

From: THE PRIVATE SECRETARY



John Holmes Esq  
10 Downing Street  
London SW1

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

19 December 1997

by fax?  
No

File  
22/12.

C: PB  
AC

John

PR

### IRISH PRISONERS

Thank you for your letter of 18 December. As you know, the Home Secretary has spoken by telephone twice today to the Irish Minister for Justice, Equality and Law Reform, Mr O'Donoghue.

The first conversation took place this morning. Mr O'Donoghue asked about progress on the repatriation of the seven prisoners mentioned in his letter of 18 December to the Home Secretary. The Home Secretary said that it was just possible operationally to repatriate these prisoners before Christmas. However, he was very reluctant to do so since that would be to compress the normal procedures and thus give the appearance, correctly, that this was being done for political reasons. The Government was already under pressure from the Unionist side following the temporary releases in Northern Ireland and the early releases in the Republic. There had been very critical comments in yesterday's Evening Standard and in the Times leader column today (copy attached). He would therefore prefer to inform the prisoners before Christmas that they would be repatriated but then to make the actual repatriations in the New Year in line with normal procedures.

Mr O'Donoghue said that the difficulty with proceeding in this way was that he had more or less promised Sinn Fein that the prisoners would be repatriated before Christmas. The Home Secretary said that he was not party to any such undertaking. Mr O'Donoghue said that he had ensured that the necessary legislation had been enacted very rapidly and this had conveyed the impression that repatriations would follow immediately. He was concerned that Republicans would now get the view that the Irish had done their bit while the British were dragging their feet. He would prefer to be able to say that both sides were moving this issue forward together.

The Home Secretary said that sufficient confidence in the process had to be maintained in the UK as well. It was a difficult balancing act but in his view the safest course was to say that the rules were not being bent for the peace process but that the repatriation arrangements established by the previous administration in the mid-1980s were being followed. In Opposition, the Government had backed the Conservatives in their efforts towards a peace settlement. With Mr Major having gone, some elements in the



Conservative Party with strong links to the Unionists would like to take an opportunity to unravel the repatriation arrangements. This could be avoided so long as the Government now followed the procedures established by the Conservatives themselves when in Government.

Mr O'Donoghue asked what procedures would be breached by repatriating the prisoners before Christmas. The Home Secretary said that the normal timings were for repatriation to take place several weeks after the prisoners had been informed of the decision in principle to repatriate them. For example, Donnelly had been repatriated yesterday, which was two weeks after the Home Secretary's decision following his bilateral with Mr O'Donoghue in the margins of the JHA. In addition, it was more difficult to move the prisoners before Christmas given the leave arrangements for police and prison officers.

The Home Secretary concluded that an impasse had been reached. He had already talked to his colleagues and had tried to be helpful as had Mr O'Donoghue. He was however prepared to have a further think before speaking to Mr O'Donoghue again, that afternoon. It was however possible that he would have to reiterate that he needed to proceed as he had already described.

As you know, I then spoke to you and to Ken Lindsay to confirm that the Home Secretary should not adopt a different approach in his later conversation. Ken kindly provided the attached transcript of an interview given by David Ervine this morning as evidence of Unionist sensitivities.

The Home Secretary spoke to Mr O'Donoghue again at 3.45 pm. The Home Secretary said that our position had firmed up against moving the prisoners before Christmas. Although he understood the pressures on Mr O'Donoghue, we had anxieties about the other side. David Ervine was threatening to pull out of the talks. The assessment of those closer to the talks than the Home Secretary himself was that these further repatriations could be too much for the PUP to take. From our point of view it would be easier to do nothing but he was proposing a half-way house in which the prisoners would be told before Christmas of the decision to repatriate them with the actual movements taking place in the New Year.

Mr O'Donoghue said that this was disappointing but he had to acknowledge that the Home Secretary and the British Government had been very understanding. The last thing he wanted to do was to jeopardise this relationship. Sinn Fein had opposed the emergency legislation saying that it represented interference by foreign jurisdiction. He had sought to get them to face up to reality but this had given Sinn Fein the expectation that the repatriations would occur before Christmas. However the Home Secretary and the British Government had been helpful and he therefore had little alternative but to accept the timings proposed by the Home Secretary. He hoped that he would be able to make a statement on 23 December making clear to Sinn Fein that the named prisoners would be repatriated in January. This was not ideal from the perspective of the Irish Government but he had no intention that there should be any falling out over this.

The Home Secretary said that he was grateful for this. A statement on 23 December would enable us to tell the prisoners and to inform the parties in the North. Five of the



prisoners had only recently been convicted of attempting to destroy the electricity supply network in Greater London. Repatriating the prisoners would therefore not be popular with the public. Nonetheless, subject to any further advice from his officials on security implications, he would be content for Mr O'Donoghue to announce that the repatriations would take place in January.

Mr O'Donoghue said that Mr Ahern might phone the Prime Minister about these repatriations. This would not however be an attempt to bypass the Home Secretary. The Home Secretary said that it was in anticipation of such a conversation that he had already checked the position with the Prime Minister. He gathered that Mr Ahern would also be seeing the Prime Minister the following Sunday.

I am copying this letter to Ken Lindsay (NIO).

Yours  
David

DAVID REDHOUSE