

# NATIONAL ARCHIVES

## IRELAND



|                           |  |
|---------------------------|--|
| <b>Reference Code:</b>    | 2009/135/572   |
| <b>Creation Date(s):</b>  | April 1979   |
| <b>Extent and medium:</b> | 7 pages  |
| <b>Creator(s):</b>        | Department of the Taoiseach  |
| <b>Access Conditions:</b> | Open   |
| <b>Copyright:</b>         | National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives. |

1. Throughout 1977 there were widespread allegations of ill-treatment of persons in RUC custody. These related particularly to incidents at the RUC interrogation centre at Castlereagh, Belfast. The complaints refer to a wide variety of physical maltreatment of suspects by plain clothes detectives including beating and slapping around the head and abdomen, punching, pulling by the hair, lifting suspects from under the arms and forcing them to adopt a variety of stress positions. The general conclusions from the evidence is that while there was not a return to the specialised interrogation techniques used in 1971, there were serious excesses and improprieties during the conduct of interrogations on the part of certain RUC interrogators and, moreover, that weaknesses in the supervisory system allowed these excesses to continue even after they first came to public notice.

2. The Ambassador in London raised the matter on instruction with a senior official of the Northern Ireland Office in December 1977. The British view as expressed on this and other occasions was that the incidence of ill-treatment was minimal and that adequate safeguards were in force to ensure the protection of those in custody. Reference is also regularly made by British sources to the machinery available for the investigation of complaints against the police and to the strengthening of the independent element in this machinery by the establishment from 1 September 1977 of the Police Complaints Boards under the chairmanship of Mr. Stephen McGonagle. The Board has however no powers in respect of allegations of criminal misconduct (e.g. assault) by members of the force. These continue to be investigated by the RUC itself with a view to possible referral to the DPP. Since it is in this area that the most serious complaints arise the likely effectiveness of the Board is limited.

3. Comments by a former member of the North's Police Authority on the high-handed attitude adopted towards the Authority both by the Northern Ireland Office and the upper echelons of the RUC - as well as the apparently strong inclination on the part of certain members of the Authority not to embarrass the security forces - have ensured <sup>that</sup> its ability to carry out its statutory

functions in regard to monitoring good conduct within the force are severely limited.

4. The Standing Advisory Commission on Human Rights which was established under the Northern Ireland Constitution Act, 1973, and whose current chairman is British trade unionist, Lord Plant, drew attention in a special report published in November 1977 and in its annual report in March 1978 to the need to ensure that the right of persons detained in custody should be more generally known and said that there was a strong case for the clarification and codification by an independent enquiry of police powers and emergency powers. The annual report noted "it is clear to us that changes made in police organisation have not yet resulted in that degree of confidence or even acceptance, which is vital for the community, the individual and the police force itself". The leaders of the four main Christian churches also issued a statement on 2 December 1977 indicating their concern at allegations of ill-treatment.

5. In response to widespread expressions of disquiet at the allegations an Amnesty International delegation carried out an investigation in Northern Ireland in November/December 1977. Their report, which was widely leaked in advance, apparently by official British sources, was made public in June 1978. The report detailed 78 individual cases of alleged maltreatment in respect of 26 of which corroborative independent medical evidence was available. Among the main conclusions and recommendations were the following:

- (i) Maltreatment of suspects was taking place with sufficient frequency to warrant a public enquiry;
- (ii) Maltreatment was the responsibility of a small number of RUC officers in the detective (non-uniformed) branch;
- (iii) Complaints investigation machinery was inadequate;
- (iv) Measures to prevent recurrence should be taken immediately - including granting right of access to solicitors.

6. The British Government's response to the report included:

- (i) The setting up of the Bennett Committee to consider present police practices and procedures relating to interrogation and to consider the effectiveness of of the complaints machinery;
- (ii) Amnesty were asked to seek the consent of those who made statements to them to allow the DPP (N.I.) to carry out his own investigation;
- (iii) The Police Complaints Board was to consider whether there was any pattern of irregularity which should be drawn to attention;
- (iv) In advance of the outcome of the enquiry the Chief Constable was to carry forward the consideration he was said to be already giving to the use of technical aids to monitor the interrogation of suspects.

7. The situation at Castlereagh came back into the headlines with the Independent Television "Weekend World" programme on the topic which was shown on 11 March 1977. Among those interviewed on the programme was Dr. Robert Irwin who as a police surgeon was involved in examining persons held at Castlereagh and who is also a council member of the British Association of Police Surgeons. According to press reports he said

"It's very difficult but roughly 150, 160 prisoners have shown themselves to me with injuries which I would not be satisfied were self-inflicted. I've seen five ruptured eardrums, I have seen two injuries to bones, of the forearms. I have seen injuries to fingers, none of them, I may say broken except one which was self-inflicted - he had dropped the bed in Castlereagh on his finger. But I have seen joint-injuries, both to the wrist and to the little joints in the fingers which have been caused by squeezing the hand or by twisting the fingers. These are by far the most common".

