

CEASEFIRES

Line to take

- The Secretary of State keeps the status of all paramilitary ceasefires under review. But we have moved beyond that. What we now need are acts of completion from everyone with a role to play in the peace process.

NB. We recommend that you do not engage on the detail of what constitutes a ceasefire, or any suggestions that the UDA's 'ceasefire' should be recognised. A summary of recent loyalist paramilitary activity is provided below.

Background

Since September 2002 there has been a bloody feud between the main wing of the UDA and Johnny Adair's 'C' Company, which culminated in the murders of John 'Grugg' Gregg (believed to have been the UDA Brigadier for South East Antrim) and his colleague, Robert 'Rab' Carson. There have been nine deaths linked to the feud and numerous attempted murders.

During the feud, Johnny Adair had his licence revoked by the Secretary of State and returned to prison. After the murders of Gregg and Carson, approximately 40 of Adair's supporters fled the Lower Shankill to England.

On the back of this on 22 February, the UDA announced a 12-month period of 'military inactivity' and confirmed it was appointing a representative to re-engage with the Decommissioning Body. Although the Government welcomed their statement, it commented that it would continue to judge them by their actions not their words. We understand that during 2003 the Loyalist Commission, along with the UDA representatives, met the IICD.

Specification and Ceasefires - background

On 12 October 2001 the then Secretary of State (John Reid) announced that he was specifying the UDA, UFF and the LVF.

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The UDA/UFF were specified as a result of serious violence, particularly in Belfast that has been linked to those organisations.

The result is that early released prisoners associated with the UDA, UFF and LVF can now have their licences suspended and be returned to jail if they are believed to continue to support their organisation; the provisions now embodied in the Terrorism Act 2000 relating to charges of membership (introduced originally after the Omagh bombing in 1998) will also apply to all three organisations; and any UDA, UFF or LVF person found guilty of a scheduled offence that took place before the Good Friday Agreement cannot qualify for early release provisions.

Recent Loyalist Paramilitary Activity

Punishment Shootings and assaults

Between 23 February and 5 October Loyalists were responsible for 45 Shootings and 62 assaults.

Murders

There were two murders attributed to loyalists over that period.

On 8 May 2003, James Johnston was shot by a gunman outside his home at 62 Ballyrobert Road, Bangor. Johnston is believed to be a leading member of the RHC (linked to the UVF).

On 5 June 2003, Alan McCullough's body was discovered in a shallow grave in the Mallusk area of Newtownabbey. He had been shot. McCullough is believed to be a close associate of Johnny Adair went missing from his home on 28 May. Ihab Shoukri UFF was charged on 11 June with his murder. (Internal UDA/UFF)

On 10 May 03 Serious public disorder broke out near the Bunch of Grapes Public house involving large numbers of males from rival Loyalist factions. One male received serious head injuries and another male was located close by also with serious head injuries and a gunshot wound to his shoulder

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PRISONERS' WELFARE

Lines to Take

Why have Roe and Bush houses been chosen?

- These houses offer the most modern accommodation. They are light, airy and their design affords the safest conditions for staff and prisoners.

Why is substantial building work necessary?

- Whilst the buildings afford safe standards extra measures are needed to ensure those standards are as good as we can achieve. The extra measures include CCTV cameras recommended by Steele.

Why is a compact needed?

- Steele consulted widely during the review and it was the view of those he talked with, including political parties and prisoners' representatives, there should not be a return to Maze conditions. The compact will inform prisoners what the rules and routines are to prevent this happening.

How will prisoners be selected for separation?

- Essentially they will be volunteers. They will be interviewed to ensure they understand what it means to be in separated conditions.

Will separated conditions be worse than integrated conditons?

- Our aim will be to provide a varied regime of activities. This will be restricted by safety considerations and cannot be as extensive as for integrated prisoners.

Will visits be effected?

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Separated prisoners will be entitled to visits. Visits will be arranged with a view to safety.

Background

NIPS is in the process of implementing the Steele Review recommendations. Principal amongst these is the separation of loyalist and republican prisoners for reasons of safety.

