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14 May 1981

THE FOLLOWING IS THE TEXT OF THE REPLY BY THE PRIME MINISTER, MRS THATCHER, TO A MESSAGE OF MAY 6 FROM US SENATORS KENNEDY AND MOYNIHAN, SPEAKER T P O'NEILL AND GOVERNOR CAREY OF NEW YORK

I am writing to thank you for your message of 6 May. I welcome your clear restatement of your unequivocal condemnation of all violence in Northern Ireland. I welcome too your efforts to discourage American support for the men of violence in Northern Ireland and to promote better understanding among all the people of Ireland.

You question a "posture of inflexibility" that must lead inevitably to more violence and death in Northern Ireland. But that is not the Government's posture. It is important that there should be no misunderstanding between us. I am therefore sending you with this a full account of what has happened in the Maze prison since the protesters' complaints were investigated by an independent international body, the European Commission of Human Rights.

This full account shows that HM Government has in fact acted with great flexibility. We have offered a series of improvements in conditions to all prisoners - most of which the protesters have rejected. We have also facilitated visits to the hunger strikers by the European Commission of Human Rights, by members of the Dublin Parliament, by the representative of the official Opposition here and by the personal representative of the Pope. None of these actions has had any effect upon the prisoners, whose sole purpose is to establish a political justification for their appalling record of murder and violence - murder and violence which deserve the same condemnation in Northern Ireland as they would get in the United States. The prisoners, and those who speak for them, claim that the protests are not about prison conditions, but are about the demand for political status. Political status would mean that the prisoners, not the prison authorities, would determine what the day to day regime within the prison should be. On this the Government will not compromise. It is not prepared, through the granting of political status, to legitimise criminal acts undertaken in pursuit of political ends. It is not prepared

to surrender control of the prisons. It is not prepared to be coerced by protest action, in whatever form, into changes for which there is no justification on humanitarian grounds. We know from experience that to do so would not bring the protests to an end. On the contrary, yielding to coercion would provoke further coercion, and would encourage more young people to follow the path of violence.

It is the Government's profound hope that there will be no more deaths directly or indirectly due to the present hunger strike. Such deaths can serve no purpose. If political status remains the protesters' objective, then it cannot and will not be conceded. If they have other grounds for complaint against the prison regime, then further recourse to the European Commission of Human Rights remains available to them. The Government has shown that it is prepared to respond to the Commission's findings and to facilitate in any way it can the Commission's conduct of its investigations.

More widely, the Government remains committed to the search for ways in which the people of Northern Ireland can assume greater responsibility for their own affairs, through political institutions in which all sections of the community can have confidence. It believes that the best hope for long term peace and stability is to be found in the political process, not in violence and intimidation. And the Government remains determined to build on the unique relationship that already exists between the United Kingdom and the Republic of Ireland, to the benefit of all the people of these islands.

STEPS TAKEN AT MAZE PRISON FOLLOWING ECHR INVESTIGATION

1. In 1978 the European Commission of Human Rights considered the situation at the Maze Prison in the context of an application made to the Commission by four prisoners.
2. The prisoners' main complaint was that their right to freedom of conscience and belief (under Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) was denied them because the prison authorities sought to apply to them the normal prison regime. The Commission in their decision of June 1980 found that a right to preferential status for a certain category of prisoners was not amongst those guaranteed by the Convention or by Article 9 in particular.
3. The applicants also argued that the regime under which they lived amounted to inhuman and degrading treatment and punishment in breach of Article 3 of the Convention. The Commission declared that all their complaints under this Article were inadmissible on the grounds that they were "manifestly ill-founded". At that stage many of the prisoners were, as you know, conducting a uniquely disgusting form of protest in which they fouled their cells with food and excreta. They had broken up furniture in their cells and had used it to damage the windows and other fittings. The European Commission recognised that these conditions were self-inflicted. The prison authorities, of course, made arrangements for the cells to be cleaned and repainted at frequent intervals.
4. But among their other findings the Commission emphasised the prison authorities' duty "to keep under constant review their reaction to recalcitrant prisoners engaged in a developing and protracted protest" and commented that "efforts should have been made by the authorities to ensure that the applicants could avail of certain facilities such as taking regular exercise in the open air with some form of clothing (other than prison clothing) and making greater use of the prison amenities under similar conditions". It also said that "arrangements should have been made to enable the applicants to consult outside medical specialists even though they were not prepared to wear prison uniform or underwear".

5. Thus the prisoners' claim for political or special status has been investigated recently and decisively rejected by an independent authority of the highest standing; the conditions at the Maze Prison were covered as part of the Commission's investigation and no serious complaint against them was sustained, and the Commission did not, where it felt necessary, hesitate to criticise the Government and the prison authorities.
6. These criticisms were respected and new arrangements to satisfy them have been in force for more than a year. That is not all. During the course of 1980 the protesting prisoners were offered, whether or not they ended their protest, a range of improved conditions in connection with letters, visits, recreation, association and compassionate leave. In October last year the Government ended prison uniform as such in Northern Ireland prisons in favour of the issue of civilian-type clothing in a range of colours and styles. Of these measures, the protesting prisoners had, by the beginning of March this year, made use in some cases of the facility of additional visits to relatives in ill-health. Apart from that there has been no response.
7. The first hunger strike ended on December 18, 1980. Contrary to what has been alleged, no undertakings were given to the hunger strikers or the remaining protesting prisoners at that time, before it or after: what the Government had sought to do was to explain to all protesting prisoners what facilities and opportunities were available to them within the existing prison regime, which, as was also made clear to them, the Government is committed to maintaining and, as circumstances allow, improving. That explanation stands and the same facilities remain available. When the ending of the first hunger strike failed to lead to the ending of the other protests, the prison authorities, with the full backing of the Government, took the initiative to move 96 of the protesting prisoners into clean cells. When it became clear that those prisoners had stopped fouling their cells, normal cell furniture was provided.
8. This process completed, the next step towards a conforming regime was the issue of the civilian-type clothing. The prisoners refused this, saying that they were not prepared to wear it unless their own clothing was provided at the same time: and that they would take part in no work other than that of cleaning their own cells and receiving full-time education. (The Commission had, incidentally, said in its findings

that it did not consider there to be anything inherently degrading or objectionable about the requirement to wear a prison uniform or to work.) The Government had no choice but to say it could not accept these conditions. The prisoners' response, on 27 January, was to smash the furniture they had been given and to damage the fabric of their cells.

9. On March 2 the prisoners engaged in the "dirty" protest at the Maze, and at Armagh, said they were ending this form of protest, but were doing so not as a step towards conformity with the prison regime but in support of the hunger strike which had then just begun. The Government nevertheless welcomed the prisoners' decision to end the conditions that they had imposed upon themselves: the prisoners were transferred to clean cells as quickly as the necessary arrangements could be made: and when they asked for the issue of furniture this was, notwithstanding the actions of January 27, initiated. As in January, the prison authorities responded to this scaling down of protest action by scaling down the punishment awarded, in this case by reducing by half the rate at which the protesting prisoners forfeited remission. For those prisoners who had ended protest action altogether since the previous hunger strike, the prison authorities had already, as they had undertaken, completed a review of remission and, where the prisoner concerned had by a period of conforming behaviour shown that his decision to cease his protest was a firm one, restored some of the remission previously forfeited.