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QUEEN ANNE'S GATE LONDON SW1H 9AT

1 APR 1998

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The Rt Hon Mo Mowlam MP
Northern Ireland Office
Whitehall
London SW1

F.Y.
1/4.

Dear Mo,

PRISONERS AND THE SETTLEMENT

I wrote to you on 24 March, in response to your letter of 9 March, noting that I would write more fully when our officials had discussed details of the proposals relating to the early release of terrorist prisoners in the context of a peace settlement.

Under the proposals put forward by officials, which I think are acceptable, prisoners transferred on a restricted basis to Northern Ireland will be eligible to have their cases considered by the Sentence Review Commission. In the case of determinate sentence prisoners, when the Sentence Review Commission is considering the appropriate date of release (possibly at the one third point of the prisoner's sentence) the sentence will be deemed to be that passed in England and Wales. Where a determinate sentence prisoner is given a new release date by the Sentence Review Commission he will then be deemed to be transferred to Northern Ireland on an unrestricted basis under the provisions of the legislation setting up the Commission (rather than under the transfer provisions of the 1997 Criminal Justice Act). The prisoner's release will then take place after he has served one third of his original sentence, or shortly after consideration by the Commission if this period has already been served.

If, following identification of a release date but prior to release, a prisoner subsequently falls outside the qualifying criteria (either through his own actions or those of his organisation) and the early release decision is overturned, his sentence will fall to be considered under Northern Ireland legislation. I am content with this on the understanding that the 1995 legislation (which provides for release at the halfway point of the sentence for those convicted of Scheduled offences) is to be repealed. Accordingly, any such prisoners transferred as a result of review by the Sentence Review Commission would be required to serve two thirds of their sentences.

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In the case of life sentence prisoners I understand that the Sentence Review Commission may consider reductions of one third in time to be served. On this basis, in the case of life sentence prisoners transferred to Northern Ireland on a restricted basis, the tariff set here will be reduced by one third, but the prisoner will remain on a restricted transfer to Northern Ireland until the date of release set by the Commission. This will ensure that if the prisoner subsequently falls outside the qualifying criteria for early release, his original tariff and review dates will continue to be enforced. Only on the date set for release by the Sentence Review Commission will a lifer be deemed to be transferred on an unrestricted basis to Northern Ireland (under provisions in the new legislation) and released on life licence.

I propose for those terrorist prisoners currently held in this jurisdiction to continue to process repatriation and transfer applications in the normal way, granting transfers where the prisoners so qualify. However, you will wish to be aware that there may be at least two prisoners currently held here who do not qualify for either repatriation or transfer under the normal criteria. Should they remain here and therefore unable to apply to the Sentence Review Commission they may well become the focus of lengthy campaigns. This is a difficulty we will have to handle in due course.

I am sure that you will share my view that it is essential that our officials keep in close touch over the coming weeks, particularly in respect of handling and the need to work up suitable lines to take with regard to this matter.

I am copying this letter to the Prime Minister, the Secretary of State for Scotland and to Sir Richard Wilson.

Yours etc,

Jack

JACK STRAW

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