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25/4

AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

Confidential

23 September 1980

H.E. Mr. F. O'Riordan
Ambassador
Canberra

Mr. Malin
Pl copy this letter and
Amb O'Riordan's minute to
N1 9/11 + return file to
Mr. Collins *25/9*

Dear Ambassador

I refer to your minute of 9 September concerning prison conditions in Northern Ireland and the activities of the H Block Committee in Australia.

In so far as Government policy on this issue is concerned, while being fully sympathetic to the humanitarian aspects of the prisoners in Long Kesh and Armagh and the distress which their condition inevitably causes to their families and friends, the Government have not suggested to the British authorities at any stage that there should be concessions by them on the principle of special category status which the prisoners are seeking. The Government do not accept and consequently would not ask others to accept that those convicted of politically motivated crimes should not pay the penalty of their crimes in the ordinary way. The Government would be opposed to any measure which would imply that acts of violence can be condoned in any way and therefore would not support the demands for special category status. In this context the statement made by the Taoiseach at the Fianna Fáil Ard Fheis in February is relevant. On that occasion he stated "Let us make it clear that no Irish Government will tolerate any attempt by any group to put themselves above the law or to arrogate to themselves any of the functions of Government".

At the same time, however, the conditions of prisoners in Long Kesh and Armagh are naturally a cause of concern to the Government and the opportunity is frequently availed of to emphasise to the British Government the necessity to deal with these problems in a humane and sympathetic way. The Government have consistently suggested to the British authorities the desirability of applying a reasonable flexibility in their approach to the protesting prisoners and of taking measures to improve their situation without any concession on the principle of special category status. In their approaches to the British authorities on the matter the Government are particularly aware of the propaganda use made out of the situation in Northern Ireland prisons by the IRA both at home and abroad.



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No doubt the British authorities in Australia will take it upon themselves to attempt to counter any adverse publicity in relation to Northern Ireland prison conditions. This is not a matter in which the Embassy need become overtly involved. If required you should confine yourself to simply giving an outline of the Government's policy - as given above and on which you will find further detail in the attached documents referred to below - and it should not be necessary for you to enter detailed discussions or correspondence on the details of the conditions. By way of general background I am enclosing herewith the following documentation which I hope will be helpful:

- (i) text of a Dail reply on 25/3/80 in relation to prisoners in N.I. and Britain. You will find this text helpful in your general approach to this matter and you will note the Minister's general willingness, in instances where the facts warrant it, to raise with the British authorities cases of individual prisoners in N.I. jails. It should be noted in this regard that the number of cases which have been brought to our attention alleging ill-treatment in Long Kesh have been relatively few. Advantage is taken on a regular basis to seek out independent reliable sources who have a first hand knowledge of circumstances, particularly in the case of Long Kesh, to gain accurate and unbiased information and to remain as well informed as possible on the situation
- (ii) an up-to-date background note on the circumstances surrounding the Long Kesh and Armagh protests. This note includes an account of the latest concessions made by the British Government (in March and August of this year) which have not been accepted by the protestors
- (iii) a note on the decision of the case of 4 H Block protestors before the European Commission on Human Rights alleging multiple breaches of the Convention under several articles. These articles related to inhuman and degrading treatment and punishment, procedural rights in relation to disciplinary charges, rights to privacy, freedom of belief and association, provision of effective national remedies and discrimination in treatment. In June 1980 the Commission rejected all the applicants' complaints except in two relatively minor cases, consideration of which was adjourned. It should be noted, however, that



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the Commission did criticise 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

- (iv) the more or less standard reply issued to representations received here regarding H Blocks. It is suggested that any response that you may feel obliged to make on this subject should stay within the general framework of this response
- (v) a general note on the activities of the National H Blocks Committee in Ireland. Since this note was completed the Committee has been continuing with its activities with no visible sign of an appreciable increase in support. In general the campaign outside the prison and the continuing protest inside the prison have been failing to gain momentum.

The figure of a 90% confession rate for those convicted would appear to be somewhat on the high side. The percentage is nonetheless high; for example the preliminary analysis of the prosecution evidence in one independent and generally reliable study in 1979 suggested that an oral or written confession is the only real evidence in about 70% of cases. However, additional probabative evidence is often available in cases but is not required to be used in court because of the availability of the self incriminating statements.

Yours sincerely

D.M. Neligan