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Independent Review Group on the Offences Against the State Act 1939-1998

Submission of the Director of Public Prosecutions

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Introduction

The Director of Public Prosecutions (the Director) appreciates the opportunity to make a submission to the Review Group as part of its public consultation.

The Director is cognisant of the previous review chaired by Mr. Justice Hederman which reported in 2002. Mr. Barry Donoghue, then Deputy Director was a member of this group and in that context we are aware of the recommendations made in the Hederman Report as well as the criticism of some aspects of the Offences Against the State Acts 1939-1998 (OASA).

The Director has noted the terms of reference of the Review Group. She does not consider it would be appropriate to make specific submissions on all of the matters to be considered by the Review Group as to do so might impinge on legislative and policy issues which are not a matter for the Director.

However, the Director would like to assist the Review Group and having regard to this will outline her role in relation to the selection of the Special Criminal Court as venue for trial. We also have compiled data concerning disposals in the Special Criminal Court together with some relevant comparative material from the Central Criminal Court. We hope this will be of use to you. Finally, we have included some research which may be of assistance to you. It firstly deals with the use of non-jury courts in other jurisdictions. It also covers Ireland's international obligations insofar as terrorism and organised crime are concerned, and how these have been absorbed into domestic legislation including that providing for the Special Criminal Court.

Decisions to certify an accused for trial in the Special Criminal Court

Legislative Basis

As the Review Group is aware, the authority of the Director of Public Prosecutions to direct that an accused be charged in the Special Criminal Court with an indictable offence which is not a scheduled offence is provided for by the Offences Against the State Act 1939. The Director of Public Prosecutions directs that an accused be tried before the Special Criminal Court with such an offence in accordance with Sections 46(2) and 47(2) of the 1939 Act when she certifies that she is of the opinion that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to the trial of an accused.

Giving reasons for the decision on venue

As the Review Group will be aware, since the decision of the Supreme Court decision in the case of *Thomas Murphy v. Ireland, the Attorney General and the DPP*, 2014 IESC 19, an accused person who has been sent for trial in the Special Criminal Court can seek reasons from the Director for that referral. The Director is, subject to certain exceptions as set out in the judgment, obliged to give a brief reason for that decision. It is not proposed to analyse the *Murphy* case at length here. The Review Group might find it beneficial to read the judgement of the now Chief Justice in full given its analysis in relation to the Director's position generally and her power to certify as to venue.

We would just highlight that the Supreme Court considered that in such a case the Director should, if requested, either give a reason or justify a refusal to do so (paragraph 42). The Supreme Court stated at paragraph 43 of Mr. Justice O'Donnell's judgment that:

"a statement of reasons that the Director of Public Prosecutions believes the accused to be a member of or associated with an organisation that is prepared to interfere with the administration of justice, or even justifying the non-delivery of such reasons will be sufficient unless the accused challenges the decision and provides sufficient information to the court to presumptively undermine the Director's reasons".

The Court goes on to say that:

"the entitlement to obtain such reasons does not carry with it any right contended for by the plaintiff to obtain the gist of the information grounding such a decision or to have a hearing or to make submissions before a decision is made. The facts and argument in a case such as [Murphy] lie in a fairly narrow compass. The question in any case is whether the Director of Public Prosecutions was entitled to consider that the ordinary courts were inadequate to secure the administration of justice in a particular case".

We have to date provided reasons in accordance with the *Murphy* judgment in all cases where a request has been made. As approved in the *Murphy* judgment the reasons given to accused persons are brief.

Finally, paragraph 43 concludes as follows:

“a review of such a decision should be the exception and never the routine and only when an accused person can put forward a substantial case that the decision making process has miscarried. The legal position outlined above balances the desirability of reasoned decision making to strengthen the administration of justice with the necessity to ensure that the process is tightly controlled to avoid routine disclosure and review which could undermine it”.

Type of offences prosecuted in the Special Criminal Court

As is set out above both scheduled offences and non-scheduled offences are prosecuted before the Special Criminal Court. The Review Group requested that we provide statistical information for the years 2002 to date and this is attached. The extensive spreadsheet at [Appendix 1](#) discloses the very wide range of offences that have been prosecuted in the Special Criminal Court over that period. This chart is categorised by primary charge and its outcome.

It is clear as you peruse this chart that the profile of offences being tried in the Special Criminal Court has changed over the last 20 years. For example, membership of an unlawful organisation comprised approximately 40% of all the charges prosecuted in the entire period. However, there has been a distinct decline in the number of prosecutions for this offence in the last five years particularly. Meanwhile offences which had not been prosecuted in the Special Criminal Court previously such as money laundering have featured in the last three years.

We do not propose to list in full here the wide range of offences as the spreadsheet speaks for itself. There are many offences associated with the activities of criminal organisations in more recent years and also a significant number of murders.

We have attempted to compare the outcomes in cases involving murder and related offences as between the Central Criminal Court and the Special Criminal Court. You will note that the graph on [Appendix 2](#) discloses that there were 750 such offences prosecuted in the Central whereas there were only 56 in the Special Criminal Court. The percentage breakdown is also set out on that chart. We would suggest that the information for the Special Criminal Court is of limited statistical value given the small numbers involved and given that so many are still pending. For example, 39% of all murder cases are still pending before the court.

Statistics for outcomes in the Special Criminal Court

As stated above there is a very detailed spreadsheet charting the number of suspects directed for prosecution in the Special Criminal Court from 2002 to 2021 categorised by primary charge and outcome. It should be borne in mind that a number of suspects might have been prosecuted as co-accused. We have broken down the conviction figure into both convictions after trial and convictions on a plea as we believe it is important for the Review Group to understand the level of pleas being offered in the Special Criminal Court each year.

