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Title: Department of Foreign Affairs memoranda concerning a meeting on 7 March 1977 between Merlyn Rees MP, Secretary of State for Home Affairs, and Dr John Maurice Kelly TD, Parliamentary Secretary to the Minister for Foreign Affairs, at which the twin issues of Irish prisoners in British jails and trials of members of the IRA [Irish Republican Army] were discussed.

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1. Mr. Merlyn Rees, M.P., Secretary of State for Home Affairs, met Dr. J. Kelly, T.D., Parliamentary Secretary to the Minister for Foreign Affairs at the House of Commons on 7 March 1977. Also present were Ambassador P.J.C. Keating and Mr. Donlon and from the Home Office Messrs. A.J. Langdon (Assistant Secretary, Prison Department), D.D. Grant (Director of Information Services, Public Relations Branch), R.M. Morris (Principal Private Secretary) and C. Farrington (Private Secretary).

2. The Parliamentary Secretary explained that he was acting on behalf of the Minister for Foreign Affairs who was ill at the moment. He had come to London for the memorial service for the late Foreign Secretary and wished to avail of the visit to discuss the problem of some Irish prisoners in British jails. He did not propose to publicise the meeting unless he had to do so in response to questions in the Dáil.

3. In raising the question of the treatment of some Irish prisoners in British jails, we were not associating ourselves in any way with Provisional and other propagandists but aspects of some of the cases had been causing us concern for some time and there had recently been a congruence of reports, such as those by the Law Guardian Gazette and the RCCL/Amnesty/Howard League Report, which tended to come to the conclusions which were warranted by the information available to us. We could not, of course, be certain of the accuracy of our information in all cases but the general picture was worrying and the reference, during the trial of Winson Green prison staff, to a "wall of silence" suggested that the British authorities might not have the complete picture either. The

allegations of ill-treatment were disturbing in themselves but they were also politically embarrassing to the Irish Government and therefore, at a remove, to the British Government. In an election year, this embarrassment was naturally all the greater - not least because it was being and would continue to be exploited by Mr. Blaney who was likely to run candidates in a number of constituencies and whose electoral appeal might, bearing last year's by-election in mind, be greater than was generally thought. Having carefully considered all aspects of the problem, it seemed that a satisfactory outcome to the situation would be to transfer some Irish prisoners to Northern Ireland and the Parliamentary Secretary urged the Home Secretary to give this serious thought, particularly at this time when there was no hunger strike or similar pressure in the face of which no Government could be expected to concede. The principle of transferring Irish prisoners to Northern Ireland had already been conceded, e.g. in the case of the Price sisters. In addition to urging the transfer to Northern Ireland of prisoners with links in either part of Ireland, the Parliamentary Secretary referred to the particular problem arising out of the way solitary or cellular confinement was being used. The length of the periods involved and the condition of some of those in solitary confinement gave rise to doubts about the humaneness of the application of rule 43.

4. The Secretary of State replied that he was generally aware of the difficulties which had arisen and was kept alive to the problems, not least through his reading of the Irish Times. When he first became aware of the Law Guardian Gazette article, he had asked his officials to prepare a detailed, point by point rebuttal and this they had done. He would let us have a copy of this analysis so that we could see the other side of the picture. The Provisional prisoners in

British prisons were claiming special status and their campaign to this end had to be seen in the broader context of their overall campaign. What they were trying to do in British jails was no different to their activities in Portlaoise. The Albany incident, for instance, was deliberately set up on orders from Provos. outside the prisons and the timing of such incidents was usually determined by the situation outside rather than within the prisons.

5. The Parliamentary Secretary said that he was conscious of the Provisionals' highly organised campaign and the difficulties which it created for all of us. He was very much aware of the running sore situation which was of the Provisionals' own making but we could not ignore even half-substantiated allegations of ill-treatment such as had been made. Putting it at its lowest, their political impact in Ireland was serious and an obvious way to relieve tension was to consider transferring at least some of the prisoners to Northern Ireland prisons, particularly as this would not involve a sacrifice of principle. There were obvious priority cases, such as that of Sean Campbell which, if they were not dealt with now, could be used to spearhead a renewed Provisional propaganda effort.

6. The Secretary of State outlined some obstacles to transferring prisoners to Northern Ireland. Firstly there was a shortage of space in Northern Ireland prisons. Secondly to concede the transfer of Provisionals would necessarily involve transferring loyalist prisoners as well. Thirdly, the concession would do nothing to discourage other Provisionals from continuing their campaign on the mainland. Fourthly, there would be political difficulties in persuading a Great Britain audience of the correctness of the move and lastly the Northern Ireland unionists would obviously object to the transfer to Northern Ireland of prisoners whose Irish links were with the Republic.

7. The Parliamentary Secretary said that a start could be made in cases where not all of the obstacles referred to were relevant. Any cooling of the situation would be helpful and we were not suggesting an immediate, dramatic transfer of all 93.

8. The Secretary of State concluded by saying that he would have the rebuttal of the Law Guardian Gazette article sent shortly. In regard to the question of transfer to Northern Ireland, he would look at the situation but in the meanwhile he would appreciate it if there was no public reference to the fact that the matter had been discussed.
