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PAUDA.

NORTHERN IRELAND Information Service

10 August 1992

PROSCRIPTION OF THE ULSTER DEFENCE ASSOCIATION

The Ulster Defence Association will be proscribed from midnight tonight, the Secretary of State for Northern Ireland, the Rt Hon Sir Patrick Mayhew QC MP, announced today.

An Order signed by the Secretary of State proscribing the UDA under the terms of the Northern Ireland (Emergency Provisions) Act 1991 has been laid before Parliament. Both Houses will be asked to affirm the Order when Parliament returns in the Autumn.

The Secretary of State said, "I have taken this action because I am satisfied that the UDA is actively and primarily engaged in the commission of criminal, terrorist acts and so merits proscription under the provisions of the Emergency Provisions Act. For these purposes, it acts as the Ulster Freedom Fighters."

NOTES FOR EDITOR

1. The Ulster Defence Association (UDA) was formed in 1971 as an umbrella organisation for a large number of Protestant vigilante groups and defence associations.
2. The Order proscribing the UDA has been made using the "urgency procedure". Under this procedure an Order is made by the Secretary of State and laid before Parliament but comes into force in advance of Parliamentary approval. The Order must be approved by both Houses of Parliament once Parliament resumes in October. Approval has to be within 40 'sitting' days of the making of the Order.

3. The effect of proscription is to make membership of the UDA an offence. Proscription also makes it illegal among other things:

- (i) to solicit, invite or accept financial or other material support for the UDA or to knowingly contribute to it;
- (ii) to solicit or invite membership of it;
- (iii) to solicit or invite a person to carry out orders or directions given on behalf of the UDA or requests made by a member of the UDA;
- (iv) to arrange, to manage or to address a meeting knowing that it is to support the UDA or be addressed by a member of the UDA;
- (v) to dress in a way which arouses reasonable apprehension that the person concerned is a member of the UDA.

The effects of proscription of an organisation are not retrospective and so a person may only be prosecuted for activities involving any of the above offences if they occur on or after the date of proscription.

4. Loyalist paramilitary organisations already proscribed are the Red Hand Commandos; the Ulster Freedom Fighters and the Ulster Volunteer Force.

The proscribed Republican organisations are the Irish Republican Army; the Irish National Liberation Army; the Irish People's Liberation Organisation; Cumann na mBan; Fianna na hEireann; Saor Eire.

Extract from the Press Conference given by the Secretary of State
Sir Patrick Mayhew on the banning of the UDA

Secretary of State

The Government's published criterion for proscription under the Act has long been the criterion of whether an organisation is actively and primarily engaged in the commission of criminal terrorist acts. The consequence of proscription is that membership of such an organisation, the soliciting of funds for such an organisation, the participation in the activities of such an organisation, the soliciting of membership of such an organisation and other related matters constitute criminal offences which may on indictment attract a sentence of as much as ten years. In consequence of the review which has been carried out with great care, I have today signed an Order that has the affect of proscribing the UDA adding it to the list of those organisations that have, in the past, been proscribed because I am entirely satisfied that it meets the criterion that I have described, that is to say it is actively and primarily engaged in the commission of criminal terrorist acts. In particular the Ulster Freedom Fighters comprise no more than a cover name for the violent acts of the UDA members and accordingly the Order that I have signed today will have the affect as from midnight tonight of effecting that proscription.

Commentator

The Secretary of State was then asked by reporters if the ban had been introduced now as a result of pressure from the Irish Government.

Secretary of State

No, there has been no Irish Government pressure. The question has never been discussed or even mentioned in the political talks. The reason that I have taken this decision today is

because I put in train a review quite early on in my period in this office and I am now satisfied that it is right to do so because the criterion I am quite satisfied are met.

Commentator

In the past Loyalist politicians and even the former Chief Constable Sir John Hermon have said that if the UDA were to be banned then Sinn Fein should also be proscribed. Sir Patrick was asked why he had not done so.

Secretary of State

I keep the position of Sinn Fein under close review. Sinn Fein, I think deplorably, refuses to condemn the use of violence for political purposes. That is repugnant to me, it is repugnant to the Government and it is repugnant to all decent people in my belief. So I keep their position under close review. However I do not at present consider that the position of Sinn Fein, a political party which attracted some 30%, I believe, of the Nationalist vote at the last election, is on with that of the UDA.

Commentator

The order does not come into effect until midnight tonight. The Secretary of State was asked why there was to be a 12-hour delay, and if that time lapse would allow UDA members to escape the rigours of the law.

Secretary of State

No. This is not intended to have retrospective action. Nobody in our country is prosecuted for a criminal offence, nobody commits a criminal offence if they have not had proper notice of the legislation. This is not retrospective in its character and no offence will be capable of being committed

until midnight tonight. Thereafter questions of arrest and prosecution will be either for the Chief Constable or for the Director of Public Prosecutions.

Commentator

The Secretary of State, Sir Patrick Mayhew, speaking at Stormont this morning.



