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ROISIN McALISKEY REVISED Q&A BRIEFING (28 FEBRUARY 1997)

Background

The revised Q and A briefing provides an updated statement of Roisin McAliskey's position and adds further information on questions that have been asked recently.

The two principal changes to her position are:

- (1) It has been decided to allow her application to have 2 birthing partners with her when she gives birth. The Prison Service would normally follow the policy of the hospital. It has been approved subject to any policy restrictions on behalf of the hospital.
- (2) All visits with members of her immediate family will in the immediate future be held in open conditions. This has been permitted under discretionary arrangements which are built into security procedures.

The briefing is supplemented by some additional documentation:

- A line to take on the position of bail and the agreed form of words between the Crown Prosecution Service and the German Federal Prosecutors Office.
- A copy of the Home Secretary's statement to the House of Commons of 18 January 1996 about the use of restraints on prisoners in outside hospital.
- Sections of Prison Service Security Manual covering searching procedures.

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ROISIN McALISKEY - Q & A UPDATED 28 FEBRUARY 1997**Searching**

Q: Is Roisin McAliskey subject to special searching arrangements.

A: The level of searching is consistent with that applied to other prisoners with her security status.

Q: When is Roisin McAliskey strip searched?

A: Before and after open visits - [she has contact with other prisoners before such a visit and clearly there is a need afterwards].

She is also strip searched before leaving the prison for court appearances and on return to the prison. Her cell is also searched at frequent but irregular intervals and at least once each month when she moves cells; part of this search procedure is a strip search.

Q: Why does she have to change cell each month?

A: All category A prisoners are required to change cells on a regular basis. Usually once each month.

Q: Why is she strip searched when her cell is searched?

A: This is standard practice. All prisoners are strip searched as a part of the cell search procedure. The frequency of cell searches is high in her case because of her security category.

Q: How often has she been strip searched?

A: On average she has been strip searched 5 to 6 times each week since arriving at Holloway.

(Previous briefing gave the total number of strip searches since her arrival at Holloway. An average figure may give a clearer perception of her treatment).

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Q: What is the procedure for strip searching?

A: Strip searches of women prisoners must be undertaken by female prison officers and out of sight of any prisoner or male member of staff. At no time may the prisoner be completely naked.

(An extract from the Prison Service Security Manual is attached).

Q: Do intimate searches of body orifices form part of the strip search procedure?

A: As a part of the strip search procedure prisoners may be required to open their mouths for a visual examination. Intimate physical searches of body orifices are not permitted in prisons in England and Wales except when a medical officer (medical practitioner) considers that it is required for clinical reasons. In such cases it may only take place with the prisoner's consent or where the law allows treatment without consent.

Extradition

Q: Why is Germany asking for her extradition?

A: Germany is seeking Roisin McAliskey's extradition to face charges, including attempted murder, relating to the IRA bombing at Osnabruck in June 1996.

Q: Under what legislation?

A: Both the UK and Germany are signatories to the European Convention on Extradition. The relevant UK domestic legislation is the Extradition Act 1989.

Q: What stage have the extradition proceedings reached?

A: Roisin McAliskey's case is now under consideration by the courts. 12 March has been set as the date for the committal hearing. If she is committed to await a decision on surrender, she may apply for a writ of habeas corpus, and also has the opportunity to make representations to the Home Secretary before he takes a final decision on her surrender to Germany.

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Q: When will a final decision be taken?

A: It is difficult to predict, because of the opportunities for legal challenge; but it is unlikely to be before mid-1997 and maybe as late as December 1997.

Q: Why is Ms McAliskey being denied bail?

A: There is no presumption of bail in extradition cases. The decision is for the Bow Street Magistrates Court.

Q: Why can't the extradition case be heard in Northern Ireland?

A: The powers under which she is currently detained, allow for her only being held in a prison in England and Wales.

Q: Why is the UK prepared to extradite Roisin McAliskey to Germany when the Republic refused to extradite James Corry?

A: The European Convention on Extradition allows countries to determine whether they are prepared to extradite their own nationals. It is UK policy to extradite UK nationals where the requirements of domestic legislation and the European Convention are met. The decision on James Corry is for the Irish Government; they do not operate the same policy on extradition of own nationals.

Conditions of Custody

Q: Where is Roisin McAliskey held?

A: She is held at Holloway prison on a normal residential unit. She was moved to Holloway from Belmarsh to ensure the best ante-natal care.

Q: Is Roisin McAliskey locked in cell 24 hours a day?

A: No. Roisin McAliskey is locked in her cell only during mealtimes and during the night.

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Q: Is it true that there is a light in her cell all the time?

A: A subdued light is installed in all cells holding category A prisoners, so that officers can maintain an hourly check on the prisoner during the night without turning the main light on?

(There have been enquiries on this point).

