

REPORT OF AN INTERNATIONAL FACT FINDING DELEGATION TO COUNTY MAYO, IRELAND

FEBRUARY 23-27, 2007

SUMMARY

An international delegation of human rights and environmental justice investigators visited County Mayo Ireland at the request of a number of local residents concerned with public safety, environmental impacts, free speech and human rights issues arising from a gas pipeline and on-shore refinery project being constructed by Royal Dutch Shell and its partners.

The delegation toured the area of the pipeline and refinery projects, held a public hearing with a court reporter in order to take testimony and spoke individually with members of the community, Gardai (police), and media about the issues of concern. The delegation requested meetings with the Gardai Superintendent in Belmullet and with the Mayo County Council, but these requests were rejected.

Over a period of 30 days after the visit, the delegation received many additional submissions of e-mails, letters, video footage and other evidence of activities mostly related to protests at the site of the construction of the on-shore refinery in Ballinboy.

This report does not take a position against or in favor of the gas pipeline and refinery project. Neither does it review the activities of the oil companies involved. The report is limited to the relations between the local community and the Gardai.

The delegation reviewed all the evidence submitted to us and reached the following conclusions:

1. A large number of local residents have engaged in peaceful protest activities against the gas pipeline and refinery project. Some of the activities involved actions of civil disobedience, such as road blockades. A few residents have indicated that they do not agree with the protest activities.
2. The behavior of many police on various occasions implies that either they were not trained in the necessary skills needed to manage peaceful demonstrations and civil disobedience actions, maintain order and protect the rights of free speech, or that they are not utilizing training if they have had it. Police undertaking their duties in terms of monitoring the protestors or protecting the site did not follow basic procedures such as displaying their identifications – badge and/or names and warning protesters before taking (physical) measures.
3. Protestors were followed and confronted by Gardai when they were about the community on their private matters. Gardai have appeared in plain

- clothes at public anti-pipeline events, resulting in other people present feeling intimidated.
4. The community has been active in submitting complaints to the necessary authorities about the issues they have with the Gardai, but to our knowledge none of these cases have been taken forward. Thus people have lost faith in the system, and have stopped submitting complaints.
 5. There is evidence of excessive physical force by Gardai against peaceful protestors who were prepared to be arrested, which resulted in serious injury.
 6. Some protestors have been prepared to be arrested in order to make a political statement within their rights of free speech, but Gardai have publicly stated and practiced a policy of refusal to arrest peaceful protestors.
 7. Several members of the general population, beyond the protestors, have indicated that they have lost respect for the Gardai as a consequence of the violence around the Shell facility protests.
 8. There is evidence of the Gardai verbally threatening people without cause, which appeared to incite violence rather than diffuse it.
 9. With a small population in rural Western Ireland the large Gardai presence of up to 200 people has caused an extremely sensitive atmosphere, which threatens the culture and values of the region.
 10. There is evidence from videos of youth, women and the elderly being pushed and beaten by Gardai without provocation. Even high ranking officers were personally involved in beating up protestors.
 11. Emergency response and medical treatment to injured protestors was denied and delayed by Gardai without justification.

OBSERVATIONS AND EVIDENCE

The delegation has made the following observations based on the evidence we received. This evidence comprises oral testimony, written submissions, observation, video, photographs and interviews. This is not a scientific study – it is a report based on the evidence we collated. We have focused on the following key findings.

1. LACK OF APPROPRIATE MANAGEMENT OF PROTEST SITUATIONS

There was evidence that Gardai did not employ accepted police practices for managing peaceful demonstrations and civil disobedience actions. Such practices include arrest and removal of protestors without injury from protest scenes. If the Gardai were trained in these skills, they chose not to employ them. This resulted in peaceful protests being marred by injury and escalating violence.

In addition, there was evidence that these violent actions were partly undertaken by high ranking members of the Gardai and not isolated or conducted by rogue elements of the force.

