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# **The *Terrorism* (Northern Ireland) Bill**

**Bill 52 of 2005-06**

This Bill is due to have its second reading in the Commons on 31 October 2005. It is designed to extend the life of Part 7 of the *Terrorism Act 2000*, which preserved measures in earlier legislation concerned with terrorism in Northern Ireland. The provisions in Part 7 of the 2000 Act are subject to annual renewal under the affirmative resolution procedure. They include: the use of 'Diplock' (non-jury) courts; and the admissibility of oral evidence from senior police officers in the context of a person's membership of a specified proscribed organisation.

Under Clause 1 of the Bill most of the provisions of Part 7 will continue in force until the end of 31 July 2007, with a possible further extension until 1 August 2008, if necessary. Clause 2 ensures that a number of provisions in Part 7 are repealed. The Bill will also add a number of offences relating to control orders, which were created by the controversial *Prevention of Terrorism Act 2005* to the list of offences which may be tried by a non-jury court in Northern Ireland ("scheduled offences").

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## Summary of main points

This Bill forms part of the arrangements aimed at normalising politics and the security situation in Northern Ireland following the paramilitary ceasefires in the mid 1990s and the *Belfast Agreement* of April 1998.

The Provisional IRA announced on 28 July 2005 that it had ordered an end to its armed campaign. In response, the Secretary of State for Northern Ireland, Peter Hain, issued a written statement on 1 August in which he set out a two year plan for de-militarisation, contingent on the security situation. Formally, this triggered Annex 1 to the Joint Declaration by the British and Irish Governments in April 2003, which provided for a series of normalisation measures, including the repeal of Part 7 of the *Terrorism Act 2000*, which applies to Northern Ireland. On 26 September the Independent Commission on Decommissioning issued a report announcing that the IRA had completed its decommissioning.

The *Terrorism Act 2000* replaced previous anti-terrorist legislation, which was concerned only with terrorism relating to Northern Ireland or international terrorism, with UK-wide measures which can be used in relation to all domestic terrorism as well as international terrorism. Many of the provisions in the 2000 Act were derived from earlier anti-terrorist legislation but where the earlier Acts were “temporary”, in that they had time limits after which they would expire unless re-enacted, the new measures are permanent. An exception to this is Part 7 of the Act, which extends only to Northern Ireland. The provisions in Part 7 of the Act have a time limit of five years from the date of their enactment and will expire at the end of 18 February 2006 unless they are re-enacted by primary legislation. The provisions concerned include controversial measures derived from the Northern Ireland emergency legislation which require that “scheduled offences” (those listed in Schedule 9 of the Act) be tried in non-jury “Diplock courts”. At the time of the enactment of the 2000 Act the Government felt that the time was not right for the repeal of the provisions which are now in Part 7 of the Act. Some of them have not been brought into force.

Having assessed the security situation, the Government has concluded that, with the exception of section 78 of the Act, which is concerned with the sentencing of children convicted on indictment of scheduled offences, those measures in Part 7 which are currently in force will remain necessary until the end of the normalisation programme in Northern Ireland. These include the measures relating to the trial of scheduled offences in non-jury courts.

The *Terrorism (Northern Ireland) Bill 2005-06* therefore seeks to enable the provisions of Part 7 of the 2000 Act which are currently in force to remain so until 31 July 2007, with a possible extension to 1 August 2008. The Bill will repeal section 78 of the 2000 Act and those provisions in Part 7 which are not in force. It will also add to the list of scheduled offences a number of offences relating to control orders, which were created by the controversial *Prevention of Terrorism Act 2005*.



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## I The *Terrorism Bill 2005-06*

The Bill deals with a small part of the arrangements and on-going plans aimed at normalising politics and the security situation in Northern Ireland, which started after the ceasefires declared by the Provisional IRA and the loyalist paramilitaries in the 1990s. This paper first sets the Bill in the context of current anti-terrorist legislation, then explains its provisions, and finally offers a summary of recent political developments in Northern Ireland, with reference to recent PIRA statements on decommissioning.

### A. Anti-terrorist legislation in Northern Ireland

The *Northern Ireland (Emergency Provisions) Act* [EPA] was first introduced in 1973 in response to the prevailing threat from terrorism in Northern Ireland. It supplemented the ordinary criminal law, giving additional powers to the police and security forces in Northern Ireland to deal with terrorism. The Act was subject to annual renewal by Parliament, following the publication of a report on its operation during the previous year. It was also of limited duration. Between 1973 and 2000 the EPA legislation was reviewed, renewed and re-enacted on several occasions. The 1996 Act, which was the fifth in the series, was amended by the *Northern Ireland (Emergency Provisions) Act 1998*.

The *Prevention of Terrorism (Temporary Provisions) Act* [PTA] was first introduced in 1974 as a temporary measure in response to a series of IRA attacks in Great Britain, including the Birmingham pub bombings. It completed almost all of its passage through Parliament in a single day<sup>1</sup>. It was re-enacted on several occasions after 1974, with the final version being that of 1989. Several of its provisions applied to international terrorism as well as terrorism connected with the affairs of Northern Ireland. The Act, like the EPA, supplemented the ordinary criminal law by conferring exceptional powers on the police. It was also subject to annual renewal by Parliament, following the publication of a report on its operation during the previous year.

Full details of anti-terrorism legislation prior to 2000 are contained in the report by Lord Lloyd of Berwick of his *Inquiry into Legislation against Terrorism*, published in October 1996.<sup>2</sup> This report was undertaken as a review of the future need for specific counter-terrorism in the UK against a background of paramilitary ceasefires.

The *Terrorism Act 2000*, which came into force on 19 February 2001, consolidated and amended previous anti-terrorist legislation across the UK and introduced a number of new measures. It repealed the EPAs of 1996 and 1998 and the PTA 1989. The Library Research Paper on the Bill that became the 2000 Act is available on the intranet and the internet.<sup>3</sup> The *Terrorism Bill 2005-06*, which was introduced in the House of Commons

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<sup>1</sup> HC Deb 28 November 1974 vol 882 c 634-943; HL Deb 28 November 1974 vol 354 c 1500-1570; HL Deb 29 November 1974 vol 354 c 1573-1574

<sup>2</sup> *Inquiry into Legislation against Terrorism* Cm 3420 2 Vols. October 1996

<sup>3</sup> Library Research Paper 99/101 *The Terrorism Bill [Bill 10 of 1999/2000]* at <http://www.parliament.uk/commons/lib/research/rp99/rp99-101.pdf>

on 12 October 2005 and was given a second reading on 26 October,<sup>4</sup> is designed to amend and extend some of the UK-wide provisions of the 2000 Act. Library Research Paper 05/66 on that Bill is available on the internet.<sup>5</sup>

The introduction of the legislation that became the 2000 Act followed the publication of Lord Lloyd of Berwick's report<sup>6</sup> and the publication in 1998 of the Government's consultation paper *Legislation Against Terrorism*.<sup>7</sup> The 2000 Act implemented Lord Lloyd's recommendation that the previous, "temporary", anti-terrorist legislation, much of which applied only to Northern Ireland, be replaced with permanent measures extending across the whole of the UK.

