



# An Chartlann Náisiúnta National Archives

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## Background Note on Prisoners in Britain

### Summary

1. 21 convicted prisoners and 6 remand prisoners are currently detained in prison in Britain in connection with a variety of terrorist offences. 6 of those convicted were arrested in London in July 1996 and were sentenced to 35 years imprisonment on 2 July 1997 for conspiracy to cause explosions likely to endanger life<sup>1</sup>.
2. Since the coming into effect of the European Convention on the Transfer of Sentenced Persons on 1 November 1995, a total of six Republican prisoners in Britain have been transferred to prison in this jurisdiction. The most recent transfer was on 16 December 1996. Since then four prisoners have been approved by the Irish Government and now await approval by the British authorities. A number of other applications are being processed by D/Justice. In total, 21 prisoners have been transferred to Northern Ireland on both a temporary (11) and permanent (10) basis since July 1994.

### Security Classification

3. Prisoners in Britain, convicted of or on remand for serious offences, can be classified as Category A if their escape is considered highly dangerous to the public or the police or to the security of the state. Category A prisoners are divided into three sub-categories: Standard, High and Exceptional Risk (of escape). Prior to the reclassification of Exceptional Risk prisoners as High Risk on 18 August 1997, 8 of the convicted group and 5 of those on remand were classified as Exceptional Risk. With one (Standard Risk) exception, all other convicted prisoners are classified as High Risk. The remaining remand prisoner is classified as Standard Risk. A further two individuals, Róisín McAliskey and Patrick McKinley, are currently on bail. There are now no prisoners categorised as Exceptional Risk.

### Conditions

4. Exceptional Risk prisoners are detained in Special Secure Units, a type of prison within a prison, in Full Sutton, Belmarsh and Whitemoor prisons. Access to natural light is extremely limited in SSUs, while their physical design has been described by, among others, former British Chief Medical Officer Sir Donald Acheson<sup>2</sup>, as carrying potential risks to prisoners' mental health. Prisoners are not allowed to leave the Units, except to go to court or to hospital, and are not permitted to avail of facilities such as the library, main gymnasium, sports fields or prison chapel.

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<sup>1</sup>Two others were found not guilty of the same charges but one of these individuals was subsequently rearrested under the Prevention of Terrorism Act and was questioned over other terrorist incidents. Embassy London have been advised by the Home Office that this person was only held for a day or so after the end of the trial and that he was subsequently released on police bail to re-appear for further questioning in three or four months time. He is thought by the British authorities to have since returned to Ireland.

<sup>2</sup>The Acheson Report, a "Review of the Effects on Health of the Regimes in the Special Secure Units at Full Sutton, Whitemoor and Belmarsh Prisons" was commissioned internally by the British Prison Service during 1996.

5. Numerous Irish and British politicians and human rights activists have expressed serious concern about the conditions and treatment of the Exceptional Risk prisoners. Problems arise from the policy of closed visits<sup>3</sup> (with particular regard to family contact and legal consultations), prison surveillance/search procedures, delays in access to medical treatment, and restrictions on possessions and activities. Some prisoners have been detained in SSUs for prolonged periods despite a recommendation from Sir Donald Acheson that the time spent in such Units should be limited (Acheson also recommended that family visits should be open). In March 1997, a report by Amnesty International concluded that the conditions in SSUs constituted cruel, inhuman or degrading treatment and deny remand prisoners their right to a fair trial in violation of the UK's obligations under international treaties.

