

**£UNITED KINGDOM
(NORTHERN IRELAND)
@Alleged coerced confessions during
ill-treatment at Castlereagh Holding Centre
of eight youths from Ballymurphy, Northern
Ireland**

Eight young men from Ballymurphy in Belfast, Northern Ireland were arrested between August 1991 and April 1992 under Article 14 of the Prevention of Terrorism Act (PTA) in conjunction with bomb attacks on the security forces. The attacks took place during the summer of 1991 in the Upper Springfield Road area and Queen Street Barracks, Belfast. Anthony Garland, Hugh McLaughlin, Stephen McMullan, Michael Beck, Danny Pettigrew, Ciaran McAllister, Brendan McCrory and James Morgan allege that they were ill-treated by the Royal Ulster Constabulary (RUC, the Northern Ireland police) during interrogation, conducted in the absence of their lawyers, while detained incommunicado at Castlereagh Holding Centre. All of them allege that, as a result of ill-treatment suffered, they signed statements which implicated them in the bomb attacks; each of them contests the validity of these statements. It is believed that these contested statements are the sole proof against them.

James Morgan was arrested on 27 June 1991, two days after a grenade attack outside Queen Street police barracks in the city centre of Belfast. Ten or more civilians and two police officers were injured in the attack. James Morgan was accused of having been a look-out.

On 2 August 1991 a joint army and police vehicle patrol in West Belfast was attacked with two coffee jar bombs. A civilian passing by was injured in the explosions. A number of people were arrested in connection with this incident though some were released shortly afterwards. Anthony Garland, Hugh McLaughlin, Stephen McMullan and Michael Beck were arrested on 6 August, Brendan McCrory was arrested in November 1991 and Daniel Pettigrew and Ciaran McAllister were arrested at the end of April 1992 - all in connection with this incident.

Following these events police action led to what local people described as a "massive upsurge in the number of youngsters being harassed and arrested in West Belfast". They allege this activity was aimed at intimidating the community as a whole. The arrests were

accompanied by numerous house searches causing property damage and involving verbal abuse by the RUC and British Army.

James Morgan was tried and convicted in March 1993. The principal evidence against him at the trial was the statement he allegedly made while detained at Castlereagh, which he claims he was induced to sign as a result of being ill-treated. He is currently serving a prison sentence of 14 years; an appeal of his conviction is pending.

Anthony Garland, Hugh McLaughlin, Stephen McMullan, Michael Beck, Danny Pettigrew, Brendan McCrory and Ciaran McAllister are currently awaiting trial. This trial is due to begin on 6 September 1993. With the exception of Ciaran McAllister and James Morgan, the other youths have been held on remand at Crumlin Road jail for between 16 months and two years. Ciaran McAllister was granted bail after nine months' detention. It is anticipated that if convicted they may be sentenced to serve up to 20 years in prison on a variety of charges including attempted murder.

Seven of the eight accused were aged between 17 and 21 at the time of their arrest. Two, Daniel Pettigrew and Ciaran McAllister, who were arrested after their 17th birthdays, were only 16 when the incidents occurred.

The eight young men all allege that while at Castlereagh Holding Centre police physically and/or mentally ill-treated them in order to coerce them to sign confessions. Their allegations of ill-treatment at Castlereagh include: physical ill-treatment, such as hitting and punching around the head and ears, kicking; threats against them or family members; and other psychological pressure. Questioning, which in some cases took place over the course of six days, was allegedly carried out over extended periods of time, often continuing past midnight. Some of the detainees allege that they were offered 'deals' if they confessed. Some of the accused claim that they are still suffering from the effects of the ill-treatment in Castlereagh.

A West Belfast-based group has been set up by the parents of the seven Ballymurphy youths to campaign on their behalf and for James Morgan. The group has been protesting the innocence of the eight and claims that all of the young men had alibis and that the only evidence against them consists of statements which they were coerced into signing.

Amnesty International is concerned about the young detainees' allegations that they were ill-treated while in custody by RUC officers and at claims that as a result they were induced to sign statements, in the absence of their lawyers, which may be the sole basis for prosecution. Amnesty International is urging the authorities to review the basis for these prosecutions and to ensure that the trial of the seven still facing trial is conducted in conformity with international fair trial standards. Furthermore, the organization is pressing for the allegations of ill-treatment and coerced confessions to be the subject of an inquiry,

and that the routine denial of immediate legal assistance to suspects and the practice of not allowing counsel to be present during the questioning of suspects be ended.

Cases

Anthony Garland, born on 12 April 1974, was arrested on 2 August 1991 and has been in custody for two years. He was 17 years old at the date of his arrest. Anthony Garland is charged with attempted murder. While held at Castlereagh for six days he saw his solicitor four times. The first visit took place on 4 August, two days after his arrest.

