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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

AD
Fisher + Wright

Secure Fax: 1314SF

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TO: Colm O Floinn
Anglo-Irish Division

FROM: Val O'Donnell

SUBJ: **Guardsmen Fisher and Wright**

1. We have just received the attached press statement issued by the Ministry of Defence in the UK announcing the decision of an Army Board to retain the above Guardsmen in the Army.

2. Fisher and Wright were released on licence from prison in Northern Ireland in September by the Secretary of State for Northern Ireland, having served 6 years of their life sentences for the murder of unarmed teenager Peter McBride.

3. We have been told that NIO press spokespersons will follow rigidly the lines in the attached Q and A material, in dealing with any press queries here. The NIO was not involved in the decision-making in the case.

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MOD Press Statement on the retention of Guardsmen Fisher and Wright

The Army has today informed Guardsmen Mark Fisher and James Wright that they are to be retained in the Army. The decision to allow their service careers to continue, after their conviction in 1995, for the murder of Peter McBride in 1992, was taken by the Army Board. The Board gave the fullest possible consideration to all the relevant circumstances, including representations from the Guardsmen themselves and the views of the family of Peter McBride, before making their decision. The Board reached the conclusion, allowed for in Queens Regulations, that there were exceptional reasons for retention of the two Guardsmen.

It took account of the following: that the Army itself was responsible for the training of the Guardsmen as soldiers and for preparing them for operations and deployment to Northern Ireland; the security situation in the area of the incident at the time was tense and the Guardsmen's unit had suffered a recent fatal casualty; the Guardsmen had shown contrition for their action, which they had admitted was an error of judgement which they very much regret; they had paid the price for their action with a lengthy prison sentence during which time their behaviour had been exemplary; their continued loyalty to the Army and their previously unblemished military records; and finally their wish to continue serving their country.

Notes to editors: The Members who considered this case on behalf of the Army Board were: Minister of State for the Armed Forces, Chief of the General Staff, Assistant Chief of the General Staff, Adjutant General and the 2nd Permanent Under Secretary at the Ministry of Defence.

There will be no interviews of Board members

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Q&A for Handling Army Board Decision to Retain F&W

Q1. Which members of the Board considered this case?

A1. The Minister of State for the Armed Forces, Chief of the General Staff, Assistant Chief of the General Staff, Adjutant General and the 2nd Permanent Under Secretary at the Ministry of Defence.

Q2. Are all such cases dealt with at such a high level?

A2. No, not all require Army Board consideration. In this instance however it was thought to be appropriate, in accordance with established procedures, to submit the case to the Army Board for consideration. The majority of such cases are dealt with at a lower level than the Army Board.

Q3. Is it usual for Ministers to be involved?

A3. Ministerial involvement is not without recent precedent and, although Ministers would not be available to be involved in cases frequently, Defence Ministers are Members of the Army Board and can be involved in consideration of AB issues.
(IF PRESSED - Most recent case which involved a Minister was in 1997. It would not be appropriate to discuss the details of other cases.

Q4. Why was a Minister involved in this particular case?

A4. The Army Board consists of four Ministers, six senior Army officers, and a senior civil servant. It is chaired by Secretary of State who is accountable to Parliament for its decisions.
The case of Guardsmen Fisher and Wright raises issues of public policy and is of significant public interest. It is therefore entirely appropriate for a Minister to be involved in the consideration of this case.

Q5. Why not Defence Secretary?

A5. Doug Henderson is the Defence Minister with specific responsible for Service personnel issues. The Defence Secretary would have been involved in the handling of any appeal by the soldiers had they been dissatisfied with the decision of the Board. Appeals are normally dealt with by Board members not involved in the initial decision.

Q6. Why, as convicted murderers, have Gdsm Fisher and Wright been retained by the Army?

A6. Under Queen's Regulations for the Army a soldier sentenced to a period of imprisonment by a civilian court must be the subject of an application for discharge. These Regulations do, however, allow for the retention of a soldier if there are exceptional reasons for doing so. The Army

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Board gave the fullest possible consideration of all the relevant circumstances of Gdsm Fisher and Wright's case before coming to its decision.

Q7. What were the exceptional reasons in this case?

A7. The Board took account of the following: that the Army itself was responsible for the training of the Guardsmen as soldiers and for preparing them for operations and deployment to Northern Ireland; the security situation in the area of the incident at the time was tense and the Guardsmen's unit had suffered a recent fatal casualty; the Guardsmen had shown contrition for their action, which they had admitted was an error of judgement which they very much regret; they had paid the price for their action with a lengthy prison sentence during which time their behaviour had been exemplary; their continued loyalty to the Army and their previously unblemished military records; and finally their wish to continue serving their country.

Q8. The Northern Ireland Secretary argued for their dismissal. Was this taken into account?

A8. Dr Mowlam made it very clear that her view was a personal one. The Northern Ireland Office has no involvement in the Board process. The Army Board was required to reach its decision after consideration of all the relevant factors, which is what it has done.

Q9. Why has it taken so long to come to a decision?

A9. The Army authorities made a conscious decision not to make a determination on their future until all legal processes had concluded in order not to risk prejudicing their cases. Their release from Prison was considered to be the appropriate time for such consideration.

Q10. What are the procedures for considering an application for discharge?

A10. The application is initiated by the Commanding Officer. The papers are then passed to the individual, who is given the opportunity to add his own statement if he wishes. The application is then considered by the chain of command. In the cases of Gdsm Fisher and Wright, the Army Board took the final decision on the application given the circumstances of the case.

Q11. Did Gdsm Fisher and Wright make any representations against discharge?

A11. Yes they did, and these were made available to the Army Board.

Q12. What will happen to Gdsm Fisher and Wright now?

A12. They will remain at ITC, Catterick for a short period. No decision has yet been taken about the unit they will subsequently join.

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Q13. Will they serve in Northern Ireland?

A13. It is long standing policy not to comment on postings of individual soldiers. [If pressed: It is most unlikely that Gdsm Fisher and Wright will ever be required to serve again in Northern Ireland.]

Q14. Can they travel to Northern Ireland?

A14. Gdsm Fisher and Wright will be subject to the same restrictions as any other soldier. In accordance with current standing security instructions, they would have to apply for permission to visit Northern Ireland.

Q15. Are they free to go anywhere they wish?

A15. They will be subject to the same restrictions contained within Queen's Regulations as any other soldier.

Q16. Will they carry arms?

A16. If Gdsm Fisher and Wright are required to carry arms as part of their military service they will be subject to the strict supervision applicable to all weapons handling.

Q17. Will Gdsm Fisher and Wright receive any pay for their period in prison?

A17. Any soldier who is awarded a custodial sentence forfeits his pay while imprisoned or in detention.

Q18. Will the soldiers seniority for promotion be restored?

A18. Guardsmen do not require seniority in order to be considered for promotion.

Q19. Will their imprisonment have any effect on their Army career?

A19. Clearly their period of imprisonment has meant that they have been unable to gain and develop experience and skills which they might otherwise have done. Their future progress will depend on their performance in the Service.

Q20. Can we speak to the Gdsm?

A20. Not at this time as the Gdsm are eager to commence their refresher training and continue with their Service. Interviews may be possible at a later date, though under Queen's Regulations, the Gdsm must seek permission and a public relations officer must also be present.

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