The aim is to locate those prisoners who voluntarily opt for separate conditions in either Roe or Bush houses at Maghaberry prison. Before this can be done a substantial amount of building work is needed in order to improve security and safety measures and to install the CCTV cameras recommended by Steele. Before this work can begin it is necessary to move out the current occupants – this will be done in phases. The high prison population has put all available accommodation under pressure. It therefore requires a substantial logistical exercise to move around large numbers of prisoners. Contractors are scheduled to begin the first phase of work in the next few days.

The Steele Review and the Ministerial statement announcing acceptance of its recommendations precluded a return to Maze like conditions. In the latter days of Maze prisoners controlled the prison through paramilitary hierarchies and the normal rules were virtually abandoned. To avoid a repetition of this we are preparing a compact for use with separated prisoners that will prescribe the daily routine and the rules to be followed. A framework of sanctions is being developed for those who do not comply with the compact.

It is likely that the dedicated accommodation for the first group of separated prisoners will be ready for occupation in December. The remainder will follow two months later. In the interim, arrangements have been put in hand to separate loyalists and republicans who wish it. Currently around twenty from each group are separated.

Meetings are being held with prisoners' representatives in the community. These will be held at approximately monthly intervals until Christmas. Additionally a system has been put in place to enable representatives to make enquiries about individual prisoners. So far these arrangements are working satisfactorily.

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REFORM OF THE LAW ON REHABILITATION OF OFFENDERS

The Loyalist Commission was not included in the list of consultees and are unlikely to raise this issue in the meeting. Briefing is for contingency purposes only.

Lines to take

- ◆ I am presently considering the responses received to our proposals on Reform of the Law on Rehabilitation of Offenders.

If pressed to allow the Loyalist Commission to contribute.

- ◆ I would be happy to consider any views the Loyalist Commission might wish to make – but as the consultation period is closed they might wish to contact my officials to agree the timescale.
- ◆ The consultation documents - “Breaking the Circle” and the Government’s response to the Report are available on the Internet or in hard copy.

If pressed on arrangements for terrorists

- ◆ Our proposals are for those convicted of terrorist offences to benefit in the same way as any other ex-offender given a sentence of the same length.
- ◆ There are no plans for expunging the criminal records of those convicted of terrorist offences.

Background

In June of this year the Northern Ireland Office initiated a consultation exercise seeking the views of the public and interested organisations on reform of the law on rehabilitation of offenders. The Rehabilitation of Offenders (NI) Order 1978 provides that convictions for certain offences may become “spent” after a period of time has elapsed. Once spent they need no longer be disclosed in

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job applications and a rehabilitated person should not be refused employment because of a spent conviction. The current proposal is for a more liberal regime in which more convictions can become "spent" and at an earlier stage than previously. There have been recent calls (primarily by Sinn Fein) that the criminal records of former "political" prisoners should be expunged. The consultation period formally ended on 12 September 2003.

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The Minister welcomed the Delegation to his meeting with a delegation from the Loyalist and Republican Communities of St. Mark's. The Commission fielded Mervyn Gibson, Tommy McKeown, Frank Gallagher, Peter McQuibben, Paul Hovey, Ken Wilkinson, Jim McDonald, Robert McQuibben and Mr. Wilson.

The Minister opened by welcoming the Commission delegation and apologising that he could not be present. He asked a clerk to attend a three-course dinner for a civil servant who had given 30 years of service. Jim McDonald enquired that most of them found the table had given 30 years of service and was of age. The Minister reported that he would be delighted to attend any such event.

The Minister went on to say that he was happy to consider further meetings in the future, if the Commission thought them useful, but that it was important that the fact of the meeting rather than the content did not become the issue. He recounted the difficulty the UDA's former conflict had caused in following up the first encounter and noted that reaction to the Sunday World boycott was not helpful in this context. It was not, of course, for him to press argument as to what the Commission chose to do. While on that theme he asked what the Commission had said to the media on their way in and Mervyn Gibson gave an account.

