

NATIONAL ARCHIVES

IRELAND



Reference Code:	2010/53/854
Creation Date(s):	March-October 1980
Extent and medium:	5 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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Irish Prisoners in Britain

1. There are approximately 100 Irish prisoners in British jails serving sentences for "terrorist-type" offences. While we receive both in Dublin and via the Embassy in London representations on behalf of the Irish terrorist-type prisoners many of the prisoners on ideological grounds are reluctant to approach the Irish Government.

X 2. The conditions of prisoners in general in British prisons are unpleasant mainly because of overcrowding due to the large numbers (about 45,000). Britain and the Federal Republic of Germany have the highest prison populations relative to 100,000 population (90 and 91 respectively) in the European Community. In comparison the figure for Ireland is 35, the lowest bar the Netherlands 23. Aside from the conditions, terrorist-type prisoners, because of their crimes, can be exposed to violence at the hands of other prisoners and prison staff.

There is no solution to the overcrowding in British prisons in sight. The Government has highlighted its prison building programme, its efforts to develop alternatives to imprisonment and its desire to see shorter sentences for non-violent offenders.

3. Another matter of concern derives from the content or application of the prison rules. Under Rule 43 the Governor is empowered to remove a prisoner from association with other prisoners "for the maintenance of good order or discipline or in his own interests" for up to 24 hours on his own initiative. This is open to extension for a period not exceeding one month (but may be renewed from month to month) on the authority of a member of the visiting committee or board of visitors or the Secretary of State. This does not amount to solitary confinement in that prisoners subject to the measure have regular contact with prison officers and staff. However it must be said that there is no limit to the

number of periods of removal from association, without a right of appeal, or without even being accused of disciplinary offences. Irish "terrorist-type" prisoners have in the past been isolated in this way and the problem has been raised on a number of occasions with the British authorities, most recently in the cases of Messrs. Eddie Butler and Hugh Doherty, two of the Balcombe Street four, removed from association for over two years. (There has been a suggestion that they were removed for their own safety) However they are no longer removed from association.

4. Most Irish "terrorist-type" prisoners are in security Category A, the highest category. Prisoners in this category are transferred from prison to prison at short notice in the interests of security. Irish prisoners have alleged that these transfers frequently take place the day before an arranged visit thus causing maximum inconvenience and upset for family visitors particularly those who have come from Ireland. These allegations have been raised on a number of occasions with the British authorities most recently concerning the case of Mr. Stephen Blake.

5. Recently the forensic evidence used to convict in 1976 seven persons of possession of explosives between 1 and 4 December 1974 following the Guildford and Woolwich bombings has been questioned in the media. The trial in London convicted Patrick (Guiseppe) Conlon (who died at the end of January) with his sister-in-law Mrs. Anne Maguire, her husband Patrick, her two sons Patrick and Vicent, her brother William Smyth and Patrick O'Neill. It has been alleged that the test quoted by the prosecution was not definitive for nitroglycerine. Doubts have also been cast on the convictions of two of the Birmingham pub bombers Patrick Hill and William Power.

However at the House of Commons on 4 August 1980 Mr. Leon Brittan, Minister of State at the Home Office, refused to reopen the case of Patrick Conlon (and inter alia the others). He said that the Home Secretary can consider intervening only if some significant new evidence or other material consideration of substance comes to light that has not already been before the Courts.

6. The question of transferring Irish prisoners to Prisons in Northern Ireland for compassionate reasons arose again recently in the case of Mr. Paul Holmes whose mother has been very ill in Belfast. Mr. Holmes was convicted in October 1973 of the Old Bailey bombings in London.

The last major inter-ministerial discussion on the matter of transfer of prisoners to prisons in Northern Ireland took place between Messrs. Kelly and Rees in March 1977. At that time in the context of allegations of ill-treatment of prisoners the Parliamentary Secretary urged the transfer to Northern Ireland of prisoners with links in either part of Ireland.

The Embassy in London has sought clarification from the British authorities of the facts regarding the request by Mr. Holmes for a transfer to a prison in Northern Ireland. From other sources we have learned that the British are unwilling to transfer him for security reasons. In addition it would appear that if transferred to Northern Ireland, Mr. Holmes could claim special category status. All prisoners serving sentences for crimes committed before 1 March 1976 are entitled to special category treatment in prisons in Northern Ireland even though the crimes were committed in Britain and even though they were sentenced there (e.g. the Price Sisters). British policy in relation to transfer of Irish prisoners from England to Northern Ireland was spelled out on 3 July 1980 in a parliamentary reply to Miss Joan Maynard M.P. (copy attached).

