

**Amnesty International  
International Secretariat  
1 Easton Street  
London WC1X 0DW**

**UNITED KINGDOM:  
NORTHERN IRELAND  
End Impunity for Ill-treatment:  
The David Adams Case**

Amnesty International is concerned that police officers who assaulted David Adams have been allowed to act with impunity and believes that the ill-treatment of David Adams raises serious questions about the accountability of the police force and about decisions taken by prosecuting authorities.

David Adams was severely ill-treated by police upon his arrest in east Belfast and at Castlereagh Holding Centre in Northern Ireland in February 1994, reportedly suffering brutal beating and kicking as well as verbal abuse.<sup>1</sup> David Adams spent three weeks in hospital receiving treatment for injuries sustained during the incident, including a fractured leg; two fractured ribs; a punctured lung; and multiple cuts and bruises to his face and body.

Following the ill-treatment, David Adams filed a suit in the High Court against the police, seeking compensation for the ill-treatment to which he had been subjected. The High Court awarded David Adams £30,000 compensation in February 1998, the judge concluding that ‘at least most of the injuries suffered by David Adams were more likely to be the result of direct, deliberate blows’, which in his view constituted ‘illegal behaviour’. The judge furthermore questioned the truth and accuracy of the evidence of police officers at the scene, who denied that David Adams had been assaulted or verbally abused.

Following the conclusion of the High Court case, the Independent Commission for Police Complaints in Northern Ireland carried out an investigation into the case and a file was passed on to the Director of Public Prosecutions. However, despite the clear-cut nature of the physical evidence in the case and despite the fact that in his judgment in the compensation case, Justice Kerr found that David Adams ‘was assaulted in Castlereagh

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<sup>1</sup> Please see *United Kingdom: Ill-treatment of David Adams in Northern Ireland*, AI Index: EUR 45/10/98

much in the manner he has alleged', in August 1999 the Director of Public Prosecutions decided not to bring any criminal charges against the officers involved. Amnesty International was extremely concerned about the Director of Public Prosecutions' decision and the implication that the police officers in question have been allowed to act with impunity. Amnesty International believes that given the physical evidence in the case as well as the judgment of Justice Kerr, there is a strong prima facie case against some of the RUC officers concerned.

Due to its concerns about David Adams' case, in July 1998 Amnesty International brought the case to the attention of the UN Special Rapporteur on torture. In his report of 12 January 1999, the Special Rapporteur wrote that in September 1998 he had requested information from the UK Government on the scope and findings of the Independent Commission for Police Complaints investigation into the David Adams Case.<sup>2</sup> The Special Rapporteur noted that although the government confirmed in November 1998 that an investigation was being carried out, it did not respond to the request of the Special Rapporteur. In addition, Amnesty International raised the issue of the ill-treatment of David Adams in its briefing to the Committee against Torture in November 1998.<sup>3</sup>

Finally, Amnesty International groups in various countries have written to the UK authorities on several occasions. During the summer of 1998, groups asked UK authorities to ensure that the police officers responsible for David Adams' ill-treatment be brought to justice; that an independent and impartial investigation be launched into the case itself as well as into the issues raised by the High Court judgment, including the underlying systemic faults; that the scope, method and findings of any such investigation be made public; and that any recommendations arising from the investigation be implemented. Writing during the autumn of 1999 to express their surprise and dismay at the Director of Public Prosecutions' decision not to instigate criminal proceedings against any of the police officers involved in the ill-treatment of David Adams, Amnesty International groups repeated the calls for the police officers to be brought to justice and for the government to launch an independent and impartial investigation into the case and related issues. In return, Amnesty International groups have received numerous letters from various UK authorities, acknowledging the receipt of their letters but in most cases failing to address the issues raised by Amnesty International. The most detailed example is a recent one from the Director of Public Prosecutions' office, which argues that no criminal proceedings have been instigated against individual police officers involved in the ill-treatment as 'it was concluded that the evidence available was insufficient to afford

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<sup>2</sup> *Report of the Special Rapporteur, Sir Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1998/38, 12 January 1999, UN Doc: E/CN.4/1999/61, at para 755.*

<sup>3</sup> *United Kingdom: Briefing for the Committee Against Torture, AI Index: EUR 45/23/98*

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a reasonable prospect of obtaining a conviction of any police officer for a criminal offence’.

Amnesty International remains concerned that more than five years after this incident took place, no police officer has been found responsible for inflicting injuries. The organization believes that such failure raises serious questions about the accountability of the police and about decisions taken by prosecuting authorities, and contributes to a belief that there is impunity in the face of human rights violations.

Amnesty International believes that in order to improve the protection of human rights in the United Kingdom, the state must ensure that all of its agents abide by international standards for the protection of human rights. Among other things, this requires that police do not engage in torture or ill-treatment; that there be prompt, thorough and impartial investigations into allegations of human rights violations; and that the scope, methods and findings of such investigations be made public. It requires that there be no immunity for agents of the state who have engaged in human rights violations and that people suspected of human rights violations are brought to justice in the course of full and fair criminal and/or disciplinary proceedings. Finally it requires the government to keep systems and procedures under review and to make necessary changes to provide maximum safeguards against repetition of incidents of human rights violations. In Amnesty International’s view, by allowing the police officers to act with impunity, the Director of Public Prosecutions’ decision flies in the face of such standards and further damages public confidence in the capacity of the RUC and the criminal justice system in Northern Ireland to deliver justice and to guarantee the human rights of all people.

<b>KEYWORDS:</b> IMPUNITY1 / POLICE / TORTURE/ILL-TREATMENT / INVESTIGATION OF ABUSES /
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