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U.S. Department of State

United Kingdom Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland (UK) is a longstanding constitutional monarchy with a democratic, parliamentary government. A lower legislative chamber (the House of Commons), the center of parliamentary power, is elected in periodic multiparty elections. An upper chamber (the House of Lords), with power to revise and delay implementation of laws, is made up of hereditary and life peers and senior clergy of the established Church of England. There is an independent judiciary, but Parliament may overrule its decisions.

Throughout the United Kingdom, police forces are responsive to, and under the effective control of, civilian officials. Since 1996 the intelligence agency MI-5 has had the authority to act in support of law enforcement agencies in the prevention and detection of serious domestic crime. In some areas of Northern Ireland, because of the continuing threat of terrorist and other violence, army units operated to reinforce the Royal Ulster Constabulary (RUC). Although the security forces generally respect human rights and the rule of law, some members of the police committed human rights abuses.

The United Kingdom has a highly developed, diversified, market-based economy that provides most residents with a high standard of living. Certain geographic areas, particularly older industrial areas including Northern Ireland, suffer from higher than average unemployment rates. In addition, unemployment tends to be higher among some demographic groups, such as youth and racial minorities. The Government provides comprehensive social welfare services, including a national health system, housing and family benefits, and heavily subsidized higher education.

The Government respected the human rights of its citizens, but there were problems in some areas. Police occasionally abused detainees. In September the Council of Europe's Committee for the Prevention of Torture began an investigation into mounting complaints over the Government's failure to prosecute or discipline officers implicated in death-in-custody and prisoner mistreatment cases.

After a series of mediation efforts by the Northern Ireland Secretary and others failed to effect a compromise, the decision of the RUC chief constable to permit the Protestant Orange Order to parade through a predominantly Catholic nationalist area of Drumcree on July 6 led to serious and widespread public disturbances throughout Northern Ireland. The chief constable justified his decision as necessary on public order and safety grounds, but Irish nationalists argued that the RUC, which they accuse of consistently favoring loyalists over nationalists, bowed to mob rule. Potentially more serious violence was averted the following week when, in a conciliatory move, the Orange Order voluntarily canceled or rerouted four of the most contentious parades. Unlike the previous year, the violence triggered by the standoff at Drumcree did not lead to loss of life.

The July 20 restoration of a cease-fire by the Irish republican Army (IRA) ended a 17-month terrorism campaign and led to the opening of inclusive political talks in September. Following the cease-fire there was a marked decrease--although not a total cessation--of sectarian violence. The IRA denied responsibility for the September 16 detonation of a 400-pound bomb in County Armagh's Markethill area that resulted in extensive property damage, although no loss of life. It is widely believed that a splinter republican group was responsible for the blast. The loyalist cease-fire has generally held since 1994, although there were several killings and other terrorist acts carried out by loyalist paramilitary groups. In light of the continuing cease-fires, about 300 army troops were withdrawn from Northern Ireland to their bases in England, and army patrols in Belfast were substantially reduced as troops remained in barracks. Renewed sectarian violence late in the year led the Northern Ireland authorities to request that patrolling resume in more vulnerable neighborhoods.

In an October 1 speech, the Northern Ireland Secretary announced the Government's intention to begin significant reform of the RUC, eliminate indefinite internment without trial (which, although unused for several years, is nevertheless deeply disliked by nationalists), narrow the scope of cases sent to "Diplock" (juryless) courts, and replace the Emergency Provisions Act and Prevention of Terrorism Act with one all-embracing act aimed at building confidence in public institutions. Legislation to do so was introduced later in the year and continued to work its way through Parliament.

The Government continued to take steps to combat violence against women. Societal discrimination against nonwhite minorities and the traveler community is a problem, as is child abuse. In August the Government extended race-discrimination protection to Northern Ireland through the Race Relations (Northern Ireland) Order 1997.

