

Terrorism, Counterterrorism and “The Rule of Law”: State Repression and “Shoot-to-Kill” in Northern Ireland

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*Paper presented at the annual meeting of the American Conference for Irish Studies, Boston, 2019. We thank Eitan Alimi, Aaron Dusso, Anthony McIntyre, Kenzie Mintus, Ed Moloney, Dieter Reinisch, Cáit Trainor, and Tim White for their helpful comments and Nikki Brown and April Eales for research assistance. Please direct all questions to Robert White (spike@iupui.edu).



Abstract

Authors have argued that counterterrorism must be consistent with “the rule of law.” Often associated with this approach is the assumption that plural political structures limit the state’s response to terrorism and that state agents will be held accountable if their response is excessive. Scholars who focus on social movements reject this assumption.. We examine the state’s response to anti-state violence in Northern Ireland between 1969 and 1994. In 1982, Sinn Féin did much better than expected in an election to the Northern Ireland Assembly. Following the election, it is alleged that state agents followed a “shoot-to-kill” policy and shot dead Irish republican paramilitaries instead of arresting them. We find evidence suggesting such a policy and consider the implications.

When responding to “terrorism”, democratic states face the dilemma of defending themselves without “destroying the values for which they stand” (Ignatief 2004, p. vii; Merom 2003). Indeed, several authors have argued that the state’s response to terrorism must be consistent with “the rule of law”: that counterterrorism should be rooted in a justice system with checks and balances that protect everyone, including anti-state activists who deny the legitimacy of legal structures designed to protect even their civil liberties (Chalk 1995; Pedahzur and Ranstorp 2001; Wilkinson 2006: 61-94; see also Kalyvas 2003).

In contrast, social movement theories reject the assumption that liberal democracies are governed by plural political systems that guarantee due process for everyone. As Davenport and Inman have commented, “when authorities are challenged with some form of conflict, they engage in some form of repressive action—simply, threatened governments normally respond with force” (2012: 622; see also, Davenport, 1995; Gamson 1990 [1975]; Gurr, 1988; Tilly 1978; Alimi, Demetriou, and Bosi 2015; Earl 2011; Lichbach 1987; Khawaja 1993; White and White 1995; Rasler 1996).

Scholars generally agree that democracies have a complex set of repertoires with which to respond to challenges. These include accommodative means that allow for participation and contestation (Gurr 1988, p. 54; Davenport 2007, p. 11). In democracies, leaders are under more scrutiny as an independent press can publicize illegitimate uses of force and they may be voted out of office. Democratic leaders also must worry about the cost of using inappropriate repressive measures that lead to public outrage—the “backfire” effect of repression (Hess and Martin, 2006). They must employ tactics that demobilize movements while simultaneously mitigating or eliminating backfire effects (Smithey and Kurtz 2018, p. 185).

Smithey and Kurtz (2018) argue that elites have a continuum of repressive tactics available to them, ranging from violent sanctions that induce fear among challengers to persuasive inducements that increase the chances that challengers will internalize a regime's legitimacy (p. 190). The response to a domestic threat will depend on many factors, including the type of the challenge, the identity of the challengers, the challengers' goals, and the regime type. Lethal force is but one of the many tactics leaders may use to repress opposition. We investigate the possibility that a liberal democracy, when threatened, and like its more authoritarian counterparts, will systematically employ lethal force against its own citizens. The following is a case study of state violence against Irish republican paramilitaries—"terrorists"—in Northern Ireland.¹

CONTEXT

Between 1969 and the 1998 Good Friday Agreement, more than 3,600 people were killed by political violence in Northern Ireland (White 2017). Broadly, there were three actors in the conflict: anti-state Irish republican paramilitaries, pro-state loyalist paramilitaries, and the security forces (such as, the British Army and the Northern Irish police, the Royal Ulster Constabulary (RUC). The "Provisional" Irish Republican Army (IRA) was responsible for almost 1,800 fatalities, including more than 900 members of the security forces and 500 civilians (of whom approximately 350 were Protestants). Other republican paramilitary organizations active during these years include the "Official" IRA, the Irish National Liberation Army (INLA), the Irish People's Liberation Organization (IPLO), and the "Continuity" IRA. Loyalist paramilitaries were responsible for almost 1,000 fatalities, and most of their victims were civilians (650 Catholic and 120 Protestant; McKittrick, et al. 2004).

In general, there was “strategic consistency” in the approach of successive British governments that acknowledged a political dimension to the violence, but also viewed it as criminal behavior (Cunningham 2001, p. 155). This approach was rooted in past practice (including the British response to previous insurgencies in Ireland and in colonial settings), interacted with the republican paramilitary campaign, and included security-based and politically-based initiatives (see Bell 1976; Barkan 1984; McAdam 1983; Neumann 2003; Smith 1995). For example, in 1971 internment without trial was introduced in Northern Ireland for the fourth time in the 20th century (Beggan 2006; Bell 1993; De Fazio 2018). These efforts were complemented by political initiatives that included negotiations with various Irish governments, the Sunningdale Agreement (1973), which led to the brief establishment of communal power-sharing (1973-74), and a Provisional IRA-British truce in 1975 (English 2003; Ó Dochartaigh 2015). Over time the security forces became more sophisticated and discerning (see Table 3). Paramilitaries also adapted. In 1976-77, the Provisional IRA reorganized for a “Long War” strategy. They scaled back their bombing campaign, embraced a smaller and more secure cellular structure, and adopted a “total strategy” of coordinated military and political activity (Smith 1995: 110-12; 152-161; English 2003; Moloney 2007: 175-8; see also Morgan and Smith 2016; White 2017).

In directly confronting terrorism, the security forces were more aggressive against anti-state republican paramilitaries than they were pro-state loyalist paramilitaries, and also killed a large number of civilians. McKittrick et al. (2004 Table 18) report that between 1969 and 1998, British soldiers killed 301 people, including 121 republican versus 10 loyalist paramilitaries, and 138 Catholic versus 20 Protestant civilians. They also report (Table 19) that the RUC killed 52 people, including 15 republican versus five loyalist paramilitaries, and 26 Catholic versus three

Protestant civilians.² Police officers and soldiers were subject to rules of engagement but in several instances were prosecuted for the excessive use of force, including four soldiers found guilty of murdering civilians.

Our focus is on an apparent change in the republican paramilitary-security force dynamic in the early 1980s. We address the development of an alleged shoot-to-kill policy, directed against anti-state republican paramilitaries, under which the rules of engagement were seemingly compromised.

SHOOT-TO-KILL

On 1 March 1976, “special category status” for paramilitary prisoners was ended.. The Irish republican protest against their “criminalization” peaked in 1981 when ten prisoners fasted to death in an attempt to force the British into conceding political status (Kirkpatrick 2018a; 2018b; O’Hearn 2006). Although the prisoners failed to win immediate concessions, the support mobilized outside of the prison was much greater than expected. In a Northern Ireland by-election, hunger-striker Bobby Sands was elected the MP for Fermanagh/South Tyrone; his subsequent funeral drew an estimated 100,000 people. In June 1981, two IRA prisoners were elected to the Dublin parliament, contributing to a change in government. In the wake of the hunger strike, the republican movement as a whole experienced a large-scale mobilization, especially the Provisional IRA and its political wing, Sinn Féin.

To counter the hunger strike mobilization and support the Social Democratic and Labour Party (SDLP), the moderate Catholic/nationalist alternative to Sinn Féin, the British government sought to restore a government for Northern Ireland, beginning with an election to a new Northern Ireland Assembly in October 1982. In order to register a protest vote, and after

pledging they would not take their seats in an illegitimate British assembly, Sinn Féin contested this election and received 64,191 first preference votes (10.1% of the total). Of five Sinn Féin elected representatives (out of 78 total), three of them—Gerry Adams, Martin McGuinness, and Danny Morrison—were assumed to be leading members of the Provisional IRA (Moloney 2007).

The election was a watershed, opening a new front for the Provisionals in which IRA violence was complemented by Sinn Féin electoral politics. Sinn Féin received 35% of the nationalist vote and suddenly threatened the moderate SDLP. Fearing they would be outflanked, SDLP representatives also refused to take their seats in the Assembly, which was effectively scuttled. Perhaps most important, the Sinn Féin vote demonstrated that the hunger strike mobilization had not faded. The possibility that Sinn Féin would eclipse the SDLP threatened the state's counterterrorism campaign, posited on the argument that the paramilitaries were a criminal terrorist conspiracy with virtually no popular support. In the words of Brendan O'Leary and John McGarry, "Sinn Féin's breakthrough cast a dark shadow on British claims to neutrality: one third of the nationalist community supported a war to expel them from Northern Ireland" (O'Leary and McGarry 1993, p. 213; see also Neumann, 2003, p. 116; Patterson 1997, pp.194-95; Smith 1995, p. 162).

This was the political context in which, on 11 November 1982, Seán Burns, Gervais McKerr, and Eugene Toman, three members of the Provisional IRA's "North Armagh Brigade", were shot dead by the Royal Ulster Constabulary's E4A Special Support Unit. Police officers claimed that the men killed had tried to drive through a roadblock. Forensic evidence showed that the car was stationary when they were shot. The fact that the paramilitaries were unarmed suggested to some that they had been executed. This was the first of a series of alleged shoot-to-kill incidents involving RUC and British army special covert operations units (see also Bew

2014).

Our investigation is two-fold. First, we use quantitative data to test the hypothesis that following the 1982 Northern Ireland Assembly election there was a change in the nature of republican paramilitary-security force confrontations.³ Second, we present a chronological analysis of alleged shoot-to-kill incidents between 1982 and 1992.