A number of "temporary" measures for Northern Ireland set out in the EPA had been due to expire on 24 August 2000. The 1998 consultation paper had expressed the Government's hope that these measures might not be needed after they expired, an objective which depended on developments in the security situation. In December 1999, at the time of the introduction of the Bill that became the 2000 Act, the Government took the view that the time was not right to remove all of the "temporary" measures. Some of the measures were therefore retained, in Part 7 of the *Terrorism Act 2000*. The provisions in Part 7 are subject to annual renewal by orders made under the affirmative procedure and have a time limit of five years. They will expire at the end of 18 February 2006 unless they are re-enacted by primary legislation.

The measures in Part 7 of the 2000 Act include the following:

- Provisions requiring that "scheduled offences" (those listed in Schedule 9 of the Act) be tried in non-jury "Diplock courts", named after the chairman of the Commission whose 1972 report recommended their introduction.<sup>8</sup> Most of the offences set out in Schedule 9 of the Act are capable in any particular case of being "certified out" by the Attorney-General for Northern Ireland and tried by jury.
- Provisions concerning the remission of sentences of imprisonment and the release of prisoners. These had been affected by changes introduced by the *Northern Ireland (Remission of Sentences) Act 1995*.
- Provisions added to the EPA by *Criminal Justice (Terrorism and Conspiracy) Act 1998* concerning:
  - a) the admissibility of oral evidence from senior police officers as evidence of a person's membership of a specified proscribed organisation and
  - b) inferences to be drawn from a person's silence in the context of the offence of membership of a proscribed organisation.

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<sup>4</sup> HC Debates Vol 438 c322-423 26 October 2005

<sup>5</sup> <http://www.parliament.uk/commons/lib/research/rp2005/rp05-066.pdf>

<sup>6</sup> *Inquiry into Legislation against Terrorism* Cm 3420 2 Vols. October 1996

<sup>7</sup> *Legislation Against Terrorism* CM 4178 Home Office December 1998

<sup>8</sup> *Report of the Commission to consider legal procedures to deal with terrorist activities in Northern Ireland* Cmnd 5185 December 1972



A number of the provisions of Part 7 are not currently in force, or have never been brought into force.<sup>9</sup>

The *Terrorism Act 2000* uses Roman numerals to refer to the different parts of the Act, reflecting traditional drafting conventions which still applied at the time of its enactment. The Government now prefers to use Arabic numerals to describe Parts of Acts and what was Part VII of the 2000 Act is now referred to as Part 7 in the *Terrorism (Northern Ireland) Bill 2005-06*.

## **B. The *Terrorism (Northern Ireland) Bill 2005-06***

The Bill is largely designed to enable those provisions of Part 7 of the 2000 Act which are currently in force to continue in force until 31 July 2007, with a possible extension to 1 August 2008 if the security situation does not improve sufficiently to allow them to cease to have effect in July 2007.

The Government has set out its reasons for seeking the continuation of Part 7 of the 2000 Act in the Bill's *Explanatory Notes* as follows:

In the Joint Declaration by the British and Irish Governments in April 2003 the Government set out that in the context of the definitive transition to exclusively peaceful and democratic means, and recognising the changed environment brought about by the new policing arrangements and structures, security normalisation in Northern Ireland would be implemented over a defined timeframe. A copy of the Joint Declaration has been placed in the library of both Houses. In Annex 1 to the Joint Declaration the Government set out a two year programme of normalisation that would be implemented in the context of an enabling environment. This programme includes a phased reduction in troop levels based in Northern Ireland, the removal of army observation posts and bases and the de-fortification of police stations. The programme also envisaged that the counter terrorism legislation particular to Northern Ireland would be repealed by the end of the two year period.

The IRA statement of 28th July 2005 stated that its leadership had formally ordered an end to its armed campaign. A copy of this has been placed in the library of both Houses. The Government responded to this statement by updating and triggering Annex 1 to the Joint Declaration on 1st August 2005. Under the Annex the Government is committed to the repeal of the Part 7 provisions by 31st July 2007 provided the enabling environment is established and maintained. At the present time the Government has assessed the security situation and determined that the Part 7 provisions remain necessary until the end of the normalisation programme. This Bill therefore makes provision for those Part 7 provisions currently in force (excluding section 78) to remain in force until 31st July 2007.

The Government has taken the view that it would be prudent to make legislative provision in case the security situation does not improve sufficiently to allow for the Part 7 provisions to cease to have effect in July 2007. The Bill therefore

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<sup>9</sup> Sections 67(3)-(4), 70, 71, 76, 97, 100, Schedule 4(36), Schedule 5(19)-(21)

makes provision to enable the Secretary of State to extend the provisions of Part 7 by order for a specified period ending before 1st August 2008.<sup>10</sup>

Further detail on the Joint Declaration is given in Part II of this Paper. The Bill also seeks to:

- Repeal those provisions of Part VII of the 2000 Act which are not currently in force, along with section 78 of the Act, which is concerned with the sentencing of children convicted on indictment of scheduled offences.
- Add the offences created by the *Prevention of Terrorism Act 2005* to the list of scheduled offences under Part VII of the 2000 Act

### **1. Continuance in force of Part 7 of the *Terrorism Act 2000***

Section 112 of the *Terrorism Act 2000* provides for the annual renewal of Part 7 of the Act and for its demise five years after the date of its implementation, that is, on 18 February 2006. Section 112(2) also enables the Secretary of State to make orders bringing out the continuance, expiry or revival of particular provisions in Part 7.

Under Clause 1 of the Bill, those provisions of Part 7 of the *Terrorism Act 2000* which are in force on 18 February 2006, with the exception of section 78, will continue in force after that date but should cease to have effect from the end of 31 July 2007. The provisions of Part 7 which are to continue in force after 18 February 2006 are referred to in the Bill's *Explanatory Notes* and in this paper as the "extended provisions". The Secretary of State will continue to be able to make orders under section 112(2) of the 2000 Act bringing about the expiry or revival of particular extended provisions into and out of force by orders made until 31<sup>st</sup> July 2007. Under Clause 1(3) the Secretary of State will be able to make orders providing for any of the extended provisions to continue in force for a further specified period ending before 1 August 2008. Orders under Clause 1(3) will be subject to approval by both Houses of Parliament under the affirmative resolution procedure.

