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A POSITIVE AND PRACTICAL APPROACH TO SECURITY AND ITS FRUSTRATION
AS PRESENTED TO THE SECRETARY OF STATE'S CONFERENCE, MARK II

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For any state to exist as a viable entity there must be consent to such existence by the overwhelming majority of its citizens - there must be a political consensus. It is from this consensus that support for the organs of the State emanates and it is this support that brings about an identification of the citizen with the officers or representatives of the State.

In Northern Ireland there has always been an absence of political consensus thereby leaving the State unsupported by a large section of its citizens who have in turn no identification with those acting on behalf of the State. This vacuum in consensus, support and identity has had disastrous consequences in the field of Law and Order as can be seen from an examination of that fact:-

1. Because of the situation extreme powers have to be given to the police and army allowing them unlimited powers of search and arrest. The exercise of these extreme powers worsens the position and after each incident the degree of rejection increases. There have in eight years in Northern Ireland been some 20,000 arrests and some 3000,000 searches. On British terms this is equivalent to 750,000 arrests and well over 12 million searches. These arrest figures do not account for those held for less than 24 hours which are known to be very extensive.
2. In a normal state an arrested citizen can have immediate access to a solicitor, can only be held for 48 hours without a charge, and generally, if arrested the police are in possession of evidence connecting the citizen arrested with some crime. In Northern Ireland extreme measures have to be introduced to deal with the situation. The arrested person may firstly be totally innocent and simply held for the purpose of gathering general information about his or her area. They are not brought to a police station but to an interrogation centre which is equipped with various interrogation devices and staffed with interrogation officers, many of whom have been shown to have committed grave acts of violence against arrested people. Those arrested until lately did not have access to a lawyer and now are allowed a lawyer after 48 hours but with a police officer present during the interview so that he can report back to those interrogating as to what has passed at the interview. Persons arrested can be held for up to 7 days without charge and then released. Indeed, during the period of internment over 2,000 persons were held for up to four years without having any trial or charge. In British terms this is equivalent to some 75,000 persons being interned without trial because of their political beliefs. Leaving aside this period of internment there has, over the past 8 years, been 20,000 people held up to 7 days (an equivalent in Britain of 750,000). Of these, 20,000 people, 12,000 were released without any charge. This means that under the present extreme legislation 12,000 innocent persons have been held for up to 7 days without any compensation of any kind, some of them severely ill-treated and all detained in poor conditions. What would be the reaction in Britain if in 8 years 450,000 innocent people suffered such an injustice. The suffering of those arrested does not end with detention and deprivation. Many of them have been ill-treated and tortured as found by the European Court, Amnesty International, and the Bennett Enquiry. There have been suicide and attempted suicide by those held. Police surgeons have reacted strongly against what has been done to persons held and have even asked to be removed from their post. 1,521 allegations of ill-treatment or torture have been made during the past 4 years - a British equivalent of 55,000. These complaints go back over the ten year period and have resulted in upwards of two million pounds being paid in compensation. Would there not be a reaction in Britain if 60 million pounds was paid out in such

3. The extreme legislation necessitated because of the lack of political consensus has had to be extended into the field of dealing with those charged. In normal circumstances a person charged can get bail and be released. In Northern Ireland those charged under this legislation can only get bail through an application to the High Court. Since this legislation was introduced 10,000 applications were made and of those some 6,000 were refused, of these 94.4 per cent came from one section of the community. Again in normal circumstances a person held in custody on a charge would be given a trial at the earliest possible moment. In Northern Ireland some have been held for up to two years with an average touching eight months. There are at present in Northern Ireland more than 400 persons awaiting trial under Emergency Legislation and of these 341 are in custody. It is inconceivable that the British sense of justice operating in Britain would tolerate over 12,500 people held in custody for eight months or more awaiting trial.

4. The lack of community involvement in the enforcement of Law and Order means that witnesses are not prepared to come forward and testify in Court. As a result the police are driven to get confessions as a means of supporting their charges. Thus, almost 89.4 per cent of those charged under present Emergency Legislation are convicted almost entirely on confessions and in over 90.6 per cent of the cases there have been allegations (in many instances supported by medical evidence) that the confessions were extracted by torture, ill-treatment or threats. This means that some 1,400 at present in prison would claim to have been convicted upon involuntary confessions and therefore wrongfully imprisoned. Again, one might ask what would be the reaction in Britain if 50,000 persons in prison were claiming to be wrongfully there?