DATA AND METHODS

Our data are primarily drawn from *Lost Lives: The Stories of the Men, Women and Children Who Died As A Result Of the Northern Ireland Troubles* (2004), written by journalists David McKittrick, Seamus Kelters, Brian Feeney, and Chris Thornton. *Lost Lives* presents information on each victim, including the date and location of death and the organization that caused the death.⁴

Time Frame

We examine the security force-republican paramilitary dynamic between the “Lower Falls Curfew” in Belfast, 3 July 1970, and the Provisional IRA’s ceasefire of August 1994. The curfew marks the beginning of direct conflict between republican paramilitaries and the security forces (Bell 1993). The ceasefire marks the beginning of the end of the Provisionals’ military campaign. Between July 1970 (our starting point) and November 1992, there were 106 incidents in which the security forces shot dead 140 republican paramilitaries and three civilians. The youngest paramilitary shot dead was a thirteen-year-old member of Na Fianna Éireann, a youth group aligned with the Provisional IRA. The oldest was 52 years of age. The mean age of paramilitaries shot dead by the security forces was 23. Of the 140 paramilitaries shot dead by the security forces, 108 were members of the Provisional IRA, ten were members of the Official

IRA, ten were members of Na Fianna Éireann, nine were members of the INLA, two were members of Cumann na mBan (an independent women's organization), and one was a member of the Irish People's Liberation Organization (IPLO). The vast majority of the victims (136 of 140 paramilitaries) were men (see Bloom, Gill, and Horgan 2012; Reinisch 2019; Reinisch forthcoming).⁵

More of these incidents (53) occurred in Belfast than in any other location (see Table 1). Combining with Derry city (16), just less than two thirds of the incidents occurred in urban areas (69/106=65%). There was one international incident. On 6 March 1988, soldiers of the Special Air Service (SAS) shot dead three IRA members in Gibraltar. The rest of the incidents were scattered among the small towns of Armagh, Downpatrick, Dungannon, Newry, and Strabane, and the rural areas of Counties Antrim, Armagh, Fermanagh, and Tyrone. A multivariate analysis allows us to determine if there was a qualitative change in British counterterrorism following the 1982 Assembly election.

[TABLE 1 ABOUT HERE]

Dependent Variables

British authorities have consistently denied that there was a shoot-to-kill policy in Northern Ireland. Our measures are by necessity indirect and are in essence an attempt to assess the existence of a latent variable—that is, a shoot-to-kill policy implemented after the 1982 Assembly election (Bollen 2002).⁶ We measure observable outcomes of an alleged shoot-to-kill policy.

If there was a shoot-to-kill policy, the evidence suggests it was implemented by the special operations branches of the security forces: the RUC's E4A Special Support Unit, the British Army's 14th Intelligence Unit, and the British Army's Special Air Service (SAS).⁷ In

Secret Victory: The Intelligence War that Beat the IRA, William Matchett (2016) presents a “chronological list of all covert operations ... that resulted in one or more fatality from 1974 to 1992” (Matchett 2016, pp. 108, 198-205, 221-22). Our first dependent variable is based on thirty covert incidents in which republican paramilitaries were shot dead. This is a binary variable (1=covert operation; 0=all other incidents).⁸

Our second dependent variable is also binary and measures the number of paramilitaries shot dead in each incident (0=one paramilitary was killed; 1=two or more paramilitaries were killed).⁹ Under a shoot-to-kill policy, the emphasis would be on killing paramilitaries rather than arresting them. This should result in a significant increase in fatalities per incident. In 86 of 106 incidents, only one paramilitary was killed. The first incident with multiple fatalities occurred on 23 October 1971. Maura Meehan and Dorothy Maguire, sisters and members of Cumann na mBan, were driving through West Belfast and warning people that a raid was underway when they were shot dead by British soldiers. The final incident with multiple victims occurred on 16 February 1992 when four IRA members in County Tyrone, as described in *Lost Lives*, were killed “in a carefully planned SAS ambush.” The most paramilitaries killed in any single incident occurred on 8 May 1987, when eight members of the Provisional IRA’s Tyrone Brigade were killed in an attack on a police station in Loughgall, County Armagh (McKittrick et al. 2004, pp. 107-108, 1077-80, 1280).

Independent Variables

Our key independent variable measures whether or not a given incident occurred before or after the 1982 Northern Ireland Assembly election (0=before the election; 1=after the election). We control for the level of violence that preceded each incident, the geographic location of each incident, and the possibility that informers influenced security force operations.

The number of people killed between incidents is an indicator of the level of paramilitary activity prior to a given incident. We suspect that the more people killed between incidents, and the more members of the security forces killed between incidents, the more likely the security forces would respond with force. We control for the total number of people killed between incidents and the number of security forces killed between incidents. Because these variables are correlated, they are entered into separate equations.¹⁰ These variables should control for the possibility that periods of increased paramilitary activity, such as after the hunger strike, led to more aggression from the security forces.

A binary variable is used to indicate whether incidents occurred in the urban areas of Belfast and Derry city or the rural areas and small towns of Northern Ireland (1=urban; 0=rural/small town). This variable should capture differences in the republican paramilitary-security force dynamic associated with urban versus rural guerrilla warfare/terrorism (e.g., Schultz 1978). Finally, we control for 78 alleged informers killed by republican paramilitaries between 1972 and 1992.¹¹ The loss of information provided by an alleged informer may have influenced the ability of the security forces to engage in counterterrorism. Executing an informer may also have made it less likely that other informers would provide additional information to the security forces. We anticipate that the more informers killed, the less likely there would be an incident.

[TABLE 2 ABOUT HERE]

Table 2 presents the results of binomial logistic regression analyses on two dependent variables. In Models 1 and 2, the dependent variable is whether or not paramilitaries were shot dead in a covert operation (1=covert operation; 0=other incidents). In Models 3 and 4, the dependent variable is whether or not multiple paramilitaries were shot dead in an incident

(1=more than one fatality; 0=one fatality). Separate models include the total number of persons killed between incidents (Models 1 and 3) and the total number of members of the security forces killed between incidents (Models 2 and 4).

The results across all four models show a significant effect for the 1982 Northern Ireland Assembly election. The likelihood of a covert operation perpetrated by the security forces in which republican paramilitaries were shot dead increased significantly after the election (Models 1 and 2, $p < .001$). Similarly, the likelihood that multiple paramilitaries were shot dead in a single incident increased significantly after the election (Models 3 and 4, $p < .01$). Based on Models 1 and 2, after the election it also became significantly less likely that there would be a fatal covert operation in Belfast or Derry city ($p < .01$). In Models 3 and 4, the urban or rural nature of the incidents was not significant, although the direction of the coefficients is negative.

Controlling for the other variables, the total number of persons killed and the number of security forces killed are insignificant across all four equations. These findings suggest that changes in the level of violence did not directly influence incidents in which republican paramilitaries were shot dead by the security forces. Similarly, the number of alleged informers killed did not directly influence incidents in which republican paramilitaries were shot dead.

Because coefficients are expressed in terms of the logged odds of the dependent variable and are non-linear in logistic regression models, their substantive interpretations are not straightforward (Long and Freese 2014, pp. 133-84). To better understand the influence of the Assembly election and the influence of geography on what appear to be shoot-to-kill operations, we generated their predicted marginal probabilities based on the findings for Model 1. Based on the predicted marginal probabilities, prior to the election there was a 26% chance that a covert

operation with fatalities would occur in a rural area or small town but after the election there was an 84% chance that a covert operation with fatalities would occur in a rural area or small town.

It is unclear why the alleged shoot-to-kill incidents were more likely to occur in rural areas and small towns. Control of political violence may be easier in the limited space of urban areas. And by 1982 the security forces may have effectively contained republican violence in Derry city and Belfast and intentionally chose to focus on the countryside, especially along the border with the Republic of Ireland which offered a potential safe-haven for paramilitaries. However, as shown in Map 1, relatively few of the covert incidents that occurred between 1982 and 1992 were along the border with the Republic of Ireland, and there were incidents in Belfast and Derry city.

[MAP 1 ABOUT HERE]

[TABLE 3 ABOUT HERE]

A crosstabulation of persons killed by republican paramilitaries by geographic location suggests that the violence in Belfast and Derry city was never contained. As shown in Table 3, lethal republican activity in these cities increased relative to 1980 (as a percentage of total persons killed by Irish republicans) and then decreased in Belfast between 1983 and 1986.¹²

The decrease in Belfast, however, was caused by internal decisions made by the Belfast IRA and not the successes of the security forces. As part of Sinn Féin's mobilization and the decision to contest elections, it is well-documented that the Belfast leadership diverted funds to Sinn Féin and limited operations that might alienate voters (see Moloney 2007, pp. 242-45, 287-97, 328; English 2003; see also, Neumann 2006, pp. 959-64). This led to a schism in Belfast that was a precursor to a split in the Provisional IRA and Sinn Féin in the autumn of 1986. By significantly increasing Provisional IRA activity in Belfast in 1987, the leadership demonstrated their

commitment to pursuing a military campaign while also embracing constitutional politics via Sinn Féin.

There may also be a geographic explanation of this finding. Implementing a shoot-to-kill policy in a rural area may be more attractive because there are likely to be fewer witnesses and it is easier to conceal a team of soldiers or police officers in the countryside. Alternatively, there may be a higher likelihood of civilian casualties in an urban area. Different responses to informers may have influenced the geography of incidents. Of 29 alleged informers executed by republican paramilitaries between 1982 and 1992, seven were from Belfast and five were from Derry city, but only two were from Tyrone. Between 1982 and 1992, 23 members of the Provisional IRA's "Tyrone Brigade" were shot dead in 11 incidents.

