

Committee on the Administration of Justice

Plastic Bullets  
and the  
Law

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# Committee on the Administration of Justice

The Committee on the Administration of Justice is an independent civil liberties organisation formed in 1981 to work for "the highest standards in the administration of justice in Northern Ireland by examining the operation of the current system and promoting discussion of alternatives".

By carrying out research, holding conferences, lobbying politicians, issuing press statements, publishing pamphlets and circulating a monthly bulletin, the CAJ hopes to stimulate awareness and concern about justice issues.

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If you would like to join CAJ or find out more about its activities, please contact:

C.A.J.  
45/47 Donegall St.  
Belfast BT1 2FG  
Tel: (0232) 232394

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# Contents

Introduction . . . . .	1.
The Deaths . . . . .	3.
The Injuries . . . . .	7.
Public Perceptions . . . . .	13.
The Law . . . . .	15.
Compensation . . . . .	23.
European and International Law . . . . .	31.
The Case for a Ban . . . . .	36.
Conclusion . . . . .	40.
Further Reading . . . . .	41.

# Introduction

Plastic bullets, officially called baton rounds, were first introduced as a riot control weapon by the British army in Northern Ireland in 1973. The Royal Ulster Constabulary began to use them in 1978. Since then more than 54,000 rounds have been fired and the weapon has completely replaced rubber bullets.

The bullet comes in two varieties - the 45 grain bullet, for use at a long distance and with a muzzle velocity of 75 metres per second and the 25 grain bullet, for use at shorter distances. A 25 grain bullet is nearly four inches long and 1.5 inches in diameter. It weighs 4.75 ounces and is off-white in colour. It is flat at both ends, whereas the rubber bullet was pointed. It leaves the muzzle of the firing gun at over 160 miles an hour. Plastic bullets are designed both to disperse crowds and to be fired directly at selected persons. They are not bounced off the ground like the rubber bullet, though the impact energies of the both are very similar.

The weapon has always been one of the most controversial elements of security policy in Northern Ireland. Plastic bullets have been responsible for the deaths of 14 people, seven of whom were children. Three people were killed by rubber bullets.

The bullets are not used against paramilitaries - they are designed for use against rioters. Evidence of the weapon's 17 years of deployment however has shown that many of those killed and injured had no part in rioting. Rioters, most of whom are young people, now run the risk of a penalty of death or life-changing injury. This is a situation which, critics argue, is inconsistent with the principle of minimum force and should not be tolerated by any society aiming to maintain democratic and human rights standards.

Since it was first introduced in 1973, and increasingly, after the hundreds of serious injuries and fourteen deaths which have resulted in the years since, the plastic bullet has aroused intense concern and controversy.

The government's position is that the plastic bullet is necessary for riot control; that it is subject to strict controls; that it is not a lethal weapon; that it is consistent with the principle of minimum force, and that if the security forces did not use plastic bullets, they would be forced to use lead ('real') bullets instead.

Critics of the weapon argue that most of those killed were not involved in rioting; that it has not been proved that the bullet is the only recourse open to the security forces for riot control; that the record shows that the 'strict controls' governing the bullets' use have been inadequate or not applied; that the fatalities and injuries inflicted by the bullet make it inconsistent with the principle of minimum force, and that the contention that lead bullets could replace plastic bullets in riot situations envisages a situation that would be contrary to law.

This pamphlet goes to press (April 1990) shortly after the announcement by the Director of Public Prosecutions of his decision not to prosecute of the firer of the plastic bullet which killed 15 year old Seamus Duffy in August 1990. Since 1973, there has been just one prosecution of the firer of a fatal or disabling bullet. That was in the case of Sean Downes, and the firer was acquitted of the manslaughter charge, despite the gun having been found to have been fired in contravention of the Rules.

The circumstances of Seamus Duffy's death were - as with all plastic bullet deaths - controversial. The boy's family said he was a passer-by at an anti-internment riot, on his way home. The RUC said photographic evidence showed the boy rioting. The family has demanded to see the evidence.

The DPP based his decision on a 2,000 page report, the result of an investigation conducted by the RUC, under the supervision of the Independent Commission for Police Complaints. Two policemen who fired plastic bullets at the riot were questioned by the inquiry team, the RUC said later - but the team were unable to discover the officer who fired the fatal bullet.

The Duffy family said they were "very hurt but not surprised" at the DPP's decision. They have started a civil action against the RUC. The RUC has said it would not comment further until the inquest into the boy's death. Northern Irish inquests, however, are poor substitutes for either a proper independent inquiry, or a full court case. Controversial inquest cases tend to take a long time to begin. Inquests here are limited to severely restricted "findings"; and, after the recent House of Lords decision in the McKerr case, the crucial witnesses, the policemen who fired the bullets, will not be compelled to attend to give evidence.

Late in 1989, the government re-affirmed a plan to issue the weapon to the Ulster Defence Regiment, a move certain to heighten and inflame existing fears around and opposition to the bullet.

Plastic Bullets have never been used in England, Scotland or Wales - but increasingly the present government seems ready to do so. By the end of 1987, many police forces in England and Wales were equipped with plastic bullets. While several police authorities refused to supply chief constables with the funds to buy the bullets, their wishes have largely been circumvented by a High Court ruling in 1986 supporting the Home Secretary, who announced that plastic bullets and CS gas could be issued from a central store at Home Office expense. This ruling was confirmed by the Court of Appeal in November 1987 (see *R v Secretary of State for the Home Dept, ex parte Northumbria Police Authority* (1988) 1 A11 ER 556.3). Plastic bullets are also available to the Garda Siochana in the Republic of Ireland. Only one has ever been fired there, and that was in the 1970s.

# The Deaths

## 1. Introduction

The government has consistently said that plastic bullets are more accurate and more effective than the rubber bullets they replaced, while not being significantly more hazardous. But, while one person was killed for every 18,000 rubber bullets fired, the figures for plastic bullets are one person for less than every 4,000 fired. Rubber bullets were withdrawn as being too dangerous, but medical evidence has shown that plastic bullets cause more devastating skull and brain injuries.

When the government was debating whether to introduce the weapon in Northern Ireland it had access to the results of American army research which showed that an impact energy of greater than 90 foot/pounds would cause severe damage to the human body. Plastic bullets, even when fired at a distance of 50 yards, have an impact energy of over 110 foot/pounds - the energy which a 2lb weight would have if dropped from a height of 55 feet.

Three people died from the rubber bullets which preceded plastic bullets: Francis Rowntree, aged 11, died in April 1972 in Belfast; Tobias Molloy, aged 18, died in July 1972 in Strabane and Thomas Friel, aged 21, died in May 1973 in Derry.

## 2. Deaths caused by plastic bullets

NAME	AGE	DATE	PLACE
Stephen Geddis	10	30 August 1975	Belfast
Brian Stewart	13	10 October 1976	Belfast
Michael Donnelly	21	9 August 1980	Belfast
Paul Whitters	15	25 April 1981	Derry
Julie Livingstone	14	13 May 1981	Belfast
Carol Ann Kelly	12	22 May 1981	Belfast
Henry Duffy	45	22 May 1981	Derry
Nora McCabe	30	9 July 1981	Belfast
Peter Doherty	33	31 July 1981	Belfast
Peter McGuinness	41	9 August 1981	Belfast
Stephen McConomy	11	16 April 1982	Derry
Sean Downes	22	12 August 1984	Belfast
Keith White	20	14 April 1986	Portadown
Seamus Duffy	15	11th August 1989	Belfast

Stephen Geddis, aged 10, in Belfast. At the inquest soldiers said they fired two plastic bullets to disperse a crowd of 50-60 children who were stoning them in the Falls Road area. The boy's skull was fractured. Military witnesses did not



claim he was rioting. Eyewitnesses said he was not involved in the stoning. Inquest verdict of death by misadventure.

**Brian Stewart**, aged 13, in Belfast. Soldiers gave evidence at the inquest of coming under heavy attack from stone-throwers in west Belfast. A corporal said he had aimed at another youth, but as he fired, he was struck by two missiles which caused him to jerk the weapon. As a result the plastic bullet hit Brian Stewart, who he said had also been throwing stones. Local people contested this, claiming there was no rioting at the time. Lord Justice Jones ruled in a civil case that the boy had been participating in a riot and that the firing of a plastic bullet was reasonable. An appeal to the European Commission of Human Rights failed.

**Michael Donnelly**, aged 21, August 1980, in Belfast. At the inquest soldiers said they fired 65 plastic bullets to disperse rioters in the Falls Road area. A witness said the rioting had ended before Mr Donnelly, a social worker, was hit by a plastic bullet while walking along Leeson Street. But a Royal Artillery major insisted: "No-one in my troop fired at anyone who was not throwing petrol bombs or bricks". Lord Justice Kelly said in a civil case that he accepted that the rioting was over and that there was a lull when Michael Donnelly was hit. He said the plastic bullet was fired at a time when it was "uncalled for and unjustified".

**Paul Whitters**, aged 15, in Derry. An independent investigation into his death conducted in 1982 by Lord Gifford, concluded that there was "no possible defence" for the boy's killing and that he had been murdered. The inquest jury found that Paul Whitters had been the ring-leader of a number of youths attempting to hijack a lorry during disturbances in Derry. Local witnesses said he could have been arrested rather than killed.

**Julie Livingstone**, aged 14, in Belfast. The girl was walking towards her home when hit on the head. The inquest jury described her as "an innocent victim". Plastic bullets were fired from two army Saracen troop carriers in west Belfast. A sergeant from the Royal Regiment of Wales said he had fired at a petrol bomber and had seen a youth fall.

