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DESKBY 240930Z DUBLIN

TO FLASH SALALAH

TELEGRAM NUMBER 8 OF 23 APRIL

INFO IMMEDIATE DUBLIN DEKSBY 240930Z

FOLLOWING FOR ALEXANDER PRIME MINISTER'S PARTY FROM WHITMORE
10 DOWNING STREET.

MAZE HUNGER STRIKE

FOLLOWING IS TEXT OF INSTRUCTIONS FOR MR FIGG:

BEGINS

**YOUR TELEGRAM NO 116 OF 22 APRIL

AFTER CONSULTATION BETWEEN THE PRIME MINISTER THE HOME SECRETARY
AND THE SECRETARY OF STATE FOR NORTHERN IRELAND YOU SHOULD
RESPOND TO MR HAUGHEY AS FOLLOWS:

I) HMG FULLY SHARES HIS CONCERN THAT THE HUNGER STRIKE AND THE
PRISON PROTESTS SHOULD BE BROUGHT TO AN END WITHOUT LOSS OF LIFE
WITHIN OR WITH OUT THE PRISON.

II) OUR POSITION REMAINS AS SET OUT IN PREVIOUS STATEMENTS AND WE
ARE GLAD TO KNOW THAT THE TAOISEACH RECOGNISED THAT THERE CAN BE
NO QUESTION OF OUR MAKING ANY CONCESSION ON THE SUBSTANCE OF
THE PRISON REGIME IN NORTHERN IRELAND.

III) WE WOULD OF COURSE WELCOME A STATEMENT FROM THE
TAOISEACH URGING MR. SANDS THE OTHER HUNGER STRIKERS AND
THE PROTESTERS GENERALLY TO GIVE UP THEIR PROTESTS. *IF THE* *We would not oppose an*
INTERVENTION ^{By} OF THE EUROPEAN COMMISSION FOR HUMAN RIGHTS
(ECHR) ~~WOULD PROVIDE A BASIS FOR HIS MAKING SUCH A STATEMENT~~ *provided that the Commission's involvement is brought about*
~~THIS WOULD BE WELCOME AND TIMELY (NEXT TWO WORDS UNDERLINED)~~
PROVIDED THAT THE COMMISSION'S INVOLVEMENT IS BROUGHT ABOUT IN THE
ONLY WAY IN WHICH IT CAN BE BROUGHT ABOUT WITH THE WILLING
PARTICIPATION OF HMG NAMELY BY ACCEPTING AND RESPONDING TO A COMPL-
AINT MADE FROM ONE OF THE HUNGER STRIKERS.

IV) IN THE EVENT OF SUCH A COMPLAINT AND A SUBSEQUENT REQUEST
BY THE COMMISSION FOR ONE OR MORE COMMISSIONERS TO VISIT
HMP MAZE HMG WOULD AGREE TO THAT AS THE BEST WAY OF PROCEEDING
IN THESE EXCEPTIONAL CIRCUMSTANCES NOTING INCIDENTALLY THAT
COMMISSIONERS HAD VISITED A NORTHERN IRELAND PRISON SOME
YEARS AGO IN CONNECTION WITH AN EARLIER COMPLAINT.

V) IT WOULD HAVE TO BE MADE CLEAR TO THE COMMISSION AND
PUBLICLY THAT THE COMMISSIONERS IN VISITING THE MAZE WOULD
IN NO WAY BE PUT IN A POSITION OF MEDIATING OR ARBITRATING
BUT WOULD BE REPORTING BACK TO THEIR COLLEAGUES SO THAT THE
COMMISSION WOULD HEAR THE COMPLAINT IN THE NORMAL WAY.

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FOR YOUR PERSONAL INFORMATION WE HAVE CONFIRMED INFORMALLY WITH THE ECHR (AND NO DOUBT THE DFA WILL SIMILARLY INFORM THEMSELVES) THAT SUCH A COMPLAINT COULD BE SENT BY TELEGRAM URGENTLY TO THE ECHR SECRETARY IN STRASBOURG THAT THE ECHR WOULD RESPOND URGENTLY BY ASKING BOTH HMG AND THE HUNGER STRIKERS TO DO NOTHING WHICH WOULD IMPEDE THE COMMISSION'S CONSIDERATION OF THE COMPLAINT AND THAT THE COMMISSION WOULD THEN ASK HMG IN THESE EXCEPTIONAL CIRCUMSTANCES TO FACILITATE A VISIT TO THE MAZE BY THE VICE PRESIDENT OF THE COMMISSION ACCOMPANIED BY SUCH OTHER MEMBERS AS THE COMMISSION MAY WISH SO THAT THE COMMISSIONERS COULD INFORM THEMSELVES ABOUT THE CIRCUMSTANCES GIVING RISE TO THE COMPLAINT. THE COMMISSION WOULD ITSELF ANNOUNCE THAT IT HAD MADE THIS REQUEST WHICH HAD BEEN MET BY HMG.