7. In conclusion, the Government's policy concerning Irish prisoners in prison in Britain was outlined in Dáil Éireann by the Minister on 25 March 1980 (copy attached).

[Mr. Moore.]

From March 1978 to March 1979. The average weekly earnings at March 1979, as published in the "Industrial Inquiries—First and Second Quarters 1979" was £76.64. These are the latest figures available at this time, but results for June 1979 will be published within the next two weeks.

No comparable series exists in respect of agricultural earnings. Information is, however, available for the total income arising in agriculture; this covers wages and salaries of employees and income from self-employment and other trading income as defined in the national accounts. There are a number of difficulties in using the sectoral income estimates to derive average income per head figures but it is provisionally estimated that there was a decrease of about 1 per cent between 1978 and 1979 in the total income arising in agriculture for the change in the number of persons engaged in farmwork—aggregates which are not strictly comparable in scope and coverage. The average income per person, on this basis, for 1979 was £76.31 per week.

An Ceann Comhairle: Questions Nos. 4 and 5 have been postponed.

Prisoners' Rights.

6. Mr. Blaney asked the Minister for Foreign Affairs if his attention has been drawn to the situation whereby Irish citizens imprisoned in Long Kesh prison in Northern Ireland and prisons in Britain are being denied basic human rights and if he will raise the matter with the British Government.

Minister for Foreign Affairs (Mr. Lenihan): It is the policy of the Government to do all in their power to ensure that Irish prisoners in Long Kesh and in prisons in Britain are at all times treated in a manner consistent with their basic human rights and that they are enabled to avail themselves of the rights and facilities accorded to prisoners generally in a manner free from all discrimination. To this end the

Government make every effort to have the fullest and most reliable information that can be obtained on all aspects of the situation. Where it is considered that the facts warrant it, the cases of individual prisoners in both Long Kesh and prisons in Britain are raised with the British authorities. Any prisoner or his immediate family who feel that the conditions of imprisonment are such as to warrant intervention on his behalf should raise the matter with me directly or through the Irish Embassy in London.

Mr. Harte: In view of the recent visit of the Cardinal and Bishop Daly of Derry to Long Kesh to try to break the deadlock would the Minister not be more positive than in the reply he has just read out?

Mr. Lenihan: I will continue to be very positive.

Mr. Harte: Would the Minister tell the House what he intends to do by being positive?

Mr. Lenihan: I have indicated in my reply that any cases brought to my notice are followed up assiduously by me or by my officials in my Department or the ambassador in London.

Mr. Harte: Would the Minister bring the matter up with the Secretary of State for Northern Ireland?

Mr. Lenihan: I certainly will. I will always continue to bring it up.

Mr. Harte: Will the Minister impress on the Secretary of State that the deadlock must be broken? It should be put on record that I do not share the stand that those men are taking but they are human beings. It has got to a stage now where some side has got to stand down.

An Ceann Comhairle: The Deputy is making a statement now.

Mr. Harte: Will the Minister try to break the deadlock?

Mr. Lenihan: I will raise the matter as suggested by the Deputy.

British Occupation of GAA Grounds.

7. Mr. Kenny asked the Minister for Foreign Affairs if he has discussed the occupation of a portion of the GAA grounds in Crossmaglen, County Armagh by sections of the British Army, with (a) the Northern Secretary of State and (b) the executive of the GAA; his proposals, if any, for the improvement of the situation; and if he will make a statement on the matter.

Mr. Lenihan: The grounds of the GAA club at Crossmaglen, County Armagh are next to the combined RUC station and army base and this has been a source of tension and difficulty since the beginning of the present period of violence in Northern Ireland. In July 1974 the British authorities compulsorily acquired part of the GAA grounds and in 1976 further land was requisitioned, some of it belonging to the GAA.

The problem arising for the GAA at Crossmaglen have been brought to the attention of my Department over the years and have been raised frequently with the British authorities, including a number of times in recent weeks. On 12 March I had a meeting with Mr. Pádraig MacFloinn, President of the GAA and other officers of the association to review the position at the Crossmaglen Club and to discuss ways in which the situation can be improved. Following on the meeting I am making further representations to the British authorities and I assure the Deputy that every effort will be made to persuade them to redress the situation and to minimise the inconvenience accruing to the Crossmaglen Club at the present time.

I have already availed of the meeting which I had with Lord Carrington, Secretary of State for Foreign and Commonwealth Affairs in London on 12 March to convey my concern about the matter to the British Government at senior ministerial level. If no progress has been made I will of course raise the matter at the forthcoming meeting with