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Politics

Hain still in talks over OTR controversy

Discussions continue with senior law officers

Thursday, March 15, 2007

By Chris Thornton

The thorny and unresolved issue of IRA on-the-runs has been a recurring topic in talks between Peter Hain and the Government's senior law officers, it emerged today.

The Secretary of State has discussed the fugitives "on a number of occasions" with the Attorney General, Lord Goldsmith, since the Government dropped a plan for dealing with OTRs last year.

The NIO has refused to say how often those talks have happened, but over the past six months the Government has given the DUP the impression that the issue, in the words of one DUP MP, "has been put to rest once and for all".

The revelation comes as former Secretary of State Peter Mandelson confirmed that the original plan for allowing the fugitives to return to Northern Ireland was the result of a side deal between the Prime Minister and Sinn Fein.

Mr Mandelson told the Guardian newspaper that he refused to sign a letter promising Gerry Adams a side deal on OTRs in November 1999.

He said the Prime Minister subsequently sent the letter himself.

The Solicitor General, Mike O'Brien told SDLP leader Mark Durkan that the issue has remained under discussion after the Government withdrew its controversial bill on the subject last year.

But he also indicated that the Attorney General will not agree to drop cases "in the public interest", as had been suggested several months ago, because most of the crimes are too serious.

The talks have involved Mr Hain, the Attorney General, Mr O'Brien and Sir Alasdair Fraser, Northern Ireland's Director of Public Prosecutions.

The original plan had been to allow IRA fugitives, like Sinn Fein's General Secretary Rita O'Hare or Enniskillen bombing suspect Charles Caulfield, to return to Northern Ireland without the threat of jail.

Ms O'Hare skipped bail after being accused of a gun attack on a soldier in Belfast in 1971. Mr Caulfield has been named four times in Parliament as one of the Enniskillen bombers.

However, that Bill was dropped when Sinn Fein withdrew their support because it became clear that members of the security forces involved in collusion or other crime would also escape jail.

Since then Mr Hain has sent mixed signals on the topic. At the time the bill was dropped, he said "legislation is needed to resolve the issue".

Last October he turned against legislation and told the DUP: "There is no other procedure."

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".

Mr Hain insisted there was no difference between that statement and his assurances to the DUP.

The NIO says there has been "no change in policy and procedure" but refused to elaborate about the meetings between Mr Hain, the Attorney General and the Solicitor General.

Mr O'Brien said Lord Goldsmith "has discussed the issue on a regular basis" with Sir Alasdair, the DPP.

"He regularly meets with the Secretary of State for Northern Ireland in respect of his duties as a Criminal Justice Minister in Northern Ireland and the subject of 'On the Runs' has arisen on a number of occasions," he said.

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"I have engaged in some of those discussions."

"The view of the Attorney-General has always been that the position of 'On the Runs' can only be addressed by the prosecution process in a very limited way: by applying the usual test for prosecution to identify those cases where the evidential test is no longer met and, importantly, is no longer capable of being met.

"Given the serious nature of most of the offences concerned, the public interest is inevitably strongly in favour of prosecution. Political considerations play no part of that process."

A Northern Ireland Office spokesman said: "There's been no change in policy and procedure.

"We recognise that OTRs are an anomaly, but the Secretary of State has said publicly and to Parliament that there is no intention to reintroduce legislation or to introduce an amnesty."

Former UUP leader Lord Trimble says the Government knows it cannot deal with OTRs "without legislation and they know they can't get legislation through the Lords".

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