Lack of consultation

Gibson then moved on to the "agenda". He said the mood within their constituency was that there had been no consultation on political developments with their communities and he asked for an update. The Minister responded in familiar terms covering the obvious problems, the discussions at Hillsborough and finishing off with the intention to publish the joint declaration. He rejected Frankie Gallagher's half-hearted request for a copy of the draft document.

Jim Wilson noted his view that the key cause of the current blockage was not a lack of confidence but republican's lack of trust and honesty. He went on to ask whether the Minister agreed that the lack of consultation with the unionist/loyalist community had pushed many people into the no camp. Des Browne responded that in fact he spent more time speaking to loyalist/unionists than republicans though he didn't broadcast all his contacts. His door was always open for discussions and if anyone could bring a plan for a peaceful future that would work better than the GFA then they should bring it to him.

Mervyn Gibson said the problem with the GFA was that it was not implemented fairly. There was more emphasis on north/south structures than on east/west. Frankie Gallagher said that because Northern Ireland was isolated from Westminster and from Europe it was important that the E/W bodies had visibility so that people could have a tangible sense of the importance of

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FROM: PS/Des Browne (B&L)
04 April 2003

cc: See Copy Distribution List

Chris Maccabe

LOYALIST COMMISSION MEETING: 31 MARCH 2003

You and Mary Butcher supported Des Browne at his meeting with a delegation from the Loyalist Commission in the late afternoon of 31 March. The Commission fielded Mervyn Gibson, Tommy Kirkham, Frankie Gallagher, Frank McCoubrey, Paul Hoey, Ken Wilkinson, Jim McDonald, Robert Williamson and Jim Wilson.

2. Des Browne opened by welcoming the Commission delegation and apologising that he would have to leave before 7 o'clock to attend a farewell dinner for a civil servant who had given over 30 years service. Jim McDonald quipped that most of those round the table had given 30 years service, in and out of jail. The Minister retorted that he would be delighted to attend their retirement celebrations too!

3. He went on to say that he was happy to consider further meetings in the future, if the Commission thought them useful, but that it was important that the fact of the meetings, rather than their content, did not become the issue. He recounted the difficulty the UDA's internecine conflict had caused in following up the first encounter and noted that reaction to the Sunday World boycott was not helpful in this context. It was not, of course, for him to pass comment on what the Commission chose to do. While on that theme he asked what the Commission had said to the media on their way in and Mervyn Gibson gave an account.

Lack of consultation

4. Gibson then moved on to the "agenda". **He said the mood within their constituencies was that there had been no consultation on political developments with their communities** and he asked for an update. The Minister responded in familiar terms covering the obvious problems, the discussions at Hillsborough and finishing off with the intention to publish the joint declaration. He rejected Frankie Gallagher's half-hearted request for a copy of the draft document.

5. Jim Wilson noted his view that the key cause of the current blockage was not a lack of confidence but republican's lack of truth and honesty. He went on to ask whether the Minister agreed that the lack of consultation with the unionist/loyalist community had pushed many people into the no camp. Des Browne responded that in fact he spent more time speaking to loyalists/unionists than republicans though he didn't broadcast all his contacts. His door was always open for discussions and if anyone round the table had a plan for a peaceful future that would work better than the GFA then they should bring it to him.

6. Mervyn Gibson said **the problem with the GFA was that it was not implemented fairly**. There was more emphasis on north/south structures than on east/west. Frankie Gallagher said that because Northern Ireland was isolated from Westminster and from Europe **it was important that the E/W bodies had visibility so that people could have a tangible sense of the importance of**

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those structures and links. Robert Williamson noted that they had been sold the idea that the E/W bodies would balance the N/S. His research showed, however, that there had been 17 N/S meetings in the past 18 months against only 1 E/W. These figures added to the perception that there was a greater push on N/S with the aim of encouraging an all-Ireland working but a reluctance to bolster the E/W relationship.

