

Human Rights Violation in the United Kingdom (Part V)

Chapter V:

Human Rights Violations in Northern Ireland

Introduction

The history of Northern Ireland as a distinct polity began in 1921 when the six counties of the north of Ireland were partitioned from the twenty-six counties of the south. The seventy-seven years that followed this initial partition saw what is commonly referred to as "The Troubles,"¹ a term that masks a state of affairs tantamount to civil war. The Troubles produced a wide range of civil and human rights violations at the hands of state actors as well as state collusion with paramilitaries.

Violations included verbal abuses and threats, torture and cruel punishment, systematic violations of the right to fair trial and other issues of justice, and finally a considerable number of violations of the right to life. Human rights abuse was a consistent feature of a conflict in which near four thousand people lost their lives.

The consequent succession of violence between paramilitaries, the British government, and local security forces escalated over several decades into a full-blown civil war in which the ruling

government colluded with paramilitaries in an attempt to suppress the violent political campaigns of the extreme nationalists.

For 30 years during the period of unrest in Northern Ireland, known as "The Troubles", the Irish community in Britain was targeted as a suspect community and in Britain being judged guilty until proven innocent. For 30 years, millions of Irish people were stopped and detained at ports and airports.

A study carried out by the Commission for Racial Equality in 1993 found that 60 per cent of Irish people surveyed in Britain had been stopped and questioned under the Prevention of Terrorism Act (PTA). Irish homes were regularly raided and thousands detained for anything from a few hours to seven days. Most were released without charge.²

During The Troubles in Northern Ireland the BBC, ITV and Channel 4 regularly stopped or postponed the broadcast of documentaries relating to Ireland. A Real Lives documentary for the BBC, "At the Edge of the Union" was temporarily blocked in August 1985 by direct government intervention from the then Home Secretary "Leon Brittan" which led to a one-day strike by the National Union of Journalists.

While the vast majority of the British public were shocked in July 2005 when it emerged that British police had a 'shoot-to-kill' policy in place, experts on the Irish experience were far less surprised. Professor Paddy Hillyard explains that for years, allegations abounded that a "shoot-to-kill" policy was in place during the Troubles, particularly targeted on the IRA and other Republicans.

As a self-governing mechanism under authority of the United Kingdom, Northern Ireland established a Parliament known as

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"Stormont" in 1922. Stormont had only limited legislative authority in such areas. The Westminster Parliament in London, in which Northern Ireland was only marginally represented, maintained direct rule over the other areas of national importance. Similarly devolved governments exist historically or currently in both Scotland and Wales.

For the first fifty years of its operation and to the constant protest of the Catholic population, Stormont parliament was dominated by a Protestant unionist majority.³ With its delegation of local legislative powers, the unionist Stormont instituted a series of discriminating policies against Catholics in areas such as housing, employment, and voting rights.

Catholics initially responded to discrimination through peaceful civil rights demonstrations. Local security responses to the peaceful protests were often preemptively violent, peaking in 1972 with the murder of thirteen civilian demonstrators in the incident known as "Bloody Sunday".

Bloody Sunday happened on Sunday January 30, 1972 in Derry/Londonderry when British Security forces opened fire on unarmed civil rights demonstrators, killing thirteen and wounding fourteen others. Estimated 15,000-20,000 protestors were in attendance, as well as 1,800 British soldiers.

Although Bloody Sunday raised the issue of alleged violations of the right to life under international law, the subsequent inquiry into the Bloody Sunday killings absolved the British troops of any wrongdoing! The inquiry's verdict cemented the Catholic-Protestant divide and put to rest any notion as to the peaceful recognition of equal rights.

In the year after Bloody Sunday, a suspended Stormont Parliament was altogether abolished and Northern Ireland was placed under direct rule of Westminster Parliament for the next two-and-a-half decades, leaving the distinct issues and troubles of Northern Ireland to the sole discretion of the U.K.

