

Allegations of Psychological Ill-treatment
of Detainees
held under Emergency Legislation
in
Northern Ireland

February 1993

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1. Introduction

In 1991 there was an alarming increase in the number of complaints of ill-treatment of detainees held in Castlereagh holding centre in Northern Ireland. The Committee on the Administration of Justice (CAJ) interviewed a number of detainees with growing concern. Amnesty International issued its first Urgent Action in relation to Northern Ireland arising out of the detention of Damien Austin. In October 1991, Helsinki Watch published a report, *Human Rights in Northern Ireland*, which contained detailed allegations of ill-treatment during detention. In the same month, the Guardian newspaper published details of alleged ill-treatment, a story which provoked a letter from the RUC Chief Constable. Finally, in November 1991, CAJ submitted a report to the United Nations Committee Against Torture including the allegations of ill-treatment made to it by nearly 30 people who had been in Castlereagh that year¹.

The submission to the UN Committee described verbal abuse, threats, physical abuse and other complaints. It highlighted the serious nature of these complaints and called for the implementation of safeguards to protect detainees from ill-treatment as well as protecting the police from false allegations. Included in those recommendations were:

- an end to seven day detentions which are in breach of **European Convention on Human Rights**;
- the right to private consultations with legal advisers;
- the right of detainees to have their legal advisers present during interrogation;
- the scrapping of those sections of the emergency provisions which reduce the standard governing the admissibility of confessions;
- the restoration in full of the right to silence;
- video and audio recording of interviews;
- the extension of the station visiting scheme to cover emergency detainees; and
- the restructuring of the police complaints system.

The UN Committee expressed grave concern about the situation in Castlereagh holding centre. The summary report of the Committee's deliberations concluded: "*...the implementation of the Convention (Against Torture) in Northern Ireland was far from satisfactory*" and "*that the Committee could not yet take a decision on whether United Kingdom legislation fully met the provisions of the Convention*". The Committee "*had not been persuaded by the reasons given... for the absence of video recordings*". Furthermore "*the fact that no suspect was entitled to have his solicitor present*".

1 Submission to United Nations Committee Against Torture, see enclosed copy.

*during interrogation was also a cause for concern. The arguments put forward to justify the refusal of the right to silence were all the less acceptable because the suspect was deprived of the assistance of a solicitor. To all intents and purposes, the United Kingdom was setting aside one of the basic protections guaranteed throughout the civilized world."*²

Since the hearing by the UN Committee, the government has implemented none of these safeguards. The main initiative taken in response to the widespread publicity surrounding the situation in Castlereagh and the other holding centres has been the eventual appointment of Sir Louis Blom-Cooper QC as Commissioner for the holding centres. This plan was first announced in May 1991 along with a commitment to produce a Code of Conduct governing the detention of suspects held under emergency legislation. The draft code was finally circulated for comments in December 1992.

A detailed outline of the terms of reference of the Commissioner is as yet unavailable, but it is already clear that his role will be to ensure that procedures already in place are being followed. In other words the appointment is another layer on what already exists rather than an attempt to introduce the effective safeguards which have been recommended by CAJ and others³.

As far as the draft codes are concerned, CAJ's comments⁴ point out that there has been no concession concerning the key points of access to a solicitor and the audio and video recording of interviews.

Other recent developments concerning Castlereagh include:

- ❑ the quashing of the murder convictions of Winston Allen, Noel Bell and James Hegan in July 1992. The judges allowed the three men's appeals by accepting that the police, including senior officers, had fabricated interview notes purporting to be accurate records of interrogations in Castlereagh in 1983. In response to this, new procedures have been introduced which, it is claimed, will prevent tampering with the written record of the interview. This development, while welcome in so far as it goes, will not provide the kind of safeguards which will deal with the main questions raised by the allegations of ill-treatment in 1991;
- ❑ the need for further action was made forcibly at the meeting of the **United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities** in August 1992. CAJ raised the issue of emergency detention in Northern Ireland at the Sub-Commission⁵. Professor Claire Palley, the independent expert nominated to serve on the Sub-Commission by the UK, addressed the UN body urging the introduction of a number of the safeguards for detention. She said: "It is overdue that the UK government provide immediately for video and audio recording of interrogations of suspects." She said an independent system for dealing with complaints against the police is "more than overdue". She called for increased access to interviews by lawyers, albeit only to listen and observe through a glass screen rather than actually sitting with his or her client;
- ❑ In a letter to the **Guardian** newspaper, the Northern Ireland Office security minister Michael Mates claimed that Dr Palley's reflections were based upon unsubstantiated allegations and reaffirmed the government's opposition to further safeguards especially video and audio-recording of interviews. He invoked the 'safeguards' brought in as a result of the 13 year old Bennett

