

amnesty international

UNITED KINGDOM

Allegations of ill-treatment in Northern Ireland

NOVEMBER 1991

SUMMARY

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Within the United Kingdom, allegations about ill-treatment of suspects while in police custody have come most frequently from Northern Ireland, although the organization also receives allegations from Great Britain.

This report focuses on the situation in interrogation centres in Northern Ireland. Amnesty International is concerned by the number of allegations it is receiving concerning ill-treatment of detainees by police officers during interrogation, in particular of detainees held at Castlereagh. The organization is also concerned about prosecutions that are brought on the basis of contested confessions, made in the absence of a lawyer.

Amnesty International considers that existing safeguards are inadequate to prevent the ill-treatment of detainees. In particular the organization is concerned because detainees, contrary to international standards, are being denied prompt access to families, lawyers and a judge. The provision for lawyers to attend interrogations, which exists for people arrested under emergency legislation in England and Wales, should be extended to Northern Ireland. In addition, Amnesty International believes that all measures necessary should be taken to ensure that no one is convicted on the basis of an uncorroborated contested confession.

This report summarizes a 11-page document (5,000 words), *United Kingdom: Allegations of ill-treatment in Northern Ireland* (AI Index: EUR 45/19/91), issued by Amnesty International in November 1991. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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Northern Ireland**



November 1991
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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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Within the United Kingdom, allegations about ill-treatment of suspects while in police custody have come most frequently from Northern Ireland. However, Amnesty International also receives allegations from Great Britain. The organization receives allegations about the ill-treatment of people in Northern Ireland in various contexts: during police interrogation, while being stopped on the streets by police or army patrols or during house searches. For details about all these allegations see Chapter 1 of the report published in June 1991 by Amnesty International entitled United Kingdom: Human Rights Concerns (AI Index: EUR 45/04/91).

This report focuses on the situation in interrogation centres in Northern Ireland. Amnesty International is concerned by the number of allegations it is receiving concerning ill-treatment of detainees by members of the Royal Ulster Constabulary (RUC - the Northern Ireland police force), in particular of detainees held at Castlereagh interrogation centre. The organization is also concerned about the many prosecutions that are brought on the basis of contested confessions, made in the absence of a lawyer.

The record shows that existing procedures and safeguards are inadequate to prevent the ill-treatment of detainees. Many people who made formal complaints expressed their disappointment to Amnesty International that they had not been informed why their complaint had not resulted in any action. There have been trials in which confessions have been excluded on the basis of allegations of ill-treatment, and civil proceedings in which former detainees have been awarded compensation for their treatment; however, very few criminal or disciplinary proceedings have been initiated as a result of such cases against the officers involved.

Detention at Interrogation Centres

Police interrogation centres have been set up in Castlereagh (Belfast), Gough Barracks (Armagh) and Strand Road police station (Londonderry) in order to deal with suspects arrested under emergency legislation. Such arrests are carried out under the Northern Ireland (Emergency Provisions) Act or the Prevention of Terrorism (Temporary Provisions) Act. The procedures governing such detentions differ considerably from those governing the detention of suspects arrested under the Police and Criminal Evidence (NI) Order. The procedures outlined below apply to detainees held under emergency legislation.

1. On arrest detainees' fingerprints and photographs are usually taken. There is no requirement for such records to be destroyed after suspects are released without charge (this is not the case for suspects who are not held under emergency legislation.) Such photographs of suspected Republican sympathizers have reportedly appeared on police lists of suspects which have subsequently been leaked to Loyalist armed groups. (Republican armed opposition groups come mainly from the Catholic community, are opposed to the British presence in Northern Ireland and fight for a united Ireland. Loyalist armed opposition groups come from the Protestant community and favour Northern Ireland remaining a part of the United Kingdom.)
2. Throughout the period of detention suspects are completely cut off from the outside world except for their lawyers' infrequent visits. Detainees are denied family visits and access to radio, television, books, newspapers, and writing materials. There is no natural light in the cells in Castlereagh. They are not allowed to take exercise. (In July 1991 Seamus Finucane won an out-of-court settlement; central to his claim for damages was the denial of such basic rights.) Some detainees have also complained that they were not given adequate washing facilities. Detainees are denied supplementary food.
3. Detainees can be held for up to seven days without being charged and without being brought before a judge. The European Court of Human Rights ruled this practice to be in violation of the European Convention on Human Rights; however, the government then notified the Council of Europe and the United Nations (UN) respectively that it was derogating from its obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR) to bring all detainees before a judge promptly after arrest. The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by consensus by the UN General Assembly in 1988, does not allow for any suspension of, or derogation from, the obligation to bring all detainees before a judge promptly after arrest.

