

NATIONAL ARCHIVES

IRELAND



Reference Code:	2008/79/3134
Creation Date(s):	15 June 1978
Extent and medium:	5 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Amnesty Report on Police Interrogation Practices in
Northern Ireland

1. In the period 28 November to 6 December 1977 a team of Amnesty International investigators stayed in Northern Ireland to find out, at first hand, whether or not there was any truth in allegations concerning abuses being employed in the interrogation methods of certain members of the RUC, especially with regard to Castlereagh Interrogation Centre in Belfast.

2. A total number of 78 cases were examined of which 5 were investigated thoroughly. The evidence gathered by the A.I. team has caused it in its report which was published on 13 June to call for a public inquiry. Prior to the publication of the report the Secretary of State for Northern Ireland, Mr. Roy Mason, issued a statement in the House of Commons on 8 June to the effect that a commission of inquiry would be set up whose chairman would be an experienced member of the judiciary. This commission would be charged with investigating police interrogation procedures and its report would be published. Substantial portions of the A.I. report had already appeared in the "Irish Times" on the day Mr. Mason made his statement.

3. In a special 15-minute report recorded for the RTE radio programme "This Week" which was broadcast on Sunday, 11 June, Dermot Mullane interviewed Dr. Joe Hendron of the SDLP who was described as a general practitioner in the Falls district of Belfast, Pascal O'Hare, a Belfast solicitor and John Taylor, a former Home Affairs Minister in the old Stormont Parliament.

4. The interview commenced with Dr. Hendron saying he was "absolutely delighted that there is going to be some sort of enquiry other than just a police enquiry" as it would reveal "what has happened in Castlereagh". Dr. Hendron spoke at length about Castlereagh and the "beatings" that have taken place there. He explained that he had spoken to the Chief Constable about these saying that that "must be about a year ago now". In response to a question from Mullane as to whether it was in "direct response" to the Amnesty findings that an inquiry has now been instituted, he

believed that that was the reason and firmed his response by adding that the new inquiry was brought about "because of the tremendous international repute, of course, of Amnesty".

5. Dr. Hendron was convinced that there has been a "cover-up" of what has been happening in Castlereagh as the Chief Constable has easy access to the reports of the Police Doctors who examine the suspects before and after interrogation. The doctors are paid by the Police Authority and therefore there could be no reason why the Chief Constable could not be aware of what has been happening.

6. Dr. Hendron recognised that the police had orders to be resolute in the pursuit of terrorists, be they Provisionals or Loyalists and that it was necessary to get these "murdering people" out of harm's way but he recognised that a person is "innocent until he is proven guilty". Dr. Hendron was emphatic in the expression of his desire to see the police "walk into every part of Northern Ireland" and that they be seen to be "fair to all sections of the community".

7. When confronted with a statistic to the effect that some 3,500 suspects had been interviewed by police within "the first 11 months of last year alone" (to quote the interviewer's words) was not A.I.'s consideration of 78 cases alleging misconduct by the police insignificant, to which Dr. Hendron replied that "most of these assaults" in Castlereagh to which he had referred had "taken place" six to nine months ago. Of the few cases with which he has come in contact recently there has been little evidence of the type of complaint to which he previously referred. Dr. Hendron remarked that he is aware of a Police Doctor who about six to nine months ago had seen suspects before they were to be charged but subsequent to interrogation and it was that person's belief that about one-third had been ill-treated. He added that this doctor would not have seen these suspects in Castlereagh but in the "Police Office" later. It was Doctor Hendron's emphatic opinion that "in recent times I have not seen much evidence of assault".

8. When asked as to what exactly he meant by "ill-treatment", he replied "frankly I call it torture". He accepted the need to interrogate suspects but drew the line where "actual physical abuse" was involved. Prior to making this comment he referred to people whom he had seen having been interrogated at Castlereagh and that it was obvious from the nature of their physical condition that it was not something which had been self-inflicted.

9. Dr. Hendron wanted to see a stop to the constant punching of suspects in the "stomach area", slapping them around the face" and the bending of wrists backwards and forwards until a swelling occurred. These were practices which, in his opinion, constituted "actual physical abuse". He referred to the inflictors of such injuries as "experts" in that they knew how to inflict them "without leaving any marks". The constant punching in the "stomach areas" was a good example of this type of injury. It was his experience, quite often, to interview such victims of this type of "abuse" some two to three days after the event by which time any evidence of bruising would not remain and it is precisely evidence of such abuse that a court of law wants in order to prove a case of assault.