Police believe that paramilitary groups in Northern Ireland were responsible for 22 deaths, 251 shootings, and 78 bombings during the year. Both republican and loyalist paramilitary groups continued to engage in vigilante "punishment" attacks, although there was a decrease in the number of such incidents even before the July cease-fire. There were at least six instances of arson committed in the spring and one in December against Catholic churches and at least one against a Protestant church. An April attack against a Mormon church was considered an act of vandalism unrelated to Protestant-Catholic animosity.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by the Government, but the deaths of persons in custody both in 1997 and in previous years raised questions about whether police and prison officers used improper restraining techniques or excessive force against criminal suspects. In September the Council of Europe's Committee for the Prevention of Torture launched an investigation into complaints of death in custody and police abuse of prisoners, including the disproportionately high numbers of incidents involving minority prisoners.

In June a jury found that "lack of care" contributed to the death of Peter Austin, a 30-year-old black prisoner who committed suicide while in custody in a London prison. Despite the fact that Austin attempted to cut his wrists with a plastic utensil at the Chiswick police station, smeared his cell with excrement, and claimed to hear voices, he was not put under special observation. In the spring, a hung jury failed to reach a verdict in the case of the police officer charged with the 1996 murder of David Ewen. Ewen had been shot when, cornered by police vehicles, he failed to get out of the car or respond to a verbal warning. A retrial is expected. There have been no further developments in the case of IRA suspect Dairmud O'Neill, who was killed in 1996 when police raided his London apartment during a counterterrorism operation. Human rights groups charge that O'Neill, who was subsequently found to be unarmed, was denied needed immediate medical treatment by police. In July the high court questioned the Crown Prosecution Service's (CPS) 1995 decision not to prosecute officers connected with the deaths of Nigerian Shiji Lapite and Irishman Richard O'Brien, both of whom died in 1994 while in police custody. In February the police service had adopted the recommendation of the Police Complaints Authority that two officers should be charged with neglect of duty in the O'Brien case, but said that a criminal prosecution was not justified in Lapite's case.

In July the High Court also found the 1995 CPS decision not to prosecute officers involved in the 1982 abuse of British citizen Derek Treadaway to be "flawed and perverse." The officers had used plastic bags to suffocate Treadaway to unconsciousness. In 1994 Treadaway received 50,000 British pounds in civil damages from the West Midlands Police. In August the CPS agreed to again review the Treadaway, Lapite, and O'Brien cases.

In September a London court began a hearing into the 1996 death in custody of Ghanaian Ibrahima Sey, after a July announcement by the CPS that there was insufficient evidence to prosecute police officers. Sey died after being sprayed by CS gas at the Illford police station. In March the family of Brian Douglas, an Afro-Caribbean man, won the right to challenge an inquest jury's decision that his 1995 death was due to "misadventure." Douglas suffered a fractured skull after a confrontation with two baton-equipped police officers.

No inquest has been held into the 1996 death of Jim McDonnell in Northern Ireland's Magherry prison. Fellow prisoners charge that McDonnell was beaten by prison staff. In October police officer Patrick Hodgson, charged with murder for fatally wounding an unarmed suspected car thief in 1995, was found not guilty of murder or manslaughter by a unanimous verdict by a London court.

During the year, there were 79 confirmed prisoner suicides (or self-inflicted deaths, which is the term preferred by the nongovernmental organization [NGO], The Prison Reform Trust) not attributable to official mistreatment, versus 82 such suicides in 1996.

During 1996 disturbances in Londonderry, Northern Ireland, an armored personnel carrier ran over Dermot McShane, who had taken refuge behind a board fence during street fighting. The army claimed that the death was accidental. By year's end, there had been no decision by the Director of Public

Prosecutions as to whether criminal proceedings against the driver would be instituted, nor has there been an inquest into McShane's death. The case is being considered by the United Nations Special Rapporteur on Summary and Arbitrary Executions and the European Commission of Human Rights.

New evidence from ballistics experts, eyewitnesses, and radio transmission recordings appears to cast doubt on the findings of the initial inquiry into the 1972 "Bloody Sunday" events (where 14 unarmed civil rights demonstrators in Derry were killed by British soldiers, but for which no member of the security forces has been held accountable). By year's end, the Government had made no decision as to whether to reopen the inquiry but continued to study a detailed dossier about the tragedy presented to it by the Irish Government.

