



Do you want Sinn Fein/IRA appointing High Court judges?

This question was posed in the 2003 DUP manifesto and answered with a resounding 'No'. But today, with the DUP holding the majority of Unionist seats in the Assembly, the question faces us again - even though it was boasted political lifetimes would pass before Sinn Fein got anywhere near policing and justice.

The issue is about much more than appointing a Policing and Justice Minister. **The moment these powers are devolved, Martin McGuinness will be given a key say in the appointment of Northern Ireland's senior judiciary, irrespective of who is the Policing and Justice Minister.** So the latest wheeze, that neither DUP nor Sinn Fein would initially hold the ministerial post, changes nothing in terms of empowering McGuinness to exercise powers over the judiciary.



It has long been a republican demand to overhaul and transform our British judiciary. It is the devolving of policing and justice which gets their hands on these levers of power, because McGuinness then would have equal say with Peter Robinson in the appointment of our Lord Chief Justice, our Lord Justices of Appeal, our Attorney General and would also acquire powers over the removal of judges. Herein is the obscenity, that one who has boasted of his IRA leadership should get to have power over our judiciary. The IRA brutally murdered several judges but now, courtesy of devolving policing and justice, their leaders would get to appoint and remove them!

This - along with the introduction of policing and justice into the North South Ministerial Council, and the right of McGuinness to join in appointing the "independent" members of the Policing Board - is the kernel of why policing and justice should not be devolved. Yet sadly, some seem ready to play the republicans' game and advance their cherished ambition of removing any semblance of British control from policing and justice. That is really what this is all about - the ending of British-controlled policing and justice anywhere in Ireland. Then, as Mary McAleese let slip, the Republic will permit the British monarch to visit an Ireland wholly cleansed of its most potent British symbolism.



How McGuinness would get control over the Judiciary:

In Command Paper (Cm 6963) HMG set out very clearly the powers which the Joint First Ministers would exercise over the judiciary. They would have the following pivotal powers:-

- the appointment of the Attorney General for Northern Ireland (para 7.5 of Cm 6963), who in turn will appoint the Director of Public Prosecutions;
- recommending who should be appointed as senior judges (i.e. Lord Chief Justice and Lord Justices of Appeal) (para 15.19 of Cm 6963);
- appointment of the NI Judicial Appointments Commission, which in turn makes all judicial appointments up to and including High Court Judges, Tribunal Chairmen and coroners (para 15.21 of Cm 6963);
- the right to require the NI Judicial Appointments Commission to reconsider any recommendation for a judicial appointment (para 15.20 of Cm 6963);
- powers of removal from judicial office (including High Court judges appointed after devolution) (para 15.25 Cm 6963);
- the appointment and removal of the NI Judicial Appointments Commissioner (para 15.27 of Cm 6963).

The IRA removed judges by the bullet, now the personal embodiment of their campaign could remove them by joint ministerial decree! Is this what you want?



How McGuinness would get powers over policing:

Devolving policing powers to the Belfast Agreement Executive at Stormont was all part of the iniquitous Patton Report, which destroyed the RUC. Patton expressly recommended that responsibility for policing be devolved "as soon as possible" (para 6.15). Once this happens, then appointment of the "independent" members of the Policing Board passes to OFMDFM, creating the disgusting paradox of a leader of the organisation, which murdered 300 policemen, handpicking who should control the police.

How policing and justice would become a North/South issue:

The Belfast Agreement provides, as part of the all-Ireland institutions, for a North South Ministerial Council of ministers from Stormont and Dublin. **As soon as policing and justice is devolved, it becomes subject to**

this north/south collaboration and process. Remember Unionists are in a perpetual minority on the North South Ministerial Council.

Once Sinn Fein gets policing and justice devolved, expect its next agitation to be for a specific north/south implementation body to advance the goal of harmonisation throughout the island. As their manifesto so succinctly put it, Sinn Fein's strategy is **"for a new all-Ireland policing and justice system"**. **Devolving policing and justice helps them on their way.**

Why IRA/Sinn Fein must never get near Policing and Justice

IRA/Sinn Fein's contribution to justice: murder and mayhem

During a thirty year campaign of terror Republicans saw Judges as legitimate targets. Sinn Fein continues to justify this butchery of the judiciary.

On 25th April 1987 Lord Justice Gibson and his wife were killed by a 500 lb IRA landmine. The IRA justified the murders by saying Lord Justice Gibson represented **"the evil and corrupt paid perjurer judicial system in the North"**. Later three members of the Hanna family were killed on the same stretch of road when the IRA apparently mistook their jeep for one owned by another senior member of the judiciary.



Lord Justice Gibson's car

Judge William Doyle was a leading Roman Catholic member of the judiciary. On 16th January 1983 he left mass with an elderly woman to whom he had offered a lift. The IRA opened fire, killing him and seriously wounding the 72 year old woman.

Judge Rory Conaghan was shot by the IRA on 16th September 1974 while at breakfast. His eight-year old daughter witnessed the killing.

William J Staunton was a magistrate who died in hospital 15 weeks after he was shot by the IRA as he dropped his daughters and their friends off at Primary School.

Mary Travers was shot dead by IRA gunmen on 8th April 1984 as she left midday mass at the church outside which Judge Doyle was shot the previous year. The killers were attempting to murder her magistrate father, Tom Travers.

If policing and justice powers are devolved Martin McGuinness – a man who boasts of his role in the IRA – will then have a key role in the appointment of senior judges.
Is this what you want?