There was evidence that people who decided to deliberately step out of the protest and go home were not allowed to go. Quite a few testimonies were made that that even in this case people were not allowed to go and were even violently held back and pushed. Members of the delegation witnessed such behaviour on the part of the Gardai.

Police undertaking their duties in terms of monitoring the protestors or protecting the site did not always have their identifications – badge and/or names – clearly displayed, which violates official policy.

2. REFUSAL BY GARDAI TO ARREST PEACEFUL PROTESTORS PREPARED TO BE ARRESTED TO MAKE A POLITICAL STATEMENT

There was direct evidence that the Gardai had adopted an official policy to refuse the lawful right of protestors to be arrested, including a written statement by the officer in charge.

In an article published in the Gardai Review, November 2006, the following statement appeared by Mr. Joseph Gannon of the Gardai:

“There were no arrests. This was part of our strategy: we did not want to facilitate anyone down there with a route to martyrdom.”

One of the members of our delegation filed the following report after the visit:

“I tried to observe the protest from behind the trailer. It was very windy and rainy and near to impossible to take clear photos or film.

The atmosphere was a lot more grim and there were more police present, but at the beginning it seemed like a normal and quiet sort of protest.

Then Garda D 235 pushed Peter Lavelle, who had been in hospital all winter, because of a hip replacement. Mr. Lavelle fell backwards in the didge. People were shocked and started to argue with the police, asking to be arrested rather than pushed. Gannon, who had come out of his car, responded: ‘The court cannot deal with it when we arrest you all’.

Unfortunately I didn't witness this push personally, but Peter and his wife, both in their seventies, pointed the Garda out that had pushed Peter. Again they asked to be arrested rather than being pushed. The police responded: ‘You should take the consequences of your actions’.

3. LOSS OF PUBLIC SUPPORT FOR AND FAITH IN GARDAI AND GOVERNMENT

While a local landowner stated he would not take a position for or against the Corrib Gas project, he stated he “has lost respect for the Gardai after the violence around the Shell facility.” A large number of people testified that they have lost trust in the police and the government.

4. HARASSMENT OF SHELL PROJECT OPPONENTS IN PUBLIC PLACES AND HOMES BY GARDAI NOT DURING PROTESTS

Evidence was submitted that Gardai were present in public places and the vicinity of homes and other locations not associated with the protest sites.

People testified that they were not only confronted with police when they were protesting but also when they were about the community on their private matters. People were harassed 50 miles from their home. People feel that they were harassed by the police for having bumper stickers opposing the pipeline on their motor vehicles.

One respondent submitted that the protestors had also been engaged in intimidation. The delegation requested further specific evidence or accusations, but none was submitted.

5. EXCESSIVE FORCE BY GARDAI RESULTING IN SERIOUS INJURY

Evidence was submitted that Gardai have responded violently to the peaceful protests. This evidence included video and photographs. Gardai attacks on peaceful protestors lacked proper warnings and use of acceptable practices to avoid serious injury.

Evidence of serious injury was shocking in that impacted protestors carried no weapons or objects that would warrant the use of such violent action by Gardai. Examples included the use of large batons, heavy equipment and physical force that resulted in broken bones, loss of consciousness and heavy bleeding. At the hearing, people submitted that they had been thrown into ditches and down embankments.

Although one respondent did imply that that the force employed by the Gardai was justified because of the protestors’ actions, we received no concrete evidence or accusations. The same respondent also mentioned that a female Garda was thrown into a ditch and injured by protestors, but again no further details were forthcoming.

6. VERBAL THREATS BY GARDAI INCITING VIOLENCE

There was evidence of Gardai verbally threatening people, eg. ‘I have you, your

time is up,' 'want to put a message across' and 'stand up and you will be beaten down'. These verbal threats incited escalating incidents that ultimately resulted in violence and injury. Such practices are not acceptable for peaceful protests and the maintaining of order.

