

[Mr. David Trimble]

claimed by the so-called Continuity Army Council. Yet as he said, the bomb contained Semtex, and there is only one known source from which that Semtex could come—the Provisional IRA.

Will the Minister comment on that aspect, because the presence of Semtex in the bomb suggests that at some level within the IRA assistance, in terms of material, and perhaps more than that, was being given to that other organisation. What does that suggest about the strength of the IRA ceasefire?

**Mr. Ingram:** The hon. Gentleman is, in one sense, speculating on the basis of what may be a possible fact—that the Provisional IRA is the only known source of Semtex. I mentioned the possibility of fragmentation and what may flow from that. We have no direct evidence that there was a transfer of material from the Provisional IRA to the Continuity Army Council—or the Continuity IRA, as it is otherwise known.

As for the status of the existing ceasefire, I have said that the Chief Constable, who has a responsibility for assessing the security aspects of the situation, is clear that that ceasefire is still being maintained. It is a ceasefire very different from the previous one, and we all hope that that continues to be the case.

I have already pointed out that the device in question, and the other devices planted at Markethill and elsewhere, represented blatant calculated acts of terrorism. The terrorists have not gone away.

**Mr. Ken Maginnis (Fermanagh and South Tyrone):** It is about time that the Secretary of State and the Minister, who has responsibility for security, made some calculated judgments on their own account. How does the hon. Gentleman reconcile what he says with the words of Francis Molloy, who was sitting negotiating in the talks on disarmament yesterday, yet reassured IRA members that “Sinn Fein’s political policy ‘was a tactic rather than an end in itself’”.

I do not need to say more to the Minister. He understands the significance of those calculated words of Mr. Molloy.

**Mr. Ingram:** The hon. Gentleman has asked me to make an independent judgment of the security situation as I understand it, but I am sure that he is all too well aware that when assessing security events on the ground it is important to take proper advice from people such as the Chief Constable of the Royal Ulster Constabulary. At the end of the day it is for Ministers to weigh such advice and to make judgments accordingly. However, the judgments have to be based on facts, not on leaps of supposition.

**Mr. Maginnis:** And my second point?

**Mr. Ingram:** I am coming to that. From here I cannot see for sure, but the hon. Gentleman seemed to be quoting from a press report of what was said. If he has a transcript—

**Mr. Maginnis indicated assent.**

**Mr. Trimble indicated assent.**

**Mr. Ingram:**—that may prove helpful. However, what I said at the beginning still holds. In the view of the

practitioners on the ground, in the view of the RUC, the existing ceasefire is of a substantially different nature from the previous one. In terms of the quality of advice coming to Ministers, that is indeed the case. I am sure that the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) would prefer judgments to be made on such advice rather than on reportage in the press, or on interpretations thereof.

**Mr. Maginnis:** The Minister challenges me on my point. But I can tell him that there are those who have lived with the situation for years. May I explain my credentials? In June 1995 I told the Minister and other hon. Members that Martin McGuinness had said that the ceasefire had effectively ended. Now, with the same authority and the same background, I tell the Minister that there are those, such as Councillor Francis Molloy, who are reassuring the IRA that the political process is but a tactic, and that those people will go back to doing what they did best—they will use the iron fist. The Minister cannot deny that. He does not look like an ostrich, so he should not talk like one.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. Interventions must be brief, especially if the hon. Gentleman wants the opportunity to put an argument himself in due course.

**Mr. Norman A. Godman (Greenock and Inverclyde):** The hon. Gentleman has never made a brief intervention in his life.

**Mr. Ingram:** Some of the hon. Gentleman’s interventions may be brief, but they are certainly full of insults. He is right that I am not an ostrich, and I do not intend to act like one. That is why we are, as I said, taking the best security advice. Of course I will listen to what the hon. Gentleman says about his experience, but the fact that in the past what was predicted came to pass does not mean that the same will inevitably happen a second time. A judgment must be made on the quality of the ceasefire as it currently exists.

It would be wrong for those who wish to move the peace process forward, constantly to try to be too predictive and gloom-ridden about what may or may not develop—

**Rev. Martin Smyth (Belfast, South) rose—**

**Mr. Ingram:** I shall make some progress now. We have a long time for the debate and there are not many hon. Members in the Chamber. Those who are here will have the opportunity to make their own points in the debate—

**Rev. Martin Smyth rose—**

**Mr. Ingram:** I may return to the hon. Gentleman later.

What I now wish to do—is to pay tribute to the security forces. I am sure that all hon. Members in the Ulster Unionist party will support me in that. In extremely difficult and dangerous circumstances, the security forces have striven with great professionalism to maintain order and to protect the interests of all the people of Northern Ireland.

I include in that tribute the Army, whose support has been necessary in tackling the threat posed by the terrorist groups. The police and the Army have sustained severe losses in the line of duty—along with many civilians in Northern Ireland over the past 25 years or so. It is therefore the duty of the Government and of the House to ensure that they continue to have available the means that they need to deal effectively with terrorism.

Against the backcloth that I have painted, there can be no question but that the case is made for the retention of the Northern Ireland (Emergency Provisions) Act in the short term. In the longer term, the Government wish to see an end to the present temporary arrangements, and our intentions are as set out by my right hon. Friend the Home Secretary in the House on 30 October—the same day that the Continuity IRA left a bomb in the motor tax office in Derry. I shall return to my right hon. Friend's announcement on that occasion in a moment.

There will be those in the House who question why the Government are renewing provisions against which its members voted when in opposition. Let me make it clear that as a party we have never questioned the need for effective counter-terrorism legislation.

As my right hon. Friend the Secretary of State for Northern Ireland said from the Opposition Benches on Second Reading of the current EPA on 9 January 1996:

"We do not oppose counter-terrorism legislation; we oppose the nature of the Bill."—[*Official Report*, 9 January 1996; Vol. 269, c. 42.]

My party in opposition voted against the legislation in the past because of what we saw as particular basic flaws that it contained.

**Mr. Andrew MacKay** (Bracknell): Come on, try harder.

**Mr. Ingram:** If the hon. Gentleman reads the report of the previous debate he will find that flavour running through it. My quotation was not selective. The Secretary of State and the Under-Secretary of State, my hon. Friend the Member for Clydebank and Milngavie (Mr. Worthington), who will wind up the debate today, made such points throughout the debate, explaining why they opposed the legislation as it then existed. We are seeking in the Bill to address those flaws and to place the measure within the context of the Government's longer-term approach towards effective, permanent anti-terrorist legislation.

