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THE HOME SECRETARY'S OFFICE → PM

NO.128

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Joyce Quin
Home Secretary

TRANSFER OF TERRORIST PRISONERS TO NORTHERN IRELAND: SEAN McNULTYIssue

Determination of a request for transfer to Northern Ireland made by Sean McNulty, a prisoner convicted of terrorist related offences. Given the proximity to the summer leave period this submission is being submitted to Ministers simultaneously.

Timing

2. Routine. However, this application has been under consideration by the Northern Ireland Prison Service for some time and there is also pressure for movement on prisoner transfers and repatriations following the recent PIRA ceasefire.

Summary

3. An earlier request by Sean McNulty for a transfer to Northern Ireland was refused in May 1995 on the grounds that he did not meet the criteria for transfer.

4. Mr McNulty has submitted a further request for transfer to Northern Ireland in order to receive visits from his large extended family resident there. Although Mr McNulty's request does not meet all the criteria for transfer we believe, on the basis of new information supplied by his family, that there are now sufficient grounds for granting him, exceptionally, a temporary transfer to Northern Ireland.

Recommendation

5. That the Home Secretary should refuse Sean McNulty a permanent transfer to Northern Ireland but grant him a temporary transfer for a period not exceeding six months.

Consideration(i) *Background*

6. Sean McNulty was sentenced to 25 years imprisonment on 21 August 1994 for conspiracy to plant two bombs at the ESSO oil terminal at North Shields and to cause explosions at a British Gas depot at Redheugh on Tyneside.

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(ii) *Transfer policy**Temporarily Retained*

7. Transfer requests are considered on their individual merits in accordance with criteria announced to Parliament in November 1992 (Annex A). The primary purpose of inter-jurisdictional transfers is to enable prisoners to receive family visits. A central element of the criteria, therefore, is that the prisoner should have close family resident in the receiving jurisdiction.

(ii) *Previous transfer request*

8. Mr McNulty previously applied for a permanent transfer to Northern Ireland in September 1994. This application met the criteria for transfer in respect that Mr McNulty had more than six months left to serve; he intended to take up residence there following his release and he would, if transferred, receive visits. It failed to meet the criteria in that he was not ordinarily resident in Northern Ireland prior to his current sentence and his close family were not resident there. It was not considered that there were sufficient compelling or compassionate factors to warrant, exceptionally, granting Mr McNulty a transfer to Northern Ireland.

(iii) *Current transfer request*

9. Mr McNulty's has made a further request for transfer to Northern Ireland to receive visits from his large extended family resident there. Mr McNulty's circumstances in relation to the transfer criteria themselves have not changed. He still intends to reside there on release and there is no doubt that his family and cultural roots are in the Cappagh area of Co. Tyrone where he spent large parts of his childhood and early adulthood. (Mr McNulty's father, who died whilst his son was in custody, is buried in the local area). If transferred to Northern Ireland he would be able to receive visits on a regular basis from a number of aunts, uncles and cousins enabling him to benefit from the support that his extended family would provide (some of whom have visited him in prison here). But he does not have close family resident in Northern Ireland. Close family is normally defined as parents, spouse, children or siblings. In Mr McNulty's case, his close family (mother and sister) live in the North Shields area.

10. Since the last application both Mr McNulty's mother and sister have claimed to be unable to visit him on a regular basis;

and his sister because of family commitments. Both support his application for transfer to Northern Ireland. His mother has indicated that she would be able to visit her son more easily in Northern Ireland family visits by the prisoners extended family there and with their support. He last received a visit from his mother on 18 May.

11. On the face of it little has changed since Mr McNulty's earlier request for transfer was refused and any decision to grant him a transfer to Northern Ireland would be a finely balanced one. However, given Mrs McNulty's stated difficulties in visiting her son here and her intention of visiting him in Northern Ireland with the help of her family, we believe that,

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when added to his family roots in Northern Ireland, his intention to reside there on release and the large extended family willing to visit him, this tips the balance in favour of granting him, exceptionally, a temporary transfer to Northern Ireland. (A permanent transfer would be inappropriate since this would result in a substantial reduction in time to serve.)

12. The Northern Ireland Prison Service have indicated that they are prepared to accept Mr McNulty on a temporary basis, although they are concerned that he may wish to seek periods of temporary release in order to return to England to visit his mother should her health prevent her from visiting him in Northern Ireland. However, Mr McNulty could ~~be~~ be returned to a prison in England permanently should the need arise. There would be significant operational difficulties in coping with a terrorist prisoner wishing to make regular transfers between jurisdictions.

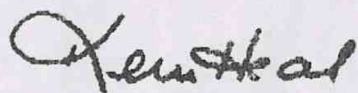
13. The refusal of Mr McNulty's previous request for transfer to Northern Ireland led to a campaign by his family to secure his transfer. This received the support of a number of members of the Irish Parliament, Sinn Fein and Members of Parliament here. There has been no recent Parliamentary interest in Mr McNulty's case, but officials from both the Irish Embassy and Sinn Fein have recently raised the case.

14. Granting a temporary transfer to Mr McNulty might be cited as a precedent by other terrorist prisoners with extended families resident in Northern Ireland but whose close links are with other jurisdictions. However, we regard the recommendation to grant Mr McNulty a transfer as an exception to the policy and therefore not providing grounds for a precedent.

Handling

15. It is unlikely that granting Mr McNulty a temporary transfer to Northern Ireland would, in itself, attract significant media interest. However, following the declaration of a renewed ceasefire by PIRA, Sinn Fein are looking to the Government to show flexibility in its handling of prisoner issues. Transferring Mr McNulty to Northern Ireland could be presented both as a sign of the Governments willingness to be flexible and of its commitment to the peace process by the Secretary of State for Northern Ireland in the talks process. It is likely to be welcomed by moderate nationalist opinion in both Northern Ireland and the Republic.

16. It is not necessary to consult Ministerial colleagues on this decision but we recommend that No 10 is consulted on the timing of notification of the decision and of any subsequent move.



KEVIN HEAL

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