



250/897

F.27/6.

Anglo Irish matters 1981

*Secretary's*

Papers (1) relating to H. Block Hunger Strikes

(covers period Jan - May 1981 approx.)

TRANSLATABLE



ROINN AN TAOISIGH

LE DEA-MHÉIN AN RÚNAÍ

Confidential

Note of call by Mr. Staples, British Embassy and phone  
call from Mr. Alexander, Private Secretary to the British  
Prime Minister

By prior arrangement with the Secretary to the Government who had another engagement, Mr. J. Staples of the British Embassy called to me at 5.45 p.m. on Friday, 9th January, 1981 in order to hand over the statement on the H-Block protest which is annexed to this note. I had been aware that he was coming to me directly from a previous call on Mr. D. Neligan, Assistant Secretary, Department of Foreign Affairs who had been instructed to convey to Mr. Staples the adverse reaction of the Taoiseach to the apparent briefing of certain British newspapers about aspects of security co-operation.

Mr. Staples handed me the statement. He said that it was being issued that evening by the Northern Ireland Office and would be "on the wires". His authorities had therefore wished us to have it. He said that its contents answered questions put by Mr. Nally to the British Ambassador when he called on him on January 7<sup>th</sup>. It indicated the number of prisoners who had come off the protest since the end of the hunger strike. He recalled the procedure to be followed at that stage, as indicated in the Secretary of State's statement of 19 December, with particular reference to the first step being the moving of prisoners to new cells. It had been hoped that the prisoners would not foul these cells and that further steps in the envisaged procedure could then follow. Regrettably these hopes had not been validated. All the prisoners on the dirty and blanket protests had now been moved to new cells but they had again proceeded to foul them. Notwithstanding this setback, the prison Governor would shortly, as indicated in the statement he had given me, be moving a further group of protesters into different cells, all of which had been cleaned and some of which would be fully furnished. The British authorities were taking this step unilaterally, without any reciprocal response from the protesters. It was intended to be an earnest of good faith on the part of the authorities and of their readiness to carry through the procedures set out in the statement of 19th December when protesters came off the protest.

It appeared, however, that there were "hard men" among the prisoners who wished to wring further concessions from the authorities. They now had information that a further hunger strike, to commence in a few weeks, was to be undertaken by a group of prisoners led by Sands, for the original five demands of the protesters.

He referred to a suggestion conveyed to Ambassador Figg by Mr. Nally that Father Maher might again be used as a channel of communication. He said that it was the perception of his authorities that Father Maher had been trapped into simply conveying the extreme demands of the prisoners to the authorities. In these circumstances, they did not feel able to use him and proposed to use Father Toner and Murphy and other channels.

I commented that if a further hunger strike were to happen, it would clearly be a matter of the gravest concern to the Irish Government and expressed the hope that it could be averted. On the new step he had mentioned, i.e. moving protesting prisoners to clean and furnished cells, I said there must be some doubt as to whether it would do enough to establish confidence. I indicated that while I had not been closely involved in more recent exchanges on this issue, I had the impression - although there might be problems about defining when the protest had been ended - that the British authorities had not in fact followed through on one aspect of Mr. Atkin's statement of 19th December i.e. that "Within a few days, clothing provided by their families will be given to any prisoner giving up their protest so that they can wear it during recreation association and visits."

I had understood this to be presented as an interim measure pending availability of work and of the civilian type clothing to be issued. There seemed to be a question that, possibly because this latter clothing had become available sooner than expected, the procedure outlined had not happened and that instead prison issue clothing had been offered, albeit I had seen references to such clothing being personalised.

Mr. Staples responded that if there were any suggestion that the British authorities had not done what they said they would in Mr. Atkin's statement of 19th December, he would have to disagree. The statement he had given me dealt, he thought, with this aspect although he was unable to identify the precise reference. The difficulty might indeed relate

to defining when the protest had ended.

I noted that the third indent of paragraph 5 of the statement he had given me appeared to indicate that prisoners who had come off the protest had been allowed to obtain clothes from their families, to be worn during recreation; and visit periods.

In relation to what he had said about Father Maher, I said that I was not in a position to comment but would simply note and report what he had said.

I then referred to the fact that he had come from a previous call by Mr. Neligan who, I knew, was to raise with him apparent briefings by British sources on aspects of security co-operations. He confirmed that this matter had been raised with him. I, for my part, said that the Taoiseach had been intensely irritated by the newspaper stories in question and would be particularly perturbed, if as appeared likely, they reflected briefing by British security sources. Mr. Staples agreed that it would scarcely be accidental that similar stories could appear simultaneously in three newspapers. On the other hand it had been rightly pointed out on our side that there were a number of inaccuracies in the reports; this suggested that the source was not a particularly good one. He could only say that he had taken note of what had been said on our side and would institute the necessary inquiries.

