



Northern  
Ireland  
Office

# Consultation Response

**Non-Jury Trials**

**Justice and Security (Northern Ireland) Act 2007**

**May 2025**

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## INTRODUCTION

### Consultation on Non-Jury Trials in Northern Ireland

1. On 9 December 2024, the Northern Ireland Office launched a 12-week public consultation<sup>1</sup> seeking views on whether the non-jury trial provisions within the Justice and Security (Northern Ireland) Act 2007<sup>2</sup> (the 2007 Act) should be extended for a further two years.
2. The consultation closed on 3 March 2025. This Response contains an analysis of the responses received and the subsequent decision that the Secretary of State for Northern Ireland has made on whether to extend the non-jury trial provisions.

### Consultation Principles

3. This consultation process was conducted in line with the [Cabinet Office consultation principles](#) published in March 2018.

### Equality

4. It is also being conducted in line with the [NIO Equality Scheme](#).
5. In accordance with section 75 of the Northern Ireland Act 1998, the NIO has undertaken an Equality Screening exercise<sup>3</sup> prior to the launch of this consultation to indicate whether there are equality of opportunity and/or good relations impacts associated with extending the non-jury trial provisions.
6. The outcome of the screening exercise is that the likely impact of extending the provisions is “minor” in respect of two of the section 75 categories (religious belief and political opinion) i.e. the policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible, and “none” in respect of the other categories. On that basis the Northern Ireland Office made an initial assessment that an Equality Impact Assessment was not necessary, subject to analysis of the consultation responses.
7. Following the conclusion of the consultation, the Northern Ireland Office reviewed the screening exercise in light of the consultation responses and assessed that its initial assessment of the likely impact of the proposals remained accurate.

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<sup>1</sup> Read the [NJT consultation document](#)

<sup>2</sup> [Read the Justice and Security \(Northern Ireland\) Act 2007](#)

<sup>3</sup> Read about the [Equality Commission's Section 75 guidance](#)

8. An Equality Screening of the impact of the proposals in this consultation is available online<sup>4</sup>.

### **Accessibility**

9. This document is publicly available at the [Northern Ireland Office \(NIO\) website](#). You may make additional copies of this document without seeking permission. It can also be made available, on request, in different formats for individuals with particular needs.
10. If you require any additional copies or have any concerns or questions about this consultation process, you can contact:
- **By email:** [NJTconsultation@nio.gov.uk](mailto:NJTconsultation@nio.gov.uk)
  - **In writing:**  
Public consultation:  
Non–Jury Trial Provisions  
Northern Ireland Office (SPG)  
Erskine House,  
20-32 Chichester St,  
Belfast  
BT1 4GF

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<sup>4</sup> Read the [s75 Equality Screening for the NJT consultation](#).

## BACKGROUND

### Non-Jury Trials in Northern Ireland

11. Non-jury trial provisions in the 2007 Act<sup>5</sup> apply only in Northern Ireland. They allow the Director of Public Prosecutions for Northern Ireland (DPP) to certify that a trial on indictment (tried in the Crown Court) is to be conducted without a jury in a specific case.
12. There are conditions set out in law that must be met before the DPP can consider issuing a certificate for a non-jury trial. These statutory conditions are set out in more detail in Annex A.
13. In a non-jury trial, a single judge sits alone to hear the case. The judge must give reasons for a conviction. Any person convicted before a non-jury court has a right of appeal against sentence or conviction without leave (meaning that there is no need to seek permission to appeal). The vast majority of Crown Court cases in Northern Ireland are jury trials. During 2023, twelve non-jury trials took place. This means that, in 2023, only 0.8% of all Crown Court cases in Northern Ireland were conducted without a jury.

### Extended Provisions

14. The non-jury trial provisions are time limited, but may be extended for a period of two years by secondary legislation approved in both Houses of Parliament. The duration of these provisions has been extended by successive orders since 2007. The provisions were last extended in July 2023 and will expire on 31 July 2025. This was the eighth extension since their establishment in 2007.
15. There are no legal limits to the number of times these non-jury trial provisions may be extended. However, it is important to note that they were designed to be a temporary measure. The Government is fully committed to seeing an end to non-jury trials in Northern Ireland, when it is safe to do so and compatible with the interests of justice.

### Consultation Question

16. On 9 December 2024, the Northern Ireland Office launched a consultation asking, “Do you think the non-jury trial provisions outlined in the Justice and Security (Northern Ireland) Act 2007 should be extended for a further two years?” The consultation closed on 3 March 2025.

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<sup>5</sup> [Read the Justice and Security \(Northern Ireland\) Act 2007](#)

## CONSULTATION RESPONSES

### Responses Received

17. The consultation received 17 responses. These were from (*in alphabetical order*):

1. Alliance Party Northern Ireland
2. Attorney General for Northern Ireland
3. The Bar of Northern Ireland
4. Committee on the Administration of Justice
5. Minister of Justice, Department of Justice Northern Ireland
6. Independent Reviewer of Justice and Security (NI) Act 2007
7. Independent Reviewer of Terrorism Legislation
8. Lady Chief Justice NI
9. The Law Society of Northern Ireland
10. NI Courts & Tribunals Service
11. NI Executive Programme for Tackling Paramilitarism, Criminality & Organised Crime
12. MI5
13. NI Human Rights Commission
14. Police Service of Northern Ireland
15. Public Prosecution Service
16. Ulster Unionist Party
17. Professor Clive Walker, Professor Emeritus University of Leeds

17. After analysing the responses, the Northern Ireland Office has assessed that:

- 9 respondents **support/accept** extending the provisions,
- 3 respondents **object** to extending the provisions; and
- 5 respondents **neither clearly support nor object** to extending the provisions.

## ANALYSIS OF RESPONSES

### Responses Supporting/Accepting

18. There were 9 responses that the Northern Ireland Office assessed to be in support/accepting of the need to extend the non-jury trial provisions for a further two years.
19. These respondents mainly justified their support/acceptance with reasons such as:
  - The SUBSTANTIAL threat from Northern Ireland related terrorism in Northern Ireland. The threat level has reduced from SEVERE since the last NJT renewal but statistics on the security situation show that groupings retain the resources, capability and intent to identify and attack targets at home and work.
  - The view that the alternative non-jury trial provisions in the Criminal Justice Act 2003 (the 2003 Act) are not suited to deal with the unique challenges associated with Northern Ireland related terrorism and wider paramilitary activity. Jury tampering remains a concern for some respondents and the higher evidential threshold required for the 2003 Act exposes jurors to the risk of intimidation. An application under the Criminal Justice Act 2003 requires admissible evidence and the standard of proof is to the criminal standard.
  - The continued presence of paramilitary control and coercion in Northern Ireland communities means that victims and witnesses fear to participate in the criminal justice system and some respondents therefore theorise that jurors in terrorism/paramilitary trials would also be fearful.
  - Some respondents believe that removal of NJTs would expose the administration of justice to significant risk. NJTs make up less than 1% of Crown Court cases but they are used for the most serious types of offending. Reputational damage to the justice system and difficulty to get jurors to participate in these cases if juror tampering were to become a concern should not be discounted.
  - The view that the 2007 Act provisions are needed not just for protecting against jury tampering, but also to protect defendants from perverse judgments as a result of juror bias. Particularly in legacy/historical cases.
  - Several respondents highlighted recent case history. Specifically, the views of Lord Kerr in *Re Hutchings* [2019] that the need for the Director of Public Prosecutions to have their current powers was 'obvious' when considering the difficulties in eliminating the risk of bias with any degree of confidence.

- The low number of cases tried as NJTs demonstrates that the provisions are not being overused.
- The view that alternative juror protection methods such as moving the location of a trial, screening a jury or sequestering a jury are not feasible solutions in Northern Ireland due to its small size. Also the view that implementation of juror protection may impact juror perception of the defendant.

## **Responses Objecting**

20. There were 3 responses that the Northern Ireland Office assessed to object to the need to extend the non-jury trial provisions for a further two years.
21. Reasons provided objecting to the extension included:
  - All of the respondents opposed to extending the provisions stated that the onus should be on proving NJTs are necessary, not on proving a negative. They are of the view that NJTs are an aberrance from the norm that must be justified.
  - The view that Northern Ireland should move towards normalisation of the criminal justice system by relying on the regime under the 2003 Act. Respondents believe that NJTs are now treated as normal with insufficient consideration given to challenging established narratives.
  - The reduction in the threat level from NIRT in NI from SEVERE to SUBSTANTIAL. Respondents noted that national security and paramilitary incidents have reduced while acknowledging that armed violence is still an issue including coercive control in communities. However, they pointed out that total suppression of the security situation is not realistic and that driving NIRT to zero is an undeliverable goal.
  - Respondents note that the security environment is different from when provisions were introduced almost two decades ago but risk management is still being influenced by the past and not sufficiently updated to reflect societal changes. They believe there should be more focus on actual risk rather than perceived risk.
  - The view that discontinuing the NJT provisions would strengthen the perception of the legitimacy of the criminal justice system in Northern Ireland.
  - The view that the Government needs to move quicker in fulfilling its responsibilities under the Good Friday Agreement to remove emergency powers such as the non-jury trial provisions in Northern Ireland.



- The view that there are alternative arrangements the Government could pursue to mitigate against the threat of juror intimidation including better juror protection.
- The view that the ability to challenge an NJT certificate is subject to limitations which are too stringent.
- It was noted that each renewal attracts low consultation response numbers indicating there is little public interest or debate. As a result, positions rarely evolve even though society is evolving, instead the same arguments are continually presented.
- Some noted that there is a lack of evidence of jury intimidation due to long-term existence of NJT powers.
- Evidence of juror bias is hard to obtain due to the ban of canvassing jurors' opinions under the Contempt of Court Act 1981. Changing demographics now means PUL and CNR communities have reached near-parity and there is a growing section of the community who do not align to either PUL or CNR identities.
- The view that human rights implications should be considered when making a decision on NJTs. There is an assumption that cases within the justice system should be subject to the same procedures and processes, as set out in Article 14 of UN International Covenant on Civil and Political Rights (right to equality before courts and tribunals).

### **Responses Neither Supporting Nor Objecting**

22. There were **5** responses which the Northern Ireland Office assessed as neither clearly supporting nor objecting to the need to extend the non-jury trial provisions for a further two years.
23. These respondents had mixed responses. Some examples of views raised included:
  - The view that should the provisions not be renewed, it could impact detrimentally on the potential to obtain sufficient jurors to sit in high profile terrorist cases and that extra security provisions (such as secure parking) would be necessary.
  - The fact that the Judiciary were canvassed and no incidents of jury or witness intimidation were reported in the last two years.
  - The concern that there is no clarity on what conditions must be met before it is deemed safe and compatible with the interests of justice to discontinue the NJT provisions.

