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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: Prison Conditions for IRA Convicts in England (8 pages)	04/13/1995	P1/b(1) KBH 8/29/2023
002. cable	re: Northern Ireland: The Prisoner Conundrum (5 pages)	07/14/1995	P1/b(1) KBH 8/29/2023
003. cable	re: Chief Executive of Northern Ireland Prison Service on Prison Transfers (5 pages)	07/24/1995	P1/b(1) KBH 8/29/2023

COLLECTION:

Clinton Presidential Records
National Security Council
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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FAX COVER

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Priones*

To:

For:

Mr Tony Lake

From:

Ambassador Gallagher

Subject:

Date:

22 March 1996

No. Of Pages:

7

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EMBASSY OF IRELAND

2234 MASSACHUSETTS AVE., N.W.

WASHINGTON, D.C. 20008

22 March 1996

Mr Tony Lake
Assistant to the President for
National Security Affairs
The White House
WASHINGTON DC 20500

Dear Tony

We are extremely appreciative to you for having raised the Kelly case with London.

We have also, of course, been in direct contact with our British colleagues. In this regard, we are transmitting today to the Home Office the attached note concerning the Kelly case. This provides further information on how the relevant Prison Rules would be applied if Mr Kelly's transfer to our jurisdiction went ahead.

The note is, in particular, a response to questions which had been raised with Paddy Teahon by John Holmes, in a letter dated 20th March.

With best wishes.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Dermot Gallagher', is written over a horizontal line.

Dermot Gallagher
Ambassador

cc: Ms Nancy Soderberg

Patrick Kelly

Further detail concerning Department of Justice sentence management intentions, in the light of the letter dated 20th March from the Prime Minister's Private Secretary, Mr. John Homes

1. In a letter dated 9th February to the Home Office the Department of Justice stated as follows:-

"Having considered all the details which you have made available about Mr. Kelly's case, my opinion, based on experience of the administration of sentences within the State and in the context of continued enforcement under the Convention, is that Mr. Kelly, if he had received a similar sentence in this jurisdiction, could expect, save for exceptional circumstances arising, to serve about 18 years from the date of his conviction before an extended release might arise for him. However, I should add that in the event that Mr. Kelly is transferred here, and in view of his health, he would be medically examined to determine if he was fit to continue to serve a prison sentence in accordance with Rule 178(6) of the Rules for the Government of Prisons, 1947 (extract enclosed). If medical opinion was that he would be permanently unfit for prison discipline it is likely that the Minister would decide to release him. I understand that the Home Secretary has similar discretionary release powers on compassionate grounds under your Criminal Justice Act, 1991.

2. It appears from the letter dated 20th March, from the Prime Minister's Private Secretary, that further detail concerning Department of Justice sentence management intentions in Kelly's case would assist the Home Office in completing its considering his application for repatriation.

Early Release of Prisoners

3. In this jurisdiction, as explained in the course of earlier contacts, early release of prisoners may be effected by way of Remission of the balance of the prisoners's sentence (with or without conditions) or by way of what is called Temporary Release. Temporary Release may be granted for quite limited periods which may be renewed if there are special reasons for doing so or may indeed (despite its title) be granted to cover the full period up to the expiry of the sentence. (The latter is referred to hereafter as "Full Temporary Release"). Sentence Remission is very much the exception - most releases are in the Temporary Release category.

Release conditions

4. While conditions may be attached in the case of a remission of sentence there is a doubt as to their enforceability in law. The same does not apply, however, in the case of Temporary Release. Temporary Release conditions (e.g. to be of good behaviour, to check in daily at a Garda station, or whatever other condition may be considered appropriate in the particular case), survive until the offender returns to prison or the period of sentence expires. (A lifer who has been granted full temporary release, therefore, is bound by the release conditions for as long as he remains on the "outside" thereafter.) Temporary release, in other words, corresponds broadly with "parole" in the British system. If conditions are breached, the offender is liable to immediate arrest (without warrant) and transfer to prison to serve the balance of his sentence.

The Prison Rules

5. As already explained, the Rules for the Government of Prisons, 1947 provide, amongst other things, that -

"Whenever the Medical Officer is of opinion that the life of any prisoner would be endangered by his continuance in prison, or that any sick

prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, he shall state the opinion, and the grounds thereof, in writing to the Governor, who shall duly forward the same to the Minister."

6. Because of what is already known about Kelly's health, the Department would, on his transfer to this jurisdiction, refer him for independent medical examination by a cancer expert whose report would be submitted to the Prison Authorities. The possible application of the foregoing Rule would then be considered in the light of that medical report.
7. It appears that it would be helpful if more detail were provided in relation to the application of the Rule in Kelly's case (which, incidentally, would be the same as other cases). For this purpose, it is convenient to deal separately with (a) full remission, (b) full temporary release and (c) temporary release.
 - (a) Full remission
8. If the report referred to at par. 6 was to the effect that Kelly's life expectancy was of the order of six months or less, it is probable that a recommendation for full remission would be made to the Minister for Justice, to enable Kelly to spend the time left to him with his family, free of the threat of further imprisonment. The decision would be one for the Minister herself to make.
9. If, on the other hand, the report referred to at par. 6 was to the effect that that Kelly's life expectancy was over six months, the case would fall to be dealt with under paragraph 10 below. Paragraph 10 would also apply in the event that the cancer expert's report was uncertain as to the likely time of death (e.g. "he might survive for 6 months but I cannot be sure of this") or there was a less optimistic prognosis from another medical expert (i.e. if a medical adviser other than the expert referred to at par. 6 reported that Kelly's life expectancy was of the order of 6 months or less).

