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Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out of events on the 9th August, 1971

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Text: Edmund Compton ... **Page Compiled:** Fionnuala McKenna

Report of the enquiry into allegations against the Security Forces of physical brutality in Northern Ireland arising out of events on the 9th August, 1971

CHAIRMAN SIR EDMUND COMPTON, G.C.B., K.B.E

Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty November, 1971

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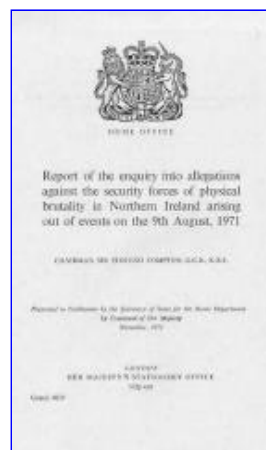


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INTRODUCTION BY THE HOME SECRETARY

1. On the 31st August 1971, I appointed a Committee of Inquiry under the chairmanship of Sir Edmund Compton, G.C.B., K.B.E.. with His Honour Edgar Fay, Q.C., and Dr. Ronald Gibson, C.B.E., as members, with the following terms of reference:

" To investigate allegations by those arrested on 9th August under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 of physical brutality while in the custody of the security forces prior to either their subsequent release, the preferring of a criminal charge or their being lodged in a place specified in a detention order ".

2. The Committee of Inquiry visited Northern Ireland from 1st September until 26th October and have now sent me their report which is published in this Command Paper.

3. The Government are grateful for the care and thoroughness with which the members of the Committee of Inquiry carried out their difficult task.

The Situation in Northern Ireland

4. In considering the Committee's report it is important to have in mind the circumstances in Northern Ireland in which the Northern Ireland Government decided to exercise their powers under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 to arrest, detain or intern persons suspected of having acted or being about to act in a manner prejudicial to the preservation of the peace or the maintenance of order.

5. At the beginning of February this year the I.R.A. began to increase the ferocity of their well-established campaign of violence. A marked increase in intensity occurred in July, and has been maintained up to the present time. This campaign of murder and intimidation has included gun attacks on military and police patrols, explosive attacks on offices and buildings, together with indiscriminate bombing of occupied buildings in the cities, killing and injuring members of the general public. More recently there has been a concerted attack on individual police officers, police premises and the homes of police officers. Since August 1969 104 civilians, 12 members of the R.U.C. and 38 members of the Armed Forces are known to have been killed; and many civilians and members of the Armed Forces have been injured, some seriously. There have been over 1,000 incidents involving explosives., and the weight of explosives used by the terrorists so far has been calculated at about 11,000 lbs. Up to the morning of 10th November 1971, the security forces had uncovered 293 pistols and revolvers, 234 rifles, 24 machine guns, 116 shotguns, 123,614 rounds of ammunition, over 11 tons of explosives, 1,607 pipe, petrol and nail bombs, 154 grenades, 26 gallons of acid, and large quantities of fuses, detonators and electric cable. These figures refer only to arms found in Northern Ireland; they do not include, for example, the large quantity of arms recently discovered at Amsterdam.

6 The aims of the I.R.A. are to intimidate the population by brutal terrorism and so to prevent any co-operation with the Government, the police and the courts of law; to inhibit normal political activity and constitutional progress., and to cause the public in Great Britain to become so sickened by the ceaseless bloodshed and destruction that the Army's withdrawal will come to be seen as the lesser of two evils. No responsible Government can afford to yield to pressures of this kind.

Introduction of Internment

7. The preservation of law and order in Northern Ireland is primarily the responsibility of the Northern Ireland Government. By July and early August the deterioration in the situation in Northern Ireland had reached the point where they felt it necessary, with the agreement of Her Majesty's Government, to resort to their powers of internment.

8. In announcing the decision to introduce internment on the 9th August, 1971, the Prime Minister of Northern Ireland, Mr. Brian Faulkner, said:

" If Northern Ireland is to survive and prosper, two things are essential. We must sustain a continuing programme of economic and social development, and we must find the means to create a more united society here - one in which all men of goodwill, however divergent their legitimate political views, may participate to the full. These things are, and will continue to be, the aims of our policy.

"Neither will be possible in a climate of terrorism and violence. The outrages to which we have been subjected now threaten our economic life and create every day deeper divisions and antagonism within our community. These, indeed, are the clear objects of those who carry them out.

"Every means has been tried to make terrorists amenable to the law. Nor have such methods been without success, because a substantial number of the most prominent leaders of the I.R.A. are now serving ordinary prison

sentences. But the terrorist campaign continues at an unacceptable level, and I have had to conclude that the ordinary law cannot deal comprehensively or quickly enough with such ruthless viciousness.