- The recommendation that SoSNI pays due regard to principles of necessity and proportionality when making a decision on the future of NJTs.
- It was suggested that allowing the NJT provisions to lapse would reduce some of the delay in the criminal justice system. Judges in NJTs have adjourned trials for significant periods of time but this would not be possible if a jury were hearing evidence. NJTs require a separate disclosure judge but this would not be necessary in a jury trial, further reducing delay.
- The view that the low number of cases being heard as NJTs and the fact that the DPP regularly rejects applications for NJT certificates demonstrates that proportionality considerations are being undertaken in the NJT certification process.

## INDEPENDENT REVIEWER

### Annual Reports

24. In the course of the renewal debates in 2017 when Parliament agreed to the Secretary of State extending the non-jury trial provisions, the then Parliamentary Under-Secretary of State, Chloe Smith MP, committed to keep the provisions under regular independent review by requesting that non-jury trials be covered in the IRJSA's annual report.
25. The first annual report that included a review of the non-jury trial provisions was the Tenth Annual Report (published in April 2018). All reports<sup>6</sup> published since then have included consideration of non-jury trial provisions.
26. In their Sixteenth Annual Report, published in October 2024 and covering the period 1 August 2022 - 31 July 2023, the IRJSA summarised the Grand Committee debate in June 2023 on the previous extension of the NJT provisions.
27. The IRJSA noted that while the current NJT system is operated "impeccably by the PPS, it is to be hoped that they can relinquish the JSA provisions in the near future and revert to the system pertaining in the rest of the UK."
28. The IRJSA repeated the recommendations made in their 15th report, namely that appropriate arrangements be made for the DPP to have sight of the full security assessments, should they wish to do so, on the occasion of the next renewal. They also recommended that in addition to the results of the public consultation the NJT indicators are reviewed as part of the decision-making process, and on the occasion of the next consideration of renewals, a date for

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<sup>6</sup> [All published Reports of the Independent Reviewer of the Justice & Security \(NI\) Act 2007](#) can be read online

the final expiry of the powers be considered and notice provided to the agencies to facilitate their preparation for such an expiry. The indicators have been considered as part of this decision making process alongside the consultation responses.

## **Working Group**

29. During the 2021 consultation there was a broad consensus amongst the respondents in support of a Working Group being established consisting of representatives from the PPS, PSNI, the Court Service, the Bar, the Law Society and other independent organisations. The group formally convened ten times over a two year period and produced two papers for the IRJSA that fulfilled their Terms of Reference to;
- i. Identify practical measures and legal measures that could be taken to reduce the number of non-jury trials taking place, and
  - ii. Identify the indicators that members would look to in order to be satisfied that the non-jury trial provisions were no longer necessary.

## **Indicators**

27. The Working Group identified five indicators (see A-E below) to be considered in conjunction with the consultation responses by the Secretary of State when making his decision on whether to seek renewal of the provisions. In addition to the identified indicators, the Working Group felt that, although not measurable and therefore not suitable as an indicator, the values inherent in the justice system should be borne in mind. The Secretary of State thanks the Working Group for their work and has considered the suggested indicators when making his decision on whether to seek an extension for these provisions.

### a) Assessed threat against jurors in Northern Ireland

28. An assessment has been carried out by security partners and formed part of the Secretary of State's decision on whether to seek renewal of these provisions.

### b) Level of Paramilitary/Terrorist Activity

29. The following metrics were deemed by the Working Group as indicative of the level of paramilitary/terrorist activity in Northern Ireland and how it has changed over time.
- Deaths due to the security situation
  - Paramilitary-style shootings and assaults
  - Security-related incidents

#### c) Level of Intimidation

30. The following metrics were deemed indicative of the level of intimidation exerted by terror/paramilitary groups in Northern Ireland and how it has changed over time.

- Number of people accepted by the NI Housing Executive as homeless due to intimidation
- Number of intimidation or threat to harm witness offences recorded per year
- Number of intimidation offences recorded per year
- Response to NI Life and Times Survey: Paramilitary Groups have a controlling influence in this area
- Response to NI Life and Times Survey: Paramilitary groups create fear and intimidation in this area

#### d) Level of Use of Terrorism Legislation

31. The following metrics were deemed indicative of the usage of terrorism legislation in Northern Ireland and how it has changed over time.

- Number of persons convicted of an offence under terrorism legislation
- Persons detained in Northern Ireland under Section 41 of the Terrorism Act 2000
- Usage of Various Stop and Search/Question Powers in NI

#### e) Level of Use of Non-Jury Trials

32. The following metrics were deemed indicative of the usage of the non-jury trial provisions in the 2007 Act.

- Non-jury trial cases as a percentage of all Crown Court cases
- Certificates issued and refused for non-jury trials by the Director of Public Prosecutions
- Percentage of cases in which each condition met
- Average percentage of cases in which each condition met

33. Charts and an analysis of each indicator are found in Annex B and the tables of raw data are available in Annex C.

## DISCUSSION

34. As the Northern Ireland Office has stated previously, the Government remains fully committed to seeing an end to the use of the non-jury trial provisions in the 2007 Act, when safe to do so and when compatible with the interests of justice.

### Consultation Responses

35. The Northern Ireland Office has assessed that the majority of respondents expressed a view in favour of extending the non-jury trial provisions in Northern Ireland at this time.
36. This section will explore some of the common themes included in consultation responses in more detail.

### Terrorism & Paramilitarism

37. The system under the 2007 Act was designed specifically to address the unique challenges faced by the Northern Ireland criminal justice system. While the security situation has improved, terrorist groups retain the resources, capability and intent to carry out attacks.
38. In the period since the last extension of the NJT provisions, the threat level from Northern Ireland-related terrorism was **SEVERE** until being lowered to **SUBSTANTIAL** in March 2024.
39. The continued presence of paramilitary control and coercion in Northern Ireland communities means that victims and witnesses fear to participate in the criminal justice system and some respondents therefore theorise that jurors in terrorism/paramilitary trials would also be fearful.
40. Two respondents referred to the Independent Reporting Commission's reported concerns around the influence and control of paramilitaries in communities. Their sixth report stated "...there continues to be a residual problem in respect of paramilitarism. Paramilitarism represents a continuing threat to individuals and society and must continue to be given sufficient attention and focus."
41. Among the responses supporting extension, reference was made to publicly available statistics from the Northern Ireland Department for Communities which indicate that 212 households were accepted as homeless due to paramilitary intimidation in 2022/23.<sup>7</sup>

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<sup>7</sup> [Housing Executive, "Freedom of Information request for Housing Intimidation Data" \(July 2023\)](#)

### **Safeguarding the justice system**

42. A number of respondents raised concerns around the risk of jury intimidation should the provisions be removed now. Witness intimidation significantly affects police investigations and the same fear of retaliation is likely to be faced by jurors.
43. The fourth condition for issuing an NJT certificate deals with offences connected to religious or political hostility. Historical cases relating to Troubles-era investigations are often high-profile and garner media attention. Therefore historical cases may be heard in a non-jury trial to protect the administration of justice. The non-jury trial provisions can therefore be in the interests of the defendant; protecting against the risk of impairment to the administration of justice arising from a hostile jury.

### **Normalisation**

44. Although only 3 responses called for an end to the current provisions they provided considered and detailed reasons why these emergency provisions were no longer necessary in their view. Some raised concern that risk management was being influenced by the past and did not reflect societal changes. They believe there should be more focus on actual risk rather than perceived risk and that discontinuing the NJT provisions would strengthen the perception of the legitimacy of the criminal justice system in Northern Ireland.
45. Due to the existence of the current NJT provisions there is a lack of evidence of jury intimidation. In the same way, evidence of juror bias is hard to obtain due to the ban of canvassing jurors' opinions under the Contempt of Court Act 1981.
46. These are valid points, however, as noted above the continued presence of paramilitary control and coercion in Northern Ireland communities means that victims and witnesses may be reluctant to participate in the criminal justice system.

### **Management of the Criminal Justice System**

47. The issue of delays in the progression of non-jury trials was raised by two respondents. However, management of the criminal justice system is devolved to the Department of Justice.
48. One respondent called for the creation of a Sentencing Council for Northern Ireland. This is outside the scope of this consultation and a matter for the Department of Justice.

## Alternative Provisions

49. While alternative juror protection methods such as moving the location of a trial, screening a jury or sequestering a jury are available they are not always feasible solutions in Northern Ireland due to its small geography and population.
50. Part 7 of the Criminal Justice Act 2003<sup>8</sup> (2003 Act), which applies in Northern Ireland and England and Wales, provides for trials to be heard without a jury in very limited circumstances. However the threshold for the use of those provisions is set much higher than the current system under the 2007 Act. Jury tampering remains a concern for some respondents and the higher evidential threshold required for the 2003 Act exposes jurors to the risk of intimidation. An application under the Criminal Justice Act 2003 requires admissible evidence and the standard of proof is to the criminal standard.

## SECRETARY OF STATE DECISION

51. The Secretary of State thanks all those who responded to the public consultation on the future of non-jury trial arrangements under the 2007 Act for their considered views on this important topic, and was pleased to see the number of respondents to the consultation increased compared to 2023.
52. As was the position with the 2023 consultation, the majority of respondents have advocated the need to extend the non-jury trial provisions under the 2007 Act for a further two years. However, it is important to note that most of those indicated that this was a reluctant position.
53. Some respondents called for an end to these provisions this year in recognition of the importance of the right to trial by jury, and in order to further normalise the security arrangements in Northern Ireland.
54. The Secretary of State has also considered the proposals made through the consultation by respondents of all views of possible alternative arrangements which could be put in place in order to allow Northern Ireland to transition away from using the non-jury trial provisions in the 2007 Act as well as some of the concerns raised about the operation of the current system.
55. The Secretary of State considered the indicators developed by the Non-Jury Trial Working Group, as well as wider information about the security situation in Northern Ireland. Using all of the indicators in combination with each other and with the consultation responses, it is his view that there has not been

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<sup>8</sup> The Criminal Justice Act 2003 can be read in full here:  
<https://www.legislation.gov.uk/ukpga/2003/44/contents>

sufficient change in the security situation in Northern Ireland over the last two years to allow for these provisions to expire, although he notes that the number of non-jury trial certificates issued by the Director of Public Prosecutions has declined slightly since 2022.

56. The Secretary of State for Northern Ireland agrees that the continued need for the provisions is regrettable. However, the concerns raised during the consultation of the potential risk to the administration of justice and to individuals if the non-jury trial provisions were to expire imminently, are compelling factors which in his view cannot be adequately mitigated against. Having reviewed and analysed the responses to the public consultation on non-jury trials and taken into account the relevant factors, the Secretary of State for Northern Ireland has therefore decided:

- 1) that it is necessary to seek Parliamentary approval for an extension of the non-jury trial provisions under the 2007 Act for a further two years;
- 2) that the operation of the provisions should continue to be kept under regular, independent review; and
- 3) the Northern Ireland Office will assess the viability of the proposals made in this consultation for alternative arrangements to the non-jury trial provisions in the 2007 Act, as well as those proposals to improve or end the operation of the current regime.

### **Statutory Instrument**

57. An Order making provision for the extension of the non-jury trial provisions under the 2007 Act will be laid in Parliament on 06 May 2025. The Order will require the approval of both Houses of Parliament before it can be made.

