

PRISON RELEASES
ARE
CRUCIAL TO
THE
PEACE PROCESS

A SINN FÉIN SUBMISSION TO THE
LIAISON SUB-COMMITTEE
ON CONFIDENCE BUILDING

A Sinn Féin submission to the peace talks

Political Prisoners

In every decade since the inception of the statelet Irish republicans have been imprisoned. In every decade, also, early releases of sentenced political prisoners have followed the abatement of conflict.

Political prisoners are a consequence and symptom of the political instability and conflict which has characterised the existence of the 6 county statelet. Since 1969 over 10,000 Irish republicans have been imprisoned. The majority of republican prisoners have been incarcerated in prisons in the Six Counties. 1 in 60 northern nationalists have spent time in prison over the last 25 years. A political settlement and an end to conflict logically involves the release of all political prisoners.

New Agenda Required

The peace process has opened up a vista of hope. This needs to be transformed into reality. That means the speedy dismantling of the old agenda of conflict and putting in its place a new agenda of change to secure a just and lasting peace.

Prisoners and prison issues epitomise, in part, the old agenda. There needs to be speedy and significant movement on these issues to build confidence in the ability of the wider process to deliver on its end objective. A failure to do so can only have the effect of eroding confidence in the process itself.

Double Standards - a tool of conflict

Over the past 25 years successive British Governments have perpetrated thousands of acts of violence against the nationalist community. Over 350 people have been killed by crown forces. In only a handful of instances have the perpetrators been brought before the courts. In the very few cases which resulted in convictions the perpetrators were released after a minimal period in prison.

British Government involvement in murder is not open to question. In one instance, on Bloody Sunday in 1972 British paratroopers shot dead 14 civil rights demonstrators in Derry. No soldier was ever charged. Compounding the injustice the Regiment's commander was decorated for his services.

While the British authorities have, so far, kept the lid on their full involvement in hundreds of killings carried out by loyalist paramilitaries it is now accepted that crown forces collusion with loyalist assassins has been widespread.

The extent of collusion can perhaps best be gauged from the Brian Nelson affair. Nelson, a British military intelligence agent in the UDA, was the conduit through which thousands of RUC/British Army intelligence files on nationalists were passed to the UDA and UVF. British military intelligence undertook a comprehensive reorganisation of UDA information and intelligence to enhance their killing capacity. More significantly Nelson was the key figure in the rearming of loyalist paramilitaries through the

procurement of arms from South Africa in the late 1980s. British Intelligence was fully appraised of the facts of this as the procurement, transportation and distribution took place. In the period between January 1988 to September 1994 these weapons were used to kill 229 nationalists, in addition to over 300 other attempted killings marking a significant upturn in loyalist attacks.

Shortly before Nelson's trial the most serious charges against him - two counts of murder - were dropped in an extraordinary deal which involved the British Attorney-General, Patrick Mayhew, acting to prevent the full disclosure of Britain's links with loyalist paramilitaries. The prosecution and defence entered into a cosy accommodation. Only one witness was called (an anonymous army intelligence office, who described Nelson as a 'hero') and there was little cross examination. It is clear from this officers testimony that the British Army and the RUC were aware of the flow of their own intelligence reports to the UDA/UFF, and their use in targeting people for killing, at least as early as May 1987. British Defence Secretary and former Secretary of State, Tom King, submitted a mitigation plea for Nelson, describing him as having been 'a valuable agent'. Nelson pleaded guilty to 20 charges, was sentenced to 10 years and is now a free man.

The findings of the inquiry into collusion between British forces and loyalist paramilitaries - the Stevens Report - have never been made public. No charges were laid against regular British Army personnel or RUC officers at the centre of this deadly strategy of using loyalist paramilitaries as proxies which resulted in 229 deaths and 300 attempted killings.

Imprisonment - a tool of conflict

Imprisonment is but one of the tools of conflict in the arsenal of weapons of war at the British governments' disposal. Incarceration is the main objective - a military objective to serve political ends. Hence there has been internment, juryless courts, a reversal of the onus of proof onto the accused, statements of admission extracted under torture, paid perjurers, fabricated incriminating evidence, the removal of the right to silence, disparity in sentencing, miscarriages of justice, disparity in time served. In addition inquiries and investigations have been deliberately neglected or scuppered and Public Interest Immunity Certificates issued to conceal facts and avoid the prosecution of British personnel. For the British government the issue of justice is subordinate in all of this. Military and political considerations have been and remain the dominant factors.