**Carol Ann Kelly**, aged 12, in Belfast. The coroner found that the girl was an innocent victim who had been walking home from a shop carrying a carton of milk. The inquest found that two plastic bullets were fired from Land Rovers in an army patrol in west Belfast. Soldiers said rioting was taking place; locals said the area was quiet.

**Henry Duffy**, aged 45, in Derry. He was returning to his home when hit on the chest and left temple. There was no finding of rioting at the inquest which found a verdict of death by misadventure. Mr Duffy, a widower and father of seven children, was struck in the Bogside area of Derry.

**Nora McCabe**, aged 30, in Belfast. The jury at a second inquest found that Mrs McCabe was an innocent passer-by who had been struck on the head by a plastic

bullet fired by an RUC officer. Her case led to calls from more than 70 MPs for an inquiry into the circumstances of her death. She had been on her way to buy cigarettes when she was fatally injured. Police denied that they had fired into the area in which she was shot, but the police evidence was later contradicted by a film shot by a Canadian camera crew. The inquest jury concluded that a land-rover had turned towards Linden Street, and that a plastic bullet had been fired from it.

Peter Doherty, aged 40, in Belfast. The inquest jury found that Mr Doherty was struck as he stood at the window of his third floor flat on the Falls Road. The plastic bullet was embedded in his forehead. Soldiers said petrol bombs had been thrown from the flat; this was denied by the other occupants. Two inquest juries failed to agree on what had happened.

Peter McGuinness, aged 41, in Belfast. The inquest concluded he had not been rioting, and had been telling a crowd to go away from his house when he was hit by a plastic bullet.

Stephen McConomy, aged 11, in Derry. The inquest jury concluded that the boy was one of seven or eight close to an army Saracen which was subjected to sporadic stone-throwing. A lance-corporal said he had fired at a 17 year old youth but when the smoke cleared he saw a child lying on the ground. Military witnesses did not allege the boy was a rioter and the jury, after hearing 26 witnesses, decided there was insufficient evidence that the dead boy had been involved in stone-throwing. It ruled that he had been shot at a range of 17 feet, and that the plastic bullet gun was defective, firing 11-15 inches high at a range of 10 yards.

Sean Downes, aged 22, in Belfast. The DPP decided (for the first time in a plastic bullet case) to charge the RUC officer who fired the fatal shot. He was acquitted of manslaughter in 1986. Police moved in on a sitting crowd, at a Sinn Fein rally, to arrest Martin Galvin of Noraid. Many witnesses blamed the RUC for starting the trouble. A TV film showed Sean Downes running towards police with a stick, and an officer turning to fire a plastic bullet at his chest. The judge ruled that the officer had acted "almost instinctively to defend his colleagues". The plastic bullet gun was said to be firing higher than normal. An application by Mr Downes' widow in 1988 for an inquest into his death was refused by the High Court in Belfast.

Keith White, aged 20, in Portadown. The inquest jury found Keith White was rioting. An RUC video showed him throwing stones at police following the banning of a loyalist march in Portadown. The jury said: "The deceased threw a missile and immediately turned away and was struck at the back of the head". One of the plastic bullet guns in use by police was found to be inaccurate, firing high.

Seamus Duffy, aged 15, in Belfast. The boy was killed during interment commemorations in north Belfast. His family denies he was rioting when shot.

The RUC said that a police video showed the boy running away from the scene after rioting. He was reportedly shot in a street some distance away from the riot scene. His death was investigated by the RUC under the supervision of the Independent Commission for Police Complaints. The inquiry did not identify the firer of the fatal bullet, and the DPP subsequently decided against prosecution. An inquest will be held. The Duffy family has initiated a civil action against the RUC.

### 3. Each death controversial

Controversy has arisen around the circumstances of all the deaths by plastic bullets, with locals and eye-witnesses consistently claiming that the killings were uncalled for. The legal proceedings following plastic bullet deaths show that judges, coroners and inquest juries have often contradicted security force assertions that those killed were generally involved in rioting.

Despite this, there has been just one prosecution of a firer of a fatal bullet, (in the case of Sean Downes) and this did not lead to a conviction, though the bullet was found to have been fired in contravention of the rules.

In six cases, a judge or inquest found that those killed were innocent victims. In two further cases involving children aged 10 and 11, no finding of rioting was made by the inquests. In one case, two juries could not agree on whether a victim had been petrol-bombing troops from a kitchen window. In four cases inquest juries judged those killed to have been rioting.

# The Injuries

## 1. Introduction

As well as the deaths, hundreds of people have been seriously injured by plastic bullets. Recorded injuries include partial paralysis, fractured skulls, personality disorders, fractures to facial bones, blindness and loss of eyes. Most of these injuries happen when the weapon is aimed above the waistline, which is in contravention of the rules of engagement for the plastic bullet. Of the seven people who died in 1981, five died from head injuries, one from a chest injury and one from combined chest and head injuries.

The following are the British army's Rules of Engagement for plastic bullets (as of August 1980):

### General rules:

- 1. Baton rounds may be used to disperse a crowd whenever it is judged to be minimum and reasonable force in the circumstances.
- 2. The rounds must be fired at selected persons and not indiscriminately at the crowd. They should be aimed so that they strike the lower part of the target's body directly (i.e. without bouncing).
- 3. The authority to use these rounds is delegated to the commander on the spot.

### Additional rules for the 25 grain PVC Baton Round:

- 4. Rounds must not be fired at a range of less than 20 metres except when the safety of soldiers or others is seriously threatened.
- 5. The baton round was designed and produced to disperse crowds. It can also be used to prevent an escape from HM Prisons if it is, in the circumstances, still considered to constitute the use of minimum and reasonable force. If a prisoner can be apprehended by hand, the baton must not be used.

## 2. Recorded injuries

The majority of the following list of recorded injuries were the subject of court cases and most of the injured received compensation.

Brendan Patrick Kelly, Dungiven, lost an eye when he was struck by a plastic bullet at the time of a riot in Maghera on April 23 1982.

Sarah Begley, Belfast, lost an eye and was permanently disfigured by a plastic bullet shot when she was standing on a balcony in Unity Flats in June 1981.

Schoolgirl, aged 14, suffered injury to her chin which left scars, when a plastic bullet came in through the front door of the house she was in and hit her first on the chest and then on the chin.

James Doyle, 36, Belfast, was struck in the face during internment anniversary riots on August 9th, 1981. He was found to have been rioting. In the High Court Mr Justice Higgins said he could not understand why the policeman who fired the riot gun had been trained to aim at a person's waist instead of lower legs as stipulated in the RUC training manual.

Hugh Patrick Kelly, Belfast, was struck on the back of a head, resulting in bleeding, swelling, permanent scarring and concussion leading to nervous shock, during an internment anniversary in 1980. His asthma also got worse, he said in court.

Gemma Morris, 19, Belfast, had her arm broken at an internment anniversary, in 1980 and her friend Teresa Strong also suffered an arm injury. The judge, Sir Robert Porter, said at their case at Belfast Recorders Court that it was remarkable that there was still uncertainty within the ranks of the RUC about the way in which plastic bullet guns should be used.

Pauline Noelle Smith, Derry, received serious injuries to the back of her leg in 1984 when she was struck at a housing estate. She had spent five weeks in hospital after being hit. A judge threw out a charge of rioting.

Dominic Marron, 15, Belfast, was maimed for life when he received a devastating and penetrating injury in 1981 to his temple which caused depressed fractures of his skull, laceration of the brain and swelling. The injury left him with a gross weakness down the left side of his body, affecting the face, arm and leg. His left arm was virtually useless and his walking was unbalanced.

Elliot Young, 18, Portadown, was hospitalised after disturbances in 1986 when he was hit on the head, sustaining a hair-line fracture of the skull.

Martin Rooney, 18, Belfast, was struck on the head in 1981, suffering a fractured skull and two weeks in hospital. He said in court that he had been standing in a hallway when hit.

Stephen Montague, 24, said in court he was hit on the head and later beaten up by soldiers in 1979, resulting in injuries which impaired his eyesight, his hearing and general mental aptitude.

William Quinn, 76, from Portadown, was struck in the left knee at Craigavon as he walked across a pedestrian crossing in 1986. Judge Frank Russell said he accepted the plastic bullet may have been discharged accidentally.

Patrick Wasson, 28, Belfast, sustained a very serious head injury during riots at the time of the hunger strike in 1981. The court heard he sustained a severe right parietal compound depressed fracture and had to undergo surgery, including an emergency burr hole exploration and craniotomy on the day of the injury and a cranioplasty at a later date. He subsequently suffered from weakness of the left side and had to give up his job as a bricklayer. Over the following years he continued to suffer occasional episodes of numbness and had to take anti-convulsant drugs.

Patrick Matthews, 26, Newry, suffered "horrific facial injuries" - with the left side of his face badly swollen, and the inside of his mouth having to be wired together after being hit as he walked near his home in 1987.

Michael Leonard, 25, Belfast, needed almost 60 stitches to his face after being hit in 1987 when trouble flared up around the New Lodge area. His jaw had to be wired up and his part of his nose was "hanging off".

John Joseph Conway, 36, Belfast, sustained a collapsed lung after being hit by a soldier in 1988 after a row broke out between soldiers and locals at Dunlewey Street. An elderly man was also reported to have been hit in the face during the row.

Paul Curran, 35, Derry, was reported to have suffered a penetrating injury to his head, impairing vision in his right eye, after being hit when disturbances allegedly broke out at a "paramilitary style funeral".

Eugene Faloon, 37, Dungannon, had to have stitches to wounds on his head and arms after being hit as he visited a friend at a housing estate at a time when trouble broke out at a July 12 Orange parade, in 1986.