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4. Detainees can be denied access to a lawyer by the police for 48 hours after arrest. The visits by lawyers can then be deferred for further 48-hour intervals. In 1989 out of 1,152 requests for visits by lawyers, 772 were deferred.
 5. Some lawyers have complained that interviews with their clients were conducted in the presence and hearing of a police officer.
 6. Lawyers are never present during police interrogations; there is no provision in legislation which would allow lawyers to be present (lawyers are present during interrogation of suspects held under the Prevention of Terrorism Act in England and Wales). All suspects arrested under the Police and Criminal Evidence Order in Northern Ireland have the right to be interrogated in the presence of their lawyers.
 7. Detainees are interrogated in special rooms which are equipped so that they can be monitored centrally through closed circuit cameras by a senior police officer - this facility does not provide for recording. Judges have commented on the fallibility of the system.
 8. Detainees have the right to a daily (morning) medical examination by a doctor from the interrogation centre. Most detainees who wish to make complaints about their treatment do so to these doctors. There is no provision in the official guidelines on the treatment of detainees for them to be examined by their own doctor.

Allegations of Ill-Treatment

During 1990 and 1991. Amnesty International received an increasing number of complaints from former detainees about their treatment by members of the RUC at interrogation centres, and in particular at Castlereagh.

Amnesty International did an analysis based on details received of people detained at Castlereagh during the months of July, August and September 1991. Out of 45 arrests reported to Amnesty International, 19 detainees alleged ill-treatment; 15 alleged verbal abuse (of whom eight had also alleged physical ill-treatment); and 22 alleged that interrogators threatened or made derogatory comments about their lawyers. Thirty detainees were released without charge. Immediate legal access was denied in 9 out of 13 cases in July; 11 out of 15 in August; and in none of the 13 in September.

Official figures state that in 1988 164 complaints of assault were made by people arrested under emergency legislation and none of these were substantiated. In 1989 191 complaints of assault were made by suspects arrested under emergency legislation. In

1990 there were 328 complaints made by such suspects, none of which were substantiated. These statistics are not fully representative because many people decide not to make a complaint for a variety of reasons, including out of their reported fear of being consequently harassed.

The allegations of ill-treatment (see appendices for specific examples) include: slapping on the head, punching on the head and body, pulling hair, being forced to stand for long periods of time, pressure being applied to shoulders and neck. Other allegations include shouting, banging on the table, verbal abuse, verbal threats of violence to the detainee or family, and verbal death threats.

Some detainees have complained that when they asked to see a medical doctor during the day this was denied. The organization has also received complaints that detainees did not receive their prescribed medication promptly.

Former detainees have alleged that detectives make disparaging or threatening comments about their lawyers, including references to them as "IRA lawyers" and threatening that they will be shot.

Alleged Coerced Confessions

The majority of convictions under emergency legislation in Northern Ireland involve confessions. Many people have alleged that they have been prosecuted and/or convicted on the sole basis of contested confessions which they claim were obtained through coercion and were made in the absence of a lawyer.

During the summer of 1991 ten young people were charged with serious offences based on confessions which they allege were obtained through ill-treatment or other forms of coercion. All of them had been denied access to a lawyer for at least 48 hours (see Appendix B for some of the cases).

Complaints about Ill-treatment

In most cases detainees make complaints about their ill-treatment to the medical doctor and to their lawyer. The lawyer often formally registers such complaints.

Complaints of police misconduct are investigated by the Complaints and Discipline Branch of the RUC. Investigations into more serious complaints are required to be supervised by the Independent Commission for Police Complaints (ICPC), the members

of which are appointed by the Secretary of State for Northern Ireland. Supervision consists of approval of the investigating officer; discussing the investigation; sitting in on interviews "if advisable"; deciding with the investigating officer whether the investigation is complete; and deciding whether the investigation is satisfactory. Once the investigation has been completed the file is sent to the Director of Public Prosecutions (DPP) for consideration. If no prosecution is brought, the file is returned to the RUC or ICPC to consider whether disciplinary charges should be brought.