(b) Full Temporary Release

10. If the circumstances outlined at par. 8 did not apply, the question of full remission, on health grounds, would not arise either at that point. The question of granting Full Temporary Release could, however, fall to be considered. The need to preserve general sentence "Integrity" would, however, be central to the consideration of this option also. It is not for, example, envisaged that the circumstances outlined in par. 9, on their own, would immediately trigger the process of submitting Kelly's case to the Minister with a recommendation that she grant full temporary release, subject, however, to the following:-

(a) The case would continue to be monitored on a regular basis. If the opinion of the expert referred to at par. 6 changed (i.e. that Kelly's health had deteriorated, or, indeed, had improved) the implications of the revised opinion, in the context of the Rule, would be freshly examined by the Minister.

(b) If, following a subsequent examination, the expert formed the opinion that imprisonment itself was significantly accelerating the onset of death, that opinion would also be submitted to the Minister, to enable her to consider whether full temporary release should be granted. Her decision would depend on the expert's assessment as to the actual extent of the damage being caused by continued imprisonment.

(c) Temporary release

11. All prisoners are free to apply for short periods of temporary release (e.g. a few days) and these could be granted in Kelly's case (as in all other cases) if there were reasons which were considered sufficiently persuasive, (where a long sentence is involved and a substantial portion of it remains to be served, as in Kelly's case, the granting of a concession of this kind would be confined

to situations such as the death of a member of the offender's immediate family - parent, spouse or child).

12. Temporary release could also be granted, of course, where a stay in hospital was medically advised. This could be extended for whatever period was advised by the medical expert. This option would not, however, be employed simply as a means of circumventing the general plan in relation to the management of Kelly's sentence, which has been outlined above.

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NSC FOR STEPHENS

E.O. 12356: DECL: OADR
TAGS: PHUM PINS PTER PREL UK EI
SUBJECT: PRISON CONDITIONS FOR IRA CONVICTS IN ENGLAND

SUMMARY

1. (C) SINN FEIN/IRA COMPLAINTS TO THE CONTRARY
NOTWITHSTANDING, IRA CONVICTS IN ENGLISH PRISONS ARE
TREATED NO WORSE -- AND OFTEN BETTER -- THAN ENGLISH
CRIMINALS SERVING COMPARABLE SENTENCES ON NON-TERRORIST
CHARGES, ACCORDING TO A SENIOR PRISON SERVICE OFFICIAL.
THE PRISON REGIME THROUGHOUT ENGLAND TIGHTENED
SIGNIFICANTLY AFTER TWO HIGH-PROFILE ESCAPE ATTEMPTS
LAST AUTUMN. FIVE IRA CONVICTS INVOLVED IN THE
SEPTEMBER 9 BREAKOUT AT WHITEMOOR WERE TRANSFERRED TO
BELMARSH IN SOUTH LONDON, WHICH IS NORMALLY USED FOR

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SUSPECTS AWAITING TRIAL, BECAUSE NO LONG-TERM HIGH-SECURITY FACILITY WAS AVAILABLE; THEY WILL BE MOVED ON TO PARKHURST, WHITEMOOR OR FULL SUTTON WHEN SECURITY UPGRADES THERE ARE COMPLETE.

2. (LOU) SPECIFIC IRA COMPLAINTS, ACCORDING TO THE OFFICIAL, WERE GENERATED BY THE GENERAL TIGHTENING, RENEWED COMPLIANCE WITH STANDARD REGULATIONS, THE PRISONERS' OWN DEMONSTRATED WILLINGNESS TO USE LETHAL FORCE IN ORDER TO ESCAPE, AND THEIR REFUSAL TO COOPERATE WITH PRISON OFFICIALS. TWO OF THE MAIN COMPLAINTS -- ABOUT VISIT CONDITIONS AND UNIFORMS -- HAVE BEEN RESOLVED. END SUMMARY.

REPUBLICAN CHARGES

3. (U) IN RECENT MONTHS, THERE HAS BEEN A SWELLING CHORUS OF COMPLAINTS FROM THE IRA/SINN FEIN, THEIR SUPPORT GROUPS AND HUMAN RIGHTS ORGANIZATIONS ABOUT CONDITIONS FOR REPUBLICAN PRISONERS IN ENGLISH JAILS. FOR SINN FEIN, THIS HAS FORMED A PART OF ITS AGGRESSIVE CAMPAIGN TO OBTAIN AMNESTIES FOR ALL "POLITICAL PRISONERS," WHICH HAS INCLUDED RALLIES, PICKETS, BREACHES OF SECURITY AT BELFAST AIRPORT AND OTHER FACILITIES, AND LOBBYING OF THE IRISH GOVERNMENT.

4. (U) THE BASIC REPUBLICAN CHARGE IS THAT LIVING CONDITIONS FOR IRA PRISONERS IN ENGLAND HAVE DETERIORATED SHARPLY SINCE THE IRA CEASEFIRE -- THAT CONVICTS HAVE BEEN BEATEN, HELD IN SOLITARY CONFINEMENT, DENIED EXERCISE AND EDUCATIONAL OPPORTUNITIES, GIVEN INADEQUATE FOOD AND MEDICAL SUPPLIES, SUBJECTED TO BODY AND CELL SEARCHES, AND HAD UNREASONABLE RESTRICTIONS IMPOSED ON FAMILY VISITS. SINN FEIN ALLEGES THAT THE HOME OFFICE (WHICH ADMINISTERS THE PRISON SERVICE) IS DELIBERATELY TRYING TO UNDERMINE THE PEACE PROCESS.