The key finding from our quantitative analyses is that after the 1982 Assembly election there was a significant increase in covert incidents in which Irish republican paramilitaries were shot dead and there was a significant increase in incidents with multiple fatalities. These findings are consistent with allegations that the authorities adopted a shoot-to-kill policy following the 1982 Assembly election. Because this is a controversial interpretation of the findings, we considered alternative explanations. There is the possibility that in the early years of the conflict paramilitaries were more likely to operate as individuals and in small groups but in the later years they were more likely to operate in battle teams or cells. This might account for an increase in multiple fatality incidents. However, data presented in Table 4 rule out this explanation.

The IRA reorganization was in place by December 1977 and after this the size of active service units should have been relatively constant.¹³ Table 4 presents information on incidents in which republican paramilitaries were shot dead in the post-reorganization era. Consistent with

the findings, the monthly rate of total incidents, of covert incidents, and of multiple fatality incidents is greater after the Assembly election. The results in Table 2 are not a function of republican paramilitary organizational changes in 1976-77.¹⁴

[TABLE 4 ABOUT HERE]

A quasi-experimental/“difference-in-difference” design (Angrist and Pischke 2008; Cook and Campbell 1979) allowed us to assess the possibility that the increase in republican paramilitaries killed was caused by a more general and aggressive approach by the security forces in the 1980s. Drawing on data from Malcolm Sutton’s *Bear in Mind These Dead* (1994) and the CAIN Web Service, Table 5 compares the annual number of civilians killed by the security forces with the annual number of republican paramilitaries killed by the security forces.¹⁵ Over a 24-year period, the security forces killed 7.71 civilians and 6.04 republican paramilitaries per year. Comparing 1969-81 with 1982-92, however, shows a large decrease in the number of civilians killed and a smaller decrease in the number of paramilitaries killed, per year, in the years after the 1982 Assembly election. Over time, the security forces became more careful in their counterinsurgency. If we exclude the early and radically more turbulent years of the conflict, comparing 1974-81 with 1982-92, the data are even more revealing—in the post-election era there was a decrease in civilian deaths per year (5.25 versus 3.27) but an increase in republican paramilitary deaths per year (4.2 versus 5.0). Comparing the three years prior to the election (1979-81) with the next three years (1982-84), the data are consistent with the view that a shoot-to-kill policy was implemented in 1982. Between 1979 and 1981 (which includes the tumultuous period of the hunger strikes), the security forces killed nineteen civilians and six paramilitaries. Between 1982 and 1984, they killed sixteen civilians and nineteen paramilitaries.

Whether or not there was a shoot-to-kill policy, after the Assembly election the security forces became more aggressive when confronting republican paramilitaries.

[TABLE 5 ABOUT HERE]

Consistent with the view that a shoot-to-kill policy was implemented, our findings show that there was a qualitative change in the nature of counterterrorism in Northern Ireland after the 1982 Assembly election. Independent of the findings in Table 2, the findings in Tables 3, 4, and 5 confirm this change. A detailed examination of covert incidents between 1982 and 1992 also suggests that a shoot-to-kill *policy* was implemented.

The Politics of Shoot-to-Kill

Models 1, 2, 3, and 4 underestimate the complexity of British counterterrorism in Northern Ireland. Alleged shoot-to-kill operations were undertaken by three different organizations—the RUC’s E4A Special Support Unit, and the British Army’s Special Air Service and 14th Intelligence Unit—in the same environment in which there was routine policing by the RUC while other segments of the British Army and the Ulster Defence Regiment (UDR) concurrently provided support and their own counterterrorism efforts. Paramilitaries could be shot dead in a variety of circumstances. As an example, on 6 February 1992, an IRA unit ambushed an off-duty and part-time member of the UDR. The soldier, who was seriously wounded, shot dead one of the paramilitaries (McKittrick et al. 2004, p. 1280). This incident is similar to several of the pre-election incidents and unlike many of the alleged shoot-to-kill incidents.

[TABLE 6 ABOUT HERE]

In order to better understand the republican paramilitary-security force dynamic in the post-Assembly election era, we begin with Table 6 which presents information on a subset of 21

covert incidents in which the RUC's E4A Unit, and the British Army's 14th Intelligence Unit and Special Air Service (SAS) shot dead republican paramilitaries (Matchett 2016, pp. 222-30). Between July 1970 and the election in October 1982, there were 77 incidents in which 85 republican paramilitaries were shot dead by the security forces ($85/77=1.10$ fatality per event). In the post-election period there were 29 incidents in which 55 paramilitaries were shot dead, which was a statistically significant increase in fatalities per incident ($85/77=1.10$ vs. $55/29=1.90$; $p<.001$). As shown in Figure 1, a subset of 21 of these incidents producing 48 fatalities was even more deadly, with an average of more than two fatalities per event ($48 \text{ fatalities} / 21 \text{ incidents}=2.28$). The primary victims were members of the Provisional IRA, who lost 40 members in 16 incidents. The primary perpetrators were members of the British army's Special Air Service (SAS) who killed 36 paramilitaries in 14 incidents.

[FIGURE 1 ABOUT HERE]

Figure 1 divides the subset of 21 incidents into four distinct time periods: Period 1) November 1982—autumn 1983, during which the first three incidents raised public concern that there was a shoot-to-kill policy, Sinn Féin benefitted from the public outcry, and — if there was a shoot-to-kill policy — it thus appears that a decision was made to switch implementation from the RUC to the British Army; Period 2) autumn 1983—spring 1985, during which the British and Irish governments began negotiating the Anglo-Irish Agreement and (consistent with the presence of our latent variable) incidents that could be perceived as shoot-to-kill operations temporarily ended; Period 3) spring 1986—autumn 1988, when the British government put forward a series of initiatives designed to curtail Sinn Féin and again what could be perceived as shoot-to-kill operations were temporarily ended; and, Period 4) spring 1990—November 1992,

during which the British and Irish governments were both involved in secret negotiations with republicans that led to a Provisional IRA ceasefire.

Period 1: November 1982—Autumn 1983

The first three incidents here occurred in quick succession—two in November 1982 (11th and 24th of the month) and the third on 12th December 1982. All three incidents occurred in North Armagh, involved the same RUC E4A team, and for each there was evidence of preplanning. In the second incident, for example, the E4A team staked out an arms dump in a hay shed. After two curious teenagers entered the shed they were shot by the E4A team; one teenager was killed, the other seriously wounded (McKittrick, et al. 2004, pp. 920-21, 926, 929-930; Murray 1990; Rolston 2000). The fourth incident, on 2 February 1983, was very different. Two members of the INLA who were moving a weapon from one location to another in Derry confronted a person following them. It was an undercover member of the British Army's Special 14th Intelligence Unit who shot dead one of the INLA operatives and wounded the other (McKittrick et al. 2004, p. 936).

By the time of the fourth incident, the first three incidents had raised widespread concern that RUC officers were sidestepping due process and executing suspected paramilitaries. Such allegations caused problems for the authorities, and played into Sinn Féin's argument that the criminal justice system was compromised in Northern Ireland. In June 1983, Gerry Adams, was elected MP for West Belfast, and Sinn Féin's overall vote increased to 43% of the nationalist electorate.

The state's response to the continued rise of Sinn Féin and the public outcry over alleged shoot-to-kill incidents was multi-faceted, and seemingly consistent with the "rule of law." In liberal democracies police officers, coroners, and prosecutors are public officials who to some

degree are held accountable by journalists, elected representatives, and the public. In September 1983, the Director of Public Prosecution opened an inquiry into the first three incidents and police officers involved were charged with murder. In court, testimony outed an informer and revealed that RUC officers had lied to cover their activities. In a controversial decision, the officers were acquitted in April 1984, but the revelations led to an embarrassing investigation of the RUC directed by John Stalker of the Greater Manchester Police, beginning in May 1984 (Stalker 1988). If there was a shoot-to-kill policy, it appears that at some point in 1983 a strategic decision was made to shift operations from the RUC to the British Army, especially the Special Air Service (SAS) (see also Bew 2014). Following the third incident in this period, RUC E4A officers did not shoot dead another republican paramilitary until 10 April 1991.

Period 2: Autumn 1983—Spring 1985

The role of a police force, even a militarized force like the RUC, is very different from the role of an army that is trained to use deadly force to defend a state and prosecute war. The fifth alleged shoot-to-kill incident (4 December 1983) was very similar to the first three but with one important change—two IRA members were shot dead by the SAS as they approached an arms dump hidden in a hedge. In contrast to the aforementioned trial of RUC officers, the initial inquest into this incident was adjourned because three of the SAS soldiers involved did not appear. When the inquest reconvened, the only soldier from the SAS unit directly involved in the shooting who did appear in court had not actually witnessed the shooting (see Murray 1990, pp. 292-95; *Tíghrá* 2002, pp. 256-57). Alleged shoot-to-kill operations, as led by the SAS, continued until the tenth such incident, on 23 February 1985. After this, they stopped for more than a year.

