



## The Burning Bush—Online article archive

Editor in Court



Picture 1. Rev. Foster (arrowed) is seen walking back through the police line which is just being formed.

The Editor, Rev. Ivan Foster was bound over to keep the peace at Omagh Magistrates' Court on Tuesday 11th May, after pleading guilty to a charge of disorderly conduct at an incident back in October 1997. The charge of obstructing a police officer in the course of his duty was withdrawn. The plea of guilty to the charge of disorderly behaviour by Mr. Foster resulted from the legal advice given him. This advice was accepted on the basis that an indication be made to the court, that while he recognised that under the law as it stands, a person may be deemed guilty of disorderly conduct for upbraiding a police officer about the actions of the police, Mr. Foster rejects as utterly untrue the evidence of police witnesses

against him, in which it was stated that he grappled with policemen, laying hold upon their riot shields. Mr. Foster believed that it was his duty as a Christian minister to rebuke those policemen engaged in the carrying out of evil policies. Clearly, this is a day when the fulfilling of our duty to speak out against both the evil actions of terrorists and the breakers of God's law from within the ranks of the so-called law-enforcement bodies, will place one outside the law of the land.

The following is Rev. Ivan Foster's statement of the events of that day in October 1997.

On Lord's Day 12th October 1997, I was twice contacted by telephone at my home, regarding a protest that had been organised by individuals from the Orange Order against the permitting of a republican parade to pass through the Protestant areas of Lisbellaw and Maguiresbridge on its way from Enniskillen to Rosslea. The parade was in commemoration of the hanging of men from Rosslea, who had been convicted of treason just prior to the 1798 rebellion, I had not been involved in the organising of any protest, since I have never been a member of the Orange Order nor had I intended being involved with it. The protest had begun in mid-morning at about the time of our morning service and that, for one thing, ruled out my participating in any protest.



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The phone calls I received indicated that the police units which were involved in forcing the parade through the areas, despite the opposition of the residents, had been most vicious and brutal in their actions. I was urged to come over and observe for myself what was going on. In company with three others, one of whom was an elder from my church, I went over to the junction of the A4 Enniskillen Road and the Tempo Road where it seemed that all was reasonably quiet.



**Picture 2.** The police begin to remove people from the field. Rev. Foster (arrowed) is seen talking to a policeman. The gate from the field is also visible on the left of the picture.

them from behind, the police made no attempt to stop me. (See picture 1.) I walked through their ranks and spoke to an officer who seemed to be in charge and protested at his actions and those of his men in seeking to baton a way through loyalist and Protestant areas in order to force a passage for IRA activists and sympathisers. I reminded him that the people, for whom he and his men were thus seeking to force a passage were those who had sought by every means to murder RUC members and that the residents who were being beaten were those within whose communities RUC men had to seek refuge for themselves and their families.

At no time did I come into physical confrontation with the policemen that were on duty at this position although police witnesses alleged that I did. The charge of disorderly conduct of which I was found guilty related to this area. The police were allowed to clear the Tempo Road without physical resistance from me. I stood with others in the disused roadway. While there, I observed in a field on my left hand side, which overlooked the Tempo Road, an elderly man from Lisbellaw, whom I had known for a long time, being violently pushed and assaulted by a policeman in riot gear up at the fence which overlooked the Tempo Road. I entered the field and walked up to the man I knew and to the policeman and said that I was a minister and asked if it was really necessary to abuse the gentleman so roughly. There were few, if any other people, in the field at that time. The policeman said that he had orders to move him from the fence lest an attack upon the Rosslea Martyrs'

At approximately 3.00 pm, I parked my car on the Tempo Road about 150 yards short of the junction and then walked to the junction and spoke to a few men whom I knew and asked what was happening. I was led to understand that the police had already attempted unsuccessfully to disperse the crowd at the junction of the A4 and the Maguiresbridge Road and that the vehicles making up the Rosslea Martyrs' Parade had not yet reached that point and were stopped somewhere on the A4 back toward Enniskillen. I then went back toward where my car was parked and discovered that the police were forming up in a line across the road near where a disused section of roadway joins the Tempo road. Since I was approaching



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Parade took place as it passed. I repeated my criticisms of the actions of the RUC that I had made to the policeman on the Tempo Road. At no time did I physically assault him or in any fashion lay my hands on him or on any of the equipment that he was carrying. The elderly gentleman was permitted to leave the fence at his own speed and the conversation between me and the constable ended.