Let me return to the announcement made by my right hon. Friend the Home Secretary, who told the House:

"My right hon. Friend the Secretary of State for Northern Ireland and I therefore intend to present proposals to replace both the current Acts with permanent United Kingdom-wide counter-terrorism legislation. We intend to publish the proposals in the form of a consultation paper early in the new year. The paper will draw on Lord Lloyd's most helpful analysis and recommendations."—[*Official Report*, 30 October 1997; Vol. 299, c. 1029.]

The Government's aim is to end the temporary arrangements that we have inherited and to put in place the best permanent legislation that we can devise for countering domestic and international terrorism. The new legislation must be flexible; it must address the changing situation in Northern Ireland and the changing nature of terrorism worldwide. The consultation exercise that we propose to launch in January will be an important first step.

Some will argue that the Government are taking a soft line on terrorism; I would argue that the contrary is the case. The Government's aim is to give the security forces permanent, effective powers to fight terrorism from whichever direction it may come. The Government are resolute—we shall never drop our guard in the fight against terrorism.

We are grateful to Lord Lloyd for his independent and comprehensive review last year of existing legislation. His recommendations were predicated on there being a lasting peace in Northern Ireland—a situation for which all of us in this House earnestly hope. As all of us know, however, we remain some way from that position. The Government nevertheless consider Lord Lloyd's analysis of the existing legislation, and his recommendations for the shape and content of future legislation, to be very helpful. We shall be building on his ideas in the construction of that new legislation.

Let me now explain the specific provisions of the Bill. The Bill extends the life of the current Act by two years to 24 August 2000. It also maintains the arrangement whereby its temporary provisions, which form its substantive part, are subject to annual renewal. As the House is aware, for the purpose of the annual renewal of the temporary provisions, the Government appoint an independent reviewer, who reports to Parliament. In recent years, that duty has been admirably borne by John Rowe QC.

I remind hon. Members that the current Act contains a power to suspend many of its provisions. That power will be maintained; it is exercisable at any time during the lifetime of the Act if justified by changed circumstances. Therefore, should a political settlement be achieved, it will be open to the Secretary of State, when she judges it right to do so, to act to let lapse such provisions as she sees fit.

Further to that, other features of the existing Act are retained: the schedule of terrorist offences; the mode of trial for such offences, the Diplock courts; the additional powers of arrest, search and seizure for the police and the Army; the specific offences against public security and public order, including offences relating to involvement with proscribed organisations; the regulatory provisions for the private security industry in Northern Ireland; the regime for terrorist suspects held under section 14 of the PTA in the holding centres, together with the safeguards in the related codes of practice; and the appointment of the independent assessor of military complaints procedures—an important position which will continue to be filled while the Army are needed in Northern Ireland.

The changes that the Bill makes to the current Act are small in number, but significant and in line with commitments given by the Labour party when in opposition. An important underlying aim of the Act is to ensure that the treatment of persons charged with terrorist crime is as close as it can sensibly be to that which applies in ordinary criminal cases.

The amendments that we propose move the legislation even closer towards that objective. In essence, this Bill amends the EPA in three critical areas: the scheduling of offences and the facility whereby offences may be certified out; executive detention, or internment, as it is known; and the operative regime in the police holding centres.

[Mr. Ingram]

Let me deal with each of them in turn. First, on the question of scheduled offences, the Government accept that, for the time being, the Diplock court system must continue for terrorist crime; there is nothing to show that the system has produced perverse judgments or that it has lowered standards. The Government hope that, eventually, it will be possible to return to a system of jury trial. However, it is our judgment that that is not possible at present. We have therefore considered what steps we might take at this time legitimately to reduce the potential for cases to be heard by Diplock courts.

At present some scheduled offences must automatically be tried by Diplock courts; yet it is conceivable that, in certain cases, some such offences could be committed in circumstances not connected with the emergency. The Bill therefore amends schedule 1 to the current Act to add to the number of scheduled offences that can be certified out of the schedule at the discretion of my right hon. Friend the Attorney-General and thus be tried by a jury.

The effect is that, of the scheduled offences only those which are PTA and EPA offences—and indeed, not all of the latter—will in future be tried automatically by a Diplock court. It will be possible for all other scheduled offences that are committed in, say, a domestic or non-emergency context to be certified out for trial by jury. I shall not list the offences which by virtue of the Bill will become certifiable out; but offences such as the common law offence of riot and some firearms offences are examples.

**Rev. Martin Smyth:** Will the Minister include in the list of terrorist crimes the continued punishment beatings which, according to my information—and despite the fact that people are trying to cover them up—are up by about 75 per cent? Will punishment beatings be scheduled out?

**Mr. Ingram:** For one thing, I would not call them punishment beatings, as that term implies a justification for the action. I constantly refer to them as paramilitary assaults, as that describes more graphically the actions carried out. Where there is evidence that such an act has been carried out by a terrorist or paramilitary group, the perpetrators must be brought to justice. It is helpful if we put those actions in their proper context and do not classify them as punishment beatings—that is loose terminology which detracts from the seriousness of the acts.

In terms of the figures that the hon. Member for Belfast, South (Rev. Martin Smyth) has given, the quality of the ceasefire—that includes such things as paramilitary assaults—is different on this occasion. There is no evidence this time that the ancillary or related activities of the paramilitary groups have continued as they did last time. We will continue to monitor the situation to ensure that information is made as widely available as possible if we are able to so identify the nature of the action carried out.

**Mr. Kevin McNamara** (Hull, North): I am grateful to my hon. Friend and I agree with his comments on punishment beatings. May I return to the question of certifying out? When Peter Archer—now Lord Archer of

policy of the Labour party to argue for certifying in, rather than for certifying out? Can my hon. Friend outline the difficulties that made him abandon that policy?