#### **Action taken by DFA/Embassy London**

6. In response to these concerns, formal and informal representations have been made on an ongoing basis at both political and official level to the relevant British authorities by the Department and by Embassy London. On foot of these representations, the British Prison Service advised in March of this year that they would grant open visits where they are satisfied that there were large numbers of documents to be seen and discussed by a prisoner and his/her legal adviser. However, difficulties in obtaining open legal visits persisted for the prisoners and they were also reported to remain very concerned with the issue of access to medical treatment, with the SSU regime in general and also with the delays in processing applications for transfer from prisons in Britain to this jurisdiction (see below). Regular consular visits to prisoners are also made by the Embassy, and took place most recently in Belmarsh, Frankland, Full Sutton and Whitemoor prisons over the period 21-25 July 1997.
7. Further meetings to discuss prison issues were held by the Embassy with Ms. Joyce Quin, Minister of State at the Home Office with responsibility for prisons on Wednesday, 16 July and with a senior Prison Service official on 28 July. At the latter, it was indicated that a risk assessment exercise was being commissioned in respect of each of the Exceptional Risk prisoners with a view to decisions on classification in the week beginning 4 August.
8. All 13 Exceptional risk prisoners were reclassified from Exceptional to High Risk on 18 August 1997. With the exception of Belmarsh (where High Risk prisoners are also held in the SSU), prisoners have been removed from SSUs to the ordinary prison wings. All Republican prisoners in Britain are now eligible for open visits. We would hope that further progress can be made in the areas of on-going concern.

#### **Transfers to Ireland**

9. A total of six Republican prisoners in Britain have been transferred to prison in this :

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<sup>3</sup>Since June 1995, all Exceptional Risk prisoners have been subject to closed visits and thereby precluded from physical contact with visitors. Upon entry to the prison, visitors pass through a metal detector, have their possessions X-rayed and are subjected to a rub-down search. These procedures are all repeated upon entry into the Special Secure Unit where the prisoners are held. Cameras monitor the rooms where visits take place, and prisoners are strip-searched before and after visits. Prisoners are separated from visitors by a glass partition and communication occurs by way of a metal grille. Republican prisoners have, on principle, refused to accept visits under these circumstances and some have therefore not met with family members for over two years.

jurisdiction since the European Convention on the Transfer of Sentenced Persons came into effect here on 1 November 1995. The most recent to be transferred was Michael (Joe) McKenny (moved on 16 December 1996). Since then, applications for transfer by Vincent Wood, Denis Kinsella, John Kinsella and Patrick Hayes have been approved by the Irish Government and now await approval by the British authorities. Another application from Vincent Donnelly is currently being processed by D/Justice and the Chief State Solicitor's Office. A further three applications by Paul Magee, Liam Ó Duibhir and Peter Sherry have recently been formally transmitted by the Home Office to the Department of Justice. However, difficulties have since arisen on the British side with regard to Sherry's tariff<sup>4</sup> and thereby complicated his application. These are currently being pursued by the Embassy with relevant authorities.

10. The Government has repeatedly made clear that it stands ready to receive applicants for transfer under the Convention. Including Messrs. Magee, Ó Duibhir and Sherry, a further 16 prisoners have expressed an interest in being moved to prison in this jurisdiction. Four of this group- Harry Duggan, Joe O'Connell, Eddie Butler and Hugh Doherty (a brother of Sinn Féin Vice-President Pat Doherty) - have served over 20 years in prison but have yet to be informed of their respective tariffs and as such, are precluded from being transferred until their sentences are finalised<sup>5</sup>. Representations by Embassy London to achieve an expedition of the tariff-setting process have been made on a number of occasions and most recent reports indicate that the necessary work is well advanced on the British side.

#### **Transfers to Northern Ireland**

13. In total, 21 prisoners have been transferred to Northern Ireland on both a temporary (11) and permanent (10) basis since July 1994. Most recently moved (on a temporary basis) were Danny McNamee, Liam McCotter and, on 14 August, Seán McNulty. While welcome, temporary transfers are of six months duration and can be renewed or withdrawn by the British Home Secretary, thereby creating uncertainty for prisoners and their families which would be avoided if the moves were permanent.

