

## **Call for a Public Inquiry into the Policing of the Shell/Corrib Gas Project**

We support the recent demands for an inquiry into allegations of systemic Garda corruption and violence. We believe any such inquiry should include the Shell/Corrib pipeline police operation in North West Mayo. This is one of the longest running police operations in the history of the Irish state and has drawn critical attention from national and international human rights organisations<sup>1</sup> since 2006 over the alleged violence and intimidation used by Gardaí against campaigners.

In 2007, campaigners submitted complaints en masse against the Gardaí to the newly established Garda Síochána Ombudsman Commission (GSOC). Out of the 111 complaints received by GSOC between May 2007 and November 2009, 78 were deemed admissible and 7 sent to the DPP. The DPP rejected prosecution in all 7 cases. The majority of campaigners have since stopped submitting complaints to GSOC. In 2010, complaints from 400 Kilcommon residents were submitted to Shell's Belmullet office detailing the "escalating physical and psychological harassment" continuing in the area. In 2012, residents again submitted a mass complaint, this time to Mayo County Council, outlining serious grievances arising out of the project, including experiences of private security and state policing, with no result. Any inquiry into the policing of the Shell/Corrib Gas Project cannot ignore the following extract from the minutes of the Shell Committee of Managing Directors meeting held in London 22/23 July 2002: "It was noted that development of the Corrib field may be delayed until 2004 as planning consent had been refused for the terminal. The committee queried whether the Group had sufficiently well placed contacts with the Irish government and regulators. Paul Skinner undertook to explore this issue further in consultation with the Country Chairman in Ireland".<sup>2</sup>

In 2007, GSOC requested to conduct a "practice, policy and procedure" investigation into the police operation but this was turned down by the then Minister for Justice, Brian Lenihan. In 2009, the then Garda Commissioner Fachtna Murphy ignored recommendations from GSOC that a senior Garda on the operation face disciplinary action. The following year, two officers on secondment to GSOC tasked with addressing the body of complaints in relation to the policing of the Shell/Corrib gas project gave their apologies to campaigners before returning to New Zealand. In 2011, following the tape controversy, in which members of the Gardaí were recorded joking about raping and deporting female protestors, campaigners publicly stated that they believed GSOC's response to the controversy amounted to "blame the victim" tactics through a campaign of spin and misinformation. Quite understandably, there is now no faith in GSOC as it currently exists and any inquiry by GSOC into the Shell/Corrib gas police operation would be dysfunctional, particularly as this inquiry should include the failings of GSOC.

### **Some Issues to be addressed in formulating Terms of Reference for an Inquiry into the Policing of the Shell/Corrib Gas Project**

It is in the public interest that an independent public inquiry be conducted immediately into this police operation, including but not limited to, the following issues:

- i. The legality of the no-arrest policy used throughout protests against the Shell/Corrib gas project from 2006 during which time campaigners were allegedly assaulted by Gardaí, resulting in the hospitalisation of several protestors.
- ii. The legality of the Garda practice of arrest with no-charge.
- iii. The legality of detaining large crowds without arrest.

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<sup>1</sup> Human Rights organizations who have expressed concerns about the Shell/Corrib pipeline police operation include Global Community Monitor, Frontline Defenders, Amnesty, TABLE, United National Human Rights Commission and most recently South African archbishop Desmond Tutu who called for an "urgent and comprehensive" independent inquiry into the policing of the Shell/Corrib gas project. Despite this at no stage has the Garda Commissioner or senior Garda management requested advice from the Strategic Human Rights Advisory Committee in relation to the policing of the Corrib gas project.

<sup>2</sup> [http://www.shellnews.net/classactiondocs/403\\_2.pdf](http://www.shellnews.net/classactiondocs/403_2.pdf)

