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AC.

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cc Sir Richard Wilson  
Mr Tilt  
Mr Warne  
Mr Wheatley  
Mrs Nelson  
Mr Granatt  
Ms Collins  
Ms Robinson  
Mr Warner  
Mr Owen  
~~Mr Barton, No.10~~

*file*

23 July 1997

**Home Secretary**

**MEETING WITH PHILLIP McDONOUGH: 16 JULY**

Joyce Quin met Phillip McDonough and Brian Mulligan from the Irish Embassy on 16 July. Mr Wheatley, Ms Collins, Ms Robinson, and myself were also present. The meeting was mainly to discuss Irish prisoners in prison in England and Wales.

2. Joyce Quin started by saying how pleased she was that Mr McDonough and Mr Mulligan were able to come and meet her. She was keen for the British and Irish Governments to work closely together. Mr McDonough said that he was grateful that the Minister had agreed to meet him. He briefly explained his and Mr Mulligan's roles at the Embassy and said that there was a continuing Consular issue in the conditions that Irish citizens were held in prisons in England and Wales, although the main purpose of his requesting the meeting was to try and explain how important and sensitive the issue of the treatment of Irish prisoners in England and Wales was to the Irish public, especially in the current, finely-balanced political climate. Any decisions which could be taken now which gave the impression that the new Government will make a difference would be worth taking. He made the point that there is often a symbolic importance, which should not be underestimated, attached to the treatment of Irish prisoners in terms of relations between the two Governments. Public opinion was very strong on this issue.

3. Mr McDonough said that the issue of closed visits in Special Secure Units (SSUs) was seen as a very important one. He talked about the timing of the introduction of closed visits which had occurred in June 1995, roughly one year into the cease-fire, and that over 50% of the prisoners affected were Irish. This sent out unfortunate signals and at the time, the prisoners had assumed it was a deliberate 'political action' by the British Government, even if this wasn't actually the case. Mr McDonough also touched upon other issues of importance such as the pace of repatriation / temporary transfers, although said that these were not as crucial as the treatment of prisoners and the issue of closed visits.

4. Joyce Quin explained that public opinion in this country, in terms of the treatment of Irish prisoners, was very different than in Ireland. She made the point that the security drive within the Prison Service had been ongoing for some time, in response to reports critical of Prison Service security generally and had not been politically driven. Mr Wheatley explained in more detail, the background to the tighter security.



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5. Mr McDonough made the point that Woodcock did not recommend closed visits and he felt that under the last administration there were reasons other than purely 'scientific' ones behind their introduction. He also argued that The Woolf report, which was widely regarded as being the best example of 'sound' prison practice, had said clearly that physical contact between prisoners and their families was to be encouraged. What the Irish Government wanted to see was not preferential treatment specifically for certain types of prisoners, but simply the correct implementation of what was widely recognised as best practice.

6. Joyce Quin said that the new Government would be looking at things afresh. She asked Mr McDonough about Irish feelings over the issue of repatriation. He said that it was recognised that the Prison Service did much good work here. The whole process was rather slow, although the arrangements seemed to be working increasingly well. He added that he thought there was scope for investing more visible political will into the process. He then raised a number of precise issues still to be resolved.

i) the case of Wood, Kinsella and Hayes who have applied for repatriation to the Republic of Ireland. He said that all the relevant information had now been obtained and asked Joyce Quin to move quickly towards making a decision. [Secretary's note - the situation is currently 'on hold,' as set out in Mr Heal's submission of 16 June.]