#### **Prisoner Release**

14. During the last IRA ceasefire the Government used their power under Section 33 of the Offences Against the State Act, 1939 to release a total of 36 IRA prisoners.
15. Since the commencement of the recent ceasefire a further two prisoners were released. Releases are on the basis that the prisoners will keep the peace and be of good behaviour and that they will not, through publicity or otherwise, do anything which might cause annoyance or distress to any person (or to the family or friends of any person) who may have been affected by the offence(s) which led to their imprisonment.
16. Advance notice of release to the British authorities was a feature of the cooperation

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<sup>4</sup>The tariff or penal element of a sentence is a determinate number of years viewed as appropriate to the nature and gravity of the offence and necessary for the purposes of retribution and deterrence. It is determined by the Home Secretary in consultation with the Lord Chief Justice and, where available, the sentencing judge.

<sup>5</sup>Article 3 1(b) of the Convention refers.

between both sides during the last ceasefire. This cooperation will continue in the current situation.

Security Section,  
Anglo-Irish Division  
26 August 1997

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**Meeting Between the Minister for Foreign Affairs and the Secretary of State**

**Belfast, 26 August 1997**

**Loyalist Paramilitaries**

**Background Note**

1. The simmering rivalry between the emerging Loyalist Volunteer Force (LVF) and the UVF manifested itself in the attack on 20 August by Belfast based members of the UVF on the Golden Hind bar in Portadown whose clientele reputedly included members of the LVF. One of the vehicles fleeing the scene was intercepted by the RUC and, as a result, twelve individuals were arrested and charged. Three recent attacks on houses in the Waterside area of Derry have been attributed to the feud. The LVF issued a statement after the incident at the Golden Hind saying it wished to avoid a tit-for-tat campaign amongst loyalists.
2. Billy Wright has emerged over recent years as a major loyalist figure in the mid-Ulster area. While operating as part of the UVF, the mid-Ulster loyalists are believed responsible for some 40 sectarian killings since 1989. Wright and his associates were believed to have been a significant factor in the escalation of tension which led to the standoffs at Drumcree in 1995 and 1996. UUP leader David Trimble's private meeting with Wright during the 1996 standoff created some controversy when it subsequently became public. Wright's appearance last winter on a platform with the then DUP M.P. Rev. Willie McCrea created widespread controversy and considerable bitterness amongst nationalists. It helped mobilise nationalist feeling in the mid-Ulster constituency against McCrea's continued incumbency, thereby assisting the election of Sinn Féin's Martin McGuinness.
3. Wright broke from the UVF because of the 1994 loyalist cease-fire, though the process evolved from his being an internal dissenter, to UVF renegade, to leader of his own faction. He has attracted not insignificant support among hard line loyalists for his view that the peace process is a bogus one created by a pan-nationalist front (Dublin, the SDLP, the Provos, Irish Americans and nefarious elements in the British Foreign Office) to further erode unionist power and identity and advance republican objectives. He

identifies any advance in Anglo-Irish relations (e.g. Anglo-Irish Agreement, Joint Declaration) as a fundamental attack on the Union and the unionist community.

4. Wright is currently serving a seven year sentence for intimidation (he threatened to kill a neighbour) in the Maze. The LVF currently number 29 prisoners and they claim they will have another 20 members shortly. The LVF were granted their own wing but destroyed this in protest against what they saw as discrimination. A campaign of intimidation was mounted against prison officers but this has been called off pending further talks with the prison authorities. The LVF prisoners have been moved into a recently refurbished wing in the Maze intended for the UVF - this has added further to UVF irritation with the LVF.
  
5. Billy Hutchinson of the PUP, the political party closely associated with the UVF, has privately and in recent press reports, expressed his concern at the pressure on the 'mainstream' loyalists generated by the LVF challenge and by the perception that the IRA was being granted concessions denied loyalists. Such was his concern that he intimated that he might withdraw from the talks process. Privately, close observers with whom Hutchinson is in touch, say that his concern is genuine but believe that he will be at the talks when they convene. At the same time, they noted that it was a sobering reflection of the difficulties ahead that Hutchinson had so rapidly adopted such a negative attitude.

