a way. This has since been shown to have been a lie, because what made the Belgian police believe they had discovered an IRA cache was the fact that the devices for detonating the semtex were not of a remote control variety. The remote control detonating theory totally contradicted what "official sources" told the BBC on the evening of Sunday March 6th 1988, which referred to a bomb that was "timed" to kill British Army bandsmen on the Tuesday. The following day the

Minister of State for the Armed Forces, Mr. Ian Stewart, repeated this point on the BBC's Today programme.

The other argument put forward by Mr. O to explain the flawed remote control theory was that the IRA by employing this device wanted to ensure that there was not a repeat of the Enniskillen bombing in which many civilians were killed. This argument contradicts the view instilled into the SAS soldiers who carried out the killings. They told the inquest that the three at all costs had to be prevented from using the remote control detonator. If the IRA did not want to incur civilian casualties why would they detonate this notional bomb in the Renault 5 car on a Sunday afternoon when only civilians would be injured? Besides, it was scientifically proven at the inquest that the three could never have detonated any bomb supposedly in the Renault from where they were killed. If the authorities were so certain that there was a bomb in the car, why then did it take them several hours to make the area "safe"? The probable answer to this question is that they simply did not think there was a bomb at all. Soldier G at the inquest testified that he thought there was a bomb in the car. Further information supplied by the British press since the inquest suggests he was accompanied on that day by two better qualified personnel who disagreed with his opinion. Their presence was concealed from the inquest. This suggestion has never been discounted by the authorities.

Nevertheless, according to the four killers these three people, who were unarmed did not have a bomb or possess any detonating devices, made threatening movements when they were approached by armed men. Why should they do such a foolish thing? The true answer to this question is that they didn't make any threatening movements. This was revealed to Roger Boulton, the editor of the Thames TV programme *Death on the Rock*, by a senior Conservative politician who said: "Of course there was a shoot-to-kill policy in Gibraltar just as we had in the Far East and in Aden."⁷

Aftermath

In the days immediately following the killings, as we waited for the remains of our loved ones to be brought home, the families had to endure considerable harassment and intimidation from the R.U.C.. For example, on March 8th I was spotted by the police leaving my parent's home by car with my sister's boyfriend. For no reason other than to insult us the RUC stopped my car and began to make obscene sexual remarks about Mairéad. All the other families were to experience similar harassment throughout this period and, in fact, the Mc Cann family continue to this day to be harassed.

⁷ Roger Boulton, *Death on the Rock and Other Stories*, P.305, W.H. Allen Optomen, London, 1990.

The Mc Canns own a butcher's shop on Belfast's Falls Road and British soldiers regularly shout obscene remarks in at the parents. Dan's brother almost on a daily basis is stopped and abused by British soldiers while escorting his child to school.

But in the days leading up to the funeral the families were visited by an RUC officer who threatened us with dire consequences if we fulfilled the wishes of our loved ones to be buried as members of the IRA.

The remains of Mairéad, Sean and Dan were flown from Gibraltar to Dublin and from there they were to be brought by road to Belfast. From the moment we crossed the border into N. Ireland the remains were literally kidnapped by the RUC. As we followed behind the RUC jeeps, it was noticeable how they deliberately slowed down when we passed hostile crowds making us easy targets for missiles. When we reached the M1, some ten miles from Belfast, an RUC road-block prevented the relatives from following the cortege. The remains of the three were not brought to their homes until much later.

After approximately 30 minutes, the relatives who were in three cars were allowed to proceed onto the motorway, while the other mourners were made to take another route. On the motorway, we were to be stopped by the RUC again and held for at least two hours, where many of the relatives were subject to considerable abuse. Two aunts had accompanied me to meet the remains in Dublin and they stated afterwards that this period, stuck on the M1 surrounded by hundreds of RUC men, was without doubt the most frightening experience of the aftermath, including the gun and grenade attack on the actual funeral. The actions of the RUC throughout this whole period underlined time and again how sectarian a force it is. It exposed the nonsense of the Dublin Government considering it a breakthrough when they got the assurance of the British authorities that RUC men would accompany the Ulster Defence Regiment, another sectarian body, when on patrol.

Once the remains arrived home only the McCann's household was subject to intense harassment. Their home was literally surrounded back, front and side by British Army saracens. Only on the morning of the funeral did they withdraw.

Quite unusual for the funeral of IRA members there was no British Army or RUC presence, despite the fact that the families had been threatened with a repeat of what happened at Lawrence Marley's funeral when the RUC saturated the area and had refused to allow the remains to leave the Marley home until the Irish Tricolour was removed from the coffin.

Many believe that the absence of the police and the attack carried out by a grenade-wielding gunman in the cemetery was no coincidence. In this attack three mourners were murdered. The killer made his retreat towards the

motorway, which runs beside the cemetery. Parked on the motorway was a Ford Transit van, it seemed as though this was the killer's accomplices waiting to help make good his escape. When the killer was overpowered near the motorway, the van quickly left the scene. It was claimed later that this was an undercover RUC van. A number of questions arise, why didn't they intervene to halt the slaughter of mourners and how did the sectarian killer know that there would not be the usual police presence? Many believe that there was direct collusion between the so-called security forces and this murderer.

The Inquest

Five independent civil liberty organisations, the International Association of Democratic Lawyers, Inquest, the National Council for Civil Liberties (London), the International League for Human Rights (New York) and Amnesty International - all of which had observers at the inquest - have criticised many aspects of the proceedings and have called for further inquiries into the killings in Gibraltar.

The Amnesty International report stated that the inquest failed to answer "the fundamental issue ... whether the fatal shootings were caused by what happened in the street, or whether the authorities planned in advance for the three to be shot dead".⁸

The inquiry by its very nature was not equipped to determine the truth. The British authorities, which might have had an interest in concealing aspects of the truth, had access prior to the inquest and during it to identities of witnesses, their statements or possible statements and were to some extent able, on grounds of availability, to dictate order of calling some witnesses.

In contrast, our legal advisers had virtually no information except one ballistics report and a pathologist's report.

Amnesty International in its report expressed its concern "that the legal representatives of the deceased's families were significantly and unfairly disadvantaged in comparison with the representatives for the other interested parties. The system is inherently weighted against the deceased families in preparing for cross-examination....He received the other forensic reports after the inquest began. He did not receive any of the witnesses' statements in advance, and even during the inquest he did not receive the statements made by security force personnel shortly after the incident. Without access to these statements in advance he was not able to cross-examine witnesses on the basis of what other witnesses, who testified at a later stage, said about the same incident. Thus, for example, he was not able to question the soldiers, who

⁸ United Kingdom: Investigating Lethal Shootings: The Gibraltar Inquest: Summary, p.iii. Amnesty International, April 1989.

testified in the second week of the inquest, about information which was presented in later weeks by police officers and civilian eyewitnesses. He also did not have witnesses' earlier statements to compare with their court testimony."⁹

Our lawyer faced numerous obstacles including for example the price of the court's daily transcripts being increased from 50p to £5 per page. Because the price was so prohibitive our lawyer could not avail of them - not so the British Ministry of Defence.

The use by the British Government of Public Immunity Certificates prevented Mr. Mc Grory inquiring into many matters such as the planning of the operation, including the role of the "accessories before the fact".

Finally there was the coroner's summing up of the evidence to the jury, in which he told them to avoid an open verdict. By doing this he unduly influenced these eleven men. This is especially true as after six hours of discussion the jury was deadlocked, divided 7 to 4 in favour of a "lawful killing" verdict. In normal circumstances an open verdict would have been a likely compromise, but this had been ruled out. The coroner then recalled the jury and gave them what seemed like an ultimatum to return a verdict. Two hours later they returned stating that they found, by 9 to 2 - the smallest majority allowed - the killings lawful.

Despite all the disadvantages faced by our solicitor, Paddy McGrory, a man with lifelong experience as a lawyer, he firmly believed that the verdict went against the weight of the evidence, that it was a "perverse verdict".

7 Year Quest for Justice

The United Kingdom Government insisted that the Gibraltar Inquest, despite its fundamental flaws, was the final word on these controversial killings. It consistently thwarted through the use of Public Interest Immunity Certificates any attempt by our families to have our case examined in the Northern Ireland courts.

Eventually we brought our case first to the European Commission of Human Rights and then in February 1995 to the European Court of Human Rights in Strasbourg, France. On September 27th 1995 - seven years and six months after the actual killings - the court found the British Government guilty of having unlawfully killed our loved ones. It was a landmark decision, it being the first time that a signatory to the European Convention of Human Rights was found guilty of breaching Article 2 of the Convention, the Right to Life.

⁹ Ibid.

The British Government said it would "ignore" the verdict. The Deputy Prime Minister went as far as to say that the Government would do the same again. Almost exactly a year after the verdict a young Irishman, Diarmuid O'Neill, was shot dead in very similar circumstances in a house in London.

The stance of the British Government must be viewed as quite unacceptable. If Britain continues to refuse to operate within the constraints of law, both national and international; if it continues to refuse to meet its specific obligations with regard to the "right to life" under the United Nations International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms then it must be ostracised, and no longer treated as being part of the democratic family of nations.

Niall Farrell

For Further Information:

**Niall Farrell, 22 Mac Bride Ave.,
Mervue, Galway, Ireland.**

Tel/Fax:(091)751388

Email: farrellj@hotel.rtc-galway.ie

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AMNESTY INTERNATIONAL REPORT

1997

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UNITED KINGDOM

A few deaths in custody took place in disputed circumstances. No prosecutions were brought against police or prison officers in connection with deaths in custody which occurred in previous years, including in two cases where inquest juries

brought in verdicts of unlawful killings. There were allegations of ill-treatment in police custody and in prisons. The European Court of Human Rights established the primacy of the prohibition of torture in a deportation case. The summer "parade" season in Northern Ireland was marked by many human rights violations by the police. Armed opposition groups were responsible for human rights abuses.



The cessation of military activities called by the Irish Republican Army (IRA) in September 1994 ended in February with a bomb attack in London. The Irish Continuity Army claimed responsibility for several bombings and attempted bombings in Northern Ireland. Loyalist armed groups, including the Ulster Defence Association (UDA) and the Ulster Volunteer Force (UVF), officially maintained their cessation of military activities. An internal feud within the Irish National Liberation Army led to six deaths, including that of nine-year-old Barbara McAlorum, before one of the two factions, the GHQ Staff, disbanded itself in September.

In July, the Asylum and Immigration Act 1996 became law, extending the "fast track" appeal procedures introduced in previous legislation to a broad range of asylum cases, including those where the applicant is from a country on a "white list", a list of countries where the authorities consider there to be no serious risk of persecution. Appeal rights in the majority of "safe third country" cases were effectively abolished. The Act also provided for the withdrawal of welfare benefits to the majority of asylum-seekers. This latter provision was legally challenged on several occasions.

In March the UN Committee on the Elimination of All Forms of Racial Dis-

crimination expressed concerns, during its examination of the United Kingdom's Thirteenth Periodic Report, that a disproportionate number of members of minority groups were the victims of deaths in custody and ill-treatment.

There were a few deaths in custody in disputed circumstances during the year. Ibrahima Sey, a Gambian asylum-seeker, died on 16 March shortly after being restrained by police officers; he was sprayed with CS gas after being handcuffed. The introduction of CS gas as standard police equipment was approved in August, despite concern about its effects. Other deaths in custody being investigated by the police included those of Ziya Mustafa Birikim, Oscar Okoye, Ahmed El-Gammel and Bosey Davis.

In Northern Ireland, 36-year-old Jim McDonnell died, allegedly from a heart attack, after being forcibly restrained in Maghaberry Prison in March.

No prosecutions were brought against officers involved in the deaths of Brian Douglas or Wayne Douglas (see *Amnesty International Report 1996*). The inquest into the death of Brian Douglas ruled in August that he had died of "misadventure": the officers' conduct was lawful but events took a turn that led to death. The jury was told that Brian Douglas suffered six hairline fractures to the skull, consistent with his having been hit with a baton. In November, the inquest into the death of Wayne Douglas was told by eye-witnesses that a police officer knelt on Wayne Douglas' head while he was handcuffed and held face down on the ground by at least four other officers. The jury found that his death was accidentally caused by stress, exhaustion and positional asphyxia.

A police officer charged with a disciplinary offence in relation to the death of Joy Gardner during an attempted deportation was acquitted in January (see *Amnesty International Report 1996*). Another officer was acquitted in December on a charge of actual bodily harm in connection with the death of Gary Allsopp (see *Amnesty International Report 1996*).

No prosecutions were brought against police officers involved in the deaths of Richard O'Brien and Shiji Lapite, despite inquest jury verdicts of unlawful killing (see *Amnesty International Report 1996*). The January inquest was told that Shiji Lapite had sustained 36 to 45 separate

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injuries; he had been kicked and bitten, and died from a fractured cartilage in his voice-box caused by the neck-hold used by the officers in restraining him.

People held in police custody were allegedly ill-treated. In February, student Amer Rafiq was arrested in Manchester for public disorder and taken in a police van to the local police station. After his arrival he was taken to hospital because of his injuries; subsequent attempts to save his right eye failed. No prosecutions were brought against the officers involved in the arrest. In other cases, damages were awarded against the Metropolitan (London) Police for assault and other charges, including £220,000 for Kenneth Hsu; £302,000 for Danny Goswell; and £110,000 for Janet Scafe.

Category A prisoners (prisoners regarded as a high security risk) were held in conditions which led to serious deterioration in their physical and mental health. Róisín McAliskey, who was four months pregnant, was temporarily detained in a filthy cell in the special security unit of an all-male prison. She and other prisoners, including Patrick Kelly, who was suffering from cancer, received inadequate medical treatment.

Royal Ulster Constabulary conduct during the "parade" season of July and August in Northern Ireland led to claims of human rights violations by the police, including ill-treatment and beatings of peaceful protesters. Claims were also made of biased policing; evidence supporting the claims included the disproportionately high number of plastic bullets fired at Catholic crowds. Police investigated the death of Denis McShane who was run over by a police vehicle.

In September, Diarmuid O'Neill, an IRA member, was shot dead in disputed circumstances by police officers in London. Initial statements that he was killed during a shoot-out proved false, as he was unarmed. Questions were also raised about why Diarmuid O'Neill had been shot after CS gas had been sprayed into his room and what effect the gas might have had on his subsequent behaviour.

Inquests in Northern Ireland into disputed killings in previous years continued to be postponed due to legal challenges to the procedures. In June, the Court of Appeal upheld a coroner's decision, in the hearing into the death of Pearse Jordan

(see *Amnesty International Reports 1993 and 1996*), to allow police officers to give evidence anonymously and to deny the family's lawyer access to witness statements at the outset of the inquest. This judicial decision was appealed against and other inquests into disputed killings were adjourned pending the outcome. The June inquest into the death of Patrick Shanaghan in 1991 was unable to investigate allegations that he had been killed as a result of collusion between the UDA and the security forces.

In February, the European Court of Human Rights ruled that the denial to John Murray of legal assistance while being interrogated under emergency legislation provisions in Northern Ireland violated his right to a fair trial. The Court also found that, in this particular case, his right of silence had not been violated (see *Amnesty International Reports 1995 and 1996*). The review of all emergency legislation in the United Kingdom, carried out by Lord Lloyd, was published in October. He recommended discontinuing some provisions, although this was premised on a situation of peace.

A 10-week trial began in October of four Palestinians charged in connection with the July 1994 bombings in London of the Israeli Embassy and a Jewish centre. Two defendants were acquitted, but Samar Alami and Jawad Botmeh were convicted of conspiracy to cause explosions and sentenced to 20 years' imprisonment each. The pre-trial investigation gave rise to concerns that the charges may have been politically motivated.

In Northern Ireland, some prisoners challenged the evidential basis for their convictions in the "Diplock Courts", leading to the acquittal of Stephen Larkin on a charge of murder in a retrial in May, and the quashing of the murder conviction of Colin Duffy by the Court of Appeal in September.

