

DÁIL ÉIREANN

AN COMHCHOISTE UM

FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

Déardaoin, 3 Samhain 2016

Thursday, 3 November 2016

The Joint Committee met at 2 p.m.

MEMBERS PRESENT:

Deputy Maureen O'Sullivan,	Senator Frances Black,
Deputy Brendan Smith,	Senator Mark Daly,
	Senator Frank Feighan,
	Senator Denis Landy,
	Senator Niall Ó Donnghaile.

In attendance: Deputies Seán Crowe, Éamon Ó Cuív and Thomas Pringle, Mickey Brady, MP, and Pat Doherty, MP.

DEPUTY KATHLEEN FUNCHION IN THE CHAIR.

Business of Committee

Chairman: I propose we go into private session. Is that agreed? Agreed.

The joint committee went into private session at 2.05 p.m. and resumed in public session at 2.20 p.m.

Maghaberry Prison: Discussion

Chairman: I am pleased to welcome Mr. Conal McFeely and Mr. Peter Bunting, members of the independent assessment team for Maghaberry Prison, and Mr. John Finucane of Finucane Toner Solicitors. They will discuss issues at Maghaberry Prison in Northern Ireland. Their opening statements will be followed by a question and answer session.

I remind members, guests and people in the Visitors Gallery to ensure that their mobile telephones, iPhones, iPads and other such electronic devices are switched off for the duration of the meeting as they cause interference with the recording equipment even when on silent mode.

I also remind members of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person or body outside the Houses or an official either by name or in such a way as to make him, her or it identifiable. By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of the evidence they give to the committee. If they are directed by the committee to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable. I ask the witnesses not to name individuals. I invite Mr. Peter Bunting to give his opening statement.

Mr. Peter Bunting: I will give the committee a brief history of how we became involved in Maghaberry Prison and in working with the republican prisoners there. Conal McFeely and I were involved in the decommission of the Irish National Liberation Army, INLA, and as a result we built up some credence, perhaps, with other republican groups. We were invited to Maghaberry Prison early in 2010 when a dirty protest was ongoing in the prison. We engaged in a series of negotiations with the prisoners and the prison service. During all that time we consulted with the Irish and British Governments so, to a certain extent, one could call us agents of the British and Irish Governments as well. They were fully informed at all times of what we were doing.

As a result of that, in August 2010 we came to an agreement. Part of it was negotiated in Hillsborough Castle with the British authorities and the then director of the prisons. The interesting aspect of the agreement of August 2010 is that when we finished the negotiations, it was accepted by everybody, to the extent that the prison governor signed the agreement on behalf of the prison authorities and each prisoner in Maghaberry signed. The difficulty is that since then neither side, to a certain extent, has implemented the agreement. We were there for a number of years afterwards. The then Minister of Justice, David Ford, appointed us as facilitators to monitor the implementation of the agreement, along with Rev. Dr. Lesley Carroll and Chris

Maccabe, who had been in the Northern Ireland Office. He had previously been director of prisons in Northern Ireland and had experience of the Maze Prison or Long Kesh.

Since then we have been working tirelessly and frustratingly on trying to get the agreement implemented on the premise that, a little like the Lansdowne Road agreement and the current unrest in the Republic, it is the only show in town. We have provided the committee with copies of the 2010 agreement and of the stock-take we undertook two years ago. We have also provided a brief outline of the matters that remain a source of conflict. Our premise is that if there is ever to be peace and an end to political violence in Northern Ireland, the issues in the prison must be resolved. Not solving them gives oxygen and focus to supporters of Óglaigh na hÉireann, the Republican Network for Unity, the Real IRA, the New IRA or whatever IRA it is today to continue their struggle. If we or anybody else are to have an opportunity to wean political people or armed groups back into the political sphere, we must sort out the prison. They will never move as long as they have prisoners in prison getting treated the way people are being treated in Roe House.

Our formula is the one we worked out in the agreement with everybody. We still look forward to the day when it will be implemented fully by both sides. We must accept that it has been thwarted at various times by the prison service, by the political actions of a political party in the Northern Ireland Assembly and, for example, by the murders of David Black and Adrian Ismay. Incidentally, the first time the trade union movement in Northern Ireland protested the murders of prison officers was when I led demonstrations against them in Belfast City Hall.

We have a difficulty and I hope other people will engage on it. I look forward to the questions and answers because this is a terribly important time to have that. A final point should be made. Nothing has happened since May. In May or early June, Conal McFeely, our other two colleagues and I met with the new Minister of Justice, Claire Sugden. It was agreed that day that a review panel, comprising three named individuals, would undertake a fast, expeditious review of the current position of the implementation of the August 2010 agreement. To date, that panel has not been established, so five or six months later there is no engagement. That is frustrating, particularly from the point of view of the prisoners in Roe House.

Mr. Conal McFeely: I will speak on the current issues that must be reconciled and would enable Roe House to be a settled, conflict-free environment. The focus of our endeavours was to create a conflict-free environment within the separated wing which houses republican prisoners. Clearly, there is an issue with controlled movement. It was agreed in the August 2010 agreement that a process would evolve whereby there would be greater free flow in how prisoners can utilise the landings and so forth. At present, we have a situation where, of the prisoners who are housed in Roe 3 and Roe 4, only four prisoners are allowed out at any one time. As a result of the work we did in the stock-take, we recommended that an independent person should be brought in to examine the situation and see if we could break the impasse. The International Committee of the Red Cross, which is an internationally renowned body, took on the role of trying to resolve that issue. It came up with a recommendation that, again, was approved by the prison administration and accepted by the prisoners but, unfortunately, when it came to implementation of that recommendation the prison authorities said they did not have the staff to do it. It is our view that controlled movement is a major bone of contention and it needs to be resolved.

On the issue of full body searching, we put forward recommendations on how new technology could be utilised to resolve this issue. Mr. Peter Bunting and I visited Portlaoise Prison to see how the system is working there with prisoners who are housed as republican prisoners.

There is a mechanism available that could help resolve this situation. It is our understanding that there is newer technology available that would remove the need for full body searching, which is a degrading process not only for the prisoners who have to endure it but also for the prison staff who have to carry it out.

Another key issue is isolation policy. This issue needs to be addressed because of the unease it causes not only within the prisons but within the wider population. We are told that prison policy is a devolved matter in the North but the determination of who is located on the republican wing or the loyalist wing is at the behest of the British Secretary of State. The British Secretary of State has the power to deny people access to Roe House. This situation needs to be addressed. In one case, a prisoner was held in isolation for five years. This means the prisoner was in lock-up for 23 hours for five years. This needs to stop. Four people were recently arrested in Lurgan. Three of them have been allowed to go into Roe House but the fourth has been denied access to it. This is inhumane. These issues need to be dealt with.

The biggest issue we attempted to address in 2010 was education and skills provision. It is non-existent within Roe House. Prisoners are being denied access to education and other stimuli. We know that there are a number of prisoners who would like to be involved in Open University courses, etc., and craft work. We have been arguing now for over six years that the prison authorities should appoint an Irish tutor so that prisoners can promote their Irish language and Irish culture but this has been denied. This is unacceptable.

It has recently emerged that a prisoner from Derry who is being held on the signature of the Secretary of State is being denied normal process in law. This is unhelpful. It undermines confidence and trust within the prison system. The wife of this particular prisoner visited the prison last Sunday with her severely disabled son. I know this family well. This woman is not a political activist. She is a mother of three children, two teenage girls and a severely disabled son. The woman has alleged - this matter has been referred to the PSNI - that she was assaulted by a prisoner officer as she was trying to deal with her disabled son. The prison governor has written to her informing her that she will be denied family visits. This is unheard of.

In my experience of dealing with prisons in Northern Ireland this type of situation only adds to mistrust in the ability of the prison regime to deal with these matters in a humane and sensitive way. There is a moral issue from a prison perspective. We would argue that the August 2010 agreement is not being implemented because of the ongoing threats and intimidation of staff. We would argue that, as provided for in the fundamental principles of the August 2010 agreement, staff should be able to go about their work without any intimidation or threat. Mr. Bunting alluded to the fact that over the last six years two prison officers have lost their lives as a result of the ongoing dispute within the prison.

Chairman: I thank Mr. McFeely. I now invite Mr. Finucane to make his presentation, following which members may ask questions.

Mr. John Finucane: I thank the committee for inviting me to address it today on issues surrounding Maghaberry Prison. It is to the credit of this committee that in convening today to discuss Maghaberry Prison, it recognises the significant relationship between securing a just and lasting peace and the state and conditions within the largest prison in our jurisdiction. While it is understandable that other areas of the criminal justice system, for example the police or the court system, have previously been under intense scrutiny in the context of implementing the Good Friday Agreement, it has led to the prison service avoiding being held to similar standards and account.

My name is John Finucane. I am director of Finucane Toner solicitors, a Belfast based solicitors firm. My firm specialises in criminal defence work, civil litigation and judicial review proceedings against many institutions but most predominantly the Northern Ireland Prison Service. I have been attending Maghaberry in a professional capacity for over ten years and I have had a unique insight into various areas of prison life. This includes, but is not exclusive to, dealing with sentenced and remand prisoners from all backgrounds charged with or sentenced for the full range of offences across the criminal justice spectrum. I regularly deal with prison staff on the ground right up to governor level.

Maghaberry Prison has undoubtedly come under intense scrutiny following a series of damning reports and incidents. It has been described as one of the most expensive and dangerous prisons in western Europe, run by ineffective management and supported by over-worked, under-resourced staff with low morale. The committee need only look to August and September 2016 to see two damning prison service ombudsman reports. The case of Sean Lynch, an inmate suffering from psychiatric issues who inflicted extreme and shocking injuries upon himself, detailed a catalogue of failures. This report closely followed the ombudsman's investigation into the death in custody of Paddy Kelly in March 2015. According to this report, an inmate, who was known to be at risk of self-harm, took a fatal overdose of his own prescription drugs, despite asking not to be put in control of them. His overdose was foreseeable and his death preventable.

