



PLASTIC
BULLETS

a briefing paper

Plastic Bullets: a briefing paper

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Introduction

The use of plastic bullets has proved to be one of the most controversial aspects of policing in Northern Ireland. The weapon has been responsible for the deaths of 14 people,¹ seven of whom were children and, although few reliable statistics exist in relation to injuries,² the number is believed to be in the thousands. Furthermore, many of the deaths and injuries occurred when there was no public disturbance (the usual justification given for the firing of such bullets). According to the inquest findings, for example, only two of the fatalities occurred during rioting.³

Since its introduction, the plastic bullet has been the subject of constant and intense criticism, heated political debate, a number of legal inquiries, and several critical publications. The sole argument used by those that favour the weapon is that the government has not got any better alternative.

CAJ believes that:

- Plastic bullets are lethal weapons
- The fatalities and injuries inflicted by the bullet make its use inconsistent with the international principle of "minimum force"
- Children have been disproportionately killed and injured by the weapon
- Despite serious public disturbances in Britain, the plastic bullet has never been used there. It is an unacceptable response to public order issues in Britain, and it should be equally unacceptable for use in Northern Ireland
- Plastic bullets appear to have become a weapon of first rather than last resort
- Current guidelines are ineffective, though no guidelines could ever succeed in making this an acceptable weapon

- In practice, even the guidelines that do exist have frequently been ignored
- Charges of the sectarian use of the weapon have not been adequately answered
- Those who use plastic bullets appear to do so with impunity

This briefing outlines why plastic bullets must be banned, and argues that no modification of the guidelines governing their use will provide adequate protection against abuse. It is incumbent on the authorities, not the critics of the weapon, to come up with acceptable alternatives.

In the wake of the Good Friday Agreement, it is vital that the government, as a sign of its commitment to greater human rights protection, abandon the use of plastic bullets.

The history of plastic bullet usage in Northern Ireland

The plastic baton round (PBR), or plastic bullet, was introduced into Northern Ireland by the army in 1973. Its predecessor, the rubber bullet, first used in 1970, which resulted in three deaths and many serious injuries, was withdrawn because the serious injury rates were not considered acceptable.⁴ In the late 70s, the police increasingly took over responsibility for the policing of public disorder, and the plastic bullet was introduced for use by the Royal Ulster Constabulary (RUC) in 1978.

The weapon was used most extensively in 1981 (when 16,656 plastic bullets were fired in the month of May alone): this was the year of the republican hunger-strikes. Prior to that year, the usage had averaged slightly more than two thousand a year, and between 1982 and 1995 the average annual usage dropped to just over a thousand. However, in 1996 the total usage soared again to over 8000 bullets, largely fired over a two week period in July of that year. In 1997, the figure dropped again to approximately 2,500, but as these were virtually all fired in a matter of one week, it is difficult to stick too rigorously to a comparison of annual figures.

Although plastic bullets have been used against both nationalists and unionists, there have been persistent allegations of sectarianism in the decisions as to when and how to resort to the use of the lethal weapon. The RUC is predominantly Protestant (93%) and allegations have been regularly made regarding sectarianism by and within the force. Accordingly, grave disquiet is aroused when, in the disturbances of 1996, 662 plastic bullets were discharged in the period between 7 – 11 July (the period of unionist protests), and more than eight times as many (5,340) were fired between 11 – 14 July (the period of nationalist protests).

The human story: death and injury

In 1981 alone, seven people died as a result of plastic bullets - four were adults and three were children:

- Carol Ann Kelly, aged 12, was found by the coroner to be an innocent victim who had been walking home from a shop carrying a carton of milk;
- Julie Livingstone, aged 14, was walking towards her home when she was hit in the head by a plastic bullet fired from an army saracen. She also was described by the inquest jury as "*an innocent victim*";
- Paul Whitters, aged 15, was killed, and an independent investigation into his death conducted in 1982 by Lord Gifford, concluded that there was "*no possible defence*" for the boy's killing.

Nora McCabe, one of the four adults killed that same year had three young children of her own, aged 7 and 2, and a baby of 3 months old. The details of her death are provided in the box overleaf, and they graphically illustrate the further injustice caused to the bereaved by the authorities' unwillingness to properly investigate and punish wrongdoing.

The case of Nora McCabe

On the morning of 8th July 1981, Belfast housewife, Nora McCabe was seriously injured when she was struck on the back of the head by a plastic bullet. The incident occurred as an RUC landrover was travelling along the Falls Road and drew level with Linden Street. A plastic bullet was fired from the vehicle, striking Nora McCabe. She died the following day from the resulting injuries.

