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04 AUG 1997

John O'Donoghue Esq
Minister for Justice
Republic of Ireland

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~~Kenilworth, No. 10~~

Michael Luggon, S.O.

Philip Gordon, Number 10

For policy, Sir Robin
Butler's office

J. Gannon 4/8/97.

Dear Mr O'Donoghue,

May I first pass on my congratulations on Finn Faille's election victory and on your own appointment as Minister for Justice.

As you will know, arrangements for the repatriation of prisoners between the United Kingdom and the republic of Ireland have been in place since 1 November 1995. Since then 12 prisoners have been repatriated to the Republic from England and Wales, and some 80 other applications are currently under consideration either in the Republic of Ireland or in England and Wales. These include 13 applications for prisoners convicted of terrorist related offences.

I am currently considering requests for repatriation from three prisoners convicted of terrorist offences (Vincent Wood, Dennis Kinsella and Patrick Hayes) to which the Republic has already consented. In considering these requests and those of other terrorist prisoners, many of whom are in the relatively early stages of lengthy sentences for very serious criminal offences, I must have proper regard to the integrity of the sentences imposed here. The United Kingdom's firm policy consistently applied in over 12 years of operating international agreements on repatriation, is normally not to repatriate a prisoner where a substantial reduction in time to serve would be likely to result.

In the case of each of the prisoners repatriated to the Republic to date, when confirming the way in which the sentence would be administered as required under the terms of the Convention, your officials have indicated that, save in exceptional circumstances, the prisoner will be expected to serve three quarters of the balance of their sentences left to serve at the point of transfer. Given the differences between our respective sentencing framework this ensures that there would normally be no reduction in time to serve as a consequence of repatriation.

Before I make a final decisions in the cases that are before me now, it would be helpful if you would confirm whether you intend to continue to act in accordance with the undertakings in relation to the administration of sentences that were given by the previous administration. You will appreciate, I am sure, the continuing sensitivity to my consideration of these and future repatriation applications of any moves or statements which might be interpreted as pointing to the prospect of early release of terrorist prisoners repatriated from the United Kingdom. In that context I attach particular importance to the assurances that I understand have previously been given of close consultation on this general issue and on the interpretation of the "exceptional circumstances" formula. Indeed, if you agree, an early meeting between us might be helpful.

Yours sincerely,

Jack Straw

JACK STRAW