After Bloody Sunday, the Catholic population felt cornered into accepting an oppressive and discriminatory ruling government with little, if any, legitimate recourse before the law. Exacerbating tensions, the Westminster Parliament responded to the increasing sectarian violence in Northern Ireland with the passage of emergency legislation that radically altered the criminal process and the role of defense counsel.

Human Cost

Out of a population of only 1.5 million, the official death toll from the Troubles is estimated at 3,700, although the actual number—considering more controversial deaths—is likely to be significantly higher. What is especially alarming is that a comparatively large number of these deaths involved, either directly or indirectly, the participation and endorsement of state agents acting under the authority of the Royal Ulster Constabulary⁴, the British Army, and other British security forces such as the Special Air Services.

Emergency and other legislation allowed deaths at the hands of the state to go uninvestigated and largely unpunished under the guise of national security interests. Even today, the British government denies accountability for the loss of the lives of citizens killed by state agents; even those killed who were unarmed.⁵

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Injustice and the lack of state accountability has taken an enormous psychological toll on the families of victims of human rights abuses and, to date, crimes by the British government and security forces have largely gone unresolved in Northern Ireland's courts.

On July 1, 2003, The European Court of Human Rights ruled that the United Kingdom is again in violation of the European Convention on Human Rights. The Court held that Northern Ireland's procedures for investigating deaths where police collusion is alleged are inadequate because they are not independent, full of delays, and do not provide sufficient public scrutiny.

The British Government Responsibility

After Bloody Sunday and in response to escalating violence, the British government abolished any local governance in Northern Ireland and instituted two legislative acts that greatly diminished the few procedural protections available to its citizens.

First was the Emergency Provisions Act of 1973, which applied exclusively inside Northern Ireland. Second was the Prevention of Terrorism Act of 1974, which applied to the whole of the United Kingdom. Together these Acts established a system designed to obtain confessions during extended periods of detention without criminal charge or access to counsel and set the stage for across-the-board denial of due process to a largely Catholic population of victims.

The Prevention of Terrorism Act (PTA) was passed by Westminster Parliament in 1974 in response to two bomb attacks in

Birmingham, which killed twenty-one people. The PTA enabled authorities to proscribe military (and paramilitary) organizations and to prohibit membership in them, to issue orders allowing citizens of the United Kingdom from all of Northern Ireland, England, Wales, and Scotland to be held without trial or judicial review; and, most prejudicially, to arrest, detain and interrogate individuals for up to seven days without an appearance before a magistrate court.

The effect of the operation of PTA and the miscarriages of justice was to force the Irish community in Britain to isolate itself from the rest of British society. The Irish community retreated into itself. Irish pubs became haunts where people could go and mix with their own. Irish people were regularly forced to recall what they were doing and where they were at the time of a bombing. Many Irish regularly went absent from work the day after a bombing for fear of reprisals. The community was completely discriminated against and marginalized as a "suspect" community. Overall, the PTA was a complete disaster in terms of counter-terrorism operation and Anglo-Irish relations.

The Emergency Provisions Act (EPA) was passed by Westminster Parliament one year prior to the PTA, in 1973. The EPA was a remnant of the emergency legislation pervasive in Northern Ireland since its partition in 1921, and the Act retained many of the antiquated features.

Primarily, and in contravention of the 1950 European Convention on Human Rights, the EPA permitted police and other security forces inside Northern Ireland to stop and question individuals about their identity and recent movements, to search

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persons and residences, and to examine and seize documents—all without prior judicial notice or order.

The EPA was also used to justify frequent raids of Catholic homes and the search and seizure of personal items from both private residences and vehicles. The EPA's repercussions, however, extended beyond the abridging of civil rights, and emergency legislation became an influential contributor to the systematic harassment and conspiracy murders of selected persons.