Steve Benbow, a freelance photographer, was struck on the head requiring 40 stitches while covering a disturbance at the Divis Flats in 1981.

Michael McAlorum, 10, had a metal plate inserted in his skull after being hit by a plastic bullet as he loaded wood onto a lorry in Belfast in 1981. There were rioters in the area.

John James Tumelty, 33, suffered brain damage resulting in partial paralysis and defective sight, after being hit during riots in Belfast in 1981.

In addition, plastic bullet injuries documented in Rubber and Plastic bullets kill and maim (1981), and Plastic Bullets - Plastic Government by Frs Faul and Murray. (1982) include:

Desmond Culleton, 40 - severe injuries to his face, August 1975.

John Trainor, 24 - leg injuries, Belfast, 1976;

Sammy Robinson, - shot in face, May 1977;

James Copeland, - broken face bones, 1977;

Jean O'Donoghue, 17 - pregnant, hit in stomach;

Mark Tully, 11 - hit on face requiring 24 stitches, October 1977;

Bridget Croston, 66 - hit on knee, needed 14 stitches to head after falling to ground, August 1980;

Ann Marie McMullan, 15 - paralysed and speechless for many months, August 1980.

### 3. Injuries during period of hunger strikes in 1981

The most concerted use of plastic bullets over a period of time was in 1981, the time of the republican hunger-strikes. Some of the injuries were documented.

Alec McLaughlin, 18. lost right eye. other head injuries, broke facial bones. April;

Cyril Kane, photographer, ankle fractured, April;

Brendan Kelly, 21, lost an eye, April;

Martin Hamill, 15, hit on side of head. scarring around eye, May;

George O'Neill, 10, facial injuries. May;

Mrs Maguire, head injuries, May;

Ciaran Rice, 19, shattered facial bones. May;

Alfred Parker, 36, head wound, required 16 stitches, May;  
 Patrick Doherty, 68, fractured skull, May;  
 Patrick Callaghan, 21, lost an eye, jaw dislocated and nose broken, May;  
 Colin Deery, 14, kidneys bruised, May;  
 Pauline Donnelly, Frankie Short and Victor Angelo hit on head, arm and hand  
 and leg respectively, May;  
 Neil Lynagh, leg wound, May;  
 David Madden, 4, six stitches to head wound, May;  
 Christine Maguinness, 16, right leg injuries, June;  
 Robert Brady, internal organs stitched, July;  
 Brian McDonnell, back bruising and shock, July;  
 Michael Irvine, 16, arm fracture, July;  
 Paul Hall, 35 stitches to head wounds and arm injuries (2 or 3 bullets), August;  
 Patricia McGivern, knee and hand injuries, August;  
 Dermot Gallagher, 11, fractured skull and broken nose, August;  
 Steven McFarlane, 16, 20 stitches to facial wound, August;  
 Paul Smith, finger fractures, August;  
 Niels Henrik, stomach and groin injuries, August;  
 James Neeson, intensive care treatment for lung damage after being hit in back,  
 August;  
 Martin O'Neill, 9, hit on left eye, August;  
 Paul Corr, 12, emergency surgery for shattered palate, part of nose missing,  
 August;  
 Joseph Cartmill, thigh bruising, September;  
 Michael Mervyn, 20 stitches for facial wound and broken nose, September;  
 Conor Campbell, 18, speech impairment and dent to left side of head, August;  
 Paul Lavelle, 15, head injures put him on a life support machine, May;  
 Eddie McNally, hearing and sight affected, twelve stitches to head wound, May;  
 Damien McKenna, severe lacerations of the skull needing ten stitches, May;  
 Sarah Wildy, operated on for wounds to side, May;  
 Mrs R Murray, hit on mouth, May;  
 Mrs Collins, hit on left foot, May;  
 Kevin McLaughlin, 14, operated on for serious head injuries, possible paralysis,  
 May;  
 Declan Burgoyne, 9, hit on groin, May;  
 Mrs McDonald, suspected split liver, May;  
 Martin Robinson, 19, hand bones broken, May;  
 Patrick McFerran, 8 stitches to mouth, May;  
 Margaret McElorum, 15, lower back wound, May;  
 Marie McKernan, 15, hit on chest, May;  
 Mrs Kathleen Hanna, 24, head wound needed 12 stitches;  
 Gerard Walsh, 22, hit on side, May;  
 Paul Blaney, 9, leg injuries, May;  
 Thomas Cupples, 32, eye, arm, thigh and buttock injuries, May;  
 Kevin Kelly, 24, 12 stitches to head wound, May;  
 Rosalen Magee, arm bone badly damaged, May;  
 Patrick Quig, back bruises, May;

Thomas Torney, 17, fractured arm and bruised groin, May;  
Desmond Linden, 50, left side bruising, May;  
Plilomena Whelan, 12, got 12 stitches to a throat wound, July;  
Martin Tumelty, 14, twelve stitches to a facial wound, July;

#### 4. 1989 - 1990 injuries

Injuries reported in 1989 include:

Paul McLoughlin, coming home from football match with other fans, received 31 stitches to a facial wound; April 7.

Anne McNally, "horrific" bruising of left breast after intervening with soldiers allegedly beating her son, May 26;

Patrick Doherty, 60 stitches to a head wound after being shot outside a Chinese carry-out. Witnesses said the attack was unprovoked, May 26.

Sean McEvoy, 17, hospitalised for head injuries; July 11;

Stephen Stewart, 17, knee injuries, August.

Around fifteen people were injured when police fired plastic bullets after trouble broke out between rival supporters at a football match between Linfield and Donegal Celtic in Belfast on February 17, 1990.

#### 5. Medical opinion

Regrettably, hospitals in Northern Ireland do not normally keep statistics in a form which would make it possible to know the extent and seriousness of injuries from plastic bullets which result in hospital admission. However, between April and August 1981, 99 people with plastic bullet injuries were examined by Dr Lawrence Roche at the Royal Victoria Hospital, Belfast. His subsequent report on the injuries stated:

*"The plastic bullet is more stable in flight (than the rubber bullet). It tends to travel on its long axis and is therefore more likely to hit its target end on. It causes more damage to a smaller area of the body but is more likely to impart a shearing force causing more lacerations, especially to skin overlaying bone, such as the scalp.*

*"It seems that, because of their greater accuracy and more stable flight, plastic bullets often struck less vulnerable parts of the body. They caused fewer injuries to the face and chest than rubber bullets. My impression is that plastic bullets tend to cause more severe injuries to the skull and brain and therefore more deaths. However, if plastic bullets struck only the buttocks or legs, then the risk of death would be negligible."*

Eight people in this survey had skull fractures, eight had fractures to other bones, including arms and legs, five had fractures to other bones in their heads - mostly



facial bones, and one person suffered loss of sight to an eye. 17 people had been treated for circular bruises.

Another surgeon who worked on that report, Mr William Rutherford, said that plastic bullets had been designed to "thump rather than kill", but that his research showed that if that intention were to be maintained some modifications had to be considered.

## 6. Independent Tribunals

An International Tribunal of Inquiry into Deaths and Serious Injuries caused by Plastic Bullets in Northern Ireland was held in Belfast in 1981. Evidence presented to the tribunal indicated that the circumstances in which injuries and deaths occurred were often far removed from dangerous riot situations. At a follow-up Inquiry held in 1982, the panel stated:

*"The government has claimed that the plastic bullet was chosen for its improved accuracy. If these claims are accurate, the weapon is being deliberately mis-used on a large scale. The plastic bullet lends itself to abuse and there has clearly been no attempt to enforce controls, particularly with regard to non-use at short ranges, and aiming only at the lower part of the body".*

By the end of 1988 official statistics showed that 417 people had been injured by plastic bullets. Many of the injuries were traumatic.

# Public Perceptions

## 1. Widespread opposition

Plastic bullets have always been amongst the most controversial of the methods used by the British government to deal with the "Troubles". Use of the weapon has provoked concern and opposition within Northern Ireland from trade unions, politicians, church organisations, civil liberties groups and others. There is widespread belief that the use of the weapon is not necessary and is therefore morally wrong.

The list of organisations which have publicly opposed the use of plastic bullets and called for them to be banned includes the Irish Congress of Trade Unions, the British Labour Party, the New Ireland Group, the Northern Ireland Civil Rights Association, Newry and Mourne Trades Council, the Peace People, the Fabian Society, the Social Democratic and Labour Party (SDLP), Sinn Fein, the (former) British Liberal Party, The Irish News, the Committee on the Administration of Justice, and the National Council for Civil Liberties. The Belfast News Letter and Belfast Telegraph have expressed serious reservations about the continued use of the weapon.

In 1984, following the death of Sean Downes, the United Campaign against Plastic Bullets was launched. Since then the organisation has worked both in Northern Ireland and internationally to try to get the weapon withdrawn. UCAPB took its campaign to manufacturers of baton rounds and in May 1988 the then principal plastic bullet supplier for the UK - Standard Fireworks - announced that it would not be renewing its contract with the Ministry of Defence. The parents of Seamus Duffy, shot in August 1989, have since joined the campaign and took part in a picket outside the premises of Astra Fireworks in London, another company the group says is involved with making the weapons and the guns which fire them.

In 1981 the Association of Legal Justice organised an International Commission to study the use of the bullet. Its conclusion seemed to the Commission to be "inescapable":

*"the N.I. authorities were knowingly allowing widespread, indiscriminate and illegal use of a weapon whose lethal potential is well known."*

## 2. International opinion

In May 1982 the European Parliament voted by 100 votes to 43 to ban the use of the bullets throughout the European Community. In Switzerland the weapon was banned after two children were blinded by it.

