

Rt Hon Theresa Villiers MP  
Secretary of State for Northern Ireland  
Northern Ireland Office

As Secretary of State for Northern Ireland you may be aware of the case of Mr Gerry McGeough who has been incarcerated at HMP Maghaberry since 18<sup>th</sup> February 2011 on alleged conflict related offences dating back to 1975 and 1981, prior to the signing of the Good Friday Agreement in 1998. When the Good Friday Agreement was signed, Mr McGeough was classified as an 'OTR' and therefore, like many other OTR's he did not benefit at that time from the early release scheme.

The Weston Park Accord (2001) is an agreement between the British and Irish Governments and paragraph 20 of that agreement was intended to resolve the issue of OTR's. However, on 11<sup>th</sup> January 2006, former Secretary of State Peter Hain withdrew the legislation required to implement paragraph 20 and the matter was left in abeyance.

The arrest of Mr McGeough on 8<sup>th</sup> March 2007 was a direct consequence of the decision to withdraw the required legislation. Recently, it has transpired that although paragraph 20 has not been implemented, the majority of OTR cases have been resolved through negotiations between Sinn Féin and your predecessor the Rt Hon Owen Paterson MP without the need to resort to imprisonment.

Mr McGeough was convicted and imprisoned prior to 1998 in both Germany and the USA for a total of seven and a half years under qualifying IRA offenses. The decision not to apply the wording of Strand 3, Prisoners, paragraph 1 of the Belfast Agreement (1998) and credit Gerry McGeough with time served in Germany and the USA prior to 1998 is a direct violation of an international agreement.

I call on the British Government to adhere to the wording of Strand 3, Prisoners, paragraph 1 of the Belfast Agreement (1998) between the British and Irish Governments which states:

*“Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangement will protect the rights of individual prisoners under national and international law”.*

Mr McGeough was sentenced to twenty years imprisonment. Under the terms of the Good Friday Agreement and as a qualifying prisoner it is expected he will be released in late January after serving two years. If paragraph 20 of the Weston Park Accord had been implemented as agreed in 2001, Mr McGeough would never have been pursued or imprisoned on alleged conflict related offences prior to the signing of the Good Friday Agreement.

Paragraph 20 of the Weston Park Accord 2001 states:

*“supporters of organisations now on cease-fire against whom there are outstanding proceedings, and in some cases extradition proceedings, for offences committed before 10th April 1998 would if convicted, stand to benefit from the early release scheme. The Governments accept that it would be a natural development of the scheme for such prosecutions not to be pursued and will as soon as possible, and in any event before the end of the year, take such steps as are necessary in their jurisdictions to resolve this difficulty so that those concerned are no longer pursued”.*

The decision taken by the British Government not to legislate for paragraph 20 under the wording agreed by the British and Irish Governments in 2001 is a unilateral abrogation of an International Agreement.

I call for paragraph 20 of the Weston Park Accord to be legislated for and implemented in full, as it was originally agreed by the British and Irish Governments in 2001.

If Mr McGeough is released under the terms of the Good Friday Agreement after serving two years, he will be released on licence. I call for safeguards to be put in place to protect Mr McGeough and others from having a licence revoked and imprisoned on the basis that allegations or evidence against that person is based upon ‘closed material’.

I call for safeguards to be put in place to protect Mr McGeough and others from being held on remand for lengthy periods before being put on trial?

I await your reply in writing.

Sign your name and address

cc: Mr David Cameron  
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