### **Parliamentary Debates**

58. If the Order is approved by both Houses of Parliament, the Order will extend the non-jury trial provisions for a further two years. Their new expiry date will become 31st July 2027. Information on Parliamentary debates can be found on the Parliament website: [www.parliament.uk](http://www.parliament.uk)



## ANNEX A: DIRECTOR OF PUBLIC PROSECUTIONS TEST

1. A non-jury trial under the Justice and Security (Northern Ireland) Act 2007 will only take place when the Director of Public Prosecutions (DPP) for Northern Ireland issues a certificate for a specific case, in relation to a trial on indictment (tried in the Crown Court).
2. Decisions for non-jury trials are made on a case-by-case basis, taking into account the circumstances of both the offence and the defendant.
3. The decision for issuing a certificate is based on a two-stage test set out in section 1(3) to (6) of the Justice and Security (Northern Ireland) Act 2007. The DPP must:
  - i. Suspect that one (or more) of the four conditions is met; and
  - ii. Be satisfied that in view of this there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury.

<b>Condition One</b>	The defendant is, or is an associate of, a person who: (a) is a member of a proscribed <sup>9</sup> organisation, or (b) has at any time been a member of an organisation that was, at that time, a proscribed organisation.
<b>Condition Two</b>	That: (a) the offence or any of the offences was committed on behalf of a proscribed organisation, or (b) a proscribed organisation was otherwise involved with, or assisted in, the carrying out of the offence or any of the offences.
<b>Condition Three</b>	An attempt has been made to prejudice the investigation or prosecution of the offence or any of the offences and— (a) the attempt was made on behalf of a proscribed organisation, or (b) a proscribed organisation was otherwise involved with, or assisted in, the attempt.

<sup>9</sup> Section 1(10) of the Justice and Security (Northern Ireland) Act 2007 provides that an organisation is a “proscribed organisation for the purpose of section 1 if at any time (a) it is (or was) proscribed (within the meaning given by section 11(4) of the Terrorism Act 2000, and (b) its activities are (or were) connected with the affairs of Northern Ireland.

**Condition  
Four**

The offence or any of the offences was committed to any extent (whether directly or indirectly) as a result of, in connection with or in response to religious or political hostility of one person or group of persons towards another person or group of persons.

**Challenge**

4. A legal<sup>10</sup> challenge can be brought against the issue of a non-jury trial certificate<sup>11</sup> only on the grounds of:
  - a. dishonesty;
  - b. bad faith; or
  - c. other exceptional circumstances such as lack of jurisdiction or error of law.

**Protecting sensitive information in a judicial review**

5. Non-jury trial certificates state which conditions in the DPP's test have been met. This means that when someone challenges a non-jury trial certificate, they will have some information on which to base their challenge. They may not have access to all the information which informed the DPP's decision (for example classified material such as intelligence or other sensitive national security related information).

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<sup>10</sup> Relevant case law includes:

R v DPP, ex p. Kebilene [2000] 2 AC 326

Shuker & Ors, Re Applications for Judicial Review [2004] NIQB 20

Re Brian and Paula Arthurs [2010] NIQB 75

Hutchings [2017] NIQB 121

<sup>11</sup> Section 7 of the Justice & Security (Northern Ireland) Act 2007 can be found at:

<https://www.legislation.gov.uk/ukpga/2007/6/section/7>

## ANNEX B: CHARTS AND ANALYSIS OF WORKING GROUP INDICATORS

### Level of paramilitary/terrorist activity

Chart 1: Deaths due to the Security Situation (1997-2024)

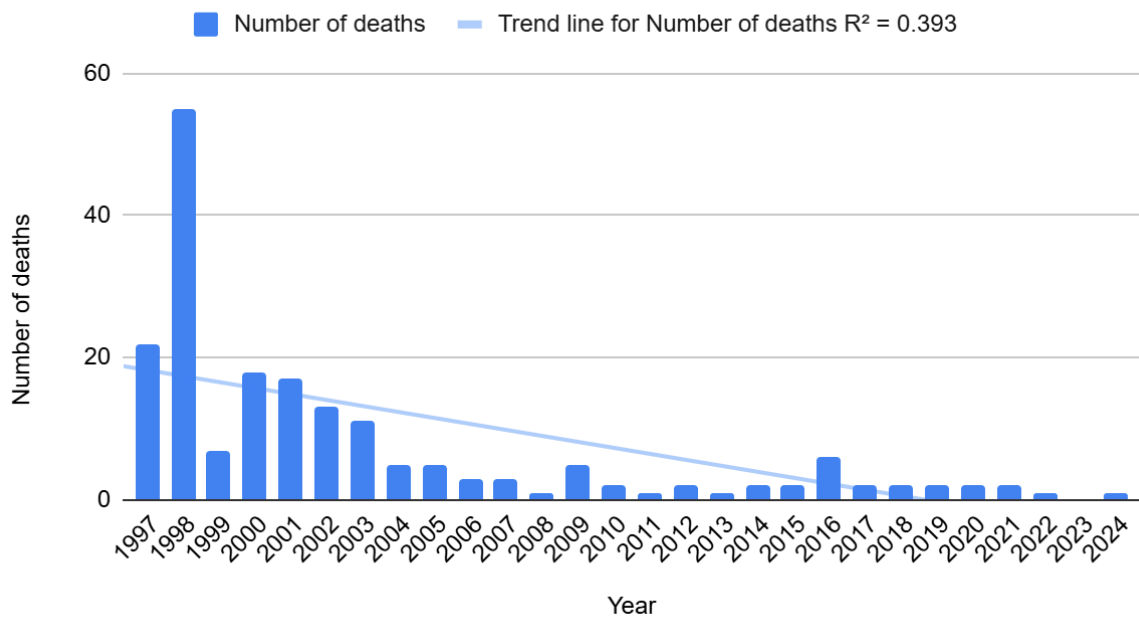
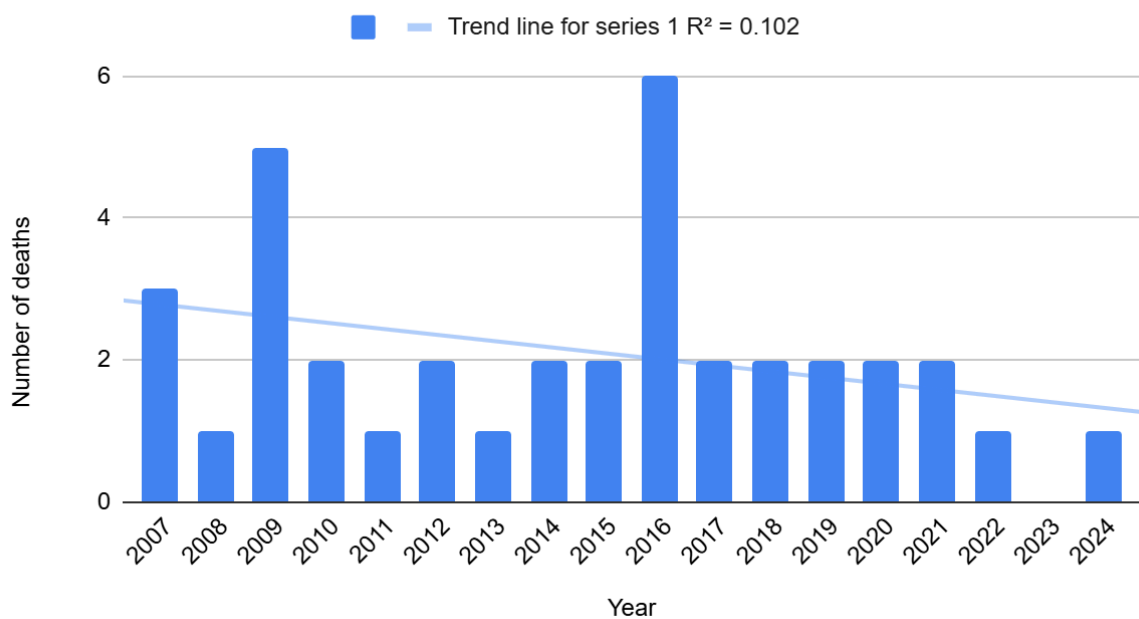
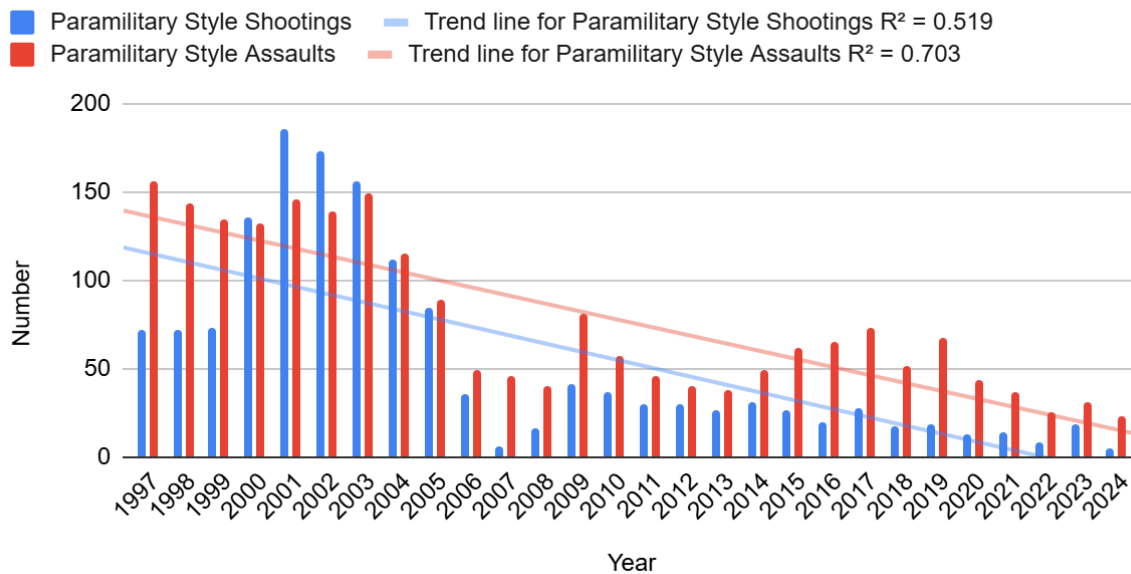


Chart 2: Deaths due to the Security Situation (2007-2024)