Security Section  
Anglo-Irish Division  
25 August 1997

## Parades

### Background Note

1. As the 1997 marching season draws to a close, the two main events remaining are the 'Last Saturday' Black Preceptory parades this weekend and the Burning of Lundy celebrations in Derry in December. The Black Preceptory has voluntarily rerouted a parade this weekend on the Lower Ormeau Road. A further parade due for the route on 24 August was also voluntarily rerouted. The organisation plans other parades for Strabane and North Belfast (the scene of recent sectarian rioting) this weekend.

### General

2. The circumstances in which the Portadown Orange Parade was forced down the Garvaghy Road on 6 July threatened to generate serious upheaval and conflict between the nationalist community and the Orange Order up to and including the Twelfth of July. Both nationalists and unionists appeared to be mobilised and ready to engage in serious confrontations in Belfast (Lower Ormeau), Derry (the rendezvous for the County Orange Parades) and a range of towns and villages such as Bellaghy, Dunloy, Newry, Newtownbutler, Armagh, Castlewellan, Ballycastle and Pomeroy. In the event, the situation was defused by the decision of the Orange Leadership and local lodges - advised and supported by Lord Molyneux, RUC Chief Constable Ronnie Flanagan and the loyalist paramilitary political leadership - to cancel or reroute marches from contentious areas.
3. This decision was greeted with widespread relief and commendation. Though it clearly caused some strain within the Order, the move encouraged other lodges not to generate local standoffs and disturbances in other areas. Resident groups were less than fulsome in their praise but ultimately relieved at avoiding the tensions and violence if the parades had proceeded.

### Drumcree

4. In the early hours of 6 July, hundreds of RUC officers in riot gear, backed up by British soldiers, moved in to clear residents from the Garvaghy Road. Considerable

force was used. Streets were sealed off in the operation with approximately 75 British Army Saxon vehicles and numerous RUC armoured vehicles blocking street entries. The Garvaghy community was effectively cut off into isolated groups of houses. Movement between these areas was virtually impossible. A long cordon of landrovers was posted along the parade route. At least 14 civilian injuries were reported including as a result of plastic bullets. (It is believed that a number of injured did not travel to hospital for fear of arrest or reprisals). During this curfew, residents were denied access to their Church for Sunday Mass. An open air service was conducted against a phalanx of British Army personnel carriers.

5. The parade involving approximately 1,200 members of Portadown Orange Lodge later proceeded along the Garvaghy Road. In line with conditions 'imposed' on the parade, there was no music played. A single drum beat was played and one Union flag and two Orange standards were carried. While UUP leader David Trimble attended the service, he did not accompany the parade on its return leg. This was described as another concession.
6. In the aftermath of the parade, protesting nationalist youths on the Garvaghy Road threw missiles at the departing security forces. Residents leaders, including Breandán MacCionnaith, made genuine attempts to quell these disturbances. The security forces replied with plastic bullets - 80 were counted by CAJ observers. The CAJ believe that the use of plastic bullets was unnecessary. 27 civilians and 14 RUC officers were injured during disturbances. Rioting ensued throughout nationalist areas of Northern Ireland for the subsequent three days during which 2,500 plastic bullets were fired. The most concentrated trouble occurred in Derry with rioting by younger elements and in North and West Belfast. This rioting was not as ferocious as it had been last year and it appeared that it was being modulated by republicans.

#### **Derry, 9 August**

7. The Apprentice Boys commemoration of the Siege of Derry on 9 August passed off relatively peacefully following the decision of the organisation to call off a number of 'feeder' parades in nationalist areas including Dunloy, Bellaghy, Newtownbutler and

the Lower Ormeau Road. However, violence which erupted in Derry during the parade, when a group of marchers broke from the main parade, attacked nationalist onlookers and generally engaged in provocative sectarian behaviour, has been described as a breach of faith and a negation of the assurances provided to nationalists by the organisers.

