

**NATIONAL ARCHIVES****IRELAND**

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**Title:** Report of a meeting of the Northern Ireland Commission, held at Stormont Castle on 7 May 1973, at which the following issues were discussed: polling arrangements for the Assembly election, extradition to the Republic of Ireland, verdicts by juries in recent cases in Belfast, Armagh and Londonderry, the treatment of prisoners in the Maze Prison, security measures in Northern Ireland, and a proposed clause in the Northern Ireland (Emergency Provisions) Bill.

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The forty-first meeting of the Northern Ireland Commission was held at Stormont Castle on Monday, 7th May 1973.

The attendance of members was as follows:-

The Secretary of State, in the Chair  
Lord Windlesham, Minister of State  
Mr T Conaty  
Mr A E Gibson  
Professor N Gibson  
Mr N Kennedy  
Mrs A Malone  
Miss S Murnaghan  
Mr J H Nicholl  
Mr J O'Hara  
Mr R B Price  
Mr R D Rolston

#### ASSEMBLY ELECTION

The Secretary of State told the Commission that he had decided after consultation with the security forces to extend the hours of polling in the Assembly election to 8.30 pm. This was the maximum possible extension in the circumstances. There could be no change in the arrangement, indicated at the last meeting, that only those who had been accepted as postal voters in the local government election could vote by post in the Assembly election. Extensive advertising would make it clear that applications, in respect of both elections, must be in by 17th May.

A member considered that it was indefensible in that case that the postal voting directions on the local government election poll card made no reference to their application to the Assembly election. The Secretary of State said that every possible effort would be made to avoid misunderstanding, but in view of the short time between the elections and the unprecedented scale of the postal voting permission it would not be possible to extend the period for the receipt of applications.

The Secretary of State said that polling staff would wear badges to avoid being mistaken for personation agents (who would no longer be allowed to sit beside presiding officers). Westminster MPs would be allowed to be present at polling stations as observers. The Army would not have power to arrest persons suspected of personation as its function would be to keep order. In reply to a member who questioned the practice of entering the elector's registration number on the counterfoil of the ballot paper, the Secretary of State said that the point would be examined but whatever was the practice in UK elections elsewhere would be followed in this election.



The Secretary of State explained the extradition arrangements with the Republic and the independent position of the courts. In the case which was the subject of UDA agitation, the question at issue had been whether the offence alleged to have been committed in the Republic by the defendant was of a political nature. The courts had found that the offence was not of a political nature and the automatic consequence would be extradition unless the man concerned appealed successfully on this point to the House of Lords. Anyone who felt that he could produce evidence exculpating the man was entitled to persuade him to appeal. If an appeal failed or was not brought there would probably be hostile UDA demonstrations and attempts to apply pressure, but the decisions of the courts could not be interfered with. He was aware that the government of the Republic had been criticised on account of some of its decisions but its action had been equally dependent on the decisions of its courts. In connection with the recent explosions at Crossmaglen he expressed appreciation for the very extensive assistance and co-operation which had been received immediately from the authorities in the Republic.

A member urged that the Secretary of State should make his powerlessness to act in this matter absolutely clear to the public. Two other members, expressing apprehension at recent UDA statements, felt that it would be disastrous if that body should appear able to influence the course of justice. The Secretary of State was asked if he would find out for the Commission whether the Director of Public Prosecutions would be taking any action on Mr Herron's reported statements to date involving possible contempt or intimidation. Another member drew attention to reports of the crew of an Army vehicle appearing to obey an order of a UDA officer during the recent one-hour stoppage of traffic.

#### COURSE OF JUSTICE

A member referred to some verdicts by juries in recent cases in Belfast, Armagh and Londonderry which he considered to have been perverse. He suggested that the trend shown by these verdicts would justify the postponement of cases in the 'scheduled' category now due for hearing until the passing of the Northern Ireland (Emergency Provisions) Bill permitted trials without juries.

The Secretary of State agreed that some of the verdicts furnished ground for apprehension but he felt that the gravity of the situation as a whole was for the Director of Public Prosecutions to assess. There had also been some considerable convictions by juries recently. Moreover the Diplock proposals did not seem likely to have an easy or quick passage through Parliament. A member suggested that the Diplock proposals might be more acceptable if they provided for trials to take place before more than one judge. In his view trials without jury were urgently required. The Secretary of State thanked the members for these perhaps unpopular expressions of opinion.

#### MAZE PRISON

As notice had been given of points which a member wished to raise, the Minister of State made a statement in which he reviewed the incidents leading up to the recent prohibition of food parcels and explained that the Governor withdrew this collective punishment on 4th May in view of its not having been applied in the case of previous attempts at escape. Disciplinary charges would be brought against



individuals concerned in any future attempts. On a further point about the prohibition of the use of Irish, he pointed out that censorship of letters in Irish would present almost insuperable problems for the staff. Inscriptions supporting violence or illegal activities could not be permitted on handicraft articles sent out of the prison, and this meant that such inscriptions also had to be legible to the staff. 'Long Kesh' was objected to as not being the proper title of the prison. It was agreed after discussion that the points raised in connection with handicraft articles such as plaques should be considered further.

The Minister of State pointed out that complaints about the prison had come from both sides of the community, for example lawyers acting for UDA and UVF inmates had refused to be searched but this requirement had not been lifted. The Secretary of State said that he was not prepared to relax this precaution which had been laid down as part of the security arrangements. He agreed to look into a reiterated complaint by a member that Crown Solicitors were subject only to spot checks while other lawyers were invariably searched on entering the prison area.

#### SECURITY

The Secretary of State expressed some satisfaction at the reduction in the number of shooting incidents. In reply to a member who referred to recent cases of shooting by soldiers the Secretary of State said that there had been no change in the 'yellow card' instructions or in the action which would follow a failure to observe them. If the failure involved a breach of the law the case would be dealt with in the courts, and if it did not the soldier's commanding officer would deal with the case. In relation to three specific instances cited by the member, he agreed to ascertain the results of military investigations. He also agreed to look into a request for statistics of breaches of the 'yellow card' instructions which had been established.

The Secretary of State agreed in response to another member that he would look into any cases brought to his notice of soldiers compelling persons, apparently as a punishment, to stand in an uncomfortable search position for an unnecessarily long period.

A member complained of the failure of the Army to provide information, even in approximate terms, on the results of investigations into complaints made by the public. The Secretary of State agreed to make further enquiries as to the availability of such information.

#### THE CONSTITUTIONAL BILL

The Secretary of State said that he would be required in Parliament on Monday, 14th May, in connection with the proposed clause on capital punishment in the Northern Ireland (Emergency Provisions) Bill. The Constitutional Bill would probably be published on the Tuesday and arrangements would be made to deliver copies to members immediately. Although prior consultation on the Bill had not been possible in view of the timetable requirements it could be amended in details and he would like members to discuss it with him on Monday, 21st May, before the second reading.

Northern Ireland Office

10th May 1973