

CORRUPTION OF LAW

MEMORANDUM

to the

GARDINER COMMITTEE

on the working of Emergency Legislation in

Northern Ireland

from

FR. BRIAN J. BRADY

Belfast 11

FR. DENIS FAUL

Dungannon

FR. RAYMOND MURRAY

Armagh

Price 20p

SEPTEMBER, 1974

ILLEGAL ARREST AND DETENTION AND OTHER ILLEGAL ACTIONS BY THE SECURITY FORCES

CENSUS TAKING BY SOLDIERS

When a new regiment comes into an area soldiers generally visit all houses and demand roughly the same information as is required in the ten year civil census. There is no provision in the Emergency Provisions Act which entitles them to do this. Do not give census information to people acting illegally.

FOUR HOUR DETENTION, SECTION 12

Under this section a soldier "may arrest without warrant and detain for not more than four hours a person whom he suspects of committing, having committed or being about to commit any offence". The soldiers are taking in people to harass them or to collect information. The soldiers have no authority to arrest or detain anybody under Section 12, except in connection with suspicion of a specific crime. Many persons have said that they were not questioned about a specific crime but asked general and useless questions like "What do the people think of the army?" If people are arrested and detained illegally in this fashion, as is common practice at the moment, they should instruct their solicitor to sue the Army GOC and the Ministry of Defence, London, for wrongful arrest and detention. If the army are not satisfied with the abnormal powers given to them under the Emergency Powers Act and insist on breaking the law every day, they bring the law into disrepute and must be made to pay through the courts for their interference with the rights of the citizen.

ILLEGAL PHOTOGRAPHS

The military have no authority under Section 12 to take a photograph of an arrested person. This authority is only given under Section 10 (72 Hour Detention) with an order of a Chief Inspector of the RUC. All photographs taken of individuals at check points or in their houses are illegal. Refuse and sue if they force you.

—Fr. Denis Faul

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CORRUPTION OF LAW

MEMORANDUM TO THE GARDINER COMMITTEE ON THE WORKING OF EMERGENCY LEGISLATION IN NORTHERN IRELAND

WE note that the terms of reference of your Committee are:
"To consider what provisions and powers, consistent to the maximum extent practicable in the circumstances with the preservation of civil liberties and human rights, are required to deal with terrorism and subversion in Northern Ireland, including provisions for the administration of justice, and to examine the working of the Northern Ireland (Emergency Provisions) Act, 1973; and to make recommendations."

May we begin by offering comments on some of the assumptions underlying these terms of reference.

1. That the problem of Northern Ireland is one of subversion and terrorism

As pain is a symptom of disease, so terrorism and subversion is generally a symptom of injustice in the society which produces terrorists and subversives. This is certainly true when a campaign of terror and subversion is extensive and receives the necessary popular support to continue over a number of years, as has happened in Northern Ireland. Northern Ireland is a sick society. It suffers from the sickness of injustice in its political, social and economic life. This injustice stems from the bigotry and anti-Catholic sectarianism of its founding fathers which has been institutionalised in its political, legal, social, industrial and commercial structures. The result is a divided society of Protestant "haves" and Catholic "have nots" — a situation of apartheid on religious grounds.

Attempts to change this unjust situation by political means were doomed to failure by the very nature of the political institutions set up under the Government of Ireland Act, 1920. Catholic politicians recognised the impossibility of the situation and followed an abstentionist policy for many years. Others in the Catholic community made sporadic efforts to produce radical change by physical force. These latter failed partly through lack of support from the Catholic community, but more especi-

ally because of the harsh repressive measures taken against them by the dominant Protestant majority who administered all the institutions of state in their own sectarian interest. Then came the populist Civil Rights Movement in the late 1960s. When it seemed to provide the first real hope of change by peaceful means, it was necessary for the Protestant Government, in order to preserve the status quo, to unleash a campaign of terror against the Movement. This terror came from the forces of law and order—the RUC and the B Specials—and from the Protestant counter-demonstrators who were given carte blanche in places like Dungannon, Armagh, Burntollet, Belfast and Derry, as well as the bombers and arsonists of Dunadry, Castlereagh and Bombay St.

Orthodox politics and street politics had both failed to remedy an unjust situation. The conditions were ripe for a sustained campaign of terror and subversion and the IRA campaign began. This campaign, together with the resistance of the Unionist Government to radical reform, subverted the authority of that government and brought direct rule from Westminster. Direct rule curbed the absolute control of the Protestant community over the legal forces of law and order. The result was an upsurge of illegal terrorist groups on the Protestant side—UVF, UDA, Tara, Red Hand, Orange Volunteers, Down Orange Welfare, Tartan gangs, and UFF. These groups intimidated 40,000 Catholics from their homes, planted “no warning” bombs in Catholic homes, churches, schools and halls and also in Catholic-owned pubs. By their organised campaign of assassination of Catholic civilians, they proved themselves to be even more vicious in their intent and their methods than the IRA. This campaign by Protestant militants reached its climax in the UWC stoppage of May, 1974. As the IRA campaign had subverted the previous government of N. Ireland, so the Protestant terrorists subverted the new political structures for the area.

There are now two groups of illegal terrorists and subversives operating in N. Ireland—the IRA and the Protestant extremist groups listed above. The IRA is the product of a situation in which the Catholic community is denied equal rights and is dominated by the Protestant master group; Protestant terrorism is the product of fear on the part of the dominant group that it will lose status and power. The real problem in N. Ireland is what motivates some towards terrorism and others towards counter-terrorism. One group is denied human rights and civil liberties; the other group is convinced that it is

entitled to use any and every means, including the denial of rights and liberties, to maintain its dominant position. This is the real disease of sick Northern Ireland, not terrorism and subversion, which are only symptoms.

2. That emergency legislation is the way to deal with terrorism and subversion

Emergency legislation is designed to deal with persons involved in terrorism and subversion. It is an attempt to deal with the symptoms rather than the disease—a painkiller rather than proper medical or surgical treatment. While painkillers have an important function in the field of medicine, they have only a very temporary value. One cannot live a full life on a diet of painkillers.

Northern Ireland has been maintained as a chronic invalid on emergency legislation which has been in continuous operation since 1922 and permanently on the statute book since 1934. At first it was the Northern Ireland (Special Powers) Act, 1922, a piece of draconian legislation which was the envy of the Minister of Justice in South Africa. In 1973 the prescription was changed to the Northern Ireland (Emergency Provisions) Act, 1973, which is almost equally unacceptable. The very existence of your Committee is proof that it has not solved our problems. It is just another painkiller which cannot cure the sickness in our society. No emergency legislation will bring a permanent end to terrorism and subversion because it does not tackle its causes.