What Sinn Fein has said and still says:

“Our strategy is for a new all-Ireland policing and justice system. That cannot be achieved without transfer of policing and justice powers away from London, into an Executive and Assembly and the all-Ireland institutions.” (Sinn Fein 2005 Manifesto)

“Sinn Féin in Government will work to ensure the transfer of powers on policing and justice to the power-sharing Executive and All-Ireland Ministerial Council”.
(Sinn Fein 2007 Manifesto)

“Like all comrades I am fighting for an all Ireland justice system just as we are continuing the struggle for a United Ireland. Equally, in the interim, we need to achieve a new beginning to policing and justice in the North...We must develop further our all Ireland vision for justice and policing”

(Gerry Kelly's address to the 2006 Sinn Fein/IRA Ard Fheis)

“Although this very crucial debate today is on policing and justice lets be clear that all our debates, all our activity is about achieving our primary goal of a free, independent and united Ireland.”

“Sinn Féin's position on policing in the 6 counties is well known. We want legislation to enable transfer of powers away from Britain and into Ireland...Justice does not come as a miracle or a gift, when we achieve a united Ireland - we have to prepare beforehand, we have to prepare now.”

(Gerry Kelly's address to the Extraordinary Ard Fheis on Policing, January 2007)



What the DUP once said:

“Do you want Sinn Fein/IRA appointing High Court judges?

Do you want Sinn Fein/IRA to control Criminal Justice in Northern Ireland?

With the Ulster Unionist Party leading unionism all of this will happen.

The DUP supports a new form of government where terrorist related parties have no such control.”

(2003 Fair Deal Manifesto)

The devolution of policing and justice would **still** mean that Sinn Fein/IRA would have a key say in appointing our top judges.

“The prospects of reaching that situation, in which we would consider proposals for the Northern Ireland Assembly on the issue of devolution of policing and justice, are remote. In fact, they are so remote that it is difficult to envisage when it might happen.”

Nigel Dodds, House of Commons 17th May 2006.



By October 2006 Nigel Dodds believed that it was not just a “remote” prospect, but predicted it would be “a **political lifetime**” before policing and justice was devolved.

In November 2006 Peter Robinson said it could be **“several political lifetimes”** before there was the community confidence to have policing and justice powers devolved to Northern Ireland.

What Traditional Unionists still say:

“It is nauseating to think that someone who was a principal in the terrorist IRA, which murdered a Lord Justice of Appeal and his wife (Lord & Lady Gibson), and several other judicial figures, should ever get anywhere near having an input into judicial appointments in Northern Ireland. Such should be repulsive to all law abiding citizens and of itself enough to cause Unionists to determine that the devolution of policing and justice is a non-starter.” (Jim Allister 1 December 2006)

“What has changed from policing and justice being out of the question for a generation, to the point today where the DUP is setting the scene for another climbdown? Once more, thanks to a DUP roll-over, IRA/Sinn Fein is closer than ever to attaining this key republican demand.”

(Jim Allister 8 August 2008)



Your questions answered

Q: The DUP says it has a "triple lock" on Policing and Justice. What is that?

A: The "triple lock" refers to the fact that policing and justice can only be devolved when 3 things happen: the First & deputy First Minister propose it to the Assembly, the Assembly agrees on a cross-community basis and the Westminster Parliament agrees. So, yes, the DUP can block Policing and Justice devolution which raises the question why they are even considering it.

Q: But Sinn Fein and the DUP have agreed neither will take the ministry, so aren't we safe from Sinn Fein control?

A: They have agreed this "initially", but such merely postpones Old Bailey Bomber Kelly's ambition to be your Policing and Justice Minister. But, very importantly, the moment any policing and justice powers are devolved, Martin McGuinness gets a key role in appointing all our senior Judges, and in removing them, as well as the appointment of members to the Policing Board. By agreeing to devolve policing and justice, the DUP agrees to give these powers to McGuinness.

Q: But wouldn't Peter Robinson block McGuinness' nominations for the Judiciary?

A: Just like McGuinness can block his! So, at best, the outcome would be deadlock. If they can't agree on a Lord Chief Justice, they can hardly revert to the Victims Commissioner farce and appoint 4! So, even on the basis of good government and efficiency, policing and justice, which least can afford to be politicised, should not be devolved to this dysfunctional Executive.

Q: But, surely when the Unionist-dominated Special Assembly Committee were looking at Policing and Justice, they must have rectified this situation and removed these powers from McGuinness?

A: Sadly not. Since coming to power, in not one statement or action has the DUP done anything to remove these powers from McGuinness. They have studiously avoided the issue.

Q: But the old Stormont had Policing and Justice powers, so why not this one?

A: IRA members never held any position in the old Stormont Government, never mind a veto over appointments to the judiciary.

Q: If Sinn Fein isn't fit to hold the Policing and Justice Ministry, are they fit to hold education or any ministry?

A: No. Being unfit to hold Policing and Justice, they are unfit to hold any government office.

Q: Should Policing and Justice ever be devolved?

A: Not so long as there is any chance of IRA/Sinn Fein getting anywhere near these vital powers. When we have got rid of the rigged system of government which guarantees IRA/Sinn Fein a place in government, it will be time to look at such devolution.



**Keep justice
above politics**

Nothing that is morally wrong can be politically right

139 HOLYWOOD ROAD, BELFAST, BT4 3BE

T: (028) 9065 5011

F: (028) 9065 4314