At the inquest into Nora's death, held in 1983, the police conceded that a patrol of two landrovers had passed by Linden Street on the morning in question, but denied firing plastic bullets at or into Linden Street. The police informed the court that the road was strewn with beer barrels and concrete blocks, and that the patrol also came under attack from petrol bombers.

Whilst the police officers admitted firing plastic bullets at various points during the patrol along the Falls Road, they were adamant that no plastic bullets were fired in the vicinity of Linden Street. This evidence was supported by the then Chief Supt. James Crutchley who was a member of the patrol.

However, a Canadian television crew had been filming that morning, and coincidentally filmed the patrol as it made its way along the Falls Road.

The inquest was adjourned for several months while the film was traced and analysed.

The inquest learnt in due course that the leading landrover in the patrol, upon reaching the junction with Linden Street, braked suddenly and pulled across the road, at which point a puff of smoke was seen to come from the vehicle. The inquest also learnt that the video revealed no evidence of debris on the road or of petrol bombers attacking the patrol.

The jury returned a verdict on 21st October 1983. They found that Nora McCabe was completely innocent, and that there was nothing to support the RUC's claim that there had been petrol bombing at the time.

Despite the video evidence which blatantly contradicted the RUC testimony, the Director of Public Prosecutions announced that there would be no prosecutions of any police officer, for either the killing of Nora McCabe or for perjury at the inquest. This decision was supported by the then Attorney General Sir Michael Havers, and no disciplinary action was brought against any of the police officers involved. Indeed, officer Crutchley was subsequently promoted to Deputy Chief Constable, and appeared in the Queen's honours list.

But the cost of plastic bullets should not be solely measured in the number of deaths: hundreds and perhaps thousands of people have been seriously injured by this weapon. Recorded injuries include partial paralysis, fractured skulls, personality disorders, fractures to facial bones, brain damage, blindness and loss of eyes. It is obviously highly dangerous if a plastic bullet is fired at the upper part of the body, and this fact is expressly dealt with in the official guidelines. RUC instructions say that bullets should be aimed to strike the lower part of the body without bouncing. Nevertheless, upper body injuries are extremely common. For example, of the seven people who died in 1981, all died from upper-body injuries (five died from head injuries, one from a chest injury, and one from combined chest and head injuries).

A study in 1988 by Dr A Ritchie and Dr J Gibbons (Royal Victoria Hospital, Belfast) concentrated on chest injuries caused by plastic bullets. Their findings noted "*an increased incidence of death and serious injury among patients struck in the anterior and left chest.*" Concluding their report the authors stated "*that all injuries to the chest caused by plastic bullets should be regarded as potentially life threatening.*" US Army research⁵ has found that kinetic impact weapons such as plastic baton rounds can cause injuries "*in the severe damage region*" to the human body. While their proponents argue that plastic bullets are designed to "*deliver, at a distance, the equivalent of a blow from a truncheon*",⁶ this is contradicted by the speed (approximately 160 miles an hour) and weight (4.75 ounces/135 grammes) of the rock-hard poly vinyl chloride projectiles. Indeed, the RUC's own guidelines state that: "*use of baton rounds may, especially within 20 metres, inflict severe injuries.*" Elsewhere the guidelines refer to the need for officers at all times to "*bear in mind the possibly fatal consequences of opening fire*". Her Majesty's Inspector of Constabulary (HMIC), in his report on their use in 1996, noted that "*the weapons are potentially lethal*".⁷

Nor can the human cost be counted in terms of the immediate physical damage caused to victims. Gary Lawlor was two weeks short of his 14th birthday when he was shot in the head in July 1997. He spent four days on a life support system, and was close to death. However, after being taken off the life support, he began to improve, but still in March of 1998 his mother said of him: "*He is not the same boy as before...*

He can't eat and he can't sleep. He has been taking epileptic fits since he came out of hospital. He is deaf in one ear and has lost his sense of smell. His right hand trembles and he trails his right leg behind him".⁸

Guidelines for plastic bullet usage

The authorities, in response to public disquiet about the use of plastic bullets, and the human tragedies created, have frequently emphasised the importance of the strict guidelines which are meant to govern the use of this lethal weapon. Until 1997, however, the guidelines governing their use were not in the public domain, and there was therefore no opportunity for anyone other than the police to monitor the extent to which the guidelines were being scrupulously followed. After much campaigning and a series of persistent parliamentary questions, three sets of guidelines were at last placed in the public domain in August 1997. The guidelines relate to the RUC, the army, and the police in England and Wales,⁹ and there are important differences.