3. That civil rights and human liberties must somehow be restricted at the present time in N. Ireland

The demand for provisions and powers consistent to the **maximum extent practicable in the circumstances** with the preservation of civil liberties and human rights assumes that in N. Ireland at the present time the various international charters of human rights cannot be implemented. The restriction of these rights for more than fifty years has not produced a stable and peaceful society. Must we go on assuming that restrictions are necessary, or effective, despite their failure in the past?

Our observations on the working of the Emergency Provisions Act, 1973, in the following pages, are offered not with a view to the amendment of that Act or its replacement with another piece of emergency legislation, but in support of our fundamental thesis:

- (a) That denial of human rights and civil liberties, not terrorism and subversion, is the fundamental problem of N. Ireland;
- (b) That emergency legislation which restricts human rights and civil liberties is not the way to tackle the problem;
- (c) That human rights and civil liberties should be restored in full and protected in future by the safeguards of the ordinary criminal law.

Your terms of reference direct you towards the preservation of human rights and civil liberties. We propose to present our views on the working of the Emergency Provisions Act in three parts related to the three main areas of human rights affected by the Act:

PART I The right to freedom of thought, expression, peaceful assembly and association with others.

PART II The right to liberty and security of the person.

PART III The right to a public and fair trial within a reasonable time by an independent and impartial tribunal established by law.

Before presenting in detail our views on the Act we should make it clear that our direct knowledge of its implementation is confined to our experiences within the Catholic community. We have observed, albeit at some distance, the response, or more frequently the lack of response, of the forces of law and order to massive acts of terrorism and subversion from Protestant extremist organisations. From our experiences and observations we are forced to the conclusion that the Act is used more harshly against Catholics. Catholics complain about this Act on two scores: the unjust nature of the legislation and the anti-Catholic bias in its application.

PART I

FREEDOM OF THOUGHT, EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION WITH OTHERS

1. Proscribed organisations—Section 19 and Schedule 2

One of the practical consequences of the domination of the

Catholic minority by the Protestant majority in N. Ireland is the curbing of freedom of thought, expression, peaceful assembly and association with others. Movements which are based on republican or nationalist ideals are, ipso facto, suspect and are inevitably proscribed. At the same time, movements promoting the most extreme forms of Protestantism are not only tolerated but are made necessary avenues of advancement to positions of power and influence in politics, the legal profession, industry and commerce. This has always been the case with the Orange Order; more recently the Protestant paramilitary organisations have been given similar freedom and influence.

Section 19 of the Emergency Provisions Act deals with the proscribing of organisations and the penalties for membership of the organisations listed in Schedule 2 of the Act. The proscribing of organisations in any circumstances is a serious curtailment of freedom of expression and association, and its effectiveness from the security point of view is doubtful. On balance, we are opposed to it as a matter of principle.

Granted that the power exists under the Act, then it should be impartially used. We submit that it has been abused in N. Ireland. Until recently all organisations with a republican ideology—IRA, Sinn Fein, Republican Clubs, Saor Eire, Cumann na mBan, Fianna Eireann—were proscribed. Only three of the eight loyalist groups already mentioned—UVF, UFF and Red Hand—have been banned despite the fact that all of them have been guilty of acts of serious violence. The reason for this disparity in treatment stems from the fact that organisations are proscribed on the advice of the RUC. Unfortunately, the RUC has always seen itself as the support of the Protestant establishment rather than an impartial police service to all the people. It is understandable, even if unacceptable, that a Unionist Government should have proscribed organisations on the basis of advice from that source. It is inexcusable that successive Secretaries of State since March, 1972 have followed the same policy. Equally inexcusable is the manner in which the Secretary of State in July of this year used the power granted to him in Section 19 (5) to remove certain organisations from Schedule 2. He removed Sinn Fein and the UVF from the list of proscribed organisations. He said that he wanted to encourage political activity and wean people away from paramilitary action and that these groups had indicated that they were moving into the political field. Even on his own criteria he did not act fairly. First of all, Sinn Fein has always been a political organisation. It was

unfair to equate it with the UVF. Secondly, the acceptance of the ceasefire by the UVF at a time when Protestant extremist violence still continued was most surprising. Why was the Official IRA not removed from the Schedule on the basis that it had proclaimed a ceasefire as far back as May, 1972? The deletions had more the species of a political balancing act than a just exercise of power.

Prosecutions for membership of proscribed organisations have also been selective. It is reported that there were 85 prosecutions for membership of the IRA in the period March to July, 1974. Only five prosecutions for membership of the UVF were reported for the same period, although it was proscribed for most of these months. Once again the attitude of the RUC is crucial, although some of the blame must fall on the Director of Public Prosecutions for this discrimination in the application of the law.

2. Dispersal of parades and meetings—Section 21

The right of peaceful assembly can be curtailed under Section 21 of the Act. Once again we note discrimination in the application of Section 21. From June through August each year parades of Orangemen, Apprentice Boys of Derry and members of the Black Preceptory take place every weekend. In many cases they are highly provocative and can only be described as coat-trailing exercises on the periphery of Catholic areas. Hundreds of police are deployed week after week to protect them, even though they are never attacked or threatened. This deployment of constables never seems, in the words of the Act, "to make undue demands on the police". During the UWC stoppage Protestant paramilitary groups committed massive breaches of the peace, yet Section 21 was never invoked against them. Compare this with the treatment of marches and parades in Catholic areas of Belfast. Week after week in early 1974 protest marches against internment and the forcible feeding of Irish prisoners in English jails were held in the Falls Road. In every case Section 21 was applied by the RUC. Not once were the marchers allowed to enter the non-residential area of central Belfast, although Protestant extremists are constantly allowed to march there. Indeed the sealed off area was opened up for the Twelfth of July Orange march.

The kind of discrimination outlined here breeds rather than prevents terrorism and subversion. People who would not normally commit criminal acts join proscribed organisations and

get involved in activities which infringe the criminal law. This is dramatically illustrated by the following statistic: in 1968 there were approximately 220 Catholic male prisoners in N. Ireland; at the present time there are about 1,600 Catholic men in prison. In the same period the number of Catholic women in prison has risen from about 10 to nearly 100. Even allowing for an increase in the crime rate all over the world, there are at least 1,200 Catholics in prison who would not be there but for the political situation.

The same governmental approach which proscribes organisations and creates a new category of crime called terrorism inevitably demands wider powers of arrest, detention, search and seizure, as well as changes in procedures at criminal trials which seriously limit the rights of the accused. In Parts II and III we shall examine how these powers have been granted in the Emergency Provisions Act and how they are exercised on the ground.