Following a wry reference to the events surrounding the allocation of the portfolios in the new European Commission to the effect "that we could have done without that", Mr. Staples then withdrew.

As soon as he had left, a phone call came through from Mr. Michael Alexander, Private Secretary to the British Prime Minister, Mrs. Thatcher. He was aware that Mr. Staples had called on me and said that he wished to refer to three subjects.

The first was the situation in the Maze Prison. Having established what I had been told by Mr. Staples, he told me that they had heard information that an announcement would be made on Monday, 12th January, by or on behalf of the protesting prisoners, that a further group of prisoners, led by Sands would commence a further strike within a few weeks, (3 weeks, he understood), more or less in support of further concessions relating to the

original five demands. It was the British assessment that to grant the further concessions would be to concede, in essence, treatment as political prisoners. This they were not prepared to do.

He said that their perception of Father Maher's position went somewhat further than Mr. Staples had indicated. They considered, that whether adventently or inadvertentlly, he had run the risk of getting into a position where he would be the instrument by which the prisoners would set up a negotiating position which the British authorities would not countenance. They therefore would not use him but proposed to use Fathers Toner and Murphy as channels of communication, not negotiation.

I told Mr. Alexander that I would convey what he had said to the Taoiseach.

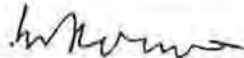
He asked me also to convey that the Prime Minister greatly appreciated the message sent by the Taoiseach in respect of the bomb threat to her.

On a third subject, he said that the Prime Minister greatly regretted what had happened in respect of the allocation of portfolios in the new European Commission. She was particularly sorry that a widespread public perception had been of a clash between the British and Irish Commissioners.

What had happened, as the British saw it, was that some of the existing Commissioners had succeeded in expanding their portfolios, thus reducing the scope for the incoming Commissioners. As the British had seen it, the proposal made by Mr. Thorn involved a reduction in the portfolio of only one of the sitting Commissioners. Moreover, it was particularly regrettable that the idea had been put forward without any prior notice to Mr. Tugendhat. It was this aspect, in particular, that had led Mrs. Thatcher to phone Mr. Thorn. They wished it to be understood that her action in doing so did not involve or reflect any Anglo-Irish difficulty but arose from the factors to which he had referred. The matter now appeared to have been resolved satisfactorily and they hoped that the new Commission would now work harmoniously.

I responded that we had certainly noted how some existing Commissioners, in particular Vicointe Davignon had been able to expand their remits and that, as regards the matter to which he (Alexander) had referred, it was unlikely that any lasting damage had been done. I undertook to convey what he had said to the Taoiseach.

The conversation terminated at this point. I then reported to the Taoiseach. I also mentioned to Mr. Kelly, Head of the G.I.S. the statement being issued by the British and gave him a copy. I suggested that if any requests for comment were received on it from the media, the response could be that these were matters between the prisoners and the British authorities. I also told him, stressing the confidentiality of this information, of the threat of a further hunger strike but indicated ~~that~~ news of this was unlikely to break before Monday. If it did break earlier and led to requests for comment, it would suffice to say that any such development would clearly be a matter of the gravest concern to the Irish Government.



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W. Kirwan,

10th January, 1981.

Copies for Taoiseach  
Mr. Nally  
Mr. O'Rourke, D/Foreign Affairs  
Mr. O hAnnracháin  
Mr. Neligan, D/Foreign Affairs  
Mr. Kirwan.



THE MAZE PROTEST: THREE WEEKS AFTER THE END OF THE HUNGER STRIKE

1. In the Secretary of State's statements of 4 December and 19 December he set out clearly the humane prison regime which applies to all prisoners in Northern Ireland prisons who are prepared to conform to the prison rules.
2. A copy of the statement of 19 December was given to each protesting prisoner so that he would know what treatment he would receive when he ended his protest.
3. All conforming prisoners in the Maze cellular prison have been supplied with the new civilian type of clothing. The clothing is personal to individual prisoners: ie they always get the same clothing back from the laundry. Other prisons are being issued as quickly as possible with the new style of clothing. The old denim prison uniform, which is now no longer in use at the Maze, will shortly be a thing of the past in all Northern Ireland prisons.
4. At the height of the protest in addition to 7 hunger strikers there were 505 prisoners protesting by refusing to wear prison clothes or to work, and by fouling their cells. Since the hunger strike began 87 prisoners have ceased to protest, 34 of them since it ended.
5. The 7 hunger strikers remain in the prison hospital and are treated as conforming prisoners. All the prisoners who have come off the protest have in accordance with the Secretary of State's statement of 19 December been
  - moved to clean furnished cells
  - given the new civilian type clothing
  - allowed to send for their own leisure clothing to wear out of working hours
  - given the privileges of association, visits, letters and parcels to all conforming prisoners.