NORTHERN IRELAND
Information Service

DOCUMENT FOR INTERNAL DISTRIBUTION ONLY:

PS/ Secretary of State

PS/ Mr Mates

PS/ Mr Hanley (DENI)

PS/ Lord Arran (DHSS)

PS/ Mr Atkins (DED)

PS/ PUS

PS/ Mr Fell

PS/ Mr Ledlie

SPS/ Mr Thomas

SPS/ Mr Alston

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FROM BONG FOR COI RADIO TECHNICAL SERVICES

TRANSCRIPT OF PRESS CONFERENCE
GIVEN BY THE SECRETARY OF STATE FOR NORTHERN IRELAND,
SIR PATRICK MAYHEW
AT STORMONT
ON MONDAY, 10 AUGUST 1992

SIR PATRICK MAYHEW:

As you know, the government has had under review for some little time now the question of whether the Ulster Defence Association should be proscribed under the provisions of the Emergency Provisions Act. The government's published criterion for proscription under the act has long been the criterion of whether an organisation is actively and primarily engaged in the commission of criminal terrorist acts. The consequence of proscription is that membership of such an organisation, the soliciting of funds for such an organisation, the participation in the activities of such an organisation, the soliciting of membership of such an organisation and other related matters constitute criminal offences which may on indictment attract a sentence of as much as ten years.

In consequence of the review which has been carried out with great care, I have today signed an order that has the effect of proscribing the UDA, adding it to the list of those organisations that have in the past been proscribed, because I am entirely

satisfied that it meets the criterion that I have described. That is to say it is actively and primarily engaged in the commission of criminal terrorist acts. In particular the Ulster Freedom Fighters comprise no more than a cover name for the violent acts of UDA members. And accordingly the order that I have signed today will have the effect, as from midnight tonight, of effecting that prescription.

QUESTION:

Why have you decided to act at this time now, is it because of Irish government pressure?

SIR PATRICK MAYHEW:

No, there has been no Irish government pressure, the question has never been discussed or even mentioned in the political talks. The reason that I have taken this decision today is because I have put in train a review, quite early on in my period in this office, and I am now satisfied that it is right to do so because the criterion, I am quite satisfied on that.

QUESTION:

Why do you think your predecessor did not take such action?

SIR PATRICK MAYHEW:

The best person to ask why somebody has not done something is the person in question. But the matter was discussed in the House of Commons on 16 January, I think it was, 1991, there was a debate in

the House of Commons and Dr Mulhinney (phon) described the criterion there and set out the government thinking on that occasion. Since then, as I say, I have put in train the review and I am satisfied that the criterion is met, that is why I have made the order.

QUESTION:

Inaudible.

SIR PATRICK MAYHEW:

I am making no comment upon what you describe Mr O'Mally as the expressed view of the Chief Constable. I would say this, that I have taken this decision in full consultation with Sir Hugh Annersley.

QUESTION:

Will not the UDA simply ...

SIR PATRICK MAYHEW:

I will deal with such a situation if it arises.

QUESTION:

How many active members do you think the UDA has at present? Perhaps Mr Mates could come in on that question.

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SIR PATRICK MAYHEW:

Michael Mates will come in on any question that he wishes. I do not have an accurate figure in my mind for membership, I have a very accurate notion of the character of the UDA and because the character of the UDA fits the criterion which the government has published for proscription, that is why I have signed this order.

QUESTION:

What has been the trigger for this decision?

SIR PATRICK MAYHEW:

I take responsibility for acts that are done during my own incumbency and I have described why I have taken that today.

QUESTION:

Have special security measures been put in place in case there is a violent response to the proscription?

SIR PATRICK MAYHEW:

That is a matter for the Chief Constable, the Chief Constable is in the lead in the very important business of maintaining law and order in this province and the Chief Constable, I am entirely satisfied, will have taken all appropriate measures.

QUESTION:

Inaudible.

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SIR PATRICK MATHEW:

In Northern Ireland I am very conscious that everybody is a very good communicator. That is not intended, as a suggestion that anybody in my Dept. has been responsible for this. If it has been leaked I do not know where it has been leaked from. But I am very conscious; when I have signed an order such as this to meet you and your colleagues to explain why I have done it.

QUESTION:

Unionist politicians are already critical ... has said it is one-sided and biased and Sinn Fein should have been proscribed at the same time, what is your reaction to that?

SIR PATRICK MATHEW:

I keep the position of Sinn Fein under close review. Sinn Fein I think deplorably refuses to condemn the use of violence for political purposes, that is repugnant to me, it is repugnant to the government and is repugnant to all decent people in my belief. So I keep their position under close review. However, I do not at present consider that the position of Sinn Fein, a political party which attracted some 30 percent I believe of the nationalist vote at the last election is on ... with that of the UDA.

QUESTION:

Why did you leave it until midnight for proscription to come into effect?

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SIR PATRICK MAYHEW:

I think it is reasonable to give a reasonable amount of notice.

QUESTION:

Do you now expect mass arrests?

SIR PATRICK MAYHEW:

That will be a matter for the Chief Constable.

