

Ireland: Letters promising immunity for IRA fugitives revealed in Downey prosecution

By Jordan Shilton
17 March 2014

Following the collapse of the trial of John Downey, prosecuted for his alleged role in the Irish Republican Army's (IRA's) 1982 Hyde Park bombing in London that killed four British soldiers, details have emerged of letters sent to almost 200 on-the-run republicans by successive British governments.

The letters state that no charge was outstanding against the individual for crimes committed during the so-called troubles—the British occupation of Northern Ireland. In the course of the trial, it was shown that Downey had received one of the letters, prompting the judge to throw out the case.

Government officials sought to pin the blame on the Police Service of Northern Ireland (PSNI) for issuing the letter in error to someone who was already wanted for prosecution. In reality, agreements were struck by leading officials in the British and Irish governments with organisations on both sides of the sectarian conflict not to pursue criminal charges against those involved in paramilitary activity. Along with the close to 200 on-the-run republicans who received letters, agreements were struck with Sinn Fein and loyalist groups to secure the release from prison of hundreds of paramilitaries immediately after the Good Friday power-sharing agreement came into force in 1998.

The claim by Democratic Unionist (DUP) leader Peter Robinson that he had never known about the deal with the IRA fugitives cannot be taken seriously. His outraged reaction was largely aimed at grandstanding before hardline unionists in the run-up to local elections in May.

He threatened his resignation if the British government did not establish a public inquiry into the issuing of the letters. The Conservative/Liberal Democrat government responded by agreeing to hold a judge-led inquiry that will meet in secret, have no

power to compel witnesses to appear, and will make recommendations by the end of May on the administrative aspects of the programme out of which the letters emerged. The resignation was immediately withdrawn.

The coalition is determined to keep concealed the criminal practices of the British state in Northern Ireland, which the amnesties helped conceal, such as Bloody Sunday in 1972, when 14 peaceful protesters were killed by the British army.

Former leading military officials have now declared that no further attempts should be made to prosecute soldiers if “terrorists” had been granted an amnesty. The *Telegraph* quoted Col. Richard Kemp, who served in Northern Ireland, as saying, “It would be entirely wrong to try troops accused of murder or unlawful killing when the terrorists have effectively been given a get out of jail free card.”

In reality, in spite of an inquiry lasting over 12 years and costing around £190 million, the findings of the Saville inquest in 2010 amounted to a cover-up of the British government's role, and there is no indication that any charges of those involved are being contemplated, or for the numerous other examples of collusion by the British state with loyalist death squads.

The government is determined to keep a lid on any further damaging exposures. As Nick Clegg, deputy prime minister, commented, “We don't want this to escalate into a full-blown political crisis in Northern Ireland, however much we totally understand the strength of feeling around this.”

Sinn Fein representatives agreed, with deputy First Minister Martin McGuinness urging that the political and legal structures in Northern Ireland, which entrench sectarian divisions among the population, be upheld. “This is a time for steady leadership, this is a

time for calm nerves, this is a time for solutions to the present scenario,” he claimed. Pledging his ongoing loyalty to the power-sharing structures following a meeting with current Northern Ireland secretary Theresa Villiers, he added, “I will never resign.”

Notwithstanding the limited terms of reference of the inquiry proposed by Prime Minister David Cameron, however, it still has the potential to undermine the fragile political set-up in Northern Ireland by the Good Friday agreement based upon power-sharing arrangements at Stormont.

The concession to Sinn Fein on the issue of the on-the-runs was part of a broader agreement reached by the Labour government of Tony Blair. The IRA in return agreed to decommission its remaining stockpiles of arms and accede to the British government’s critical aim of fully integrating Sinn Fein into the structures of the Northern Irish state—through its recognition of the Police Service of Northern Ireland (PSNI) and cooperating in the Stormont regional administration with the then-leading Ulster Unionist Party (UUP).

Lawyers for Downey warned that his prosecution could call the peace process into question. Writing in the *Daily Telegraph*, security editor Tom Whitehead commented, “The court was warned that prosecuting John Downey for the 1982 Hyde Park bombing would have put the entire Northern Ireland peace settlement in jeopardy. It would have shattered faith in the key commitments given by the British government as part of the Good Friday Agreement that would have had far-reaching ‘ramifications’.”

This message was backed up by Peter Hain, former Northern Ireland secretary in Tony Blair’s Labour government. He wrote in the *Guardian* that Downey was “prosecuted in circumstances I still find astonishing.”

In a *Telegraph* article, he warned what was at stake: “Resolving the issue of the ‘on the runs’ was absolutely essential in order to make progress in Northern Ireland. Without that, I do not think we would have arrived at the situation when, on my watch on July 28, 2005, the IRA declared a historic end to its war. Or the subsequent decommissioning of the IRA’s arsenal. Or, crucially, Sinn Fein’s agreement in 2007 to support policing and the rule of law, *with the backing of IRA cadres*, which opened the door to seven years of relatively stable shared government by bitter old

enemies” (emphasis added).

In fact, the agreement created a political system whose structures maintained and fostered religious differences based upon the provision that power would be shared by parties designated as representing rival “communities”—British loyalist (Protestant) and Irish Republican (Catholic).

As the latest events illustrate, the Stormont administration remains extremely unstable and has done little to resolve the conflicts that produced decades of violence.

The concern of figures like Hain is that the current dispute could undermine the ability of the DUP-Sinn Fein administration to push ahead with much-needed reforms to promote foreign investment in Northern Ireland and create a ready supply of cheap labour. This includes reducing the region’s reliance on the public sector, and moves to cut corporation tax significantly. The manipulation of sectarian differences plays a crucial role in this process, provided they are kept within certain boundaries.

Tensions have risen in recent months after the failure of long-running talks led by US diplomat Richard Haas aimed at reaching an agreement over issues of the past, parades and the displaying of flags. The talks broke down on New Year’s Eve 2013, and, in the wake of the latest revelations, the Ulster Unionist Party announced it was no longer willing to participate in future talks. The talks followed persistent and often-violent street protests in Belfast over the flying of the flag of the Republic of Ireland at Belfast City Hall.

Overcoming sectarian divisions in Northern Ireland, and mounting the necessary unified struggle against the Stormont regime and its backers in London and Dublin, can only be achieved by the development of an independent socialist perspective in the working class.

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