



Project Monnet



*Mobilising Opposition Networks to
Nationalistic European Terrorism*

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1. LET US REMEMBER SOME OF THE THOUSANDS OF INNOCENT VICTIMS OF TERRORISM IN THE UK AND EUROPE WHO DIED DURING THE MONTH OF MARCH OF EACH YEAR BETWEEN 1969 AND 2008

2 March 1973: Patrick Crossan, a 30-year-old Catholic bus-driver, married with two children, was shot by the UVF when he stopped his bus to collect passengers on the Woodvale Road, West Belfast. A subsequent three-day strike by busmen caused traffic chaos in the city.

3 March 1998: Two friends, **Philip Allen** (34) and **Damien Trainor** (25), a Protestant lorry driver and a Catholic motor mechanic respectively, were shot by LVF gunmen in a bar in Poyntzpass, Co. Armagh, and died in hospital around an hour later. Two other customers were seriously injured.

4 March 1972: Ann Frances Owens (22) and **Janet Bereen** (21), two Catholic working girls, were killed in the Abercorn bar explosion in Belfast city centre, considered one of the most horrific IRA bombings. The restaurant in the heart of Belfast was packed when the

bomb went off at 4:30 pm on a Saturday afternoon, injuring around 70 people, many badly mutilated.

4 March 1977: Rory O’Kelly, a 59-year-old Catholic Crown prosecutor, married with a large family, was shot by an IRA gunman in a bar in Coalisland, Co. Tyrone. The killing was claimed as part of the IRA’s continuing attacks against the British judiciary.

9 March 1971: John McCaig (17), Joseph McCaig (18), and Dougald McCaughey (23), all Scottish soldiers, were shot by the IRA on a mountain road overlooking Belfast, after being apparently lured there from a bar in the centre of the city where they and other soldiers had been drinking. Their deaths were of great impact and for many marked the descent into full-scale violence. As their funerals took place in Scotland an estimated 20,000 people turned out in Belfast and Carrickfergus to show their sympathy and lay wreaths.

11 March 2004: Madrid train bombings where 191 people died and 1800 people were injured following an Islamic terrorist attack.

15 March 1982: Alan McCrum (11) a Protestant schoolboy, was killed by a no-warning car bomb left by the IRA in the centre of Banbridge, Co. Down. It exploded at 5:30 pm in a street crowded with shoppers and people returning home from work, injuring 34 other people and wrecking much of the town.

17 March 1976: Andrew Small (62, married), Joseph Kelly (57), James Francis McCaughey (13) and Patrick Barnard (13), were all Catholic civilians killed by a UVF car bomb that exploded outside a bar in a Catholic area of Dungannon, Co. Tyrone, injuring a further 12 people, some very seriously.

19 March 1988: Derek Wood (24) and David Howes (23) were two English corporals who drove into the IRA funeral of one of the victims of the UDA gunman Michael Stone and were then attacked and dragged from their car by dozens of republican sympathisers, before being beaten and finally taken to waste ground and shot by the IRA. The “corporals’ killings” was for many one of the most shocking fatal incidents of the troubles.

20 March 1972: Ernest McAllister (38, married with two children, Protestant RUC officer), Bernard O’Neill (36, married with two children, Catholic RUC officer), Sydney Bell (65, van driver), Ernest Dougan (40, married, refuse collector), Samuel Trainor (40, refuse collector), James Macklin (27, refuse collector) and Henry Millar (79, French-polisher) were all killed by a 200 lb IRA car bomb in Donegall Street, close to Belfast city centre. 150 people were injured by the explosion, described by the authorities as “one of the most diabolical acts of terrorism since the troubles began”.

20 March 1993: Jonathan Ball (3) and Timothy Parry (12), were killed by IRA bombs which exploded in litter bins in a crowded shopping precinct in Warrington, Lancashire, England. The deaths provoked widespread condemnation similar to that which followed the 1987 Enniskillen Remembrance Day explosion.

22 March 1979: Richard Sykes, 58, married with three children, British ambassador to The Hague, and his valet **Karel Straub**, were shot by IRA gunmen as they left Sir Sykes' official residence for the five-minute journey to the embassy in the city.