I have had experience of numerous inmates who suffer from various degrees of mental health and physical problems and I have yet to see any tangible improvement in how they are treated. As recently as yesterday, I received a call from a client who has had medication prescribed by a psychiatrist arbitrarily removed by medical staff who attract numerous complaints about the way in which they deal with inmates. It is commonplace in my experience that failure to deal with medication can easily push inmates to the readily available opportunity to self-medicate with the myriad of unlawful drugs available within Maghaberry. Medical care is under the governance of the health trust and while a custodial environment presents obvious challenges, there continues to exist a lack of co-operation between prison and health officials, resulting in inmates suffering and, in extreme cases, dying.

The ombudsman has cited security concerns with little basis in reality trumping their duty of care to inmates and this is a theme which increases in severity in my experience when dealing with prisoners in the separated regime of Roe House. Roe House is where those accused or sentenced for offences claimed or linked to dissident republicanism are housed. It is practically a jail within a jail and operates on a different basis to inmates housed elsewhere. I began by alluding to the historic relationship that exists in Ireland between the level of peace within society and the tension, or lack of it within prisons. The committee will be aware of repeated failures and missed opportunities to reach an accommodation between prisoners in Roe House and prison authorities aimed at reducing tension and securing an environment in which staff and inmates are treated safely with dignity and respect. Areas which have yet to be resolved include controlled movement, strip searching, and access to education and trade skills. As recently as this week, in the case of Gerard Flannigan, a client of my office, the issue of strip searching and specifically the video recording of strip searches was before the Court of Appeal in Belfast. The prison service has argued that it is entitled both to record an inmate's strip search and to retain that recording for six years. We were successful at the Court of First Instance and it would be of no surprise if this case reached the Supreme Court. I highlight it not to get into the detail of the arguments today, but as a clear example of security concerns with little basis in reality trumping a duty of care. Prison staff have a justifiable expectation to be treated with dignity and respect,

but any democratic society must also expect that sentiment to be reciprocated.

In a similar vein, I also represent a sentenced prisoner of Roe House who has been continually frustrated in his attempts to complete an Open University degree. Course work which must be completed online is unable to be submitted due to the denial of computers under the excuse of security. In fact, the level of education open to prisoners in the general population far exceeds what is available within Roe House. Essential skills, GCSEs, A levels and trade skills are all denied to inmates housed in Roe and only those capable of completing a degree level course through the Open University are capable of engaging in even a small way in education. These examples may seem anecdotal in nature but they are just a couple of many I could raise with the committee today.

If inmates were the sole cause of conflict within the prison, they should rightfully be exposed for it. However, the committee needs to address a prison management system that is failing not just the inmates of Roe but all inmates within Maghaberry in its apparent lack of genuine desire to show mature leadership. In the context of the Good Friday Agreement, there must be a political will to ensure that prison reform is based on well-established human rights principles and that everyone from inmates to staff, professionals and families who attend the prison are treated with dignity and respect. The problems of Maghaberry Prison are not insurmountable, but it takes all sides to have equally the desire to address them. I thank the committee for its focus on Maghaberry today and I urge all members to bring their influence to bear to create a better prison environment for everyone.

Chairman: A number of members have indicated that they have questions and I will take them one at a time at first and then see how we are doing for time. We appreciate the attendance of witnesses. We want to start to do something constructive because that is one of the committee's jobs. We will start with Mr. Pat Doherty, MP.

Mr. Pat Doherty: I thank Mr. McFeely and Mr. Finucane for their presentations. I have three questions. In August 2010, there was an agreement which some of the witnesses were involved in putting together. The agreement was not implemented, however. When Mr. Bunting was making his submission, he said one of the reasons was political interference at the Assembly. I would like him to elaborate on that.

My second question is on the NIO. We are well aware of its capacity to use extra-judicial powers to put people in prison and keep them there without giving any explanation to anybody. Even if it has not given an explanation to politicians or Assembly Members, has the NIO given any explanation to the witnesses as to why it continues to use those powers given the team's role in trying to resolve the prison situation?

My third question is on Roe House, controlled movement and strip searching. Why do prison staff insist they have to use these powers? Are they being pressurised to use them? It was mentioned earlier that it is very difficult for some of the staff to implement many of these measures, in particular around strip searching. As such, why are they so insistent about having to use these horrendous powers?

Chairman: We will take those questions first.

Mr. Peter Bunting: I will answer as quickly as I can and Mr. McFeely might wish to add something. There are a number of reasons as to why the agreement has not been implemented. There is a view in the POA, which is probably a hangover from the days of Long Kesh, that

they are not going back there. However, anybody who has visited Roe House will know that it is nothing like the Long Kesh prison. As Mr. Finucane said, it is a prison within a prison. I cannot see a loosening up of the regulations. It is a terribly congested space in many ways with turnstiles everywhere. It is a phenomenal place. I believe there has been interference in the sense that in our view the then Minister of Justice was probably beholden to the likes of, for example, the DUP for his position. That probably resulted in him lacking the resolve to tackle this matter head on, despite the fact that we had reached agreement with what we believed to be representatives of the British and Irish Governments and others.

On the NIO, it has never really given us positive evidence or reasoning other than to say, "You do not know what we know and we cannot tell you". One example was given by Mr. McFeely when he was talking about the person incarcerated in isolation for five years. The reasoning in respect of that prisoner was that there was a threat to his life by some people in Roe House. However, when he got out on bail and was walking around the streets of Northern Ireland, nothing ever happened to him. He was never harmed. As such, who was threatening his life? Was it an excuse and a way to punish someone? It is alleged that at that time he was taken out of the prison on two occasions, perhaps by agents of MI5, and taken to Lisburn police station and questioned with a view to turning him over to be an informer. These people, whoever they were, had the power to take him out of that prison and lodge him in Lisburn PSNI station under a different name. One has all this stuff in the middle of everything that is going on such that one does not know who is controlling the prison. One assumes the NIO is behind some of the stuff. I am not saying that out of conspiracy reasoning. It is our desire totally to deal with the prison and to make it a conflict-free society because, equally, I represent the workers in the POA as well. I would not have an agreement which put them under any threat of harm or intimidation. I represent these people too.

On Roe House, I think it can become some people's view of life that they can boss people about and have a bit of power over people. In the August 2010 agreement, by the way, we included the right to conduct strip searches if there was intelligence evidence to suggest a person was smuggling drugs, arms or parts of arms. It was accepted by everyone in the agreement that there would be strip searching in that context. However, it is actually done on the basis that it is part of everyday life as opposed to on the basis of intelligence. Mr. McFeely might wish to add to that.

Mr. Conal McFeely: We do not underestimate the particular difficulties in trying to manage separated wings within Maghaberry Prison. However, it is important to say that it is not a devolved matter in terms of the issue regarding people held in isolation. In that situation, we believe the current thinking is that the separated arrangements were established by the British Government and we now have a situation as a result of the Fresh Start agreement and a panel that met recently whereby there is talk of integrating loyalist and republican prisoners into the mainstream prison. History informs us that if there is forced integration at Maghaberry Prison of republican and loyalist prisoners, it will make matters worse within the prison. We can go back to further protests within the prison and that will spill out into the streets and the prisoners' old communities.

In terms of current problems, we have been told that when we talk about prisoners who are held in isolation that it is a security matter and, therefore, a matter for the security services. We ask if that is the PSNI. We are also led to believe it is the intelligence services. The intelligence services have a major role to play in what happens within the prison.

It is our considered view, as people who have been involved in this particular process for

over six years, that it is possible to put in place what we would call a mutual respect policy. It would create a more positive environment within Roe House at Maghaberry Prison for prisoners and staff. We want to know whether there is political interference and that question still needs to be answered.

Deputy Brendan Smith: I welcome the contributions. The three contributors have painted a very depressing and worrying picture of the conditions and treatment meted out to prisoners in Maghaberry Prison.

My recollection is that in 2015, the chief inspector of prisons presented a very damning report on the conditions in the prison about management, inefficiencies and a lack of resources that have been referred to by all the contributors today. Subsequently, we were given to understand that some progress has been made in implementing various recommendations and that the prison authorities had engaged positively. Have improvements been made since the chief inspector's report in 2015?

In July 2016, the Northern Ireland Executive published an action plan to follow up on the Fresh Start agreement regarding commitments to end paramilitarism. The plan also included a commitment to establish a panel to review the operation of the separated regime. Has that happened? Has the progress or lack of progress in addressing these issues been monitored?

Everybody on this island and on our neighbouring island should be conscious of the fact that tensions in prisons are a worrying feature in society. By this stage we should have learned our lessons in respect of difficulties and a lack of commitment to resolve prison conditions.

Chairman: Do the witnesses wish to respond to the questions?

Mr. Conal McFeely: Yes, we have seen some improvements in the prison estate in the North, particularly at the Hydebank Wood facility, which recently has been commended on improvements that have taken place.

In August 2010 an attempt was made to improve the conditions of prisoners held in the separated wing in Maghaberry Prison. Clearly, we thought we had an agreement at that stage. As Mr. Bunting has alluded to, the agreement was signed off by the prisoners and prison administration. We were commended by both the British and Irish Governments on achieving the agreement but it has stalled. Mr. Bunting has alluded to the number of reasons the agreement has stalled. Clearly, there was an issue with the POA, which did not want to implement the agreement because its members alleged they feared returning to a Long Kesh type of prison, but it was clearly not that situation.

In terms of the Fresh Start agreement and the panel, as Mr. Bunting has alluded to, we met the new Minister of Justice and were given an understanding that a review panel would be set up. The big political debate at the moment is Brexit and everything else has been put on the backburner. Nothing has happened and a panel has not been set up.

