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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. They were not to be required to work, could wear their own clothes and were allowed additional privileges including extra visits and food parcels. Because of the large numbers of prisoners involved and the shortage of normal cell accommodation, special category prisoners were housed in compounds.

Special category status is often referred to as "political" status. However the Secretary of State of the day (Mr Whitelaw) said in the House of Commons on 6 July 1972: "I have made it perfectly clear that the status of political prisoner was not being granted".

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:-

*Report of a Committee to consider in the context of civil liberties and human rights, measures to deal with terrorism in Northern Ireland: CMND 5347

"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 inside the compound, 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. 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. 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, February 1979, the number has fallen to 580, mainly as a result of the release of prisoners whose sentences have been completed. At one time 30 compounds were needed to house the special category prisoners, now only 9 - 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 all privileges. This means, for example, that the prisoners are not allowed evening or week-end association, privilege visits or letters, radios or parcels. A detailed list of the privileges available to sentenced prisoners at Maze and the various facilities available under Prison Rules to prisoners, including the protesters, who have lost their privileges as a result of disciplinary awards is at Annex A.

The prisoners protesting by refusing to work or to wear prison clothing are still 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). 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 £100,000 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 the protesting prisoners (apart from a few Protestant prisoners) 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 observation slots in the cell doors, which they had broken. They also broke up their beds and other cell furniture;

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In view of this deliberate damage, and since pieces of the beds and furniture could be used as weapons against prison officers, the Governor was obliged to order the removal of beds and all other furniture. This means that 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 walls and window-frames in their cells and on 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 about every two weeks. The prisoners are immediately dirtying the clean cells to which they are transferred.

The protesting prisoners have broken all their cell windows and various replacements. After a number of experiments a new form of window has been developed which it is hoped will prevent further breakages. This consists of an external weathershield constructed from perspex and corrugated translucent material, with a steel mesh grille on the inside. Work on fitting these window-coverings began early in January 1979 and should be completed within a matter of weeks. The estimated cost of the materials required to construct the new windows for all the protesters' cells is more than £12,000.

The protesters at Maze have also refused to use the ablution facilities in their cell blocks, although many have had baths, for example before medical treatment.

The prisoners taking part in the "dirty" protest were, until recently, housed in three of the eight H Blocks at Maze (H3, H4 and H5). Recently (mid-January 1979) some of the prisoners concerned were transferred into one wing of a fourth block, H6.

It should be borne in mind that the majority of the sentenced prisoners in the cell-blocks are conforming with Prison Rules. On 4 February 1979 a total of 1,000 sentenced prisoners were conforming, and therefore benefitting from the full range of facilities, including work, association and recreation, available at the prison.

The women in Armagh have not escalated their protest, which continues as before.

The Medical Aspects of the Current Protest Campaign

In addition to the regular cleaning of cells, special measures have been taken to deal with the medical and public health aspects of the protest. The full range of medical services is available, including daily sick parades and 24 hour coverage by a medical officer and hospital.

staff. Because of the protesters' refusal to co-operate with staff, each prisoner is visited in his cell at least once a week by a medical officer to observe his state of health. A prisoner is advised if he needs treatment, but it is not forced on him for his own benefit; the consequences of refusing treatment are the prisoner's responsibility. So far there has been no evidence of illness, apart from minor skin conditions, caused by the protest conditions. Where the general hygiene of a prisoner constitutes a risk to other prisoners or staff, he may be compulsorily bathed. The prisoners are being fed in their cells - they receive the same food as all the other prisoners - 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 eight of their colleagues. (including Mr Miles, the Deputy Governor of Maze who was in charge of the cellular prison) and many other attacks - have continued to carry out their duties responsibly, and indeed with compassion and understanding, in spite of highly unpleasant conditions which the prisoners are deliberately creating.

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.

A variety of allegations have also been made about the searching of prisoners. Searches are necessary because of frequent attempts to smuggle articles into the prison. Razor blades and other potentially dangerous objects have been found in the course of searches, and the usual place of concealment is in a pouch hidden in the rectum. When a prisoner needs to be searched an internal examination can only be undertaken by a doctor, and such an examination is never carried out by Prison Officers.

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. Under the Prison Rules members of the Board have free access to all parts of the prison, including the cell-blocks housing the protesting prisoners, at all times.

The Government's Attitude to the Protest

The Government is seeking, in the face of a prolonged terrorist campaign in which more than 1880 people have been killed and another 22000 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 50 have been convicted of murder, 55 of attempted murder, 90 of firearms offences and more than 105 of explosives offences.

The motive for the protest campaign is the belief that once the Government had agreed to grant special status it would ultimately also grant an amnesty to such prisoners at the end of their campaign of violence. This would allow the terrorist organisations to tell their members that they could murder with impunity and would be a vital aid to recruitment. The Government has made it clear that there will never be an amnesty for terrorists.

It is sometimes argued that those prisoners who were convicted by non-jury or "Diplock" courts are entitled to be treated especially because they were tried without juries and subject to the various procedures laid down in the Emergency Provisions Act. It has been necessary, with the approval of Parliament, to suspend jury trials for terrorist cases. The reasons for this are that jurors have been intimidated, and it has been feared that perverse verdicts would be reached by juries drawn from a society with deep sectarian divisions.

Nevertheless all the other safeguards of British criminal justice remain, including the right to appeal to a higher court and ultimately to the House of Lords. Trials are conducted in open court, and the prosecution must prove its case beyond reasonable doubt. Where the prosecution's case is based on a confession made by the accused and prima facie evidence is adduced that the accused was subjected to ill-treatment to induce him to make the statement, the courts must exclude or disregard the statement, unless the prosecution satisfies it that the statement was not so obtained.

Summary

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 less than 25% 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.

Northern Ireland Office

February 1979

NOTE ON PRIVILEGES AND REMISSION

Rule 5 of the Prison Rules (Northern Ireland) 1954 requires that there is to be established in every prison, in the interest of good conduct and training, a system, or systems of privileges. Protesting prisoners in IMP Maze 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 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

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.

Visits

3 additional visits per month.

Parcels

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

Clothing

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

Exercise

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

Regime of prisoners subject to
loss of privileges

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.

1 visit per month.

None.

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.

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

Association

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

Evening association not allowed. However other opportunities for association are available eg dining periods, during work, exercise periods etc (Protesting prisoners refuse these opportunities).

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 prisoner 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.