

FA/PS

CONFIDENTIAL

Discussed
with David
Redhouse.

Being made public
on 30 Jan.

DRAFT

John Clark N.10

~~David Kyle~~

We spoke.

PRIME MINISTER

AZ 29/1

BALCOMBE STREET TARIFFS

John Redhouse
28/1

When we met with Mo Mowlam last Thursday I explained that there were still some issues for me to resolve before I could set the tariffs for these four mandatory life sentence prisoners Butler, Duggan, Doherty and O'Connell, commonly known as the Balcombe Street gang.

I have now given that further consideration to these cases and in doing so I have taken into account representations made belatedly on behalf of O'Connell, primarily in relation to the political motivation for the crimes for which he was

convicted and the difference in time served in custody by life sentence prisoners in Northern Ireland and England and Wales.

Secondly, I have had Counsel's advice on the possible effects for existing whole life tariff prisoners of setting tariff at less than whole life for these four men.

I have concluded that there are no grounds for treating O'Connell differently from the other three men and that the gravity of the offences for which all four were convicted is such that whole life tariffs are warranted. I am also persuaded, having taken advice from David Pannick QC, that any tariff set at less than whole life could be used to challenge the basis of most, if not all, of the 25 existing whole life tariffs. I therefore propose to set the tariffs at whole life.

The men must be informed of my decision as soon as possible. Their solicitors are already talking of seeking judicial review of the delay in setting their tariffs. Subject to your and Mo's views, that could be done this evening or tomorrow or Friday.

I am copying this minute to Mo Mowlam and Sir Richard Wilson.