

28 November 1997

Liaison Sub-Committee on Confidence Building Measures

Paper by the Irish Government on Prisoner Issues

1. The Irish Government has long recognised that movement on the issue of prisoners is an important element in nurturing the confidence that must underpin the peace process. As our experience in these talks to date has shown, confidence is a key ingredient to progress. Where we have made progress, it has been where a degree of confidence has been imparted to all sides. As progress is made, confidence grows. The Irish Government has always believed that the peace process ultimately depends on creating and sustaining this virtuous cycle of confidence and progress.
2. The general security context remains very encouraging overall. This assessment is supported by the security advisers of both Governments. In response, the British Government has made some moves in troop deployments and British Army patrols which the Irish Government has welcomed. Consistent with the continuing and positive security context, we have welcomed this and will continue to encourage further moves toward normalisation on the security front.
3. The prisoner issue forms a key part of this matrix. Continued action by the Governments on prisoners, as called for in the Report of the International Body, is one of the confidence-building measures which are essential elements in the promotion of trust and the underpinning of peace in Northern Ireland.
4. The virtuous cycle of confidence and progress applies, perhaps most directly and immediately vis a vis the improved security context, to confidence-building measures and the work of this sub-committee. By their nature, republican and loyalist prisoners come from local communities and areas which have been most directly affected by the problems of Northern Ireland. The existence of such large numbers of prisoners is, of course, a direct result of the conflict in Northern Ireland. The Government recognises

that, consequently, the approach of the authorities is often interpreted by these communities as a litmus test of sensitivity and progress in the context of the improved security situation.

5. The Government recognise that both republican and loyalist prisoners made important contributions to bringing about the cease-fires in Northern Ireland. It is important and appropriate, therefore, to sustained confidence in the peace process that this contribution should be recognised through sensitive and tangible measures on prisoner issues.
6. This view has guided our own approach to prisoners within our jurisdiction, as well as our contacts with the British Government. Speaking shortly after the IRA cease-fire was restored on 20 July last, the Taoiseach set out the Government's approach:

"In the context of talks it will also be essential that they focus in an imaginative and compassionate way on all the questions relating to those who have been imprisoned in the context of the conflict, both Republicans and Loyalist, while also giving full attention to the concerns of victims of violence. The question of prisoners must be addressed in a constructive and generous way. That will be the approach of this Government, returning to the same approach that existed prior to February 1996."

7. We have sought to proceed in a manner which is both sensitive and imaginative. Careful balances have to be struck between the need for justice and the need to encourage confidence. As a measure of how we have moved on this issue, 7 persons convicted of offences relating to the conflict in Northern Ireland were granted early release since the restoration of the cease-fire. To these must be added the 36 who had benefited from similar measures between August 1994 and February 1996, during the previous IRA ceasefire. We are reviewing the situation to see what further measures might be taken in this area. We would also welcome the consideration of similar

measures, including early releases, applied to both republican and loyalist prisoners, by the British Government.

8. In urging such concessions, we do not wish to suggest that the concerns of those who have suffered and their families should be forgotten. Our aim, rather, is to build confidence in the peace process and thereby minimise the risk of future victimisation. We should also add that, in assessing whether a person should benefit from early release, a primary consideration is the potential threat to the public which might be occasioned by this release. We believe that in the context of a continuing and effective ceasefire, the potential threat to the public posed by the release of paramilitary prisoners would be greatly reduced.
9. The Government attaches particular importance to the transfer of prisoners from Britain to Ireland. We have been consistently guided by the principle that, wherever possible, prisoners should be permitted to serve their sentences close to their families. This is not a dimension limited to Northern Ireland but is recognised, on compassionate and humanitarian grounds, internationally.
10. In November 1995, the Irish Government ratified the European Convention on the Transfer of Sentenced Persons, the international instrument which provides the framework for transfers between States which are party to it. Since then, six Republican prisoners were transferred from Britain to Ireland - as well as two from the United States. A further 19 have applied to serve the remainder of their sentence in our jurisdiction.
11. We have made clear that we stand ready to receive, at the earliest possible date, all qualified republican prisoners in Britain who wish to be transferred under the provisions of the European Convention.
12. We have addressed this issue consistently in our contacts with the British Government, most recently when the Taoiseach met Prime Minister Blair at the

European Employment Summit. We have worked to establish the necessary political and legislative framework to enable further transfers to take place, and we expect that a number of prisoners will be transferred to our jurisdiction in the very near future.

13. We also welcome the introduction of new regulations governing the transfer of prisoners between Britain and Northern Ireland. By abolishing the category of temporary transfers, the new regulations introduce an important element of certainty into lives of the persons concerned and of their families. It has also meant that the persons concerned have been able to avail of the same provisions relating to parole and compassionate leave as other prisoners in Northern Ireland.
14. We have also welcomed other positive moves since the beginning of September regarding the prison regime in Northern Ireland in relation to parole and compassionate leave.
15. The Government have long urged that the conditions in which prisoners are held are in accordance with the need for dignity and respect for human rights. There had been widespread concerns, on humanitarian grounds, about the impact of the Special Secure Units in Britain on the well-being psychologically and physically of prisoners. There was much relief then, when the downgrading of the security classification of those republican prisoners meant that they were moved out of the Special Secure Units. That removed a deep source of worry and contention for the families of the prisoners concerned and the wider community from which they have come.
16. The Irish Government believe that the various steps outlined here constitute important progress by both governments on the question of prisoners. The Irish Government will continue to attempt to identify the prisoner issues affecting confidence generally and to frame a sensitive and meaningful response consistent with the improved security situation. We consider it essential to maintain the momentum of improvement on this issue and we will continue to work with the British Government to this end.