We have also included a chart at [Appendix 3](#) entitled “*Suspects directed for prosecution in the Special Criminal Court - percentage outcomes per year*” so that you can have an appreciation of the outcomes in real terms. We have done the same exercise for the Central Criminal Court in [Appendix 4](#). While we emphasise that with the exception of murder and murder related offences, the offence profile of the two courts is very different, we hope it will be of some interest or assistance to you.

Special Courts or arrangements in other jurisdictions in relation to particular offences

In order to be of assistance to the Review Group the Director undertook research to ascertain if there were special courts or arrangements in other jurisdictions for particular offences, or circumstances affecting the administration of justice. The results of that research are outlined below.

England and Wales

England and Wales allow for a trial without a jury to take place where there has been jury tampering, or where there is a risk of jury tampering, in accordance with Part 7 of the Criminal Justice Act 2003. Several instances of these provisions being used were found in relation to different types of offences including rape, robbery and drug offences. None of the cases found explicitly related to terrorist or organised crime offences.

In terms of an application for a juryless trial because of the risk of jury tampering, the bar is relatively high.

For an application to be successful, the Court must be satisfied that there is evidence of ‘a real and present danger’ that jury tampering would take place¹. The [Explanatory Note](#) to Part 7 provides that this test echoes the test used in considering whether police protection should be ordered in respect of a jury². In addition, the Court must be satisfied that the danger of jury tampering is so substantial, notwithstanding any steps (including police protection) that could reasonably be taken to prevent it, as to make it necessary in the interests of justice for the trial to be conducted without a jury³. [Section 46](#) allows for a jury discharge and for the new trial to be conducted without a jury, so long as the conditions in [Section 44](#) are satisfied⁴.

Case Law

The exact number of times these provisions were used could not be ascertained in the research. However, some examples of where they have been used are included below.

¹ [Section 44\(4\)](#)

² Criminal Justice Act 2003, [Explanatory Note](#), [253]

³ [Section 44\(5\)](#)

⁴ [Section 46\(6\)](#)

*R v. T (R v. H, R v. C, R v. B)*⁵

Guidance on the procedural rules relating to Section 44 applications comes from the decision of the Court of Appeal in *R v. T (R v. H, R v. C, R v. B)*⁶. This case related to ‘very serious criminal activity’⁷: the offences related to an armed robbery at a warehouse in Heathrow Airport involving the use of a firearm. The objective of the robbery was in the region of £10 million and foreign currency however only £1.75 million was ultimately obtained⁸. The trial of the 4 respondents began in June 2008. Ultimately the trial judge found that there had been jury tampering and discharged the jury⁹.

The Court held that in considering whether the conditions for a trial without jury had been satisfied, the criminal standard of proof should be applied¹⁰. In considering whether reasonable steps could be taken to allow a jury trial to go ahead¹¹, factors such as the feasibility of the conditions and their costs; whether the steps would compromise the jury’s objectivity; the impact on the jurors’ lives and whether even extensive measures would be sufficient to prevent the improper exercise of pressure on them through their family members who would not be subject to the protective measures, were deemed appropriate¹².

It may be interesting to note that the Court actually considered the cost of supplying protective measures for a jury if this case were to be heard by one and noted that it would cost £1.5 million and the loss of 32 police officers for 6 months or more¹³.

The appeal was allowed and the order made for the trial to proceed without a jury¹⁴.

*R v. J & Others*¹⁵

In the case of *R v. J & Other*¹⁶, although the Court agreed that there was a real and present danger of jury tampering, the Court was of the view that the protective measures for the jury proposed would be sufficient. The Court stated:

“We must emphasise as unequivocally as we can that, notwithstanding the statutory arrangements introduced in the 2003 Act which permit the court to order the trial of a serious criminal offence without a jury, this remains and must remain the decision of last

⁵ [2009] EWCA Crim 1035

⁶ [2009] EWCA Crim 1035

⁷ [2009] EWCA Crim 1035, [2]

⁸ [2009] EWCA Crim 1035, [2]

⁹ [2009] EWCA Crim 1035, [2]

¹⁰ [2009] EWCA Crim 1035, [16]

¹¹ Section 44(5)

¹² [2009] EWCA Crim 1035, [19]

¹³ [2009] EWCA Crim 1035, [33]

¹⁴ [2009] EWCA Crim 1035, [34]

¹⁵ [2010] EWCA Crim 1755

¹⁶ [2010] EWCA Crim 1755

*resort, only to be ordered when the court is sure (not that it entertains doubts, suspicions or reservations) that the statutory conditions are fulfilled*¹⁷.

The appeal against the decision for the trial to continue by a judge alone was therefore allowed.

R v. S(K)¹⁸

In *R v. S(K)*¹⁹, the Court of Appeal allowed the appeal against the decision of the trial judge to discharge the jury and continue with the trial, sitting alone. Although this judgment is very much fact based (there was a concern about the perception of this particular trial judge sitting alone given his extensive previous involvement with the appellant and those connected to him), the Court approved of the principles in *R v. T*²⁰.

Other

In *R v. McManaman*²¹, the Court of Appeal refused an appeal against a decision to discharge the jury and continue the trial as a judge sitting alone. The trial had related to a rape allegation.

In *R v. Leslie Allen*²², the jury had been discharged for jury tampering, which the appellant accepted was appropriate. The trial related to drug offences. The appellant appealed on the basis however that the judge should have ordered a retrial with a new jury. The appeal was refused.

Northern Ireland

In Northern Ireland²³, the Court of Appeal (Northern Ireland) found in *R v. Mackle and Others*²⁴ that a trial without jury should proceed in relation to charges of evasion of duty on a quantity of cigarettes and unlawful disclosure of information contrary to Section 4(1) of the Official Secrets Act 1989. The Court of Appeal also ordered a trial to continue without a jury in a ‘tiger kidnapping’ case in *R v. Clarke and McStravick (No 4)*²⁵, where the trial judge had discharged the jury in light of jury tampering.

