



Foreign and Commonwealth Office

London SW1A 2AH

23 September 1981

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Smith

Dear Michael,

Northern Ireland: ICRC Report on Prisons

In your letter of 6 August to Mike Hopkins, Northern Ireland Office, you suggested that a diplomatic dialogue might be started with the ICRC, and asked for a progress report in due course.

In accordance with the Prime Minister's wishes, the UK Permanent Mission in Geneva raised with the ICRC the problems we saw with the Memorandum which they had prepared, following their visit to the prisons in Northern Ireland, to form part of their final report. The ICRC proved willing to discuss their report with us before it was finalised, and two representatives duly came to London and held useful discussions on 10 September with the Permanent Under-Secretary of the Northern Ireland Office. I understand that NIO have already sent you a copy of the record of that meeting.

Our Mission in Geneva have kept in touch with the ICRC. On 8 September the UK Permanent Representative went over the ground with the President of the ICRC. Mr Hay undertook to reflect on the outstanding issues between us, including in particular the reference in the Memorandum to 'minor differences' between HMG and the protesting prisoners on the Five Demands.

The ICRC will probably be handing over their report towards the end of the month. We shall of course keep you informed of significant developments.

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I am sending a copy of this letter to Mike Hopkins,
Northern Ireland Office.

Yours over,

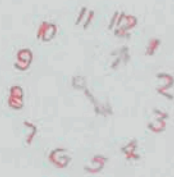
Francis Richards

(F N Richards)
Private Secretary

M O'D B Alexander Esq
10 Downing Street
LONDON

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23 SEP 1951



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From: THE PRIVATE SECRETARY

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NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

Michael Alexander Esq
10 Downing Street
LONDON
SW1

*PA has seen reporting
telegram*

And

14 September 1981

Dear Michael

... You may be interested to see the attached note of a meeting last week between senior NIO officials and ICRC representatives. You will see that, although anxious to preserve their independence, the ICRC took note of our points and were generally sympathetic.

*Yours sincerely
Mike Hopkins*

M W HOPKINS

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NOTE OF A MEETING BETWEEN PUS AND THE INTERNATIONAL COMMITTEE
OF THE RED CROSS HELD IN LONDON ON 10 SEPTEMBER 1981

Present: PUS M. Hocke
Mr Blelloch Dr Schmidt
Mr Eyers
Mr Daniell

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1. PUS and Mr Blelloch summarised the current position in relation to the hunger strike. The regular succession of deaths, envisaged by the prisoners, had been interrupted, mainly because of the intervention of families who were authorising doctors to give treatment. It was probably three weeks before the next life would be in danger; and as the man concerned was a member of INLA, who were now less committed to the protest, there was a fair chance that his fast would be ended before he died, by his own decision or perhaps more likely his family's. So far, there were no signs of recriminations on the part of the Provisionals against those who came off the hunger strike or against their families. However, no lapsed hunger strikers had yet been returned to their cells and it was difficult to predict how they would be received by their fellow inmates. Two ex hunger strikers were now in the prison hospital and their progress was being carefully watched.
2. Although the hunger strike campaign had reached something of a low point the prisoners seemed determined to continue with their protest. It was significant that there had been some changes in the background of those joining the strike. For example, they tended now to come from West Belfast where pressures could more easily be brought to bear on families to prevent them from authorising medical intervention. It was undoubtedly the case that any decision to end the hunger strike would come from inside the prison and it was important to bear in mind that the prisoners had shown no interest in minor concessions. They had repeatedly stated that their five demands stood together; the gap between their demands and HMG's position remained large, there having been no shift of substance on either side since the ICRC's visit in July. No further attempt had

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been made to explain to the prisoners what was on offer in the event of the hunger strike coming to an end, as they had shown no interest in continuing clarifications. They were in any case in no real doubt about the Government's position.

3. Turning to the forthcoming ICRC report, PUS said that once submitted, HMG would be bound to reveal its contents; refusal to do so would inevitably lead to accusations that there was something to hide. Timing would be crucial. In present circumstances, publication would have little impact on the attitude of the prisoners; but if they were in a mood to bring the hunger strike to an end, it was possible that the contents of the report might help them in mounting a face-saving exercise. M. Hocke said that the ICRC could be flexible over when they made the report available to HMG; it would probably be possible to hold back its submission for up to one month. PUS felt that this might be helpful.

4. PUS said that there were three points of concern for HMG arising out of the ICRC's memorandum. The first concerned the suggestion that the ICRC had considered acting as intermediaries between the Government and the prisoners. The Secretary of State's statement of 15 July had made it clear that the Committee's role was confined to assessing and, if necessary, making recommendations on prison conditions in Northern Ireland; there was no suggestion that they might act as mediators. M. Hocke replied by reiterating the status of the visit. In coming to Northern Ireland, the ICRC were not invoking their role of visiting prisoners of war, and nor did they regard the hunger strikers as political detainees. Under the statutes of the ICRC, it was up to them to offer assistance for humanitarian reasons where there was a situation of crisis and growing tension - that was the basis of their offer of help in Northern Ireland. In this context, it had been regarded as helpful to report to HMG on what had been seen in the prisons and on the prisoners' reactions to the ICRC visit; the possibility of mediation had been considered in this context but the memorandum made it clear that none had taken place.

