



SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

Dear Tony

NORTHERN IRELAND (EMERGENCY PROVISIONS) BILL

Cabinet agreed on 8 May that the Northern Ireland (Emergency Provisions) Bill would form part of the 97/98 legislative programme; and my subsequent letter to you of 10 May, copied to IN colleagues, sought broad policy approval to the measures which I had proposed would be contained in the Bill.

The purpose of this letter is to seek IN Committee's approval to the policy content of the Bill which I intend to introduce as soon as possible after

Parliament returns later this month. I have not felt it necessary to seek to discuss the Bill in Committee; its main effect is to extend the life of the current Act, the Northern Ireland (Emergency Provisions) Act 1996 by 2 years; few substantive changes to the current Act are proposed.

The Bill will continue in force the schedule of offences (subject to amendment), along with the mode of trial for such offences and the different arrangements for admissibility and onus of proof; the additional powers of arrest, search and seizure for the police and Army; the specific offences against public security and public order; the regulatory provisions for the private security industry; the regime for terrorist suspects held under section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (PTA), and

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*There must
be balancing
up here.
Frankly
government
Prime Minister
The only question here
is whether you agree to
removing internment powers.
The Unionists dislike the
change intensely (just as
nationalists welcome it), and there
is a respectable case for keeping it
on the Statute Book as a possible
deterrent, and for possible use against
renegade republicans after a settlement.
But who has already "announced" it and
will be desperately upset if you stop her. Now
power could be
passed quickly if they
were ever
needed, no
doubt.*

7 October 1997

*Agree to
let her go
ahead?*

*John
7/10.
(But see
also separate
letter from
Sach S. on
PTA/EPA -
discuss both
with me on
Monday?)*

*C: PB
RR
PU.*

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the related safeguards in the statutory codes of practice covering detention; and the discretion to appoint an Independent Assessor of Military Complaints Procedures.

The main changes will be as follows:

- The power of executive detention (internment), which appears on the face of the current Act in Part IV and Schedule 3, but is in lapsed form, will be repealed. The power has not been used since 1975; previous Governments had retained it as an insurance that it might be needed again at short notice. I view it as draconian and counter productive and I see no place for it in the future in any circumstances.
- Interviews which the police hold with terrorist suspects will in future be audio recorded. The audio recording system will be separate from, but will run alongside, the silent video recording system which is provided for in the current Act, is in the process of being introduced, and on target to be implemented at the beginning of 1998. Separate systems of audio and video recording will avoid video tapes being disclosed except where they are specifically required for court proceedings or to prove or counter claims of physical ill-treatment; this will protect the interests of both interviewees and interviewers. The addition of audio recording will represent a significant enhancement of the range of safeguards which apply to the regime for questioning terrorist suspects. Like the silent video recording system, it will operate in the interests of both interviewees and interviewers. The recording systems will

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apply to all interviews which the police conduct with terrorist suspects in the Police Holding Centres. This will include persons detained under section 14(1)(a) and (b) of the PTA, remanded or convicted prisoners produced to a Holding Centre and persons committed by a magistrate to detention at a Holding Centre.

- I propose as an alternative to changing the present system of certifying scheduled offences out to one of certifying in, to amend the list of scheduled offences, by removing some and by increasing the number of those which it is possible to certify out. The detail is still being worked up in conjunction with other interested Departments, but I hope that colleagues will have no difficulty with the overall approach.

(To do with
High Court
lawyer.
I think
this is
OK).

There are a small number of other changes to the current Act which are of a technical or consequential nature.

I am glad to be able to report that I have received the full co-operation and agreement of the RUC's Chief Constable to the changes on internment and audio recording. If you and other members of IN are content, I propose to submit a draft Bill along these lines to LEG in time for their meeting on 21 October.

A copy of this letter goes to members of IN Committee, the Lord President, the Lord Chancellor and to Sir Robin Butler.

Signed

MARJORIE MOWLAM

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