1. A first key distinction is that in England and Wales plastic bullets can only be fired to protect life. In Northern Ireland, under RUC guidelines, resort to plastic bullets can be justified by the need to (a) protect life; (b) protect property; (c) preserve the peace; (d) prevent crime; or (e) detect crime. HMIC in his 1996 Inspection Report on the RUC commented critically on the breadth of the guidelines. He recommended that the RUC guidelines be brought into line with their more restrictive ACPO¹⁰ equivalent.
2. The RUC guidelines permit individual gunners to determine when plastic bullets can be fired; in Britain such a decision has to be taken by a very senior officer.¹¹
3. Warnings are to be given in advance of firing plastic bullets, but whereas the RUC should issue such a warning "*when circumstances permit*", their English and Welsh colleagues are instructed to issue a warning "*unless circumstances do not permit*".

The guidelines that govern the police and army in Northern Ireland also diverge, even though in many instances the security forces might be working together in response to the same public order situation.

1. Thus, regarding the circumstances in which plastic bullets may be used, the army guidelines (encapsulated in a single sheet) refer only to dispersing crowds "*whenever it is judged to be minimum and reasonable force in the circumstances*", or to the prevention of prison escapes. This would suggest that the army may not use plastic bullets in several of the circumstances when the RUC can act (for example to prevent crime - other than riotous behaviour or prison escape - or to detect crime).
2. Regarding the level of authority required to authorise the use of plastic bullets, individual baton gunners in the RUC can fire without the express authority of the member-in-charge, when they need to take action "*to protect life or property, or to preserve the peace. In such cases, riot gunners may use their own initiative if they judge their actions are warranted*". The army guidelines however suggest that even in the most difficult of circumstances – in self defence – it is not the individual gunner but the commander on the spot who must authorise use.
3. Last but not least, the army, as opposed to the RUC, guidelines make no reference either to the giving of warnings, or the filing of reports about the circumstances giving rise to the use of baton rounds.

There is clearly a risk of confusion when two sets of guidelines are being followed in the course of the same public order incident. Who and how does one hold the authorities to account when there are such diverging rules?

Accordingly, the guidelines pose a number of problems. They are much laxer in Northern Ireland than in Britain, despite the fact that plastic bullets have never been used in Britain and they are different as between the police and army, with the confusion that creates on the ground.

However, much more importantly, CAJ has directly witnessed, and taken eyewitness statements from people which show that the guidelines are frequently flouted.

Firstly, there is a problem with the types of circumstances that may be said to justify the use of plastic bullets. For example, how can the firing of plastic bullets assist in the detection of crime? Yet, that is explicitly given as one of the grounds for their use. Moreover, plastic bullets are essentially intended for use in riot situations, and in such circumstances they are to be fired "*at selected persons and not indiscriminately at the crowd*". Yet passers-by, journalists, people coming out of fast-food restaurants and discos, have been hit by plastic bullets, and been killed or injured as a result.¹² In other situations, including the majority of fatalities, the most well documented being the death of Nora McCabe (see earlier), civilians have been injured or killed when no rioting was taking place in the vicinity. In other instances, it was the firing of plastic bullets that exacerbated the unrest and led to rioting, rather than being a response to serious disorder.¹³

Secondly, the authorities argue that plastic bullets are not intended to harm people, but to prevent them doing harm. That is why the guidelines insist that bullets are to be fired only at certain distances, and at the lower part of the body so as to cause minimum injury. Yet accounts abound of people being fired at at point blank range, being fired down upon, of upper body and head injuries, of bullets ricocheting along the ground.¹⁴ Though reference is made in the international guidelines governing the use of force to the need for urgent medical attention to be provided to wounded civilians, few instances of such care being provided are documented. Instead, obstacles have been placed in the way of civilians seeking medical help, given the fairly common practice of the police to go to local hospitals and question anyone suffering from a plastic bullet injury. Such a practice risks dissuading people from seeking medical attention. Eyewitness reports at the inquest of 12 year old Carol Ann Kelly even talk of an ambulance travelling to her assistance being turned away by the army.

Thirdly, the guidelines say that warnings are to be given in advance of firing: this would allow those caught up in a rapidly escalating situation of disorder to be made aware of the risk and given an opportunity to withdraw. Such warnings have rarely if ever been heard.¹⁵ Indeed the non-existence of any public debate as to whether warnings had or had not been issued in particular situations was indicative of the fact that, prior to the publication of the plastic bullet guidelines, no-one had been even aware of the requirement to issue a warning. Astonishingly, it was only with the publication of the guidelines that the general public became aware of the obligation on the police to give warnings.