2 Summary Record of 92nd meeting of the UN Committee Against Torture, (CAT/C/SR.92, 29 November 1991).

3 A recent issue of CAJ's bulletin **Just News** is enclosed which gives a guarded welcome to the new Commissioner.

4 See enclosed letter to the Northern Ireland Office outlining CAJ's response to the draft Codes.

5 See enclosed written statement.

report in support and claimed that the willingness of detainees to volunteer information would be compromised by video and audio records. However, the 'safeguards' Mr Mates mentions were in place when the current allegations of ill-treatment were made. Furthermore, regarding the question of information, the current written notes are supposed to be a contemporaneous account of what takes place during interviews. There appears to be no difficulty in this stopping any flow of information. CAJ does not accept that a visual and aural recording would prevent suspects volunteering information. It would, rather, guarantee that the information arises voluntarily and not as a result of any ill-treatment. In further letters to the **Guardian** newspaper, Prof. Palley rebutted Mr Mates' view of her intervention at the Sub-Commission;

- Two reviews of emergency legislation have been produced by Viscount Colville. He is appointed by the government to carry out reviews of the EPA and the PTA. Viscount Colville's main concerns appear to be that the government is failing to present adequately the safeguards that are in place:

*"If international criticism turned out, on inspection, to be in the least precise as to its target I would not hesitate to consider any recommendation to improve the situation. The human rights reputation of the whole UK tends to depend on results in Northern Ireland; so if criticisms could be met by changes no doubt this would repay attention. As it is what is needed is to answer the criticisms. This must be the task of government...."*⁶

- A further report by **Helsinki Watch** was published in July 1992 detailing the situation facing children in Northern Ireland. Much of the report concerned the treatment of young people in detention centres⁷.
- One final development is that, since the scrutiny of Castlereagh by the UN Committee Against Torture, CAJ has noticed a change in the types of complaints received. There has been a marked decrease in the allegations of physical abuse, but a high concentration of mental/psychological ill-treatment claims. While CAJ welcomes the former, claims of psychological ill-treatment are precisely the kinds of allegations that can be substantiated only by the institution of safeguards that provide a complete and objective record of what takes place during the interrogation. The authorities have no occasion to claim that these complaints are unsubstantiated when they themselves have withheld the means of proof. Furthermore, if physical ill-treatment has eased by way of an administrative decision of some kind, this still does not constitute the cast-iron safeguards demanded by international law. CAJ regrets that it finds itself in the position of repeating its call for the institution of all of these major safeguards to deal once and for all with long-standing allegations of ill-treatment arising out of detentions in Castlereagh, Gough Barracks and Strand Road.

This document seeks to present the allegations that have been made to CAJ and assess the techniques against some studies that have been made on mental and psychological ill-treatment. Read in conjunction with CAJ's earlier document⁸ which critiques the legal regime governing emergency detention, CAJ reiterates its concerns about the holding centres and affirms that an administrative decision to avoid physical ill-treatment alongside the existing safeguards do not provide an adequate safeguard against police mal-practice.

6 Review of the Operation in 1991 of the Emergency Provisions (Northern Ireland) Act 1991, p1.

7 **Children in Northern Ireland**, Helsinki Watch. Copy enclosed.

8 **Submission to United Nations Committee Against Torture**, see enclosed copy.

2. The Difficulties

There are a number of inherent difficulties in sustaining a complaint of psychological abuse. :

- 1. The first is that the allegations are difficult to prove. Such abuse does not often produce readily observable physical injuries. The work of the **Danish Medical Group** of Amnesty International⁹ illustrates that victims of psychological torture do suffer from a range of psychiatric symptoms at some stage after torture. As these symptoms are not often apparent, the allegation involves the word of the detainee against the word of the interrogators.
- 2. The second difficulty encountered in cases of psychological abuse is the relatively small body of literature on the subject. Little has been written and few cases have been brought to court. Those who seek to document and campaign against such ill-treatment are, in this sense, working in the dark.
- 3. The third difficulty in proceeding with such a complaint lies in the lack of standards in this field. The lack of literature, legislation or caselaw means that there is no definition as to what methods of psychological treatment amount to torture or otherwise unacceptable behaviour. Clearly there is also a natural reluctance to define limits of ill-treatment which may or may not be tolerable.
- 4. Finally, there is an added complexity in determining standards. Such ill-treatment is to some extent a subjective matter. What amounts to psychological abuse may vary greatly depending on the personality of the individual detainee. The authorities often claim that those involved in political violence receive training in resisting interrogation. This may be true. But those who are being questioned remain innocent in the eyes of the law. Furthermore the lessons of the various miscarriages of justice campaigns show the dangers that arise when police act on their suspicions and force confessions out of detainees or fabricate statements. The greatest danger is often to those whose resistance is liable to crumble most easily.

Despite these difficulties, various international agreements indicate a certain spirit in which questioning is to be conducted. Following on from Article 7 of the **United Nations International Covenant on Civil and Political Rights** which outlaws torture, cruel, inhuman or degrading treatment or punishment, Article 10 provides that:

9 See Rasmussen and Lunde in the **Danish Medical Bulletin** (1980).

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person..."

