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SECRETARY OF STATE
FOR
NORTHERN IRELAND



Brian Lenihan Esq TD
Tánaiste & Minister for Foreign Affairs
80 St Stephen's Green
DUBLIN 2

18, November 1988

Dear Tánaiste

Thank you for your letter of 17 November about our proposals for a change in the rate of remission awarded in Northern Ireland to sentenced prisoners.

I appreciate your frank statement of your political assessment of what we are doing. As I think I made clear when we spoke on the telephone, we nevertheless think that these measures on balance are necessary and right. As you generously recognise in your letter, they are to be seen as part of a programme of measures and are balanced by a number of others, both in the area of prisons and in other fields such as the PACE order and fair employment which do offer reassurance and help, particularly for the minority community. Moreover, the SOSP review is going ahead and is not affected by these changes.

We have been careful to avoid any retrospection; our proposals will not, for example, apply to prisoners already sentenced, nor even those awaiting trial, but only to those committing a scheduled offence after the change has been brought into effect. Moreover, even when the changes have been introduced, the rate of remission at 33 1/3% will still be higher in Northern Ireland. Furthermore, I do not think we shall have serious problems with anomalies depending on the precise date of a crime and so on.

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You also make the point that direct parallels cannot be drawn between the systems in Britain, Northern Ireland and the Republic; nevertheless the present situation is such that comparisons are drawn, and the results are very difficult for people in Northern Ireland to accept with such a high level of remission for what are some of the most serious criminals. Similarly, while the statistics about re-involvement can be interpreted in a number of ways, the fact is that the present remission arrangements permit the release of prisoners who do become re-involved and who are a threat to life. There are some notorious cases, and any one of them could be argued to make the present system indefensible.

I am sorry that our political assessments differ. I very much appreciate your comments about our common objective, and I can assure you that we have given very careful thought to just the points you make and have talked about them at length with those in overall responsibility for the prisons, even though the changes will not affect anybody in prison at present.

As I mentioned to you and Gerry at our meeting on 2 November, we proposed to include these changes in the PT Bill, which is likely to be published on 25 November. I must confess that I thought at our discussion that you understood the reasons for the action we proposed and felt they could be readily justified. I am sorry if I misunderstood your views as we do feel that it is necessary to proceed on the basis I described.

MTH Maxwell
Private Secretary

PP. TK

(Dictated by the Secretary of State
and signed in his absence)

PS/Sops(L+B)-M
PS/Mops(L+B)-M
PS/Pus(L+B)-M
Mr Burns
Mr Stephens-M
Mr Steele-M
Mr Miles-M
Mr Hewitt-M

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