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Punishment Beatings - Background Note

Republicans

The phenomenon of punishment beatings in republican communities may be best illustrated by looking at a recent case study which was detailed to me by a solicitor working in West Belfast and the examining the motivations of those involved:

The Client

1. The client came from a very stable family in which both parents were employed, socially well adjusted and regarded as very mild mannered. The client became notorious locally as a car thief. He stole a very large number of cars either to joy-ride and/or to strip for parts. Convicted for a number of offences, he was responsible for only one crime involving physical harm, though his joy-riding was itself a threat to safety. Local republican leaders would have become aware of his activities either because his persistence and recklessness were well known or on foot of a representation (e.g. from someone whose car had been stolen). These local republican leaders would have made a decision on what course of action to take, select those to take part and let it be known that the client was to be dealt with. The client was severely beaten on three occasions, though no bones were broken. One of these occasions was arranged with his consent i.e. he presented himself at an agreed time and place and voluntarily suffered his punishment (though punishment by arrangement is less popular now).

2. Despite these beatings, the client continued to joy-ride. Finally a warning was issued that he should leave Northern Ireland or be dealt with again (presumably in a more drastic manner). He was in juvenile detention at this time. A representation was made to a known republican responsible for punishment beatings. A meeting was arranged involving the client and a local priest in which the latter spelt out the conditions which had been conveyed to him and which, if adhered to, would relieve the client of the threat of punishment. The client did indeed adhere to these, entered a stable relationship and now works regularly on building sites.

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Motivations

Offenders

3. The client in the case cited above in not untypical in coming from a stable background. The generation who joy-ride are widely regarded as nihilistic who neither fear nor respect authority in any guise - parental, communal, church, state or paramilitary. They live for the moment, have no conception of future prospects or a place in society. Their lives revolve around the thrill of car theft, joy-riding and/or drugs. Indeed, it has been suggested that receiving a punishment beating is regarded as something of a status symbol among joy-riders.

4. The consequences of a punishment beating vary enormously from full physical recovery to amputation or death. The use of baseball bats rather then guns tends to cause more soft tissue damage. The exact physical trauma is hard to judge since medical research on trauma does not distinguish on the reason why the trauma was inflicted (accidental, self-inflicted, inflicted by others).

Republicans

5. The republican movement regards itself as the defender of the community against all its enemies. Those enemies include those engaged in 'anti-social' activities. According to republican theory, these anti-social activities are actively encouraged by the state as part of counter insurgency measures designed to demoralise, discredit and ravage the republican/nationalist community. Offenders can therefore be regarded as unwitting agents of the state.

6. It is also clear that republicans engage in punishment beatings as part of the constituency services on offer i.e. a response to genuine community demand to take action against joy-riders.

7. There is also an element of territorial control by republicans, a demonstration that they are responsible for law and order and that the Queen's writ does not run in their strongholds. Furthermore, if elements in the community deliberately fail to observe sufficient respect for republican authority either by attitude or activity, they will be targeted for punishment

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beatings or even death (this is believed to have been a factor in the case of victims of Direct Action Against Drugs).

8. Leading republicans also see participation in the decision making process of punishment beatings and the licence to carry out the beatings as conferring status on them in their localities. It is also believed that those assigned to beatings are regarded as under-achievers vis a vis military operations (the status conferred on being a member of a punishment squad is presumably all the more valued after effective rejection for active service).

9. Republicans may also over interpret the community's toleration of punishment beatings as a broader mandate for republican violence writ large.

10. At the crudest level, punishment beatings can arise, or the violence used vary, because of very personal grudges (the savagery of one recent punishment beating was partly explained by the fact that the joy rider had hit and damaged the car of the leading republican in North Belfast responsible for organising punishment beatings).

Community

11. The communities in which republican punishment beatings occur tolerate them as a necessary evil. Very often a punishment beating is regretted with the caveat that it was deserved. There is an appreciation that violence does damage to the community in the long term but that consideration is measured against the immediate need to deal with criminality and lawlessness. Such communities are acutely aware that a generation of youths exist which has little or no sense of values or respect for family and community. In the absence of a 'normal' police presence or a police strategy to deal with joy-riding or drugs, there is a fear of anarchy and lawlessness at the hands of a nihilistic generation of youths. Punishment beatings arise therefore from either a direct complaint or an appreciation by republicans that they are responding to community demands for action.