Part 7 of the Criminal Justice Act 2003 also applies to Northern Ireland²⁶.

There are also courts established to deal with paramilitary activities.

¹⁷ [2010] EWCA Crim 1755, [8]

¹⁸ [2009] EWCA Crim 2377

¹⁹ [2009] EWCA Crim 2377

²⁰ [2009] EWCA Crim 2377, [41]

²¹ [2016] EWCA Crim 3

²² [2019] EWCA Crim 1256

²³ Part 7 of the Criminal Justice Act 2003 applies to Northern Ireland with certain modifications: see section 50.

²⁴ [2007] NICA 37

²⁵ [2010] NICC 7

²⁶ See section 50

Legislative Provision for Non-Jury Trials

'Diplock Courts' were first introduced in Northern Ireland in 1973 by virtue of the [Northern Ireland \(Emergency Provisions\) Act 1973](#). The Diplock system ended in July 2007.

Sections 1 to 9²⁷ of the [Justice and Security \(Northern Ireland\) Act 2007](#) provided for a new system of non-jury trial: this system provides the Director of Public Prosecutions for Northern Ireland with discretion to issue a certificate stating that a trial is to take place without a jury if certain conditions which are set out in the Act are met. For example, that the accused is a member of a proscribed organisation²⁸ and there is a risk that the administration of justice would be impaired if the trial were to be held in front of a jury²⁹.

Canada

Briefly, in Canada there are offences which must be tried by judge and jury only, for example, murder. However the Attorney General can upon the request of the accused consent to the accused being tried by judge alone³⁰. In other cases the accused can elect to be tried by either judge or jury; and then lesser offences are tried by a judge sitting alone³¹.

Section 11(f) of the [Canadian Charter of Rights and Freedoms](#) provides for the right to trial by jury except in the case of military tribunals, where the maximum punishment for the offence is 5 years or more. There seem to be some limited exceptions to this: for example, a corporation cannot be subject to imprisonment and therefore does not have a right to trial by jury³².

Entrapment may also be dealt with by a judge alone³³.

Although nothing was found which would indicate that offences relating to organised crime are dealt with in any other way, the [Public Prosecution Service of Canada Deskbook](#) indicated that terrorism-related offences are dealt with in the ordinary courts³⁴.

²⁷ Note that section 9(1) provides that the non-jury provisions expire after every two years but may be renewed by the Secretary of State (section 9(2)).

²⁸ See section 1(3)(a). A 'proscribed organisation' is defined in section 1(10) as defined in [section 11\(4\)](#) of the [Terrorism Act 2000](#) and its activities are/were 'connected with the affairs of Northern Ireland'.

²⁹ See section 1(2)(a)

³⁰ This seems to be where the accused alleges he will not be tried by an 'impartial jury', for example: see CGC, [Denis Oland tried to get judge-alone trial a year ago](#), 21 November 2018, last viewed 30 September 2021.

³¹ Terry Skolnik, [The Jury System in Canada](#), 17

³² Combined Investigation Act, s44(3); [PPG Industries Canada Ltd v. Canada \(Attorney General\)](#), 1983 CanLII 287 (BC CA)

³³ [R v. Mack \[1988\] 2 SCR 903](#). Note limited value can probably be taken from this as it seems to relate to circumstances where the accused makes a claim of entrapment almost as a defence in this own trial.

³⁴ [Public Prosecution Service of Canada Deskbook](#), Revised 22 June 2021, [National Security](#), [1.1] In this regard, the Deskbook indicates that [section 33](#) of the Canadian Charter of Rights and Freedoms was not invoked: this section allows Parliament of the legislature of a province to pass laws that operate notwithstanding certain provisions of the Charter, which includes section 11(f).

The Deskbook also indicates that the accused has the same rights regarding choosing the mode of trial, including trial by judge and jury, in relation to terrorist offences as for other crimes³⁵.

France

In France, since 1986³⁶, terrorist crimes are dealt with by a specially composed court. The court is made up of professional judges³⁷.

It is a matter of public record that, at time of writing, the trial in relation to the terrorist attacks on the Bataclan is taking place in a specially built courtroom in Paris. It is understood that five magistrates, a president and four assessors, are presiding over the case.

Conclusion

The research is instructive in that it demonstrates that Ireland is not the only jurisdiction to have special courts or arrangements in place to deal with particular offences or cases where there is a real risk that a jury might be interfered with and the administration of justice thereby disrupted.

International Obligations

The Special Criminal Court should, it is submitted, be viewed not only in a domestic context but in the wider context of giving effect to our international obligations with regard to combatting terrorism and organised crime.

In relation to combatting terrorism we have set out below a timeline of key dates and international agreements which necessitated new domestic legislative provisions.

Timeline of Key Dates and International Agreements

- 2002 Framework Decision 2002/475/JHA – Initial EU policy on terrorism.
- 2005 EU Counter-terrorism Co-ordinator established and Counter-Terrorism Strategy drafted – Prevent, Protect, Pursue and Respond.
- Council of Europe Convention on the Prevention of Terrorism – new offences of public provocation, recruitment and providing training.
- 2008 Framework Decision 2008/919/JHA – amends Framework Decision 2002/475/JHA to include new offences.
- 2014 UNSCR 2178 – Focus shifts to FTFs

³⁵ [Public Prosecution Service of Canada Deskbook](#), Revised 22 June 2021, [National Security](#), [1.1]

³⁶ [Loi n° 86-1020 du 9 septembre 1986 relative à la lutte contre le terrorisme](#)

³⁷ See [Fonctionnement de la cour d'assises spécialement composée](#), last viewed 1 October 2021

- 2015 Additional Protocol to Council of Europe Convention on the Prevention of Terrorism – new offences of receiving training, travelling abroad, funding travelling abroad and organising or facilitating travelling abroad.
- 2017 EU Directive 2017/541 – current EU position, updates previous framework decisions.

