

Plastic Justice

A Report on the use of Plastic and Rubber Bullets in Ireland



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The untold stories of Relatives, Victims and Survivors



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Abstract

The lasting legacy of the State's use of plastic and rubber bullets is this: The firing of plastic and rubber bullets in Ireland was almost wholly unaccountable, from the procurement of ammunition which was knowingly faulty to the killing of innocent men, women and children. No one has ever been held to account for any of the 17 people killed by plastic and rubber bullets and no liability has ever been publicly admitted to by the security forces responsible. Instead, the State has pursued a policy of criminalisation, intimidation and endless private, out-of-court, settlements to evade legal scrutiny of their actions. This silence amounts to nothing more than Plastic Justice. The victims, families and public have a right to the truth about the dangers of these weapons and their legacy in Ireland, and the suggestion that the state may buy and bully their way out of this obligation is unacceptable. True justice requires that 'justice not only be done but must also be seen to be done.'

Keywords: Policing, British Army, Inquest, Right to Truth, Legacy, Human Rights

Foreword

This publication is dedicated to all of those killed, the families that mourn them and the countless injured as a result of the use of rubber and plastic bullets in Ireland.

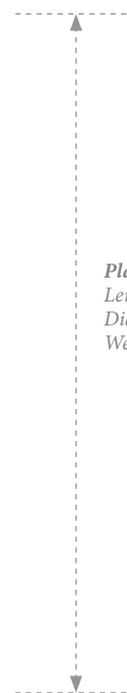
It is in tribute to the selfless, dedicated campaigning of families and activists who travelled the globe to highlight the use of these weapons. Special mention will always be made of Emma Groves and Clara Reilly, two working class women who travelled from Belfast to Washington to Moscow to raise this experience of devastation, and campaign for an end to the use of plastic bullets.

The PSNI currently retains plastic bullets in its armoury. These weapons have no place in a transitional society that wishes to promote human rights and foster healing. The call today is as it always has been. Ban Plastic Bullets Now.



Plastic Justice: A Report on the use of Plastic and Rubber Bullets in Ireland

Through the personal accounts of families, victims and survivors, this report will tell the stories of the human impact of the use of plastic and rubber bullets in the north of Ireland. It seeks to allow the reader to gain an insight into the hurt, the trauma and the struggles of those living with the memories of the violence inflicted upon them. In doing so, the reader should yield an impression of the extraordinary and inspiring resilience of those involved in their fight for truth and justice. Before reading these personal accounts, an understanding of the over-arching legal, political and medical questions regarding the use of plastic bullets in Ireland is, in our opinion, essential. Therefore, Part I of this report is dedicated to giving an introduction to, and analysis of, these issues, with the personal accounts of families forming Part II.



Plastic bullet, actual size
Length: 3.5 inches
Diameter: 1.5 inches
Weight: 150 grams

PART I

The Plastic Bullet - Use of language

“Baton Round”

As with many legacy issues in Ireland, a word of caution must be given as to the language used when reporting on our shared history and past. The language used for policing is not estranged to this. When inspecting State-sponsored research, government papers and other reports, there is mostly, if not exclusive, reference to the ‘baton round’.¹ This is an important issue to highlight at this preliminary stage, as RFJ’s position is clear. RFJ do not make reference to or accept the terminology of the ‘baton round’ or that of the broader ‘less-lethal technology’ industry. Plastic Bullets kill. We strongly believe that the intentional use of softer language by the State in referring to plastic bullets is to mask their deadly capabilities from the average person, thereby artificially increasing the legitimacy of their use.

This issue has been previously highlighted by the *Omega Research Foundation*, who found that the re-branding of a weapon is most often done ‘in order to distract attention and bury any negative associations with the weapon’ and that “*with each new variant introduced, the community has been assured that it is quantifiably different in its effect than the last version...that it is safer*”.² The State itself has recognised that ‘the term bullet gave the weapon a harder image and so the name was intentionally changed to plastic baton round’.³ RFJ will not participate in the intentional diminishing of this weapons’ ability to cause terror amongst those whom it is used against.

‘Security Forces’

Throughout our report, we will make reference to the ‘Security Forces of the State’. The term ‘security forces’ or ‘security services’ is a commonly used appellation for the British Army and Royal Ulster Constabulary (RUC). It is used in this report to describe the combined operations of these two organisations as they worked conjunctively throughout the conflict.

Despite the face-value meaning of the term, these two organisations brought the opposite of security to so very many families during the course of their operations in Ireland and therefore we are using this preamble to clarify that we only use this term of reference as a recognised tag for both the British Army and RUC.

‘The State’

In referring to the ‘State’ we mean the combined apparatus of British rule in Ireland. That includes the UK Executive, Westminster Parliament, The Northern Ireland Office and the pre power-sharing Assembly - The Northern Ireland Parliament. The use of the term in this report can be referring to one or all of these branches of rule in Ireland. The Courts are not included in our meaning of the State for the purposes of this report and any criticism of the Courts shall explicitly refer to the individual cases.

The Plastic Bullet – What is it?

A plastic bullet is a “non-flexible impact projectile, also known as a Kinetic Energy Round or Attenuating Energy Projectile, launched from a grenade launcher”.⁴ Its rigidity and non-deforming nature ensures that it transfers most of its energy to the target upon impact. It is described as “a projectile, fired from a weapon, which is intended to strike the target with sufficient force to cause compliance through the application of pain”.⁵ It is, in

1 HC Deb 15 July 2015, vol 598, col 3

2 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg1 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

3 Ibid

4 Ibid at pg17

5 Ibid



this broader sense, part of the 'less lethal technology' industry and sold by companies to security forces globally, as an alternative to using lead.⁶ It is, in general terms, deployed in riot situations where security personnel cannot control the crowd.

The bullet itself comes in many variations but we are mostly concerned with those made of polyurethane. They weigh approximately 150 grams and sit at 3.5 inches in length, with a diameter of 1.5 inches. Once fired, the bullet travels at approximately 259km/h and delivers a kinetic energy of 244 joules upon striking its target.⁷ The latest version of the plastic bullet currently in use has the official name L60A1, or AEP, and was introduced in June 2005.⁸ With the exception of the most recently introduced bullet, all predecessors used in Ireland also had a metal cap attached to the front which fell off during the course of its flight towards the target.

For the purpose of clarity within this report, we must state some details on the models of plastic bullets referred to, as different versions were used at different times in Ireland and critics will point to research used in this report as being specific only to the individual models of weaponry used. Firstly, all plastic and rubber bullets carry, with their use, a serious risk to life; Secondly, the pieces of research referred to in this report may be individually specific to model variants of plastic bullets, however they all consistently draw the same conclusion; Finally, the research in this report is only intended to give the reader a broad idea of the ballistic qualities and medical analysis of plastic and rubber bullets generally.



The Development of the Plastic Bullet

The plastic bullet has its origins in 1960s Hong Kong, where British colonial forces deployed rounds made of wood onto groups of protestors.⁹ Through the killing of a young girl, the combination of a truncheon and a bullet proved deadly.¹⁰ Despite this, the authorities considered their new 'crowd control' weapon a 'success' and inevitably contemplated its introduction to quell the emerging protests in Ireland.¹¹

Although it continued to be used against the people of Hong Kong, the wooden bullet was rejected as being too dangerous for Ireland, and so defence researchers at Porton & Down were tasked with finding an alternative.¹² It took only nine months to develop the rubber bullet.¹³ It was introduced in August 1970 and instantly became a key weapon in the arsenal of both the RUC and the British Army.¹⁴ The rubber bullet proved frustratingly unreliable to be of any use to the security forces, however, and was fully replaced by a new version of the weapon by 1975, the plastic bullet¹⁵.

6 'Less-lethal ammunition' < <http://www.sageinternationaltd.com/SCOI/ammunition.html> > accessed 12/08/2019
7 D Hughes, K Maguire, F Dunn, S Fitzpatrick L G Rocke, 'Plastic Bullet Round Injuries' [2005] 22 (11) Emergency Medical Journal <<https://emj.bmj.com/content/22/2/111>> accessed 20/08/2019
8 Home Office *Less Lethal Technologies: Review of Commercially Available and Near-Market Products for the Association of Chief Police Officers* (Cm 49) Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445112/20150714-DOMIL06-AEP01-O.PDF> accessed 20/08/19
9 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland) 9
10 Ibid
11 Carol Ackroyd, Karen Margolis, Jonathan Rosenhead, Tim Shallice, *The Technology of Political Control* (second edition, Pluto Press 1980) 15
12 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland) 12
13 Ibid
14 Carol Ackroyd, Karen Margolis, Jonathan Rosenhead, Tim Shallice, *The Technology of Political Control* (second edition, Pluto Press 1980) 20
15 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg8 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

The plastic bullet was first introduced in 1973 and was rolled out rapidly to the security forces as a more accurate and efficient replacement for the rubber bullet.¹⁶ It continued to be developed by defence researches and private munitions companies, as the problems of the old rubber bullets were never addressed with its new replacement. Misfires, breach explosions and over-heating were but a few problems identified by the Ministry of Defence.¹⁷ One internal RUC report stated that even in room temperature ‘the ammunition would sometimes expand and cause an explosion.’¹⁸ Nevertheless, they continued to be the weapon of choice for use against civilians by the security forces in Ireland.

The Plastic Bullet - Ballistic research

Research on the ballistic capabilities of the plastic bullet has been conducted by a plethora of State and non-State sponsored organisations, in all parts of the world. We have chosen a selection of those which were carried out on behalf of the British government and also research, which was identifiable as being readily, if not purposely, made available to the British executive. We have chosen this research in order to allow the reader to access the information which would have been known to, and discussed by, the State.

Omega Research Foundation

The *Omega Research Foundation* was commissioned by the *Northern Ireland Human Rights Commission* to conduct a report on the use of plastic bullets in the north of Ireland. Their ballistic research was carried out on the L21A1 bullet. Their findings were;¹⁹

1. “One in three rounds missed their target.”
2. “If the bullet misses the target, there is sufficient kinetic energy carried by the bullet to pose a significant threat to life/serious injury via a very high ricochet potential”

Professor Peter Waddington

Professor Peter Waddington gave evidence to the United Campaign Against Plastic Bullets and to RFJ on the ballistic potential of plastic bullets. He stated;²⁰

1. “Shot at a range of less than 30 yards, the weapon is consistently inaccurate, missing its target by 10 feet or more”
2. “The bullet is ballistically unstable and rarely, if ever, maintains orientation. The direction of travel becomes variable as the bullet weaves around in flight.”

RUC Internal Forensic Science Team, 05/08/1996

RUC forensic scientist *Gary Elliot Montgomery* tested an L104A1 Heckler & Kock Riot Gun, which was in active use at the time of testing. His findings were;²¹

1. “The barrel was found to be fouled and wasn’t properly maintained”
2. Tested at 20m
 - a. “2/3 shots were approximately 6-7 inches below the target of aim”
 - b. “1/3 shots were approximately 24 inches below the target of aim”
3. Tested at 50m
 - c. “3/3 shots were approximately 14.5 - 16 inches above the point of aim”

16 Ibid

17 United Campaign Against Plastic Bullets, *Plastic Bullets: The Reality* (published 2001) 7

18 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg15 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

19 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg23 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

20 Interview with Peter Waddington, Professor, Central Institute for the Study of Public Protection (Belfast, November 1997)

21 Letter from Gary Elliot Montgomery to RUC Forensic Science Unit (5 August 1996)



European Parliament

The European Union commissioned a report to investigate crowd control technologies and assess the technology options for Europe. A key focus of this report was to review available crowd control technologies and their relevant efficiency. On ‘kinetic impact projectiles’ their conclusions were;²²

1. *“The delivery of Kinetic Impact Rounds by conventional weapons is indiscriminate and inaccurate”*
2. *“There is only a small margin of safety between a high velocity, small cross section impact which would knock one off balance or stun and the infliction of permanent or deadly injury”*
 - a. I.e. ‘at short range where it may be accurate, its kinetic energy will be too lethal, and at a range where the impact is less lethal, it will be inaccurate.’
3. *“It is doubtful whether any riot weapon currently in use is sufficiently accurate to rule out a lethal shot to a vulnerable area of the body, or indeed of hitting the target at all.”*

Ian Hogg

Ian Hogg published over one hundred and fifty books during his lifetime about artillery, ammunition and fortification. He was an ex British soldier, who served for twenty-seven years and then went on to teach Principles of Guns and Ammunition at the Royal Military College of Science. This is his assessment of the plastic bullet;²³

1. *“Plastic bullets, by their very nature, are dangerous”*
2. *“It is just a slab of plastic, and with the best will in the world you can’t guarantee where it is going to go when you pull the trigger. You do your best to aim at a specific spot, but it has no ballistic shape. It doesn’t spin so it is not stable that way and it will hit and bounce and do all sorts of stupid things.”*

The Plastic Bullet - Medical impact studies

As with the ballistic research, the medical assessments of the effects of being struck by a plastic bullet are numerous. Again, we have chosen those studies whose conclusions were made available to the State and also studies whose conclusions, one might argue, were too obvious to the State to ignore.

