

NATIONAL ARCHIVES

IRELAND



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Treatment of Irish Prisoners Convicted
of Terrorist Offences in Britain

1. There are at present approximately 100 Irish prisoners serving sentences in Britain for terrorist offences related to IRA activities. Allegations of harassment and ill-treatment of these prisoners have been in circulation almost from the beginning of the terrorist campaign in mainland Britain. It is probable that many of the allegations are part of a propaganda campaign; in other cases the matters complained of are the inevitable result of refusal by prisoners to co-operate with the prison authorities. Nevertheless, the information available to the Department, both from contacts which the London Embassy has with prisoners and their relatives and from published material, indicates that Irish prisoners convicted of terrorist offences are in many cases subject to unnecessarily harsh treatment or even arbitrary violence at the hands of prison officers.

2. A number of serious allegations of ill-treatment came to our attention in the Autumn of last year. The most notorious of these concerned the measures taken by the prison authorities at Albany, Isle of Wight, to suppress a disturbance which arose when six prisoners - Seán Campbell, Fr. Fell, Eddie Byrne, John McCluskey,

Con McFadden and Liam McLarnon - refused to obey an instruction to take down barricades which they had erected in a part of a landing of the prison in protest at the solitary confinement of another prisoner. In the scuffles which ensued when the prison staff moved to forcibly remove the barricades the six prisoners were injured and one of them, Seán Campbell, was hospitalised as a result of the injuries received. A large-scale disturbance occurred at Hull Prison in September and it was subsequently alleged that the small number of Irish prisoners involved were signalled out for especially brutal and degrading treatment in the period immediately after the prisoners had surrendered. In an incident at Gartree Prison in November four Irish and three other prisoners were involved in scuffles with prison warders when they refused to disband a demonstration outside the cell of a prisoner who had been sentenced to cellular confinement. According to the British authorities none of those involved in this incident were injured. The Department, in accordance with its normal policy in such cases, was in continuous contact through the London Embassy with the British authorities on these and various individual cases for the purpose of keeping itself informed on the condition of the prisoners involved.

3. The allegations of ill-treatment by the prisoners at Albany received widespread publicity and were taken up by Fr. Faul and Mr. Frank Maguire M.P. An investigation of the incident was carried out by Amnesty International, the Howard League and the National Council for Civil Liberties (NCCL) and their conclusions published in an agreed report. This contained a "statement of concern" which listed those aspects of the behaviour of the Albany authorities in the aftermath of the disturbance about which the three organisations were most concerned. It is noteworthy that these are the same grievances which, either individually or together, are most often mentioned in the complaints which we receive from or on behalf of prisoners all over Britain. The following are the points about which concern was expressed:-

- use of excessive force against demonstrating prisoners;
- failure of authorities to provide adequate medical treatment for those injured;
- speed with which prisoners were put into solitary confinement;
- failure to inform relatives of prisoners of injuries received or to allow access to prison by outside doctors;

- removal of basic amenities from cells of prisoners in solitary confinement;
- length of terms of solitary confinement (13 to 19 weeks) imposed on the prisoners;
- maximum duration of solitary confinement is apparently limited only by length of a prisoner's sentence;
- punishments of solitary confinement or loss of remission can be imposed at disciplinary hearings in the absence of legal or other representation of the prisoner.

It was reported in the press that Mr. Rees discussed the report with a delegation of M.P.s, including Frank Maguire, and representatives of the three organisations which produced it on 12 May.

4. Following the increase in the number of allegations of ill-treatment of Irish prisoners at the end of last year and in the first two months of 1977, the then Parliamentary Secretary to the Minister for Foreign Affairs requested a meeting with the British Home Secretary to discuss the matter. The Home Secretary indicated at that meeting, which took place in London on 7 March, that while he was aware of the allegations he felt that these were being used

and greatly exaggerated for propaganda purposes. He undertook however to have the various allegations investigated and to let us have a copy of the report on these enquiries. A note was received from the British Embassy on 29 March which dealt with most of the allegations in very vague terms and, in general, defended any measures taken by the prison authorities as being required on grounds of security.

5. The concern expressed by the NCCL and other bodies at the possibility of virtually unlimited segregation, which is provided for under rule 43 of the Prison Rules - this rule allows for the removal from circulation of a prisoner "for the maintenance of good order or discipline or in his own interests" - seems justified not only in the context of the Albany incident but in the light of the widespread use made of this rule throughout the British prison system. The severity of the punishments awardable also illustrates the degree of discretion open to the authorities under the Prison Rules and hence the possibilities for discrimination against particular groups of prisoners. While we are not in a position to assess the validity of all of the conclusions of the NCCL et al report on the Albany disturbance and still less to determine whether they can be properly applied to the British prison system as a whole, it does appear from the information which is available to us that certain aspects of the treatment of these prisoners are justifiable causes of concern.

6. It is understood that complaints alleging breaches of the European Convention on Human Rights have been filed by approximately 30 Irish prisoners with the Commission of Human Rights at Strasbourg. The majority of cases allege breach of Article 6 of the Convention, which guarantees the right to a fair trial, in that prisoners have been prevented from holding private consultations with solicitors. Seán Campbell, who was involved in the disturbances at Albany Prison referred to paragraph 2 above, has lodged an application with the Commission alleging breaches of Articles 3 (torture), 6 and 8 (right to respect of, inter alia, correspondence) arising out of the manner in which he was dealt with by the prison authorities in the aftermath of the disturbance. According to press reports, the Commission has asked the British Government to reply to the specific charges in this case, which is generally regarded as being a test case.

Department of Foreign Affairs
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