Council Framework Decision 2002 on the Fight Against Terrorism

The development of the EU approach to terrorism arises from [Council Framework Decision 2002/475/JHA](#).³⁸ This was the coordinated EU response to the 9/11 attacks in the US and sought to harmonise Member States' legislative approaches to counterterrorism to prevent safe havens emerging for terrorists. It required Member States to introduce criminal provisions penalising terrorism and provided a set list of acts constituting terrorist offences and their corresponding penalties. This list includes offences involving directing or participating in a terrorist group, as well as various forms of criminal conduct engaged in with a terrorist intention. Inciting, aiding and abetting, and attempting a terrorist offence were also provided for.

Since this initial Framework Decision a number of international developments have resulted in the continued updating of the EU's policy on counter terrorism. Growing concerns over the internal threat arising from international terrorism have played a larger role in the direction of this policy. Arising out of the attacks in Madrid in 2004 and in London in 2005, the need for a more cohesive policy aimed at home-grown terrorism and preventing radicalisation became apparent. Following the Madrid bombing, the EU established the [Counter-Terrorism Coordinator](#), which drafted the [EU Counter-Terrorism Strategy in 2005](#).

Ireland responded to the Council Framework decision by enacting the Criminal Justice (Terrorist Offences) Act 2005 on the 8th March 2005. This Act also incorporated additional obligations relating to European Arrest Warrants and the retention of data. The 2005 Act amended a number of provisions of the Offences Against the State Acts 1939 to 1998 as well as other legislation. It defined for the first time "terrorist activity", "terrorist group" and "terrorist linked activity". It created new offences to give effect to the Framework decision of 2002 as follows:

- Section 13 offence of financing terrorism, confiscation and forfeiture of such monies.
- Section 43 gave extra territorial jurisdiction for certain offences.
- Section 49 created the new offence of providing assistance to an unlawful organisation.
- Pursuant to Section 5 "terrorist groups" were defined as having the same meaning as in the Framework decision and became unlawful organisations within the meaning of the Offences Against the State Acts 1939-1998, thereby becoming liable for prosecution for membership under that Act.

³⁸ Ireland signed up to this Framework Decision, see [here](#)

- The 2005 Act also implemented the United Nations Convention for the Suppression of Terrorism 1999. Offences of financing terrorism, or attempts thereof, were enacted in part 4 of the Act. That part also provides extensive powers to authorities to deal with “funds” which are used or may be intended for use or facilitating the commission of an offence. The provision overlaps with part 6 where an amended Section 22 of the Offences Against the State Act 1939, allows for the forfeiture and disposal of funds from unlawful organisations. The latter provision implements a recommendation of the Hederman Committee.

Council of Europe Convention on the Prevention of Terrorism 2005

Another important development at this time was the signing of the Council of Europe Convention on the Prevention of Terrorism in 2005³⁹. This Convention called on Member States to:

- Introduce offences to criminalise the intentional and unlawful public provocation to commit a terrorist offence.
- Criminalise recruitment for terrorism.
- Criminalise providing training for terrorism.

Article 8 of the Convention set out that for the purposes of these offences it would not be necessary for a substantive terrorist offence to be carried out.

Council Framework Decision on Combating Terrorism 2008

In 2008 Council Framework Decision 2002/475/JHA was amended by Council Framework Decision 2008/919/JHA to include the three new offences set out in the Convention.⁴⁰ It can be seen from the addition of these offences that there was a shift in focus towards bringing preparatory activities within the scope of counter-terrorism policy. This was in light of the outbreak of the Syrian civil war and the emergence of a trend of individuals leaving Europe to participate in conflicts in Iraq and Syria.

The European Union Council Framework Decision 2008/919/JHA has been given effect to in Irish law by the Criminal Justice (Terrorist Offences)(Amendment) Act 2015.

Council Framework Decision on Attacks against Information Systems 2013

Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013¹ on attacks against information systems replaces Council Framework Decision 2005/222/JHA. The purpose of this EU cybercrime directive is to fight cybercrime linked to organised crime and potential terrorist attacks by promoting information security through stronger national laws, more severe criminal penalties.

³⁹ Ireland signed the Convention in 2008 but has not yet ratified it: see [here](#) (point 20).

⁴⁰ Ireland signed up to this Council Framework Decision: see [here](#)

The [Criminal Justice \(Offences Relating to Information Systems\) Act 2017](#) gives effect to certain provisions of [Directive 2013/40/EU](#).

[Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism 2015](#)

The [Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism](#) was adopted on the 19 May 2015. This called on Member States to bolster their existing counterterrorism regimes by adding the following offences:

- Receiving training for terrorism
- Travelling abroad for the purpose of terrorism
- Funding travelling abroad for the purpose of terrorism
- Organising or otherwise facilitating travelling abroad for the purpose of terrorism

The Additional Protocol explicitly calls on Members States to implement the above procedures while respecting existing human rights obligations.

Please note that Ireland has not signed or ratified this Protocol.

[EU Directive 2017/541 on Combating Terrorism](#)

The most recent EU Directive established is [Directive 2017/541](#) on combating terrorism and replaces Council Framework Decision 2 (15 March 2007).

Directive 2017/541 updates the EU position on terrorist offences and calls on Member States to establish criminal offences aimed at targeting Foreign Terrorist Fighters (FTFs) and those who assist them. The Directive establishes three new offences:

1. Receiving training for the purpose of terrorism (Article 8);
2. Travelling for the purpose of terrorism (Article 9);
3. Organising or otherwise facilitating travelling for the purpose of terrorism (Article 10).

The Directive seeks to give effect to obligations arising from the [2015 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism](#) and the adoption of the [2014 UN Security Council Resolution 2178 \(UNSCR 2178\)](#), which called on Members to criminalise the act of travelling abroad for the purpose of carrying out, financing, or providing training related to terrorist activities.