Police

12. The presence and activities of the police in republican areas are determined by the threat of IRA attack. Police entry to republican strongholds is therefore a near military operation with all the attendant precautions: army support, armoured vehicles in convoy, flak jackets,

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machine guns. Not alone does the expectation of attack militate against policing in any normal sense, it also means that the RUC suspect calls for assistance as potentially a lure to an IRA ambush. This may mean that either they do not respond or that the response time is so long as to undermine the whole point of turning up. Furthermore, the RUC on arrival are very aware that they are dealing with a community which effectively rejects their legitimacy and authority. They can expect little, therefore, by way of cooperation, assistance or information: their presence may even provoke a spontaneous riot. In more general terms, it means that there is little scope for initiating a programme to deal with the concerns of the community.

Loyalists

13. The phenomenon of punishment beatings (or shootings as is the case in many loyalist attacks; see annex) is both more obscure and apparently simpler in loyalist areas. It seems to be primarily used for the purpose of internal discipline within loyalist paramilitary groups or targeted on those who have earned the ire of leading loyalist paramilitaries. This may be because loyalist paramilitary groups lack the cohesiveness of the IRA and its republican base. But it may also reflect fundamental differences between the loyalist and nationalist working class communities.

14. Loyalist areas do not have the complex intra-relations which help bind and make cohesive nationalist communities, a cohesion and sense of mutual reliance necessarily bred by persistent and inter-generational unemployment. This cohesion facilitates the existence of punishment beatings as a system of rough justice (i.e. the process of community complaint, republican adjudication, political or church appeal and IRA implementation) just as the system itself contributes to the sense of cohesion. By contrast, loyalist areas formerly enjoyed a cohesion based on long term employment and a sense of working class superiority over their nationalist brethren. This allowed families to exist more independently of community. In terms of community relations, it put the primary (indeed sole) emphasis on public displays of identity: hence the importance of parades within loyalist communities. Deprived nationalist areas, on the other hand, formed a sense of community through the daily exchange of mutual support (i.e. the same process evident in the Dublin slums at the turn of the century).

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15. The relatively recent onset of long term unemployment in loyalist areas has come as something of a cultural shock. As it has fuelled both disaffection from the former centre of authority (the unionist political and economic bloc), so it has advanced the fortunes of the loyalist political parties whose primary constituency concerns are socio-economic (though at a still inchoate stage). And it has brought a realisation that deprivation is now shared equally by the loyalist and nationalist working class (though the compelling force of mutually exclusive identity is more than enough to ensure that this sense of commonality does not get out of hand).

16. Another factor making for greater community cohesion with nationalist areas is the presence of a single church. Protestantism has an inherent tendency to fracture and this tends to create both a multiplicity of churches *and* a determination of each of these churches to guard their flock zealously against loss to competing sects. This encourages the development of communities within communities in protestant areas.

17. Crucially, in contrast to working class nationalists, loyalists are no more disaffected from the RUC than is the case in any working class area. This allows the police to enter these areas as 'normal' police and enjoy 'normal' relations with the community with all the attendant flow of complaint, information and assistance. Policing the community is not, therefore, a role required of the loyalist paramilitaries.

General Background

18. Since Autumn 1994 punishment beatings have increased significantly in volume and seriousness. There have been more than 500 attacks (see Annex) of which two-thirds may be attributed to republican activists and one-third to loyalists. There have also been 37 apparent incidents of punishment shootings, all but one of which may be attributed to loyalists, since the loyalist ceasefire.

19. The matter was discussed at the Anglo-Irish Conference on 20 December 1995 and the Communiqué reiterated the concern of the two Governments "about the continuing and increasing incidence of so called 'punishment' attacks and other forms of lawlessness". The matter was also raised at the Intergovernmental Conference in May 1996 by the

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Secretary of State. In response the Tánaiste repeated the Government's condemnation of punishment beatings.

