

Irish police investigation of police rape threat turns into coverup

GSOC & the 'Garda rape threat tape' – who watches the watchmen

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Last Thursday the Garda Síochána Ombudsman Commission released an interim report on the Garda rape-threat tape recordings that were revealed last April. GSOC is the official state body to investigate complaints against the police force of southern Ireland (Garda). The GSOC report contains a major error that suggests GSOC are the source of repeated attempts to spin the story in the media as somehow being the fault of the women the Garda were recorded discussing threatening to rape. The timing of the release of the report was also suspect, coming in the week Shell resumed construction and the day before a national day of action in Erris during which four Shell to Sea campaigners were injured by Garda and/or private security violence. Such was the level of spin applied that some media made the mistake of leading with the news that the Garda had been cleared of something no-one had ever accused them of – directly threatening the two women with rape.

Alan Shatter the Minister for Justice used the report Thursday to seek to wilfully mislead the public on the matter of the Corrib ‘Garda rape threat tape’ controversy by suggesting the report contained evidence that the ‘tape’ had been tampered with. This was his second direct intervention; on April 13th he told the Garda Representative Association conference that protesters were using the recording for their “own political ends. Some people were intent on exploiting it.”

The facts of the case are clear enough and were extensively covered when we helped break the story in April. At the time we reported that a Garda sgt. had been recorded suggesting to a carload of Gardaí that they could make a female Shell to Sea Campaigner in their custody talk by saying “Give me your name and address or I’ll rape you.” You can read the full transcript of their conversation at www.wsm.ie the key section is reproduced below.

Unidentified Garda: “Sounds like a Yank or Canadian.”

Garda A: “Well whoever, we’ll get Immigration fucking on her.”

Sergeant: “She refused to give her name and address and told she would be arrested.”

Garda A: “.....and deported”

Sergeant: “And raped.”

Garda A: “I wouldn’t go that far yet..... She was living down at that crusty camp, fuck sake, you never know what you might get.”

Sergeant: “Give me your name and address or I’ll rape you.”

Unidentified Garda: “Hold it there, give me your name and address there, I’ll rape you.”

Sergeant: “Or I’ll definitely rape you.”

Our initial story also documented the start of the Garda cover up that was already in progress. In subsequent articles we detailed the dirty tricks campaign the Gardaí waged against the two women, a campaign which included releasing their personal details to crime correspondents, (‘journalists’ whose need for a close relationship with Gardaí in order to get scoops means they have to do the Garda’s bidding.) We said even at that early stage GSOC’s so called investigation that the behavior of the Garda and GSOC showed why a “proper enquiry needs to be fully independent of the Irish state, including the Garda”

GSOC shame

In the weeks since, accounts have been heard of the shameful way the GSOC has behaved towards the two women concerned and other women who supported them. A male union rep was apparently told during an interview that “we are going to get you”, even though he had no

involvement at all beyond being the union rep for some of the academics concerned. Some of those involved in supporting the complaints have chosen not to co-operate further, due to the level of bullying and intimidation from the GSOC offices. GSOC in turn has reacted according to form with more threats and bullying. Their report actually ends with the threat that *“It is the commission’s view that issues arising in relation to obstruction of GSOC officers will require further consideration.”*

Some of details of the Garda smear campaign were detailed in an Indymedia article published 24th May “Business as usual for Gardaí – trying to smear women in ‘rape tape’ controversy” This article asks *“How are women supposed to feel confident in reporting rape, when not only Gardaí, but also the supposedly independent Garda Ombudsman, is ‘briefing against’ the two people who made the rape comments public? The women involved agreed to co-operate with the GSOC investigation from day one. Yet on the day before coming to meet the GSOC on April 18th, Jerrie Ann was faced with reports of the GSOC anonymously making damaging comments about her. “ From the start GSOC seems to have set its sights on those who were the victims of Garda abuse rather than those accused of perpetrating the abuse. This is all too reminiscent of questioning the character of a rape victim as opposed to the person accused of the crime.*

This is a question which must now be directed at ‘Justice’ Minister Alan Shatter after his shameful remarks yesterday. Remarks he had so little confidence in delivering that he felt the need to qualify them by saying he had yet to actually read the report! That aside, RTE reported the Minister as saying *“The report indicates the taped material received by the Ombudsman Commission from those who made allegations appears to have been tampered with before it was furnished to the Ombudsman Commission.”*

This is deliberately misleading. There was no ‘tape’ to tamper with, the video was recorded onto a internal hard drive on the camera and the video file was unaltered. Other files recorded nearly three weeks before the incident were deleted because they contained confidential interviews, interviews that were only given because those involved were guaranteed confidentiality and anonymity. Deleting these files would have had no effect whatsoever on the completely separate video file where the Garda recorded themselves discussing using the threat of rape and deportation as an interrogation technique.