8. The programme in general and Dr. Irwin in particular were strongly criticised by the Northern Ireland Office and the RUC. The Chief Constable, Sir Kenneth Newman, issued a statement on 13 March in which he said that according to official records Dr. Irwin had over the past three years examined a total of 65 persons who had complained of ill-treatment; in 35 of these Dr. Irwin was allegedly satisfied no ill-treatment had occurred; in another 15 no opinion was expressed as to the cause of minor injuries noted; and, according to the Chief Constable, in only 10 cases did Dr. Irwin either agree with the complainant or find injuries which he believed were consistent. This of course misses the point that because of his official position and through his contacts with other police surgeons Dr. Irwin would be readily aware of a much larger number of cases than those which he actually dealt with personally.

9. Dr. Irwin, on 14 March, replied to the Chief Constable's statement. He pointed out that his figures differed from the Chief Constable's because he had included in his own figures those who did not complain but who had obvious injuries which could not have been self-inflicted. Not all prisoners complain about injuries they have received because they fear they could have further injuries inflicted on them. Dr. Irwin said that he had notes on 150-160 prisoners, who had been ill-treated, as he had originally claimed. The reason that he had brought only 65 cases to the attention of the Police Authority was that prior to April 1978 he and other doctors did not put their notes regarding prisoners' medical conditions on police files. Dr. Irwin stated that they had not done so because of an instruction from a judge in 1972 not to make original notes on prisoners' files, but to retain them in case they were needed as evidence. Support for Dr. Irwin following reports of an officially inspired smear campaign has been expressed by the Northern Ireland Branch of the (U.K.) Police Surgeons Federation as well as by that body's President, Dr. Stanley Burgess.

10. The Bennett Report was made public on 16 March. While being careful to emphasise its appreciation of the work of the RUC under difficult conditions and explaining in regard to allegations that these were not tested in cross-examination it nevertheless concludes that there were cases where injuries were sustained in police custody which could not have been self-inflicted. The recommendations in the Report include the adoption of a code of conduct for interrogation which would specifically prohibit many

of the practices which have figured in complaints over the past two years; as well as:

- (i) installation of close-circuit T.V. in interrogation rooms;
- (ii) guaranteed access by suspects to solicitors every 48 hours;
- (iii) tightening-up of procedures governing interrogation as regards e.g. meals, number of officers who may be involved, prohibition on continuous interrogation;
- (iv) greater use of officers from police forces in Britain in investigating complaints;
- (v) improved access to complaint files for the Police Authority and the Police Complaints Board.

The Secretary of State told the Commons on 16 March that the Government accepted the recommendations and that in particular (i) and (ii) above would be implemented immediately. (An official summary of the Report together with a copy of Mr. Mason's statement is attached).

11. In keeping with its present policy position the SDLP response to the report included a call for the removal of emergency legislation whose continuing existence the party argues creates a climate conducive to heavy-handed police methods at a time when the police are under pressure from the Secretary of State to keep up the rate of convictions and thereby justify his own concentration on security at the expense of movement on other fronts. The party has also attacked Mason's claim that accusations against RUC men guilty of brutality were accusations against the whole force. 'By refusing to ensure that the guilty policemen are made answerable to the law', Michael Canavan, justice spokesman, said 'the Secretary of State had failed to vindicate the remainder of the force who only wish to uphold the law. In the process he has damaged the reputations of the RUC as a whole thus seriously weakening its capacity to defeat violence whether criminal or political'.

12. The party has also called for an independent enquiry into the running of Gough barracks. This call followed the resignation of Dr. Dennis Elliot from his position at the barracks following a disagreement with the authorities about the fitness of two prisoners to undergo further interrogation. In addition the party has demanded the resignation of the Police Authority. They have accused the Authority of 'dereliction of duty' in that over the past nine years it failed to establish a tribunal of enquiry into complaints, although there had been ample evidence of police brutality to prisoners.

13. Following the arrival of the Amnesty delegation there was a noticeable diminution in the flow of complaints to the Department and in the media generally regarding Castlereagh. This remained the position during 1978 and so far there has been no resurgence in 1979. One particularly serious incident however did occur. On 10 May 1978, Mr. Brian Maguire who was detained and under interrogation at Castlereagh was found dead in his cell. The RUC stated that he committed suicide.

14. In replying to a P.Q. (copy attached) on this incident on 14 June the Minister stated that "the British Government is fully aware of the concern of the Irish Government that the interrogation of suspects should be carried out with full respect at all times for the human and legal rights of the suspect ....." and was able to inform the House that he had recently again been "in contact with the British authorities who have assured me that they stand by the undertaking given by their Attorney General before the European Court of Human Rights".

15. According to information given to the Embassy in London when they raised the subject matter of these P.Q.s with the British authorities : a total of 20 police officers have been prosecuted for assault since 1973, 17 in respect of charges of assault during interrogation at police stations. In all 3 cases in which convictions were secured these were subsequently quashed on appeal. A further 3 cases are currently awaiting trial.

If normality is to return to Northern Ireland and the evolution of political ideas towards reconciliation and agreement is to be advanced, the Government consider it essential that the entire community in Northern Ireland should have confidence in its police. The Government have not yet had an opportunity to study the report of the Bennett Committee on Police Interrogation Procedures in Northern Ireland. Grave allegations have been made regarding the treatment of persons undergoing police interrogation in Northern Ireland. The Government note that the Northern Ireland authorities are proposing certain measures in the context of the Bennett report and hope that the outcome will be such as ultimately to increase public confidence in the process of law in Northern Ireland.

Text used by <sup>Frank</sup> Government spokesman in  
discussion with media following publication  
of Bennett Report.

16/3/79

Dept of Foreign Affs.

April 1979