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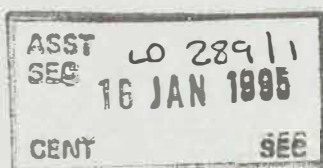
FROM: Clive Barbour  
Talks Unit  
12 January 1995

MM367/1 (2)

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331/1

*in hand*  
*U. note reference*  
*to Hard Policy (P.S.).*



*Mr Henry*  
*14.1*  
*info's David*  
*LD161*

PS/Secretary of State (B&L)

LXD MEETING 12 JANUARY 1995 - POSITION PAPER BY THE UDP ON PRISONS MATTERS

I am attaching the text of the position paper submitted by the UDP at today's session of LXD in Parliament Buildings.

*Clive Barbour*

CLIVE BARBOUR

*Hard reference*  
*P.S*

PM/TALKS/176

ULSTER DEMOCRATIC PARTY

EXPLORATORY TALKS

MEETING No.1

POLITICAL PRISONERS

12 JANUARY 1995



TOPIC AGENDA

PRISONER ISSUES

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## INTRODUCTION

### PRISONER ISSUES

#### RESOLVING THE SITUATION

Since the IRA and Loyalist ceasefire, the plight of political paramilitary prisoners is a matter that needs to be resolved.

The ending of political violence makes public and political debate necessary to address the sensitive issue of prisoner release.

As a contribution to the process of normalising society the prisons issue must be resolved. Any issue which may create the conditions for civil unrest must be dealt with.

#### ACHIEVING STABILITY

The U.D.P. are of the opinion that political, social and economic stability will be difficult to achieve if the Government fails to show some measure of goodwill to Political prisoners who have been incarcerated over the past twentyfive year period.

Although there are bound to be critics who would oppose any moves towards granting concessions, and it is understandable that the victims of the conflict may react with anger and frustration, one must accept that the prison issue is a major factor towards building permanent peace. We must at this stage, ensure that there will be no more victims. Prisoner issues must not be manipulated for party political gains.

i)



There are many difficulties in formulating ways to release prisoners. But to do nothing is a recipe for disaster.

#### SUGGESTED SOLUTIONS

There are, among others, two solutions:

i) A Total Amnesty.

and, ii) Use the present system to speed up early releases.

The former would be a move that would not be accommodated because of political repercussions, and the insensitivity it would create among victims and their families.

However, after a period of prolonged and permanent peace, the U.D.P. is of the opinion that a phased release of all remaining prisoners should be undertaken.

In the interim, we feel that, the present system should be utilised immediately to release prisoners who have already served lengthy periods of imprisonment.

Our proposed model to effectively contribute to resolving the prisons issue is achievable with already existing mechanisms within the prison service.

ii)

## RESETTLEMENT OF POLITICAL PRISONERS

The phased release of political prisoners should be worked out through dialogue between the N.I.O. and representatives of the following bodies:-

Ulster Democratic Party  
Progressive Unionist Party  
Loyalist Prisoners Aid  
Loyalist Prisoners Welfare Association

A comprehensive release scheme needs to be introduced with the development of a Resettlement Programme, that can offer - through care, advice and encouragement - facilities for the reintegration of ex-prisoners back into the home environment and community life.

## LIFE SENTENCE CRITERIA

One major criterion of the Life Sentence Review Board's assessment to recommend the release of a Life Sentence prisoner is the level of paramilitary activity and also the level of violence on the 'outside'.

With this criterion eliminated there are many 'Lifers' who have served an appropriate tariff in incarceration who could be eligible for release.

Our proposed model to effectively contribute to resolving the prisons issue is achievable with already existing mechanisms within the prison service.



### LIFE-SENTENCE PRISONERS REVIEW

As a gesture of good faith and sincerity in forwarding the Peace Process on the part of Her Majesty's Government. We, the U.D.P., would recommend that they undertake to conduct an immediate review of Life-Sentence prisoners. This would give a clear indication of the Governments willingness to cement the process of normalisation of our communities.

It is noted, and should be highlighted, that circumstances similar, have in the past, resulted in early reviews of IRA (official) prisoners.

In effect many of their Life-Prisoners after being reviewed were released after having served seven years.

It is not unknown for a Life-prisoner to have served 18 months of their imposed custodial sentence.

### REVIEW OF SENTENCING

During the previous war situation of the past 25 years the Judiciary implemented a 'harsh sentencing' policy, in which the most severe sentences were meted out as a deterrent to others. A deterrent to those who may have been contemplating carrying out 'further' acts of paramilitary violence.

We further contend that the 'deterrence' policy is a failed one and there is no evidence to suggest otherwise. We suggest that a two tier system of 2/3 & 1/2 remission should be introduced.

### RESETTLEMENT OF PRISONERS

Welfare groups such as N.I.A.C.R.O. and the Probation Service are rarely used by Loyalist paramilitary prisoners or for that matter, by their dependants.

Preference to their cases are dealt with on a more local, personal basis, with the emphasis placed upon Loyalist Prisoners Aid and Loyalist Prisoners Welfare association. They do not desire any change in this situation.

A comprehensive Resettlement Programme is required, including resettlement grants to facilitate the reintegration of prisoners back into the community.

### RESETTLEMENT PROGRAMME

Such a Resettlement Programme requires the establishment and implementation of Resettlement Centres. These Centres should be created in areas where the highest proportion of prisoners originated from and should be staffed by the trusted confidants of political prisoners. Selected personnel will need to have an extensive prisoner/community-relations background to qualify for positions in the Centres.

Ex-prisoners, with their first-hand knowledge and experience of the domestic situation and those with sufficient counselling skills would ensure the perpetuation of such a vitally-need service in the community.

