

THE THREAT OF VIOLENCE

The informal justice system in Northern Ireland

Introduction

Informal justice has been a significant feature of the current 'troubles' in Northern Ireland. Since 1973 there have been at least 1790 incidents of individuals subject to punishment shootings. Statistics also originated by the RUC have noted that since 1982 at least 500 have been subject to punishment beatings.

Physical and Psychological Effects

Injuries sustained have included fractures to the elbows, knees, ankles, hands and thighs. Common injuries resulting from 'kneecappings' include damage to kneecaps, soft tissue, tendon-muscles, artery/veins and nerve damage. In some cases total mutilation has occurred and this being the case the surgeon may consider amputation. There have been incidents of individuals who have bled to death as a result of their injuries. These are generally termed by paramilitaries as punishment shootings that have 'gone wrong'.

Long term effects include experiencing stiffness and being unable to bend the affected joint. Victims of kneecappings, thigh or ankle injuries may be unable to run and may experience difficulty climbing ladders as well as kneeling or bending. All these factors may have an effect on future life styles and restrict types of employment. Other long term effects may include individuals suffering nervous disorders. Alcohol, drug or solvent abuse can occur and in some cases victims have attempted suicide.

Why does informal justice exist?

In relation to the current 'troubles' informal type justice has its roots in the early 70's when women who fraternised with the British Army were subject to tarring and feathering. This has now progressed to shootings and beatings, particularly in relation to persons who are punished for acts of anti-social behaviour such as house breaking, petty thefts, car theft and to a lesser extent, sexual offences. Individuals are usually warned prior to being punished particularly if the threat or the source is emanating from the Provisional IRA.

Individuals, mainly young men, aged

16 to 25 are taken from their home to a secluded place where the punishment is carried out. The more serious the alleged crime the more severe the punishment.

Characteristics of those under threat

Most of those under threat will be young people who have rarely if ever experienced meaningful full-time employment. They will be unlikely to have academic or trade qualifications. The prospects for future employment are slight, particularly given Northern Ireland's experience of long-term, structural unemployment. Their social circle will almost inevitably be limited to a peer group in a similar situation to themselves. In many instances there will have been a history of being beyond parental control and the drift of these mainly young people into anti-social crime in turn leads to them being marginalised within their own community.

Republican Policing - Characteristics

Practically all of those threatened are perceived to have been engaged in anti-social behaviour. Specifically this means that they will probably have been engaged in delinquent activity such as auto-theft, burglary and crimes against the person. Others under threat include those who have been accused of crimes of a sexual nature.

The activities of punishment squads are fairly well known within areas that would be described as Republican or Nationalist. It is a topic that is very often featured in the media and it has to be said that there is a significant degree of support for these activities. The situation exists in a large part because of the absence of an agreed policing policy between the local community and the RUC. The RUC is perceived by the local community as being ineffectual in terms of dealing with 'ordinary crime'. Consequently those who have been the victim of crime turn to paramilitary organisations where the response is likely to be faster and perceived as being more effective, if more brutal in terms of dealing with perpetrators.

Loyalist policing - characteristics

Unlike Republican areas, anti-social behaviour is dealt with more rapidly by the RUC in Loyalist areas. Joyriding, for example, is not as significant in Loyalist areas as it is in Republican areas. This is

not to suggest that individuals are not placed under threat if they have been engaged in anti-social activities, however the reasons for being under threat can be more varied within the Loyalist context. Those cases that have been referred to BASE 2 from Loyalist areas are significantly about Loyalist organisations policing their own organisations. This is substantially different from what occurs within Republican areas: BASE 2 very rarely obtains referrals about individuals who are believed to be associated with the Republican movement. Why this is so is concerned with the difference in recruiting patterns. It is in essence the difference between voluntarism (Republicanism) and conscription (Loyalism). The history of Loyalist paramilitarism is littered with examples of mass movements particularly when the constitutional position is in question e.g. Ulster Volunteer Force of 1912, its subsequent involvement in the First World War (36th Ulster Division), as well as the Ulster Workers Council strikes of 1974 and 1977 which featured the mass mobilisation of militant Loyalists. The most recent example was the protest against the Anglo-Irish Agreement signed in 1985.

Within the Loyalist context, young people involved in anti-social crime rather than being marginalised by paramilitaries can often be actively encouraged to either join up or at the very least contribute a percentage of proceeds obtained through criminal activity. In these areas for an individual who becomes involved and then wishes to cease their activities, disengagement may be all more difficult.

Policing

Alongside the factors mentioned above, one also has to recognise that in some of these cases young people from both sections of the community allege that they have been approached by the police to supply them with low grade intelligence. The trade off is the dropping or reduction of charges and/or the offering of financial inducements. Instances where alleged approaches have been made have been publicised at press conferences hosted by paramilitary organisations. The effect of this is meant to neutralise the physical danger to the individual.

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