**Mr. Ingram:** I am grateful to my hon. Friend, and I know of his long-standing interest in the issue. We examined the idea in considerable detail and it is not for want of trying to find a formula for making progress that we have not proceeded with it. We decided that it was too complex and could cause difficulties when the judicial system had to be involved in judgments about what should be subject to a jury trial. Following advice from judicial colleagues, or from those with responsibility for such matters, we decided in the meantime not to proceed in that way. I will explain the background to that decision in more detail.

The change in scheduled offences will undoubtedly increase the work load of the Attorney-General, but that is the price to be paid for ensuring that, when it is at all possible and correct to do so, the normal criminal procedures are applied. We must take appropriate advice from those who have responsibility for such matters in Government, to ensure effective delivery of the judicial system.

**Mr. Seamus Mallon** (Newry and Armagh): I note the Minister's point about how onerous it would be for the Attorney-General and his office if certifying in rather than certifying out were to be the standard. Does he accept that at present about 85 per cent. of scheduled cases are certified out by the Attorney-General's office and that certifying in the other 15 per cent. would be less onerous than certifying out 85 per cent.? The argument is really in the opposite direction.

**Mr. Ingram:** The harsh reality is that terrorist crime is a different type of crime, and that must be taken into account in making judgments. If terrorist crime disappears as a feature of Northern Ireland, the issue becomes less relevant. The problem for the Attorney-General's office is not only work load, but the way in which it could be compromised in making judgments about jury trials. That is the view expressed by my right hon. and learned Friend the present Attorney-General. My hon. Friend the Member for Hull, North (Mr. McNamara) may be able to cite previous shadow Attorneys-General, but the current one is giving us the advice and we want to proceed on the basis of that advice.

**Mr. McNamara:** I am sure that I am being thick, but I simply do not understand. If a judgment has to be made to certify out, and everything else goes in, why cannot a judgment be made to certify in? It would be the same judgment about jury trials, one way or the other. If the Attorney-General merely leaves a case in, he is saying that it is a terrorist offence, and if he certifies it in he is saying the same thing. There is no difference in the application of his judgment in that case. Whatever view former shadow Attorneys-General took, the logic of the present Attorney-General's case, as outlined by my hon. Friend the Minister, simply does not stand up.

**Mr. Ingram:** We could spend a long time debating the matter, but I think that I have set out the background. My hon. Friend will no doubt return to the matter and make his points forcefully in his speech, but for now I

add nothing new to what has already been said. We gave serious consideration to his proposition and, on balance, we decided not to proceed with it.

The Government's position on internment is clear. The retention of the provisions, albeit in a lapsed state, was the single most compelling reason why the Labour party voted against the renewal of the legislation in the past. The truth is that the powers are draconian. They have not been used in more than 20 years, although of course the past 20 years has been one of the most active periods for terrorism in Northern Ireland. The fact that the provisions were not used during that period and did not prove a deterrent against terrorism exposes their redundancy.

The Government's clear view is that internment did not represent an effective counter-terrorism measure in the past; does not represent one now; and is not likely to do so in the future. The reality is that internment involves a decision by Government to deprive individuals of their liberty without trial and without the normal safeguards that the law provides for the protection of the accused. Its use would only ever have been justified as a last resort; it has never been seen as a means of achieving stability within the community. The Government believe that the effect would be quite the reverse: it would increase community tension; cause serious damage to respect for the rule of law; strengthen the terrorist organisations; create political prisoners; and ultimately prolong the violence.

Pending the introduction of permanent legislation, the package of provisions contained in the PTA and the EPA, as amended by the Bill, together with the experience and professionalism of the security forces and practitioners within the criminal justice system, will provide substantial measures for dealing with terrorism in a much more effective way.

**Mr. Roger Stott (Wigan):** Unlike hon. Members who have cross-examined him during his speech, I congratulate my hon. Friend—and, indeed, my right hon. Friend—on fulfilling a commitment that was given in opposition and is being brought to fruition in government. Some of us who have been dealing with Northern Ireland matters for many years have consistently stood out against internment, and I congratulate my hon. Friend on its discontinuation.

**Mr. Ingram:** I am grateful to my hon. Friend, and I pay tribute to all his work on the matter, and to the work of those who served with him on the Opposition Front Bench. Our fundamental objection to the previous legislation was that it included the internment provisions, and we are now removing them from the statute book.

**Mr. Godman rose—**

**Mr. Peter Brooke (Cities of London and Westminster):** Can the Minister conceive of no circumstances in which the Government would want to reintroduce internment?

**Mr. Ingram:** I respect the right hon. Gentleman's knowledge of the issue, and of many related issues, because he served as a distinguished Secretary of State for Northern Ireland. I am sure that when he was doing that job he would not have joined the "what if" school of

politics. People keep asking, "What if this or the other were to happen?", but we cannot proceed if we focus constantly on the negatives. We must consider the positive measures in the legislation.

Conservative Members should not be surprised at the measure. It was well trailed in advance of the general election, and independent experts have commented on the need to remove internment; or, to be more accurate, they have said that they see no purpose in its remaining, so the logic would be to remove it. We are doing that very thing and so sending a significant message, based on what I have said about respect for the rule of law and the way in which internment could exacerbate, rather than help, the situation.

I do not know whether my hon. Friend the Member for Greenock and Inverclyde (Mr. Godman) still wants to intervene—[HON. MEMBERS: "He is asleep."] Well, that is not my fault.

The third area in which we are seeking to amend the emergency provisions Act is in the introduction of audio recording in police holding centres where terrorists are taken for interview. Again, that should come as no surprise, since it was one of those issues for which the Labour party campaigned in opposition and which is now being delivered in government.

**Mr. Godman:** I can assure my hon. Friend that, as always, I have been listening to him very carefully. I welcome the proposal on audio recording in clause 5 of the Bill, as does my hon. Friend the Member for Hull, North (Mr. McNamara), I am sure, but when will such recordings be introduced—long before 2000, I hope?

**Mr. Ingram:** Yes. Clearly, the systems must be put in place. Also, silent video recording—a proposition that we inherited—is still not in place. The mechanism had to be assessed and we had to study ways in which it could be implemented. I am sure that my hon. Friend recognises the importance of the proposal. The independent commissioner for the holding centres, Sir Louis Blom-Cooper and his deputy Dr. Bill Norris, have for many years argued the case for such recording. We are grateful to Sir Louis and Dr. Norris for their continuing work and for their thorough reports into that matter and to other aspects of the holding centres. I am pleased to be acting to put in place measures that they and others have long advocated.