The European Court of Human Rights ruled in November that the government's attempt to deport Karamjit Singh Chahal to India was in violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms. He had been detained pending deportation on "national security" grounds since 1990 (see *Amnesty International Reports 1992, 1995 and 1996*). The Court stated that the prohibition of torture was paramount and

that allegations of national security risk were immaterial to a determination of whether a person faced "a real risk" of torture if returned. The Court further ruled that the hearing before an advisory panel of three people did not satisfy the right under the Convention to have one's detention scrutinized by a judicial authority, and that his detention had therefore been unlawful. Karamjit Singh Chahal was released on the day of the judgment. Subsequently, other people detained under the same provisions were released, including Sezai Ucar and Raghbir Singh.

Armed opposition groups committed human rights abuses. In February, a car bomb exploded in Docklands in London, killing two people; the IRA claimed responsibility for the attack. During that month another bomb exploded accidentally on a London bus, killing an IRA member and injuring eight people. In June, another IRA bomb destroyed a shopping centre in Manchester, injuring over 200 civilians. The IRA also claimed responsibility for two car bombs which exploded in Thiepval British Army Barracks in Lisburn, Northern Ireland, killing one soldier and injuring 30 others, including an eight-year-old girl.

There were several deliberate and arbitrary killings in Northern Ireland, including that of John Molloy, for which no organization claimed responsibility but which may have been carried out by Loyalists for sectarian reasons. In addition, Michael McGoldrick, a Catholic, was shot dead in his taxi in July, allegedly by the UVF. In December, a booby-trap exploded under a car, injuring a well-known Republican, Edward Copeland.

"Punishment" beatings and shootings continued. According to police figures, Republican armed groups were responsible for three shootings and 172 beatings, and Loyalist armed groups carried out 21 shootings and 130 beatings. It was more difficult than in previous years to ascertain which paramilitary groups were responsible for which actions, because such groups were less willing to claim responsibility.

The "punishment" shootings included the shooting of a young man in both legs in March by an organization called Loyalists against Thuggery. Tommy Sheppard was shot dead in March, allegedly by Loyalist paramilitaries, and Thomas Stewart,

a UVF leader, was shot dead by Loyalists in October. The Republican organization Direct Action Against Drugs shot dead Ian Lyons in January, and Sean Devlin in October.

George Scott was beaten to death in September by masked men wielding baseball bats. Martin Doherty was bound, gagged and sustained puncture wounds and broken limbs when metal spikes were driven through his knees and elbows by Republican attackers. Republican attackers also tied people upside down to railings and beat them; among the victims was a 16-year-old boy. A woman was punched in the face and had a tin of paint thrown over her.

Amnesty International sent representatives to inquests into the deaths in custody of Shiji Lapite and Brian Douglas. The organization urged the authorities to carry out independent investigations into disputed cases, including the deaths of Ibrahim Sey and Diarmuid O'Neill.

Amnesty International urged the authorities to carry out a full and independent inquiry into the alleged ill-treatment of Amer Rafiq. The organization also wrote to government and prison authorities on several occasions concerning the treatment of prisoners.

In January, Amnesty International submitted written comments to the European Court of Human Rights in the case of Karamjit Singh Chahal. In February, Amnesty International published *United Kingdom: Wrongful detention of asylum-seeker Raghbir Singh*, which emphasized that the procedures for detaining and deporting people on national security grounds contravened international standards.

Amnesty International sent observers to trial proceedings in London and Belfast. The organization continued to urge the authorities to review the life sentences of Patrick Kane, Sean Kelly and Michael Timmons (see *Amnesty International Reports 1994 to 1996*).

In November, Amnesty International wrote to the Northern Ireland Secretary of State about a number of issues, including the events surrounding the summer parades, access to legal advice for suspects arrested under emergency legislation, inquests and the death in custody of Jim McDonnell.

Amnesty International expressed concern to the government about provisions in the Asylum and Immigration Act 1996. The organization opposed the withdrawal of welfare benefits from asylum-seekers because it could deny applicants access to asylum procedures, including a meaningful right of appeal.

Amnesty International continued to express concern about reports of human rights abuses by armed opposition groups.

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UNITED KINGDOM

Cruel, inhuman or degrading treatment: Detention of Róisín McAliskey

April 1997

SUMMARY

AI INDEX: EUR 4508/97

DISTR: SC/CO/GR

In this report Amnesty International raises its concerns about certain aspects of Róisín McAliskey's past and current detention conditions. In addition, the organization is calling on the authorities of the United Kingdom to implement a series of measures aimed at ensuring that detention conditions for women do not amount to cruel, inhuman or degrading treatment.

Amnesty International remains concerned that the conditions in which Róisín McAliskey is being detained may continue to endanger her mental and physical health. Róisín McAliskey has been detained in conditions which constituted cruel, inhuman or degrading treatment. Such treatment violates the United Kingdom's treaty obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 7 of the UN International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. While, to a certain extent, Róisín McAliskey's detention conditions have now improved, the treatment to which she has been subjected should be investigated by the authorities.

Róisín McAliskey is being detained, without charge, pending extradition to Germany on the basis of an extradition warrant issued by the German authorities in connection with an Irish Republican Army mortar attack on the British army base in Osnabruck, Germany, in June 1996. She was arrested in Northern Ireland on 20 November 1996 and detained under emergency laws. Róisín McAliskey was interrogated for six days in Castlereagh interrogation centre in Belfast, Northern Ireland, before being remanded in custody in London.

When arrested, Róisín McAliskey was about four months pregnant and suffering from various medical ailments, including asthma, an eating disorder and severe underweight.

KEYWORDS: WOMEN / PRISON CONDITIONS / PREGNANCY / STRIP-SEARCHING / ILL-HEALTH / POLITICAL PRISONERS / EXTRADITION / EMERGENCY LEGISLATION / ARMED CONFLICT /

This report summarizes a 6-page document (2321 words), : *UNITED KINGDOM: Cruel, inhuman or degrading treatment: Detention of Róisín McAliskey* (AI Index: EUR 45/08/97) issued by Amnesty International in April 1997. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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UNITED KINGDOM

**Cruel, inhuman or degrading
treatment: Detention of Róisín
McAliskey**



**April 1997
AI Index: EUR 45/08/97
Distr: SC/CO/GR**

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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UNITED KINGDOM

Cruel, inhuman or degrading treatment: Detention of Róisín McAliskey

Introduction

Amnesty International remains concerned that the conditions in which Róisín McAliskey is being detained may continue to endanger her mental and physical health. Róisín McAliskey has been detained in conditions which constituted cruel, inhuman or degrading treatment and which affected her mental and physical health. Such treatment violates the United Kingdom's treaty obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 7 of the UN International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. While, to a certain extent, Róisín McAliskey's detention conditions have now improved, the treatment to which she has been subjected should be investigated by the authorities.

Róisín McAliskey is being detained, without charge, pending extradition to Germany on the basis of an extradition warrant issued by the German authorities in connection with an Irish Republican Army mortar attack on the British army base in Osnabruck, Germany, in June 1996. In this connection, the German authorities want her for questioning. Róisín McAliskey is appealing to the House of Lords against her extradition to Germany.

Her application for bail has already been denied a number of times on the grounds that there was a danger that, if freed, she might abscond. The next bail hearing is scheduled to take place on 6 May 1997. The Prime Minister of the United Kingdom has recently stated in Parliament that he is not aware of any representation having been made by the German authorities to the United Kingdom authorities concerning the question of granting Róisín McAliskey bail. Thus, the decision to deny bail is being taken by the court, based on representations by the Crown Prosecution Service.

There is also controversy over the evidence gathered by the German authorities against Róisín McAliskey. Interviewed for a German television program on the case, one of the chief prosecution witnesses, after having been shown a picture of Róisín McAliskey, said, "No. Well, I did not recognize her. Is that her? I am seeing this for the first time." Reportedly, however, the German police claimed to have found fingerprints which linked her to the Osnabruck mortar attack and handwriting samples which connected her to a holiday house.

Detention of Róisín McAliskey

On 20 November 1996 25-year-old Róisín McAliskey was arrested in Northern Ireland. She was detained under emergency laws and interrogated for six days in Castlereagh interrogation centre in Belfast. She claims that during the first five days in Castlereagh she was not even questioned about the mortar attack in Germany. No lawyer was present during her interrogation in Castlereagh. On 27 November she was remanded in custody in London on the basis of the German authorities' extradition warrant. On 30 November she was transferred to Belmarsh Prison, a men's prison. In early December Amnesty International wrote to the government to protest against the imprisonment of Róisín McAliskey in a men's prison. However, on 5 December, in response to worldwide protests, Róisín McAliskey was transferred back to Holloway Prison, a women's prison in London.

When arrested, Róisín McAliskey was about four months pregnant and suffering from various medical ailments, including asthma, an eating disorder and severe underweight. It was reported that because she was not receiving adequate medical attention, there was a danger to the continuation of the pregnancy.

Following her arrest, Róisín McAliskey was classified as a Category A high-security risk prisoner. Prisoners, on remand for or convicted of serious offences, can be categorized as Category A if their escape is considered as highly dangerous to the public or the police or to the security of the state. Category A prisoners are divided into three sub-categories: standard risk, high risk and exceptional risk (of escape).

As a result of her categorization as a high-security risk, Róisín McAliskey was subjected, in the first three and a half months of her detention, to an extremely harsh detention regime, notwithstanding the poor state of her health and her pregnancy, which constituted cruel, inhuman or degrading treatment.

Being the only Category A prisoner in Holloway Prison meant that Róisín McAliskey was not allowed to associate with other prisoners. In addition, she was strip-searched regularly, mornings and evenings, reportedly at least 75 times. Róisín McAliskey was also strip-searched before and after visits, even though she originally had only "closed" visits, meaning that there is no possible physical contact between her and her visitor. Given

the "closed" visits regime, it is difficult to understand what security considerations might warrant strip-searches. Such procedures may in certain circumstances constitute cruel, inhuman or degrading treatment and they should only be carried out when strictly necessary for security reasons and if no other less intrusive methods of searching can be used. On 14 March 1997, Sir Peter Woodhead, the Prisons Ombudsman, stated in a letter to Amnesty International:

"strip searching is a potentially humiliating procedure....It is therefore important that their use is kept to the minimum necessary for the maintenance of order and control in prison and the prevention of escapes."

In February, Amnesty International expressed concern that the regular strip-searching, especially in connection with her visits, was humiliating and degrading and not manifestly necessary for security purposes.

Another security measure which caused concern was the practice of turning on her cell light during security checks every hour during the night. In this connection, independent medical evidence has indicated that prisoners who are regularly subjected to hourly checks during the night have developed symptoms of tiredness and experienced anxiety.

As Róisín McAliskey was not allowed access to the prison yard when other prisoners were present, her only option was to take her exercises alone on the roof of Holloway Prison. The exercise area on the roof of the prison is reportedly small, and is covered in metal grids blocking natural daylight from fully entering. However, in order to gain access to the roof, Róisín McAliskey had to climb up flights of stairs which she found too exhausting given her pregnant condition. In addition, she found the idea of exercising in such conditions disturbing and manifestly detrimental to her mental and physical well-being.

Another issue of concern to Amnesty International, which stemmed from her categorization as a high-security risk, was the fact that initially her detention conditions could not guarantee full medical attention, including obstetric care. In this connection, in February the organization called on the authorities to grant Róisín McAliskey bail if the condition of imprisonment could not guarantee full medical attention, including obstetric care, and proper post-birth facilities.

As a result of the regime to which she was subjected, Róisín McAliskey's physical and psychological health deteriorated. Amnesty International believes that these detention conditions amounted to cruel, inhuman or degrading treatment.

On 7 March Róisín McAliskey was deemed to be a Category A "standard risk" prisoner instead of a Category A "high-security" risk prisoner. As a result of this recategorization, Róisín McAliskey's detention conditions have been improved to a certain extent. There was a significant decrease in the number of times she is subjected to strip-searching. She has also been allowed a daily period of two-hour association with other prisoners, although in the presence of prison guards. However, this means that she still reportedly spends many hours alone in her cell and she is still being denied permission to exercise in the prison yard with other prisoners.

Amnesty International has noted the amelioration in Róisín McAliskey's incarceration regime, and has also welcomed the authorities' decision on 13 March to allow her to attend ante-natal classes, to give birth in a civilian hospital without being shackled, and to keep her baby after birth in the mother-and-baby unit of Holloway Prison. In addition, the authorities have recently stated that she would be able "to use the gym and the swimming pool.... with other prisoners".

However, given the number of pregnant women currently held at Holloway Prison, there is a shortage of spaces in this unit. As a result, uncertainty arises as to whether Róisín McAliskey's access to Holloway's mother-and-baby unit will be extended after the initial nine-month term expires. The uncertainty of this situation is bound to cause anxiety and distress which may in turn lead to a further deterioration of Róisín McAliskey's mental health.

Despite noting the amelioration in Róisín McAliskey's detention conditions, Amnesty International wishes to emphasize that Róisín McAliskey has been detained without charge as a Category A prisoner in a prison which does not have adequate facilities for Category A prisoners. As a result, and given her pregnant condition, Amnesty International remains concerned that her detention conditions may continue to endanger her mental and physical health. For instance, the organization notes with concern that at her last bail hearing in April Róisín McAliskey appeared in a wheelchair. Therefore, Amnesty International will continue to monitor her incarceration conditions to ensure that they do not amount to cruel, inhuman or degrading treatment.

Amnesty International is calling on the authorities to ensure that the conditions conform to international standards. In accordance with Rule 66 and Rule 83 of the European Prison Rules, Róisín McAliskey's prison regime should include opportunities for meaningful activities, education, adequate exercise, recreational and other properly organized activities to ensure her physical and mental well-being. In accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), Róisín McAliskey should be able to exercise daily in the open air and there should be natural daylight in her cell. In accordance with Rule 25 of the Standard Minimum Rules, Róisín McAliskey's physical and mental health should be in the care of a medical officer

who should have immediate and unhindered access to her, given her pregnant condition and her history of medical ailments.

Background information on women's detention conditions in the United Kingdom

Róisín McAliskey's plight should be considered in the broader context of women's detention conditions in the United Kingdom. Recently published statistics indicate that there has been a substantial increase in the female prison population as a result of tougher sentencing implemented by the judiciary. According to the Prison Reform Trust, the female prison population is increasing at twice the rate of the male prison population. The surge in the number of female inmates, however, has not been met by the authorities with the allocation of appropriate resources. Conversely, as Rannoch Daly, Governor of Armley Prison, Leeds, recently stated, "prison running costs have been cut to pay for the prison building programme".

On 20 February 1997, the Chief Inspector of Prisons, Sir David Ramsbotham, published three reports which reportedly revealed unacceptable conditions in three women's prisons: Risley in Cheshire, Holloway in London and Low Norton in County Durham.

Women in prison are being severely affected by shortages of space and lack of staff. Consequently, the number of hours women are spending locked up in their cells has increased significantly. In addition, the length of time prisoners are allowed to associate with one another is being reduced. In some instances women are not receiving adequate medical attention. In general terms, women are facing harsher detention conditions which, in some cases, may amount to cruel, inhuman or degrading treatment prohibited by treaties to which the United Kingdom is a party.

The government claims a lack of resources as a justification. However, the current emphasis in policy is to make the whole system more harshly punitive rather than constructively remedial. Under international human rights standards practices which constitute cruel, inhuman or degrading treatment can never be justified.

Amnesty International believes that the Government of the United Kingdom must ensure that detention conditions comply with the requirements of international standards such as the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the European Prison Rules.

In addition, the authorities must take special steps to address the specific needs of women and children in detention which must comply in letter and spirit with the provisions of the UN Convention on the Rights of the Child and the UN Convention on the Elimination of All Forms of Discrimination Against Women.

With respect to the issue of women in custody, Amnesty International believes that the Government of the United Kingdom should take all necessary steps to ensure that their physical and mental health does not deteriorate as a result of incarceration conditions which constitute cruel, inhuman or degrading treatment, in violation of the United Kingdom's obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 7 of the UN International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In this connection, the organization is urging the government to adopt the following specific recommendations.

