

WHERE WE HAVE GOT TO ON THE MAZE HUNGER STRIKENOTES FOR NICS PERMANENT SECRETARIESBackground

1. On 4 December the Government published an answer to a written question which was intended to make HMG's position on the Maze protest clear in the most unambiguous terms. The statement (attached at Annex A) sets out the privileges which are available to conforming prisoners and the rights of all prisoners, comparing these with the protesters' five demands. The statement also sets out the improvements to the protesters' regime which HMG has introduced this year in keeping with the injunction of the European Commission of Human Rights to keep under constant review the reaction to the protesters' action. Finally the Government made clear that while there can be no concession of political status, it was willing to discuss the humanitarian aspects of the prison administration with anyone who is concerned about it.

Developments

2. Since then there have been intensive efforts to get this message across to the protesters and their families. On 9 December DUS(B) visited the Maze Prison and read out the statement to the hunger strikers. Having made it clear that he was not there to negotiate, he then answered questions which surprisingly concentrated on the detail of the regime which would be available if they conformed. The hunger strikers then asked if they could make proposals but this was refused.

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3. The Government has received a large number of requests for talks on the hunger-strike. The principle which is being applied is that the Government will not talk to the leaders of paramilitary organisations nor will it talk to mediators. The Government is not in the business of negotiation and cannot even proceed with further reviews of the prison administration under duress from the hunger strikers.

4. There were requests from representatives of the dirty protesters later in the week for meetings with DUS(B). These were refused but copies of the Government statement were made available to all protesting prisoners.

The UDA Hunger Strike

5. The hunger strike by six UDA prisoners has not affected the Government's basic position. These six prisoners are convicted and sentenced criminals like all others in Maze Cellular Prison and will be treated like the other hunger strikers. Their claim for segregation is inadmissible on the same grounds: they have been convicted for crimes such as murder, not for their political views.

Further Developments

6. The Government continues to seek ways of persuading all the hunger strikers of the futility of their action. Planning is proceeding on the action which will be necessary to restore the Maze Prison to a fully conforming regime as soon as possible when

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the strikes and protests eventually end. Strenuous efforts are being made by the security forces (with the Police firmly in the lead) to dampen down potential violence at H-Block demonstrations and counter-demonstrations.

The Message

7. The Government remains willing to meet community leaders and church leaders to discuss the humanitarian aspects of the prison administration. It is up to all responsible members of the community to speak up in support of the Government's determination both to treat all sentenced prisoners as the criminals they are and at the same time to treat them humanely. Above all community leaders must raise their voices against the sectarian polarisation sought by all terrorists whether of the republican or loyalist stamp.

15 December 1980

E.R.

Date for answer: 4.12.80

4 December 1980

Written No 203

MR PAUL MARLAND (West Gloucestershire): To ask the Secretary of State for Northern Ireland, if he is satisfied that all the rights and privileges available to prisoners in Northern Ireland are thoroughly understood by the prisoners and by the public.

MR ATKINS

Concern has been expressed on humanitarian grounds about conditions in the Maze prison in Northern Ireland. I set out below the real facts about the living conditions which are open to all prisoners in Northern Ireland; and explain the special measures which have already been taken on humanitarian grounds in respect of the living conditions of the protesting prisoners.

The ten prisoners in Northern Ireland are on hunger strike in support of a demand that all protesting prisoners be granted "political status", which would be intended to differentiate them from all other prisoners. The Government will not concede that demand.

The specific demands by the male protestors are for five changes in their prison regime. They are the right:

- (i) to wear their own clothes;
- (ii) to refrain from prison work;
- (iii) to associate freely with one another;
- (iv) to organise recreational facilities and to have one letter, visit and parcel a week;
- (v) to have lost remission fully restored.

Such changes would go far to give, and are intended to give, the protesting prisoners control over their lives in prison, and could not be agreed to by the Government, since to do so would be to legitimise and encourage terrorist activity. What the Government is committed to is to ensure that, for all prisoners, the regime is as enlightened and humane as possible. This statement

E.R. clarifies, in relation to the protestors' demands how far this has already been achieved.

Under Prison Rules, prescribed under statute by the Secretary of State, prisoners are entitled to certain rights and may, if they conform with the Rules, enjoy certain privileges. Rights may not be withheld - although prisoners can - and the protestors do - choose not to take them up. Privileges, on the other hand, may be withheld if a prisoner is in breach of the Rules. If prisoners abide by the Rules, then the privileges are accorded as a matter of course. The rights and privileges compare with the protestors' demands as follows:-

- (a) Clothing: the protestors want the right to wear their own clothing at all times. Prison Rules require prisoners to wear prison-issue clothing (or special clothes appropriate to their work) during normal working hours on week-days (7.30 am to 5.00 pm). But, as a privilege, prisoners may, unless they are engaged on orderly duties, wear their own clothing for the rest of the evening during the week, and, throughout the weekend. They may also wear their own clothing when receiving visits. For security reasons, colour and design of prisoners' own clothing is subject to the discretion of the Governor.