The U. N. **Human Rights Committee** elaborated on these two articles in its forty fourth session in **General Comment No. 20 and 21**¹⁰:

"20.5 The prohibition in article 7 (on torture etc) relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim...."

"21.3 Article 10, paragraph 1, imposes on states a positive obligation towards persons who are particularly vulnerable because of their status as persons deprived of liberty....Thus..persons deprived of their liberty...[may not] be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons."

The only restrictions on the rights of persons deprived of their liberty are those that are "unavoidable in a closed environment"¹¹. This qualification is, however, followed by a strong assertion of the dignity which must be accorded to those in detention:

*"Treating all persons deprived of their liberty with humanity and with respect for their dignity is a fundamental and universally applicable rule....This rule must be applied without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."*¹²

In the light of these stringent guidelines, it is worthy of comment that the draft **Codes of Practice** which the government have issued recently and which explain in more detail how detentions under emergency legislation should be carried out, make no mention whatsoever of the need to treat suspects with humanity and with respect for their dignity. It should also be pointed out that the UN comments apply to all people deprived of liberty under the laws and authority of the state, whether they are convicted prisoners, those held against their will in psychiatric hospitals or, as with those making the allegations contained in this report, held for questioning in the course of a police inquiry.

10 CCPR/C/21/Rev.1/Add.3.

11 General Comment 21.3.

12 General Comment 21.4

3. Psychological Abuse: Assault on the Mind

The nature of physical abuse, which is commonly how torture is conceived, is readily understood. It leaves clear objective marks. As the previous section sought to show, this is less true in the case of ill-treatment, physical or psychological, which does not leave any marks. Recent court cases have indicated that even where injury has occurred, judges may be predisposed to find that such injuries may have been self-inflicted rather than accepting that such assaults may have been perpetrated by officers of the law. One can therefore imagine the even greater reluctance to accept allegations of psychological abuse. In view of the lack of experience of judges in the area, and a paucity of case law, there is a tendency either to ignore such allegations, or to down play their importance, or to accept them as legitimate ploys on the part of interrogators in an emergency situation. In view of the very nature of such allegations it is essential to initiate the safeguards we have outlined above, but which have been repeatedly denied. They constitute the only way in which such allegations can either be corroborated or proved false.

Because psychological abuse does not leave evident marks, and because its assessment requires different methods from physical abuse, it is important to recognise that the mind may be assaulted just as much as the body. Our concern is two-fold. First with the integrity of the person, physical and mental as outlined in the UN documents mentioned earlier. Psychological and psychiatric research makes it clear that assaults on the mind can have extremely damaging consequences, which may be even longer-lasting than physical assault. One major Canadian study showed that although physical symptoms of torture tended to abate with time, psychological difficulties lasted for many years afterward¹³.

Secondly, through manipulating cognitive and other psychological processes, a person may be forced into making or signing a false confession, or falsely implicating others in crimes. There is now a consistent and reputable psychological/psychiatric literature on how such procedures achieve their effects. They will be mentioned below as appropriate. It is appropriate to mention here that Post-Traumatic Stress Disorder is accepted as a mental disorder both by the World Health Organisation (Who, 1977) and the American Psychiatric Association¹⁴. The APA specifies that

13 Allodi et al, 1985, cited in Suedfeld, 1990, p15

14 Diagnostic and Statistical Manual of Mental Disorders, third Edition, APA, 1980.

the essential feature of PTSD is the development of "characteristic symptoms following a psychologically traumatic event that is generally outside the range of usual human experience." It goes on to state that the most characteristic features are: re-experiencing the traumatic events; numbing of responsiveness to the outside world; and a variety of physiological, mood and cognitive symptoms. Some of these features are contained in the statements given to us. Suedfeld¹⁵ describes the major components of torture as: debility, dependency, dread, and disorientation. While the expert literature often refers to very extreme and/or prolonged experiences (natural disasters, captivity associated with both physical and mental duress, psycho-social trauma such as child abuse) the similarities between the symptoms they describe and those reported to us by detainees is striking and alarming.

This document records the variety of methods that allegedly have caused mental suffering to detainees in Castlereagh. While CAJ can make no final pronouncement on the truthfulness of the allegations made to us, we view the matter with great concern. Having met all the people involved we are not persuaded that the allegations are being made perversely. For two reasons in particular, CAJ believes that the allegations cannot be simply dismissed:

Firstly, we found a striking similarity in the types of ill-treatment reported to us despite the fact that those making the allegations come from widely dispersed parts of Northern Ireland. The consistency of the allegations will become clear through the accounts of ill-treatment that people have alleged. CAJ interviewed detainees or their families concerning 12 periods of detention up to November 1992. The accounts contained allegations of psychological ill-treatment strikingly similar to those documented in 1991. This report is therefore based on 40 accounts which cover the period May 1991 and November 1992.

As well as the similarity in psychological claims between 1991 and 1992, the relative absence of physical ill-treatment in 1992 was also striking. The level of intensity of the psychological ill-treatment seemed higher in 1992, suggesting the adoption of a new strategy by interrogators. The number of times that examples of broad techniques have been mentioned suggests that psychological ill-treatment is a factor which must urgently be addressed.