QUESTION:

Isn't the corollary of what you are saying is that if the GDA ... there would be no argument for banning them?

SIR PATRICK MAYHEW:

I do not think that that is a point that holds water with me.

QUESTION:

Do you think that this will give people time to escape the law?

SIR PATRICK MAYHEW:

No, this is not intended to have retrospective action, nobody in our country is prosecuted for a criminal offence, nobody commits a criminal offence if they have not had proper notice of the legislation. This is not retrospective in its character and no offence will be capable of being committed until midnight tonight. Thereafter questions of arrest and prosecution will be either

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SIR PATRICK MAYNEW - PC - STUAMON: - 10 AUGUST 1992

for the Chief Constable or for the Director of Public Prosecutions.

QUESTION:

Do you think people involved in the UDA will get out of the organisation as from midnight?

SIR PATRICK MAYNEW:

I am hoping that people will not associate themselves with an organisation which is actively and primarily engaged in the commission of criminal terrorist acts, which I believe the UDA to be.

QUESTION:

Some years ago the British government proscribed the Ulster Freedom Fighters ...

SIR PATRICK MAYNEW:

In my view the Ulster Freedom Fighters is a cover name for the violent acts of members of the UDA.

QUESTION:

Is there a distinction between what you said ... whereas Mr Motes a few months ago said ... ?

SIR PATRICK MATHEW:

What Michael Mates was saying at that time was that the question of whether the UDA should be proscribed was under review, that was absolutely correct, it was under review and that review is now complete.

QUESTION:

Inaudible.

SIR PATRICK MATHEW:

I do not propose to deal with individual cases, you have mentioned the case of Mr Nelson and I remind you that Mr Nelson was prosecuted by the independent prosecuting authorities of this country, by the Director of Public Prosecutions who is the holder of an independent statutory office, and Mr Nelson was convicted. I am not going to say more because I understand that there is an appeal and the matter is sub judice. I have told you why I believe that the time has now arrived, indeed I am convinced that the time has now arrived for the proscription of the UDA, it is because I am quite satisfied, following a long review, that the UDA complies with the government's published criterion, namely that it is actively and primarily engaged in the commission of criminal terrorist acts.

QUESTION:

It has taken you a long time to get there though?

SIR PATRICK MATHEW:

You have said that several times, this little discussion that we are having is taking a long time because that I think is the fourth time that you have said it.

QUESTION:

Inaudible.

SIR PATRICK MATHEW:

Allow me to say this then. In a country that attaches great importance to freedom of speech and freedom of opinion, where Parliament has thought it right to provide for very serious legislation of this kind, no responsible Minister takes that course without a very careful review and I think I would be subject to much more telling criticism if I had not taken a long time to consider the matter.

QUESTION:

Inaudible.

SIR PATRICK MATHEW:

I do not want to reflect upon any particular incident, it is as a result of a long review that I am quite satisfied that the government's published criteria are met.

QUESTION:

Do you regret that your predecessor did not proscribe the UDA long before?

SIR PATRICK MAYHEW:

I do not rise to that hate at all. I think it is a very good rule when you take a job on to make it perfectly clear that you accept responsibility for what you do yourself and you do not make any comments about the way in which your predecessors, whom I may say I greatly admire, as I have made clear many times since I took on this job, you do not make comments about their decisions in different circumstances in earlier times. That is a rule I am holding to.

QUESTION:

Inaudible.

SIR PATRICK MAYHEW:

Mr O'Mally, I take responsibility for what I do and if you regard that as arrogant so be it, I can live with that philosophically. What I am going to do is to look after the job that I have been entrusted with and I shall do it to the best of my ability and if people think it is arrogant or anything else, so be it.

QUESTION:

Mr Mates, I think you will be responsible for handling any upsurge in violence that will result from this prescription, do you think you have the resources to deal with any such violence?

MR MATES:

First of all, it is the Chief Constable's responsibility and not mine if there is any upsurge in violence and our job, on advice from the Chief Constable of the GOC, is to make sure that they do have all the resources they need and the present position indicates that they do.

QUESTION:

Are you confident of that?

MR MATES:

Yes.

QUESTION:

If you have got specific information about pending operations ...

SIR PATRICK MAYHEW:

I do not know what you mean by taking people out, that is not a matter for me, nor am I prepared to discuss matters of intelligence, that has never been the practice of any British government. Let me just say this. To those who speak of taking people out, let me remind them that we live in this United Kingdom

under the rule of law and that means primarily that the government and all its agencies are as such subject to the ordinary law of the land as anybody else and therefore no soldier, no police officer, nobody acting on behalf of the Crown, takes somebody out except in circumstances where, under the law passed by Parliament, where it has been proper to use force because that is in conformity with the Act of Parliament which says that reasonable force may be used and only reasonable force may be used in the circumstances that prevail at the time. So there is no question, and there never will be, any question of people being authorised to take somebody out unless the law of the land would be complied with in those circumstances.

QUESTION:

Can you put your hand on your heart and say that is factual?

SIR PATRICK MAYHEW:

Yes certainly.

(END OF TRANSCRIPT)