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SUBJECT: MIPGT: NORTHERN IRELAND: ROISIN MCALISKEY: UPDATE:
QUESTIONS AND ANSWERS

1. Q and A on Roisin McAliskey on which you may draw freely with contacts or in response to enquiries. This Q and A supercedes that contained in earlier guidance telegrams.

EXTRADITION

Q: Why is Germany asking for Ms McAliskey's 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. Both the UK and Germany are signatories to the European Convention on Extradition.

Q: What stage have the extradition proceedings reached?

A: Roisin McAliskey's case is now under consideration by the courts. 9 April has been set for the next remand hearing. The date for a committal hearing has not yet been set by Bow Street Magistrates' Court. If she is committed to await a decision on surrender, she may

apply for a writ of habeas corpus. If that fails, she may petition the House of Lords and also has the opportunity to make representations to the Home Secretary before he takes a final decision on her surrender to Germany.

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 the end of 1997 and could slip into early 1998.

Q: Can this be speeded up?

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A: It is open to any person wanted for extradition to return voluntarily at any stage in the proceedings. Using every opportunity to challenge decisions inevitably causes delays.

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

A: The powers under which she is currently detained do not extend to Northern Ireland, and only allow for her being held in a prison in England and Wales. There is no separate jurisdiction for Northern Ireland in the extradition legislation.

Q: Why is the UK prepared to extradite Roisin McAliskey to Germany when the Irish 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; their domestic legislation does not permit the extradition of Irish Nationals to countries like Germany, where there is no reciprocity.

Q: Have we extradited any other UK citizens to Germany?

A: We have extradited 15 people to Germany since January 1994; two of those were UK citizens.

BAIL

Q: Who makes decisions on bail?

A: There is no presumption of bail in extradition cases. Decisions on bail are taken by the Bow Street Magistrate, who hears arguments from Roisin McAliskey's representatives and from the Crown Prosecution Service, who acts on behalf of the requesting State (the Republic of Germany) in extradition cases.

Q: How many applications for bail have been made?

A: Applications for bail were made on 4, 13 and 20 December 1996, and

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on 3 and 16 January 1997. They were refused by the magistrate. An application for bail (which cannot be repeated) to the High Court was made on 11 March.

Q: What is the German Government's role?

A: The German Federal Prosecutor's office made clear in its statement of 21 February that it stands by its request of 17 December 1996 for the detention and extradition of Roisin McAliskey, and that all further decisions, including the enforcement of detention pending extradition, are solely within the competence of the British authorities and ultimately the courts.

Q: What is the role of the Crown prosecution Service?

A: It is the responsibility of the CPS to represent the case for extradition and bail before the courts on behalf of the German prosecutor. The CPS cannot be instructed on these, or any other matters by the British Government. We understand the CPS have advised the German Federal Prosecutor's office that the terms of the extradition request can only be guaranteed by a refusal to grant bail to Roisin McAliskey.

Q: Why has bail been refused?

A: When the Secretary of State's authority to proceed was received on 3 January 1997 the court refused bail. It gave as the reasons for doing so a belief that she would fail to surrender to bail by reason of the nature and gravity of the allegation, that it was an extradition proceeding and the nature of the information in support of the extradition request.

MOTHER AND BABY

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

A: Yes. Her application to be accepted into Holloway's mother and baby unit was considered on 13 March by an Admissions Board which includes external specialists. The Board has reviewed her case in the light of medical and other professional opinion and recommended

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that she should be given a place on the unit when the baby is born. This has been approved and she has been informed.

Q: What conditions attach to her admission to the Unit?

A: She, like all prisoners entering the Unit, must sign a compact agreeing to be of reasonable behaviour, and to cooperate with the ethos and regime of the Unit.

Q: What is the Unit like?

A: While prison can never be an ideal place for a baby, the Unit offers a reasonably relaxed regime geared to helping the emotional, physical and all-round development of the child as well as teaching parenting skills to new mothers. It is staffed by trained officers and nursery nurses and is regularly visited by health visitors and a community paediatrician.

Q: How long may she keep her baby with her?

A: Babies usually remain on the Unit at Holloway until they are nine months old.