Many people who had made formal complaints expressed their disappointment to Amnesty International that they had not been informed why their complaint had not resulted in any action. Although there have been many cases with prima facie evidence of ill-treatment, few have resulted in action against interrogating officers. There have also been trials in which confessions have been excluded on the basis of allegations of ill-treatment, but generally in such cases neither prosecutions nor disciplinary hearings for ill-treatment have ensued.

People often prefer to bring civil proceedings against the police and many such proceedings have resulted in the payment of significant claims of damages as a result of court rulings or out-of-court settlements. Very few criminal or disciplinary proceedings have been initiated against individual officers after court rulings awarding compensation or settlements made by the RUC in the context of civil proceedings.

Safeguards against Ill-treatment

Amnesty International considers that existing safeguards are inadequate to prevent the ill-treatment of detainees. In particular the organization is concerned because detainees, contrary to international standards, are being denied prompt access to families, lawyers, independent medical attention and a judge. People arrested under emergency legislation in Northern Ireland should be allowed to have their lawyers present at interrogations in the same way as they are in England and Wales. In addition, Amnesty International believes that all measures necessary should be taken to ensure that no one is convicted on the basis of an uncorroborated contested confession.

The International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment make clear that torture and cruel, inhuman or degrading treatment or punishment are prohibited absolutely and that no exceptional circumstances whatsoever, whether a state of war or public emergency, may be invoked as a justification for such treatment. The UN Human Rights Committee, in its authoritative comment on Article

7 of the ICCPR (which prohibits torture and cruel, inhuman or degrading treatment or punishment) states:

"The Committee notes that it is not sufficient for the implementation of this article to prohibit such treatment or punishment or to make it a crime... States must ensure an effective protection through some machinery of control. Complaints about ill-treatment must be investigated effectively by competent authorities. Those found guilty must be held responsible, and the alleged victims must themselves have effective remedies at their disposal, including the right to obtain compensation. Among the safeguards which may make control effective are provisions against detention incommunicado, granting without prejudice to the investigation, persons such as doctors, lawyers and family members access to the detainees; ... provisions making confessions or other evidence obtained through torture or other treatment contrary to article 7 inadmissible in court; and measures of training and instruction of law enforcement officials not to apply such treatment."

The current practice concerning the detention of suspects arrested under emergency legislation is inconsistent with the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment. Principle 18 contains specific provisions aimed at ensuring prompt, adequate and regular access to a lawyer. It states that "a detained or imprisoned person [has the right] to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel". It also emphasizes that no suspension or restriction of access to a legal counsel may be allowed "save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order". The UN Special Rapporteur on torture has declared: "Legal provisions prescribing that a person shall be given access to a lawyer not later than 24 hours after he has been arrested usually function as an effective remedy against torture, provided that compliance with such provisions is strictly monitored."

Another provision of Principle 18 states that "interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official" - a requirement also contained in Rule 93 of the UN Standard Minimum Rules for the Treatment of Prisoners.

Principle 19 provides that a detained or imprisoned person "shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations".

Convictions based solely on uncorroborated contested confessions obtained under duress raise doubts about the adherence to international standards guaranteeing the presumption of innocence, including Article 14(2) of the ICCPR and Article 6(2) of the European Convention on Human Rights. The reliance on contested confessions appears to contravene the principle set forth in Article 14 (3)(g) of the ICCPR which states that no one shall be compelled to testify against her/himself or to confess guilt. Principle 21 of the UN Body of Principles prohibits taking "undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person". Article 12 of the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states: "Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings."

The UN Basic Principles on the Role of Lawyers, approved in 1990 by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, state that "lawyers should be able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; that "where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities", and that "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

Various proposals have been made by other organizations and lawyers to increase the safeguards. The Northern Ireland Standing Advisory Commission on Human Rights as well as Lord Colville, who carried out several official reviews of emergency legislation, have called for statutory video-recording of the interrogation of suspects held under emergency legislation. Still others have called for the provisions of the Police and Criminal Evidence (NI) Order 1989, which allow for the tape-recording of police interviews with suspects not held under emergency legislation, to be applied equally to suspects held under emergency legislation. The Committee on the Administration of Justice (a voluntary organization which monitors justice and civil rights issues) has called for the lay visitors' scheme, which was introduced to provide independent monitors of conditions at police stations for suspects not held under emergency legislation, to be applied to the interrogation centres; the Police Authority of Northern Ireland was reportedly in favour of this extension.