Mr. Peter Bunting: Deputy Smith is quite right. I have a copy of the Fresh Start panel report. Both Mr. McFeely and I gave evidence to it on a number of fronts. Paragraph B8, on page 35, reads:

The Department of Justice should revisit the framework related to the separated regime and arrange for an independent review to be undertaken examining the operation of the separated regime, evidencing the need for any changes and providing useful information for

stakeholders to take forward.

That has never happened.

The second point is of equal importance. Paragraph B9 states:

Whilst ensuring that all prisoners are treated fairly, the Department of Justice should ensure that appropriate learning and training opportunities are provided to prisoners in the separated regime.

That does not happen. The initiative has been constantly thwarted, and deliberately in my opinion. Excuses are made such as they cannot get an Irish language teacher. One can walk out of the prison, turn left and turn left again for about three miles to west Belfast where it is no problem to get 150 Irish teachers. They would all volunteer to visit the prison to provide education.

There is another important point in the report that is hugely instrumental and important. Paragraph B14, on page 36, states “The UK and Irish Governments should consider a mechanism being put in place for a limited period to deal with any future decommissioning of residual weapons or materiel.”

The term “Irish Government” refers to you guys. The paragraph offers an opportunity to those who continue to practice paramilitarism, if we get the prison thing sorted, to move into that arena. We could have 66 reports saying the same thing but we will never resolve the situation until we get the prison thing sorted. We know from republican history that paramilitaries will not move away from armed conflict until there is a conflict-free environment in the prison. They will not leave behind their colleagues in a prison where they are harassed, bullied and treated unfairly. If we have a conflict-free environment in that prison, then and only then, we can start making some degree of movement on that recommendation about future decommissioning. We will not do so unless we sort out the prisons and my comment is for both Governments.

Mr. John Finucane: There has been recognised progress in the prison at report level. Unannounced visits caused the dramatic report published last year and they were followed up by announced visits. There have been improvements, as far as the report is concerned, around management structures.

I have seen very little progress on the ground. As recently as this week I talked to a person, a sentenced inmate at Roe House, and it sounds quite ludicrous, that prisoners are not allowed to have guitars for their guitar classes as they have been told that guitars pose a security risk. One prisoner, through the tuck shop, acquired an electronic guitar tuner. Somebody else applied for a tuner but was told by security that it was a complete no-no. At the risk of sounding farcical I have outlined an example. A couple of weeks ago my office, and other offices across the board, were told that only a qualified solicitor can send a person to the prison on a legal visit but, practically, that is unfeasible. With respect, it is not up to the prison to dictate to a legal office as to who it should send to consult with a client. Judicial review proceedings were threatened and the prison backed down. I found all of that a complete waste of everybody’s time when there are so many problems to be dealt with by Maghaberry Prison and it is worrying to think that a governor is sitting down thinking what is the number one priority today and deciding to frustrate legal consultations.

With respect to education, it has been well noted today, and even in the general prison population, I have noticed an upturn in the number of clients that I have dealt with who enter

prison with mental health difficulties and some type of addiction issues. They leave Maghaberry Prison a hell a lot worse off than when they entered the institution. Maghaberry Prison is unique in that way when compared with Magilligan Prison, the Hydebank Wood facility and Lakewood centre, which deals with children. I am not seeing much progress on the ground but I accept that, given the crisis level the reports represented in 2015, Maghaberry Prison is, hopefully, being steered in the right direction at a senior level and that there will be a drip down process of that progress.

Deputy Maureen O’Sullivan: I thank the witnesses for making the journey here today. I also thank the Chairman for facilitating this hearing because I had suggested that we needed to discuss this topic. Those of us from the Oireachtas who have made regular visits to Maghaberry Prison and met the various authorities - from one very brief meeting with the previous Secretary of State to meetings with the Minister of Justice, the prison authorities, the Prisoner Ombudsman and the prison service - can concur with everything that has been said. We are very aware of the frustration in the prison. If I had to sum it up, there seems to be an almost deliberate attempt to treat prisoners in an undignified way and not to allow for their dignity at all. It is petty things. It was appalling that the attempts in Roe House to commemorate the 1916 Rising were prevented. We have also visited the unionist Bush House. There is no doubt that there is a difference in the atmosphere and in the relationships between the staff and the prisoners there. Progress similar to that made with the PSNI, whose members are coming from various backgrounds, has not been made with the prison staff. What is the witnesses’ opinion in that regard? Do they see any movement being made in that regard? Would that help?

On the education aspect, we have met those prisoners who are totally frustrated. Prisons are there to punish people. However, they are also there to rehabilitate and help them when they leave. There are prisoners that know they will be there for years, yet there is nothing available to them. What can we do to push the issue further?

There were lengthy remands in the past. Will Mr. Finucane indicate whether there has been an improvement in that situation? Are more people getting bail? A couple of prisoners who are out on bail wanted to attend this meeting today. It might even have been good to hear from them. However, the conditions of their bail meant they could not attend. We are on a small island and they would have been coming with reputable people who, I am sure, would have guaranteed they would return, but it could not happen. Issues such as lengthy remands and the revocation of licences are contributing to the atmosphere in the jail. Tony Taylor was mentioned. I met his son, who has special needs. How that family was treated was absolutely appalling.

We have been assured every time that the prisoners want a conflict-free environment, but we seem to be the only people who accept what they are saying. There have been no physical assaults on staff in Roe House, unlike other parts of the prisons. We have the statistics. The expense involved is raised. However, if the prison agreed with the controlled movement situation, there would not be a need for as many staff. We have visited the prison in Portlaoise and the contrast is totally and utterly amazing. The prisoners put it to us recently that it is all process and no progress. The witnesses have now mentioned that there will be another review that has not even started. How will the prisoners feel about that one?

There appears to be a conflict in that things seem to get caught in a disagreement over whether the Minister of State or the Minister for Justice have a role to play. When we started going up first, we had interesting letters and, at times, it seemed as if they were not sure who was responsible for what, but that has been clarified. It is always under this term of “national

security". Do the witnesses consider the new Secretary of State as being more progressive on these issues?

There are obvious miscarriages of justice. There are people detained in Roe House on the basis of dubious, so-called evidence. They are left there languishing. There have been examples of their parole commission hearings being cancelled at the last minute although the legal teams were ready to proceed. Their entire schedules were disrupted. We have also had examples of men coming out after their licence had been revoked with no charges preferred. They were innocent, yet their lives have been turned upside down and what they had been trying to do in their lives was not able to go further.

It is my opinion that there is a lack of political will. When it comes to Maghaberry Prison, the attitude appears to be to shut the door, throw away the key and forget about it. A few of us in the Dáil have repeatedly raised the matter with the various Ministers with responsibility for foreign affairs through Topical Issues and the tabling of parliamentary questions. Albeit only a few of us are involved but there is probably a little more going on down here than is being done by the parties in the North. There seems to be a complete and utter lack of political will to move this forward. As noted, unless this particular aspect is sorted, the rest will not be either.

Mr. Peter Bunting: I will attempt to address all those points. The first thing I would say is that it is fairly evident that there is, unfortunately, a problem with recruitment to the prison service because, unlike with the PSNI, there is no cross-community percentage requirements for prison officer grades. I know a young woman from the nationalist community who has been subjected to a number of sectarian attacks by her colleagues. While I say that, I was very much engaged in getting separation in the prison initially in 2006 or 2007. It was primarily on behalf of the UDA, members of which were lobbying me. In case anyone thinks otherwise, regardless of where I come from, I look after everyone if I think it is in the best interests of society in Northern Ireland.

I agree with everything Deputy Maureen O'Sullivan said on education. It is crazy. The phrase about an idle mind and the devil utilising it comes to mind. There is no reason the prisoners in Roe House should not be the recipients of education. We all know that the republican tradition going back as far as history has always been that it is important that republican prisoners are educated. This helps with the reintegration into society when people leave prison. It is common sense so that we do not have recidivism, etc.

To be fair, one has to say that there has been a continuum of threats against prison officers from the outside on various websites. That should not be happening because it complicates matters.

I am not sure that I would agree with downsizing or limiting the number of staff, particularly as I represent the workers.

I will say one thing about political will. Under the leadership of the national chair of Sinn Féin, there has been huge movement with regard to synergies happening between, particularly, Roe 3 and Sinn Féin. Not only is that care or collegial action focused on republican prisoners, it is also focused on the general prison population as well. I see that as a significant movement by Sinn Féin towards a degree of sharing with, talking to and reintegrating with people who share the same tradition. I think that has benefited the entire process and also the process outside Northern Ireland. That is to be welcomed. The person involved in that - I will not mention his name - should be congratulated because the national chair of Sinn Féin has played a brilliant

game there and that is helping Northern Ireland move forward.

In the context of other political groups, the SDLP was interested. In particular, Pat Ramsey from Derry, who is not an MLA any more, was terribly interested and was there regularly. Unfortunately, he is no longer in the Assembly. I do not know if anyone is there. If I can mention it, poor old Conal and I had the misfortune to appear before the Assembly committee on justice, which was chaired by a DUP member. I think the only members that were there were DUP members. They wondered how dare we speak to these people, that they should be shunned, they were lepers and we should not be going near them. We were considered two eejits. We might be eejits, by the way, but we were “well-meaning” eejits, in the words of some of the people there. We had a rough time. They could not get it through their heads that if our society is to progress and we are to embed the Good Friday Agreement to move forward with a peaceful and just society, we need to be dealing with prisoners. If we are to move forward with a peaceful, just society we need to be dealing with prisoners - loyalist, dissident republican and the general population of prisoners - but it is just to no avail. The view seems to be that if hell is there, which they probably believe in, prisoners should be all put there right away. It is very frustrating, and they are very difficult people to deal with, not alone on this issue but on the rest of the social and economic issues in Northern Ireland. To attempt to get the DUP to engage with the trade union movement at times is very difficult. It is said that we are a pan-nationalist front or an all-island body and we should not exist in Northern Ireland or that we should be connected with the TUC or another such body. Those are problems for us as well on a broad front. I do not envy anybody who is trying to deal with them, but let us get back to the nitty-gritty things that happen every day. It is not my musical taste by the way, but imagine banning a CD of Foster and Allen going into a prison because of the bit of Irish music on it or censoring and prohibiting books on Irish history. We have regressed in relation to how prisons work and how people are treated in prison.