Omega Research Foundation

In the same report as above, the *Omega Research Foundation* made medical assessments on the potential effect of plastic bullet impacts on the human body. Their findings were;²⁴

1. *“New L21A1 round significantly increases damage potential, with the bullet being two and a half times more likely to penetrate the skin.”*
 - a. Impacts over a significantly smaller area than the previous L5A7
 - i. Smaller surface area = increased energy density
2. *“If the projectile strikes the skull, the risk is that it will lodge in the brain with fatal effect.”*
3. *“Greater patho-physiological consequences of the increased pressure and penetration will be worse with the newer round.”*

United States Army

The US Army Land Warfare Laboratory conducted research on the bio-medical effects of the plastic bullet to establish its injury potential and the relevant characteristics that would enable them to operate safely. Their findings were;²⁵

22 Omega Research Foundation, *Crowd Control Technologies* (European Parliament June 2000) per para 4.2 <http://www.europarl.europa.eu/RegData/etudes/etudes/stoa/2000/168394/DG-4-STOA_ET%282000%29168394_EN%28PAR02%29.pdf> accessed 18/09/2019

23 United Campaign Against Plastic Bullets, *Plastic Bullets: The Reality* (published 2001) 15

24 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg23 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

25 US Army Land Warfare Laboratory, Technical Report No 74-79, Aberdeen Proving Ground, Maryland 21005

1. *“Impact energies below 20.3 Joules are safe or low hazard”*
2. *“Impact energies between 40.7 – 122 Joules are dangerous hazard”*
3. *“Impact energies above 122 Joules are within the severe damage region”*
 - a. *“The severe damage region is such that any impact with the head or upper body region is very likely to cause death”*
 - i. Note above that the current kinetic energy transferred into the target by a plastic bullet is 244 Joules from 20m. Exactly twice the level needed to qualify within the severe damage range.
4. *“The kinetic energy of plastic bullets at a range of 25 yards is such that being hit in the head is very likely to cause death”*

Defence Scientific Advisory Council

The Defence Scientific Advisory Council (DSAC) and its sub-committee on the Medical Implications of Less-Lethal Weapons (DOMILL) have made assessments on varying types of plastic bullets. Although they are mostly for comparative purposes, rather than actual impact assessments, some reports do contain some useful information in respect of the L21A1 plastic bullet. They concluded;²⁶

1. *“It is likely to increase the incidence of some intra-abdominal injuries”*
2. *“That they will produce serious injuries if they strike the head”*
3. *“That the severity of injuries to the brain is likely to be great”*
4. *“If the round does contact the head, and it strikes perpendicular to the skull, there is a risk that the projectile will be retained in the head with fatal effect”*

European Parliament

In the same report mentioned above, specific details on the medical effects of the use of plastic bullets were included. Most helpful for this report is the fact that the EU’s investigations concentrated on Ireland and the bio-medical effects of the exact plastic and rubber bullets used by the State. Their findings were;²⁷

- *“Rubber and plastic bullets have proved even more dangerous (than other impact munitions) with numerous deaths and injuries including fractured skulls, brain damage, blinding, scalping, broken bones, permanent disability, soft tissue damage to internal organs such as kidney, liver, spleen, intestine and heart, loss of sense of smell, psychological problems and post-traumatic stress disorder.”*
- *“In Ireland, rubber bullets have a death rate of 1 in 18,5000 fired and plastic bullets have a death rate of 1 in 5,000 fired.”*
- *“Doctors report chest injuries to children, scalping, skin lacerations, fractures of limbs and facial bones, eye damage including complete destruction of the eyes leading to blindness, damaged liver, ruptured spleen, damaged intestine and many forms of permanent disability or disfigurement.”*

The Use of Plastic and Rubber Bullets in Ireland - Statistics

The aim of this section is to allow the reader to get a sense of the level in which these weapons were used. A comparison of British Army use and RUC use is necessary to gain access to the debates which follow this section. It is highlighted because, although the British Army was acting as military aid to the civil power when using these weapons, both manifestations of the State operated under remarkably contrasting guidelines and forms of scrutiny.²⁸ We must also make note of some of the features which characterised the record keeping of plastic bullets in Ireland. As a matter of certainty, society relies on consistent and professional book-keeping

²⁶ Defence Scientific Advisory Council, *DOMILL Report on L21A1 Baton Round* (August 2000) as reported in Just News *Plastic Bullets*, vol.16 no.5 (CAJ, May 2001) pg5

²⁷ Omega Research Foundation, *Crowd Control Technologies* (European Parliament June 2000) <http://www.europarl.europa.eu/RegData/etudes/etudes/stoa/2000/168394/DG-4-STOA_ET%282000%29168394_EN%28PAR02%29.pdf> accessed 18/09/2019

²⁸ Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg23 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019



from the State. The record keeping of plastic bullets by both the British Army and RUC, however, has been characterised by ‘regrettable mediocrity’; deficient in almost every respect of expected professionalism; ‘without any meaningful standard of accountability’.²⁹ Regrettably, this has meant that the statistics in this report are somewhat compromised, in that their as reliable as one could expect the official figures of the State to be. We have, however, had the benefit of retrospective inquiries and investigations from a range of human rights organisations and bodies into this area, which restores credibility to the figures in this report.

Number of Shots Fired

There are no figures separating RUC and British Army firings prior to 1981 and, up to 1978, all plastic and rubber bullets were fired by the British Army.³⁰ Therefore, the figures shown from 1978 to 1981 are inclusive of RUC and British Army.

A preliminary warning must be given in that there are major concerns surrounding the reliability of the official figures; RFJ’s freedom of information request to the PSNI produced vastly contrasting figures to those which have previously been put into the public record by varying British Secretaries of State. For example, prior to our request the public record in Hansard stated that 1 single plastic bullet had been fired in 1999; The PSNI have stated to RFJ that the figure is 111.³¹

Table 1: Number of plastic bullets fired by Police/British Army from 1970 - 2018.

Year	Police	British Army	Total	Year	Police	British Army	Total
1970		238		1995	273	0	
1971		16,752		1996	6,949	1,387	
1972		23,363		1997	2,527	429	
1973		12,766		1998	1,236	62	
1974		2,828		1999	111		
1975		3,701		2000	22		
1976		3,464		2001	91		
1977		1,490		2002	255		
1978		1,743		2003	0		
1979		1,271		2004	0		
1980		1,231		2005	281		
1981	19,649	9,952		2006	0		
1982	335	154		2007	6		
1983	545	116		2008	3		
1984	1,503	265		2009	30		
1985	906	266		2010	183		
1986	1,462	325		2011	351		
1987	1,908	663		2012	15		
1988	2,292	817		2013	115		
1989	839	101		2014	0		
1990	211	46		2015	6		
1991	235	88		2016	0		
1992	39	49		2017	0		
1993	497	26		2018	4		
1994	214	35			43,093	83,628	126,721

29 Ibid

30 HC Deb 13 March 2001, vol 364, col 507W

31 Ibid

Guidelines

As with record keeping, in order to maintain a basic level of accountability and scrutiny, certain rules on the use of plastic bullets must be made public. The key information in this respect usually comes in the form of firing guidelines and should generally consist of the following: Who is allowed to fire plastic bullets?; Who may be fired upon?; Under what circumstances may a plastic bullet be fired?; Where must the gunman aim?; At what distance must the target be from the weapon? These questions allow for the public, whether they be actual targets or observers, to hold the security forces accountable for any abuse of the weapon. Quite apart from the much more central question regarding the legitimacy of their use in the first instance. It is essential, in our opinion, that for any remote appearance of legitimacy, the public be made aware of firing guidelines.

This was not the case in Ireland. In keeping with the paltry nature of their record keeping, the firing guidelines for both the RUC and the British Army were not made public until 27 years after their introduction.³² We know a criticism was that ‘past versions of the guidelines were vaguely worded and allowed plastic bullets to be used in everyday policing operations.’³³ In the case of the British Army, the above questions were not even answered. It was highlighted that their guidelines ‘lacked a serious amount of detail’, even when compared to the disconcerting mediocrity of those operated under by the RUC.³⁴ There was evidently ‘no noticeable concern on the proportionate and legitimate use of force.’³⁵ In fact, even RUC guidelines lacked in this respect up until they were brought into line with the police services of Britain in 1996.³⁶ An accentuating example is that the guidelines allowed for soldiers to single out ‘perceived troublemakers’ in violent crowds, even if they did not present any immediate threat.³⁷

The guidelines under which the RUC operated are still formally classified as confidential police instructions, however due to the work of the late Labour MP Kevin McNamara, the Shadow Secretary of State, they are available in the House of Commons library and, combined with the publicly available PSNI guidelines, we can form a skeleton of the guidelines the security forces used to operate under.³⁸ Some of the guidance available instructed that;³⁹

- Plastic bullets should be ‘aimed to strike, directly, the lower part of the target’s body’
- There is a minimum firing distance of 20 meters from the intended target
- Reduced to 1 meter in situations where a firearm would be permitted to be used – so-called “less-lethal” situations where an immediate risk to life cannot be countered.
- Plastic bullets are to be fired ‘only after an oral warning has been given to disperse the crowd’
- Plastic bullets ‘should be fired at selected individuals and not indiscriminately at the crowd’
- Plastic bullets ‘should not be fired from moving vehicles’

The guidelines, or lack thereof, will be significant when we come to the debate section later in this report. For now, it is important to simply take note of the rough guidelines the RUC and British Army were subject to.

The Use of Plastic and Rubber Bullets in Ireland - Public commentary

Inevitably, the use of plastic and rubber bullets by the security forces against civilians became a huge public issue. There was widespread condemnation from international and domestic legal, political and human rights communities; fears of misuse and abuse were slowly being realised. This section highlights some of the shocking

32 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg26 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

33 Ibid at pg25

34 Ibid

35 Ibid

36 HC Deb, 15 July 1997, vol 298, col 852W

37 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg26 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

38 HC Deb, 28 July 1997, vol 299, col 852W

39 Association of Chief Police Officers, *Guidelines on the use of baton rounds and firearms in situations of serious public disorder* (available at <https://cain.ulster.ac.uk/proni/1986/proni_CENT-3-20A_1986-nd_a.pdf> accessed 10/08/2019)



reports to come out of Ireland while plastic and rubber bullets were being used; from disturbing medical reports to damning international inquiries and suspected State policies of criminalisation of victims and suppression of facts.



Medical Reports

No official figures are available for the exact number of injuries caused by plastic and rubber bullets. What we do have, however, are individual instances of recordings which convey the reality of these weapons being used in Ireland. Without detailing individual victims, below are some of the statistics to come out of the hospitals in Ireland.

The age range of patients reported for plastic and rubber bullet injuries is between 5 and 67 years, with the majority falling within the 10 to 39 year age group.⁴⁰ Deaths have been reported in children as young as 10 years and serious injuries recorded in children as young as 5 years.⁴¹ There is a male predominance amongst the recorded injured, with a ratio of 139 males to 16 females.⁴² 17 deaths have occurred, 3 from rubber bullets and 14 from plastic bullets.⁴³ 8 of those killed were children.⁴⁴ Patients with injuries to the head and neck accounted for 80% of inpatient admissions.⁴⁵ With the passing of time, a change in the distribution of injuries occurred, with facial injuries being four times more common than injuries to other parts of the head, with the rubber bullet;⁴⁶ Whereas, injuries to other parts of the head and neck were three times more common than facial injuries with the plastic bullet.⁴⁷ *Millar* and *Rocke* both recorded that 80% of those admitted to hospital during their studies had injuries to the head and chest.⁴⁸ It was noted in *Ritchie's* study that death or serious injury occurred in 21 out of 51 patients hit above the diaphragm compared with 8 of 75 hit below.⁴⁹

40 Millar R, Rutherford WH, Johnston S et al. *Injuries caused by rubber bullets: a report on 90 patients* (1975, Br J Surg 62, 480-86)
41 HC Deb 31 July 1997 vol 132, col 742W
42 S Hunter and I Greaves *Baton Rounds* (Trauma 2002, 4, 29-37) available at <<https://journals-sagepub-com.libproxy.ncl.ac.uk/doi/pdf/10.1191/1460408602ta2200a>> accessed 15/08/2019
43 Chris Thornton, Seamus Kelters, Brian Feeny, David McKittrick, *Lost Lives*, (2nd Edition Mainstream Publishing 2004)
44 Ibid
45 Millar R, Rutherford WH, Johnston S et al. 1975. *Injuries caused by rubber bullets: a report on 90 patients* (Br J Surg 62, 480-86)
46 Ibid
47 S Hunter and I Greaves *Baton Rounds* (Trauma 2002, 4, 29-37) available at <<https://journals-sagepub-com.libproxy.ncl.ac.uk/doi/pdf/10.1191/1460408602ta2200a>> accessed 15/08/2019
48 Ibid
49 Ritchie AJ, Gibbons JRP, *Plastic Bullets in Northern Ireland* (1990, Br Med J 301: 1027)

Table 2 below displays the data recorded by some of the more well-known studies in Ireland. It is indicative of the types of injuries which were seen by the hospitals; however, it is by no means exhaustive. A significant proportion of the patients recorded in these studies were children.⁵⁰

In Millar’s study, 24/90 patients presented with eye injuries, 16 of whom had visual loss in at least one eye, with one patient being left totally blind after losing both eyes.⁵¹ Gibbons’ study showed that in a series of 80 patients with chest injuries, four deaths occurred and a further 19 patients suffered serious injuries including pulmonary contusion.⁵²

Table 2: Demographics of admissions and distribution of injuries in five surveys of patients presenting to hospital

	Millar (1975)	Sheridan and Whitlock (1983)	Rocke (1983)	Ritchie (1992)	Steele (1999)	Total*
Head and neck	54	45	41	23	19	182
Chest	24	13	10	17	15	79
Abdomen	4	10	9	14	6	43
Limbs	20	41	40	46	60	207

*Many patients presented with multiple injuries, either from bullets ricocheting from one part of their body onto another or being hit by more than one bullet. This explains why the number of injuries recorded does not match total amount of patients.

International Attention

In 1981, the Association for Legal Justice convened the first *International Tribunal of Inquiry into Deaths and Injuries by Plastic Bullets in Ireland*. Lawyers, a physician and a neuropsychologist made up the five-member panel, representing the United States, France and Britain. After months of testimony from the medical and legal professions, as well as eye-witness statements, the panel concluded that the plastic bullet was a “lethal weapon” whose “indiscriminate use is tacitly tolerated by the authorities”.⁵³ The Tribunal recommended, amongst other things, ‘urgent inquiries into those killed be carried out’ and that plastic bullets should be banned in Ireland.⁵⁴

The findings and recommendations of the International Inquiry were ignored, and within one year a further three people were killed.⁵⁵ This led to the immediate convening of the *Second International Tribunal*, this time involving an eight-member panel. Their findings matched those of the previous inquiry but went further in its analysis of the State’s response to the deaths, finding that the local legal system had alarming failings in terms of prosecuting offences, investigating civilian complaints and providing redress to victims.⁵⁶ Dr. Tim Shallice, a member of the panel and a senior British research scientist, wrote in the *New Statesman*, “The conclusion seemed inescapable to members of the commission: The Northern Ireland authorities were knowingly allowing widespread, indiscriminate and illegal use of a weapon whose lethal potential was well known.”