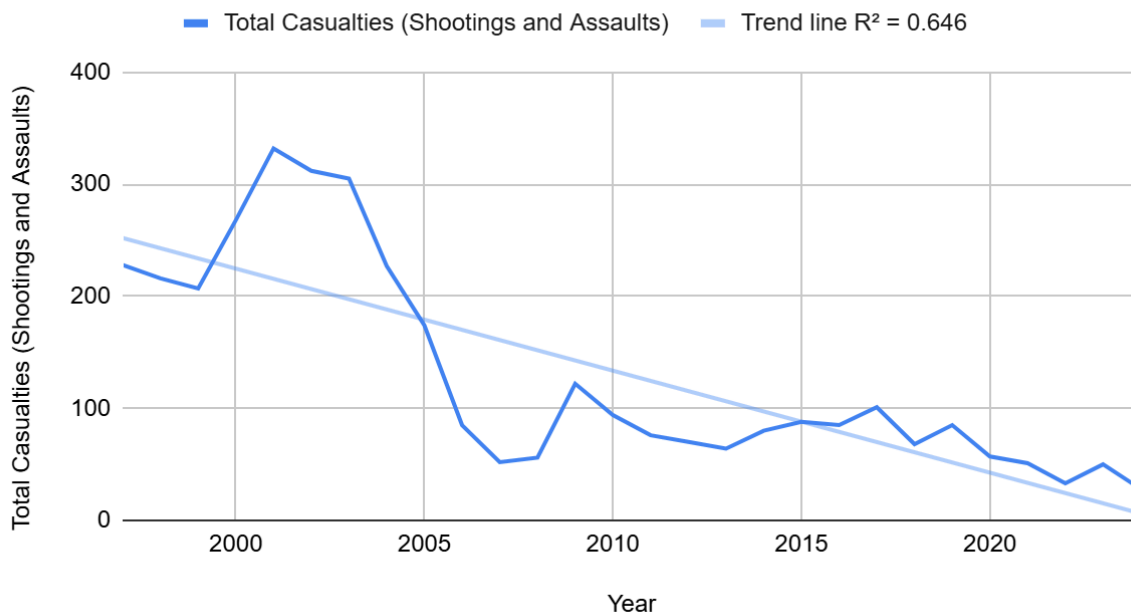


- Chart 1 shows a moderate downward trend since 1997. However, if we look at the change in the number of deaths since 2007 (chart 2), there is a weaker downward trend as the numbers have plateaued over the last few years.
- 2023 was the first year in this time series with no recorded security related deaths
- The number of deaths has been so low since the mid-2000s that caution is necessary when interpreting the data.

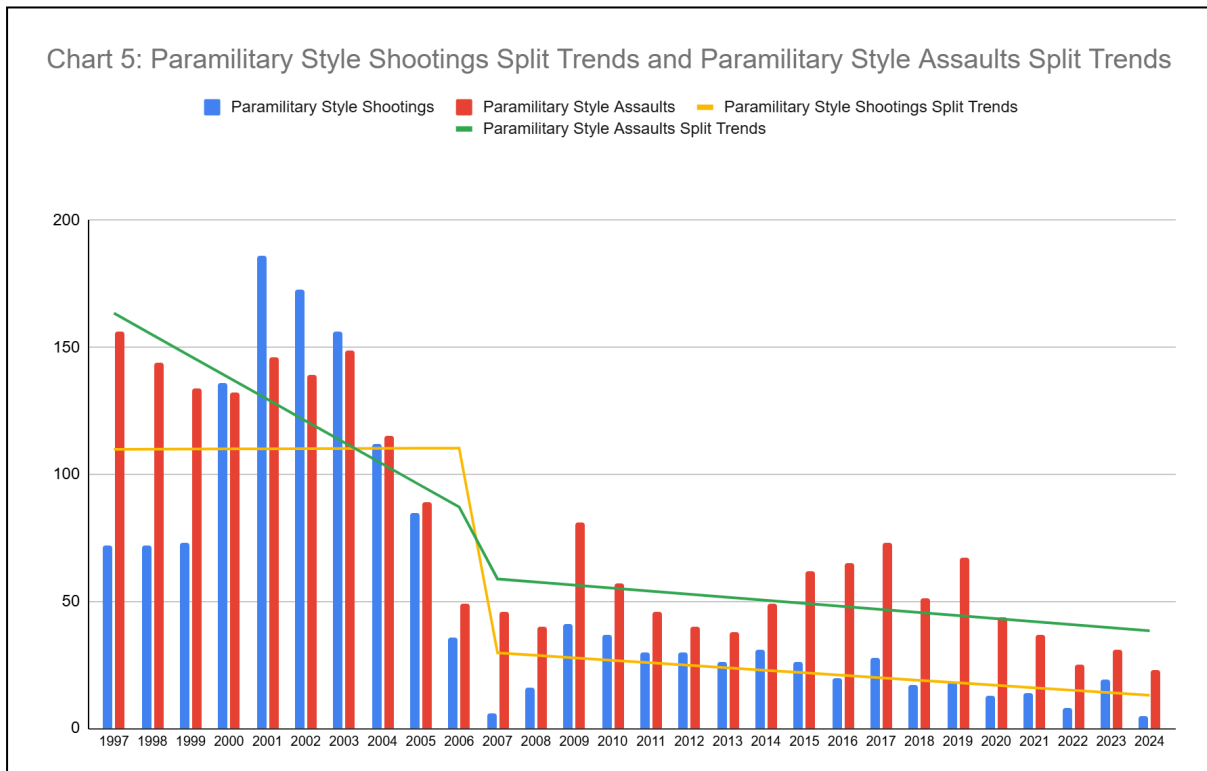
**Chart 3: Paramilitary Style Shootings, Paramilitary Style Assaults and Total Casualties (Shootings and Assaults)**



**Chart 4: Total Casualties (Shootings and Assaults) vs Year**

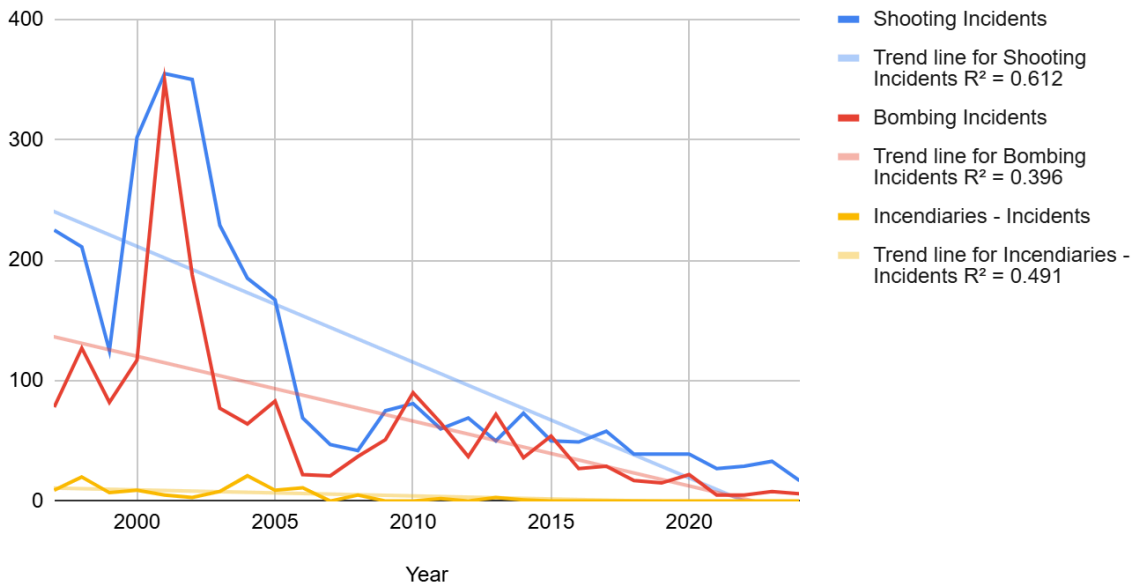


- Charts 3 & 4 show the number of paramilitary-style assaults and shootings that have taken place from 1997-2024. There is a moderate correlation between the annual percentage change in both shootings and assaults, this shows that on average, shootings and assaults see the same direction of change in the data (e.g. if shootings increase one year, assaults are also likely to increase that year).
- When looking at the data back to 1997, a clear downwards trend is reflected in the graph for both shootings and assaults (chart 3)



- Chart 5 demonstrates split trends indexed to 2007. Paramilitary style assaults show a sharp downward trajectory between 1997-2006 and then a flat trend with marginal decrease between 2007-2024. Paramilitary style shootings show a flat trend between 1997-2006 and then a low/marginal downwards trend between 2007-2024.
- There has been little change in the number of paramilitary-style shootings and assaults since the NJT provisions were introduced in 2007.
- Chart 6 shows that both the number of bombings and the number of shootings display a downward trend from 1997 to present.
- However, since 2007, shooting incidents have been above 2007 levels for 53% of the years, and for bombing incidents 65% of the years.

Chart 6: Shooting Incidents, Bombing Incidents and Incendiaries Incidents



## Level of Intimidation

Chart 7: Number of people accepted as homeless due to intimidation

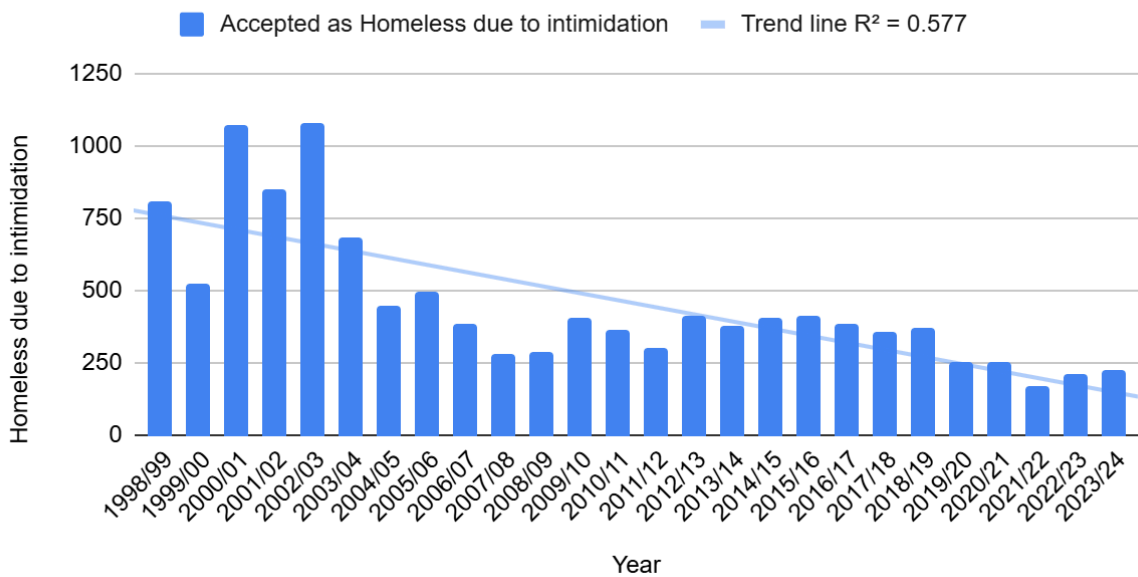
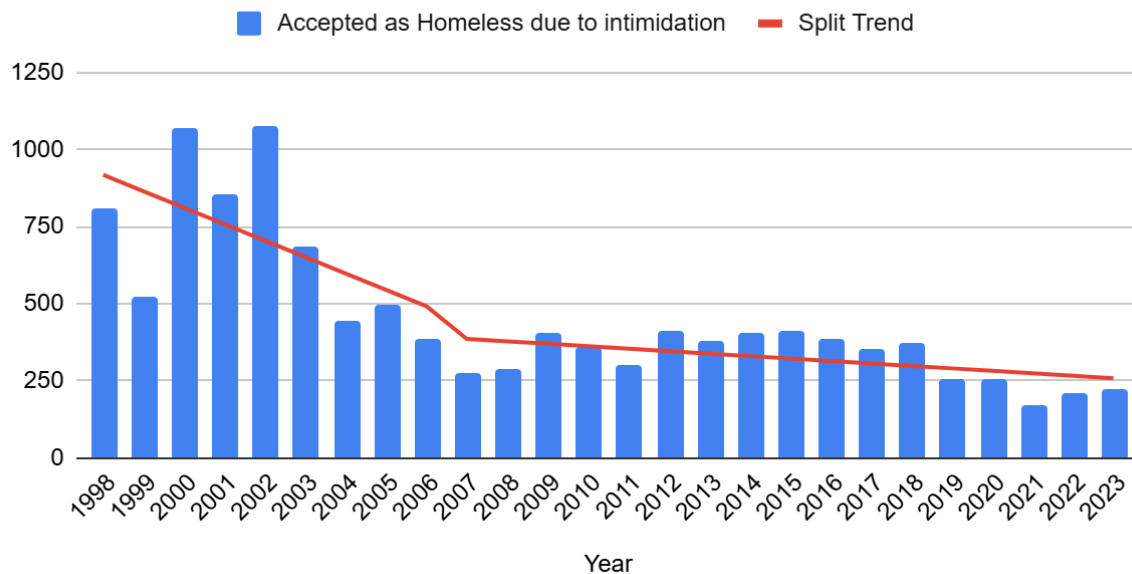


