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From: THE PRIVATE SECRETARY



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NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

2 December, 1980

Prime Minister
is unlinked.

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Prime Minister

Content with this proposed
statement on prisoners in
N. Ireland?

Michael Alexander Esq.,
No. 10 Downing Street,
LONDON SW1

Duty Clerk

2.12.

Dear Michael,

... With your letter of 2 December you enclosed a note of the meeting in Luxembourg at which it was agreed that the Government should issue a fresh statement on the rights and privileges obtaining in Northern Ireland prisons. I attach a draft statement for the Prime Minister's consideration.

The draft takes account of points made by my Secretary of State on earlier versions of the text; he has not yet had an opportunity of clearing the final version, but will do so on his return to London from Northern Ireland tomorrow.

We will also wish to look at the statement tomorrow to see whether, at an appropriate point, useful reference can be made to the role of the Prison Officers on whose loyalty the whole structure obviously depends. We will of course let you have any further amendments during the course of tomorrow as the need arises.

|| The Prime Minister should know that John Hume is aware that the Secretary of State had in any case been intending to issue our next statement on Thursday. The general thrust of this draft will come as no surprise to him (especially its reference to the judgement of the European Commission on Human Rights), on page 6. He will be meeting the Secretary of State prior to the issue of the statement and we understand is likely to respond to it positively and publicly.

The document giving a detailed account of the prison regime in Northern Ireland which my Secretary of State envisaged publishing this week is well in hand and should be ready for publication on Thursday. We have in mind to place copies in the House of Commons Library.

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Contd....

E. R.

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I am copying this letter and enclosure to John Halliday (Home Office), Paul Lever (FCO), David Omand (MOD) and David Wright (Cabinet Office).

Yours sincerely
Mike Hopkins

M.W. HOPKINS

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The Prison Regime in Northern Ireland

Ten prisoners in Northern Ireland are on hunger strike in support of a demand that all protesting prisoners be granted "political status". The demand implies that those who have murdered, wounded and bombed for what they claim as "political" motives should be treated as if they were less criminally culpable than ordinary offenders. The Government will not concede that demand.

The specific demand for "political status"/for five changes in the prison regime, such changes to be accorded only to the protestors. 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 the 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 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 civilian 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, take education classes, follow hobbies and exercise in the yard attached to each wing. 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.

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

- (d) Recreation: the protestors demand the right to organise recreational facilities. Prison Rules allow the use of a gymnasium or playing pitch for about 3 hours a week in exercise periods, in addition to the normal exercise period of not less than one hour each day in the open air. 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 privilege is 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

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

The protestors 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. A fuller account is being published separately [today].

The protestors have forfeited a substantial part of the regime above. Nevertheless, the Government, acknowledging the injunction of the European Commission on Human Rights to keep under constant review their reaction to the protestors, 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;

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- (e) compassionate home leave on the same basis as conforming prisoners.
- (iii) The protesting prisoners have never been denied their daily hour's exercise.

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

This 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, in the face of the protest, nevertheless to deal with the humanitarian aspects of the condition 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 in Northern Ireland who shares our concern about it.

For the future 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.