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Prisoners' Transfer Issue

1. For some time there has been a prominent publicity campaign on the part of the IRA as well as various prisoners' relatives and support groups for the "repatriation" to Northern Ireland of the approximately 80 or so Irish prisoners in British jails serving sentences for terrorist-type offences. Reference has been made in the campaign to the transfers to Britain from N.I. of imprisoned British soldiers.
2. The British authorities have transferred only four Republican prisoners to Northern Ireland (the Price sisters, Gerard Kelly and Hugh Feeney in 1975) and only then after a prolonged hunger strike. Many of the Irish prisoners' protests and strikes since 1975 have been in pursuit of repatriation. Since then the British have maintained a firm position that prisoners convicted of terrorist-type offences should not expect to be transferred.
3. The British attitude on the transfer issue can be summarised as follows:
 - (i) Balance is heavily weighted against the transfer of terrorist prisoners even where there are compassionate circumstances.
 - (ii) Shortage of space in Northern Ireland prisons.
 - (iii) Transfer of terrorist prisoners would increase the proportion of such prisoners in Northern Ireland

jails and thus security problems.

(iv) Remission is higher in Northern Ireland.

(v) There would be political difficulties in persuading the British public of the correctness of such a move.

4. The last major inter-ministerial discussion of the matter of transfer of prisoners to prisons in Northern Ireland took place between the Parliamentary Secretary to the Minister for Foreign Affairs, Mr. Kelly, and the Home Secretary in March 1977. At that time in the context of allegations of ill-treatment to prisoners the Parliamentary Secretary urged the transfer to Northern Ireland of some prisoners with links in either part of Ireland. The principle of transferring Irish prisoners to Northern Ireland had been conceded, for example in the case of the Price sisters in 1975.

The transfer issue was also raised by Minister Dooge at the first ministerial meeting of the Anglo-Irish Inter-governmental Council on 29 January, 1982 on the basis of humanitarian representations received by relatives about the problems of making visits. Lord Gowrie in reply cited the deterrent effect of having people convicted in Britain serve their sentence there.

5. The Irish Government's attitude to the issue of transfers has been one which did not commit itself on the issue of principle but which emphasised concern for the humanitarian problems involved and our desire to see sympathetic

consideration given to application for transfer to Northern Ireland where appropriate, especially in cases where there are exceptional compassionate circumstances.

6. A Council of Europe Convention on the Transfer of Sentenced prisoners was opened for signature on 21 March 1983. The Convention is intended to make it possible for a person sentenced to a term of imprisonment in a foreign state to serve the sentence in the State of which he is a national where the two States in question are parties to the Convention. The Convention does not confer an automatic right of transfer. Each individual request for a transfer would require the agreement of both States involved, as well as the consent of the sentenced person. Contracting States are not obliged to accede to requests for transfer. Britain will probably sign the Convention, but on present policy it is unlikely that they would agree to transfers of terrorist-type prisoners under it.

7. While no decision on signature by Ireland of the Convention has yet been taken the Department of Justice has pointed to serious practical problems in relation to its signature and ratification.

Anglo-Irish Section

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