Political moderates were threatened by the growth of Sinn Féin and shoot-to-kill allegations, which undermined nationalist faith in the political system in Northern Ireland. The Irish government sought a role in the affairs of Northern Ireland, which they believed would help the SDLP and also assuage nationalist concerns. The British government, led by Margaret Thatcher, initially resisted but, faced with ongoing violence coupled with the rise of Sinn Féin, agreed to negotiate with the Irish government. The negotiations culminated with the signing of the Anglo-Irish Agreement (AIA) in November 1985, which gave Dublin a formal political role in Northern Ireland, including a voice on security policy. As shown in Figure 1, from November 1982 to February 1985, there was roughly one alleged shoot-to-kill incident every 11-12 weeks ($119/10=11.9$). After this, for the 38 weeks prior to the signing of the AIA, and for 23 weeks thereafter, there were no alleged shoot-to-kill incidents. If there was a shoot-to-kill policy, it seems to have been suspended in order to support the AIA process.

Period 3: Spring 1986—Autumn 1988

Covert operations in which Irish republican paramilitaries were killed re-started in the spring of 1986, with the eleventh such incident on 26 April 1986, and continued until 30 August 1988, which witnessed the fourteenth such incident. Accounts show that the security forces had advance warning of the republican operations leading to these incidents (e.g., Murray 1990, pp. 365-68; 376-84, 396-409; 439-48).

The twelfth incident in this period is particularly important because it clearly demonstrated a commitment to kill rather than arrest paramilitaries. On 25 April 1987, an IRA bomb killed Sir Maurice Gibson, the Lord Justice of Appeal in Northern Ireland, and his wife. In their statement claiming responsibility, the IRA specifically mentioned that it was Gibson who had acquitted RUC officers accused of murdering their comrades in what was seen as the first

shoot-to-kill incident in November 1982.¹⁶ Two weeks after Gibson's death, on 8 May 1987, the Provisional IRA's East Tyrone Brigade set out to bomb what they believed was an unstaffed, part-time police station at Loughgall, North County Armagh. The security forces acquired advance warning, but instead of taking steps to arrest those involved they set up an ambush. When the IRA team began their attack they were met with five minutes of continuous fire in which the SAS shot an estimated 1,200 rounds. Eight paramilitaries were killed. Two civilians were also wounded, one fatally. Each of the IRA casualties had a head wound, including two paramilitaries who were shot fleeing from the scene. The SAS also fired without warning on the vehicle carrying the civilian casualties (Magee 2011, p. 3490; McKittrick et al. 2004, pp. 1077-1080; Murray 1990: 380-83; Urban 1996: 227-37). The authorities expressed regret over the civilians targeted, but not the paramilitaries. The Secretary of State for Northern Ireland commented, "Those who launch such attacks have to face the consequences" (Rolston 2000, p. 130).

One interpretation of the next (third) incident in this time period (and thirteenth overall) is that it demonstrates official endorsement of shooting suspected terrorists dead instead of arresting them. Based on information that the IRA was planning a bombing attack in Gibraltar, Prime Minister Thatcher approved deploying an SAS team. On 6 March 1988, three suspected IRA members known to the authorities were spotted crossing the Spanish-Gibraltar border. About an hour later, the suspects were heading back toward the border when they were confronted and killed by the SAS. The British government released a statement that there had been a "fierce gun battle", but the SAS team was flown 1,500 miles back to England before they could be interviewed by the Gibraltar police. The government subsequently acknowledged that the three "terrorists" were unarmed, but the soldiers involved claimed that the deceased had

made movements that were threatening. Witnesses contradicted this and stated that two of three deceased had their hands in the air when they were shot (McKittrick et al. 2004, pp. 1112-16; Murray 1990; Rolston 2000, pp. 155-74). The Gibraltar event remains one of the most controversial of the alleged shoot-to-kill incidents.

The final such incident during this period (and fourteenth overall) is important because it seemingly demonstrates a complex relationship between alleged shoot-to-kill incidents and other repressive measures. On 20 August 1988, an IRA bomb killed eight British soldiers near Ballygawley, in County Tyrone. The state's response was both immediate and long-term. Ten days after Ballygawley, in "a carefully planned ambush", the SAS shot dead three members of the Tyrone IRA who they suspected had been involved in the bombing (McKittrick et al. 2004, pp. 1143-44; Patterson 1997, p. 211). And over the course of the next year, the British government engaged in "smart repression" against Sinn Féin (see also, Smithey and Kurtz 2018a, pp. 185-86). Their goal was to undercut the growth of Sinn Féin and force the party into a more moderate and constitutional direction while simultaneously limiting "backfire" from people worried that the government was taking steps to deny fundamental civil liberties (see also O'Leary and Silke 2011).

In the autumn of 1988, the Thatcher government restricted the press by introducing a broadcasting ban on statements from persons who supported proscribed organizations, restricted a suspect's right to silence in Northern Ireland, (allowing judges in non-jury courts to "draw inferences" of incrimination if alleged paramilitaries remained silent when questioned), and restricted free speech by making it a criminal offense for candidates and elected officials to express support for proscribed organizations. Although there was generally broad support in parliament for the government's approach to the conflict in Northern Ireland, this package of

measures was controversial and met with opposition from the Labour Party and civil libertarians (Cunningham 2001, pp. 60-61; Thatcher 1993, pp. 411-15). In combination with other features of the state counterterrorism campaign, they were also effective. Sinn Féin's vote fell in the 1989 local elections, and during the 85 weeks (approximately 20 months) following the fourteenth such incident, there were no alleged shoot-to-kill incidents in Northern Ireland.

Period 4: Spring 1990—November 1992

After the above mentioned legal restrictions were in place, more incidents occurred that revived allegations of a shoot-to-kill policy. Between 18 April 1990 (the fifteenth such incident) and 25 November 1992 (the final incident) there were six such incidents over 31 months, averaging approximately one every five or six months ($31/6=5.1$; one incident every 22 weeks).

Political dynamics are also evident in the ending of such incidents. By the time of the final incident, the British and Irish governments were both involved in secret negotiations with the IRA. In 1992, republican paramilitaries killed 42 people, and there were two alleged shoot-to-kill incidents by the security forces, who killed nine people overall. In contrast, in 1993 republican paramilitaries killed 39 people, but there were no alleged shoot-to-kill incidents and indeed, for the first time since 1968, the security forces killed no one. Between 1 January 1994 and the start of the Provisional IRA ceasefire on 31 August, republicans killed 27 people, but only one fatality was attributed to the security forces, of a man who died from injuries sustained more than a decade earlier (McKittrick et al. 2004, pp. 1345-46, 1475). What did *not* happen in 1993 and 1994 is consistent with the notion that a shoot-to-kill policy was suspended in order to support an incipient “peace process” (see also, Gupta 2007).¹⁷

DISCUSSION

In Northern Ireland, a key aspect of the government's counterterrorism strategy was the argument that republican paramilitaries were criminals. Sinn Féin's success in the 1982 Northern Ireland Assembly election undermined that argument and showed the potential of a "dual military/electoral strategy" for republicans (Smith 1995, pp. 219, 161-94; Patterson 1997, p. 193-95). Our contention is that British elites saw this as a serious threat that had to be countered. Quantitative analyses show that after the election there was a statistically significant increase in covert security force incidents in which republican paramilitaries were shot dead, and a significant increase in incidents in which multiple republican paramilitaries were shot dead. These results are consistent with the notion that a shoot-to-kill policy was implemented following the 1982 Assembly election. Indeed, whether or not there was a shoot-to-kill policy, it is clear that the nature of the republican paramilitary-security force dynamic changed significantly in 1982.

Mark Urban writes that the "key role in advocating ambushes [was] played by middle-ranking police and army officers" and that the attitude of top-level police and military officers was "one of acceptance than of initiating a wave of ambushes" (1992, 241; see also Neumann 2003, pp. 107, 131, 144). Our view is that top-level police and military officers, and British political elites, did more than accept what was happening.

In the context of the Assembly election, RUC E4A officers on their own initiative probably started the tit-for-tat targeting of suspected paramilitaries (see also Balian and Bearman 2018). In the first incident (October 1982), the victims were prime suspects for an attack that killed three RUC members two weeks earlier. The third incident (12 December 1982), in which two INLA volunteers were killed, occurred a week after an INLA bomb killed eleven soldiers and six civilians. But what accounts for the end of such incidents involving the RUC and the

transition to similar incidents involving the British army amidst a storm of public concern and the continued growth of Sinn Féin and the Provisional IRA?

It is possible that, on their own initiative, middle level SAS officers followed the RUC's lead and adopted a shoot-to-kill policy. And three of the relevant SAS incidents also have tit-for-tat aspects to them. In September 1983, Seamus Campbell was one of 19 IRA members to escape from Long Kesh high security prison; the escape was a major political embarrassment. Three months later, his brother, Brian Campbell, and Colm McGirr were shot dead in what was, overall, the fifth such incident, but the first involving the SAS (December 1983). They were the first IRA members shot dead after the Long Kesh escape. The IRA killed Justice Gibson on 27 April 1987. The Loughgall ambush occurred two weeks later. On 20 August 1988, an IRA bomb at Ballygawly, Tyrone, killed eight British soldiers. Ten days later, three IRA members suspected of involvement in the Ballygawly attack were killed in an SAS ambush. Newspapers referred to the killings as "direct revenge" (McKittrick et al. 2004, pp. 1143-44; see also Magee 2011, pp. 383-401; Van Der Bijl 2017, p. 179; Murray 1990, pp. 377-79, 439-40). Without question, however, sending the SAS to Gibraltar and withdrawing them immediately after the incident there was decision made at the highest level (Murray, 1990, p. 410-13). Perhaps most telling, for extended periods at highly politically sensitive times (Feb 1985-April 1986; August 1988-April 1990; November 1992-August 1994) there were no such incidents, even though republican paramilitaries remained active throughout. Either conditions were such that the security forces did not have any opportunities to directly confront the paramilitaries during these time periods or, more likely, there was some political influence or consideration in the stopping and starting of such operations.