- Provide all women under any form of detention or imprisonment with adequate medical treatment, denial of which can constitute ill-treatment.
- Provide all necessary pre-natal and post-natal care and treatment for women in custody and their infants.
- The imprisonment of a mother and child together must never be used to inflict torture or ill-treatment on either by causing physical and mental suffering. If a child is ever separated from its mother in prison she should be immediately notified and continuously kept informed of its whereabouts and given reasonable access to the child.
- Women in custody should be consulted over arrangements made for the care of their infants.

With regard to the issue of detention conditions, Amnesty International is urging the authorities of the United Kingdom to comply with the requirements of international standards relating to detention conditions so as to ensure that incarceration regimes do not amount to cruel, inhuman or degrading treatment or punishment.

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UNITED KINGDOM Special Security Units: Cruel, Inhuman or Degrading Treatment

March 1997

SUMMARY

AI INDEX: EUR 45/06/97

DISTR: SC/CO/GR

Amnesty International is concerned that the Special Security Units (SSUs), in which "exceptional escape risk" Category A prisoners are held, constitute cruel, inhuman or degrading treatment and deny remand prisoners their right to a fair trial in violation of the United Kingdom's obligations under international treaties. Prisoners, on remand for or convicted of serious offences, can be categorized as Category A if their escape is considered as highly dangerous to the public or the police or to the security of the state. Category A prisoners are divided into three sub-categories: standard risk, high risk and exceptional risk (of escape).

The organization's concern about the SSUs is part of a wider concern about the conditions in which Category A prisoners are held. Category A prisoners are often denied many of the basic rights, which are recognized under international standards, on an arbitrary basis. The denial of basic rights is greatly exacerbated in SSUs. The SSU is a prison within a prison. A small number of prisons in England have SSUs: Whitemoor Prison and Full Sutton Prison for convicted prisoners and Belmarsh Prison for remand prisoners. In February 1997 there were approximately 25 prisoners held in SSUs.

Amnesty International is greatly disturbed by the conditions in the SSUs, including "small-group isolation"; the lack of adequate exercise, sport, educational and work facilities; the lack of natural daylight and long-distance vision; the lack of adequate medical treatment; and strip-searching and other security measures, including the "closed" visit regime. Many aspects of the SSU regime violate international standards. The conditions, which have led to serious physical and psychological disorders in prisoners, constitute cruel, inhuman or degrading treatment.

In May 1996 the Prison Service commissioned an inquiry into the effects of the SSUs on prisoners' health. The report of that inquiry, completed in mid-1996, was never published. It recommended that prisoners should be held in SSUs for as short a period as possible, that

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more opportunities for mental stimulation and physical exercise should be provided, including the provision of meaningful activities; and that prisoners should have access to open visits with members of their immediate family. In addition, three independent psychiatrists prepared a report in January 1997 on the effects of imprisonment in SSUs and examined five prisoners who had been held in SSUs for lengthy periods of time. The psychiatrists concluded that the SSU regime "comprises an environment, a set of practices in that environment and a set of rules regarding de-categorisation which constitute a systematic physical and psychological stressor likely to lead to mental and physical disorders". The psychiatrists also concluded that, "four of these defendants have developed mental illnesses which go beyond the ordinary and expected anticipatory anxiety."

The conditions within the SSUs have also seriously impeded remand prisoners' right to a fair trial, both because they undermine the defendants' capacity to prepare their defence and because they restrict the facilities for the preparation of the prisoners' defence through "closed" legal visits.

Amnesty International urges the authorities to seek alternatives to the use of "small-group isolation" as a regular form of imprisonment. The organization calls on the authorities to ensure that security considerations do not undermine the requirements of international standards and to eliminate such aspects of conditions of imprisonment that may constitute cruel, inhuman or degrading treatment. In particular, prisoners' physical and mental health should not deteriorate as a result of punitive measures which appear to be arbitrarily applied in the name of security and which constitute cruel, inhuman or degrading treatment. The organization also urges the authorities to ensure that prisoners are not held in conditions which violate their right to a fair trial.

The government's own inquiry, carried out in 1996 by Sir Donald Acheson, concluded that the conditions in the SSUs could lead to mental illness. The response by the government to date to that report has been totally inadequate. Amnesty International urges the government to publish the report of this inquiry and to act on the recommendations.

KEYWORDS: PENAL INSTITUTIONS / PRISON CONDITIONS / STRIP-SEARCHING / TRIALS / SOLITARY CONFINEMENT / MENTAL HEALTH /

This report summarizes a 9-page document (4224 words): UNITED KINGDOM: Special Security Units: Cruel, Inhuman or Degrading Treatment (AI Index: EUR 45/06/97) issued by Amnesty International in March 1997. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

amnesty international

UNITED KINGDOM
Special Security Units: Cruel,
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March 1997
AI Index: EUR 45/06/97
Distr: SC/CO/GR

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UNITED KINGDOM

Special Security Units: Cruel, inhuman or degrading treatment

Amnesty International is concerned that the Special Security Units (SSUs), in which "exceptional escape risk" Category A prisoners are held, constitute cruel, inhuman or degrading treatment and deny prisoners their right to a fair trial in violation of the United Kingdom's obligations under international treaties. The organization's concern about the SSUs is part of a wider concern about the conditions in which Category A prisoners are held.

Prisoners, on remand for or convicted of serious offences, can be categorized as Category A if their escape is considered as highly dangerous to the public or the police or to the security of the state. Category A prisoners are divided into three sub-categories: standard risk, high risk and exceptional risk (of escape). In February 1997 there were approximately 900 Category A prisoners in England and Wales. Under the national Prison Rules it is possible for Category A prisoners (including "high risk" prisoners) to have association with a large group of prisoners, and to have access to a range of educational, exercise, and sports facilities, and visits which are "open", i.e. no barrier to communication or contact between the prisoner and visitors. However, for reasons which the prison authorities attribute to understaffing or inadequate facilities, Category A prisoners are often denied many of these basic rights, which are recognized under international standards, on an arbitrary basis or they are forced to choose between visits or exercise, a shower or a phone call. Amnesty International has received many allegations from Category A prisoners, particularly those on remand, that they are locked up in their cells for most of the day and that they do not get access to adequate exercise, enough daylight, educational or work facilities, or adequate medical attention. In some instances, Category A prisoners have developed serious psychological problems as a result of their conditions of imprisonment, which have also impaired their ability to prepare their defence.

These conditions are greatly exacerbated in SSUs. Many of these basic rights, which in principle are supposed to apply to Category A prisoners, are denied. The SSU is a prison within a prison. A small number of prisons in England have SSUs: Whitemoor Prison and Full Sutton Prison for convicted prisoners and Belmarsh Prison for remand prisoners. Such units do not exist in Northern Ireland, where prisoners who could similarly be considered at high risk of escaping are also held. In mid-1995 there were 15 prisoners held in SSUs, in mid-1996, there were 18, and in February 1997 there were approximately 25. About half of such prisoners are Irish. Prisoners are not given an explanation as to why they are considered more of an escape risk than other prisoners, who are sentenced to similar serious offences. This has led to allegations that some prisoners have been arbitrarily and punitively singled out for a particular form of detention. Prisoners are not able to challenge the decision to place them in the SSU system, nor do they know for how long. There are no mechanisms which would provide a realistic opportunity for the prisoners to meet conditions required

in order to be removed from the SSU. The average time of stay appears to be about five years, however, in some cases people have been kept in SSUs for up to 10 years. Liam O'Duibhir, for example, has been in SSUs since he was sentenced in 1990.

Prisoners held in SSUs are not allowed to leave the Units except to go to court or hospital. Thus they are held in "small-group isolation". This means that association is limited to fewer than 10 people, often the same people, also being held in the SSU. Amnesty International believes that long-term small-group isolation, particularly coupled with other conditions in the SSUs, has had a harmful effect on prisoners' health, and that alternatives should be sought to small-group isolation as a regular form of imprisonment. In 1979 Amnesty International carried out a study of solitary confinement and small-group isolation of prisoners in the Federal Republic of Germany. The study found that many of the prisoners suffered from pathological disorders caused by the conditions of their confinement, including emotional disturbances, impairment of concentration and ability to think, loss of a sense of reality and neuroses. Physical effects included disturbances to the autonomic nervous system, low blood pressure and circulation problems, headaches, dizziness, digestive problems and sleep disturbances.

Prisoners held in SSUs are not allowed to participate in any of the regular prison activities, they cannot go to the library, the main gym, sports fields, or the prison chapel. Access to education, useful activity and work facilities is severely limited within the SSUs. This has led, for example, to prisoners being told in Whitemoor Prison SSU in July 1995 that the "requirement that inmates be gainfully employed" consists of one and a half hours' daily cleaning tasks.

One remand prisoner said that his cell in the Belmarsh SSU measured 3 m X 1.8 m, in this space there was a 76 cm wide bed bolted to the wall, a small fixed table bolted to the opposite wall, a bench which was partly under the desk and fixed to the floor, and a toilet. The very limited physical confines of the units, especially at Full Sutton and Belmarsh Prisons, have been described as "claustrophobic" and "cramped" by a former Chief Medical Officer. These impede prisoners' distance vision, which has led to a deterioration of prisoners' eyesight, and headaches. The SSUs in two of the three prisons, Full Sutton and Belmarsh, have very limited natural light. The lack of access to natural light is exacerbated by the fact that exercise yards in all the SSUs are covered by metal grids and metal mesh so dense that no clear view of the sky can ever be had. The lack of access to open air, bright daylight and exercise in a larger space violates international standards and has led to a

¹ Rule 66 of the European Prison Rules requires that prison regimes should include opportunities for relevant work, training, education, and recreational activities. Rule 83 of the European Prison Rules requires prison regimes to "recognise the importance to physical and mental health of properly organised activities to ensure physical fitness, adequate exercise and recreational opportunities".

variety of debilitating physical effects in prisoners, including generalized muscle wasting.² Prisoners have stated that they have suffered significant weight loss and stomach disorders because of inadequate food. Prisoners also complained that they were not given vitamin supplements. The severe restriction on all forms of stimulation in this environment has caused prisoners to develop reclusiveness and an inability to communicate as well as to suffer from a lack of concentration and loss of memory.

In addition, all visits of Category A prisoners in SSUs are "closed"³ meaning that the prisoner is separated from the visitor by a glass barrier and communication is via a telephone or a grill. Lawyers have stated that the imposition of "closed" legal visits has severely hampered their ability to communicate with their clients and to prepare their clients' defence in an effective and constructive way.⁴

International law, including treaties to which the UK is a party, such as the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms, guarantee everyone the right to a fair trial. These treaties, and other international standards, guarantee the right to be able to present a legal defence. Prisoners have the right to prompt access and confidential communication with their lawyers,⁵ as well as the right to adequate time and facilities to

² The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) state that prisoners should be able to exercise daily in the open air and that there should be natural daylight in their cells. Rule 11 states: "In all places where prisoners are required to live or work, (a) the windows shall be large enough to enable prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation." Rule 21(1) states: "Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits." Rules 16 and 86 of the European Prison Rules have the same requirements respectively.

³ "Closed" visits were introduced in June 1995.

⁴ The allegation that this policy hampers the unfettered access by prisoners to legal advice was raised by the UN Special Rapporteur on the independence of lawyers and judges in his 1996 annual report to the UN Commission on Human Rights (E/CN.4/1996/37).

⁵ Principle 18 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides that "a detained or imprisoned person has the right to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel." Rule 93 of the Standard Minimum Rules provides: "For the purposes of his defence, an untried prisoner shall be allowed to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing materials." Principle 8 of the UN Basic Principles on the Role of Lawyers provides: "All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay,

prepare their defence.⁶ The interference in the lawyer-client communication, because of the "closed" visit regime, has impeded the preparation of the defence of remand prisoners in SSUs and therefore has undermined the fairness of the trial proceedings.⁷ Because of the complicated nature of preparing a defence in some cases, including the need to view video tapes, to consider collectively lengthy documents or to compare numerous documents, communications on the telephone with a glass barrier between the lawyer and the client significantly hamper the preparation of the defence in violation of the detainees' right to a fair trial. In February 1997 Amnesty International was informed that 11 prisoners have refused "closed" legal visits because of the impossibility of preparing their defence cases

"Closed" social visits take place in the sight and hearing of a prison officer. According to expert psychiatric opinion, such "closed" visits cause difficulties in maintaining long-term relationships with members of the prisoner's family, in particular because the deprivation of physical contact is compounded by the lack of privacy.⁸ Relatives of SSU prisoners wrote to Amnesty International describing their experiences of "closed" visits. One relative who was visiting a remand prisoner stated:

"[He] is brought in and the prison officer stays in with him; he has a notebook and pen. There are cameras... Until the intercom system is switched on we cannot hear each other and even when it is we have to lean down and shout into it to be heard. Sometimes we can't hear each other properly and it is frustrating for all of us and makes the visit hard work rather than any pleasure at seeing him. Conversation is somewhat stilted because you know they are taping and recording every word of it, and also because everyone's voice sounds so artificial and robotic. They cannot even touch another human hand, because of their visiting conditions."

interception or censorship and in full confidentiality."

⁶ Article 14(3)(b) of the ICCPR and Article 6(3)(b) of the European Convention on Human Rights both require that everyone charged with a criminal offence shall "have adequate time and facilities for the preparation of his defence".

⁷ The Human Right Committee's general comment on the right to fair trial explains that ICCPR Article 14(3)(d) requires that, "[l]awyers should be able to counsel and to represent their clients in accordance with their established professional standards and judgement without any restrictions, influences, pressures or undue interference from any quarter."

⁸ Article 23 of the ICCPR states "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." Article 79 of the Standard Minimum Rules states: "Special attention shall be paid to the maintenance and improvement of such relations — between a prisoner and his family as are desirable in the best interests of both."

Another relative wrote:

"This experience for me was extremely upsetting and humiliating. We have a 16-month-old son who is essentially being prevented from seeing his father as it would be totally unacceptable - and I believe damaging - to bring him into such a visit. I feel that we are being punished, as well as [him]. These types of visits totally contradict British Prison Rules which state that everything reasonably possible should be done to facilitate the maintaining of relationships between prisoners and their families."

Despite the "closed" nature of the visits and the impossibility of any physical contact between the prisoner and the visitor, prisoners are subjected to metal detecting searches and then strip-searches before and after every visit. Recently, the SSUs have introduced a policy of discretionary "squat" searches in addition to the full strip-search procedure. During "squat" searches a prisoner is required to remove his trousers and underwear and then to bend over or squat. It has been alleged that prisoners refusing a "squat" search in Belmarsh Prison have been forcibly stripped and searched. Some prisoners have alleged that they were ill-treated during such "squat" searches.

It is difficult to understand what security considerations might warrant strip-searches and "squat" searches, given the "closed" visits. Such procedures may in certain circumstances constitute cruel, inhuman or degrading treatment and they should only be carried out when strictly necessary for security reasons and if no other less intrusive methods of searching can be used. Sir Peter Woodhead, the Prisons Ombudsman, has stated in a letter to Amnesty International:

"[S]trip searching is a potentially humiliating procedure and intimate body searching (including squatting) is doubly so. It is therefore important that their use is kept to the minimum necessary for the maintenance of order and control in prison and the prevention of escapes."

Another security measure which has caused prisoners to suffer from symptoms of tiredness and experience anxiety is the practice of hourly checks on prisoners during the night. These checks appear to involve the turning on of lights in the cell. In addition, at times, prison guards demand that each prisoner give a verbal indication that he is in the cell.

The combination of all these deprivations has led to the serious physical and mental deterioration in some prisoners. It is claimed that a psychiatrist is in regular attendance in relation to the welfare of the prison officers but that such services are not provided to prisoners. The official brochure of SSU Information for Prisoners states, "You may apply to see a member of the Psychology Team, giving reasons as to why you want to see them in order to be placed on their waiting list". However, prisoners have complained that they

have not received adequate medical attention, either for physical or psychological problems.⁹ One prison governor stated in August 1996 that he was not aware of any systematic collection of information regarding the mental health of prisoners in his SSU or in SSUs generally.