"I have therefore decided, after weighing all the relevant considerations, including the views of the security authorities and after consultation with Her Majesty's Government in the United Kingdom last Thursday, to exercise where necessary the powers of detention and internment vested in me as Minister of Home Affairs".

9. 342 men were arrested on the Monday, 9th August; and the arrests of others under the Special Powers Act have continued. 980 had been arrested by midday on the 10th November, 1971. In each case very careful consideration was given to the question whether an internment order was necessary. In the event 299 had been interned by the 10th November and were being held at Long Kesh internment camp. 104 were being held under detention orders in Belfast Prison. 508 had been released and 69 were being held pending a decision on the making of detention orders.

10. Wherever possible, the normal processes of law are followed. Since the 9th August 1971, over 300 persons have been arrested and charged in the ordinary way with offences arising from civil disturbances.

11. An advisory committee under Regulation 12 of the Special Powers Act has been set up under the chairmanship of His Honour Judge Brown to review the cases of all those against whom internment orders are made. The members are Mr. R. W. Berkeley and Mr. P. N. Dalton. The rate of progress of this review is dependent on the time required to work up cases for its consideration; but at the 2nd November 99 cases had been reviewed. In 10 cases the Advisory Committee had recommended release to the Minister of Home Affairs of the Northern Ireland Government. All ten of these internees have been released and two further releases have been made on the advice of the R.U.C.

Allegations of Physical Brutality

12. A number of allegations were made about the treatment of those who were arrested on the 9th August. I thought it right that these allegations should be investigated by an impartial inquiry; and it was for this reason that I appointed the Committee whose report has now been presented to me.

The Committee's Findings

13. The capacity of the I.R.A. for indicative retaliation needs no emphasis. I therefore asked the Committee to adopt procedures which were designed to protect the lives of those who had conducted the arrests and interrogations. Nevertheless, every individual who believed that he had grounds of complaint had the opportunity to put his case forward and was assured of a full and impartial hearing. Hardly any did so. The Committee carried out a thorough examination of the evidence, both oral and documentary, put forward by members of the security forces. In the great majority of cases they set against it nothing more than unsubstantiated and uncorroborated allegations which is all that they had before them. In many cases

the Committee themselves have felt unable to carry the matter any further; but in the Government's view the balance of credibility is clear.

14. The allegations which the Committee have examined fall broadly into two classes, those relating to the initial arrests and a small number concerned with the subsequent process of interrogation. As regards the initial arrests it is clear from the report that there were very few complaints and those there were had, in the Committee's view, very little substance. The record of events reflects great credit on the security forces, who carried out a difficult and dangerous operation in adverse circumstances with commendable restraint and discipline. The more serious allegations which the Committee were able to investigate relate to the subsequent interrogation in depth of 11 individuals. Here again the Committee have found no evidence of physical brutality, still less of torture or brain-washing. Their findings about physical ill-treatment do, however, raise certain questions about the detailed application of the general rules governing interrogation.

15. These rules are summarised in the Government's evidence to the Committee (paragraph 46) which also points out that:

"The precise application of these general rules in particular circumstances is inevitably to some extent a matter of judgment on the part of those immediately responsible for the operations in question. Intelligence is the key to successful operations against terrorists, and the key to intelligence is information regarding their operations, their dispositions and their plans. When combating a terrorist campaign, time is of the essence; information must be sought while it is still fresh so that it may be used as quickly as possible to effect the capture of persons, arms and explosives, and thereby save the lives of members of the security forces and of the civil population".

16. In the present circumstances of Northern Ireland, as described in paragraphs 3-5 of this note, it is imperative to obtain all available intelligence in order to save the lives of civilians and members of the security forces; and it is therefore essential to interrogate suspects who are believed to have important information. The principles applied in the interrogation of suspects in Northern Ireland since August this year, and the methods employed (which are necessary not only for reasons of security and control but also to protect the lives of those being interrogated against the risk of reprisals), are the same as those which have been employed in all emergencies of this kind in which Britain has been involved in recent years. The rules now in force, as summarised in paragraph 46 of the report, were issued in 1965 and were revised in 1967 in the light of recommendations made by Mr. Roderick Bowen QC in a report on the procedures for the arrest, interrogation and detention of suspected terrorists in Aden (Cmnd 3165).

Action by the Government

17. The Government reject any suggestion that the methods currently authorised for interrogation contain any element of cruelty or brutality. The report of the Committee confirms this view. But it also brings out the difficulty of implementing the rules in detail in circumstances in which rigorous and intensive interrogation is vitally and urgently necessary. The Government have therefore decided that it would be right to make arrangements for examining and providing authoritative advice upon the procedures for the interrogation of persons suspected of involvement in a terrorist campaign, including their custody while subject to

interrogation, and the application of those procedures.