RTE and several other news sources were provided with access to the entire unedited video file the day before its existence was made public to give them time to verify its authenticity. Shatter will be aware of that. The full recording was then made available to the public through uploading the video to Vimeo, over 70,000 people have listened to it since then.

So what is Shatter up to?

Part of the GSOC cover up is to make an issue of the fact that following NUI academic ethical requirements some unrelated files, from 3 weeks earlier were deleted from the camera before it was handed over. Making this issue central is of course a handy distraction from the real issue, the fact that a carload of Garda thought it appropriate to have a discussion about threatening to rape or deport a women they had taken into custody. But in being forced to deal with this red herring we discover some other things besides.

The deletions of the separate unrelated files recorded some weeks before is in itself a complete non-issue. The files were recordings of confidential academic interviews unrelated to the day in

question, and were deleted according to NUI academic ethical requirements. The deletion of these separate files was carried out in the presence of a number of academics from NUI Maynooth. Far from being unique to Maynooth these are the ethical guidelines that govern academic research in general. The GSOC know, and Shatter knows, that the file of the actual recording where the Garda are heard discussing threatening to rape the women in their custody was unaffected by the deletion of the other, older and unrelated files. Indeed anyone who has ever used a digital camera understands this.

In his attempt to mislead the public, Shatter may have shown himself to be a typical politician but there is no reason to believe he is a complete idiot who doesn't understand the basics of a digital camera, or is incapable of taking advice from those who do. I do not know what those earlier deleted files contained but it seems likely for instance they were interviews with Shell to Sea campaigners who have had extremely negative experiences of Corrib policing and would hardly have been happy with their confidential interviews being handed over to the GSOC. Academic ethics aside, not handing such recordings over to GSOC seems like the right thing to do.

The GSOC interim report was sent to journalists and the Minister but not, it appears, to the women involved. In the report, the GSOC admits that it sent the recording to the Forensic Science Service in Northern Ireland (FSSNI) for analysis. It seems beyond belief that even if the ex-Garda who run GSOC are unaware how a digital video camera works that this is also true of the FSSNI. Indeed although the FSSNI says it was unable to recover the deleted files from the report it is clear that they were able to examine the file directory. This would have enabled them to see the dates that recordings were made on and thus confirm that no videos recorded on the day in question were deleted. It is thus fair to conclude that GSOC are also deliberately trying to mislead the public in this interim report, a confirmation of their role to date that will only be shocking to those not paying attention.

Finally we are told that the *“report says that it was suggested that another garda may have overheard one of the women using the word rape ‘prior to the word being used by any garda member’”*. The very phrasing here (from the Belfast Telegraph coverage) is extraordinary for something that pretends to be a legal report. It was ‘suggested’? That another garda “may have”?

It's worth reproducing that section of the GSOC report ;
“During the course of the investigation with Garda members, it was suggested that another Garda member may have overheard one of the females using the word ‘rape’ during the course of their arrest, and prior to the word being used by any Garda member.
This line of enquiry was pursued and a detective garda who was present when the arrests took place has provided GSOC with a statement as follows:
As the prisoners were being brought to the cars to transport them to the station, one of them kept shouting something like ‘she is not safe on her own with ye’ or ‘she is not safe with ye’ and I also heard her shout ‘she could be raped by ye’. I am not sure which protester said this. Both of them were shouting. I did mention this to some of my colleagues after the controversial tapes were released to the media.”

The language (and indeed its relevancy) is at the level of one an excuse a 10-year-old caught bullying in a school playground might come up with. As it happens, this claim is in any case untrue (see below) but more to the point as an ‘excuse’ it belongs right up there with the idea that rape is the product of women wearing short skirts. It is beyond belief that it could seriously be presented as evidence of anything other than GSOC's corruption and incompetence.

The ‘high winds’ that cannot be heard?

In yet another “weasel-words” formulation the GSOC report continues “It has not been possible to corroborate this statement from the recording. High winds have distorted the sound and although then recording has been analysed in a well-equipped, professionally operated studio, it is indistinct” Here is a claim that you can test out because the entire unedited tape is online at vimeo.com. Listen to the opening segment where the women are being arrested.