The introduction of audio recording will provide additional protection for both interviewees and police interviewing officers against claims of verbal abuse, intimidation and harassment. It will also assist the judicial process by providing the best possible record of interviews conducted, in the event that a criminal case ensues.

Those are the three main areas of amendment to the legislation. The Bill also makes a minor amendment to the existing provision on silent video recording, which will run separately and alongside the audio recording system because of the inherently separate purpose for which it is intended. The amendment addresses an omission in the current Act.

Occasionally, the police require to interview at a holding centre a person who is in custody in the care of the prison authorities. Also occasionally, a magistrate may order a person to be produced at a holding centre for

[Mr. Ingram]

questioning. The amendment will give authority for such interviews to be recorded on silent video in the same way as other interviews conducted in the holding centres.

I call on the House to support the Government in their move to renew the existing Act for a further two years and to support the changes that I have described. That will ensure that the criminal justice system and the security forces in Northern Ireland continue to be equipped to deal with the level of terrorist threat applying.

The measures set out in the Bill are sensible, constructive and consistent with the Government's overall aim of putting in place an effective and balanced approach to tackling the evil of terrorism. I commend the Bill to the House.

5.13 pm

**Mr. Andrew MacKay** (Bracknell): I am grateful to the Minister of State for setting out the main provisions of the Bill and the principle changes that the Government propose to the Northern Ireland (Emergency Provisions) Act 1996.

I must say at the outset that, as a responsible and constructive Opposition, we have no hesitation in supporting this vital legislation. Unlike the Labour party when it was in opposition, we shall not shirk from our fundamental responsibilities to the people of Northern Ireland. We have never had any doubt about the importance or the necessity of the emergency provisions. They are vital for the protection of the public and a crucial weapon in the fight against terrorism.

For 18 years, successive Conservative Secretaries of State came to the House to renew the powers contained in the emergency legislation. Year on year after 1981, Labour Members trooped into the Lobby to oppose us. More recently, they had a sudden change of heart and summoned up the courage to abstain. Many colleagues will recall their more lurid descriptions of the evils of that legislation as "draconian" and "repressive". Lame and pathetic excuses were ritually trotted out by Labour Front-Bench Members to excuse their behaviour and to appease the hard left on their Back Benches, even during the darkest days of the troubles internment. Finally, they came up with the issue of internment. For the sole reason that the power remained on the statute book, albeit in a lapsed form, they refused to support us.

I hope that the Minister will not misunderstand me. I cast no aspersions on his abhorrence and that of his ministerial colleagues of terrorism, nor on their commitment to defeat it, but the defeat of terrorism requires more than condemnation. As we have always recognised, it requires a willingness and a commitment to act. So, it is not without a certain irony that we now see a Labour Minister at the Dispatch Box introducing another emergency provisions Bill.

Perhaps the most important area of bipartisan policy on Northern Ireland is the fight against terrorism. It demonstrates the total determination of both major parties in the House that terrorism will never succeed and that parliamentary government throughout the whole of the United Kingdom will be vigorously defended. Make no mistake, we do not like emergency provisions—no party does. They contain powers that, in normal circumstances, they would prefer that they

were no longer required, but they are required in Northern Ireland today, so I can assure the Government that, as long as they continue to sustain effective anti-terrorist legislation, even though we might differ on certain details, they shall have our full support.

**Mr. McNamara:** Where in his range of importance does the hon. Gentleman put the peace process?

**Mr. MacKay:** High, but the first and most fundamental duty of the House is to protect the people of Northern Ireland from terrorism and to ensure that we have a democracy there. That is the most fundamental part of the bipartisan policy and I am happy to tell the hon. Gentleman—as he well knows—that we fully support the political talks that are being engaged in. If he is talking about priorities, the first priority must be the fight against terrorism. I hope that the hon. Gentleman, with his considerable experience of those matters, will concur.

**Mr. McNamara:** The peace process is the most important thing because that is what will lead to an end to terrorism.

**Mr. MacKay:** That is as may be and that is very trite. If the hon. Gentleman believes that there is to be peace at any price, he is very much mistaken, as his Front-Bench team will agree. The first duty of the House is to protect the people of this country from terrorist attack and to ensure that we have democratic institutions in all parts of the United Kingdom. I have known the hon. Gentleman for a long time and I would have hoped and expected him to agree.

**Mr. Lembit Öpik** (Montgomeryshire): It is a small point, perhaps, but surely it is important that, while the terrorism legislation that we are discussing is tactical—trying to prevent things from happening—the settlement talks are the strategic element and so come higher in the list of priorities.

**Mr. MacKay:** With the greatest respect, as I told the hon. Member for Hull, North (Mr. McNamara), my highest priority and, I should have thought, that of every hon. Member, is to defend the whole of the United Kingdom against terrorist attack. On reflection, the hon. Member for Montgomeryshire (Mr. Öpik) might like to agree, as his predecessors on the Liberal Democrat Benches have done.

**Mr. Clive Soley** (Ealing, Acton and Shepherd's Bush): The hon. Gentleman is shifting his ground. He is talking about the defence of democracy as well and he said so in the first and second responses, but not in the third. The defence of democracy requires a respect for the rule of law. The Labour party challenged the temporary provisions Act precisely because locking up people without a trial is opposed to the rule of law and democracy and did us enormous damage as well as undermining the fight against terrorism. Will he commit himself, in the fight for the rule of law and democracy, to getting rid of internment provisions?

**Mr. MacKay:** There is a role for internment and, if the hon. Gentleman contains himself for a minute, he will hear me develop a clear case for that.

I shall come to the details of the Bill shortly, but first let me say that today's debate provides the House with an opportunity to consider the wider security and political context in which the Government are required to introduce the legislation. As the Minister pointed out, the most significant development has been the restoration of the IRA ceasefire on 20 July this year. We also note that the loyalist ceasefire has been maintained since October 1994. The Opposition welcome the IRA ceasefire and the fact that it has since been maintained; we also welcome the fact that Sinn Fein has now signed up to the Mitchell principles of democracy and non-violence and has, on that basis, been admitted to the Stormont talks.