The Report of an International Lawyers Inquiry into the Lethal use of Firearms by the Security Forces in Northern Ireland (published 1985) concluded that plastic bullets should be withdrawn from use forthwith. The Inquiry was persuaded that the weapon had frequently been used in violation of the British army's rules for engagement and it described the evidence for banning the weapon as overwhelming.

### 3. Political reaction

Plastic bullets have most often been used in nationalist areas and have provoked concerted opposition there - among political parties, community groups and church people. The death of Keith White in 1986, shot at a loyalist demonstration in Portadown, provoked new concern in the unionist community about the weapon.

A 1986 DUP conference at Portadown criticised "the blatant misuse of the plastic baton round in Portadown". DUP councillor Robert Dodds described the plastic bullet as a "killer weapon, designed to kill or maim" and said he had always objected to their use in riot situations. Four unionist MP's however voted against a motion banning use of the bullet in the United Kingdom, which was introduced by Labour's Dennis Canavan and defeated in the British House of Commons by 184 votes to 85.

In August 1979 the late Ulster Unionist MP Harold McCusker described the weapon as "inherently inaccurate" and said "anything which could be done to make it more accurate would be welcome".

The announcement that the government intends to issue plastic bullets to members of the Ulster Defence Regiment was greeted with outrage and dismay by nationalist politicians and by the Irish government. Ulster Unionist MP Ken Maginnis said the decision was "probably not politically wise".

The British Labour party has said that the next Labour government will ban the weapon.

Since its introduction, the bullet has been the subject of constant and intense criticism, heated political debate, a number of legal inquiries and several critical publications. The weapon has almost never been praised or defended on its own merits by members of the public or by politicians. The best which those who favour the weapon can say of it is that the government needs it because it hasn't got anything better.

# The Law

## 1. Introduction

Technically, people hit by plastic bullets have a number of options open to them in criminal and civil law. Members of the security forces who fire the bullets - the British army, the RUC, and potentially, according to the government, the UDR - are subject to the rules of ordinary criminal and civil law as well as to their own disciplinary codes.

Police regulations call for all cases of plastic bullet injuries and deaths to be investigated - by the RUC - who are also then responsible for sending details of the case to the Director of Public Prosecutions. But this practice, which has the police investigating themselves as well as the army, does not satisfy public demands for impartial investigations of controversial cases involving the security forces.

On 17 February 1988, the then Northern Ireland Secretary of State Tom King stated in the House of Commons that the Chief Constable of the RUC had accepted in principle (in the wake of the Stalker/Sampson affair) the recommendation of Her Majesty's Inspector of Constabulary, Charles McLachlan, that the RUC chief consider whether an Assistant Chief Constable from another force should investigate serious incidents involving the RUC. This recommendation was ignored however after the shooting of Seamus Duffy, whose death, like all other plastic bullet deaths, was given to an RUC officer to investigate - though on this occasion under the supervision of the Independent Commission for Police Complaints.

Sometimes persons injured by plastic bullets have made formal complaints either directly to the RUC or to the Independent Commission for Police Complaints - although many of the injured have said they would not do this because if they reported an injury they were liable to be charged with rioting, or to be later 'picked on' by police. Replying to a parliamentary question tabled in 1988 by Kevin McNamara, the Labour Northern Ireland spokesperson, Northern Ireland minister John Stanley said that during 1987, seven formal complaints had been made concerning the use of plastic baton rounds by the RUC. Two were later withdrawn and police reports on four others had been sent to the Director of Public Prosecutions who directed no prosecution in each case. Mr Stanley said the question of disciplinary action was being considered regarding those four by the deputy Chief Constable, and that the papers were being referred to the Independent Commission for Police Complaints. The remaining complaint was still under investigation, he said.

The crimes which can be committed under criminal law when a person is killed or injured by a plastic bullet are murder, manslaughter, and assault and battery.

The defences to these crimes are self-defence, mistake, provocation (for the crime of murder only) and use of reasonable force.

However, though there have been hundreds of controversial injuries and 14 deaths caused by plastic bullets, just one criminal case has resulted and no convictions. In reply to a parliamentary question tabled by the Labour Party in May 1988, the Attorney General replied that in 1987 the DPP considered 19 cases involving persons injured by plastic bullets. No prosecutions were considered in 18 cases and in the remaining case, a direction was pending receipt of further information from the RUC.

The law with regard to the use of force, and its application, has been heavily criticised. Critics argue that the standard defence for the security forces operating in Northern Ireland relating to situations where lethal force is used - the "reasonable use of force" defence - should be amended to the standard set out by the European Convention on Human Rights, which states that "deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than is absolutely necessary."

In the Northern Ireland courts, the definition of "reasonable" has been so broadly interpreted as to make convictions of firers of the bullet extraordinarily difficult.

After 17 years of plastic bullets it is clear that the criminal law has been of little relevance to plastic bullet victims. Civil law, on the other hand, has been widely employed and the state has had to pay bullet victims well over £1 million in compensation.

## 2. The Criminal Law

Only one plastic bullet case has reached the criminal courts. In 1986, an RUC officer was acquitted by Mr Justice Hutton, now the Lord Chief Justice, of the manslaughter of Sean Downes, shot at an anti-internment rally in 1984. In his defence, the accused policeman stated that he had fired to protect two other officers whom Downes appeared to him to be about to strike with a stick.

In finding him not guilty, the judge said:

*"In the circumstances of sudden attacks I think it probable that the accused did act almost instinctively to defend his comrades without having time to assess the situation in the light of his knowledge of the police regulations."*

Critics of the finding would however question whether the use of potentially lethal plastic bullets at relatively close range could be "reasonable minimum force" at all when fired at a man armed with a stick. During the trial it also emerged that the regulations on the use of the bullets had not been followed.

since Downes was struck in the chest and the weapon had been fired from less than twenty metres.

## Criminal Offences

The crimes which may, in law, be committed when a person is killed or injured by a plastic bullet are as follows murder, manslaughter and assault and battery.

- Murder:** If the firing of the bullet is an operating and substantial cause of death then the firer may be charged with murder if he (women in the RUC and army do not generally carry guns) intended either to kill any person or to cause really serious injury to any person. Even if he did not have either of these intentions he is guilty of murder if the jury (or if there is no jury in the case, the judge) infers such an intention from the accused's knowledge or foresight of what would naturally result from his actions. Juries/judges are entitled to take into account the "social utility" of the accused's act when deciding what degree of risk-taking is legally acceptable.
- Manslaughter:** Voluntary manslaughter is murder committed under provocation (see below under defenses). Involuntary manslaughter (the crime with which the firer of a fatal plastic bullet is most likely to be charged) is the causing of death with any of the following intentions: to do an act which, whether the accused knows it or not, is unlawful and dangerous in the sense that it is likely to cause personal injury; to do an act being grossly negligent as to whether death or serious injury would be caused; to do an act being reckless as to whether death or serious injury would be caused. "Unlawful acts" in this context include the use of a degree of force which is unreasonable in the circumstances. What is dangerous, grossly negligent or reckless is objectively ascertained, ie regardless of the actual state of mind of the accused.
- Assault and Battery:** Simple assault is intentionally or recklessly causing someone to expect immediate and unlawful personal violence; battery is intentional or reckless infliction of personal injury. In addition, assault causing actual bodily harm is an offence under section 47 of the Offences Against the Person Act 1861; under section 18 it is an offence to wound someone unlawfully and maliciously with intent to do grievous bodily harm (wounding usually implies a breaking of the skin), and under section 20 it is an offence simply, unlawfully and maliciously to wound someone or to inflict on them grievous bodily harm.

## Defences

There are three important defences open to anyone accused of the crimes of murder, manslaughter or assault and battery. These are a) self-defence, b) mistake c) provocation and d) the use of such force as is reasonable in the circumstances in the prevention of crime.

- Self-defence:** To take advantage of this defence, the accused must show that he honestly believed that the person killed (or aimed at) was mounting an unjustified and immediate attack against the accused, against someone else or against someone's property, and that the amount of force used was reasonable in the circumstances. If these points are proved the accused person is completely exonerated.
- Mistake:** This too is a complete defence to the accused, provided he shows that his mistake was one of fact (e.g. that X was about to attack him) rather than one of law (e.g. that he was entitled to kill any thief).
- Provocation:** This is a defence to a charge of murder. If proved it has the effect of reducing the charge to one of voluntary manslaughter.
- Use of reasonable force:** This is a special defence enshrined in section 3(1) of the Criminal Law Act (NI) 1967 (and in legislation applying elsewhere in the United Kingdom):
 

*"A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large."*

### 3. Use of reasonable force

The difficulty in obtaining convictions against the security forces with regard to the use of force has already been noted. One of the reasons for this has been interpretations by the courts of what constitutes the "reasonable use of force".

Two cases (not involving plastic bullets but raising relevant issues) considered by the House of Lords, the highest court of appeal in the United Kingdom, have been especially influential. In the first, the McElhone case (1977) the House of Lords considered a case in which a soldier shot and killed a fleeing farmworker whom he (wrongly) suspected was a "terrorist". In this case, in assessing what degree of force was reasonable in the circumstances, the judgment refers to considerations far beyond any immediate threat posed to the soldier (it was accepted that there was no question of self-defence and that the farmer was unarmed).