10. Following on the Hendron interview came that of Pascal O'Hare who said in regard to Mason's announcement that he "would welcome this inquiry" and that he "would like to see the fullest co-operation from all interested parties" but that it is "unfortunate in the extreme" that it is not to be held in public as he believed that it would have to be "if the confidence of the police is to be restored in certain areas". He believed that the "public must see this thing to be an inquiry which is full, frank and open".

11. Asked if he would like to see tighter rules drawn up for the interrogation of suspects, Mr. O'Hare was firmly of the opinion that had solicitors been allowed ready access to their "respective clients" during the detention period a lot of the serious allegations which have been made regarding abuse could not have been made. Mr. O'Hare said this is something about which he had "complained very bitterly to the authorities". The reply police had given solicitors regarding access to their clients had always been that it

would "hinder enquiries" which he said was something he could not accept as it was the "purity of the law being maintained" that is his interest. He was basing his opinion on "a volume of experience over the last nine years". Nonetheless, Mr. O'Hare was "delighted now that this inquiry has now been announced". Mr. O'Hare was quite vehement in this criticism of the perpetrators of the abuses on suspects in Castlereagh and referred to the "same faces" against whom allegations have been made appearing "time after time" and to the fact that some had been "promoted". Until such time as those people "are rooted out of the police force" the force is going to remain "suspect", according to Mr. O'Hare but having said that he has met many members of that force in his legal capacity who are "a credit" to it and any other force.

12. John Taylor was asked if those complainants who had given evidence to the A.I. team would be reluctant to bring their cases to the Director of Public Prosecutions "since this would involve their allegations being investigated by the police themselves". He replied to the effect that he didn't "see that" and anyhow "it is in the interests of the police to ensure that there is no ill-treatment" of suspects as the law of Northern Ireland "is such" that if a person being charged in a court alleges that he has been ill-treated by the police then the burden of disproof is placed on the police and if they fail to disprove the allegations the statement obtained during interrogation is not admissible as evidence in other words "onus falls upon the RUC to prove that a person has not been ill-treated". Mr. Taylor added that a person alleging ill-treatment can take civil prosecutions in the courts against the police which "would be thoroughly investigated" and he has no reason to doubt the DPP in this regard or its "independence". He said he was aware that civil prosecutions had been taken in a number of cases against the police and "several have been found guilty". The number, he claimed, however, was "insignificant" in relation to the overall strength of the RUC and in his opinion judging by the number of cases the A.I. report considered the good name of the force had been upheld.

13. On the question of the inquiry being an aid to help further the acceptability of the RUC, Mr. Taylor said they are well on their way towards being widely accepted and that while that might not have been true some years ago he believed that the "allegations against the RUC are not as serious as the ones that were made against the Garda" and that when A.I. came to Northern Ireland "all the facilities" were provided unlike the Republic. He believed that this approach "is helping to open the books of the RUC to the public in Northern Ireland and certainly this further investigation will strengthen the image of the RUC amongst all sections of the community".

14. Asked "in all honesty" how this opening of "the books" could be accepted when "police surgeons' reports are not made available and never have been made available to any other than the Police Authority" - to which Mr. Taylor replied that there are two types of reports, the complainant's doctor's report and the police doctor's report which is not made available "until these cases were out of court" which, he said, were five in number - that is those thoroughly investigated by A.I.

Once, he said, these cases "are through court" there could be no question of it been "hidden" from the DPP should someone take an action under "Civil Law".

15. Finally, Mullane asked Mr. Taylor that if someone should "be found guilty of this type of interrogatory behaviour" that person ought to be "dismissed from the police force for the sake of its good name as whole" to which he replied "Certainly, they would have to be disciplined, I wouldn't go so far as to say dismissed ... you cannot tolerate that type of operation within any police force".

NOTE: The sequence in which the programme's participants were interviewed has been maintained as too has the sequence in which questions were posed. Quotations from the interviews were obtained from a taping made by the author of this paper.

F.X. O'Donoghue

15 June 1978