29 March 1972: Major Bernard Calladene, 39, married with three children, was the most senior officer of the army's bomb squad to be killed in Northern Ireland. He was a few yards from a republican bomb he was investigating in Belfast city centre when it exploded and he died in hospital two hours later. Earlier that day he had saved Belfast Magistrates Court by dealing with a 150 lb bomb in a lorry outside the building.

30 March 1979: Airey Neave, 63, married with three children, Conservative MP, shadow secretary for Northern Ireland and a close friend and colleague of Margaret Thatcher, was one of the most senior political figures assassinated during the troubles. He had a distinguished war record and was the first British soldier to escape from the high-security Colditz prison before returning to England to help organize other escape operations and becoming a barrister after the war. He was killed when an INLA booby-trap bomb exploded underneath his car at the House of Commons in London just after the campaign for the 1979 Westminster election had opened.

2. JIM ALLISTER STANDS BY ISRAEL IN ITS FIGHT AGAINST TERRORISM

During a debate in the European Parliament in Strasbourg about the situation in the Gaza strip Jim Allister, QC, MEP spoke on behalf of the non-attached members of Parliament and explained why he stood by Israel, acknowledging its right to defend itself from unceasing terrorist attacks against its population and territory.

Mr Allister declared:

“ Mr President, I can readily join in deploring the recent events in Gaza and the Middle East and in remarking on how terrible is the humanitarian tragedy there and the immense suffering that all sides are being subjected to. But I have to draw a distinction between the orchestrated, constant, repeated attacks upon the State of Israel and the right of that State to defend itself. It is an internationally recognised state. It recognises and accepts a two-state solution in the Middle East, and yet it is constantly, persistently and viciously subjected to the most horrendous violence from across its borders, particularly from Hamas-controlled territory.

I therefore make no apology, from my perspective, for saying that Israel does have the right, indeed the necessity, to defend itself and to act against those who, beyond reason and argument, will not even make the most basic concession of accepting the right of Israel to exist.

We hear much talk in this debate and elsewhere about a balanced and even-handed approach. There is nothing even-handed in equating, no matter how justified they are, the political demands of Gaza with vicious and repeated terrorist attacks on Israel as epitomised by the attacks on the school. There is nothing even-handed in equivocating over Hamas' refusal to recognise Israel and then demanding that no walls, no defensive action should be taken by the state that is not even recognised. It is a consequence of that

failure to recognise the right of Israel to exist which has bred so much of the trouble and turmoil in the Middle East.”

Although the geopolitical context of Israel and Northern Ireland are very different, the strategy pursued by the main terrorist organisations in both countries are the same. The strategy of terrorist organisations such as Hamas and the IRA has always been to use violence so as to constrain the legitimate authorities of the State to use legal force in order to portray themselves as the victims of the State they want to destroy, with the view of achieving their political aim. It is regrettable that only a few political representatives in Europe, such as Mr Allister, are prepared to provide an objective assessment of the reality of the situation for the law-abiding people of Israel and Northern Ireland, who have both been living under permanent violence or threat of violence from terrorist organisations.

3. LIFE OF IRA BOMBER CELEBRATED IN THE NORTHERN IRELAND HOUSE OF PARLIAMENT

On International Women’s Day, Sinn Fein organised an event in Stormont to celebrate the life of IRA member Mairead Farrell. Ms Farrell was an IRA terrorist who between 1976 and 1987 was jailed for the bombing of the Conway Hotel in Dunmurry, south of Belfast.

In March 1988 Ms Farrell was part of a three-member unit which was on a mission to plant a devastating car bomb in the centre of Gibraltar. The British authorities were aware of their plan and had given orders to soldiers of the British Special Air Service (SAS) to arrest the three suspects. The suspects’ behaviour and their established dangerousness gave the soldiers no other alternative than to open fire to prevent the terrorists from detonating the bomb with a remote controlled device and killing innocent civilians. Although no weapons or detonating device was found on the bodies of the three suspects, the keys of the car containing five packages of Semtex explosives were discovered in the bag Ms Farrell was carrying.

This is the woman whose life was celebrated, a life given over to planting bombs with the purpose of making as many casualties and as much damage to property as possible. To celebrate such a life is obnoxious and repulsive, but to take pride and pleasure in doing so in Stormont, the House of Parliament, which is supposed to uphold democracy and human dignity and condemn those who engage in acts of barbarism, is wholly abhorrent and condemnable. This is yet another example that demonstrates how far the compromise with terrorist-related politicians has undermined the status of the institutions of Northern Ireland.