Included in the circumstances mentioned by Lord Diplock as relevant to the appropriateness of the soldier's actions in shooting the running farmworker dead were:

- the position of the army operating "in a state of armed and clandestinely organised insurrection" where "as events have repeatedly shown, if vigilance is relaxed violence erupts again";
- that there was material upon which the view might be taken that "the accused had reasonable grounds for apprehension of imminent danger to himself and other members of the patrol if the deceased were allowed to get away and join armed fellow-members of the Provisional IRA who might be lurking in the neighbourhood";

- that while a reasonable person might know that to fire a bullet at the range the soldier fired at carried a grave risk of harm to the farmer, "in the other scale of the balance it would be open to the jury to take the view that it would not be unreasonable to assess the kind of harm to be averted by preventing the accused's (sic) escape as even graver - the killing or wounding of members of the patrol by terrorists in ambush, and the effect of this success by members of the Provisional IRA in encouraging the continuance of the armed insurrection and all the misery and destruction of life and property that terrorist activity in Northern Ireland has entailed".

In the Farrell case (1980) a civil action was taken against the Ministry of Defence for the killing by four soldiers of three men who were running away after attempting an unarmed robbery. The House of Lords held that if the force used was reasonable in the circumstances in which the soldiers used it, the defects, if there were any, in the planning of the operation, would not deprive them of that defence and render the force used unreasonable. The case was taken to Europe where an out-of-court settlement resulted in the government paying £37,500 to Mrs Farrell.

#### 4. Need for stricter definition on use of force

The European Convention of Human Rights has stricter guidelines than British law on the use of force. It states that:

*"deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than is absolutely necessary"*.

The Standing Advisory Commission on Human Rights has repeatedly called on the Secretary of State to set in hand an independent review of section 3 with a view to defining more closely the situations in which plastic and real bullets may legitimately be used by the police and army. The government has consistently refused to do so.

The suggestion has also been made that a new code of practice on the use of lethal force be issued to the security forces, transgression of which would constitute an offence. The code should be published and made available to the public.

In addition, the law of Northern Ireland (as well as the law of England) does not make provision for a doctrine of excessive defence. That is to say, it does not lay down that a person accused of murder who uses excessive force in defending him/herself can be guilty of any crime other than murder. In such cases the accused person must either be convicted of murder or acquitted.

There is no half-way house where s/he can be convicted of manslaughter. From time to time the law in Australia and in the Republic of Ireland, and to a lesser



extent in Scotland, has catered for just such mid-way solutions. In his 1987 review of the workings of the Emergency Provisions Act, Lord Colville said in a discussion about reforms along the Australian lines:

*"If it led to the adoption of a lawful verdict between the extremes, the change would go some way to satisfying the community after such an incident, and would also be just to members of the security forces."*

And the House of Lords Select Committee on Murder and Life Imprisonment published a report in 1989 recommending that the defence of excessive force, where some force is reasonable, be available in British law to reduce a murder charge to manslaughter.

In England and Northern Ireland it seems that the only way in which the accused's action might be characterised as manslaughter is by leaving it to the jury (or judge sitting alone) to label it as grossly negligent (even though also intentional).

## 5. The Civil Law

Civil law has been widely employed in relation to plastic bullets. There are two kinds of claims; those based on the law of negligence and/or trespass to the person and those which are criminal injury claims.

### Claims for negligence or trespass

As yet it appears that very few claims for compensation for negligent injuries by plastic bullets have been successful in the courts. Some claims have been settled out of court, with the M.O.D. or Police Authority not admitting liability. Nor have the courts exercised their special power to award compensation to the victims of crimes whenever the perpetrators of these crimes (who may be rioters or members of the security forces) have been convicted. Coroners' inquests are not empowered to award compensation or to pinpoint civil or criminal liability.

Civil proceedings in respect of plastic bullets are likely to be based on the law of negligence and/or trespass to the person. The Ministry of Defence and the Chief Constable of the RUC will usually be vicariously liable for the wrongs committed by soldiers and police officers.

Negligence: To prove negligence in law the plaintiff must show:

- (a) that the defendant(s) owed the plaintiff a "duty of care";
- (b) that the standard of care required by that duty was not met;
- (c) that the breach of that standard caused the plaintiff injury.

The required standard of care varies with the circumstances and tends to be a rather general description. A lower standard is owed in "emergencies" but a higher standard is owed in relation to young children. Whatever is normal standard of care practice is not always enough to comply with the legally

required standard, but it is notoriously difficult to have policy decisions condemned by the courts in this context.

- Trespass: To prove trespass to the person (the civil law equivalent to assault and battery) no actual damage need be proved but intention or negligence on the part of the defendant must be shown.

To be able to hold the MOD or the Chief Constable of the RUC vicariously liable, the plaintiff must prove that the individual soldier or police officer was acting "in the course of his or her employment". The commander on the spot is not vicariously liable because all Crown servants are fellow servants and do not stand with respect to one another in the relationship of employer and employee.

## Defences

The defences open to a defendant in a civil case would be;

- contributory negligence by the plaintiff;
- "ex turpis causa non oritur actio", i.e. a wrongdoing plaintiff cannot take advantage of the law to claim compensation;
- "volenti non fit iniuria", i.e. the plaintiff consented to the risks he was running;
- the Criminal Law Act (N.I.) 1967, section 3(1) i.e. use of reasonable force

All of the last three, if proved, operate as total defences, but contributory negligence is only a partial defence. All of them, except the one provided by the 1967 Act, are not often upheld by the courts, especially in cases involving child plaintiffs. The House of Lords (sitting as a court of law) has recently suggested that even the 1967 Act can be no defence to the negligent planning of an operation (See the Farrell case, above).

## 6. Criminal Injury claims

Criminal Injury claims (now under the Criminal Injuries (Compensation) (N.I.) Order 1988) have in practice been the main legal result of deaths and injuries.

The majority of cases are settled out of court by the MOD or RUC, resulting in little publicity or public knowledge of the case. This system has been criticised because it prevents a full examination and public disclosure of the facts of the case. Victims of the bullets, who are usually not well off, and who often feel they have been denied justice by the legal system already through the lack of prosecutions of the firers of the bullet, are often under enormous pressure to settle 'for what little they can get' in the face of the prospect of having to go through the trauma of reliving the death or injury in court and the likelihood of finding themselves 'under trial' by having to prove they or their relatives were not rioters.

Those who have proceeded with court cases in recent years have generally been awarded significant damages.

For those who are awarded compensation, however, further personal problems often ensue since state benefits are cut off once a person possesses over a few thousand pounds.

# Compensation

## 1. Introduction

To succeed in a criminal injury claim, a plaintiff must show that he or she sustained injury as a result of the violent offence of another person: it is not always necessary that some person be first convicted of committing the violent offence. The offence must have been an intended or reckless one. The plaintiff may be denied relief if his or her provocative or negligent behaviour contributed directly or indirectly to the injury, if he or she has ever been a member of an unlawful organisation or if he or she has ever been engaged in "acts of terrorism". In these cases a plaintiff would be better advised to bring an action for negligence or for trespass.

Claims are made initially to the Northern Ireland Office. Only appeals go to the courts. It is important to note that in no compensation cases have the police or army admitted liability.

Exact figures paid out are not known, but the total amount paid out by the NIO, Police Authority and Ministry of Defence has been well over £1 million. Information on compensation is difficult to obtain, and the picture that follows is therefore incomplete.

Compensation to the families of people killed by plastic bullets has been as follows: (as of March 1990)

NAME	AGE	AMOUNT
Michael Donnelly	21	£8,500
Julie Livingstone	14	£18,500
Carol Anne Kelly	12	£25,000
Nora McCabe	33	£25,000 plus
Henry Duffy	45	Case pending
Peter McGuinness	41	Case pending
Stephen Geddis	10	compensation paid but not known
Stephen McConomy	11	compensation paid but not known
Peter Doherty	40	Not known
Brian Stewart	13	compensation refused
Sean Downes	22	£25,000
Paul Whitters	15	case pending
Keith White	20	case pending
Seamus Duffy	15	case pending

## 2. Claims against the police

The RUC began to use plastic bullets in 1978. As will be seen, the full figures on amounts paid out in compensation by the police since then are not known. Particularly, figures relating to compensation for deaths and injuries in the period between 1978 and 1972 are not available, according to the government.

Information which has been revealed or discovered includes:

- Between January 1982 and 31 July 1989 the Northern Ireland Police Authority paid out £631,000 in 67 different claims for deaths and injuries, the Authority said.

In a written parliamentary answer in July 1988, Northern Ireland Office minister Ian Stewart said that:

- In the ten months between May 1981 (the time of the hunger-strikes) and March 1982, 34 claims were made against the RUC.
- Between 1982 and July 1988, 183 cases were taken.
- Of these 107 had been concluded by July 1988, leaving 76 still outstanding.
- Of the 107 concluded cases, liability was denied in 35, another 15 were disallowed in court, there were 9 cases of no further proceedings, and 48 cases were concluded with an amount of £505,516 paid in compensation (with no admission of liability).
- Of the 48 concluded cases, 15 were the subjects of awards from the courts worth a total of £90,315 (average £6,061). The 33 out-of-court settlements came to £415,201 (average £12,582).

The results of the remaining 73 cases still (in July 1988) being dealt with have yet to be discovered.

### Tables of Claims

The following tables illustrate various individual cases of claims against the Royal Ulster Constabulary. They have been compiled from various sources including solicitors files, newspaper reports and parliamentary records.