20. We used channels to Sinn Féin since the August 1994 ceasefire to convey the Government's opposition to these attacks. At the last Ministerial meeting with Sinn Féin (prior to the ending of the IRA ceasefire) on 17 January 1996 the matter was discussed with Gerry Adams. The Tánaiste expressed the view of the Government that the continued beatings were an "appalling and unacceptable abuse of human rights".

21. Sinn Féin representatives have denied on a number of occasions that the party is involved in punishment attacks. Speaking on 12 February last, Gerry Adams declared that he was against punishment beatings, though he supported the right of a community to defend itself in the absence of a proper policing service. According to press reports, he said that 'I am not against community-imposed sanctions but I am opposed to so-called punishment beatings. Community responses need to be thought out fully, they must be measured and sustainable.' He condemned the British Government for failing to tackle 'anti-social behaviour' and called for 'a coordinated community and multi-agency strategy'.

22. Several attacks have received a large degree of media attention in recent times:

- Ciarán Collins from Derry was "expelled" from Northern Ireland in September 1995 following a period of sanctuary in a Derry Cathedral after a beating and "expulsion" order. He returned at the end of November 1996 on honeymoon claiming he had been given permission to return by the IRA. However, within a week of his return he suffered a badly broken leg, arm, ribs and seven broken fingers in a further punishment beating. He required several hundred stitches following the attack.

- Also in November 1996, SDLP Councillor Hugh Lewsley announced his intention to resign from the party in May 1997. He was the victim of a punishment beating in July 1995 and of an attack on his home in August 1996, following earlier criticism of IRA attacks on individuals. He claimed he made the decision to leave politics when his party failed to support him and failed to criticise republicans

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following the attacks against him.

- Criminal proceedings are currently underway following the death of a man following a UVF punishment beating last September. It remains unclear whether the death of a man in a loyalist area of Belfast last month was as a result of a punishment beating.

- The mother of a man threatened by Direct Action Against Drugs (widely believed to be an IRA cover-name) received a large degree of media coverage in October 1996 when she spoke out against the death threat. This group has been responsible for the murders of eight suspected drug dealers since 1995. The most recent murder was carried out in September 1996.

23. While punishment beatings have continued throughout the period since the declaration of the 1994 ceasefires there have been apparent lulls when no punishment beatings were reported e.g. during the visit of President Clinton from 29 November to 1 December 1995 and from 7 to 14 July 1996 (the period of the Drumcree standoff and aftermath).

24. In response to a written Parliamentary Question on 3 February last, Northern Ireland Minister with responsibility for security, Sir John Wheeler, said that while it was impossible to estimate the cost of such beatings to the public, he estimated that a 10 day stay in hospital by a victim could cost the public purse £9,000 in medical, policing and compensation costs.

OUTCRY and FAIT

25. OUTCRY, headed by Ms Nancy Gracey, was established earlier this year, after a fractious debate, as a separate organisation from Families Against Intimidation and Terror (FAIT), founded by Ms Gracey in 1990 after her son, Patrick, was the victim of a punishment beating. FAIT's aim was and remains "to support those within the community who oppose and/or resist terrorism, and to work to eliminate the terrorists' financial and other support". It claimed to have a broad base of support within both communities. Its literature claimed that other human rights groups only considered

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human rights abuses by the state whereas it "highlights and challenges human rights abuses by terrorists. FAIT estimates that 90% of human rights abuses in Northern Ireland are perpetrated by paramilitaries."

26. FAIT continues to operate primarily by highlighting incidents of punishment beatings and death threats and giving assistance to victims and their families. During a visit to Belfast in May 1995, Prime Minister Major met a large delegation from FAIT. Later that year, Ms Gracey was reportedly nominated for the Nobel Peace Prize. By this stage, FAIT had three staff (one full time, two part time) and was being part funded by the NIO. FAIT also received monies from the International Fund for Ireland (a once off grant of £15,000 in 1993).

27. FAIT made a submission to and met with the International Body on decommissioning in January 1996. FAIT recommended that if paramilitary groups ended killings, punishment beatings, expulsion orders, death threats and extortions and gave information on the whereabouts of the remains of victims, they should cease being banned organisations. This would be combined with intense London-Dublin security cooperation aimed at "the eradication of terrorism."