7. Des Browne responded that the apparent discrepancies could be explained, at least in part, by the different operating practices and structures. For example, the BIC worked through sub-committees reporting to a plenary session. Although he did not have figures to hand he was certain that while there may have been only one E/W plenary meeting in the period referred to, there would have been many more sub-committee meetings. He also noted that the House of Commons was the biggest E/W body and that point should not be forgotten. **Nevertheless the Minister acknowledged that work might usefully be done on raising the profile of the BIC and BIIGC to address the perception.**

Appeasement

8. Gibson went first. He said that the Commission's view was that **policies such as on OTRs grated on loyalists.** These were concessions given with nothing to balance them. The Loyalist think-tank proposal needed to be moved forward quickly because it was still a cold-house. The one-sidedness of HMG's approach was emphasised by loyalism being viewed as a security issue rather than drawing a clear distinction between its political and criminal flavours. **The Commission would not be calling for inquiries... except for one into the role of the Irish Government in the creation of PIRA.**

9. The Minister pointed out that HMG was not in the business of appeasing anyone. OTRs was a logical and required extension of the GFA early release scheme. Work was on-going but OTRs would not deal just with republicans. It would have general application and would provide a judicial means to deal with outstanding cases. The bottom line was that Parliament would determine what was eventually put in place. The Commission should wait to see what was brought forward before reaching their final position. He said that Ministers always highlighted the distinctions in loyalism, others had to speak for themselves. He welcomed the think-tank proposal but noted that parts of it went too far. He was looking forward to a further meeting with the think-tank to discuss their idea and invited Gibson to meet officials before that meeting if he wished to contribute.

10. Gallagher said **action on OTRs was contradicted by our handling of loyalism and by continuous, republican calls for inquiries.** McCoubrey wanted to know where the line would be drawn on calls for inquiries. He said HMG was planning an amnesty for republicans while there were people in his community being hounded continually in inquiry after inquiry. Kirkham said that there were no loyalist OTRs. He referred to Baroness Park's "exiles" meeting in Westminster and said that dealing of exiles could not be considered a balance to OTRs. **Many of those exiled had robbed their own organisations or were paedophiles and would not return in any case.** McCoubrey wanted to know where the line would be drawn. He mentioned Finucane and asked where that would go if the family did not like the Stevens findings.

11. Des Browne responded that HMG was not proposing any form of amnesty. On the exiles question, he said that human rights had to apply to everyone and there was no place in civilised society for kangaroo courts. If people wanted to return, to face justice where relevant, they should have that choice. On inquiries he said that HMG's broad view was that it was for the police and courts to pursue inquiries into crimes. However, where investigations involved agents of the state there had to be a higher standard met in the interests of public confidence. He noted that Justice

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...ory had been tasked to explore a number of high profile cases - and where that led was a matter for him - but he was unaware of any other plans for more inquiries. Others, of course, called for new inquiries almost daily. There was, however, the real issue of how to deal with the past. That issue needed and deserved a proper discussion.

12. Gallagher raised the issues of **funding for community groups in loyalist areas**. He was concerned that there was some form of political vetting of applicants and that that would discriminate against community workers with links to paramilitary organisations - his argument being that in order for the workers to be effective they needed to have links. He asked if the Minister would assure him that was not the case. Des Browne replied yes. He had no difficulty working with those with a criminal past but there had to be a mechanism to cut out those with a criminal present. Those "connected" could apply for funding but there was no question of government support of overt paramilitarism. Gallagher was reassured and said he took the Minister at his word.

Ceasefires

13. Gibson asked if HMG saw a difference between PIRA and loyalist ceasefires. He wanted to know if all organisations would have the same starting point after the publication of the joint declaration. He also asked for HMG's view on the operating procedures of the **monitors**. In particular would their reports be based solely on intelligence or would they engage local communities to get the full picture. The Minister said that the Commission should wait and see what the joint declaration said about monitors. All ceasefires were kept under review. On the UDA ceasefire, John Reid could not have been clearer about how it was measured. Recent announcements, such as contact with the IICD, were welcomed and if the UDA was to continue on that track in both word and deed then options might open. However, he emphasised that any decision on ceasefires would be based on the security advice of the Chief Constable. There was no difference in HMG's approach to PIRA and loyalist paramilitaries in terms of ceasefires.