Killings by both republican and loyalist groups continued in 1997. On February 12, Stephen Restorick, a soldier serving in South Armagh was killed by an IRA sniper. On May 8, Catholic Robert Hamill died of injuries he received on April 26 when he was savagely kicked and beaten by a loyalist mob in Portadown. Six persons were charged with his killing, but charges were subsequently dropped against five due to insufficient evidence. One awaits trial. Police officers sitting nearby in an RUC vehicle during the attack did not come to Hamill's aid, saying that they neither saw nor heard the incident. Following criticism by the Hamill family and others of the RUC and its internal investigation of the officers' conduct, the case was referred to the Independent Commission for Police Complaints, and a complaint was lodged with the European Commission of Human Rights. On May 9, two gunmen shot and killed constable Darren Bradshaw, age 24, as he sat drinking with friends in a bar in central Belfast. The INLA claimed responsibility. On May 12, a 61-year-old Catholic man, Sean Brown, was shot in the head outside a sports complex where he coached Gaelic football in County Antrim. Police believe that Brown was killed by renegade loyalist gunmen from the loyalist Volunteer Force (LVF), a splinter loyalist group that does not recognize the cease-fire, in retaliation for the May 9 murder of Darren Bradshaw.

On June 1, 41-year-old RUC constable Greg Taylor was kicked to death by a loyalist mob outside a bar in County Antrim. The mob was reportedly angry about the police ban on a recent loyalist parade in the Antrim village of Dunloy (see Section 2.d.). On June 11, Robert "Basher" Bates, a former member of the notorious Protestant "Shankill butchers" gang, was shot and killed in Belfast. It is believed that Bates was killed by a loyalist in retaliation for Bates's killing of the loyalist's father some 20 years earlier. The IRA'S North Armagh brigade claimed responsibility for the close-range shooting deaths on June 16 of David Johnston and John Graham, two RUC officers on foot patrol in Lurgan, near Portadown.

Loyalists have been blamed for the March 14 killing of 44-year-old Catholic John Slane, who was shot as he prepared food for his twins in the kitchen of his West Belfast home. Loyalist sources later claimed that the Ulster Defense Association (UDA) was responsible for the killing, but maintained that it had been a case of mistaken identity. On July 15, 18-year-old Catholic Bernadette Martin was shot in the head while she was sleeping in the home of her Protestant boyfriend. Although denied by the organization, it is widely believed that the killing was committed by the LVF. The LVF was also thought to be responsible for the killing of Gerry Devlin, a 36-year-old Catholic man who was shot in North Belfast on December 5.

Jailed loyalist terrorist leader Billy Wright was shot five times at close range by three Irish National Liberation Army gunmen at the top security Maze prison on December 27. Wright was the leader of the LVF loyalist terrorist organization. Riots followed that evening when loyalist gangs in Portadown and other towns hijacked and burned cars and attacked police with Molotov cocktails. In retaliation for Wright's killing, three men opened fire in front of the Glengannon Hotel on December 28, killing 45-year-old former IRA terrorist and convicted murderer (released in 1994) Seamus Dillon. Three others, including a 14-year-old boy, were wounded. The LVF claimed responsibility for the attack, as well as a

subsequent new year's eve attack on a North Belfast bar which fatally wounded 31-year-old Catholic Eddie Treanor. In October, during what police believe was a power struggle among loyalist paramilitary factions, a car bomb attributed to one of the factions killed a 20-year-old man named Greer, who was also believed to be a loyalist paramilitary member.

The 1989 killing of Patrick Finucane, counsel to many IRA suspects, remains an open case. In February 1996, prison authorities freed Brian Nelson, a former Loyalist paramilitary member and agent for British military intelligence who had served less than half of a 10-year sentence for his role in five murder conspiracies unrelated to Finucane. Finucane's widow, alleging that Nelson assisted in targeting Finucane, is pursuing a civil suit against both Nelson and the Ministry of Defense (MOD) for damages resulting from her husband's wrongful death, alleging that the MOD and Nelson were negligent in the "gathering, recording and keeping safe" of material concerning her husband. The MOD denied the claim. The unresolved status of the Finucane case (interpreted by a number of human rights organizations as evidence of collusion between government officials and loyalist paramilitary groups), remains a contentious issue between Nationalist groups and the Government. The United Nation's (U.N.) Special Rapporteur on the Independence of Lawyers and Judges, who visited the UK in October to investigate the Finucane case, had not released his report by year's end.

