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PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

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TO ALL MINISTERS

Attached is a briefing note on the Maze Prison dispute, which has been prepared for background information only. It is not to be drawn upon for speeches, but Ministers may find it a useful source of reference if pressed on the subject during the Christmas period.

ANGUS MAUDE

MAZE PRISON PROTEST

FACTUAL BACKGROUND

Since March 1976 several hundred convicted prisoners in the Maze Prison, Northern Ireland, have refused to work or wear prison clothing. In March 1978 they started the "dirty protest". They refuse to wash or use the toilet facilities; they foul their cells and smash the furniture. About 480 prisoners are now taking part in this protest.

On 27 October seven of these prisoners started a hunger strike, and another 30 have since joined it in addition to three women prisoners at Armagh Jail. Like the dirty protest, it is in pursuance of a demand for "political status". The prisoners and their supporters have made absolutely clear in published statements since the strike was announced that they will settle for nothing else.

PRESENTATION

1. The Government will not and cannot give the prisoners the status they seek:-

a) They are not imprisoned for their beliefs but, by due process of law, for the crimes they have committed - murder, attempted murder, causing explosions, wounding people;

b) There is no reason why people who have committed these dreadful crimes for what they claim to be political motives should be treated differently from anyone else who commits such crimes. The European Commission for Human Rights agrees that their claim lacks any basis in national or international law;

c) To breach this principle by recognising that these prisoners are less culpable than others would encourage recruitment to the IRA and other terrorist organisations and give rise to hopes of an amnesty;

d) To give way to their demands would outrage the law abiding community, both Catholic and Protestant, in Northern Ireland and lead to further community tension and violence.

2. The strike is not about prison conditions. The protestors' sufferings are entirely self-inflicted. They have in their own hands the remedy of ending the conditions they have imposed on themselves. Far from their human rights having been violated by the Government, it is they who have in many cases by their criminal acts violated the most fundamental human right of all: the right to live.

It is sometimes claimed that because the protesting prisoners have been tried in special non-jury courts they are different from other convicted prisoners. The Government cannot accept this argument. In the Diplock courts (which have been made necessary only by the intimidating actions of the terrorists), although there is no jury, all the basic safeguards of the British legal system remain; the prosecution must prove its case beyond reasonable doubt, trials take place in open court with normal rights to legal representation and the cross-examination of witnesses, and there is an automatic right of appeal to the Court of Appeal, where three judges hear each case.

3. The Government will not direct the force-feeding of hunger strikers. If they persist they may die. Their deaths will be their own responsibility - not that of HMG.

4. The IRA are using this hunger strike to support their flagging campaign of violence against the community and its democratic institutions. They hope to provoke renewed community conflict. If they succeed many lives in addition to those of the strikers will be put at risk. Those who support the hunger strikers will bear a heavy responsibility.

5. The Government in the face of great provocation is determined to maintain a humane and forward looking regime in Northern Ireland prisons for all prisoners - even those who have engaged in the uniquely repellent "dirty" protest. A number of changes have been introduced this year which would improve the self-imposed conditions of the protesters if they would take advantage of them.

6. The decision to replace standard prison uniform by a range of officially issued civilian type clothing for all prisoners was the latest in this series of humanitarian moves. It took into account the particular composition of the Northern Ireland prison population; many prisoners are young and are serving long sentences.

7. The Government will continue to keep prison conditions under review but there can be no question of changes being made under duress.

8. It is up to all responsible members of the Northern Ireland community to speak up in support of the Government's determination both to treat all criminals as criminals and 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.

9. The Prime Minister has on several recent public occasions made clear the Government's position on the hunger strike:-

(a) I want this to be utterly clear. There can be no political justification for murder or any other crime. The Government will never concede political status to the hunger strikers, or to any others convicted of criminal offences in the Province.  
(House of Commons, 20 November)

(b) There can be no such thing as a political prisoner.  
(House of Commons, 25 November)

(c) If these people continue with their hunger strike it will have no effect whatsoever.... I shall not move from my total belief and commitment that murder is murder.  
(Interview on BBC 4 "ANALYSIS", 26 November).