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Meeting of the Anglo-Irish Intergovernmental Conference

London, 18 July 1997

Item 2 (b) Response of Security Forces to Current Situation

Speaking Points

Key Points:

The actions of the RUC on the Garvaghy Road and the use of plastic bullets have further undermined nationalist confidence in the force.

The threat posed by loyalist paramilitaries in the mid-Ulster area must be vigorously tackled.

General

- I already spoke of the importance of the joint commitment of both Governments to working the Anglo-Irish Agreement and its institutions.
- This is particularly the case in regard to matters affecting nationalist confidence in the security forces and the administration of justice.
- It is vital that the day-to-day business of the Conference and its Secretariat is conducted so that queries raised are dealt with promptly and comprehensively.
- I look forward to working with you to ensure that the Conference fulfills the still vital objectives laid out in the Anglo-Irish Agreement.

Garvaghy Road - Allegations against the RUC

- I met with the Garvaghy and Lower Ormeau resident groups after the Portadown parade was forced down the Garvaghy Road and before the Orange Order pulled back from the contentious areas.

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- Serious questions were posed during these meetings about the behaviour of the security forces. I undertook to take them up with you at the earliest opportunity. Our officials have already been in touch on these but it is important that this Conference takes note of them.
- I was particularly disturbed by the accounts of brutality suffered by the Garvaghy residents at the hands of the RUC. Ms Rosemary Nelson, a solicitor acting on behalf of the Garvaghy Coalition, has undertaken to provide statements on specific instances. We will be pursuing these through the Secretariat. I would urge you to give them early and serious consideration.
- The depth of mistrust between the Garvaghy community and the RUC was palpable.
- In addition to the military style operation against the nationalist residents on the morning of 6 July, the allegations about RUC passivity during the fatal assault on Robert Hamill continue to be particularly corrosive.
- This and the general issue of confidence in the security forces in the Portadown area needs to be addressed urgently both in particular instances and in general. I would like to outline a number of these which require particular attention.

Plastic Bullets

- Clearly, excessive aggression and irresponsible use of plastic bullets (close range, head shots, indiscriminate and excessive use) by RUC officers is unacceptable and counter-productive.
- In the first sixty hours of disturbances, some 2,400 plastic bullets were fired.

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Serious injuries have resulted.

- There are numerous accounts of plastic bullets being used where there was no threat to life or property.
- What is the latest information on fourteen year old Gary Lawlor's injuries and his chances of recovery?
- I know that the Chief Constable has appointed a senior officer to investigate the plastic bullet injuries to Gary Lawlor and Maire Walsh who is just thirteen.
- However, such inquiries seem to take an inordinate amount of time.
- When can we expect a report?
- According to the CAJ, eyewitness accounts report that plastic bullets were used on the Garvaghy Road when the RUC first moved in and prior to any rioting. In the aftermath of the Orange parade, CAJ observers reported that the use of plastic bullets against stone throwers was unnecessary. Some 80 plastic bullets were fired as against only one petrol bomb attested to by the CAJ - and that was thrown 15 minutes after the first use of plastic bullets.
- The Home Office have recently released the guidelines for the use of plastic bullets in England and Wales. Those guidelines clearly recognise that plastic bullets can cause serious and even fatal injuries. They are seen as a weapon of last resort.
- Yet in Northern Ireland, they appear to be a weapon of first resort, used in astonishingly large numbers often in situations where there is no direct threat to

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life or property. There seems to be little accountability regarding their use on the ground.

- Perhaps you might give me some indication of your thinking on how to minimise the use of plastic bullets and the risks they pose. Transparency and accountability are clearly key issues. When might any such moves be made public?
- At what stage is the review of the guidelines of the Association of Chief Police Officers?
- Will you apply guidelines in the North similar to those of the Home Office?
- The debate on guidelines will be important but the issue of plastic bullets will be determined by how they are used in practise and whether current practices change for the better.

Rosemary Nelson

- Many of the issues concerning the RUC in Portadown and the issue of its actions on the Garvaghy Road are particularised in the case of Rosemary Nelson.
- Ms Nelson, whose law practice is in Lurgan and concentrates on civil as well as criminal cases for a mixed clientele, alleges that she and her clients are the subject of continuous intimidation by the local RUC.
- Her case has been mentioned in the recent Human Rights Watch/Helsinki report on policing in Northern Ireland. According to the report, she alleges that over a three to four week period earlier this year, 12 of her clients who had been arrested came out of Gough Barracks saying that RUC officers had threatened that she was going to be killed because she acted on behalf of republicans.

- Ms Nelson has also alleged that she was assaulted by the RUC on two occasions and subjected to sectarian abuse while she was trying to carry out her professional duties as a legal representative on the Garvaghy Road on 6 July.
- I understand that she will lodge a complaint with the Independent Commission for Police Complaints. The U.N. Special Rapporteur on the independence of judges and lawyers (Mr. Param Cumaraswamy) has indicated his interest in pursuing her case.
- However, the progress of her case will be seriously impeded by the fact that many officers directly involved in the confrontations had concealed their identity numbers. CAJ observers have attested to this being evident on the Garvaghy Road and in other locations. It is difficult to see how Ms Nelson's case and that of her clients can be pursued against unidentified officers.
- Can you give me some indication as to how you might put Ms Nelson's fears to rest?
- How can the allegations she has made concerning both her practice and the events on the Garvaghy Road be satisfactorily resolved?
- When can we expect a report?

