

20/09/96

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THE HOME SECRETARY'S OFFICE → 98399044

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DSPP PROGRAMMES GRP

PAGE 01

By fax please to
Edward O'Keefe (No 10)

JEH

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- on the conversation.
with Ken Smith

From: Linda Robinson
DSP Programmes Group
Room 706
Cleland House
217 6383

cc: Catherine Byrne

20 September 1996

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Ker Sutton

REPATRIATION OF TERRORIST PRISONERS TO THE REPUBLIC OF IRELAND

We met with the Home Secretary yesterday to discuss repatriations of Irish terrorist prisoners to the Republic.

2. At the meeting it was agreed that before proceeding with action on three applications which have been approved by the Home Secretary, the views of No.10 and NIO should be sought regarding any timing sensitivities.

3. The legal representatives of the three prisoners have said that they intend to lodge Judicial Review applications today on the grounds of delay in the decision making process.

4. In view of this it was agreed that No.10 and NIO should be consulted by telephone with a view to obtaining a response today if possible.

5. Catherine Byrne has agreed to contact NIO. David Redhouse said that he would ask you to call No.10 in his absence from the office today.

6. I attach a note of points to be made in the call, together with background information which may be used as necessary. If you require any further details please call me.

Linda Robinson

LINDA ROBINSON

RECEIVED BY

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20 SEP 1996

PRIVATE SECRETARY

① C. Gaoer (pru)

News of this may break over the weekend.

I have told the Home Office to go ahead and tell the prisoners of the transfer. The Home Office are looking across to us for

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prisoners. I have also asked the NIO to let the UOI in advance

② C. JEH fi. ③ me n. 20/9

RESTRICTED**REPATRIATION TO THE REPUBLIC OF IRELAND OF THREE TERRORIST PRISONERS - NOTE FOR TELEPHONE CALL TO NO. 10**

- The Home Secretary has decided to agree to the requests of three terrorist prisoners for repatriation to the Republic of Ireland.
- There may be some press interest in the movement of these prisoners (although they are determinate sentence prisoners and unlikely to attract individual attention). Two earlier repatriations of terrorist prisoners to the Republic attracted considerable attention in the Republic itself and some, but short lived, interest here.
- Given the general sensitivity of terrorist prisoner issues and the ongoing talks in Belfast, the Home Secretary would be grateful to know of any particular concerns No. 10 may have regarding the timing of the movement of the prisoners to the Republic (enquiries are also being made of NIO).

(Note: Although the Home Secretary has agreed to these requests the prisoners must consider and sign the relevant consent forms. The Irish authorities must then obtain warrants from their own courts. This process may take up to 6 weeks given that there are no compelling compassionate or other urgent factors.)

Background (may be drawn on as needed)

The Home Secretary wrote to Northern Ireland Committee colleagues on 25 April about these repatriation requests. In particular, the Home Secretary was concerned about the implications of the Irish authorities' approach to terrorist prisoner releases during the ceasefire for the integrity of the sentences of those requesting repatriation should the requests be agreed.

Irish officials had previously indicated that save in exceptional circumstances repatriated prisoners could expect to serve 75% of the remainder of their sentences at the point of transfer to the Republic. The Home Secretary therefore wrote (30 May) to the Irish Minister for Justice seeking clarification of the circumstances which might warrant "exceptional" treatment. The Irish Minister confirmed (21 June) that future developments in Northern Ireland might fall into that category but has indicated that such developments would lead to consultation with the British Government on prisoner issues.

There are 14 other outstanding terrorist repatriation applications. These will be referred to the Republic in due course. Decisions on these cases will be taken in the light of all the relevant circumstances and the undertakings provided by the Irish authorities in respect of each case.

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DSPP PROGRAMMES GRP

PAGE 02

Edwards Order No 10.

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REPATRIATION OF THREE TERRORIST PRISONERS TO THE REPUBLIC OF IRELAND**Lines to take**

- Agreement has been given to requests for repatriation to the Republic of Ireland submitted by three prisoners (Doherty, McFadden and O'Brien).
- The Home Secretary has agreed to the requests on the basis that the prisoners will be expected to serve the remainder of their sentences, in prison, in the Republic.
- The formal consent of the prisoners to repatriation is awaited.
- The repatriations will take place under the terms of the European Convention on the Transfer of Sentenced Persons and the provisions of the 1984 Repatriation of Prisoners Act.
- The Convention provides for the continued enforcement of the sentences of those repatriated. It is our policy not to agree to repatriation where any reduction in time to serve would be likely to result.

If needed

- Following repatriation the prisoners will be treated as though they had been sentenced in the Republic of Ireland.
- As required under the Convention the authorities in the Republic have provided information about how the sentences will be administered following repatriation.