We hope—as must the whole House—that that represents a genuine commitment, for we must all stand firm on the principle that there can never be any justification for the use or the threat of violence. Violence for political ends in a democracy can never be allowed to succeed. The IRA will never bomb Britain out of Northern Ireland, nor will it ever bomb Northern Ireland out of the United Kingdom. That message should continue to ring out from this House, loud and clear. Sinn Fein should take this opportunity to turn its back on violence for good and it must stick rigidly in the talks to the Mitchell principles—there can be no fudging on that issue.

In their response to the Ulster Unionist party's submission on Sinn Fein's continued participation in the talks, the Government said that both the British and the Irish Governments would

“react firmly to any infringements of the Mitchell principles”.

I look forward to the Minister reiterating that commitment when he makes his winding-up speech. There can be no equivocation on the part of Sinn Fein in its attitude towards IRA violence. The commitment to democratic and peaceful methods, as set out in paragraph 10 of the Downing street declaration, means precisely that.

The Opposition wish the Minister and his colleagues well in the political talks. We share his objectives of a comprehensive political settlement and a lasting peace. The people of Northern Ireland deserve nothing less. However, stability will be established and new political arrangements will last only if they are built on the right foundations. The most important of those are the principle of consent and the triple lock of parties, people and Parliament. We look to the Government for a reassurance that the principle of the consent will remain paramount and that there is no question of breaking the triple lock. In particular, I ask the Minister to state categorically that, in the absence of agreement next May, the Government will not try to appeal over the heads of the parties and that consent, as it applies to the second element of the triple lock, means the people of Northern Ireland alone.

In addition, we believe that there will be serious engagement in, and a successful conclusion to, the talks only with confidence-building measures on both sides of the community. That includes the decommissioning of illegally held arms and explosives, without which the shadow of the gunmen will be cast permanently over the political process in Northern Ireland. So far, there have been no assurances from Sinn Fein that the IRA will contemplate decommissioning in parallel with the party talks—far from it. We therefore look to the Government to ensure that no party is allowed to stall on that central issue and that early progress is made in the decommissioning sub-committee and the independent decommissioning body.

Despite the welcome progress that has been made, it is vital that we do not lower our guard—after all, we have been here before. The Conservative Government took a number of justifiable risks and showed real political flexibility. For the period of the ceasefires, there was hope that the nightmare of violence had ended for good; but that hope was blown apart in the murder and rubble of Canary wharf and Manchester. The return to violence had no justification and demonstrated the enduring contempt for democracy that characterises the IRA. The Government should not therefore be deluded about the potential difficulties that might lie ahead in the political negotiations at Stormont.

The Government should recognise the misgivings of many people in Northern Ireland about whether their elected representatives are participating in the same process as Sinn Fein. There can be few more difficult acts for a politician in a democracy than to sit across the table from people who have so recently acted as apologists for terrorism. In the Government's own words, Sinn Fein and the IRA remain “inextricably linked”. In that context, I pay special tribute to the way in which the hon. Member for Upper Bann (Mr. Trimble) has led the Ulster Unionist party through such a difficult few months.

During those months, and since the announcement of the ceasefire, there have been several developments that give cause for continued concern, some of which the Minister mentioned. So-called punishment beatings have continued—the latest count attributes about 30 to the loyalists and 21 to republican groups. We condemn unreservedly those vile and vicious acts, from whichever side of the community they come. They are clearly incompatible with a commitment to democracy and should cease immediately. I trust that the Minister will remind those parties in the talks that claim to have an influence with the paramilitaries on both sides of their responsibilities in that respect.

We have also seen in the past few days reports of serious resignations from Sinn Fein and the IRA—including a purported member of the IRA Army Council and an entire battalion in south Armagh—opening up the prospect of more serious fissures in the republican movement in future. The Continuity Army Council and Republican Sinn Fein—itsself the product of previous splits—remain implacably opposed to the ceasefire and have demonstrated their ability to threaten life and property. Only by good fortune has that threat been averted.

Meanwhile, representatives of the IRA told a republican newspaper that they would have problems with the Mitchell principles, so the Government must remain vigilant. They should not relax any security measures that cannot swiftly be reversed, nor should they be tempted to take decisions for political reasons. We want no more fiascos like the one over the proposed transfer of Jason Campbell. I want the Minister to reassure the House on that point and to reiterate that any measures to ease security on the ground should be taken only following the closest consultation with the General Officer Commanding and the Chief Constable.

In that context, and on behalf of the Opposition, I pay a special tribute to the men and women of the Royal Ulster Constabulary and the armed forces. It is they who have stood on the front line against terrorism for 27 years, carrying out their duties with the greatest skill, dedication and professionalism. We have always expected, rightly,

[Mr. MacKay]

the highest standards of them and in all their activities they have been subject to the discipline of the rule of law. That is how it should be in a democracy. All of us owe them an enormous debt of gratitude. In turn, they deserve the support of all the people of Northern Ireland and all parties in the House.

We currently have peace in Northern Ireland, but, as the Minister will acknowledge, it remains a fragile and imperfect peace. That is the justification for our support for the Bill, to which I shall now turn my attention. In doing so, I express our gratitude for the work of Lord Lloyd in reviewing all the anti-terrorist legislation. As the Minister explained, the Bill extends the 1996 Act for two more years. It retains most of the powers contained in the Act passed by the last Conservative Government; but the Government also seek to make three key amendments.

The first amendment is made by clause 2, which amends schedule 1 of the 1996 Act, which deals with scheduled offences, so as to increase the number of such offences that can be certified out, at the Attorney-General's discretion, to be tried by a jury.

Secondly, as the Secretary of State foreshadowed at a Labour party conference fringe meeting, clause 3 repeals section 36 and schedule 3 of the 1996 Act, which provide for executive detention or internment of terrorist suspects. Clause 5 provides for the audio recording of police interviews with terrorist suspects, following the previous Government's introduction of silent video recording.

I shall deal with the second and most controversial of those points in some detail later. On audio recording, our approach in government was always largely guided by the advice of the Chief Constable. We recognise that the present Chief Constable has now concluded that he sees no obstacle to its introduction, and we accept his and the Government's position.