4. PROPOSED DEFINITION OF TERRORISM AS APPLIED TO NORTHERN IRELAND

It is a worthwhile exercise to try to define terrorism in relation to Northern Ireland, especially as it is the most particular circumstance that has affected the Province over the past thirty-nine years. We shall consider the criteria for a definition of terrorism in (A) international law and (B) domestic law before stating the (C) proposed definition of terrorism in relation to Northern Ireland.

A. THE CRITERIA FOR A DEFINITION OF TERRORISM IN INTERNATIONAL LAW

The first definition of terrorism in international law is to be found in the Convention for the Prevention and Punishment of Terrorism, issued in 1937. Terrorism is defined in this convention as: “*All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public*” (Article 2 (1)). In this early definition the emphasis was put on the fact that terrorism is directed against a State, but without the notion of democracy being under attack. This convention was never enforced and fell into oblivion as the Second World War was about to break out. Let us have a look at the criteria for a definition of terrorism at (1) United Nations level and (2) the European level.

1. The criteria for a definition of terrorism at United Nations level

It took forty-five years after the Second World War before a new definition was suggested in a non-binding document, the Declaration on Measures to eliminate International Terrorism, approved by the United Nations General Assembly on 11 December 1995. In this document terrorism is defined as: “*criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes*”. This definition has been repeated in other General Assembly resolutions. All of these documents clearly state that terrorism cannot be given any justification, such as political, philosophical, ideological or religious. The Security Council reinforces this approach in Resolution 1624, which condemns “*in the strongest terms all acts of terrorism irrespective of their motivation, whenever and by whomever committed*”.

The United Nations General Assembly has recently taken a step further in its resolution entitled Human rights and terrorism, dated 1st September 2005, as it defines terrorism “*in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States*”. Terrorism can therefore be described as an attack on democracy, which is the very framework within which human rights and fundamental freedoms can best be protected. Terrorist activity can either be an act that is an offence or the threat of committing such an offence, as stated in the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on 13 April 2005.

In the Convention for the Suppression of Financing of Terrorism issued on 9 December 1999, the purpose of terrorism is defined as intimidating a population or compelling a government to do or to abstain from doing an act. The idea that terrorism is used to compel a person, an organisation or a State is also mentioned in the International Convention for the Suppression of Acts of Nuclear Terrorism adopted on 13 April 2005, which defines as a terrorist offence the unlawful and intentional use of radioactive material or a device “*with the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act*”.

As a result of 9/11 the United Nations created an Ad Hoc Committee on terrorism. It has provided a general definition of terrorism in the Draft Comprehensive Convention against International Terrorism. In Article 2 of this document the purpose of any act of terrorism is defined as: *“to intimidate a population, or to compel a Government or an international organisation to do or abstain from doing any act”*. What should be noted in these most recent documents is the element of intimidation of the population and/or of compelling a Government or a person to do or to abstain from doing.

It results from these definitions that terrorism can never be justified, whatever the circumstances; that it can manifest itself through an act of terror, or the threat of an act of terror; that it aims at compelling a government and intimidating the population; that it aims at the destruction of democracy; and that terrorism is excluded from armed conflicts, which are regulated by International Humanitarian Law that determines the rules to be applied in time of war to regular forces as well as to national liberation movements.

2. The criteria for a definition of terrorism at the European level

The Council of Europe Convention of 27 January 1977 on the Suppression of Terrorism declares that none of the terrorist offences it describes *“shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives”*. This is in line with the definition at United Nations level and reinforces the idea that no terrorist activity can be declared legitimate for any reason.

The Council of the European Union has adopted the Council Framework Decision of 13 June 2002 on Combating Terrorism. This document determines the common positions of the member states in relation to terrorism and the policy that should be implemented by member states, although it has no legal binding force. The Decision reaffirms that *“terrorism constitutes a threat to democracy, to the free exercise of human rights and to economic and social development”*. Besides the aims of intimidation of the population and compelling of a Government that are also mentioned in the most recent United Nations conventions, the Council has added the aim of destabilising or destroying the framework of democracy in a country as well as its economic and social structures, which are also referred to in the United Nations General Assembly Resolution of 1st September 2005.