The tables have been laid out in the following way:

- Table A:  
the 15 awards made in court, reported in Hansard
- Table B:  
additional court payments not included in Hansard
- Table C:  
cases settled during court proceedings
- Table D:  
cases settled out-of-court

**Table A**

**Court Awards**

The 15 awards made in court between 1982 and July 1988 and reported in Hansard, the record of proceedings in the Houses of Parliament at Westminster, were as follows:

Date of incident	Amount paid	date of settlement
15 July 1981	£750	21 April 1982
24 April 1981	£2,000	21 March 1983
20 April 1981	£515	3 November 1983
9 August 1981	£3,000	20 December 1983
2 August 1984	£3,000	December 1984
9 August 1980	£1,500	11 December 1984
21 May 1981	£1,000	14 December 1984
8 July 1981	£41,000	19 December 1984
9 August 1980	£750	27 December 1984
9 August 1980	£1,250	27 December 1984
8 July 1981	£2,000	February 1985
22 May 1981	£8,500	4 June 1985
12 August 1984	£10,000	18 December 1986
May 1981	£14,050	8 July 1987
9 August 1986	£1,000	29 December 1987
<b>Total</b>	<b>£90,315</b>	

Source: Hansard, 28 July 1988

**Table B**

**Court awards not included in Hansard**

Additional court awards which do not appear to be included in the Hansard table (some cases may have been initiated before 1982) are as follows:

Name	Date of Incident	Date of Award	Amount
Brendan Kelly	Maghera 1981	September 1982	£32,500 <sup>(1)</sup>
James Doyle	Belfast 1981	February 1984	£2,500 <sup>(2)</sup>
William Quinn	Portadown '86	March 1987	£2,000 <sup>(3)</sup>

(1) Belfast Telegraph, 23/9/82  
 (2) Irish Times, 24/2/84  
 (3) Irish News, 5/3/87

Table C

Cases settled during court proceedings

Examples of cases which were settled during court proceedings, (as settled on counsel's briefs) some of which probably are included in the government's figure of £415,201 (for the 33 settled cases) include the following:

Name	Date of incident	Date of award	Amount
Sarah Begley	June 1981	November 1982	'over' £30,000 <sup>(1)</sup>
Norah McCabe	July 1981	November 1984	'over' £25,000 <sup>(2)</sup>
Dominic Marron	May 1981	March 1986	'over' £100,000 <sup>(3)</sup>
Paul Curran	Dec 1984	February 1988	'substantial five figure sum' <sup>(4)</sup>
Eugene Faloon	July 1986	February 1988	'undisclosed' <sup>(5)</sup>
Hugh Patrick Quinn	August 1980	November 1984	'undisclosed' <sup>(6)</sup>

(1) Irish Times, 23/11/82  
 (2) Belfast Telegraph, 30/11/84  
 (3) Irish News 12/3/86  
 (4) Belfast Telegraph, 10/2/88  
 (5) Irish News, 5/2/88  
 (6) Irish News, 8/11/84

Table D

Cases settled out-of-court

Examples of cases which were settled before reaching court (and which are also probably included in the £415,201 figure given by the government) include:

Name	Date of Incident	Date of Award	Amount
x	August 1984	December 1986	£10,000 <sup>(1)</sup>
x	August 1984	March 1987	£6,500 <sup>(2)</sup>
x	May 1981	January 1988	£1,000 <sup>(3)</sup>
x		May 1988	£900 <sup>(4)</sup>

(1,2,3,4) All from solicitors files.

## Postscript

On 14th March, 1990, Mrs Sarah Jane Robinson from Portadown was awarded £10,000 at Belfast High Court after settling an action against the RUC following an incident on July 13, 1985, when she was hit by a plastic bullet while out to watch Black men returning from the annual Scarva Sham Fight. She was 'unable to escape from the immediate area when disturbances occurred, and she was hit in the upper left thigh by a plastic baton round discharged by a police officer'. Her solicitors said that the injury, which necessitated skin grafting, had resulted in muscle wasting in the leg. (Belfast Telegraph, 14/3/1990).

## 3. Claims made against the army

Even less information is known regarding claims made against the Ministry of Defence. However, the MOD said that between April 1987 and August 1989 it had paid out £330,000 to settle 18 injury cases and one fatal incident. It said in 1989 that no figures were available for before 1987 - although such data clearly was used in relation to Northern Ireland Office figures on compensation payments (see Section 6).

On the 30 March 1977 the MOD said it "could identify" 66 claims for damages relating to both plastic and rubber bullets. Two cases had been successfully contested in court, one was under appeal by the plaintiff, a third case was lost and the MOD were considering appealing. Compensation had been paid out in 10 cases, 28 were still under consideration, and 25 had not been pursued by the claimant. (Hansard, 30/3/1977)

Other official statements say:

- 45 cases were taken against the Ministry of Defence in the ten months between May 1981, during the period of the hunger-strikes, and March 1982 (Hansard, 4/3/1982);
- Between January 1987 and 8 July 1988 a total of 12 claims were made against the MOD;
- Ten of these claims were made in 1987, and two in the first half of 1988;
- In July of 1988 two of these claims had been settled for sums of £500 each, and the others were still under consideration (Hansard, 11 July 1988).

## Tables of Claims

In the following tables examples are set out of individual cases known to have been taken and settled against the Ministry of Defence, in the following categories:

- Table E:  
awards made in court



- Table F:  
cases settled during court proceedings;
- Table G:  
cases settled before court proceedings

### Table E

#### Awards made in court

This table contains examples of cases against the MOD which were the subject of court awards.

Name	place of incident	date of award	amount
"W"	Belfast July 1981	January 1983	£1,500 <sup>(1)</sup>
Sean Tumelty	Belfast May 1981	March 1988	£205,000 reduced to £41,000 <sup>(2)</sup>
Steve Benbow	Belfast		£13,500 less 10% = £12,150 <sup>(3)</sup>

(1) Bulletin of Northern Ireland Law (BNIL) No 2 1985  
 (2) Bulletin of Northern Ireland Law (BNIL) No 4 1988. This award was the highest ever given before being reduced. Mr Tumelty had been brain damaged and paralysed by a bullet. He is appealing the ruling that because he was involved in rioting only 20 per cent of the full award be paid.  
 (3) Information on Ireland.

### Table F

#### Settlements made during court proceedings

This table contains examples of cases against the MOD but settled in the middle of court proceedings.

Name	Place of Incident	Date of Award	Amount
Francis Johnston	Belfast 1981	Sept 1985	approx £15,000 <sup>(1)</sup>
Martin Rooney	Belfast July 1981	June 1986	undisclosed <sup>(2)</sup>
Stephen Montague	Belfast Aug 1979	Dec 1986	"five figure sum" <sup>(3)</sup>
Ciaran Rice	Belfast May 1981		four figure sum <sup>(4)</sup>
Michael McAlorum	Belfast June 1981		four figure sum <sup>(5)</sup>

(1) Guardian 8/10/85  
 (2) Belfast Telegraph 19/6/86  
 (3) Belfast Telegraph 3/12/86  
 (4,5) Information on Ireland

**Table G**

**Settlements made out-of-court**

Examples of cases where the MOD settled with victims or their families out of court.

Name	Place of Incident	Date of Award	Amount
x	Belfast	Feb 1986	£10,000 <sup>(1)</sup>
x (a minor)	Belfast Aug 1981	Mar 1988	£25,000 <sup>(2)</sup>
x	Belfast May 1981	Jan 1987	£25,000 <sup>(3)</sup>
Julie Livingstone	Belfast May 1981	June 1983	£18,500 <sup>(4)</sup>
Michael Donnelly	August 1980	June 1984	£8,500 <sup>(5)</sup>

(1) (2) (3) Solicitors records  
 (4) Independent, 23/8/89 1989  
 (5) Guardian 15/6/85

**4. Cases taken under the Criminal Injuries Legislation (against the Secretary of State): Table H**

Name	Place of Incident	Date of Award	Amount
Houston	Derry March 1981	October 1985	£27,000 cut to £9,000 <sup>(1)</sup>

(1) Bulletin of Northern Ireland Law, 12, 1988

**5. Rubber bullet injury claims known: Table I**

The known claims made for incidents involving rubber bullets are all against the Ministry of Defence.

Name	Incident	Date of Award	Amount
Richard Moore (minor)	Derry June 1972	April 1977	£68,000 <sup>(1)</sup>
Emma Groves	Belfast Nov 1971		£35,000 <sup>(2)</sup>
Patrick Deery	Belfast 1972		£20,000 <sup>(3)</sup>
x v. MOD		January 1987	£25,000 <sup>(4)</sup>
x v. RUC		January 1988	£1,000 <sup>(5)</sup>
x(minor) v. MOD		March 1988	£25,000 <sup>(6)</sup>
x v. RUC		March 1987	£6,500 <sup>(7)</sup>
x v. RUC		December 1986	£10,000 <sup>(8)</sup>

(1) Irish Press, 2/3/77  
 (2,3) Information on Ireland  
 (4,5,6,7,8,) Solicitor's files

## 5. Northern Ireland Office figures

Another compilation of figures paid out in compensation appeared in the Hansard parliamentary records for December 2, 1988. On that date, the Northern Ireland Office said:

- that in 1982, £39,250 was paid;
- in 1983, £5,515 was paid;
- in 1984, £57,800 was paid;
- in 1985, £59,700 was paid;
- in 1986, £245,000 was paid;
- in 1987, £96,000 was paid;
- from January to October 1988, £7,700 was paid;
- the total between 1982 and October 1988 was £510,965.

# European and International Law

## 1. European Human Rights Law

### The European Convention on Human Rights

Campaigners against plastic bullets, encouraged by a call from the European Parliament for a ban on the weapon (without an accompanying enforcement power however), were, in the early '80s, hopeful that a case taken to the European Court of Human rights would boost efforts to have the weapon banned. The case failed, however, and legal opinion has since been divided as to whether another case might succeed.