PART II

THE RIGHT TO LIBERTY AND SECURITY OF THE PERSON

The right to liberty and security of the person is seriously threatened in Northern Ireland by the following practices: identity checks, census-taking, head counts and arrests for intelligence purposes.

1. Identity checks—Sections 13 (3) and 16 (1)

One of the commonest sights in cities like Belfast and Derry at the present time is a group of teenage boys spreadeagled against a wall and surrounded by a patrol of soldiers. One soldier frisks them, presumably under Section 13 (3) of the Act; another asks them their names, addresses and details about family, religion, occupation, schools, recent movements under Section 16 (1) and checks the information he receives with central control; the other soldiers hover around in various firing positions with rifles at the ready. This is called an identity check. In most cases the boys will be allowed to proceed after radio control is satisfied as to identity. Sometimes they are arrested, bundled into a saracen and taken to the local army post for "screening", a procedure which will be described later.

People who live in Catholic areas are convinced that this constant checking is frequently abused and is employed beyond security needs to harass young people. There are numerous examples of the same boys being put through identity checks several times in the same day by the same patrol. One young man in the Short Strand area had eight identity checks in one day from the same soldiers. For sensitive teenagers, this humiliation and degradation in public is an incentive to terrorism rather than a deterrent. It builds up in them a hatred and resentment against law and order. It is a grave infringement of the right to liberty and security even though it is done in the name of the security of the community at large.

2. "Census-taking" by soldiers

A constant threat to liberty and security is frequent "census-taking" by soldiers. When a new regiment comes into an area soldiers generally visit all homes and demand roughly the same information as is required in the decennial census. Recently they visited homes in Druid's Villas, Armagh, and asked the occupants their religion. The soldiers in N. Ireland are operating under the Emergency Provisions Act, but there is no provision in the Act which entitles them to take a general census. It illustrates the creeping extension of power to the military authorities which seems to follow inevitably from sweeping emergency legislation.

3. "Head counts"—Section 17 (1) (a)

It is common practice for army patrols to rouse people from their sleep in the early hours of the morning, burst into their homes and shout "head count". Soldiers make a lightning tour of the house, assemble all the occupants in one room and demand personal details similar to what is asked in the "census taking" operation. Head counts are a serious invasion of the privacy of one's home. These head counts are particularly upsetting in homes where there are young children or persons who are old and infirm. Families who have members interned or in prison are constantly being harassed by these head counts. It is a basic principle of the British way of life that "an Englishman's home is his castle". If the practice of head counts was introduced in Britain it would be deeply resented as an unwarranted invasion of privacy; Members of Parliament would be contacted and there would be a flood of questions from them in the House. In N. Ireland the practice is established as part of everyday life.

The authority for head counts is assumed under Section 17 (1) (a), which is so ill-defined and sweeping that it can be extended by soldiers on the ground to enable them to carry out several head counts in the same home over a period of a few hours. We are convinced that the power granted in this Section is widely abused by the security forces to harass selected families. Furthermore, those who are being harassed have no redress since the security forces are not obliged to give a specific reason for entering homes. Head counts are a serious threat to the security and liberty of the individual.

4. Army arrests and "four hour" detention—Section 12

The most serious restriction of the liberty of the person occurs when one is arrested. Under Section 12 soldiers may arrest a person without a warrant for any offence, which need not be specified, and detain him in military custody for up to four hours. This is the usual method of arrest in Catholic areas where the RUC is no longer acceptable as a police force. Some arrests take place during identity checks in the street; most are made between 3 a.m. and 6 a.m. in homes in front of other members of the family. In many cases the arrested person and/or protesting members of his family are beaten and subjected to inhuman and degrading treatment. The arrest is usually accompanied by a search of the home under Section 12 (3). Hundreds of complaints have been made of wanton destruction of property and theft by soldiers during these searches. When these complaints are passed on to the RUC only token numbers of soldiers are prosecuted.

The arrested person is then taken in a military vehicle to an army post. In Belfast the main posts to which Catholics are taken are Fort Monagh, Springfield Rd., Hastings St., and the former Grand Central Hotel; in places outside Belfast they are taken to posts in the local RUC stations. There are frequent reports of beatings, inhuman and degrading treatment of arrested persons in army vehicles. For example, they are frequently made to lie face downwards on the floor of the vehicle. Reception procedure at the post includes photographing the person with the arresting soldier. This is done despite the fact that there is no provision in the Act corresponding to the power granted to the RUC in Section 10 (4).

After reception procedures are completed, the arrested person is interrogated by Military Intelligence officers, accom-

panied on some occasions by members of the RUC Special Branch. This may continue for four hours according to the provision of Section 12 (1). In fact this time limit is frequently breached. For example, on 21st August, 1974, five men from the Lenadoon area of Belfast were arrested at 7 a.m.; two were released and three were handed into RUC custody at 12.20 p.m. This whole procedure is euphemistically described as "screening" by the military authorities. In fact it is interrogation for the purpose of intelligence-gathering. Lord Kilbracken in a statement to the Irish News on 27th August, 1974, describes the treatment meted out during interrogation and insists that this so-called "screening" is illegal. We agree completely with him in his account of the facts. There are other details which he does not mention such as threats uttered, and bribes and inducements offered, during these "screening" sessions. A common threat is: "If you do not co-operate in getting us information about the IRA in your district, we will let the IRA know that you are an informer and you will be kneecapped" (a common IRA punishment). Another threat which is often made: "We will drop you off in a Protestant district and the UDA will deal with you."

These arrests are, in many cases, in contravention of Section 12 (1). The persons arrested are **not** suspected of "committing, having committed or being about to commit an offence". They are simply arrested either because it is thought that they might have information about others or simply as a form of intimidation. This abuse of power is possible because the arresting soldier is not required under Section 12 (2) to specify any offence. It is a serious deprivation of liberty to be arrested and one has a right to know the specific suspicion on which the arrest is made. When the grounds of arrest are not stated the procedure can be used for any purpose, e.g. to terrorise the person or his family, to cast suspicion on him and his family, to blackmail him into becoming an informer. Arrest can have serious repercussions for a Catholic who works in a mixed (Catholic/Protestant) work force.

Protestant workmates are inclined to say: "He wasn't arrested for nothing; we had better watch him." The risk that he may be intimidated or assassinated is considerably increased.

At the end of four hours the arrested person is either released by the army or handed over to the RUC by the Military Police. In some cases, those released are left to make their own way

home in the early morning or late at night when there is no public transport available, and at a time when the danger of assassination in the streets is greatest.

