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## HUNGER STRIKE AT THE MAZE PRISON

The Department may find it helpful to have a background note on the British Government's attitude to the H-Block hunger strike.

### Is the Gap Narrowing?

Some commentators have concluded that the gap between the prisoners and the British Government is now narrow. There are two reasons why they may believe this:

Firstly because Provisional IRA propoganda no longer features political status and, thereby, differential treatment.

This has been presented as a concession. But political status was always a weakness of the Provisionals' position because so many governments and responsible authorities have specifically rejected it. It is not surprising, therefore, that they now soft pedal it. Further, were the five demands to be conceded, it would then be possible to claim (with a good deal of justice) that political status had been conceded in fact if not in name. Much the same is true of the demand for differential treatment: what matters to the prisoners is that they get the regime they want. If it is different from that for ordinary prisoners so much the better but that is a secondary matter.

Secondly, with political status and differential treatment now (apparently) not at issue the problem can be interpreted simply as one about prison conditions, which the British Government is publicly committed to maintaining and improving subject to the limitations of resources and maintaining security: why not therefore "do something" now?

It is true that clothing, work and association are all areas in which further evolution is possible, for a liberal minded administration dealing with a prison population prepared to accept a liberal regime. What divides the Government and the prisoners is the real motive which each has in contemplating change. The Government wants to make a good regime better, the prisoners want to substitute a quite different regime from the good one that is offered.

### The Five Demands

The suggestion that the case for the prisoners is a humanitarian one is difficult to sustain, but it may be helpful to set out the five demands as seen by the authorities in Northern Ireland.

#### CLOTHING

According to the statements issued in their name on 4 July and 6 August, the prisoners demand the right not to wear prison uniform, that prison clothing should be abolished and that all prisoners should be allowed to wear own clothing as of right. The Government's position is that prison uniform has already been abolished. Prison issue civilian clothing is required to be worn only during the working part of the day. At other times, non-protesting prisoners can wear their own clothing, but for security reasons colour and design are at the discretion of the Governor. The Government does not rule out further development.

#### WORK

On prison activity, the prisoners demand the right not to do prison work, but they say they are prepared to:

- (i) clean cells, wings and blocks;
- (ii) perform maintenance work within their capability;
- (iii) do their own laundry and cooking within their blocks if facilities were provided (at present they are centralised);
- (iv) have the right to choose how they should be educated and what subjects to pursue including recognised academic qualifications;
- (v) be instructed by suitably qualified fellow prisoners;
- (vi) undertake handicrafts and music lessons under instruction of fellow prisoners; and
- (vii) organise sport and recreation.

These work demands would result in the prison authorities losing control over the prisoners' day to day activities. The so-called "officers commanding" (OC's) of the wings and blocks would draw up rotas for the carrying out of essential duties such as cooking, cleaning and laundering and further rotas for other activities, e.g. education and handicrafts. "Prisoners choice" in this scheme is a euphemism for para-military control. The use of prisoner tutors, which is

/unexceptionable

unexceptionable in controlled circumstances would be a further extension of Provisional IRA control as the "OC's" would appoint Education Officers to oversee the teachers and the curriculum. The Government's aim is to give each prisoner activity best suited to him subject to the basic maintenance demands of the prisons as a whole being fulfilled - cooking, cleaning, laundry and such like. However, in the last resort the allocation of the activities and control of the working day must remain with the prison authorities. The range of educational and other activities is already wide and imaginative and the Government will add to these as quickly as possible.

#### ASSOCIATION

The prisoners demand free association with "fellow political prisoners" but no "running about the Block in large numbers" and "no interference with the prison officers who may retain their supervisory role". They also demand freedom of movement within the wings including between the hours of lock up at night and opening in the morning, wing visits and segregation from "Loyalists". This is the very nub of the prisoners' undiminished demand for political status. Free association - the unrestricted access of all prisoners to all cells and rooms within a wing - means the end of effective physical control over whatever size or group of prisoners is involved. Once 25 to 50 prisoners can assemble at will, staff are inevitably intimidated by sheer numbers whatever the guarantees the Provisional IRA may purport to offer. Loss of control means that para-military instruction, indoctrination and punishment can be carried out without hindrance. "Wing visits" are a further manifestation of loss of control. These are clearly aimed at facilitating the movement of the wing "OC's" - or block "OC's" - between four wings of a block. This would help maintain para-military command structure. Moreover, if movement across the central bar of the "H" were granted the integrity of the Blocks as secure units would be internally destroyed. Segregation - newly expressed in the prisoners' statement as a Republican demand - ensures a homogeneous area of control and the maintenance of "discipline" untrammelled by prisoners of another political affiliation. The Government's position is that "normal" association is already generous. Association is allowed for three hours each evening and at weekends. Prisoners also mix at various other

times, e.g. during exercise, games and meals supervision is vital to maintaining control and good order; the Government has a duty to protect not only prison officers but also individual prisoners and their property. However, the Government's position is not immutable (and some properly supervised association between wings may prove possible with some structural modifications).

#### VISITS AND MAILS

Prisoners demand the right to one weekly visit and to one letter in and out each week. These demands are surprising because what is already available matches or exceeds the protesting prisoners' demands. They can send one statutory and seven privileged letters at the authorities' expense and receive a commensurate number of replies. Conforming prisoners already receive one statutory and three privileged visits a month.

The prisoners demand the right to receive one "special category type parcel" each week. To the prisoners the acceptance by the authorities of this demand would be seen as the granting of a part of special category itself. The Government's position is that one parcel a week is already given to conforming prisoners.

#### REMISSION

The prisoners demand the restoration of full remission which was lost as a punishment for protesting. Their objective is obviously to get their people out of prison as quickly as possible, particularly as many are now faced with the prospect of serving their sentences in full having effectively lost all their remission. Restoration of lost remission in full would no doubt be taken to mean that the protests were recognised by the British Government to be justified. Prisoners in England and Wales serving sentences of more than one month are entitled to one-third remission of their sentences. Prisoners in Northern Ireland are entitled to one-half remission. But, as in England and Wales, remission can be forfeited for misconduct although it can be restored after subsequent good behaviour. Prisoners who have abandoned their protest have had up to one-fifth of remission lost for non-violent protest action restored to them. But once the protests come to an end, there could be scope for improvement in this.

/Conclusion

Conclusion

The differences between the prisoners and the Government are of principle and are not easily resolved. The prisoners want a special category type regime not because it is "better" but because it is plainly not an ordinary prison regime, but one appropriate to "political prisoners" or "prisoners of war" and which would facilitate maintaining the para-military structure. If the Government conceded this it would be a great gain for the Provisional IRA because it would confer a degree of legitimacy on their methods as well as on their aims, and therefore prejudice the fight against terrorism by reducing the deterrent effect of sentences and encouraging prisoners to expect an amnesty. Moreover, it would be very risky for the Government to go ahead with improvements hoping that it was dealing with prisoners who did accept the regime, and very foolish to do so knowing that they did not. Any improvements the Government can make will fall well short of the five demands: so making them while the five demands in full are still on the table seriously risks prolonging the hunger strike if the strikers hope that they can secure the balance. A lasting resolution of the protest will be reached only when the prisoners accept that control - applied intelligently and with restraint - is a matter for the prison authorities and it is the latter who must in the end decide how much control is enough. While this issue is unresolved, palliatives like extending the range of work (even a decision to allow own clothes all the time) cannot offer a long term solution and might actually, if introduced on a basis of misunderstanding as between the prisoners, the prison authorities, and the Government, make things worse.

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