A fact that is now coming to light is that when people say they want to go into Roe House it is sometimes used against them in court, that because they asked to go into Roe House they are obviously guilty and they are republicans. It is quite right to say that people are left in there for ages, in what is called administrative detention. It is a nice phrase. People might wait two or three years to be tried, which is nonsense as well. It is a perversity of natural justice. Lots of things are difficult. I believe more prisoners have been let out on bail because there has been a huge decrease in the numbers. When we were there first there were 22, it peaked at 48 and then all of a sudden they started giving some of them bail. The reason for that is because they had no more room for prisoners so somebody came up with the idea of doing something about it for fear that they were building up trouble. That is more the reasoning for letting so many people out of jail, namely, to reduce the numbers and deal with the accommodation problems they had.

Mr. Conal McFeely: The other point Deputy O’Sullivan made, which is a valid one, was about the restrictions when people are out on bail. One prisoner at the moment who is not from Belfast has been told he must live in Belfast. He cannot be at home with his family in case he runs into some local republican or dissident republican. That is the sort of restriction they are putting on people, which is unheard of.

The other issue at the moment is that there is now no communication whatsoever between prisoners in Roe House and prison management. There is no dialogue whatsoever. It has been like that now for more than 18 months. It is unsustainable when there is no dialogue between those who work in Roe House and prisoners. All that will do is lead to more mistrust and conflict and the question is how we break the impasse.

When we spoke to the prisoners recently and when we speak to prison management or the justice Minister they all say one thing, namely, that the only way to resolve the issue is to go back to the August 2010 agreement and the fundamental principles that underpin it. If it can, the committee should stress the fact that the solution lies within that agreement and that is the best way forward. It is the only way to create the conflict-free environment that has been spoken about.

Mr. John Finucane: I thank Deputy O'Sullivan, who has raised a number of good points. What she finished on was the lack of political will within the jurisdiction to deal with the issue. As a member of the public who lives in Belfast I want the people who are in prison, no matter what they are in for, to be released from prison. I do not want them to be any more dangerous than they were when they walked into prison in the first place. In the general prison population we have a lot of people who are unable to meet their release criteria because they cannot complete courses they must complete by the time their sentence is up. They simply cannot do that. It is impossible for them to do so, either because the courses are not available or only a certain number of people are allowed to do the course. Sometimes one will find that those people are released anyway or that they come out with addiction issues more severe than when they entered prison. Whether society likes a specific inmate or prisons in general, rehabilitation is very important and is being deliberately under-resourced.

The revocation of licences was mentioned as was lengthy remands. In respect of bail, Mr. Bunting is 100% correct, I have heard a Crown barrister stand up in the High Court and say the person has asked to be placed in Roe House and the judge can take the inference from that. In England there are bail time limits and if one's case is not ready to be heard by a court within a certain amount of time, one is automatically entitled to bail. We have a criminal justice system in the North which is very lengthy and costly in terms of the length of time police investigations take and then the length of time it takes the Public Prosecution Service, PPS, to direct and have a case ready before the court means that sometimes people spend up to three years on remand. There seems to be a slight shift and I think the courts are under pressure due to the number of people on remand for lengthy periods of time was probably causing embarrassment as much as anything. That was noted in a recent article by the *Belfast Telegraph*. It was a piece any PR guru would be quite proud of. In a piece with an MI5 operative they were quite pointed in their criticism of the courts for releasing people on bail. I find that quite worrying because I feel it is an attempt to interfere with what should be the impartiality of the judiciary, which should be left to make up its own mind without any interference. The article and the subsequent editorials from the *Belfast Telegraph* were quite clear in terms of asking why we should be releasing such very dangerous people, who have not been convicted of anything. The view was that they should just be locked up and we should ignore them.

With regard to the revocation of licences, again, I am dealing with someone whom it might be slightly crude to describe as an ordinary decent criminal. People who are out on licence for offences where they would have been held in the general population, I am aware that if they are subsequently rearrested while on licence for offences that could be described as petty, but it is a criminal allegation nonetheless, those people do not have their licences revoked until the outcome of their case and there is a decision on whether they are guilty or innocent of what might be slightly low level criminality. With regard to people who are held in Roe House, they are at a completely different end of the spectrum. They will not know their accuser and will probably not know what they are accused of, but one must take the word of their accused that it is so severe that the authorities just have to revoke the licence and society should take their word for it. That is a complete subversion of due process. It is an area on which more light should

be shone. It is an abuse of power.

Deputy O'Sullivan asked about the new Secretary of State. I have not had any personal dealings with him but I see he comes from a security background and he seems to be using national security certainly with regard to legacy issues that our society struggles to deal with, as a blanket to hide behind instead of dealing with things. I worry that national security or even security in general is an easy blanket reason to prevent people from dealing with issues that should be addressed.

Mr. Conal McFeely: If I could just add to that-----

Chairman: Certainly.

Mr. Conal McFeely: In terms of the prison environment, it should be kept free from outside political interference, and that includes the British Secretary of State and the Northern Ireland Office. A good test of the new Secretary of State will be how he will deal with the unlawful detention of Tony Taylor. It will be interesting to see how he will respond to that because there is a mounting campaign on why he is being detained and the fact that due process is not being applied.

Chairman: We are going to run into timing difficulties. I will begin to take two contributions together. I invite Mr. Brady and then Senator Feighan to speak.

Mr. Mickey Brady: I thank the witnesses for their presentations. The devolution of policing was fought for long and hard in the Six Counties. That has now happened but it appears that is not the case in terms of justice in prison. The message we are getting is of the denial of fundamental human rights within the prison system. That is very clear.

One of the major contentious issues is strip-searching. The witnesses have indicated they have visited other prisons where there are mechanisms to search people without being degrading. When I was in Stormont, the then Northern Ireland Minister of Justice, David Ford, went on at length about certain machinery and he spoke about a chair, if I remember correctly. Apparently, this was going to be the magic bullet to solve all the problems with strip-searching. Then, it was decided that this would not work. It seems there is no political will to resolve these problems. The witnesses spoke to the new Minister of Justice in June but nothing has happened since then and it seems the lack of political will continues.

It seems the Secretary of State over-rules everything. Mr. Finucane referred to national security. I have been looking recently at the Investigatory Powers Bill that is currently going through the British Parliament. Again, there are blanket references to national security but no definition of reasonable suspicion, a concept that is relevant to some of the points raised. The UK Criminal Finances Bill is coming through. Again, blanket issues in respect of national security and reasonable suspicion arise. These issues need to be addressed. As for as the justice department, prison reform should be at the heart of what that department is about because it has become one of the most contentious issues. I spoke to an ex-prisoner yesterday who was in Maghaberry in 1999. The situation has become increasingly worse. I have spoken to people recently who are out on bail from Maghaberry. I have heard absolute horror stories from people. Unless it is addressed, it will continue to fester.

There is a difficulty with strip-searching in particular. The witnesses are aware of other mechanisms. Is there any particular reason for this policy? Is it being used to degrade prisoners? Obviously, it is at this point, and it continues to be used for this purpose. It is a denial of

their fundamental human rights. Can this be addressed in a more humane way? Can mechanisms be introduced to do away with it? I have heard that prisoners moving only 20 yd. within the prison have been strip-searched for no good reason.

Chairman: We will take Senator Frank Feighan next. Then we will come back to the witnesses.

Senator Frank Feighan: I thank the witnesses for appearing before the committee today. The report or agreement is perfectly measured, patient and forensic. I cannot understand why the recommendations have not been implemented since 2010. The committee should agree to the call for this agreement to be implemented as soon as possible.

Prisons are not particularly nice places. Prison is where prisoners are denied a variety of freedoms by the state as a form of punishment. There is a great deal of pettiness in this case. Obviously, there are legacy issues. These are rather difficult to deal with, but they must be dealt with.

Reference was made to a multi-mode threat detector. What exactly is that? Can it replace full body searching? If this method is used here in prisons, including Portlaoise Prison, what is stopping it from being implemented in the North?

I find it difficult to understand why there was no provision for republican prisoners to develop their Irish language skills or cultural identity. There must be some mechanism in place, for example, using computers, to allow it. It should be simple. I am concerned about the references to political interference on the part of the Minister of Justice. If that happened down here, it would be a serious national scandal.

I have been in Maghaberry with my colleagues, Deputy Ó Cuív, Deputy Pringle and Deputy O'Sullivan. I took the view that those involved worked closely to try to alleviate the problems. I remember going to visit Marian Price in the hospital at Hydebank Wood. Again, I witnessed an issue that should have been resolved through common sense. Thankfully, the right decision was made to release her. Again, however, we came up against a situation where common sense seemed to be absent.

Perhaps this committee could visit Maghaberry again. I will leave it to the committee. We should do anything we can. First, we need to support this agreement and ask for it to be implemented in full immediately. We have waited six years and I thank the members of the independent assessment team for their patience. If there is something else the committee can do, we should do it. I would be willing to try to help in any way.

Chairman: Does Mr. McFeely want to come in on those points?