Section 11 and Schedule 2 of the *Justice (Northern Ireland) Act 2004* seek to ensure that the treatment of breaches of bail is the same in scheduled cases as it is in non-scheduled cases. Clause 1(5) of the Bill is designed to for these provisions to be continued in force until 31 July 2007, subject to a further extension to 1 August 2008 under an order made under Clause 1(3).

It is an offence under paragraph 37 of Schedule 4 to the *Terrorism Act 2000* for a person to contravene a restraint order made by the High Court in relation to the forfeiture of terrorist property. This provision is currently treated as a Part 7 provision and Clause 1(9) provides for this to continue. Paragraph 37 will thus be capable of being continued in force until 31 July 2007 and further extended, subject to an order under Clause 1(3,) to 1 August 2008.

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<sup>10</sup> *Explanatory Notes* paras. 5-7

## 2. Provisions to be repealed by the *Terrorism (Northern Ireland) Bill*

Clause 2 is designed to ensure that those provisions of Part 7 of the 2000 Act which are not in force on 18 February 2006 are repealed, along with section 78 of the Act. The provisions to be repealed are set out in Clause 2(2) as follows:

- (a) section 67(3) and (4) (discretion to admit to bail);
- (b) sections 70 and 71 (remand in custody of young persons charged with scheduled offences);
- (c) section 76 (admissions in trials on indictment);
- (d) section 78 (sentencing of children convicted of scheduled offences);
- (e) section 97 (port and border controls);
- (f) section 100 (code of practice for video recording);
- (g) paragraph 36 of Schedule 4 (power of Secretary of State to make restraint order); and
- (h) paragraphs 19 to 21 of Schedule 5 (powers of Secretary to confer powers of search, to require information, etc.).

The effects of these provisions are summarised in the Bill's *Explanatory Notes*, which also set out the Government's reasons for considering the provisions to be unnecessary.<sup>11</sup>

## 3. The "Scheduled Offences"

"Scheduled offences" are offences which are subject to special procedures and measures set out in sections 66-80 of the *Terrorism Act 2000*, such as trial by a court without a jury (a "Diplock court"). They are defined in section 65 and Schedule 9 of the 2000 Act. The *Explanatory Notes* to the *Terrorism (Northern Ireland) Bill 2005-06* comment that the offences qualify for such procedures because they are commonly committed by paramilitaries and terrorist organisations or are otherwise related to the situation in Northern Ireland.<sup>12</sup>

Some of the offences listed in Schedule 9 may occur in circumstances unrelated to the situation in Northern Ireland. These include the offences of murder, manslaughter, kidnapping, wounding and other serious offences under the general criminal law. The Attorney General for Northern Ireland has therefore been given powers under Note 1 to Part 1 of Schedule 9 to certify that, in particular cases, certain offences listed in that Part should not be treated as scheduled offences and may, for example, be tried by a jury. This discretion to "de-schedule" an offence is only available where the offence is listed in Schedule 9 of the 2000 Act as being subject to Note 1.

Concern has been expressed to the Government that certain offences that may be committed in circumstances unconnected with the emergency situation in Northern Ireland would nevertheless have to be tried in non-jury Diplock courts because they are not currently subject to Note 1. Subparagraphs (1)-(2) of Clause 3 of the *Terrorism (Northern Ireland) Bill* are designed to alleviate this concern by ensuring that all

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<sup>11</sup> *Explanatory Notes* paragraphs 28-30

<sup>12</sup> *Explanatory Notes* para.31

scheduled offences are subject to note 1 and may therefore be de-scheduled by the Attorney General for Northern Ireland.

The *Prevention of Terrorism Act 2005*, which has caused considerable controversy, allows “control orders” to be made in respect of particular individuals suspected of involvement in terrorism-related activity. Section 9 of that Act creates three offences in relation to control orders:

- Contravention of an obligation imposed by a control order, without reasonable excuse (section 9(1))
- Failing, without reasonable excuse, to report to a specified person, as required by the terms of the order, when first returning to the UK after the order has ceased to have effect (section 9(2))
- Intentionally obstructing a person delivering a notice setting out the terms of a control order (section 9(3))

Clause 3(4)-(5) of the *Terrorism (Northern Ireland) Bill* will add these offences to the list of scheduled offences in Schedule 9 of the *Terrorism Act 2000*. An offence under section 9 of the 2005 Act will be treated as a scheduled offence only if it is charged as having been committed after the commencement of the Bill.

#### **4. Transitional, saving and consequential provisions**

Under Clause 4 of the Bill the Secretary of State for Northern Ireland will be able to make transitional, saving and consequential provisions in connection with the expiry of Part 7 of the *Terrorism Act 2000*. Any such orders will be subject to the affirmative procedure.

#### **5. Comment on the Bill**

There has as yet been little comment on the Bill’s provisions. The use of non-jury “Diplock courts” in Northern Ireland has always been controversial and the general issue of scheduling particular offences for special treatment has been much criticised over the years since the arrangements in what is now Part 7 of the 2000 Act were first introduced. The Northern Ireland civil liberties group Committee on the Administration of Justice has called for the repeal of Part 7 and Schedule 9 of the *Terrorism Act 2000*,<sup>13</sup> as has the Northern Ireland Human Rights Commission. In a letter to the Secretary of State for Northern Ireland following the renewal of Part 7 of the 2000 Act in 2002 the Commission said:

We are at present unconvinced that the danger of intimidation of those called for jury service justifies the continuing scheduling of offences. At the time of the last review of the Diplock Courts in May 2000 the government refused to supply the Commission with evidence of intimidation in specified cases and we have since seen no evidence to suggest that the risks of intimidation – or the difficulties which would be encountered in protecting jurors – are any higher in February 2002 than they were 21 months ago. There is nothing in Lord Carlile’s report to suggest that he has seen evidence of the potential for intimidation of jurors. This

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<sup>13</sup> The Committee’s views are summarised on its website at <http://www.caj.org.uk/criminal.html>

Commission therefore repeats its advice given to your predecessor in February 2000, namely that the provisions dealing with scheduled offences should be repealed.<sup>14</sup>

Like the rest of the *Terrorism Act 2000*, Part 7 is reviewed annually by an independent reviewer, currently Lord Carlile of Berriew. His latest *Report on the Operation in 2004 of Part VII of the Terrorism Act 2000*, makes the following comments about scheduling and the use of non-jury courts:

I have continued to enquire of police, military and security official as to terrorist activity. I remain aware of the very strong reservations expressed by many about the whole process of scheduling and the use of non-jury courts. In particular, I have once again taken full note of the views of the Human Rights Commission, the Committee on the Administration of Justice and others on this subject. From the evidence provided to me it appears that again in 2004 there were several incidents involving acts of terrorism that demonstrated a continuing danger from sophisticated terrorist crime. There were also numerous serious criminal offences of a non-terrorist nature in which there appears to have been or may well have been a strong terrorist link. Whilst this is hard to prove, it seems reasonably clear that syndicated crime with a paramilitary connection (albeit sometimes remote) is a clear and potentially permanent part of the criminal intelligence picture of Northern Ireland. The police appear to me to be determined and trained to meet changes in the patterns of terrorist-related crime. Prior to the Good Friday agreement many of the incidents related to bomb attacks on commercial premises or on the security forces by republican terrorists. There has been a real reduction in cross-sectarian attacks, though a level of intimidation remains and is of serious concern. There continues inter-necine violence within some loyalist paramilitary groups, and intimidation within parts of the republican community against Catholics who participate in civil institutions established as part of the Good Friday Agreement processes, especially those connected with policing.

