



protecting the GUILTY?



● The Bloody Sunday march passes a mural commemorating the 14 victims (below) Martin McGuinness, Pat Doherty and Gerry Adams share a joke at the Derry march



and the world marched at Free Derry Corner to Bloody Sunday, and to in their fight for justice at



to sacrifice our rights in order to protect the hidden underbelly of government." Janet Donnelly from the

Ballymurphy Campaign - which is demanding an inquiry into the events of 9 August 1971 when eleven people were killed by British soldiers during Internment — told the people of Derry that "our people, like your people, were gunned down in cold blood by the very same regiment, 1st Para, just six months before they came to Derry. They opened fire on anyone who moved in a murderous frenzy."

Siim Fein's Sean MacManus, Mayor of Sligo, (left) said: "We have travelled a long and difficult road since that terrible day 29 years ago. Just as our work to achieve a settlement has had its highs and lows, so has the campaign of the families of those murdered on Bloody Sunday. But the days of listening to the likes of Derek Wilford saying 'We have nothing to apologise for' are over. It is a tribute to the courage and commitment of the families of those murdered that the new Bloody Sunday Inquiry was established. I have no doubt that

if this work continues, we will see justice."

MacManus also spoke about the current political difficulties, saying: "The Good Friday Agreement was not a republican document, but despite out misgivings about it we signed up to it in the belief that it could bring about fundamental change for our community. It is for this reason that the unionist community has such difficulties with it. They cannot countenance equality."

"The RUC was part of a failed political entity. It cannot be part of a new future. Nationalists and republicans will not accept half measures. We want a decent, democratic and accountable police service. The Patten Report gave us an opportunity to do that: the Mandelson Bill does not. If Tony Blair genuinely wants republicans to sign up to any new policing service, he needs to understand how emotive the issue is. Our message to him is, it is now over to you on this issue."

Police Act is Patten lite

BY FERN LANE

ONE of the British Government's most consistent critics in respect of its handling of police reform, Brendan O'Leary, Professor of Political Science at the London School of Economics, was guest speaker at an afternoon of discussion and workshops organised by the Pat Finucane Centre to examine the proposed changes to the RUC and the response of the nationalist community to those changes.

In a detailed and well-presented lecture, *The Past, Present and Future of Policing and the Belfast Agreement*, O'Leary took his audience through the various stages of the new Policing Bill, comparing the original draft of the Mandelson Policing Bill and its subsequently amended version with both the Patten Report and with the requirements of the Good Friday Agreement.

Of the current political impasse, including that on policing reform, he began by commenting that the British Government "has significantly contributed to the current difficulties, not least in mismanaging its own legal and political responsibilities."

"This was particularly evident in the unilateral and ill-judged actions, inactions, and sustained public dissimulation on the part of Mr. Peter Mandelson, who replaced Dr Mowlam as Secretary of State in 1999. Mr Mandelson is said to regard Dr Mowlam as 'terminally undisciplined'. He, by contrast, was terminally disloyal to his public obligations and insensitive to the meaning of the Belfast Agreement — made by others, not by him. Let us hope that his contributions, especially in obtaining the power of suspension, in violation of the Agreement and international law, and in mishandling police reform, will not prove terminal to the Agreement."

In May 2000, Professor O'Leary said, the British Government had, once again, promised to implement the Patten Report in full. However, even as they did so, the British Government "implied, usually in off-the-record briefings, that it could not implement the Patten Report in full because of the 'security situation'. This briefing position, in dissembling contradiction with its official one, would have had more credibility if the necessary preparatory legislative and managerial steps to implement Patten in full had been taken. They were not."

Turning to the first draft of the Policing Bill, O'Leary questioned why there was such a "radical discrepancy" between it and the Patten Report. "The short answer is that the NIO's officials, under Mr Mandelson's supervision, drafted the Bill... They treated the Patten Report as a nationalist report which they had appropriately to modify as benign mediators." The result was, he said, a Bill which suggested that the government was "determined to avoid the police being subject to rigorous democratic accountability, especially about the past: deeply distrustful of the capacity of the local parties to manage policing at any level, and concerned to minimise the difficulties that the partial implementation of Patten would



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— BRENDAN O'LEARY

occasion for David Trimble and his party."

In the original draft of the Bill, the Patten Report had been "gutted". The final Police Act, by contrast, is "Patten lite": "I cannot see how anyone can say that Patten has been implemented here, let alone to the tune of 90%" (as claimed by one of the Commissioners, Maurice Hayes, and by the NIO).

O'Leary was particularly critical of Mandelson's decision to prevent the new Policing Board from initiating retrospective inquiries. "This is an undeclared amnesty for past police conduct," he said. "Personally I have no objections to an open amnesty, but this step was dishonest... How can there be an authentic new beginning if all past misdeeds are swept under the carpet? Mandelson suggested his critics were petty, arguing that they were ungrateful, pointing out just how much he had done to implement Patten and how radical Patten is by comparison with elsewhere. This spin was, as usual, utterly unconvincing."

A remedy to the defects in the Policing Act, short of new legislation, said O'Leary, could be brought about by ensuring that the final implementation plan brings the government "strongly into line with Patten" and further, for the new Secretary of State to "encourage the Oversight Commissioner to interpret his role as Patten intended it".

O'Leary also called for inquiries into the cases of Pat Finucane, Rosemary Nelson and Robert Hamill, "with amnesties if necessary" for the relevant officials in order to both "satisfy the families' needs to know what happened to these victims" and to "openly recognise past and very recent misdeeds by police personnel and profoundly deficient police practices".