5. RUC arrests and "72 hour detention"—Section 10

Those handed over to the RUC are taken under military escort to an RUC interrogation centre. In Belfast this usually means transfer to RUC Castlereagh; in the west of the province most people are brought to the Ballykelly Centre. The location of these centres increases the hardship for the arrested person and his relatives who may be allowed to visit him. Castlereagh is in the heart of Protestant East Belfast, an area where there is great danger for Catholics; Ballykelly is in the extreme north-west of the province and is a two-hour journey by private car from many parts of Tyrone, Armagh and Fermanagh.

At reception in the centre a person is photographed and frequently fingerprinted. Many who have never committed a crime are now recorded on police files as if they were common criminals. This is quite a serious infringement of their right to security in a situation where the police force is unacceptable, and where there have been serious allegations that certain members of the RUC have passed information to Protestant extremist groups.

During this time in the centre the arrested person is kept in isolation in a small windowless cell or room without his normal personal possessions or reading material. The light remains on all day and makes sleep difficult. In many cases he is also prevented from sleeping by the policeman on guard knocking him up or shouting at him. From time to time he is taken out for questioning by members of the RUC Special Branch. During interrogation the brutal practices described by Lord Kilbracken for the army posts are often repeated by the RUC.

In reply to complaints about ill-treatment in the centres, the authorities inevitably point out that the person in question was examined by a doctor and signed a "no complaints" form before he left the centre. From our experience and knowledge we know that many persons have signed "no complaints" forms in Castlereagh, Ballykelly, Omagh, Armagh and Lurgan interrogation centres even after considerable ill-treatment. They did so either because they feared internment if they didn't, or were threatened and/or beaten until they signed. We also know of men whose health and physical condition, as certified by their

own physicians and surgeons, was such that they should not have been passed by the police doctor as fit for interrogation in the first place.

One aspect of the treatment of persons under arrest in these centres which causes grave concern is the granting of visits to relatives and solicitors. The current practice is to grant visits to relatives as a **privilege**, after a minimum of 24 hours has elapsed. Sometimes visits are refused and no reason is given. A visit usually lasts about 10 minutes and is closely supervised by a policeman. The position in regard to visits by solicitors is even more unsatisfactory. One person who asked for his solicitor was told that he could have any other solicitor except the one he requested. A solicitor who visited his client in Castle-reagh a few days ago complained that the consultation was constantly interrupted by the supervising policeman. This violates the principle set out in the preamble to the Judge's Rules (1964) which states:

"That every person at any stage of investigation should be able to communicate and to consult **privately** with a solicitor. This is so even if he is in custody, provided that in such a case no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice by his doing so."

The RUC claim that it is reasonable to exclude solicitors for 72 hours in some cases. In view of the torture and brutality in interrogation centres, and the number of reported cases of innocent men being compelled or tricked into signing incriminating statements, relatives and prisoners believe that it is a reasonable demand that the accused person should have the services of a solicitor within a few hours.

Most persons are held in these centres for a minimum of 48 hours; many are held for the full 72 hours. At the end of the period the arrested person is either charged with an offence or served with an Interim Custody Order (ICO) or released. In fact the majority of them are released.

Consider the cases of the many persons released after these long arrests. In the light of numerous reports from them of threats, attempted bribery and blackmail uttered during interrogation, one must conclude that they were arrested merely as part of an intelligence-gathering exercise. Thus the power granted to the RUC under Section 10 is being abused in the same way as that given to the Army under Section 12. Both abuses are equally intolerable. Even if the police did not suspect

them of being terrorists or of having committed a scheduled offence, many in the community will suspect them of having "done something" We have already referred to the increased danger of intimidation and assassination to persons who have been arrested and released. There are other hazards for them. They lose three days' wages without compensation. They, and their families, have been put under severe mental strain and frequently need treatment for nervous trouble. It is quite a harrowing experience for all of them and only serves to alienate whole families and communities from the men in uniform, be they soldiers or policemen. The continuation of these procedures is making it less and less likely that the RUC will ever be acceptable to the Catholic community.

Those who are not released are either charged before a magistrate and eventually tried before non-jury (Diplock) courts or served with Interim Custody Orders and detained without trial. In Part III we shall make some observations on the operation of the non-jury courts and internment (detention).

PART III

THE RIGHT TO A PUBLIC AND FAIR TRIAL WITHIN A REASONABLE TIME BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL ESTABLISHED BY LAW

The right to a public and fair trial within a reasonable time by an independent and impartial tribunal established by law is protected by Articles 5 and 6 of the European Convention of Human Rights. Since the United Kingdom obtained derogation from the Convention this right is no longer protected in N. Ireland. It is **restricted** by the non-jury (Diplock) courts set up under Sections 1 to 9 of the Emergency Provisions Act, 1973; it is **taken away completely** for more than 600 men and women who are at present interned under the provisions of Section 10 (5) and Schedule 1.

A. The Diplock Courts—Sections 1–9

1. The death penalty—Section 1

The removal of the death penalty from the law must be hailed

as a progressive step and we believe that any pressure to restore it must be resisted. Respect for the sacredness of human life is the foundation of a just and civilised society, and the use of the death penalty as a punishment for murder decreased the fundamental value of respect for life and called it into question. "A life for a life" is not the type of slogan on which a Christian society can be built.

It can be asserted that in the context of a society such as the six north-eastern counties of Ireland constitute, with a legacy of deep division and supercharged feeling, the use of the death penalty would unleash passions that would be revengeful and destructive of life and the peace of the community.

2. Juries—Section 2

Trial by jury for the offences listed in Schedule 4 is abolished by Section 2 of the Act. In the present state of society in N. Ireland the abolition of juries for these cases must be welcomed. The basis of jury service here is still to be a property owner of a certain valuation. The selection of juries is in the hands of rate collectors, Clerks of the Crown and the Peace, Crown Solicitors and other officials. Policemen play a big part in the serving of jury summonses and in the "marking" of the Crown Solicitor's list. One has seen the result of this control in the many juries composed entirely of Protestants in a county like Tyrone which has a Catholic majority. A man cannot be "tried by his peers" in such a situation. A Catholic on a political charge, or a charge connected with the struggle for Civil Rights, could not get a fair and just verdict from a jury in N. Ireland.

The abolition of jury courts puts the onus for deciding both the facts and the law on the judges. A non-jury system, if it is to be fair and impartial, requires judges of the highest character and calibre. Unfortunately, some judges sitting in our Diplock Courts do not measure up to the requirements of the system. Sample studies of the cases decided in these courts from March to June, 1974 reveal the anti-Catholic bias in our legal system. Our welcome for the abolition of juries is very much muted by our experience of these courts in practice. If these courts are to be even a satisfactory temporary expedient, then we must have a reform of the judiciary as well.