Secondly, we see similarities between the allegations arising in Northern Ireland and types of psychological ill-treatment which have been studied in other parts of the world. Various of the allegations reported by Castlereagh detainees coincide with types of ill-treatment occurring in other parts of the world. Among these are:

- personal abuse and denigration, including insults and abusive remarks
- coercive tactics such as threats to self, family, friends, threats to continue detention, the use of inducements
- environmental tactics such as deprivation of sleep, lengthy interviews, inadequate toilet and washing facilities
- confusion tactics such as shouting constant accusations, changing modes of questioning between pleasant and aggressive, bizarre behaviour by the interrogators.

It is evident that the ill-treatment alleged by Castlereagh detainees consists of well-established coercive methods that have been used in many other parts of the world. It is illuminating, for example, to compare these reports with Suedfeld's "major components of torture"¹⁶:

15 1990, p3

16 Suedfeld, 1990, p3.

*"1. **Debility:** The captor deliberately induces physical and mental weakness. This may be accomplished by hunger, fatigue, lack of medical attention, lack of shelter from the elements, lack of sleep, beatings, electric shock, drugs, and so forth.*

*2. **Dependency:** The prisoner is brought to believe that his or her fate is entirely within the hands (or the whim) of the captor. The victim is isolated from any other source of information or support, rewards and punishments are applied unpredictably and even randomly, friendships and lines of authority among the prisoners are destroyed, and the prisoner is stripped of status and dignity.*

*3. **Dread:** The victim is kept in a constant state of fear and anxiety. Among the most frequently used techniques are the use of physical pain, threats against family, mock executions, witnessing the maltreatment and death of other prisoners, keeping the prisoner in doubt as to when if ever he or she will be released, and allowing the prisoner to overhear plans for further torture or execution.*

*4. **Disorientation:** The object is to arouse a state of confusion, uncertainty or "lostness". One strategy used by torturers is to change treatment unexpectedly to prevent the victim from developing coping techniques¹⁷. Other relevant techniques are extended solitary confinement, deliberate violation of diurnal and other cycles, sensory overload, and prolonged blindfolding or hooding."*

Lest we be accused of unjustifiably blackening the authorities by simply citing lists of atrocities, we readily admit that the allegations received by CAJ do not include the most extreme of these techniques, but it can readily be seen that many of Suedfeld's strategies are exemplified in the accounts that we have been given. Indeed, it is the purpose of this paper to indicate our concern that the unacceptable ends of interrogation - mental disequilibrium, cognitive and personal disorganisation, despair and hopelessness, can be achieved in the absence of procedures that leave obvious evidence of wrong-doing on the part of interrogators.

17 Benfeldt-Zachrisson, 1985.

4. The Allegations

CAJ has taken a number of statements from persons held in either Castlereagh or Gough Barracks detention centres. The more recent allegations build on the complaints taken last year where those contain a component of psychological ill-treatment. All in all the complaints concern 40 periods of detention.

Members of both Protestant and Catholic communities from various parts of N. Ireland were consulted as well as community leaders and solicitors. These persons made allegations of ill-treatment which did not cause physical harm but which was psychologically disturbing, exhausting, and confusing for the detainee. It is accepted that effective questioning of suspects in pursuit of the resolution of serious crime will undoubtedly cause some degree of mental unrest and discomfort. However the nature and frequency of these complaints, if true, indicate a systematic punishment of unconvicted detainees and an attempt to force confessions to crimes, regardless of guilt. CAJ is aware of three detainees who required expert psychiatric treatment following periods of detention. In the case of one woman, the psychiatrist is said to have likened her symptoms as equivalent to someone having suffered rape.

One young man, currently serving a lengthy period of remand, told CAJ: "I wish they would just have beaten me (while in Castlereagh), I would have been better prepared to handle that than the mental stuff they put me through."

The following section documents four broad areas where the allegations seem to fit into categories which have been identified in other studies.

1. Personal Abuse

Insults and Abusive Remarks

This includes denigration, insults and abusive remarks. Interviewees consistently complained of this. The physical appearance of the alleged victim was attacked in many cases. A disabled man was allegedly called "spastic" and "cripple". Young women claimed they were variously labelled "ugly, fat bitch", "slut, provie bastard" and "whore". A number of detainees alleged that, after being denied washing facilities, they were constantly called "dirty, smelly bastard". Many reported being called "provie bastard" or "IRA murdering bastard". A number alleged that they had been spat upon. Many of those spoken to were too embarrassed or disgusted to repeat the language they claimed was used to them because they were young and ashamed or reluctant to relive the painful experience.

One 17 year old man spoke of a woman police officer "talking dirty" to him in a way that embarrassed him so much he refused to repeat it. The effect of such insults on the detainees was to make them feel dirty and degraded.