The international spotlight remained fixed on the worrying policing methods in Ireland. Reports of children being targeted by plastic and rubber bullets were confirmed with pictures portraying the horrific injuries

50 S Hunter and I Greaves *Baton Rounds* (Trauma 2002, 4, 29-37) available at <<https://journals-sagepub-com.libproxy.ncl.ac.uk/doi/pdf/10.1191/1460408602ta220oa>> accessed 15/08/2019
 51 Millar R, Rutherford WH, Johnston S et al. 1975. *Injuries caused by rubber bullets: a report on 90 patients* (Br J Surg 62, 480-86)
 52 S Hunter and I Greaves *Baton Rounds* (Trauma 2002, 4, 29-37) available at <<https://journals-sagepub-com.libproxy.ncl.ac.uk/doi/pdf/10.1191/1460408602ta220oa>> accessed 15/08/2019
 53 Association for Legal Justice, *The Use of Plastic Bullets in Northern Ireland*, (1981 available at <https://cain.ulster.ac.uk/nai/1981/nai_TSCH-2011-127-1059_1981-nd_b.pdf> accessed 14/08/2019)
 54 Ibid
 55 Chris Thornton, Seamus Kelters, Brian Feeny, David McKittrick, *Lost Lives*, (2nd Edition Mainstream Publishing 2004)
 56 Denis Faul and Raymond Murray, *Second International Tribunal of Inquiry into Deaths and Injuries by Plastic Bullets* (Armagh, October 1982) available in *State Violence: Northern Ireland 1969-1997* by Raymond Murray (Mercier Press 1998 ISBN 1 85635 232 8) or <<https://cain.ulster.ac.uk/issues/violence/murray.htm>> accessed 14/08/2019



inflicted on young people and the killing of 8 children. This compelled supranational organisations to act. *The United Nations Committee on the Rights of the Child* conducted inquiries into the deliberate targeting of children by the security forces in Ireland and noted that there was a ‘concerning absence of any safeguards to prevent the ill-treatment of children living under British emergency legislation’; which allowed for the heavy-handed policing methods.⁵⁷ *The United Nations Committee Against Torture* also criticised the use of plastic and rubber bullets in Ireland.⁵⁸

At the European level, the European Parliament voted to ban the use of plastic bullets throughout the European Community in 1982 and in 1997 the *Civil Liberties Committee of the European Parliament* recommended that the EU Parliament reaffirm this position as particular member states had not adhered to it; Namely, Britain.⁵⁹ Their decision to ban the use of plastic bullets was made convincing by the focus given to the policing situation in Ireland.⁶⁰ The European Parliament was shocked at the level of harm inflicted upon civilian crowds by the weapon and found evidence of abuse by the security forces in charge.⁶¹ The call for a complete ban in Ireland was also made by *Human Rights Watch* in their 1997 *Human Rights Watch/Helsinki Overview* and in their book ‘*To Serve Without Favour*’.⁶²

Attention from the US was never far either, with a strong record of Washington holding inquiries into human rights abuses where London would not. *The 1996 International Body* chaired by *Senator George Mitchell* called for a review into plastic bullets and in the previous year, *US Assistant Secretary of State for Democracy, Human Rights and Labour, John Shattuck*, said that;⁶³

“Anyone and everyone desiring a peaceful future for Northern Ireland must support the elimination of such deadly security measures as the use of plastic bullets for civilian crowd control.”



Misuse and Abuse

The above reports highlight how the security forces in Ireland showed a complete disregard to any form of measured policy on the proportionate use of force against civilian crowds; the targeting of children and the deliberate ignorance of the firing guidelines indicative of the indiscriminate nature of the weapons’ use in Ireland. Each of the 17 people killed by plastic and rubber bullets died from injuries sustained to the upper body; each of them inflicted because of the direct violation of firing guidelines.⁶⁴ However, violating guidelines is but one example of the misuse of plastic and rubber bullets. Reports of bullets being ‘doctored’ and sectarianism in their use began to surface, as communities were subject to this weapon’s increased use.⁶⁵

57 UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, (15 January 1995, CRC/C15, 34) per para.10, available at <<https://www.refworld.org/docid/3ae6af51a.html>> accessed 10/09/2019

58 *Plastic Bullets: A Briefing Paper* (June 1998, CAJ [ISBN: 1 873285 83 3]) pg17

59 Official Journal of the European Parliament, C149, Volume 25, 14 June 1982, p.67-70

60 Ibid at pg68

61 Ibid

62 Human Rights Watch *To serve without favour: policing, human rights and accountability in Northern Ireland* (June 1997, Human Rights Watch, Helsinki Staff) pg10 available at <<https://www.hrw.org/reports/1997/uk1/>> accessed on 15/09/19

63 *Plastic Bullets: A Briefing Paper* (June 1998, CAJ [ISBN: 1 873285 83 3])

64 Chris Thornton, Seamus Kelters, Brian Feeny, David McKittrick, *Lost Lives*, (2nd Edition Mainstream Publishing 2004)

65 Brian Brady, Denis Faul, Raymond Murray, *British Army Terror* (published October 1976)

'Doctored' Bullets

A 'doctored' bullet is a bullet which is modified in various ways so that the person firing the bullet can insert into it pieces of other material in order to increase its damage capabilities. The 'very likely to cause death' category proved too innocuous for the security forces in Ireland and so some gunmen would insert materials such as batteries, coins and ball bearings into their bullets, in order to increase the level of hurt they could deploy onto the civilian crowds.⁶⁶ In April 1972, *Paddy Devlin MP* made investigations into this issue after the death of the first victim of the rubber bullet, 11 year-old *Francis Rowntree*, and found evidence of the bullets fired at him 'being hacked in half, with torch batteries inserted into them.'⁶⁷ He interviewed people at the time, who described being hit with a 'hail of torch batteries', and recorded that people had been knocked unconscious by ricocheting material.⁶⁸

Through online sources and anonymous web-forums, profiles of ex-British soldiers boast and brag, in the most grotesque and racist language, how they doctored their weapons so as to increase their 'effectiveness' against 'dirty taigs'.⁶⁹ Indeed, they laugh and question "how highly trained British doctors examined these people (injured) and not one of them ever noticed that rather than impact from a blunt object they'd actually had their face sliced open with a razor blade."⁷⁰

A former British Army officer, *Michael Yardley*, also recorded evidence of this type and wrote in the *New Statesman*, "I have heard soldiers who have served in Northern Ireland boast that they put broken razor blades or nails into rubber bullets to make sure they hurt someone."⁷¹ The grotesque attitude of the security forces summed up; A complete disregard for human life.



Sectarian Weapon for a Sectarian Force

To claim the security forces in the north of Ireland operated denominationally, in favour of one section of our community to the others, is bold. The gravity of this claim is not lost on RFJ, nor should it be on the reader, because the implications are ruinous; That the security forces deliberately targeted civilians in Catholic communities with weapons known to them to be lethal. An assessment of the facts makes this conclusion inescapable.

- 16 of the 17 people killed by plastic and rubber bullets were members of the Catholic community.⁷²

66 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland) pg27

67 Ibid

68 Denis Faul, *Raymond Murray Rubber & Plastic Bullets Kill & Maim* (published 1981)

69 Aodhán, 'The use of Razor Blades by Squaddies in Baton Rounds [plastic/rubber bullets]', (ARRSE, 16th July 2017) available at <<https://www.arrse.co.uk/community/threads/the-use-of-razor-blades-by-squaddies-in-baton-rounds-plastic-rubber-bullets.265782/>> accessed 07/09/2019

70 Ibid

71 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland) pg29

72 Martin Melaugh, 'Violence – List of People Killed by Rubber and Plastic Bullets' (*CAIN Web Service* 02/06/2019) available at <<https://cain.ulster.ac.uk/issues/violence/rubberplasticbullet.htm>> accessed 15/09/2019



- At its most inclusive year, the RUC was 88% Protestant and by the time they were given use of plastic bullets that had increased to 93%.⁷³ We do not in any way infer that this statistic made the RUC a sectarian force but rather it is important to highlight because there is clearly a correlation between which community controls the weapon and which community is subjected to the weapon
- In 1985, an opinion poll found that 87% of Catholics disapproved of the use of plastic bullets whereas 86% of Protestants approved.⁷⁴ One side sees them as offensive weapons and the other sees them as defensive.
- The RUC had a culture of sectarianism, even within its own ranks. A 1997 survey of religious and political harassment and discrimination in the RUC found that 92% of Catholic respondents had experienced religious harassment.⁷⁵
- All RUC members, whether Catholic or Protestant, were required to swear an oath of allegiance to the British monarchy and loyalty to the British Union. As a result, the entire police force was exclusively Unionist.
- An exclusively Unionist force used lethal weapons almost exclusively against Nationalist communities – which led to many commentators concluding that plastic and rubber bullets were ‘the technology of political control’⁷⁶
- In researching for this report, RFJ made a request for information relating to the areas of our community in which plastic bullets are most often fired, under the Freedom of Information Act. Cross-referencing the provided information with primary-sourced local media information we found the following;⁷⁷
- In 1997, despite widespread violent rioting by both nationalist and unionist communities following Drumcree, roughly 2,077 out of 2,527 total plastic bullets fired in that calendar year, were fired at nationalist crowds. A figure of 82%
- Excluding the violence of Drumcree from figures, it is evident that 78% of all plastic bullets fired from 1997 up to 2018 were fired against nationalist communities.⁷⁸
- Including Drumcree that figure is reduced to 61%
- In 1996, the security forces imposed a 26-hour curfew on residents in Rutland Street on the Ormeau Road, to allow a loyalist parade to march through their community.⁷⁹
- Residents were sandwiched between two rows of RUC land rovers, with only ambulances allowed to enter and exit.⁸⁰
- In the inevitable reaction to this forced curfew, the security forces fired plastic bullets into the crowds of residents protesting. Human rights observers were horrified by what they saw, some reporting the deliberate targeting of children and they described the RUC as firing plastic bullets like ‘confetti’.⁸¹
- *Human Rights Watch/Helsinki’s* report, ‘*To Serve Without Favour*’, commented on the sectarian nature of the use of plastic bullets by the security forces, stating;
- “According to RUC statistics, approximately eight times as many plastic bullets were fired in three and a half days of nationalist violence as were fired during four and a half days of violent unionist protest.”⁸²

73 Brian John Spencer, ‘The RUC – For Protestants They Were Friends, and For Many Catholics They Were Vicious Foes’ (*The Irishman* 20/06/2016) available at <<http://brianjohnspencer.blogspot.com/2016/06/the-ruc-for-protestants-they-were.html>> accessed 16/09/19

74 David McKittrick, ‘Plastic Bullets: Symbols of Ulster’s Divide’ (*The Independent* 23rd August 1989) pg5

75 Brian John Spencer, ‘The RUC – For Protestants They Were Friends, and For Many Catholics They Were Vicious Foes’ (*The Irishman* 20/06/2016) available at <<http://brianjohnspencer.blogspot.com/2016/06/the-ruc-for-protestants-they-were.html>> accessed 16/09/19

76 Carol Ackroyd, Karen Margolis, Jonathan Rosenhead and Tim Shallice, ‘The Technology of Political Control’ (2nd edn, Pluto Press, 1980)

77 Letter from Police Service Northern Ireland to Relatives for Justice (Freedom of Information Request No. F-2019-02306)

78 Ibid

79 United Campaign Against Plastic Bullets, *Plastic Bullets: The Reality* (published 2001)

80 Ibid

81 Ibid

82 Human Rights Watch *To serve without favour: policing, human rights and accountability in Northern Ireland* (June 1997, Human Rights Watch, Helsinki Staff) pg10 available at <<https://www.hrw.org/reports/1997/uk1/>> accessed on 15/09/19

- In comparing the different reactions of the security forces, the investigators were repulsed by the brutality of the security forces' reaction to the nationalist crowd, describing RUC officers shooting plastic bullets to simply goad a reaction from the crowd and deliberately targeting the upper body.⁸³
- In response to the report, Chief Constable Ronnie Flanagan stated that he was “*proud of the restraint the officers exhibited.*”⁸⁴

Criminalisation and Suppression

Another disturbing aspect to the State's use of plastic and rubber bullets in Ireland was in its handling of those who were shot. The RUC made regular visits to the various A&E departments of hospitals, not to check on those who were shot but to arrest them. Victims lay in their hospital beds as RUC investigators interrogated and intimidated them. One remarkable example is that of visiting Danish and Canadian journalists who fell victim to the indiscriminate firing of plastic bullets by the security forces. After having his pelvis shattered by a plastic bullet, Neil Henrik Neilson told the *Irish Times*, “*At the hospital I tried to get an RUC officer to take a complaint but he seemed to be more interested in what country I was from and if I had credentials and permits to be in Northern Ireland, than in doing anything about my complaint. My Canadian press photographer friend was treated as a suspect because he only wanted to tell what he saw in evidence for me.*”⁸⁵

It became clear as time progressed that victims would be considered suspects by the State. Indeed, victims were usually prosecuted for riotous behaviour. The RUC's treatment of those injured by plastic and rubber bullets instilled a fear of prosecution into the minds of the people living in the communities that were subject to their use. As a natural consequence, the communities set up so-called ‘first aid shelters’ in their own homes.⁸⁶ The consequence was that the RUC were never held to account for the countless numbers of those injured, because hospital figures were completely compromised. In Derry, for example, the Altnagelvin Hospital's statistics were even further compromised because victims would be taken to Letterkenny Hospital in Donegal, so as to avoid the likelihood of harassment and arrest by the RUC. The official injury statistics told a false story and served only to artificially increase the legitimacy of the use of plastic and rubber bullets by ‘elevating the public perception of the weapon's safety.’⁸⁷ A striking anecdote of the scale of demonization and humiliation faced by those injured in hospital was that the *HSS Executive* felt it necessary to remind staff not to release information on suspected plastic bullet injuries to the police.⁸⁸

The cover-up campaign of the State was in full operation. Not only was it a priority of the State to portray anyone injured by their weapons as rioters, it also led a concerted campaign to suppress any information which may lead to questions being asked. An example is the suppression of medical reports on the use of plastic and rubber bullets in Ireland. Four surgeons based at the *Royal Victoria Hospital* in Belfast conducted research from 1970 to 1972.⁸⁹ Inevitably the conclusion of their report was damning, and the surgeons felt it necessary to hand it over to British Army surgeons in order to highlight the lethality of these weapons. It was immediately suppressed and marked as confidential; for internal use only.⁹⁰ It wasn't until its leaking in May 1973 by *The Sunday Times*, that it was finally allowed to be published without the risk of prosecution.⁹¹ In their excellent report, *The Omega Foundation* concluded that a culture of ‘obsessive security permeates government’ and that the whole area of research in this field is ‘characterised by an extreme difficulty in obtaining accurate and consistent information from the authorities.’⁹²

While the truth about these weapons was being censored from the public, a synchronous propaganda campaign was being run by the State as to the ‘necessity’ and public benefit of plastic and rubber bullets. The repulsiveness

83 Ibid

84 Ibid

85 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland) pg30

86 Ibid

87 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg36 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

88 Letter from HSS Executive: ‘*confidentiality: disclosure of information to RUC*’ to internal staff (6th October 1997)

89 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland)

90 Ibid

91 United Campaign Against Plastic Bullets, *Plastic Bullets: The Reality* (published 2001)

92 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg51 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019



of that propaganda machine was seen following the killing of 12-year-old Carol Ann Kelly. “*Plastic Bullets save lives, Ulster police chief says*” read the headlines on the morning of her funeral.⁹³ Chief Constable *Jack Hermon* callously chose the night before *Carol Ann’s* funeral to issue his statement in a grotesque attempt to overshadow, and distract from, the State’s killing of a young girl. In fact, when the British Army first introduced the rubber bullet, they made a determined effort to convince the media of their ‘harmless nature.’⁹⁴ *Simon Winchester*, of the *Guardian*, described how in July 1970, the ‘charming press officer of the King’s Own Scottish Borderers showed the soft and squidgy things to reporters.’⁹⁵ Winchester quoted an *Observer* reporter as saying, ‘soon they’ll be lobbing grenades full of confetti... You can’t take this sort of thing seriously at all.’⁹⁶ The propaganda machine worked; Those with the power to expose the truth were led astray.



