

# Lessons from Northern Ireland

Paddy Hillyard

Queen's University Belfast, Northern  
Ireland

## **Structure of talk**

- A little history
- Open rebellions and campaigns
- Origins and characteristics of 1968-1998 conflict
- Internment and emergency legislation
- Widespread abuses
- The Peace Process
- Key lessons from Northern Ireland

### **A little history**

- C12th: Beginning of England's conquest and colonisation of Ireland
- In 1500, Ireland had a distinct identity, language, culture and social order
- Early conquest did not penetrate beyond the pale
- But in C16<sup>th</sup> and C17<sup>th</sup> conquest more effective
- Coincided with Reformation and Counter-Reformation
- Catholic Ireland conquered by Protestant England
- Plantations

## **Open rebellions and campaigns:**

- 1791 Whiteboyism – agrarian grievances
- 1798 Uprising by United Irishmen under Wolfe Tone
- 1803 Uprising led by Robert Emmett
- 1881 & 1885 Dynamite Campaign in Britain
- 1916 The Easter Rising
- 1919-1921 Campaign by the IRA
- 1956- Border Campaign by the IRA
- 1970-1998 The IRA campaign in the North

# Lessons from Northern Ireland

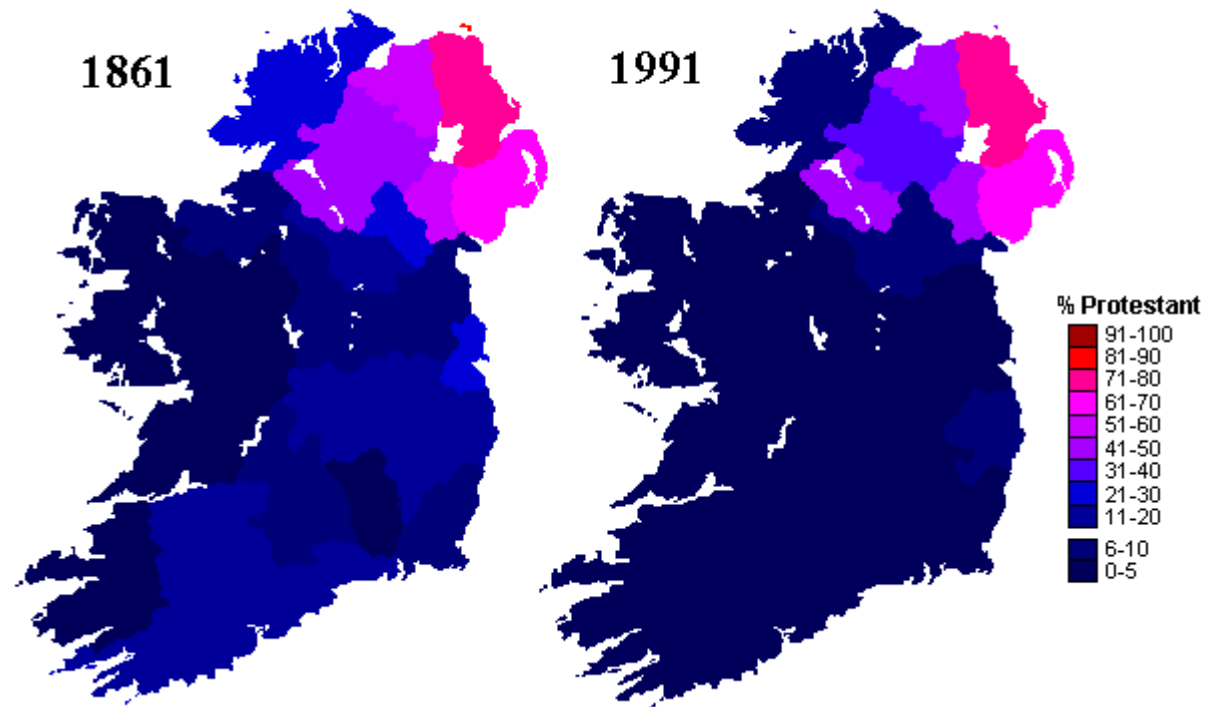
## Map of Northern Ireland



# Lessons from Northern Ireland

## Distribution of Protestants in Ireland, 1861 & 1991

All based on county figures



## **Origins to current conflict**

- Civil Rights movement 1967
- Demand by Catholic minority for civil and political equality within Northern Ireland
- Method of protest – civil right marches
- Response from authorities – bans
- Widespread violence
- Loss of control by police and ‘B’ Specials
- Introduction of the British Army

### **Some facts**

- NI has a population of 1.7 million people
- 40% RC, 48% Prot, 12% DK/NS
- 30 years of conflict one of the most intense
- 3600+ people died
- Equivalent in per capita terms to the loss in the USA of 5 twin towers for each of the past 30 years