On certifying out, the Bill lists a raft of serious offences that will henceforth be eligible for trial by jury rather than through the Diplock procedure. I listened carefully to the Minister's justification for extending certifying out and to his exchanges with Labour Members, and I acknowledge what he said about such cases being a matter for the discretion of the Attorney-General, but I have several questions. Why do the Government consider it necessary to amend the 1996 Act in such a way now, especially in the light of the Home Secretary's welcome announcement of a review of all anti-terrorist legislation? How many charges have been brought under any of those offences in recent years other than those specifically related to terrorism?

It is difficult to come to any conclusion other than that the Government are making unnecessary concessions to those who have always opposed the Diplock system, no matter how necessary it is and despite the fact that it discharges the highest standard of justice. We believe that the Government are being precipitate and engaging in the politics of tokenism—a very dangerous approach to Northern Ireland affairs.

The same is true of clause 3, which will finally remove the power of executive detention or internment without trial from the statute book. Let me make our position clear. No party can approach this subject lightly. Throughout our period of office, we were urged, not least by the victims of the atrocities, to consider

introducing internment. We were also advised by several sources, regularly including the hon. Member for Wigan (Mr. Stott), to repeal those powers. At all times, our approach was consistent. Governments should consider invoking the power only if there were a serious deterioration in the security situation. It would be self-defeating to spell out the precise circumstances in which that would happen, but the facts that the power has not been used since 1975 and that it has technically lapsed, are not compelling reasons to warrant its removal altogether from the statute book.

It is worth pointing out that the equivalent power in the Republic of Ireland has not been used, to my knowledge, since the 1950s, but the power contained in the Offences Against the State Acts of 1939 and 1940 remains in force. It ill behoves this House to remove internment from the statute book when our friends south of the border are not planning to do the same.

At present, the Secretary of State can sign the order for internment, which then has to be approved by resolutions of both Houses of this Parliament within 40 days. Clause 3 will make such action impossible without the introduction of primary legislation, robbing the Government of the key element of surprise.

The history of Irish republicanism is littered with historic and bitter divisions. Does the Minister imagine that, in the event of an overall settlement, there will not be people in Northern Ireland, on both sides, who, following many precedents, cry betrayal and return to violence? Recent days have shown the potential for that to happen if a comprehensive settlement falls short of what is expected by some in the republican movement. Does he not believe that, in such a scenario, the power to intern may prove necessary, or, as my right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke) said, can he envisage no circumstances in which it would be necessary and right to use that power, particularly if he obtains a political settlement? It is naive beyond belief at this crucial time to take internment off the statute book when the Minister could easily keep it there without using it for the time being, as we did.

**Mr. Ingram:** If I understand the hon. Gentleman correctly, he is going down a dangerous road. He says that, in the event of a lasting settlement, schisms in the republican movement are inevitable and that it should be inevitable that internment should be applied in such circumstances. He obviously did not hear what I said. Internment creates divisions. It brings friends to the terrorist movement. I therefore caution the hon. Gentleman about the line he is adopting. I do not think that it will help the peace process or the current talks process.

**Mr. MacKay:** With respect, the Minister has not been listening carefully. I said not that I believe that a political settlement will automatically lead to splits among loyalist or republican paramilitaries but that past history suggests that it is possible. It would then be up to the Government to consider internment. I am not telling him that he should automatically intern people in such circumstances but cautioning him that it would be wise to have the option of internment available. It is he who is making the mistake by removing it from the statute book.

To summarise, I believe that to throw away such a weapon of last resort is foolish and wrong. It is yet another example of a Government concession to republicanism that brings no tangible benefit. I hate saying this but I regret that it is true: it is merely token politics.

**Mr. Mallon:** I listened with interest to the discussion of the hon. Gentleman and the Minister about what may happen after an agreed political settlement. Has it dawned on the hon. Gentleman that, under the terms of a new political dispensation, the process of justice might be dispensed not from this House but from within a new political settlement? Does that not reinforce the wisdom of the Government's decision to remove this power, which will never again be used in Ireland, from the statute book, here or elsewhere?

**Mr. MacKay:** I am sure that the hon. Gentleman is not asking me to second guess what will happen at the political talks, what conclusions will be reached and whether they will be endorsed by the people of Northern Ireland. I am saying that now, in November 1997, perhaps six months before the conclusion of those talks, there is no need to take internment off the statute book. We know that the Minister is not going to intern people in the foreseeable future; we did not use the power. We are saying that, if the political talks in which Ministers are engaged prove successful, and I pray that they will, there could be circumstances where terrorist splinter groups of both communities behave in such a way that the Government in the south and our Government might possibly think that internment was a suitable measure to introduce. I ask him to keep that option open. That is not an extreme or unreasonable request.

**Mr. Soley:** I hope that I may persuade the hon. Gentleman of something, because I get the feeling that he is persuadable. Is he so pessimistic and full of doom and gloom that he must assume that Northern Ireland will never be a normal society again? We believe that we could move forward by a series of steps and, above all, that we should restore the rule of law. Internment involves people being locked up without trial. It is inimical to the rule of law and, therefore, to democracy. That is why it is important. I ask the Conservative party to try to come on board on this. It is a small but important step to say to the people of Northern Ireland, Unionist and republican, that they are not killing each other as they used to so let us keep moving in that direction to make it a normal society once more.

**Mr. MacKay:** I respond to the hon. Member for Hammersmith by saying that I am not being—

**Mr. Soley:** I am not the hon. Member for Hammersmith.

**Mr. MacKay:** I am afraid I am not up to speed with the hon. Gentleman's constituency. The hon. Gentleman has taken an interest in Northern Ireland matters throughout the time that I have been in the House and he used to represent Hammersmith.

I believe that I am being not pessimistic but realistic. I am not saying that internment is a good idea; I am simply saying that it is not inconceivable that, in certain circumstances, the Government and—equally important—

the Government in the south, who are not removing internment from their statute book, might need to use it. Of course I hope that they will not. Of course I hope that the men of violence will never resort to violence again. Of course I am pleased that, at the moment, there is a ceasefire and there are political talks, but the House must be realistic, not naive.

In Committee and on Report, we shall table amendments that we hope will alter the Bill for the good. We shall do all in our power to persuade the Minister that we are not asking him to make a major reversal, but saying that those things should be delayed until there is a permanent peace.

