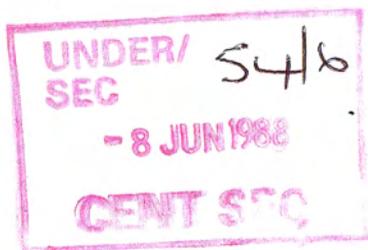


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AB/4040/DP

Mr Burns - B



cc Mr Stephens - B
Mr Chesterton - B
Mr Innes - B
Mr Miles
Mr Spence
Mr Bell - B
Mr Blackwell - B
Mr Daniell
Mr Hewitt - B
Mr McConnell
Mr Masefield - B

HARASSMENT

I attach the paper on harassment tasked at the last meeting on Confidence in the Administration of Justice held on 11 May. The paper proposes no solutions nor sets out to comment, in any depth, on the difficulties which surround the current processes of investigation of allegations of harassment. Rather it concentrates on trying to identify what is the problem. In doing so the paper describes in some detail the problem of perception; indeed there may be too heavy an emphasis on this to the detriment perhaps of an analysis of the actuality of harassment. This was a conscious decision and a necessary slant if only to point out that even if every member of every arm of the security forces behaved impeccably there would remain a belief within the nationalist community that harassment persisted. But as I have said in the text it is necessary to recognise that in the context of Northern Ireland it is too much to expect perfection. Unfortunately actual incidents of harassment carry with them disproportionate effects.

J R ALFORD
Political Affairs Division
7 June 1988

DP/1842

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PAB/4004/DP

HARASSMENT

Introduction

1. At the meeting on 11 May of the Steering Group on Confidence Issues PAB were commissioned, in consultation with LOB and the Secretariat, to produce a paper which would draw together the threads of the problem of 'harassment' which would seek to identify what the problem really is, how it occurs and how it is perceived by various interested parties.

What is Harassment

2. We could come up with no clear cut definition but in common parlance harassment is generally understood to mean excessive close attention being paid to individuals or identifiable groups within the community by the security forces. In practice in NI this often means exchanges with the minority community - which include actions such as the use of abusive language, delays, questioning, searching, taking car numbers - which may appear relatively minor but which nonetheless are seen as provocative. For the purposes of this paper, issues like the use of baton rounds, allegations of shoot-to-kill, and arrests under emergency legislation have not been included in our considerations.

3. Harassment is not a new problem or one peculiar to Northern Ireland. Even in jurisdictions where the authority of the state is not in question there can be conflict between on the one hand the community's desire for effective 'policing' and on the other hand the response when this translates into individuals being policed. This is compounded when minority groups (for example gays and ethnic groups) feel singled out for discriminatory treatment.

4. Some element of confrontation is bound to arise from contacts between the forces of authority, enforcing the law, and individual citizens. What is important anywhere, and Northern Ireland in particular, is to determine when and to what extent this steps over

*any
affair
of public
or love
interest*

*documented in the
report of the
committee*

the normal boundaries as a result of the actions of the security forces.

5. Our analysis suggests that there are three particularly high risk contact areas.

- i. Structured interactions The maintenance of an obvious security force presence, on the ground, by means of planned and often regular security force operations such as VCPs.
- ii. Individual Contacts The regular stopping and questioning of particular individuals.
- iii. Random incidents One-off situation such as an altercation between a member of the public and security force personnel.

6. It is evident that the classification of actions as harassment is a subjective judgement and therefore it is the community's perception that is important. This is conditioned both by the actions of the security forces and also how they are regarded by those with whom they are in contact. Therefore because the unionist community largely regard the security forces as their protectors there are few complaints from unionist/protestant areas. On the other hand because the nationalist/catholic community are subjected to greater attention from the security forces, and because they do not have the same empathy with them, most complaints come from areas such as South Down, South Armagh, West Belfast and Londonderry.

7. A number of factors influence the minority community's perception of harassment.

- i. Actual harassment Without doubt elements within some sections of the security forces from time to time act in a manner which does little to enhance the reputation of the forces as a whole. Thus events such as the persistent stopping and searching of priests, or the regular setting up

of mobile VCPs outside Roman Catholic churches stopping Sunday worshippers, provides tangible evidence of prejudice. The consequence of this is that incidents, which might otherwise be regarded as normal, become subsumed into the same general complaints.

- ii. Communications breakdown This is particularly true when there has been a change of army units or the movement of senior RUC personnel. As a result the community and their local leaders may lose, temporarily, the link with the security forces and issues which in the past have been ignored, or dealt with by low-key discussions, become unduly inflated and lead to a belief that harassment has become more prevalent.
- iii. Political perception This may depend on the current political climate so that in certain circumstances there is a general belief that the apparatus of the state is constructed to work against them and therefore most contact with security forces is, by extrapolation, suppressive.
- iv. Propaganda Very often incidents are contrived by Sinn Fein to allow them to condemn harassment and at the same time feed off the adverse reaction and in this way build their own support within the Catholic community.