They are no longer losing remission and qualify for the review of lost remission on an individual basis, and subject to good behaviour, referred to in the statement.

6. Since the end of the hunger strike all the other protesting prisoners have been moved to clean cells at least once but they have proceeded to foul them, despite the fact that it had been made clear in the Secretary of State's statement that the first step in a move to a normal prison regime would be the provision of clean cells.
7. As a special step, on the morning after the hunger strike ended, it was explained to the first group of protesters due to move into clean accommodation as part of the normal cleaning cycle,

that if they did not foul the cells, they would be provided with furniture and bedding the next day. Again on 5 January the Governor arranged for the same explanation to be given to each prisoner in two wings of 24 cells each. On both occasions cells were fouled.

8. The prisoners who are continuing the protest, despite what the Secretary of State said about the humanitarian prison conditions available to prisoners who conform, are still demanding something quite different, namely a regime which would give them the substance of their demands for political status. Specifically they are still refusing to agree to conform to the prison rules except on their own terms, ie inter alia to wear their own clothing and not the new prison-supplied civilian clothing: and they still refuse to agree to work as directed. The Government has consistently refused to concede these demands throughout the four and a half years of the protest because to do so would effectively transfer control of the prison from the prison authorities to the prisoners.

9. The Government's position remains as set out in the Secretary of State's statement of 19 December. Nothing has been added to it and nothing taken away. The regime it describes cannot apply to prisoners who will not obey prison rules which are essential to the maintenance of security. The Government's responsibility to maintain a humanitarian prison regime is matched by its responsibility to society to maintain a secure regime. The Government is continuing to use its best efforts to implement the regime described on 19 December and to bring about tolerable living conditions for both protesters and prison staff. As part of this the Governor will shortly be moving a further group of protesters into different cells, all of which have been cleaned and some of which will - as further evidence of the Government's sincerity - be fully furnished, in the hope that this will encourage some prisoners not to foul their furniture and bedding. If they do not, then the Governor will take the next step of supplying others with furnished cells and offering to supply all of the group with the new prison issue civilian clothing.

SERIAL NO 50  
UNCLASSIFIED

TO HQ  
FOR A/S NEWULLINM

FROM LONDON

*A/S Neligan*

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E-A DUBLIN  
F-A1 LDN  
SERIAL NO 50  
UNCLASSIFIED

TO HQ  
FOR A/S NELIGAN

FROM LONDON  
FROM MINISTER

MAZE SITUATION

AS YOU KNOW, THE AUTHORITIES ON MONDAY MOVED ONE WING (25 PRISONERS) OF THE MAZE INTO CLEAN ACCOMMODATION, SOME OF WHICH WAS FURNISHED AND SOME NOT. ACCORDING TO THE NIO THIS MORNING THIS WING IS STILL CLEAN. YESTERDAY FURNITURE WAS PROVIDED IN THE CELLS WHICH DID NOT HAVE IT. THE PRISONERS INVOLVED ARE STILL WEARING THE BLANKET, ARE NOT WASHING BUT ARE USING TOILET FACILITIES. THE AUTHORITIES ARE HOPING TO REPEAT THIS OPERATION WITH ANOTHER WING LATER IN THE WEEK. SANDS WAS NOT INVOLVED IN THE ABOVE OPERATION BECAUSE HIS WING HAD RECENTLY BEEN MOVED TO CLEAN QUARTERS BUT HE WILL BE IN ONE OF THE NEXT ~~DX~~ BATCHES. MORIARTY, WHO PASSED ON THIS INFORMATION, SPOKE OF "INCHING FORWARD".

END

PD. 14/1/81  
TIME: 1104

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E-A DUBLIN  
F-A1 LDN

ASS

Note

Mr. Dempsey, London Embassy telephoned today to say that Mr. Moriarty, NIO, had been in touch with him to bring us up to date on the H-Blocks dispute. Mr. Moriarty made the following points:

- (1) Prisoners had been moved into a second clean wing in the H-Blocks. So far there had been no problems in relation to this wing or the one occupied <sup>by</sup> by protesting prisoners.
- (2) The prisoners in these two wings were still not washing and were not wearing clothes apart from the blankets.
- (3) The prison authorities are keeping all protesting prisoners in the H-Blocks informed about developments by means of typed notes which are given to all the prisoners concerned.
- \* (4) The prison authorities are now coming to the next and most difficult problem i.e. clothes. This is a problem of considerable delicacy which the prison authorities will deal with in a non-confrontational manner.

