

# FAX

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### REMARKS

- Urgent
- For your review
- Reply ASAP
- Please comment

*Ann*

*England draft article plus NIO stats.*

*Hope this is helpful. Could you give me a quick call to discuss something else related to this*

*Michael*

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\*  
Out of 500 lifers since 1985 only 2 reconvicted

## 10 QUESTIONS ON EARLY RELEASE

The Agreement reached on Good Friday contained provisions for the early release of prisoners convicted of offences arising out of the conflict in Northern Ireland. Broadly, these provisions will involve prisoners with fixed term sentences being released at the one third point of their sentence and life sentence prisoners being released around the ten year mark (having served two thirds of the average length of a life sentence). All qualifying prisoners still in prison in July 2000 will be released at that point. Cases will be considered by an independent Sentence Review Body which will have to satisfy itself that the release of particular prisoners will not involve a risk to public safety. Prisoners belonging to organisations not on ceasefire will not be eligible.

Early, these developments have created much uncertainty and worry. NIACRO broadly welcomes the fact that the prisoner issue has been dealt with so thoroughly. It is of course right that there should also be provision for victims of the conflict and NIACRO welcomes the inclusion of this in the Belfast Agreement. In the context of prisoner release, however, a number of issues may be causing concern and the following seeks to address some of these.

### 1. **How many prisoners will be released early and exactly how early?**

According to NIO figures, there are currently some 400 prisoners who will qualify for early release under the terms of the Agreement. Under current arrangements, around half of these would be released by July 2000 anyway. With the earlier release procedures outlined above, there will be just 63 remaining. In other words, around 140 prisoners would have been released earlier than they might otherwise have expected to by that stage. The releases will, however, be staged depending on length of sentence. The remaining 63 prisoners can expect to be released in July 2000 unless the Sentence Review Body has decided that their release would constitute a danger to the public, either because they may re-involve themselves in paramilitary activity or because they are clearly too unstable and dangerous to be released.

### 2. **Will there be any getting out who have only just gone in?**

On current figures, all prisoners currently on remand will have had their trials by July 1999. If these prisoners qualify under the terms of the release arrangements, they will be entitled to apply for release. If the Sentence Review Body considers their release will not involve a danger to the public, they will be released in July 2000.

### 3. **What arrangements will exist for prisoners after release?**

Prisoners will be released on licence. In the case of life sentence prisoners, this licence will remain for the rest of their lives. For fixed term prisoners, it will remain until the two thirds point of their sentence. If they are involved in any behaviour which constitutes a re-involvement in criminal activity - whether paramilitary-related or not - they will be re-arrested pending trial. It is important to remember that perhaps 20,000 people have been imprisoned since 1969. In this context, remaining prisoners will not make a huge difference and can not be described as a potential destabilising factor in society.

**4. Will there be any distinction between the crimes - what about prisoners who are just plain sectarian and used political motivation as an excuse to kill people?**

If prisoners were convicted of an offence which was processed through a Diplock Court they can apply for release. However, the Sentence Review Body will consider the nature of the offence which led to the conviction in deciding whether particular prisoners should be released. If the Body is of the opinion that an individual prisoner represents a danger to the public because of the nature of the offence, then it will be entitled to refuse release. It will of course be open to the prisoner to challenge such a decision in the courts by way of judicial review.

**5. They say they went in for terrorist crimes. How do we know they won't commit other crimes once they are out?**

The Agreement was entered into by parties closely aligned to paramilitary groups who are currently on ceasefires. Consultation with prisoners was an important element in those parties' willingness to sign off on the negotiations. If it is suspected that individual prisoners will reinvolve themselves with non-ceasefire paramilitary organisations, they will not be released. Similarly, if they are charged with non-"terrorist" offences, the unexpired portion of the licence will have to be served. However, the evidence shows that very small numbers of politically-motivated prisoners commit further crimes when released.

**6. How can we be sure there will be no risk to the public?**

The Sentence Review Body will be responsible for deciding whether prisoners who are otherwise eligible for release should remain in prison because they are personally dangerous or may associate with groups involved in political violence. The Secretary of State will have the power to identify those groups who are not considered to be on ceasefire. If a prisoner is likely to get involved in any of the listed groups, they will not be released. Equally, if the Sentence Review Body feels that a prisoner is dangerous because s/he is unstable and still remains a danger to the public, it will be possible for them to decide that s/he should remain in prison. The prisoner will be able to challenge this decision in court.

**7. What happens if the violence starts again?**

If the organisations to which these prisoners belong go back to violence, former prisoners who become involved will be re-arrested and sent to prison pending trial. Any unexpired portion of their licence will have to be served along with any new sentence.

**8. *Isn't this just a reward for terrorists?***

International experience shows that after every conflict, a process needs to be established to deal with those imprisoned as a result of the conflict. Governments will usually invoke special procedures to respond to violence. Special arrangements are generally necessary to respond to the changed circumstances of peace. Experiences in other jurisdictions, such as South Africa, confirm that prisoner release is a significant factor in the achievement and maintenance of peace.

**9. *Some terrorists are still murdering people. Will they be getting early release?***

No. Those convicted of crimes committed after 10th April 1998 (the date of the Belfast Agreement) will not benefit from the release arrangements.

**10. *What about the victims? Prisoners are getting off scot free and victims will suffer for the rest of their lives.***

Prisoners are not getting off scot free as they will have been convicted and served time in jail. They will carry that conviction for the rest of their lives. It is true that some 400 prisoners will be released earlier than normal. However, it is important to see release in the context of agreement, political development, continuing peace and stability and how prisoner release could reinforce these. The voices of these and all victims must be heard, but many will recognise that if prisoner release contributes to a stable and lasting peace, then it is a difficult step which is worth taking. Rightly, there is provision for resources and assistance for victims in the Agreement and it is important that these arrangements come into being as soon as possible.

28th April 1998

## NIO FIGURES

## MAZE

	Under Current Arrangements		Under Proposed Changes	
	Lifers	Determinate	Lifers	Determinate
Total Number of Prisoners	88	232	88	232
Released by July 1999	4	75	55	181
Released August 1999- July 2000	15	43	7	27
Remaining after July 2000	69	114	26	24

## MAGHABERRY

	Under Current Arrangements		Under Proposed Changes	
	Lifers	Determinate	Lifers	Determinate
Total Number of Prisoners	29	53	29	53
Released by July 1999	5	26	19	39
Released August 1999- July 2000	5	8	2	9
Remaining after July 2000	19	19	8	5

## MAGHABERRY AND MAZE

	Under Current Arrangements		Under Proposed Changes	
	Lifers	Determinate	Lifers	Determinate
Total Number of Prisoners	117	285	117	285
Released by July 1999	9	101	74	220
Released August 1999- July 2000	20	51	9	36
Remaining after July 2000	88	133	34	29