- iv. Allegations of phone tapping by An Garda Síochána.
- v. Alleged incidents relating to the operation of the Garda Water Unit in water-based protest situations.
- vi. Allegations that Gardaí made threats of sexual assault against protestors including the threat of rape.
- vii. Allegations of Garda practice of using roadblocks to selectively allow some people to pass and others not.
- viii. Allegations of Garda practice of searching individuals and vehicles with unclear reference to legislation or abuse of legislation.
- ix. Allegations of locally-based Gardaí not providing equal service to residents associated with the campaign.
- x. The use of batoning, assault and the pressure point technique (designed to inflict pain to force a protestor to comply with a direction), specifically clarifying in what circumstance such techniques are legal in protest situations.
- xi. The legality of profiling opponents to the Shell/Corrib project by An Garda Síochána including allegations of Garda practice of targeting particular individuals perceived as leaders or influential in the campaign and subjecting them to harassment, violence and targeted prosecutions.
- xii. The operation of all undercover police officers at protests against the Shell/Corrib gas project. In 2011, a British police officer Mark Kennedy was revealed to have been working as an undercover infiltrator of environmental movements between the years 2003-2010. In 2006, Kennedy spent time in Mayo, allegedly in the knowledge of the Gardaí, and gave direct action training to protestors during this time.
- xiii. The circumstances surrounding the Pollathomas pier incident of 11th June 2007. On this day Gardaí are believed to have facilitated access to private land for Shell contractors against the consent of the landowner and used violence against 40 people who came to the landowner's aid in blocking entrance to the land.
- xiv. The circumstances surrounding the sinking of the 'Iona Isle' on the 13th June 2009, including the alleged failure of the Gardaí to respond to or properly investigate the incident. It is alleged that four masked men boarded the boat late at night, threatened the two crewmen aboard (both community campaigners) and caused irreparable damage below deck, leaving both men on the sinking vessel.
- xv. The circumstances relating to the promotion of selected Gardaí known to have worked on the Shell/Corrib gas police operation.
- xvi. Allegations that Gardaí failed to respond to campaigners' complaints of harassment, surveillance and assaults by private security contractors working for Integrated Risk Management Services (IRMS), the security company hired by Shell to work on the Shell/Corrib pipeline project, including allegations that Gardaí refused to take statements from individuals who had been assaulted by IRMS.
- xvii. The relationship between An Garda Síochána and private security company IRMS including the issues of:
  - a. Allegations of Gardaí and private security cooperating in the policing of protests and of Gardaí taking orders from private security.
  - b. Allegations of private security illegally detaining campaigners and in some cases handing campaigners over to Gardaí.

- c. Allegations of Gardaí arresting protestors on public road and bringing them into the Shell compound and detaining them there.
  - d. Allegations of Garda command and control being set up inside Shell compound in Glengad in 2009.
  - e. Alleged use of Glengad compound as a recruitment and training ground for mercenaries.
  - f. The alleged illegal filming of children by Shell's agents together with the alleged failure of the Gardaí to investigate this.
  - g. Retired Gardaí taking up positions with private security company IRMS.
- xviii. The relationship between An Garda Síochána and Shell specifically investigating:
- a. Details of all meetings between senior Garda officers and Shell management and the purposes of those meetings including investigation into allegations of information sharing and coordination between An Garda Síochána and Shell.
  - b. Allegations of Gardaí receiving bribes from Shell by former Shell subcontractor, OSSL who allege to have delivered large quantities of alcohol to Gardaí in Belmullet in 2005, 2006 and 2007. OSSL also allege that they came under pressure by the head of Shell Ireland to change a statement one of their employees had prepared to give to GSOC in which he had stated hearing Superintendent Joe Gannon saying *"I'm going to drive these fuckers into the sea"* before a Garda attack was launched.
  - c. Retired Gardaí taking up positions with Shell.
- xix. To date, 24 individuals have been jailed for their opposition to the Shell/Corrib gas project. In some of these cases, convictions were sought through the testimony of Gardaí alone and allegations have been made that some convictions were the result of questionable and, in some cases, verifiably false Garda evidence being accepted in court to convict campaigners. An investigation into these allegations is essential to determine whether individuals were wrongfully convicted and should extend to the office of the DPP and the judicial process.
- xx. This inquiry should include the effectiveness of An Garda Síochána Ombudsman Commission complaints process vis-a-vis the complaints made by community campaigners between 2007-to-present-day, paying particular attention to the decision of the DPP not to prosecute members of An Garda Síochána. It should also address allegations that GSOC did not engage in an independent inquiry into the tape controversy of 2011 instead pursuing a media campaign of spin and misinformation and "blame the victim" tactics.
- xxi. This inquiry should include the role of the Department of Justice, including but not limited to, the decision in 2007 of the then Minister for Justice not to permit GSOC to conduct a public interest inquiry.
- xxii. This inquiry should make known details of all public money utilised to resource the Shell/Corrib police operation.

This list reflects a small sample of incidents and practices identified by campaigners and human rights organisations since 2006 relating to the Shell/Corrib gas police operation.

## **Call for a Public Inquiry into the Policing of the Shell/Corrib Gas Project**

### **Signatories**

This call for an independent public inquiry into the Shell/Corrib gas police operation is supported by the following groups and individuals:

Shell to Sea, Rosspoint Solidarity Camp and Pobal Chill Chomáin

AFRI Human Rights organisation

TABLE Human Rights Observers

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Therese Ruane Castlebar Town Council

Gerry Murray Mayo County Council

Rose Conway Walsh Mayo County Council

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