Mr. O Ceallaigh, London Embassy, has heard from a reliable source that the prison authorities may issue "civilian-style clothing" which will include dungarees of a uniform nature. Mr. Dempsey is trying to establish from the NIO if this is true. It will probably be Monday 19 January before he will get further information on this aspect.



Martin Burke  
16.1.1981

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c.c. Mr. Neligan, Mr. Kirwan - D/Taoiseach

ASS, 2377.

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IMMEDIATE

FOR ASSISTANT SECRETARY, NELIGAN  
FROM DEMPSEY  
MMMKIUJH

SITUATION IN MAZE

<del>CONFIDENTIAL</del>
<del>CONFIDENTIAL</del>
CONFIDENTIAL
DATE 9/10/52
INITIALS [Signature]

1. I CALLED YESTERDAY AFTERNOON ON DEPUTY SECRETARY MARSHALL OF THE N10 TO OBTAIN A BRIEFING ON THE CURRENT SITUATION IN THE MAZE. MARSHALL SAID THE SITUATION HAD NOT CHANGED MUCH IN THE PAST TEN DAYS SINCE 96 PRISONERS WERE MOVED INTO CLEAN CELLS WHICH EITHER HAD FURNITURE OR WERE SUPPLIED WITH FURNITURE SHORTLY AFTER. THESE CELLS WERE NOT BEING SOILED AND THE PRISONERS WERE COOPERATING IN MOPPING THEM OUT. LAST FRIDAY, SOME OF THE PRISONERS HAD EXPRESSED THE WISH TO WASH, SHAVE AND HAVE A HAIR CUT AND THEY HAD ASKED FOR PRISON CLOTHING AND THEIR OWN CLOTHES. THE TIMING OF THIS REQUEST WAS SEEN AS SIGNIFICANT BECAUSE IT WAS MADE IMMEDIATELY BEFORE THE WEEKEND WHEN OWN CLOTHING WAS PERMITTED. THE PRISON GOVERNOR, AFTER CONSULTING HIGHER AUTHORITY, HAD REPLIED THAT THE PRISONERS WERE FREE TO WASH AND SHAVE BUT THAT OWN CLOTHING WAS A PRIVILEGE RESERVED FOR CONFORMING PRISONERS. THEY WOULD NOT BE GIVEN OWN CLOTHES UNLESS THEY WERE PREPARED TO WORK AS DIRECTED AND TO WEAR PRISON ISSUE CLOTHING DURING WORK PERIODS. FURTHERMORE, IF THEY CONFORMED THEY WOULD BE MOVED TO A BLOCK WITH OTHER CONFORMING PRISONERS. THE PRISONERS WISHED TO STAY WHERE THEY WERE BUT, SOMEWHAT TO THE SURPRISE OF THE PRISON AUTHORITIES, DESPITE THE REBUFF, THEY WENT AHEAD WITH WASHING AND SHAVING, ALTHOUGH IT WAS TUESDAY BEFORE HAIR CUTS COULD BE ARRANGED. THE FOLLOWING DAY, OWN CLOTHES WERE BROUGHT IN BY RELATIVES. THESE HAD BEEN ACCEPTED AND PUT AWAY WITH THE EXCEPTION OF UNDERPANTS AND UNDERSHIRTS WHICH ARE ALWAYS PRISON ISSUE. CONTRARY TO PRESS REPORTS, TROUSERS NOT BEEN RETURNED.