Attacks on Social and emotional support

Detainees were allegedly subject to attacks on their social and emotional support. The interrogators are alleged to have denigrated the families and friends of the detained person. One woman says she was told that her husband (who was also being held) had given incriminating information about her. This was untrue. A man alleges he was told that several of his friends had been seen with his wife.

"They start degrading your family. They say they've seen your friends going in to see your wife and what do you think they're doing? They say your friend was with your wife last night, that that's all you provie bastards do is (sleep with) each other's wives. That they saw one going in tonight and another one going in last night. That she's nothing but a slut. That your children aren't even yours, you don't know whose they are. They try to put thoughts into your mind. Then they say something like, why are you protecting everyone else, look what they're doing to you - they don't give a fuck about you."

A young man claims he was told that eleven of his mates had given statements saying that he was guilty. Another young man claims that he was handed a note which detectives said was from his mother urging him to confess his guilt. Another example of this kind of tactic is the allegation of yet another young man who says he was told that his mother had died and that if he confessed he would be able to attend the funeral.

If allegations such as these are true, they seem calculated to make the detainee anxious. Such denigration of family and friends, if true, means that the detainee is no longer able to rely on his or her traditional social supports to help him or her resist the other pressures applied.

Through such insults and degrading treatment, the self-image and dignity of a detainee are attacked. Studies have shown that the beliefs, attitudes, values, and behaviour patterns of an individual tend to be integrated with each other and tend to be organized around the person's conception of him or herself. This integration gives stability to a person and acts as a force against being influenced or coerced into confession. The constant humiliation of detainees, the prevention of personal hygiene coupled with demeaning insults and taunts, and the denial of any privacy all act to undermine one's self-image, sense of identity, integrity, and inviolability. Schein¹⁸ concludes that there is, consequently, a greater susceptibility to the influence of the interrogators.

Similar accounts were found in several of the statements taken by CAJ. Through these tactics, anxiety and conflict may be planted in the detainees' mind, and a possible conflict of loyalties developed. The detainee, chided for his or her misguided loyalty, was no longer able to rely on traditional social supports to help him or her resist the other pressures applied. This method is but one way of keeping the detainee's mind in the necessary state of persistent tension and excitement, increasing suggestibility¹⁹.

18 Op cit p.117.

19 Sargant

2. Coercive Tactics

Threats against family and friends

Several coercive tactics were also reported. Almost every person spoken to alleged that they had received threats of harm to either their person or to their family if they refused to sign a confession statement. Many reported that they were told information would be passed to paramilitary organisations to arrange their deaths. Many spoke of threats that they or their parents would be killed, or both. Other alleged threats include: the shooting of a detainee's sister, the arrest of members of one's family, and that a detainee's children would be put in a home or arrested. In the close-knit society in Northern Ireland, relatives play an extremely important role in one's daily life. This type of alleged ill-treatment therefore has an extraordinary impact.

These threats were often of a graphic nature. One woman reported that:

"They told me that if I was ever seen walking the street carrying a bag or anything that would make me suspicious that they would riddle me with bullets. They told me that they wouldn't be able to find a bag big enough to fit a fat bitch like me."

One asserted that she was threatened with electrocution, and several with being hunted down and shot. As Schein points out, the detainee's reluctance to be dishonest can be broken down by the fear for one's self or others, heavily weighted by the convincingness of the threats made²⁰. While threats made during the course of daily life often can be momentarily dismissed, the context of a detention centre and the experience of the troubles gives these threats especially sharp teeth and persuasive power. The mere words "Castlereagh" or "Gough" through the circulation in the communities of stories of infamous brutal ill-treatment, carry a psychological impact. A young man claimed, "I've been threatened a million times, but this time I was scared." An older man stated that he never thought a human being would make him cry, but that the interrogators had him weeping.

Several of the detainees were reportedly coerced with tales or displays of their loved ones in distress. A man and his son were both being held. The man reported that his son was interrogated in a nearby room, and that the man's interrogators would leave his door open so he could hear the roaring and screaming of his son's treatment. He claimed that his son's head was later pressed against his door and the son would be told, "look at your father in there crying." One woman was held at the time her mother was in the hospital. She reported being told that if she didn't confess, they would go into the hospital and shoot her mother, but if she signed a statement, they would take her to see her. One young man claims he was told that his mother was being held in the next cell, and that she was crying and couldn't eat or sleep. He then heard a woman's scream. He says he was told that she would be charged, that she would lose the kids and the house. He did not know what to believe. She in fact was never brought in.

Rev Ian Paisley, MP, leader of the Democratic Unionist Party reported the following case in the House of Commons in London in the course of a speech which, among other things, called for video-recording of interviews:

20 Schein, p. 124.

"I have a serious case at the moment involving accusations by a mother who was taken to Castlereagh. She is an old woman of 70, and shown her son sitting in a cell. The police are alleged to have said to her, You see your son there? Well, he will be there for ever. That is very serious."²¹

These are examples of what appears to be a routine tactic.

Inducements

Another coercive tactic repeatedly reported was attempted inducements of leniency, and rewards for informing on others. It is, regrettably, not unlawful for police officers to offer inducements to those being held under emergency law.