5. (C) THE OPPOSITION LABOUR PARTY HAS EXPRESSED CONCERN ABOUT PRISON CONDITIONS, AND SHADOW NORTHERN IRELAND SECRETARY MO MOWLAM VISITED SEVERAL OF THE PRISONERS INVOLVED IN THE COMPLAINTS, AS DID AN IRISH TD. THE IRISH GOVERNMENT HAS REQUESTED INFORMATION FROM HMG ON THE COMPLAINTS, AND THE NORTHERN IRELAND OFFICE TOLD US APRIL 12 THAT A MEETING BETWEEN HOME OFFICE AND IRISH OFFICIALS HAD BEEN ARRANGED FOR APRIL 20.

PRISON SERVICE EXPLANATION

6. (C) WE DISCUSSED THE ISSUE APRIL 12 WITH PHIL WHEATLEY, HEAD OF THE CUSTODY GROUP IN PRISON SERVICE HEADQUARTERS. WHEATLEY IS THE MOST SENIOR OFFICIAL

DIRECTLY INVOLVED IN ESTABLISHING AND MONITORING LIVING AND SECURITY STANDARDS IN BRITISH (THOUGH NOT NORTHERN IRELAND'S) PRISONS.

7. (C) WHEATLEY ACKNOWLEDGED THAT CONDITIONS FOR HIGH-RISK PRISONERS HAD INDEED BEEN TIGHTENED LAST AUTUMN, BUT NOT JUST FOR IRA CONVICTS AND NOT BECAUSE OF THE CEASEFIRE. RATHER, THE TIGHTENING CAME IN RESPONSE TO ESCAPE ATTEMPTS AT THE HIGH-SECURITY PARKHURST AND WHITEMOOR PRISONS. IN THE FORMER CASE, THREE ENGLISH PRISONERS OBTAINED KEYS FROM A GUARD AND REMAINED AT LARGE ON THE ISLE OF WIGHT FOR SEVERAL DAYS. IN THE LATTER, FIVE IRA CONVICTS AND ONE ENGLISH CRIMINAL USED SMUGGLED HANDGUNS AND WIRE-CUTTERS TO BREAK OUT OF WHITEMOOR ON SEPTEMBER 9, INJURING A GUARD IN THE PROCESS, BUT WERE APPREHENDED WITHIN HOURS.

8. (U) AN INVESTIGATION AT WHITEMOOR BY CAMBRIDGESHIRE POLICE AFTER THE BREAKOUT REVEALED THAT THE REGIME FOR IRA PRISONERS HAD BEEN ASTONISHINGLY LAX:

- FAMILY VISITS WERE ALMOST COMPLETELY UNSUPERVISED (WHEATLEY SAID HE WAS "REASONABLY CONFIDENT" THAT THE GUNS USED IN THE BREAKOUT WERE BROUGHT IN BY PRISONERS' WIVES);
- HIGH-SECURITY PRISONERS (UNLIKE ANY OTHER INMATES) WERE ALLOWED TO WEAR THEIR OWN CLOTHING, MAKING THEM HARDER TO IDENTIFY IF THEY ESCAPED;
- THE IRA PRISONERS WERE PERMITTED TO ORDER FOOD IN FROM LOCAL TAKE-OUTS, AND EVEN GOT GUARDS TO GO SHOPPING FOR THEM;
- THEIR CELLS WERE ALMOST NEVER SEARCHED; AND
- ONE OF THE IRA CONVICTS HAD HIDDEN A QUANTITY OF SEMTEX IN HIS PERSONAL POSSESSIONS THAT WERE STORED PENDING HIS RELEASE.

9. (C) AFTER THE ESCAPES, WHEATLEY EXPLAINED, HOME SECRETARY MICHAEL HOWARD LAUNCHED OUTSIDE INVESTIGATIONS INTO THE SECURITY BREACHES, ORDERED STRICT ADHERENCE TO PRISON REGULATIONS, AND PUT SENIOR PRISON SERVICE OFFICIALS ON NOTICE THAT THEIR JOBS WOULD BE IN JEOPARDY IF THERE WERE ANY MORE ESCAPES.

10. (C) AFTER THE ESCAPE ATTEMPT AT WHITEMOOR, WHEATLEY CONTINUED, THE SIX PRISONERS INVOLVED HAD BEEN KEPT IN AN ISOLATION UNIT THERE DURING THE POLICE INVESTIGATION. WHEN THE INVESTIGATION RECOMMENDED

SEVERAL PHYSICAL SECURITY UPGRADES, PRISON SERVICE MANAGERS DECIDED THE SIX COULD NOT BE KEPT IN ISOLATION ANY LONGER, AND WOULD HAVE TO BE MOVED. BUT THE OTHER TWO HIGH-SECURITY PRISONS, PARKHURST AND FULL SUTTON, ALSO NEEDED THE SAME UPGRADES AND WERE NOT AVAILABLE.

11. (C) THE ONLY VIABLE ALTERNATIVE, WHEATLEY SAID, WAS THE HIGH-SECURITY UNIT AT BELMARSH PRISON IN SOUTH LONDON, WHICH WAS USED PRIMARILY TO HOUSE "REMAND" PRISONERS (THOSE AWAITING TRIAL). BELMARSH WAS "NOT GOOD, BUT THE BEST AVAILABLE." AS SOON AS THE PHYSICAL SECURITY UPGRADES WERE COMPLETED AT WHITEMOOR, PARKHURST AND FULL SUTTON, THE SIX ESCAPEES WOULD BE TRANSFERRED TO ONE OF THOSE LONG-TERM INSTITUTIONS.