**Picture 3.** Rev. Foster (arrowed) is surrounded by policemen demanding that he leave the field by climbing over the fence rather than exiting by the gate which was only six paces away. Others in the field clearly are not being subjected to this demand. This was typical of the loutish actions of the police on that day.

I walked back down toward the fence that bordered the disused road and engaged in conversation with a number of people including a policeman (see picture 2). After some time, a body of policemen approached me and hemmed me in against the fence and told me to leave the field by climbing over the fence. (See picture 3). I said that I was ready to leave the field but asked that I might do so through the gate which was only a few yards away, rather than climbing the fence. Some of the policemen continued to push me against the fence but a senior officer intervened and ordered the policemen to "let the man leave by the gate." I was then

allowed to leave by the gate. I was singled out for this loutish treatment by the police. No one else was ordered to climb over the fence. It was during this incident, I was given to understand, that the parade vehicles passed by on the Tempo Road.

At no time during this incident did I grasp at any item of police equipment or touch the person of a policeman with my hands. When the statements of evidence, sworn by police officers whose allegations were the basis of the charges against me, are examined there are glaring contradictions to be found.

### ***The evidence of Constable W H J Hutchinson.***

In a two-page statement dated 29th October 1997, Con. Hutchinson said: "While moving protesters back in the field we were subjected to a lot of verbal abuse and pushing from the protesters. One of the protesters I know to be Reverend Ivan Foster. Other protesters pulled at my shield and eventually the crowd was moved back to allow the procession to pass." Three matters arise from this statement:

- This constable claims to have known me in October 1997.
- He does not say that I pulled at his shield.
- I was in the field when the procession passed.

In a five-page statement dated 12th February 1998, Con. Hutchinson says that he identifies me in photo album exhibit numbered RJC5, frame 25 (picture 1 below), as "standing at



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Maguiresbridge wearing dark coat. Dark cap, glasses and white beard." Other pictures of me that day clearly show, as everyone who knows me will readily declare, I do not have a beard. Yet this man claims to have known me on the day of the protest!

### ***The evidence of Sgt. S. Houston.***

This officer says in a statement dated 20th October 1997: "Whilst on the Tempo Road, I was confronted by a man I now know to be Rev. Ivan Foster. He was extremely irate as to the police action. He was in the middle of the road with approximately 30 other persons and was refusing to move. I informed him he was being ushered to a sterile area to prevent a breach of the peace. . . Mr. Foster made a number of verbal statements to me regarding my religious beliefs." His statement continues: "He was ushered to the sterile area just off the Tempo road. Once in this area I then observed him make his way into a field next to the A4. The vehicle parade then passed without incident."

This was the policeman with whom I was in contact and who, it appears, ushered me off the Tempo Road on to the disused side road. The significance of these words ought to be noted. The word 'usher' is not the word to use if a person is resisting you violently.

### ***The evidence of Sgt. David Samuel Pollock.***

This is the officer (termed a 'constable' on my charge sheet dated 21st March 1998 but a 'sergeant' in his statement dated 22nd October 1997) whom I was accused of obstructing.

In a two-page statement dated 22nd October 1997, Sgt Pollock says: "I was directed to remove persons from the Tempo Road and the fields on either side. I moved into the field on the right on the Tempo Road along with other members of 02 MSU removed all protesters.... I was then directed to move a crowd of approximately 50 persons from the Tempo Road into a side road. We were subjected to a lot of verbal abuse and pushing from a number of these protestors. One of these I now know to be the Reverend Foster. He refused to move when asked to do so and pushed and pulled at my shield and the shields of other members of my unit. We held the crowd back until the procession passed by."

The first and most important point to notice is the fact that I was charged with obstructing this police officer in the field beside the Tempo Road. The questioning of the two investigating policemen, Sgt Trevor Royce Stevenson and Constable Raymond John Campbell with regards to the scenes in the field, made it clear that the obstruction took place there, yet Pollock makes no mention of even seeing me in the field!! Both Sgt Houston and Sgt. Pollock claim to have been in conversation with me in the brief time taken to clear the Tempo Road and move the small crowd a few yards on to the disused road. They must have been in close proximity to one another for this to be so. One claims that I made statements to him about his religious beliefs. The other says that I grabbed at his shield and the shield of his colleagues. If I did assault Pollock, why is it that Houston did not see it or at least mention it in his statement? Surely pushing and pulling at police shields is a much more noteworthy and punishable offence than making remarks about a policeman's religious beliefs! Furthermore, Houston says I went into the field next to the A4 after the clearing of the Tempo Road, whereas Pollock claims that he and his men had cleared that



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field prior to the clearing of the Tempo Road. Houston's account of the sequence of events in this matter is correct and Pollock's is wrong. It was equally wrong for it to be alleged that I obstructed him!