Surely the right time to pass this measure would be when a real measure of political settlement had been agreed, and when new political arrangements in Northern Ireland had a degree of stability. At that time, we could think about scrapping internment permanently. Now is not the time to do that—especially not, as appears to be the case, for political rather than security reasons.

We have misgivings about the Government's wisdom in this matter and we shall ask them to reconsider. Nevertheless, we believe that the Government are right to re-enact the legislation and we shall not use our objections to certain elements as an excuse to oppose the entire Bill. The legislation remains essential and we shall have no hesitation in supporting the Government tonight.

5.41 pm

**Mr. Kevin McNamara** (Hull, North): Clause 3 reads:

"Section 36 of, and Schedule 3 to, the Northern Ireland (Emergency Provisions) Act 1996 (detention orders) shall cease to have effect."

That clause alone justifies support for the Bill.

I listened to what the hon. Member for Bracknell (Mr. MacKay) said. I had not intended to quote my past words—I find it repulsive when politicians do that, but I shall be repulsive on this occasion—but I find that my past arguments match his arguments today.

"The first reason why we are dividing the House tonight is that we are against internment in principle. It is wrong, and it cannot hope to succeed. It will not succeed. If we uphold the rule of law, we cannot suspend it when the situation becomes a little bit ugly. We have to go through with it. We are against internment in principle whether on this side of the Irish Sea or in Northern Ireland, or if it exists in Southern Ireland."—[*Official Report*, 23 September 1971; Vol. 823, c. 274.]

It was, and is, a matter of principle.

It is a matter of record that the worst disturbances—the killings, the shootings, the explosions—from both sides of the community took place while internment was in force. Only when the present Lord Rees started the process of ending internment in Northern Ireland did the incidents start to decrease.

The reason was that internment, like two other issues, became a recruiting cry, a rallying cry, for Provisional Sinn Féin.

"Armoured cars and tanks and guns

Came to take away our sons"

was sung in clubs throughout Northern Ireland. The issue united a peaceful community against the Government because no matter how many people from the other side might later have been interned, internment was regarded as patently unfair. The arrest of people in such circumstances was seen as fundamentally unjust.

[Mr. Kevin McNamara]

Labour Members complained that the British Army was carrying out that task and we could not question it because it was being done under the auspices of the Northern Ireland Government. It took the case of the hon. Member for Foyle (Mr. Hume), which went to the House of Lords, to upset that situation and to get legislation through the House.

Interestingly, handwritten legislation passed through this House and the other place in 24 hours. The then leader of the Liberal party, Mr. Jeremy Thorpe, tabled the only amendment—which was not passed—and 15 of us supported him in the attempt. I am happy to say that there remain in the House nine hon. Members who voted against internment on 23 September 1971.

Internment became a rallying cry, as did two other things: Bloody Sunday and the hunger strikes. Sadly, all three happened when the Conservatives were in government. We are now rectifying the situation and ridding the statute book of one of the principal causes of recruitment to Provisional IRA. I hope that, later this year or early next year, we shall have a positive statement about Bloody Sunday, because that will do a great deal to heal community illnesses.

Unfortunately, we cannot resurrect people who have died. Nevertheless, the Secretary of State and the Minister are to be congratulated on this positive step. If for no other reason than the abolition of internment, the House should pass the Bill by acclamation.

I support the introduction of audio recording into interrogation centres. Combined with video recording, it will provide a powerful boost. It will protect the security forces without affecting their ability to inquire and find and interrogate suspects. In every terrorist case in this country, audio recordings have been taken at Paddington Green police station.

Most policemen I know wonder why they ever opposed audio recording because it has proved a great tool when they interrogate suspects. Now people cannot say, "I never signed that document" or "I never made that sentence"—the evidence is there. It is a great safeguard for the police. It is a great safeguard for people who are detained.

I wonder what the outcry would have been if we had heard the statements that Roisin McAliskey alleges were made to her when she was first arrested and taken to Castlereagh. I wonder whether she or the police would have been proved correct. If she is correct, the police conduct was outrageous; if the police are correct, what she said about them was outrageous. In any event, the Bill will bring an end to public suspicion about what goes on in Castlereagh and elsewhere. We should welcome what has been decided. Not only Louis Blom-Cooper has commented about the need for the measure; Lord Colville and others did so in their reports.

I am sorry that I was perhaps a little vindictive towards my hon. Friend the Minister of State on the question of contracting out and contracting in. I am sorry that he has been sent to the House to do the Attorney-General's job for him. As we now know, it was the Attorney-General's decision that we should not have certifying in, but maintain the present system.

My right hon. and learned Friend the Attorney-General cannot have it in this way. An important matter of principle is involved. It is a question of getting as many

cases as possible in front of juries in Northern Ireland. It is about seeking to achieve normality. His saying that it is because of the work load in his Department, when Northern Ireland by any account—even taking into consideration alleged terrorist offences—has the lowest rate of criminality anywhere in these isles, does not stand up as an argument. Even if it did, in terms of the enormous sums going into Northern Ireland, the cost of extra staff in the Crown Prosecution Service to deal with those cases would be insignificant compared with the boon of going back to proper jury trials.

I am glad that my hon. Friend did not advance the argument, as has been done from other Benches, that all the offences are really terrorist offences, so to certify some in as terrorist offences would be to point a finger at those particular offences. The finger is pointed by the fact that they are not certified out, so that decision is already made. The decision has important ramifications for the powers that are to be kept. It affects the admissibility of evidence, the loosening of the rules of evidence, changes in cases, and the burden of proof. Those are important matters. It would be far better to get back to normality.

I urge my hon. Friend the Minister of State to convey to our right hon. and learned Friend the Attorney-General the anger that is felt by his colleagues on the Back Benches who believe that he has made a serious error—or has he? I ask because I wonder what will happen under Lord Lloyd's proposals, and the decisions and the White Paper that will be issued by my right hon. Friend the Home Secretary.

To what extent will Lord Lloyd's proposals be put into legislation? Although they introduce changes, they are not as liberal as they appear. One has only to read his footnotes on internment. Will the Diplock regime, for example, become the mode of trial in the United Kingdom if there is to be a universal system—if terrorist or terrorist-related offences or drug offences are included within an all-embracing piece of anti-terrorist legislation? It is not an easy matter.