The Decision states that penalties and sanctions should be provided for natural and legal persons who have committed terrorist offences such as attacks upon a person’s life, physical integrity, kidnapping and hostage taking, causing extensive destruction to a Government or a public facility, seizure of aircraft, manufacture and possession of weapons, release of dangerous substances, disrupting the supply of water, or the threat of committing such acts.

In summary, the criteria that can be drawn from these international documents at both UN and European levels in order to define terrorism are as follows:

1. An author that can be a natural or a legal person;
2. A violent act or the threat of committing a violent act;
3. The aim of intimidating a population; or
4. The aim of compelling a Government or an international organisation to perform or abstain from performing any act; or

5. The aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a State or of an international organisation.

B. THE CRITERIA FOR A DEFINITION OF TERRORISM IN UK LEGISLATION

As a result of Lord Lloyd's Review, which considered the need for specific counter-terrorism legislation in the United Kingdom, the Terrorism Act 2000 was enacted. In its introduction Part 1 Section 1, terrorism is defined as an act of serious violence, or the threat of committing such an act of violence with the aim of influencing the Government or intimidating the public or a section of the public, and with the purpose of advancing a political, religious or ideological cause.

This definition does not include the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a State as is stated in the European Union Council Framework Decision. However, it declares the purpose of terrorism, which is to advance a political, religious or ideological cause, whereas this is not mentioned in international law.

C. THE PROPOSED DEFINITION OF TERRORISM IN RELATION TO NORTHERN IRELAND

The definitions of terrorism given in international documents and in UK legislation do help in identifying the criteria for providing a definition of what terrorism is in Northern Ireland, taking into account its particular circumstances. Some of the elements if not all of those already identified in international and national law could be listed as part of the definition of terrorism in relation to Northern Ireland. However, due to the fact that representatives of terrorist-related organisations have already gained access to ministerial posts in the Executive of Northern Ireland, the definitions provided in the international documents and domestic law do not fully encompass the impact of terrorism on democracy, human rights and fundamental freedoms in Northern Ireland. Other elements need to be considered to reflect what terrorism really is in Northern Ireland.

The first phase of terrorist activity in Northern Ireland, i.e. that carried out mainly by the IRA, could be described as the perpetration of very serious acts of violence chiefly directed against individuals representing the State authorities and property, as well as against the population at large. Since the IRA cease-fire in 1995 and the approbation of the Belfast Agreement, the level of serious acts of violence has decreased but the threat of violence still exists, since the capacity of the IRA to carry out major acts of terrorism has not diminished. The IRA has moved from acts of serious violence to the threat of committing such acts, reserving the possibility of returning to violence at a later date if necessary in order to achieve its political aims.

By carrying out a campaign of violence the IRA was pursuing the political aim of bringing Northern Ireland under the sovereignty of the Irish Republic. As a result, violence or the threat of violence have been used to destabilise and destroy the democratic institutions of Northern Ireland as well as to terrorise its population into submission in order to succeed in

changing the Constitution of Northern Ireland and its legislation, to enable IRA/Sinn Fein to further their political aims.

By gaining access to the Executive and the Assembly, terrorist-related politicians have succeeded in controlling the political process that will deliver their political objective. As long as the threat of violence is sufficient to continue to obtain complementary constitutional and legislative changes (such as the devolution of Policing and Justice), the use of full-scale violence is not necessary. However, if ever the flow of concessions was to stop, the IRA would very probably revert to violence.

It is generally accepted that terrorism can be described as the enemy of democracy and a threat to the stability of democratic institutions. It is an attack upon the State and an attack upon democracy, human rights and fundamental freedoms. However, terrorism does not appear to have been envisaged as an enemy that infiltrates the democratic institutions of a State in order to destroy them. By allowing terrorist-related organisations to take part in the representative and governing institutions of Northern Ireland, the British Government has given them the means of destroying democracy in Northern Ireland, since they can operate within the democratic system. Hence, the purpose of terrorism is not only to compel the Government of a State to perform an act, its ultimate purpose is to subvert the democratic institutions of the State by taking over its governance in order to be able to take the decisions that will lead to the fulfilment of their political aims.