In summary, we believe that that there was a shoot-to-kill policy and that it unfolded in the following way. Sinn Féin's dramatic success in the 1982 Northern Ireland Assembly election threatened the status quo to such an extent that RUC officers on the ground and seeking revenge for republican attacks initiated a shoot-to-kill strategy of their own accord. Either soldiers on the ground or higher up the chain of command then transferred this strategy to the SAS and the British Army's 14th Intelligence Unit. Once it was in place, we believe that British political and military elites then pursued and controlled the policy for their own ends. Ultimately, we cannot prove or disprove the hypothesis that the security forces pursued a shoot-to-kill policy in Northern Ireland. However, our findings are consistent with the argument that such a policy was adopted following the 1982 Northern Ireland Assembly election.¹⁸

IMPLICATIONS FOR SOCIAL MOVEMENT THEORY

Our analyses suggest that liberal states, when necessary, will systematically side-step the rule of law when confronting anti-state protest (Morgan and Smith 2016; Bennett 2010). This finding has implications for social movement theory. Scholars of social movements assume that contention lies on a continuum. At one extreme are non-violent political activities like voting and leafletting and at the other extreme is political violence. These may be different behaviors, but they are all political behaviors (Gamson 1990 [1975]; Tilly 1978; Tilly and Tarrow 2007, pp. 9-11, 69-87, 136-61; Demirel-Pegg 2014). Based on this case study, scholars should assume something similar with respect to state repression. At one extreme is "soft repression", including measures designed to intimidate those involved in protest, such as the police asking for the names and addresses of people attending a rally. At the other extreme is "hard" and deadly repression that ignores due process and civil liberties (Earl 2003; Kurtz and Smithey 2018b).

Our findings are qualified because they are restricted to the repression of anti-state insurgents. In Northern Ireland, the state's response to anti-state violence was different from its response to pro-state violence (White 1999). There are, for example, no allegations of a systemic shoot-to-kill policy directed at pro-state loyalists, even though they were responsible for almost 1,000 fatalities. The literature on repression would benefit from additional examination of the pro-state paramilitary-security force dynamic.

References

- Alimi, Eitan Y., Chares Demetriou, & Lorenzo Bosi. (2015). *The Dynamics of Radicalization: A Relational Approach*. Oxford: Oxford University Press.
- Angrist J., Pischke J.S. (2008). *Mostly Harmless Econometrics*. Princeton University Press, NJ.
- Balian, Hrag & Peter Bearman. (2018). Pathways to violence: Dynamics for the continuation of large-scale conflict. *Sociological Theory* 36/2, 210-20.
- Barkan, Steven. (1984). Legal control of the Southern Civil Rights Movement. *American Sociological Review* 49, 552-65.
- Beggan, Dominic. (2006). State repression and political violence: Insurgency in Northern Ireland. *International Journal on World Peace* 23/4, 61-90.
- Bell, J. Bowyer. (1993). *The Irish Troubles: A Generation of Violence 1967-1992*. New York: St. Martin's.
- Bennett, Huw. (2010). Minimum force in British counterinsurgency. *Small Wars & Insurgencies* 21/3, 459-75.
- Bew, John. (2014). Mass, Methods, and Means: The Northern Ireland 'Model' of Counter-Insurgency. In Celeste Ward Gventer, David Martin Jones, and M.L.R. Smith, *The New Counter-Insurgency Era in Critical Perspective* (pp. 156-72). Basingstoke: Palgrave Macmillan.
- Bell, J. Bowyer. (1976). *On Revolt: Strategies of National Liberation*. Cambridge, MA: Harvard University Press.
- Bloom, Mia, Paul Gill, & John Horgan. (2012). Tiocadh ár Mná: Women the Provisional Irish Republican Army. *Behavioral Sciences of Terrorism and Political Aggression* 4: 60-76.
- Bollen, Kenneth A. (2002). Latent variables in psychology and the social sciences. *Annual Review of Psychology* 53, 605-34.

Cadwallader, Anne. (2013). *Lethal Allies: British Collusion in Ireland*. Cork: Mercier Press.

CAIN Web Service. (2019). <https://cain.ulster.ac.uk/sutton/>. Retrieved 21 April 2019.

Chalk, Peter. (1995). The liberal democratic response to terrorism. *Terrorism and Political Violence* 7/4, 10-44.

Cook, Thomas D. & Donald T. Campbell. (1979). *Quasi-Experimentation: Design & Analysis Issues for Field Settings*. Chicago: Rand McNally.

Cunningham, Michael. (2001). *British Government Policy in Northern Ireland, 1969-2000*. Manchester: Manchester University Press.

Davenport, Christian (1995). "Multi-Dimensional threat perception and state repression: An inquiry into why states apply negative sanctions," *American Journal of Political Science* 39(3), 683-713.

Davenport, Christian. 2007. "State repression and political order." *Annual Review of Political Science* 10, 1-23.

Davenport, Christian & Molly Inman. (2012). The state of state repression research since the 1990s. *Terrorism and Political Violence* 24, 619-34.

De Fazio, Gianluca. (2018). Unpacking violent contention: The Troubles in Northern Ireland, 1968-72. *Terrorism and Political Violence* 47, 1-21.

Demirel-Pegg, Tijen. 2014. From the streets to the mountains: The dynamics of transition from a protest wave to an insurgency in Kashmir. *Mobilization* 19/3, pp. 309-27.

Earl, Jennifer. (2003). Protest under fire? Explaining the policing of protest. *American Sociological Review* 68/4, 581-606.

Earl, Jennifer. (2011). Political repression: Iron fists, velvet gloves, and diffuse control. *Annual Review of Sociology* 37, 261-84.

- English, Richard. (2003). *Armed Struggle: A History of the IRA*. London: MacMillan.
- FitzGerald, Garrett. (2010). *Just Garret: Tales from the Political Frontline*. Dublin: Liberties Press.
- Gamson, William. (1990 [1975]). *The Strategy of Social Protest*. 2d edition. Belmont, CA: Wadsworth.
- Gupta, Devashree. (2007). Selective engagement and its consequences for social movement organizations: Lessons from British policy in Northern Ireland. *Comparative Politics* 39/3, 331-51.
- Gurr, Ted R. (1988). War, revolution, and the growth of the coercive state. *Comparative Political Studies* 21(1), 45-65.
- Honari, Ali. (2018). From “the effect of repression” toward “the response to repression”. *Current Sociology* 66, 1-24.
- Hess, David & Brian Martin. 2006. Repression, backfire, and the theory of transformative events. *Mobilization* 11 (2), 249-67.
- Ignatief, Michael. (2004). *The Lesser Evil: Political Ethics in an Age of Terror*. Princeton, NJ: Princeton University Press.
- Kalyvas, Stathis N. (2003). The ontology of ‘Political Violence’: Action and identity in civil wars. *Perspectives on Politics* 1/3, 475-94
- Khawaja, Marwan. (1993). Repression and Popular Collective Action: Evidence from the West Bank. *Sociological Forum* 8/1, 47-71.
- Kirkpatrick, Daniel. (2018a). Why Negotiate When You Can Criminalize? Lessons for Conflict Transformation from Northern Ireland and South Africa. *Studies in Conflict and Terrorism* 41/8, 619-37.

- Kirkpatrick, Daniel. (2018b). Proscribing the past or de-proscribing the future: a genealogy and critical discourse analysis of proscription in the North of Ireland, 1887–2017. *Studies in Conflict and Terrorism* (Online).
- Kurtz, Lester R. & Smithey, Lee A. (2018). Introduction: Nonviolent strategy and repression management. In Lester Kurtz & Lee Smithey (Eds.), *The Paradox of Repression and Nonviolent Movements*, (pp. 1-25). Syracuse: Syracuse University Press.
- Londáin Republican. (2018). Roll of Honour: Part II. Retrieved 15 August 2018. (<http://londainrepub.blogspot.com/2010/01/roll-of-honour-part-ii.html>).
- Lichbach, Mark. (1987). Deterrence or escalation: The puzzle of aggregate studies of repression and dissent. *Journal of Conflict Resolution* 31/2, 266-97.
- Long, J. Scott & Jeremy Freese. (2014). *Regression Models for Categorical Dependent Variables Using Stata* (College Station, TX: STATA Press).
- McAdam, Doug. (1983). Tactical innovation and the pace of insurgency. *American Sociological Review* 48/6, 735-54.
- McAdam, Doug, Sidney Tarrow & Charles Tilly. (2001). *Dynamics of Contention*. Cambridge: Cambridge University Press.
- Magee, Gerard. (2011). *Tyrone's Struggle: Ar son Saoirse na hÉireann*. Omagh, County Tyrone: Tyrone Sinn Féin Commemoration Committee.
- Matchett, William. (2016). *Secret Victory: The Intelligence War that Beat the IRA*. Belfast, UK: Matchett.
- McKittrick, David, Seamus Kelters, Brian Feeney, & Chris Thornton. (2004). *Lost Lives: The stories of the men, women and children who died as a result of the Northern Ireland troubles*. Edinburgh: Mainstream Publishing.