Q: What opportunities does Roisin McAliskey have for contact with other prisoners and other people?

A: Roisin McAliskey is able to freely associate with other prisoners during time out of her cell. She is regularly seen by a member of the Board of Visitors.

Q: What are the exercise arrangements for Roisin McAliskey?

A: Roisin McAliskey is offered exercise on a daily basis subject to weather conditions. She is able to take exercise on her own in an enclosed yard as the main area where most prisoners take exercise is not secure enough for a category A prisoner. To date, she has declined to take exercise.

Q: How can Roisin McAliskey observe her religion?

A: She is visited regularly by the prison chaplaincy. She would not be permitted to attend services in the prison chapel although she has not applied to do so. Alternative arrangements for her to observe religion could be made if she wished. She has not asked for such facilities.

Q:* Why is her every move recorded?

A: It is standard practice for the movement of high risk Category A prisoners and standard risk Category A prisoners in local prisons to be recorded in a special note book.

Q: Does she have access to books or newspapers?

A: She can order books from the prison library and has made wide use of this facility. Newspapers are provided to each residential unit and in addition she may purchase newspapers and magazines from the registered newsagent serving the prison.

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Q:* Can she use the telephone?

A: Yes. She has access to a card-phone and can purchase cards to use. However as a high risk category A prisoner her cells are closely monitored. (Calls to her legal adviser are exempt from monitoring arrangements).

Q: Are her letters censored?

A: Yes. As is standard practice for prisoners in her security category all of her letters will be read except those to and from her legal adviser.

Visits

Q: What are the visiting arrangements for Roisin McAliskey?

A: There are two sets of arrangements, one for those visitors who have been security cleared as approved visitors and another for those visitors who have not been cleared as approved visitors.

Approved visitors have 'open visits' ie there is no barrier between Roisin McAliskey and her visitors. Other visits take place in a closed visits facility ie no contact, floor to ceiling barrier.

All visitors to Roisin McAliskey are subject to a rub down search by prison staff before the visit takes place.

Q: Who has visited Roisin McAliskey?

A: Her principal visitors are her mother and the father of her child, Sean McCotter. She has also been visited by:

Earl of Longford (27 December)

Irish Embassy, Mr Mulligan (24 December, 3 and 21 February)

Neil Andrews, MEP)

Pat Gallagher, MEP) (27 January)

Brian Conley, MEP)

Mary O'Rourke TD (deputy leader of Fianna Fail)) (Members of the

Eamon O'Cuiv TD (Fianna Fail)) Dail)

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- Q:** Is she able to receive visits with her legal adviser?
- A:** Yes. Visits with her legal adviser must be held out of the hearing of prison staff and in open conditions.
- Q:** When will she be allowed open visits with her family?
- A:** Up to now only Sean McCotter has been allowed open visits because he is on the approved list. However, the Prison Service has now decided that on a discretionary basis members of her immediate family (mother, father and sister) will also be permitted open visits. This will be kept under review until they join the approved list. (See background note).
- Q:** Have discretionary open visits been introduced just for Roisin McAliskey?
- A:** No. The Prison Service Security Manual provides for Category A prisoners to be given open visits on a discretionary basis while their applications to go on the approved list are being considered.
- Q:** Why isn't her mother (Bernadette McAliskey) on the list of approved visitors?
- A:** Mrs McAliskey's application has not completed the necessary checks to date. It is currently with the police in Northern Ireland. The police are required to advise the Prison Service on these matters.
- Q:** Why was Sean McCotter's application dealt with more speedily?
- A:** Sean McCotter was already on a list of approved visitors for his brother who is also a category A prisoner. The approval therefore took less time to process.
- Q:** What is meant by a closed visit?
- A:** During a closed visit the visitors are separated from the prisoner by a glass screen. There can therefore be no physical contact.

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Q: What is an open visit for Category A high risk prisoners at Holloway?

A: An open visit in such circumstances would take place in the facilities provided for prisoners to receive visits from their legal advisers. There is a small room (about 15' x 12') containing chairs and a table. Two prison officers would accompany Roisin McAliskey and be present in the room throughout.

Q: Has Roisin McAliskey received any open visits to date?

A: Yes, with the official visitors and with Sean McCotter.

Q: How long is allowed for each visit?

A: She is permitted an hour for each visit.

Q: How often can she be visited?

A: Holloway use a booked visits scheme. Domestic visitors are required to book visits beforehand by telephone. Subject to availability of space she may receive a visit every day except Sunday.

Health and Pregnancy

Q: What is the policy for the use of physical restraints on women in outside hospitals?

A: The policy for pregnant women prisoners was set out in the Home Secretary's statement to the House of Commons on 18 January 1996. It applies equally to Roisin McAliskey as to other women prisoners. [Home Secretary's statement is attached].

