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4 November 1975

THE FOLLOWING IS THE TEXT OF A SPEECH BY SECRETARY OF STATE FOR NORTHERN IRELAND, MR MERLYN REES, MP, IN THE HOUSE OF COMMONS TODAY, TUESDAY, 4 NOVEMBER 1975:

I beg to move The Northern Ireland (Emergency Provisions) Act 1973 (Amendment) Order 1975. I wish to make it clear that this is not a renewal of this Act; it is an amendment Order which was made by me on 3 October under Section 19 of the Northern Ireland (Emergency Provisions) Act 1973, using the urgency procedure under Section 29 of that Act, and which requires confirmation by affirmative resolution of both Houses. The effect is to add the Ulster Volunteer Force to the list of proscribed organisations.

The UVF was named as a proscribed organisation in 1973, but on 4 April 1974, I said that I intended to bring forward an Order to deproscribe it. The reason for this was that there were clear signs that many of its members wished to find a way back to political activity, and I was anxious that this should be encouraged. For a time it seemed that this more constructive path would be followed, and a political wing - the Volunteer Political Party - was formed and entered the field in the October General election. Unfortunately it became increasingly clear during 1975 that a number of members of the UVF were deeply involved in sectarian violence, and the organisation was departing from the path of political argument. I would remind the House, for example, that the UVF admitted the Miami Show Band murders, and further indiscriminate killings of Catholics on 2 October this year. It became abundantly clear that a large number of members of the UVF were once more wedded to violence. Actions of this kind are crimes of the worst kind and totally offensive

to society. It was for these reasons that I signed an Order proscribing the UVF from midnight on 3 October 1975. It is this Order which I am now asking the House to affirm.

I hope the UVF will once again turn back to political argument, and I will return to them later on. What I want to do today is to put to the House some wider issues of law and order.

1975 has faced us with a totally different set of security problems. In the previous two years, the overwhelming feature was the campaign of virtually unrestricted violence of the Provisional IRA, though it was accompanied by an undercurrent of sectarian murder. This year there have been fewer bombs and fewer attacks on security forces though, in recent months, these have been increasing and the Provisional IRA must bear a large part of the guilt. The prime emphasis this year has been on sectarian and interfactional killings. The figures speak for themselves. In all, 207 people have been killed, of whom 188 were civilians, and of these 157 have been classed as sectarian or interfactional murders. The UVF have played a prominent part in them.

The past week illustrates some facets of the position even more sharply. There have been 74 shooting incidents, the vast majority of which were concerned with the feud between the Official and Provisional IRA. I am glad to say that a number of people have already been charged, and other enquiries are being followed up. There have also been some arms finds overnight; and another man has been murdered in this feud. This is in addition to the five people killed and 64 injured during the week. The dead include a 6-year-old child and the injured three women who were shot in the knee.

Indeed, during 1975, no less than 168 people have been knee-capped, and this compares with the figure of 127 for the whole of 1974, and 74 for 1973.

This is gangsterism - there is no other word for it. It can and will be dealt with by effective policing with the full support of the Army. The people responsible must be arrested and brought before the courts. This is the very strong view that I put before the House.

The security forces have been remarkably successful. This year over 1,000 people have been charged with serious crimes. They included no less than 118 charged with murder and 77 charged with attempted murder. 283 travelling gunmen - some at least of

whom must be regarded as potential murderers - have been arrested and charged. The net increase in the convicted prisoners in Northern Ireland has been no less than 35 per cent during the past ten months, due largely to the more serious crimes committed and the longer sentences which are, in consequence, awarded by the courts. Despite the fact that the number of detainees has fallen from 545 to 175, the number of special category prisoners has increased from 1,092 to 1,465. The House will know that male special category prisoners are not in cells, but live a collective life in compound conditions.

This gives the background to the situation with which we have to deal. The Army still provides the framework for security, but the problem is quite different from that which obtained last year, and we need to use different methods. My aim is to deal with it through the Police and through the courts. We are faced with crimes against society which cannot be justified on the grounds of any political cause.

It is the Police who must be the principal guardians of law and order for Northern Ireland. It is the people of Northern Ireland who can make the essential contribution to ending violence by giving their help to the police - and let no one in this House be unaware of how difficult it is for them but, as I said in the July 1974 White Paper, nothing would transform the situation more quickly than a determination by the whole community to support the Police Service and co-operate with it.

Here I may again pay tribute to the outstanding part which the Army has played, and continues to play, in supporting the civil power in the field of law and order. It is only against this background that present successes have been achieved. Nevertheless, as the security situation improves and as the Police grow yet more successful so I would envisage the Army being able to make a planned, orderly and progressive reduction in accordance with my statement in the White Paper to which I have already referred. This has been my overriding aim. This is not a question of political disengagement but depends on the progress that is made in bringing gangsters to justice.