Accountability before the law

In spite of 14 deaths and many serious injuries resulting from the use of plastic bullets, no one has been convicted in respect of any of the deaths or injuries.

The problem is not merely one of insufficiently rigorous scrutiny of police behaviour by the judicial system: the law itself is deficient. The use of plastic bullets is governed by the Criminal Law Act (NI) 1967, which states: Section III (1) "*A person may use such force as is reasonable in the circumstances in the prevention of a crime, or in effecting or assisting the lawful arrest of offenders or suspected offenders or persons unlawfully at large*". This domestic law provides a lower standard for the use of force than international codes of conduct and human rights treaties to which the United Kingdom is a party.

The European Convention on Human Rights, for example, instead of talking of "*reasonable in the circumstances*" talks of (article 2) "*the use of force which is no more than absolutely necessary*." Furthermore, the force used must be in proportion to the actual danger presented. This principle of proportional response is elaborated further in the United Nations' Code of Conduct for Law Enforcement Officials which states that "*Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty*." Explanatory notes stress that the use of force by law enforcement

officials should be exceptional and that proportionality should be interpreted in a restrictive way. The UN Basic Principles governing the use of force assert that “*exceptional circumstances such as political instability or any other public emergency may not be invoked to justify departure from these basic principles*”. This reinforces the message that no state may succumb to pressure to resort to extreme or disproportionate responses to disorder, whatever the nature of that disorder. It also highlights the complete unacceptability of discharging lethal weapons when no disorder is present. Yet this is precisely what has occurred in many instances in Northern Ireland.

In a review of compensation payments as long ago as August 1989, the Independent newspaper reported that well over £1million had been paid out in respect of plastic bullet injuries. More recently, the Police Authority reported that in the 2 1/2 years since the beginning of 1996, 80 compensation claims had been made, and since the beginning of 1997, twenty such cases had resulted in the payment of some £70,000 in compensation. Given the extent of compensatory awards, the failure to pursue either criminal or disciplinary charges against the police or security forces appears all the more incomprehensible.

**Accountability: as exerted in practice
by the Secretary of State,
the Police Authority, and the Chief Constable**

Much is made of the tripartite structure of policing which is intended to ensure that the police are fully accountable for their actions to society's elected political leadership, and to the general public, without being subject to partisan political control. Thus, the Secretary of State, the Police Authority, and the Chief Constable all have distinct roles to perform in exerting proper accountability from the RUC and individual police officers. It is very telling to examine how the three elements of this structure have responded to the very many questions raised by the use of plastic bullets over the course of the last two years (1996 and 1997).

The Secretary of State

In 1996, the then Secretary of State made a virtue of remaining aloof from the policing decisions relating to the “marching season” and the public confrontations it gave rise to. No public comment was made to CAJ's knowledge on the propriety or otherwise of the police resort to plastic bullets in the serious public disorder that broke out across Northern Ireland that summer. Certainly no explanation was given as to the differential use of plastic bullets in response to unionist and nationalist disorder (ie 662 versus 5340 bullets, see earlier references), though this was clearly an issue of grave concern. The government response to the controversy which had arisen around policing, and the numerous concerns raised by human rights organisations about the use of plastic bullets, was limited to a request to HMIC “*as part of this year's formal inspection process*”¹⁶ to conduct a review of RUC procedures and training in relation to public order situations. CAJ and others were very critical of this abrogation of responsibility on a number of grounds.

Firstly, the terms of reference for the review were very narrow and did not ask the HMIC to comment on the principle of using plastic bullets in public order situations. Secondly, HMIC has expertise in essentially managerial and technical issues and seemed ill-equipped to answer many of the operational questions being asked about RUC action and inaction. Thirdly, it was unlikely that HMIC would submit himself to public scrutiny. Fourthly, a regular review, and the short time-span in which the review was conducted, did not give proper expression to the gravity of the situation. Last but not least the Inspector was not seen as sufficiently independent. While several of these reservations were borne out in practice, particularly the unwillingness of HMIC to engage in debate with, or even consult, anyone other than the RUC, HMIC made a number of very important findings. However, there is little point in HMIC making a series of important proposals, if these are not acted upon: in his 1997 report, the Inspector was obliged to repeat many of the recommendations made the previous year.¹⁷

Most importantly, HMIC explicitly recommended that the guidelines governing plastic bullet usage in Northern Ireland be brought in line with

the narrower ACPO guidelines, so that plastic bullets be fired only in circumstances amounting to a threat to life. Yet, correspondence with CAJ, and separately with the United Campaign Against Plastic Bullets,¹⁸ from the Northern Ireland Office has continued to refer to the need for the RUC to have plastic bullets for the “defence of life **and property**”(emphasis added). Certainly, no suggestion was made that there had been any fresh or close study of this specific point by the Secretary of State – despite the clear recommendation of HMIC that a change in policy was required.