Hugh McLaughlin

Hugh McLaughlin, born on 14 April 1973, was arrested on 6 August 1991 and has been in custody for two years. He was 18 years old on the date of his arrest. He was denied access to counsel for 48 hours following his arrest. He was held for interrogation at Castlereagh for six days. He is charged with attempted murder.

Stephen McMullen

Stephen McMullen, born on 15 December 1969, was arrested on 6 August 1991 and held for interrogation at Castlereagh for four days. He has been in custody awaiting trial at Crumlin Road jail for two years on charges of attempted murder. Stephen McMullen saw his solicitor for the first time 48 hours after his arrest.

Michael Hugh Beck

Michael Hugh Beck, born on 26 April 1973, was arrested on 6 August 1991 at the age of 17. He was held at Castlereagh Interrogation Centre for four days and on the second day of his interrogation was granted access to his solicitor. Michael Beck is charged with attempted murder.

Daniel Pettigrew

Daniel Pettigrew, born on 22 September 1974, was arrested on 28 April 1992, at the age of 17. At the time of the offence he was only 16. He was interrogated at Castlereagh for two days. He has been charged with attempted murder. Like the other accused he alleges that he was

coerced into signing a written statement which was prepared by the RUC, the validity of which he now contests.

Ciaran McAllister

Ciaran McAllister, born on 26 April 1975, was arrested on 30 April 1992 at the age of 17, four days after his 17th birthday. Had he been arrested before, the law would have required that an "appropriate adult", such as a parent or guardian, be present on his behalf during interrogations. He saw his solicitor for the first time on 1 May - after he had been charged with attempted murder. He was not granted access to his solicitor at all during the two days that he was held and interrogated at Castlereagh. After approximately nine months in custody awaiting trial he was released on bail.

Brendan McCrory

Brendan McCrory, born on 15 June 1967, was arrested in November 1991 and held for questioning at Castlereagh for five days. He was not allowed to see his solicitor for 35 hours and has been in custody for one year and 10 months awaiting trial. He is charged with attempted murder. He suffers from epilepsy and has received medical attention while in custody.

James Morgan

James Morgan, born on 11 March 1972, was arrested on 27 June 1991 in connection with a grenade attack on the Queen Street Barracks, Belfast. He was convicted after trial in March 1993 and sentenced to 14 years' imprisonment. The main evidence against him at his trial was the statement which he claims he was coerced into signing, in the absence of his lawyer, while detained at Castlereagh for five days. The appeal of his conviction is currently pending before the Court of Appeal.

Background:

People arrested under anti-terrorist legislation are taken to the police interrogation centres in Castlereagh (Belfast), Gough Barracks (Armagh) and Strand Road (Londonderry).

Detainees are interrogated by plainclothes detectives in special rooms. At all other times they are in the custody of uniformed policemen. There are closed circuit cameras in interview rooms which can be visually monitored from a central point by a senior police officer, although the content of the interviews cannot be heard and the interviews are not recorded.

If a detainee wishes to make a complaint about his or her treatment he or she can do so to the medical doctor who visits the suspect each morning, or to the uniformed duty sergeant at any time. Most often a detainee makes an initial complaint to her or his lawyer or to the doctor.

Complaints of ill-treatment by the police are subject to investigation by the Complaints and Discipline branch of the RUC; investigations into particularly serious complaints are supervised by the Independent Commission for Police Complaints (ICPC). Once an investigation has been completed the file is sent to the Director of Public Prosecutions (DPP) for consideration. If the DPP decides that no prosecution should be brought, the file is returned to the RUC or ICPC to consider whether disciplinary charges should be brought.

Many people who have made formal complaints about ill-treatment have expressed their disappointment to Amnesty International that they had not been informed why their complaint had not resulted in any action against the officers. Although there have been many cases with prima facie evidence of ill-treatment, few have resulted in action against interrogating officers. There have been criminal trials in which confessions have been excluded on the basis of allegations of ill-treatment, and compensation has been paid to alleged victims of ill-treatment as a result of their bringing civil actions against the RUC, but generally in such cases neither prosecutions nor disciplinary hearings against the police officers for ill-treatment have ensued.

The record shows that existing procedures and safeguards are inadequate to prevent the ill-treatment of detainees. International standards require that detainees be brought promptly before a judge; however, the government has opted out of its obligations under international standards to do so, with respect to detainees held under emergency legislation, who may be held for up to seven days without charge before being brought before a judge. Similarly, although people held in England and Wales under the Prevention of Terrorism Act (PTA) have the right to have lawyers present during interrogation, the same does not apply in Northern Ireland, where lawyers are never allowed to be present during interrogation of

PTA detainees. Moreover people arrested under the PTA in Northern Ireland are frequently denied immediate access to their lawyer and such denial of access may continue for an initial period of 48 hours after arrest, and for additional periods of 48 hours thereafter.

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) and in the paper entitled United Kingdom: Allegations of Ill-treatment in Northern Ireland (AI Index: EUR 45/19/91).