One young man claimed to have been told that if he signed a confession statement on a Tuesday, they would see to it that he was out on bail by Friday, and that he would receive a suspended sentence. He claims he was told that his case was merely a formality that needed to be cleared off the books. But that if he didn't sign, his detention would continue. He is currently in prison awaiting trial.

One accused man described his interrogators telling him that if he told them what they wanted to hear, he would probably get a light sentence, and that they would have no objection to his getting bail. The intent is that the suspect will express a preference for imprisonment, especially if combined with a hope of lenient treatment, rather than a continuation of the mental tension already present²². Indeed, several reported that they couldn't wait to get to the comparably comfortable confines of the Crumlin Road prison (which at times features 23 hour/day lockup) in order to escape the treatment to which they were subjected.

One man was reportedly told that, if he signed, his detained brother would be treated leniently. A woman claims she was released because she agreed to inform for the authorities, and that she is currently still harassed. A man was reportedly shown a briefcase full of money, told that if he talked to them, he could leave with £16,000 and that he would get such amounts each time they called him for information. If he did not co-operate, they would have him shot. Another man was offered money and a house for information. Others reported similar types of offers.

These types of inducements, in conjunction with the deprivation of legal advice for up to 48 hours, mislead detainees about their rights. The danger is that, in the absence of reliable information, detainees will do all they can to halt the pressure to which they feel they are being subjected and sign confessions which may form the basis of a long prison sentence.

3. Environmental Manipulation and Debilitating Tactics

Many detainees spoke of the way in which the regime under which they were kept in the holding centres seemed designed to isolate them:

- there is no natural daylight;
- the cells lack any decoration or features which break the monotony of the building;
- there are no clocks or any other way of knowing the time;

21 Hansard 10 June 1992.

22 Schein, p. 177.

- there is no access to TV, radio, newspapers or books;
- there is no exercise; and
- there is no automatic access to washing facilities.

These added to the stress of questioning and the other legal aspects to detention make for an extremely harsh and disorienting experience. Other tactics which detainees focussed on related to difficulties in getting adequate sleep and the length of the interviews.

Deprivation of sleep

Each of the tactics must be viewed in light of the environmental context in which they are delivered. A detainee may be isolated from contact with family and friends for up to seven days and is placed in a small, solitary cell. Nearly every complaint recorded included sleep deprivation. Reports were common which alleged constant kicking and banging of the floor and door by guards. One young man was denied rest as the door to his cell was constantly being flung open. He felt this was done in order to disturb him. One woman had indicated an aversion to insects during an interrogation session by the way in which she reacted to a flying creature. When she was returned to her cell, she says that she encountered a number of moths and spiders that had appeared under her mattress. The thought of sleep was impossible.

A young man was reportedly denied toilet privileges which forced him to relieve himself in his cell, resulting in an inability to sleep there. One young man's attempts to rest were denied by lights that were only slightly dimmed, and the intermittent banging of his door. Not least unsettling were his worries of what treatment he would be subjected to next. Many professed an inability to eat as a result of the anxiety that was instilled in them. Several reported that they had lost substantial amounts of weight during a detention period that could last up to 7 days - ranging from a half stone to a stone and a half.

Length of interviews

If sleep deprivation did not put the detainee in the proper state of exhaustion, all reported that the interrogations were exhausting. The regime is similar to that operating under ordinary legislation. There should be 8 hours uninterrupted rest in any 24 hour period. Breaks in questioning should be made at regular meal-times. Interviews should last around 2 hours. There is, however, no requirement that the interviews terminate after 2 hours. Thus while the accounts regarding length of interviews do not necessarily involve any breach of guidelines, they indicate that the allowed amount of questioning, when allied with other allegations, involve an extremely exhausting regime. In the holding centres, this level of intensive questioning can last for 7 days.

Most of those who gave statements reported lengthy interrogation sessions with minimal breaks, often extending until the hours of early morning. One young man alleged that a certain interrogation period lasted from 7.30 p.m. through 2.45 a.m. without pause. He said that he caved in and agreed to sign a statement at approximately 1 a.m., after which pressure was increased, with attempts to get him to sign for other assorted crimes. Another detainee alleged interviews that lasted from 9 a.m. till 11 p.m. with breaks only for meals. Yet another reported confusedly signing a false statement just before 1 a.m.

In his study, Schein has demonstrated that exhaustion resulting from the continuing inner conflict thrust upon the suspect operates along with sleep deprivation and other exhausting devices to

motivate the prisoner to accept the only solution permitted i.e. confession²³. A similar pattern seems to emerge from the allegations documented in this report.

