

LIAISON SUB-COMMITTEE ON CONFIDENCE BUILDING
MEASURES: MEETING ON 13 JANUARY 1998

PRISONS ISSUES: FURTHER PAPER BY THE BRITISH
GOVERNMENT

1. The British Government has now had time to reflect on the papers tabled by the Irish Government and by parties and on the discussions which took place on 1 December and 15 December.

2. Many of the delegates drew attention to the unique circumstances of Northern Ireland, the background to the conflict and the fact that people have been embroiled in the conflict who, in less volatile circumstances, might not have been involved in offences. The Government accepts that the prison population in Northern Ireland is in many respects unique. This fact has, of course, been reflected in the policies that have been operated in Northern Ireland, including the relatively short periods served by life sentence prisoners here and the more liberal prison regime.

3. More recently the importance of prisoners within the political process has been recognised by the Government as well as the contribution they have made to the cease-fires. The Government has taken action consistent with the changing circumstances. The steps so far, including

- ◆ the early release of over 250 scheduled offenders (both loyalist and republican);
- ◆ more frequent life sentence reviews;
- ◆ extensive changes in home leave and compassionate leave arrangements; and
- ◆ changes in legislation that make transfer of prisoners within the United Kingdom much easier,

all represent imaginative and important responses to the current situation in which a settlement has not yet been reached.

4. The Government is disappointed that the changes which have been made have either been belittled or ignored. In fact, given the legal and constitutional constraints within which the Government works, they have been extremely wide ranging.

5. Some of the parties have also raised issues of fairness and balance. There have been concerns expressed that the Government has favoured one side or the other in its approach to prisoner issues. Inevitably not all policies will impact equally on all prisoners. However the Government has been at pains to ensure that the prisoners have been treated consistently and fairly and that the outcomes they experience are equivalent.

6. It has also been suggested that the British Government should take action that benefits only loyalists to balance actions taken by the Irish Government in respect of republicans. In fact the British Government has acted by introducing measures, including early releases, that have not discriminated on the basis of affiliation. The Government considers that it would be inappropriate for it to take action that would benefit only one group at the expense of others.

7. The Government is ready to look again at any case where concerns about fairness are an issue.

8. The Government has the duty to protect individuals and to uphold the rule of law. It remains the case that prisoners serving sentences in Northern Ireland have been dealt with according to the law and have been convicted of criminal offences. Many of them have been guilty of very serious acts of violence, others have been involved in the detailed planning and preparation of crimes which, if carried through would have resulted in widespread death and injury.

9. The Government is also conscious that the vast majority of people in Northern Ireland neither participate in nor give support to terrorist violence. It is very much aware of the concerns of victims and their families and others within the community who consider that offenders should be appropriately punished within the law.

10. Recent events demonstrate that there is still a need to deal with those who have committed violent offences and to protect the public from them. In relation to the escape of Liam Averill, for example, it is very disappointing that a compassionate measure that has been widely welcomed by prisoners and their families should be abused. The fact that it has, however, raises serious concerns about security which must be dealt with. Equally the circumstances which led to the death in prison of Billy Wright cannot be allowed to happen again. Inevitably this will mean changes which

prisoners and their visitors may find irksome.

11. The Government has a responsibility to maintain community confidence in the criminal justice system and in the political process. We are therefore prepared, in this Sub-Committee, to discuss parties' views on prisons issues and, in particular, to work on an account of what would happen in respect of prisoner releases in the context of a peaceful and lasting settlement. It should be understood, however, that there will be no significant changes to release arrangements in any other context, or for prisoners associated with a paramilitary organisation actively engaged in terrorist activity. As noted above, there also needs to be sensitivity to the concerns of victims and their families. The Government would welcome the views of parties on these issues.

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