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1 Easton Street London WC1X 8DJ
United Kingdom

**URGENT
ACTION**

EXTERNAL (for general distribution)

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This was not distributed to the UA network because a very limited distribution was felt to be appropriate. It is in the Weekly Mailing for information only.

EXTRA 56/91 Allegations of Ill-Treatment in Police Custody

UNITED KINGDOM: Damien AUSTIN

Amnesty International is concerned about the reported ill-treatment and threat of further ill-treatment of Damien Austin, a 17-year-old Catholic youth from Belfast. The organization has received reports that he was ill-treated while in custody at the police interrogation centre in Castlereagh (Belfast) on two separate occasions in recent months. He was first arrested by Royal Ulster Constabulary (RUC) at his home in the Falls Road area of Belfast (a Catholic area of the city) on the afternoon of 7 May 1991. He was taken to Castlereagh police interrogation centre and held under Section 14 of the Prevention of Terrorism Act until 10 May. Damien Austin was one of 18 young people arrested in connection with the investigation into the death of an RUC officer, Stephen Gillespie, in a rocket attack carried out by the Irish Republican Army (IRA) on 1 May 1991.

During the time Damien Austin was in Castlereagh interrogation centre, he alleges that he was verbally abused, punched, slapped, and spat upon by detectives. He has said that he was also burned on the face with a cigarette, that his trousers and underpants were repeatedly pulled down, that a cigarette lighter was held toward his pubic hair, and that death threats were made. In the period following his release and before his second arrest, Damien Austin claims to have been regularly harassed by the police.

He was arrested for the second time on Saturday, 17 August - again under Section 14 of the Prevention of Terrorism Act - and was taken to Castlereagh, where he was examined by a doctor upon arrival. The doctor noted that there were no marks on his body, but that there were four stitches in his right ear from a previous injury. During three interrogation sessions on 17 August (each lasting between three and a half and four and a half hours), Damien Austin alleges that he was regularly punched in the stomach, the throat, on the arms, and the back of the head. During the final session of the day, he alleges that a detective placed his boots between his legs and applied pressure to his testicles. He claims that when he attempted to pull back from this particular assault, he was pushed forward and punched by one of the detectives. He also claims that during this same session, his neck was held so tightly in an armlock that he was choking and felt that he would pass out. He has said that although he requested access to a doctor throughout the day, his request was never met.

On the following morning, Sunday, 18 August, Damien Austin was seen by the doctor then on duty at Castlereagh. The doctor noted bruising and stated that he would be prepared to testify to this effect in court on Damien Austin's behalf. The doctor also provided him with pain killers and two inhalers for his asthma. Damien Austin has said that the detectives refused to allow him to use these inhalers during his interrogations. The ill-treatment allegedly continued throughout the day. In one session, a detective reportedly made a death threat and then pulled Damien Austin's ears very hard. This apparently caused his injured right ear to bleed and resulted in two of his stitches coming out. Another request to see a doctor was refused. During a subsequent interview, he alleges that he was again subjected to pressure on his genital area which he said resulted in bleeding.

When the Castlereagh duty doctor examined Damien Austin again on the morning of Monday, 19 August, he noted marks and bruising. Damien Austin claims that the beatings which allegedly took place during the previous two days continued and became even more severe on Monday, 19 August. When Damien Austin's solicitor saw him late that morning, he also noted injuries and advised his client to request an examination by his own doctor. Damien Austin's own doctor was allowed to examine him that evening, recording both bruising and the two opened stitches in his right ear. In an affidavit filed in the High Court, Damien Austin's doctor has stated that he

"...examined him in detail and found evidence of severe assaults to his body. In addition to the physical injuries he appeared dazed and apprehensive...I can confirm that Damien Austin is being subjected to severe ill-treatment and the Police Doctor agreed with me on this".

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*. It works for *fair and prompt trials* for all *political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of all *prisoners*.

Following this examination on the evening of 19 August, Damien Austin claims that he received threats of further arrest and even execution by a loyalist paramilitary group. He has said that he was told: "You can complain all you want. It's going to get worse".

On Tuesday, 20 August, after further questioning sessions where the beatings allegedly continued as before, he was released without charge. As he was leaving Castlereagh, Damien Austin has claimed that the sergeant said "See you again soon".

