

THE CURRENT PROTEST CAMPAIGN IN THE NORTHERN IRELAND PRISONS AGAINST THE REFUSAL OF THE AUTHORITIES TO GRANT "SPECIAL CATEGORY" STATUS TO CONVICTED PRISONERS

The Background to the Protest

In June 1972, in the face of a hunger strike involving a number of prisoners, the Government of the day introduced "special category" status for prisoners involved with paramilitary organisations, both Republican and Loyalist, who had been convicted and sentenced to more than 9 months' imprisonment for offences related to the civil disturbances in Northern Ireland. Because of the large numbers involved and the lack of normal cell accommodation special category prisoners were housed in compounds. They were not to be required to work, could wear their own clothes and were allowed additional privileges including extra visits and food parcels.

By the end of 1973 there were 688 special category prisoners including 25 women. By 31 December 1974 the number had increased to 1116 including 51 women. At the end of 1974 there were 545 male special category prisoners in compounds at Maze, 502 in compounds at Magilligan, and 18 in Belfast. The women were in Armagh prison, the only women's prison in Northern Ireland.

The use of compound accommodation gave rise to serious problems of control and administration. The whole question of special category status for certain convicted prisoners, and the use of compound accommodation, was closely examined by the Committee under the chairmanship of Lord Gardiner, (the former Lord Chancellor) which reported in January 1975*. The following is an extract from the Committee's Report:-

"Prisons of the compound type, each compound holding up to 90 prisoners, are thoroughly unsatisfactory from every point of view; their major disadvantage is that there is virtually a total loss of disciplinary control by the prison authorities

*Report of a Committee to consider in the context of civil liberties and human rights, measures to deal with terrorism in Northern Ireland: Cmd 5847

inside the compounds, and rehabilitation work is impossible."

The report recommended that the earliest opportunity should be taken to end special category and that the first priority should be to stop admitting new prisoners to it.

In November 1975 the Secretary of State, Mr Rees, announced the Government's intention to start to phase out special category status. This 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. All prisoners who would formerly have been placed in the special category have been placed in cells, most of them in Maze Prison, where eight new cell blocks of 100 cells each have been constructed. These are the blocks which are known as "H Blocks" because of their design in the shape of a letter H.

At the end of February 1976 there were more than 1500 special category prisoners. Now (17 September 1978) the number has fallen to 665. At one time 30 compounds were needed to house the special category prisoners, now only 11 - all at Maze - are needed for this purpose. This has enabled the former compounds to be converted to other constructive uses, particularly to accommodate the modern facilities for industrial work and vocational training which have been provided.

The Protest Campaign

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. This action is a breach of the Prison Rules (Northern Ireland) 1954; all the prisoners concerned have been dealt with under the disciplinary procedures laid down in the Rules. These are the prisoners said to be "on the blanket".

The disciplinary awards made against the protesting prisoners include loss of remission, generally a day for each day of protesting, and loss of privileges. This means, for example, that the prisoners are not allowed privilege visits, newspapers, radios or parcels.

The prisoners protesting by refusing to work or to wear prison clothing are still allowed their statutory monthly visits, normal meals, to use the toilets, and normal medical facilities. 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). It is the prisoners' own choice not to take exercise in any of these ways.

The cell blocks at Maze Prison in which the protest is taking place have only recently been built and provide prison accommodation on a par with the best in Western Europe. Each block cost over a million pounds. Good recreational facilities including a £1,000,000 sports hall and two all-weather sports pitches have been specially provided for the use of the inmates in the Cellular Prison. Each block also has its own classroom and a library, and each wing has its own dining hall. The central heating system in the blocks maintains a minimum temperature of about 65°F.

Women prisoners in Northern Ireland are not required to wear prison clothing. The women prisoners in Armagh who are protesting against the refusal of special category status are doing so by refusing to work. They are also being dealt with under the disciplinary procedures set out in the Prison Rules.