The Police Authority for Northern Ireland (PANI)

The Police Authority is the civic oversight body that is responsible for acting on behalf of the general public to hold the police to account. However, there are many limitations to the ability of PANI to provide a credible oversight role:

- the body is entirely unrepresentative, having no formal representatives from either of the two main nationalist political parties, nor from the trade union movement;
- the body is not seen as independent as it is appointed by the Secretary of State;
- the powers of PANI are ambiguous, so that there are a number of key policing functions that they do not believe are subject to their control;
- PANI do not appear to engage in tough exchanges with the Chief Constable seeking answers to the questions put to them on behalf of the general public;
- the workings of PANI appear secretive: it is only recently that they have undertaken to publish a record of their meetings, identify their members, and hold an annual general meeting open to the public and media.

A concrete example of their failure to hold the Chief Constable to public account can be found in PANI’s report of September 1996, which says in relation to plastic bullets:

- “3.3 ...At a special meeting to consider the handling of the Drumcree disorder the Chief Constable gave a detailed explanation of the serious street violence which had occurred during July and which had placed police officers at serious personal risk. He advised the Authority that there had been in the region of 8000 petrol bomb incidents.
- 3.4 During this period over 6000 PBRs had been fired by police in response to the petrol bombs, with around 90% being fired at nationalist crowds who were responsible for around 90% of the petrol bombing incidents”.

The Authority went on to accept this explanation, though CAJ’s communications with the RUC Information Office showed that statistics did not exist to allow for any such correlations to be made.¹⁹ The Authority has not engaged in substantive communication with CAJ regarding the many questions and issues we raised about policing and the use of plastic bullets. Indeed despite the fact that in the same report (September 1996), PANI noted that it “*would encourage a constructive debate on this contentious problem*” (of plastic bullets), it has not done so. It has completed a review and concluded - without engaging in any public consultations on the topic - that plastic bullets must be retained.

The Chief Constable

The Chief Constable is meant to be accountable to the Secretary of State and the Police Authority for policing in Northern Ireland. Yet, there is no public challenge from either quarter when he says that he will not in fact implement some of HMIC’s key recommendations about plastic bullets. Thus, in the RUC Annual Report of 1996, the Chief Constable suggests he has accepted HMIC’s recommendation that the guidelines for plastic bullet usage be reviewed and narrowed, but simultaneously indicates that he will not be introducing the changes proposed.²⁰ In doing this, the Chief Constable is refusing to respond to a fundamental challenge to the way that the RUC currently exercise their responsibilities. Yet neither the Secretary of State or the Police Authority

seem willing to query this, and instead they have misleadingly reassured people that the Chief Constable is indeed complying with all of HMIC's recommendations.

Faulty Bullets

This total absence of effective public scrutiny and the dangerous nature of plastic bullets can be exemplified with reference to the recall of two batches of faulty plastic bullets in the course of 1997.

In April 1997 a batch of plastic bullets, which had been in service with the RUC and army since 1994, was withdrawn from operational use because a defect had been discovered. In response to questions in the House of Commons,²¹ it was announced that during 1995 the Ministry of Defence had conducted trials on bullets from this batch and discovered that a "significant proportion" had "muzzle velocities in excess of the upper limit in the equipment specification." The RUC have said that they were only notified of this on 24th March 1997, more than a year after the Ministry of Defence had discovered the possible defect. As the only force in the UK using plastic bullets, the delay in informing the RUC of this defect is incomprehensible and might be thought to amount to criminal negligence. It took a further month before the faulty batch was withdrawn. Between the issuing of the faulty batch on the 18th May 1994 and their actual withdrawal, the RUC had fired 7,437 rounds and the army had fired 1,424. The majority of these bullets were fired during disturbances in July 1996. It is revealing that the authorities appear unable to give exact figures regarding the faulty batches used during the July disturbances. This exposes the absence of accountability in the discharge of these lethal weapons. The problem of inadequate monitoring and record-keeping is addressed elsewhere.

The concerns about a lack of control of this lethal weapon were further exacerbated in September 1997, when another batch of plastic bullets was withdrawn from service because they were found to be in excess of the weight limit permitted by the Ministry of Defence. This means that in total nearly 300,000 plastic bullets have had to be withdrawn.