Unaccountability

Another murky aspect of the cover-up campaign by the State is in its handling of any potential court proceedings. Journalist *David McKittrick* has reported extensively on this issue and his work has highlighted the price the State is willing to pay in order to settle cases before going to court.⁹⁷ Millions of pounds have been paid out to the victims of plastic and rubber bullets, the ‘standard practice being awards made to families without any admission of liability by the authorities.’⁹⁸ A prominent solicitor, Eamon McMenemy of Madden & Finucane Solicitors, who has represented many of those injured by plastic bullets notes that, “*quite apart from the seriousness of the injuries sustained, which could easily be fatal, what worries me most is the accountability of RUC officers in relation to the plastic bullet rounds being fired.*”⁹⁹ Pursuing complaints against the RUC was described a waste of time which ‘only lent credibility to a complaint procedure which was found to be fundamentally flawed.’¹⁰⁰ A ‘cheque book litigation mentality’ has developed in the security forces which has led to a perception of infallibility within their ranks as disciplinary proceedings are apparently non-existent.

The settlements allow for the State to continue its propaganda message; ‘*Plastic bullets save lives...If there are no riots there will be no plastic bullets.*’¹⁰¹ We know, however, that the contrary is true. *Jonathan Rosenhead*, from the *British Society for Social Responsibility in Science*, has said that, “*There are remarkably few deaths actually caused in rioting. More deaths are caused in riot situations by plastic bullets than in any other way.*”¹⁰² We know also, that the inquests have shown that only 4 of those killed by plastic and rubber bullets were judged to be

93 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland) pg33
 94 Ibid at pg17
 95 Ibid
 96 Ibid
 97 David McKittrick, ‘£1m Paid to Plastic Bullet Victims in Ulster’ (*The Independent* 2001)
 98 Ibid
 99 Martin Anderson, ‘Bullet Victim Who Lost Eye Gets £100,000’ (*The Irish News* 26 March 1999)
 100 Ibid
 101 David McKittrick, ‘Plastic Bullets: Symbols of Ulster’s Divide’ (*The Independent* 23rd August 1989) pg5
 102 Ibid

involved in any disturbances.¹⁰³ However, none of these 4 inquests have been found to be article 2 (ECHR) compliant and have serious questions regarding the legitimacy of their findings.

The reason why the State is so concerned over avoiding going to court for the deaths occasioned by plastic and rubber bullets, or the countless cases of life-altering injuries, is because the truth would come out about these weapons and finally be put on record; That the State knew how deadly these weapons were. The State knew about the medical reports; The State knew about the ballistic reports; The State knew about the common mal practices of its soldiers and police officers; The State knew plastic and rubber bullets KILL.

The Current Landscape

With a new era of peace becoming ever more tangible, it became clear that there needed to be an overhaul of the policing situation in the north of Ireland. This led to the *Independent Commission on Policing* being set up under the *Good Friday Agreement* in 1998. It was tasked with “...a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.”¹⁰⁴ The Commission, headed up by former Tory party chairperson and government minister Chris Patten, produced the *Patten Report*, which recommended the replacement of the RUC.¹⁰⁵

The Police (Northern Ireland) Act 2000 ensued and transformed the RUC into the PSNI and in doing so had the intention of leaving past criticisms of one-sided policing behind.¹⁰⁶ It was recognised by the *Patten Report* that the structures and foundational values of the PSNI had to be different from the old RUC, if it wanted cross-community support.¹⁰⁷ As part of that spirit of Patten, a large section of the report focused on policing methods. It was recognised that technology was not neutral, and Patten recognised that the use of the plastic bullet was one of the most controversial policing issue in Ireland.¹⁰⁸ However, and rather disappointingly, Patten did not recommend an outright ban. As such, a concentrated focus was given by the Report into seeking alternatives to the weapon and strict rules guiding its use were recommended.¹⁰⁹

Failure to Implement Patten

The State’s own *Steering Group* was set up to implement Patten’s recommendations and it failed utterly. Patten recommended that an ‘immediate and substantial’ investment be made into a research programme to find an acceptable, effective and less potentially lethal alternative to the plastic bullet.¹¹⁰ Instead, *The Steering Group* came to the conclusion a newer version of the old round was appropriate.¹¹¹ Its internal research completely compromised the ethos of Patten’s recommendations.¹¹² It consisted of a ‘selection and testing process which was less than rigorous’ and ‘took short-cuts’ which allowed for the deployment of ‘dubious technologies.’¹¹³ In fact, the contempt of the State towards Patten’s recommendations was such that the British Ministry of Defence began experimenting with the new replacement in 1997, before Patten reported, and its testing showed that the new round was in no possible way ‘less lethal’ than the previous.¹¹⁴ Yet they chose it as the ‘safer’ alternative.

Fortunately for the people of Ireland, we have seen a dramatic decrease in the levels of plastic bullets being fired and current record keeping and accountability mechanisms for present day use of the weapon is of a much greater standard.¹¹⁵ However, the weapon is still in use and the PSNI have most recently introduced the new AEP round since 2005.¹¹⁶ We need to see a total and complete ban on these weapons if we are to achieve the

103 Ibid

104 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg52 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

105 Ibid

106 Ibid

107 Police (Northern Ireland) Act 2000

108 Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg52 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

109 Ibid

110 Ibid

111 Ibid

112 Ibid

113 Ibid at pg14

114 Ibid at pg52

115 Ibid

116 Home Office *Less Lethal Technologies: Review of Commercially Available and Near-Market Products for the Association of Chief*



spirit and ethos of Patten and the broader political spirit of peace and trust in the police forces. As long as the PSNI has access to these weapons, the lethal threat posed to the public, especially to children, still persists.

Failure to Address the Past

The current landscape is not only constituted by the continued failings to fully implement Patten, but also regrettably defined by a broader failure to address the truth about these weapons and the terror they caused in Ireland. As mentioned above, the State has consistently managed to avert proceedings against them. This has left victims without justice and has denied society a fundamental right to truth. When families have gone to court in the past, they have faced an unfair justice system. As with almost all legacy cases, the testimonies of families and eyewitnesses, are disregarded for the preferred State-narrative. That is, witness statements from soldiers and police officers go unchallenged and those of the families are dismissed. The decision on evidence is ultimately a matter for the judge, and so it is extremely concerning when we read the reasoning, or lack thereof, of some judges when making these decisions.

Take, for example, the case of *Brian Stewart*. *Brian* was 13 years of age when he was shot by a plastic bullet fired by the British Army in October 1976.¹¹⁷ He died after 6 days in hospital from his injuries. 13 eyewitnesses gave statements, none of which mention any rioting at the time or in the area in which *Brian* was shot; they all concur that the street in which *Brian* was shot was quiet, with around 7 or 8 boys interspersed along it. TV camera crews, arriving moments after *Brian* was shot, struggled to find ‘any evidence of rioting’.¹¹⁸ In fact, a woman visiting the *Stewart* home that evening stated that ‘*Brian* had left his home only minutes before he was fatally injured’ and that ‘he had no time to become involved in anything much less the ringleader of a non-existent riot’.¹¹⁹

Despite all of the witness statements collected by the family and the fact that 3 conflicting statements came from the British Army, one saying *Brian* was an unfortunate by-stander and another saying he was the ringleader in a crowd of 500 rioters, the judge accepted only the evidence of the soldiers.¹²⁰ The evidence accepted as fact by *Lord Justice Jones* in March 1982 is shocking;

*‘the 8-man patrol was confronted on either side by a crowd numbered about 150 who showered them with stones and bottles. Lieutenant O’Brien, who was in charge of the patrol, ordered one baton round to be fired, but this had no effect. Stoning was severe and all members of the patrol were hit. Lieutenant O’Brien ordered Corporal Smith to fire a baton round at a leader among the rioters who had been throwing missiles. He did so, aiming at the youth’s legs but he was struck by two missiles on the leg and shoulder which made him jerk as he fired. As a result, the baton round hit Brian Stewart who was standing beside the youth.’*¹²¹

So unfortunate was the ‘mistake’ made by the soldier, it is almost as though they made it up.... Not only did *Lord Justice Jones* accept the British Army statement; Not only did he reject all conflicting eyewitness testimony; He went further and added his own justification for the killing, doing the Defence Counsel’s work for them. *Lord Justice Jones*, in his judgement, spoke of the ‘peril’ the lives of the soldiers were under and how the 150 rioters ‘were doing their best to make life unbearable for the soldiers’.¹²² He astoundingly went on to add to the ‘risk’ the soldiers were under, stating that they were under the serious risk of ‘sniper attack’.¹²³ In this totally fictional scenario, removed from all reality, *Lord Justice Jones* fantasised about imagined gunmen, who were never mentioned in any of the witness statements (civilian or military), and concluded that ‘it was fully justified on the part of the Patrol Commander to order a baton round to be fired’.¹²⁴ The only gunman on *Brian*’s street was the British soldier who shot dead an innocent boy. The *Stewart* family never stood a chance against such repugnant adjudication.

Police Officers (Cm 49) Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445112/20150714-DOMIL06-AEP01-O.PDF> accessed 20/08/19

117 Chris Thornton, Seamus Kelters, Brian Feeny, David McKittrick, *Lost Lives*, (2nd Edition Mainstream Publishing 2004)

118 Denis Faul, Raymond Murray *Rubber & Plastic Bullets Kill & Maim* (published 1981)

119 *Ibid*

120 *Stewart v United Kingdom* (1985) Series A No.10044/82

121 *Ibid*

122 *Ibid*

123 *Ibid*

124 *Ibid*

An omnipresent theme throughout all these killings by the security forces is that the victim was ‘heavily involved in rioting’, no matter what age, from 10-year-old Stephen Geddis to 45-year-old Harry Duffy. Each and every one of the 17 people killed by plastic and rubber bullets has had accusations made against them by the State, in order to justify their killing.¹²⁵ A proven ‘get out of jail free’ card for the soldiers and police officers responsible for the deaths of civilians. This also acted as an incentive for unlawful actions rather than a deterrent.

Presently families find themselves caught-up in the broader failings of the State to address the past in any meaningful way while, simultaneously, having the memories of their loved ones insulted by odious campaigns to defend soldiers and police responsible for killings.

In March 2019 the then British Secretary of State, Karen Bradley MP, made a statement to the British Parliament claiming that there was no criminality, whatsoever, in any killings carried out by the British Army. She went on to commend soldiers stating that they had acted “proportionately” and in a “dignified” manner when carrying out the killings. Her contemptible comments were made in the context of a wider obnoxious campaign by rightwing Tory backbenchers, the DUP, and former British military veterans concerning their opposition to the possibility that British soldiers would, for the very first time, be investigated independently and in compliance with Article 2 for killings carried out in the north; this possibility emerging from the December 2014 Stormont House Agreement on legacy.

It was no coincidence that the Bradley statement happened alongside attempts by the authorities, including the DUP, to thwart and frustrate independent investigative remedy where the tactics of obfuscation, delay and deny have become the stock and trade in which to further evade accountability and access to truth and justice for families.

The DUP also blocked funding for the Lord Chief Justice’s plans to hold inquests into a number of killings, some of which are highly controversial involving the British Army, the SAS and the RUC in which the circumstances are deeply contested. Others include evidence of collusion. Although this was successfully challenged and overturned by families in the courts the object of further delaying by years the families’ quests for accountability was somewhat achieved.

Additionally the families of Julie Livingstone and Paul Whitters face a decision from the State to lock National Archive files on their deaths for a further 45 years. “In the interest of national security” is the official reasoning for the decision, but one must ask whether the files on the killing of an 14 year-old girl and a 15 year-old boy has more to do with national image rather than national security.

More widely, families have also been failed by the State’s own mechanisms for dealing with the past; not least the Historical Enquiries Team (HET) and the Police Ombudsman whilst under the tenure of Al Hutchinson. None of these mechanisms delivered any justice or accountability for families or exposed the truth about the use of rubber and plastic bullets. Further the PSNI, much like the HET, have within its ranks former RUC officers and not least within the Legacy Investigation Branch (LIB) of the PSNI tasked with investigating conflict killings. Such investigation teams were and are currently compromised from the outset as they consist of significant numbers of former RUC personnel. Quite simply they are not Article 2 compliant.

Another issue is that with RUC killings there remains no clarity as to the ability of the Police Ombudsman to investigate these incidents. That is why the agreement reached at Stormont House between the Irish and British governments and the five main political parties on legacy, which will provide for Article 2 compliant investigations, must be implemented in full. To date the UK government has refused to do this although they’ve committed in the New Decade new Approach political deal to bring forward legislation that will enable implementation.

To add to the barriers UK media outlets continue to report on so-called “witch-hunts” of soldiers by families seeking to “re-write history”. Let us be clear, families suffer the continuous denial of truth and justice not because their cases “re-write” history but because they liberate it.

125 David McKittrick, ‘Plastic Bullets: Symbols of Ulster’s Divide’ (*The Independent* 23rd August 1989) pg6



The Debate

The use of plastic and rubber bullets by the security forces in Ireland has engaged many discussions around the legitimacy of their use, both legally and morally. The lack of publicly accessible information, the known fact that plastic bullets kill and their disproportionate use against one section of our community; all engage different aspects of legal and political debate. The following section, therefore, gives an introduction and brief analysis of these discussions in order to allow some form of critical analysis of what we have included in Part I.

Firing Guidelines

As mentioned earlier, there were some concerning issues surrounding the firing guidelines of both the RUC and British Army. The first issue concerned the lack of public access to this information. This issue is all to do with accountability. In the absence of any convincing or authoritative reason for not publishing firing guidelines, we may be tempted to assume that the State did not so do out of simple neglect however we argue that it was the opposite. It is exactly because the access to firing guidelines would have allowed the public to hold them to account, that the State refused their publishing. The withholding of this information, we argue, violated the human rights of those who were subjected to the use of plastic and rubber bullets. Specifically, the withholding of the firing guidelines violated Article 10 of the European Convention on Human Rights (ECHR) – The right of access to information.¹²⁶ This right was developed in a series of cases heard by the European Court of Human Rights (ECtHR) which explicitly recognised the right of access to public documents within Article 10 ECHR.¹²⁷ Primacy was especially given to information which was of public interest and gathered with the aim of ‘contributing to public debate’.¹²⁸ In the context of Ireland, the firing guidelines were being sought by people who were being fired upon. Having proved a deadly weapon, lives would either be saved or lost depending on the wording and content of these guidelines and it was a gross violation of people’s rights to deny the public access to this information. The position of the State was entirely ignorant to these concerns in that they ensured the public could not discuss nor even question the rules which guided the use of plastic and rubber bullets.