Independent medical and psychological examinations were conducted on some of the prisoners in SSUs in December 1994 and May 1995, the results of which were communicated to the Prison Service. At that time doctors highlighted a pattern in the symptoms of the prisoners: loss in weight, headaches and stomach pains, generalized muscle wasting, anaemia, oral thrush, deteriorating vision and memory, and anxiety symptoms. One of the doctors who examined the prisoners commented on the lack of thorough medical examination notes. Prisoners also complained that even if their symptoms had been noted by the prison doctor, the necessary follow-up medical attention was not provided, whether it was medication, or a referral for specialist attention.¹⁰ The Prison Service did not take adequate measures to address the symptoms, and when some of the same prisoners were examined again independently in July 1996, their condition had deteriorated further.

In May 1996 the Director-General of the Prison Service commissioned an inquiry by Sir Donald Acheson, the former Chief Medical Officer, into the effects of the SSUs on prisoners' health. The report of that inquiry, completed in mid-1996, was never published. It recommended that prisoners should be held in SSUs for as short a period as possible, that more opportunities for mental stimulation and physical exercise should be provided, including the provision of meaningful activities, and that prisoners should have access to open visits with members of their immediate family. It criticized the cramped conditions and lack of natural daylight at Belmarsh and Full Sutton Prisons in particular and stated that they could lead to mental health problems. The report also concluded that,

⁹ Rule 25 of the Standard Minimum Rules states: "(1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed. (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment." Rule 30 of the European Prison Rules has an almost identical requirement.

¹⁰ Principle 1 of the UN Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in Resolution 37/194 of 18 December 1982, states: "Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained."

“the combination of uncertainty concerning the sentence plan and the length of stay on the unit, together with lack of opportunities for meaningful work, natural visual and auditory stimuli, social contact outside a small group of prisoners, incentives, and physical contact with families and friends, if sustained for several years is likely to lead to significant adverse effects on mental health in a proportion of prisoners”

Amnesty International believes that the report should be published immediately. As a result of the report, the Prison Service stated on 10 February 1997 that the first of quarterly mental health checks would begin in March. The Prison Service also stated that it was considering whether it could provide more opportunities for mental stimulation, physical exercise and work.

Three psychiatrists prepared a report on the psychiatric effects of imprisonment in SSUs in January 1997.¹¹ They also carried out further psychiatric examinations on five prisoners who had been held in SSUs for lengthy periods of time and who were on trial together for attempting to escape from Whitemoor Prison. They are Peter Sherry, Liam O’Duibhir, Liam McCotter, Andrew Russell and Danny MacNamee.¹² The psychiatrists concluded that the SSU regime “comprises an environment, a set of practices in that environment and a set of rules regarding de-categorisation which constitute a systematic physical and psychological stressor likely to lead to mental and physical disorders”

The psychiatrists also concluded that, “four of these defendants have developed mental illnesses which go beyond the ordinary and expected anticipatory anxiety. In each case the men are labouring under cognitive impairments which place them at a disadvantage in comparison with the ordinary defendant” They found that the isolation from their families and the anxiety caused by the inability to communicate straightforwardly with their lawyers combined to produce serious mental illnesses of a depressive nature and, in the case of some of the prisoners, phenomena of depersonalization, severe symptoms of anxiety with panic attacks and severe anxiety disorders. The trial judge hearing the case of six prisoners in connection with an escape from Whitemoor Prison decided in January 1997 that he would not order a retrial because of the mental condition of most of the defendants.

The psychiatrists also expressed concern about the systematic frequent use of the segregation units, attached to the SSUs. The psychiatrists were concerned that the use of solitary confinement in the segregation unit in the Whitemoor SSU was not systematically quantified, audited or reported, and that prisoners did not receive information about how long they would be held in the segregation unit. They also criticized the even greater

¹¹ “Psychiatric Effects of Imprisonment in Special Security Units”, 13 January 1997

¹² Two of these prisoners, Peter Sherry and Liam McCotter, have recently had their category lowered from “exceptional risk” to “high risk”

restrictions within the segregation unit, including the inadequacy of the exercise yard, the lack of daylight in the segregation unit and the exercise yard, and the arbitrary access to exercise, showers and other facilities

AMNESTY INTERNATIONAL CONCERNS AND RECOMMENDATIONS

Amnesty International is greatly disturbed by the conditions in the SSUs, including "small-group isolation"; the lack of adequate exercise, sport, educational and work facilities, the lack of natural daylight and long-distance vision; the lack of adequate medical treatment, and strip-searching and other security measures, including the "closed" visit regime. Many aspects of the SSU regime violate international standards. The conditions, which have led to serious physical and psychological disorders in prisoners, constitute cruel, inhuman or degrading treatment.¹³

Article 7 of the ICCPR and Article 3 of the European Convention on Human Rights both require that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Moreover, Article 10(1) of the ICCPR states, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." The Standard Minimum Rules require basic safeguards that should as a minimum be put in place to protect the physical and mental integrity of all prisoners. In addition, international standards stipulate that prisoners should have access to all appropriate medical and psychiatric attention.

The conditions within the SSUs have also seriously interfered with the exercise of remand prisoners' right to a fair trial, both because they undermine the defendants' capacity to prepare their defence and because they restrict the facilities for the preparation of their defence through "closed" legal visits. In the case of the five prisoners mentioned above, the psychiatrists concluded, "their mental capacities to fully engage with and participate in the preparation of their defence in connection with the forthcoming trial has been impaired by these disorders [including depression, anxiety and post-traumatic stress disorder], to an extent greater than would normally be produced by conditions of imprisonment"

Amnesty International urges the authorities to seek alternatives to the use of "small-group isolation" as a regular form of imprisonment. The organization calls on the authorities to ensure that security considerations do not undermine the requirements of international

¹³ Article 3 of the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states: "No state may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment."

standards and to eliminate such aspects of conditions of imprisonment that may constitute cruel, inhuman or degrading treatment. In particular, prisoners' physical and mental health should not deteriorate as a result of punitive measures which appear to be arbitrarily applied in the name of security and which constitute cruel, inhuman or degrading treatment.

The authorities must ensure that prisoners are not held in conditions which violate their right to a fair trial, either because of the imposition of "closed" legal visits or because the conditions pose a risk to prisoners' mental or physical health to such an extent that they are incapable of participating fully in the preparation of their defence.

The government's own inquiry, carried out in 1996 by Sir Donald Acheson, concluded that the conditions in the SSUs could lead to mental illness. The response by the government to date to that report has been totally inadequate. Amnesty International urges the government to publish the report of this inquiry and to act on the recommendations. In particular the organization would draw the government's attention to the need to provide alternatives to small-group isolation; adequate exercise, sport, educational and work facilities; and access to natural daylight and long-distance vision. In addition, the government should address the issues of strip-searching and other security measures, including the "closed" visit regime; the need for the prisoners to have an input into a regular review of their categorization; and the provision of medical and psychiatric examinations as well as treatment.

From: B Lennon at @ 282-687-5835
 To: Ben Gilman at @ 225-2835

03-08-97 12:15 am
 001 of 001

**Statement re firing of plastic bullets by RUC
 on Garvaghy Road Portadown 11 July 1996**

by: Fr Brian Lennon, SJ

I was present at Garvaghy Road on 11 July 1996 during the disturbances occasioned by the RUC forcing an Orange march through the nationalist end of the town.

The RUC fired plastic bullets at will. This was very often done when the policemen concerned were in no physical danger. Plastic and rubber bullets have already killed over eighteen people in Northern Ireland. I had publicly condemned the use of these implements against Orangemen at the Drumcree Church earlier in the week when several people were injured by them, and I had no hesitation in also condemning their use on Garvaghy Road.

I have witnessed many riots during my sixteen years of work for peace and justice in Northern Ireland. At no stage have I seen the RUC behave as badly as they did that day. They fired plastic bullets like confetti. At various times during the morning and afternoon I was standing between the RUC and the rioters. The police were in very little danger, otherwise I would not have been able to continue standing there. By Northern Ireland standards this was not a very serious riot. The police frequently shouted at me to get out of the way so that they could continue firing plastic bullets and I refused to do this. The reaction by the RUC on the day was entirely unjustified.

I note that at no stage during the very great disturbances over the miners's strike in England were plastic bullets used. On what basis, then, does the RUC attempt to justify the use of these implements against people in Northern Ireland when no other police force in the UK has used them, even in very difficult circumstances?

- End -

**United States
Plastic Bullet / Kinetic Weapon
Company Profiles**

US based companies who are manufacturing or supplying plastic bullets (Plastic Baton Rounds, PBRs), Kinetic Weapons, or components thereof (or have done so in the past).

AAI Corporation, Law Enforcement Products / MAI
PO Box 3007
Hunt Valley, Maryland. MD 21030-0126
USA

Tel: 410 584 8111 Tlx: Fax:410 584 1278

Company Details

Holding Company:
(95) United Industrial Corp, (92) United Industrial Corporation

Turnover:
(91) US207.8M

Directors:
(95) Paul J Michaud, Howard M Bloch, Larry J Rytter, Maurice P Ranc, WR
Herrfeldt, JC Scholz,
Date of Incorporation: 1.11.51
SICC Codes: US 3812, 3699, 3669, 3482, 3483, 3489

Previous Company Name:
AAI Manufacturing Assembly Inc,

Previous Address(es):
(94) PO Box 126, Hunt Valley, MD 21030-0126. (93) PO Box 127, Hunt Valley. Tel
410 628 3282. Fax 628 3215. (80) PO Box 6767 Baltimore Maryland 21204. Tel
301 628 3458

Company Registered Address:
(?) York Rd & Industry Lane, Cockeysville, Maryland

Military, Security Police Exhibitions Attended:
Copex USA 89, Copex USA 90, COPEX Miami 91, IACP Exhibition 92,
Eurosatory 96

Latest Source Date: 19-Nov-96

Export / Imports (Transfer) information:

International Defence Directory 93: Agent in Malaysia is Munora Holdings Sdn
Bhd.

M.Klare Supplying Repression. Contracts between 1975-79

Near East & South East Asia

India

- 20 MPG-120 CS gas grenade to Bureau of Police R&D.
- 10 MPG-100 CN gas grenades to Ministry of Home Affairs.
- 10 MPG-110 CN/dye grenade to above.
- 1 L-10 gas grenade launcher to above.
- 10 C-200 launching cart to above.

East Asia & Pacific

Thailand

- 25 CS Grenades & proj. to Border Patrol Police HQ, Bangkok.
- 1 L-110 Grenade Launcher to above.

Additional Product / Services Information:

International Defence Directory 97: Listed under the following headings: Ammunition components, Sabots-discarding, Grenades, Grenades anti-riot CS Irritant smoke hand-launched & weapon launched, Grenades anti-riot CN smoke hand & weapon launched. Bombs-depth charge,

International Defense Review 6/96: AAI Corp leading an US industry team working on components for the OICW (Objective Individual Combat Weapon) being developed by the JSSAP (Joint Service Small Arms Program) at Picatinny Arsenal, New Jersey.
The OICW will combine both Kinetic Energy (KE) and High Explosive munitions. Alliant Techsystems are leading another industry team who are also working on the program.

International Defence Directory 96: Listed as supplying: Ammunition riot control, Ampoules CN/CS, Grenades riot control, weapons anti-riot, grenades launchers anti-riot, shotguns anti-riot, bomb disposal robot vehicles remote controlled,

International Defence Directory 95: Mechanical support systems such as handling equipment. Combat vehicle systems. Chemical applications. Ammunition, riot control; Ampoules, CN / CS; Grenades, riot control; weapons,

anti-riot; grenades launchers, anti-riot; shotguns, anti-riot; explosives disposal equipment;

—
 American Export Register 94: Listed under Law Enforcement Equipment: Training & simulation systems, Test & Checkout equipment, explosives, ordnance, tear gas. Also Police Supplies (02081503).
 —

Jane's Security & Counter-Insurgency Equipment (COIN) 92/3: AAI 40mm Ferret barricade penetrating cartridge.

Muzzle Blast Cartridge.

Big Bang distraction devices - SWAT-T gives a 172-174 dB noise, SWAT-TX gives 184-186 dB noise, SWAT-CS is similar to SWAT-TX but with addition of 6g of CS agent.
 —

~~International Defence Directory 93: Riot Control Ammunition, CN/CS Ampoules, Riot Control Grenades, Anti-Riot Weapons, Anti-Riot Grenade Launchers, Anti Riot Shotguns, Explosives disposal equipment, Bomb disposal robot vehicles, remote controlled,~~
 —

Law Enforcement Product News 12/93: AAI/MAI offers unique tear gas munitions and tear gas security systems including : Ferrett liquid agent cartridges, Multi purpose Grenades and TGGuard security systems for personnel and property protection.
 —

Police Products Handbook: MPG Multi purpose grenade available with CS, CN & CN+Red Dye, 12 Gauge & 37mm Ferret Liquid Cartridge.

MPG Tactical Emergency Kit - 6 MPG Grenades, 6 Blank Cartridges, Grenade Launcher Attachment for shotgun, Sight kit & 10 12-Gauge Ferrets.
 —

Company Info 90:

L-110	Grenade Launcher. 12gauge shotgun fitting, Range 120 yards.	\$60.00
L-300	Grenade Launcher. 37/38mm gas gun fitting	\$60.00
C-200	Cartridge, blank launching. Plastic 12 gauge	\$1.60 ea
M-755	Cartridge, blank launching. 5.56mm cal rifle	\$1.60 ea
C-300	Cartridge, blank launching. 37/38mm.	\$2.50 ea
S-100	Shotgun sight.	\$3.65

Sitrep International 2/90: Listed as exhibiting at Copex USA 90.

Sitrep International 1/89: Listed as Exhibitor at Copex USA 89.

Supplying Repression (Klare) (81): L-10 gas grenade Launcher, L-110 gas
grenade launcher, MPG-100 CN gas grenade, MPG-120 CS gas grenade, MPG-110
CN/dye grenade.

Police Chief 10/79: Listed as manufacturer of: Weapons, chemical; Tear Gas,
grenade launchers, grenades - tear gas,

Accuracy Systems Inc
 PO Box 41454
 Phoenix, Arizona. AZ 85080
 USA

Tel: 602 249 0250 Tlx:823211 ACCUR UF Fax:602 430 9375

Company Details:

Holding Company:
 (95) Security Industries Inc, (93) Security Industries Inc

Directors:

(95) Charles M Byers (Gen Mgr), Sheryl Campenella (Int'l Sales), Charles M Byers (EDI enabler), Pres - Charles M Dyer
 Date of Incorporation: 1.01.72

Previous Address(es):

(93) 15205 North Cave Creek Road, Phoenix, Arizona, AZ 85032. Tel 602 971 1991. Fax 602 788 0592, (78) 2105 South Hardy Dr, Tempe, Arizona, AZ 85282.
 Tel: 602 966 3086.

MSP Exhibitions Attended:

Copex USA 90

Latest Source Date: 20-Dec-95

Export / Imports (Transfer) information:

Thomas Register 95 CD Rom: Listed as exporting to: Africa, Asia, Australia, Latin America & Caribbean, Middle East, Western Europe.

COIN 92/3: M429 grenade launching system - developed by Accuracy International (misprint ?).

Additional Product / Services Information:

Thomas Register 95 CDROM:

Trade Status: Exporter

Description: Ordnance Devices, Low Lethality Anti Terrorist, Riot Control Munitions.

Assets: \$1m-

No of empl: 10

Prod/SIC Codes: Anti Terrorist Equipment & Supplies 3669, 3829 Munitions 3482, 3483, 3484, 3489

Ordnance Material 3489

COIN 92/3: M545 Universal Fragmentation grenade. This is a thin 50mm spherical steel ball loaded to provide a number of ballistic functions, including HE/Fragmentation, HE/Concussion, HE/incendiary/concussion and fragmentation/incendiary.

M408 Illuminator grenade.