Notice anything strange? There are NO high winds. Far from fictitious high winds making it “not possible to corroborate this statement” there is no use of the word ‘rape’ by the women to be heard at all on the tape. Of course the ‘evidence’ of the Garda statement is hardly very strong in the first place, so GSOC could hardly afford to point out the obvious lack of supporting evidence more strongly in what they seem to accept is a defence of the Garda rape threat discussion. But dig deeper and there appears to be more going on here than careless confusion.

Imagining ‘high winds’ where there are none seems a remarkable mistake for the GSOC report to make. It would seem reasonable to assume that the “well-equipped, professionally operated studio” that they asked to remove the ‘high winds’ from the tape would have pointed out that there were none. Presuming that GSOC didn’t simply invent this lab the only reasonable alternative seems to be that the recording they were asked to analyse was not the recording of the Garda rape threats that everyone else has been listening to.

So if it is not that recording, then what recording is it? GSOC appears to be confusing this recording with a separate recording used in a spin campaign by the Garda dating back to the early days of the investigation. Of course, this is all the more embarrassing for GSOC as it suggests they had a role in that campaign.

The ‘high winds’ claim thus serves to suggest GSOC had a role in the smear story being circulated to the media that the women were somehow responsible for the garda’s remark because they used the word ‘rape’ first. What is known about the origins of that story?

Invention of a smear

Quite soon after the ‘Garda rape threat’ recording first hit the headlines, those close to the case began to hear stories from journalists about a bizarre counterclaim coming from unnamed Garda sources. This ran that somehow the women were responsible because supposedly one of them had used the word “rape” while being arrested. In fact, as you have heard there is no such use of the word by the women on the recording and they were also very sure they had not used it on the day. But this was the story that would not die even if most journalists on checking it out realized it was not fit to print. Always ‘unnamed Garda sources’ kept trying to push it to journalists. Finally, on June 19, the Garda managed to find a crime correspondent willing to run with the story (Jim Cusack) and a paper willing to publish it (The Sunday Independent). To anyone familiar with the history of smear tactics used against Shell to Sea neither the journalist used nor the paper will come as a surprise.

This, it turns out, was a mistake because Cusack claimed to have been shown a video and foolishly went on to describe it in enough detail to confirm that it could not have been a video shot on the day of the ‘rape threat’ arrests, as what he describes differed widely from what had happened that day. In fact as Shell to Sea revealed almost every detail was wrong. Before Cusack

provided these details the anonymous and vague story was difficult to refute with anything other than a straightforward, honest denial, Cusack's publication of the details meant it was possible for Shell to Sea to demonstrate that some other incident was being talked about in the smear, one that didn't involve either of the women.

The day after Cusack's article appeared, someone uploaded a video to youtube. It is 18 seconds long, as opposed to the 38minute and 27 second length recording of the actual Garda rape threat remarks. This video is consistent with what Cusack describes but clearly shows a different incident on a different day involving different people. Shell to Sea campaigners believe they have identified it as a video of another protest that happened a week after the original Garda rape threat video was recorded.

6 seconds in, the sound track goes through a sudden transformation and the video has been edited to add speech bubbles coming from the top of the tractor containing the word rape. The video on youtube is tagged with the words 'Corrib' 'rape' 'Garda' 'Mayo' 'protester' etc clearly in the hope that anyone sea

clearly in the hope that anyone searching the actual tape will find this one instead.
&amp;amp;lt;br /&amp;amp;gt;

The video was uploaded from an account called mayoirelandify, created on June 20th, the day it was uploaded. No other video has been uploaded from that account since and there is no other activity on the account apart from commenting on that tape. The author's details section on youtube claim it was published by a 21-year-old living in America! Quite how they got their hands on a 15-second video clip filmed in Mayo would be something of a mystery if we were to take that claim at face value. In short, everything about this youtube video stinks.

In the context of our story what is revealing about this video is the strangely distorted sound that starts 6 seconds in. It's actually not very clear that the word used is actually rape because the sound is distorted by high winds. High winds, now where have we heard of those distorting sound before?

To cut a long story short it appears whoever drafted the GSOC report rather carelessly confused the original 'rape threat' recording with this later recording. There are no high winds in the original 'rape threat' recording but it is certainly true that in this later recording of an entirely separate incident "High winds have distorted the sound." Mind you, quite how a "well-equipped, professionally operated studio" managed to come across, never mind end up analysing, a recording of a completely separate event will take some explanation! At the time of writing youtube only records 300 viewings of this video, so this particular video is certainly not yet in widespread circulation.