- Merom, Gil. (2003). *How Democracies Lose Small Wars: State, Society, and Failures of France in Algeria, Israel in Lebanon, and the United States in Vietnam*. Cambridge: Cambridge University Press.
- Moloney, Ed. (2007). *A Secret History of the IRA*. London: Penguin.
- Morgan, B.W. & M.L.R. Smith. (2016). Northern Ireland and minimum force: The refutation of a concept? *Small Wars & Insurgencies* 27/1, 81-105.
- Murray, Raymond. (1990). *The SAS in Ireland*. Cork: Mercier Press.
- Neumann, Peter R. (2003). *Britain's Long War: British Strategy in the Northern Ireland Conflict, 1969-98*. New York: Palgrave Macmillan.
- Neumann, Peter R. (2006). The bullet and the ballot box: The case of the IRA. *The Journal of Strategic Studies* 28/6, 941-75.
- Ó Dochartaigh, Niall. (2015). The longest negotiation: British policy, IRA strategy and the making of the Northern Ireland peace settlement. *Political Studies* 63, 202-20.
- O'Hearn, Denis. (2006). *Nothing but an Unfinished Song: The Life and Times of Bobby Sands*. New York: Nation Books.
- O'Leary, Brendan & John McGarry. (1993). *The Politics of Antagonism: Understanding Northern Ireland*. London: The Athlone Press.
- O'Leary, Brendan & Andrew Silke. (2011). *Conclusion Understanding and Ending Persistent Conflicts: Bridging Research and Policy*. In Marianne Heiberg, Brendan O'Leary, and John Tirman, (Eds), *Terror, Insurgency, and the State: Ending Protracted Conflicts* (pp. 387-426). Philadelphia: University of Pennsylvania Press.
- Patterson, Henry. (1997). *The Politics of Illusion: A Political History of the IRA* (London: Serif).

- Pedahzur, A. & M. Ranstorp. (2011). A tertiary model for countering terrorism in liberal democracies: The case of Israel. *Terrorism and Political Violence* 13, 1-26.
- Rasler, Karen. (1996). Concessions, repression, and political protest in the Iranian Revolution. *American Sociological Review* 61/1, 132-52.
- Reinisch, Dieter. 2019. Women's agency and political violence: Irish republican women and the formation of the Provisional IRA, 1967-70. *Irish Political Studies* 34/3, 420-43.
- Reinisch, Dieter. Forthcoming. Teenagers and young adults in dissident Irish republicanism. *Critical Studies on Terrorism*.
- Rolston, Bill with Mairead Gilmartin. (2000). *Unfinished Business: State Killings and the Quest for Proof*. Belfast: Beyond the Pale Publications.
- Schultz, Richard. (1978). Conceptualizing political terrorism: A typology. *Journal of International Affairs* 32/1, 7-15.
- Shanahan, Timothy. (2009). *The Provisional Irish Republican Army and the Morality of Terrorism*. Edinburgh: Edinburgh University Press.
- Smithey, Lee A. & Lester R. Kurtz. (2018). Smart repression. In Lester Kurtz & Lee A. Smithey (Eds.), *The Paradox of Repression and Nonviolent Movements* (pp. 185-214). Syracuse: Syracuse University Press.
- Stalker, John. (1988). *The Stalker Affair: The Shocking True Story of Six Deaths and a Notorious Cover-up*. London: Viking Adult.
- Sutton, Malcolm. (1994). *Bear in Mind These Dead: An Index of Deaths From the Conflict in Ireland*. Belfast: Beyond the Pale.
- Thatcher, Margaret. (1993). *The Downing Street Years*. London: HarperCollins.
- Tírghrá: Ireland's Patriot Dead*. Dublin: Republican Publications.

- Tilly, Charles. (1978). *From Mobilization to Revolution*. Reading, MA: Addison-Wesley.
- Tilly, Charles & Sidney Tarrow. (2007). *Contentious Politics*. Oxford: OUP.
- Urban, Mark. (1996). *Big Boys' Rules: The SAS and the Secret Struggle Against the IRA*. London: Faber & Faber.
- Van Der Bijl, Nick. (2017). *Operation Banner: The British Army in Northern Ireland, 1969-2007*. Barnsley, South Yorkshire: Pen & Sword Books.
- White, Robert W. and Terry F. 1995. Repression and the liberal state: The case of Northern Ireland, 1969-72. *Journal of Conflict Resolution* 39/2, 330-52.
- White, Robert W. 1999. "Comparing repression on the right and on the left: State repression of pro-state vigilantes and anti-state insurgents." *Mobilization* 4/2, 189-202.
- White, Robert W. 2017. *Out of the Ashes: An Oral History of the Provisional Irish Republican Movement*. Newbridge, Co. Kildare: Merrion Press.
- Wilkinson, Paul. (2006). *Terrorism Versus Democracy: The Liberal State Response*. New York: Routledge.

Table 1: Geographic Distribution of Incidents

Location	Event Count
Belfast	53
Derry	16
Armagh	2
Downpatrick	1
Dungannon	1
Newry	1
Strabane	2
County Antrim	1
County Armagh	11
County Down	2
County Fermanagh	4
County Tyrone	11
Gibraltar	1
Total	106

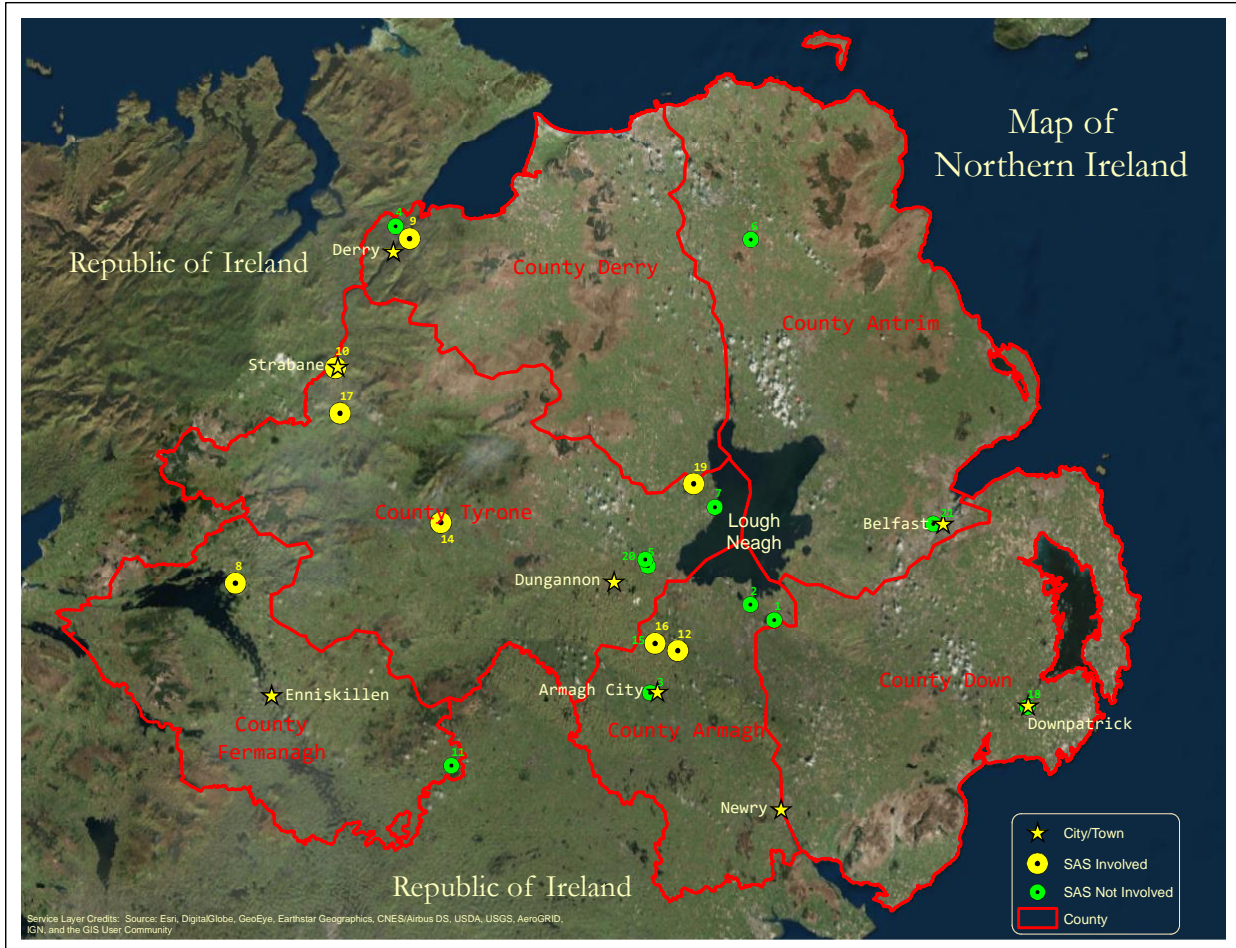
Table 2: Binomial Logistic Regression of Shoot to Kill Incidents

Variable	DV= Covert Operations		DV= Multiple Deaths	
	Model 1	Model 2	Model 3	Model 4
1982 Assembly Elections	2.58*** (0.611)	2.63*** (0.612)	1.82** (0.657)	1.82** (0.653)
Urban Area	-1.32* (0.613)	-1.28* (0.606)	-0.73 (0.65)	-0.72 (0.648)
Total Number of Deaths between Incidents	-0.012 (0.013)	-	0.002 (0.012)	-
Total Security Force Deaths between Incidents	-	-0.026 (0.036)	-	0.016 (0.035)
Number of Informers Killed between Incidents	0.154 (0.333)	0.108 (0.243)	-0.239 (0.309)	-0.283 (0.296)
Constant	-1.01 (0.604)	-1.10 (0.58)	-1.66* (0.675)	-1.74* (0.658)
Number of obs.	106	106	106	106
LR chi2 (4)	43.82	43.51	18.68	18.86
Prob > chi2	0.000	0.000	0.001	0.001
Cox & Snell R2	0.34	0.34	0.16	0.16

* < .05, ** $p < .01$, *** $p < .001$

All significance tests are two-tailed. Robust standard errors in parentheses.