Further, from the information which was in the public domain and within House of Commons library, it became clear that there was no real substantive focus placed on the proportionate use of force. The law relating to the use of force requires that any use of force by the police be ‘reasonable’ in the circumstances.¹²⁹ Essentially that means that the degree of force used must be the minimum required in the circumstances to achieve the lawful objective.¹³⁰ Focusing on the use of plastic bullets, as ‘potentially lethal force’, force should be “*used only when absolutely necessary in self-defence, or in the defence of others against the threat of death or serious injury.*”¹³¹

Placing this into the context of the guidelines operated under by the British Army, to use the given example earlier in this report, soldiers were allowed to target ‘perceived troublemakers’ in crowds, even if these targets did not present any immediate threat to life.¹³² A complete disregard for human life was apparent in the firing guidelines, which undoubtedly aggravated the circumstances for those targeted, injured and the families of those killed.

Everyone Knows - Plastic and Rubber Bullets Kill

The reports and the research highlighted in this report are conclusive on whether the State knew that these weapons were capable of ending human life. The State knew that plastic and rubber bullets, regardless of whether they were fired within the perfect laboratory-testing conditions or in the midst of heavy rioting,

¹²⁶ European Convention on Human Rights, Article 10

¹²⁷ *Gillberg v Sweden* App. No.41723/06, (ECtHR, 3 April 2012) at [93]

¹²⁸ *Ibid*

¹²⁹ Criminal Law (Northern Ireland) Act 1967 s.3, see also Police and Criminal Evidence NI Order 1989, Art.88

¹³⁰ *Ibid*

¹³¹ *The rules of engagement: A review of the August 2011 disorders. 10 Key Principles Governing the Use of Force by the Police Service* (HMIC 2011) available at <<http://library.college.police.uk/docs/APPref/use-of-force-principles.pdf>> accessed 16/09/2019

¹³² Omega Research Foundation, *Proposed Alternatives to the Baton Round in Northern Ireland* (NIHRC March 2003) pg26 <<https://omegaresearchfoundation.org/publications/proposed-alternatives-baton-round-northern-ireland-march-2003>> accessed 09/08/2019

were deadly weapons.¹³³ The State chose to ignore all of the ballistic evidence; all of the medical evidence; and once adopted into the arsenal of the security forces, chose to ignore the escalating rise in deaths and life-changing injuries. Added to that was the failure to find any alternatives to these weapons, as per the Patten recommendations, despite those alternatives already existing.

As such, we are compelled to conclude that the deployment of these weapons violated the fundamental human rights of those killed. Namely, the use of plastic and rubber bullets violated their Right to Life.¹³⁴ The law declares that the State may only ever violate a citizens' Right to Life when the use of force is '*no more than absolutely necessary... a) In defence of any person from unlawful violence. b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; c) In action lawfully taken for the purpose of quelling a riot or insurrection.*'¹³⁵ Essentially, the taking of life by the State is only permissible as a last resort in situations where the State has no other alternative.

It has been argued in court that the State's actions fell within the ECHR exemptions listed above, and we are by no means blind to these arguments.¹³⁶ The convincing rationale in defence of State force is that the use of plastic and rubber bullets *has* been 'absolutely necessary' in the given circumstances; the killings have not occurred intentionally but rather as a result of lawful policing operations.¹³⁷ Naturally, one can understand and, to an extent, accept these arguments; but only if one also accepts a very particular set of circumstances. As we have highlighted above, in Brian Stewart's case, the courts accepted a very particular set of 'facts' which later proved to be decisive in their appeal to the ECtHR.¹³⁸ Strasbourg (ECtHR) had to accept the facts established by *Lord Justice Jones* in the domestic courts and inevitably the ECtHR could not find a violation of the Right to Life; Those 'facts' became the restraining jacket for justice.

However, we do not accept the State's own very particular set of circumstances and facts when it comes to the use of plastic and rubber bullets. Statements were written, changed and amended by countless military advisors and subject to review from State litigators; these are not facts but stories of fiction.¹³⁹ The actual facts are gleaned from the actions and words of the security services; Officers and soldiers deliberately tampered with plastic and rubber bullets in pursuit of causing as much destruction as possible; Officers and soldiers routinely ignored their already abysmal firing guidelines; Officers and soldiers intimidated and harassed anyone who might complain of their actions, including prosecutions; And the State made no attempt to secure or implement any safe alternatives to the plastic bullet. State amendments and lies are so apparent that journalists have described 'judges, coroners and inquests, more often than not, contradicting the assertions of the security forces as to the facts of cases.'¹⁴⁰

We contend that the use of these deadly weapons was not minimum force of the 'absolute necessity' and we certainly contend that the deprivation of each of those 17 lives was the 'unavoidable consequence of lawful policing operations.' Those deaths were consequences of the callous disregard for life represented in the policing and British Army operations in Ireland at that time and were therefore unlawful.

Thanks to research efforts from the Pat Finucane Centre, recently declassified documents from the Public Records Office at Kew have revealed the disturbing level of criminal negligence and intentional suppression of information in relation to concerns raised by internal investigations into the potential lethality of plastic bullet guns.

A series of memos between the Ministry of Defence, the Northern Ireland Office and the Chemical Defence Establishment at Porton Down reveal that there was "*unequivocal acceptance across all ministries and government departments that all L67 riot guns (in use by the British Army) had faulty trigger mechanisms and were totally unsuitable for use on the street.*"¹⁴¹ In fact, the documents reveal that the weapon had "*...a number of shortcomings which have proved impossible to modify.*"¹⁴²

133 Ibid

134 European Convention on Human Rights, Article 2

135 Ibid at 2(c)

136 *Stewart v United Kingdom* (1985) Series A No.10044/82

137 Ibid

138 Ibid

139 Brian Brady, Denis Faul, Raymond Murray, *British Army Terror* (published October 1976)

140 David McKittrick, 'Plastic Bullets: Symbols of Ulster's Divide' (*The Independent* 23rd August 1989) pg6

141 Pat Finucane Centre, 'Plastic Bullets – plastic death. Decoding the Declassified documents (part 2) (*Pat Finucane Centre*, 2019) available at <<https://www.patfinucanecentre.org/declassified-documents/plastic-bullets-plastic-death-decoding-declassified-documents-part-2>> accessed 08/08/19

142 Ibid



At some of the inquests into deaths by plastic bullets, and in addition to bogus claims there was rioting, the Ministry of Defence sometimes relied on the ‘faulty weapon’ explanation; that the soldier aimed at the feet, but his particular gun was ‘faulty, causing the bullet to hit the head.’¹⁴³ However, these documents reveal that the State knew that every single one of the guns in use by the British Army were faulty, and that the scientists at Porton Down had been making that fact abundantly clear for quite some time.

The damning internal reports into the L67 weapon led to quiet discussions between the NIO and MoD to replace the L67 with the Webley Schermuly gun, in use by the RUC. However, the documents also reveal that the scientists at Porton Down, who discovered the faults of the L67, cautioned against their replacement because “the system in use by the RUC had not been evaluated in accordance with Medical Committee practice.”¹⁴⁴ In other words, Porton Down warned against the swap because there had yet to be any medical assessment carried out on the weapon in use by the RUC. Despite the RUC using the weapon for at least two years prior to the dates on these memos.

Essentially, the documents reveal that there was an agreed decision not to replace the faulty L67 with the Webley Schermuly because if the decision was taken to issue the British Army with the Webley Schermuly weapon, extensive research into the weapon would need to be undertaken by the scientists at Porton Down. The prospect of this research would, in the State’s eyes, be unnecessary because: firstly, “... we would consider the need for medical validation of the Webley-Schermuly inappropriate in view of its operational use by the RUC over the last two years.”¹⁴⁵ In other words, the people of the north of Ireland had proven to be adequate guinea pigs; And secondly, “retrospective validation is an unnecessary waste of time whilst failure to clear the weapon for use by the Army could raise politically sensitive and embarrassing questions over its use by the RUC.”¹⁴⁶

The internal memos suggest that the State knew that the weapons that they had issued to the RUC would not clear medical tests and that any research into these weapons would publicly expose the lethality of the weapons already in use by the RUC. Therefore, the decision was taken to ensure that all information relating to the testing of these weapons was classified and suppressed, and there was a decision taken, at the highest level, not to replace weapons which were knowingly faulty.

This decision had immeasurable consequences. The soldier who killed 11-year-old Stephen McConomy used the L67 riot gun. At the inquest, the soldier was able to evade justice by relying on the excuse that he had been issued a faulty gun, and there was a presumption by the coroner that had this ‘exceptional fault’ was the sole reason for Stephen’s death.¹⁴⁷

Two aspects must be addressed here: Firstly, the soldier who killed Stephen fired a lethal weapon at an 11-year-

143 Ibid
144 Ibid
145 Ibid
146 Ibid
147 Ibid

old child, in complete violation of firing guidelines as regards to minimum distance and in complete violation of rules surrounding use of force. He also made false accusations of Stephen's involvement in rioting, which were proved false by his colleagues. He took a decision to shoot an defenceless child, who posed no threat to him, at less than 20 metres, and then attempted to fabricate a narrative in the hope of tarnishing the reputation of the child he had killed; Secondly, the State knew, at the time of Stephen's inquest, that the weapon used was not 'exceptionally faulty' but rather, the fault was the norm and a gun in working order would have been the exception. Apart from the political and legal consequences of disclosing systemic faults in weapons, was the decision also based upon an economic cost argument that continued to see without admission/prejudice payments made to those injured and the next of kin of those killed than it was to recall and replace all faulty weapons? Who made the decision not to recall and replace the faulty weapons? Clearly, such immoral decisions were put well above the welfare and lives of Irish citizens living in their own country.

The State's Legacy

When it comes to the State's response to the trauma and hurt that it has caused through the use of plastic and rubber bullets, a very clear pattern is present: Deny; Cover-up; Settle. As highlighted above, the State will first deny any wrongdoing. From incriminating victims and harassing witnesses to, in the case of Nora McCabe, denying they were even present in the area at the time of her killing - only to later find out that TV crews had filmed the entire event.¹⁴⁸ The second step is to cover-up any information which might later be used in court. A blanket 'National Security' veto, and Public Interest Immunity Certificates, allows the State to tip-ex their way through records, statements and documents.¹⁴⁹ To hold up cases for generations, in the hope that families forget or simply give up due to the continual trauma caused by withholding their day in court alongside a campaign of vilification against them. The third step is to settle any case which manages its way through the State-created labyrinth, without any admission of liability.¹⁵⁰ In doing so, the State buys an escape route from its obligations to conduct proper investigations and inquests and allows, also, for those individuals responsible for killing, an avenue of escape from proper justice being administered. In essence, this is the manifestation of the State's policy of impunity.

Deny - A Right to Truth

We have briefly mentioned that the victims of State violence, and their families, have had their Right to Truth violated by the State but what does that actually mean? Both the ECtHR and the Inter-American Court of Human Rights have recognised the underlying legal principles which form the Right the Truth as an enforceable right which empowers a next of kin to learn the truth about a family member's fate.¹⁵¹ The Human Rights Council, speaking on the Right to Truth, stated that "*the public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government.*"¹⁵²

Essentially the Right to Truth has many different sources of international, and consequently domestic, law and it is exactly what it 'says on the tin', so to speak.¹⁵³ It has two elements: A legally enforceable right in international law to compel a state to investigate and provide information on human rights violations; And 'a broader societal interest in knowing the truth'.¹⁵⁴ It is a proven and effective means of both 'remediating harm caused to individuals and satisfying society's interest in the truth about gross violations of human rights'.¹⁵⁵ The Right to Truth is particularly revered in post-conflict societies, such as our own, where transitional justice is integral to the achievement of peace and reconciliation.¹⁵⁶

148 Liz Curtis, *They Shoot Children* (first published 1982, Information on Ireland)

149 Committee on the Administration of Justice, *The Policing You Don't See - Covert Policing and the accountability gap: five years on from the transfer of 'national security' primacy to MI5* (CAJ, 2012) available at <http://www.caj.org.uk/contents/1141> accessed 27/09/19

150 Joe Duffy and Freya McClements, 'Children of the Troubles' (1st edition, Hatchet Books Ireland, 2019)

151 Dermot Groome, 'The Right to Truth in the Fight against Impunity' (2011) 29 Berkeley J Int'l L 175

152 Ibid

153 Ibid

154 Dermot Groome, 'The Right to Truth in the Fight against Impunity' (2011) 29 Berkeley J Int'l L 175

155 Colin Harvey, 'The Right to Truth' (2000) Fortnight, No.387 pg12, available at <<https://www.jstor.org/stable/25560006>> accessed 08/10/19

156 Ibid



As we have seen in this report, the Right to Truth has been treated with the upmost contempt by the State in their denial of the true circumstances in which people were killed by plastic and rubber bullets.

One of the most shocking examples of this was in the mentioned case of Nora McCabe. After her killing, the RUC denied any involvement in her death, and gave media interviews rebutting the claims of several eyewitnesses who all asserted that the RUC had fired a plastic bullet which killed Nora. At the initial inquest, and under oath, a range of RUC officers, including the most senior ranking officer in West Belfast at the time, James Crutchley, gave evidence to the effect that the RUC was not even present in the area at the time of Nora's killing.¹⁵⁷ They each reiterated the same story, and added that one of their armoured vehicles had earlier discharged plastic bullets at a group of rioters who had set up barricades across the Falls Road, but that this had been at a different location from Nora's killing.¹⁵⁸ Officers gave testimony in court confirming that they had come under petrol bomb attack and consequently had to fire plastic bullets in order to quell the riot.¹⁵⁹

Unbeknown to the RUC was that a Canadian film crew had been in Belfast, on the Falls Road, filming as part of a report into the Hunger Strikes and as happenstance had it, they had recorded the shooting of Nora. The film crew provided a copy of the video to local people gathering evidence about the widespread use of plastic bullets, deaths and injuries for an international tribunal. In turn, the video was provided to human rights lawyer Pat Finucane, who the McCabe family turned to for support and to obtain justice.