Not only have faults been found with the plastic bullets. The baton guns used to fire the bullets have also proved to be defective. On the 1st June 1994 the Heckler and Koch model L104A1 became the only baton gun authorised for use in the United Kingdom, and it replaced all previous models. Design faults in several had led inquest juries to the conclusion that the plastic bullet guns which had caused the deaths had been defective - see the inquest findings in the cases of Stephen McConomy, an 11 year old killed by a plastic bullet in April 1982, John Downes a 23-year old killed in August 1984, and Keith White, a 20 year old killed in Portadown in 1986.

According to Her Majesty Inspector of Constabulary's 1996 report on the RUC, "in the event of a complaint being received as the result of an incident involving the use of a baton gun, the weapon is tested to assess the accuracy of its sighting mechanism and to ensure that it functions correctly" (para. 3, page 67). It is not clear from this whether baton guns are subject to regular maintenance and firing tests or whether a complaint must be lodged in order to necessitate this testing. From a Parliamentary Question on the topic, it seems to be the latter, which is highly unsatisfactory.²²

Statistics

If public accountability is to be exercised effectively, it is vital that reliable statistics are available and yet this is not the case. If anything, the statistics which have been published have often tended to mislead rather than clarify what actually occurred.

Just to take two concrete examples. In compiling its report, *The Misrule of Law*, CAJ approached the RUC Information Office on several occasions to verify the number of plastic bullets fired in Derry City in the period 11-14 July 1996. In mid August, CAJ was told that the July figure was 3006, but in October the 3-day July figure was amended to 3026. More surprisingly, the day-by-day totals were broken down as 774, 968, and 1284, suggesting that the situation was getting worse over the three nights. All non-police accounts, including those of CAJ observers who were out on the streets over most of the period, believe

that this was not the case: the first night of disturbances, and of plastic bullet firing, was by far the most serious. To compound the sense of misleading information, the US-based human rights group, Human Rights Watch, was informed by the Chief Constable in March 1997, that in the period under discussion 2,815 bullets were fired by the police and army.

There is not much greater clarity for the figures overall. In March 1997, the Chief Constable told Human Rights Watch that the total number of bullets fired in 1996 was 7,294.²³ Yet three months later, the Independent newspaper stated that defence sources had indicated 6,951 bullets had been fired by the RUC, and 1,386 by the army in 1996.

If, many months after the events, contradictory figures are still being provided, it suggests an appalling lack of concern about the use of these weapons. Plastic bullet guns are, according to the RUC guidelines, "*firearms within the meaning of the Firearms (NI) Order 1981*" and plastic bullets have been shown to cause serious injury and death. Yet the procedures governing their use suggest that important statistical discrepancies are acceptable to the authorities. If there is ineffective monitoring of the actual numbers of such lethal weapons fired, how can one be in any sense reassured that there is any detailed accounting of the circumstances giving rise to the use of plastic bullets? Indeed, HMIC indicated that record-keeping regarding the use of plastic bullets was a problem, and he had to reiterate his recommendations in this regard again the following year.²⁴

Commentators: domestic and international

At regular intervals during the 1980s, fundamental concerns were expressed about the use of plastic bullets. In 1982, the European Parliament voted to ban the use of plastic bullets throughout the European Community. In 1986 the plastic baton round was described as a "*killer weapon, designed to kill or maim*" at the party conference of the Democratic Unionist Party.

Very significantly, the Labour Party in opposition declared in 1987 that it would ban the weapon when in government. No explanation has been given to date as to why this policy has not yet been put into practice.

These criticisms have continued in this decade. The United Nations Committee Against Torture mentioned the deployment of plastic bullets amongst a number of its concerns in 1995, as did the United Nations Committee on the Rights of the Child. Speaking at a CAJ conference in 1995, John Shattuck the US Assistant Secretary of State for Democracy, Human Rights and Labour called for "*the elimination of such deadly security measures as the use of plastic bullets for civilian crowd control*". In 1996, commenting on the importance of confidence-building measures in the peace process, Senator George Mitchell called for "*a review of the situation with respect to . . . the use of plastic bullets*".

In 1997, the Civil Liberties Committee of the European Parliament commissioned a major scientific study into the technology of political control.²⁵ With regard to plastic bullets the report concluded that: "*paradoxically, whilst these weapons were meant to provide a new series of flexible responses, their ultimate effect was to programme their targets into traditional anti-state activities and procedures. In other words, their most invidious characteristic may be to undermine non-violence as a means of public protest.*" This same report went on to recommend that the European Parliament should be asked to reaffirm its earlier demand to ban the use of plastic bullets. This call for a ban of plastic bullets was also made at recent (1998) US Congressional debates about the human rights situation in Northern Ireland.