BACKGROUND INFORMATION

Allegations about ill-treatment of suspects while in police custody have frequently come from Northern Ireland. People arrested under anti-terrorist legislation are taken to the police interrogation centres in Castlereagh (Belfast), Gough Barracks (Armagh) and Strand Road (Londonderry). The record shows that existing procedures and safeguards are inadequate to prevent the ill-treatment of detainees. Further details on the issue of allegations of ill-treatment can be found in Chapter One of United Kingdom: Human Rights Concerns (AI Index: EUR 45/04/91).

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters in ENGLISH if possible:

- urging an investigation into the allegations of ill-treatment in police custody in the case of Damien Austin, and that the detectives at the Castlereagh (Belfast) interrogation centre responsible for interviewing Damien Austin are not assigned to conduct further interviews with suspects until completion of the investigation.

APPEALS TO

The Rt Hon John Major, MP
Prime Minister
10 Downing Street
London SW1 2AA, United Kingdom
Telegrams: Prime Minister, London, United Kingdom
Faxes: + 44 71 270 3000 (Please telephone this number and say you wish to send a fax to the Prime Minister)

Dear Prime Minister

The Rt Hon Peter Brooke, MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
London SW1A 2AL, United Kingdom
Telegrams: Northern Ireland Secretary, London, United Kingdom
Faxes: + 44 71 210 6823

Dear Secretary of State

Mr Hugh Annesley
Chief Constable
Royal Ulster Constabulary Headquarters
Brooklyn,
Knock Road
Belfast, United Kingdom
Telegrams: Chief Constable RUC, Belfast, United Kingdom

Dear Chief Constable

COPIES TO

Mr James Grew
Chairman
Independent Commission for Police Complaints in Northern Ireland
First Floor
Chamber of Commerce House
22 Great Victoria Street
Belfast BT2, United Kingdom

and to diplomatic representatives of the United Kingdom in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 September 1991.

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible, send a telegram or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.
- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:
 - Article 3 -- "Everyone has the right to life, liberty and security of person."
 - Article 5 -- "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."
 - Article 9 -- "No one shall be subjected to arbitrary arrest, detention or exile."
- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.
- Copies of appeals should be sent to relevant diplomatic representatives in your country.
- In Urgent Action cases, Amnesty International had to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.
- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action coordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

APPENDIX B

Alleged forced admissions during incommunicado detention by five youths from Beechmount, Belfast

On 1 May 1991 the Irish Republican Army (IRA) launched a rocket attack on a police vehicle in the Beechmount area of West Belfast. It resulted in the death of a Royal Ulster Constabulary (RUC) officer, Stephen Gillespie, aged 31. Following the attack at least 18 local youths were arrested and interrogated in connection with the killing. Five of them - Liam Coogan, Lawrence Hillick, James McCabe, Kevin Mulholland and Mark Prior - were later charged after signing statements admitting to being look-outs prior to the attack. All five subsequently repudiated these statements and alleged that they were ill-treated or intimidated during their detention and interrogation at the Castlereagh Holding Centre prior to signing the statements. One of the 18 youths interrogated in connection with the killing of the policeman was the subject of an appeal by Amnesty International in August (see attached document on Damien Austin).

The RUC has said it believes that the killing of Stephen Gillespie had been planned and carried out with the assistance of a number of young men who were members of an organization called Falls Republican Youth (described to Amnesty International as a youth organization engaged in putting up posters, flags and murals). The police have alleged that the young men were briefed on several occasions before the attack by older men who organized the operation. According to the police account, the young men had been instructed on where to position themselves as look-outs and on what signals to give immediately before the attack. A senior detective has said in court that some of the young people played an "integral and essential role" in the killing. A number of older men implicated in these statements were arrested for questioning and subsequently released.

Members of the Catholic community in the Falls Road area have since claimed that the arrests of the 18 young people were part of a vindictive exercise by the police against the community after the killing of the RUC officer. The arrests had been accompanied by extensive house searches.

Amnesty International is concerned about the young detainees' allegations of ill-treatment and threats by the RUC officers during interrogation in the absence of their lawyers and families. The organization is further concerned that the youths have contested the confessions. These confessions appear to be the sole basis for prosecution.

Liam Coogan, aged 18, was arrested on 2 May on suspicion of murder under Section 14 of the Prevention of Terrorism Act (PTA). He was taken to Castlereagh Holding Centre where, he alleged, the detectives shouted at him, saying that he was a murderer, slapped him on the head and hit him. Liam Coogan also alleged that he was verbally abused. He claimed that the ill-treatment stopped when he signed a statement confessing to acting as a look-out. He claimed that the police told him during the interrogation that his sister had been arrested, which was not true. He was also given a note which was supposed to be from his mother in which she asked him to confess. He claimed that it was this which made him finally sign the statement. Liam

Coogan saw his solicitor on 5 May, 60 hours after his arrest. He was charged with murder on 10 May.