4. Confusion Tactics

The fourth broad range of complaints can be characterised as confusion-inducing. The alleged ill-treatment came in the form of pain and stress caused by multiple, variable and to the inexperienced detainee, unpredictable methods. Studies have shown that unpredictability of treatment serves to frustrate the alleged victim's attempts at behaving in consistent ways or developing personal behaviour patterns to better withstand the pressure. A situation of extreme stress, which provokes anxiety, is brought about not only by the tactics employed in the detention centre, but by the uncertainty instilled in the detainee. The victim lacks access to knowing how, when or if pressure is to be applied²⁴. Psychological research has consistently shown that uncertainty and unpredictability are particularly important variables in increasing stress, leading to the conclusion that: "In trying to understand why some torture victims may escape the symptoms, it is important to look at the variables of uncontrollability and unpredictability..."²⁵. The same source continues: "...there is something unique that occurs in victims of torture, namely the devaluation of the person's world view and a loss of the ability to maintain an optimistic outlook."

Confusion, uncertainty, and surprise all seem to play a crucial role in breaking down the detainee. Many reported that they were continually shouted and sworn at, either in the face or in the ear. It was often reported that interrogators would barge in the door suddenly and start screaming, interrupting a period of calm questioning. Many instances included officers jumping up out of their seats, or lunging from behind the victim. Mention of constant banging, kicking and thumping of tables, chairs and walls recur in nearly every report. One young man told of an officer who constantly hovered about him, lunging at him from behind, giving the impression that he could strike him at any time. Detainees told of being forced to pay constant attention for fear of what might happen next, of being shoved awake or having their chair kicked if they at any point tried to ignore their interrogators.

A predominance of those spoken with described being bombarded with accusations. They were told time and time again exactly what they were alleged to have done, often also told that the interrogators already knew that they did it or had statements verifying such. Repetitive, constant accusations were launched over a period of days. A few of those spoken to reported that after a few days of constantly being drilled with the fabricated statement, they became confused as to what really happened and didn't know what to believe. In Helsinki Watch's July 1992 report, **Children in Northern Ireland**, a 17 year old, after being held six days responded to questions on why he signed a false statements. He said that, after having made an initial admission, the interrogators continued to question him:

"You don't know what it was like-five minutes later they kept asking me the same questions. I didn't know what day or what time it was. I couldn't sleep. My mind was getting so mixed up, I didn't know what I was signing"²⁶.

23 Schein, p. 122.

24 Zachrisson, p. 341.

25 Melamed et al, in Suedfeld, 1990, p15.

26 Helsinki Watch, p. 9.

What is important to note here is that it represents an account of the psychiatric symptom of derealisation. In the confines of the unfamiliar and threatening setting of the holding centre there is dissociation from known reality and acceptance of another reality, that imposed by the interrogator, of being a guilty person. The continuous repetition of one line, one type of information input, acts as a force against the validation of one's beliefs and during a state of mental fatigue one loses control of one's ability to be intellectually honest. It is then possible to confess to something one did not do²⁷.

A state of mental exhaustion ensues. Detainees, allegedly forced to digest days worth of confusing stimuli, reported feelings of disorientation. Several claimed they: did not know what to believe; lost track of time; and felt "dazed." One young man failed to recognize the presence of his parents in the courtroom after his detention and "didn't know where he was." The parents of another young man described their son's appearance after detention as "dazed and brainwashed, with swollen eyes, constantly repeating himself." One suffered an anxiety attack, and required sedation.

Nearly everyone spoken to alleged experiencing the now notorious nice/nasty routine. This performance consists of one pair of sympathetic interrogators, and another unpredictably brutish, seemingly savage pair. According to the statements given, the nice pair will engage in general conversation with the detainee, trying to "get inside his or her head". One man claimed that this was how they were able to tell that his greatest fears were for his family, and thus frequently made threats and remarks about his parents. The nice interrogators were reported to say things like "we know you didn't do it, but sign this for your own good," or "if you don't cooperate, we'll have to bring the other two in." After the detainee was calmed and momentarily convinced that there was some sanity involved in the whole ordeal, the brutish pair allegedly barged in and attempted to attack him, only restrained by the others who couldn't assure the detainee that they would be able to do this much longer. This act allegedly is repeated and embellished upon over the course of several days, ensuring that the now exhausted and defenceless victim is thoroughly confused and at the mercy of his captors. These tactics are not new, and most definitely a matter of design. They were commonly used by the Chinese Communists, among others, in the brainwashing of American prisoners, as described by Edgar Schein. "Ensuing emotions in the interrogator may range from paternal friendliness to contemptuous hate, the only sure thing being its fluctuation."

A number of other psychological concepts which appear to be relevant include the following:

- **Sense of coherence**²⁸: This is composed of three elements, namely comprehensibility, manageability and meaningfulness. In the cases we have cited these are deliberately removed, and the only method open to the detainee to restore his or her sense of coherence is to comply with the wishes of the interrogators.

- **Lack of control**: Melamed et al, 1990 state that: "In wartime situations, Milgram (1986) argued, the threat of losing one's control of events and control of self is what leads to severe crises." In the cases we have cited there is a very clear removal of sources of control.