M452 Stingball grenade - Contains over 100 marble-sized soft rubber pellets. Also available as M452C ComboBall which has powdered CS as well as rubber balls.

M359 Smoke Ball grenade

M429 Thunderflash grenade, M459 Starflash grenade - provides, not only blast & flash but also a brilliant shower of white-hot 'sparklettes' for an enhanced effect - achieved through use of Magdex Starflash explosive, M470 Magnum is twice the size for outdoor use or for large buildings, M425 produces only 10% of the smoke of the M459.

M429 grenade launching device - In responses to requests for a means to launch the M429 stun grenade, Accuracy International, has developed the M429 grenade launching device. It consists of a plastic sabot and a special blank launching cartridge. The launcher adaptors are available to fit 12-gauge riot shotguns, 37/38mm gas & riot guns, and some revolvers. The long guns will give a range of 100m, the revolvers approx 75m.

M450 / M451 Multiflash stun grenades.

M444 launchable stun grenade - may be fired from any 12-gauge riot shotgun.

Accuracy Systems low lethality ammunition - "intended to be used by firing at the ground in front of the target and thus bouncing the rubber projectiles upwards with reduced striking velocity.

The 12-gauge Rubber Rocket is a finned projectile for longer range targets, The double Ball 12-gauge shell contains two full-bore soft rubber balls. The Multi-Ball cartridge contains 18 x 8mm soft rubber balls.

Special Shotgun ammunition - Shok Lock cartridges, Armor Piercing round - loaded with a high velocity sabot projectile that is capable of piercing from 7mm to 9mm mild steel plate. Starflash cartridges, Tearblast cartridges. 7.62mm M600 sniping rifle.

COIN 90: M545 Universal FRAG Grenade, M460 Thunder Strip/Rod, M452 Stingball Grenade, M359 Smoke Ball Grenade, M560 Anti-Personnel Fragmentation grenades, M60 Sniping rifle, M300 Series Portable lane barricades, M520 521 Flexible

explosive door cutters, Special Purpose Low Lethality Anti-Terrorist Munitions (S.P.L.L.A.T.M.) TM - Starflash Muzzle Blast 12 Guage Shell - See ILEC 88 Pg 75.

Sitrep International 2/90: Listed as Exhibiter at Copex USA 90.

IACP Police Buyers Guide 78/9: Listed under: Ammunition, Ammunition Components, Ammunition reloading equipment, Firearms Training,

Advanced Materials Labs, Inc
70-09 Austin Street
Forest Hills, New York. NY 11375
USA

Tel: 718 520 8910 Tlx: Fax:718 520 8411

Latest Source Date: 20-May-97

Export / Imports (Transfer) information:

Police & Security News 11-12/93: Exclusive USA Importer and Distributer for ISPRA Protectojet Model 5 - also brings you a full line of riot control products.

Additional Product / Services Information:

Police & Security News 3-4/96: Ammunition non/low lethal, Distributer. Grenade Launchers.

Police & Security News 3-4/95: Ammunition non/Low-Lethal, Grenade launchers, Grenades-chemical, smoke. Manufacturer & Distributer.

Police & Security News 11-12/93: New Pepper Dispersion Grenade. Model 404D Blast Dispersion Grenade. This state-of-the-art Grenade is for those critically important tactical operations where only the finest available will suffice. This hand-thrown dust grenade is characterised by its dispersion of capsicum dust agent together with an explosion noise to surprise and disorient subjects. Restricted sales to Law Enforcement only. (ISPRA).

Advanced Materials Laboratories Inc, is the exclusive United States Importer and Distributer for ISPRA (Israel Product Research Co). Protectojet 5 and a full line of riot control products.

Astra Holdings Corporation
8260 Greensboro Drive, Suite
McLean, Virginia. 22102
USA

Tel: 703 790 1155 Tlx: Fax:703 790 1690

Company Details

Holding Company:
(93) Lion Holdings Corporation (USA), (92) Astra Holdings Plc (UK).

Subsidiaries:
(92) Accudyne Corp, E. Walters, Kilgore.

Directors:
(92) Richard W. White (Pres), Joseph Stroud (VP).

Latest Source Date: 27-Dec-92

Additional Product / Services Information:

FT 18/12/92: US Holding company bought from Astra Receivers by Lion Holdings Corporation.

Annual Report - Own Kilgore Corporation, E. Walters, Accudyne. USA based munitions companies involved in producing Gatlin Machine gun - gained large US DoD contracts for mines and explosives etc

Century International Arms Inc
 PO Box 714
 St Albans, . VT 05478
 USA

Tel: 802 524 5268 / 5631 Tlx:Compuserve 72660,115 Fax:802 524 5631

Company Details

Subsidiaries:
 (95) Century International Arms Ltd (Canada)

Directors:
 (96) Sandy Lovelette, (95) Michael Sucher (Pres), Andre Blouin (Exec VP USA),
 Brian Sucher (VP)

Latest Source Date: 13-Sep-96

Export / Imports (Transfer) information:

PIERS 9/95:

Product Exported : Firearms
 Product Code: 7304000 (Firearms)
 Weight of Cargo: 3200 pounds
 Number of Units Cargo: 2 pallets
 Date of Shipment: 19th December 1994
 US Based Exporter: Century Arms
 Company Location: NA, NA
 US Port of Loading: New York
 Destination Point: Liverpool (41251), United Kingdom (412)

Police & Security News 5-6/94: Distributing Manurhin (France) MR-35 Punch Gun

Additional Product / Services Information:

Law Enforcement Product News Web Site 9/96: Carries a wide selection of handguns, long guns, NA weapons, ammunition and accessories for law enforcement agencies. We also purchase police surplus arms on a cash or barter basis!.

Police & Security News 3-4/95: Ammunition - side arm, rifle, shotgun. Tactical Riot Helmets. Manufacturer & Distributer.

**Carbone Ballistic Laboratory
USA**

Latest Source Date: 29-Mar-95

Additional Product / Services Information:

Intersec 2/95 : Marketing its patented, low-intensity conflict ammunition. The rounds are designed to incapacitate rather than to kill.

The cartridges are available in a variety of calibres and can be loaded with either two, three or four cylindrical "virgin" lead slugs. The projectile has a max range of 25 yards.

The muzzle velocity is between 660 - 900 feet per second. Upon impact at the maximum range the slugs deliver a multiple, rapid, hydrostatic shock that knocks down and temporarily disables the victim. The chances of permanent injury is minimal, with the exception of hits to the face.

International Defence Directory 95: Ammunition, small arms, pistol/revolver, rifle; ammunition accessories;

Co info 5/94: Manurhin MR-35 Punch gun info.

Police & Security News 5-6/94: MR-35 Punch Gun. "The first Non-Lethal gun with the power of a .38 special !".

The MR-35 Punch Gun is a 5-shot gun that shoots 35mm non-lethal balls. It induces a neutralizing shock that stops the opponent. It has the stopping power of a .38 special, with an effective range of 25 meters. The MR-35 is produced by Manurhin (France).

Century International Arms Inc, is one of the largest surplus small arms suppliers in the world, specializing in selling firearms to the Law Enforcement community.

Chemical Research and Development Center
Aberdeen Proving Ground
Maryland. MD
USA

Company Details

Holding Company:
(92) US Army

Latest Source Date: 2-Dec-96

Additional Product / Services Information:

Police & Security Equipment 96/7: Ring Airfoil civil disturbance control system.

Police & Security Equipment 95/6:
Ring airfoil civil disturbance control system.

COIN 92/3: Ring Airfoil civil disturbance control system. The system consists of the lightweight M234 launcher which attaches to the US Army's standard M16A1 rifle, two projectiles, and the M755 blank cartridge which, when fired supplies the propellant gases. The two projectiles, specifically designed for the M234 launcher are the 64mm, riot control, kinetic energy, M743 (Sting RAG), and the 64mm, riot control, CS1, M742 (Soft RAG).

COIN 90: Ring Airfoil civil disturbance control system, Soft Rag CS grenades, Sting Rag Kinetic Energy grenade

Internal Security Weapons 79: Soft & Sting Ring Airfoil Grenades (RAG) have been developed by Edgewood Arsenal's weapon systems concept office at Aberdeen Proving ground as a means of controlling civil disturbance without close up confrontation - ranges up to 50m or 100m. The soft RAG contains CS powder.

CIDCO Inc (Chesapeake Importing & Distribution Co)
2140 Pacific Boulevard
Sterling, Virginia. VA 22170
USA

Tel: 1-800 658 8937 Tlx: Fax:703 444 1877

Latest Source Date: 5-Jun-91

Additional Product / Services Information:

Co Info 5/91: Deterrent ammunition - Rubber Buckshot or a single rubber ball -
"not intended to be lethal".
PULSAR 2000R Laser aiming device

**Collins Dynamics
USA**

Company Details

Holding Company:
(91) Havis Shields Equipment Corporation.

Military, Security, Police Exhibitions Attended:
COPEX USA 90

Latest Source Date: 6-Dec-90

Export / Imports (Transfer) information:

International Defense Review 11/90: Several hundred units sold to US Special Operations Forces.

Additional Product / Services Information:

International Defense Review 11/90: New range of weapon mounted target blinding lights - "Non-Lethal" 425G Light with 152mm Reflector produces 400,000 Candela, 7o Angle.

Combined Systems Inc
 226-T Newtown Road
 Plainview, New York. NY 11803
 USA

Tel: 516 777 7888 Tlx: Fax:516 777 7898

Company Details

Directors:

(96) Jacob Kravel (Pres), Mike Brunn (VP Sales/Marketing), Jack Hananya (Intl Marketing), (95) Michael Brunn (Mktg Manager)

Previous Address(es):

(94) 26 North Mail, Plain View, NY 11803.

Latest Source Date: 22-Nov-96

Export / Imports (Transfer) information:

PIERS 10/96:

PIERS 7/96:

Product Exported: Tear Gas Candles
 Product Code: 4395095 (Drugs; NOS)
 Weight of Cargo: 5430 pounds
 Number of Units Cargo: 6 pallets
 Date of Shipment: 24th June 1996
 US Based Exporter: Combined Systems
 Company Location: Plainview, NY
 US Port of Loading: New York (1001)
 Destination Point: Istanbul (48945), Turkey (489)

Product Exported: Explosive Release Device
 Product Code: 4855060 (Explosive Substances: NOS)
 Weight of Cargo: 13 pounds
 Number of Units Cargo: 1 cartons
 Date of Shipment: 12th January 1996
 US Based Exporter: Combined Systems
 Company Location: New York, NY
 US Port of Loading: New York (1001)
 Destination Point: Haifa (50801), Israel (508)

Thomas Register 95 CD Rom: Listed as exporting to Africa, Asia, Australia, Eastern Europe, Latin America & Carribean, Middle East.

Additional Product / Services Information:

Listed as supplying: Ammunition components, cartridge cases-ammunition, cartridge cases-combustible.

Grenades anti-riot: CS irritant smoke hand launched, tear gas CN hand launched,

International Defence Directory 96: Listed as supplying: Ammunition riot control, Ampoules CN/CS, Aerosols anti-riot,

Thomas Register 95 CD Rom: Trade Status: Exporter

Description: Manufacturer of ammunition components for tanks, artillery and rocket rounds, pyrotechnia devices & composites.

Piezo electric impact sensors for Tank, Artillery, recoilless rifle and rocket rounds, fuzes and fuze components.

Cartridges, Law Enforcement, special purpose, shotgun (3482)

Manufacturer of Tear Gas rounds in 37mm, 12 guage shotgun & grenade, liquid, powder & smoke.

Also rubber, pellet, baton, door breaking rounds & stun grenades.

Cartridges, pyrotechnic (2899)

Gas-Tear, Grenades (3483). Manufacturers of all types of tear gas grenade.

Riot Control ammunition (3482), Stun Grenades.

Ammunition, riot control; ampoules, CN/CS; aerosols, anti-riot;

Federal Laboratories Division
PO Box 305
Saltsburg, Pennsylvania. PA 15681
USA

Tel: 412 639 3511 Tlx:856294 Fax:412 639 3888

Company Details

Holding Company:
(94) Mace Security International, Inc (MSI), (92) TransTechnology Corporation

Turnover:
(94) \$37 million,(91) \$15 Mill

Directors:
(92) Robert Tunno (Gen Mgr), John Holohan (Controller), John English

SICC Codes: P2869911 3899

Previous Company Name:
Federal Laboratories Inc, Breeze Corp (?)

Military, Security, Police Exhibitions Attended:
Copex USA 89, Copex USA 90, IACP 92

Latest Source Date: 2-Dec-96

Export / Imports (Transfer) information:

PIERS Exports 2/95: Listed as exporting:

Product Exported: Articles Pyrotechnic
Product Code: 4855060 (Explosive Substances: NOS)
Weight of Cargo: 288 pounds
Number items of cargo: 1 skids
Date of Shipment: 8th Dec 1993
US Port of Loading: New York
Destination Point: Alexandria (72901), Egypt (729)

Product Exported: Articles Pyrotechnic
Product Code: 4855060 (Explosive Substances: NOS)
Weight of Cargo: 675 pounds
Number items of cargo: 1 skids
Date of Shipment: 8th Dec 1993

US Port of Loading: New York
 Destination Point: Alexandria, Egypt

Product Exported: Fuses Igniting
 Product Code: 4855020 (Ammonium Nitrate, Blasting Caps)
 Weight of Cargo: 1010 pounds
 Number items of cargo: 1 skids
 Date of Shipment: 8th Dec 1993
 US Port of Loading: New York
 Destination Point: Alexandria, Egypt

Product Exported: Pyrotechnic Articles
 Product Code: 4855060 (Explosive Substances, NOS)
 Weight of Cargo: 2346 pounds
 Number items of cargo: 3 skids
 Date of Shipment: 8th Dec 1993
 US Port of Loading: New York
 Destination Point: Alexandria, Egypt

Product Exported: Cartridges.
 Product Code: 6830000 (Electric components, supplies)
 Weight of Cargo: 601 pounds
 Number items of cargo: 1 pallets
 Date of Shipment: 28th Dec 1993
 US Port of Loading: New York
 Destination Point: Hamilton (23201), Bermuda (232)

Product Exported: Ammo.
 Product Code: 7309000 (Ammunition; bullet, cartridge, shells)
 Weight of Cargo: 531 pounds
 Number items of cargo: 1 pallets
 Date of Shipment: 28th Dec 1993
 US Port of Loading: New York
 Destination Point: Hamilton, Bermuda.

(92) Center for Constitutional Rights have filed lawsuit against TransTechnology for deaths of Palestinians in Occupied Territories due to the misuse of tear gas and continued export after deaths were known of.

(88) Sales of tear gas & law enforcement are worth - \$7 M.

Supplied Tear gas to Israeli Defence Forces - Contract cancelled following Public Pressure in the USA against Federal Laboratories and Parent company TransTechnology.

LA Times 10/5/88: TransTechnology, a defense contractor and the largest maker of tear gas in the nation, has stopped shipments of tear gas to Israel, though there is a possibility that shipments would resume at a later date. The shipments were stopped because of protests from Palestinian and Israeli groups that the tear gas used by Israeli security forces on demonstrators in the West Bank and Gaza strip areas were causing deaths and miscarriages. According to Y Gal, a spokesman for the Israeli embassy in Washington, the security forces had misused the tear gas. The company manufactures the tear gas at its Federal Laboratories in Saltsburg, PA. Sales of tear gas accounts for under 5% of TransTechnology's \$212 million in annual sales. The company sells approx \$1 million worth of tear gas to law enforcement agencies in the US.

[Assuming tear gas was 2% of TransTechnology's annual sales this would mean tear gas sales of approx \$4.2 million - giving tear gas exports valued at approx \$3 million.]

American Arms Supermarket (84) Reports episode in January 1977, from Cairo, Egypt where empty tear gas canisters marked "CS #518 - Federal Laboratories Inc, Saltsburg, PA."