The right to trial by jury is a precious legal and civil right and one would hope that conditions can be brought about where people would receive a jury trial from a jury selected by a fair and impartial process, by officials free from bias and sectarian

bigotry, when the basis of jury service would be age 18 and over. The creation of just structures of law and society is the quickest way to ensure the restoration of trial by jury.

3. Limitation of power to grant bail—Section 3

Bail for those charged with scheduled offences can only be granted by a judge of the High Court. The granting or refusal of bail seems to be influenced excessively by the religion of the accused and whether the RUC are for or against him. It appears that the charging of Catholics with scheduled offences is frequently used as a means of punishing or pressurising a whole town or district. Persons are taken and held for as long as 12 to 15 months in custody on very flimsy evidence in some cases. One is forced to conclude that the security forces are using remands in custody as a form of internment in these cases. As usual, the anti-Catholic attitude of the RUC is crucial. They prefer more serious charges against Catholics as often as possible, while preferring the lesser charges against Protestants as often as they can.

Many innocent Catholics have to spend several weeks in custody before their bail applications are heard. In recent months a member of the RUC charged with assault, and the caretaker of an Orange Hall in the Shankill Road where an arsenal of illegal arms was found, were both granted bail on the first day they appeared in court. In the granting of bail the judges are, with a few exceptions, fair enough considering the charges and the comments of the RUC. Some judges do allow their political training and anti-Catholic bias to come through. A great deal of suffering is caused when persons are made the subject of arbitrary arrest or of a deliberate attempt to "intern" them by use of arrest on scheduled offences and refusal of bail. A speedier process of hearing bail applications is needed and a lot less weight should be given to the remarks of the RUC.

The Attorney General has power to certify whether an offence is scheduled or not. He was urged to exercise this power in one case recently where a member of the RUC Special Branch was accused of beating up a prisoner; he refused. There are a number of cases in which he should exercise this power, especially in cases involving women. Housewives are often intimidated into doing something illegal, e.g. keeping illegal arms in the home.

Long remands in custody, lasting six to twelve months, are quite common. On 23rd August, 1974, 38 of the 80 prisoners on remand in Cage 10, Long Kesh, were more than eight months

on remand. These extended remands often lead to solicitors advising innocent persons to plead guilty on the grounds that they have already done perhaps one year. The argument presented to these unfortunate people goes something like this: "It may be difficult to clear you completely; if you plead guilty to the lesser charge you will get a light sentence, perhaps a couple of years, most of which you have already served." This type of legal chicanery is encouraged by the present operation of the bail system and the length of remands.

4. Admissibility of written statements—Section 5

The difficulty created by the admission of written statements made and signed by a person in the presence of a police officer springs from the distrust Catholics have of the RUC. An aggravating factor is the use of such statements in the Long Kesh tribunals, although they are anonymous. People are afraid that the RUC are afforded opportunities to manufacture statements, to invent evidence and to incriminate people. The operation of internment depends on hearsay evidence and the distrust of evidence presented in the Diplock courts is a good example of how internment has corrupted and is corrupting the legal system. The most dramatic manifestation of this corruption occurred recently when two hooded witnesses gave evidence in the Rose and Crown case in a Belfast court. It began with screens in Long Kesh; it is now hoods in court.

5. Admission of statements made by the accused—Section 6

In Section 6 (2) of the Act it is stipulated that statements made by the accused will be admitted unless "prima facie evidence is adduced that the accused was subjected to inhuman or degrading treatment in order to induce him to make the statement". This limitation is totally inadequate in view of the long and proven record of brutality of the RUC Special Branch and the British Army in N. Ireland, a record for which they are now on trial before the European Commission of Human Rights in Strasbourg.

Recent British Government reports from the Compton and Parker Commissions exclude the category of torture, inhuman and degrading treatment from all the practices used by the RUC Special Branch and the British Army in N. Ireland since 9th August, 1971. In this period the RUC and the security forces used interrogation-in-depth techniques which included:

SLEEP DEPRIVATION
HOODING
CONTINUOUS HIGH-PITCHED NOISE
WALL-STANDING IN THE SEARCH POSITION
RESTRICTED DIET
SEVERE PHYSICAL BEATINGS.

These procedures were carried out continuously over a period of 6 to 7 days.

Sir Edmund Compton, in his Report, admitted that all these procedures were used except the beatings. Yet he is not prepared to describe it as torture or inhuman and degrading treatment. In paragraph 105 he says:

"Where we have concluded that physical ill-treatment took place, we are not making a finding of brutality on the part of those who handled these complainants. We consider that brutality is an inhuman or savage form of cruelty, and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in, the victim's pain."

We submit that the interrogation-in-depth procedures as described here in an official Report accepted by the British Government are not excluded from use by the wording of the Emergency Provisions Act, 1973, Section 6 (2). Neither are any of the methods used in Holywood and Girdwood Barracks excluded and these included electric shocks, drugs and obscene sexual assaults. We cannot find the terms "torture and inhuman and degrading treatment" applied to any of these methods in any official British Government document. Lord Gardiner's Minority Report comes nearest to it.

Therefore we find the provisions for the admission of statements in Section 6 far too wide and not suitable for conditions in N. Ireland. We know, from our own experience, that there are innocent men serving sentences in Long Kesh and Magilligan because they were forced to sign "confessions" prepared by the RUC concerning crimes of which they were not guilty. This is bound to continue under this loose type of emergency legislation and especially when there is no effective machinery for investigating complaints against the RUC and prosecuting those in their ranks who assault people during interrogation. The existence of centres where the RUC hold men "incommunicado" for 72 hours is bound to lead to brutality and torture. The wording of Section 6 of the Act should be amplified so that

it is clear that the techniques we have referred to are excluded under the term "torture and inhuman or degrading treatment". This applies in a special way to the interrogation-in-depth procedures. There is no protection against the use of brutal methods in the Act as it stands, and there is no effective method of redress for the victims of RUC and Army brutality.

It is important to realise that the use of torture and brutality in connection with internment and the extortion of confessions for use in the courts has had most deleterious effects in N. Ireland. Instead of terrorising and cowering the Catholic people, as it was obviously intended to do, it has revolted them and they are resolved never again to accept the RUC or the British administration who have violated human rights in this way. It has driven many young people to take up violent methods in despair at the violence of the RUC and the administration. Not a single member of the RUC has been convicted of ill-treating a prisoner in N. Ireland since 1968, despite the fact that more than 300 cases have been documented and filed against them.

6. Onus of proof in relation to offences of possession **—Section 7**

Great hardship is caused by the special provision in Section 7 about possession of proscribed articles. This is particularly true in Catholic areas where **all** adults and older teenagers in a house or car where illegal arms or explosives are found are generally arrested, charged and remanded in custody until they can apply for bail in the High Court. When similar finds are made in Protestant areas it is generally only the householder who is charged. This is yet another example of the anti-Catholic bias of the RUC.