Mr. Conal McFeely: Reference was made to strip-searching and various technologies. During the course of our research over the past five or six years, we have looked at prison technology throughout the world. We believe the appropriate technology exists. We are told there is a cost factor with this technology. Within this island, the technology to deal with full body searching exists. It is currently in Portlaoise Prison. During the process of negotiating this agreement, Mr. Bunting and I visited Portlaoise Prison. We talked to the head of the Prison Service about technology, especially technology to deal with political or paramilitary prisoners. The technology referred to in our report is currently available in Portlaoise Prison. It detects explosives, drugs and all sorts of things. We also convinced the prison service in the North to bring in what is known as the body orifice security scanner, BOSS, chair. Initially, those

responsible did not want to bring it in. Then Mr. Bunting, through his trade union connections with the Irish Prison Service, informed the head of the Northern Ireland Prison Service during the negotiations that there was a spare BOSS chair not being used in Portlaoise Prison. It was available to be brought to Maghaberry to resolve the difficulty. Overnight, they accepted the offer to bring in the BOSS chair. There is also another detector in Portlaoise Prison. In our view these measures would remove the need for routine strip-searching.

The technology already exists. We are told that the reason it is not being used in the North is because it does not give them a 100% guarantee that a person does not have something hidden inside his body.

This is part of the problem in dealing with the issue at Maghaberry. To all intents and purposes what we have is a security mindset, and it continues to this day. It is stifling any opportunity to move towards a more humane prison system not only for prisoners but for prison staff as well.

Mr. Peter Bunting: To answer the question, I can keep repeating what I have said previously, but it is terribly frustrating. I do not know how the two of us have survived. Perhaps I will get a pension from the Northern Ireland Prison Service or something; I do not know. To be serious, from our perspective there is both a sectarian attitude and political interference in respect of these people. My view is that the references to legacy issues are nonsense. They are utilised as an excuse.

There have been extraordinary changes. There is a person in a control centre outside the campus who simply has to press a button for all the gates to lock. He is untouchable. He is in a bunker. No one can get at this person. He simply has to press a button if trouble starts and the whole place closes down. Therefore, it is nonsense to suggest that people are under attack. There is controlled movement of people. For example, let us suppose I want to go for a shower. Three prison officers come to my cell and take me. They do not handcuff me or anything. I dander over to the door across the way and go into the shower. In the interim, if the prisoner next to me wants to go somewhere else, he has to wait until I get back to my cell and then these three merchants have to come back and unlock his door to take him to the next door. It is absolute nonsense. To me, it is oppression. That is what it is. Even allowing for the fact that there is a danger of somebody smuggling gelignite or whatever in some orifice or other, the machine we saw in Portlaoise has no difficulty detecting that. It can detect explosives and it can detect drugs. I know Mr. John Finucane talks about drugs generally. The prison officers admit that there are no drugs in any of the dissident republican landings. They do not exist there and the prison service accepts that, by the way.

Even allowing for that, these things could happen and that is what the detecting machines are for. We called the Maghaberry Prison service on its bluff. We got on to the prison authorities in Portlaoise through the Prison Officers' Association in the Republic of Ireland. I spoke to a person I knew who said he could get a body orifice security scanner, BOSS, chair up to Maghaberry. He said that there was one lying around there, that he could put it on the tractor or the trailer and could have it up in Maghaberry Prison the next day. I told the prison service we would get it one tomorrow. Previous to that, one would have to put in an order and it would take a year to go through the procedures, processes and all that carry on. Therefore, I said I could get one for them on loan the next day. All of sudden, they brought it in. However, that was still not good enough. It is in the agreement that if detection led to intelligence, the officer would strip search the prisoner, but that has never happened. It is used as a tool to suppress and intimidate people.

We have to look at the big picture. Do we really want to build a peaceful and just society in Northern Ireland? If we do, whether we like it or not, we have to deal with these people. It is the same with everyone else. We have to talk to everyone. If nobody talks to them, it only adds fuel to the fire. It is absolute nonsense to ignore them or isolate them. What will happen can be seen in republican history. People might go on a dirty protest. What we all fear is somebody going on a hunger strike. All of the oxygen would then be given to the dissidents and taken away from those people in the current Sinn Féin Party who have done a good thing by embedding the peace process. It is the sort of place to which there is no rationale or reality. If we could sit down for the next six months, we still could not come up with an acceptable reason for what is happening in that prison and why it is still happening to this day.

The danger of it is that it will leave open an opportunity in which some other prison officer could be killed. Sometimes one might believe that these mysterious people who run this system must think prison officers are expendable in order to justify their reasoning. I am serious about that. These things are outside my ken. I can never understand it. Throughout the course of six years, we have come close numerous times to breaking point or to moving away from it. We still hang in there. Maybe we are gluttons for punishment. It is because we believe that the agreement we had was the best we all could have got. Everybody signed up to it. Despite all the agreements in the Maze, in Long Kesh and everywhere else, it was the only signed agreement by prisoners and the prison service alike in the history of the prison service in either the Republic of Ireland or Northern Ireland. That agreement is there and it really should be built on.

Perhaps this committee should seek a meeting with the Secretary of State and the Minister of Justice in Northern Ireland and demand to know when we will ever have agreement and progress. It is not the case that anybody would move to free and full movement immediately. It would be a gradual system of movement in which more prisoners could get out monthly on the premise that there would be peace and that it would be a conflict-free prison. In negotiations, the prison service could say that there could be seven prisoners out on the landing by Christmas, but if the prisoners mess around, intimidate somebody or hit somebody, then they return to square one as before. In that way, it would be in everyone's interest to reach the situation in which there is a conflict-free environment, unless somebody decides to beat themselves up or something, but that is a matter for another day. We will not discuss that now. We live in expectancy that we could get a progressive agreement over a period of time that would suit everyone involved.

Chairman: Before I bring in the next speaker, I ask people to be brief. I want time at the end of the meeting to be able to talk a little bit about what we can do going forward. We do not want to have this meeting only for everyone to go home and never talk about it again. I ask people to keep it brief in order that we have time for that.

Deputy Thomas Pringle: I am grateful for the opportunity to contribute to this meeting. I am not a member of this committee, but non-members can attend and contribute as well and I wish to acknowledge that. I thank Mr. Peter Bunting and Mr. Conal McFeely for the work that they have been doing in trying to bring some reason and sense to the regime at Maghaberry. As mentioned earlier, Deputy O'Sullivan, Deputy Ó Cuív, a couple of other members and I have been visiting the prison. Unfortunately, I have not visited as often as the rest of them, but we have visited. We met the prisoners in Roe House. We met unionist and loyalist prisoners as well in Bush House. One of the things that I remarked on when we were there was that there is a lot more freedom of movement in Bush House than in Roe House, even though they are both

under the same regime. All one has to do is spend ten minutes looking at the landings there and one will see that Bush House is a lot freer. One of the most frustrating things is that we have had the privilege, if it can be called that, of meeting the management after our meetings there. To borrow a phrase from a former Deputy, talking to them was like playing handball against a haystack. It is clear to me that that is where the problems and blockages are in trying to resolve the situation.

I have a couple of questions. Mr. Bunting mentioned earlier a woman he knows who has received some sectarian abuse from colleagues on the prison staff. We have heard anecdotally that there are problems with the retention of Catholic staff recruited into the prison service. Is Mr. Bunting aware of that himself? Arising from that, is there a need for a Patten commission-style report for prison service staff? Would that go some way to changing the atmosphere?

I wish to ask about the role of the NIO in Roe House. We know the role it has in keeping prisoners in the segregated prisons and in the care and supervision units. Does the NIO have a role in Roe House itself? Does it have a day-to-day role there that might be encouraging the continuation of strip-searching and the regime there that is leading to the problems?

The witness met the Northern Minister of Justice in June. Have there been any follow-up meetings or has it just been a blank ever since? Some of us may be meeting her in the next few weeks. We might raise those issues with her too.

Deputy Éamon Ó Cuív: What has been said here today has been very frank and useful. I thank the witnesses for sharing their thoughts with us on what is happening in Maghaberry. Those of us who have been there frequently would say that the witnesses have expressed very succinctly what we believed. I initially became involved in the prison issue back in 1994. I spent about three years on it and was over and back, mainly to Britain, at the time, although I did visit prisons in the North and once or twice in the South. I did not expect to get back into it in 2011.

Between 2011 and today, I have been in and out of Maghaberry with various colleagues, mainly Deputies Clare Daly, Mick Wallace, Maureen O'Sullivan, who I think has been on virtually every visit, and Thomas Pringle, Senator Frank Feighan and some other Deputies and Senators who have been in and out on occasion. For nearly every prison visit, we have paid another visit to Belfast to talk to the Irish secretariat, to Ministers, to the Prisoner Ombudsman, to the head of the prison service and so on. Some people have been receptive and some have not. It would take too long to outline who has and who has not.

Every detail the witnesses outlined is correct. There has been no movement on controlled movement or strip-searching. Having recently visited Portlaoise Prison on a number of occasions, the big difference there, as opposed to the loyalist wing or the republican Roe House, is human relationship. We can write all the rule books we like but if the horse does not want to drink, the horse will not drink. Even when some of the witnesses' reports came through, it was one step forward and two steps back. A way was found within the small print of the rules not to act within the spirit of the thing.

Someone asked where we should go from here. Compared with the period between 1994 and 1997, it is much more complex now because of all the different jurisdictions involved. Once devolved government came about in Northern Ireland, I expected that there would be some collective involvement by the parties in the Executive on what happens in the prisons. We tried that and were clearly told that the Minister of Justice is the Minister of Justice. One side

in the Executive is for reform, while the other side is against reform. Once one side is against reform, nothing happens. That creates an astounding and frightening political paralysis.

Two prison officers are dead. Mr. Bunting seemed to articulate something - I do not want to misquote him - that I adverted to a few times for which I was severely criticised. I have suggested that it is likely to be not unconnected to the prison regime. In other words, what happens in the prison has an effect outside the prison. None of us can prove that in law but intuition would suggest the connection is likely. When the prison officer, Mr. Gray, a very fine person, was killed, within a week or ten days the dirty protest ended. It breaks my heart to think that because of intransigence across the system this risk is continuing unnecessarily; it cannot be allowed to fester.