The Police expansion programme which started in September last year has shown good results. The regular RUC has grown by about 300 to about 4,800 during 1975, and the Reserve has almost doubled in size from 2,500 to not far short of 5,000. Great praise is due to the Chief Constable, Sir Jamie Flanagan, and his senior officers for the leadership and dedication they have shown in meeting the demands made on them which are far in excess of those made on any other police force. They have not been afraid to make innovations such as the 'A' Squad which was introduced in

July 1975 and which has already achieved remarkable results. There have also been outstanding feats of personal courage, and in the last fortnight a young policeman with only a couple of years' service and armed only with a hand gun arrested three armed youths. It is a characteristic of the RUC that it is a new and young force, the overwhelming majority of which has only a few years' service. The whole of the force deserve praise.

The Police are in the front line, but there are two points I should make here. First, is their independence. From the Chief Constable down to the newest recruit, their duty is to the law and to the law alone. It is not for me to give them operational direction. It is not for the Police Authority to give them operational control. They are concerned with the efficient administration of the force and with senior appointments. This is the way it should be. This is the way it is and will continue to be.

Lawlessness must be defeated in Northern Ireland and, with their growing rate of success, I am entirely confident that the Police will be fully capable of doing just that. It is, of course, the Police who must, and do, take the lead in the fight against crime. The Army in its role of military assistance to the civil power will continue to support the Police in all parts of Northern Ireland as long as it is needed. In some areas, such as along the border and in South Armagh, the Army's role will remain of particular importance. As criminals are caught, brought before the courts and sentenced, then the need of the police for more widespread support from the Army will become less. This is the path we intend to follow.

The House is aware of the processes leading to detention as laid down in the Emergency Provisions Acts, and I have not signed an Interim Custody Order since 6 February this year. The reason for this is that I am determined that criminals should be brought to justice through the courts. The figures I have already given demonstrate the increasing capacity of the police to find and bring to justice those involved. This requires skilful and patient police work. I believe that the full processes of the law are a much more effective deterrent and more acceptable to the community as a whole than any emergency procedures.

If this policy is to succeed, then I must take a number of steps to deal with the unique problems of the prison system which are peculiar to Northern Ireland. I have already given the figures about the number of prisoners who claim, and who are granted, "special category status". Whatever was the validity at the time, in the

new situation I am sure that it is wrong; I want to end this system, but the hard facts of life are that it cannot be ended while so many prisoners have to serve their sentences in compounds.

The key to making progress is to build new prison accommodation, and the necessary building programme has started in the Maze Prison where 200 cells will be available this month and more will become available next year. As the House knows, work will start shortly on a major new prison at Maghaberry which will provide more cells in the longer term. The programme at the Maze Prison will allow a start to be made in changing the present prison regime - a regime which is made worse by a prison population unnecessarily high because of the absence of a parole scheme in Northern Ireland. This has long been recognised by successive governments. After a very detailed study, I am in no doubt that a parole scheme on the lines of that in Great Britain will not at present work in Northern Ireland. The reasons are that it is just not possible to do this kind of professional assessment work in compounds or to exercise the necessary degree of supervision when parole is granted.

Any new measure must take account of the realities of the prison situation in Northern Ireland. I propose therefore to ask the House early in the New Session to approve an Order in Council which will provide for the Conditional Release of all convicted prisoners, after one half sentence, whether or not they have special category status. Such release will be subject to good behaviour in prison. The essential condition will be that any prisoner so released who commits a further serious offence before the full term of his original sentence has expired will be liable to serve the outstanding balance of his existing sentence in addition to any penalty the court may impose. This will be a matter exclusively for the courts. The new system will replace the present one in Northern Ireland which gives unconditional release after two-thirds of a sentence has been served.

These new proposals will not apply to the 97 life sentence prisoners and there will be no change in the procedure under which their cases will continue to be reviewed in consultation with the Trial Judge and the Lord Chief Justice of Northern Ireland.

I propose to introduce the new conditional release scheme on a phased basis over a four month period from 1 March 1976 so that it will be fully effective by 1 July 1976. The effect of this in terms of average monthly releases will be that the present average figure of about 90 a month being released through ending their sentences will rise to somewhat more than double that figure for that period and then return to about its present level.

This new scheme will have little practical effect for those serving very short sentences, and I intend shortly to amend prison rules to provide simply that for sentences of one year or less, the amount of remission will be increased from one third to one half. There are about 250 prisoners at present serving one year or less. This represents some 14 per cent of the total of convicted prisoners.