While the provision has the appearance of being reasonable, it represents an important weakening of the principle that "a person is innocent until he is proved guilty". As applied in N. Ireland where a Protestant police force has always suspected Catholics of being "disloyal", it reinforces that attitude and puts more and more Catholics in the position of having to prove their innocence.

While we accept the principle of non-jury courts as a temporary expedient in the Northern Ireland situation, we are compelled to the conclusion that the provisions under which they function and the results they have produced make them unacceptable in practice. They are particularly unacceptable to

the Catholic community since Catholics charged with scheduled offences are more liable to be sent to prison and receive, on average, sentences of 6.5 years, while Protestants on similar charges get sentences averaging about 3.5 years.

B. INTERNMENT

Section 10 (5) and Schedule 1

The right to a public and fair trial is tampered with by the Diplock courts; it is taken away completely from those men and women who are interned (detained) in Long Kesh and Armagh.

1. Internment is immoral

It is unjust to take away a person's basic right to liberty without a fair, just and public trial, with proper means of defence and appeal available. The present turmoil in Northern Ireland stems from the fact that the right to work and fair social dignity was denied to the Catholic minority. Peace cannot be obtained unless personal values are safeguarded. Arbitrary imprisonment of the poor, deprived and underprivileged members of society was never an answer to the great social problems in N. Ireland. On the contrary, it has poisoned society and bred suffering and hatred. Imprisonment without trial is immoral "in se" because it deprives a person of his fundamental right to liberty. If he has abused his right or the rights of others, he should be tried before a court of law that measures up to international standards.

2. Internment is institutional violence

It has been used by the Unionist Governments of Northern Ireland against the Catholic community in every decade of the life of the state. The burden always lay with the majority in government to be generous and to share power and privilege. Their answer was always one of oppression and repression. Institutional violence was again thought to be the answer in 1971 by obtuse and simplistic politicians who had ignored the real problem for years. The result is that 4 per cent of adult male Catholics have been arrested, detained or interned over the past five years. It has happened that prisoners disappeared for days, were held incommunicado, were brutally treated. Libellous statements were made against them.

3. Internment—the role of the sectarian RUC

Internment of Catholics is closely linked with the problem of a sectarian police force—the RUC. The percentage of Catholics in the RUC has dwindled from about 20 per cent at one time to about 5 per cent now. Only one in 300 of the constables under 30 years of age is Catholic. It was the RUC who supplied the names of the men and women to be imprisoned without trial—traditionally Republican families, people interested in Irish culture. As an Irish Times editorial put it:

“A man may find himself behind wire, for, perhaps, little more than the possession of a Gaelic grammar, and a membership card of the GAA.”

Some of the men on the RUC lists were interned three or four times in their lives. Their children saw little of them as they grew up. The same RUC who used Browning machine guns, firing heavily and indiscriminately, in built up Catholic areas of Belfast on 14th-15th August, 1969, and who failed to prevent Protestant mobs burning down Catholic homes, provided the lists of the innocent to be interned on 9th August, 1971. All but six of the hundreds of men interned on that day have been released. The six are kept as political hostages, a symbolic pathetic token to justify Britain's immoral and illegal Act.

4. Internment 1971 — associated torture and brutality

Never before in Ireland was internment introduced with more cruelty than on 9th August, 1971. From 9th to 11th August brutality was inflicted on men arrested and brought to Magilligan and Ballykinlar camps and Girdwood Barracks, Belfast. On 18th February, 1972 Judge Rory Conaghan ruled that men were detained in “primitive circumstances” which were “deliberate, unlawful and harsh” following their arrest on 9th August. From 11th August to 17th August torture was inflicted on 12 men by the in-depth-interrogation procedures already described. Damages have been awarded to some of these men in the Northern Ireland High Court for false imprisonment, assault and torture, and other cases are still pending. Brutality and a great number of torture methods (25 have been listed) continued to be used against men, particularly in Holywood and Girdwood Barracks, from August, 1971 to March, 1972. At present detained persons are still ill-treated in Ballykelly and Castlereagh Interrogation and Detention Centres. These tortures of prisoners detained without trial violated the United Nations Decla-

ration of Human Rights and their Standard Minimum Rules for the Treatment of Prisoners, as well as the European Convention of Human Rights. All of the brutal actions inflicted on internees and detainees were assaults and constituted actual or grievous bodily harm. Those responsible have yet to be charged with these criminal acts. When the men who administer the law violated the law it is little wonder that confidence in the law disappeared.

5. Internment is illegal

In order to introduce internment the United Kingdom had to give notice of derogation from Articles 5 and 6 of the European Convention of Human Rights. Derogation means in effect that the UK Government has said: "We are no longer prepared to obey international law in part of the realm; we are suspending the right of Habeas Corpus for some of our citizens." The law requiring a just and fair trial is no longer fully obeyed. Internees have no fair, just and public trial. There is no proper right of appeal against internment. The family income ceases when the breadwinner is interned. No compensation for the afflicted family is provided by the government.

Internment without trial is not only illegal by international standards of law, but it was illegal when introduced in N. Ireland in August, 1971, even with the assistance of the tyrannical Special Powers Act. Damages have been paid in the court for illegal arrest and ill-treatment. The suspension of the Habeas Corpus Act in N. Ireland constitutes a serious threat to countries which share the traditions of the Common Law of which Habeas Corpus is the foundation stone.

6. Internment—conditions in Long Kesh

On 3rd June, 1973, Patrick Crawford, an internee in Long Kesh Internment Camp, committed suicide. His death prompted nine priests who assist there as chaplains to speak out publicly on the stepping up of internment in phases, the bad living conditions, the unsatisfactory visiting facilities and inadequate medical attention. It was built to break men's spirits and degrade them. Groups of 80 to 90 men are crowded into cages and housed in poor Nissen type huts. The overcrowding and lack of privacy contributes to tension in the camp. The internment camp is inside a British Army camp. A great cause for complaint are the frequent unannounced raids by the British Army on the cages. During these raids (for example, 25th October, 1971)

structural damage is done to the huts, personal effects are stolen and destroyed and internees are brutally treated throughout the reign of terror. Long Kesh is part of the major prison world of N. Ireland. It has always been a talking point here and it is a shock to the foreign visitor—its huge size and cruel aspect, its environment of caging, barbed wire, confined space and constant electric light.