The Directive is not binding, but it is understood that Ireland does intend to opt in and introduce new laws designed around this Directive. The Criminal Justice (Terrorist Offences) Bill, which will give effect to the Directive, is awaiting pre-legislative scrutiny by an Oireachtas Committee.

International Instruments

International Convention for the Suppression of Acts of Nuclear Terrorism 2005

This [Convention on nuclear terrorism](#) was adopted in 2005 and entered into force in July 2007. The Convention's main objective relates to the criminalisation of a number of nuclear and radioactive material related offences, the establishment of jurisdiction over these offences and the co-operation among states parties, with the United Nations and with the International Atomic Energy Agency in specified matters.

Ireland signed up to the Convention in July 2005 but has not yet ratified it.

United Nations Security Council Resolution 2178 (2014)

In September 2014, [United Nations Security Council Resolution 2178](#)⁴¹ was adopted which called on all Members to address the issue of Foreign Terrorist Fighters (FTFs). Two attacks in Paris brought this concern into particular focus as the perpetrators of the attack on the offices of Charlie Hebdo had received training in Yemen.

Organised Crime

Since the 1990s, the EU and the wider international community has taken steps to make the fight against organised crime more effective through various instruments as set out below:

- 1997: The EU adopts its first action plan to combat organised crime.
- 1998: The EU adopts Joint Action 98/733/JHA on participation in a criminal organisation.
- 2000: The United Nations General Assembly adopts the UN Convention against Transnational Organised Crime, the first global legal instrument for combating transnational organised crime, which entered into force in 2003.
- 2002: The EU adopts Framework Decision 2002/475/JHA on combating terrorism (defines a “terrorist group” on the basis of the definition of ‘criminal organisation’ in Joint Action 1998/733/JHA).
- 2004: The European Commission communication recognises a need to improve measures used to combat organised crime.
- By means of Council Decision 2004/579/EC, the EU accedes to the UN Convention against Transnational Organised Crime.
- 2008: The EU adopts Framework Decision 2008/841/JHA repealing and replacing Joint Action 98/733/JHA.

The above EU and international instruments culminated in the Council Framework Decision 2008/841/JHA on the fight against organised crime. The decision criminalised offences linked

⁴¹ Ireland co-sponsored the unanimous UN Security Council Resolution 2178 (2014), see [here](#).

to participation in a criminal organisation. It sought to harmonise EU countries' laws on the criminalisation of these offences and laid out penalties for them.

The decision required EU member States to recognise at least one of the following offences:

1. Active participation in an organisation's criminal activities with the knowledge of its aim or of its intention to commit crimes.
2. An agreement on the perpetration of crimes without necessarily taking part in committing them.

EU countries were also required to introduce rules aimed at holding legal persons (such as companies) liable for the offences when they are committed on their behalf by a person with a leading role in the legal person.

The Framework decision also provided that a member states jurisdiction must extend to offences when they are committed, in whole or in part, by a national or on behalf of a legal person that is set up in the country's territory. If the offences fall within the jurisdiction of several countries, the latter must collaborate, for example via Eurojust, to decide on the prosecuting EU country and centralise the proceedings.

Council Framework Decision 2008/841/JHA was given effect to in this jurisdiction in the Criminal Justice Act 2006 and the Criminal Justice (Amendment) Act 2009.

Part 7 of the Criminal Justice Act 2006 Act entitled "Organised Crime" gave effect to the Framework decision by creating what is commonly known as organised/gangland criminal offences. Section 70 defines "criminal organisation". This definition underpins the offences created in the following Sections:

Section 72 enhancing the ability of a criminal organisation to commit or facilitate a serious offence within or outside the State.

Section 73 makes the commission by a person of a serious offence for a criminal organisation an offence.

Part 2 of the Criminal Justice (Amendment) Act 2009, also created new offences to give effect to the Framework Decision and amended some of the provisions of Part 7 of the 2006 Act.

Section 3 amended the definition of "criminal organisation" in Section 70(1) of the Criminal Justice Act 2006.

Section 71 of the 2006 Act was amended by the insertion of a new offence after Section 71, i.e. Section 71A – directing the activities of a criminal organisation.

Section 72 of the 2006 Act was also amended to broaden the offence of participating and/or contributing to the activities of a criminal organisation.

Importantly, Section 8 of the Criminal Justice(Amendment) Act 2009 declared that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to an offence under Part 7 of the Criminal Justice Act 2006, namely:

- S.71A: directing the activities of a criminal organisation.
- Section 72: participating or contributing to certain activities of a criminal organisation.
- Section 73: commission of a serious offence for the benefit of, at the direction of or in association with a criminal organisation.

As we say above at [page 6](#), in the last few years the number of prosecutions for membership of an unlawful organisation has decreased. However, there has been a rise in organised gangland crime activity leading to a number of prosecutions for offences contrary to Sections 71A, 72 and 73 of the Criminal Justice Act 2006, as amended. The majority of the prosecutions are for participating or contributing to the activities of an unlawful organisation in breach of Section 72. Money laundering offences are also associated with this type of activity and, as noted above at [page 6](#), have increased in number before the Special Criminal Court.

Possible Future EU Regulations

[EU Council Regulation on addressing the dissemination of terrorist content online \(March 2021\)](#)

The EU Council is developing Regulations to stop terrorists from using the internet to radicalise, recruit and incite to violence. The aim of the legislation is a swift removal of terrorist content online and to establish one common instrument for all member states to this effect. The rules will apply to hosting service providers offering services in the EU, whether or not they have their main establishment in the member states. Please see [Provisional Agreement](#).

Conclusion

The Acts of 2005, 2006 and 2009 demonstrate the imperative placed upon Ireland to fulfil international obligations pursuant to various decisions and conventions. The architecture provided by the Offences Against the State Acts 1939-1998, it is submitted, allows this jurisdiction to build these international obligations into our domestic legislation. It also ensures that the new offences can be prosecuted without interference with the administration of justice.