I should make it plain that the parole schemes in Great Britain do not mean automatic release after only one third of the sentence has been served. I understand that at present only about 40% of prisoners in Great Britain are granted parole, and although prisoners are eligible for consideration after one third of the sentence has been served it is rare for parole to be granted as early as this.

My scheme is conditional. The emphasis is on individual responsibility to live within the law. If this does not happen then the sanctions I have outlined will apply.

The effect of this scheme and the new prison building programme will enable me to begin to bring to an end special category status. The facilities are not there for me to deal with those who have already been admitted to special category status. They will not be affected. But those sentenced for offences committed after 1 March 1976 will be accommodated in cellular accommodation and will not be able to claim special category status.

I also propose to take the opportunity to include in the forthcoming Order a number of other measures. It will provide for community service orders on the lines of those already operating in England and Wales, suspended sentences, and bail hostels.

There is a widespread belief that an amnesty will come. Special category status is thought by some to reinforce this belief. I wish now to make it clear beyond peradventure that there will be no amnesty. Those who purport to believe that murder and bombing with a convenient political label means that they will receive an amnesty tragically mislead themselves. Let there be no misunderstanding of this.

I would now like to turn to detention. Since 1971, including those detained more than once, a total of just over 2,000 have been interned or detained. The average time they have been held in custody has been 18 months. I have already made clear my desire to bring detention to an end both because of the present successes in bringing people before the courts and because there is a price to be paid for detention. It undermines the law. It alienates part of the community. It is a

fertile ground for recruitment to the para-militaries. Nevertheless, it played an important part in dealing with violence in 1972-74. But I must point out that it did not end it. If the security position were to develop in such a way that detention is the right and only course, I shall not hesitate to resort to it again and I shall seek the House's approval to extend the relevant provisions in the Emergency Provisions Act in due course so that the powers remain available to me. But I want to make clear that the onus of reintroduction will rest clearly for all to see on those who seek to gain their ends through violence when the political path is wide open for them to take.

It is my strong belief that in the present security situation if someone has committed a serious crime he should be sentenced by the Courts. He should not be dealt with by an executive system on an indeterminate basis. The steps I have announced today strengthen me in my resolve to release all remaining detainees by Christmas unless there is a fundamental change in the situation. I must emphasise, however that no release from detention carries any immunity in the courts against prosecution. I repeat that if I have to resort to detention again I shall do so only to protect society.

The plain fact is that since 1969 violence has been endemic in Northern Ireland. It is not going to disappear overnight. The Government wants to see a permanent end to violence. It was to explain the policy of the Government that talks have been held between officials and Provisional Sinn Fein and other legal organisations. It was to monitor the ceasefire that the Incident Centres were set up. They were there for a positive purpose. They have served a useful purpose but the changed nature of violence, the existence of various splinter groups and the events of the last few weeks have brought this usefulness into question. The opportunity for usefulness is still there but I must say that in practice it has diminished.

What I would make crystal clear is that the Government is not prepared to abrogate its responsibility for the rule of law and the maintenance of order. It is acting, and will continue to act, on an even-handed basis. Those who commit criminal offences will be brought to justice - a 1,000 of them this year including Provisionals, Officials, IRSP, Loyalists of various hues, including the UVF and other criminals.

Violence will not solve the problems of Northern Ireland. It will only create more violence. The rule of law supported by the community, who can do a great deal to keep the peace, and the political will to work together over a period of years - not

weeks - can and will result in progress which is what we all want to see.

There is a political way forward and, when the Convention Report is received, every political avenue must be followed to find a solution with widespread acceptance throughout the community.

I have lived and worked in Northern Ireland for 20 months. I understand why it is that political attitudes are polarised - but I have also realised that the vast majority of both communities reject the gangsterism perpetrated in their name.

I understand why it is that the minority community do not support the IRA but nevertheless reject detention. I want to end detention, but that community must help and play their part.

I understand and totally share the feeling in the community as a whole that lawlessness must be dealt with. This is best done by the police and the rule of law. It is against this background, Mr Speaker, that I present the Order before the House, which has the effect of re-proscribing the Ulster Volunteer Force. Once an organisation is proscribed under the Emergency Provisions Act 1973 it becomes an offence to belong to it, to profess to belong to it, to solicit financial or other support for it, or knowingly to make or receive any contribution to it. Under the Emergency Provisions (Amendment) Act 1975 it becomes an offence to solicit a person to become a member of the organisation or to carry out its instructions.

This will increase the possibilities of bringing people before the Courts.

I seek therefore the approval of the House.