

NORTHERN IRELAND WOMEN'S COALITION

SUBMISSION ON PRISONERS TO

LIAISON SUB-COMMITTEE ON CONFIDENCE-BUILDING

International and historical research demonstrates that some agreement on prisoner release must be part of any settlement of a violent political conflict which involves negotiations between ex-combatants.

The risk associated with early release needs to be taken in order to end the conflict and get an agreement which will hold. The risk of not acting on the prisoners issue is clear - a potent symbol of past struggle remains and could be the occasion for a new conflict.

The Northern Ireland Women's Coalition believes that our prisons are full in N. Ireland because this society has been engaged in a bloody political conflict. We reject the idea that our prisons are full because of an enormous 'crimewave.'

The use of emergency legislation, Diplock courts, differences in sentencing as well as differences in the day to day running of prisons, with prisons here run along prisoner of war camp lines, are testimony to the fact that these prisoners would not be there if not for our political conflict. In this regard, the N.I. Women's Coalition have called for a repeal of the emergency legislation and a review of the criminal justice system to ensure that it fully complies with internationally agreed human rights standards.

Outside the prisons we have all lived on a war footing, in an abnormal and dysfunctional society. This society has created the conditions; the abuse of power, fear, hatred and sectarianism which have motivated ordinary people to engage in violent acts. We are all part of that society, and all implicated in one way or another.

The N.I. Women's Coalition wants to help build a secure, peaceful society founded on a bedrock of human rights for all and it is from this perspective that we address the issue of prisoners.

The future of the prisoners is an issue for everyone in society not only the prisoners, their families and organisations. Without their release and re-integration into society we will never be able to truly abandon the conflict and create a tolerant, inclusive, just society. It is a challenge for us all to meet.

The N.I. Women's Coalition would also like to acknowledge the positive role played within the peace process by many ex-prisoners.

## VICTIMS

The NI Women's Coalition recognise the anger and fear on the part of some victims at the prospect of the release of prisoners. We respect the right of victims to feel this anger and fear. We believe that none of us should ever lose sight of the enormous pain, loss and grief which has been endured because of the acts of violence created by this conflict.

However it is important that the views of all victims, not just those of paramilitary organisations, be taken into account and that the views of victims in all their diversity be recognised.

It is also simplistic and patronising to suggest that the pain of the victims is reduced in inverse proportion to that inflicted on the perpetrators. Some of the most shining examples of true forgiveness and reconciliation have emerged from victims. We believe that victims, just like society as a whole, have interests in justice, in peace and in achieving a situation where there will be no more victims of political violence.

The NI Women's Coalition fully supports the demand made by victims organisations here that the funding the resources be made available to enable victims to be properly supported during this time. Organisations such as WAVE and An Crann should be supported to encourage healing and reconciliation within society.

The NI Women's Coalition would urge that the impact of the conflict, including the effects on children of having family members imprisoned should be highlighted. Our children are our future and many of them have been emotionally, mentally and physically damaged during this conflict. We are particularly concerned that little or no provision is available for bereaved children and young adults, with minors likely to find themselves admitted to adult psychiatric facilities. Bereavement and counselling organisations generally are attempting to deal with the upsurge in depression and mental distress often associated with the end of a conflict, without additional resources.

Ex-prisoners organisations such as EPIC and Tar Anall also need support for their unique contribution to reintegrating prisoners into their communities.

## RELEASE PROCESS

From the perspective of the families and friends whatever manner was used to kill their loved one is horrendous, whether it is a single shot in a taxi or outside their own front door, or a bomb in an army base or shopping centre.



We believe that to begin to consider prisoners for release on the basis of how serious their crimes were would lead to an impossible situation of having to rank atrocities.

And, if we are frank, the scale and number of atrocities committed here would make this a gruesome and impossible task. Is Greysteel or the Shankill bombing worse? Such a comparison is invidious and impossible for anyone to answer except from an emotionally charged position.

Our first priority must be to end this conflict and to address and remove all the causes of recreating a future cycle of violence. In some respect we must channel our abhorrence of the acts into a commitment to stop the cycle. This requires bold action, faith in the common humanity which we all share and an acknowledgment that all of the prisoners belong to this society. They are our people.

The N.I. Women's Coalition support the early release of all prisoners convicted of scheduled offenses, both loyalist and republican, across the board, within the context of an overall political agreement.

The Emergency Provisions Act scheduled offenses are deemed to be politically motivated. We believe the application of this criteria could be the most useful measuring tool for granting release.

We would also urge equity in treatment between those sentenced here, in Britain and in the Republic, in terms of release. The relevant authorities need to co-operate on this issue and act in a coordinated fashion.

## **IMMEDIATE CONFIDENCE BUILDING MEASURES**

1. NI Women's Coalition realise that a full programme of prisoner release and the mechanisms to enable that and deal with the transition period are linked to political agreement. However immediate steps could be taken to move on the issue of early release.

(a) A clear statement by the British government outlining its commitment to address the issue of prisoners as central to the process and that early prisoner release will form part of an overall agreement, would help create favourable conditions for building an agreement and addressing disillusionment within communities.

(b) Immediate action to recognise the fundamentally changed conditions brought about by the cease-fires is necessary. For example the 1995 Legislation on Remission which introduced 50% remission, whilst welcome, has merely returned to a pre-1989 situation, with extra conditions. Movement in this direction would help cement the peace process.

2. Both the British and Irish governments have now signed the Convention on the Transfer of Prisoners. We believe that all prisoners who require a transfer should be facilitated as a matter of urgency. This is a human right which would greatly ease the suffering of the families concerned. We would urge immediate action on this issue by both the British government and the Irish Government.

3. Within the prison system we would urge a humanitarian approach, including the facilitation of private family visits in order to prepare prisoners for reintegration into society.

4. The N.I. Women's Coalition, coming from our commitment to human rights, have expressed concern about the case of Roisin McAliskey from the beginning of her imprisonment. As a Coalition of Women we were appalled at her treatment whilst pregnant, which included repeated strip-searching.

We understand that Roisin is now ill and on bail in a psychiatric hospital in London with her young baby. We are deeply concerned at the long-term effect on her health and the health of her child if this situation continues.

There now appears to be a convoluted legalistic obstacle preventing her from proceeding with her legal fight against extradition. We would like to reiterate the fundamental position that a person is innocent until proven guilty. Roisin has now spent a year in prison without being convicted, or indeed charged with any crime.

We call on the British government, on the grounds of human rights, to examine this case and seek a resolution as a matter of urgency. A humanitarian decision on Roisin McAliskey's case would, we believe, be a valuable confidence-building measure.

5. In order to create a climate of credibility for the rule of law and the exercise of justice, the Coalition believes that it is important to deal with the legacy of the past. Action is urgently required to ensure that there are expedited arrangements to deal with the reported miscarriages of justice which have arisen over the years, and which involve people from both sections of the community. In this regard we suggest that additional resources be given to the Criminal Cases Review Commission in order to ensure that these cases are given prompt attention.