ii) the 'Balcombe Street Bombers'. Mr McDonough mentioned that they were sentenced a very long time ago in 1977. Once the tariffs were set, then the papers could be referred to the Irish authorities. There would obviously be a difficulty if whole life tariffs were set. Again he asked Joyce Quin to expedite the setting of tariffs. [Secretary's note - the papers for the Balcombe Street bombers are currently with Joyce Quin for consideration of tariffs]

iii) Transfer of prisoners to Northern Ireland. The case of Liam O'Duibhir was mentioned. Mr McDonough was in favour of transferring him to Northern Ireland while an application was under consideration for repatriation to the Republic. This would serve 2 purposes: firstly it would get him out of the SSU and secondly his family could visit more easily. He also mentioned the case of Sean McNulty who was interested in a transfer to Northern Ireland. [Secretary's note. O'Duibhir's application for repatriation to the Republic has been referred to the Irish authorities. There is no request outstanding for transfer to Northern Ireland. McNulty's papers are currently with NIO officials]

iv) Mr McDonough then mentioned the 6 prisoners who were sentenced very recently to 35 years imprisonment. As a group he said that they were interested in temporary transfers to Northern Ireland. He hoped that if they were transferred it would not prejudice any future application for repatriation to the Republic. He mentioned the case of Patrick Kelly who had set a precedent by being repatriated to the Republic via Northern Ireland where he was temporarily transferred to while his main application was under consideration. [Secretary's note. To date, one has applied for transfer to Northern Ireland and one has applied to be repatriated to the Republic.]

7. Mr McDonough again made the point that any visible sign which the British Government could make between now and the crucial period between 23 July and 3 August would be most welcome. He said that the treatment of prisoners probably ranked only after the decommissioning of weapons amongst Irish public opinion. Joyce Quin asked whether he expected there to be a change in attitude from the new Government or continuity of existing policy on transfers and repatriation issues. Mr McDonough said that the new coalition Government intended to maintain policies of continuity.



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8. Mr McDonough then returned to the subject of SSUs. He said that the regimes were very tough and that the report by Sir Donald Acheson was the key to the whole issue and was widely recognised as being wholly independent. He asked the Government to act upon its conclusions about closed visits and length of stay in SSUs.

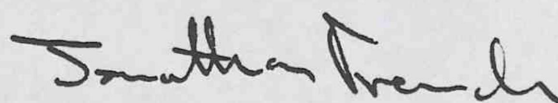
9. Mr Wheatley pointed out that the risk of escape did not necessarily recede over time. There were obviously difficulties, therefore, in moving to any system setting a maximum time limit in an SSU. He stressed however, that he was determined that only the right people were kept there and that anybody who no longer justified being categorised as necessary to be kept in SSU conditions was quickly downgraded and moved. He talked through the increased security risks of re-introducing open visits. The main difference was that with closed visits, there was guaranteed maintenance of security, whereas with open visits, even with enhanced surveillance, supervision and searching there was no absolute guarantee, as events in the past had demonstrated.

10. Mr McDonough agreed with the analysis put forward by Mr Wheatley. He said that it was a political judgement about whether British Ministers could live with 'near absolute certainty' over security rather than 'absolute' certainty. He felt that accepting 'near absolute certainty' could be justified for the following reasons:

- it would afford the same level of security as in Scotland
- it would be conforming with the recommendations in the Acheson report.
- it would be in line with the recommendations of Woodcock
- it would be in line with Amnesty International guidance as well as the terms of the Woolf report etc and a generally accepted view of what was best prisons practice.

Mr McDonough accepted that there would be a political cost and slight risk attached to re-introducing open visits, but said that it was worth it when looking at the whole picture. He said it was wrong for Prison Service officials to take the blame always when things went wrong.

11. Joyce Quin said that it was very helpful to hear the comments which had been offered. She stressed that the Home Office wanted to work closely with the Northern Ireland Office and that the British Government wanted to work closely with the Irish Government. She made the point finally that it was very important in terms of public opinion that information was portrayed accurately. She cited the many inaccurate allegations surrounding the conditions in which Roisin McAliskey had been kept which had been so damaging. She was very anxious not to add fuel to what were already very sensitive flames with overly dramatic stories. Any cooperation that the Irish Government were able to offer would be gratefully received. Fair criticism was fine, but unfair propaganda should be dispelled together where possible. Mr McDonough agreed that accurate reporting was very important. He again made the point that a visible sign that '*a new hand was at the tiller*' would be significant. Joyce Quin said that both sides should keep in regular contact.



**Jonathan French**