It will thus be seen that a prisoner conforming with the rules may wear his own clothing for almost half the time he would expect to be outside his cell. For the remainder of the time the Government's decision of 23 October means that conforming prisoners will be wearing civilian clothing issued by the prison authorities.

- (b) Work: The protesting prisoners seek the right to refrain from prison work. Prison Rules require convicted prisoners to "engage in useful work", and four main types of such work are undertaken. First some prisoners undertake domestic tasks in the kitchens, dining areas, ablutions and wings.

Second, an extensive range of industrial employment is provided in prison workshops. Third, vocational training is available to teach a wide range of skills. Courses have been developed to the requirements of the skills testing service of the City and Guilds of London Institute. Fourth, education classes are provided during working hours (from 2 to 20 hours a week) to cover a wide range of prisoners' needs from remedial education to Open University courses. Classes in craft theory are given to complement the vocational training side whilst tuition is provided in a wide range of subjects enabling prisoners to study for RSA. City and Guilds Literacy and Numeracy certificates, GCE 'O' and 'A' level certificates.

In brief, while Prison Rules require a prisoner to "engage in useful work", work is interpreted to include orderly duties, industrial employment, vocational training, and education.

- (c) Association: the protestors want the right to associate freely with one another. The Prison Rules provide, as a privilege, that each week-day evening for 3 hours and throughout the day at weekends, prisoners have "association" during which, within each 25-cell wing they may watch TV, play indoor games, follow hobbies and exercise in the yard attached to each wing, and attend education classes. A wide range of evening classes is provided and there is some dove-tailing with daytime courses. Apart from text books the NI Education and Library Boards provide well-stocked libraries. Books and newspapers may be taken to be read in cells.

In short, there is already, as a privilege, association within each wing outside normal week-day working hours.

- (d) Recreation: the protestors demand the right to organise recreational facilities. The prison regime already provides for the use of gymnasias and playing pitches in addition to the statutory exercise period of not less than one hour each day in the open air when practicable. During association periods, prisoners may use the Hobbies Room for supervised handicraft and artistic activities.
- (e) Visits, letters and parcels: the protestors demand one visit, one parcel and one letter each week.

Under Prison Rules, each prisoner enjoys as of right one letter and one visit per month. The Rules provide, as a privilege, seven additional letters per month at the expense of the prison, three additional visits, and a weekly parcel. Special parcels are also allowed at Christmas, Easter and Halloween.

Thus the existing privileges are already more generous than the protestors' demand.

- (f) Remission: the prisoners are demanding the restoration in full of the remission that they have lost while engaged in the protest. Prison Rules provide that a prisoner serving a term of more than one month receives remission, subject to good conduct, up to one-half of his sentence. This is a more generous rate of remission than is available elsewhere in the UK. Remission may be forfeited as a punishment for breach

of Prison Rules; but it may be restored after subsequent good behaviour.

The protesters have lost one day's remission for each day they have been in breach of Prison Rules. The opportunity to regain lost remission already exists.

The above deals briefly with certain aspects of the regime; this regime is evidence of the Government's commitment to maintain and develop humane and enlightened conditions for all prisoners in its care in Northern Ireland. A fuller account is being deposited in the Library of the House.

The protesters have forfeited a substantial part of the regime described above. Nevertheless, the Government, acknowledging the injunction of the European Commission of Human Rights to keep under constant review their reaction to the protesters, has in the course of this year taken the following steps:

- (i) On 26 March the protesting prisoners who by their failure to conform with Prison Rules have forfeited the privileges afforded to conforming prisoners were nevertheless offered exercise in sports gear, 3 letters in and out each month in addition to their statutory monthly letter, and 2 visits a month instead of 1.
- (ii) Since the late summer the protesting prisoners have been offered.
 - (a) an hour's physical exercise a week;
 - (b) one evening association a week in prison uniform;
 - (c) access to books and newspapers (which are available in the cell blocks but not taken) in the

rooms where masses are held on Sundays;

- (d) "closed" visits (ie in which the prisoner is physically separated from his visitor) as an alternative to a body search;
- (e) compassionate home leave on the same basis as conforming prisoners.

(iii) The protesting prisoners have never been denied their daily hour's exercise.

Thus the Government has shown itself ready, despite the protest, to deal with the humanitarian aspects of the conditions that the protesting prisoners have imposed upon themselves.

The Government takes no pleasure in the sight of young men and women inflicting suffering on themselves and their families. We agree with the European Commission of Human Rights that while there can be no question of their having political status, we should be ready nevertheless to deal with the humanitarian aspects of the conditions in the prisons arising from the protest. It is a matter of very great regret that changes made by the Government in response to the Commission have been rejected. We have always been and still are willing to discuss the humanitarian aspects of the prison administration in Northern Ireland with anyone who shares our concern about it.

The Government remains determined that, subject always to the requirements of security and within the resources available, the progress achieved in recent years in the administration of Northern Ireland prisons should be continued to meet the legitimate needs of all concerned.