The Good Friday Agreement and Ignore Alleged Violations of Human Rights

The Good Friday Agreement (1998) sets forth a commitment to civil and human rights, for its understanding of the relationship between the protection and promotion of human rights and the probabilities for a lasting, just and durable peace.⁶

The Good Friday Agreement implicitly acknowledges that any successful peace agreement in Northern Ireland is inextricably linked to human and civil rights. But unfortunately the Agreement neither makes explicit mention of unresolved claims against the UK Government for alleged violations of human rights nor provides a specific institution to address the painful issues of the past and provide an explicit mechanism for redressing past wrongs.

What is now evident is that abuses of human rights fuelled the conflict, and the Agreement is an attempt to bring these to an end within the context of a complex constitutional order.

AI Report of 2006 on the UK

AI in the report (2006) on the UK stated: " In December the prosecuting authorities dropped all charges in the criminal prosecution which, in October 2002, had precipitated the suspension of the Northern Ireland Assembly and the reintroduction of direct rule by the UK government. Shortly after, one of the people against whom charges had been dropped, a senior Sinn Féin politician, confessed publicly that he was a British agent. Also Amnesty International in the report 2007, stated: "In January the government withdrew the Northern Ireland (Offences) Bill after concern was expressed that, if enacted, it would have sanctioned impunity for past human rights abuses committed by state agents and paramilitaries, and would have deprived victims of effective redress. The government continued to fail to establish an inquiry into allegations of state collusion in the 1989 killing of prominent human rights lawyer Patrick Finucane. The Secretary of State for Northern Ireland stated that a Finucane inquiry would only be constituted under the Inquiries Act 2005."

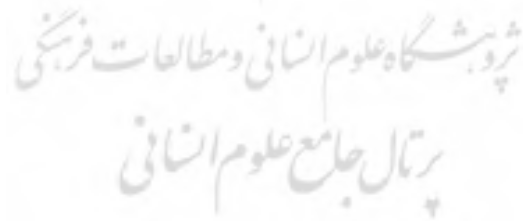
Loyalist paramilitaries shot Mr. Finucane (an outspoken human rights lawyer) 14 times as he sat eating a Sunday meal at home, wounding his wife in the process. The couple's three children witnessed the 1989 attack.

In its statement claiming the killing, the UFF said they had killed "Pat Finucane, the IRA officer". While Mr. Finucane had represented IRA members, the families vehemently denied the allegation, and have been supported in this by the police.

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But, what has made the investigation into his murder so important to many in Northern Ireland is that it lies at the heart of allegations that some members of the UK security forces collaborated with loyalist paramilitaries to the extent that they could have stopped the killing if they had so wished.⁷

AI with other non-governmental organizations, assert that the legislation was inadequate to fulfill the requirements of human rights law for such inquiries. Allegations of collusion between UK security forces and loyalist paramilitaries in many human rights abuses, including bombings at Dublin airport and Dundalk in 1975 and at Castleblayney, County Monaghan, in 1976, were once again raised in an Irish Parliament report.



Notes:

¹ The Troubles" is a term used to describe the latest periods of violence involving Republican and Loyalist paramilitary organizations, political activist and civil rights groups, the Royal Ulster Constabulary (RUC), the British Army and others in Northern Ireland from the late 1960s until the Belfast Agreement of 10 April 1998.

² Muslims in the UK have been encountering the same situation in recent years.

³ "Unionist" refers to those who favor preserving a union with the United Kingdom. "Loyalist" refers to more extreme unionists who advocated the use of violence in order to preserve this unity.

⁴ The police force in Northern Ireland from 1922 to 2001.

⁵ Civilian deaths account for an estimated two-thirds of the total death toll during The Troubles, both at the hands of State actors and loyalist and republican paramilitaries.

⁶ Human Rights Watch, "Justice for All"? It is An Analysis of the Human Rights Provisions of the 1998 Northern Ireland Peace Agreement.

⁷ BBC Report, 13 September, 2004.