APPENDIX 1: Suspects Directed for Prosecution in the Special sCriminal Court 2002 to 2021 - Categorised by Primary Charge and Outcome

Primary Charge	Outcome	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Assault Causing Harm - Section 3	TOTAL	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assisting an Offender - Section 7 Criminal Law Act 1997	TOTAL	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	1	0	0
	Conviction on Plea	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Murder	TOTAL	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0
Blackmail - Section 17	TOTAL	5	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary - Section 12	TOTAL	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Primary Charge	Outcome	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Conspiracy contrary to Section 71 of the CJA 2006	TOTAL	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Conspiracy to Murder	TOTAL	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	11	0	0	0
	Conviction on Plea	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	10	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Counterfeiting	TOTAL	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Damage	TOTAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
	Conviction on Plea	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directing an Unlawful Organisation - Section 6	TOTAL	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directing the activities of a criminal organisation - S.71A	TOTAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
	Conviction on Plea	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Primary Charge	Outcome	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Explosives: Possession in Suspicious Circumstances	TOTAL	32	0	0	0	0	0	0	5	3	8	4	4	1	2	0	2	3	0	0	0	0
	Conviction on Plea	19	0	0	0	0	0	0	3	1	3	3	1	1	2	0	2	3	0	0	0	0
	Conviction after Trial	8	0	0	0	0	0	0	2	2	4	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	4	0	0	0	0	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Explosives: Possession with Intent to Endanger Life - Section 3	TOTAL	2	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	2	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Failure to make income tax return	TOTAL	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
False Imprisonment - Section 15	TOTAL	16	0	0	0	0	0	0	0	0	0	1	0	0	0	5	3	0	2	5	0	0
	Conviction on Plea	7	0	0	0	0	0	0	0	0	0	0	0	0	0	5	2	0	0	0	0	0
	Conviction after Trial	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
	Acquittal	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	5	0	0
Firearms/Offensive Weapons: Possess-intent to commit an indictable offence - Section 27B	TOTAL	5	0	0	0	0	0	0	0	0	2	0	0	0	1	0	2	0	0	0	0	0
	Conviction on Plea	4	0	0	0	0	0	0	0	0	1	0	0	0	1	0	2	0	0	0	0	0
	Conviction after Trial	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Firearms/Offensive Weapons: Possession in	TOTAL	57	0	6	0	6	1	0	4	3	4	5	5	2	0	1	1	7	6	3	2	1
	Conviction on Plea	45	0	6	0	6	1	0	4	3	4	3	0	1	0	1	1	6	6	2	1	0

Primary Charge	Outcome	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	
Suspicious Circumstances - Section 27A	Conviction after Trial	5	0	0	0	0	0	0	0	0	0	1	3	0	0	0	0	1	0	0	0	0	
	Acquittal	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	1	0	0	
	Other Disposal	2	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	
	Pending Outcome	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	
Firearms/Offensive Weapons: Possession with Intent to Endanger Life - Section 15	TOTAL	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	0	0	
	Conviction on Plea	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0
	Conviction after Trial	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Firearms/Offensive Weapons: Possession without a certificate	TOTAL	8	0	5	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Conviction on Plea	8	0	5	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Membership of Unlawful Organisation - Section 21	TOTAL	198	18	24	9	8	9	9	11	3	13	4	13	26	14	19	13	3	0	2	0	0	
	Conviction on Plea	80	7	15	4	5	6	3	4	0	2	1	8	6	6	7	4	1	0	1	0	0	
	Conviction after Trial	68	4	7	3	2	1	5	3	1	7	3	3	3	7	10	7	2	0	0	0	0	
	Acquittal	30	0	2	1	1	1	1	0	2	2	0	2	15	1	0	2	0	0	0	0	0	
	Other Disposal	9	0	0	1	0	0	0	4	0	2	0	0	1	0	1	0	0	0	0	0	0	
	Pending Outcome	11	7	0	0	0	1	0	0	0	0	0	0	1	0	1	0	0	0	1	0	0	
Money laundering occurring in the State - Section 7	TOTAL	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	5	6	0	
	Conviction on Plea	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	5	3	0	
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Pending Outcome	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	
Murder	TOTAL	38	0	0	0	0	0	1	0	0	2	0	5	11	0	0	15	1	0	0	1	2	
	Conviction on Plea	6	0	0	0	0	0	0	0	0	0	0	2	1	0	0	2	1	0	0	0	0	
	Conviction after Trial	13	0	0	0	0	0	0	0	0	1	0	3	2	0	0	7	0	0	0	0	0	
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Other Disposal	4	0	0	0	0	0	1	0	0	0	0	0	1	0	0	2	0	0	0	0	0	
	Pending Outcome	15	0	0	0	0	0	0	0	0	1	0	0	7	0	0	4	0	0	0	1	2	