Decommissioning of terrorist arms has commenced, but the suspension of the Northern Ireland Assembly still leaves limited room for confidence. Realistically one must recognise that there remains a significant if diminished supply of weaponry to paramilitaries of all persuasions. All who value peace will hope that the political parties will reach a constructive conclusion of continuing negotiations to restore the democratic process fully.<sup>15</sup>

Noting that a system analogous to the scheduling of offences existed in the Republic of Ireland Lord Carlile went on to say:

On the evidence I have seen and heard, I believe that the security situation in Northern Ireland, and the continuing danger of intimidation of those called for jury service, justifies the continued scheduling of offences. I hope that the trend towards normalisation will continue. It is a shared aim that scheduling should wither on the vine, given a continuing improvement in the security situation.<sup>16</sup>

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<sup>14</sup><http://www.nihrc.org/documents/landp/75.doc>

<sup>15</sup> *Report on the Operation in 2004 of Part VII of the Terrorism Act 2000* HDEP 2005.022 paras 2.9-2.10. The report is available on the internet at <http://www.statewatch.org/news/2005/jan/ni-partVII-terr-act-2000.pdf>

<sup>16</sup> *ibid.* para.2.13

There are a number of relevant tables in Lord Carlisle's report for 2004, which list instances of the use of the provisions in Part 7. Annex A is reproduced below:

## Annex A

### Number of instances in Northern Ireland for which offences are certified out of the scheduled mode of trial by the Attorney General (Section 65, Schedule 9).

Year	Total number of offences for which applications made*	Number of persons involved	Number of offences for which applications	
			1. Granted	2. Refused
2002				
Jan-Mar	221	141	207	14
Apr-Jun	299	200	267	32
Jul-Sept	361	277	323	38
Oct-Dec	484	315	419	65
<b>2002 Total</b>	<b>1,365</b>	<b>933</b>	<b>1,216</b>	<b>149</b>
2003				
Jan-Mar	525	3144	18	107
Apr-Jun	314	229	282	32
Jul-Sept	403	272	348	55
Oct-Dec	325	219	283	42
<b>2003 Total</b>	<b>1,567</b>	<b>1,034</b>	<b>1,331</b>	<b>236</b>
2004				
Jan-Mar	228	160	195	33
Apr-Jun	251	188	214	37
Jul-Sept	159	122	126	33
<b>2004 Total to date</b>	<b>638</b>	<b>470</b>	<b>535</b>	<b>103</b>

Note: 1. An application may relate to one person charged with one offence, or one person charged with a number of offences, or a number of persons with the same offence.

Source: Department of the Director of Public Prosecutions.

NB: Quarterly statistics may be subject to minor revision

## II Political Developments in Northern Ireland

This part of the paper offers a general overview of political developments since the Belfast Agreement was signed in April 1998, and offers a more detailed chronology of events in 2005.

### A. The Belfast Agreement and the Northern Ireland Assembly

On 10 April 1998, the *Belfast Agreement* was finalised. It was endorsed through a referendum held on 22 May 1998 and subsequently given legal force through the *Northern Ireland Act 1998*. The Assembly was elected on 25 June 1998 under the terms of the *Northern Ireland (Elections) Act 1998*.

The Northern Ireland Assembly met for the first time on 1 July 1998 and David Trimble (Ulster Unionist Party) was elected as First Minister with Seamus Mallon (Social Democratic and Labour Party) as the Deputy First Minister. The Assembly met on 29

November 1999 when 10 Ministers were nominated, according to the d'Hondt formula set out the *Northern Ireland Act 1998*. On 30 November 1999 the Secretary of State made the *Northern Ireland Act 1998 (Commencement Order No 5)* resulting in the devolution of powers to the Northern Ireland Assembly from 2 December 1999.

Continued problems regarding decommissioning led to the re-introduction of direct rule through primary legislation in the form of the *Northern Ireland Act 2000* which allowed for the suspension of the operation of the Assembly and Executive, restoration of devolution by order and for Northern Ireland legislation to be undertaken at Westminster by Orders in Council. Devolution was suspended from 11 February 2000 to 30 May 2000. Devolution was restored to Northern Ireland from June 2000 and there were two further one day suspensions of devolution on 11 August 2001 and 21 September 2001.

Throughout 2002, sectarian violence and allegations that the IRA had broken their ceasefire caused further problems for devolution in Northern Ireland. On 14 October 2002 the then Secretary of State for Northern Ireland, John Reid, announced the return of direct rule, following a police raid on Sinn Fein offices at Stormont and the resignation of two Democratic Unionist Party ministers from the executive. The Northern Ireland Office took on the work of the Executive and Assembly Bills were introduced into Parliament as Orders in Council. Talks began again to re-establish devolution.

Elections to the Assembly originally due on 1 May 2003 were postponed twice, first to 29 May 2003 and then until the autumn on the grounds that outstanding issues about the position of the IRA could not be resolved during an election campaign. They were held on 26 November 2003. The *Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003* postponed the election due on 29 May and gave the Secretary of State power to specify the new date in an order.

## **B. The Joint Declaration of April 2003**

Proposals for the various parties to discuss were released to pro-Agreement parties as part of a 28-page document which covered five key areas for discussion in March 2003. This draft Joint Declaration set out a number of "proposals necessary to promote trust, implement the Agreement fully, restore the devolved institutions and attain a fully normal society in Northern Ireland."<sup>17</sup> The Governments were not prepared to publish the document more widely at that stage,<sup>18</sup> but they had intended to publish it in Hillsborough on 10 April 2003, the fifth anniversary of the Agreement. In fact, publication was delayed as agreement stalled between the parties and clarification was sought about an IRA announcement on decommissioning. General information about the Joint Declaration by the British and Irish Governments is given in Library Research Paper 03/69 *The Northern Ireland (Monitoring Commission etc) Bill*.

