

Country/entity	Ireland United Kingdom Northern Ireland
Region	Europe and Eurasia
Agreement name	Proposals in Relation to On the Runs
Date	1 May 2003
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/intrastate conflict(s)
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Northern Ireland peace process
Parties	UK government, Irish Government
Third parties	-
Description	Both governments agree to make parallel commitments to develop specialised judicial mechanisms for accelerated adjudication and immediate release on license for all qualifying 'on-the-runs' residing outside the UK and Ireland seeking to return to either of these jurisdictions. While these are framed as 'proposals', they were accepted by the two governments, and by most of the parties, but ultimately implementing legislation was never introduced because its detail could not be agreed. Informal arrangements for dealing with 'On the runs' were provided for.

Agreement document	UK_IE_030501_Proposals in Relation to On the Runs.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.

Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.

Accession/ unification	No specific mention.
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Border delimitation	No specific mention.
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Cross-border provision	No specific mention.
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Governance

Political institutions (new or reformed)	No specific mention.
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Elections	No specific mention.
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Electoral commission	No specific mention.
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Political parties reform	No specific mention.
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Civil society	No specific mention.
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Traditional/ religious leaders	No specific mention.
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Public administration	No specific mention.
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Constitution	No specific mention.
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Power sharing

Political power sharing	No specific mention.
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Territorial power sharing	No specific mention.
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Economic power sharing	No specific mention.
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Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights Human rights and equality→Civil and political rights→Fair trial
Page 3, 11.
There would be normal rights of appeal against conviction or sentence.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 2, 4.

Legislation would set out who and what offences qualified for the scheme. A qualifying offence would be any scheduled or equivalent offence committed before 10 April 1998. It would include offences committed by, or in the course of, escaping, or committed as part of an incident involving a scheduled offence. A qualifying person would be someone:

- who was not a supporter of a specified organisation;
- who was not currently involved in acts of terrorism; and
- who had not been convicted of a serious offence committed after 10 April 1998 for which he had received a sentence of five years or more.

Page 3, 9.

In the event of conviction, the Special Judicial Tribunal would pass sentence, but the person convicted would immediately qualify for the early release scheme. The Eligibility Body would exercise the relevant powers of the Sentence Review Commission under the Northern Ireland (Sentences) Act 1998. There would be two significant changes to the Act:

- the existing two year minimum period in custody would be reduced to zero;
- the requirement that, to qualify, the sentence needed to be of at least five years would be removed.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 2, 1

Within a context of acts of completion, the British Government would bring before Parliament the legislation necessary to resolve outstanding cases on a basis involving due judicial process, and showing sensitivity to the position of victims. The Irish Government would address similar cases in its jurisdiction. A related issue would be the complete ending of exiling and allowing those exiled to return.

State of emergency provisions No specific mention.

Judiciary and courts Page 2, 7.
Once a certificate had been granted, the matter would be passed to a Special Judicial Tribunal, with the powers of a criminal court, consisting of a senior judge (but no jury). The relevant prosecuting authorities would be able to bring charges before the Special Judicial Tribunal against any person whom the Eligibility Commission had declared eligible. The applicant would not be required to be present at the trial. He would be able to plead not guilty and, if he wished, instruct a defence to be mounted. The Special Judicial Tribunal would not have the power to remand in custody.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	<p>Page 2, 4. Legislation would set out who and what offences qualified for the scheme. A qualifying offence would be any scheduled or equivalent offence committed before 10 April 1998. It would include offences committed by, or in the course of, escaping, or committed as part of an incident involving a scheduled offence. A qualifying person would be someone: ... • who was not currently involved in acts of terrorism;...</p> <p>Page 2, 5. An individual who believed that he was covered by the terms of the legislation would apply in writing to an Eligibility Body. The applicant or his representative would be asked to confirm that he was not a supporter of a specified organisation. The Eligibility Body would ask the Secretary of State for information, including details of any charges brought in relation to offences allegedly committed after 10 April 1998, and any information on whether the applicant is a supporter of a specified organisation or is involved in terrorism. The information from the applicant and the Secretary of State would be considered and a determination reached as to the eligibility of the individual against the criteria set out above.</p> <p>Page 3, 10. On receiving a determinate sentence the individual would be immediately released on licence. The licence could be revoked and the sentence passed by the Special Judicial Tribunal effected. This would happen if: ... • the individual became involved in terrorism;...</p>

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Relief of other sanctions
[Summary: The agreement in its entirety deals with those who would otherwise be eligible for prison.]

Page 2, 1.

...A related issue would be the complete ending of exiling and allowing those exiled to return.

Page 2, 7.

Once someone had been declared eligible, he or she would be free to return to Northern Ireland without risk of arrest for questioning or charge in relation to a qualifying offence.

Courts

Transitional justice→Courts→National courts

Page 2, 5.

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Page 2, 6.

The applicant or the Secretary of State would be entitled to challenge the determination. Where the material on which a challenge was based was of a sensitive nature, procedures would be put in place to ensure that it was safeguarded.

Page 3, 8.

Once a certificate had been granted, the matter would be passed to a Special Judicial Tribunal, with the powers of a criminal court, consisting of a senior judge (but no jury). The relevant prosecuting authorities would be able to bring charges before the Special Judicial Tribunal against any person whom the Eligibility Commission had declared eligible. The applicant would not be required to be present at the trial. He would be able to plead not guilty and, if he wished, instruct a defence to be mounted. The Special Judicial Tribunal would not have the power to remand in custody.

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- the existing two year minimum period in custody would be reduced to zero;
- the requirement that, to qualify, the sentence needed to be of at least five years would be removed.

Page 3, 10.

On receiving a determinate sentence the individual would be immediately released on licence. The licence could be revoked and the sentence passed by the Special Judicial Tribunal effected. This would happen if:

- the cease-fire of the organisation of which the individual was a supporter broke down, and it therefore became a specified organisation; or
- the individual became a supporter of a specified organisation; or
- the individual became involved in terrorism; or
- the individual committed a serious crime for which he received a sentence of 5 or more years. In the case of individuals receiving a life sentence, an assessment would have to be made of whether the individual was a danger to the public before he or she could be released on licence.

Page 3, 11.

There would be normal rights of appeal against conviction or sentence.

Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	Page 2, 1 Within a context of acts of completion, the British Government would bring before Parliament the legislation necessary to resolve outstanding cases on a basis involving due judicial process, and showing sensitivity to the position of victims. The Irish Government would address similar cases in its jurisdiction. A related issue would be the complete ending of exiling and allowing those exiled to return.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Irish Department of Foreign Affairs, copy on file with author.