### PRE-RELEASE PAROLE

The existing pre-release parole programme which helps ex-prisoners to resettle back into the community is restricted to those in the last year of their sentence. This parole is an important contribution, not only in re-integrating ex-prisoners into the community, but is also most effective in cementing family bonds. This is a very important contribution in ensuring that the difficulties ex-prisoners face on their release are minimalised.

We argue that, instead of prisoners being in the last year of their sentence - before being granted parole - that they should be eligible in the last twenty-four months; as is already the case of female prisoners who are considered in the last two years of their sentence.

We submit the 11-year eligibility rule should be reduced to 3 years and that Life Sentence and Determinate Sentence prisoners should qualify for leave after 3 years in custody.

We argue that Christmas parole should be increased to 14 days to enable prisoners to spend the New Year with their families, and that a 7-day leave should be introduced for the Easter period.



### COMPASSIONATE AND HOME LEAVE

The most distressing time for a prisoner and his family is during the death or serious illness of a close family member. The extra pressure and anxiety is often compounded because of the barrier in communications and the lack of mobility for the prisoner and his family to share in their grief.

We argue that the present Compassionate Home Leave scheme is totally inadequate and, in many cases, insensitive. It only includes immediate family and should be available to the extended family including inlaws.

It is certainly most distressing to the prisoner and his family to hear of a serious illness or death in his family. It is even more traumatic for the prisoner. He feels helpless and is unable to console his loved-ones in their time of grief. The present Compassionate Parole system is totally inadequate. It should be made available to all prisoners, regardless as to what stage of their sentence they are at.

A three to seven days period of compassionate parole would be more beneficial and help alleviate the distress and anxiety resulting from an illness or death in a prisoners family. One should bear in mind that seven day paroles are already available at Christmas and summer.

It is also the contention of the U.D.P. that prisoners should be given parole for special occasions such as births, weddings, etc.

### CHRISTMAS AND SUMMER HOME LEAVE

The above scheme enables life-sentence and determinate-sentence prisoners who had served over eleven years in custody, and to "star" class and ordinary-class young offenders who had served more than ten years to spend a period of 7-days leave with their families.

The Summer Home Leave scheme was converted to a 7-day Allowance Scheme on March 1, 1994. This allowed the prisoner a greater degree of responsibility and to create flexibility. Those who qualify can now avail themselves of leave of up to three separate occasions throughout the year

### HURD PRINCIPLE

An important issue which needs to be addressed is the 'Hurd Principle'. In June of 1985, the then Secretary of State, Douglas Hurd, rescinded/imposed funding restrictions on community groups with alleged links with paramilitary organisations.

The retention of such a 'ruling' undermines and stifles public debate on important community initiatives and can only be seen as continued alienation with an obvious negative in the ensuing forward procedural talks.

It is important that this ruling now be abolished in order to enable released prisoners to make a meaningful and constructive contribution to the political, social and economical reconstruction within Northern Ireland's society.

### EMPLOYMENT

One of the most serious problems confronting ex-prisoners on release, is their inability to find suitable jobs. This is due to the high level of unemployment in the areas in which they reside.

We do not ask for preferential treatment for ex-prisoners. Instead, the regeneration of areas most affected by the 'Troubles' must be given priority in any Aid programme that may be available.

Everything in job-creation for ex-prisoners and ex-paramilitaries will be a vital and necessary ingredient in the recipe for a long-lasting peace.



## SAFEGUARDS

One obvious concern that will be prevalent surrounding the early release of prisoners, is the fear that prisoners may offend. It is a genuine fear, but one that can be allayed. \ in-built safeguards and already-existing 'recidivist' rates can provide some assurance to those who may voice concern.

We advocate that any prisoner who is given the opportunity to avail of an early release, be released on conditional licence., e.g the prisoner is required to lead a lawful existence and refrain from involvement in illegal activity. On breach of this condition the courts could then impose - on top of any other sentence - part, or all of the remission the prisoner may have gained. This would vary in accordance with the seriousness of the offence.

In the case of Life Sentence Prisoners the mechanism already exists - (Life Sentence Prisoners are released on Licence for the rest of their lives and can, in effect, be recalled to prison for any breach of the law. He/she then has an assessment by the Life Sentence Review Board who can recommend his/her release to the Secretary of State, or detain him for up to five years before the case is reviewed again).

It is clear that Life Sentence Prisoners are less likely to re-offend and offer little risk at all. This is clearly evident as over 300 'lifers' have been released and not one has had a revocation, or been convicted of any further offence.

Both Loyalist and Republican paramilitaries have a policy that guarantees that ex-'lifers' are not permitted to re-involve themselves in paramilitary activity. This ruling would appear to be strictly adhered to and acts as yet another safeguard

We can fully understand the public apprehension about the release of prisoners and we hope that these safeguards can alleviate their fears and help them realise that the risks are minimised.



### EXISTING VIEWPOINTS

Ken Maginness, a politician who has been vociferous in condemning paramilitaries, recently acknowledged: "Somewhere down the road to peace the early release of prisoners would be a feasible outcome".

This view was also echoed by retired RUC officer, Sam Malcolmson, who was disabled in the line of duty by a terrorist bomb. Mr. Malcolmson is the ex-Chairperson of the Disabled Police Officers Association.

Pat Campbell is the founder of Women Together - a peace group that has contributed immensely in bringing about an end to violence. Pat tragically lost her son in a sectarian gun-attack but she has been most courageous and forgiving. She has expounded the view that the prisoners issue has to be addressed in order to cement the peace process. She supports the early release of prisoners.

We in the U.D.P. feel that, given an extended period of peace and the evidential realisation of a commitment to democratic politics by the protagonists of the conflict, the early release of prisoners is the logical and practical way forward.

We feel it would gain widespread support within the communities whose consent and support is necessary in order to progress to create the socio-economic and political stability we all desire.