5. The position in Northern Ireland is much worse than it would be in Britain in five respects:-

- (a) the lack of political consensus has resulted in Jury Trials upon the decision of one man - the Judge;
- (b) some of the Judges have, in many cases been involved politically against the person charged;
- (c) almost all the persons convicted are young persons who have never been involved in any kind of political activity but whose family and themselves have endured deprivation and discrimination from what they regard as the "State" and irrespective of what their offence is they regard themselves as Political Prisoners;
- (d) the sentences imposed are lengthy in the extreme, averaging almost fifteen years and in many cases being more than twenty years;
- (e) these young persons are incarcerated in the prison where there is deep political resentment giving rise to the "blanket" protest which many of them joined as the only method of protest left to them against a political set-up that they are opposed to and which has inflicted upon them and their family grave injustices. Most of them have spent all their life without a job and have seen their parents suffer similar unemployment. Over the past 10 years the only British investment that they can see is two new prisons and a vast expenditure on army and police and on facilities for the imposition of further and more extreme repression on them, their families and their local communities - they have seen no effort to understand their grievances.

The result is that there are at present in prison in Northern Ireland either sentenced or awaiting trial approximately 2,300 persons, of these 363 are taking part in the "blanket" protest. These people regard themselves as political prisoners. Would public opinion

in Britain tolerate a situation of 80,000 persons claiming political status, with 13,000 of them held in a cell 24 hours a day without any exercise, clothing or reading material, kept in inhuman squalor and subjected to strip searches and all the other degrading and inhuman treatment that is associated with the "blanket" protest? Whether such conditions are self imposed or not would there not be an outcry in Britain to do something about it?

6. Finally, lack of political consensus leads to an unstable society, a one-sided security force, and a tendency for members of that force to identify with the section of the community that supports them to the extent of even becoming involved in its illegal activities. Thus in Northern Ireland we have between the police, police reserve, UDR, army, security workers and prison service a total of approximately 40,000 people to control a population of approximately one and a half million. In Britain this would be an equivalent of one and a half million people looking after Law and Order.

The clear lesson is that the whole question of Law and Order is dependent upon political consensus giving rise to support for the organs of the State and an identity with those enforcing the laws of the state; that consensus in Northern Ireland can only be brought about by the whole-hearted and equal involvement of all the people in the governing of the area. The bringing about of that involvement is the responsibility of the British Government. Until that responsibility is accepted the terrifying situation is that Northern Ireland will continue and worsen with the vicious circle of lack of consent and identification, giving rise to more extreme law and order measures which, in turn, reduce the consent and the identification.

From inception the boundaries of Northern Ireland were delineated specifically so that the majority tradition would always be in power, thereby frustrating democracy.

The permanent exclusion of the minority tradition from authority exacerbated by the discriminatory practices against it placed the two traditions in positions of permanent confrontation. The conflict thus generated created permanent instability which in every generation erupted into violence, reaching a crescendo in the last decade.

It is this conflict which has always posed and will continue to pose the greatest threat to peace and therefore to security in Northern Ireland first, spreading inevitably throughout the whole island. The problem cannot be solved by security measures alone which concentrate on violence which is the symptom not the cause of violence.

Neither is it simply a matter of being either for or against the RUC, it is much more fundamental. In Britain the majority in Parliament enact laws and the Courts and Police enforce them. But because the society is fundamentally in agreement on how it should be governed its people accept the law, the Courts and the Police as "our law, our courts, our police".

If you apply the system of majority rule in a divided society like ours you get a situation where the majority think of "our law, our courts, our police" but the minority think of "their law, their courts, their police". When the institutions of the state come under attack this peculiar attitude of both the majority and the minority community towards the state and the police becomes obvious. This has been the fundamental weakness of the state in Northern Ireland and subversive organisations using violence to overthrow the institutions of the state have consistently exploited it.

The SDLP is committed to removing this fundamental weakness in Northern Ireland by the creation of agreed institutions of Government based on partnership not confrontation between the two traditions which the whole community will commit themselves to wholeheartedly support, protect and defend.

In the field of security it is obvious that both the British and Irish Governments are to a considerable extent interdependent particularly in the context of political violence affecting both.

Therefore it must also be their common concern to work together to develop the political institutions which alone can remove the basic causes of conflict and guarantee support for law and order. The emphasis on security at every summit meeting between the two Governments indicates the importance of practical co-operation in ensuring that joint resources are maximised against terrorism. The present system of direct rule has compounded the basic instability of society in Northern Ireland by creating a political vacuum whilst leaving the circumstances of confrontation still intact.

The most important step forward at this juncture would be for both Sovereign Governments to accept responsibility for initiating the process of the integration of the two traditions into partnership designed to replace confrontation with consensus. This would create the circumstances for a long term political solution and would attract support from both traditions who could identify with it. Of itself the prospect of an emerging solution would cause

The necessity for a radical approach of this kind is underlined by events since 1974 when hope of political progress was abandoned by Westminster in favour of an all out pursuit of the military solution.

