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Long Kesh and Armagh Protests

1. In November 1975, following the publication of a report by a committee under the Chairmanship of Lord Gardiner, which examined the question of special category status for certain convicted prisoners and the use of compound accommodation, the then Northern Ireland Secretary of State announced the British Government's intention to start to phase out special category status. The phasing out process began with effect from 1 March 1976; no prisoner convicted of an offence committed on or after that date has been granted special category treatment, regardless of the nature of his offence. In March 1980 the Northern Ireland Secretary of State announced that he was putting an end to special category status admissions and that no person charged on or after 1 April 1980 would be granted special category status, whatever the date of their offence.
2. In September 1976 the first prisoners were sentenced for offences committed after 1 March 1976, and it was then that the protest, in the form of refusing to work or to wear prison clothing, began. The prison authorities have responded to what they prefer to regard as straight-forward breaches of prison rules by imposing a strict regime which includes all but statutorily prescribed entitlements to exercise, visits, letters and other such facilities. A detailed list of the privileges available to sentenced prisoners at Long Kesh and the various facilities available under Prison Rules to prisoners, including the protestors, who have lost their privileges as a result of disciplinary action, is attached. Recent concessions in March and August 1980 are detailed in paragraph 7.
3. The prisoners protesting by refusing to work or to wear prison clothing are allowed their statutory monthly visits and letters, normal meals, the use of toilets, normal medical facilities and exercise. Exercise is available; as required by the Prison Rules, provided that the prisoners put on prison clothes to take it (or, in suitable weather conditions, they may exercise in prison underwear or naked). As of March 1980 prisoners are permitted to take their daily exercise period in regulation short sleeved PT vests, shorts and plimsolls.

4. Since March 1978 the protesting prisoners (around 350) at Long, Kesh have intensified their protest by refusing to clean their cells, to use the toilets or empty their slop buckets. They have damaged the contents and fittings of their cells, and smeared the walls and window frames in their cells and on the outside walls with excreta. They also broke up their beds and other cell furniture; since it was felt pieces of the beds and furniture could be used as weapons against prison officers, the prison authorities decided to remove the beds and all other furniture. Attempts by the prison authorities to reintroduce into the cells certain basic items of furniture have not met with any success and the items have been destroyed by the prisoners. Because of the absence of bed frames prisoners sleep on the floor on their mattresses. The cells which the prisoners are fouling are cleaned by the prison authorities using specialised steam-cleaning equipment. Cells are cleaned about every two weeks but are fouled again almost immediately. The protestors have refused to use the washing facilities in their cell blocks, although most agree to be bathed in order to avail of medical treatment.

5. In addition to the cleaning of cells, the British authorities maintain that special measures have been taken to deal with the medical and public health aspects of the protest. So far, according to the British, there has been no evidence of illness, apart from minor skin conditions, caused by the protest conditions. This conforms with information we have received from independent sources.

Human Rights Aspects:

6. Since the beginning of the protest there have been many allegations of ill-treatment of prisoners and of capricious and brutal enforcement of prison rules and regulations. On the basis of the information available to the Department from regular contacts with reliable sources in Northern Ireland, our assessment is that these complaints are often exaggerated and are politically motivated to a large degree. While individual incidents do occur from time to time they appear to owe more to the highly charged atmosphere within the prison than to a systematic administrative practice of brutality. It is the established practice of the

Department that cases which are brought to our attention are raised with the British authorities with a request for views on the allegations made. The number of cases in which the Department has been asked to make enquiries is very few, amounting to no more than around a dozen. Since January 1980 no serious case of alleged ill-treatment of prisoners by prison staff has been brought to the notice of the Department by contacts who visit the prison on a regular basis.

7. On 28 March 1980 the Secretary of State announced that, as a humanitarian measure and in order to give the protesting prisoners more opportunity for contacts with their families and friends, the regime in Long Kesh was to be adjusted to enable them to have one privilege visit a month as well as the statutory visit. It was indicated that the Governor would also consider any applications by individual prisoners for further visits. In addition, the Secretary of State said that prisoners would be permitted to write and receive a letter a week instead of one a month. As a final gesture it was announced that prisoners would be permitted and encouraged to take their daily exercise period in regulation short sleeved PT vests, shorts and plimsolls (previously prisoners could exercise only in prison clothes or naked). In announcing these concessions the Secretary of State also said that he was putting an end to special category status admissions and that no person charged on or after 1 April 1980 would be granted special category status, whatever the date of their offence.

The measures announced by Mr. Atkins were rejected by the protestors who indicated that the campaign would continue.

8. In August 1980 the NIO said that following a review of rules it was now prepared to grant compassionate leave to prisoners who would previously have been disallowed it. It was indicated that any application for compassionate home leave in circumstances such as death or serious illness of a close relative would be treated on its merits. There has been no clear indication to date whether this concession will be accepted by the protestors.

9. In September, Cardinal O'Fiaich (with Bishop Daly of Derry) said that he felt that the impasse could be solved in the context of general prison reforms regarding prison dress and work. In reply to this statement the NIO said that the Government would be keeping the prison regime in N.I. under constant review and in the forefront of modern prison practice. It instanced prison dress and work as being among the issues included in such ongoing reviews and said that the Cardinal's views were being carefully considered in this context.