- **"Learned helplessness"**: This concept was developed by Seligman in an attempt to explain depressive disorders. It has clear relevance to this paper, since the detainees are in a state of

27 Schein, p.121, 124.

28 Antonovsky, 1979.

helplessness. It is a simple matter for interrogators to manipulate this state by suggesting that the detainee can help him or herself by acceding to their demands, whether reasonable or not.

5. Young people

Communities complain that the young and politically uninvolved are increasingly targeted for arrest and detention. These observations and the allegations of ill-treatment are most worrisome as they combine to create a dangerously coercive mechanism. In **Coercive Persuasion**, Schein delineated a list of factors which make for the most submissive prisoners. Those who - being prone to social guilt, lacking a sense of commitment to some cause or group, not being sophisticated about politics, being relatively young, holding a belief in the sincerity of lenient inducements, being weakened by the removal of their usual social and psychological supports, being punished and threatened with further punishment which has been reinforced by events in society - were most likely to admit guilt regardless of the truth of those statements²⁹. When the politically uninvolved Northern Ireland youth is arrested and subjected to types of treatment which seem designed to break down the police's image of an hardened paramilitary, there arises the alarming possibility that he or she will fall prey to these tactics and confess irrespective of his or her actual guilt.

Some communities have alleged a specific strategy by the police involving the arrest of young men as soon as they reach the age of 17. Before their seventeenth birthday, young people have the right to have a parent or guardian present during the detention. Families say that their sons have been warned that they will be arrested. Furthermore, a number of young men are currently awaiting trial on the basis of confessions that they allege were extracted under duress involving a significant level of psychological ill-treatment. The vulnerability of young people was highlighted recently in the Helsinki Watch Report, **Children in Northern Ireland**.

29 Schein, p. 192.

5. Conclusion

The picture that appears to emerge from the allegations is of a combination of psychological, coercive, environmental and confusion strategies. Such tactics have been used in other parts of the world. Studies suggest that, by these methods, the interrogators keep the brain in a state of persistent tension and excitement until suggestibility is increased, leading to submission³⁰. Studies of interrogation tactics in Soviet Russia documented methods of coercion such as the stirring up of anxiety, confusing the victim by creating a state in which he or she does not know what is going to happen from one minute to the next, and involving weight loss and the cutting off of the prisoner from any advice. If the allegations received are true, similar tactics seem to be used during detention in Northern Ireland.

The claims contained in this report give basis to the high level of public unease about detention centres in Northern Ireland. If the allegations are true, the situation is deplorable. If the claims are untrue, the authorities should show themselves concerned to vindicate the police working in the detention centres by providing proof of the nature of the interrogations. Either way, there is a desperate need for safeguards to be implemented immediately. One prominent solicitor had no hesitation in claiming:

"The terrorist arrest is still a nightmare for the suspect. The present coercion techniques seem to be coordinated bits and pieces of former internationally denounced methods."

The apparent sophistication and complexity with which these alleged techniques are administered should serve only to evoke greater concern as it leads to greater difficulty in substantiating complaints. The difficulty in substantiating complaints of this nature cannot be attributed to the weakness of the individual complaints. Each and every means by which one could prove that deplorable treatment and conditions existed - the safeguards repeatedly called for by CAJ - has been withheld. This denial serves only to ensure that if a detainee were subjected to such cruel treatment he or she is unable to make a complaint stand up. It seems then, that until such measures are taken, the government has no grounds by which to deny these widespread and uniform accusations, as any deficiency in a complaint stems from their inaction.

In **Ireland v the UK**, the European Commission of Human Rights found that torture had occurred during interrogations in Northern Ireland in the early 1970s. The European Court later decided to

30 Sargent.

use instead the term "ill-treatment," because it felt that the effects of psychological torture were less than the effect of physical torture³¹. The European Commission of Human Rights has advised CAJ that since then there has been no case-law that has determined what methods of psychological treatment are considered to amount to torture, ill-treatment, cruel, or to be otherwise unacceptable treatment under the European Convention.

However, it is widely acknowledged that torture can occur as a purely mental process. The Commission stressed that the glaring lack of such standards is not attributable to the fact that such treatment is tolerable or that it doesn't exist, but is due to the fact that such cases have never been able to advance this far. Cases of this nature have gone unsubstantiated because of their inability to point to tangible effects, and governments' unwillingness to implement measures by which claims could be supported and further mistreatment thereby deterred. The climate which facilitates the preservation of such tactics must be changed - essential safeguards must be implemented immediately.

Without these safeguards, confessions may be produced as a byproduct of a person's mental resolve and ability (or most unfortunately, inability) to withstand pressure. The main focus of the interrogation sessions does not appear to be assessing the culpability of the particular suspect. The picture that emerges from the allegations is of the RUC wishing to pin a crime on that person irrespective of his or her guilt. And although even trained persons have broken down when subjected to these tactics, the most easily conquerable will seem to be the inexperienced, unattached individual. As Schein points out:

*"Ordinary people are the way they are simply because they are sensitive to and influenced by what is going on around them; it is the true lunatic who can be so impervious to suggestion."*³²

31 Daly, p. 245.

32 Schein, op cit p. 177.

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