8. Despite the decisions of all three Loyal Orders to voluntarily call off parades during the 1997 marching season, a great deal of bitterness remains in the nationalist community with regard to the continuing refusal of the Orders to hold discussions with them. This is felt most strongly in vulnerable, outlying villages such as Dunloy and Newtownbutler. With regard to the Burning of Lundy event in Derry in December, the Bogside Residents group has already expressed its opposition to the parade in the absence of dialogue. Nationalists in Strabane and North Belfast have called for dialogue in advance of this weekend's parades. We understand that protests are being planned by nationalist residents in Strabane and North Belfast.
9. Equally, there is much discontent within the rank and file of the loyal orders. Thus far, this has manifested itself as apathy but close observers believe that it may emerge as anger in the not too distant future.

#### **Parades Commission**

10. Representatives of the Parades Commission, notably Rev. Roy Magee, have been present at and involved in negotiation concerning several parades in recent weeks. While Magee's role in particular has received a large degree of praise, there is no feeling that the Commission has covered itself in glory during its first marching season. While supposedly advising the RUC Chief Constable on individual parades, the Commission has not displayed any coherent or structured approach to its work as yet.
11. We understand that the Parades Commission is currently preparing four documents giving details of how it proposes to operate. These include a consultative document, a Code of Conduct, a booklet on procedures and a set of guidelines. It is expected that

these documents will be published shortly.

12. The Secretary of State has signalled her intention to bring forward draft legislation providing the Parades Commission with determining powers in the coming weeks.

Security Section  
Anglo-Irish Division  
25 August 1997

## Meeting between the Minister for Foreign Affairs and the Secretary of State

Belfast, 26 August 1997

### Bloody Sunday

### Background Note

#### **Government Assessment**

1. The Government's assessment was handed over to the British Government in confidence on 24 June 1997 within the framework of the Anglo-Irish Intergovernmental Conference and with agreement of the incoming Government. The assessment considers the significance of the new material and presents a detailed deconstruction of the Widgery Report. It finds that the Widgery Report presented a fundamentally flawed and inaccurate version of events and that its purpose appeared to be to exculpate the actions of the British Army. The Assessment concludes that

- *The new material fatally undermines and discredits the Widgery Report. A debt of justice is owed to the victims and their relatives to set it unambiguously aside as the official version of events. It must be replaced by a clear and truthful account of events on that day, so that its poisonous legacy can be set aside and the wounds left by it can begin to be healed. Given the status and currency which was accorded to the Widgery Report, the most appropriate and convincing redress would be a new Report, based on a new independent inquiry.*
- *The terms and powers of any new inquiry would need to be such as to inspire widespread public confidence that it would have access to all the relevant official material and otherwise enjoy full official support and cooperation, that it would operate independently, that it would investigate thoroughly and comprehensively, and would genuinely and impartially seek to establish what happened on Bloody Sunday, why it happened and those who must bear the responsibility for it.*

2. In order to allow the British authorities time to consider the Assessment and to formulate a response, the Government did not indicate publicly the nature of its recommendation. The British Government is considering the Assessment in the context of its own consideration of the new material which has emerged.

### **British Position**

3. By all accounts, it seems that the current British Government sincerely wish to take the matter forward. Soundings from the British side hint that the Secretary of State may now be considering the appointment of a senior figure, probably a judge, to carry out an independent review of the new material which has emerged. The terms of reference of the review exercise may not yet have been worked out nor have any candidates been approached. It is thought the NIO hope that such a move would obviate the need to formally reopen the Widgery Tribunal. The Secretary of State has in the past intimated that, not surprisingly, that there would be considerable resistance to any reopening of the Bloody Sunday issue that might open those involved to prosecutions. The appointment of a senior figure to carry out an independent review would fall very far short of the Bloody Sunday relatives' demands for an independent international inquiry and at best would prompt a hostile 'wait-and-see' response from them. Much would obviously depend on the powers and terms of reference granted to the review.
  
4. The British side have recently asked formally whether our archives contain any first hand evidence relating to Bloody Sunday, not already in the public domain which might be relevant to the British Government's internal analysis of the new material and, in due course, to the independent review exercise. An agreement in principle to handing over relevant material has been conveyed to the British side today.

Security Section  
Anglo-Irish Division  
26 August 1997