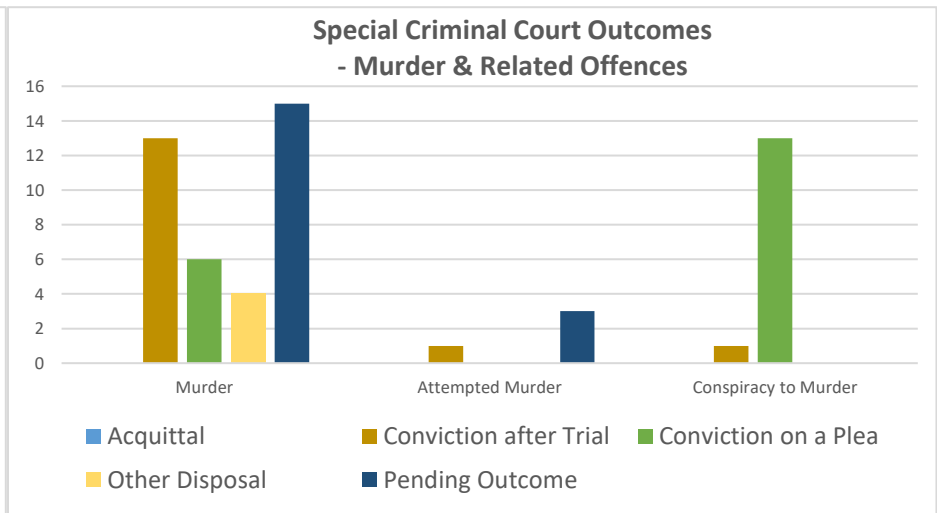
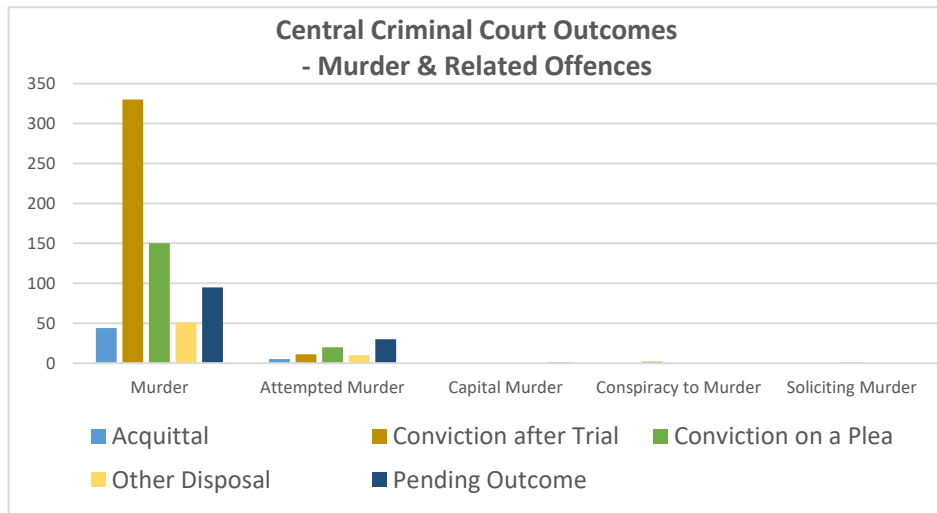
Primary Charge	Outcome	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Participating in / facilitating organised crime - Section 72	TOTAL	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	3	0	3	1	0
	Conviction on Plea	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	0	2	1	0
Possession of mobile phone in prison without permission	TOTAL	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Possession of Stolen Property - Section 18	TOTAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
Providing assistance to an unlawful organisation	TOTAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threat to Kill - Section 5	TOTAL	4	0	0	0	0	0	0	1	0	0	2	0	0	0	1	0	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	3	0	0	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0	0
	Acquittal	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Violent Disorder	TOTAL	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0
	Conviction on Plea	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Primary Charge	Outcome	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
	Other Disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Withholding Information - Section 9 OASAA 1998	TOTAL	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
	Conviction on Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conviction after Trial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Other Disposal	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
	Pending Outcome	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Total	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	
TOTAL - All Charges	TOTAL	440	18	35	9	14	11	11	23	9	44	18	27	40	17	31	41	25	25	25	14	3
	Conviction on Plea	213	7	26	4	11	7	4	13	4	18	9	11	9	9	13	14	18	19	13	4	0
	Conviction after Trial	113	4	7	3	2	2	5	6	3	16	7	9	5	7	14	14	4	3	2	0	0
	Acquittal	37	0	2	1	1	1	0	2	4	0	4	15	1	1	3	0	0	1	0	0	0
	Other Disposal	24	0	0	1	0	0	1	4	0	6	2	3	3	0	1	3	0	0	0	0	0
	Pending Outcome	54	7	0	0	0	1	0	0	0	1	0	0	8	0	2	7	3	3	9	10	3

APPENDIX 2: Suspects Directed for Prosecution in the Central and Special Criminal Courts - Percentage Outcomes Per Offence Category

