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Group 2 Section
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Secure Fax: 412

16 April 1998 **No of pages including this one: 5**

To: HQ 16V
To: C O Floinn

From: Belfast
From: V O'Donnell

Subj: Multi-Party Agreement: UK proposals for release of prisoners

1. Further to today's secure fax no. 410, I enclose a copy of a document which I have received from the other side on the above matter. I understand that the document is being sent by the Cabinet Office ("No 10") to all political parties involved in the above talks, today.

2. Without checking it, it appears to be identical to the text which appeared in the Irish News today.

3. It has been suggested to me that the document was in circulation at the Talks last week. (Hence ref at top LH corner).

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NOTE
Copy of this document is being sent to all parties at N.I. Multi Party negotiations, today. - per. British side, Anglo/Irish Secretariat, today.
V. Donnell.
16/4/98

DRAFT: 2200: 8 APRIL

PRISONERS AND THE POLITICAL SETTLEMENT

1. This paper sets out what the British Government would be prepared to do in respect of prisoners in the context of a peaceful and lasting settlement in Northern Ireland. The proposal will only be given effect in the context of an overall settlement endorsed by a referendum. However:

- Prisoners affiliated to groups that are continuing to engage in violence or that return to violence will not be given early release.

- Prisoners will be released on licence and will be recalled if they engage in terrorist activity after release.

2. The following safeguards would be part of the scheme:

- the Secretary of State will hold the power to suspend the scheme if the circumstances require it; in that case no prisoners would be released under the terms of the scheme and the Body would not consider any new cases;

- in life sentence cases the Body will also be required to consider if the protection of the public means that confinement is still necessary;

- the Secretary of State will keep under review those organisations that are excluded from the scheme; and

- the Secretary of State will hold the power to refer cases back to the Body should the individual circumstances of a prisoner change so that he may no longer qualify under the terms of the scheme.

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3. The Government has said that there will be no amnesty for those convicted of terrorist offences and this remains the case. In this, the Government is mindful of the brutal nature of terrorist crime. An independent Sentence Review Body would be set up to operate the scheme. A short paper setting out how the Body would work is attached.

4. Prisoners affiliated to certain organisations or who themselves are likely to re-engage in terrorist violence following release would be excluded from the scheme. A prisoner would be told about any information that would adversely affect his application to allow him to challenge it or make further representations. The Government would also intend to set cut-off dates in relation to the offences that may be considered.

5. The Government believes that a widely acceptable political settlement would bring about a more normal peaceful society and this would have significant implications for persons convicted of terrorist offences. The scheme would apply to prisoners convicted of scheduled offences that were not certified out by the Attorney General and who have been sentenced to life imprisonment, a determinate sentence of five years or more, or been made subject to an order requiring the prisoner to serve an unexpired portion made under section 16 of the Northern Ireland (Emergency Provisions) Act 1996. Prisoners convicted of similar offences in Great Britain and transferred to Northern Ireland would also be eligible to apply.

6. The legislation for the scheme would be introduced following the endorsement of any settlement by a referendum by June 1998. The Body would be expected to have considered all applications by June 1999. Prisoners would have the period they are required to serve in custody reduced. The period to be served by a life sentence prisoner is currently determined by the Secretary of State. The intention would be that life sentence prisoners who qualify would receive a discount of about a third of the period that they would otherwise serve in custody.

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Determinate sentence prisoners would be required to serve a third of their sentence before being released on licence.

7. Most eligible prisoners would be released within two years. At that point those prisoners still in custody would be automatically released if otherwise eligible for release under the scheme. This date would be set in legislation. The Secretary of State would have power to bring the date forward or to put it back depending on the circumstances and progress towards the creation of a more peaceful society.

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ANNEX

PROCEDURES

A. The SRB is to be set up as an independent body which prisoners will apply to on an individual basis. The SRB will consider evidence presented to it and may request further information to enable it to make a determination.

B. The SRB will be composed of between three and five Members who will each be competent to exercise the powers of the Body. In addition the Secretary of State will appoint a number of Assessors to assist the Members in considering cases. These Assessors will include persons drawn from the community in Northern Ireland and persons with professional expertise in assessing risk.

C. To ensure that applications are processed quickly the SRB will consider applications and written material and make a preliminary finding in each case. If the prisoner and the Secretary of State accept this finding it will be made final subject to paragraph E below.

D. In those cases in which this process does not conclude the case the SRB will consider the case further and may hold an oral hearing. At an oral hearing the SRB will allow the prisoner to present his case and consider such further materials as are made available. Following the further consideration of such material the SRB will make a decision which will be final subject to paragraph E below.

E. Prisoners will be allowed access to legal advice to assist them in preparing their case. Except as provided for under the legislation the SRB will be responsible for its own procedures.

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