### Taking a case to Europe

The European Convention on Human Rights was drawn up by the Council of Europe (not by the E.C.) in 1950. Cases alleging that the Convention has been breached are considered first by the European Commission of Human Rights. If that Commission decides that the case is "admissible" it may then be considered by the European Court of Human Rights. Both of these bodies sit at Strasbourg in France. The Commission is staffed by 23 commissioners and the Court by 23 judges - one from each member state of the Council of Europe. The commissioners and judges are not always judges in their own countries. It is not uncommon for cases to be settled before they reach the European Court. This happened in the Farrell case from Northern Ireland in 1984 (see page 19) and can therefore not stand as a precedent for any future case.

The U.K. ratified the Convention in 1953, which meant that from then on the Convention was binding on the U.K. in international law. Any other state on which the Convention is binding can take a case against the U.K. if it believes that the U.K. has laws or procedures which are in breach of the Convention. This is what Ireland did in 1976 when it complained that the use of the so-called five techniques by the security forces in Northern Ireland (wall standing, hooding, subjection to noise, restricted diet and deprivation of sleep) was contrary to Article 3 of the Convention ("No one shall be subjected to torture or to inhuman or degrading treatment or punishment"). The ultimate decision was that the five techniques amounted to inhuman or degrading treatment, but not to torture.

Since 1965 the U.K. has been one of the states which allows its own citizens to take cases against it in Europe, though this right has since then been granted for only five years at a time, not permanently. Before any citizen can bring such a case the Convention says that he or she must first exhaust all remedies available in the U.K. courts. This is what Mr. Malone had to do in 1982 when he alleged that the police had unlawfully tapped his telephone: all the U.K. courts denied him any relief (even the House of Lords) and he succeeded only when he took

the case one step further into Europe. The phone-tapping was held to contravene Art. 8(1) of the Convention ("Everyone has the right to respect for his private and family life, his home and his correspondence")

Other rights and freedoms protected by the Convention include the rights to life, liberty, security of person, freedom of expression and freedom of peaceful assembly. The protection is sometimes qualified in that a state may interfere with the rights in order (for example) to preserve national security or public safety. Moreover, under Article 15 a state may, in time of war or other public emergency threatening the life of the nation, take measures "derogating from" (i.e. reducing) its obligations under this Convention. The U.K. issued notices of derogation in respect of the Northern Ireland (Emergency Provisions) Act 1978, but it withdrew these in August 1984, claiming that the law in Northern Ireland was no longer inconsistent with the European Convention. After losing the Brogan case in November 1988, the U.K. government re-issued a notice of derogation in respect of seven-day detention powers under the Prevention of Terrorism Act.

More cases have been taken against the U.K. under the Convention than against any other state. About 800 provisional U.K. files are opened each year. No other state has had so many cases declared admissible by the Commission, nor lost so many before the Court. More than 35,000 applications have been sent to Strasbourg from all over Europe since 1955, about 500 have been declared admissible and more than 90 judgments delivered by the European Court. One reason why people do not obtain adequate relief in U.K. courts is that these courts are not themselves bound by the Convention: the Convention is not part of the U.K.'s national law.

Several Articles in the European Convention on Human Rights provide protection similar to those in the United Nations' documents. By Article 2(1) everyone's right to life shall be protected by law, but by Article 2(2):

*"Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which 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 purposes of quelling a riot or insurrection"*

By Article 13:

*"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity".*

These provisions are fully binding on the U.K. government but to date no judgment concerning the use of force in Northern Ireland has been pronounced against that government by the European Court of Human Rights. In 1983 the government avoided a confrontation in the European Court by agreeing to pay damages out of court to the widow of a man shot dead by the Army in Newry (the Farrell case: see page 19 above)).

In 1984 the European Commission on Human Rights heard a case involving the death of a boy in Northern Ireland, Brian Stewart, who was killed by a plastic bullet.

## 2. The Stewart Case

### The Facts

In October 1976 Brian Stewart, aged 13, died after being struck on the head by a plastic bullet fired by a British soldier serving in Northern Ireland. At a coroner's inquest held 14 months later, in December 1977, an open verdict was returned. In May 1979, the county court judge for Belfast rejected a claim by Brian's mother, Mrs Kathleen Stewart, alleging negligence and assault against the Ministry of Defence. The judge found that there had been a riot in progress, that the lives of the army patrol were in peril and that the firing of the baton rounds was justified in the circumstances. Mrs Stewart appealed to the High Court in Belfast, but in March 1982 her appeal was dismissed: the judge held that the firing of the plastic bullet was reasonable for the prevention of crime in accordance with section 3 (1) of the Criminal Law Act (N.I.) 1967.

### The claim

In August 1982 Mrs Stewart applied to the European Commission of Human Rights for a decision that under the European Convention on Human Rights she had an admissible case against the U.K. government. She was represented by Barbara Cohen (of the National Council for Civil Liberties in London) and by Lord Gifford QC. The claim was based on Articles 2,3, and 14 of the European Convention; the arguments raised were as follows:

Under Article 2, "*Everyone's right to life shall be protected by law...*":

- that widespread use of plastic bullets as a method of crowd control infringed this right;
- that the right is infringed when a person is killed unintentionally;
- that in the circumstances of this case the force used was more than was absolutely necessary to defend the army patrol or to quell a riot;
- in the circumstances of this case there was no riot at the time.

Under Article 3, "*No-one shall be subjected to torture or to inhuman or degrading treatment or punishment*":

- that Brian Stewart was subjected to inhuman treatment or punishment.

Under Article 14, "*The enjoyment of the rights in this Convention shall be secured without discrimination...*":

- that plastic bullets have been used wholly or predominantly against Roman Catholics or people with republican opinions.

### The defence

The U.K. Government denied all these claims and also alleged that Mrs Stewart had no right to bring a case in Europe because she had not first exhausted the remedies available to her in Northern Ireland. In particular she had not adduced any evidence in the Northern Irish courts to show a failure on the government's part to provide means of quelling a disorderly crowd apart from the use of plastic bullets, the government said.

### The decision

Mrs Stewart's application was held to be inadmissible, ie she lost. The reasons given were:

- Mrs. Stewart had exhausted her remedies in Northern Ireland, but the point at issue here was not the use of plastic bullets in general but their use in this particular case;
- Article 2 does cover unintentional killings, but in this case the force used was no more than absolutely necessary;
- this meant that Article 3 was not breached;
- there was no evidence to support a breach of Article 14

## 3. International Law

There are several international conventions which the use of plastic bullets may well contravene. Some are concerned with the use of force within countries, others with the use of force between countries. The latter are more specific: for example, the 1899 Hague Convention for the Pacific Settlement of International Disputes (as amended) prohibits the use of weapons which are of a nature to cause superfluous injury, and of arms, projectiles or missiles which are calculated to cause unnecessary suffering. There is even an 1899 Declaration on Expanding Bullets, which bans bullets that expand or flatten easily in the human body.

Conventions dealing with the use of force within countries tend to be worded very generally. Various articles in the U.N.'s Universal Declaration of Human Rights of 1948 guarantee the right to life, the right to be free from torture and cruel, inhuman or degrading treatment or punishment, and the right to freedom of expression and peaceful assembly. Article 6 (1) of the U.N.'s International

Covenant on Civil and Political Rights, which has been ratified by the United Kingdom, provides that:

*"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."*

The United Kingdom, however, has not recognised the competence of the U.N.'s Human Rights Committee to consider complaints from individuals in the U.K. concerning alleged violations of the International Covenant.

Apart from being able to argue that these provisions of public international law may have been breached, the person injured by a plastic bullet may conceivably be able to sue the manufacturers of the bullets, or of the guns. As many of the bullets are made in the United States, and as most of the states there have a fairly plaintiff-oriented products liability law, the Northern Ireland plaintiff might stand a decent chance of recovering compensation. He or she would still have to prove, though, negligent design or inadequate testing/warning.

If the fault lay in the gun rather than in the bullet, the manufacturers of the gun could be sued instead. (This may have particular relevance in that in three of the last four cases where people have died as a result of plastic bullet wounds, the police have claimed that the guns used were faulty). The 'sights' in the guns have been alleged to be defective, and there have also been allegations that the cap in the gun which is meant to hold the bullet in place sometimes becomes dislodged and embeds itself in the victim).

New laws which came into effect throughout the European Community in July 1988 may strengthen plaintiff's possibilities. The Brussels Directive requires states to impose strict liability on the manufacturers of products. There are complex legal issues here, but it is likely that if an action were brought in America it would be American rather than Northern Irish law which would be applied to determine the rights and liabilities of the parties. If an action were brought in the United Kingdom against a foreign manufacturer it is likely that liability would be determined in accordance with the Consumer Protection Act 1987 and the Consumer Protection (NI) Order 1987, which implements the Brussels Directive. The 1987 legislation allows defendants to argue that at the time the product was manufactured the "state of the art" was such that no-one could have foreseen the fault which occurred; this is wider than the defence allowed under the Directive and the United Kingdom may have to amend the legislation accordingly.



# The Case for a Ban

## 1. The government's case

The government's case in defence of the use of plastic bullets rests on a number of claims.

- That the baton round is not designed to be a lethal weapon.
- That there is no viable alternative for the security forces in riot-type situations.
- That if the security forces did not have plastic bullets for use in riot situations; soldiers and police might have to use lead bullets instead.
- That the use of plastic bullets constitutes the use of "reasonable force" in the face of the dangers presented by rioters.
- That the use of baton rounds is subject to strict rules.

## 2. The government's case refuted

The government's claims will be looked at in order.

- "The baton round is not designed to be a lethal weapon."*

Critics say that, whatever the baton round was or was not designed to be, it has, in practice, (where it counts), been shown to be a lethal weapon. The government may argue that any weapon (say a pillow, broom handle etc) has, in extraordinary circumstances, lethal potential. But, in that case, the only valid criterion for judging a weapon lethal or non-lethal, or for judging its appropriateness in any given set of circumstances, must be based on its performance in those circumstances.

