

NOTE FOR THE RECORD

GARDINER COMMITTEE

1. Lord Donaldson and Mr Moyle gave evidence to the Gardiner Committee on Friday 1 November. This was followed by lunch.
2. Lord Gardiner opened the discussion by listing the points which the Committee wished to discuss:
 - a. an apparent lack of urgency in the prison building programme;
 - b. an absence of Government policy for Community Relations; and
 - c. a lack of close liaison between the Government and the Army, who sometimes appeared to act independently in a way which suggested that NIO Ministers had not been properly consulted.

Lord Gardiner added that the Committee had heard evidence that the Government was remote in comparison with the NI Government before Direct Rule. There was no resident Minister (as opposed to a duty Minister), and there was no figure such as the Governor who was always accessible.

3. Lord Donaldson described the prison building programme. The new temporary prison would be ready in six months, and a new wing at Armagh would be complete by March 1976. The Department had made a careful study of sites for the new permanent prison which would replace Crumlin Road, most likely to be chosen was the Maze. Lord Donaldson explained that, although there had been a great expansion of the prison population, there was no problem of overcrowding as in British prisons.

4. Lord MacDermott and Judge Higgins asked about detention. Their view was that detainees should be kept in a separate prison from convicted prisoners, and they suggested that they might, for instance, be transferred to Ballykinler. This would relieve tension at the Maze, and it would prevent any public confusion between detainees and special category prisoners. Lord Donaldson agreed that it would be desirable to separate detainees from other prisoners, but he doubted whether this would necessarily prevent disturbances. Both detainees and many of the special category prisoners regarded themselves as prisoners of war and would continue to cause trouble whether or not they were housed in the same prison. Lord Donaldson refused to be drawn into a discussion about the merits^{of}/detention, which he said was a matter for the Secretary of State. He did however give figures for releases

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by the Secretary of State and Commissioners since July, and he also explained that detainees were allowed more visits and were given compassionate home leave more easily than convicted prisoners.

5. The members of the Committee were highly critical of the special category system, which they regarded as interference by the Executive in the proper operation of the law. Lord MacDermott argued that the special category system had undermined the authority of judges to decide what sentences were appropriate, and had led prisoners to believe that they would eventually be given an amnesty when violence ceased. The Committee hoped that the Secretary of State would reaffirm publicly that this would not happen. Lord Donaldson replied that there was general agreement that the special category system had been a mistake, but that it should not be forgotten that the scheme was introduced in response to a serious hunger strike. Lord Donaldson added that the Government was considering whether to introduce a statutory parole scheme on the British pattern. This might be organised in such a way that a prisoner could not apply for parole unless he renounced special category status. One complication was that the Probation Service refused to have dealings with special category prisoners, and in consequence they would be unable to comment on the suitability of a former special category prisoner for parole. Reports from the security forces could probably be obtained in these cases. (The members of the Committee showed a keen interest in the possibility of introducing a statutory parole scheme, and after the meeting the Secretary to the Committee asked whether he could have a copy of Lord Donaldson's submission to the Secretary of State on the subject.) Lord MacDermott said that there was, in his opinion, some doubt whether the special category scheme was 'intra vires' the prison legislation, and Professor Buchan argued that special category prisoners were in practice worse off than ordinary prisoners because they were under no obligation to work.

6. The members of the Committee said that they hoped that the new permanent prison would not be sited at the Maze. Even though it would be a conventional high-security building altogether different from the existing prison, the site would be associated with detention.

7. Lord Donaldson explained that the shortage of prison staff was one of the most urgent problems at present. The Department was considering what steps could be taken to alleviate this, and he was happy to say that there were no signs of any fall-off in the supply of prison officers from England and Scotland.

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8. The members of the Committee asked a number of questions about young people in prison. In particular they argued that young prisoners should not be used as the labour force at the Maze. Lord Donaldson explained what arrangements were being made for young prisoners. He spoke about:

- a. the training schools at Rathgael and St Patrick's and Lisnevin;
- b. the Young Offenders' Centre at Crumlin Road;
- c. the closed borstal which was being built at Millisle; and
- d. the high-security Young Offenders' Centre which would be built at Purdysburn, and which would be ready by 1977.

For the time being young offenders who were too tough for borstal and who demanded special category status were being sent to a special compound at Magilligan.

9. Lord Gardiner asked what the likely public reaction would be to transferring prisoners to British prisons. Lord Donaldson said that there would probably be a very strong reaction; he did not though rule it out as a possibility.

10. The discussion on prisons lasted until lunch, and there was not time for any discussion with the whole Committee about community relations or relations with the Army. Lord Donaldson did however discuss the Government's community relations policy with Lord Gardiner during the meal.

11. The tone of the meeting was slightly hostile. Lord MacDermott spoke at length about special category status, and Judge Higgins joined him in demanding forcefully that detainees should be separated from ordinary prisoners. Their common theme was that the Government should not give way to what was expedient when making decisions about the organisation of prisons.

D J GOWAN

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