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PRIME MINISTER'S MEETING WITH THE LOYALIST POLITICAL PARTIES

PRISONS

Speaking note

- there have already been significant prison changes since the cease-fires;
- over 160 prisoners have been released early as a result of the Northern Ireland (Remission of Sentences) Act 1995 which came into effect in November 1995
- new compassionate leave arrangements were introduced in June 1995 which resulted in a nine-fold increase in the number of successful applications from the Maze

In addition, of the 49 Loyalist lifers seen by the Life Sentence Review Board since August 1994, 29 have been recommended for release.

- since the beginning of August the NIO has been looking at a number of possible regime changes in the "shopping list"
- movement on these has been difficult because of Loyalist indiscipline within prison, the abuse of schemes already in operation and the threats to Billy Wright and his supporters, some of whom are in prison

Nevertheless, in view of the very strong representations that have been made, we consider that the following changes can be made, all of which can be introduced shortly, events on the ground permitting.

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Pre-Release Leave

It is proposed to increase the pre-release leave allowance of male determinate sentence prisoners to bring it into line with that for females and to increase the allowance of both male and female long term prisoners.

[Currently females have a more generous leave allowance than males].

Life sentence prisoners who have been recommended for release

It is proposed that lifers who have been recommended for release should be allowed to commute their visits to fortnightly home leave.

[Currently life prisoners who have been recommended for release by the Life Sentence Review Board are entitled to extended visits within prison during the period that their cases are being considered by the judiciary].

Christmas Home Leave

It is proposed to increase the Christmas home leave allowance to 10 days for prisoners who have served over 11 years.

[Currently prisoners who are in their last year of sentence or who have served over 11 years may be eligible for 7 days Christmas Home Leave].

Medical Leave

Following representations by the Loyalists during the summer, steps have been taken on an ad hoc basis to remove a number of "anomalies" in respect of medical leave. The position will now be regularised.

[During the summer there were complaints about the medical leave scheme. The Loyalists thought it was anomalous that certain prisoners who had been given unescorted compassionate leave were not given unescorted medical leave].

Background

**LOYALIST PROPOSALS ON PRISONS ISSUES**

**1. PHASED RELEASE OF ALL LOYALIST PRISONERS IN THE ABSENCE OF A FULL AMNESTY**

Phased release of determinate sentence prisoners would require either the wholesale use of the Royal Prerogative or legislation. Release of life sentence prisoners is by the executive decision of the Secretary of State but the arbitrary use of this power in favour of a paramilitary faction would compromise our life sentence release procedures.

**2 (A). PRISONERS WHO HAVE SERVED 10 YEARS TO BE CONSIDERED FOR IMMEDIATE RELEASE**

The immediate release of determinate prisoners would require either the wholesale use of the Royal Prerogative or legislation.

Life sentence prisoners are already reviewed no later than the 10 year point by the LSRB which may recommend release in particular cases. However, the average period served by terrorist lifers is 15 years. This is already considerably less than the minimum of 20 years for terrorist prisoners served in Great Britain.

Despite the claims of the Loyalists, possible recidivism is an issue. All, except one, recalled terrorist lifers have had a Loyalist background. Moreover, it is wrong to imply that the relatively low rate of offences by released lifers reads across to released determinate sentence prisoners.

2(B). PRISONERS WITH SERIOUS MEDICAL CONDITIONS SHOULD BE CONSIDERED FOR IMMEDIATE RELEASE

This already happens in relation to prisoners who have serious medical conditions. In general our policy is to ensure that prisoners receive the treatment which is appropriate to their medical needs and this may require discharge either temporarily or permanently to hospital, hospice or home. Consideration will be given to the use of the Royal Prerogative of Mercy depending on where the prisoner is in sentence, the nature of his offence and so on.

Loyalist representatives have raised a number of cases of prisoners who have chronic illness. However, chronic illness would not in itself justify temporary or permanent release.

3. 66% REMISSION SHOULD BE INTRODUCED FOR DETERMINATE SENTENCE PRISONERS

Changing the remission rates of scheduled offenders would require primary legislation. Such a change would be entirely inconsistent with the Home Secretary's honesty in sentencing proposals.

4. REVIEW OF LIFE SENTENCES AT THE FIVE YEAR POINT AND FULL ENTITLEMENT FOR PAROLE

There is little point in the LSRB reviewing life sentences early unless there is a genuine possibility of release or unless the review was primarily to determine entitlement to home leave.

It would be difficult to justify extending the seven day and Christmas Home Leave schemes to lifers who have served only one-third of the average life sentence.

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In Northern Ireland prisoners are normally granted the full leave available - it has not been possible to discriminate between degrees of compassion. A maximum entitlement of 7 days for bereavement would almost immediately become the norm.

There have been concerns about the revised scheme, in particular that doctors are being put under pressure to exaggerate the seriousness of relatives' illnesses. Extending the scheme to include aunts, uncles, nieces and nephews would massively increase the number of applications and the scope for mischief.

**8. PRISONERS SHOULD BE GIVEN UNESCORTED MEDICAL LEAVE**

Many paramilitary prisoners are already given unescorted leave to attend hospital. The decision whether to escort prisoners is made in the light of individual security assessments. These assessments take into account not only possible risk to the public and risk of escape but also the need to ensure the safety of the prisoner.

**9. THE WORKING OUT SCHEME FOR LIFE SENTENCE PRISONERS SHOULD BE ABOLISHED**

The working out scheme involves a period of 3 months during which prisoners work in the community and return to prison at night and 9 months during which they spend all their time in the community reporting fortnightly to prison. This period counts towards the time which life prisoners are deemed to have served in prison.

I assume that by recommending that the scheme be abolished, the Loyalists are not suggesting that prisoner should remain in prison for a further 9 months. In other words, the Loyalists are requesting that life sentences be reduced by 9 months.

Although the scheme has its limitations, it does provide the Secretary of State with a degree of reassurance about the possible behaviour of life sentence prisoners. The release of life prisoners directly into the community would be inconsistent with arrangements in other jurisdictions.

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10. GREATER FLEXIBILITY IN THE RELEASE SCHEMES TO ALLOW PRISONERS TO RETAIN CONTACT WITH SICK OR DISABLED RELATIVES

The scheme in operation are already very generous and the Prison Service operates them compassionately. However, greater flexibility of the kind requested by the Loyalists would ultimately erode the criteria for granting home leave and would result in schemes that were effectively unmanageable.

Ministers have regularly commended the discipline of the Loyalist organisations: in my own speech at the Stormont Party Conference, I applauded the way that the organisations had been maintained in the face of IRA provocation, and drew attention to the influence and standing that loyalism had gained as a result.

I appreciate the pressures there must have been within paramilitary groups over the IRA Liasoir bomb. The maintenance of the ceasefire in such circumstances has I believe earned Loyalists such credit in Northern Ireland, Great Britain and further afield. Indeed it is seen as one of the most important signs of hope in the present Northern Ireland situation.

2. Consent

The Loyalists have told us that they will be looking to the Prime Minister to reaffirm the Government's commitment to the principle of consent - in fact something Ministers do very regularly.

Mr. McMichael takes the line that it is unacceptable for the future of Northern Ireland to be determined by a majority of 50 plus one: he would argue for a minimum of two-thirds to any proposals. The Joint Declaration and Frameworks document, however, speak only of the wish of "a greater number of the people of Northern Ireland" or of "a