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NOTE OF A MEETING HELD IN THE CABINET OFFICE
FRIDAY 21 FEBRUARY

ROISIN MCALISKEY

1. Those present:

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| Mr N C Sanderson | Cabinet Office (Chairman) |
| Mr A Walker | Prison Service, Home Office |
| Mr J Heavens | Prison Service, Home Office |
| Mr J Duke-Evans | Judicial Cooperation Unit, Home Office |
| Ms C Checksfield | Judicial Cooperation Unit, Home Office |
| Mr C Jones | Terrorism Protection Unit, Home Office |
| Mr D Lamont | Republic of Ireland Department, Foreign and Commonwealth Office |
| Mr R Clarke | Her Majesty's Embassy, Dublin |
| Mr J Stevens | Northern Ireland Office |
| Ms C Jude | Northern Ireland Office |
| Mr P Harrison | Crown Prosecution Service |
| Ms A Sambei | Crown Prosecution Service |

2. The Chairman said that the meeting had been called to address the presentational problems posed by the case of Roisin McAliskey, who was being held as a Category A prisoner in Holloway. The case had the potential to create difficulties in relations with the Irish and German governments and to increase electoral support for Sinn Fein. Our handling of the case should not undermine the fight against international terrorism.

3. Mr Clarke explained that the case had aroused deep emotions across Irish society, regardless of political opinion. It touched strong Irish feelings about the sanctity of the family and awakened distrust in the British judicial system. The German Embassy in Dublin was being picketted by protesters, and pressures on them would increase with the visit to Dublin in three weeks' time of the German Federal President. Irish public opinion was not opposed to McAliskey's extradition, but anxiety would continue to focus on her treatment and on the possibility of the mother and child being separated after birth.

4. The meeting then considered a number of issues arising in the case.

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Bail

5. Under Irish law, as an Irish citizen McAliskey could not be extradited from the Republic to Germany. If she was granted bail it had to be assumed that she would abscond to the Republic. The Crown Prosecution Service (CPS) had met the German State Prosecutor's Office earlier in the day. The Germans were holding to their request of 17 December that McAliskey should be "kept in detention" until her extradition (the standard wording of the extradition request). Nevertheless, the Germans were insisting in their public line that the final decision on bail was a matter for "the British authorities" - ie the CPS and the Courts. In effect they were asking the CPS to use its own judgement whether or not to oppose bail, given their ultimate objective of securing the return of McAliskey to Germany. It could not be said to be an unreasonable position.

6. Concluding this part of the discussion, the Chairman said that the decision on bail was a matter between the CPS and the German authorities, and the British Government had no part to play in this. But it was important that the bail issue should not be allowed to drive a wedge between the two Governments and this might mean that we should not seek to challenge the line which the Germans were taking. He invited:

- the Judicial Cooperation Unit at the Home Office to seek to reach agreement with the German authorities on a public line which both Governments could endorse.

McAliskey's Security Status and strip searches

7. Mr Walker said that the decision on security status was an operational matter for the Prison Service, on advice from their own security advisers, who took into account matters such as the offences for which the prisoner was charged, the likelihood of an escape attempt being made, and the risks the prisoner would pose if she escaped. The Prison Service was aware of the presentational difficulties arising from McAliskey's case and they were actively looking at ways to address them. Following security clearance, open visits were now being granted to her partner and clearance from the Royal Ulster Constabulary (RUC) was awaited to allow open visits from her mother. There had been a reduction in the number of strip searches; further reductions might be possible as the pregnancy advanced. She had been offered an opportunity, despite the difficulties created by her security status, to use the swimming pool and the gym, but she

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had so far declined.

8. In discussion it was noted that security status in extradition cases raised different issues from that in domestic cases. In the former we did not have detailed information about the alleged crimes committed and we had no locus in the bail decision. It was important that the public line should be consistent. It was confusing, for example, to justify Category A status on grounds of the risk which McAliskey would pose to society were she to escape, while saying that we had no view as to whether or not she should be granted bail. It was noted that there was a degree of operational discretion as to how security status applied in the circumstances of the individual case, taking account of medical factors, etc.

9. Concluding this part of the discussion, the Chairman invited:

- the Prison Service to keep McAliskey's security status and the requirement for strip searches under review in the light of changing circumstances and her advancing pregnancy;
- the Prison Service to ensure that members of the group were made aware of any lightening of McAliskey's security conditions so that this could be deployed by the Embassy in Dublin and by press offices; and
- the Northern Ireland Office to speak to the RUC to see if an early decision could be taken on McAliskey's mother's request to be granted open visits.

Birth of the Baby

10. Mr Walker said that the Prison Service would not object to McAliskey's partner and mother attending the birth of her baby, although the final decision rested with the hospital and a request would have to come from the prisoner herself. Previously no woman Category A prisoner had been allowed to keep her baby after birth, but each case was different. The prison service was reviewing policy in this area, and it was hoped that an announcement could be made within a matter of weeks.

11. Concluding this part of the discussion, the Chairman invited:

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- the Prison Service to put on public record that there would be no official objection to McAliskey's partner and mother attending the birth;
- the Prison Service to keep the group informed of the outcome of the review of policy towards mothers and babies in high security categories; and
- the Judicial Cooperation Unit of the Home Office to write to the German authorities to discover whether McAliskey would be allowed to keep her baby with her while awaiting trial in Germany.

Timetable

11. It was noted that McAliskey was likely to use every opportunity available to her to challenge the extradition request, and this meant that she could keep the matter running for a year or more. It was agreed that the Group would meet as necessary to monitor the situation. It would be open to any member of the Group to seek a further meeting.

cc: Those present
Mr Holmes
Ms Polley
Mr Budd

Cabinet Office
24 February 1997