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McCabe killers have 'entitlement to remission'

None of the killers of Det Garda Jerry McCabe will be released early, apart from their statutory entitlement to remission for good behaviour, the Taoiseach told the Dáil today.

It emerged yesterday that Michael O'Neill, one of the four IRA members jailed for the manslaughter of the officer, will be freed on May 17th after serving eight years of a 11-year sentence.

Det Gda McCabe was killed and his colleague, Det Gda Ben O'Sullivan was seriously wounded in the botched post office raid in Adare, Co Limerick in June 1996.

There is no question of this prisoner, or any other prisoner convicted in relation to the horrific events at Adare, being released ahead of time

The Taoiseach Bertie Ahern

Taoiseach Bertie Ahern today told the Dáil: "There is no question of this prisoner, or any other prisoner convicted in relation to the horrific events at Adare, being released ahead of time."

The other prisoners currently serving longer sentences for their part in the attack are Pearse McCauley, Kevin Walsh and Jeremiah Sheehy. McCauley and Walsh received 14-year sentences, while Sheehy was jailed for 12 years.

Raising the issue during Leaders' Questions, Fine Gael leader Enda Kenny recalled the trial judge's comments in relation to the intimidation suffered by witnesses. He also referred to a report by the Inspector of Prisons, Justice Dermot Kinlen describing that the IRA prisoners were not incarcerated in cells but in bungalows in 'the Grove' area of Castlerea Prison.

In a statement earlier Mr Kenny said the Minister for Justice Michael McDowell should use his power to ensure the men serve their full sentences.

"The Taoiseach ignored two important facts in relation to this matter: it is the Minister for Justice who has final say on the remission of sentences, and the McCabe killers have not co-operated with the prison authorities," he said.

"In fact, according to the 2005 Report of the Inspector of Prisons, the McCabe killers 'operate and live separately' and that they are 'effectively using the power of veto over the duties assigned to working prisoners in the Grove'.

"Even under the current arrangements it is obvious to me that the Government, through the Minister for Justice, should exercise their powers under the Criminal Justice Act and ensure that these killers of Det Garda McCabe serve their full term."

Mr Ahern told the House that each breach of prison rules is punishable by loss of remission up to a maximum of up to 14 days.

But he added that O'Neill had only lost a total of 12 days of his statutory remission, which currently represents a quarter of a total sentence.

"The Prison Service has no legal authority to detain him beyond May 17th," Mr Ahern added.

A further statement released by Mr Ahern's office this afternoon said prisoners have a "statutory entitlement to remission in this jurisdiction under the Rules for the Government of Prisons.

"The Rules do not provide for differing applications of remission based solely on the nature of the offending behaviour which led to conviction and imprisonment," the statement said.

The family of Ann McCabe said yesterday she will be celebrating her grandson's Holy Communion around the time the first of her husband's killers is released from prison.

She is due to address the Jerry McCabe Fellowship Breakfast at the John Jay College of Criminal Justice in New York next week.

The Government has persistently denied Sinn Féin claims that the killers should qualify for early release under the terms of the Belfast Agreement.

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