After the evidence of the RUC officers had all been given, the court was shown the video, which proved every statement made by those RUC officers wrong.¹⁶⁰ Uproar and objections from the RUC halted proceedings, which took a year to reconvene due to the lengths the RUC went to try disprove the video's authenticity, which they could not do. At the reconvening of the inquest, the video was shown which proved all of the eye-witness statements, long ignored by the courts, true and accurate; the street was clear and quiet; there was no signs of rioters, barricades or petrol bombs; an RUC armoured vehicle halted alongside Nora, a plastic bullet was fired from inside the vehicle from a distance of no more than 12 feet; And the armoured vehicle sped-off.¹⁶¹

The McCabe family awaited the court to adjudicate and determine the fate of the officer who fired the fatal shot including the issues of perjury and perverting the course of justice. The Director of Public Prosecutions later determined that no officer would face charges. James Crutchley would go on to be honoured in the Queen's New Year's Honours Lists for his services to the RUC and protection of the public. Pat Finucane would later comment that if justice could not be delivered in the case of Nora McCabe, then in precisely what circumstances could justice ever be delivered in any other case concerning the authorities? The McCabe family were robbed of their Right to Truth because of the proven perjury of senior police officers.¹⁶²

The consequences of the denial of the Right to Truth is that with the passing of time, the trauma and hurt only worsens.¹⁶³ It is settled law that 'a state's continued refusal to investigate facts surrounding a serious violation of a human right constitutes inhuman treatment with respect to the victim's family' and therefore it constitutes a further continual violation of their protection against such treatment.¹⁶⁴ The right to be free from inhuman treatment is protected in Article 3 of the ECHR and there are no exceptions or exemptions to it.¹⁶⁵ All of the families who are still awaiting inquests and still waiting for the truth to be investigated and made public are all being subjected to this gross violation by the State.

In addition to the trauma suffered by those families affected by the State's use of plastic and rubber bullets, the violation of the Right to Truth also affects our wider society. The consequences of the disinformation spread by the State about the safety of plastic and rubber bullets has been to ensure that they remain in continued use today. The continued violation of the Right to Truth has also ensured that a blockade stands between

157 Brian Brady, Denis Faul, Raymond Murray, *British Army Terror* (published October 1976)

158 *Ibid*

159 Relatives for Justice, 'Judicial Review of the Killing of Nora McCabe' (*Relatives for Justice* 27/04/10) available at < <https://www.relativesforjustice.com/judicial-review-of-the-killing-of-nora-mccabe/>> accessed 08/10/19

160 *Ibid*

161 *Ibid*

162 *Ibid*

163 *Cyprus v Turkey* No. 25781/94 [2001] 5 WLUK 291

164 Dermot Groome, 'The Right to Truth in the Fight against Impunity' (2011) 29 Berkeley J Int'l L 175

165 European Convention on Human Rights, Article 3

where we find ourselves today and the true achievement of reconciliation in our post-conflict society.¹⁶⁶ It is argued that ‘without disclosure and acknowledgment too many people will have their own reality denied by self-serving reconstructions of the past’ and thus society will only superficially progress – albeit on ‘pretty insecure foundations.’¹⁶⁷ The State opts to deny the truth to save face rather than disclose and acknowledge the facts of the past in order to build, comprehensively, peace.

Cover-up – National Security

As lawyers have fought State impunity successfully with Right to Truth litigation, the State has developed new methods of suppressing families’ fight for truth and justice. The so-called ‘National Security’ doctrine has developed and grown exponentially in Ireland; shielding the State from its obligations.¹⁶⁸ The critical issue at the heart of the national security debate is that the term remain legally undefined, thus allowing for “*the flexibility necessary to ensure that the use of the term can adapt to changing circumstances.*”¹⁶⁹ Essentially, this translates to the level of protection afforded to information being entirely dependent upon who holds the ministerial office at the given time.¹⁷⁰ It is wholly discretionary.

Despite the best efforts of the courts in trying to rein in this blanket immunity, the fact that its meaning is a matter of discretion ensures very little legal certainty and therefore these ‘security issues’ become ‘*par excellence a non-justiciable question.*’¹⁷¹ I.e. the courts struggle to find jurisdiction, and therefore authority, to make any decision on national security issues.

The extent of this veto/immunity power cannot be understated. It covers every and any aspect of the political and legal sphere, with the State having the ability to transcend the boundaries set in place by the democratic separation of powers in order to protect these ever-elusive ‘security issues.’ The national security doctrine has been extended so much that it is described as ‘including, rather than excluding, the kitchen sink.’¹⁷²

The effect of this doctrine cannot also be understated. For the families fighting for justice, this doctrine has resulted in yet another half-century wait before their cases can be opened, let alone investigated.¹⁷³ Courts can only examine those documents which the State allows them to examine; the State can decide not to disclose any information of its choosing and there is no process through which the State must justify the reasons for classifying information as being linked to national security. The arguments of legal certainty aside, the extent of powers held by the national security doctrine is morally untenable and we must call time on its use in Ireland to cover-up the misdeeds of the State.

Settle - Without Admission

The final aspect of the State’s evasive measures is the way in which it handles those court cases which have the most potential of exposing the truth about the security force’s use of plastic and rubber bullets. As mentioned in this report, cheque-book litigation is rife but crucially it has been, thus far, conducted in a way which ensures the State makes no admission of fault or guilt - in the hope that the actions of the security forces will not be called into the public spotlight.¹⁷⁴

It is of the critical importance that RFJ stresses at this stage that the settlements handed over to families were more than justly deserved and reparations are an integral part of the State’s responsibilities in accounting for gross human rights violations. We do not question victim’s right to fair and appropriate reparations and the payment

166 Colin Harvey, ‘The Right to Truth’ (2000) Fortnight, No.387 pg12, available at <<https://www.jstor.org/stable/25560006>> accessed 08/10/19

167 Ibid

168 Daniel Holder and Christina Verdirame, ‘The National Security Doctrine in Northern Ireland Legislation’ (2016) 67 N Ir Legal Q 93

169 Committee on the Administration of Justice, ‘The Apparatus of Impunity? Human Rights Violations and the Northern Ireland Conflict: A Narrative of Official Limitations on Post-Agreement Investigative Mechanisms’ (2015) available at <<https://caj.org.uk/2015/01/19/apparatus-impunity-human-rights-violations-northern-ireland-conflict/>> accessed 08/10/19

170 Criminal Justice (Northern Ireland) Order 2008, Article 16(4) as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010

171 *Council of GI Serie Unions v Minister for the Civil Service* [1985] AC 374, 412 (per Diplock LJ)

172 Daniel Holder and Christina Verdirame, ‘The National Security Doctrine in Northern Ireland Legislation’ (2016) 67 N Ir Legal Q 93

173 Dona Deeney, ‘Families of children killed by plastic bullets vow to fight to open secret files on deaths’ (*Belfast Telegraph* 18/07/19) available at <<https://www.belfasttelegraph.co.uk/news/northern-ireland/families-of-children-killed-by-plastic-bullets-vow-to-fight-to-open-secret-files-on-deaths-38322708.html>> accessed 18/07/19

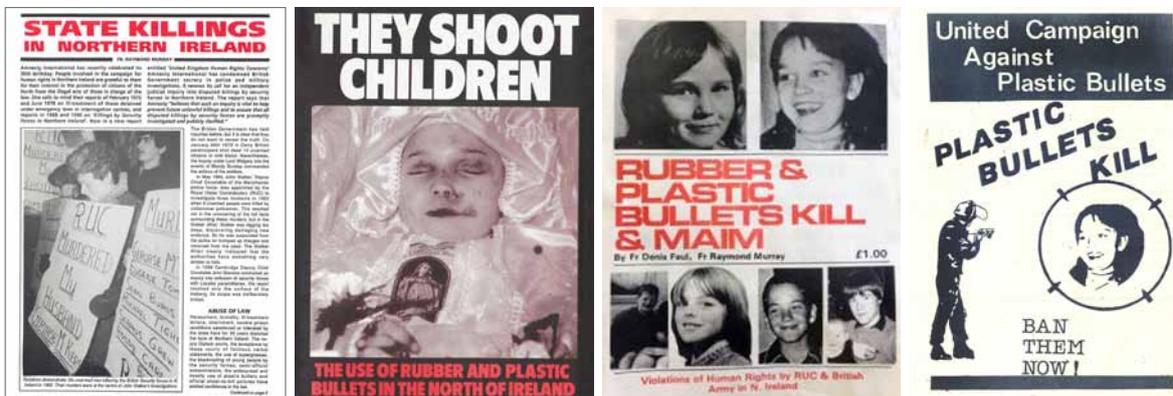
174 Joe Duffy and Freya McClements, ‘Children of the Troubles’ (1st edition, Hatchet Books Ireland, 2019) pg239



of damages is irreproachable and can be transformative; both in its restorative sense to the families and punitive sense to the State.¹⁷⁵ What we are calling into question is, however, the payment of damages in lieu of an admission of guilt. It should be supplementary and no less.

Through these non-liability settlements, the State does not have to hold its officers or soldiers accountable. Neither the public nor the families see any disciplinary action taken. The State essentially wipes its hands of any potential accountability mechanism which may allow for those responsible for killing and injuring through the use of plastic and rubber bullets to face their victims in court. The State seeks to evade any investigative obligations under Article 2 ECHR into killings because in the end no one is held to account for the taking of human life.

The clarity of *Dr Hannah Russell's* summation of the State's legacy is as damning as it is clear; "All fatalities (resulting from plastic and rubber bullets) occurred from injuries to the head or chest, with evidence to suggest that they were fired at close range... Only four of the fatalities occurred during street disturbances. The remaining 13 were civilians, eight of whom were children. Using the parameters set by Article 2 ECHR, only four of these cases were potentially justifiable, the classification of which depends on the context of each individual case. The facts are disputed in each of these four cases, but there is evidence to suggest that baton rounds were on occasion intentionally fired too close and at the wrong body parts. The statistics also suggest that they were lethally discharged in a discriminatory manner against Catholics... It is also now known that the state forces continued to use weapons that they knew were unreliable and could result in fatal injury... the statistics alone – 76% civilian death, 94% non-prosecutions and 100% acquittal rate – illustrate the domestic organs' reluctance to hold to account those who exercise excessive use of force. This filtered to every level – the DPP refused to take prosecutions; inquests ruled 'death through misadventure' rather than 'unjustified'; and the High Court refused to allow inquests. Any culpability was covered up with compensation and where a reason was given for not prosecuting, it was that the state actor who fired the offending bullet could not be identified from the evidence available."¹⁷⁶



The lasting legacy of the State's use of plastic and rubber bullets is this: The firing of plastic and rubber bullets in Ireland was almost wholly unaccountable, from the procurement of ammunition which was knowingly faulty to the killing of innocent men, women and children. No one has ever been held to account for any of the 17 people killed by plastic and rubber bullets and no liability has ever been publicly admitted to by the security forces responsible. Instead, the State has pursued a policy of criminalisation, intimidation and endless private, out-of-court, settlements to evade legal scrutiny of their actions. This purchased silence amounts to nothing more than Plastic Justice. The victims, families and public have a right to truth about the dangers of these weapons and their legacy in Ireland, and the suggestion that the state may buy and bully their way out of this obligation is unacceptable. True justice requires that 'justice not only be done but must also be seen to be done.'¹⁷⁷

175 Pablo de Greiff, 'The Handbook of Reparations' (1st edition, OUP, 2010) pg429

176 Hannah Russell, 'The Use of Force and Article 2 of the ECHR in Light of European Conflicts' (1st edition, Hart Publishing, 2017) pg44

177 *R v Sussex Justices, ex parte McCarthy* [1924] 1 K.B. 256

PART II

The Human Impact of Plastic and Rubber Bullets

Behind every statistic there is a story. Memories and experiences, often untold yet never forgotten. The conflict in the north of Ireland affected so many, yet each of the recollections about the past remain incredibly personal. RFJ finds itself in the most privileged position of being able to share some of those memories and experiences with the wider public and, naturally, this privilege extends to anyone about to read what follows.

This section will detail the experiences of some of the families of those who were killed by plastic and rubber bullets and the impact their loss has had on their lives. They are indicative of the shared experiences had by every family affected by the State's use of plastic and rubber bullets. Fundamentally, through the sharing of the memories of those who have been killed, we aim to ensure that their lives and legacies are not defined by their deaths but rather, defined by who they were as individual people.





Francis



“Frank loved his sport; you name it and he’d play it. He just loved being outside and, more than anything, Frank loved his football. He played for Sarsfield’s GAA Club and whenever he wasn’t training for football, he was playing it in the street. I suppose it all came from his years spent in the hospitals. Frank had a rare bone-disease called Osteomyelitis and so spent most of his early life in the hospitals. I think he became so sporty to try and make up for all the years he had lost. He was never without a ball under his arm. My mother always laughed that he loved his football so much that, at the time of the Falls Road Curfew, she went out looking for him and found him standing at the top of the Grosvenor Road waiting for a lift to his football match. With burning and rioting going on all around him, he was stood there with his football boots and couldn’t believe my mother when she told him the bus wasn’t coming. That was the type of him”

Francis Rowntree was shot by a rubber bullet, fired from inside a British Army armoured vehicle. Francis was 11 years old when he died on April 22nd, 1972.

“No one ever came to our door...” Jim, Francis’ brother, explains. “My mother and father were never given any help or even an apology for the killing of their son. As far as they (British Army) were concerned, Frank was just another body.”

Jim remembers his parents and their incredible resilience after losing one of their sons. His mother, Theresa, campaigned tirelessly until her passing, for the justice her family should have been given. His father, a baker by trade, worked tirelessly to provide for his family. Shortly after Francis was killed, Jim remembers someone advising his father to ‘put a claim in’ to ease the burden of the funeral costs on the family. With great pride and admiration, Jim explains that his father replied, *“I won’t take any British Army money, he’s my son and I will bury him.”*

Jim continues the tireless campaigning his mother started and speaking of the impact his continued fight for justice has had on him, Jim explains *“it’s surprising how much of your life it takes up.*

Not only are we constantly having meetings or going to court but also, we have to deal with the memories of our hurt and loss constantly coming back too. I dread to think how my brother felt when he was hit, and I always wonder if he was suffering from any pain while lying in the hospital. These things always re-surface and it never gets any easier.”