Judged on its performance, the plastic bullet must properly, to all intents and purposes, be considered far too lethal a weapon, on at least three counts.

- It has been the cause of fourteen deaths, many in situations which have not fitted the "extraordinary" criterion necessary to explain a "non-lethal" weapon causing a fatality;
- Fourteen deaths and many hundreds of life-changing injuries are an unacceptable - indeed absurd - record for a "non-lethal" weapon whose intended use is supposed to be first as a deterrent and second as an inflicter of minor wounds;
- Medical evidence stating that when plastic bullets hit the head and brain they often cause death indicates that the weapon has innate (as opposed to extraordinary) lethal potential.

The figures for plastic bullet deaths (approximately one for every 4,000 bullets fired) are worse than the figures for rubber bullets (about one in every 18,000). Plastic bullets were introduced because the rubber variety were considered too dangerous. Unfortunately there are no statistics available to enable a comparison of the injuries, but a medical survey indicated that plastic bullets were more likely to cause fatal injuries.

□ *"There is no viable alternative for the security forces in riot-type situations."*

**T**he answer to this claim must first record the stark fact that most of those killed and a great many of the injured had played no part in rioting whatsoever. Plastic bullets are hitting innocents.

Critics remain unconvinced that the security forces could not do without plastic bullets. The government has asserted rather than proved its claim that there could be no alternative. In spite of the widespread concern throughout the community, the government has never seen fit to publish a report setting out exactly its reasons for continuing to use the weapon, or outlining its attempts to find alternative ways of dealing with the riot situations, which, in any event, are decreasing.

Answering objections, government spokespeople have over the years said that in riot situations some form of ammunition is necessary. It has been said that water cannon are too cumbersome and run out of "ammunition" too quickly; that their appearance raises the temperature of a riot and that they can be easily over-run by rioters. CS smoke canisters have been viewed as unreliable by the security forces in Northern Ireland (who used them in the early 1970's), because the wind can blow the smoke back into their own faces.

But the government has not shown that it has diverted many of its considerable resources to finding an acceptable riot-control alternative. Government spokespeople have criticised opponents of the weapon for not coming up with alternatives - but the job of finding alternative, safe, ways of coping with riot situations is quite clearly the government's own responsibility - and it is the only agency with the resources to do so.

Government has also not heeded the social science research which suggests that if crowd-containing weapons are used persistently they make conflicts more intense by increasing the likelihood of retaliatory aggression. Empirical research conducted into anti-Vietnam War demonstrations in the United States showed direct links between the appearance on the scene of riot police and outbreaks of disorder. More sophisticated methods of deploying personnel, such as the use of snatch squads to arrest rioters are not necessarily more dangerous from the point of view of the security forces and are much less risky to the general public.

Government must now accept that riot control is not something to be achieved at any price. Weapons have in the past been rejected because they were viewed as too dangerous. Plastic bullets were a new weapon in 1974, which could explain

protecting the public. Experience has shown that the weapon cannot be made "safe" or non-lethal by issuing guidelines or rules.

Finally, the relevance of rules would appear to be dubious for a weapon described thus by Ian Hogg, editor of Jane's Counterinsurgency:

*"It's just a slab of plastic and with the best will in the world you can't guarantee where it's going to go when you pull the trigger - you do your best to aim at a specific spot but it has no ballistic shape, doesn't spin so it's not stable that way, and it will hit and bounce and do all sorts of stupid things."*

## CONCLUSION

In summary, plastic bullets have been shown to be lethal; most of those killed and many of the injured had nothing to do with rioting; it has not been proven that the bullet is the only recourse open to the security forces for the purpose of riot control; the record shows that the controls over the bullets' use have been inadequate or not applied and the fatalities and injuries inflicted make the bullet inconsistent with the principle of minimum force.

The Committee on the Administration of Justice believes that plastic bullets must be withdrawn. It views with extreme alarm the possibility that use of the bullet may be extended to the Ulster Defence Regiment. The damage already done, and the risks certainly ahead if this bullet continues to be used, are much too serious to merit any further delay in removing such an offensive weapon.

## Further reading

1. **They Shoot Children.** The use of Rubber and Plastic Bullets in the North of Ireland. Published by Information on Ireland, 1987
2. **Report of Second International Inquiry on Plastic Bullets.** 1982.
3. "*The harmless bullet that kills*", Dr Tim Shallice in *New Statesman*. 14/4/81
4. "*Plastic Bullets: The medical facts*", Dr Paul Redgrave in *World Medicine*. 5/2/83
5. "*Injuries caused by Plastic Bullets compared with those caused by rubber bullets*", Dr Laurence Rocke, in *The Lancet*. 23/4/1983
6. "*No weapon which deters rioters is free from risk*", Stuart Weir in *New Society*. 21/7/83
7. "*Abuse and failure in security policies*", Kevin Boyle, Tom Hadden and Dermot Walsh in *Fortnight*, September 1983.
8. "*Plastic bullets - a reasonable force?*", Jonathan Rosenhead in *New Scientist*, 17/10/1985.
9. "*The anatomy of plastic bullet damage and crowd control*", Eileen K Metress and Seamus P. Metress in *International Journal of Health Services*, Vol 17, No 2, 1987.
10. "*Bullets above the law*", Anthony Jennings in *Justice under Fire*. Pluto, 1989.
11. **Rubber and Plastic Bullets kill and maim**, Frs Denis Faul and Raymond Murray. 1981.
12. **Plastic Bullets - Plastic Government. Deaths and Injuries by Plastic Bullets**, August 1981 - October 1982. Frs Denis Faul and Raymond Murray, 1982.
13. "*The technology of riot control*", Jonathan Rosenhead in *New Scientist*. 23/7/81
14. **Plastic Bullets, the deadly truth.** Video issued by the United Campaign against Plastic Bullets.
15. **Information on Ireland: various statistics.**
17. **Irish Information Partnership: various statistics.**
18. "*Plastic Bullets: Symbols of Ulster's divide*", David McKittrick, in *British Independent*, 23/7/1989
19. CAJ holds an extensive collection of other newspaper clippings, articles and books relating to plastic bullets which are available for consultation.

Irish Information Partnership: Agenda: Category B: Violence, Terrorism,  
 Military, Paramilitary, Security and Police Affairs:  
 Table B21: Northern Ireland: Use of Plastic Bullets: Rounds fired, fatalities  
 caused, inquests etc since 1970.

Year	Rounds Fired		Fatalities caused or allegedly caused				
	Rubber Bullets	Plastic Bullets	Name	Location	Age	Date of Death Mth/day/year	Date of Inquest
1970 (1)	238	0					
1971 (1)	16,752	0					
1972 (1)	23,363	0					
1973 (1)	12,724	42	Francis Rowntree	Belfast	11.5	4/23/72	NA
1974 (1)	2,612	216	Tobias Molloy	Strabane	18	7/16/72	NA
1975 (1)	145	3,556	Thomas Friel	Derry	21	5/22/73	NA
1976 (1)	0	3,464	Stephen Geddis	Belfast	10	8/30/75	1/8/76
1977 (1)	0	1,490	Brian Stewart	Belfast	13	10/10/76	12/7/77
1978 (1)	0	1,743					
1979 (1)	0	1,271					
1980 (1)	0	1,231	Michael Donnelly	Belfast	21	8/9/80	3/12/81
1981	0	29,695	Paul Whitters	Derry	15	4/25/81	12/10/82
			Julie Livingstone	Belfast	14	5/12/81	10/13/82
			Carol Ann Kelly	Belfast	12	5/22/81	5/21/82
			Henry Duffy	Derry	45	5/22/81	5/22/82
			Nora McCabe	Belfast	30	7/9/81	11/14/83
			Peter Doherty	Belfast	40	7/31/81	11/25/82
			Peter McGuinness	Belfast	41	8/9/81	10/27/82
			Stephen McConomy	Derry	11	4/21/82	6/17/83
1982	0	489					
1983 (3)	0	661 (2)					
1984: 1st half	0	329 (4)(5)					
1984: 2nd half	0	1,439	John Downes	Belfast	22	8/12/84	
1984: Total	0	1,768					
1985: 1st half	0	116 (6)					
1985: 2nd half	0	1,075					
1985: Total	0	1,172					
1986: 1st half		351	Keith White	Portadown		4/14/86	
1986: 2nd half		1,434					
1986: Total		1,785					
1987(7)		2,575					
1988(8)		3,065					
1989		na	Seamus Duffy	Belfast	15	8/9/89	
Total	55,834	54,223					

na = figures not available

(1) These figures cover plastic and rubber bullets fired by BA operatives only  
 RUC operatives were first issued with PBRs in October 1978, but BG has  
 refused to identify, on the grounds of disproportionate cost, the number  
 of rounds fired by RUC operatives prior to 1981.

(2) Of which BA operatives fired 116, RUC 545.

(3) The following information is available:

	1983	1984
Persons attending hospital with alleged plastic bullet injuries	4	42
Number of incidents in which plastic bullets used	60	
Number of incidents in which plastic bullets used and security forces came under fire	1	
Number of incidents in which plastic bullets used and in which petrol, blast or acid bombs were used against security forces	27	

(4) In the first half of 1984, 3 persons were allegedly injured by plastic bullets

(5) 441 up to August 1st, 1984.

(6) Figures are for period January 1st, 1985 to July 13th, 1985, during which time 4 people were allegedly injured by plastic bullets.

(7) Forty injuries alleged in 1988

(8) To October 31st, 1988 only.