Also in 1978 in Sao Paulo, Brazil journalists reported that several students had been badly burnt by a chemical spray fired by Government security forces. Canisters marked "No. 502 CS Irritant Agent - Federal Laboratories, Saltsburg, PA. USA" were seen.

Additional Product / Services Information:

Police & Security Equipment 96/7: Federal Laboratories Division of Mace Security International listed as supplying the following products:
37/38mm Gas launcher, Model L6 37mm Multi-launcher, Model 535CS or 235CN riot kit, Fogger (TM) portable smoke generator,
Grenade launchers 452, 454, 456, 450-A, 458, 459.

Mace Brand Aerosols

Wood and rubber baton rounds - single wooden or rubber baton rounds are designed to be ricocheted off the ground for effective crowd dispersal outdoors. The 252 wood and 252 rubber each contain a single baton. The 264 wood and 264 rubber each contain five batons. A three-baton version in wood or rubber is also available on special order.

Baton rounds should not be fired directly at people, nor should they be fired at a closer range than 46 metres.

FERRET Barricade rounds,

RB Series Rubber Ball Cartridges. This series of cartridges includes rounds containing from one rubber ball for the 12-gauge shotgun to 220 rubber balls for 37mm weapons. These rounds are designed to be skip fired in a ricochet fashion by trained law-enforcement personnel. These minimum lethality munitions can be utilised for a variety of police, tactical and correctional response team applications including: crowd control conditions, hostile inmate clearing from yard areas, and a variety of other riot control situations.

115/515 Triple Chaser grenade, 117/517 Flameless Grenade, 265/565 Skat Shell, 203/501 Muzzle Dispersion Cartridge, Han-Ball Grenade, 40mm Projectiles, 37mm Family of riot cartridges,

Flite-rite (TM). The 530CS and 230CN 'Flite-rite' cartridges are designed for use in barricade situations with no hostages present. Improved accuracy is obtained through the use of Federal Laboratories exclusive Flite-rite (TM) fin stabilising technology. The round is accurate to 68m, will penetrate 19mm plywood at 45m range and most types of windows at 68 metres.

Riot control grenades, Blast dispersion grenades.

Tactical Emergency Kit (TEK). To assist in the standardisation of riot and crowd control munitions this kit is a complete and portable system for fast, effective crowd control as well as barricade and sniper situations. All system components fit into one compact case for storage and rapid issue in an emergency.

Each Tactical Emergency Kit contains the following:

- 10 x FERRET Liquid Agent Barricade-Penetrating cartridges (12 gauge)
- 6 x Multi Purpose Grenades (MPGs)
- 1 x L-110 Grenade launcher, internally rifled for fin-stabilised flight. Maximum range 120 yards. Fits most 12 gauge shotguns.
- 1 x S-100 Sight Kit
- 6 x C-200 Blank propelling cartridges.

Portable amplifiers. Super Hailer 20W, Little Yeller (4W).

Co Info 1/96:

Stun Bag Launcher & Stun Bag Adapters

Description	Catalog No.
Stun Bag Mark 70/Model 2	220007
Mark 70 / Model 3	220008
Mark 70 / Model 4	220009
Stun Bag Adapter (37mm)	220010
Stun Bag Adapter (12ga)	220011
37/40mm Close Range	220012
37/40mm Standard	220013

BEST AVAILABLE COPY

12ga Close Range 220015
12ga Standard 220016

Multi-Launcher L6-37mm, Grenade Launcher/Launching cartridges.

1020 Riot Shield, 1021 Institutional Shield

Training: Sudden In-Custody Death Syndrome Video Certification Package, The Complete Aerosol Spray Training Course.

Police & Security Equipment 95/6:

Grenade Launchers

Wood and rubber batons rounds, 115/515 Triple Chaser grenades, 117/517 Flameless grenade, 265/565 Skat Shell, 203/501 Muzzle Dispersion cartridge, 119/519 Han-Ball grenade.
40mm projectiles, 37mm family of riot cartridges, Flite-Rite.

Co Info 2/95 :

Single Wooden or Rubber Baton Shells are designed to be ricocheted off the ground for effective crowd dispersment outdoors. The 252 wood and 252 rubber each contain a single baton. The 264 wood and rubber each contain five batons. A 3-baton version in wood or rubber is also available on special order.

	37mm	37mm	37mm	37mm
	252	252-R	264-W	264-R
Color Markings:	Black	Black	Black	Black
Baton Material:	Wood	Rubber	Wood	Rubber
Max Range:	100 yards	100 yards	100 yards	100 yards
Min Range:	50 yards	50 yards	50 yards	50 yards

Domestic Shipping Information

Shipping Name	Small Arms	Small Arms	Small Arms	Small Arms
	Ammunition	Ammunition	Ammunition	Ammunitions
Hazard Class:	Class C Expl	Class C Expl	Class C Expl	

International Shipping Information

Shipping Name:	Cartridges	Cartridges	Cartridges	Cartridges
	for weapons	for weapons	for weapons	for weapons

UN Number:	UN 0012	UN 0012	UN 0012	UN 0012
Hazard Class	1.4S	1.4S	1.4S	1.4S

Cartridges

Compatible with standard 12 gauge shotguns, FERRET Liquid CS and CN Barricade Penetrating Cartridges contain a liquid irritant agent within a plastic projectile. For small-enclosure barricade situations such as single rooms or vehicles, this round allows immediate response. Its projectile disintegrates on penetration, discharging the agent in a fine aerosol form.

The FERRET cartridge also permits successful penetration of various materials at a safe range:

Windshield	100 feet
3/4 inch plywood	100 feet
1/4 inch plate glass	300 feet
Hollow-core door	300 feet
Double panel storm & window & screen	300 feet

Ordering information :

SGA100	CS
SGA110	CN
P100	Practice

Tactical Emergency Kit. In order to better equip your officers in the field.

Each Tactical Emergency Kit includes the following items:

10 FERRET Liquid Agent Barricade Penetrating cartridges (12 gauge)

6 Multi-purpose grenades (MPGs)

1 L-110 Grenade Launcher, internally rifles for Spin/stabilized flight.

Maximum range 120 yards. Fits most 12 gauge shotguns.

1 S-100 Sight Kit

6 C-200 Blank Propelling Cartridges

Ordering Information:

TEK 120	CS
TEK 100	CN
TEK 110	CN/Dye

Launchers.

The Model 203-A gas gun is a lightweight, durable 37/38mm launcher designed to fire Federal Laboratories complete line of projectiles. The barrel is fabricated from a high-strength aluminium alloy and has a non-reflective black finish.

37mm Riot Gun: Models 450-A, 458, 459

COIN 92/3:

37/38mm Federal Gas Gun,

Federal L6 37mm Multi-Launcher - this is a new 37mm six-shot launcher capable of firing six rounds in less than 4 seconds.

Model 535CS or 235CN Riot Kit - Supplied with one 204 shoulder gas gun, 14 projectiles, 4 Han-Ball grenades, 9 military type grenades as standard. The kits can be customised for the customers particular needs.

Grenade Launchers :

452 - 12 gu shotgun - used for 112, 555, 115, 515

454 - 12 gu shotgun - used for 118, 518

456 - 12 gu shotgun - used for 119, 519

450-A - 37mm riot gun - used for 112, 555, 115

458 - 37mm riot gun - used for 119, 519, 515

459 - 37mm riot gun - used for 118, 518

Wood & Rubber Baton rounds - designed to be ricocheted off the ground for effective crowd dispersal. 252W, 252-R, 264-W, 364-R

115CN / 515CS Triple Chaser grenades .

117CN / 517CS Flameless grenade.

265CN-5 / 565CS-10 Skat shell - cartridge contains 5 - 10 smaller gas devices.

252R-1-40 / 252 R-3-40 - 40mm Rubber Bullet cartridges.

211CN / 511CS - Combined Rubber Bullet and Tear gas projectiles

37mm MkII family of riot control cartridges - 560CS, 206CN, 570CS, 219CN, 561CS, 207CN.

Federal Flite-Rite - 530CS, 230CN cartridges are designed for use in barricade situations with no hostages present. Improved accuracy is obtained by the

"exclusive" Flite-Rite (tm) fin stabilising system. The projectile carries 35g of CS or CN. The round is accurate up to 68m, will penetrate 19mm plywood at 45m and most types of window at 68m.

Federal Riot Control grenades - Fed labs produce a range of tear gas riot control grenades. The 518CS and 118CN models are commercial versions of the US military M7A3 CS grenade. Also 555CS, 112CN, 509CS, 109CN.

Blast dispersion grenades - 121CN, 514CS.

Law Enforcement Product News 5-6/94: Mace Security International (MSI) has joined with Federal Laboratories, one of the country's oldest manufacturer of riot control products, to offer an enhanced line of non-lethal self defense sprays to include : Mace, tear gas and OC projectiles, cartridges, grenades, launchers and many other law enforcement items.

International Defence Directory 93: Electronic Batons, CN / CS Ampoules, riot control grenades, riot shields, anti-riot sprays / dispensers and aerosols, anti-riot weapons, guns, shotguns, pistols, grenade launchers,

Wall Street Journal 20/1/91: Eight West Bank Palestinians seek damages from Federal Laboratories Inc, they claim their spouses were negligently killed by tear gas made by Federal Laboratories.

COIN 90: CS, Rubber Ball, Blast Grenades, 515 CS 'Triple Chaser' Grenade , 38mm 203A Riot Gun, 565 CS 'SKAT' Multiple Discharge Cartridge, Rubber Baton 252R, Model 1022 Riot Shield, Model FC 4500 Riot Helmet.

Sitrep International 2/90: Listed as Exhibiter at Copex USA 90.

National Security 5/89: 203A Grenade launcher, 38mm.

Sitrep International 1/89: Listed as Exhibiter at Copex USA 89.

Multinational Monitor 4/88: Tears of Rage.
The Israeli Army may be exposing Palestinians to potentially lethal doses of American-made tear gas, according to a training manual compiled by the company that supplies the gas.

"Firing one Federal No.230 Flite-Rite [tear gas projectile] in a room [eight

feet by eight feet by seven feet]," the manual warns, "could endanger the life of an average subject if he stayed in the room for seven minutes".

Police Chief 10/79: Weapons, non-lethal; Weapons, chemical; Weapons, personal impact; Tear Gas

IACP Police Buyers Guide 78/9: Listed as manufacturer of: Amplifiers-Gas Masks, batons, billies/clubs, generators - smoke and tear gas, grenade launchers, helmets - riot and ballistics, holsters, tear gas

Subsidiary of Breeze Corp, in New Jersey.

Fiocchi USA

5030 Fremont Road
Ozark, Missouri. MO 65721
USA

Tel: 417 725 4118 Tlx: Fax:417 725 1039

Company Details

Directors:

(97) Art Moore, Director of Law Enforcement

Latest Source Date: 20-May-97

Additional Product / Services Information:

Police & Security News 5-6/97: Fiocchi Law Enforcement & less-lethal ammunition.

[Photo]: Shotgun cartridges with rubber batons, rubber pellets and polyethylene granules.

[Advert] Shotshells - high velocity law enforcement, copper plated buckshot, plastic pellet loads, rubber buck shot, rubber baton slugs, tactical entry breaching loads, slugs.

Centrefire - hollow point, full metal case.

From Shotshell to centrefire to frangible and everything in between.

Knight's Armament Company
1306 29th Street
Vero Beach, Florida. FL 32960
USA

Tel: 1 407 562 5697 Tlx: Fax:1 407 569 2955

Military, Security, Police Exhibitions Attended:
Copex Miami 91

Latest Source Date: 19-May-97

Export / Imports (Transfer) information:

International Defence Directory 97: Conjay Arms Co. Ltd (UK) listed as UK representative.

Additional Product / Services Information:

International Defense Review 7/96: The US Army's Armament Research, Development and Engineering Center (ARDEC) has awarded Knight's Armament Company a US\$187,000 contract to produce XM1006 40mm non-lethal munitions for firing from standard M203 launchers.

The rounds, known as sponge grenades, form part of the Soldier Enhancement Program. The projectile, developed in response to US Army experiences during peacekeeping efforts in Somalia, is fabricated from high-density plastic with a foam-rubber nose.

Less Lethal Weapons Corporation of America
1709F Airline Highway, Suite 125
Hollister, California. CA 95023
USA

Tel: 1 408 636 1504 Tlx: Fax:1 408 636 1225

Latest Source Date: 20-Jan-94

Additional Product / Services Information:

**COIN 93/4: Stun-Gun system, Stinger-Stik, Prowler-Fowler
PSI 37/40mm Less Lethal ammunition**

(see also Trebor Corporation, Protection & Survival Systems international...

Discover 11/87: Stun Gun and Un Gun (the less powerful version) that fire bean bags.

These weapons are "less lethal" not nonlethal. In theory the Stun Gun has a 1 in 3 chance of killing the person struck by the beanbag.

Stun-Burst Mark 72 Model O - a machine gun like version that sets up on a tripod and fires up to 250 rounds a minute. "...the inherent psychological effect of the sight of the less-lethal Stun Burst will instantly discourage most crowds.."

In all the weapons, spiral grooves in the barrels set the pellet load bag spinning so that it unfurls into a 3 inch diameter pancake. One of these bags can knock down a 200 pound person.

Also, instead of beanbags the weapons can fire : small wooden blocks, plastic pellets or tear gas grenades.

(90) Stun Gun System, Stinger Stik.

MBA Associates
San Ramon, California.
USA

Latest Source Date: 22-Oct-88

Additional Product / Services Information:

San Francisco Business Times 25/1/88: Seeking to raise \$2.25 million from an initial public offering. Founded in 1983, Trebor is the producer of weapons such as a line of Stun Guns and the gas activated Un-Gun, Prowlette and Pocket -Prowlette. The weapons fire a small bag filled with lead shot. The weapons were developed in 1969 by MBAssoc as an alternative to deadly force. The rights to the weapons were acquired by R. Mainhardt (Chair of Trebor), from Tracor, which has been a developer of products and services for the aerospace industry.

International Law Enforcement v2 (86): Short stop - consists of a specially designed & weighted disc shaped projectile which is rolled up inside a standard cartridge, on leaving the barrel it opens to a taut, flat disc 1 inch dia. SHORT STOP is lethal at a range of 50 feet, in excess of 100 feet it is "harmless".

MEI: Mainhardt Enterprises International
1709F Airline Highway, Suite 125
Hollister, California. CA 95023
USA

Tel: 408 638 1763 Tlx:408 638 1225 Fax:

Company Details

Previous Company Name:
Less Lethal Weapons Corp of America

Latest Source Date: 2-Dec-96

Additional Product / Services Information:

Police & Security Equipment 96/7: Stun-Gun system, Stinger-Stik,
PSI 37/40mm Less-lethal ammunition: dye markers, odour bags, plastic pellets,
wooden blocks, tear gas.

Police & Security Equipment 95/6: Stun gun system - based on a 40mm discharger
that fire a collapsed cloth bag filled with metal shot.

MEI, the original developer, produces a variety of devices for launching the
Stun Bags.

Stun-Gun Mark 70 - the standard launcher, Mark 70 Model 3 with extended handle
or riot baton, Model 4 with shoulder stock.

The Stinger-Stik is a baton-like discharger that fires a special 12-gauge
cartridge that contains a Stun bag.

Stinger-12 Shotgun adapter that fits on the muzzle of any standard 12 gauge
shotguns and allows the firing of Stun Bags.

Stinger-37 adapter fits on most 37/38mm riot guns in current use and allows the
firing of the Stun Bags.

For applications that demand less power, or a non-firearm solution, the
Prowler-Fouler and Prowlette are baton-like dischargers which use a CO2
propellant.

PSI 37/40 mm Less Lethal ammunition - developed so that it will suit MEI Stun
Guns, all tear gas guns and the Military M79 and M203 grenade launchers.
Cartridges are available loaded with stun bags and varying strengths of
propellant.

Dye Markers, odour bags, plastic pellets, wooden blocks or tear gas are also manufactured. Empty cases and other components are available for reloading. The propellant charge is a .38 cartridge inserted into the base of the Universal cartridge case - is removable to allow adjustment of the propellant energy required.