## Responses to the escalating violence

- Introduction of internment without trial 1971
  - 100s arrested. Wrong people.
  - Many subject to abuse (beaten, dropped from helicopters blindfolded)
  - Eventual compensation to 437 cases for wrongful arrest, etc.
- Accompanied by 5 interrogation techniques
  - Hooded, isolation, fixed position, deprived of food and sleep, high pitched noise and loose-fitting overalls.
  - Britain taken to CoHR Strasbourg. Fd guilty of 'inhuman and degrading treatment'

## Compton Inquiry

Where we have concluded that physical ill-treatment took place, we are not making a finding of brutality on the part of those who handled these complaints. We consider that brutality is an inhuman and savage form of cruelty, and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in, the victim's pain. We do not think that that happened here.

## **Parker Inquiry**

Denied that there was any long lasting mental effects from the use of the techniques.

Minority report noting that there was no dissent from the view that the procedures were illegal by the law of England and NI.

Also contrary to Art 17 of 1948 Geneva Convention

## **Article 17 of Geneva Convention**

No physical or mental torture, nor any other form of coercion, may be inflicted upon prisoners of war, to secure from them information of any kind whatsoever. Prisoners who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

## **An assessment of internment**

Disaster:

1. Escalated the violence
2. Further underlined notion of the 'rule of law'
3. Further alienated Catholic communities
4. Encouraged more young men and women to join the IRA

## **The spiral of violence**

- Anti-internment marches
- January 30<sup>th</sup> 1972, Derry/Londonderry  
13 people shot dead by British Army following a march
- Further expansion of the IRA
- Official enquiry blamed the marchers
- More violence
- Introduction of NI (Emergency Provisions) Act 1973
- Strategy of criminalisation

## Characteristics of emergency legislation

- Increase in police and army powers
  - 4 hour Army power of arrest
  - Offence to refuse to answer questions
- Fundamental changes in the rules of evidence
  - Shift in the burden of proof in firearm cases
  - Only those statements obtained by torture or inhuman or degrading treatment should be inadmissible
- Abolition of trial by jury

## **Prevention of Terrorism Acts 1974**

- Banning of organisations
- Displaying support for a banned organisation
- Crime of staying silent
- Power of internal political exile
- Extend powers of arrests: up to 7 days
- Broadcasting ban

EPA and PTA created dual track cj system



## **Some figures on army and police powers**

- Army arrests 1975 to 1986: 30,444
- Police arrests 24,000
- Stop and searches on the streets
- House searches 1975 to 1986: 338,803
- Creation of 'Suspect communities'
- Practices demonised and alienated the very communities that could most assist in fighting political violence

## An army search

We did a search this morning. It was the house of a woman with five children. We went in about 5.30. Four of her kids had got measles and we had to tell her to get them up. We didn't wreck the house, but we turned it over properly, we did our job thoroughly... On the whole she took it very well: she wasn't very pleased, but she didn't say much. I mean 8 soldiers clumping around her house... I'm surprised she didn't make any fuss: but perhaps she's getting used to it. After all, this is the 13<sup>th</sup> time she's had her house searched in 3 weeks.

## **Other abuses of emergency powers**

- Widespread allegations of torture during interrogation
- Role of the EPA
- Denial, condemnation of the accusers, inquiry
- Change of tactics
- Use of supergrasses

## **Other abuses of emergency powers**

### Shoot-to-kill allegations

- Allegations in relation to the army
- Law as a resource
- RUC established special units - further allegations
- Denial, condemn the accusers - lawyers, inquiries
- Stalkergate
- Always denied

## **Other abuses of emergency powers**

### Informer system

- Special Branch became a 'force within a force'
- No arrests and no criminal investigations without SB permission
- System encouraged murder, exhortation, robbery, drugs etc.
- Legacy continues into the peace process and makes peace building that much more difficult

## **The Peace Process**

- IRA Ceasefires 1994 and 1997
- Good Friday Agreement 1998
- Election for 108 seat Assembly
- Executive Formed 12 Ministers
- 4 Suspensions
- May 2007 New Executive
- Draft Budget

## **Key lessons from Northern Ireland**

- Politics not emergency legislation led to peace
- Must deal with structural inequalities
- Take seriously the dynamics of social interaction
- Must not demonise communities and individuals
- Do not construct suspect communities
- The abuses of human rights played a significant part in sustaining and prolonging the conflict

## **A few suggestions**

- Need a powerful counterbalance to the executive
- Reviews failed
- Judiciary failed
- ECHR slow in imposing its authority
- All personnel should be trained in Human Rights
- Need a shift from technical to ethical/moral responsibility



## **A few suggestions**

- Human rights need to be backed by international measures
- Need to protect the 'rule of law' essential
- Preserve confidence in the administration of justice
- Introduce equality and non-discrimination legislation
- The past must be confronted by all parties to ensure lasting peace and stability