Because we have not had in the United Kingdom the problems of jury nobbling or witness nobbling in terrorist cases, it is wrong to think in terms of an all-embracing Act. It would be far better for the legislation to apply only to Northern Ireland, where there is a special and different problem. Terrorism in the United Kingdom that is not Irish-related will be subject to the ordinary criminal law, as is Irish terrorism at present.

We have had no difficulty in the United Kingdom dealing with Irish terrorist offences under our rules of law, our rules of evidence and our system—except, perhaps, when the prosecution has been so perverse in the evidence that it has presented that it has produced the Birmingham Six, the Guildford Four and the Maguire family. Generally speaking, however, there has been no undue difficulty with jury trial.

If we want to return to a system of jury trials in Northern Ireland and get people ready to accept such a return to normality, we must surely have a system of certifying in and not certifying out.

I do not intend to delay the House much longer. I have put down markers about what I fear may be the result of implementing some of Lord Lloyd's proposals. I hope that as liberal an attitude as possible will be adopted in what my right hon. Friend the Home Secretary proposes in his White Paper.

I give two and a half hearty cheers for the Bill, but not the three cheers that I would like to give because of the failure over certifying in. Nevertheless, the decision on internment is historic, important and should be welcomed by anybody who wants a return to normality and the rule of law in these islands.

5.55 pm

**Mr. Ken Maginnis** (Fermanagh and South Tyrone): I have some sympathy for the Minister. Introducing the Bill, he has been required to give a backdrop to the situation in Northern Ireland and he has been constrained by the fact that the talks process is taking place. He certainly does not want to do anything that would jeopardise those talks, and neither do I. I, as much as he, want success in the talks process, but I cannot afford—and the Minister will be judged foolish by history if he tries to achieve—a virtual whitewash of the continuing problems that we face in relation to terrorism.

Terrorism is not peculiar to the republican movement. Serious terrorism has emanated from both traditions in Northern Ireland. Nobody tries to hide that fact. The better organised—not the more deadly, but the more sustainable—terrorism emanates from the republican movement and from the IRA, because it approaches its terrorism strategically. It is not reactive; it is not tactical; it is strategic and is based on the Armalite and ballot box philosophy.

What is the Armalite and ballot box philosophy? It enables the IRA terrorist to use as much force as he considers necessary to make an impression on society in Northern Ireland and on the Government here in Westminster. The hon. Member for Hull, North (Mr. McNamara) referred to the factors that motivate terrorism. I know that he would be deeply offended if I suggested, and I will not for a moment suggest, that he is excusing terrorism on the basis of internment or Bloody Sunday or the hunger strike. When the hon. Gentleman talks about that, he should also mention Bloody Friday, Farnskillen, Warrington, Regent's Park, Droppin' Well and Warren Point. In those places, there might have been an upsurge by the entire Unionist tradition in Northern Ireland, but that did not happen. Despite the tragedy and suffering caused by those events, the greater number of people in the Unionist community said that violence was not the way forward. They want to support democracy and see it at work, but they expect their Government to provide adequate law and order enforcement measures.

I would like to be able to tell the Minister that he is not doing as well as the previous Government, but I think that he is probably doing just as badly. The previous Government did not meet their obligations in terms of the serious violence in Northern Ireland. The RUC and the Army are always expected to behave like a fire brigade: they rush out when something happens, but they do not have a strategy for dealing with terrorism because successive Governments for the past 37 years have failed to provide that strategy and the political backcloth against which it can operate.

I return now to the IRA and its Armalite and ballot box philosophy. My party and I must judge the IRA on what it is doing today. Has it changed its strategy? Is it trying to adjust to the circumstances and opportunities that are presented through the talks process? The answer is clearly

no. The IRA leaders, who are now sitting at the table of democracy—the unreconstructed terrorists are sitting among those who, throughout their political lives, have been dedicated to democratic methods—have not told the rank and file, "You cannot achieve your objectives through violence."

The past 27 years have proved that decent people in both traditions in Northern Ireland are dedicated to a peaceful way forward, yet Gerry Adams stood in front of the city hall in Belfast and said, "The IRA hasn't gone away, you know." In Coalisland, Martin McGuinness said, "We intend to smash British rule in Northern Ireland." Only last weekend, a leading spokesman for IRA-Sinn Fein addressed a meeting of 150 IRA men in county Armagh. He referred to what would happen if the talks ended, and said:

"Whenever that does happen then we simply go back to what we know best".

Will the Minister tell the House that that will not involve violence—shooting, bombing and holding the civilian population to ransom for as long as the IRA can sustain it in the face of inadequate reaction by Government, who do not have a comparable strategy? This man has called for IRA, Sinn Fein and republican prisoners to unite as a "clenched fist" to force an end to British rule in Northern Ireland. Does the Minister pretend that that is not a threat to shoot and bomb the civilian population in Northern Ireland? Mr. Molloy, who thought that he was talking to his own people and did not realise that two journalists were in the room, then said that

"Sinn Fein's political policy was a tactic rather than an end in itself".

It is the Armalite and the ballot box—I cannot emphasise that enough.

If the IRA does not condition its rank and file to move away from reliance on the Armalite and towards a total commitment to democracy, it is saying that the ballot box and the ballot paper are valid only so long as the Minister, the Secretary of State for Northern Ireland and members of the Government are prepared to pay a ransom to keep the IRA at the table of democracy.

I shall not delay the House by rehearsing the ransom that has been paid—or the danegeld that is paid weekly—to keep Messrs Adams and McGuinness at the table of democracy. The Minister knows as well as I do the reality of the situation. I see that the Under-Secretary of State for Northern Ireland, the hon. Member for Clydebank and Milngavie (Mr. Worthington), who has responsibility for education, is looking rather sceptical. I suggest that there will soon be an announcement regarding the creation of a university campus in west Belfast in order to provide jobs. Have hon. Members ever heard of creating a university in order to provide jobs?

**Mr. Mallon:** Will the hon. Gentleman give way?

**Mr. Maginnis:** No, I shall give way later. I thought that university campuses were created to provide educational opportunities.

**Mr. Mallon rose—**

**Mr. Maginnis:** I shall give way when I have finished this point. Will the Minister tell us whether that university will be created? We know that a large part of the capital