After some 45 years of campaigning, an inquest into the death of Francis found that his killing was unjustified. The Rowntree family describe a mixture of feelings which followed the result; their sense of relief at the result was overshadowed by a very sour distaste. The soldier responsible for killing Francis never faced the Rowntree family. Instead, he was given the complete anonymity protections of the court; appearing behind a blank screen via video-link and was known only as ‘Soldier B’. Before Jim and his family could even listen to

the soldier’s testimony, they had to go through advanced security background checks and faced extreme scrutiny into their private lives. *“We were treated like criminals and he a victim, despite the fact that he was the one on trial.”*

“I suppose I felt kind of sorry for the soldier who killed Francis. I always thought he was just some 17 or 18-year-old squaddie who wound up here through no fault of his own. That all disappeared at the trial as soon as he opened his mouth.” The Rowntree family were shocked at the arrogance of the soldier, whose denials of ever being involved were quickly disproved by the Rowntree’s lawyers. *“You got the sense of a ‘so-what?’ type of attitude; that he would do it again if he were put back into the same position he was in when he killed Francis. He spoke about it like he was just doing his duty for Queen and country. It left us feeling very bitter.”*

The trial was also overshadowed by a sense of regret that Francis’ mother never got to see that long-awaited day in court. After the trial, Jim wished his mother could have been there. Theresa, however, always knew in her heart that her son never did any wrong and that is the source of the Rowntree family’s incredible strength through it all.

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Julie



“A ‘slegger’ and a torture. Her and I fought like cat and dog. I was the good child; the prim and proper head girl who always toed the line. Our Julie was the opposite; you couldn’t embarrass her. She was just full of fun, loved her life and always good craic. Happy-go-lucky, you know. She was our Mummy and Daddy’s ‘blue-eye’ – could do no wrong as far as they were concerned, and I suppose, being the baby of the family, that was only natural. She got away with murder and she would embarrass me no-end; When I was younger, I had a ‘bob’ haircut and to hold it in place I used to wear a pair of knickers on my head going to bed. We went to school together and the next day I was with my friends when Julie shouts up the corridor, “here, knicker head!”; There were no holds barred when it came to ‘slegging’. Julie, also, really enjoyed taking care of kids; We were aunts very young and I remember her and I would always go ‘round the street knocking on our neighbours’ doors to ask if we could bring their babies out for a push in the pram. Just the most innocent wee soul. Despite her confidence though, she was a very nervous child when it came to violence. I think that stemmed from events which happened in her early life; Julie was 3 when we were burnt out of our home in 1969 and after our brothers went to jail our house was raided almost daily. We shared a bed and we used to wake up with soldiers standing over us, trailing us out of bed and tearing-up our bedroom. Her life was peppered with events like that and it left her terrified of it all. She would always be first home if there was any sign of trouble.”

Julie Livingstone was 14 years old when she was struck on the head by a plastic bullet on 12th May 1981. The British Army’s Prince of Wales regiment fired the fatal bullet which eventually took Julie’s life the next day on 13th May.



“Mummy really struggled. I have always felt that we lost our mother the day Julie died. Her whole passion and zest for life was lost...” Julie’s Sister, Bernadette, explains the impact of Julie’s loss on her family. *“We all dealt with it quite differently. Mummy would never talk about it and we couldn’t mention Julie’s name around her but as a family we certainly did what we could to support each other.”* In the absence of any statutory support from the State, Bernadette explains how her family had to counsel one another and hold each other up. *“We all just tried to make our parents happy again after Julie died because they were just so sad. Julie never got to live past 14. She never got to fulfil her dreams of being a nanny and a mummy. She was robbed of that and we were robbed of our wee sister and of our mummy.”*

It was apparent from the outset that the Livingstone family would have to fight for the justice their family deserved. It took a total of three inquests to clear Julie’s name. *“At first they claimed she was heavily involved in rioting and then at another inquest they brought in expert witnesses to testify that Julie had a weak skull and that she could have died if she had fallen off a skateboard. It was just horrifying, and our mummy couldn’t bare to attend the inquests because what they were saying wrecked her too much.”* Bernadette describes the callous nature of the State’s attempts to defend the indefensible was not just limited to the courts but also pumped through the media too. A smear campaign of the Livingstone family ensued after Julie’s death in an attempt to justify her killing. The media coverage of Julie’s death focused on her two brothers being in jail in a blatant attempt at exonerating the actions of the British Army. *“As a result of the way the media portrayed Julie’s killing, we received loads of hate mail. They said stuff like ‘now you know what it feels like, your murdering sons are in jail and your daughter’s dead’.”*

Regardless of what the State said however, the Livingstone family did not roll-over. Julie’s father became heavily involved in the United Campaign Against Plastic Bullets, as did her older sister Elizabeth. Their determination and their resolve are what gave them strength through the seemingly endless inquests, but which eventually absolved Julie’s name. An innocent bystander was the final decision of the court. The fight has not finished, however, and currently the Livingstone family’s proceedings against the State have been halted by a 45-year lock on the details relating to Julie’s killing. Elizabeth and her siblings continue to lead their inspiring campaign in the face of all the State can throw at them.

In Julie’s name, her family not only continue their fight for justice but also celebrate. *“With every year and every anniversary, it gets harder and harder, and certainly gets more emotional too, but we always try make something positive out of it. For the big birthdays and anniversaries, we throw fundraisers and have a big get-together for the family. One year we raised money for the Brain Injury Unit at the Royal and we donate in Julie’s memory.”*

Michael



“Michael was very much our big brother. As big brothers are, he was certainly an authority figure for me and his younger siblings, and more so because our daddy wasn’t in the house for a few years due to him being in jail. I laugh now looking back, but as a young kid I genuinely disliked him because I saw him as the disciplinarian. It wasn’t until I was a teenager that I saw that he had an awful soft spot; just a terribly gentle soul at heart. He loved the arts; He was part of a drama group and they were a really close group of friends who all acted and performed. As far as we were concerned, they were all off-the-wall nuts, coming into West Belfast and doing art-theatre in the middle of the street! Kids from all over would come see these lunatics all dressed-up, but that was Michael – he didn’t care. He was miles ahead of his time. For example, he would run these classes over in the Crescent Arts Centre, back when it was a crumbling old building, doing all these wonderful things like running Indian nights. He would bring us along and we would see and smell all these different foods and experience all these new cultures that we never knew existed – we didn’t even know what a bell pepper looked like back then, so it was just like another world. To us he was a weirdo, but he loved life and was always seeking out the differences in it and new worlds. He was, also, a real Socialist. He should have gone and lived in Communist Russia. Our mummy was a real Catholic, so he would have wound her up something shocking. Whenever he was visiting, after he moved out for University, he would walk into the house, where there’d be a picture of the Sacred Heart on one wall and Our Lady on the other, and he jump and roll about shouting ‘Jesus! I’m burning’. But his politics came from a place where he really wanted to help people, especially kids. He did a lot of work in Britain and Ireland with different youth groups. I remember when he died, Mummy got a couple of letters from MPs and Councillors from all over, saying they knew and worked with Michael. I always say he is the smartest person I ever knew and it’s true because to me, growing up, he was.”

Michael Donnelly was 21 years old when he was killed by a plastic bullet, fired by the British Army, on 10th August 1980.

“There are 7 children in our family. 5 of us have been hit by plastic or rubber bullets...” Frances, Michael’s sister, explains the impact the State’s use of plastic and rubber bullets has had on her family. *“...I was struck on the knee by a plastic bullet, fracturing my leg in three places; At the age of 9, my brother Kevin was struck on the head by a plastic bullet while sitting on a sand dune but thankfully he was wearing a bicycle helmet; Mary was shot in the thigh with a rubber bullet in the early 70’s; and Paddy was also shot with a rubber bullet; My brother, Michael, was killed by a plastic bullet.”*

Michael’s death had a devastating impact for Frances’ family in more ways than one. Frances describes how her brother’s death accelerated the deaths of her parents. *“Daddy died 9 years after Michael, aged just 53, and Mummy died a number of years after Daddy, still only aged 69. The shock and trauma of it all was horrible for them as parents but the second impact, which was equally as bad, was the whole ‘not-knowing’ of it all.”* Frances details how her parents spent



the remainder of their lives trying to find out what happened to their son and why he was killed. *“My mum had never actually been officially told that her son had died. She only found out by way of a rap on the door by an old neighbour who we used to live beside to say ‘I think your son has been shot. There was a young fella shot and we think it might have been your Michael’. It was only when Mummy went to the hospital herself, that it was confirmed that it was indeed Michael. Until the day she passed, no one official actually told my mum that Michael was shot.”*

Michael’s parents were quick to realise that they were not going to get any recourse for justice from the State. Despite having an inquest into their loved one’s killing established; justice was far from their reach. *“Mummy couldn’t handle the inquest. Not only did they take her boy, but they tainted his memory. They made false claims that Michael was heavily involved in rioting and that somehow his killing was justified. Michael was mummy’s wee golden boy and she knew he’d have never been involved in rioting or anything but that didn’t stop the State from ‘blackening’ his name. Any and every article on his killing was written as though it was straight from the Northern Ireland Office, justifying the actions of the British Army.”*

Frustration at the inadequacy of established inquests and investigations into Michael’s death continues today, as Frances explains; *“After 40 years, we still have nothing. An unfinished HET report which I could have written better myself and a Coroner ruling which stated that Michael was ‘just in the wrong place at the wrong time’. He wasn’t! He was exactly where he was supposed to be, exactly when he was supposed to be there. I have real difficulty with this statement.”* The apparent carelessness and recklessness of such a statement from the concerned Coroner is shocking; it accepts a presupposed threat of death from the British Army as an excuse for killing and that the public at large are to just tip-toe around the very streets they live in to avoid being killed.

It is this level of impunity that has led to the anger that Frances and her siblings still feel inside of them. *“When we became adults, a couple of us tried to get answers. To get even some form of acknowledgement that someone totally innocent was killed.”* Frances describes how her mother and older sister, Susie, helped form the United Campaign Against Plastic Bullets and campaigned for the truth about the deadly weapons to be told. Her father, also, campaigned and led a civil claim against the State – it being the only form of redress capable of providing some answers as to the circumstances of their son’s killing. Through this campaigning, Frances now fully involved, Michael’s family have too been subject to the labyrinth architected by the State. *“I’ve always felt subject to that attitude where they know they can get away with it. That we’re less human and so they can have a level of impunity. In Britain, people are fed these images of chaos on their T.V.s and fed all these stories that anyone shot dead deserved to die. Summary executions are fine because everybody’s in the I.R.A. anyway. The rule of law just doesn’t apply here and for some reason that’s ok, and anyone who calls for accountability and says otherwise becomes a legitimate target for the press and also for the State.”*

In the face of it all, however, Michael's sister and the rest of his family remain unbowed and unbroken. *"It's been 40 years now but that does not mean we're going to give up. Yes, sometimes you don't want to be bothered or be involved in it just simply because it's easier. You can park it away at the back of your head and not think about it, because the more you think about it the angrier you get. But you can't do that. To think that somebody can kill a member of your family and for it to mean nothing to them enrages me. How dare you? If I think that all of this campaigning might give that soldier even but one sleepless night, worrying he might be held accountable for the murder of our Michael, then it is all worth it."*

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Tobias Molloy, aged 18, July 16th 1972



Tobias was killed by a rubber bullet fired at him by the British Army. On the night he was killed, he had just left his girlfriend to her home in Lifford, Co. Donegal, and was returning home alone to Strabane, Co. Tyrone. While walking home, Tobias found himself having to pass through a group of youths who were returning from a local disco. The youths had been throwing stones at British soldiers manning the checkpoint at the border, when Tobias was making his way past. As he passed the soldiers, he was struck at point-blank range in the chest.

Tobias was the youngest in a family of two sons. His father died when he was 9 years old, and so, when his older brother Patrick went to England to work, Tobias, his mother said, became the man of the house. A keen mechanic, Tobias attended various technical colleges at home and in Galway, with plans to travel to Germany. "He was my world and my everything, but sure don't all mothers think that of their children."

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Thomas Friel, aged 21, May 22nd 1973



Thomas was killed by a rubber bullet fired by the British Army. He spent 5 days in hospital before succumbing to his injuries. On the night he was killed, Thomas had been out with his brother Seamus at a bar in the centre of Derry. The brothers had decided to carry on their night at a friend's house and as they made their way there, they were informed that there had been trouble earlier in the evening and to stay vigilant. As the brothers walked down a laneway, British soldiers jumped out from behind a fence into the lane. The soldiers then began running up the lane, towards the main road, and as they ran, one of the soldiers turned and fired his weapon. The rubber bullet knocked Thomas unconscious after striking his head.

Thomas was one of a family of ten children, five sons and five daughters. News of his death led to mass walkouts by workers at the Springtown Industrial estate and various other factories. Demonstrators, also, held a sit-down protest outside RUC headquarters in Derry.



Stephen Geddis, aged 10, August 30th 1975



Stephen was struck on the head with a plastic bullet fired by the British Army. Stephen was fatally wounded on the 28th August and spent two days in hospital before he died. The day Stephen was fatally wounded was the first day Stephen had been out of his home in nearly a month. That summer, Stephen had travelled to South Dakota in the U.S., where he lived with an American family. When he returned, he longed to go back to the U.S. and he barely left his house for a number of weeks. Concerned for his wellbeing, his father insisted he go outside and play. Stephen was with a small group of friends, watching British soldiers chasing kids who had thrown stones at their armoured vehicle, when a soldier fired a plastic bullet in his direction. The inquest into Stephen's death was told that Stephen had been eating a 'Kojack' lollipop and standing fifty yards away from the stone-throwing when he was killed.

The British Army claimed that Stephen was heavily involved in rioting, however multiple witnesses attest that this is untrue. In 1994, a British soldier came forward to say that there had been significant cover-up in the killing of Stephen, and as of 2020 the Geddis family await a fresh inquest into the true circumstances of Stephen's death.

Stephen was the third son in a family of four boys. He was a pupil of St. Comgall's Primary School and his parents described him as a quiet and imaginative child who loved to retreat to his room and play for hours with his toys.

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Brian Stewart, aged 13, October 10th 1976



Brian was killed by a plastic bullet fired by the British Army. He spent six days in hospital before succumbing to his injuries. On the day Brian was fatally injured, he had come home from school, watched some T.V. and then started his homework. After his homework, he had his tea and then went outside to play. A British soldier took aim at Brian, while he played alone in his street, and shot him with a plastic bullet. An eyewitness described how she had noticed a military foot-patrol, one of whom had taken up an aiming position beside a parked car. Another soldier, who she assumed was in command, pointed and then the sound of the weapon discharging quickly followed by a child's scream.

Brian was the fifth child in a family of eight children. He was a pupil of Holy Trinity Primary School and Gort na Mona Secondary School. His mother said Brian was the 'clown of the family'. He loved to play in the mountains which overlooked their home and on one occasion he climbed the mountains to capture butterflies in a jar, later to be released in his classroom to the laughter of the pupils. "He was that type of child...always messing about and quick to see the funny side of things."