Chart 8: Number of people accepted as homeless due to intimidation - Split Trend



- In this housing dataset, 'Intimidation' includes those intimidated due to anti-social behaviour, paramilitarism, sectarianism, racial abuse or sexual orientation.
- Chart 7 shows a moderate to strong downwards trend in the number of people accepted as homeless due to intimidation between 1998-2024.
- However, chart 8 splits the trend line indexed to 2007. This shows a clear downwards trend from 1998-2006 but then a weaker downwards trend from 2007 onwards.

Chart 9: PSNI recorded intimidation or threat to harm witness offences (1 April 2011 – 31 March 2022)

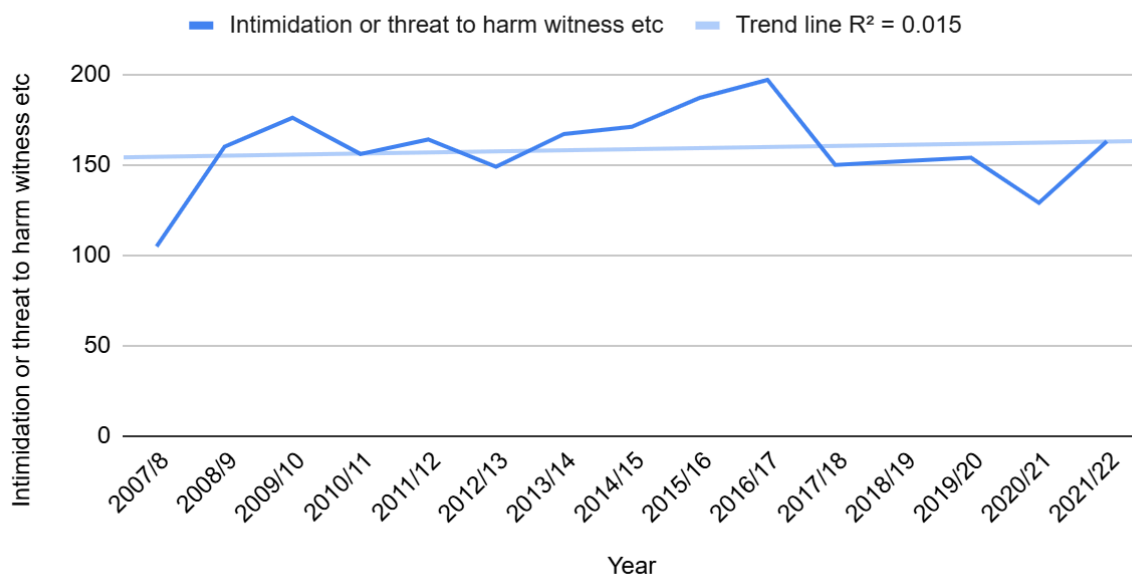
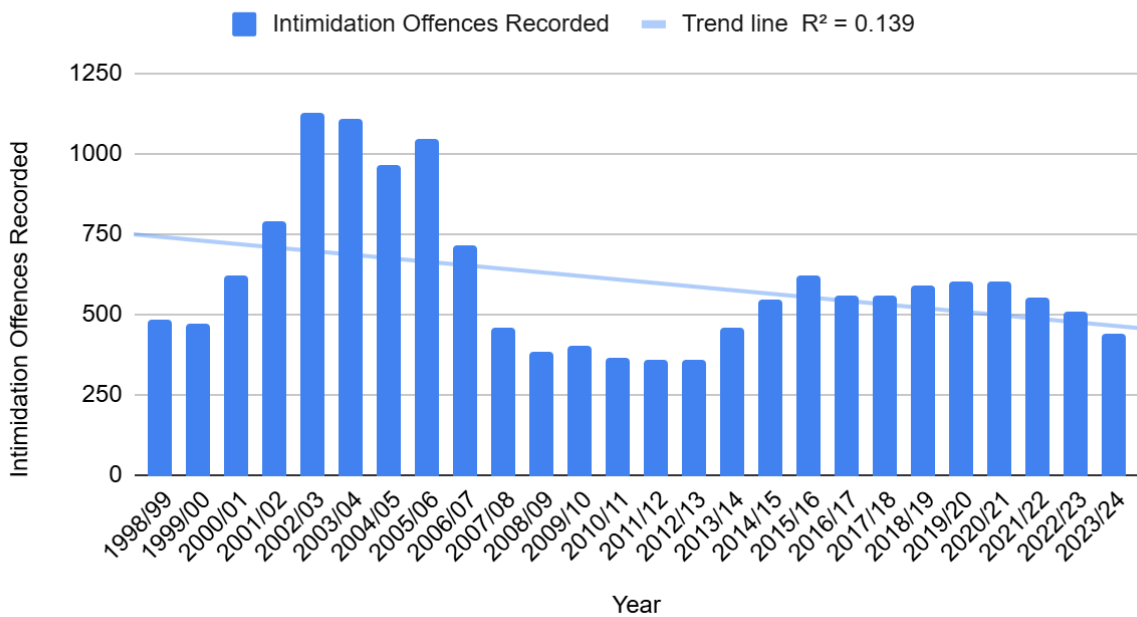
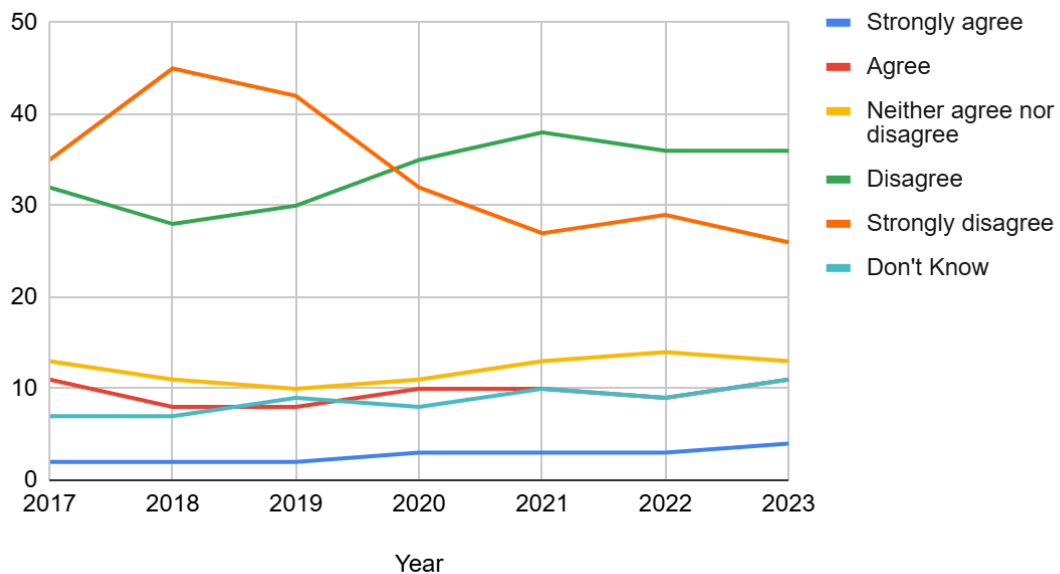


Chart 10: Intimidation Offences Recorded by PSNI vs Year



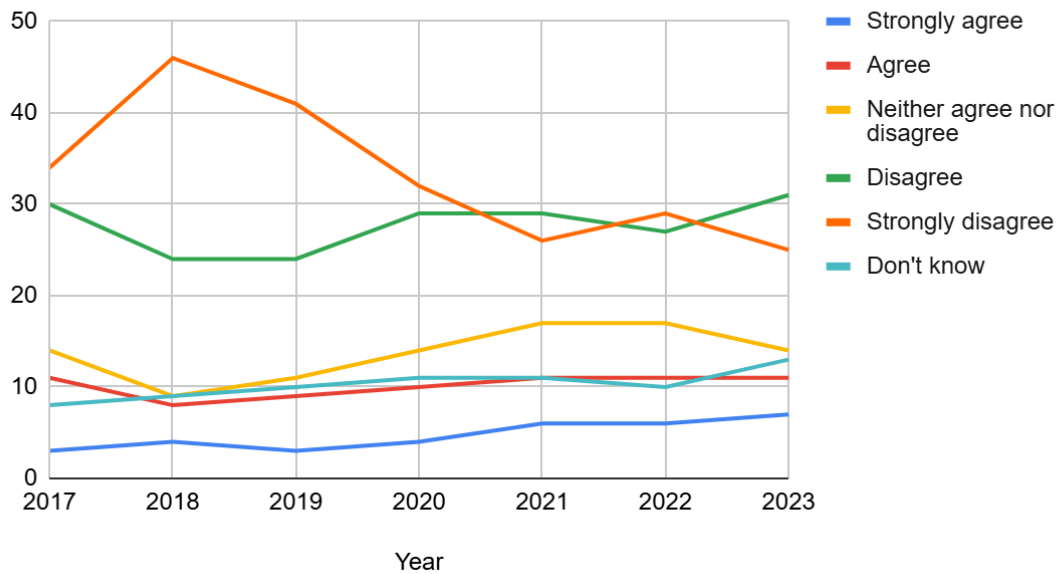
- Chart 9 shows the number of offences recorded that involved intimidation of, or threat to, harm a witness. There has been little variation in the number of offences recorded from 2007 to date. The most recently available data only dates to 2021/22.
- Chart 10 shows a slight downward trend in the total number of intimidation offences recorded by the PSNI each year. However, the dip in 2007-2013 likely skews the figures. A Pearson's correlation coefficient of 0.37 demonstrates a very low trend.