13. (C) A KEY PROBLEM AT BELMARSH, WHEATLEY SAID, WAS THAT THE VISITING ROOM LACKED ADEQUATE VIDEO MONITORS. IN VIEW OF THE DEMONSTRATED HIGH RISK POSED BY THE SIX PRISONERS, "OPEN" VISITS WITH THEIR RELATIVES OR LAWYERS WERE NOT FEASIBLE UNTIL MORE CAMERAS COULD BE FITTED. THE PRISONERS WERE OFFERED "CLOSED" VISITS (THROUGH A HEAVY PLASTIC SCREEN, AS IN U.S. HIGH-SECURITY PRISONS), BUT THEY DECLINED. INSTALLATION OF NEW CAMERAS HAD NOW BEEN COMPLETED, AND "OPEN" VISITS WERE AGAIN AUTHORIZED. HOWEVER, THE WHOLE ISSUE OF "OPEN" VISITS WAS UNDER INVESTIGATION BY THE HOME OFFICE, AND IT WAS POSSIBLE THAT ALL HIGH-SECURITY PRISONS WOULD BE ORDERED TO SHIFT TO "CLOSED" VISITS ONLY.

14. (C) STANDARD TREATMENT OF ANY RETURNED ESCAPEES, WHEATLEY EXPLAINED, WAS TO PUT THEM ON AN "E-LIST" AND MAKE THEM WEAR DISTINCTIVE PRISON UNIFORMS WITH YELLOW PATCHES (SO THEY WOULD BE EASIER TO SPOT IF THEY GOT OUT AGAIN). TWO OF THE SIX AT BELMARSH HAD REFUSED TO WEAR THE UNIFORMS, AND CHOSE INSTEAD TO WRAP THEMSELVES IN BLANKETS IN THEIR CELLS (AS IRA PRISONERS AT THE MAZE IN NORTHERN IRELAND HAD DONE IN THE "BLANKET PROTEST" OF THE LATE 1970'S). THE PRISON AUTHORITIES DID NOT TRY TO FORCE THEM TO WEAR THE UNIFORMS, BUT REFUSED TO ALLOW THEM OUT OF THEIR CELLS CLAD ONLY IN BLANKETS. THIS DISPUTE HAD BEEN RESOLVED APRIL 12 BY A PRISON SERVICE DECISION THAT THE MEN WERE WELL ENOUGH KNOWN THAT THEY COULD SAFELY BE TAKEN OFF THE "E-LIST" AND GIVEN REGULATION UNIFORMS.

15. (C) WHEATLEY STRESSED THAT THE FIVE IRA PRISONERS AT ELMARSH, AND ANOTHER GROUP AT FULL SUTTON WITH OTHER COMPLAINTS, WERE NOT BEING TREATED ANY DIFFERENTLY THAN ENGLISH CONVICTS WHO POSED COMPARABLE SECURITY RISKS. IN FACT, THE ONLY DISCRIMINATION HAD BEEN IN THE PREVIOUS REGIME AT WHITEMOOR, WHERE THE MAINLY IRA GROUP

OF HIGH-SECURITY PRISONERS HAD ENJOYED MUCH MORE RELAXED AND FAVORABLE CONDITIONS THAN MOST ENGLISH CONVICTS. THE WHITEMOOR ESCAPEES (INCLUDING THE NON-IRA ONE) WERE CERTAINLY UNDER GREATER RESTRICTIONS NOW, "BUT YOU CAN'T SHOOT A PRISON OFFICER WITHOUT EXPECTING LIFE TO BE REASONABLY DIFFICULT THEREAFTER."

SPECIFIC RESPONSES

16. (LOU) QUERIED ABOUT SPECIFIC REPUBLICAN ALLEGATIONS OF ILL-TREATMENT (CULLED FROM A SERIES OF ARTICLES IN THE SINN FEIN WEEKLY "AN PHOBLACHT"), WHEATLEY OFFERED THE FOLLOWING RESPONSES:

CHARGE: THE WHITEMOOR ESCAPEES HAD BEEN BRUTALLY BEATEN BY PRISON OFFICERS ON THEIR RECAPTURE.

REPLY: THESE ALLEGATIONS HAD BEEN REFERRED TO THE CAMBRIDGESHIRE POLICE FOR CRIMINAL INVESTIGATION; ANY PRISON OFFICER FOUND TO HAVE BEATEN THE PRISONERS WOULD BE PROSECUTED.

CHARGE: AFTER THE ESCAPE ATTEMPT, THE IRA PRISONERS WERE KEPT LOCKED UP 23 HOURS A DAY AND DENIED ACCESS TO THEIR PERSONAL POSSESSIONS.

REPLY: SEE PARA 10 ABOVE. THE PRISONERS WERE KEPT IN ISOLATION AT WHITEMOOR DURING THE INVESTIGATION OF THEIR ESCAPE ATTEMPT. THEIR "PERSONAL POSSESSIONS" HAD INCLUDED PISTOLS, WIRE-CUTTERS AND SEMTEX; POLICE CONDUCTED A VERY THOROUGH SEARCH OF MATERIALS LEFT IN THE CELLS.

CHARGE: MOST OF THE ESCAPEE'S PERSONAL PROPERTY WAS DESTROYED.

REPLY: SOME OF THEIR POSSESSIONS, SUCH AS RADIOS AND TAPE PLAYERS, MIGHT HAVE BEEN DISMANTLED TO CHECK FOR EXPLOSIVES. THE INVESTIGATING POLICE HAD CUSTODY OF THE POSSESSIONS, AND WERE LIKELY TO BE PRESERVING THEM AS POTENTIAL EVIDENCE.

CHARGE: THE MEN WERE DENIED ACCESS TO THEIR CLOTHING.

REPLY: SEE PARA 14 ABOVE. PREVIOUS PERMISSION TO WEAR THEIR OWN CLOTHING HAD BEEN A DEVIATION FROM STANDARD REGULATIONS.