7. Internment of women

The stepping up of internment procedures to include women has caused despair in the Catholic community. They see this stepping up as a crude punishment to the Catholic community for events beyond their control. In one notorious swoop 13 Catholic women from Divis Flats, Belfast, were interned without trial by Mr. Merlyn Rees within a period of three weeks. The internment of Mrs. Mary Kennedy, whose husband is also interned, a woman in poor health and mother to six children, is an example of this terror tactic.

8. Internment of juveniles

Catholic juveniles (14-16 years) from the underprivileged areas comparable to the internment of women is the internment of Belfast. This has shocked and revolted all who have any interest in human rights.

9. Internment procedures—Schedule 1 of the Emergency Provisions Act

Since the introduction of internment on 9th August, 1971, there has been no proper appeal against it. The Brown Tribunal set up by the Stormont Ministry of Home Affairs was a judicial farce. Judge Brown was succeeded by Judge Leonard, who reviewed the cases until the new Order, the Detention of Terrorists Order (NI), was introduced on 7th November, 1972. This Order, later incorporated into the Northern Ireland Emergency Provisions Act, 1973, as Schedule 1, by legal casuistry replaced "internment" with "interim custody" and "detention". The internment tribunal was replaced with a Commission. However, the legal fiction was not accepted and the new arrangements will go down in history as "Whitelaw's Tribunals".

An examination of the Schedule shows that considerable powers are reserved to the Secretary of State and indicates that decisions regarding detention are not removed completely

from the Executive to a "quasi-judicial" body. The effect of this new legislation remains the same. The internee still has no opportunity to test his innocence or guilt by normal judicial processes and his detention is unlimited in terms of time. His "trial" appeal and review are a mockery of law. The procedures in the tribunals have further corrupted society in Northern Ireland and in particular the whole web of the Civil Service, which has the task of covering up the deceit. Vague allegations, information from un-named paid informers who are never cross-examined, secret documents, witnesses concealed behind curtains, exclusion of the internee and his lawyers from parts of the proceedings, payment of large sums of money to Commissioners and lawyers, these are the criminal proceedings of Whitelaw's Tribunals. The Tribunals violate Articles 5, 6, 7 and 15 of the European Convention of Human Rights.

The right of a public and fair trial should be restored. All internees should be released unconditionally and should be compensated for wrongful arrest, brutality and detention.

CONCLUSION AND RECOMMENDATIONS

From our experience of the operation of the Emergency Provisions Act, 1973, and of the Special Powers Act, 1922, we are compelled to the conclusion that emergency legislation has been the greatest obstacle to the establishment of a just society in N. Ireland. We believe that it brings the whole concept of law into disrepute and that it corrupts both those who administer it and those against whom its provisions are applied. In N. Ireland the administrators have always been sectarian in outlook and this legislation has reinforced their sectarianism; the victims have been a disaffected Catholic minority and they have been made more disaffected by receiving the full lash of these harsh laws.

The administrators of the law—Government Ministers, civil servants, soldiers, policemen, lawyers and judges — are all excused by emergency legislation from the fundamental ethical requirement in a democratic society of having to justify their actions. In such a situation the temptation to act in a despotic way is so great that most human beings are unlikely to resist it.

The history of N. Ireland, with its emergency legislation permanently in force, shows that in fact those in authority have acted in a despotic way. In their eyes, to be a Catholic is to be suspect and therefore fair game for the full lash of the emergency laws.

Successive Ministers of Home Affairs and Secretaries of State have been guilty of political and/or religious discrimination in the use of their power to proscribe organisations. The provisions which enable them to intern and release persons at their whim or an intrusion by the Executive into the judicial sphere; they are in fact the abrogation of law by executive fiat.

The effect on the Army of the sweeping powers of search, arrest, interrogation and detention, as well as its influence in a situation where Government policy is "to end detention as soon as the security situation permits", gives grave cause for concern. The role which it played during the UWC stoppage in May, 1974, raised widespread anxieties about the degree of autonomy which it has achieved and doubts about the control of the civilian Government over its policies and activities. It may not be idle to speculate about the possible connection between the present upsurge of organisations led by ex-Army officers to deal with hypothetical emergency situations in England, and the experiences of these officers in operating under emergency law in places like Kenya, Cyprus, Aden, Malaysia and N. Ireland. There is grave danger that tactics used in the suppression of terrorism and subversion abroad may be used against peaceful protesters and dissenters at home.

One of the most crucial problems in the N. Ireland situation is the unacceptability of the RUC in Catholic areas. The RUC problem has really two elements—its source of recruitment and the wide powers given to it under permanent emergency legislation. Members of the RUC are recruited almost entirely from the Protestant community; it generally attracts the most bigoted elements in that community into its ranks. Many constables began their police work as members of the B Specials. It has always been a paramilitary force for the defence of the state rather than a civilian service to the community. Because of its paramilitary character it attracts types who in other countries would join the army. The sectarian and militaristic attitudes of its members colour their judgment in the enforcement of the law. Permanent emergency legislation has been their greatest weapon for the constant oppression of the Catholic community. In their dealings with that community they

ban organisations, disperse protests and marches, arrest without warrant or suspicion (the fact that one is Catholic suffices), interrogate and brutalise, plant evidence, force "confessions" from those arrested, charge heavily and recommend for internment, at will. They are immune to investigation and they know it. They refused to co-operate with Inspector Drury of Scotland Yard in his investigations into the death of Samuel Devenney and unashamedly sheltered criminals in their ranks. Some months ago they threatened strike action when one of their own members accused of brutality against a young Catholic prisoner was returned for trial under the Emergency Provisions Act to a non-jury court. They really consider themselves above the law. During the UWC stoppage in May last they refused to enforce the law against Protestants and openly fraternised with Protestant paramilitary groups while they carried out their illegal activities. The Emergency Provisions Act is their charter for bashing Catholics. There is no proper machinery to handle complaints against them.

Emergency legislation corrupts the civil service by excusing them from the obligation to justify their decisions. For example, parole for prisoners and internees is granted and refused in the most arbitrary fashion. At least it seems arbitrary in the absence of reasons which are never given.

The standards of the legal profession are lowered by their having to operate a court system which departs from the established principles of the law and above all by the procedures at Whitelaw's Tribunals in Long Kesh. A few of the more conscientious lawyers have tried to expose the glaring injustices in the courts; an even smaller number have flatly refused to appear at the Long Kesh tribunals. To lessen the hardship for their clients they often advise them to admit to one or more allegations at the tribunals or plead "guilty" to lesser charges in the courts even when they know that they would be acquitted under normal criminal law properly administered. Commissioner Lewis, at the hearing of the case of Oliver Kelly, a young Belfast solicitor interned in Long Kesh, expressed very succinctly the dilemma of a lawyer trying to operate outside the parameters of the ordinary criminal law. He said:

"I will indicate it is a matter of considerable distaste to me that I am obliged to do this (intern Mr. Kelly) upon evidence which Mr. Kelly and his lawyer have not had the opportunity of hearing and challenging, but I must indicate I have never had to make a decision such as this in other

courts where I sat as a judge, but I am circumscribed here by the terms of the Order (Detention of Terrorists Order) and by the security situation in N. Ireland." (Long Kesh, 17th March, 1973.)