Chart 11: Paramilitary Groups have a controlling influence in this area





**Chart 12: Paramilitary groups create fear and intimidation in this area**



- Charts 11 & 12 show the change in response to two questions posed by the Northern Ireland Life & Times Survey every year since 2017.
- They are unlikely to be useful as tools to aid decision-making but they provide contextual information.
- The majority of people questioned disagree that paramilitary groups have a controlling influence and/or create fear and intimidation in their areas.

### Level of use of terrorism legislation

**Chart 13: Number of persons convicted of an offence under Terrorism legislation**

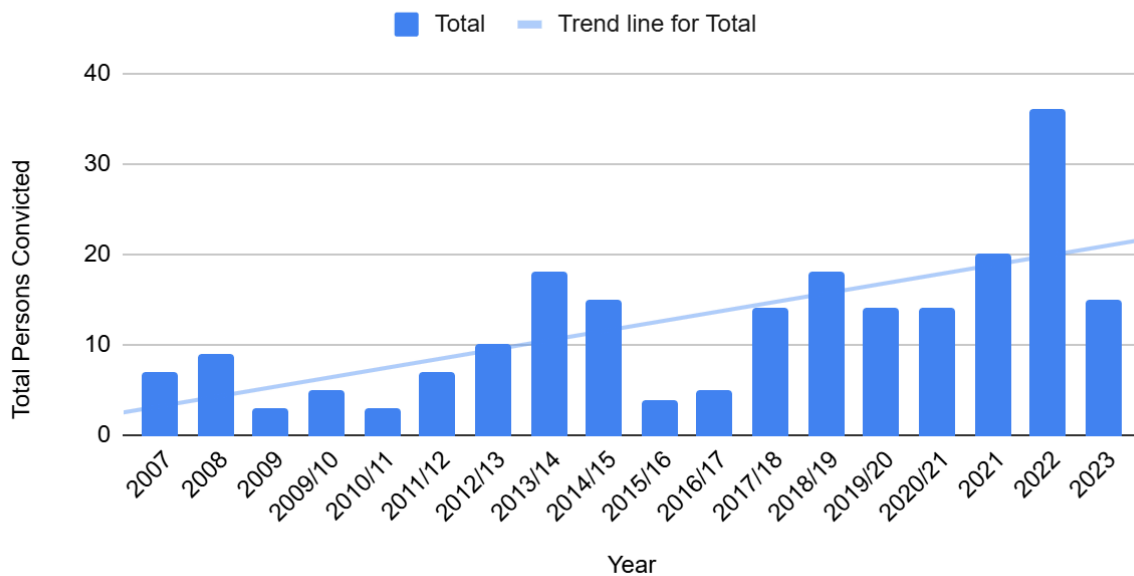


Chart 14: Number of people detained in Northern Ireland under Section 41 of the Terrorism Act 2000

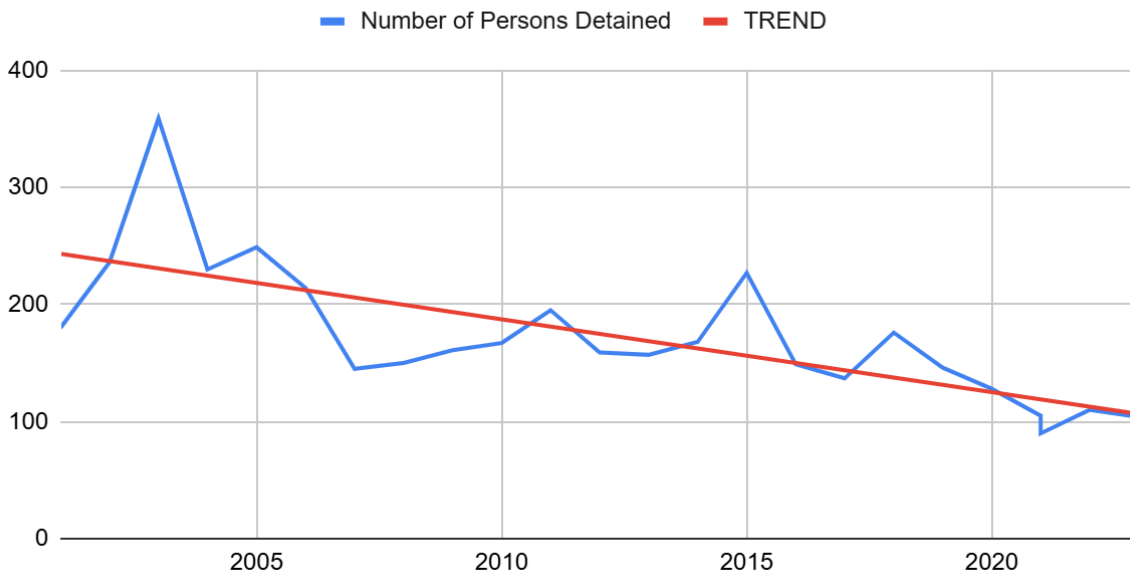
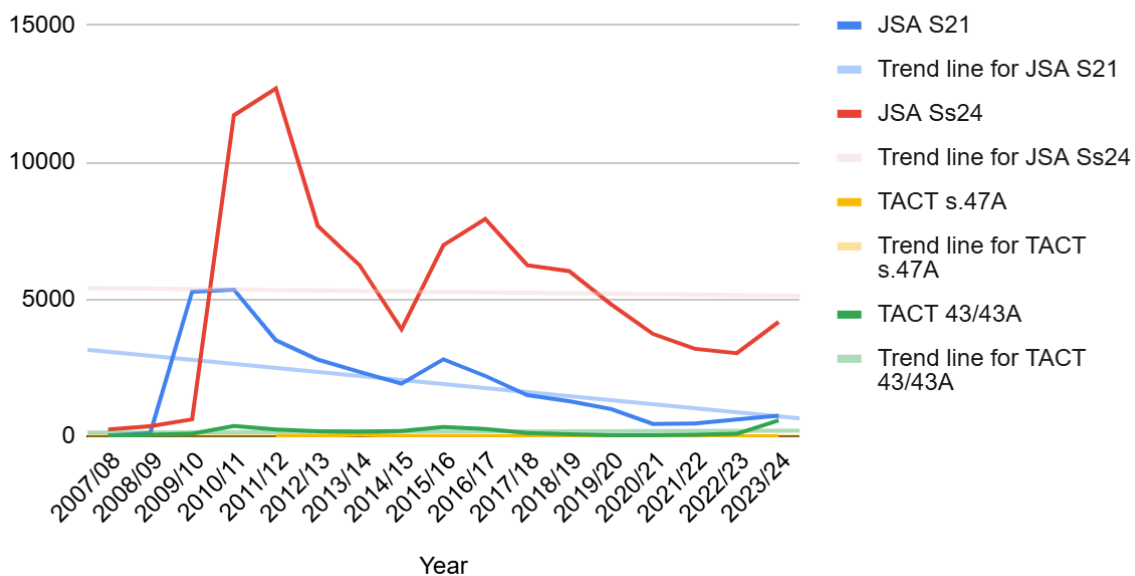


Chart 15: Usage of Various Stop and Search/Question Powers in NI



- Chart 13 shows the number of people convicted of an offence under terrorism legislation has an upwards trend.
- For this metric, terrorism offences are those contained within the Terrorism Act 2000, Terrorism Act 2006 and Counter Terrorism Act 2008.
- Section 41 of the Terrorism Act 2000 provides that a constable may arrest without a warrant a person whom he or she reasonably suspects to be a terrorist.

- Chart 14 demonstrates a fairly strong downwards trend in the number of people detained in Northern Ireland under S41 of TACT.
- Chart 15 shows that the usage of the various stop and search powers in Northern Ireland has not changed significantly since 2007.

