

CONFIDENTIAL

KELLY AND TIMMONS

Lines to take following Secretary of State's decision

- The Secretary of State has decided, in the knowledge of the recommendation of the Life Sentence Review Board that the cases of Kelly and Timmons should be referred to the judiciary now with a view to their release on life licence when they have served 9 years. ?
- Given the lack of directly comparable cases it was decided some time ago that the recommendations of the Life Sentence Review Board about these cases would be referred to the Secretary of State for her personal consideration.
- The Review Board's advice to the Secretary of State in these particular cases is strictly confidential and will not be disclosed.
- These cases are being treated in accordance with established practice solely on their own merits.
- The decision takes account of the particular role of the offenders in the double murder and the fact that each offender received concurrent fixed terms for the related offences of false imprisonment of the victims.
- Referral to the judiciary does not, of course, guarantee that a Provisional Release Date will be set.

If criticised on the grounds that the convictions are unsafe

- Questions of guilt and innocence are not matters for the Review Board or the Secretary of State.
- The function of the Review Board and ultimately the Secretary of State is to consider individual cases on the basis of the facts as adduced by the Court.
- The cases were reviewed earlier than the normal 10 year stage not because of any doubts about the safety of the convictions but to reflect the individual circumstances of the crime and to ensure that the Secretary of State's discretion was not fettered. ?
- Concerns about the safety of any conviction should be referred to the independent Criminal Cases Review Commission.

CONFIDENTIAL

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

CONFIDENTIAL

FISHER AND WRIGHT**Lines to take following Secretary of State's decision**

- The Secretary of State has decided, in the knowledge of the Life Sentence Review Board's recommendation in these cases, that they should be referred back to the Review Board in one year's time, ie in October 1998, when they will have served 6 years in custody.
- Given the lack of directly comparable cases it was decided some time ago that the recommendations of the Life Sentence Review Board about these cases would be referred to the Secretary of State for her personal consideration.
- The Review Board's advice to the Secretary of State in these particular cases is strictly confidential and will not be disclosed.
- These cases are being treated in accordance with established practice solely on their own merits. They have not and will not be dealt with by reference to political expediency.
- These two offenders committed a gravely serious crime. The Courts determined that there was no lawful justification for the soldiers firing at the deceased.
- There are significant mitigating circumstances including the difficult circumstances in which the soldiers were operating during the course of their duty and the fact that there was no premeditation. The circumstances that resulted in this particular murder cannot in any way be compared with carefully pre-planned and executed murders carried out by terrorist-type offenders.
- A review in 12 months' time does not guarantee that a recommendation for release will follow.

CONFIDENTIAL

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

24-OCT-1997 18:54 FROM No 10 CONFIDENTIAL FILLING TO

P.07

CONFIDENTIAL

If compared with the cases of Guardsmen Fisher and Wright

- Decisions on life sentence cases are taken based on all the available facts about the individual case.
- Kelly and Timmons had concurrent fixed terms of 15 years for other serious offences relating to the murder incident which did not expire until mid-1997.
- It is not helpful to compare individual factors from separate cases. Cases must be looked at in the round and decisions taken within the overall context of the circumstances of the crime and the facts as determined by the Courts.
- Given the overall facts of the cases they have been considered at the earliest appropriate time.

CONFIDENTIAL

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