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5. The second point of concern was the suggestion contained in the memorandum that there were only minor differences between HMG and the prisoners. This might well encourage an erroneous belief that small concessions on the part of HMG could end the hunger strike. M. Hocke explained that the ICRC had examined the problem purely in the prisons context and had not considered the wider political implications; he accepted that any concessions on HMG's part would involve major points of principle on the political front. PUS explained that even from the point of view of prisons administration alone, the differences between the two sides were major ones in a number of respects. For example, the prisoners were seeking the restoration of all remission lost as a result of their protest; this was very different from the Government's position that only some remission would be restored. The protesting prisoners wanted full control over the allocation of work, which would in effect mean handing over to them the running of the prison; this was altogether different from the Government's approach of seeking to broaden the scope of available work, while retaining in the hands of the prison authorities the final decision on allocation. Similarly on association, the issue at stake was whether prisoners should have the run of their wings with all doors being left unlocked or whether association periods should be extended and prisoners given the choice of making use of the facilities in adjoining wings on a controlled basis.

6. The third point mentioned by PUS was the memorandum's recommendation that prisoners from different factions should be given the opportunity to be segregated from each other. PUS pointed out that given the number of paramilitary factions involved there would be serious practical problems in segregation by organisation. Moreover the conforming part of the prison was not segregated and did not suffer serious problems as a result. There were good social as well as practical arguments for our present policy of integration and it would be a great pity if the progress we had made on this was to be set back. Nevertheless, PUS said that if the hunger strike were to come to an end, great care would be taken in the placement of prisoners and integration

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would of necessity be a gradual process. Dr. Schmidt said that the reference to segregation had been included in the memorandum owing to representations made to the ICRC by a number of prisoners who, they believed, were genuinely frightened at the prospect of being forced to associate with other prisoners from different organisations. The ICRC had come to their view on this purely as a result of a humanitarian concern for the anxieties of individuals; the wider political considerations had not been taken into account and he fully accepted that they had some force.

7. The ICRC representatives clearly understood the force of the arguments put to them on these points of concern. However they did not feel able to undertake to make any significant changes in the memorandum, which would form an integral part of the report. Rather, they would probably produce a covering note, qualifying some of the points in the memorandum to take into account the arguments which had been put to them at the meeting.

8. On specific issues relating to the five demands, PUS explained the objections HMG saw to stating publicly the exact extent of the changes that could be made if the hunger strike were to end. If such a statement were made and rejected, as would almost certainly happen at present, then the protesting prisoners would be left with no room for manoeuvre if in the future they wanted to find a way of ending the strike without complete loss of face; it might also give them an incentive to pocket what was offered and hang on for more. The prisoners undoubtedly had a good idea of what was on offer. M. Hocke felt that HMG might with advantage use certain channels of communication, such as the families or parish priests to get across to the prisoners the point that we wished to see an end to the strike and to ensure that they understood the likely government response in the event of the protest finishing. PUS said that such an initiative would probably be counter-productive; it would become public knowledge, thus provoking a hostile reaction in the loyalist community and any communications of this sort were liable to become distorted. Furthermore, any move from HMG now might reverse the increasing self-doubt which was at present in the minds of the prisoners. However, HMG remained ready to act if the time seemed right.

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PUS/L/6489

9. Dr Schmidt said that part of the report could include recommendations on the five points at issue. Such recommendations might well coincide to a great extent with the ICRC's understanding of the changes in prison regime which HMG would be prepared to make once the hunger strike had come to an end. This would have the advantage that the prisoners could publicly relate any decision to end the protest to the proposals of an independent international body, as opposed to that of HMG - possibly a crucial factor in a face saving exercise. PUS said that such an approach might be very useful, always provided that the prisoners themselves had reached the point when they wished to give up the hunger strike.

10. On four of the five demands, the ICRC seemed to have a reasonably clear understanding of the Government's position and any comments on them in the report can be expected to be helpful. In particular, they were sympathetic to our arguments on the question of association. However, on the questions of work and education, their views on what should be done did not completely accord with what HMG would feel able to offer. M. Hocke seemed to believe that a way out of the impasse would be through the provision of more educational facilities as opposed to prison work. Mr Belloch pointed out that there were already opportunities for remedial education, vocational training and further education for people of ability. More options could be made available. However, it would be wrong to see these facilities as the means of ending the hunger strike; in particular, we could not accept that prisoners of high intellect had a right to embark upon full time courses leaving all the less attractive work to be done by other prisoners. Nor could education for those not suitable for it be introduced as a covert substitute for routine work.

11. On closing the meeting, PUS said that it was important that the ICRC should keep in touch with HMG over the next few weeks. The Head of the UK Mission in Geneva would receive a copy of the note of the meeting and would be the first point of contact if the ICRC had any further points to make.