### Level of use of non-jury trials

Chart 16: NJT cases as a percentage of all Crown Court cases from 2007 - 2024

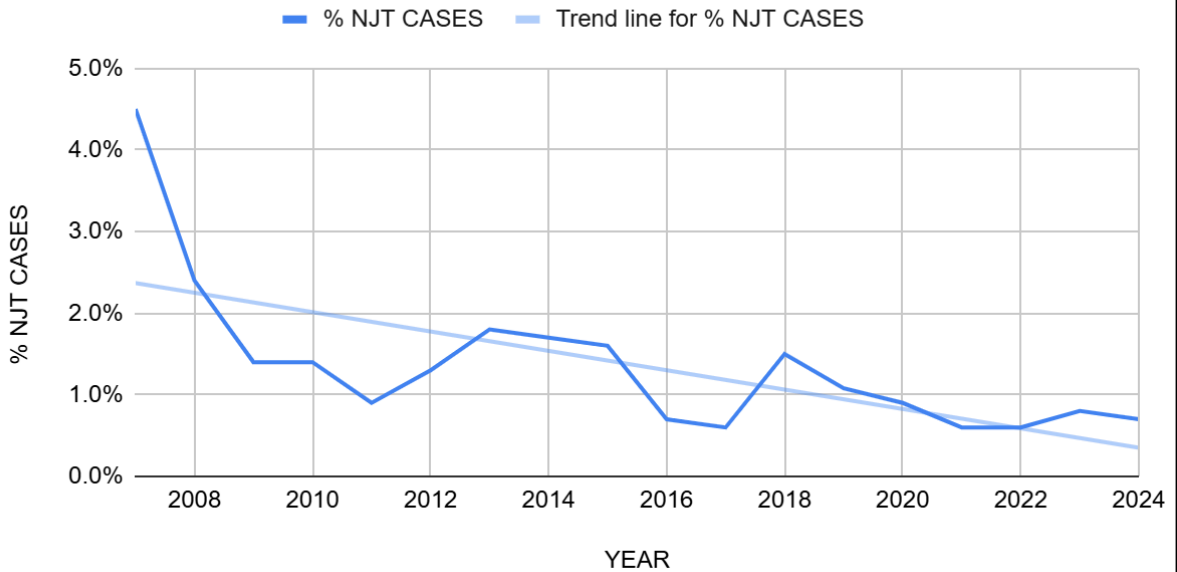
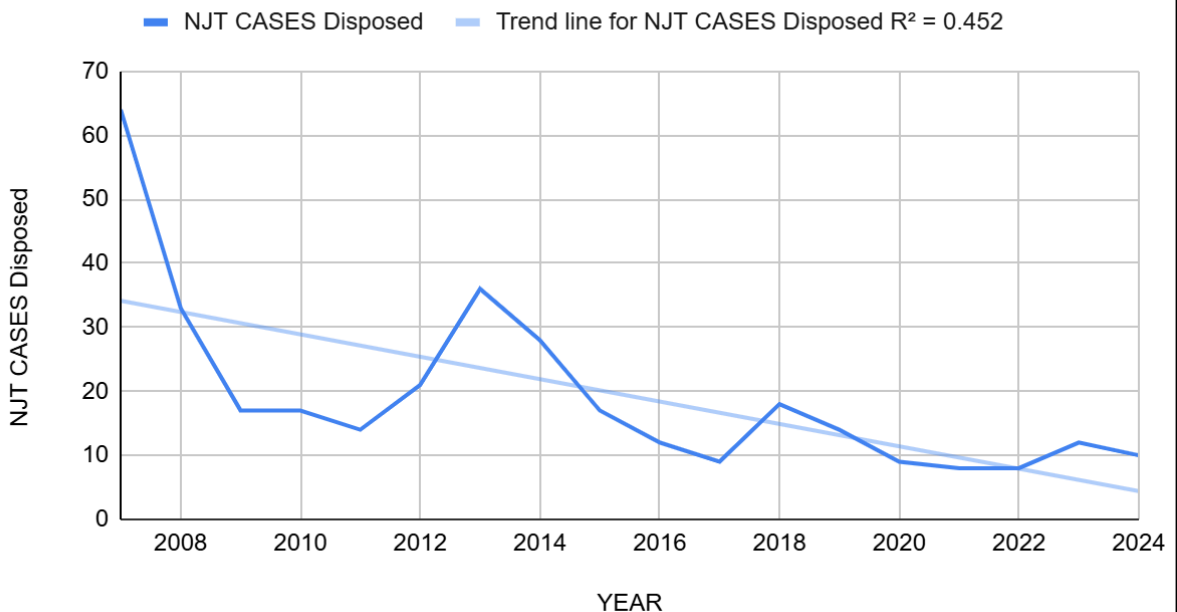
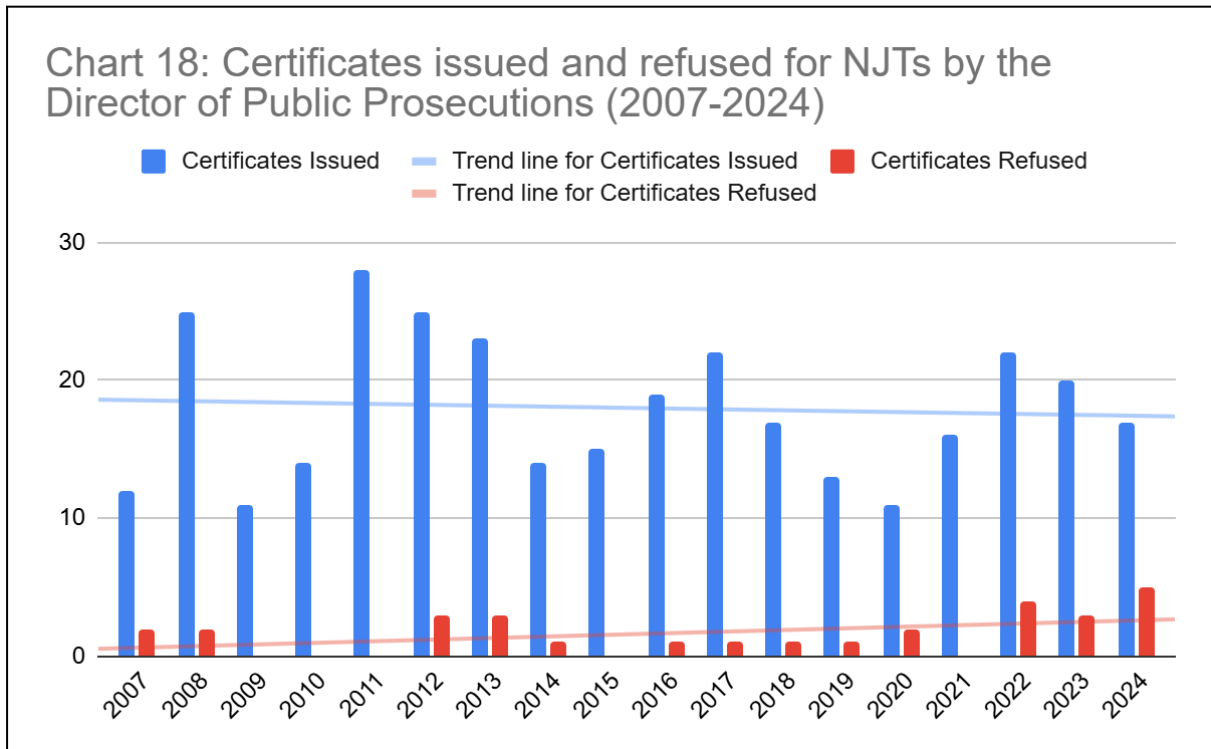


Chart 17: Number of NJT Cases Disposed between 2007-2024



- Chart 16 displays a downward trend in the number of NJT cases as a percentage of all Crown Court cases. A Pearson's correlation coefficient of 0.68 indicates that this is a moderate trend.
- Chart 17 shows the number of NJT cases per year. When isolated, we can see that the overall numbers of NJT cases are on a similar decline (Pearson's correlation coefficient of 0.67) to the number of NJTs as a percentage of all Crown Court cases.



- Chart 18 shows that there has been a marginal downward trend in the number of NJT certificates issued over time. However, Pearson's Coefficient of 0.1 indicates that this downward trend is not statistically significant.
- There is a slight upwards trend (Pearsons 0.4) in the number of certificates being refused over time.

Chart 19: Percentage of cases in which each condition is met 2007-2024

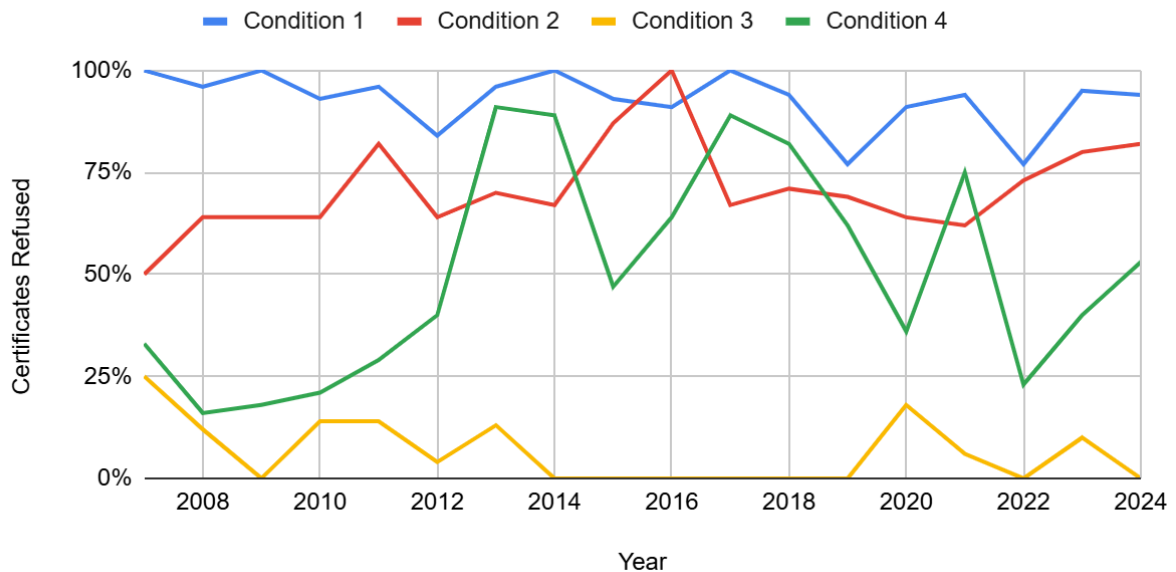
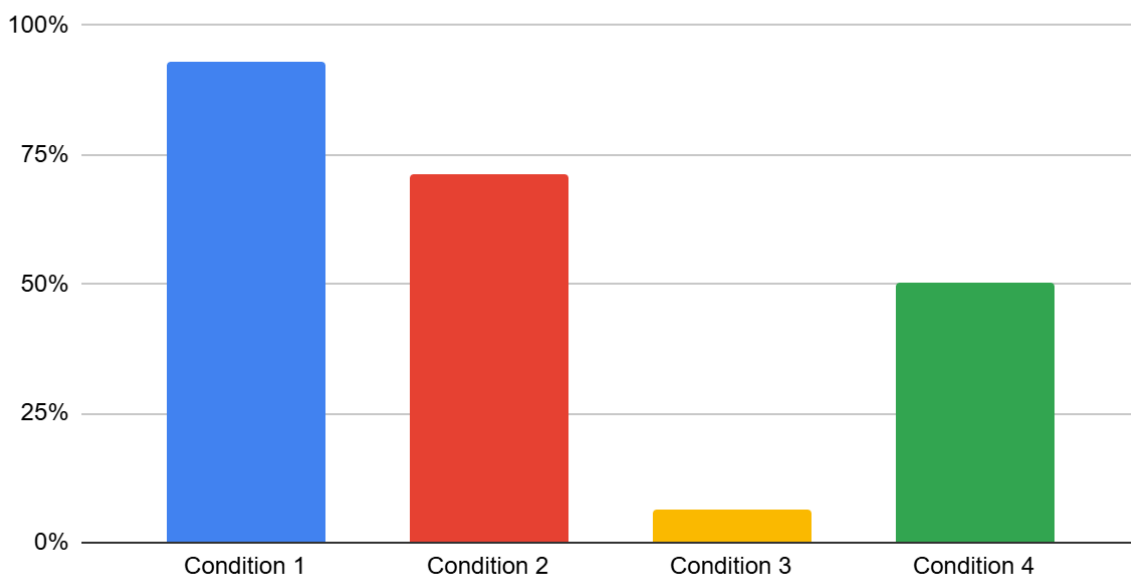


Chart 20: Average percentage of cases where conditions of the DPP statutory test have been met (2007-2024)



- When displayed graphically over time in Chart 19, we can see that the usage of condition four varies the most over the years.
- Chart 20 shows the average percentage of cases in which each condition was met from 2007-2024.
  - Condition one was met most often (93% of cases)
  - Condition two was next most frequently met (71% of cases)
  - Condition four was met in 50% of cases
  - Condition three was used least frequently (only 6% of cases)

## ANNEX C: INDICATOR STATISTICS TABLES

<b>Table 1: Deaths due to the Security Situation (1997-2021)</b>	
<b>Year</b>	<b>Number of deaths</b>
1997	22
1998	55
1999	7
2000	18
2001	17
2002	13
2003	11
2004	5
2005	5
2006	3
2007	3
2008	1
2009	5
2010	2
2011	1
2012	2
2013	1
2014	2
2015	2
2016	6
2017	2
2018	2
2019	2
2020	2
2021	2
2022	1
2023	0
2024	1
Source: PSNI Security Statistics Bulletin	

Table 2: Paramilitary Assaults 1997-2024			
Year	Paramilitary Style Shootings	Paramilitary Style Assaults	Total Casualties (Shootings and Assaults)
1997	72	156	228
1998	72	144	216
1999	73	134	207
2000	136	132	268
2001	186	146	332
2002	173	139	312
2003	156	149	305
2004	112	115	227
2005	85	89	174
2006	36	49	85
2007	6	46	52
2008	16	40	56
2009	41	81	122
2010	37	57	94
2011	30	46	76
2012	30	40	70
2013	26	38	64
2014	31	49	80
2015	26	62	88
2016	20	65	85
2017	28	73	101
2018	17	51	68
2019	18	67	85
2020	13	44	57
2021	14	37	51
2022	8	25	33
2023	19	31	50
2024	5	23	28
Source: PSNI Security Statistics Bulletin			