Treatment of ex-prisoners

14. The Commission **believed that loyalist ex-prisoners were continually being harassed**. Gibson said it was common for ex-prisoners to be stopped while travelling (usually to Rangers matches he said). This was a particular issue on the homeward leg of the trip and he asked if this could be monitored and brought to an end. McDonald said that, whether truthfully or mischievously, they had been told that instructions had been given not to stop SF supporters. Kirkham said that practice seemed to be to wait until the last minute before countries such as the USA and Australia rejected visa applications from ex-prisoners. The delay in the decision caused real uncertainty over travel plans and could cost money in lost deposits and non-refundable tickets. This was a government to government matter and HMG should use its influence to resolve the problem. The Minister said that there was no political direction of policing. Operational matters were for the relevant Chief Constable and he did not believe that there was any sort of central directive. You pointed out that actually we heard similar complaints for SF.

15. Hoey said that there was a **perception in the loyalist community that sometimes their children were denied jobs because of their fathers' convictions** - he mentioned the civil service and the RIR but implied the practice was more widespread. The working class could not flourish when this happened. McDonald argued that HMG was trying to get SF ex-prisoners onto the Policing Board but loyalists couldn't get a taxi licence or adopt children! The Minister said he was aware that this was a long running issue for the loyalist community. If the Commission felt that the perception had grounds they should bring him the evidence, or at least identify patterns, so that it

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ould be investigated. There would be no justification for such an approach but they had to do some hard work in bringing forward evidence.

Policing

16. Williamson said that the **general perception was that HMG was proposing creating four Belfast DPPs in order to allow IRA ex-prisoners on them.** Where would all this go? Would we see IRA-men at police roadblocks? Would there be an enhanced role for the Garda? McDonald said he had heard reports that supporters of the Women's Coalition had done well in terms of appointments to the DPPs but Kirkham said that only one UPRG woman had been appointed.
17. The Minister said that the Commission should meet the Security Minister if they wanted to discuss policing. There was long-standing good co-operation across the border but we would not be seeing the Garda on the streets. He pointed that applications for the DPPs had been anonymised in the selection process and that that approach had thrown up a number of notable rejections. He noted, however, that there should not be such shock that politically active and well-qualified women got a share of the seats.

PIRA targeting and personal protection measures

18. Gibson said **there should be no cover-up in the investigation into PIRA spying in government departments.** The Commission wanted there to be a full report on the extent and methodology employed so that people could take steps to protect their security. Departments should also report the steps they were taking to prevent recurrence. The Minister pointed out that the Secretary of State had brought in an expert to review NIO's internal arrangements but questions of methodology were for the police to consider.
19. Talked turned to **protection measures for loyalist community workers.** Williamson said there was a case for KPPS protection for some loyalists. With others, he compared the approach taken with prison officers with loyalist community workers whose details had been passed to PIRA. Would every prison officer qualify for protection? Would every community workers automatically qualify for similar measures, afterall they faced similar threats? If community workers were to be asked to re-engage with their opposites numbers on the back of the joint declaration they should be provided with protection.
20. The Minister gave a brief account of the purpose of KPPS but said he was unsighted on the detail of any other specific schemes.

The Sunday World

21. Gallagher raised the issue. He said the UDA had taken initiatives to put their house in order and one of the ways of contributing to that was to build the confidence of their community. One way of doing that was to encourage use of peaceful protest and that was why they had endorsed the Sunday World boycott. Williamson said **loyalism was sick of being demonised and the protest was a reaction to that demonisation.** Kirkham said there was no threat against Jim McDowell or his family from any mainstream loyalist group. The protest was not about stifling the freedom of the press or suppression of the truth. The fact was they wanted to **stop the lies about loyalism** continually carried in the Sunday World. They were as keen as anyone else to see the issue resolved.
22. The Minister responded that a free press was essential in a democracy. His concern was that there should be condemnation of any violence associated with the boycott and he was

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greatly worried about the Commission's direction in trying to muzzle the press. He pointed out that there were legitimate means by which to challenge press coverage and noted that, in a previous life, he had sued papers himself.

23. The meeting finished with Gibson thanking the Minister and saying that the Commission would consider seeking a follow-up meeting once they had seen the joint declaration.

- Signed -
JOHN BALL

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