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

A: That is a matter for the German authorities, but we understand that their legislation allows for accommodation of a child with its mother in prison until school age, if this is in the best interests of the child. This is subject to the views of the German Youth Welfare Office and agreement of the parent or guardian.

HEALTH AND PREGNANCY

Q: Will she be restrained while giving birth?

A: No. 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.

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

A: Yes, she has asked for two birthing partners to be present. This has been approved.

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Q: What is her state of health?

A: It is not Prison Service policy to give details of the health of individual prisoners. Ms McAliskey continues to receive full ante-natal care, including daily visits from a prison doctor, and weekly check-ups with a gynaecologist, an obstetrician and a midwife.

A. Is it true that Ms McAliskey is a heavy smoker?

Q. Yes. Clearly of concern that, despite her condition, she remains a heavy smoker.

SECURITY ARRANGEMENTS

Q: What is her security status, and what does Category A mean?

A: She was until 7 March, assessed as Category A (High Risk). Category A is the highest security category. It was introduced following a review of prison security 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 escape might be; and for whom the aim must be to make escapes impossible".

Ministers do not play a role in determining whether particular prisoners are assessed at this level.

Following a regular review of her category status on 7 March she was downgraded from Category A (High Risk) to Category A (Standard Risk).

The Prison Service takes notice from a number of official sources to decide her category status. Clearly her medical condition was a factor in this decision. Certain security procedures which apply to Category A (High Risk) prisoners only apply to Category A (Standard Risk) prisoners on a discretionary basis. There is for example no requirement to strip search Category A (Standard Risk) prisoners before and after each visit. This is now the case with Roisin McAliskey.

SEARCHING

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Q: What is the procedure for strip searching?

A: At no stage are prisoners completely naked during strip searches. Strip searches of women prisoners must be undertaken by female prison officers and out of sight of any prisoner or male member of staff. Strip searches are not intrusive.

Q: Is Roisin McAliskey subject to special searching arrangements?

A: No. She is now searched on the same basis as all other prisoners at Holloway. Following the change in her security status on 7 March she is now subject to strip searches before leaving the prison for Court appearances and on return; as part of cell search and drug testing procedures, and (as all prisoners) on a random basis or if there were reasonable suspicion that she was attempting to conceal an illicit article.

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 a cell 24 hours a day?

A: No. She is locked in her cell only during meal times and during the night. That means that, if she chooses, she can be out of her cell between nine and ten hours each day.

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

A: A subdued light, of 15 watts, is installed in all cells holding Category A prisoners, so that officers can check on the prisoner during the night without turning the main light on. Since the reduction in her security status these checks now only occur normally three times a night.

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

A: She is able to associate with other prisoners during time out of her cell. She is now able to go to the activities centre at Holloway

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to undertake craft - mainly dressmaking. She can also use the gym and the swimming pool and has been offered a chance to take part in ante-natal classes with other prisoners. 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. The Governor has ordered improvements to the enclosed exercise area for Category A prisoners to make it more attractive.

Q: How can Roisin McAliskey observe her religion?

A: She is visited regularly by the prison chaplaincy and may attend services in the prison chapel.

Q: Does she have access to books or newspapers?

A: She can order books from the prison library and does so freely. Newspapers are provided to each residential unit and she may order newspapers and magazines from the registered newsagent serving the prison.

Q: Can she use the telephone?

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

VISITS

Q: What are the visiting arrangements for Roisin McAliskey?

A: There are two sets of arrangements, open visits for those visitors who have been security cleared as approved visitors, and closed visits. All visitors to Roisin McAliskey are subject to a rub down search by prison staff before the visit takes place. Her most frequent visitors are her mother and the father of her child, Sean McCotter.

Q: What is the difference between "open" and "closed" visits?

A: Open visits take place in a small room which contains chairs and a

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table. There are no barriers and Roisin McAliskey and her visitor may touch and hold hands. Two prison officers are present throughout. During a "closed" visit, Roisin McAliskey is separated from her visitors by a glass screen.

Q: Is she able to receive visits with her legal adviser?

A: Yes. Visits with her legal adviser are held out of the hearing of [Mrs Fenning, RID, 270 2356] prison staff and in open conditions.

Q: How often can she be visited?

A: Holloway use a booked visits scheme. Family and friends are required to book visits beforehand by telephone. Visits may take place every day except Sunday.

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