CHARGE: AT BELMARSH, THE IRA FIVE WERE SUBJECTED TO STRIP SEARCHES AS OFTEN AS THREE TIMES A DAY, AND DAILY CELL SEARCHES.

REPLY: GIVEN THE FACT THAT THE PRISONERS HAD APPARENTLY OBTAINED WEAPONS DURING FAMILY VISITS, AND A HISTORY IN NORTHERN IRELAND OF SIMILAR SMUGGLING BY RELATIVES AND PERHAPS LAWYERS, THE SIX (INCLUDING THE NON-IRA ESCAPEE) WERE SEARCHED AFTER EACH VISIT. THEIR CELLS WERE SEARCHED ABOUT ONCE EVERY TWO WEEKS, AND THEY WERE MOVED TO NEW CELLS ABOUT MONTHLY (TO DISRUPT ANY ATTEMPT TO FILE THROUGH BARS OR DIG THROUGH WALLS).

CHARGE: PRISONERS AT FULL SUTTON WERE KEPT IN SOLITARY CONFINEMENT FROM LATE DECEMBER UNTIL MID-MARCH ON A TRUMPED-UP CHARGE BECAUSE THEY HAD REFUSED TO COOPERATE WITH THE SYSTEM, AND WERE TOLD THEY COULD HAVE VISITORS ONLY IF THEY WORE PRISON UNIFORMS.

REPLY: THE REGIME AT FULL SUTTON WAS AFFECTED BY THE GENERAL TIGHTENING OF ENFORCEMENT OF REGULATIONS AFTER THE WHITEMOOR AND PARKHURST ESCAPES. THREE IRA PRISONERS HAD REFUSED TO COOPERATE. AFTER TWO AEROSOL CANS WERE FOUND BEHIND A STOVE, IN AN APPARENT ATTEMPT TO CAUSE AN EXPLOSION, THE THREE HAD BEEN FURTHER SEGREGATED "UNTIL THEY GAVE SOME COOPERATION." THIS REGIME HAD BEEN LOOSENED RECENTLY BECAUSE "WE ASSUMED THEY WOULD COOPERATE IF THEY WERE LET OUT, AND THEY DID."

CHARGE: PRISONERS WERE NOT PERMITTED TO TALK TO THEIR FAMILIES IN IRISH.

REPLY: FULL SUTTON PRISONER FEILIM O HADHMAILL INSISTED ON SPEAKING IRISH WITH HIS WIFE (BOTH ARE NATIVE ENGLISH SPEAKERS), AND THE PRISON HAD NO WAY TO MONITOR THEIR CONVERSATIONS. CONCERNED THAT THEY MIGHT BE PLOTTING AN ESCAPE ATTEMPT, PRISON AUTHORITIES FORBADE THIS. HOWEVER, THEY ACCEPTED THAT THE O HADHMAILLS WERE TRYING TO RAISE THEIR CHILDREN AS IRISH SPEAKERS, SO THEY ARRANGED TO TAPE THE CONVERSATIONS IN IRISH AND FORWARD THEM TO BELFAST FOR ANALYSIS. THE PROHIBITION HAD THEN BEEN LIFTED. BELMARSH HAD A PRISON OFFICER FLUENT IN IRISH, SO THE ISSUE DID NOT ARISE THERE.

CHARGE: THE IRA PRISONERS WERE DENIED COMPASSIONATE PAROLE (IN ONE CASE TO ATTEND A MOTHER'S FUNERAL) WHICH WOULD HAVE BEEN GRANTED IN

NORTHERN IRELAND.

REPLY: THE SAME RESTRICTIONS APPLY TO ALL HIGH-SECURITY PRISONERS IN ENGLAND. THE REGIME IN NORTHERN IRELAND IS SIGNIFICANTLY MORE LENIENT.

CHARGE: VISITS AT BELMARSH WERE CANCELED ON SHORT NOTICE ON THE "LAME REASON" THAT SECURITY CAMERAS HAD NOT BEEN INSTALLED.

REPLY: "LAME" PERHAPS, BUT THE REAL REASON. SEE PARA 13 ABOVE. PERMISSION TO VISIT WAS NOT DENIED OR CANCELED, BUT THE RELATIVES WERE TOLD IT WOULD BE UNDER "CLOSED" CONDITIONS; THEY REFUSED.

CHARGE: THE IRA PRISONERS AT BELMARSH ARE SUBJECTED ILLEGALLY TO A 21-HOUR LOCK-UP REGIME.

REPLY: BELMARSH IS NOT STAFFED TO PERMIT OPEN CELLS IN THE EVENING FOR HIGH-SECURITY PRISONERS. THE SIX ESCAPEES ARE ALLOWED OUT FOR FREE ASSOCIATION WITH EACH OTHER FOR OVER SEVEN HOURS A DAY, STANDARD FOR ALL HIGH-SECURITY PRISONERS AT BELMARSH. THE REGIME IS IN TECHNICAL BREACH OF A RULE ALLOWING FREE ASSOCIATION WITH OTHER PRISONERS; THE ESCAPEES AT BELMARSH ARE SEGREGATED BECAUSE THEY ARE BOTH HIGH-RISK AND CONVICTED, PUTTING THEM IN A DIFFERENT CATEGORY FROM ALL OTHERS THERE. THEY WILL BE ALLOWED MORE TIME OUT OF CELLS, AND FREE ASSOCIATION, WHEN THEY ARE TRANSFERRED TO LONG-TERM INSTITUTIONS.

CHARGE: ONE PRISONER AT BELMARSH HAS BEEN REFUSED ACCESS TO STUDY MATERIALS.