18. The main strain of protecting the population in Northern Ireland falls upon the Armed Forces and the RUC. It is clear from the Committee's report, and from personal observation by a large number of responsible witnesses from all walks of life, that the security forces have discharged their onerous duties with the utmost restraint despite the provocations of which the Press and other public media give us daily evidence. The Government do not regard the findings of the Committee as in any way reflecting adversely on the responsibility and discipline with which the security forces in Northern Ireland are conducting their fight against a vicious and ruthless enemy.

Reginald Maudling

Chapter I

TERMS OF REFERENCE

1. We were appointed on the 31st August, 1971, by the Secretary of State for the Home Department with the following terms of reference: -

"To investigate allegations by those arrested on the 9th August under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 of physical brutality while in the custody of the security forces prior to either their subsequent release, the preferring of a criminal charge or their being lodged in a place specified in a detention order."

2. In our letter of appointment the Secretary of State said that these terms of reference included in our Enquiry complaints of physical brutality in respect of a small number of persons who were interrogated in depth after a detention order had been made against them: these persons were made the subject of a removal order and were lodged for a short period in a place other than that specified in the detention order.

3. The Secretary of State also informed us that in order to ensure the personal safety of members of the security forces against whom allegations might be made, it was necessary that our Enquiry should be undertaken in private and that there should be no opportunity for a confrontation between complainants and members of the security forces against whom complaints were made. At the outset the Secretary of State indicated that legal representation would not be appropriate: but on the 3rd September he reviewed this direction, and suggested that the essentially private nature of our Enquiry could still be safeguarded if both complainants and those complained against were permitted, if they desired it, to be accompanied by a legal representative when they appeared before us; such legal representatives would not however be permitted to cross-examine witnesses or given access as of right to transcripts of evidence.

4. In the event, for the reasons we give below, complainants did not avail themselves of these facilities for legal representation. On the other hand, many of

the army and police personnel complained against were so represented when we took evidence from them.

Chapter VIII

SUMMARY

The arrest and detention operation with which we are concerned, relates to 342 men arrested on the 9th August and subsequently released (105 men) or detained (237 men).

The operation was in two parts:-

(a) Arrest and movements to one of three Regional Holding Centres - Ballykinler, Magilligan and Girdwood Park.

(b) The process of identification and questioning, leading either to release or movement into detention at the *Maidstone* or *Crumlin* Jail.

We have investigated allegations made by 40 of the men arrested on the 9th August. Except in one case, the complainants have not appeared before us to substantiate their allegations. One has communicated with us in writing; in other cases we have acted on complainants' statements published by the Press or otherwise transmitted to us.

In the course of our investigation we have had full disclosure of contemporary documentation by the army and police, and we have made particular use of the medical records for testing allegations of physical ill-treatment. We have visited the three Regional Holding Centres and the two places of Detention, the *Maidstone* and *Crumlin* Jail. We have taken oral evidence from 95 army, 26 police, and 11 prison personnel, and from 11 doctors.

We report on 5 groups of allegations and 20 individual allegations. Our investigations have not led us to conclude that any of the grouped or individual complainants suffered physical brutality as we understand the term.

As regards the group allegations:-

Group 1 - Questioning in Depth (11 names)

We consider that the following actions constitute physical ill-treatment; posture on the wall, hooding, noise, deprivation of sleep, diet of bread and water.

Group 2 - Helicopter Incident, Girdwood (6 names)

We criticise the action taken to force the complainants to take part in this deception operation and consider that the physical experience of these men constitutes a measure of ill-treatment.

Group 3 - "Obstacle Course" Girdwood (12 names)

We conclude that the men concerned may have suffered some measure of unintended hardship.

Group 4 - Late Releases on the 10th August, Girdwood (3 names)

Given the conflict of evidence we make no findings, but draw attention to the evidence that men released from Girdwood were not made to leave and that some stayed.

Group 5 - Special Exercises at Ballykinler (5 names)

We consider that these compulsory exercises must have caused some hardship but do not think the exercises were thought of and carried out with a view to hurting or degrading the men who had to do them.

Individual Cases (20 names)

We report 2 cases where we consider there was a measure of ill-treatment: one (Mr. Cummings) suffered from hooding and wrist bonds ordered not a punishment but as a military precaution, the other (Mr. Gilmore) from damage done by accident. We report one case (Mr. Moore) where we think the complainant suffered hardship in that he was accidentally cut by broken grass on arrest and there was avoidable neglect in getting medical attention for him at Girdwood. In the remaining cases, the conflict of evidence has prevented a finding, or we consider that the complaint cannot be sustained.

We draw attention to defects in the administrative arrangements regarding medical cover for the arrest and holding operation generally, and for Girdwood Park Holding Centre in particular.

3rd November, 1971.

Edmund Compton
E.S. Fay
Ronald Gibson

CAIN contains information and source material on the conflict and politics in Northern Ireland.
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