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|---------------------------------|--|
| <b>Country/entity</b>           | Ireland<br>United Kingdom<br>Northern Ireland  |
| <b>Region</b>                   | Europe and Eurasia   |
| <b>Agreement name</b>           | Proposals in Relation to On the Runs   |
| <b>Date</b>                     | 1 May 2003   |
| <b>Agreement status</b>         | Multiparty signed/agreed   |
| <b>Interim arrangement</b>      | Yes  |
| <b>Agreement/conflict level</b> | Interstate/intrastate conflict(s)  |
| <b>Stage</b>                    | Implementation/renegotiation   |
| <b>Conflict nature</b>          | Government/territory   |
| <b>Peace process</b>            | Northern Ireland peace process   |
| <b>Parties</b>                  | UK government, Irish Government  |
| <b>Third parties</b>            | -  |
| <b>Description</b>              | 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. |

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**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.

|  |                      |
|--|----------------------|
| <b>Migrant workers</b>                   | No specific mention. |
| <b>Racial/ethnic/<br/>national group</b> | No specific mention. |
| <b>Religious groups</b>                  | No specific mention. |
| <b>Indigenous people</b>                 | No specific mention. |
| <b>Other groups</b>                      | No specific mention. |
| <b>Refugees/displaced<br/>persons</b>    | No specific mention. |
| <b>Social class</b>                      | No specific mention. |

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## **Gender**

|                                    |                      |
|------------------------------------|----------------------|
| <b>Women, girls and<br/>gender</b> | No specific mention. |
| <b>Men and boys</b>                | No specific mention. |
| <b>LGBTI</b>                       | No specific mention. |
| <b>Family</b>                      | No specific mention. |

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## **State definition**

|                                      |                      |
|--------------------------------------|----------------------|
| <b>Nature of state<br/>(general)</b> | No specific mention. |
| <b>State configuration</b>           | No specific mention. |
| <b>Self determination</b>            | No specific mention. |
| <b>Referendum</b>                    | No specific mention. |
| <b>State symbols</b>                 | No specific mention. |
| <b>Independence/<br/>secession</b>   | No specific mention. |

**Accession/  
unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border  
provision** No specific mention.

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## **Governance**

**Political  
institutions (new or  
reformed)** No specific mention.

**Elections** No specific mention.

**Electoral  
commission** No specific mention.

**Political parties  
reform** No specific mention.

**Civil society** No specific mention.

**Traditional/  
religious leaders** No specific mention.

**Public  
administration** No specific mention.

**Constitution** No specific mention.

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## **Power sharing**

**Political power  
sharing** No specific mention.

**Territorial power  
sharing** No specific mention.

**Economic power  
sharing** No specific mention.

**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.

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## 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.

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## Rights institutions

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## 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.

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## **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.

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## **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** 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;...

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.

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;...

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## **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.

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.

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.

|                         |  |
|-------------------------|--|
| <b>Mechanism</b>        | No specific mention.   |
| <b>Prisoner release</b> | No specific mention.   |
| <b>Vetting</b>          | No specific mention.   |
| <b>Victims</b>          | Page 2, 1<br>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. |
| <b>Missing persons</b>  | No specific mention.   |
| <b>Reparations</b>      | No specific mention.   |
| <b>Reconciliation</b>   | No specific mention.   |

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## **Implementation**

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| <b>UN signatory</b>                        | No specific mention.   |
| <b>Other international signatory</b>       | No specific mention.   |
| <b>Referendum for agreement</b>            | No specific mention.   |
| <b>International mission/force/similar</b> | No specific mention.   |
| <b>Enforcement mechanism</b>               | No specific mention.   |
| <b>Related cases</b>                       | No specific mention.   |
| <b>Source</b>                              | Irish Department of Foreign Affairs, copy on file with author. |

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