Map 1: Geographic Distribution of 20 Covert Incidents in which Irish Republican Paramilitaries were shot dead in Northern Ireland (1982-1992). Basemap Source: ESRI, Digital Globe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGA, AeroGrid, IGN, and the GIS User Community.



Note: The March 1988 incident in Gibraltar is not included.

Table 3: Persons Killed by Irish Republican Paramilitaries, 1978-1992. Source: Malcom Sutton, CAIN Archive: <https://cain.ulster.ac.uk/sttuon/chron/index/html>

	Belfast and Derry	Annual Total	Percentage Belfast & Derry	Belfast Only	Derry Only
1978	18	63	29%	14	4
1979	28	102	27%	26	2
1980	16	51	31%	13	3
1981	28	71	39%	22	6
1982	26	83	31%	18	8
1983	10	61	16%	5	5
1984	9	48	19%	6	3
1985	11	48	23%	5	6
1986	10	40	25%	7	3
1987	27	71	38%	21	6
1988	25	70	36%	21	4
1989	10	54	19%	7	3
1990	11	52	21%	10	1
1991	26	50	52%	23	3
1992	14	40	35%	12	2
Total	269	904	30%	210	59

Table 4: Frequency of Shoot-to-Kill Incidents and the IRA Reorganization (December 1977)

	Incidents	Covert Incidents	Multiple Fatalities
January 1978- October 1982 (58 months)	10	5	2
Monthly Rate	1 every 5.8 months	1 every 11.6 months	1 every 29 months
November 1982- November 1992 (121 months)	28	21	13
Monthly Rate	1 every 4.3 months	1 every 5.8 months	1 every 9.3 months
Total Incidents (179 months)	38	26	15
Average Rate	1 every 4.7 months	1 every 6.9 months	1 every 11.9 months

Table 5: Civilian and Republican Paramilitary Fatalities Caused by the Security Forces (1969-92). Source: Malcolm Sutton Index,CAIN Archive: <https://cain.ulster.ac.uk/sutton/chron/index.html>

Year	1969-1981		1969-1981		1982-1992		1974-1981	
	Civilians	Republican Paramilitaries	Civilians	Republican Paramilitaries	Civilians	Republican Paramilitaries	Civilians	Republican Paramilitaries
1969	9	0	9	0				
1970	5	0	5	0				
1971	36	9	36	9				
1972	44	33	44	33				
1973	13	15	13	15				
1974	6	8	6	8			6	8
1975	3	3	3	3			3	3
1976	8	5	8	5			8	5
1977	3	5	3	5			3	5
1978	3	6	3	6			3	6
1979	1	1	1	1			1	1
1980	6	1	6	1			6	1
1981	12	4	12	4			12	4
1982	6	6			6	6		
1983	6	5			6	5		
1984	4	8			4	8		
1985	2	3			2	3		
1986	2	3			2	3		
1987	1	8			1	8		
1988	2	8			2	8		
1989	1	0			1	0		
1990	6	4			6	4		
1991	2	4			2	4		
1992	4	6			4	6		
Sub-Total			149	90	36	55	42	33
Total	185	145						
Mean	7.71	6.04	11.46	6.92	3.27	5.00	5.25	4.13

Table 6: Summary of 21 Covert Incidents (1982-92) with Irish Republican Paramilitary Fatalities

Irish Republican Paramilitary Victims

“Provisional” Irish Republican Army (IRA)	16 incidents	41 fatalities
Irish National Liberal Army (INLA)	3 incidents	4 fatalities
Irish People’s Liberation Organization (IPLO)	1 incident	1 fatality

Civilians

1 incident 2 fatalities*

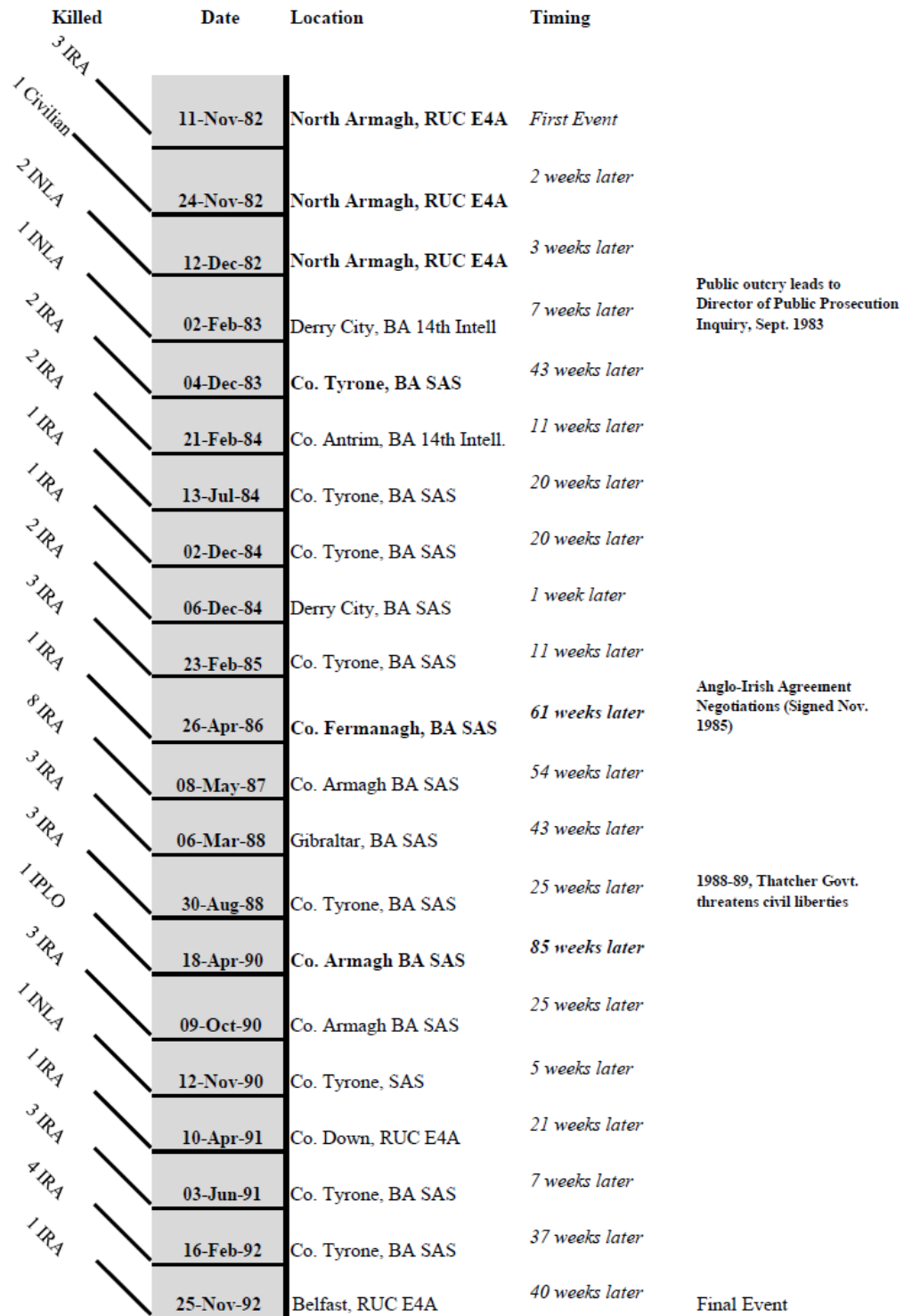
Security Forces Involved

British Army Operations	Special Air Service (SAS)	14 incidents	35 fatalities
	14th Intelligence Unit	2 incidents	5 fatalities
RUC E4A Special Support Unit		5 incidents	8 fatalities

*This includes one civilian killed at Loughgall.

Figure 1: Alleged Shoot-to-Kill Incident Timeline (1982-1992)

Figure 1: Shoot to Kill Covert Incident Timeline (November 1982-November 1992)



END NOTES

¹ We recognize that viewing Northern Ireland as a “liberal democracy” is disputed in some quarters. For our purposes, under the Act of Union (1800), and the Government of Ireland Act (1920), the geographic area that is Northern Ireland is part of the United Kingdom and it is the “sovereign right of Westminster” to legislate on any matter (Cunningham 2001, 1). Northern Irish citizens vote in United Kingdom elections and (at least in theory) their fundamental rights are guaranteed. We prefer the more neutral “political violence” to “terrorism” but use the latter to be consistent with the literature addressed and we follow Tilly’s definition of political violence—“any observable interaction in the course of which persons or objects are seized or physically damaged in spite of resistance” (Tilly 1978, p. 176). Repression is defined as “efforts to repress either contentious acts or groups and organizations responsible for them” (McAdam, Tarrow and Tilly 2001, p. 69).

² The Ulster Defence Regiment was responsible for 8 fatalities; McKittrick et al. do not disaggregate them. Non-Northern Irish security organizations killed six people (Van Der Bijl 2017; Matchett 2016, pp. 198-200). Different counts of fatalities offer very similar but not identical counts (e.g., Sutton 1993; see also Morgan and Smith, 2016). McKittrick et al.’s Table 18 is misleading. They include members of Cumann na mBan and Na Fianna Éireann as members of the Provisional IRA (see Maura Meehan and Dorothy Maguire, #149 and #150, pp. 107-108). McKittrick et al. (2004) identify Daniel Burke (p. 436, #1064) as a civilian while *Tírghrá* identifies Burke as an “Oglach” (soldier); we include his event in our count. Eamon McCormick (p. 141, #236) was shot Halloween night 1971 and passed away January 16, 1972; we treat this incident as if McCormick was killed on the day he was shot. John Patrick Mullen and Hugh Heron (killed 16 October 1972) are claimed by the Provisionals and the Official IRA (McKittrick, et al. 2004, pp. 282-83). We include them with the Provisional IRA (*Tírghrá* 2002: 90-91).

