

The Office of the Independent Assessor of Military Complaints Procedures

Hampton House
47 - 53 High Street
Belfast BT1 2QS
Northern Ireland
Tel. (028) 9023 7822
Fax. (028) 9023 7211

Rt Hon Shaun Woodward MP
Secretary of State for Northern Ireland
Stormont
BELFAST
BT4 3ST

31 October 2007

Dear Secretary of State

With my term of office as Assessor ending on 31 October 2007, this letter formally fulfils the condition made in my annual report for 2006: to provide a brief concluding statement on the final stages of 'Operation Banner' in Northern Ireland during the seven-month period from January to July 2007.

As widely anticipated in the field of military complaints during 2007, there was a continuing absence of formal complaints; with the number of informal complaints - predominately regarding noise from military helicopters, totalling less than 90 incidents.

My work as Assessor over past years has proved personally interesting, at times challenging, and in the end broadly satisfying; having seen government edge increasingly closer to the goal of “normalisation”. Over that time, the path to peace for the security forces, politicians, government officials and everyone else has been traced on a painfully slow upward trajectory; so now that we have got there we must all ensure that peace is sustained and consolidated accordingly.

The Office of the Independent Assessor for Military Complaints Procedures has had a remarkably long innings since its operational commencement on 14 January 1993. The first Assessor was David Hewitt who held the post until my appointment on 1 April 1997. It has been suggested (perhaps not so foolishly) that the date was singularly appropriate. More seriously though, to underline the sense of change it coincided seasonally with the change of UK government from Conservative to Labour.

The need for such a post had been identified by the Government’s Advisory Body: the Standing Advisory Commission on Human Rights (SACHR), and after various debates it was agreed that the case for such a post had been made. The Assessor’s Office was among the earliest oversight bodies established to have an independent review role and to report directly to Parliament. Both my predecessor and I

have intentionally carried out our duties with a low profile; believing that to seek improvements calmly and quietly was the best course to pursue; with success more likely to be met by encouraging co-operation rather than engaging in confrontation.

Over the life time of the Office we have overseen and examined some 725 formal non-criminal complaints, plus more than 10,000 informal complaints. I have always encouraged the resolution of complaints informally where possible, so that 'the customer' gets a resolution without undue delay. This informal resolution approach only happens with complainants' agreement, and most have felt fairly treated by the investigatory process.

The concept of the complainants in Northern Ireland being considered as 'customers' of the military was introduced early in my annual reporting. That developed into the introduction of Community Awareness Training and formation of a dedicated Team (CATT), to supersede the old idea of dealing with "PR traps". The objective of CATT was to get all troops to become aware of any of their own prejudices and then examine them against the background of Northern Ireland, its versions of history and the communities' aspirations. This appears to have been one of the best training packages, able to give the military a better understanding of the theatre in which they operate. By way of contrast, before the soldiers took to the streets of...

Northern Ireland in 1969 they had only experience of peace-keeping abroad; tactics which were to prove inappropriate for working in a part of the United Kingdom. It is heartening to note that the Army intend to continue such training, including the use of Civil Representatives, for all units entering the Province as part of their induction process.

Continuing on the theme of training, I have witnessed a progressive improvement in training at all levels in the military. Initially there had been a few who hoped to solve the Northern Ireland problem single-handedly and win the Victoria Cross within their four month term of duty; but that simplistic view did not persist, and the professionalism in military thinking increased markedly. From my perspective this was particularly noticeable in the military use of the baton gun. As Assessor I carried out a full assessment of the use of this weapon, covering the selection of the gunner, the training and assessment of his performance and a continuance of the revalidation of the performance. I also produced detailed reports on the use of the weapons: the last report being on the disturbances in West Belfast in 2005. My recommendations for improvements were introduced and broadly accepted. In view of the high turn-over of military personnel, I have harboured some caution that if this weapon is to be used in future by the military then a loss of individual expertise and experience may reduce the overall competence in its use. However, I

am reassured by GOC NI's commitment to ensuring that the training package which has been developed as a result of our collaboration over recent years will be applied to any units engaged in public order duties.

Helicopter complaints have been a regular feature of my reports, and in the final seven months leading to the end of "Op Banner" on 31 July 2007, a total of 81 out of 83 informal complaints concerned helicopters. I perceive a continuing need for helicopter crews to train operationally, especially with current military commitments in Iraq and Afghanistan. So there does need to be a credible system of dealing with those types of complaint, as well as taking the chance to explain the developing role of the military, not only in Northern Ireland previously, but further afield for the future.

Reflecting on the few negative aspects experienced from my time as Assessor I remain saddened by the reinstatement of Fisher and Wright to military service (the two Scots Guardsmen who were found guilty of the murder of a young man in North Belfast). I think that the injustice done to the McBride family remains in need of redress.

There is separately the experience of a later incident involving a military patrol at the Ardoyne Road in North Belfast when it was cut off and viciously attacked. In spite of pertinent comments by the

Human Rights Advisors to the Police Service of Northern Ireland which in my view had constituted a complaint, the response of the Ministry of Defence - which subsequently refused me access to the papers to examine and comment on, flew in the face of established good practice over my period of tenure. Indeed, had I had sufficient finance to mount a legal challenge I would have been tempted to do so.

As Assessor on duty, I have always imagined operating with a sword and shield. The sword, being for the most part to remind those who needed to be reminded that there could be consequences for unreasonable refusal to heed my words. The shield, for use when I deemed protection was necessary; whilst my armour was a demonstrable independence, which I guarded as jealously as did those with whom I worked.

To all those with whom I have engaged I owe a considerable debt. To office colleagues Trevor French and Kate Challis who were with me constantly I offer my thanks for their unfailing advice and support. To the civil servants from the Northern Ireland Office over the years I record my thanks. To the Civil Representatives (Civ Reps), with their accumulated knowledge, who made my job much easier, and to the military staff at Headquarters Northern Ireland (HQNI), the Royal Air Force at Aldergrove and the Royal Navy I also offer thanks; but most

of all to the General Officers Commanding Northern Ireland, who, without exception, were intent on doing a good job for the people of Northern Ireland.

I find it entirely agreeable to be a redundant Assessor, on account of the increasing peace which I hope will grow and strengthen, so that the very difficult days of the past will become a fading memory. That said, let us not forget the sacrifices of all those young men and women who, through their military, police or associated service to us paid the supreme sacrifice, or who continue to suffer from wounds physical or mental. Let such needful memories prevent us all from making the mistakes of the past again.



JIM McDONALD
Independent Assessor