Coroners do not have the power to compel those suspected of involvement in extrajudicial killing to testify at inquests, and the relatives of the deceased receive no advance disclosure of evidence. In Northern Ireland, coroners are permitted to inquire only into "how"--that is "by what means"--the deceased died, rather than into the broad circumstances of death. Human rights groups argue that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances surrounding their relative's death.

b. Disappearance

There were no reports of politically motivated disappearances.

An investigation into at least 14 terrorist-perpetrated disappearances dating back to 1972, continued, although there is no longer a dedicated investigative team. Since April 1996 nine individuals have been arrested and interviewed in connection with the disappearances, although by year's end no criminal charges had been filed. The victims, typically members of the security forces, suspected informers, or petty criminals, have not been found.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law forbids torture and other cruel, inhuman, or degrading treatment. However, police occasionally abused detainees. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions. Detainees who claim physical mistreatment have the right to an immediate medical examination. Such a claim must be examined by a trial judge. Corporal punishment remains on the statute books in several of the Caribbean dependent territories, although it is rarely practiced.

The NGO Inquest reports that police abuse of detainees in their custody, while not widespread, is a matter of concern. Inquest states that injuries and illnesses result more often from neglect or misdiagnosis than from overt physical attack, although there have been incidents of police brutality (see Section 1.a.). The NGO Prison Reform Trust agrees that while there have been detainees who have suffered police abuse, the problem is not widespread. In 1996, however, a UN committee noted that no police brutality appeared to disproportionately affect members of minority ethnic groups (see section 1.a

and 5).

The Independent Commission for Police Complaints, established by the Government, supervises police investigations of complaints in Northern Ireland filed against the police, or referred to the Commission by the RUC Chief Constable, the Police Authority, or the Northern Ireland Secretary of State. It automatically supervises cases involving death or serious injury, and can direct the Chief Constable to bring charges against police officers. The Commission reported that in 1997 it received 3,108 new complaints, up from 2,540 in 1996. Of the 2,699 cases processed (some pending from previous years), investigations led to informal disciplinary action in 109 cases and to formal charges in 7 cases involving nine police officers. Local human rights groups continue to complain that the Commission is not truly autonomous in that it has no independent investigatory abilities and must rely on supervising police investigations into the complaints. The Hayes Report, commissioned by the Government and released on January 23, recommended the establishment of an independent police ombudsman who would be responsible to Parliament and have the power to both initiate and conduct investigations, and to recommend criminal prosecution. In December the Government published a draft bill generally to that effect.

In 1993 the Northern Ireland Secretary named an Independent Assessor of Military Complaints to deal with procedures regarding complaints of abuses committed by the army; the Independent Assessor also lacks independent investigative powers. His fourth report, released in March, noted that despite the end of the IRA cease-fire in February 1996, there were only 24 formal, non-criminal complaints in 1996 (compared with 19 during the cease-fire in 1995) and 264 informal complaints. He also reported that delays in processing complaints had been reduced, and that only one case took more than 8 weeks to resolve.

In 1992 the Government appointed a senior barrister as independent Commissioner for Holding Centers in Northern Ireland, with the authority to make irregular, unannounced visits to any holding center, observe interrogations, and interview detainees. There were 126 visits to the 3 holding centers in 1996 (latest figures). In March the Commissioner and his deputy reported that 16 complaints of physical assault during detention (in a detainee population of 583) were received in 1996. The report also suggested that an ombudsman, similar to that recommended in the Hayes report, would also be appropriate for holding centers. It criticized the fact that silent video recording of interrogations (which legal counsel is generally not permitted to attend) had not yet been implemented. On October 1, the Northern Ireland Secretary announced that new legislation would, however, make audio recordings of interrogations compulsory. At year's end, legislation to implement compulsory audio recording was working its way through Parliament.

Accusations continued that security forces in Northern Ireland harass citizens, particularly young people, in rural and urban working-class communities and other areas where support for terrorists is considered strong. Colin D