Conclusions

As noted at the outset, CAJ believes that:

- **Plastic bullets are lethal weapons**
- **The fatalities and injuries inflicted by the bullet make its use inconsistent with the international principle of “minimum force”**
- **Children have been disproportionately killed and injured by the weapon**
- **Despite serious public disturbances in Britain, the plastic bullet has never been used there. It is an unacceptable response to public order issues in Britain, and it should be equally unacceptable for use in Northern Ireland**
- **Plastic bullets appear to have become a weapon of first resort rather than last resort**
- **Current guidelines are much too weak, though no guidelines could ever succeed in making this an acceptable weapon.**
- **In practice, even the guidelines that do exist have frequently been ignored**
- **Those who use plastic bullets appear to do so with impunity**
- **Charges of the sectarian use of the weapon have not been adequately answered**

In summary, plastic bullets are a totally unacceptable form of crowd control: they must be banned. No modification of the guidelines governing their use will provide adequate protection against abuse. It is incumbent on the authorities, not the critics of the weapon, to come up with acceptable alternatives.

What you can do:

1. **Please write to Prime Minister Tony Blair (10 Downing Street, London SW1) and the Secretary of State (Dr Mo Mowlam, Parliament Buildings, Stormont Estate, Belfast 4) urging them to exercise their authority to have the police end their use of plastic bullets.** Emphasise the damage that is caused by the bullets, both to people's lives, and to community/police relations, and urge them to intervene. Refer to the fact that these bullets are not used in Britain, and that the guidelines for their use in Britain (if they were ever to be used) are much more restrictive. Point out that their use contravenes domestic and international law, has been condemned by the human rights community, and is in violation of Labour Party policy.
2. **Please write to the Chief Constable (Ronnie Flanagan, RUC Headquarters, Knock Road, Belfast 5).** Express your concern about the use of plastic bullets and urge him to withdraw them from use with immediate effect. Emphasise the fact that plastic bullets can exacerbate rather than defuse tension, and refer to the many young children who have been killed and injured by this weapon.
3. **Please write to the Police Authority for Northern Ireland (Pat Armstrong, Chair, PANI, River House, High Street, Belfast 2) and ask them to explain their justification for concluding that plastic bullets are still required by the police in Northern Ireland.** Ask them for details of the review that PANI carried out and ask what investigation did they carry out into the many allegations around plastic bullets (their sectarian and indiscriminate use, the disproportionate impact on children, the flouting of even the lax guidelines which exist). Ask them how PANI failed recently to prevent the deployment of two separate faulty batches of plastic bullets. Argue the case for their immediate withdrawal.

4. **Write to Taoiseach Bertie Ahern (Office of the Taoiseach, Government Buildings, Upper Merrion Street, Dublin) and Foreign Minister David Andrews (Department of Foreign Affairs, 80 St Stephens Green, Dublin),** to express fears for the coming summer and possible public order problems. Ask them to intervene urgently and bring their influence to bear on the British authorities to have plastic bullets withdrawn from use without delay.

5. **Write to Representatives Chris Smith & Richie Neal (House of Representatives, The Capitol, Washington DC)** to thank them for their steady interest in human rights in Northern Ireland (and the issue of plastic bullets in particular) and emphasise the importance of US efforts to try and have plastic bullets withdrawn. Encourage them to intervene with the US and UK authorities in advance of the summer to secure the withdrawal of the bullets.

6. There is, as a result of the recent Multi-Party Agreement, a Commission into Policing established to look into policing overall and the need to develop a police service *“capable of attracting and sustaining support from the community as a whole”*. **Send copies of all your correspondence to the chair of the Commission (Chris Patten, Commission into Policing, Interpoint Building, 20-24 York Street, Belfast)** and request that they examine the extent to which the use of plastic bullets has damaged relations between the police and local communities. Urge the Commission to ask for the immediate withdrawal of this lethal weapon.

7. **Publicise the issue locally, and send CAJ (45-47 Donegall Street, Belfast BT1 2FG) copies of any local or national press coverage you secure.** If you need extra copies of the free flyer, or the full briefing paper, for use in feature articles (or for circulating more widely) please contact the CAJ office. Encourage readers, and local activists (churchpeople, trade unionists, community people) to write along the lines indicated above.

Footnotes

1 Three fatalities had already occurred as a result of rubber bullets that were the precursor of plastic bullets in the official armoury.

2 Few statistics are available regarding the injuries caused by plastic bullets, and those that exist are highly contested. Most people would agree that the statistics are very unreliable for a number of reasons, several of which are discussed later in the briefing paper.