Mark Prior, aged 19, was arrested on 2 May 1991 on suspicion of murder under Section 14 of the PTA and taken to Castlereagh Holding Centre. He alleged that during an interview detectives kept calling him a murderer and that he had been hit on the back of the head. He also alleged that the detectives had tried to choke him on two occasions, pulled the chair from behind him so that he fell backwards and slapped him on the face and hit him on his testicles. He signed a statement of confession. The parents saw him on 8 May - he collapsed and had to be carried in for the visit. According to the parents his arms and face were red, he cried, looked disoriented and lost track of time. He was charged with murder on 10 May.

James McCabe, aged 19, was arrested on 6 May on suspicion of murder under Section 14 of the PTA. He was taken to Castlereagh Holding Centre where he signed a statement confessing to his involvement in the attack. He claimed that the police told him his father had had a stroke. The officers allegedly kept shouting into his ear and calling him a "murdering bastard". He was charged with murder on 8 May.

Kevin Mulholland, aged 17, was arrested on 7 May on suspicion of murder under Section 14 of the PTA. He was taken to Castlereagh Holding Centre and during his first medical examination he told the doctor that he was a diabetic. He claimed that during an interrogation one of the detectives kept shouting at him, telling him that he was lying. He alleged that the interrogators slapped him around the back of the head on several occasions. At one point one of the detectives sat beside him, put his arm around his neck and began to squeeze it hard. Kevin Mulholland's parents allege that the RUC threatened to withhold his insulin during the interrogation. Kevin Mulholland claimed that he could not get food suitable for a diabetic. He also claimed that he had been at work on the day of the attack, but one of the detectives said that if his employer would confirm that information, he would be charged with aiding and abetting a murder. Kevin Mulholland stated that he did not want to get him into trouble. He signed a statement on the night of 7 May, and another one on 9 May. Forty-eight hours after he was arrested his lawyer was told that he could not see him as Kevin Mulholland was in the process of making a statement. He was charged with murder on 8 May.

Lawrence Hillick was arrested on 5 June, two weeks after his 17th birthday, on suspicion of murder under Section 14 of the PTA. He was taken to Castlereagh. He alleged that he was ill-treated including being slapped on the back of his head and on his back, and that as a result he signed a statement. He saw his solicitor on 7 June, 53 hours after his arrest. He was refused access to his family until after he made the confession. According to her he looked dazed and his features were changed. His face was swollen, he had a bruised lip and a cut on his forehead. Both Lawrence Hillick and his parents claimed that he was at work the whole day of the attack on 1 May. His instructor at work was not, however, called to give evidence at the bail hearing. Lawrence Hillick was charged with murder.

Allegations of Ill-Treatment in Fermanagh, July 1991

Amnesty International has received reports that eight people were allegedly ill-treated while in custody at the police interrogation centre in Castlereagh (Belfast) during the week of 21 July 1991. The eight were among a group of approximately 19 people from the South Fermanagh area recently arrested and detained for questioning about a variety of serious crimes. Five of the 19 people were eventually charged with offences under emergency legislation. In some of the cases where Amnesty International received detailed information about alleged ill-treatment in Castlereagh, the individuals were released after extensive interrogation.

Martin Sweeney alleged that he was subjected to verbal abuse, that detectives slapped him on the face and the head, banged his head against the wall, and spat into his ear. During one of the interviews, a detective allegedly struck Martin Sweeney in the stomach and dug his fingers into his ribs repeatedly. He also stated that he received a number of death threats, and was also offered the possibility of money or a guarantee of a light sentence in exchange for information. Martin Sweeney also alleged his head was forced down between his legs and that he was then beaten on the back of the head and the face. Martin Sweeney reported his allegations to the medical doctor, who acknowledged that the detainee had a lump on the back of his head. In the course of further interviews, death threats, physical abuse, and verbal abuse are said to have continued.