A number of things could be done. First, the Executive could provide enough money to hear cases expeditiously and eliminate the need for long periods on remand. I do not know how to deal with the cases where there seems to be internment without trial in the form of arresting people on suspicion of offences, bringing them to court, the court case collapses because there is literally no evidence and they are let out the door again. That is another issue. I do not know whether they have human rights cases there but that seems to be totally unacceptable.

I take it that the introduction of the equipment is a Northern Ireland Office issue. It would be fair to say that there is a certain amount of sympathy at the top of the system and as it went to implement these things down the line there seems to be a problem. If there is an instruction from on high - for example, from the head of the Northern Ireland Prison Service - that certain modern equipment is to be used, do they have the power to be able to influence that and force people to comply? The witnesses have been in, as have representatives of the international Red Cross. I accept what the witnesses have said about threats on the Internet, etc., which are totally unacceptable, but it goes on.

In dealing with an intractable problem, the person who is likely to gain most is the first mover. Many people think in negotiations she should be the last mover, but my experience always tells me that the first mover really puts it up to the other side. In this case, since the position of power lies with the authorities because they have utter control, modest first moves should allow them to go to the other side and request reciprocation.

Can the witnesses confirm, as they seem to have said, that for all of the allegations, and in cases convictions, against these people, they are not irrational? Sometimes people in the prison population have mental illnesses and so on. Their conduct could not be answered for because they could not answer for themselves, not because of any badness but because of mental illness and so on.

Both here and in the North, if the segregated republican prisoners give their word not to do something, they seem to stick to that. Therefore, if the authorities do a deal, then a deal is done and they will not act in a capricious manner. There tends to be a group dynamic and they act as a group, which might be a good thing in certain ways, but it can pose its problems.

We normally meet the Secretary of State separately from the Minister. Should a joint meeting be sought between the head of the prison service, the Northern Ireland Minister of Justice and the Secretary of State so that if one was passing the ball somebody would have to catch the ball because they could not put it off to a further meeting three months later. That issue needs to be dealt with.

The witnesses have, of course, covered the licence issue. I got involved in 2011 because Gerry McGeough was imprisoned for something that had happened in 1982. Should the licence be absolutely indeterminate? Down here, a prisoner released on licence would normally have committed murder or something at that level. However, much shorter sentences attract licences in Northern Ireland. Should there be a period after which the licences for those released on licence following the signing of the Good Friday Agreement should come to an end just as special arrangements were made that it was two years in prison? If somebody has done something awfully wrong, there is a court and he or she can be convicted. However, the power to say to somebody, "I'm not going to tell you and once I tell your barrister what the problem is they cannot discuss it with you" seems to be an absolutely incredible power to have.

I am sorry for going on, but five long years have been put in on this. I doubt if a month has passed in the five years that I have not been up in the North dealing with this issue. It has been the most intractable political problem in which I have ever been involved. Like the witness, on many occasions I ask myself if I am mad to keep coming back, but when it is so serious it is very hard to walk away. It has proved incredibly difficult to deal with and it does not seem to be open to any kind of rational assessment.

Dealing with the authorities here seems to be totally different. While the physical conditions in Portlaoise Prison are not great, there is a better approach in terms of interpersonal relationships. This can be seen from the minute one enters the room. It is an approach that if the prisoners are fair, they will be dealt with fairly. This means that all involved - prison staff and prisoners - will have happier lives.

Some members of the committee may never have been to Maghaberry Prison. The chances of a prisoner escaping from Maghaberry Prison are slim. As some of those present might know I had a relative who made a rather dramatic escape from a British prison at one stage. Anyone entering Maghaberry Prison is required to give a fingerprint and have a photograph taken. After passing through a series of turnstiles, one reaches the yard. After that, one passes through a very tall gate with barbed wire. Then one goes through a double door, and one is only inside when one goes through another double door to get into the wing. As Mr. Bunting said, just like that, the whole prison can be closed down in two seconds. Even within the wings there are turnstiles, and if the prison is locked down, one can be held in the recreation areas. Believe me, there is no way out. The idea that the prisoners might suddenly all metamorphosise through all the security and wind up walking down a road in Maghaberry defies logic, given the fantastic technology in the prison that would seem to me to make that an impossibility, particularly because of the centralised control, whereby the whole prison can be locked down literally at the flick of a switch. It seems to be all about one thing: "We are bosses, we control you and we own you."

Chairman: Senator Landy must leave but he has one straightforward question to ask.

Senator Denis Landy: I have two very brief questions. I thank the Chairman for allowing me to contribute and I thank the witnesses for the information they provided. I am probably one of the few people in the room who have never been in Maghaberry. I am from Tipperary. I am not exposed to and have no experience of Maghaberry other than what I read in the media and what I have read in history, etc., and I am quite shocked by what I have heard today.

Mr. Finucane raised the issues of deprivation and educational facilities. I spent a large part of my life working with deprived people and I have always believed and told every one of them that the only way out of deprivation is education. Regarding the issue of correspondence

courses not being allowed to be transacted - I might be speaking naively but I will ask the question - is there any possibility that they might be allowed to be done through a hard copy of correspondence? To deprive somebody who wants to enable himself through education - to use one of the witnesses' phrase - to leave the prison a better person than when he entered is unacceptable.

The other question concerns the human rights issue. Has the independent assessment team taken a case or cases to the European Court of Human Rights *vis-à-vis* Maghaberry? I apologise but I must leave. I was supposed to leave at 3.45 p.m. I will read the witnesses' answers on the record and I hope to get an opportunity to visit Maghaberry. I think somebody has already suggested a visit. It would be very important for me to see it on the ground.

Chairman: Many points were raised there. Do the witnesses want to come back in on some of them?

Mr. John Finucane: I will answer Senator Landy very quickly. I appreciate he may have to leave. Regarding education, unfortunately, my client's specific course requires that it must be completed online, by way of a computer. Other prisons facilitate this, and blocks can be put on the computer very easily so that one cannot communicate or use the Internet for nefarious purposes. This is another example of how security in Maghaberry is not based in reality.

I have not been involved in any cases that have reached Strasbourg yet. One would need to exhaust quite a lengthy process, first within my jurisdiction and second the Supreme Court in London, and then seek leave or get permission before bringing a case to Strasbourg, but it would not surprise me. Again, the overarching issue that is not being treated as the number one priority here is the dignity with which all sides should be treated. That should be at the heart of all this.

I think the cost has been touched on in previous reports. Maghaberry is one of the most expensive prisons in western Europe, and the taxpayer is not getting value for money from it. Budgets, no matter what the financial context, should not be infinite. There is a set amount of money, and I do not see any prospect whatsoever that a security-based regime as oppressive as that at Maghaberry, and which generates as much case law as Maghaberry does, will represent value for taxpayers' money.

There has been talk about the background or the perception as to who runs Maghaberry. As an example, a remand prisoner who wants out can apply for bail. If bail is denied and something specific happens - for example, a death - he can apply for compassionate bail. In the case of a sentenced prisoner, that must be granted by the jail and is called compassionate temporary release. The jail constantly cites that if it is a Catholic funeral in a Catholic area, then for security reasons the prison staff cannot escort the inmate, that they are very sorry, that they are sure the prisoner will be disappointed by the news but that they cannot do it. This causes challenges through the courts. More often than not, the prison loses those challenges and, therefore, the taxpayer is faced with a legal bill that the prison will take on with taxpayers' money.

Regarding what questions could potentially be put to either a Secretary of State or the Minister of Justice, he or she should be asked to try to find out a clear figure as to how much a security-based regime costs the taxpayer. We have been involved in cases in which people are strip-searched on their way to video link consultations with a solicitor. Think about that: somebody leaves his cell, does not come into contact with anyone apart from a prison officer, talks to me through a screen - I am in Belfast; he is in Maghaberry - then he leaves and goes back

to his cell. He is strip-searched in that context. Nobody can tell me there is any rational basis for that to happen, but it costs money and it then leads to further challenges, and those further challenges cost. The controlled movement has more prison officers than I think are necessary, who could be better placed doing other things in other areas of the jail that require that attention.

Mr. Peter Bunting: Deputy Pringle spoke about the retention of Catholic staff and a Paten-style commission for prisons. There is most certainly a need for that, even for the sake of transparency. I assume that we would be able to go back and check that because the numbers of Catholics and Protestants employed in the prison service must be given. We would probably still see the same differentials which were there years ago in that context.

Deputy Ó Cuív probably categorises the situation in all of Northern Ireland and how it works. The devolved administration is put to the sword on a regular basis by the behaviour of the largest party. I was explaining to Mr. Finucane earlier that when we were seeking the bill of rights in the context of the Good Friday Agreement and met the First and deputy First Ministers in 2013, the latter said he was on the same page as the trade union movement - no problem - whereas our friend, Peter Robinson, said he was not on the same page as either Martin McGuinness or the trade union movement. To say that in front of somebody is not the way to deal with things.

If Mr. McFeely and I had a difference, we would not tell the committee that difference, but this is the behaviour we see. Anyway, a row ensued and I said to Mr. Robinson that, surely, this being the time of the flags protests, a bill of rights would assist his own constituents if they wanted to fly the union flag. His very simple reply was that it was not a matter of politics, but religion. We will never see a bill of rights in Northern Ireland which mentions sexual orientation because it is against the religion of the DUP. This is a first minister in a modern society. If that had been said in any other jurisdiction or any other parliament, the Minister would have resigned. This is the bubble in which one tries to do business, in which poor old Martin McGuinness must try to do business and in which everybody has to try to move on. It is irrational in many senses.

