

## LIAISON SUB COMMITTEE ON CONFIDENCE BUILDING MEASURES

### PRISONS ISSUES: PAPER BY THE BRITISH GOVERNMENT

1. Prisoners serving sentences in Northern Ireland have been convicted of criminal offences and many of those serving longer sentences have been convicted of very serious acts of violence.
2. The Government recognises the importance of prisons issues to the community in Northern Ireland and the Government and the Prison Service have been flexible in their response to changing circumstances including the cease-fires. The prison authorities have been accessible to representations from a range of interests and throughout the political process, the Prison Service has allowed political parties access to prisoners to take views and to brief them on the process.
3. It must be noted that crimes of violence continue to be committed. Since November 1995 (when new arrangements for the early release of scheduled prisoners were introduced), the number of sentenced prisoners at HM Prison Maze has fallen by 165 but the number on remand has doubled to about 100.

#### **The Prison Regime**

4. The prison estate in Northern Ireland is among the most modern in the world and has excellent facilities for prisoners. All prisoners have 24 hour access to sanitation, there is ready access to telephones and many prisoners have televisions in their cells.
5. The prison regime in Northern Ireland is liberal and progressive. In particular the various home leave schemes are without parallel elsewhere.
6. Since August 1994 there have been a number of very significant additions made to the temporary release schemes:
  - ◆ the maximum period of Christmas home leave has been extended from 7 days to 10 days and the time-served qualification has been reduced to 10 years. Identical changes have been made to the former "7 day" allowance;
  - ◆ prisoners receiving pre-release home leave may now apply for Christmas home leave in their second last year of sentence. Previously only prisoners in their final year of

sentence were eligible. This year over 400 prisoners (about a third of the sentenced population) are likely to have their applications approved;

- ◆ the pre-release home leave for determinate sentence prisoners has been increased, particularly for those serving periods of 6 years or more (who are now eligible for leave in their final two years of sentence);
- ◆ compassionate temporary release has been extended. In addition to immediate relatives and partners, prisoners may now be given leave to visit grandparents and grandchildren who are very ill or to attend their funerals. The time allowed for attending funerals has increased from 24 to 72 hours. (There are about 50 successful applications a month from prisoners in the Maze for compassionate temporary release).

### **Life Sentence Prisoners**

7. There are about 200 life sentence prisoners nearly all of whom have been found guilty of murder. By contrast in 1992 there were over 300 life prisoners.
8. The average period served by those, including terrorists, sentenced to life in Northern Ireland is about 15 years. The shortest period served by a terrorist prisoner is 7 1/2 years. By contrast in Great Britain the minimum period for terrorist type murders is 20 years.
9. Excluding prisoners on the pre-release scheme or who have been recommended for release or who have been recalled to prison for committing further offences while on licence, there are only 2 terrorist prisoners (both multiple murderers) who have served longer than 15 years.
10. The Secretary of State is advised on the release of life sentence prisoners by the Life Sentence Review Board. In future she has said that the Life Sentence Review Board will "take account of the fact of the cease-fires, their quality and their enduring nature in arriving at any recommendations for release".
11. During the course of this year there have been changes in life sentence mechanisms:
  - ◆ prisoners are given disclosure of some of the information that the LSRB considers and are now given reasons in writing for its decisions. (Special arrangements are being

made for prisoners whose cases were considered before the new disclosure arrangements came into effect);

- ◆ the Secretary of State has instructed the Board that 3 years (not 5) should be the maximum that a prisoner can be deferred for further review.

#### **Determinate Sentence Prisoners**

12. Under legislation introduced in November 1995 over 240 prisoners serving sentences for serious scheduled offences have been released early. In time a further 300 will be released. These prisoners have had their period of imprisonment reduced by one-quarter.

13. As a consequence of the legislation, all fixed sentence prisoners in Northern Ireland are eligible for automatic release at the halfway point of sentence. This is despite the fact that there is no compulsory supervision in the community, even of serious offenders. By comparison, in England automatic release is at the two-thirds point and in the Republic of Ireland at the three-quarters point.

#### **Transfers**

14. New arrangements for the transfer of prisoners within the United Kingdom were introduced in 1992. Previously it had not been possible to transfer some prisoners as this would have resulted in a substantial reduction in the time they would serve in prison. Since 1992 29 terrorist prisoners (including republicans and loyalists) have transferred from Great Britain. Any prisoners currently seeking transfer have only applied within the past few months.

15. Further changes were introduced on 1 October. As a result:

- ◆ prisoners transferred to Northern Ireland are eligible for Northern Ireland's compassionate and home leave schemes;
- ◆ prisoners previously transferred on an extended temporary basis may now remain permanently.

#### **Repatriation of Prisoners**

16. The movement of prisoners to and from the United Kingdom to serve sentences has been possible for many years under the Convention on the Transfer of Sentenced Persons.

However the Republic of Ireland did not pass the necessary legislation allowing repatriation to and from its jurisdiction until November 1995.

17. Since then 15 prisoners have been repatriated from England to the Republic of Ireland, including 6 convicted of terrorist offences, and the Home Secretary has agreed the repatriation of a further 3 terrorist prisoners. There are a further 16 outstanding repatriation applications from terrorist prisoners, the majority of which are currently being considered by the Irish authorities.

18. Nine non-terrorist prisoners have been transferred from the Republic of Ireland to Northern Ireland. One prisoner has applied for repatriation in the opposite direction. This application has subsequently been withdrawn.

### **Conclusion**

19. The Secretary of State has clearly said that further movement on prisons matters including prisoner releases is not excluded. In particular, the construction of a peaceful and lasting settlement would provide opportunities to make progress in this and other areas. However, any changes to release arrangements must be justified and must not undermine community confidence in the criminal justice system or the political process.