Types available:

Close range: loaded single 76mm bag

Low Impact: Single 76mm bag up to 15m range

Standard: Single 76mm bag up to 60m range

Long Range: Single 76mm bag up to 80m range

Super Long Range: 76 mm bag up to 90m range

Duplex: 2 x 64mm bags up to 45m range

Triplex: 3 x 50mm bags up to 40m range

All of the above are available in dye marking and/or odour bags versions.

Plastic Shot: loaded with 45g of loose plastic shot.

Multi-Baton: loaded with five wooden batons

CN/CS: can also be hand thrown as a grenade.

(see also Trebor Corporation, Protection & Survival Systems international, Less Lethal Weapons Corporation of America....)

Milstor Corporation

80-975 East Valley Parkway, C-7
 Indio, California. CA 92201
 USA

Tel: 619 775 9998 Tlx: Fax:619 775 5229

Company Details**Previous Address(es):**

(96) 80-975 Indio Boulevard, C-7, Indio, California

Military, Security, Police Exhibitions Attended:

Shot Show 95 (Las Vegas), Los Angeles Police Expo 96 and Family Security Show 96

Latest Source Date: 23-Aug-96

Additional Product / Services Information:

Co Info 8/96: Presenting a completely new concept in high-impact close range Magnum shotgun ammunition. SHATTERDisc and MAGDisc.

Milstor Corporation introduced at the 1995 Shot Show in Las Vegas, Nevada a completely new concept in special purpose 12 guage magnum shotgun ammunition under the trademarks SHATTERDISC and MAGDISC. The original design goal was to create a high impact shotgun round capable of transferring 100% of the available kinetic energy from the projectiles into the target and, unlike buckshot, not pass through the target, thus preventing collateral damage to structures or personnel. An additional goal was to minimize ricochet of the projectiles off adjacent surfaces even at very low angles of incidence.

This was accomplished by designing the projectiles in the form of flat lead discs instead of buckshot type pellets. Each disc weighs 64 grains which is significantly heavier than a 00 buckshot, however, due to their flat configuration, 12 discs may be densely stacked into each shell resulting in a total projectile weight of 1.75 oz. The round is charged with a 4dram (equiv) load of powder for true magnum performance in a 2.75 inch cartridge length.

The 4 dram (equiv) charge produces a projectile velocity of approx 1200 fps at the muzzle and each of the twelve 64 grain flat discs strike the target with dramatic shock force. Even though they may tumble slightly in flight and some may initially strike the target at an angle, they instantly rotate flat and slap the target with unprecedented shock forces analogous to a belly flop off a high diving board. The energy transfer is virtually 100% and instantaneous and both the SHATTERDISC and MAGDISC projectiles open up baseball sized holes by the time they have penetrated approximately 1.5-2 inches into a moist ceramic clay test block.

After initial penetration, each SHATTERDISC separates into six asymmetrical projectiles that proceed in random directions, dissipating their remaining energy in multiple spiral shaped wound channels producing heavy wound trauma in addition to the initial shock force. The MAGDISC which is not frangible, continues to transfer its total energy into the target as shock.

Of course with the phenomenal displacement of target body tissue that takes place with the 12 flat MAGDISCS it cannot be said that wound trauma is not also extensive.

In fact, one single disc from either the SHATTERDISC or MAGDISC is sufficient to stop an intended target as each develop almost 200 ft. lbs of energy upon impact. Total energy developed at the muzzle is approx 2400 ft.lbs by all 12 discs.

To check for collateral damage, a 14in x 10in x 4in thick moist ceramic clay test block was positioned in close proximity to a panel and a SHATTERDISC test round was fired at this target from 15 yards. Test results showed that while the test block was obliterated and virtually 100% of the energy available in the discs that struck the target was absorbed, no significant collateral damage was sustained by the panel located directly behind the target. By comparison a double 00 buckshot round fired into the same test block would have left the block in place with the same number of exit holes as entrance holes with each buckshot proceeding through the panel located behind. [Photos included]

Although designed primarily as short range (less than 20 yards) ammunition for the law enforcement, military, personal and home protection markets, considerable energy is still available at 40-50 yards. The projectile pattern, however, is large and not as consistent at that range.

Consult Milstor for custom loads or specifications - including a non-lethal elastomeric disc version that can temporarily incapacitate the target.

Model C&D-I Less than lethal Cease and Desist series.

Milstor Corporation introduced another completely new concept in speciality shotgun ammunition at the 1996 Los Angeles Police Expo and Family Security Show under the trademark C&D-I Cease & Desist.

Directed toward law enforcement, military, crowd control, home protection and animal control markets, this latest Milstor innovation utilizes proprietary non-lethal elastomeric disc shaped projectiles to temporarily dissuade threatening human or animal behaviour.

The technical design challenge was creating non-lethal close range (less than 20 yards) shotgun projectiles capable of transferring 100% of the kinetic energy available from the projectile onto the target body surface, maximizing

non-lethal surface shock force and discomfort while minimizing wound trauma due to projectile penetration. An additional design goal was to reduce collateral damage or injury to adjacent structures or personnel by limiting the effective range of the C&D-I and to introduce a controllable degree of frangibility into the projectiles.

These design and performance goals were achieved by fabricating multiple projectiles in the form of flat elastomeric discs instead of rubber pellets, bullets, or bulky cylindrical shapes that were used in earlier unsuccessful attempts at non-lethal projectiles for shotgun ammunition.

A flexible high density material was required for the thin elastomeric disc concept to be practical. Milstar combined a unique high viscosity castable polymer with a special atomized lead particulate, from which thin flexible discs that have 2-3 times the specific gravity of the base polymer are fabricated. The lead particles are held in colloidal suspension and transfer the load across the large frontal surface of the disc upon impact.

By varying the elastomeric/lead particle formulation, the weight of the individual discs may be varied to meet customer specification with regard to projectile weight, number of projectiles, projectile thickness and total projectile weight.

The custom designed base and top wads are fabricated from the same proprietary elastomeric material as the vaned projectiles, have the same weight and cross sectional area and therefore: every projectile discharged from the gun barrel is a non-lethal projectile. There are no wads, carriers or projectile retainers to cause unpredictable target body trauma.

At 10 yards, if the target body is covered with fabric or fur, each individual projectile delivers less than 100 ft.lbs of energy onto the target body surface and will not penetrate the surface excessively, if at all. This is because the frontal cross section of each projectile is large as compared to its weight and velocity, and distributes the available kinetic energy over a large surface area. The combined force however, of all the projectiles is a significant deterrent.

The flat, relatively light weight projectiles utilized in C&D-I exhibit a natural aerodynamic propensity for rapid deceleration. In addition, angled vanes were incorporated to stabilize the discs in flight and further increase drag. Reversing the vane angle on alternate projectiles both improved and enlarged the close range pattern to approximately 20 inches at 10 yards. The vanes further serve to center the discs in the shell casing.

MK Ballistic Systems
2707 Santa Ana Valley Road
Hollister, California. CA 95023
USA

Tel: 408 636 1504 Tlx: Fax:408 636 8657

Company Details

Directors:
(94) Michael A. Keith (Pres)

Latest Source Date: 3-Sep-96

Export / Imports (Transfer) information:

Co Info 9/95: Partial List of Agencies using Flexible Baton 12:
US Army, US Air Force, US Marshall Service,
Arizona Dept of Public Safety
Maine State Police
Rhode Island State Police
Los Angeles, CA Police Dept & Sheriffs Dept,
San Diego, Sacramento, San Jose, Oakland, Escondido, Fresno Couty; CA Police
Depts
Las Vegas, NV Metro Police Dept,
Tucson, Phoenix, AZ Police Dept
Springfield, MO Police Dept
Louisville, KY Police Dept
Alsaka Dept of Fish & Game
Fairfax, VA Police Dept
California Dept of Corrections

Additional Product / Services Information:

National Defense 5-6/96: The Flexible Baton 12, is a less lethal cartridge for 12 gauge shotguns that contains a lead shot filled fabric bag fired at moderate velocities. It is 'ideal for crowd control as its accuracy as'

Co Info 9/95: Flexible Baton (Tm) 12. Less Lethal Ammunition - "Make it your First Shot".

Technical Information

Flexible Baton 12 is a less lethal cartridge for the 12 gauge shotgun. It contains a lead shot filled fabric bag fired at moderate velocities. It is designed to be non-penetrating and is intended to deliver its kinetic energy

over a broad surface area. On impact the bag collapses and distributes its KE over 4 sq inches, delivering a solid blow.

The cartridge was developed in the early 1970s for law enforcement and has been used for civil disturbances, correctional facilities, animal control officers and general police work. It provides a low lethality response where force is authorised but lethality is undesirable.

The Flexible Baton can cause bruises, skin abrasions and other injuries associated with the police baton. Note: Heavy clothing may reduce felt impact and glancing blows on exposed skin may cause skin abrasions and cuts. Even though this cartridge is designed to be less lethal it is not to be considered "Non-Lethal". If used improperly it could cause serious injury or death. It is recommended that this ammunition be used in situations where the point of impact can be controlled by the shooter. **THIS AMMUNITION IS NOT A TOY.**

Tactical Usage Information

Riot Control : Ideal for crowd control as its accuracy allows point targets (individuals) to be targeted. The selective targeting of crowd leaders, hostile or armed individuals.

Corrections, Patrol/Probation Officers, SWAT/RAID Teams, Animal control

Flexible Baton 12 Close Range (P/N 4000). Standard 2 3/4", 12 gauge cartridge shell, transparent for easy identification. 1 1/2 inch square, fabric bag stitched around the edges. Filled with lead shot. Color: Green. Approx 40g. Projectile Muzzle Velocity : 230FPS,

Other MK Ballistic Systems Products and Services

Die Marking Rounds

37mm and 40mm Less Lethal (Bean Bag) Ammunition

Explosive Ordnance Disposal (EOD) Devices

Detonators, Squibs and Igniters

Lock and Door Breaching rounds

Special Operations Equipment/Devices

Subcontract Manufacture of Pyrotechnic Explosive Devices and Ammunition

New 12 gauge ammunition :

QB (Tm) 8, Quadrangle Buckshot - (P/N 4400)

A replacement for 00 buck shot. Loaded with 8 pie shaped hardened steel pellets in a cylindrical plastic boot to protect the bore of the shotgun.

These pellets are designed to cut through the sheet metal of automobiles and penetrate windshields without being deflected. This is due to the 9 sharp edges, 6 pointed corners and 5 surfaces that allow the Quadrangle pellet to dig in and cut through sheet metal with minimal loss of energy. The pellets are fired at 1560 Ft/Sec.

Ammunition using a "Bean Bag" was tested by the United States Army in 1971 by ARPA; Verne Roberts PhD tested the ammunition for MB Associates in 1971. MK Ballistic Systems was tested by Arts & Engineering, 1993 and 1995. Training in the use of Less Lethal Ammunition is available. Call for more information.

Police & Security News 1-2/94: Less Lethal Ammunition & Ordnance Devices.

Less Lethal Products : Flexible Baton 12 Gauge, Flexible Baton 37/38mm, Flexible Baton 40mm. Flexible Baton is a Low Lethality Non Penetrating Round of Ammunition; the projectile is a lead-shot filled bag, designed for direct impact. It is intended for crowd/riot control, police and military guards, animal control and special operations.

A growing number of agencies have procured Flexible Baton (Tm) ammunition and are satisfied with its performance, among them are:

**Los Angeles Police Dept (California)
Los Angeles County Sheriff Dept,
San Francisco Police Dept,
Las Vegas Metropolitan Police Dept,
San Diego Police Dept,
Portland Police Dept (Oregon),
Several State and federal Correctional Facilities.
Some National Guard Units,
US Army.**

Approved by the CA Department of Corrections Technology Transfer Committee.

Recent test firings against an anthropomorphic dummy have confirmed the level of low lethality and correlation to the existing data base of less-lethal experiments. Reports and endorsements may be requested in writing by the proper authorities.

Police & Security News 5-6/94: Flexible Baton (Tm) -12. Close range : velocity 230 FPS, Kinetic energy 70-ft/lbs, Standard : Velocity 300 FPS, KE 120 ft/lbs

Co Info 8/94: Less Lethal Ammunition for Law Enforcement, Ordnance components for Aerospace and Defence.

**Flexible Baton (Tm) 12 - Close range and standard projectiles.
Cartridge Configuration : Standard 2 3/4 inch, 12 gauge shotgun shell,
transparent hull for easy identification.**

Projectile configuration : 2 inch square, fabric bag stitched around the edges. Filled with lead shot. Color Green (Close range), Color Red (Standard).
Projectile Mass : Approx 40grams.
Projectile Muzzle Velocity : Approx 230 FPS (Close range), 300 FPS (Standard)

Projectile Terminal Effects : The 2" square Flexible Baton (Tm) on impact collapses and conforms to the target, as the lead shot acts as a fluid medium distributing the kinetic energy over a wide surface area. The flexible baton can cause bruises, minor skin abrasions and other injuries associated with the Police Baton. **WARNING ! Fatal or serious injuries can occur if fired at point blank range at the head, neck or heart (Thoracic area).**

Projectile Accuracy : Target can be hit repeatedly within a 12 inch circle at 20 yards (Hastings rifled barrel). A cylinder smooth bore (Rem 870) impacts repeatedly within 6" at 15 yards.

Recommended range : Close Range - The round is designed for close range encounters. It should be noted that this round is hazardous within 10 feet. Useful range is from 10 to 50 feet. If closer than 10 feet, aim for the legs.
Standard Round - is for intermediate ranges. It is hazardous within 30 feet. Useful range is from 30 - 100 feet. If closer than 30 feet aim for the legs.

Flexible Baton (Tm) family of ammunition was tested by the Army under DAADO5-71-C-0077 ARPA Order 1575.

Other MK Ballistic System Products and Services :
Die Marking rounds, 37mm and 40mm Less Lethal Ammunition, Explosive Ordnance Disposal (EOD) Devices, Detonators, Squibs and Igniters, Lock and Door Breaching Rounds, Special Operations Equipment/ Devices, Sub Contract Manufacture of pyrotechnic Explosive Devices and Ammunition.

Master Key (Tm) Forced Entry Ammunition, Wall Buster (Tm).

Sales Representative : Hoffman Enterprises. Tel 1-800-683-7055 or 1-619-931-7055.

MSI (Mace Security International)-Federal Laboratories
Dept. PS193, 160 Benmont Avenue
Bennington, Vermont. 05201
USA

Tel: 802 447 7713 Tlx: Fax:802 442 3823

Company Details

Holding Company:
(94) Gould & Goodrich

Subsidiaries:
(96) Balco Uniform Cap Corp, Howard Uniform Company, Gould and Goodrich
Leather Inc [NB Purchase did not go through], (95) Personal Safety
Corporation, (94) Federal Laboratories
Shareholdings:

Turnover:
(95) \$12.7 million

Directors:
(96) Rich Mackney, Ralph Foote, (95) Jon E Goodrich (Pres & CEO), (94) Thomas
J. Archambault (Exec Dir), (93) Jon E. Gouldrich, Robert P Gould, (91) Dawn
Ralph-Lee (Public Relations)

Previous Company Name:
(89) Mark Sport (87) Smith Wesson Chemical

Military, Security, Police Exhibitions Attended:
IACP 96

Latest Source Date: 20-May-97

Export / Imports (Transfer) information:

Co Info 94 : MSI-MACE OC (Oleoresin Capsicum) Aerosol Spray Instructor
courses.

As use of force experts for the past 12 years, wee are proud to offer over 16
use of force instructor certification programs for law enforcement and
corrections that have resulted in the training of over 7000 personnel from
throughout the USA, Canada, Europe and Asia.

Additional Product / Services Information:

Police & Security News 3-4/96: Manufacturer. Grenade Launchers.
Riot Gear, riot and ballistic shields - manufacturer.
Defense sprays - 10% PepperFoam and CoolIt decontamination spray.

MSI's Federal Laboratories Division new products include - Rubber Ball Cartridges, OC Muzzle Blast, Barricade and Crowd Control Vests.

