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The Rt Hon Jack Straw MP
Home Secretary
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(PR)

372/65/97
20 JUL 1997

28 July 1997

PRIVATE OFFICE

Dear Jack,

PRISONS ISSUES

We have reached an important moment in Northern Ireland. We intend, in September, to move forward into inclusive political negotiations with the parties, and the IRA ceasefire has opened up the prospect that these negotiations will take place in a peaceful environment and that Sinn Fein will join the process.

As we have discussed before, Sinn Fein regard our treatment of republican prisoners as a litmus test of our attitude to the republican movement in particular and the nationalist community in general. The way in which we deal with issues affecting these prisoners could therefore be one of the determining factors in the prospects for lasting peace and a political agreement. In these circumstances, it would be immensely helpful if we could reach a shared understanding of how the relevant issues should be handled.

With this in mind we expect that, in the coming weeks Sinn Fein will focus on 'grievances' regarding the treatment of the nationalist community including 'Bloody Sunday' and the conditions for prisoners held in English jails. The intention will be to put the Government under pressure and to apply a public test of our commitment to an inclusive political process. A failure to make progress in these areas will be used by Sinn Fein to claim that we are not prepared to honour commitments made in our letter of 9 July. In addition it would enable Sinn Fein to hide behind the

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grievance agenda (where historically they feel comfortable) rather than allowing us to maintain the pressure on them to address the key issues including decommissioning.

The Sinn Fein campaign will focus on the conditions for prisoners held in Special Secure Units, the repatriation of prisoners to the Republic of Ireland and the treatment of prisoners currently on temporary transfer to Northern Ireland. The Taoiseach mentioned these issues when he met the Prime Minister on 3 July.

Special Secure Units

This issue has immense symbolic significance for nationalists. The continuing use of Special Secure Units to hold republican terrorist prisoners is used by Sinn Fein to associate our approach to the political process with that of the previous Government, an approach which Sinn Fein rejected. The policy of holding many republican terrorist prisoners in SSUs is represented as being part of a general discrimination against nationalist prisoners held in English jails.

I understand that a review of the security categorisation of those republican prisoners held in SSUs (which was trailed in the NIO's letter to Sinn Fein of 9 July) has been commissioned and will take place shortly. I am fully aware that there are continuing security concerns regarding these prisoners. However, it would be of significant benefit to the political process if the result of the review was that those republican prisoners held in SSUs could be re-categorised to allow them to be held in the normal dispersal population. Conversely, we would leave Sinn Fein with a continuing grievance if the current situation were to continue. While changes that fall short of de-categorisation, in particular greater use of visits in open conditions

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and access to a more extensive range of facilities, may mitigate what are seen as the most punitive elements of the regime, they would not be seen by Sinn Fein as sufficient to address the main issue.

I would be happy to offer any support or assistance I can in this area.

Repatriations to the Republic of Ireland

David Redhouse wrote to Ken Lindsay on 21 July enclosing a further version of the draft letter to the Irish Minister for Justice in relation to repatriation. I am content with the content of the letter on the understanding that it does not ask the new Irish Government to give more extensive undertakings than were accepted by the previous Home Secretary. We should not put the Irish Government in the position where they felt that our Government had moved the goal posts on this issue, with the effect that repatriations had become more difficult. It would be helpful if we could move on outstanding repatriation applications quickly.

Intra-UK Transfers

My officials recently met with your officials and officials from the Scottish Office to discuss the implementation of the sections relating to transfers in the Crime (Sentences) Act, including the arrangements for the temporary release of prisoners granted temporary transfers. The meeting was constructive.

Officials agreed that, in light of the difficulties in managing applications for compassionate temporary release under the current arrangements, the best approach would be that in future responsibility for such release should pass with the prisoner to the receiving jurisdiction. I welcome this proposal. This would make temporary transfers more manageable in practice and would have significant confidence benefits. In addition officials have agreed that it would be desirable for

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responsibility for other forms of temporary release to pass to the receiving jurisdiction. I would welcome this also.

You have said that you intend to make a statement regarding the implementation of aspects of the Crime (Sentences) Act before the House rises; I support that approach. We will want to associate any changes to the arrangements for temporary transfers with the commencement of the relevant sections of the Crime (Sentences) Act. However, I would hope that we could state our intentions in this area shortly on the basis of an agreed policy statement. I would ask for your agreement that officials work up a formal policy statement based on the agreement recorded in the minute of the meeting (attached).

In addition I would ask that you agree that the proposed new arrangements for compassionate temporary release, which are easily separable from other aspects of the policy, should come into force when the statement is made. In making this request I have in mind the fact that there have been a number of recent applications from republican prisoners held in Northern Ireland (O'Dwyer and Anderson) for temporary release on compassionate grounds and that further applications may be made before any new policy comes into force. There is little or no warning of these cases which have in the past been the focus of significant media campaigns.

The timing of movement on all of these issues is important. While we may consider developments in these areas as positive and constructive and contributing to political development, the general perception in the nationalist community is that the Government must address these concerns to demonstrate its commitment to an inclusive political process. As such, while these issues remain outstanding they exercise a negative weight on the process which is disproportionate to the real issues involved. As I have said any delay in taking action will be exploited by Sinn Féin.

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I would be happy to meet to discuss these matters further if that would be helpful. I am copying this letter to the Secretary of State for Scotland and Sir Robin Butler.

Mo

MARJORIE MOWLAM

Jack, the media handling of these issues is crucial. If we can act jointly where relevant, and have some input into timing of announcements, it would be most helpful. Hope to see you soon. LMo