It annoys me when I see letters in *The Irish Times* from people in Dáil Éireann - from Deputy Ó Cuív's own party as well, I may add - challenging Sinn Féin about austerity and so on. I am not a member of Sinn Féin but trying to make political capital out of the ills of people in Northern Ireland by criticising Sinn Féin is not conducive to dealing with the problems in Northern Ireland, which stem from a lack of finance from Britain and the control of one particular party which blocks everything which the Parliament or even the trade union movement tries to do. Our biggest difficulty is that we can send off correspondence seeking a meeting with the First and deputy First Ministers, as we have done three times this year already, but all we get back is correspondence stating that Martin McGuinness will meet us. We know Martin McGuinness will meet us. We want to meet Arlene Foster but, no, she blocks the meetings. This is the biggest civic society organisation in Northern Ireland.

Chairman: I remind Mr. Bunting-----

Mr. Peter Bunting: I just want to finish-----

Chairman: -----not to mention people by name.

Mr. Peter Bunting: Sorry.

Chairman: It is for everybody's benefit.

Mr. Peter Bunting: That is okay. I retired last week. Deputy Ó Cuív is right and he expressed our frustration as well. It is a fact that there are complex issues surrounding this. As Deputy Ó Cuív said, on high the staff can all be lovely people but the ground staff do not implement it. Sometimes it must be said that if one is in charge of an organisation, there are occasions within the dissident body when that must be dealt with and when that nettle must be grasped. We cannot allow a small group of people to frustrate the political mechanisms or the rights mechanisms in terms of how prisoners should be treated. It is not compatible with what we need in our society. The Roe House prisoners have a sense of discipline because they come from an alleged military background. In our association with the INLA, they stood by their word on every occasion during the two-year process of decommissioning, but if you were to read the press about the INLA, you would not believe it.

The proposed meeting should be a joint one because everywhere one goes somebody keeps passing the buck. The Minister of Justice passes it to the Northern Ireland Office, NIO, and it passes to the HMIP and ones goes around on an never-ending circle. It is like a circus where the hamster is running around on the wheel. One would never get them all in the one room at the same time.

The issue of being out on licence is a matter for Mr. John Finucane to address. I am not a legal person. There should be an open and transparent appeal mechanism against it and not a secret group of commissioners somewhere who can say one is not allowed to say this or to say that. Again, that is a breach of rights. It is a breach with respect to what we are all looking forward to having in society in terms of an open environment. Such secrecy hides corruption and other elements associated with it.

What was said about Portlaoise Prison is right. I am always amazed by what I see there. I was on one of the big landings there and at the end of it there was a big display of saws, chisels and hammers, which was the total the opposite of what would expect to find there. Yet everyone had the trust that no prisoner would take any of those tools down and attempt to attack a prison officer. They were all on display and everyone there was working away doing crafts. In Maghaberry, one is lucky if one is allowed to have matchsticks and a tiny knife to do some craftwork. What is found in the two of them is very contradictory and quite opposite in many ways. I know Deputy Ó Cuív mentioned that fact that his grandfather had a wonderful escape from the old practice of having a file in a cake; he did not have a great record sometimes with the prisoners.

Mr. Conal McFeely: On the licence issue, the Fresh Start panel that has been set up and is dealing with the disbandment of paramilitaries also raised this issue. A republican prisoner or any prisoner out on licence - there are quite a number of them, and some of them are not dissident republicans - can at any time, at the behest of the Secretary of State or the security forces, have a hand put on their shoulder and be told they are not playing the game and they are back in jail. That needs to be fundamentally addressed. It may well have been one of the issues that should have been originally addressed when the Good Friday Agreement was established. When one talks to those groups about trying to move them forward from where they are at, they will refer to two matters. They will refer to the current situation in Maghaberry Prison and to the fact that the security forces can use this licence to put one back in jail. The case in point is that of Tony Taylor. That is causing much concern within that constituency as we try to move them into further dialogue. That is an issue that needs to be fundamentally addressed with the Secretary of State if and when the committee meets him.

Mr. John Finucane: Regarding Deputy Pringle's point concerning the background of pris-

on officers, I have witnessed the influx of many young prison officers who appear to have been brought in. I am not convinced their background would be representative of the population within Northern Ireland. The prison environment has been a very male dominated one. The Prison Officers' Association has been referred to as a boys' club. That needs to change, not only the religious background but the gender of the people being brought through in the way in which the PSNI was basically forced to go along that journey.

On Deputy Ó Cuív's questions with regard to the thinking of the inmates and the rationality, if there is any doubt about that, it should be put up to them. If there are questions about their integrity or whether they are able to stand over their side of any agreement, that should be put it up to them. I began my opening statement by saying that if we were dealing with an issue that was solely the cause of the prisoners, they would deserve all the criticism that they get. From my experience in dealing with inmates who are part of the discussions within the jail about what they are prepared to sign up to, they come at this with a large degree of thought and consideration. It is not something that they rush into. It is very different from the demands of prisoners in other parts of the prison.

With regard to the Deputy's description of the security make-up within Maghaberry Prison, I had cause to see a client last year in Arbour Hill and I attended there with a barrister and the two of us spent the first five minutes laughing. It took us a matter of seconds to get from parking the car to sitting down waiting on the client being brought to see us. This was somebody who had been held in Arbour Hill for 20 years; it was not somebody who was a very low-level risk. Within Maghaberry Prison, it takes at least 45 minutes to an hour from the time I park my car to the time I see the client. That is a reflection of the fingerprinting, the dogs and the number of doors I would go through. It comes back to what I said previously with regard to the cost. I do not think anybody is getting value for money from Maghaberry Prison.

Chairman: I will take further questions from speakers, go back to the witnesses and then we will sum up. The next speaker is Senator Ó Donnghaile to be followed by Senator Black.

Senator Niall Ó Donnghaile: I thank the witnesses for their presentations. I want to point out at the start because it is important to put it on the record, given some of the previous contributions, that it is not as if there has not been any political engagement or engagement from political parties with this issue in the North. I note Mr. Peter Bunting's comments in regard to our party chairperson but it goes back further than that. Raymond McCartney, Jennifer McCann, Pat Sheehan, Carál Ní Chuilín are all ex-prisoners and they have all engaged with the various groupings in Roe House and beyond on these matters going back a long number of years. At times there have been particular individuals and organisations in there who have not wanted to engage with Sinn Féin on the issues. That has hindered us in our ability to bring a positive resolution, focused frame of mind or approach to the issue.

The witnesses have painted a very depressing picture in their contributions. I refer to hearing words like "regression" in regard to what is happening in the prison, the prevalence of a security culture and focus. As people who over a long period of years have visited friends or relatives in prison, we know how petty and nuanced that kind of approach can get when it comes to the prisoners or their families who are visiting. All the evidence the witnesses have presented points to that culture prevailing. Within the broader context of prison reform and how we deal with the issues that manifest themselves in Roe House, is there an indication of progress or change of culture on foot of any number of reviews and reports that have examined the problems? If there was, where should that focus be initially? Should it be at managerial or staffing level? If one happens, can it impact on the other? Does it need to be a Patten mark two?

My final question relates to the proposed visit by Senator Feighan and others. The difficulty for us is that we want to see this happen and our remit is around the implementation of the agreement and this is a core component to it. Do the witnesses, in terms of their proposals, recommendations, suggestions and findings, believe the Fresh Start agreement offers us a pathway to resolving these issues? What do they think the focus of this committee should be when approaching the issues specific to Roe House and the broader issues of prison reform?

Chairman: I will bring in Senator Black and hers will be the last contribution.

Senator Frances Black: I will brief. I thank the witnesses for coming here today and for giving us an insight into what is happening. I thank my colleague, Deputy Maureen O'Sullivan, also for bringing this issue to the fore. I am shocked and saddened by what I have heard today. I can only imagine the witnesses' frustration. All of them have been doing Trojan work for the past few years, and I thank them for that. I hear them when they say that at times they felt like walking away. I imagine that comes from the frustration of not being heard. I know what that is like. I have worked in the addiction field for many years and I know what it feels like to try to highlight issues and not be heard. I understand that frustration. I hope they do not walk away because they are probably the only bit of light, and hope, the prisoners have.

I do not have the political jargon and I hope it is appropriate for me to say this. Forgive me if it is not. Would it be a good idea to consider putting together some type of political steering group made up of people the witnesses have already met such as Deputy O'Sullivan and Sinn Féin representatives? We could work together, and we could use this committee. People are interested in this area. They want to help the situation and support the witnesses without trying to make more work for them. We could bring people from the parties in the North who are interested in this area and start working together on going forward on this issue. Some strategy might be put together with a view to making a change. I have no doubt the witnesses have tried everything, but what are their thoughts on that?

Chairman: I will call the witnesses to make their final contributions but I ask them to bear in mind that, as a committee, we are anxious to do something constructive. I am aware the witnesses have been working on this for a very long time but we want to see what we can do. I ask them to bear that in mind when they make their final contributions to allow us move forward with it. I hope we will come back to this issue after we have done what the witnesses can recommend to us.

Mr. Conal McFeely: In response to the point about Fresh Start, that agreement presents us with a very good opportunity to have greater transparency and move towards a pathway to best practice in human rights within our prison system. It is an opportunity we should not miss. Clearly, politicians have a major role to play in that because it is something that has come out of our Assembly. It was signed up to and approved by the Office of the First and deputy First Minister. That is important, and it is an opportunity we should not miss.

It remains our view that, in terms of dealing with these prisoners, they are people who, if they give their word, will keep it. The reason I believe the agreement came unstuck was because it was broken by the Northern Ireland Prison Service at the beginning of the process, which led to it unravelling. However, I still believe it is possible, in light of what is available in terms of Fresh Start, to put in place a mutual respect policy that would lead to a more conflict-free environment. When there is no communication between prisoners and prison staff, we need to find a mechanism whereby effective communication can be restored. We will then begin to treat people as human beings and, in that context, move forward on issues.

