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04 AUG 1997

The Rt Hon Dr Marjorie Mowlam MP
Northern Ireland Office
Whitehall
LONDON
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cc Philip Barton (No 10) AL

Michael Loughton (S.O.)

Jan Poney (Sir Robin Butler's office).

Dear Ms,

Thank you for your letter of 28 July.

I fully agree that a shared understanding on the handling of the issues raised in your letter will be of the utmost importance in the coming months, and therefore value the opportunity of setting out my thoughts on these matters.

You have described how the handling of prisoner issues could play positively into the peace process and the political agreement all are looking for. It is also the case that the handling of these issues will attract wider interests over and above those of Sinn Fein to which you have referred. It is of considerable importance, therefore, that the issues are handled sensitively with full account being taken of all of the implications of the decisions we take. Naturally I am particularly conscious of implications for security and public confidence in the Criminal Justice System itself. It is against this background that I have been giving some thought to the matters raised in your letter.

Special Secure Units

The review of the security categorisation of terrorist prisoners held in SSUs has begun. The prisoners' categorisation will be assessed against the normal criteria. Imprisonment of such prisoners in the Special Secure Units is only necessary because of the risk that the PIRA would be prepared to mount an armed and assisted escape attempt if security was less. The review will therefore address whether the risk of such an escape has been removed as a result of the ceasefire. In the absence of any persuasive indication that the situation has changed, reduction of the prisoners' category could not be justified.

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The Prison Service has improved conditions in SSUs recently with the introduction of additional education, work and other constructive activity. We are continuing to review the policy of closed visits for SSU prisoners.

Repatriations to the Republic

I have now written to the Irish Minister for Justice (Mr O'Donoghue) as we agreed. A copy of the letter is attached for information.

I do not believe that the letter moves the goalposts on our side. However, circumstances in the Republic have changed significantly since I wrote to you on the subject, for, as you will be aware, in a speech on 24 July the Irish Taoiseach stated that it will be the approach of his Government to return to the same policy that existed prior to February 1996 when dealing with prisoners convicted of terrorist related offences.

While I wish to make early decisions in the outstanding cases, and fully understand the importance attached to the repatriation of prisoners convicted of terrorist offences and held in this country, I will need to consider Mr O'Donoghue's reply in the light of recent developments. It would be extremely difficult to justify such repatriations if the prisoners concerned were to benefit immediately from release from prison. In addition, this would have implications for repatriation policy generally.

Intra-UK Transfers

I, too, was pleased at the progress officials from our respective jurisdictions (and Scotland) have made on the subject of temporary release arrangements for transferred prisoners. While I fully understand your reasons for wanting the swift transfer of compassionate release in advance of the other forms of temporary release, separating out the decision making process in this way may not be entirely straightforward. My officials have therefore sought urgent legal advice on this matter. On receiving their advice on this point I will consider in detail all aspects of temporary release arrangements including your request for the early transfer of compassionate release arrangements.

I agree that if there is a change in the current arrangements for handling temporary release applications, this would need to be the subject of a statement. In principle, this could be made prior to the coming in force of these arrangements, which I am minded to link to the implementation of the new transfer provisions in the Crime (Sentences) Act 1997.

Yours ever, Jack

JACK STRAW

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