3 Paul Whitters (killed 25 April 1981) and Keith White (14 April 1986).

4 See *Janes Infantry Weapons 1976* and *The RUC: A Force Under Fire* (1992) by Chris Ryder (pp.270)

5 The research found that an impact energy level of above 90 ft/lbs would cause serious injury. Plastic bullets, even when fired at a distance of 50 yards (and the optimum firing range proposed by the manufacturers is between 20 – 60 metres), have an impact energy of over 110 ft/lbs, and therefore fall within the *“severe damage region”*.

6 PANI Annual Report 1997/1998, page 41.

7 Inspection Report, HMIC, 1996, Appendix D, page 67.

8 Irish News, 11 March 1998.

9 As noted, plastic bullets have never been fired in Britain, but they have been deployed to police stations and therefore guidelines exist to govern their usage.

10 ACPO - Association of Chief Police Officers, the umbrella organisation for police forces in England and Wales. The Scottish equivalent (ACPOS) wrote (16 January 1998) that *“the Scottish Forces have not used nor hold plastic baton rounds. Accordingly, no guidelines have been issued by the Association”*.

11 To cite the English and Welsh guidelines: *“Baton rounds are to be used at an incident only with the express authority of the chief officer of police (or, in his absence, his deputy). If the chief officer is not present at the scene, he should give authority only if he is satisfied from the reports that the criteria (governing when pbr’s can be used) have been met. In such cases, before the chief officer’s authority is put into effect, a designated senior officer should satisfy himself at the scene that the situation remains sufficiently serious to justify the use of baton rounds.... The designated senior officer referred to in the two preceding paragraphs ...should not normally be of lower rank than assistant chief constable or commander but, exceptionally, if a more senior officer is not present, an officer of superintending rank may be designated if the chief officer of police (or, in his absence, his deputy) is satisfied that urgent action is required... (paragraphs 3-5).*

12 For details of such instances see CAJ’s report *The Misrule of Law* (1996), page 36.

13 A major report to the European Parliament concluded that: *"Paradoxically, whilst these weapons were meant to provide a new series of flexible responses, their ultimate effect was to programme their targets into traditional anti-state activities and procedures. In other words, their most invidious characteristic may be to undermine non-violence as a means of public protest"* STOA report, PE 166 499 April 1997, p.39. See also the 1996 report of HMIC that *"the issue and potential subsequent use of these weapons should be regarded as a major step, carrying with it the potential to escalate as well as defuse public disorder"*.

14 For fuller account of all these abuses, see CAJ reports *The Misrule of Law* (1996), *Policing the Police* (1997); Pat Finucane Centre reports *One Day in August* (1995), *In the Line of Fire* (1996); and Human Rights Watch's report, *To Serve without Favor* (1997).

15 Certainly, with regard to the summer of 1997 *"At no point did an observer hear a warning being given regarding the decision of the security forces to fire plastic bullets"* CAJ in *Policing the Police*, 1997, p.9.

16 NIO Information Service, 24 July 1996

17 The tone of his comments is almost as revealing as the comments themselves. When noting that his 1996 recommendations regarding more rigorous selection processes for baton gunners and closer scrutiny of the training process had not been implemented, HMIC talks of *"further disappointment"* and of the fact that *"he finds himself repeating another recommendation"*.

18 Correspondence from the Secretary of State's Office to UCAPB dated 24 June 1997. This response, together with remarks made by the Security Minister (now also Minister for Victims, and therefore government's advocate for plastic bullet victims), Adam Ingram, on Ulster Television on 9 July, led to the cancellation of a meeting between the government and the campaigning group.

19 See *The Misrule of Law*, CAJ, 1996, page 34.

20 Chief Constable's Annual Report 1996 (page 74): *"Accepted. The Force is revising its guidelines and ACPO is similarly revising the guidelines for mainland forces. However, the conditions in Northern Ireland are very different and until the outcome of both these reviews are known there can be no change to the Force's current instructions"*

21 *The Independent*, 21.6.97.

22 Hansard, 20 June 1997, written answer no.66

23 Letter from Chief Constable dated 7 March 1997 to Human Rights Watch, quoted in *To Serve Without Honor*, 1997, page 76.

24 HMIC in his 1997 report declares himself *"quite at a loss to understand why (a better reporting system) was not actioned before this year's marching season, when so much useful information could have been acquired"*.

25 *An Appraisal of Technologies of Political Control*, STOA report to the European Parliament, PE 166 499 April 1997.

Committee on the Administration of Justice

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