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PRISONERS

Paddy,

1. On the basis of his discussions with people on the Prisons side in Belfast this morning, Paul has sent me the attached text. If they accept it (and Paul is hopeful that they will) I think we could accept it also.
2. It is important to understand however, that whatever about the actual text, the British intention is to apply the formula contained in Par. 7.17 of their paper of last evening i.e.
"7.17 Secretary of State to issue guidelines to Commission on extent of early release e.g. fixed term prisoners to be released after 33% of sentence; life sentence prisoners to serve within a broad tariff band of 7-15 years (instead of the current 10-20 years) band."
3. What we need is —
 - (a) to know what will the formula produce in practice (in terms of releases) and
 - (b) to be certain that the proposed rules will apply also to transferred prisoners.
4. As a "speaking" note, I would suggest something like this—

"On Prisoners, I understand that an agreed text seems possible at this stage.

We have been given to understand that the formula you are proposing (which would not be part of the text) would result in the early release of a substantial number of those affiliated to organisations on ceasefire.

It would be helpful if you could give us more information on the effect of applying the formula. I accept that we will have to look at cases, individually,

so that you may not be able to give precise figures, at this point, but it would be useful if you could say -

- roughly how many Prisoners would be released within 6 months of Agreement and how many within, say, 3 years.
- what would be the approximate breakdown between lifers and non-lifers, and
- what would be the breakdown between loyalists and republicans,
- how many would be left behind at the end of 3 years, again broken down between lifers, non-lifers, loyalists and republicans.

We are assuming that the release programme which is envisaged would also apply to transferred prisoners. We would like to have information on that score.

Tim 1/4

PRISONERS

1/4/98

Participants to note the intention of both Governments to put in place mechanisms to provide for an accelerated programme for the release of prisoners [including transferred prisoners] convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements to protect the rights of individual prisoners under national or international law.

Participants to note that prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard to be kept under review.

Participants to note that the intention of both Governments is that the review process should be completed within a fixed time frame and prospective release dates for all qualifying prisoners set. The intention will be to provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community.

The Governments will introduce the appropriate legislation to give effect to these arrangements by [-].

They also note that the Governments continue to recognize the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release including assistance directed towards availing of employment opportunities, retraining and/or re-skilling, and further education.