Constable Hutchinson's evidence regarding where I was when the parade passed flatly contradicts that of Pollock. Hutchinson is right on this occasion when he claims that I was in the field. Again, Pollock is wrong. If he is indeed a sergeant, it is pretty clear why he was promoted and given stripes!!

***Evidence of Inspector Stephen Martin.*** In a two-page statement made on 21st October 1997, Inspector Martin says: "I deployed my personnel in public order dress and instructed them to remove and contain persons in surrounding fields so that the parade could subsequently pass safely.... Unit personnel ushered a number of persons from the edges of these fields .... Some physical resistance was met from a number of persons and a degree of force was used with shields in moving them. Verbal abuse was also being used against us. Batons were carried but not used. I recognised a person known to me as the Reverend Ivan Foster using physical force against my officers attempting to push past them. I recognised this person from his past high profile in the media. Mr. Foster appeared very irate and was shouting abuse of a religious sectarian nature."

When a comparison of Martin's statement is made with that of Pollock, it will be seen that according to Martin I was in the field and using force against Pollock and his men as they cleared the field. However, Pollock makes no reference whatever to any such incident, yet as already noted, it was in the field I was alleged to have obstructed him. Pollock has me using force against himself and other members of his unit after he has cleared the field and was engaged in clearing the Tempo Road. Had I indeed used force minutes earlier against Pollock and his men, it might be expected that he would note this, since the reference to my pushing his shield and those of his men on the Tempo Road would constitute a second assault against him and his men within a short time.

I repudiate entirely the police evidence against me as unfounded, vindictive and fabricated; a politically motivated attempt to blacken my character and to intimidate me and deter me from making any similar protest against the campaign to subjugate the lawful rights and liberties of the Protestant people.

The police case against me brings no credit to the investigating officers, Stevenson and Campbell, nor to any of those who made allegations against me. If this is typical of the efficiency of the RUC detective force, then it is no wonder that massacres such as the Enniskillen and Omagh bombings, along with hundreds of other murder cases, remain unsolved.

I have no doubt that, had a barrister had an opportunity to cross examine the officers on their statements, there would have been some red RUC faces in court. As it was, financial constraints arising out of the threat of a court case, that would last until the end of the summer, made it seem that the wisest course of action was to accept that the rebuking of evil amongst policemen is now an offence in Northern Ireland. We have had clear warning of the approach of this day so we cannot act as if surprised.

It is hard to explain, apart from the natural depravity of man, why the RUC is behaving toward Protestants as it is at present. From Portadown come reports of bystanders being



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clubbed by marauding policemen, people being knocked down by security force vehicles driven recklessly over pavements and even into the ranks of legal parades. Recent press photographs showed an elderly lady lying on the street having just been knocked down by a security vehicle. An Orangeman also who was in the last rank of a parade was knocked down. When anyone goes to the police station to complain, abuse is heaped upon them. Is this how the RUC Chief Constable and his officers seek to ingratiate the force with Republicans, whom they see as their next masters?

I also must protest against the action of the Crown Prosecutor who produced a photograph of the incident in the field when speaking on the charge that was related to the incident on the Tempo Road. This does not appear fair or just.

Regarding the attitude of the Magistrate, Mr. Mark Hamill, I have to say that, though he was pressed by the Crown Prosecutor to take into consideration my previous convictions arising out of our contending against the ecumenical/political betrayal of our Protestant heritage, he indicated that he would not take these into consideration. His sentence, which amounts to a fine of 500 suspended for two years, was much less than I expected, judging by many recent court decisions.

I wish to thank the many friends and supporters at home and abroad who were in earnest prayer about this matter. Undoubtedly, the Lord answered those prayers. We have before us the day when the Judge of all the earth, Who ever does that which is right, will pronounce upon the activities of both October 12th 1997 and May 11th 1999.