REPLY: THE PRISONER IS STUDYING FOR A DEGREE IN IRISH THROUGH THE TELEVISED "OPEN UNIVERSITY." THIS REQUIRES WATCHING TELEVISION IN LATE EVENING, WHEN BELMARSH IS NOT STAFFED TO ALLOW HIGH-SECURITY PRISONERS OUT OF THEIR CELLS. AS PART OF THE GENERAL TIGHTENING, TELEVISIONS ARE NOT PERMITTED IN INDIVIDUAL CELLS. HE WILL BE ABLE TO RESUME HIS STUDIES WHEN MOVED ON TO ANOTHER INSTITUTION, AND PERHAPS SOONER IF ALTERNATIVE ARRANGEMENTS CAN BE WORKED OUT.

CHARGE: ANOTHER BELMARSH PRISONER IS CURRENTLY LOCKED UP 24 HOURS A DAY, AND IS DENIED BOTH EXERCISE AND VISITS.

REPLY: THIS PRISONER HAS REFUSED TO WEAR THE "E-LIST"

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UNIFORM; SEE PARA 14 ABOVE. REMOVAL OF THE SIX ESCAPEES FROM THE "E-LIST" SHOULD RESOLVE THIS SITUATION.

CHARGE: THE FOOD AT BELMARSH IS SO BAD THAT THE IRA PRISONERS HAVE LOST 16-28 POUNDS EACH, AND ARE IN POOR HEALTH. THEY ARE NOT ALLOWED TO BUY FOOD OR MEDICINES TO TREAT THEMSELVES.

REPLY: PRISON FOOD IN GENERAL IS NOT GREAT, BUT OTHER PRISONERS AT BELMARSH HAVE GENERALLY GAINED WEIGHT. CONVICTED PRISONERS ARE NOT ALLOWED TO ORDER FOOD FROM OUTSIDE; THAT PRIVILEGE AT WHITEMOOR BREACHED REGULATIONS. PRISON OFFICIALS ARE WARY OF "SELF-MEDICATION," BOTH BECAUSE OF THE DANGER OF OVERDOSES AND THE USE SOME YEAST-BASED MEDICATIONS HAVE BEEN PUT TO FOR BREWING PURPOSES.

CHARGE: ALL VITAMIN AND MINERAL SUPPLEMENTS, MOST TOILETRIES AND CLEANING MATERIALS HAVE BEEN WITHDRAWN FROM THE BELMARSH CANTEEN.

REPLY: IN THE GENERAL TIGHTENING AFTER WHITEMOOR AND PARKHURST, PRISON AUTHORITIES TOOK A HARD LOOK AT WHAT WAS AVAILABLE IN PRISON SHOPS. IN ADDITION TO MEDICINES (SEE PREVIOUS QUESTION), THEY REMOVED FROM SALE ALCOHOL-BASED TOILETRIES AND SOME CLEANING AGENTS FOR SIMILAR REASONS.

MORE AVAILABLE

17. (C) WHEATLEY OFFERED TO PROVIDE ANSWERS TO ANY FURTHER QUESTIONS THAT MIGHT ARISE, AND TO SET UP VISITS TO BELMARSH AND OTHER PRISONS IF WE WANTED THEM. GIVEN THE COMPREHENSIVE AND CANDID NATURE OF HIS RESPONSES, AND THE FACT THAT BRITISH AND IRISH OFFICIALS WILL BE DISCUSSING THE ISSUES DIRECTLY AND AT LENGTH IN THE NEAR FUTURE, WE DO NOT INTEND TO TAKE UP THE OFFER OF VISITS. CROWE

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E.O. 12356: DECL: oadr
TAGS: pgov phum prel uk ei
SUBJECT: northern ireland: the prisoner conundrum

1. ~~confidential~~ -- entire text. oadr for foreign
government information.

summary

2. in response to july 13 media rumors of an imminent
early release of some paramilitary prisoners, prime
minister major told the house of commons that the issue
remained under active review, but that time was not yet
right for change. we understand legislation may already
have been drafted to make ira and loyalist convicts in
northern ireland eligible for parole after half (rather
than the current two-thirds) of fixed sentences. if
introduced early in the next parliamentary session, it
could be implemented by late winter.

3. the quickest and easiest step hmg can take on
prisoners is to transfer those in english prisons to
facilities near their homes. about a third have been
approved for transfer to northern ireland, and a
comparable number could be sent to the republic once the
irish government finalizes enabling legislation. the
remaining third either have not requested transfer or
face further charges here.

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2011-0355-F (3.57)
KBH 7/11/2023

4. british ministers and officials accept that speeding the release of prisoners would have an important stabilizing effect on republican and loyalist communities. they want to move, but are constrained by attitudes within the nonviolent majority in northern ireland and among mp's at westminster. resistance to the idea appears to be declining, but continuing sinn fein threats of renewed violence and ira complicity in recent riots has made movement more difficult. overt external pressure on hmg is unlikely to speed the process, and could delay it. end summary.

release rumors

5. several british papers on july 13 carried stories claiming that hmg would soon announce plans to reverse a 1989 law requiring prisoners convicted of "scheduled" (terrorist) offenses in northern ireland to serve two thirds of fixed-term sentences rather than the 50 percent "remission" previously in effect. according to the "daily telegraph," legislation restoring 50 percent remission would be included in the queen's speech opening the next session of parliament in november, and might be previewed in an official announcement before parliament recessed july 19.

