

UNITED KINGDOM

@Killings by security forces in Northern Ireland

This paper summarizes Amnesty International's concerns with regard to a number of recent killings by security forces in Northern Ireland.¹

The killings described below raise the same questions that have been posed in previous incidents of disputed killings, namely whether the victims could have been arrested rather than killed; whether the use of lethal force was reasonable in the circumstances; and whether they were planned operations. They have also been characterized by considerable delays by the Director of Public Prosecutions in deciding whether prosecutions should be brought or not.

Amnesty International has been calling on the government since 1985 to establish an independent judicial inquiry to investigate disputed killings by security forces in order to evaluate the effectiveness of existing investigative procedures and current legislation on the use of lethal force. The organization believes that such an inquiry is vital to help prevent future unlawful killings and to ensure that all disputed killings by security forces are promptly investigated and publicly clarified.

The organization believes that the laws and regulations governing the use of lethal force by security forces are inadequate to prevent and deter unlawful killings. The regulations governing the actions of the Royal Ulster Constabulary (RUC Force Instructions) and the army (the "yellow card") are secret documents. Thus there is no public scrutiny of the circumstances in which members of the security forces are told they can use lethal force. There is also a discrepancy between the law as applied in Northern Ireland and relevant international legal standards.

¹Further information on the context in which the killings outlined here occurred, and on previous disputed killings by security forces can be found in three other Amnesty International documents. A report published in June 1988, entitled Northern Ireland: Killings by Security Forces and "Supergrass" Trials (AI Index: EUR 45/08/88), detailed Amnesty International's concerns about killings that occurred in disputed circumstances and about trials based on uncorroborated testimony by alleged former accomplices. An Update (AI Index: EUR 45/02/90) was issued in April 1990. A report entitled United Kingdom: Human Rights Concerns (AI Index: EUR 45/04/91) was published on 11 June 1991 that included detailed information on some of the incidents summarized here.

A further problem in deterring unlawful action by the security forces lies in the charges permitted by law. If soldiers or policemen considered to have deliberately killed someone in the line of duty are to be prosecuted, they must be charged with murder and not manslaughter. The requirements for proving murder are particularly high and a sentence of life imprisonment is mandatory. Courts are often reluctant to bring in the murder verdict in such situations. Members of the legal profession have made a number of suggestions for altering the law in such cases, including to use the charge of manslaughter in cases involving the disproportionate use of force - in contrast to targeted killings of individuals - or to create a new category of criminal offence for unreasonable use of lethal force.

There have been 21 prosecutions since 1969 of members of the security forces for killings using firearms while on duty in Northern Ireland. Nineteen of these were found not guilty. One was convicted of manslaughter and given a suspended sentence. Just one -- a soldier -- was convicted of murder and given a life sentence for murder -- however it was eventually revealed that he had been released after serving two years and three months of his sentence and had been reinstated in the Army. A total of 339 people have been killed by the security forces during the same period. Most of those killed were from the Catholic population and many were unarmed; many were killed in disputed circumstances.

Amnesty International considers that the procedures used to investigate disputed killings in Northern Ireland are ineffective in establishing all the facts and making them public. The organization found disturbing evidence that police investigations may sometimes have been deliberately superficial in order to protect security force personnel. It was further concerned about allegations that the inquiry undertaken by Deputy Chief Constable John Stalker of the Greater Manchester Police (later completed by the Chief Constable of the West Yorkshire Police Force, Colin Sampson) into three incidents of killings in Northern Ireland in 1982 was deliberately obstructed by senior police officers. In response to the Stalker/Sampson report, the RUC agreed that all further killings by the RUC would be investigated by an outside police force. However, no similar policy has been set out concerning killings by British Army soldiers.

John McNeill, Edward Hale and Peter Thompson

The bodies of the three robbers, two on the street and one in the car, after they were shot dead outside the bookmakers they were attempting to rob in Belfast.

On 13 January 1990 Edward Hale, Peter Thompson and John McNeill were shot dead in Belfast by undercover soldiers of the British Army. The men were robbing a betting shop (where people place bets on races). Some were armed with replica firearms. John McNeill sat in the parked getaway car. A fourth person involved in the robbery managed to escape. The circumstances surrounding the deaths were controversial in that some eyewitness accounts differed from the official version of the incident. Eyewitnesses alleged that no apparent attempt had been made to arrest the three; that they had not been challenged before being fired on; and that two of the three were shot further while lying incapacitated on the ground.

The Secretary of State for Northern Ireland, Peter Brooke, stated two days after the incident that two undercover soldiers by chance spotted two masked men, armed with what appeared to be a sub-machine gun, running into the betting office. Security sources said unofficially that one soldier confronted the man sitting in the car; the sound of gunfire, as the driver was shot, alerted the other two robbers inside the betting office. As they ran outside they were fired on and killed.

A man claiming to be a fourth member of the gang, who says he managed to escape by mingling with the people inside the betting office, disagreed with the official version of the incident given by the Northern Ireland Secretary of State. He said that a) when the car was parked, there were four men in it. The fourth man was the first to leave the car; and b) when his two companions left the car they were unmasked and the replica weapon was concealed under a coat. All the robbers, except the driver, had rolled their hoods into small woollen hats on their heads. The driver was not masked.