MSI's training Division's new programme - Emergency Response Belt Training and The Sudden In-Custody Death Syndrome Course.

Police & Security Equipment 9/5/6:

37/38mm Gas Launcher, model L6 37mm Multi Launcher, model 535CS or 235CN Riot Kit - can be customised.

Wood and Rubber Baton Rounds - single baton or multiple with 5 batons, a 3 baton version in wood or rubber is available on special order.

40mm projectiles - in order to meet the needs of military and police organisations that use various types of 40mm grenade launchers MACE has developed a range of 40mm riot control projectiles including long and short range CS projectiles and single and multiple baton rounds.

Co Info 3/94:

MSI Law Enforcement Training Division offers numerous "use-of-force" instructor certification programs for police and corrections that totally fulfill departments specific needs and requirements beyond chemical agents. Courses include :

MSI OC Defense Spray - 1 day
MSI MACE Chemical Agents : 2-days.
Police Control and restraint techniques : 3-days
Police non-lethal "use-of-force" : 5 days
Correctional Officers Tech's and tactics: 5 days
Correctional Response Teams: 5 days
Cell Extraction Teams : 3 days
Emergency Response Belt : 2-days
Straight/Expandable Police Baton: 1-day

our courses can be conducted anywhere in the USA and many areas internationally.

Neoteric Inc
6622 N. 57th Drive
Glendale, Arizona. AZ 85301
USA

Tel: 602 842 0126 Tlx:6835005 INTELEX Fax:

Latest Source Date: 16-Dec-85

Additional Product / Services Information:

International Law Enforcement v2,2 (85): Power Staf (Tm) KA-1 - Pneumatic
Piston Impact weapon "A Revolutionary concept in close range less-lethal
weaponary part of the Power Staf system"

North American Ordnance Corp
1856 Star Batt Drive
Rochester, Michigan. MI 48063
USA

Latest Source Date: 31-May-90

Additional Product / Services Information:

COIN 90: K30 Flex Vest

International Law Enforcement v2,4 (85): The Elast-A-Slug is designed for situations where crowd restraint is needed without lethal force. An alternative to tear gas. Because direct impact with an Elast-A-Slug can be lethal up to 30 yards, these cartridges are intended to be fired against the surface about two-thirds of the deflection to the target.

Precision Ordnance Products Inc
 PO Box 80437
 Phoenix, Arizona. AZ 85060
 USA

Tel: 602 840 3448 Tlx: Fax:602 840 1151

Company Details

Directors:

(96) Michael Roe (Pres), Nelda Baird, Dave Alvarez

Date of Incorporation: 1.01.91

Latest Source Date: 2-Dec-96

Export / Imports (Transfer) information:

Thomas Register Online 96: Listed as exporting to the following countries/regions (no specific details): Africa, Asia, Australia, Latin America & The Caribbean, Middle East, North America

Additional Product / Services Information:

Police & Security Equipment 96/7: M429 Thunderflash Stun grenade, M452 Stingball Riot control grenade, M453 Stingette, M452C Combo-ball grenade, M444 Launchable Stun grenade, M460 Thunderstrip stun munition, 37/38mm Stingbag impact round.

Thomas Register Online 96:

Trade Status: Distributer, Exporter

Description: Mfr of Special purpose low lethality anti-terrorist munitions in two major categories. Stun Grenades are full power munitions designed to instantly and temporarily incapacitate a violent individual.

Diversion distraction devices are lower powered devices that frighten, confuse and distract violent individuals.

Also manufacture 12 guage Riot Control & Non-Lethal Anti-personnel rounds.

Training Classes available to certify personnel in use of these munitions.

Assets: NR (Not Rated)

No of Employees:7

Prod/SIC Codes: Barriers-automobiles 3089, 3499

Cartridges-gas 3443, Cartridges-pyrotechnic 2899
 Explosives 2892
 Firearms 3484
 Flash Bangs (Stun Grenades) 3483
 Gas-Tear 2869
 Grenades 3483
 Law Enforcement Equipment 3429, 3483, 3484
 Military Equipment & Supplies 2311, 3089, 3469, 3484, 3489
 Ordnance Material 3489
 Police Equipment & Supplies 2499, 3099, 3199, 3663
 Pyrotechnic Devices 2899
 Riot Control Ammunition 3482
 Shells-Ammunition 3482
 Stun Grenades 3483
 Tear Gas Devices 3999

Police & Security Equipment 95/6:

M452 Stingball riot control grenade : Designed as a less lethal alternative to firearms for crowd dispersion or subject apprehension. Contains over 100 .45in diameter soft rubber balls loaded into the space between the inner and outer balls. When the grenade explodes the central charge bursts the outer casing and ejects the Stingballs outward in a radial pattern at speeds of several hundred fps.

M453 Stingette - smaller version loaded with a lesser charge and approx 100 buckshot sized rubber balls.

M452C Combo-ball includes both StingBalls and CS powder.

37/38mm Stinbag impact round - Provides a very significant increase in terminal effectiveness over the 12-gauge rubber ball or baton cartridges, providing a knock-down capability without risk of death or serious injury. The payload is nominally 76mm diameter sewn bag filled with 3 ounces of lead shot. The Stingbag is available in three power loadings: low, medium and high.

Because of the wide and uncontrollable variations in actual tactical situations no specific instructions can be supplied. The manufacturers recommend that users should conduct some simple trials to evaluate the performance and effectiveness of the three loadings and then develop their own training doctrine. [Stun Bags]

[Photo of Stingbag : A.S OC Phoenix, Arizona, 1-800-STARFLASH]- suggests link with Accuracy Systems.

See also Accuracy Systems, Phoenix, Arizona.

Protection & Survival Systems International
PO Box 2575
Danville, California. CA 94526
USA

Tel: 415 830 1051 Tlx: Fax:415 830 0509

Company Details

Previous Company Name:
M.B Associates ?

Latest Source Date: 6-Mar-93

Additional Product / Services Information:

COIN 92-3, COIN 90: Stun Gun system, Stun Gun Mark 70 Model 3. Stinger-Stik
Stun Bag, PSI Prowler - Fouler, PSI 37/40 mm Less-Lethal Ammunition.

Used to be M.B Associates ??

Remington Arms Co, Inc
 620 Green Valley Rd #304
 Greensboro, North Carolina. NC 27408
 USA

Tel: 910 299 4032 Tlx: Fax:910 292 3772

Company Details

Holding Company:
 (93) E.I DuPont de Nemours & Co, (71) DuPont

Subsidiaries:
 (93) Industrias Tecnos SA (Mexico)

Turnover:
 (91) \$376M

Directors:
 (92) B.R Brown (Pres), Arthur Wheaton (VP), R.A Partnoy (Sec)

SICC Codes: US 3484, 3482, 3949, 2329

Previous Address(es):
 (94) 939 Barnum Ave, Bridgeport, Connecticut, CT 06601. Tel 315 894 9961

Military, Security, Police Exhibitions Attended:
 Copex USA 89, IACP 92

Latest Source Date: 12-Sep-95

Export / Imports (Transfer) Information:

Internal Security Weapons 79: Remington Model 870P Police Gun - Modipac plastic ammunition for British Army.

Additional Product / Services Information:

Internal Security Weapons 79: Remington Model 870P Police Gun & Modipac Plastic ammunition - Designed as a deterrent for use at ranges of 3 - 15 Metres "At ranges of 20-25m the lightweight polyethylene pellets are not able to penetrate a sheet of newspaper - however at 3 - 15m the ammunition has an impressive deterrent effect.

Tracor Aerospace Group / Flight Systems
6500 Tracor Lane
Austin, Texas. TX 78725-2151
USA

Tel: 512 929 4702 Tlx: Fax:512 929 4818

Latest Source Date: 24-Dec-96

Export / Imports (Transfer) Information:

International Defence Directory 97: Wiresa listed as distributor for Tracor Aerospace in Spain.

Defence Manufacturers Association 8/90: The V & Associates Co Ltd listed as Thailand Agent representing Tracor.

Additional Product / Services Information:

International Defence Directory 91: Pyrotechnics, Crowd Control

San Francisco Business Times 25/1/88: Seeking to raise \$2.25 million from an initial public offering. Founded in 1983, Trebor is the producer of weapons such as a line of Stun Guns and the gas activated Un-Gun, Prowlette and Pocket-Prowlette. The weapons fire a small bag filled with lead shot. The weapons were developed in 1969 by MBAssoc as an alternative to deadly force. The rights to the weapons were acquired by R. Mainhardt (Chair of Trebor), from Tracor, which has been a developer of products and services for the aerospace industry.

Trebor Corporation International
 6291 Sierr Court
 Dublin, California. CA 94568
 USA

Company Details

Directors:
 (88) R. Mainhardt (Chairman), (87) Bob Mainhardt

Latest Source Date: 24-Dec-90

Additional Product / Services Information:

COIN 90: Stun Gun System, Stinger Stik.

San Francisco Business Times 25/1/88: Seeking to raise \$2.25 million from an initial public offering. Founded in 1983, Trebor is the producer of weapons such as a line of Stun Guns and the gas activated Un-Gun, Prowlette and Pocket -Prowlette. The weapons fire a small bag filled with lead shot. The weapons were developed in 1969 by MBAAssoc as an alternative to deadly force. The rights to the weapons were acquired by R. Mainhardt (Chair of Trebor), from Tracor, which has been a developer of products and services for the aerospace industry.

Approx \$85,000 of the proceeds will be used to repay a \$175,462 loan from Mainhardt who filed Chapter 13 personal bankruptcy. The funds will be used to repay his creditors. Trebor has an accumulated debt of approx \$1.7 million.

Discover 11/87: Stun Gun and Un Gun (the less powerful version) that fire bean bags.

These weapons are "less lethal" not nonlethal. In theory the Stun Gun has a 1 in 3 chance of killing the person struck by the beanbag.

Stun-Burst Mark 72 Model O - a machine gun like version that sets up on a tripod and fires up to 250 rounds a minute. "...the inherent psychological effect of the sight of the less-lethal Stun Burst will instantly discourage most crowds.."

In all the weapons, spiral grooves in the barrels set the pellet loaded bag spinning so that it unfurls into a 3 inch diameter pancake. One of these bags can knock down a 200 pound person.

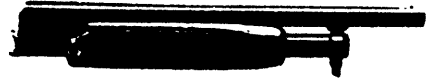
Also, instead of beanbags the weapons can fire : small wooden blocks, plastic pellets or tear gas grenades.

INTERNAL SECURITY WEAPONS - MICHAEL DEWAR Pub. Ian Allen Ltd, 1979

Mossberg Police/Military

tguns

USA



Development

Mossberg & Sons of North Haven, Connecticut, have developed a line of 12 bore riot guns for law enforcement. The guns are based upon the Model 500 system, except that guns are now available in either six or eight shot capacity. The Model 500 ATP8SP was introduced in January 1976. Barrel lengths are 18 1/2 in or 20 in and either standard bead sights or rifle sights can be supplied. A bayonet lug is supplied to allow the US M-7 Bayonet to be fitted if required.

Above: Mossberg 500 ATP6 18 1/2 in barrel.

Variants

500 ATP6: 6 Shot, 18 1/2 in barrel, Bead sight (see photo); 500 ATP6S: 6 Shot, 18 1/2 in barrel, Rifle sight; 500 ATP8: 8 Shot, 20 in barrel, Bead sight; 500 ATP8S: 8 Shot, 20 in barrel, Rifle sight.

Employment

Various US Police Forces.

M33A1 Riot Control Agent Disperser

USA

Development

The M33A1 Riot Control Agent Disperser was developed in late 1974 by Tecom Engineering. It is used for control of riots in outdoor areas. Its payload of 11.4 litres (3gal) of 0.1% CR in a mixture of propylene glycol and water is dispersed through the gun nozzle by a compressed air supply. A four port rotatable nozzle on the end of the gun provides both spray and stream liquid agent capabilities up to 20m range with a discharge time of 25 seconds in either continuous or intermittent bursts. The disperser can be readily converted to dry powder riot control agent

use by substituting the four port rotatable nozzle with a single port nozzle and replacing the agent container check valve assembly with an agitator assembly. 3-4kg of CS can be dispersed up to 15m range with a discharge time of 60-120 seconds in either continuous or intermittent bursts. Modular construction permits rapid turn around using pre-filled agent and air containers.

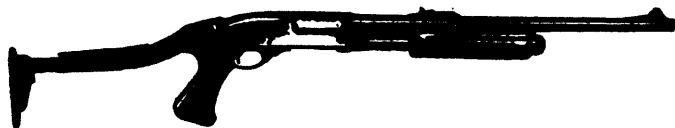
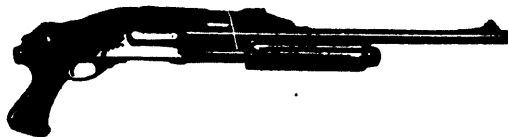
Employment

Details not available.

Remington Model 870P Police Gun

USA

Right: Remington Model 870P police gun.



Weight: 3.4kg (with 50.8cm barrel)
Overall Length (butt extended):
102cm with 50.8cm barrel
97cm with 45.8cm barrel

Overall Length (butt folded):
77cm with 50.8cm barrel
72cm with 45.8cm barrel
Calibre: 12 bore only

Development

A new folding stock has been developed by Remington of Bridgeport, Connecticut, for the Remington Model 870P to meet the need for better close quarter handling characteristics and ease in carrying. The stock is held in the folded or extended position by an operating button, which, when depressed, swings the stock to the desired position. Conventional or plastic ammunition can be used. The plastic ammunition designated Modipac, is designed as a deterrent for use at ranges of 3-15m. At ranges of 20-25m the lightweight polyethylene pellets are not able to penetrate a sheet of newspaper. However

at 3-15m the ammunition has an impressive deterrent effect. Since the shells are intended as a deterrent only, they are designed for use below knee level, and can even be bounced off the ground. Plastic pellets could cause eye injuries if the weapon is fired horizontally.

Variants

The Model 870 has a conventional stock.

Employment

Police Departments throughout the US, British Army.

Sherwood M-17 Gas Mask

USA

Development

Including the filter, the M-17 gas mask weighs only 0.91kg. It provides good protection against CN, CS and DM riot control gases.

Employment

US and Canadian Armed Forces, Singapore, Sudan, Thailand

Soft/Sting Ring Airfoil Grenades

USA

Development

Soft and Sting type ring airfoil grenades (RAG) have been developed by Edgewood Arsenal's weapons systems concepts office at Aberdeen Proving Ground for Army military police as a means of controlling civil disturbances without close-up confrontation. The two RAG projectiles are fired from a launcher attached to a standard M-16 rifle used by the Army and National Guard as well as by numerous state and municipal police departments. The projectile configurations develop from a thick one-piece body of soft rubber material, shaped like an aerofoil and rolled into a ring. Both Soft and Sting projectiles have been developed to hit an individual at ranges varying from point-blank to approximately 50m, or to hit small groups at twice that distance, producing pain but a low probability of causing serious injury. Both projectiles, having the same weights and dimensions, are launched spinning at 5,000rpm providing gyroscopic stability during flight. A relatively flat flight brought about by this 'line of sight' path enables the user to aim directly and expect to hit the target. In addition the low drag shaping of the projectile allows it to retain a major portion of its kinetic energy during flight, thus remaining effective at long ranges. The Soft RAG is identical to Sting, except that it contains a small quantity of CS powder.



Above: Ring airfoil grenade.

Employment

US Army, US National Guard.

Smith & Wesson Grenades

USA

	Cont discharge No 2	Cont discharge No 3	Blast dispersion No 5	Rubber Ball No 15	Mighty Midget No 98
Overall Length:	15.2cm	14.5cm	15.2cm	11.8cm	12.7cm
Overall Diameter:	64mm	60mm	64mm	84mm	36mm
Effective Range:	30m	30m	30m	30m	50m
Burning Time (secs):	40/50	35/45	Inst	15/20	20/25
Delay (secs):	1-2	1-2	3	1-2	3