

24-OCT-1997 18:53 FROM No 10 CONFIDENTIAL FILLING TO

P.02



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# PRIME MINISTER

## **LIFE SENTENCE PRISONERS IN NORTHERN IRELAND: THE CASES OF GUARDSMEN FISHER AND WRIGHT, AND OF KELLY AND TIMMONS**

I am writing to inform you of the decisions that I have reached in four Northern Ireland life sentence cases. The cases are those of the two Scots Guardsmen, James Fisher and Mark Wright and of Sean Kelly and Michael Timmons, who were involved in the Casement Park murders. These prisoners will be informed of my decision on Tuesday, 28 October.

I have made these decisions following advice from the Northern Ireland Life Sentence Review Board. This body is akin to the Parole Board in Great Britain but is non-statutory and has a wider remit to provide me with advice on retribution, deterrence and public interest issues as well as on risk.

### **The Guardsmen Fisher & Wright**

The Guardsmen were involved in the unlawful shooting while on patrol of an unarmed youth who was running away from a search. I have concluded that the two Guardsmen have not yet served a long enough period to satisfy the requirements of retribution and deterrence for their offence. I have therefore decided to invite the LSRB to consider the cases again in twelve months time when both men will have completed 6 years in prison. Although

CONFIDENTIAL

Min to the Prime Minister Outcome of Oct LSRB Dis 23/10



24-OCT-1997 18:53 FROM No 10 CONFIDENTIAL FILLING TO

P.03



there will be a substantial body of opinion in Great Britain that these prisoners have been treated harshly, I am conscious that their victim was shot without lawful justification in circumstances that were neither as threatening nor as confused as those in the cases of other soldiers convicted of murder (Clegg and Thain).

#### **Kelly and Timmons**

Kelly and Timmons are the two remaining co-defendants of the so-called "Casement Park Three". Their co-defendant, Kane, was released recently following a successful appeal against conviction based on psychological evidence. They were among a mob that attacked two Army corporals who had become embroiled in a Republican funeral procession. Kelly and Timmons were party to beating and stripping the corporals before they were taken away to be shot by unknown gunmen.

There has been a long running campaign focusing on concerns about the safety of their convictions, both on evidential grounds and the trial judge's reliance on the doctrine of common purpose. However that is not a matter either for the Life Sentence Review Board or myself. As a matter of policy when considering release successive Secretaries of State have relied on the facts adduced by the independent courts.

I have decided that the time is now right to consult the Lord Chief Justice of Northern Ireland (as I am required

**CONFIDENTIAL**

Min to the Prime Minister Outcome of Oct LSRB Dis 23/10



CONFIDENTIAL



by statute before I release any mandatory life sentence prisoner) with a view to setting a provisional release date in February 1999. This is unusual in that normally a release date will be set approximately 12 months from the Life Sentence Review Board at which release is recommended. However I consider that the period of approximately 9 years which they will serve is appropriate to reflect the peripheral role that they played in a double murder.

#### Conclusion

Considerable pains have been taken to ensure that the cases are dealt with fairly and entirely on their own merits. However given the notoriety of the cases, the decisions are likely to be at best misinterpreted and at worst severely criticised. I attach lines to take in relation to both sets of cases.

*Alastair Milne*  
M.M

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Min to the Prime Minister Outcome of Oct LSRB Dis 23/10