The Intensification of the Protest

Since March 1978, rather more than 300 of the protesting prisoners in three of the eight H Blocks at Maze have intensified their protest by refusing to clean their cells, to use the toilets or empty their chamber pots. They have deliberately damaged the contents and fittings of their cells, and at one time they were pouring urine and excreta out into the corridors through the

Governor of the prison was obliged to order the removal of beds and all other cell furniture which were in any case being destroyed or damaged by the prisoners; the prisoners are now sleeping on their mattresses. The corridors are no longer being fouled to the same extent, but this is only because the apertures in the doors have been modified by staff. Some of the protesting prisoners are still pouring their urine under the cell doors, throwing excreta out of their windows and smearing it on the windows, the window-frames and the outside walls.

The cells which the prisoners are fouling in this way are being systematically cleaned by prison staff using modern steam-cleaning equipment; this means that every cell is cleaned every 3-4 weeks or so. The prisoners are immediately dirtying the clean cells to which they are transferred.

During recent weeks the protesting prisoners have broken all their cell windows. These are being replaced with a different type of glass which it is hoped will prevent further breakages.

The Medical Aspects of the Current Protest Campaign

The medical and public health aspects are being closely watched; the Northern Ireland Office receives frequent reports from the doctors at the prison. Any protester who wants to do so can report sick in the ordinary way. So far no prisoner has been found to be suffering from any illness, physical or mental, other than a few minor skin conditions, attributable to the protest. The prisoners are being fed in their cells, and there is no evidence whatever that any prisoner is suffering from under-nutrition.

Treatment of the Protesters by Prison Staff

The Governor and the staff have acted with great restraint in the face of this prolonged and most provocative form of protest action. There is no doubt that one of the objectives of the current protest is to harass and provoke staff, but the prison officers - despite the murder in the course of the terrorist campaign of six of their colleagues and many other attacks - have continued to carry out their duties responsibly, and indeed with compassion and understanding, in spite of the unpleasant conditions which the prisoners are deliberately creating. 4

There is no truth in allegations that prison staff have beaten the protesting prisoners or maltreated them in any way. The prison Governor would not condone rough treatment of prisoners, of whatever nature, by staff. Prison officers know that any complaints by prisoners of ill-treatment are thoroughly and promptly investigated, and if substantiated will lead to disciplinary action.

The Board of Visitors

Like all prisons, the Maze has an independent Board of Visitors, members of which are drawn from all sectors of the community. The Board has access to all parts of the prison and the Chairman, who pays frequent visits to the protesters' cell blocks, has written to Mr Concannon warmly commending the work of the Governor and his staff in the face of the difficult conditions in the cell blocks where the protest is taking place.

The Government's Attitude to the Protest

The Government is seeking, in the face of a prolonged terrorist campaign in which more than 1800 people have been killed and another 20000 injured, to maintain the rule of law. It is an essential element of the Government's approach that those found guilty after due process of law shall, if they are sent to prison by the courts, serve out their sentences in prison conditions which are as fair and humane as possible. Any fair and humane prison system must rest upon compliance with a set of Rules which apply to all convicted prisoners, not just to some of them.

The declared objective of the protesting prisoners and those who support them is to secure the restoration of a form of special treatment for certain offences. The prisoners concerned, however, are in no sense political prisoners detained for what they believe; of those taking part in the "dirty" protest, more than 70 have been convicted of murder or attempted murder, and more than 80 of explosives offences. The Government has made it plain on repeated occasions that it will not be deflected from its policy of phasing out special treatment for prisoners, no matter what protests are

made inside or outside the prisons.

Nor is there any scope for compromise by the introduction of some form of separate classification, such as "emergency status", for certain sentenced prisoners. No matter what name might be used, this would essentially be a return to special category with an implication of amnesty in due course.

It is not the Government's wish that the protesting prisoners should continue to endure their present conditions, conditions which they themselves have created. But the choice rests with them, and perhaps even more with those who influence them and their families from outside prison.

The publicity given to the activities of the protesting prisoners, who constitute only 20% or so of the non-special category convicted prisoners, has taken attention away from the notable progress which has been made in Northern Ireland during the last 2-3 years in establishing a modern prison system with first-class facilities for work, vocational training, education and recreation. The arrangements in Northern Ireland in regard to such matters as visits, parcels and the wearing by prisoners of their own clothing during leisure periods are in advance of those in the rest of the United Kingdom.

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