Prisoners case at Strasbourg

10. In August 1978 applications were lodged with the European Commission of Human Rights at Strasbourg on behalf of four of the H Blocks prisoners who alleged multiple breaches by the British Government of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Last October (1979) the Commission decided to communicate the complaints to the British Government. The complaints made referred, in general, to the conditions of their detention in the Maze Prison. They alleged that these were such that their rights under Articles 3,6,8,9,10,11,13 and 14 of the European Convention on Human Rights were violated. These Articles relate, respectively, to inhuman and degrading treatment and punishment, procedural rights in relation to disciplinary charges, rights to privacy, freedom of belief and conscience, freedom of expression, freedom of association, provision of effective national remedies and discrimination in treatment.

11. In June 1980 the Commission in its decision rejected all the applicants' complaints, except those relating to breaches of Art. 8 and Art. 13, consideration of which was adjourned. However, the Commission said that it must have become clear to the prison authorities after a certain time that the prisoners would not change their attitudes and it expressed its concern at what it saw as the inflexible approach of the State authorities and its concern more with punishing offenders against prison discipline than any effort to solve the deadlock. It further considered that efforts should have been made to have the prisoners take open air exercise with some form of clothing other than prison clothing and use other facilities under similar conditions. In addition prisoners should have been

allowed to consult medical specialists even though not prepared to wear prison uniform or underwear.

12. Despite a concerted effort on a national level the protest campaign is generally reckoned to have lost momentum and there have been suggestions on and off in the media that the PIRA were considering ordering a selective hunger strike in the prison, presumably in an effort to re-invigorate the protests. There are no firm indications, however, on the possibility of such an intensification.

Armagh Jail Protest

13. A protest similar to that in H Blocks, involving 32 Republican women prisoners, has developed in Armagh Prison. Initially the protest in Armagh did not relate to a demand for special category status but to alleged violence against the prisoners on 7 February 1980 and to subsequent events. However, as the protest continues the H Block protest and the Armagh protest have become more closely aligned both in terms of the demands being made and the methodology of the protest (refusing to wash and dirtying of cells). The situation of the women in Armagh jail now appears to be equally as entrenched as in Long Kesh and there are indications that they are prepared to stay on the protest as long as necessary. A case by four of the Armagh women against prison officers in Armagh for allegedly attacking them in February/March 1980 is due before the Courts in Northern Ireland in the Autumn.

14. In private contacts with British representatives we have taken the line that (a) the conditions in H Block (and Armagh) were a matter for concern, (b) it should be possible to take some measures to improve the situation without any concession on the principle of special category status and that (c) as long as conditions remained bad the Provisional IRA had a potent weapon which they might use in minority areas. The measures announced by Mr. Atkins, while proving insufficient in themselves to solve the problem, could be considered as small steps in the right direction and generally consistent with the type of approach that we would have in mind at (b) above and also with the attitude of the European Commission of Human Rights in the commentary in the course of its recent decision.

Protesting prisoners in Long Kesh have lost all privileges which are normally allowed to sentenced prisoners. Certain statutory minimum requirements regarding exercise, visits, letters etc. are laid down in the Northern Ireland Prison Rules and these apply to all prisoners, including the protesters, and cannot be withdrawn by the prison authorities.

Regime of conforming prisoners
including privileges

Regime of prisoners subject to
loss of privileges

Letters

7 additional letters out per month paid for by the prison; further letters at his own expense. The reception of letters in reasonable proportion to those sent.

1 letter in and out per month (the letter out paid for by the prison). 1 additional letter in and out in lieu of the monthly statutory visit if this is not taken.

Visits

3 additional visits per month

1 visit per month

Parcels

A weekly parcel of reading material, fruit and toilet articles. Special parcels at Christmas, Easter and Halloween.

None

Clothing

Non-prison clothing of an approved type may be worn for visits, and for exercise and recreation periods.

Prison clothing to be worn at all times, although protesting prisoners may go naked or wear only underclothing when in their blocks and for exercise and to go to the library.

Exercise

The use of the gymnasium and/or playing pitch for about 3 hours a week at exercise periods, in addition to normal exercise

Not less than one hour's exercise per day in the open air, weather permitting. (Protesting prisoners refuse to take this.)

3 hours association every evening (to watch television, play indoor games etc.)

Evening association not allowed. However other opportunities for association (which protesting prisoners do not avail of) are available, e.g. dining periods, during work, exercise periods etc.

Newspapers and reading material

Access to newspapers supplied by the prison, also use of the prison library and books received in parcels.

Use of the prison library including newspapers and access to religious magazines.

Use of earnings

Prisoners may use their earnings from prison work and an equivalent amount of their own funds to make purchases in the prison tuck shop and elsewhere, up to £2.50 per week.

May not make purchases

Radio

Prisoners serving over two years may keep a personal radio set in their cells.

None

Leave

For certain classes of prisoners short periods of home leave are available at Christmas, in the Summer, and towards the end of sentence. Short periods of compassionate leave may also be given in certain circumstances.

None

Remission

A prisoner serving a term of more than one month may be granted remission, on the ground of his good conduct, up to one half of his sentence. Remission may be lost as a disciplinary award but may be restored after subsequent good behaviour.

Protesting prisoners lose one day's remission for each day they are in breach of the Prison Rules. Some protesting prisoners, who have subsequently abandoned the protest, have had lost remission restored.