Q: Are they used at ante-natal checks?

A: If physical restraints are used they will be removed on arrival in a hospital waiting room. In exceptional cases where a risk assessment has indicated that a particularly high risk of escape exists they may be applied throughout the consultation unless there are medical objections. Since she arrived at Holloway all ante-natal checks on Roisin McAliskey have taken place at the prison.

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Will she be restrained while giving birth?

A: In accordance with the Home Secretary's statement of 18 January 1996, a woman taken from prison to hospital to give birth will not be restrained from the time at which she arrives at the hospital. This policy applies equally to Roisin McAliskey. [Home Secretary's statement is attached].

Q: The press have carried a story that Roisin McAliskey will be shackled while giving birth. Is this true?

A: No. Restraints will not be applied while she is giving birth. The Director General of the Prison Service has responded to articles in the London Independent and Irish Post pointing out that this is not the case.

Q: Will her family be allowed to be with her during her confinement?

A: Yes. She has asked for 2 birthing partners to be present. This has been approved subject to the policy of the hospital to which she will be taken to give birth.

Q: To which hospital will she be taken?

A: It is not Prison Service policy to make public the location of category A prisoners when they are taken to outside hospital.

Q: What is her state of health?

A: It is not Prison Service policy to comment on the health of individual prisoners, but she is seen daily by one of the doctors at Holloway. She also has weekly check-ups with a gynaecologist, an obstetrician and a midwife. Urgent medical attention can be provided immediately.

Q: Why were reports on Roisin McAliskey's health not disclosed to her?

A: They have been.

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care for the child

Q: Will Roisin McAliskey be allowed to keep her baby whilst in prison?

A: Roisin McAliskey applied on 14 February to keep her baby on the mother and baby unit at Holloway. A decision is yet to be made. In all cases the primary consideration is the best interests of the child. Account is also taken of the mother's wishes. Experts from outside the Prison Service in the developmental needs of babies are involved in the process. In the case of Category A prisoners, account also has to be taken of security considerations.

Q: Why was Bernadette McAliskey told that her daughter would be separated from her child immediately after birth?

A: We do not know the origin of this suggestion. Roisin McAliskey and her child will remain in hospital for as long as the health needs of mother and child require. The Prison Service will be guided by health care workers.

Q: Have any category A women prisoners been allowed to keep their babies?

A: There have been two cases in recent years involving category A women prisoners. In both cases applications to keep the baby on the mother and baby unit at Holloway were refused. But the circumstances in these cases were different to those of Roisin McAliskey.

Q: Will she be able to keep her baby if she is extradited to Germany?

A: That is a matter for the German authorities.

Security arrangements

Q: What does category A mean?

A: Category A is the highest security category. It was introduced following a review of prison security by Earl Mountbatten in 1966 and is reserved for prisoners:

"whose escape would be highly dangerous to the public or the police or the security of the state; no matter how unlikely that

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escape might be; and for whom the aim must be to make escapes impossible".

Q: What is a high risk category A?

A: High risk category A prisoners are those who are viewed as having a high escape risk. This is usually because either they or their associates are viewed as having resources to plan or carry out an assisted escape attempt.

Q: Why is Roisin McAliskey a high risk category A?

A: Roisin McAliskey's security category was set after consideration of the reason for her detention and the risk she would pose should she escape from custody. The offence for which extradition is sought is one involving explosives. The father of her child has himself been imprisoned for terrorist offences and is the brother of a prisoner who was involved in the escape attempt from Whitemoor prison in 1994.

Q: What happens if she is bailed?

A: If Roisin McAliskey were to be bailed by the courts the Prison Service would arrange for her immediate release. Decisions about bail are taken entirely separately from any consideration of her category A status.

Q: How many category A prisoners are there in England and Wales?

A: There are 895 category A prisoners in prisons in England and Wales. Of these 7 are female.

Q: Aren't the security arrangements over the top?

A: There have been serious incidents involving prisoners with known terrorists connections in recent years. In 1994 six prisoners attempted to escape from Whitemoor prison. In 1991 two prisoners held on terrorist charges escaped from a high security prison, using guns that had been smuggled in and injuring a member of the public in the process.

The Prison Service must ensure that nothing similar happens in the future.

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Q: Is there any difference between the treatment of male and female category A prisoners?

A: Essentially no. The only difference in daily routine relates to the normal differences in treatment between men and women prisoners for example in respect of searching procedures, clothing etc. Only Durham prison is properly equipped to hold female category A prisoners.

Q: Do we treat unconvicted category A prisoners any different to convicted?

A: Unconvicted category A prisoners are treated no differently to convicted category A prisoners except that they are entitled to the wider range of privileges.

Q: When was Roisin McAliskey's status as a category A prisoner last reviewed?

A: Her status is kept under continuous review. She was subject to review last week.