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<sup>17</sup> *Joint Declaration by the British and Irish Governments*, 13 April 2003, Dep 03/1152 and Northern Ireland Office website, at <http://www.nio.gov.uk/press/030501a.htm>. Also available are the accompanying Proposals in relation to On The Run and Agreement between the British and Irish Governments. See [http://www.nio.gov.uk/joint\\_declaration\\_between\\_the\\_british\\_and\\_irish\\_governments.pdf](http://www.nio.gov.uk/joint_declaration_between_the_british_and_irish_governments.pdf)

<sup>18</sup> HC Deb 6 March 2003, c969

The Declaration was finally published on 1 May 2003.<sup>19</sup> It included chapters on the political institutions, paramilitarism, normalisation of security arrangements, policing and justice, and rights, equality, identity and community. There were three annexes, on security normalisation, devolution of policing and justice, and rights and equality. As part of this package, a draft Agreement on Monitoring and Compliance between the British and Irish Governments was published on 1 May 2003. This envisaged the establishment of an Independent Monitoring Commission to monitor the carrying out of various commitments under the Belfast Agreement. The *Northern Ireland (Monitoring Commission etc) Act 2003* was passed to implement this proposal. The Independent Monitoring Commission has since published seven reports which give information on the state of paramilitary violence. It is a separate body from the Independent International Commission on Decommissioning, established under the *Northern Ireland Arms Decommissioning Act 1997*.

On 21 October 2003 negotiations between the Ulster Unionists and Sinn Fein resulted in a new date being announced for elections to the Northern Ireland Assembly. However, the likelihood of devolution being restored immediately after the elections was subsequently cast into doubt when David Trimble announced his dissatisfaction with the level of information disclosed in the latest round of decommissioning. Despite this, elections went ahead as planned on 26 November 2003. The main results were as follows:

- The Democratic Unionist Party won 30 of the 108 seats, 10 more than in 1998. The DUP won the highest share of the first preference votes.
- The Ulster Unionist Party won 27 seats, one fewer than in 1998 despite polling a higher share of the first preference votes.
- Sinn Fein, who secured more first preference votes than the UUP, won 24 seats.
- The Social Democratic and Labour Party won the fewest seats, and the lowest share of the vote, of the major parties.
- Turnout was 63.1 percent of the electorate, compared to 68.8 percent at the 1998 Assembly elections and 68.0 percent in Northern Ireland at the 2001 General Election.

Full details of the results are given in Library Standard Note 2801. The Assembly did not meet, since devolution remained suspended.

A review of the Belfast Agreement with all the political parties began in early 2004. After the European elections in June, review talks resumed in Stormont and then at Leeds Castle where a British/Irish communiqué was issued.<sup>20</sup> Much of the recent discussion around decommissioning of IRA weaponry has been about the visual confirmation of decommissioning. The DUP insisted that there should be photographic and video evidence of the IRA handing in their weapons..<sup>21</sup>

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<sup>19</sup> Dep 03/1152

<sup>20</sup> <http://www.nio.gov.uk/index/media-centre/media-detail.htm?newsID=10254>

<sup>21</sup> *Photos the key for DUP to accept IRA arms wipeout*, *Belfast Telegraph*, 18 November 2004



On 8 December 2004 the DUP leader, Rev Ian Paisley, confirmed that negotiations on the plans to restore devolution had broken down. That day, Tony Blair and Bertie Ahern held a news conference where the proposals for the December 2004 agreement were published and made available for public scrutiny.<sup>22</sup> They involved a complex series of events designed to lead to full decommissioning by the PIRA. The BBC summary of events stated:

Sinn Fein President Gerry Adams said that progress was being held up by "the demand for a process of humiliation".

Mr Adams said the issue of photographs of decommissioning was first raised with the party in the week before the Leeds Castle talks in September.

Mr Adams said: "We were told by the two governments that this was a DUP demand and we told the governments, in our view it was not achievable.

"We were surprised on November 17 when we received their joint statements when this demand was contained in a paragraph of a draft IICD report.. ..

DUP leader Ian Paisley said Sinn Fein had "pulled the plug" on the deal.

Mr Paisley said "significant progress" had been made on all aspects of the comprehensive agreement with the exception of how decommissioning would be handled.

These were entitled the *Proposals by the British and Irish Governments for a Comprehensive Agreement*. The proposals had focused on four areas which the governments saw as key to reaching agreement. These included the need to bring all forms of paramilitary activity to an end; the need to decommission all paramilitary weapons; the need for a clear commitment on all sides to the stability of the political institutions; and for the achievement of support for policing from all sides of the community.<sup>23</sup>

The General Election took place on 5 May 2005. Turnout in Northern Ireland was 68.6%, the highest of all UK regions. The DUP won nine seats, half of the Northern Ireland total. They gained four seats from the UUP: East Antrim, Lagan Valley, South Antrim and the seat of the UUP leader David Trimble's in Upper Bann. The UUP lost five of their six seats and their vote share fell by 9.0%.<sup>24</sup> Sir Reg Empey became the new UUP leader, but he does not have a seat in the Commons. The DUP received more votes than any other party in Northern Ireland for the first time at a General Election. Their share of the vote increased by 11.2% points to 33.7%.

Sinn Fein also increased their share of the vote, and took Newry & Armagh from the SDLP. They came second in Northern Ireland in terms of both seats and votes won, both for the first time at a General Election. The SDLP gained South Belfast from the UUP, leaving them unchanged in total seat numbers. Their share of the vote fell and they came fourth in terms of votes received. Full details are given in Library Research Paper 05/03. Paul Murphy was replaced as Northern Ireland Secretary by Peter Hain in the subsequent Government reshuffle.

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<sup>22</sup> *Progress but no deal says Blair, BBC News, 8 December 2004*

<sup>23</sup> *Proposals by the British and Irish Governments for a Comprehensive Agreement, paragraph 1*

<sup>24</sup> *Library Research Paper 05/03, General Election 2005, p17*

## C. The PIRA statement of 28 July 2005

On 28 July 2005 the Provisional IRA formally ordered an end to its armed campaign and said it would pursue exclusively peaceful means. The decision was made after internal debates. The text was as follows:

The leadership of Oglaiġ na hEireann has formally ordered an end to the armed campaign.

This will take effect from 4pm [1600 BST] this afternoon.

All IRA units have been ordered to dump arms.

All Volunteers have been instructed to assist the development of purely political and democratic programmes through exclusively peaceful means.

Volunteers must not engage in any other activities whatsoever.

The IRA leadership has also authorised our representative to engage with the IICD [Independent International Commission on Decommissioning] to complete the process to verifiably put its arms beyond use in a way which will further enhance public confidence and to conclude this as quickly as possible.

We have invited two independent witnesses, from the Protestant and Catholic churches, to testify to this.

The Army Council took these decisions following an unprecedented internal discussion and consultation process with IRA units and Volunteers.

We appreciate the honest and forthright way in which the consultation process was carried out and the depth and content of the submissions.