7. LARGE GARDAI PRESENCE IN SMALL RURAL COMMUNITY CREATING SENSITIVE ATMOSPHERE AND THREATENING LOCAL CULTURE AND VALUES

Gardai means 'The Guardians of the Peace of Ireland' and it is a showing of respect when you use the word Gardai. The local Gardai were highly respected before and did keep the peace, but there was evidence that many people do not have respect for them anymore.. Evidence was submitted that local people now lock their doors when they go out in their cars, "because there are so many police in the area". People expressed fear to be out in public now with the actions of the Gardai.

8. FAILURE OF COMPLAINT SYSTEM AGAINST GARDAI REMOVES REMEDIES

People in the community have submitted complaints to the necessary authorities with regard to the issues they have with the police in how they are dealing with people protesting and the public in general. To our knowledge none of these cases have been taken forward. Thus people have lost faith in the system, and have stopped submitting complaints. One of the complaints was sent to Dublin, yet after three and a half months there has been no response.

9. ELDERLY, WOMEN AND CHILDREN PHYSICALLY ABUSED BY GARDAI WITHOUT PROVOCATION

Many of the protestors at the site have been youth and women who live in the area. The youth and women have been treated with violence by the police, with mothers and daughters being pushed. There is evidence of this on DVD. Other evidence of youth, women and the elderly being pushed was also submitted.

10. EMERGENCY RESPONSE AND TREATMENT DENIED OR DELAYED TO INJURED PROTESTORS

During the violence that erupted in the protest, the emergency ambulance services did not come through for an hour. The delegation received many submissions that this was because the Gardai denied the emergency services access to the area. A local doctor, Doctor Jerry Cowell, was not allowed to get through to the injured people. The Gardai did not allow him through. There was a concern that the Red Cross was 'employed by Shell'. Complaints were made to the Dublin office on this. Failure to allow treatment of injured protestors by medical professionals violated human rights and appropriate practice by police.

3. RECOMMENDATIONS

The situation in County Mayo arising from the Royal Dutch Shell pipeline and on-shore refinery has already resulted in serious injury, loss of trust in the rule of law and the Gardai and disruption to the culture and values of the area.

No outside intervention by the European Union or World Human Rights protection entities has occurred to remedy the situation. This lack of action and appropriate response threatens to create an even more explosive situation.

We recommend the following:

- 1) Global organizations specializing in human rights investigations, should further investigate this crisis.
- 2) Appropriate legal action should be immediately taken by such entities with the resources to fully prosecute any violations of human rights and international agreements.
- 3) The to-be-installed Ombudsman should take up the already filed complaints against Gardai behavior and swiftly and thoroughly deal with them in order to restore confidence among the local community.
- 4) The local and national authorities of the Irish government must immediately recognize that the situation in County Mayo could result in further serious injury to protestors, the public and members of the Gardai. Action should be taken to restore order and peace to the region through the intervention of neutral third parties.

EVIDENCE USED IN THIS REPORT

The delegation has made available as part of its enquiry the full transcript of a public hearing as documented by a licensed court reporter at <http://gcmonitor.org/article.php?id=576>. In addition the submissions made to the enquiry have been catalogued and a summary is available at www.foe.co.uk/resource/evidence/ireland_submissions

DELEGATION

Participants to the delegation were:

- 1) Denny Larson, Global Community Monitor www.gcmonitor.org/
- 2) Hannah Griffiths, Friends of the Earth England, Wales and Northern Ireland www.foe.co.uk
- 3) Hanna Jongepier, Milieudedefensie, Friends of the Earth Netherlands www.milieudedefensie.nl/
- 4) Bobby Peek, groundWork South Africa www.groundwork.org.za/
- 5) Paul de Clerck, Friends of the Earth International www.foei.org

These groups have been involved in the campaign against the gas pipeline and refinery project, but this visit did not look at the pros, cons or impacts of the project itself.