Mr. Peter Bunting: Briefly, Senator Ó Donnghaile will forgive me if I do not laud Sinn Féin much today. Give me a break.

Senator Niall Ó Donnghaile: I was waiting for it.

Mr. Peter Bunting: I acknowledged the role of Sinn Féin. The Senator should take it easy. He will be signing me up next. I acknowledged some of the people who were involved, including Pat Ramsey and Raymond McCartney, whom we met a few times. If the Senator believes I omitted to mention their role-----

Senator Niall Ó Donnghaile: No. The point was not directed at Mr. Bunting.

Mr. Peter Bunting: I thank the Senator.

Senator Niall Ó Donnghaile: There is a broader context.

Mr. Peter Bunting: I accept that. The Senator is right. For all who were here earlier, the Fresh Start Panel report on the disbandment of paramilitary groups indicates an endorsement of what we have done so far. Mr. McFeely is correct that this has been endorsed by Arlene Foster. Therefore, it is something we should use to make progress with. It is depressing, but it gives us a little bit of light where we can move forward with regard to it. If we are ever to get to the decommissioning issue or whatever, it is important that we work on the issue of the prisons.

With regard to a political steering group, anything that helps will be significant. The big question is whether, within a political steering group, we engage with some church bodies from the Presbyterian church, the Church of Ireland or whatever in Northern Ireland. That would be important also. Decent people such as Sammy Douglas in the DUP and others in the Unionist Party should get into that political steering group if they have the strength to do that. There are loyalist prisoners involved in this as well and everything we get here, they get, so they are benefiting as well. The interesting thing about that is that, as Deputy Ó Cuív said, there is a different atmosphere over there. We have been over there ourselves and it is light years away from the way people in Roe House are treated, but if we can reach the point where everyone is moving forward again, it might encourage some people from what is termed the pull community to move into that political steering group. I thank the Chairman for the invitation. I hope I will not be back. It will be progress everywhere from now on.

Mr. John Finucane: The challenge for everybody moving forward is to remove the idea that prison reform is a win-lose issue, for example, the prisoners will win and prison staff will lose or unionists will lose and nationalists will win. We need to break that link, and that will involve everybody. It will take more than solicitors. Lawyers are probably the worst people to engage in processes such as this one. It takes civic society as well as political society. It takes a concerted effort to have the media realise that prison reform is something that benefits all of society. Whether they are coming out of Roe House or the other houses within Maghaberry, society is much better off if people come out in a much more stable position than when they entered it.

My comments are very much off the top of my head, having listened to the discussions today. The prisoners within Roe House would identify themselves as Irish citizens. If they are being denied access to their culture, whether that be learning their language, being able to make instruments and so on, the Minister or Ministers in this jurisdiction should be engaged with that, especially in an educational format. The concern that Irish citizens are being denied access to education, access to culture with very little downside in terms of security or an impact

on anybody else is something that should be brought to people's attention.

In terms of this group, there seems to be surprise about some of the things that have been reported to them today. The group should see the situation for themselves. As many people as possible should go to Maghaberry. The members of this committee who spoke today who have visited Maghaberry have probably remained focused on this issue because of the impact those visits had upon them. It is a credit to all those involved, especially Deputy O'Sullivan, that they have stuck with it because prison issues are by no means popular.

I encourage everybody to meet. The Department of Justice, under the Assembly, needs to be engaged and show strong leadership. It should not allow the tail to wag the dog or allow the prison service to dictate what is and is not acceptable to it. Unless clear examples as to how the regime can be compromised are being put forward, ideas around prison reform, if needs be, must be imposed on the prison in the way certain ideas were imposed on the old RUC to move us into an era whereby policing has very much changed. I thank the Chairman for facilitating this meeting.

Senator Niall Ó Donnghaile: I supported Senator Feighan's suggestion with regard to meetings. It might be worthwhile to seek to meet Ministers from Dublin at intergovernmental level to raise some of the points alluded to by Mr. Finucane in his concluding remarks. Fair enough the DUP has signed up to Fresh Start, and this gives us a positive launching pad, but the elephant in the room remains the Northern Ireland Office and the more dubious influence it is suggested it has had in terms of the running of and conditions in the jail. As part of this broader engagement we should engage with the Government in Dublin to ensure the issue is raised at intergovernmental level with the British.

Deputy Éamon Ó Cuív: We have had many processes one after another and we are now into Fresh Start. What happens if it states it is integration and that is it? In all my long life I have never seen a situation where we always seem to be going backwards even when we think we are going forward. Is there a chance this will create a new problem rather than resolving old problems?

Mr. John Finucane: The Steele report dealt with segregation. It has not returned to the 1980s and 1990s regime. It is a safety aspect. To exaggerate to make the point, diehard republicans and diehard loyalists will never be allowed to come into contact for the sake of integration. There is a degree of mischief making by people who are pushing integration. While integration is not something that should be laughed at, the practical reality will never be lost. There would be a quick challenge to anybody who tried to put two people together or two groups together who would naturally come into conflict. I do not see the integration that has been described in recent weeks ever coming to the fore, but this does not necessarily mean we have to have a security based system that has a prison within a prison.

Deputy Éamon Ó Cuív: My concern about integration is that ordinary decent criminals from west Belfast will end up with people who think they are part of a paramilitary organisation and they will not accept this, and we will spend another two years having this argument rather than moving forward.

Mr. John Finucane: This would be covered by safety because, unfortunately, we still live with the reality that punishment shootings and punishment attacks take place. If ordinary decent criminals legitimately state they fear for their safety if they are exposed to these people or, on the other side, they do not want to mix with people to whom they are diametrically opposed,

the practical reality would take over.

Senator Niall Ó Donnghaile: Earlier this week or last week, a UUP motion sought to do a wee bit of skulduggery around the issue of segregation. It was amended and the substantive motion, which was amended by Sinn Féin, was passed by the Assembly. It spoke about Fresh Start and the panel's review findings. This in itself indicates at least a marginal shift, that people are prepared to look at this and not just take a traditional knee-jerk reaction to the issue.

Mr. Peter Bunting: That should probably be read as a means of pressurising some people to come to an agreement quicker rather than as a means to an end. This is why it is phrased as it is.

Mr. Conal McFeely: Our submission was with regard to our dialogue with republican prisoners and their supporters on the outside and those in the loyalist community. Any forced integration under Fresh Start will only make matters worse. Perhaps this is where we could have the committee's political input. In saying this, history tells us it will not work, and it is important this is addressed.

Chairman: I sincerely thank our witnesses for their fantastic contributions. This is an issue on which they have been working for a very long time and it is difficult. We can only thank them for coming down today and for the work they continue to do. This is an issue we definitely want to take on board and do much more as a committee. It was originally raised by Deputy O'Sullivan and I thank her for this. We need to look at letters or meetings with the Minister for Justice and Equality and others. They may not meet us and we must be open to this fact. I suggest that members come back to me with suggestions on who we should meet. A number of issues were raised by members who have left.

Deputy Maureen O'Sullivan: I suggest the transcript of this meeting goes to the members who are not here because we have had a smaller attendance than at other recent meetings. They will then be aware of the extent of what we have discussed today and we can get their input. We can then hear at our next meeting, after they have a chance to read it, suggestions for progressing.

Chairman: People can contact the clerk or me in the meantime. We should allot time at the start of our next meeting to see how we will go forward with this. We will then come back to the witnesses and tie in with them if they are open to it. I hope we will have some progression on it. We need to move it on.

Mr. Mickey Brady: The remit of the committee is to monitor the implementation of the Good Friday Agreement. Senator Ó Donnghaile has alluded to the fact the prison situation is a fundamental human rights issue in regard to the Good Friday Agreement. Can we not have a proposal that we write to the Minister for Justice and Equality outlining our concerns, particularly from what we have heard today? We were all aware of it, but the witnesses have encapsulated it very well for all of us. We should also possibly arrange a meeting with the Secretary of State and the Minister for Justice and Equality. The point was well made that they tend to play off one another. Certainly in meetings I have had in the past with David Ford we got the impression the tail was very much wagging the dog. For those of us who have not been in Maghaberry, a visit should be arranged for the committee as a whole. We have heard so much but we should actually see the conditions as outlined by our three witnesses today. It is very important that the issue be addressed.

Chairman: I have no difficulty with this. Perhaps others have opinions or suggestions on

this. We are also open to meeting other groups or people if members think we should. Are committee members happy to accept this proposal?

Deputy Maureen O’Sullivan: We need the other members of the committee to know what is happening. We need to give them an opportunity to hear what happened today rather than this smaller group making a decision. The first item on the agenda for the next meeting could be to give 15 or 20 minutes to discuss the suggestions made. We would then have agreement from everybody on this and it would be stronger.

Deputy Éamon Ó Cuív: If we have learned anything about this, it is we will not get a quick win. If we do it will be fantastic, but it has not happened to date. Therefore, we need a process so if nothing happens we keep coming back. If I was asked what is the most likely issue to destabilise the situation North and South it is prisons. We know a totally different approach is taken in the two jurisdictions on the island. We must ask ourselves which adds more to peace and stability than the other. We have a yardstick by which to measure. It has not posed any risk to people down here. In fact, many of us would argue from having met and being in the situation, it reduces the risk dramatically for those outside prison, particularly prison officers. Deputy O’Sullivan’s proposal is correct, that we reflect and have a coherent approach that is stepped so we do not have a big burst and think we will solve it, because that is not my experience.

Chairman: At the start of the next meeting we will spend time going through this and we will make the decision then on who we will meet and on various issues.

The joint committee adjourned at 4.30 p.m. until 2 p.m. on Thursday, 17 November 2016.