J.A.P.
J A P
PS/PJS

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Distribution:-

PS/Secretary of State (I&B) - M
PS/Mr Alison (I&B) - M
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Mr Blelloch - M
Mr Palmer - M
Mr Moriarty
Mr Wyatt - M
Mr Doyne-Ditmas - M
Mr Harrington
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Mr Jackson - M

Mr Evers (with extra copy for
onward transmission to Head of
UK Mission in Geneva).

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TO IMMEDIATE UKMIS GENEVA

TELEGRAM NUMBER 155 OF 11 SEPTEMBER

INFO : PRIORITY DUBLIN NIO BELFAST

YOUR TELEGRAMS NOS 291 AND 296 : ICRC AND NORTHERN IRELAND

1. THE ICRC REPRESENTATIVES, HOCKE AND SCHMIDT, ARRIVED AS PLANNED AND WERE RECEIVED BY THE PERMANENT UNDER-SECRETARY AT THE NIO. THE MEETING LASTED WITH LUNCH FROM 11.00 - 16.00 HRS. THE TONE WAS FRIENDLY. A FULL RECORD FOLLOWS BY THE BAG ARRIVING GENEVA 10.00 HRS, TUESDAY 16 SEPTEMBER.

2. IN THE COURSE OF THE MEETING THE ICRC REPRESENTATIVES INDICATED - TO OUR SURPRISE - THAT IN THE INTERESTS OF A REDUCTION OF TENSION IN NORTHERN IRELAND THEY WERE PREPARED TO ADJUST, WITHIN LIMITS, BOTH THE TIMING AND CONTENT OF THEIR REPORT AS A WHOLE (THOUGH THEY SEEMED VERY RELUCTANT TO CONTEMPLATE ANY CHANGE IN THE MEMORANDUM PUT TO HMG LAST MONTH). IN PARTICULAR, THEY ENVISAGED THE REPORT INCLUDING RECOMMENDATIONS ON THE FIVE POINTS AT ISSUE. THEY SAID THAT THESE MIGHT WELL COINCIDE LARGELY WITH THEIR UNDERSTANDING OF THE CHANGES IN THE PRISON REGIME WHICH HMG WOULD AT THE END OF THE DAY BE PREPARED TO MAKE ONCE THE HUNGER STRIKE HAD COME TO AN END. THEY SUGGESTED THAT THIS COULD HAVE THE ADVANTAGE THAT THE PRISONERS COULD PUBLICLY RELATE ANY DECISION TO END THE PROTEST TO THE PROPOSALS OF AN INTERNATIONAL BODY RATHER THAN TO HMG'S POSITION, AND THUS SAVE FACE.

3. WOODFIELD, SUPPORTED BY BLELLOCH, EXPLAINED THE GOVERNMENT'S POSITION ON THE ISSUES IN QUESTION AND ALSO WENT OVER AT LENGTH THE DIFFICULTIES WE HAD WITH THE REFERENCES IN THE MEMORANDUM TO THE POSSIBILITY OF THE ICRC SERVING AS AN INTERMEDIARY, TO THE DIFFERENCES BETWEEN THE PRISONERS AND HMG, AND TO SEGREGATION. IT WAS, HOWEVER, NOT AT ALL CLEAR JUST HOW FULLY THE ICRC TOOK ABOARD THIS EXPLANATION OR HOW IN THE LIGHT OF THE MEETING THEY

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PROPOSE TO DEAL WITH THE ISSUES IN THE FINAL VERSION OF THEIR REPORT.

4. WHAT THE ICRC HAVE SUGGESTED IS WELL MEANT, BUT WE SHALL HAVE TO CONSIDER THE IMPLICATIONS MOST CAREFULLY, AND OUR RESPONSE FOR THE MOMENT MUST BE VERY CAUTIOUS. WE WOULDIND IT HELPFUL IF, WHEN YOU HAVE THE FULL RECORD OF THE MEETING, YOU WOULD TAKE AN EARLY OPPORTUNITY TO DISCUSS WITH THE ICRC HOW THEY SEE THINGS FOLLOWING WOODFIELD'S MEETING, AND IN PARTICULAR HOW THEY PROPOSE TO DEAL IN THEIR REPORT BOTH WITH OUR OBJECTIONS AND WITH THE AREAS FOR FUTURE IMPROVEMENT. WE WOULD WANT TO CONSIDER THEN WHETHER OR NOT THERE IS ANY FURTHER ADVICE WE COULD HELPFULLY GIVE THE COMMITTEE ABOUT THE TIMING AND CONTENT OF THEIR REPORT. THOUGH THE COMMITTEE ARE OF COURSE FULLY CAPABLE OF LOOKING AFTER THEMSELVES ONTHIS, WE HAVE IT VERY MUCH IN MIND THAT THEIR REPORT SHOULD NOT BEAR ANY OBVIOUS STAMP OF HMG APPROVAL.

CARRINGTON

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