

**Analysis of 'On the Runs' Motion  
19 February 2002**

Motion Proposed: That this Assembly considers that the Government's proposal for dealing with those "on the run" constitutes a general amnesty for offences committed prior to April 1998, goes well beyond both the letter and spirit of the Good Friday Agreement and is inconsistent with both justice and international practice. This Assembly believes that the minimum requirement consistent with the Agreement is that those wishing to avail of this measure should be required to acknowledge their guilt in court and be released on licence. This Assembly further believes that the Government should demand guarantees that those "exiled" by the paramilitaries can return to Northern Ireland in safety before proceeding with this measure.

Weston Park Statement: (para20) Both Governments also recognise that there is an issue to be addressed with the completion of the early release scheme, about supporters of organisations now on cease-fire against whom there are outstanding prosecutions, and in some cases extradition proceedings, for offences committed before 10 April 1998. Such people would, if convicted, stand to benefit from the early release scheme. The Governments accept that it would be a natural development of the scheme for such prosecutions not to be pursued and will as soon as possible and in any event before the end of the year [2001], take such steps as are necessary in their jurisdiction to resolve this difficulty so that those concerned are no longer pursued.

(introduction) As we said at Weston Park, while each of the issues – policing, decommissioning, normalisation and the stability of the institutions – is best addressed in its own terms rather than being seen as a pre-condition for progress on any other, the Agreement can only succeed if all parts of it are implemented together.

Our response to Weston Park: The issue of returnees is problematic, not least because the Agreement did not explicitly refer to it. The government's logic, however, is in the right direction. We note the low rate of re-offending by prisoners released under the accelerated release scheme, and are satisfied that the government's proposed action will not pose a threat to members of the public.

'OTRs' are people who's prosecutions were not complete – ie. They skipped bail after being charged and were not *convicted* for crimes connected with the Troubles. Does it include those suspected of an attack connected with the Troubles and never charged? How many are we talking about?

Westminster Debate on OTRs (Thursday 14 February 2002)

UUP and DUP are linking OTRs to exiles

Sinn Fein are linking exiles to policing (the lack of an acceptable policing system is why we have not seen an end to paramilitary activity like exiling people and punishment attacks)

SDLP? Don't know what they said

Alliance Motion:

Five elements – a lot of different stuff for a motion:

- ❖ That proposals for 'on the runs' equate to a general amnesty
- ❖ That they 'go well beyond the letter and the spirit of GFA'
- ❖ That they are 'inconsistent with both justice and international practice'
- ❖ Minimum requirement consistent with the Agreement is 'acknowledge their guilt in court and be released on license'
- ❖ That the government should demand guarantees on exiles before proceeding

Issues for our Position

- ❖ Difficulties with having the discussion: privately we can say that we don't think the time or context is right for this motion to be helpful, publicly, this is not very democratic. There are big issues about the value of linking these issues – need to be resolved in parallel, but not dependent on each other, otherwise we would not have got progress on policing, decommissioning etc. Maybe use the debate to re-state our commitment to an Implementation group, which would allow for full discussion by all parties of all issues, in contrast to a single motion in an Assembly which doesn't have powers over OTRs or exiles.
- ❖ Context of OTR debate: Kate's view on Weston park proposals: Easier for us to accept the proposals in Weston Park Package as it was framed in the context of the GFA. A big problem with the Alliance motion is that it puts it in the context that Alliance want to see it – going beyond the Agreement and linking it with requirements on exiles
- ❖ Implementation of the Agreement: The Agreement isn't specific on OTRs, it does go beyond the letter of the Agreement, but our position on Weston Park was that it was consistent with the spirit – a logical extension of the early release scheme (which started before the Agreement) Do we want to change our position on that? The development of any policy on OTRs would be beyond the Agreement (because its not explicit), yet it is an issue for the peace process and can't be left dangling in the air.
- ❖ Benefits for the peace process: part of the normalisation process, part of dealing with the 'loose ends' of our past. We know its something also that the government used to get decommissioning.

- ❖ Victims: This is the most difficult area for us, as we have stood up for victim's rights and the right to know what happened. The decision not to pursue OTRs is like the opposite of an inquiry, which have been granted for certain cases. Will be very painful and difficult for them to see OTRs come back and get off scot-free. What about all the unsolved cases on both sides? Still need to find a way to move beyond those.
- ❖ Exiles: like decommissioning, can we call on all parties who might have any influence in those communities or with those people who keeping people in exile to use it? While the new systems are not perfect, there are enough policing and criminal justice reforms in place that people are not justified in using violence, intimidation, threats, punishment beatings to take the law into their own hands. The return of exiles can not be legislated for, as it is being carried out by non-state actors, but political will can be used. It is part of the normalisation process for Northern Ireland, if the exiles have committed crimes or anti-social acts, these should be dealt with by the legal methods.
- ❖ Legal issues around convicting someone for e.g. murder, and not sentencing them to jail, as Alliance are suggesting. Early release scheme, which is now complete, would be totally re-opened like a can of worms is this was to happen.