We are proud of the comradely way in which this truly historic discussion was conducted. The outcome of our consultations shows very strong support among IRA Volunteers for the Sinn Fein peace strategy.<sup>25</sup>

The IRA statement was welcomed by the British and Irish Governments that day. Sean Kelly, the former IRA terrorist, was released under temporary licence.<sup>26</sup> The Northern Ireland Secretary, Peter Hain, stated in a letter to MPs that the IMC had been asked to prepare an additional report in January 2006 to check on progress with decommissioning.<sup>27</sup> On 1 August the Northern Ireland Secretary, Peter Hain, issued a written statement in which he set out a 2 year plan for de-militarisation, contingent on the security situation:

In April 2003 the government set out proposals to normalise the security profile across Northern Ireland when there was an enabling environment.

Following the IRA statement of 28 July, we are now moving quickly to begin that process.

Today I am publishing planned normalisation programme agreed with the chief constable and the Army GOC [General Officer Commanding Northern Ireland].

My first and over-riding priority and that of the chief constable and the GOC is the safety and security of the people of Northern Ireland.

We will not do anything that will compromise that.

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<sup>25</sup> BBC News, IRA statement in full, 28 July 2005

<sup>26</sup> Press Notice *Northern Ireland Office* 28 July 2005

<sup>27</sup> "Hain responds to IRA statement" *Northern Ireland Office* 28 July 2005 The text of the letter was deposited in the House (Letter to Rt Hon John Prescott 28 July 2005) as Dep 05/1228. The update to Annex 1 was deposited as Dep 05/1229

Provided the enabling environment is established and maintained this programme will be achievable within two years though if the conditions are right to move more quickly in implementing elements of the plan, the government will do so.

The programme published today will see the creation of an environment which will allow the return of conventional policing across Northern Ireland.

#### **Update to Annex 1 of the Joint Declaration**

This paper provides the updated version of the normalisation programme which was promised in the government's statement of 28 July.

The steps which will be undertaken in a normalisation programme assuming an enabling environment is created and maintained will be as follows:

Within the first eight months, in an enabling environment, we would have achieved:

The vacation and closure of Forkhill Base; the removal of Tower Romeo 12 in South Armagh; and dismantling of the super sangar in Newtownhamilton. Work has already started and will be completed within a six-month period

The removal of the observation post at Divis Tower in Belfast and the two observation towers at Masonic in Londonderry. Work is beginning this week and will be completed within a six-month period

The successive removal of two towers in South Armagh G10 (Creevekeeran); G20 (Drummuckavall). Work will start within a few weeks and be completed within a six-month period; with the sites restored to Greenfield status as soon as possible

The publication of a structured plan for phased reduction in troops to peacetime levels

The continuation of the review of the police estate with action taken as agreed with the Policing Board following consultation with district commanders and local communities, including work to defortify some 24 police stations.

Within the next 12 months, in an enabling environment, we would have achieved:

Further defortification of police stations. Progressive development of and extension of varying patrol patterns: eg single beat officers, bicycle patrols and opening of police shops

The vacation and demolition of the remaining South Armagh towers. These sites, with the exception of a Blue Light communications site at Crosleive, would be returned to Greenfield status as rapidly as possible thereafter

Progressive withdrawal of soldiers from sites where co-located with police in Armagh (Crossmaglen, Newtownhamilton, Middletown) and in Fermanagh and Tyrone

The removal of the military base within Maydown police station

A reduction in troop numbers in line with the published plan

The return of private property on vacated sites.

Within the final four months, in an enabling environment, we would have achieved:

Further implementation of the police estate review, as determined by the Policing Board

Additional opportunities for the police to patrol without the use of armoured vehicles

The vacation and demolition of the observation post at Rosemount in Derry

The vacation, closure and disposal of all military sites to leave no more than 14 core sites

The further reduction in Army and other service levels, including the disbandment of the operational brigade headquarters, to a permanent military garrison of no more than 5,000. The size of the longer-term garrison is likely to fluctuate in response to global demands on the Army and its overall complement  
Repeal of counter terrorist legislation particular to Northern Ireland<sup>28</sup>

On 4 August 2005 Mr Blair held talks in London. After the meeting, the Democratic Unionists said that they would require a "prolonged period of assessment" to determine whether the IRA had given up its armed campaign.<sup>29</sup> David Hanson, the new minister for political development, stated on 22 September that he believed that the IRA were beginning to decommission.<sup>30</sup>

On 22 September the Independent Monitoring Commission issued a sixth report on the activities of the Ulster Volunteer Force and the Loyalist Volunteer Force. These organisations had been conducting a violent feud which erupted in Belfast in August/September 2005. It believed that there was still an association between the Progressive Unionist Party and the Ulster Volunteer Force, reinforcing its conclusion in its fifth report that the removal of allowances from the PUP in the Assembly should be renewed, and that the Secretary of State should cease to recognise the UVF ceasefire. Mr Hain announced on 13 September 2005 that he had ceased to recognise the ceasefire. This involves specifying the organisation by order in council under s3(8) of the *Northern Ireland (Sentences) Act 1998*.

#### **D. Independent Commission on Decommissioning report September 2005**

On 26 September, General John de Chastelain, chairman of the Independent Commission on Decommissioning announced that the IRA had completed its decommissioning. A report was sent to the British and Irish Governments and was deposited in both Houses.<sup>31</sup> The decommissioning had been witnessed by two clergymen, Catholic priest Father Alec Reid and ex-Methodist president Rev Harold Good.. General de Chastelain was quoted as stating that: "We are satisfied that the arms decommissioning represents the totality of the IRA's arsenal."<sup>32</sup> There was no photographic evidence available. The announcement was welcomed by the British and Irish Governments. However, the Rev Ian Paisley said the church witnesses had been agreed by the IRA and as such could not be considered "independent". He continued: "without a photographic proof, an inventory and details on how the weapons were destroyed questions remains."<sup>33</sup>

As Peter Hain noted in his statement to the Commons on 13 October, a report was awaited from the Independent Monitoring Commission, which focuses on paramilitary

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<sup>28</sup> "Northern Ireland Secretary's statement" *BBC News* 1 August 2005

<sup>29</sup> "Blair defends NI military moves" *BBC News* 4 August 2005

<sup>30</sup> "IRA moving towards decommission" *BBC News* 22 September 2005

<sup>31</sup> Dep 05/1227 HINF2005/1593 *Report of the Independent Commission on Decommissioning addressed to Peter Hain and Michael McDowell* 26 September 2005

<sup>32</sup> "IRA has destroyed all its arms" *BBC News* 26 September 2005

<sup>33</sup> *ibid*

activity. The Government asked this Monitoring Commission to produce an extra report in January 2006 to reinforce the verification process, following the IRA statement of 28 July.<sup>34</sup> Mr Hain noted in his statement:

There remains outstanding the question whether a financial penalty should be imposed on the Progressive Unionist party following the recommendation made to me earlier in the year by the IMC. I intend to watch developments carefully over the next few months, in particular the role that the PUP plays in attempting to secure peace and stability in the loyalist community, before reaching a decision on this in the context of the January report from the IMC, to which I referred earlier.<sup>35</sup>

Mr Hain also announced that the Police Board for Northern Ireland would be reconstituted from 1 April 2006 with political appointees selected in proportion to the 2003 election results, using the d'Hondt formula.