Rose Ann Maguire was arrested on the morning of Wednesday 24 July and held at the police interrogation centre at Castlereagh (Belfast) until the afternoon of Sunday 28 July. During the five days of her detention, Rose Ann Maguire was allegedly physically and verbally abused. She stated that the ill-treatment consisted of slaps to the face and head; pulling of the hair and the head; and punches in the stomach. She said she was regularly screamed at and was also subjected to a death threat. She also alleged that a detective ran his hand up and down her leg and his fingers down from her head to her breast. She asked to see a doctor that evening, but her request was not granted. The next morning she did see a doctor and made a complaint alleging ill-treatment.

Monica Boyle, who was seven months pregnant at the time of arrest on 26 July, was arrested with her husband. She is a diabetic. She alleged that she was verbally abused and taunted that her child would be born deformed.

Eamonn McPhillips was released from Castlereagh on 26 July, the day before his wedding. He had been detained for five days and alleged that he had been ill-treated.

amnesty international

Twelve-Point Program for the Prevention of Torture

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offence to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law-enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado—unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to “disappear”. Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no “safe haven” for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care or rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Inter-governmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Gov-

ernments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.



The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the Abolition of Torture. For further information contact Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, UK, or, in your country:

Body of Principles for the Protection of All Persons under
Any Form of Detention or Imprisonment

APP.E

(UN General Assembly Resolution 43/173 of 9 December 1988, adopted without a vote)

The General Assembly,

Recalling its resolution 35/177 of 15 December 1980, in which it referred the task of elaborating the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to the Sixth Committee and decided to establish an open-ended working group for that purpose,

Taking note of the report of the Working Group, 1/ which met during the forty-third session of the General Assembly and completed the elaboration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Considering that the Working Group decided to submit the text of the draft Body of Principles to the Sixth Committee for its consideration and adoption, 2/

Convinced that the adoption of the draft Body of Principles would make an important contribution to the protection of human rights,

Considering the need of ensuring the wide dissemination of the text of the Body of Principles,

1. Approves the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment for its important contribution to the elaboration of the Body of Principles;

3. Requests the Secretary-General to inform the Members of the United Nations or members of specialized agencies of the adoption of the Body of Principles;

4. Urges that all efforts be made so that the Body of Principles becomes generally known and respected.

ANNEX

Body of Principles for the Protection of All Persons under
Any Form of Detention or Imprisonment

Scope of the Body of Principles

These Principles apply for the protection of all persons under any form of detention or imprisonment.

1/ A/C.6/43/L.9.

2/ Ibid., para. 4.

Use of terms

For the purposes of the Body of Principles:

(a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;

(b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;

(c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;

(d) "Detention" means the condition of detained persons as defined above;

(e) "Imprisonment" means the condition of imprisoned persons as defined above;

(f) The words "a judicial or other authority" mean a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

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Principle 5

1. These Principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national ethnic or social origin, property, birth or other status.
2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.* No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 7

1. States should prohibit by law any act contrary to the rights and duties contained in these Principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.
2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.
3. Any other person who has ground to believe that a violation of the Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

* The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.

Principle 8

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 9

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.
2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.
3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Principle 12

1. There shall be duly recorded:
 - (a) The reasons for the arrest;
 - (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;
 - (c) The identity of the law enforcement officials concerned;
 - (d) Precise information concerning the place of custody.

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2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 13

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information on and an explanation of his rights and how to avail himself of such rights.

Principle 14

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 16

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own

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initiative undertake the notification referred to in this principle. Special attention shall be given to notifying parents or guardians.

4. Any notification referred to in this principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

Principle 17

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.

2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.

2. A detained or imprisoned person shall be allowed adequate time and facilities for consultations with his legal counsel.

3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.

4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.

5. Communications between a detained or imprisoned person and his legal counsel mentioned in this principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to

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reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 20

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

Principle 21

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 22

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

Principle 23

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.
2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described above.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Principle 25

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

Principle 26

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefor shall be in accordance with relevant rules of domestic law.

Principle 27

Non-compliance with these Principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 29

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1, subject to reasonable conditions to ensure security and good order in such places.

Principle 30

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and

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duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Principle 31

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

Principle 32

1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.

2. The proceedings referred to in paragraph 1 shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

Principle 33

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.

3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.

4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of

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inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 shall suffer prejudice for making a request or complaint.

Principle 34

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

Principle 35

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these Principles shall be compensated according to the applicable rules on liability provided by domestic law.
2. Information required to be recorded under these Principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under this principle.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

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Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

Principle 38

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

Principle 39

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

General clause

Nothing in the present Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.