Threat of Mid-Ulster Paramilitaries

- When I met the Garvaghy residents they reported that they feared that the community will be subject to persistent intimidation from Portadown loyalists whose ultimate objective is the removal of the community from the Garvaghy Road.

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- Their fears may be exaggerated but the community does not believe that there has been a concerted effort by the authorities to deal with the loyalist paramilitaries operating in and around the Portadown area.
- Certainly, if the decision to force the parade down the Garvaghy Road was materially affected by the threat of violence from loyalist paramilitaries in the area, then it is incumbent on the security forces to see that that threat is dealt with.
- The activities of the loyalist paramilitaries in mid-Ulster area has been a long running concern. As the recently published Human Rights Watch/Helsinki report on policing notes, there have been few convictions for the murders of the nearly forty victims of loyalist paramilitaries in the immediate area in recent years.
- While we await the outcome of the investigation into the brutal murder of Bernadette Martin in Aghalee near Lurgan, there is widespread suspicion that she was killed by a loyalist paramilitary.
- The case of Michael McGoldrick who was murdered near Aghalee last year on the eve of Drumcree, many believe by those in or associated with the LVF, remains unsolved.
- These murders underline the need to deal with the threat posed by the mid-Ulster paramilitaries. Perhaps a special task force is required for the job?

Lack of RUC Negotiating Skills

- The CAJ have also pointed out that their observers often noted very poor communication between the RUC and protesters in several flashpoint areas. It believes that greater communication and social skills on the part of RUC officers is a crucial element if they are to help defuse conflict rather than be left to police

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Use of Logos by RUC

- I was rather surprised at press reports that RUC landrovers carried personalised logos, including one of a "king rat" which is - coincidentally or not - the nickname of a notorious loyalist paramilitary. This was highly insensitive, to say the least.
- The practise of personalising vehicles seems more appropriate to a fighting force than a police force.
- Can you outline what steps will be taken to deal with this?

Conclusion

- I believe that this and the other points I have raised need to be dealt with between now and the next marching season.
- To some degree, they have all played a part in making matters worse and if we are to avoid an endless repetition of parade confrontations, they will need to be properly addressed.

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Meeting of the Anglo-Irish Intergovernmental Conference

Item 2(b) Response of security forces to current situation

Background Note

Garvaghy Road

1. Police heavy-handed tactics against demonstrators on the Garvaghy Road in the early hours of 6 July have been strongly criticised from many quarters. Observers from Human Rights Watch, Amnesty International, British Irish Rights Watch and the Lawyers Committee for Human Rights acted under the auspices of the Committee on the Administration of Justice. The CAJ has already compiled a preliminary report outlining their concerns at RUC handling of the situation on the Garvaghy Road (see below).
2. A South African MP, Gora Ebrahim, compared scenes of police beatings on the Garvaghy Road to the Sharpeville massacre. Government TDs Éamon Ó Cuív (prior to his appointment as Minister for State) and Dr. Rory O'Hanlon, travelled to the Garvaghy Road as observers and reported the brutality with which the RUC implemented the decision to force the parade down the Garvaghy Road.
3. The Committee on the Administration of Justice (CAJ) in a preliminary report on Drumcree indicated that its members had witnessed a number of people being beaten by the RUC. They also say that they are aware of other victims who did not seek hospital treatment.
4. According to the CAJ, RUC officers in key positions on the Garvaghy Road often failed to identify themselves when requested to do so and had clearly made efforts to conceal their identity numbers. Reports were also received of the use of sectarian language by the police and unprovoked violence, including against a solicitor (Ms Rosemary Nelson). As the CAJ pointed out in a letter to the Chief Constable, the failure to offer identification renders it very difficult if not impossible to pursue effectively complaints against RUC officers.

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5. In their meeting with the Minister (during which the Taoiseach joined them) on 9 July, the Garvaghy residents conveyed their sense of shock at the physical brutality they had suffered and the psychological trauma of the events. They were deeply uncertain of how to move the issue forward in a peaceful and constructive way. They spoke movingly of the impact on their children and of the degree of sectarian hatred emanating from the RUC.

