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POLICY BACKGROUND

3/81. NORTHERN IRELAND HUNGER STRIKES: WHO IS BEING INFLEXIBLE?

The British Government has variously been accused of "inflexibility," "intransigence," and of "not having been whole-hearted" in its efforts to bring the Maze Prison hunger-strikes to an end.

The following is a background note compiled from recent statements by the British Government detailing the efforts it has made to reach an accommodation with the strikers.

Visits to Maze

The British Government has over the past three months approved and supported a succession of visits to the hunger-strikers by groups and individuals who expressed a humanitarian desire to help bring the protest to an end. And the Secretary of State for Northern Ireland, Mr. Humphrey Atkins, has clearly spelt out the further improvements which could be made to an already enlightened prison regime. Copies of these proposals have been delivered to those on hunger-strike and officials from the Northern Ireland Office have visited the hunger-strikers to clarify doubts on any point in the lengthy statements made by the Secretary of State on June 30 and July 8.

Conditions Within the Prison

Those who examine the painful position at Maze Prison must first judge whether the hunger-strike protest is against conditions in the prison or whether it is in support of a claim for political status, either in name or by the acceptance of a set of demands which together add up to political or special status. The protesting prisoners at the Maze Prison have made five demands: the right to wear their own clothes; to associate freely with other prisoners;

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to choose their own work; to have remission of sentences for good behavior restored and to get more letters and visits.

Not all prisoners at Maze Prison are on protest, and indeed those conforming to regulations already receive eight letters, four visits and four parcels a month -- more than the protesting prisoners are actually asking for. Conforming prisoners, many of them members of the Provisional IRA and convicted of similar offences, get a 50 percent remission of sentences. They wear civilian clothes issued by the prison authorities and have lengthy periods of association in the evenings and at weekends.

In his July 8 statement Mr. Atkins said that if the protest ended prisoners would get the association non-protesting prisoners now get, three hours each evening, all their weekends, plus periods for exercise, physical education, games and meals. The suggestion of the Commission for Justice and Peace that adjacent wings should share association in recreation rooms and exercise areas depended on satisfactory arrangements being made for supervising and controlling movement and it would take time to arrange the necessary physical facilities for it.

During association, prisoners would have the privilege of wearing their own clothes. At other times they would wear civilian-type clothing of a non-uniform kind. By comparison with most other western countries this was a liberal regime, but Mr. Atkins said he would not rule out the possibility of further development.

All prisoners were liable for domestic tasks inside and outside the wings -- e.g. for orderly duties and in the laundries, and kitchens. No-one would be excluded as of right from the liability to work in prison work-shops. The authorities would add to the range of activities so far as, and as quickly as, they could.

At the end of the day it would be for the prison authorities to decide what jobs a prisoner did.

Fifty percent remission was awarded for good behavior. It was forfeited by those who breached prison rules by protesting. In practice, prisoners who had given up their protest have had up to one-fifth of lost remission restored, Mr. Atkins said.

Efforts by Outside Bodies

The British Government has demonstrated flexibility in improving the regime at Maze Prison until it is already more liberal, in many instances, than those available in prisons elsewhere in the United Kingdom. It has given access to the prison and to those on hunger-strike to all those bodies and individuals who have shown a willingness to help. Every one of these approaches has in due course been rejected by the protesting prisoners.

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For instance:

1. Bobby Sands, the first hunger-striker to die, declined to associate himself with his sister Marcella's application to the European Commission of Human Rights on his behalf. Furthermore, although the Government has declared its readiness to facilitate investigation by the Commission, no other prisoners involved in the current protest have asked the European Commission of Human Rights to intervene.
2. Father Magee, the Pope's Secretary, who travelled to Northern Ireland unofficially to demonstrate the Vatican's concern with the humanitarian aspects of Sands' case, saw Sands and the other three prisoners then on hunger-strike -- Brendan Hughes, Raymond McCreesh, Patrick O'Hara -- but had no success in persuading them to end their strike.
3. The representatives of the Irish Commission for Justice and Peace who visited the Maze on a number of occasions recently were finally rebuffed by the protesting prisoners' statement on July 11 that "The Commission's proposals are an unacceptable dilution of our five demands" (which they called on the Commission to support).
4. On July 18 a delegation from the International Committee of the Red Cross went to Maze Prison. Commenting on the visits, the Observatore Romano, the Vatican newspaper, in an editorial on July 17, expressed the hope that "the prisoners will give credit to this goodwill attempt by suspending the protest which has already claimed too many young victims." The protesting prisoners issued a statement on July 19 in which they said "there is no future role for the International Committee of the Red Cross in this dispute" and called for direct negotiations with the Government.
5. Following an indication, from a source close to the family of one of the hunger-strikers, that the hunger-strikers would welcome clarification of previous Government statements, two Northern Ireland Office officials visited the prison at 2.00 a.m. on July 21. They saw the relatives of two of the hunger-strikers and also the five hunger-strikers presently in the prison hospital, Kieran Doherty, Kevin Lynch, Thomas McIlwee, Patrick Quinn and Michael Devine. But the hunger-strikers insisted that Brendan McFarlane, self-styled Provisional IRA "Commander" in the Maze, be present -- something to which the officials could not agree, for to have done so would have been an implicit recognition of the Provisionals' command structure in the Maze.

The Prime Minister of the Republic of Ireland said on July 21: "The Government has to point out that the action it required of the British was in fact carried out -- an official did go into the Maze to speak to the hunger-strikers."

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