

NOTES ON INTERNMENT

CONVICTIONS

1. One important reason for the introduction of internment was the difficulty in securing the conviction of persons who, as members of the IRA, were engaged in an armed conspiracy against the State. Every effort, however, has been and is being made to bring charges in the Courts. About 42 members of the IRA are in fact at present serving prison sentences in Northern Ireland. Some 25 cases are still pending. In the great majority of cases the evidence for the prosecution is supplied by members of the security forces. This means that a conviction can usually be obtained only if the accused has been caught red-handed, eg in illegal possession of firearms, ammunition or explosives. Because of intimidation it is rare for civilian witnesses to come forward. Partly because of this and partly because of the confusion of events evidence is frequently insufficient to secure a conviction. And in view of the large number of incidents it is obvious that the police cannot always carry out the detailed investigations which the Courts quite properly require before convicting.

PROCEDURES FOR INTERNMENT

2. Lists of persons recommended for detention or internment are drawn up jointly by the Army and the RUC. The evidence on which the recommendations are based is drawn from Army Intelligence and the RUC Crime Special Branch. The Government itself has no lists of suspects, nor does the Government keep any lists of members of political or terrorist organizations.

3. Under Regulation 10 of the Special Powers Regulations persons may be arrested and held for up to 48 hours for interrogation: the arrest is carried out by the police or by the Army acting under the authority of the police. The police or the Army may also make arrests under Regulation 11 where persons are suspected of an offence under the Regulations. The Civil Authority, ie the Minister of Home Affairs, has no power to direct arrests.

4. Where a person has been arrested under Regulation 11 he may be released by the police after a matter of some hours. Since 9 August 1971 250 persons have been released in this way. If the police want the person to be held for more than

48 hours the Chief Constable has to apply to the Minister for a Detention Order. Once a Detention Order is made the detainee can be released only on the direction of the Attorney-General or of the Courts. Since 9 August 1971 45 detainees have been released by the Attorney-General, in the great majority of cases at the request of the police. Altogether 7 detainees have been brought before the Courts.

5. Recommendations for internment are also made by the Chief Constable who supplies information on which each recommendation is based. If an internment order is made it is in the attached form which indicates that the person concerned is suspected of having acted, or being about to act, in a manner prejudicial to the preservation of the peace and the maintenance of order. So far the Minister has made internment orders only on the following grounds :-

"I have made no internment order without being satisfied on evidence placed before me that the person was, and still is, an active member of the Official or Provisional wing of the IRA, or has been closely implicated in the recent IRA Campaign."

(Statement of 15 September 1971)

6. The information available to the Minister may indicate that the person concerned is a full member of the IRA or is a "volunteer", has taken part in named shooting or bombing incidents, or has attended IRA meetings, training centres or parades. The person may be a gunman or bomber himself; he may be an Intelligence or Training Officer; or he may be engaged in recruitment or in the financial, administrative or "Q" work of the organization to which he is attached. It is important to bear in mind that both wings of the IRA have at their disposal not only their own sworn members but also individuals who take part in ad hoc missions.

THE ADVISORY COMMITTEE

7. The task of the Advisory Committee set up under Regulation 12 is to consider representations by internees against the making of internment orders. The Minister has issued no directions to the Committee. This has been quite deliberate, and in the application of criteria and in matters of procedure the Committee has been left free to adopt its own rules.

8. The Committee is, of course, aware of the stated grounds on which the Minister has made internment orders to date.

A dossier containing the relevant documents is prepared for each member of the Committee. This includes the police recommendation for internment and any letters or submissions on behalf of the internee. The internee may have the assistance of a solicitor in the preparation of his submission, and free legal aid is granted for this purpose. The internee is invited to attend before the Committee to state his own case in person and to answer any questions put to him by the Committee. No other person is present. The Committee may, before or after the hearing, call upon a police officer who is familiar with each internee's case to elaborate on the reasons why a recommendation for internment was made.

9. In considering whether or not to recommend release of an internee the Committee is free to form its own conclusions as to the evidence on which the police recommendation has been based, the case put by the internee himself, and the credence to be placed on any undertaking which he may give that he will not, if he is released, engage in or encourage acts of political violence.

10. The Committee is at present meeting on about 2-3 days each week. It has so far heard 16 cases. In 3 instances the internee himself had initiated the appeal. In the remaining 13 cases representations had been received on the internee's behalf.

11. It is proposed that appeals should be given first priority. Appellants have generally indicated that they wish to have legal assistance in the preparation of their cases, and the rate at which appeals are heard depends, therefore, to a large extent on how soon submissions are made.

12. The Committee has been asked to consider all internment cases as soon as possible, whether or not representations are made. Experience so far suggests that a number of internees will wish neither to attend before the Committee nor to have their cases considered by it.

13. When all cases have been considered it is proposed to ask the Committee to review earlier cases at regular intervals.

14. The Committee has so far recommended two releases and the Minister is considering the recommendations.

WELFARE ETC OF INTERNEES

15. A copy of Directions as to internees is attached. Subject to these directions internees are treated in the same way as prisoners on remand. Facilities at Long Kesh are being improved, especially with a view to reducing the number of men per hut and to providing more opportunities for recreation and education. Internees are required to clean their huts and other accommodation used by them, but, like prisoners on remand, they cannot be required to do other work.

16. Other matters raised include the number of visits. These amount to one per week per internee; the visit is limited to 30 minutes and to 3 adults and 2 dependent children. Additional visits are also allowed from MPs and legal advisers. Regulations have been made to enable an internee to be allowed out on parole in exceptional circumstances. One internee has already been permitted to attend his daughter's funeral.

17. Supplementary benefits are payable to dependants. The Supplementary Commission has a fairly wide field of discretion in fixing scales of benefits.

STORMONT CASTLE

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