³ We do not address the morality of actions by either state authorities or paramilitaries (Shanahan 2009). Our focus is the alleged existence of a “shoot to kill” policy in Northern Ireland.

⁴ We also draw on *Tírghra: Ireland’s Patriot Dead* (2002) and *Londáin Republican*, <http://londainrepub.blogspot.com/2010/01/roll-of-honour-part-ii.html> (retrieved 15 August 2018).

⁵ Our count of 140 fatalities is based on information contained in McKittrick et al. (2004) and *Tírghrá* (2002; see also notes 3 and 17). Numbers in parentheses refer to case numbers of McKittrick et al. (2004). Paddy Mulvenna (#933, pp. 389-90) and James Bryson (#941, p. 393) were shot in the same incident but died three weeks apart; we treat this as one incident on 31 August 1973. In Models 1-4 (below) we include the incident involving civilian Michael Tighe (#2487, p. 926, 24 November 1982) as the RUC believed he and the other person involved were paramilitaries collecting weapons (see also Matchett 2016, p. 24). We include as separate (single-death) incidents the killing of John Dougal (#444, p. 215), a member of the Provisional

IRA's Na Fianna Éireann, and David McCafferty (#448, p. 217), a member of the Official IRA's Na Fianna Éireann, who were killed on 9 July 1972, in a series of incidents, under the assumption that each was acting as an individual activist. Because McCafferty was killed going to the aid of another person who was also killed, we reanalyzed Models 3 and 4 with this coded as a multiple death event. The results were substantively unchanged. We do not include incidents involving Gerald Donaghy (#253, pp. 148-49), a member of Na Fianna Éireann killed on Bloody Sunday, and Hugh Coney (#1221, p. 488), shot while trying to escape from Long Kesh. We exclude an incident in which three criminals were shot dead by soldiers while robbing a Belfast bookmaker (13 January 1990; #3089, p. 1191). The soldiers claimed that they believed they were members of the Provisional IRA, but there is a strong suggestion that they were known criminals under surveillance. We include an incident involving Seamus Bradley, who McKittrick (#515, p. 240) records was killed by an "accidental discharge" but *Tírghrá* (2002, p. 73) and Sutton (1994) record as being shot by British soldiers. We also include an incident in which IRA member Jim Gallagher (#1692, p. 647) was shot while seated on a bus as it passed a British army base. Shots had been fired at the base and the soldier returned fire, killing Gallagher (who six days previously was released from prison) and wounding two others (*Tírghrá* 2002, p. 193). As a check, we excluded the Bradley and Gallagher incidents, re-analyzed Models 1 and 2, and achieved the same substantive results.

⁶ Probably the closest anyone in authority came to acknowledging a shoot to kill policy is found in notes from a 1986 meeting on security which have Sir John Herman, the Chief Constable of the RUC, commenting that "important" members of the IRA "had to be targeted (sic) and eliminated if any real improvement was to be made in the security situation" and "terrorism could only be defeated by removing those who planned and organised violence." PRONI (Public Record Office Northern Ireland, CENT/1/15/40A *Note of a meeting to discuss Cross-Border Security Co-Operation held in London on 31 October 1986*), p. 4 (http://cain.ulst.ac.uk/proni/1986/proni_CENT-1-15-40A_1986-10-31.pdf, retrieved 25 July 2018).

⁷ The RUC's Special Branch was active from the beginning of the conflict. Until 1976, the army was in charge of security and intelligence efforts were relatively disorganized. Over time the British approach became more sophisticated. The RUC's E4A Special Support Unit developed out of their Special Branch (Matchett 2016, pp. 182; 221-22; see also Morgan and Smith 2016). The Special Air Service (SAS) was sent to Northern Ireland in 1970 and initially played a support role. In 1976, it is reported, SAS units were sent to South Armagh and became directly involved in counterterrorism (Murray 1990: 29-30).

⁸ This measure is conservative. If the security forces' goal was to kill all republican paramilitaries involved in any given event, then events where one paramilitary was killed but others escaped would not be considered a "shoot to kill" incident. We exclude incidents involving loyalist paramilitaries and criminals plus four incidents when civilians were killed in covert operations (McKittrick et al. 2004 identification number follows each: John Boyle, #2038, 11 July 1978; James Taylor, #2056, 30 September 1978; Frederick Jackson, #2657, 19 October 1984; and, Kenneth Stronge, #2946, 4 July 1988). Jackson and Stronge were killed in exchanges of shots between the security forces and the Provisional IRA. Boyle and Taylor evidently were shot because they were suspected paramilitaries. We included the Boyle (#2038) and Taylor (#2056) incidents and re-analyzed Models 1-4; the results were substantively identical to those found in Table 2.

⁹ Unfortunately, we cannot construct a ratio variable of the number killed by those arrested and/or a ratio of the number killed by the total number of paramilitaries involved in any given incident. Such variables are impossible to construct given the clandestine nature of the incidents and the fact that in some events paramilitaries involved left the scene undetected while others were in the relative background, e.g., in “scout” cars.

¹⁰ In counting deaths between incidents, we exclude those killed in the specific incident. Between 10 February 1975 and 22 September 1975, there was a bilateral British-IRA Truce. We include the final incident prior to the truce (McKittrick et al. 2004, #1294, 512) but exclude an incident on 5 June 1975 in which an IRA member was shot after a sectarian attack (#1389, pp. 545-46). For the independent variables, we do not count fatalities during the truce and re-start from 22 September 1975.

¹¹ The incident on Gibraltar is coded as an urban incident. Alleged informers are identified in McKittrick et al. (2004), Matchett (2016: 47-59) and other sources.

¹² Table 3 is calculated with data from Malcom Sutton (1994); CAIN Web Service, <https://cain.ulster.ac.uk/sutton/>.

¹³ In contrast to the brigade, battalion, and company structure that was in place, the Provisional IRA reorganization into cells probably *decreased* the average number of activists involved in any given operation. Not every republican paramilitary shot dead by the security forces was on an operation.

¹⁴ We considered the possibility that a shoot to kill policy was adopted earlier, after the IRA killed 18 British soldiers and assassinated Lord Mountbatten (August 1979). Moloney (2007: 175-78) states that these two events on the same day signaled the arrival of a revitalized IRA. The data suggest that if there was a shoot to kill policy, it was not implemented in 1979 or 1980, but after the Assembly election. In the thirty-seven months between September 1979 and October 1982, there were five incidents in which republican paramilitaries were shot dead (one incident every 7.5 months), but there was only one covert incident (with multiple fatalities). On 28 May 1981, two republican paramilitaries were killed in Derry city by the 14th Intelligence Company; that is, there was one “shoot to kill”-type incident over 37 months. See also Bew (2014).

¹⁵ We draw on the Sutton (1994) data (via the CAIN Web Service) to compare paramilitary deaths and civilian deaths by the security forces. The 145 republican paramilitaries killed as enumerated by Sutton (1994) differs from our count of 140 because of decisions we made (see Notes 2 and 5). Sutton, for example, includes Gerald Donaghy, who was killed on Bloody Sunday (see Note 5) and Tobias Molloy (killed by a rubber bullet during street disturbances, 16 July 1972) while we exclude them. Comparing McKittrick et al.’s (Table 3, p. 1476) annual count of total security force fatalities (less our count of paramilitaries (140) and civilians (3) shot dead in 106 incidents) with our count of paramilitaries and civilians killed yields essentially identical results.

¹⁶ In acquitting the officers, Gibson stated that he regarded them as “blameless”, adding they brought “the three deceased men to justice, in this case the final court of justice.” The remarks were interpreted as an endorsement of shoot to kill, which Justice Gibson denied (Magee 2011, p. 3490; McKittrick et al. 2004, pp. 1077-1080; Murray 1990, pp. 380-83; and, Urban 1996, pp. 227-37).

¹⁷We considered the possibility that such a policy ended because of increased security force-loyalist collusion; that with more loyalist assassinations of Irish republicans there was less need for direct security force involvement (see Cadwallader 1993). Between the Assembly election in 1982 and the first Provisional IRA ceasefire in 1994, there were 22 incidents in which 24 Irish republicans (including Sinn Féin members) were killed by loyalist paramilitaries. From 1 January 1990 to the ceasefire there were 14 such incidents (with 16 fatalities). However, after the final alleged shoot to kill incident (November 1992), there was no substantial increase in loyalist assassinations of republicans (see Tíghrá 2002 and Londáin Republican). Loyalist assassination was not a substitute for shoot to kill operations. In fact, alleged shoot to kill incidents *and* loyalist assassinations of republicans ended more than a year before the August 1994 ceasefire. Political sensitivities associated with behind the scenes peace negotiations may have led the security forces to stop providing information to loyalist paramilitaries.

¹⁸ We cannot determine the influence of an alleged shoot to kill incidents on republican paramilitary capabilities or the Provisional IRA's ceasefire. The losses associated with such incidents, the ongoing violent campaign waged by loyalists that killed republican paramilitaries and nationalist civilians, and fatigue (in the republican leadership and its base), all contributed to the ceasefire decision (see White 2017, pp. 257-307).