Mr Hain referred to plans to reinvigorate discussions with the parties about devolving criminal justice and policing to Northern Ireland and promised enabling legislation in the meantime, when parties had reached agreement. He also promised an announcement shortly on the appointment of a victims commissioner. He went on:

The House will know that we have undertaken to legislate to deal with the position of individuals connected with paramilitary crimes committed before the Belfast agreement, dealing with those suspects categorised as on-the-runs. As the House will recall, the proposals were published alongside the joint declaration more than two years ago, in May 2003. This is not an amnesty: nevertheless, the implementation of those proposals will be painful for many people. I fully understand that, but the Government believe that it is a necessary part of the process of closing the door on violence forever.<sup>36</sup>

The phrase 'on-the-runs' refers to suspects who were not in custody at the time of the *Belfast Agreement*, and were therefore unable to benefit from the terms of the *Northern Ireland Sentences Act 1998*. This Act allowed prisoners to apply for release on licence to Sentence Review Commissioners. Plans for further legislation to address the question of their return to Northern Ireland were set out in an annex to the Joint Declaration of May 2003.

For the Opposition, David Lidington queried the terms of the proposals for on-the-runs:

The Secretary of State will know the position that my party has consistently taken on the question of terrorists on the run. Can he say now whether the terms of the proposed legislation will actually require an alleged terrorist to appear in court and, at least, shoulder the responsibility for his deeds, or will the whole process take place in absentia? Will such a terrorist be subject to licence, so that he could

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<sup>34</sup> HC Deb 13 October 2005 c449-452

<sup>35</sup> HC Deb 13 October 2005 c450

<sup>36</sup> HC Deb 13 October 2005 c451

be recalled if he were ever to revert to terrorism? If not, despite the Secretary of State's words, we are talking about an amnesty in all but name.<sup>37</sup>

In response, Mr Hain said that the proposed legislation would not be an amnesty and it would involve judicial process.<sup>38</sup> The *Terrorism (Northern Ireland) Bill* does not contain any provisions relating to the position of on-the-runs. Further legislation is likely this session.

On 19 October 2005 the Independent Monitoring Commission published its seventh report.<sup>39</sup> Previous reports are summarised in Library Standard Note no 3757 *Political Developments in Northern Ireland since January 2005*. The report found that in the six months up to the end of August loyalists were responsible for much more violence than republicans. It made some encouraging comments in relation to the PIRA after the 28 July announcement, but stated:

Clearly we are looking for cumulative indications of changes in behaviour over a more sustained period of time.<sup>40</sup>

Mr Hain made a written ministerial statement to the Commons in which he set out proposals to restore allowances to Sinn Fein Members in the Assembly. These had been suspended in April 2004, following reports of the Independent Monitoring Commission which recommended sanctions against Sinn Fein. In March allowances were also removed from Sinn Fein MPs for one year from April 2005, following a Commons motion.<sup>41</sup> Mr Hain said:

The report concludes that the PIRA statement, despite coming at a point when five sixths of the period under review had elapsed, is 'very significant'. The statement and the act of decommissioning reported by the IICD on 26 September have created a platform for future progress and 'initial signs following the PIRA statement are encouraging'. However, it is essential that the IMC, as they state, are able to observe 'cumulative changes in behaviour over a more sustained period of time ..'. I await the next report of the Commission, due in January 2006.

In the meantime I have decided to restore Sinn Fein's Assembly allowances, with effect from 1 November, and will, in due course, recommend to the House that it lifts the suspension of allowances to Sinn Fein Members of Parliament, which took effect on 1 April this year.

The report also concludes that paramilitaries, especially Loyalists and dissident Republicans, continue to exert a malign influence over communities which has obstructed the development of a 'culture of lawfulness'. As I said in my Statement to Parliament on 13 October, it has taken a long time for the Republican movement to acknowledge that violence does not pay but it has now publicly

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<sup>37</sup> HC Deb 13 October 2005 c452

<sup>38</sup> HC Deb 13 October 2005 c454

<sup>39</sup> Available at

<http://www.independentmonitoringcommission.org/documents/uploads/7th%20%20IMC%20%20Report.pdf>

<sup>40</sup> *Seventh Report* para 3.18

<sup>41</sup> Standard Note no 1667 *Sinn Fein and Access to Commons Facilities* gives full background

done so. Loyalist paramilitaries must now also realise that exclusively peaceful and democratic means represent the sole way forward.<sup>42</sup>

The BBC reported concern at this decision from the Independent Monitoring Commission:

But commission chairman Lord Alderdice said the decision to return Sinn Fein's allowances was against the wishes of the IMC.

"While we do feel that something very significant happened potentially in the IRA statement and indeed in the decommissioning which was reported on, we felt it was too early to make a definitive judgement on the question of returning public funds to Sinn Fein at this time," he said.<sup>43</sup>

The decision also sparked hostile reaction from Rev Ian Paisley at Prime Minister's Question Time on 19 October.<sup>44</sup> David Lidington, for the Conservatives, considered that it was too early to make decisions in respect of allowances. That day a meeting was held of the British-Irish Intergovernmental Conference in Dublin.<sup>45</sup>

On 24 October Mr Hain announced that he had laid in Parliament the Direction made under the *Northern Ireland Act 1998* to restore Sinn Fein allowances in the Assembly.<sup>46</sup> The direction indicated that the annual amount of assistance was £120,000. That day at Business Questions, Nigel Dodds expressed his party's concern:

**Mr. Nigel Dodds (Belfast, North) (DUP):** May we have a statement on the Floor of the House so that Ministers can be questioned about the decision to reinstate immediately to Sinn Fein its Assembly allowances worth hundreds of thousands of pounds and the intention to reinstate allowances and privileges in the House? Is not it wholly unacceptable that that should be announced in a written ministerial statement? Should not it come before the House? Will not people in Northern Ireland note the fact that the Government are proceeding contrary to the recommendation of the Independent Monitoring Commission, which states that the IRA is still involved in criminality? Will not any future attempt to tell the people of Northern Ireland that they should abide by IMC recommendations be rejected on the basis of the way that the Government are acting?

**Mr. Hoon:** It is important that I set out for the benefit of the House the precise legal position on allowances. Allowances for parties represented at Westminster have been available for some time. Obviously, the position of Sinn Fein was considered very carefully and that led the Government to propose a motion suspending Westminster allowances for a 12-month period, but that was contingent on the way in which Sinn Fein was operating and behaving. In the light of the IRA statement of 28 July, including the indication that the armed struggle was over, the situation is clearly different and one to which we are bound to apply the relevant legislation, which requires those payments to be made. Therefore, my right hon. Friend the Secretary of State for Northern Ireland has concluded that he should lift the suspension of the allowances with effect from 1 November.