6. a change in remission rates would result in the immediate release of about 100 of the approximately 1200 republican and loyalist prisoners in northern ireland. all others on determinate sentences would become eligible for parole when they had served half their nominal sentences -- shortening the time served for those on 20-year sentences by over three years. convicts sentenced to indeterminate (life) imprisonment would continue to be considered for parole under the terms of informal "tariffs" established by regional life sentence review boards -- currently about 15 years in northern ireland, 20 in england.

7. asked about the reports at question time july 13, prime minister major said remission rates were kept under constant review, but "i don't think the time is yet right for a change." sinn fein president adams told reporters he expected a move on remission in the near future, but dismissed it as "too little, too late."

official explanation

8. northern ireland office (nio) assistant secretary jonathan stephens told us july 14 that it was "no great secret" hmg had been looking seriously about changing remission rates. northern ireland secretary mayhew had raised the possibility in an "off the record" drinks session with journalists earlier in the week; apparently the story had been too good for them to respect the terms of the discussion.

9. asked about possible time frames, stephens said legislation changing remission rates would be easy to draft (he had participated in drafting the 1989 change), and could be tacked on to another bill at any time. while "all things are possible," it was likely, given the imminent parliamentary recess, that the earliest realistic date for enactment and implementation would be late winter or early spring. however, the intention could be announced at any time.

10. we have heard separately that legislation changing the rates may actually have been drafted some weeks ago (while stephens was on leave), but that consideration of introducing it before the parliamentary recess had been dropped after sinn fein and the ira helped organize and incite the riots in belfast which followed the release of private lee clegg. nio and fco officials also told us that public pressure from the irish government made it more difficult for major to move in the absence of any reciprocal action by sinn fein/ira.

prisoner transfers

11. while reduction in effective sentences now looks unlikely in the immediate future, another set of emotive prisoner issues may be on the way to resolution. in its campaign for a general amnesty, sinn fein has highlighted the plight of republican convicts in english prisons. conditions in top-security prisons in england are indeed much stricter than in northern ireland, though still significantly milder than in comparable u.s. prisons, and have been tightened since a late 1994 breakout involving ira convicts at whitemoor prison.

11. the fundamental sinn fein demand is that irish prisoners in england should be transferred to facilities nearer their homes, easing the hardship suffered by their families in visiting them. british officials have long been sympathetic to this argument, and the transfers would have been effected years ago were it not for the fact that transferred prisoners become subject to the parole terms of the receiving jurisdiction. thus, ira murderers sent back home would have been released five years earlier than englishmen convicted of similar offenses.

12. about two years ago, the home office hit on a solution: life sentence prisoners could be transferred "temporarily," with the transfer renewed every six months until release, keeping them under the jurisdiction of english parole boards. implementation has been sporadic -- sinn fein initially balked at the procedure, and home secretary howard temporarily suspended transfers after taking right-wing flak over one that became public -- but they have continued.

13. stephens told us july 14 that, according to home office figures passed to him the previous day, there had been 43 republican prisoners in england at the time of the ceasefire. eight had since been transferred "temporarily," and six on fixed sentences had been given permanent transfers. ten had not requested a move. the remaining 19 had been refused, most because their homes were in the republic. stephens noted that hmg had been willing to transfer prisoners to ireland for several years, but enabling legislation in dublin had achieved final passage only within the past week. once that was signed into law, another 12-15 ira prisoners could be moved. the remaining half dozen or so -- including the whitemoor escapees -- could not be transferred because they faced additional charges in england.

comment

14. there is no question that british officials want to start moving on prisoner issues; nio under secretary john steele made this emphatically clear to nsc staff director soderberg in belfast in early june, and our

interlocutors in london have said the same thing. ministers closely involved with northern ireland, including prime minister major, are also ready to move. they accept the point repeatedly made by both republican and loyalist spokesmen that nothing would do more to solidify the ceasefire in their communities.

15. but any move on prisoners at this point, in the wake of the belfast riots and absent any hint of a reciprocal move by sinn fein/ira, would be difficult if not impossible to sell at westminster, or with the general public in britain or northern ireland. resistance would definitely not be confined to the right wing of the conservative party; attempts to portray major's dilemma as merely an aspect of his intra-tory problems are misguided.

16. that said, it appears that objections to some measured move on prisoners may be waning. shadow northern ireland secretary mowlam has told us she favors the idea, and even the usually hardline chairman of the tory backbench northern ireland committee, andrew hunter, told the bbc that he could see the rationale for expanded remission in due course. major will move on prisoners as soon as he feels able to. overt pressure from dublin has drawn outrage from unionist politicians, and made it more difficult for hmg to move. any public statement from the usg would have the same effect.

~~17. we can, and should, privately encourage hmg to speed prisoner transfers and move as rapidly as feasible on remission. we have been doing this quietly in london. but we have little standing to make a formal demarche, since our own sentences and prison conditions for convicted terrorists are much harsher than those in britain. and we should continue to point out to sinn fein representatives that the quickest and surest way for them to achieve progress on prisoner (and many other) issues is to reach agreement with hmg on arms decommissioning. CROWE##~~

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2011-0355-F (3.58)
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message originated in belfast

E.O. 12356: DECL: oadr
TAGS: pgov pint uk ei
SUBJECT: chief executive of northern ireland prison
service on prison transfers

1. ~~confidential~~ - entire text.

2. summary: according to the chief executive of northern ireland's prison service, eight of the remaining 32 paramilitary prisoners from the republic of ireland or northern ireland in english jails are potentially eligible for transfer to ni. three, already approved in principle, would have to give up their current dirty protest in whitemoor prison. the other five face prison-related charges that would have to be resolved before serious consideration could be given to transfer. the remaining 24 have no ties to northern ireland. they could be transferred to irish prisons, but only after the irish ratification of a european convention on the transfer of prisoners goes into effect in october and only if the british government is satisfied that the conditions set by that convention will be met. sir patrick mayhew has apparently advocated accelerated remission to pm major without success but discussions continue. morale among prison staff at the maze prison, which houses most of ni's paramilitary prisoners, has sunk to an all-time low.
end summary.

