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cc

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12 August 1997

Joyce Quin

REDUCTION IN RISK CATEGORY OF PROVISIONAL IRA PRISONERS HELD  
IN SSUs: HANDLING AND TIMING CONSIDERATIONS

Issue

Further advice on the handling and timing of the Prison Service's operational decision to reduce 13 Exceptional Risk Category A PIRA prisoners to High Risk.

Timing

2. Immediate. The Prison Service intend to reduce the prisoners' categorisation to High Risk on Friday 15 August.

Summary

3. This submission supplements Mr Wheatley's submission of earlier today (copy attached). It fleshes out the political implications of the decision to recategorise the prisoners, reports the views of the Northern Ireland Office, and provides further advice on the handling and timing of any decision.

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Recommendation

4. (i) That you note the advice below and the attached Question and Answer briefing; and
- (ii) That the Home Secretary's Private Secretary should consult No 10 on the timing and handling arrangements for this decision.

Consideration

The background to the decision

5. Paragraph 4 of Mr Wheatley's submission refers to the "assessment of risk category promised in the letter dated 9 July from Quentin Thomas to Martin McGuinness". This is possibly open to misinterpretation. The letter, which was written before the IRA ceasefire and was subsequently released to the media, stated that:

*"On prisoners, the aide memoire recognised the particular sensitivity of prisoner issues on all sides. As a matter of general principle, the Government is committed to ensuring that prisoners are treated with dignity and respect for their rights and subject to no more security restrictions than the risk to the public requires. This principle will naturally be applied in considering the security classification and conditions of prisoners in the Special Secure Units, in the review which would be conducted consequent on any significant diminution of the security threat and the threat of escape attempts"*

6. This statement reflects existing Prison Service policy. It does not constitute a political "promise" to Sinn Fein to lower the classification of PIRA prisoners as soon as a ceasefire is declared (although it has always been recognised that this would be a likely consequence of any ceasefire). Such a decision can only be made on the basis of the operational judgement of the Director of Dispersal of Dispersal Prisons, based on advice from the police and Security Service, about the risk of escape posed by the prisoners.

Political context of decision

7. The political importance of prisoner issues has continued to grow since the declaration of the IRA ceasefire. The treatment of Republican prisoners continues to be a very sensitive issue for most shades of nationalist opinion, including the Irish Government.

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The conditions of prisoners in SSUs were raised again by Sinn Fein at the meeting with Dr Mowlam on 6 August. Recategorisation of the 13 prisoners would have political resonance beyond the intrinsic importance of the decision. Sinn Fein argue that the tightening of security in mainland Britain following the Woodcock and Learmont reports indicated that the last Government were not genuinely committed to the political process. In particular, Sinn Fein has campaigned vigorously about what it sees as discrimination against Irish prisoners by the imposition of closed visits for Exceptional Risk prisoners. Recategorisation will of course mean that all PIRA prisoners will now receive open visits with approved visitors.

8. But the arguments cut both ways. The Northern Ireland Office is particularly concerned that the Ulster Unionists may decide not to turn up for the start of substantive talks on 15 September, alleging a "sell out" by the Government to Sinn Fein. The Unionists will present any relaxation of prisoners' conditions as an unwarranted and purely political concession to Sinn Fein. Indeed, at the start of this week they made very public mischief with some remarks of the Northern Ireland Secretary which they alleged heralded the early release of IRA prisoners.

9. There may also be quite genuine concerns about whether reclassification will create a risk to prison security and scepticism about whether the ceasefire itself lessens the risk of an escape attempt; the Whitemoor escape, of course, took place during the last ceasefire.

10. You will also wish to be aware that the Republic of Ireland is likely to announce the early release of two prisoners with PIRA connections tomorrow. These are:

- Gerard Burke, sentenced to four years for robbery in July 1995; and
- Thomas Flynn, sentenced to six months for assault in May 1997.

11. Although both prisoners are relatively low profile, and will not as a consequence receive a substantive reduction in their sentences, it will undoubtedly raise the profile of prisoner issues once again.

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Timing / Handling

12. The timing and handling of any announcement will need very careful consideration. We have alerted NIO officials to the likelihood that the 13 PIRA prisoners will be reclassified shortly. They have informed their Private Office and are content for an announcement to be made on Friday. However, the Home Secretary's Private Secretary will wish to sound out No 10 about the exact timing and handling of the decision. We recommend that any announcement should be kept low key (although it will of course attract considerable media attention).

13. Although many people will insist on interpreting the decision as a political gesture, the decision should be explained and defended solely on its merits, as an operational decision which is based on a professional assessment of the current risk. Question and answer material is attached. The main points are:

- This is an operational decision based on the reduced risk of an external assault on prison security during the IRA ceasefire.
- Security classification is kept under review. If the ceasefire breaks down, or there is any reason to believe that the risk of an escape attempt has risen, the categorisation of these prisoners will be reviewed.
- The High Risk category, in which these prisoners have been placed, still provides for a very high degree of security and should be quite sufficient to meet the current assessment.
- It is not a matter of making concessions to Sinn Fein or the IRA. Any changes in security measures - in prisons or elsewhere - will reflect changes in the security threat.

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