Plastic Bullets

6. Figures released by the British Government indicate that 2,500 plastic bullets were fired between 6 and 10 July by the security forces (RUC and Army). There have been a number of serious plastic bullets injuries, notably the serious wounding of Gary Lawlor in North Belfast who was struck on the head and Máire Walsh, whose teeth were knocked out when she was hit in the mouth.
7. According to the CAJ report, guidelines for use of plastic bullets were disregarded on the Garvaghy Road. They reported that plastic bullets were fired before any rioting began when the RUC first moved in. In the aftermath of the parade, the report further states that while the CAJ witnessed around 80 plastic bullets being fired, only one petrol bomb appeared to have been thrown. It also indicates that plastic baton guns were trained by the Army on children, observers and journalists who were clearly not posing a threat to life or property.
8. The CAJ has reiterated its call for the banning of plastic bullets, while expressing their fear that no viable alternative was being sought by the RUC because the weapon was so readily accepted by them. They point to the Inspector of Constabulary's recommendation of the need for greater training of the RUC in the handling of public order situations. In a letter to the Secretary of State, the CAJ propose that she consider again the issue of firing plastic bullets to protect property.
9. In response to a Parliamentary Question from Brian Sedgemore M.P., the Home Office publicly revealed the guidelines with regard to plastic bullet use in England and Wales.

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The guidelines appear to differ from the RUC guidelines (which have not been made public) and are certainly radically different to the practice of the RUC regarding plastic bullets. In the Home Office guidelines, plastic bullets are described as capable of causing serious and even fatal injuries, weapons of last resort, to be used where they reduce the risk of loss of life or serious injury or widespread destruction of property causing serious risk of loss of life or serious injury. Baton rounds are generally only to be fired after an oral warning from e.g. a loud hailer or p.a. system.

10. The RUC is currently attempting to change English and Welsh guidelines produced by the Association of Chief Police Officers to bring them into accord with Northern Ireland guidelines, particularly on the point of using plastic bullets to protect property as well as life. Human rights groups have limited faith in any set of guidelines and will continue to judge the authorities on the way in which plastic bullets are used.

Intimidation of Lawyers

11. The CAJ report that a local female solicitor, known to the Department to be Rosemary Nelson, was subjected to sustained sectarian abuse by the RUC on the Garvaghy Road and that she was assaulted twice on her arrival.
12. Ms Nelson has also alleged that she has received reports of death threats (and sexual insinuations) against her made by RUC to twelve of her clients earlier this year. The RUC are alleged to have accused her of being a lawyer for the IRA.
13. Her case has been noted supportively in the recently published report *To Serve without Favour, Policing, Human Rights and Accountability in Northern Ireland* by Human Rights Watch/Helsinki. The report criticised the Northern Ireland Law Society and Bar Council for their failure to pursue her allegations, particularly in the light of the murder of Pat Finucane in 1989. It is also understood that the U.N. Special Rapporteur on the independence of judges and lawyers (Mr. Param Cumaraswamy) has indicated his interest in pursuing her case.

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Loyalist Murders in Mid-Ulster

14. The 'Armagh Relatives' group was formed in June 1994 by the families of victims of sectarian murder to bring pressure to bear on the RUC to pursue investigations against loyalists responsible for over 34 unsolved sectarian murders in the mid-Ulster area since 1989. They believe that these murders were carried out by a loyalist paramilitary gang (probably synonymous with the mid-Ulster UVF) operating out of Portadown. They believe that either collusion or deliberate RUC hesitation about pursuing inquiries have resulted in the failure to secure prosecutions. They have not been a particularly active or high profile group because of the fear of retaliation and what they regard as the limited possibility of securing progress.
15. Because of the fear that the group would be targeted for sectarian intimidation or assassination, the Human Rights Watch/Helsinki report *To Serve without Favour, Policing, Human Rights and Accountability in Northern Ireland* noted the existence of the group and the issue of unsolved sectarian murders in the area in the following delicate way:

Human Rights Watch/Helsinki met with another relatives group during its November 1996 mission. The group consists of over thirty families who have had relatives murdered by a loyalist paramilitary organisation. Although many relatives believe that collusion between the RUC and the loyalist paramilitaries was a core feature of the killings, members of this group were reluctant to state so publicly and many members requested anonymity from Human Rights Watch/Helsinki. Every group member with whom we spoke gave detailed evidence of factors suggesting collusion in the killings of their family members. Despite this evidence, the group's strategy is to bring pressure to bear on the RUC to bring charges against those responsible. To date, there have been few convictions for the murders of the nearly forty victims which the group represents. Most members of the group were never interviewed by the RUC after the murders. Family members report that they have been intimidated or harassed by the security forces since the murders. Inquests have been held in almost all the cases - in some cases, years after the murder - but many relatives did not understand the nature of the proceedings or their right to be represented by counsel, call witnesses, and make statements. One inquest lasted fifteen minutes. (page 177)

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Use of "Logos" by RUC vehicles

16. There were media reports last weekend of an RUC vehicle policing an Orange parade in Dunloy carrying a "King Rat" ensignia. An RUC spokesman confirmed that such logos are not permitted on RUC equipment and that the matter is being investigated. He confirmed that the cartoon would be removed. "King Rat" is a nickname which refers to leading loyalist and reputed leader of the LVF, Billy Wright, currently serving a sentence in the Maze Prison.

Troop Deployment

17. 400 troops from the 1st Battalion, Staffordshire Regiment were flown into Northern Ireland on 11 July. The troops, from the last remaining "stand by" battalion, were brought in in response to the deteriorating security situation. The battalion has now returned to England.

Security Section
Anglo-Irish Division
17 July 1997

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