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Local & National

Just when you thought it was safe to say OTR

The DUP is still looking over its shoulder to see if the Government says what it means about IRA fugitives. Chris Thornton reports on what makes OTRs the issue that won't go away

Tuesday, February 13, 2007

The Government has been so clear about IRA fugitives, Ian Paisley suggested yesterday, that they would be liars if they did anything that allows the on-the-runs (OTRs) to stop running.

"We have had the prime minister in the House of Commons," the DUP leader told Downtown Radio in the wake of a report suggesting the Attorney General will declare it is not in the public interest to pursue OTRs. "We have had the secretary of state reiterating it. He said there will be no amnesty."

Mr Paisley added that "the whole thing is over", as far as reviving Stormont is concerned, if events prove otherwise.

As his party nervously returns to the issue that it thought it had killed off last year, Mr Paisley does not seem to see that there may be a hole in what the Government is saying - a hole big enough to run a few dozen fugitives through at some convenient point after the election.

Just last week, in a written reply to UUP MP Lady Sylvia Hermon, Peter Hain said "we have no plans to bring forward any legislation on 'on the runs', or to introduce an amnesty".

Fair enough. But Mr Hain also repeated that the issue "will need to be addressed at some stage" and pointedly avoided answering part of Lady Hermon's question about using existing procedures to give OTRs special treatment.

One of those existing procedures would be a decision by the Attorney General to drop cases in "the public interest", just as he did recently with the allegations of bribery in a Saudi arms deal.

Last night the NIO insisted that reports suggesting that would happen are "entirely incorrect". They have yet to make it clear how it will be resolved.

If all this seems wearily familiar, it is because OTRs have plagued the political process for five years now.

Since then republicans have pushed for some mechanism to allow people like Rita O'Hare and Charlie Caldwell to come home. She is a Sinn Fein official wanted for a gun attack on soldiers. He has been named in Parliament as one of the Enniskillen bombers.

In 2005 - around the same time the IRA completed its decommissioning - the Government declared that there was an anomaly in pursuing people for pre-1998 crimes of the Troubles. It brought forward a bill in the House of Commons to allow them back over the border with a special judicial procedure, but no jail time.

The Government took flak over the bill, but it was really only crippled when Sinn Fein decided it did not like the focus on how the new procedures would benefit members of the security forces accused of collusion.

It withdrew its support and the Government withdrew the bill in January 2006.

Peter Hain told the House of Commons: "Two things are clear; legislation is needed to resolve the issue, and the issue needs to be resolved."

Then last October, DUP deputy leader Peter Robinson warmed up for the St Andrews Agreement by trying to make sure the issue was dead and buried. He asked Mr Hain if there would be legislation or another procedure for dealing with OTRs. Mr Hain U-turned from his January position and rejected legislation. "There is no other procedure," he added.

A few days later this newspaper revealed that Mr Hain had been assuring the US Attorney General that "the British Government is committed to addressing these cases in a way which resolves the anomaly". Mr Hain insisted there was no difference between that statement and his assurances to the DUP.

The DUP rushed back to the Commons to make sure the prime minister was saying the same thing. Mr Blair told Lagan Valley MP Jeffrey Donaldson "that there will be no amnesty for on-the-runs, and that we have no intention of bringing back legislation on the issue".

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That seemed to settle things for Mr Donaldson. "It needs to be understood this matter is put to rest once and for all," he declared afterwards, though he added that any move on the OTRs "will be a deal breaker".

Sinn Fein sees it differently. North Belfast MLA Gerry Kelly said recently that the issue will be dealt with before Tony Blair leaves office.

Alex Attwood of the SDLP says that all this - the timing, the assurances of no new procedures or legislation, but the commitment to resolve it - points to one outcome: the kind of declaration by the Attorney General that the NIO now denies.

If that happens, Shadow Secretary of State David Lidington says the Government shouldn't just expect it to disappear in the smoke. "If there is a decision by the Attorney General that it's not in the public interest to prosecute despite the evidence, then the Government would need to make oral statements to Parliament and be questioned about it," he said. "I think the preferable way is that you have court proceedings, then you deal with clemency through the sentencing procedure. There should be a formal judgment. You owe that to the victims."

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