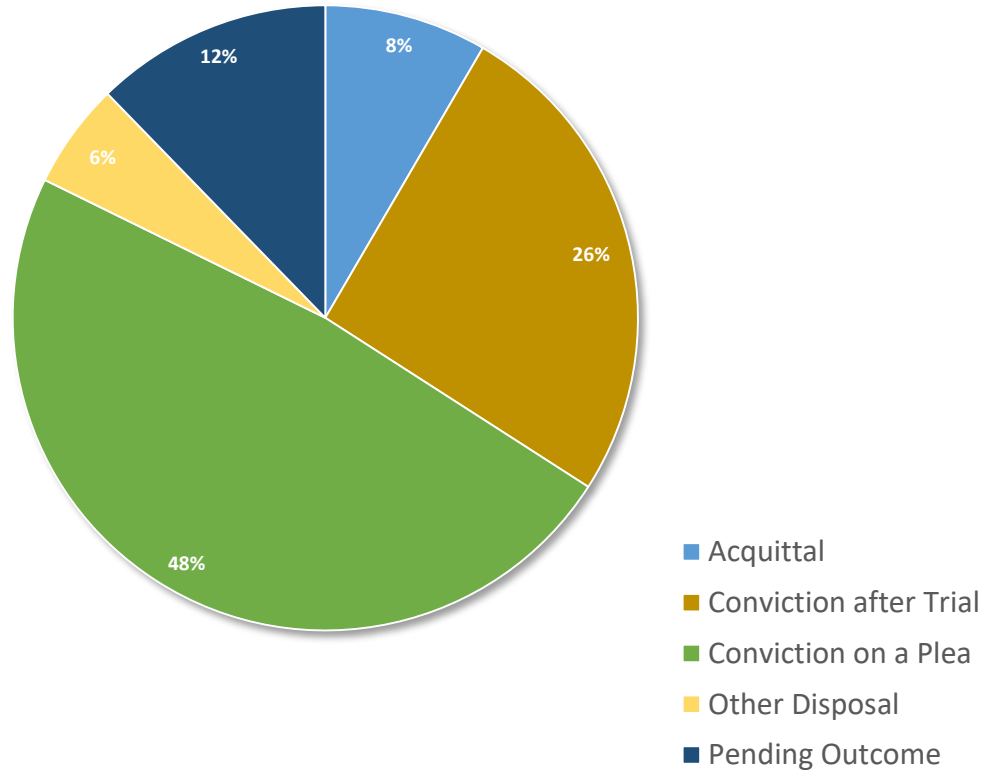
Category of Offence	CENTRAL Criminal Court						SPECIAL Criminal Court															
	TOTAL	Acquittal	%	Conviction After Trial	%	Conviction on a Plea	%	Other Disposal	%	Pending Outcome	%	TOTAL	Acquittal	%	Conviction After Trial	%	Conviction on a Plea	%	Other Disposal	%	Pending Outcome	%
Murder	670	44	7%	330	49%	150	22%	51	8%	95	14%	38	0	0%	13	34%	6	16%	4	11%	15	39%
Attempted Murder	76	5	7%	11	15%	20	26%	10	13%	30	39%	4	0	0%	1	25%	0	0%	0	0%	3	75%
Capital Murder	1	0	0%	0	0%	0	0%	0	0%	1	100%	0	0	-	0	-	0	-	0	-	0	-
Conspiracy to Murder	2	0	0%	2	100%	0	0%	0	0%	0	0%	14	0	0%	1	7%	13	93%	0	0%	0	0%
Soliciting Murder	1	0	0%	0	0%	1	100%	0	0%	0	0%	0	0	-	0	-	0	-	0	-	0	-
TOTAL	750	49		343		171		61		126		56	0		15		19		4		18	



APPENDIX 3: Suspects Directed for Prosecution in the Special Criminal Court - Percentage Outcomes Per Year

YEAR	Total per Year	Acquittal	%	Conviction After Trial	%	Conviction on a Plea	%	Other Disposal	%	Pending Outcome	%
2002	18	0	0%	4	22%	7	39%	0	0%	7	39%
2003	35	2	6%	7	20%	26	74%	0	0%	0	0%
2004	9	1	11%	3	33%	4	45%	1	11%	0	0%
2005	14	1	7%	2	14%	11	79%	0	0%	0	0%
2006	11	1	9%	2	18%	7	64%	0	0%	1	9%
2007	11	1	9%	5	46%	4	36%	1	9%	0	0%
2008	23	0	0%	6	26%	13	57%	4	17%	0	0%
2009	9	2	22%	3	33%	4	45%	0	0%	0	0%
2010	44	4	9%	16	36%	17	39%	6	14%	1	2%
2011	18	0	0%	7	39%	9	50%	2	11%	0	0%
2012	27	4	15%	9	33%	11	41%	3	11%	0	0%
2013	40	15	38%	5	12%	9	23%	3	7%	8	20%
2014	17	1	6%	7	41%	9	53%	0	0%	0	0%
2015	31	1	3%	14	45%	13	42%	1	3%	2	7%
2016	41	3	7%	14	34%	14	34%	3	7%	7	18%
2017	25	0	0%	4	16%	18	72%	0	0%	3	12%
2018	25	0	0%	3	12%	19	76%	0	0%	3	12%
2019	25	1	4%	2	8%	13	52%	0	0%	9	36%
2020	14	0	0%	0	0%	4	29%	0	0%	10	71%
2021	3	0	0%	0	0%	0	0%	0	0%	3	100%
TOTAL	440	37		113		212		24		54	

**Suspects Directed for Prosecution in the Special Criminal Court
Percentage Outcomes 2002-2021**



APPENDIX 4: Suspects Directed for Prosecution in the Central Criminal Court - Percentage Outcomes Per Year

YEAR	Total per Year	Acquittal	%	Conviction After Trial	%	Conviction on a Plea	%	Other Disposal	%	Pending Outcome	%
2002	91	10	11%	32	35%	33	36%	1	1%	15	17%
2003	71	17	24%	26	37%	20	28%	7	10%	1	1%
2004	73	11	15%	19	26%	32	44%	10	14%	1	1%
2005	103	18	17%	34	33%	37	36%	7	7%	7	7%
2006	114	16	14%	29	26%	48	42%	15	13%	6	5%
2007	148	32	22%	56	38%	45	30%	10	7%	5	3%
2008	103	12	12%	32	31%	45	44%	11	11%	3	3%
2009	121	15	12%	51	42%	41	34%	8	7%	6	5%
2010	121	14	12%	43	36%	41	34%	20	16%	3	2%
2011	107	18	17%	41	38%	34	32%	9	8%	5	5%
2012	140	21	15%	59	42%	41	29%	15	11%	4	3%
2013	103	11	11%	46	45%	29	28%	13	12%	4	4%
2014	134	20	15%	49	37%	44	33%	19	14%	2	1%
2015	136	21	15%	58	43%	34	25%	13	10%	10	7%
2016	146	22	15%	47	32%	40	28%	16	11%	21	14%
2017	155	17	11%	47	30%	44	28%	15	10%	32	21%
2018	158	11	7%	30	19%	22	14%	14	9%	81	51%
2019	175	4	2%	12	7%	22	13%	3	2%	134	76%
2020	215	0	0%	2	1%	4	2%	0	0%	209	97%
2021	137	0	0%	0	0%	0	0%	1	1%	136	99%
TOTAL	2551	290		713		656		207		685	

Suspects Directed for Prosecution in the Central Criminal Court
Percentage Outcomes 2002-2021