3. in a july 21 meeting with acting principal officer, alan shannon, chief executive of the northern ireland prison service made the following observations about the

transfer of prisoners to northern ireland prisons, the potential effect of accelerated remission for prisoners convicted of "determinate" crimes since 1989, and conditions in ni's prisons, particularly the maze.

4. the july 20 transfer of three republican prisoners

-- sinn fein prisons spokesman pat mcgeowan's claim that the prisoners (ira man gerard macken and derry inla members eamonn o'donnell and sean cruickshank) transferred to maghaberry prison in northern ireland were told 12 weeks previously that they would be transferred immediately is dead wrong. the prisoners were notified approximately six weeks previously that the office supported transfer of the prisoners subject to agreement of the northern ireland prison service. the normal procedure was followed, including a review of the files conveyed by the home office to the ni prison service. six weeks constitutes quick, efficient work.

-- the three other prisoners eligible for transfer, feilim ohadhmaill, martin mcgonagle, and liam heffernan, cannot be and will not be transferred as long as they maintain their dirty protest in whitemoor prison.

-- of these three, ohadhmaill, a former university lecturer in england, is the hardest of the hard. he considers himself to be a superior being. he initially refused to sign the papers required for a transfer, although did finally agree the second time around before he began his protest.

-- the ira does not want bobby sands II. pat mcgoewn's recent visit to ohadhmaill (shannon speculated) was designed to urge ohadhmaill to cease and desist. (shannon asserted that the home office opposed the visit initially, but the ni prison service persuaded the home office of the potential utility of such a visit.)

-- according to the home office, there are a total of 32 prisoners potentially eligible for transfer from jails in england to northern ireland or the republic of ireland, including the three on dirty protest. five of the remaining 29 prisoners have a claim to be returned to northern ireland, but their claims can only be

considered after charges against them (prison escape in the case of four of the five, an attack on a guard in the case of the fifth) are resolved. (shannon was not entirely confident that the figure of 32 is completely accurate. the home office, he said, has to look after 55,000 prisoners).

-- the remaining 24 prisoners are from/have addresses in the republic of ireland and therefore have no claim for transfer to northern ireland.

-- the dail just (the week of july 17) ratified the european convention on the transfer of sentenced prisoners which the republic of ireland signed in 1975. shannon understands that the irish adherence to the convention does not go into effect until october 1995. transfer of irish paramilitary prisoners could be subject of bilateral negotiations beginning at that time. such negotiations could be problematic. according to the convention, the sending country must be satisfied that the transferred prisoners will serve out their time in terms of length and conditions reasonably approximating those of the country in which the offense was committed and the conviction obtained. the republic of ireland has a more stringent policy on the remission of non-life sentences (shannon thought it is pegged at 25 percent, compared with one-third in ni for "determinate" crimes committed after 1989. but (shannon contended) the republic of ireland has a practice of periodically and rather indiscriminately letting out hundreds of prisoners at a time of make more room in jails. the british would have to be certain that such a practice would not affect transferred prisoners before agreeing to a deal.

5. accelerated remission

-- newspaper reports that reversion to a 50 percent scheme for "determinate" (non-life) sentences levied since 1989 would permit the quick release of approximately 100 prisoners are accurate.

-- it was incredibly indiscreet of secretary of state sir patrick mayhew to discuss possible changes in remission policy with the press as he did two weeks

ago. (shannon inadvertently walked in on the mayhew session with the press). he or any other civil servant would have been hung out to dry had he done the same thing. mayhew advocated a 50 percent remission policy to pm major the following day. major did not buy it, but discussions continue. home secretary michael howard "panders" to the right-wing of the tory party and therefore would be a stumbling block to any adoption of an accelerated remission policy.

6. life sentences

-- of the 350 prisoners with life sentences released over the past fourteen years, there have been only six recidivists.

-- a couple of reasons explain why the rate of return to the paramilitary front lines is low: most have mellowed as families and family responsibilities grow. for precisely that reason, they are security risks to paramilitary leaders who would rather dip into the large pool of young, unattached men looking for action than rely on comparative greybeards gone soft with advancing age.

7. prison conditions

-- there are 1700 prisoners in ni's five prisons which puts northern ireland about 10 percent above the mean for prisoners per 100,000 in population in the developed world. before the troubles, ni averaged about 600 prisoners. if the peace holds and paramilitary prisoners are released, the ni prison service estimates that the prison population would not subside to pre-trouble levels but probably settle around 1300-1400 (with drug-dealers and organized crimes figures filling some of the cells emptied by paramilitary prisoners).

-- maghaberry, built in 1985, is state-of-the-art among ni prisons. paramilitary prisoners basically have a choice of prisons. most choose the hard-core maze because of political conviction and because of solidarity with their mates.

-- at the maze, with its 700 mostly paramilitary

prisoners, the prisoners are basically in charge, divided into wings along political lines. the inla has been separated from the ira since 1993; the loyalist paramilitaries, the uvf (ulster volunteer force) and the uda (ulster defense association) split in april.

-- the prison staff at the maze is totally demoralized. they contend that management offers them no support; management believes that the staff does not carry out its duties. morale hit a new low when overtime was eliminated as part of the establishment of the northern ireland prison service as an executive agency effective april 1 of this year. because of reaction to charges against a prisoner filed two years ago (a guard was beaten to death) no charges have been brought against any prisoner in the maze since that time.
CROWE

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