Paul Whitters, aged 15, April 25th 1981



Paul was struck on the head by a plastic bullet, fired by the RUC. He died after 10 days in hospital. Paul had been part of a group of 10 or so youths throwing stones at the RUC on the day he was killed. The RUC had taken position in a local bakery, while the youths threw stones at the surrounding buildings. The group then became disinterested and moved back over the road, except for Paul, who stood in a stooped position, looking through an opening of the gates of the bakery. Suddenly, a side-gate opened and an RUC officer stepped-out and fired the bullet directly at Paul's head.

Paul was the second oldest of a family of three sons. He was born in Scotland and had lived there with his parents for eleven years before moving to Derry City, his parent's hometown. They described their son as a bright, intelligent and cheerful lad who was always busying himself with newspaper rounds and visiting and helping his grandparents.

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Carol Ann Kelly, aged 12, May 22nd 1981



Carol Ann was killed by a plastic bullet, fired by the British Army. She spent 2 days in hospital before succumbing to her injuries. On the evening Carol Ann was killed, a neighbour had called her from playing outside, to ask her to run to the shop for milk for her baby. As Carol Ann was returning from her errand with a friend, a British Army jeep entered her estate. Carol Ann's friend described hearing the soldiers shouting, "they were shouting about soldiers being killed earlier that day, they were driving around our estate in their jeep shouting 'we will get one of you for our five mates today!'". As Carol Ann and her friend tried to make their way home safely, they heard a shot and a plastic bullet had struck a fence close to them. As the girls moved for safety, a second shot then followed. "I didn't realise she had been hit until I came out from the garden, I had been hiding in. I saw her (Carol Ann) lying on the ground and blood coming from her head... the milk just lying beside her."

Carol Ann was the eighth born in a family of eleven children. She attended St. Luke's Primary School and St. Colm's Secondary School. She was a member of the school choirs in both schools. Mrs Kelly said her daughter was a "very outgoing child, not cheeky, but friendly, and not a fighter. She loved pop music, her favourites being ABBA and Kate Bush."



Harry Duffy, aged 45, May 22nd 1981



Harry was killed by a plastic bullet, fired by the British Army. He had been returning home from a social evening in Derry City centre when he got caught up in rioting in the Bogside. He was struck in the chest during the disturbances which were the result of the death of hunger striker Patsy O'Hara.

Harry was a widower with a family of seven children aged from 7 to 17 years. Originally from Dundalk, Harry was locally known as 'Harry Dundalk'. His wife, Bridie, died in November 1977, leaving him to bring up their seven children alone. He was a scrap dealer by trade and was a familiar sight, pushing a wheelbarrow and blowing a whistle in the Creggan Estate. He was described by friends as a quiet man, very fond of his children. He had a hard and basic life but described as a 'good man'.



Nora McCabe, aged 32, July 9th 1981



The RUC were responsible for killing Nora with a plastic bullet. Nora spent one day in hospital before succumbing to her injuries. On the morning Nora was killed, she had been with a friend, who had stayed the night with her at her home. Nora and her friend, Karen, walked to the shop that morning for cigarettes. Two armoured RUC vehicles were moving slowly along the Falls Road, which was adjoining the street in which Nora and Karen were walking. The vehicle halted and a plastic bullet was fired from inside the vehicle, striking Nora directly in the head at point-blank range.

Nora was married to Jim, and they had three young children. The eldest, Paul, was 7 years, Jim 2 years and Áine was only three months old.



Peter Doherty, aged 36, July 31st 1981



Peter was fatally wounded by a plastic bullet, fired by the British Army. He spent seven days in hospital before succumbing to his injuries. Peter was standing in his own kitchen when a plastic bullet was fired through his window, striking him in the head. His Wife, Mary, and son, John, were in the house at the time, as was their friend, Ann. Mary described what happened; "We were in the kitchen looking out the window, when Peter told me to close the window. The next thing we realised; Peter had been hit on his temple with a plastic bullet. He fell to the ground, unconscious, and all we saw was blood over his head and coming up inside his throat." It was later discovered that the metal cap, which is meant to fall off a plastic bullet within a few yards of it being fired, was lodged in Peter's head, as was the actual bullet.

Peter McGuinness, aged 41, August 9th 1981



Peter was killed by a plastic bullet, fired by the RUC. He died in his own front garden, minutes after being shot. In the early hours of that morning, Peter had gone outside to try and stop a fight which had developed outside their front door. Peter knew all of the young adults involved in the fight, as he was a well-known Community worker, and managed to defuse the situation. However, the fight was part of a larger disturbance which was beginning to form and a short time after, a petrol bomb landed in their front garden. Peter and his wife, Isobel, came out once again, with neighbours, to de-escalate the situation. They eventually found themselves at the gates of the Hillview Social Club, which was behind their house, when RUC jeeps began to arrive at the scene. An immediate escalation in the level of violence was apparent and Peter and Isobel made their way back home to safety. "I was just at the door of the hall, then I heard a bang. I thought Peter was coming behind me but as I turned 'round to see him, he was running towards me and collapsed on the floor, saying 'Bel, I've been shot'. There was a blood stain on his chest. The ambulance came and worked on him for about 10 minutes, but that was it. A police doctor came a few hours later and pronounced him dead."

Peter was married with five children. He was unemployed but he helped out in the Community Centre. A highly respected man, he worked with many young people all over the area.

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Stephen McConomy, aged 11, April 19th 1982

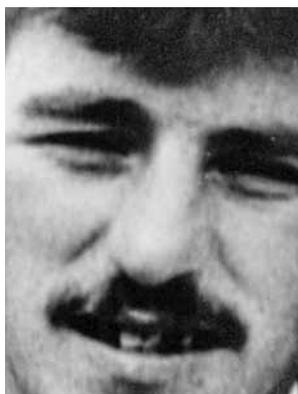


Stephen was fatally injured by a plastic bullet, fired by the British Army. He died in hospital, three days after being shot. "I'll be in at half eight" were Stephen's last words to his mother as he left home that evening to go meet up with his friends. Stephen and his friend stood near Donagh Flats, watching a group of kids throwing stones at British Army armoured vehicles. Witnesses described the scene as relatively quiet, with five or six young children out annoying the armoured vehicles. The kids, Stephen and his friend were watching, were trying to put a Tricolour onto the heavily armoured vehicle, while the soldiers inside revved the vehicle to scare them. Several witnesses then described what happened next; "The latch on the driver's side of the armoured vehicle opened and a gun was seen protruding out. When the kids saw this, they scattered." Stephen, standing with his hands in his pockets turned to walk away at this point as the kids dispersed in his direction. As he did, the soldier fired his gun. The plastic bullet, fired from less than 6 yards, lifted Stephen into the air and onto a grassy bank. As witnesses ran to his aid, the soldiers made it clear that anyone who went near Stephen would also be shot. Several minutes passed before the soldiers granted anyone to administer Stephen vital aid.

Stephen was the eldest in a family of three sons. He was a pupil of St. John's Primary School in Creggan. His mother described him as an intelligent boy, who was often given tasks rarely given to children of his age. She said Stephen enjoyed school and was relishing in the excitement of heading into secondary school. "He was quiet and shy but very caring."



John Downes, aged 22, August 12th 1984



John was killed by a plastic bullet, fired by the RUC. On the day John was killed, he was attending a peaceful, public demonstration in Andersonstown. The demonstration had a worldwide audience, all in anticipation for the rumoured appearance of Martin Galvin (The director of NORAID, who had an exclusion order from entering the north of Ireland). There was a heavy RUC presence from the outset of the day, however there was no trouble. The rally was addressed by Gerry Adams, then President of Sinn Féin. At 3.30pm, the front of the crowd were asked to sit on the road, and at that point Martin Galvin appeared. Before he even spoke, the RUC charged to arrest him - officially firing 31 plastic bullets into the crowd and baton charges left 20 civilians in hospital. In a natural protective instinct, John ran at the RUC men involved in the violence, holding a thin stick. An RUC officer spotted him approaching and fired a plastic bullet at his chest from a range of approximately 10 feet. In full of view of cameras, John died where he fell. The RUC later issued a statement claiming that John was hit with a ricocheted plastic bullet and that all of the plastic bullets fired, were discharged into the air. This was proved false by film footage. The responsible officer was prosecuted but later acquitted of all charges by the court and faced no disciplinary action. Media reports described the scene as an 'RUC riot'.

John was a married man and a father. He and his wife, Brenda, had only been married a year when he was killed. They had a baby girl together. Brenda described her husband as a very friendly and sociable man. He loved life and was always looking out for others. He was 'the type of fella who wouldn't pass a dog getting beat'.



Keith White, aged 20, April 14th 1986



Keith was killed by a plastic bullet, fired by the RUC. He spent two weeks on a life support machine before succumbing to his injuries. On the day Keith was killed, he had left home to attend an Apprentice Boy clubs parade in Portadown. The march route planned for the parade was not given approval due to the fact that it proposed to march directly through nationalist areas which had, in previous years, caused serious rioting. As the parade met the RUC cordon, trouble broke-out, with a number of plastic bullets being fired. Later that afternoon, more serious disturbances took place and it was during this that Keith was killed. Keith was amongst the crowd when he was struck on the back of the head with a plastic bullet.

Keith was a 'happy-go-lucky' type of guy, according to his father. He was 'a very loveable son'. "The last words I said to him were, 'look after yourself'. It was something I said every time he went out."

Seamus Duffy, aged 15, August 9th 1989

Seamus was killed by a plastic bullet, fired by the RUC. On the night Seamus was killed, he was attending the annual 9th of August bonfire on the New Lodge Road. After the bonfire was lit, trouble broke out as the RUC drove armoured vehicles into the crowd which had gathered to watch the bonfire. Over 80 plastic bullets were fired, scattering those in attendance into the side streets. At Seamus' inquest, the RUC claimed that they had fired at an identified rioter from a distance of 43 metres. The pathologist concluded that Seamus had been shot from a distance of no more than 10 metres. Most of the RUC's evidence relied on video footage showing a rioter in a Celtic Football Club shirt and they claimed that they had identified Seamus as a main rioter from his Celtic shirt. However, evidence was produced to prove that Seamus had been wearing a different shirt from that identified in the footage. Shockingly, it emerged that RUC statements had been made after viewing this footage. The inquest found that Seamus and a friend had been throwing stones but were uninvolved in any riot at the time he was shot. The Coroner at the inquest, James Elliot, exonerated the RUC officers responsible, claiming that it was part of their difficult job to restore public order, and that Seamus was killed as a result of his own actions.

Seamus was one of four children. A 'happy-go-lucky' child with a bounce in his step. Seamus had a real passion for his food and 'he would often talk about how he would like to be a chef', recalls his mother, Kathleen. He also loved football and music, especially UB40 and Bob Marley.



To Give Thanks

RFJ would like to take this opportunity to acknowledge the campaigning done by the United Campaign Against Plastic Bullets and all of the families affected by plastic and rubber bullet violence, who continue in their fight for truth and justice. Specifically, we would like to take this opportunity to detail the origins of the campaign and, in doing so, pay tribute to the stalwart campaigners Emma Groves and Clara Reilly. Anyone involved in human rights advocacy in Ireland will know of the voice given to the victims and survivors of State violence through the campaigning of these two women. They dedicated their lives to truth and justice, and therefore it is only right that we make special reference to their story in this report.

Emma Groves sadly passed away on 2nd April 2007, aged 87. In November 1971, Emma was standing at her living room window when a British Army soldier blinded her with a rubber bullet. This propelled Emma into a life-long struggle of campaigning, beginning the grass-roots human rights activism which no doubt played its part in bringing peace to Ireland.

Clara Reilly explains why she got involved in campaigning with Emma, and the beginnings of the United Campaign Against Plastic Bullets;

“Nobody outside the conflict understood the damage these weapons were doing to people. They were described as ‘non-lethal’ weapons but anybody, who has witnessed them being used, will tell you the opposite. I watched this ‘non-lethal’ weapon kill young Brian (Stewart) in our street. That’s what got me involved. I have always said that plastic and rubber bullets are weapons of war, being used against civilians. But it didn’t matter to them (the State); we went to all the different courts with Kathleen (Brian Stewart’s mother) but she never got any justice for the killing of her son. And it was the same story for every other grieving parent, partner or child.

After the killing of John Downes, I said that we have to do something more. Some of us had already knew each other from different pieces of activism and so we called a meeting in Conway Mill for all the families. Emma and I, along with some of the families of those killed, founded the United Campaign Against Plastic Bullets. The aim was to spread the message around the world that plastic and rubber bullets kill. We started campaigning for the truth to be finally told about these weapons and for justice for the families who had their loved ones killed.

We travelled the world with our message, even meeting Gorbachev in the Kremlin. We, also, went to the factories over in Scotland who made the bullets and held protests outside their gates. We were invited by different groups in England to speak and we used to say to them, ‘today they’re firing them in Ireland, tomorrow they could be firing them in England’. Once people looked at Emma, and heard her story, they understood. For example, we went to a shareholders meeting in America for one of the companies who made the bullets, and once Emma spoke with them, the company stopped producing the weapons. Everyone heard our message, except London.”

Even in her modest words, Clara conveys just how powerful her message became. The work of the United Campaign was relentless. Fr. Denis Faul and Fr. Raymond Murray produced many reports for the Campaign, detailing the facts about plastic and rubber bullets which the State tried keeping silent. The United Campaign told the stories of grieving families and of the injuries and trauma suffered by so many in our communities, who were now no longer silent. Evidence was given to international inquiries and supranational organisations, now investigating the issues which Clara and Emma had been highlighting. The Campaign collected witness statements, where the State would not, and reported on medical and ballistic evidence which the State tried to suppress.

A thorn in the side of the establishment, The United Campaign Against Plastic Bullets, and every person associated with its work, became champions of hope during a seemingly hopeless time. They shone the spotlight into the areas in which the State tried so desperately to keep in the dark. Their unbreakable spirit of activism remains an incredible source of inspiration for so many who live in the communities from which they came.

Most recently, recognition was given to the work of Clara and Emma in the form of the naming of the Groves Reilly Corner. Once the site of an RUC barracks, the symbolism cannot be overstated. For years, Clara and Emma stood side-by-side, protesting at the gates of the old Andersonstown Barracks site, urging those inside to stop using plastic and rubber bullets. The fortified barracks now no longer stands, its foundations rotted and fresh roots now growing. *“You can cut all the flowers, but you cannot keep Spring from coming”*, Clara laughs.



Clara (seated) pictured at the naming of the Groves Reilly Corner. Above right: Clara and Emma Groves share a laugh.



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