One must note with some approval the honest admission of the Commissioner, but it reveals a state of affairs that is a disgrace to the legal profession. Are the high fees sufficient attraction to involve men in this negation of due process of law?

Emergency legislation is corrupting those who administer it, but its effect on those at the receiving end is more poignant. The administrators may be depraved morally by it, but they are materially enhanced; the suffering of its unfortunate victims is appalling, although their ultimate degradation is not so great as that of the people who enslave them.

The harassment of entire Catholic districts as a well planned policy at the highest level in the British Army is destroying respect for law and order. Emergency legislation allows the forces of law and order the leeway to become the principal law-breakers themselves. The army and the police are literally detested by people, the vast majority of whom have no propensities towards crime. It is no longer a shameful thing to be arrested since it is so commonplace in Catholic areas. Brutal treatment during interrogation builds up resentment and a spirit of revenge in its victims, their families and friends. The anti-Catholic bias of the courts is making Catholics totally cynical about the administration of the law.

The strains on family life in Catholic areas caused by imprisonment and internment of large numbers of men and women are becoming intolerable. Consider the position of the wives of prisoners and internees struggling to feed and clothe their families on the pittance provided by Supplementary Benefits. At the same time, they must drag themselves and their children weekly to visit their husbands. The visiting conditions are degrading as well as the conditions in which the prisoners and internees live day after day. The number of "one parent families" is being multiplied with intolerable strains on the wives and disastrous results for the children. The quality of life for thousands of people is being reduced to the subhuman in a society whose rulers measure their success in government in terms of the numbers of people they have succeeded in bringing before the courts or put behind the wire of the internment cages.

At present it is a picture of unrelieved gloom in N. Ireland. A beginning can be made to dispel that gloom if those in government are prepared to make a radical departure from the present policy of restricting human rights and civil liberties to one of promoting them in full and protecting them by law. We strongly advise that effect be given to such a change of policy at once. To that end we recommend:

1. The repeal of the Emergency Provisions Act. 1973. This will bring an end to harassment, arbitrary arrest and internment.
2. An amnesty for all who have been imprisoned for the offences listed in Schedule 4 of the present emergency legislation.
3. The incorporation into the domestic law of N. Ireland of the Articles of the European Convention for the Protection of Human Rights coupled with a solemn guarantee, perhaps as part of a Bill of Rights, that derogation will never again be sought. This will ensure that the three areas of human rights we have discussed in this memorandum will be adequately safeguarded.
4. The retention of non-jury courts for the trial of politically motivated crime, pending an acceptable reform of the present jury system. These courts to have three judges from an expanded and reformed judiciary and to operate under the normal rules for criminal trials.
5. Independent and impartial legal machinery for the investigation of complaints against the security forces.
6. An independent and impartial tribunal to decide on adequate compensation for all internees and those who have been the victims of bias in the courts.
7. A radical reform of the law relating to licensed firearms in order to bring about a reduction of the number of licensed guns in the community.

The roots of terrorism and subversion in N. Ireland are the denial of human rights and the arrogant misuse of power. We believe that full restoration of and protection for human rights is the only answer to our problems.

KNOW YOUR RIGHTS

ON ARREST

- 1. Ask the security forces under what power they are arresting you.** The police must specify the reason for the arrest; the Army need only identify themselves as members of Her Majesty's Forces.

If you are arrested under Section 10 of the Emergency Provisions Act as a suspected terrorist, you may be detained for up to 72 hours. You must also submit to being photographed and finger-printed.

If you are arrested under Section 11, you must be brought before a magistrate and charged within 48 hours, or released. The police do not have the power to photograph or finger-print you before you have been charged with an offence.

The Army may detain you for no more than 4 hours before either releasing you or turning you over to a "constable", usually the RUC or military police.
- 2. If you are arrested,** be sure that someone in your family or a friend contacts your local community leader, a solicitor or your local advice centre as soon as possible.
- 3. Request a solicitor.** It is best if you can name a specific solicitor and give his address. **Every arrested person has the right to consult a solicitor before making any statement or answering any questions,** except for questions regarding identity discussed below.
- 4. It appears that you must answer the following questions:**

 - Identity**—your name and address.
 - Movements**—where you have come from and where you were going at the time you were stopped or arrested. You do not have to answer questions about where you were last night or last week.
 - Recent explosions or other incidents**—you should ask the questioner to be as specific as possible, and unless you know anything as a fact from your own personal knowledge, you may simply answer, "I don't know anything about it." Do not repeat rumours or gossip.
- 5. Except for the limited areas referred to above, you have the right to remain silent** and you are under no legal obligation to answer any questions. If the questioning persists, again ask for a solicitor.
- 6. Do not necessarily believe everything you are told by the security forces.**
- 7. Do not sign any document.** You do not have to sign any kind of medical certificate before being released.
- 8. If you have been ill-treated,** see a doctor immediately after you are released. Even if your injuries seem minor, it is important that a record be made both for a possible claim for damages and for your own future protection.
- 9. After your release,** contact your local advice centre. It is essential to have a record of every arrest to help prevent future harassment.

KNOW YOUR RIGHTS

QUESTIONING AND THE "CENSUS"

1. Whether at home or in the street, you **must** answer questions relating to your **identity and movements** when asked by the security forces. However, these areas are very restricted: if you are at home, you should say how long you have been there; if you are stopped on the street, you need only say where you have come from and where you are going (you do not have to answer questions about where you were last night or last week).
2. You are also under an obligation to tell the security forces what you know about **recent incidents or explosions**. Make the questioner be as specific as possible. Do **not** repeat rumours or what you may have read in the newspaper. You should answer only what you know by your own personal knowledge to be a fact. When in doubt, answer "I don't know".
3. You **do not** have to fill in army "census" forms. Since it has been reported that Army Headquarters in Lisburn has denied authorising any census, contact your local advice centre if you learn that a census is being conducted in your area.
4. You **do not** have to allow the security forces to photograph yourself or your family.
5. You **do not** have to give the security forces the names and ages of your children, except to identify them if they are present. You **do not** have to provide the Army with photographs or other information about your family.
6. You **do not** have to answer general questions about your house or its occupants, like "What colour is the wallpaper?", etc.
7. You never give your religion.

Issued by Fr. Denis Faul with NCCL.