CONCLUSION:

In view of the definitions provided in international and domestic law and considering the development of terrorism in Northern Ireland, the criteria for a proposed definition of terrorism in relation to Northern Ireland could be summarized as follows:

1. An author that can be a natural or a legal person;
2. An act of violence and/or the threat of violence (that can be directed against any person or property, either private or public, whether representing the United Kingdom authorities or not);
3. The aim of seriously destabilising and/or destroying the constitutional, economic or social structures of Northern Ireland;
4. The aim of compelling the Government of the United Kingdom to change the constitution of Northern Ireland and key aspects of secondary legislation;
5. The aim of terrorising the population of Northern Ireland into accepting the constitutional and secondary legislation changes;
6. The aim of gaining access to the democratic institutions of Northern Ireland, particularly the legislative and executive bodies;
7. The purpose of achieving the ultimate political objective by exercising legislative and executive powers.

5. SURVIVOR STORIES FROM THE MADRID BOMBINGS, 11 MARCH 2004

The Madrid train bombs involved ten bombs on four commuter trains during the morning rush hour, killing 191 people and injuring more than 1,800. They were followed by a two-year police investigation.

Jose Ramirez Castanero, vice-president of the 11 March Association for the Victims of Terrorism, was gravely injured in the attacks – breaks in a leg, major damage to an arm, injuries in his lungs and burns to most of his body. Two years later he was still trying to recover his mobility, and like dozens of others he was still receiving psychological and psychiatric treatment. On the eve of the second anniversary of the bombings he stated: “I am a man without a future, I hope this changes but now I can’t think further than a few days ahead. When I see all my scars each day, the truth is it takes a lot for me to look ahead.”

Barbara Rodriguez was touched very closely by the attacks and fought back tears as she watched the wreath-laying ceremony in Madrid’s main square in March 2006: “It’s still just as hard, it’s just as hard,” she said.

A trial lasting four months featured 650 witnesses and thousands of pages of evidence. Three judges deliberated for a further three months before giving their verdict: 21 out of 28 defendants convicted, but seven – including one of the alleged masterminds of the operation – acquitted. Morrocans Jamal Zougam and Otman el Ghanoui and a Spaniard Emilio Trashorras were convicted of murder and sentenced to thousands of years in jail. The human cost of the tragedy, however, continues.

Angeles Pedraza lost her daughter Miriam. “I’m learning to live without her. As a mother she’s part of you, of your life, of everything and it leaves you dead. Alive, but you’re really dead.”

A 21-year-old student, Antonio Miguel Utrera, who was so badly hurt he suffered several strokes that left him with serious brain injuries, described the aftermath of the attack: “It was like a dance of sleepwalkers, very sad, very quiet. No-one looked at one another, everyone stared into space.”

One mother who lost a son in the bombing said after the verdict: “It’s good to know who did it, but too many were convicted of minor crimes like drug offences. Some of them are already back on the streets.”

Mrs Sidonica Popa, a Romanian immigrant who narrowly avoided the 2004 bombings because she got off at Atocha, the station where the blasts occurred, says that in her eyes justice has not been done. “Seven of this gang have been left to walk free,” she stated. She is bitter about the fact that Rabei Osman Sayed Ahmed, who had been accused of masterminding the whole operation, was acquitted.

A Romanian friend of hers was badly wounded in one leg and his wife lost her hearing. Of the 191 dead, 15 were Romanians, making them the second largest group of victims after Spanish nationals. In spite of the psychological shock, Mrs Popa was and still is determined to stay in Spain. "I want to stay here for my son, who is in school here, for a better life. Everybody knows there is a better life in a democracy, if you work hard," she says. "Maybe that's because I escaped physically unharmed. Psychologically it's another matter. I started taking valerian three days after the blasts, when it all sunk in. But slowly, slowly, I recovered. Life has to go on."

Some Madrid victims have vowed to appeal over what they see as the trial court's lenient treatment of some of the accused.

Isabel Presa, who lost her youngest son in one of the blasts, said: "It has destroyed my life, it has condemned me and my husband to a life sentence, and these people get off scot-free."

Maria Jose Gutierrez, A Spaniard who lost her sister in the bombings, said: "There are far too few guilty verdicts for such a horrible crime."

In the words of Maria Frances Carmedida, an elderly woman attending the "Day for reflection" second anniversary ceremony: "I'm a Spaniard and a woman of Madrid and a person of the world. I think that we should all reflect on an event that can happen to anyone and we must work together in the world to make sure this doesn't happen again in any part of the world. This is the best reflection we can all make."



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