IT IS IMPORTANT THAT IN SPEAKING IN THESE TERMS TO MR HAUGHEY YOU SHOULD EMPHASISE THAT IN HMG'S VIEW THERE IS NO OTHER BASIS THAT A COMPLAINT TO THE COMMISSION FOR FACILITATING A VISIT TO THE PRISON BY THE COMMISSIONERS.''

END OF TEXT OF INSTRUCTIONS.

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DESKBY 240930Z DUBLIN
FM FCO 231937Z APR 81
TO FLASH SALALAH
TELEGRAM NUMBER 7 OF 23 APRIL
INFO IMMEDIATE DUBLIN(DESKBY 240930Z)

FOLLOWING FOR ALEXANDER PRIME MINISTER'S PARTY FROM WHITMORE 10
DOWNING STREET.

MAZE HUNGER STRIKE

AS I REPORTED BY TELEPHONE EARLIER TODAY THE HOME SECRETARY AND
THE SECRETARY OF STATE FOR NORTHERN IRELAND HAVE BEEN CONSIDERING
HOW THE GOVERNMENT SHOULD PROCEED ON SANDS AND THE OTHER HUNGER
STRIKERS PARTICULARLY IN THE LIGHT OF THE TAOISEACH'S CONVERSATION
YESTERDAY WITH MR. FIGG(DUBLIN TELNO 116 OF 22 APRIL REFERS).
THEY ARE AGREED THAT THERE CAN BE NO REPEAT NO QUESTION OF EUROPEAN
COMMISSIONERS FOR HUMAN RIGHTS VISITING THE MAZE PRIVATELY AS
SUGGESTED BY MR HAUGHEY TO SEE WHAT IMPROVEMENTS IN THE PRISON
ADMINISTRATION BASED ON THE CRITICISMS IN THE ECHR'S REPORT HAD
BEEN CARRIED OUT. RATHER THE GOVERNMENT SHOULD STAND FIRM ON THE
POSITION WHICH IT FIRST ADOPTED SOME WEEKS AGO THAT IF THE ECHR
IS TO BE INVOLVED IT CAN DO SO ONLY IN RESPONSE TO A FORMAL
COMPLAINT AND THAT SUCH A COMPLAINT CAN BE MADE ONLY BY SANDS OR
ANOTHER HUNGER STRIKER OR SOMEONE WITH THE NECESSARY STANDING TO
ACT ON HIS BEHALF E.G. ONE OF HIS PARENTS. IF ON RECEIPT OF SUCH A
COMPLAINT THE ECHR DECIDED TO INVESTIGATE IT AND FORMALLY ASKED HMG
TO FACILITATE ITS ENQUIRY WE SHOULD AGREE TO COOPERATE
INCLUDING ALLOWING ONE OR MORE COMMISSIONERS TO VISIT THE
MAZE TO INFORM THEMSELVES AS TO THE CIRCUMSTANCES GIVING
RISE TO THE COMPLAINT.

MR WHITELAW AND MR ATKINS ARE FIRMLY OF THE VIEW THAT HMG
MUST DO NOTHING UNTIL THE ECHR'S FORMAL PROCESSES HAVE BEEN
ACTIVATED IN THIS WAY BY A COMPLAINT BEING LAID WITH THEM.
THEY BELIEVE THAT IF WE WERE TO BE SEEN TO BE ENCOURAGING
THE SUBMISSION OF A COMPLAINT THE RISK OF A SERIOUS PROTESTANT
REACTION WOULD BE SUBSTANTIALLY INCREASED.

IN THE MEANTIME SANDS' CONDITION CONTINUES TO DETERIORATE AND
THE LATEST FORECAST IS THAT THOUGH HE IS STILL NOT IN A COMA
HE IS LIKELY TO DIE AT THE WEEKEND. MR WHITELAW AND
MR ATKINS WISH THE PRIME MINISTER TO KNOW THAT IN THEIR
JUDGEMENT IT IS STILL MORE LIKELY THAN NOT THAT HE WILL DIE
AND THAT WE SHOULD CONTINUE TO PREPARE OURSELVES FOR WHAT
WOULD FOLLOW HIS DEATH.

GRATEFUL IF YOU COULD OBTAIN THE PRIME MINISTER'S APPROVAL
THAT WE SHOULD PROCEED AS RECOMMENDED BY MR WHITELAW AND
MR ATKINS. MIFT CONTAINS DRAFT INSTRUCTIONS FOR MR FIGG
TO ACT UPON TOMORROW FRIDAY GRATEFUL FOR THE PRIME
MINISTER AGREEMENT TO THESE BY 0930 GMT.

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