A rookie mistake?

Could GSOC really have made such a basic confusion between these two recordings? A confusion which suggests in turn some GSOC role in the circulation of the original smear stories? Although this seems unbelievable for anyone familiar with the stories of those who have had to deal with GSOC, it is not surprising. People centrally involved in the case have related having to literally tell the head of GSOC in mid-tantrum that they would resume conversations with him later when he had calmed down and was capable of acting in a rational manner.

Or is there more going on here than simple confusion. GSOC, after all, would hardly have downloaded an anonymous video from youtube to send to the lab, would they? So who provided Cusack with the video he used in his June 19th article? Who posted this video to youtube the next day? Is this the same video the GSOC sent to the lab to be analysed?, If it is, then the implications are very disturbing. If this is not the case, then all GSOC have to do is make the video they are referring to available, along with the lab report confirming that video was the one sent in for analysis.

In either case the GSOC report contains either a major flaw or attempts to deliberately mislead in suggesting that this second recording is the same as the Garda rape threat one. As cover-ups go this is so crude as to be laughable, an equivalent to the airbrushing of soviet-era photos, when politicians who had fallen into disfavor were replaced in photos with potted plants.

But what is not funny is the fact that here we have a script that is being followed by every agency people are led to believe has a responsibility to uncover such wrongdoing and protect the public. The GSOC is meant to expose garda corruption, not cover it up. Many would expect the same from the Minister for Justice. And where those fail, people might reasonably expect that journalists would expose that failure rather than create such a crude cock and bull story as Cusack concocted to back it up. And when all else fails, surely the editorial process of a national paper would prevent such rubbish being put into print. Unless perhaps that is the family that control the paper also own the major Irish Gas & Oil exploration company, as the O'Reillys who control the Independent Media Group and Providence Resources do.

Much more could be said, right down to the decision to release this interim report in the week Shell resumed work on the project and on the eve of a day of action called by Shell to Sea in response to this. I'm putting the finishing touches to this piece on the evening of that day, an evening when Shell to Sea campaigners were viciously assaulted in the aftermath of Alan's Shatter's remarks, remarks that must have restored the Corrib Garda's sense of impunity. A young woman is in hospital tonight with concussion, a man required hospitalization and two other men required stitching of wounds thanks perhaps to those carefully timed reassurances that suggest a blind eye would be turned to wrongdoing.

The Appalling Vista

Infamously, in January 1980 in the British Appeals court, Lord Denning rejected the appeal of the Birmingham 6 by saying "If they won, it would mean that the police were guilty of perjury; that they were guilty of violence and threats; that the confessions were involuntary and improperly admitted in evidence; and that the convictions were erroneous... That was such an appalling vista that every sensible person would say, "It cannot be right that these actions should go any further".

We face a similar appalling vista here; can it really be that so many levels of the Irish state and media are engaged in a cover up that can only serve the interests of Shell? I clearly believe this is the case, hence my decision to refer to Shatter in the original headline for this piece as a scumbag. Is that too harsh or is it the least that can be said of someone who stoops so low in the service of an energy multi-national?

This current Fine Gael / Labour Party government is seeking to drive the Corrib project through in exactly the same manner as the Fianna Fáil / Green Party government which preceded it and in

turn the Fianna Fáil / Progressive Democrat government before that. Since Ray Burke scrapped the old royalty requirements at a closed door meeting that his senior civil servants advised him not to attend in the 1980s, government after government has stood behind the Great Oil & Gas Giveaway. GSOC and Alan Shatter are minor players in a multibillion euro game that has played out over two decades. It is estimated that Oil & Gas in Irish waters is worth in the region of €640 billion, a sum of money so vast that we can hardly be surprized if so many dirty tricks are played in order to keep it out of the hands of the people of Ireland. A dirty tricks game which is now reaching its conclusion in the David v Goliath battle that continues to be fought on the Erris peninsula, for the most part out of sight and out of mind of the majority of the population who are losing out in this rip off.

The story I tell here requires no major leap of faith beyond rejecting the logic of Lord Denning that such a story cannot be true because its implications are so shocking and so far-reaching. Certainly there are gaps and suppositions here and there although some of the gaps are because of things I can't put in print. But there are connections here that can be investigated and fleshed out by anyone working full-time as a journalist. Failing that, the reader can form their own judgement but more than that decide to act, to move off the sidelines and to join those who continue to stand up in Erris..

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