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Who Guards the Guards

**Attacking civil liberties is easier than taking on the
drug barons**

Workers Solidarity Movement

1996

The terrible murder of Veronica Guerin has given rise to a lot of concern about crime. Politicians are using this to promote a climate of near hysteria and attack long established civil liberties. Seven day detention, restricting the right to silence, refusing bail and even torture (the call on Joe Duffy's radio show for a return to the tactics of the 1970s) have been put forward as solutions.

There are vicious gangland bosses. Their nicknames may sound like something from a Batman film (the Coach, the Boxer, even the Penguin). Their activities are more like something from a horror film: heroin dealing, contract killings and a threat of extreme violence to anyone who gets in their way.

They don't exist because Ireland's laws are 'liberal'. You can find crime bosses in every country, regardless of its laws. They feed off deprivation and alienation: high unemployment, poverty, hopelessness.

Recent years have certainly seen a steady increase in the annual number of offences reported to the gardai. However, it is by no

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means clear that the 26 counties is currently experiencing any more of a crime wave than it did five, ten or fifteen years ago.

Most crime is against property and a large proportion of this is minor in nature – the most recent figures show that over one in five larcenies involved less than £50. Offences against the person (murder, manslaughter, dangerous driving causing death, rape, woundings, and so forth) constitute less than 2% of all recorded crime and their number has been declining.

The figures relating to violence against the person provide a good index of personal safety and freedom from attack, and it is useful to remember that between 1988 and 1993 the number of assaults dropped by 40%. In terms of violent crime against the person Ireland must rank as one of the safest countries in the developed world. While this is no consolation to those of us who have been victims it does put things into some perspective.

It is also important to remember that although the crime rate has been increasing, the rise has been far less dramatic than that experienced in other countries. For example, between 1987 and 1994 recorded crime increased by 18% here, but by 35% in England and Wales.

It is paradoxical that despite our relatively favourable position with regard to the level of crime, there is increasing public fear and the prison population has been growing steadily. Indeed, a greater proportion of offences results in the arrest and imprisonment of the culprit than in many other European countries, including England, France, Germany and the Netherlands.

The politicians are using public concern to push through legal changes that can be used to attack long established civil liberties. Restrictions on bail could lead to a situation where people the authorities don't like can be effectively interned for long periods by remanding them in custody. If the intention is really to reduce the number of offences committed while on bail it would surely make more sense to reduce the delays in getting to trial.

Seven day detention means that suspects can be frightened or beaten into signing ‘confessions’ but that their bruises will be gone by the time they allowed to see a solicitor or have to appear in court. Remember Nicky Kelly, remember the Guildford Four.

The Irish Council for Civil Liberties has interviewed a number of people who have made allegations of ill-treatment in garda custody at the Henry Street Garda Station in Limerick city following the killing of a Special Branchman, Garda Jerry McCabe.

Thirty people have been arrested under Section 30 of the Offences Against the State Act for questioning in connection with the Adare shooting. Three people have been charged, two of whom – John Quinn and Jeremiah Sheehy – have made serious allegations of garda beatings while in custody. One had to be removed to hospital on three separate occasions.

Geraldine McNamara and her husband Bobby from Tipperary say they were subjected to racist remarks about their adopted Romanian children, and Geraldine was slapped and kicked.

Another man, arrested later, claims he was forced to sign a suicide note and was then locked in a cupboard for three hours. An exposed electrical flex was then pushed in which he was told was live and that he would be electrocuted. At another stage officers produced a board with which they threatened to break his back.

The Government has estimated that expenditure on the criminal justice system will exceed £590 million this year. This is more than has been set aside for agriculture and food (£322 million) or transport, energy and communications (£116 million). They want more cops, more prisons, they want to convince the rest of us that they are “serious” about tackling crime.

Meanwhile heroin addicts have to wait months and even years to get on a treatment programme because the government won’t provide enough cash to shorten the waiting lists. In Dublin’s Killinardin estate local people had to set up their own methadone programme when the Health Board refused to act, and they have to fund this excellent community activity by running bingo sessions.

Politicians are very selective about “fighting crime”. The government supports crime when the culprits are their own friends, which is why no beef baron was ever charged with fraud and why rich tax dodgers are given amnesties. They never cared about the scourge of heroin (and all the housebreaking and mugging that goes with it) until it threatened to break out of the working class areas which have had to suffer this affliction since the early 1980s.

The gardaí should not be given more powers. We have seen what they can do with the powers they already have: the refusal to investigate child sex abuse charges against priests and nuns until recent years, the Tallaght Two, the Sallins train robbery, Peter Pringle, the Kerry Babies case. Most recently a murder trial in Cork (Frederick Flannery) had to be abandoned when it was revealed that the gardaí had hidden vital evidence from the defence.