

From: THE PRIVATE SECRETARY



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17 April 1997

*Dear John,*

#### GUARDSMEN FISHER AND WRIGHT

You will recall that last year the Life Sentence Unit of the NIO decided that the cases of these two Scots Guards soldiers, serving life sentences for murder, (having been in custody since September 1992), should receive a first review by the Life Sentence Review Board at the 6 year point. The normal timing of a first review by the Board is at the 10 year point.

On judicial review, the Unit's decision was quashed by Mr Justice Girvan in December. He held, *inter alia*, that the Unit should have considered the reasoning of the then Home Secretary in releasing Private Thain, whose release on licence was decided in 1987 in England. He held also that fixed sentences of imprisonment imposed for the most serious crimes other than murder should have been considered for purposes of comparison.

In the light of this judgment the Secretary of State has now personally considered the question of when the Guardsmen's cases should first be reviewed by the Life Sentence Review Board. He has had regard in particular to the case of Thain, who was licensed by the Parole Board in England and Wales after 3½ years in custody for murder, the case of Clegg, who having been convicted of murder, was licensed in Northern Ireland after 4 years military custody and imprisonment, and the case of Clarke, who was sentenced in Northern



Ireland to 10 years imprisonment ( $6\frac{2}{3}$  years after remission) for attempted murder. The Secretary of State has decided that the Life Sentence Review Board should, consistently with precedent and all the relevant circumstances, review these soldiers' cases at the 5 year point, that is to say in October 1997, rather than a year later. In so deciding he has accepted the advice of Sir John Chilcot, who as Permanent Under Secretary is the Chairman of the Life Sentence Review Board. He has taken into account in particular the mitigating features of these serious cases, which include the difficult circumstances in which the Guardsmen were operating in the course of their duty, and the fact that there was no premeditation.

I attach lines to take and a background note.

I am copying this letter to Private Secretaries in the Home Office, Scottish Office, FCO and Ministry of Defence.

*Yours ever*

*John McKervill*

JOHN McKERVILL