28. Controversy surrounding FAIT began last March when one of its executive members rejected an invitation issued by Ms Gracey to right wing Conservative M.P. Lady Olga Maitland (who was part of the campaign to have Private Lee Clegg released) to become a FAIT patron. Ms Gracey subsequently said that the invitation had been a mistake. Also in March 1996, one of Ms Gracey's sons was jailed for a year following a conviction for attempting to pervert the course of justice by interfering with a witness. By this time, FAIT's main spokesman, Henry Robinson (a former member of the Official IRA), had left to take up work in London. Rumours of splits within FAIT climaxed with calls for Ms Gracey to resign in April 1996 in the wake of accusations of financial impropriety levelled at her arising from a trip to America (Ms Gracey denied all the allegations).

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29. Ms Gracey resigned from FAIT in May after its executive committee passed a motion of no confidence in her. An attempt by Mgr. Denis Faul at reconcilement came to nothing. Shortly afterwards, Ms Gracey established OUTCRY. It is composed effectively of herself and two others. Ms Sandra Peacock (whose husband, a prison officer, was murdered by paramilitaries) and Ms Sally McCartan. News reports at the time suggested that rank-and-file members of FAIT supported Ms Gracey and were unhappy with the activities of FAIT's executive committee. Also in May, two of her sons, Patrick (the victim of the punishment beating) and Martin, were convicted of assault arising from a fracas outside a pub.

30. Mgr. Denis Faul has a very high opinion of Ms Gracey as "a working class woman fighting for justice and vehemently opposed to the IRA." He attributes the split with the other members of FAIT as in part class related. Faul characterises FAIT as "a middle-class Alliance type outfit".

31. Close observers of FAIT/OUTCRY say that there is some doubt about the depth of their credibility within the communities most affected by punishment beatings. There is widespread public awareness of the splits and personality clashes amongst those involved. FAIT's focus on the activities of the IRA (and its tendency to use favoured NIO terms like "terrorist") has encouraged critics within the republican community. As for Ms Gracey, she appears to be regarded as genuine, if somewhat naive about who might seek to manipulate her.

32. Public awareness of punishment beatings has risen in the absence of more wide scale paramilitary violence. Despite this, according to a recent survey by the Police Authority for Northern Ireland, only 4% of both Catholics and Protestants rated tackling punishment beatings as a top priority for the RUC (though it should be added that neither the Police Authority itself nor its surveys have the confidence of either the nationalist community or the Government).

Eamonn McKee
Anglo-Irish Division
February 1996

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"Punishment" Beatings since the Ceasefires[1]

	Loyalist	Republican	Unclear	Total
1994				
September	5	5	1	**11**
October	3 (1)[2]	2		**5**
November	3	3	1	**7**
December		4		**4**
1995				
January	7	5		**12**
February	4	24		**28**
March	3	12	3	**18**
April	2	4		**6**
May	12	16	2	**30**
June	3	11		**14**
July	8	10	3	**21**
August	5	11		**16**
September	5	12	3	**20**
October	3	21		**24**
November	7	12		**19**
December	3 (5)	9	6	**18**

[1]There have been 39 recorded victims of Loyalist punishment shootings since the Loyalist ceasefire. There has been 1 apparent Republican punishment shooting since the August 1994 ceasefire which occurred on 6 January 1997 and has been attributed to an internal Official IRA feud.

[2]Figures in parentheses indicates incidents of Loyalist and Republican punishment shootings since the Loyalist ceasefire.

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	Loyalist		Republican		Unclear	Total
1996						
January	8	(1)	13			**21**
February	6		16			**22**
March	5	(2)	19		1	**25**
April	4		15			**19**
May	9	(3)	8		2	**19**
June	2	(2)	19		3	**24**
July	4	(1)	12		2	**18**
August	6	(1)	13		2	**21**
September	6	(3)	8		1	**15**
October	22	(4)	5		1	**28**
November	10	(5)	12			**22**
December	5	(2)	14		1	**20**
1997						
January	4	(7)	10	(1)		**14**
February	1	(2)	5			**6**
Total	**164**		**326**		**32**	**522**

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