This is why:

- No prosecutions were brought over Bloody Sunday, and scores of other disputed killings.
- No prosecutions were brought against British personnel involved in torture or inhuman and degrading treatment.
- Only a handful of prosecutions were brought over killings by British personnel and even fewer convictions secured.

- Private Ian Thain of the Parachute regiment was released after serving only 2 years of a life sentence for the murder of Thomas 'Kidso' Reilly.
- Private Lee Clegg of the Parachute regiment was released after serving only 2 years of a life sentence for the murder of Karen Reilly.
- John Stalker was removed from the shoot-to-kill inquiry.
- Brian Nelson had charges of murder dropped and is today a free man.
- The findings of the Sampson/Stalker and Stevens inquiries have been withheld from publication.

This is why:

- Approximately 60% of the current republican prisoner population have already served twice the time served by British soldiers Thain and Clegg.
- Martina Anderson and Ella O'Dwyer - who killed no-one - are still in prison having served 12 years of a life sentence for conspiracy.
- Harry Duggan, Hugh Doherty, Eddie Butler and Joe O'Connell and Vincent Donnelly are still in prison after 22 years.
- Three republican lifers have been set 'whole life' tariffs, that is, natural life.
- The British government continues to pursue extradition requests of Irish republicans from the USA and the south of Ireland.

These few examples and the disparities they illustrate are but the tip of the iceberg of multiple disparities of approach to and treatment of what is in essence a political matter. Investigations, prosecutions, convictions, sentences and time actually served are largely dependent on what side in the conflict an individual has chosen.

Prisoner Releases are Crucial

In building trust and reconciliation, appropriate and timely action is also important on the various issues relating to those who have been imprisoned in the context of the conflict. All such prisoners must be released.

The release of politically motivated prisoners is crucial to the peace process. The two are inextricably linked.

Immediate movement on the issue of prisoner releases would serve as a first sign that the British Government are bringing to the present process an acknowledgement of their responsibility for past conflict.

Imprisonment, the forcible denial of liberty, is unquestionably a form of institutional violence in a situation of political conflict. If other forms of violence have ceased then this form of violence must also cease.

Inaction on prison issues and particularly on the release of prisoners has, alongside other matters, eroded confidence in the peace process itself when what is required is concrete confidence building measures to enhance the climate in which agreement on an overall political settlement is being sought.

It is inconceivable that the early release of prisoners sentenced as a result of the conflict can be divorced from the peace process. This is fundamental. All such prisoners must be released.

Pending the release of all political prisoners the following measures should be introduced immediately:

- Five Irish political prisoners held in England who have served 22 years in prison should be released.
- All Irish political prisoners held in England should be transferred to prisons in Ireland.
- Special Secure Units in the English prison system should be closed permanently.
- Irish prisoners held in England should be granted compassionate and normal parole facilities.
- The categorisation of some prisoners transferred to prisons in the 6-Counties as 'restricted transfer' should be ended. All transfers should be permanent and transferred prisoners afforded the same parole, remission and review facilities as other prisoners.
- Life sentence prisoners should be granted legal representation at Life Review Board meetings, prior access to the secret reports which are the basis for the Review Board decisions, and the right to appeal decisions not to recommend release.
- The 'Work Out' procedure for life sentence political prisoners should be ended.
- The practice of strip-searching of male and female prisoners should cease.
- Restrictive conditions in the women's prison at Maghaberry should be ended. Female prisoners should be granted the same facilities as available to male prisoners in both Long Kesh and Maghaberry prisons. This would entail an end to lock-ups, extended association and exercise periods, improved education and exercise facilities and unrestricted access to telephones.
- Róisín McAlliskey should be released.
- Extradition requests should be withdrawn by the British government.
- Time served awaiting extradition should automatically be deducted from

the sentence of any prisoner who has been extradited.

- A review of prison visits should be introduced to allow greater contact between prisoners and their families.
- Prisoners with children should be permitted the opportunity to develop family relationships through the arrangement of child-only visits in suitable surroundings.
- Facilities for the enjoyment of conjugal relationships should be provided.
- Appropriate training and education facilities should be made available to prisoners awaiting release.