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PS/Secretary of State (M)

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PROTESTERS IN THE H BLOCKS

1. Conditions in the H Blocks are not static. In recent weeks cellular confinement as a punishment of protesting prisoners has been dropped and a new medical regime has been introduced; cells are now being cleansed on a regular basis and on a continuous cycle; repairs are being carried out to cells. These measures have been taken as part of the necessary on-going review of conditions affecting, or liable to affect, not only prisoners but prison officers and the wider community. The Secretary of State would be vulnerable to serious criticism if he did not take account of developing circumstances, or anticipate risks, because he cannot abdicate his statutory responsibility for the general regulation of prisons and prisoners.

2. None of the measures so far taken can be represented as a concession to prisoners who are campaigning for the reintroduction of special category status. Instead they are seen as evidence of the Government's determination not to yield. They are acceptable or welcome to staff, many of whom see themselves in the front line of the battle. If the support of staff was lost we would be in serious trouble.

3. The purpose of this submission is to consider whether we should stay on the same tack as now, making adjustments from time to time, or whether we should set about introducing a more systematic change.

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4. The Minister of State's preliminary view is that we should stay on our present tack. Changes could be plausibly represented as concessions unless very carefully handled; some changes would certainly be concessions towards the reintroduction of special category status. There is little support for the methods of the protesters in Northern Ireland, although the H Block Issue is a major item in the propaganda of PIRA, PSF and the Relatives' Action Committee. The Government have the overwhelming support of Parliament. International opinion is generally not greatly impressed by the dirty protest, with the exception of those people and bodies who are susceptible to PIRA propaganda. The RUC, the Army, the prison officers and the great bulk of people in Northern Ireland would be very worried by, and perhaps hostile to, any significant change in regime. Moreover, the prisoners themselves seem determined to stick it out and would not modify their protest unless damaging concessions were made to their point of view.

5. The determination of the protesting prisoners seems strong; they may believe that they are winning the propaganda battle. This battle is being conducted by PIRA and their associates in respect of political prisoners on the blanket; the Government continually emphasise that the prisoners have brought the dirty conditions upon themselves. Measures taken in the general interest to alleviate those conditions make life that much more tolerable to the prisoners and at the present time there are no signs of an abandonment of the dirty protest. If that were given up, prisoners could revert to just being on the blanket - and this protest could also go on indefinitely.

6. The Government's determination is at least equal to that of the protesters; but the Secretary/<sup>of State</sup>needs to take into account risks which PIRA shrug off. Responsible people and bodies who profess little sympathy with the objective of the protest are worried about the disgusting conditions in H Blocks and the apparent severity of the regime; and they hold Government, as the ultimate authority, responsible for doing something about them. This is a concern expressed in Northern Ireland and elsewhere. It is no doubt



genuinely felt in particular by some relatives of prisoners who themselves attract a wider sympathy. There are risks that the Government will be held that much more culpable if, despite the revised medical regime, an epidemic breaks out or, under provocation, a prison officer ill-treats a prisoner, or a prisoner breaks down under the total regime. There is also the point that the European Commission of Human Rights have received four complaints from protesting prisoners and appear to have admitted them for consideration. Our comments are to be sought, I believe, but whatever our position in law is, we may well face an intensified and embarrassing propaganda campaign which focuses on well-organized marches and demonstrations threatening the maintenance of law and order.

7. The prisoners are protesting for the right to:-

- (i) wear their own clothes at all times;
- (ii) not to work;
- (iii) enforce their own discipline.

They would thus become prisoners of war - or political prisoners - and eligible for release on the conclusion of hostilities. The Courts would be seen as political courts and not courts of law. The RUC would become political police, not the impartial guardians of the law. Terrorism would become respectable. Obviously, therefore, the granting of any of these claims as rights is out of the question. But should the regime be modified without in any way making a concession on these claims?

8. The blanket protest has now been going on for two years. The dirty protest has been going on for about seven months. Disciplinary measures and punishments imposed when the protesters went on the blanket were imposed in expectation of a short, sharp campaign. In effect, no further measures or punishments were feasible to deal with the dirty protest. For two years prisoners have suffered:-

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- (i) loss of remission;
- (ii) loss of daily exercise;
- (iii) loss of privilege visits (three a month);
- (iv) loss of access to library facilities, radio and newspapers;
- (v) loss of evening association.

9. There are two main elements here.

(i) Under the rules exercise and access to library facilities are available if prisoners wear prison uniform, prison underwear or go naked. The prisoners themselves are refusing to obey the rules and so deny themselves exercise and access to library facilities (although there is the question whether, in the general interests of hygiene, dirty prisoners would, in practice, be allowed to exercise their option if they wanted to).

(ii) Punishment for breaking the prison rules (in refusing to wear uniform and to work) has involved the loss of remission and privileges, ie privilege visits (statutory monthly visits remaining), denial of newspapers, books, radio, parcels and denial of evening association which is taken in a prisoner's own clothes. Any alleviation would, however, presumably be subject to considerations of hygiene.

10. There should be no question of negotiating with prisoners or their representatives. Rather the Secretary of State needs to satisfy himself that the regime for which he is ultimately responsible is both just and humane in respect of an indefinitely long protest, and is generally seen to be so. To the extent he is so satisfied, he can renew publicly the Government's resolve not to surrender special category status to the protesters and convince the world at large both of his resolve and his fairness. If the regime is to be changed, it must not be in a way that can be

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represented as a concession on the principle. However, if the prisoners did not make use of a new regime, that could be represented reasonably as proof of their own intransigence and disregard of basic human decencies.

11. There seems to be no point or reason in varying loss of remission as a punishment. But:

(i) there might be a change of rules on availability of exercise, with prisoners being allowed to exercise in prison singlets and shorts;

(ii) instead of the loss of privileges being in effect, as it is now, a comprehensive loss, it could be selective.

Under (ii), for example, loss of evening association might be restricted to a limited number of days a week, some privilege visits might be allowed, etc. In addition, library books might be brought on trolleys to the cells, as meals now are.

12. If these changes were disclaimed by prisoners, so be it. It is only right to say, however, that Protestant paramilitary prisoners and their organizations might see mounting and sustaining a campaign of their own as feasible under these conditions; but at the moment they stand to gain from any concessions the present protesters win on special category status without the penalties of protesting.

13. Most difficult of all, the Governor is in command of the prison and relies on his staff. If there was to be a change of regime his co-operation would be necessary because he administers the rules and imposes punishments. There would be little point too in attempting a change in the regime without the agreement of prison officers who are not inclined to favour leniency towards prisoners who make working conditions offensive. The situation is complicated because, at the present time, prison officers are engaged in industrial action to get more money; they are not in a co-operative frame of mind. Any change in regime could not be

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rushed just now.

14. The issues are difficult and finely balanced. Conditions in the H Blocks are not as static as they might appear. However, the regime that is being administered is not one designed for a long drawn out struggle. Humanitarian concern makes the present regime vulnerable, especially if something goes suddenly wrong; and humanitarian concern can turn into political pressure, especially if it emerges that we may be vulnerable at the European Court. For how long, for example, is it possible to keep political parties from Westminster from visiting the H Blocks? A change in the regime may not be an immediate option but the Secretary of State may think that it is worth further consideration, including consideration of how a change might be presented.

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