

CONFIDENTIAL

Police Authority for Northern Ireland



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Please reply to The Secretary

Your ref.

Our ref.

Date 17 April 1978

The Rt Hon Roy Mason MP
Secretary of State for Northern Ireland
STORMONT CASTLE
Belfast
BT4 3ST



Dear Secretary of State

You will recall that last July at one of our periodic meetings I drew attention to the fact that the Police Surgeons' Association had expressed disquiet about the treatment of persons detained, under emergency legislation, in Castlereagh Police Centre and certain other Police Stations in the Province. We felt at the time, and still feel, that you would wish to be kept informed of the views of an important Association in regard to a highly sensitive matter.

We entered into direct discussions with the Chief Constable about the Police Surgeons' representations which in essence were that a number of injuries to detainees were not, in the opinion of the Police Surgeons, self-inflicted. In the event the Chief Constable felt that he could not discuss the named cases given to him because it would conflict with his statutory investigative role. These matters rested and the Police Authority preferred not to make an issue of the matter because the Doctors came back in the latter part of 1977 to say that their protests had had positive results in that the cause for complaint seemed to have dried up at source.

This development allowed the Authority and the Doctors to tell Amnesty International in December last, during discussions the Police Authority held with that body in River House, that whilst there had been concern in the early part of 1977 about a number of cases these were being investigated in accordance with the terms of the Police Act and that the situation was now satisfactory. It was pointed out in passing that a committee, chaired by a Senior policeman (Mr Hermon), consisting of members of the RUC, Senior Medical Officers and representatives of the Police Surgeons' Association and of the Police Authority had been set up to deal with organisational, etc. topics connected with the medical examination of detainees in October 1977. In other words a clean bill of health was given to centres where detainees were examined. The Doctors present at the meetings with Amnesty International were Messrs Alexander and Elliott (Senior Medical Officers stationed at Castlereagh and Armagh and seconded to the Police Authority by the Department of Health and Social Services) and Messrs Stewart and Irwin (Chairman and Honorary Secretary respectively of the Police Surgeons' Association). All the Doctors gave Amnesty an assurance that they would not tolerate any ill-treatment of detainees and indeed would resign if they had cause to believe that such a practice existed. Perhaps I should emphasise that the giving of this assurance was reported to and has been noted by members of the Police Authority.

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/In March

In March of 1978 the Doctors complained that ill-treatment had started again, but notably Dr Alexander (in a minority of one) stated he had no cause for complaint. Once again the Police Authority approached the Chief Constable and once again the Chief Constable restated the view that his role is restricted by the Police Act (NI) 1970 and that the setting up of the Complaints Board had added a further complicating factor. The Police Authority intend to contest the gravamen of this view.

With some difficulty a meeting of all three parties, ie. Police Authority, Chief Constable and the Doctors was convened. Various opposing views were aired and in the end some key items such as the preparation of documents identifying the role and job content of Doctors carrying out examination of detainees were referred to the Hermon Committee. This is important and may assist in breaking the deadlock which exists between the Police Authority and the Chief Constable.

But while the Hermon Committee's work is of great importance, it cannot solve the main matter which is perturbing the Doctors. Only the removal of the cause for their concern can do that. Meantime, the Doctors are acting within the spirit and letter of the Diplock Report (c.f. para 86 in particular of the Report) in continuing to press their concern and there is apprehension in the Police Authority that one (if not more) of the Doctors may (a) go public or (b) resign or indeed adopt both courses.

It may be felt, to express a rather harsh line of reasoning, that it would solve a number of problems if the more "difficult" Doctors were to resign. This is not the Authority view because the publicity would be dangerous; it would be difficult, to say the least, to secure a replacement for a man resigning in these circumstances; in any event a zealous defender of the rights of detainees is in the long run a defender of the RUC's good name.

Time is short; We are advised a precipate action is likely within the next few weeks. What then can be done? We think it is important to reassure the Doctors and we also think that this can best be done in open forum. We suggest, therefore, a meeting involving all parties, viz. the Police Authority (at Chairman, Vice-Chairman and Secretary level), the Chief and Senior Deputy Chief Constables, the four Doctors plus a representative from the Department of Health and Social Services and that such a meeting should be chaired by Mr Dunn.

We have received details of cases and whilst I do not propose to burden you at this stage with lengthy medical submissions, the names of the persons concerned are listed in the Appendix to this letter. There are others in the pipeline. The time to clear, such cases by normal means is considerable - exceptional cases can take over one year and to accept this in present circumstances may be to court quite serious political and other difficulties.

Finally, I should add that we have the Chief Constable's assurance that he will ensure that there is no delay in the police investigation of all these cases, but he stresses that the DPP's rate of progress is not a matter within the control of the police.

Kind regards,

Myles Humphreys

SIR MYLES HUMPHREYS
CHAIRMAN

P.S. Since this letter was dictated Dr. Elliott has asked formally to be relieved of his present duties. Unfortunately the media have learned of this development. A meeting this week would now seem essential.