

# Northern Ireland Sentence Review

## Commission agrees to continue detaining Loyalist leader

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The British and Irish media welcomed last week's announcement by the Northern Ireland Sentence Review Commission that Loyalist terror leader Johnny Adair will remain in detention.

The decision, also greeted by leading politicians on both sides of the border, did not cause anguish amongst the majority of Irish workers, Catholic or Protestant, who regard the notorious paramilitary chief nicknamed "mad dog," with revulsion.

Nonetheless the decision points to a crucial feature of the Good Friday Agreement introduced in 1998 to end armed sectarian conflict in the North. The establishment of power-sharing bodies such as the Northern Ireland Assembly, incorporating both Republican and Loyalist parties, was said to represent a new epoch of democratic self-rule. In reality, the thoroughly undemocratic methods associated with British imperialism's century-long domination of the island are still continuing.

Adair leads the Loyalist paramilitary group the Ulster Defence Association (UDA), also known as the Ulster Freedom Fighters (UFF). In 1996 he was sentenced to 16 years imprisonment for directing terror campaigns in Belfast. The Good Friday Agreement gave an amnesty for all prisoners jailed for terrorist offences, with the proviso that they could be re-imprisoned if they took part in "the commission, preparation or instigation of acts of terrorism". Adair was one of at least 500 former prisoners, both Loyalist and Republican, to benefit from the amnesty and was released early in 1999.

Apart from prisoner releases, the UDA and its political wing the Ulster Democratic Party (UDP) have not benefited from the power-sharing structures established and have no representation in the Assembly. Denied access to the trappings of power, the group has concentrated on securing its domination over certain Protestant neighbourhoods through criminal activities, such as protection rackets and drug trafficking, and by administering "punishment

shootings" to anyone that gets in their way.

Whilst formally committed to the Agreement, Adair and the UDA have sought to establish their credentials as its most fervent Loyalist critics and have condemned the main Unionist organisations such as the Ulster Unionist Party (UUP) for "selling out Protestants". Later this month, UUP leader and Assembly First Minister David Trimble faces another meeting of his party's ruling council at which renewed calls will be made for a UUP pullout of the power-sharing arrangements.

The Loyalist paramilitaries hope to utilise these tensions to strengthen their own position, but this has brought them into direct conflict with the pro-Agreement Unionists. Last year, Adair figured prominently during the standoff over the banning of the Protestant Orange Order parade in Drumcree. Dominated largely by hard-line Unionists and opponents of the Agreement, protests against the ban led to disturbances in several areas—some violent—and the return of the British Army to street patrols for the first time in two years.

The UDA had also been involved in a bloody feud with the Ulster Volunteer Force (UVF) for control of the Shankhill Road district, as well as lucrative drug and protection rackets. The UVF's political wing, the Progressive Unionist Party (PUP), which has two seats in the Assembly, accused the UDA of carrying out "intra-protestant cleansing"—the forcible eviction of dozens of UVF members, their families and sympathisers from their homes on the Lower Shankill estate.

In August last year, Northern Ireland Secretary Peter Mandelson announced that Adair would be returned to jail in the interests of "public safety". Although Mandelson pointed to suspected criminal activities by the UDA, the evidence for his decision was weak—particularly when virtually all the Loyalist and Republican groups have been similarly engaged to one degree or another.

Adair's re-internment was dictated by the political necessity of safeguarding the position of the pro-Agreement

Loyalists. Recent reports have claimed that five out of the UDA's six brigades are now opposed to the Agreement and that a concerted campaign is under way to change the organisation's official stance. There were also fears that a truce agreed between the UDA and UVF over the Christmas period would be undermined if Adair were released. Within days of the Sentence Review Commission's decision on Thursday January 11, the north Belfast offices of the main Irish nationalist formation, the Social and Democratic Labour Party (SDLP), were bombed. Although no one was injured, security sources said the use of plastic explosives in the attack indicated that it must have had help from leading elements within the UDA. Some reports claim that the attack was directed as much against pro-Agreement forces within the UDA, as the SDLP.

The political arrangements established under the Good Friday Agreement are incapable of resolving such sectarian tensions and threats. The Agreement neither addresses the historic roots of Northern Ireland's "Troubles", nor provides any means of resolving longstanding issues of democratic rights and social inequality. In place of the genuine, mass participation of all working people in jointly shaping their own futures, the Assembly is a vehicle for rival Loyalist and Republican parties to compete for the backing of big business interests in Britain, Ireland and the US.

The Sentence Commission Review of Adair's status has served to demonstrate how little the Agreement has done to change fundamental aspects of Northern Ireland's political and judicial set-up. The Secretary of State made no reference to the elected Assembly in taking his decision, or to any other public body. Under the terms of the Agreement, the British minister retains the right of veto over a number of areas, particularly security, and can even suspend the Assembly if he deems it necessary.

The three-person Commission had initially indicated that they considered Adair's re-arrest to be unjust. It is not known on exactly what grounds the Commission then changed their minds. The Commissioners said they did not feel able to go into detail about their methods and reasons for reaching the decision, because of the risk of breaching confidentiality in advance of a possible judicial review.

It is reported that Mandelson made a submission to the Commission stating that Adair had been involved in the procurement and distribution of guns and munitions, as well as the "authorisation of a number of paramilitary attempted murders and a number of so-called punishment shootings". The Royal Ulster Constabulary is also reported to have presented video and intelligence evidence concerning Adair's movements since his release in 1999, most of which is said to centre on his role at Drumcree and in the UVF feud. But this evidence remains largely under wraps. Not

even Adair and his lawyers were allowed access to the material and were even barred from those parts of the hearing in which confidential security intelligence was presented.

In their nine-page ruling, the Commission agreed with the British government and the police that Adair was a danger to society and " *is likely*, if released, to breach the terms of his licence." (emphasis added)

Such proceedings are reminiscent of the so-called anti-terrorist measures introduced into Northern Ireland in the 1970s. These included the Diplock courts, where a defendant could be tried before a single judge sitting without a jury; and internment without trial, in which suspects could be detained by the authorities without formal charges being laid and without an opportunity to present their case. Professor Brice Dickson, head of the new Northern Ireland Human Rights Commission, expressed concern about the manner in which Adair's review was conducted. The decision to exclude Human Rights Commission representatives and Adair's own lawyers from some of the proceedings, went against the principle of the right to a fair trial whilst the manner in which evidence was presented amounted to a form of "internment without trial", Dickson said.

The UDP has said that it intends to go to the High Court for a judicial review of the Commission decision.

Despite the fact that such methods were regularly employed against their own members in the past, Sinn Fein welcomed the decision to continue Adair's detention, as did the Social and Democratic Labour Party. The nationalist parties concurred with Mandelson that this was a necessary step to take to preserve "peace".

This was precisely the argument used by previous British governments to justify the Diplock courts and internment without trial. Now they enjoy ministerial office in the Northern Ireland Assembly, the SDLP and Sinn Fein have a vested interest in preserving the status quo and are indifferent to any principled democratic considerations. But power-sharing structures predicated on the subversion of democratic norms will prove just as detrimental to genuine peace and cooperation in Ireland as they did in the past.



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