<b>Table 3: Security Related Incidents 1997-2024</b>			
<b>Year</b>	<b>Shooting Incidents</b>	<b>Bombing Incidents</b>	<b>Incendiaries - Incidents</b>
1997	225	78	9
1998	211	127	20
1999	125	82	7
2000	302	117	9
2001	355	349	5
2002	350	188	3
2003	229	77	8
2004	185	64	21
2005	167	83	9
2006	69	22	11
2007	47	21	0
2008	42	37	5
2009	75	51	0
2010	81	90	0
2011	60	65	2
2012	69	37	0
2013	50	72	3
2014	73	36	1
2015	50	54	0
2016	49	27	0
2017	58	29	0
2018	39	17	0
2019	39	15	0
2020	39	22	0
2021	27	5	0
2022	29	5	0
2023	33	8	0
2024	17	6	0
Source: PSNI Security Statistics Bulletin			



<b>Table 4: People accepted as homeless due to intimidation</b>	
<b>Year</b>	<b>Accepted as Homeless due to intimidation</b>
1998/99	807
1999/00	524
2000/01	1071
2001/02	853
2002/03	1077
2003/04	685
2004/05	447
2005/06	494
2006/07	385
2007/08	278
2008/09	288
2009/10	406
2010/11	361
2011/12	303
2012/13	411
2013/14	380
2014/15	405
2015/16	414
2016/17	387
2017/18	355
2018/19	374
2019/20	255
2020/21	256
2021/22	171
2022/23	212
2023/24	226
Source NI Housing Executive	

<b>Table 5: Paramilitary Groups have a controlling influence in this area</b>						
<b>Year</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't Know</b>
2017	2	11	13	32	35	7
2018	2	8	11	28	45	7
2019	2	8	10	30	42	9
2020	3	10	11	35	32	8
2021	3	10	13	38	27	10
2022	3	9	14	36	29	9
2023	4	11	13	36	26	11
Source: NI Life and Times Survey						

<b>Table 6: Paramilitary groups create fear and intimidation in this area</b>						
<b>Year</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
2017	3	11	14	30	34	8
2018	4	8	9	24	46	9
2019	3	9	11	24	41	10
2020	4	10	14	29	32	11
2021	6	11	17	29	26	11
2022	6	11	17	27	29	10
2023	7	11	14	31	25	13
Source: NI Life and Times Survey						

**Table 7: Recorded Intimidation or threat to harm witness offences (1 April 2011 – 31 March 2022)**

Year	Intimidation or threat to harm witness etc
2007/8	105
2008/9	160
2009/10	176
2010/11	156
2011/12	164
2012/13	149
2013/14	167
2014/15	171
2015/16	187
2016/17	197
2017/18	150
2018/19	152
2019/20	154
2020/21	129
2021/22	163
Source: PSNI	

**Table 8: Police Recorded Crime: Intimidation**

	Year	Intimidation Offences Recorded
1998	1998/99	481
1999	1999/00	469
2000	2000/01	622
2001	2001/02	787
2002	2002/03	1,128
2003	2003/04	1,109
2004	2004/05	962

2005	2005/06	1,043
2006	2006/07	714
2007	2007/08	461
2008	2008/09	383
2009	2009/10	404
2010	2010/11	368
2011	2011/12	362
2012	2012/13	358
2013	2013/14	456
2014	2014/15	548
2015	2015/16	619
2016	2016/17	556
2017	2017/18	557
2018	2018/19	590
2019	2019/20	604
2020	2020/21	605
2021	2021/22	553
2022	2022/23	509
2023	2023/24	441
Source: PSNI - Police Recorded Crime In NI		

<b>Table 9: Number of persons convicted of an offence under Terrorism legislation</b>			
<b>Year</b>	<b>Crown Court</b>	<b>Magistrates' Court</b>	<b>Total</b>
2007	6	1	7
2008	8	1	9
2009	2	1	3
2009/10	4	1	5
2010/11	2	1	3
2011/12	3	4	7
2012/13	7	3	10
2013/14	17	1	18
2014/15	11	4	15
2015/16	4	0	4
2016/17	5	0	5

2017/18	5	9	14
2018/19	6	12	18
2019/20	2	12	14
2020/21	10	4	14
2021*	1	19	20
2022	2	34	36
2023	6	9	15
Source: Northern Ireland Courts and Tribunals Service.			

\*covers April to December 2021

<b>Table 10: Usage of Various Stop and Search/Question Powers in NI</b>				
<b>Year</b>	<b>JSA S21</b>	<b>JSA Ss24</b>	<b>TACT s.47A</b>	<b>TACT 43/43A</b>
2007/08	28	251	-	13
2008/09	112	372	-	56
2009/10	5285	621	-	97
2010/11	5,355	11,721	-	375
2011/12	3,511	12,699	0	254
2012/13	2,803	7,687	0	186
2013/14	2,350	6,239	70	173
2014/15	1,922	3,906	0	192
2015/16	2,812	6,980	0	344
2016/17	2,200	7,935	0	265
2017/18	1,505	6,245	0	118
2018/19	1,283	6,035	0	74
2019/20	997	4,818	0	38
2020/21	456	3,739	0	35
2021/22	471	3,195	0	57
2022/23	616	3,037	0	91
2023/24	753	4,179	0	584
Source: PSNI				

**Table 11: Persons detained in Northern Ireland under Section 41 of the Terrorism Act 2000**

Year	Number of Persons Detained
2001	180
2002	236
2003	359
2004	230
2005	249
2006	214
2007	145
2008	150
2009	161
2009/10	167
2010/11	195
2011/12	159
2012/13	157
2013/14	168
2014/15	227
2015/16	149
2016/17	137
2017/18	176
2018/19	146
2019/20	128
2020/21	105
*2021	90
2022	110
2023	104

Source: NI Terrorism Bulletin

\* 2021 covers April to December 2021

<b>Table 12: NJT cases as a percentage of all Crown Court cases disposed 2013-2024</b>				
<b>YEAR</b>	<b>NJT CASES Disposed</b>	<b>OTHER Cases Disposed</b>	<b>TOTAL</b>	<b>% NJT CASES</b>
2007	64	1367	1431	4.5%
2008	33	1338	1371	2.4%
2009	17	1219	1236	1.4%
2010	17	1233	1250	1.4%
2011	14	1472	1486	0.9%
2012	21	1656	1677	1.3%
2013	36	1917	1953	1.8%
2014	28	1660	1688	1.7%
2015	17	1063	1080	1.6%
2016	12	1628	1640	0.7%
2017	9	1399	1408	0.6%
2018	18	1163	1181	1.5%
2019	14	1281	1295	1.1%
2020	9	956	965	0.9%
2021	8	1350	1358	0.6%
2022	8	1401	1409	0.6%
2023	12	1411	1423	0.8%
*2024	10	1490	1500	0.7%
<b>Total</b>	<b>347</b>	<b>25004</b>	<b>25351</b>	<b>1.4%</b>
				Average
Source: NI Courts & Tribunals Service				

\*provisional figures

<b>Table 13: Certificates issued and refused for NJTs by the Director of Public Prosecutions (2007-2024)</b>		
<b>Year</b>	<b>Certificates Issued</b>	<b>Certificates Refused</b>
2007	12	2
2008	25	2
2009	11	0
2010	14	0
2011	28	0
2012	25	3
2013	23	3
2014	14	1
2015	15	0
2016	19	1
2017	22	1
2018	17	1
2019	13	1
2020	11	2
2021	16	0
2022	22	4
2023	20	3
*2024	17	5
Source: Public Prosecution Service for Northern Ireland (PPS)		

\*provisional figures



**Table 14: Number of Cases in which Condition Met**

<b>Year</b>	<b>Condition 1</b>	<b>Condition 2</b>	<b>Condition 3</b>	<b>Condition 4</b>	<b>Certificates Issued</b>
<b>2007</b>	100%	50%	25%	33%	<b>12</b>
<b>2008</b>	96%	64%	12%	16%	<b>25</b>
<b>2009</b>	100%	64%	0%	18%	<b>11</b>
<b>2010</b>	93%	64%	14%	21%	<b>14</b>
<b>2011</b>	96%	82%	14%	29%	<b>28</b>
<b>2012</b>	84%	64%	4%	40%	<b>25</b>
<b>2013</b>	96%	70%	13%	91%	<b>23</b>
<b>2014</b>	100%	67%	0%	89%	<b>18</b>
<b>2015</b>	93%	87%	0%	47%	<b>15</b>
<b>2016</b>	91%	100%	0%	64%	<b>11</b>
<b>2017</b>	100%	67%	0%	89%	<b>9</b>
<b>2018</b>	94%	71%	0%	82%	<b>17</b>
<b>2019</b>	77%	69%	0%	62%	<b>13</b>
<b>2020</b>	91%	64%	18%	36%	<b>11</b>
<b>2021</b>	94%	62%	6%	75%	<b>16</b>
<b>2022</b>	77%	73%	0%	23%	<b>22</b>
<b>2023</b>	95%	80%	10%	40%	<b>20</b>
<b>*2024</b>	94%	82%	0%	53%	<b>17</b>
<b>Average</b>	<b>93%</b>	<b>71%</b>	<b>6%</b>	<b>50%</b>	

Source: Public Prosecution Service for Northern Ireland (PPS)

\*provisional figures

## ANNEX D: FURTHER INFORMATION

- Criminal Justice Act 2003, Section 44  
<http://www.legislation.gov.uk/ukpga/2003/44/section/44>
- Justice and Security (Northern Ireland) Act 2007  
<http://www.legislation.gov.uk/ukpga/2007/6/contents>
- The Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2023  
<https://www.legislation.gov.uk/uksi/2023/668/contents/made>
- The Fresh Start Panel report on the Disbandment of Paramilitary Groups in Northern Ireland June 2016  
<https://www.northernireland.gov.uk/publications/fresh-start-panel-report-disbandment-paramilitary-groups-northern-ireland>
- Joint analysis from PSNI and the Security Service Paramilitary Groups in Northern Ireland  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/469548/Paramilitary\\_Groups\\_in\\_Northern\\_Ireland\\_-\\_20\\_Oct\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/469548/Paramilitary_Groups_in_Northern_Ireland_-_20_Oct_2015.pdf)
- Sixth Report of the Independent Reporting Commission (reporting on progress towards ending paramilitary activity):  
<https://www.ircommission.org/files/ircommission/2023-12/IRC%20Sixth%20Report.pdf>
- *Sixteenth Annual Report of the Independent Reviewer of the Justice & Security (NI) Act 2007*, which was published in June 2023:  
<https://www.gov.uk/government/publications/annual-reports-of-the-independent-reviewer-of-justice-and-security-northern-ireland-act-2007>