8. However the situation is not one-sided and solely of the security forces' making. From their standpoint the security forces see incidents develop where there is:

- a. Provocation
This is where a member of the public overreacts to a search or being stopped at a VCP and triggers off a confrontation.
- b. Reaction to incidents/intelligence
This can often happen when security forces themselves feel under threat perhaps in the highly charged atmosphere following

on from a particular incident or during a heavy deployment based on intelligence which suggests there may be a major terrorist attack. This may be particularly true if a number of security forces personnel have been killed or injured and a unit is either emotionally involved or fearful of a similar attack.

Frequency and Type

9. We made some efforts to quantify the problem. An analysis conducted for us by the Secretariat showed that of 50 cases reported in a six month period from November, 40 were of an individual nature and 10 were more general. Over half of the 40 related to incidents at VCPs and the activities alleged ranged from verbal abuse to assault. Surprisingly few of the complaints (5) were directed against the UDR considering the number of VCPs manned by the Regiment, but this may be because they operate less in nationalist areas. Some regular army regiments were singled out for specific attack including the Royal Marines in South Down, and the Royal Scots in West Belfast.

10. To an extent this analysis goes against popular conceptions. For example there is a general belief amongst the minority community, across the Province, that the UDR is the main culprit. On the other hand it is in accord with the idea that within the regular army some regiments are worse than others. Allegations against the RUC are more sporadic often centring on a local divisional area or particular individual officers.

11. There is a general question mark about the number of incidents that are reported. We have a lot of anecdotal evidence that very often the decision is taken to ignore an incident because it will 'do no good' ie it will be looked into but no one within the security forces will be deemed to have been at fault. Or further the very action of complaining will draw attention to the complainant, and this in turn will bring more harassment upon the individual. This means of course that much goes unreported, and because the security forces are given no opportunity to correct it, the action becomes a deep seated sore.

Is Harassment Important

12. The issue of harassment has significance at three levels. First, at a street level, the nationalist community at large do not see issues such as three-judge courts or complicated legal arguments about standards of justice as of much relevance to them. Of more importance is how an individual member of the security forces deals with them and this colours more than just their perceptions of the police and the army. If they feel that they or their community have been the victims of harassment they are likely to extrapolate this to the whole machinery of Government and decide that it works against their interests.

13. Second, at a local political level, continuing difficulties over harassment can create peaks and troughs in relations with local politicians and the SDLP in particular. Apart from their natural objections to harassment the SDLP see the issue as one in which they are in direct competition with Sinn Fein. By exploiting allegations of harassment Sinn Fein seek to build their support in the nationalist community. In turn the SDLP need to counter this by taking their own position. It is important to them that they are seen to be taking steps to eliminate or at least minimise allegations of harassment and also to ensure that all complaints are rapidly and fully investigated. On the basis of complaints from the offices of the three SDLP MPs it is quite clear that they consider this to be a very important issue.

14. Third, and by no means least, is the international dimension. We know that the Taoiseach has a personal interest in the matter and is sensitive to the number of allegations passed through the Secretariat. For example the stories surrounding the alleged harassment of Aidan McAnespie, who died in the shooting incident at Aughnacloy, are a prime example. Thus at the highest political level in the Republic it is an issue of considerable concern.

15. Moreover on a wider stage it does nothing to enhance the reputation of the United Kingdom Government or to make it any easier

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to present in the USA the Government's case about efforts to promote equality and freedom in Northern Ireland society. Without doubt for example, the incident with Congressman Kennedy and the soldier attracted world-wide attention.

Response

16. In considering a response three points appear to be pertinent.

- i. Inevitably complaints about harassment will come from areas which are the main sources of terrorist activity because these will of necessity be the areas of greatest security forces presence. Clearly therefore the problem cannot be addressed by reduction of the security effort in terms of searching or general surveillance.
- ii. The difficulty of establishing that an allegation of harassment is genuine. Incidents of a criminal nature - for example assault - are easier to pursue but allegations of abusive language or discourtesy are very much in the eye of the beholder. Moreover, since the need for security dictates a high level of security forces activity it follows that lengthy delays or being stopped regularly at the same spot will fall somewhere between harassment and operational necessity. Distinguishing between them becomes very difficult.
- iii. Equally important are matters of redress and the investigation of complaint. Although an instance of harassment may appear insignificant it often disproportionately influences the views of an individual and his community. As said above in many cases formal complaints are not made, because the established (and very necessary) procedures and investigations appear cumbersome, and out of proportion to the nature of the incident. In short individuals in the community (as well as political representatives) would like to see a much more streamlined and efficient method of pursuing allegations of harassment or disquiet about security force activities.

Conclusion

17. There is little doubt that harassment is a major issue within the nationalist community in Northern Ireland, in the Republic of Ireland and on a wider international stage. It has a major influence on nationalist thinking on the political process and colours the acceptance or otherwise of the apparatus of the state.

18. Harassment is not a problem which can be easily resolved because genuine claims of harassment sit among so many allegations and it is necessary to ensure that the correct checks and balances exist on behalf of both the victim and the alleged culprit. Nonetheless it is high on the list of factors which could be used to shape nationalist thinking if we could reverse the perception within the minority community that the security forces practise widespread discrimination.

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