Since then the Province has been clamped in the full rigours of the Emergency Powers Act for scheduled offences:- no jury, one judge trials: virtually no bail: very lengthy remands in custody: dangerous changes in admissibility of evidence: very wide powers of arrest and search without warrant: detention without trial for up to 7 days on the authorisation of the Secretary of State: severe sentences. Though these measures were designed to combat specific terrorist activity they have increasingly been used in addition as devices to gather and computerise information generally with the result that very large numbers of innocent persons have been adversely affected often, seriously.

These measures were never intended to remain in long term operation because of their restrictive effect on Human Rights and their erosion of the due process of the law: yet imposed in 1973 they are still in operation in 1980. Their impact has also been discriminatory bearing most heavily on Catholic areas even though paramilitary terror groups operate with equal ferocity from both traditions.

One of the most serious consequences of the continued operation of the Emergency Provisions Act has been the involment of the security forces (police and army) in patterns of grave breaches of the Law.

In the case of the RUC this has been evidenced by the inhuman, degrading ill-treatment of persons in police custody on a considerable scale over many years. This has been confirmed by the European Court of Human Rights, Amnesty International and the Bennett Report and has even attracted sanctions under United States legislation designed to snub Governments convicted of serious Human Rights transgressions. Failure to identify and deal with the police lawbreakers by conventional methods has brought the force as a whole into disrepute, doing the greatest disservice to the majority of policemen who wish only to uphold the Law.

Even worse there now exists the probability of a pattern of persons, mostly young, having been convicted of crimes they did not commit on the basis of statements forced from them whilst in police custody.

The only remaining way to deal with these grave problems is to establish a public impartial enquiry into individual allegations of ill-treatment as suggested by Amnesty Report which was supported by the overwhelming weight of responsible public opinion at the time.

The SDLP has accused the British Government of operating a "Kill-don't Question" undercover security policy in which ten persons - three admitted to be completely innocent and uninvolved - were killed within a recent one year period. They were shot dead by SAS type gunfire, without challenge in a contrived, ambush situation in which security forces who were at no risk could have effected arrests, but chose instead to act as Jury, Judge and Executioners. In only one of the ten deaths were the known members of the security forces responsible charged in the Courts.

We welcome the recent declaration of the Secretary of State that the Rule of Law is to be enforced in security operations. However,

announced expansion of undercover activities which are inherently dismissive of legal convention.

Future security policy envisages the continued Ulsterization of security. This involves the gradual withdrawal of British Army personnel and their replacement by the RUC and the UDR. It is a decision which appears to have been taken not in the best interests of Northern Ireland but to enable the British Government to meet its troop commitments elsewhere.

It will inevitably cast the RUC in an ever increasing paramilitary role even though exercising just such a role for the former Stormont Government destroyed its acceptability in the past.

Indeed many young policemen who joined the force in the light of the post-Hunt assurances must now feel betrayed knowing as they do that paramilitarism and real policework are antipathetic.

The UDR which in Ulsterisation becomes the RUC's back-up service has by far the worst record for serious sectarian crimes of any regiment presently in service with the British Armed Forces on land, sea or air.

Former members of the Regiment have been convicted in the Courts of (inter alia) sectarian multiple murder; sectarian murder; sectarian attempted murder; sectarian pub bombing in Northern Ireland, England, the Republic of Ireland; sectarian arson; sectarian assault; sectarian intimidation; arms theft of their own weapons; murder to pervert justice; arms offences and common criminality of all kinds, including social security frauds and the robbery of post offices.

The more serious of these crimes have often been connected with loyalist paramilitary activity with which the Regiment is known to be seriously infiltrated.

My Party has consistently - but in vain - campaigned for every serving UDR man to be security re-screened in order to root out the paramilitary elements. Until this is done the Regiment will be identified amongst the minority community as a menace to rather than a support for law and order.

In addition both the RUC and the UDR are overwhelmingly (96 per cent and 98 per cent respectively) drawn from the loyalist tradition and are therefore completely unrepresentative of the community at large. This to an extent represents Westminster's failure to convince the minority that the dispensation of justice here is evenhanded.

The exclusive pursuit of a military solution to the problems of Northern Ireland has failed to end the violence, which was its sole objective and only justification.

In the process it has found even the penal provisions of the Emergency Powers Act inadequate and forced the security forces into massive breaches of the Law.

To end result has been to brutalise the security forces, alienate large sections of the community and weaken support for Law and Order in a community which is now more polarised than ever. A grim legacy is to be found in the jails of Northern Ireland which now house a ten-fold long-term population explosion in the past decade.

Many of those imprisoned from both traditions were convicted under the questionable Emergency Powers Act. Most would never have found