Eyewitnesses claimed that a soldier opened the car door and fired several shots into the driver. A military source said that the man in the car had been killed because he made "a suspicious move as though he were going to produce something". No weapon was found in the car. Other eyewitnesses claimed that the two robbers were shot as they ran out of the betting office; that one of them fell down the steps; and that the other tried to get back inside the door but fell as well. It was claimed that one soldier then reloaded his small sub-machine gun and resumed shooting at the bodies lying on the ground.

The investigation into the circumstances of the deaths was carried out by the RUC. The police file was submitted to the Director of Public Prosecutions on 26 March 1990. In a letter dated 13 April from the RUC to the civil rights monitoring group, the Committee on the Administration of Justice, the RUC stated that the post-mortem results had not yet been received by the coroner, the police or the Director of Public Prosecutions (DPP). The autopsy results were sent to the families in August. In October the DPP returned the file on the cases to the police for further investigation; the completed file was returned in November. In December the DPP announced that no one would be prosecuted in connection with the killings, and that a fourth (escaped) robber would also not be prosecuted.

The autopsy report into the death of John McNeill, who was shot as he sat at the wheel of a stolen getaway car, was the most disturbing. It revealed that six shots had been fired at his head and body; and that the gunshot that made the fatal wound to the right side of the face was fired within a range of less than 24 inches. He was unarmed and unmasked. The other autopsy reports showed that Eddie Hale had been shot 13 times and Peter Thompson 10 times. The reports also indicated that possibly both had been fired upon while lying on the ground.

The non-sectarian Committee on the Administration of Justice (CAJ) commented on the DPP's decision in the following way: "The CAJ cannot see how the DPP can be satisfied that this use of force was 'reasonable in the circumstances'. Refusal to prosecute on these facts makes one wonder in what circumstances the use of force would not be reasonable."

Martin Peake and Karen Reilly

On 30 September 1990 Martin Peake, 17, and Karen Reilly, 18, were shot dead by soldiers from the Parachute Regiment while driving a stolen car in West Belfast. A third person in the car, Markiewicz Gorman, 16, suffered injuries. They were driving along a road which is notorious for joyriders (a colloquial phrase meaning people who steal a car in order to drive it around and then abandon it). Officials alleged that the car was fired at after it had driven through an army checkpoint and hit a soldier (who, they said, required hospital treatment). However, eyewitnesses, including the third person in the car, claimed there was no checkpoint and that no soldier had been struck.

Karen Reilly

A police report of the incident was sent to the Director of Public Prosecutions who was to decide if the soldiers responsible for the killings should be charged and face trial. The Secretary of State for Northern Ireland, Peter Brooke, stated in October 1990 that there would be no independent inquiry into the killings.

A mock-up of the Astra car in which the army shot and killed the two young joyriders is displayed in an army canteen. The text to the left of the car says "Vauxhall Astra, Built by Robots, Driven by Joyriders, Stopped by A COY!" (A COY stands for "A" Company, the Parachute Regiment).

On 31 July 1991 six British Army soldiers were charged with the killing of the two teenagers. One of the soldiers was charged with murdering Karen Reilly, two were charged with attempting to murder Martin Peake, and all six were charged with attempting to pervert the course of justice and obstructing the RUC investigation into the shooting. This last charge specifically alleges that the six soldiers made false claims that the teenagers' car had driven directly at them - hitting one of the soldiers. One eyewitness claims that soldiers faked a leg injury. One of the soldiers faces an additional charge of attempting to pervert the course of justice by permitting himself to be struck on the leg by a colleague in order to back up their account of what had happened in the moments before the shooting.

Fergal Caraher

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On 30 December 1990 Fergal Caraher, aged 20 and a member of Sinn Fein (a legal opposition party, the political counterpart of the IRA), was shot dead and his brother Michael, 23, was seriously wounded by British soldiers. Official sources claimed that the two unarmed men were fired on after they had failed to stop their car at a border checkpoint in Armagh and knocked down two soldiers, one of whom was carried some distance by the vehicle; this was disputed by eyewitnesses. They allege that the car had just passed through one army checkpoint and been waved through a second one before parking in a car park for a few minutes during which time one of the brothers had a conversation with a soldier. His car was fired upon only as the car drove out of the car park. Michael Caraher stated that there had been no warning before the shooting and that they had not knocked down any soldiers. Dr Cahal Daly, the new Archbishop of Armagh, said: "Many responsible people are completely unconvinced by the account so far given by the British army. It is vitally important that the whole truth be established. There must be no question or suspicion of a security forces cover-up."

The incident is being investigated by the Royal Ulster Constabulary. A number of organizations in Northern Ireland have called for a full and independent inquiry into the shooting.

The coroner has so far refused to make the autopsy report on Fergal Caraher available to his family. The RUC and the Director of Public Prosecutions have so far not allowed an independent forensic examination of the car in which he was shot.

An unofficial public inquiry took place on 22 and 23 June 1991, in County Armagh, to determine the circumstances of the shooting, and to examine the law relating to the use of lethal force by the security forces in Northern Ireland. The international jurists, sitting on the panel, have been requested to prepare individual reports of their findings; a final report will be published later in the year. It was attended by over 200 observers from Europe and North America.