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<sup>42</sup> HC Deb 19 October 2005 c58WS

<sup>43</sup> "IRA progress signs encouraging" *BBC News* 19 October 2005

<sup>44</sup> HC Deb 19 October c843

<sup>45</sup> "Joint Communique: British-Irish Intergovernmental Conference NIO Press Release 19 October 2005

<sup>46</sup> HC Deb 24 October 2005 c6WS *Direction given by the Secretary of State under section 51B of the Northern Ireland Act 1998*, laid 20 October 2005

That is a perfectly straightforward situation and it is wholly consistent with the relevant legislation as it affects the House.<sup>47</sup>

As yet, no motion has been tabled to reinstate allowances for Sinn Fein Members of the Commons.

Mr Hain did announce to the Northern Ireland Affairs Select Committee that legislation on on-the-runs would be brought forward shortly, possibly in November 2005. According to media reports, Unionists expressed concern at the proposed Bill.<sup>48</sup>

Recent paramilitary activity is summarised in the following extract from the seventh report of the Independent Monitoring Commission:

The level of paramilitary violence remains high on the loyalist side. The downward trend in the total number of shooting casualties has continued. The total number of casualties of assaults has now been broadly the same for 18 months, though it is a good deal less than it was over the period from March 2003–February 2004;

\_ Averaged out, there were 1.5 victims of shooting a week and about 2 victims of assault a week;

\_ The number of casualties of loyalist shootings was nearly the same as in the preceding 6 months and that of loyalist assaults was one third higher. In contrast on the republican side there were about half the number of shooting casualties, and there were about a third fewer assault casualties;

\_ The change may be summarised as follows:

*Republican Groups*

\_ Shooting casualties *down* by 43% compared with the preceding 6 months, and *down* by 64% compared with the corresponding period in 2004;

\_ Assault casualties are *down* by 40% compared with the preceding 6 months and *down* by 17% compared with the corresponding period in 2004;

\_ Since the PIRA statement of 28 July, there have been no reported republican assaults or shootings though we are aware that there was one assault in early August by PIRA to which we refer in paragraph 3.15.

*Loyalist Groups*

\_ Shooting casualties are *down by only* 3% compared with the preceding 6 months, and *down by only* 8% compared with the same period in 2004;

\_ Assault casualties are *up* by 38% compared with the preceding 6 months, and *down by only* 5% compared with the same period in 2004.<sup>49</sup>

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<sup>47</sup> HC Deb 20 October 2005 c990

<sup>48</sup> "Unionist fury as Ulster amnesty law scuppers murder inquiries" – *Times* 27 October 2005

<sup>49</sup> Seventh Report Independent Monitoring Commission available at <http://www.independentmonitoringcommission.org/documents/uploads/7th%20%20IMC%20%20Report.pdf>



## Appendix: Statistics relating to the security situation in Northern Ireland

Chart 1 - Shooting and Bombing Incidents 1997/98 - 2005/06 (up to 31/08/05)

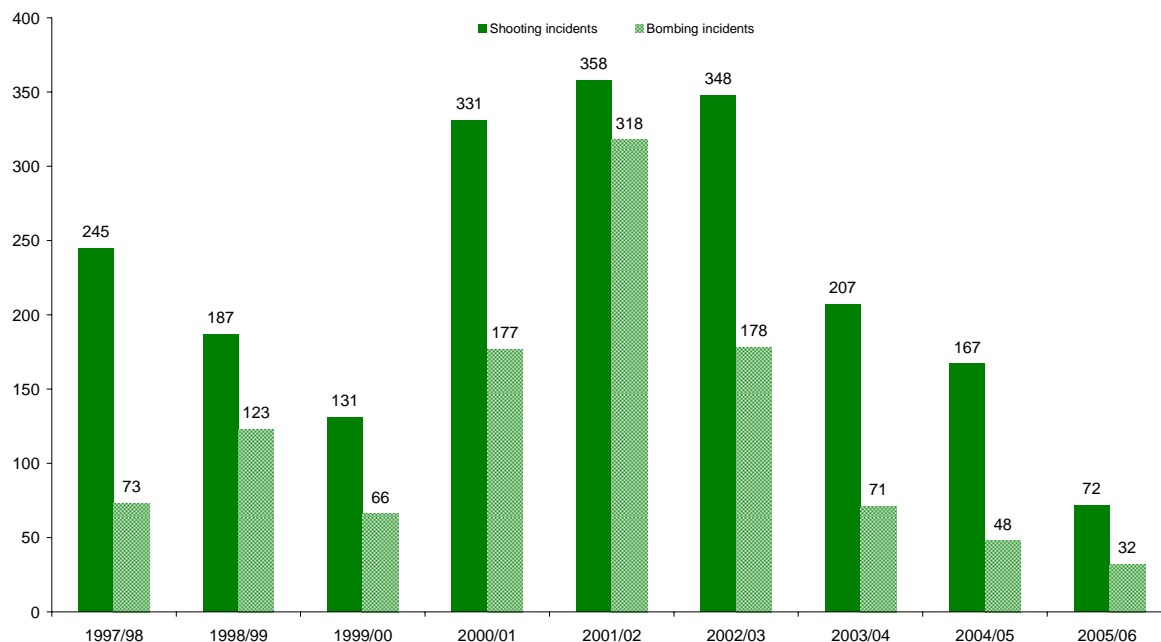


Table 1 - Security-Related Incidents 1997/98 - 2005/06

	Shooting	Bombings <sup>2</sup>		Incendiaries <sup>3</sup>	
	Incidents <sup>1</sup>	Incidents	Devices	Incidents	Devices
1997/98	245	73	91	6	6
1998/99	187	123	229	20	20
1999/00	131	66	86	5	5
2000/01	331	177	206	9	22
2001/02	358	318	407	5	6
2002/03	348	178	226	8	8
2003/04	207	71	80	3	3
2004/05	167	48	51	29	36
As at 31st August					
2004/05	85	31	33	7	12
2005/06	72	32	41	1	1

1 The following types of shooting incidents are included:

- Shots fired by terrorists
- Shots fired by the security forces
- Paramilitary-style attacks involving shootings
- Shots heard (and later confirmed)
- Other violent incidents where shots are fired (eg armed robbery)

2 An individual bombing incident may involve one or more explosive devices. Incidents recorded include explosions and defusings (devices used). Incidents involving hoax devices, petrol bombings or incendiaries are excluded.

3 Incidents recorded include explosions and defusings (devices used).

Source: PSNI statistics