2. I ENQUIRED ABOUT THE NATURE OF THE PRISON CLOTHES WHICH WERE ON OFFER. MARSHALL RECALLED THE DECISION ANNOUNCED BEFORE THE HUNGER STRIKE BEGAN THAT PRISON ISSUE CIVILIAN TYPE CLOTHING WOULD BE ALLOWED DURING WORK PERIODS. HE COMMENTED THAT THE M10 HAD NOT FELT THAT THIS DECISION WOULD PREVENT THE STRIKE OCCURRING BUT MERELY WISHED TO HAVE THE ANNOUNCEMENT MADE BEFORE THE STRIKE BEGAN, AS IT WOULD BE IMPOSSIBLE AFTERWARDS. WHEN THE HUNGER STRIKE WAS ENDING AND IT LOOKED AS IF THERE MIGHT BE A SUDDEN DEMAND FOR OWN CLOTHING, LARGE SUPPLIES OF C AND A SLACKS AND SWEATERS HAD BEEN PURCHASED. THIS WAS WHAT WAS ON OFFER IN THE MAZE. THE ONLY DIFFERENCE BETWEEN THESE CLOTHES AND OWN CLOTHES WAS THAT THE PRISON ISSUE GARMENTS WOULD CARRY PERSONAL IDENTIFICATION TAGS. MARSHALL SAID THAT MANY CONFORMING PRISONERS CONTINUED TO WEAR PRISON ISSUE CIVILIAN CLOTHING DURING RECREATION PERIODS. THE ISSUE, THEREFORE, WAS ONE OF PRINCIPLE, I.E. WHO WAS IN CONTROL. I ASKED WHETHER THE CLOTHING ISSUE COULD BE SETTLED SEPARATELY, LEAVING OTHER QUESTIONS OUTSTANDING. MARSHALL REPLIED IN THE NEGATIVE. OWN CLOTHING WAS A PRIVILEGE FOR CONFORMING PRISONERS. I SUGGESTED THAT THE BASIC DIFFICULTY, THEREFORE, WAS THE QUESTIONS OF WORK AND HE AGREED. HE ADDED, HOWEVER, THAT THE UNDERLYING ISSUE WAS ONE OF PRINCIPLE: IT WAS A QUESTION OF WHO RAN THE PRISON AND WHETHER SPECIAL TREATMENT SHOULD BE GIVEN TO SO-CALLED POLITICAL PRISONERS.

3. IN REGARD TO WORK, I SUGGESTED THAT A POSSIBLE DIFFICULTY FOR THE PRISONERS WAS THAT THEY HAD NO GUARANTEE THAT, IF THEY ACCEPTED WORK, THEY WOULD NOT BE VICTIMISED BY BEING GIVEN ALWAYS THE MOST MENIAL CHORES. MARSHALL ACKNOWLEDGED THAT NOT ALL PRISON OFFICIALS WERE PERFECT BUT SUGGESTED THAT IT WAS IN THE ENLIGHTENED SELF-INTEREST OF THE PRISON AUTHORITIES GENERALLY THAT PRISONERS SHOULD BE CONTENT AND SHOULD NOT HAVE GRIEVANCES. HE TOLD ME THAT NO DISTINCTION WAS MADE BETWEEN ESSENTIAL (E.G. KITCHEN) AND NON-ESSENTIAL (E.G. VOCATIONAL TRAINING) WORK. THE GENERAL PROBLEM WAS THAT THERE WAS INSUFFICIENT WORK TO GO AROUND. WHEN PRISONERS WERE FIRST ADMITTED OR BEGAN TO CONFORM, THEY WERE ASSESSED INDIVIDUALLY TO DETERMINE THE TYPE OF WORK MOST SUITABLE FOR EACH. WORK INCLUDED A RANGE OF ACTIVITIES AND THERE WAS NO UNIFORM DEFINITION OF WORK THROUGHOUT UNITED KINGDOM PRISONS. LOCAL CIRCUMSTANCES COULD BE AND WERE TAKEN INTO ACCOUNT IN DETERMINING SUITABLE WORK ACTIVITIES IN DIFFERENT PRISONS.

4. I ASKED WHETHER THE PRISONERS MIGHT BE PREPARED TO CONFORM SUBJECT TO A PROCEDURE BEING AGREED FOR MAKING THEIR VIEWS KNOWN. MARSHALL SAID HE SHOULD MAKE CLEAR THAT THERE WERE NO NEGOTIATIONS BETWEEN THE AUTHORITIES AND SANDS. THE DISCUSSIONS WITH SANDS HAD BEEN AIMED AT FACILITATING THE MOVEMENT OF PRISONERS FROM NON-CONFORMING TO CONFORMING STATUS. THIS WAS A TIME-CONSUMING PROCESS BECAUSE EACH NEEDED TO BE ASSESSED INDIVIDUALLY FOR WORK, PROVIDED WITH A CELL IN A CONFORMING BLOCK ETC. THE AUTHORITIES WOULD BE RELUCTANT TO ACCEPT A CONTINUING SITUATION WHERE SANDS WAS SPOKESMAN AND INDIVIDUAL PRISONERS WERE NOT SPEAKING ON THEIR OWN BEHALF; ON THE OTHER HAND, REALISTICALLY THEY RECOGNISED THAT THEY WERE DEALING WITH A BLOC.

5. MARSHALL RECOGNISED THAT THE PRESENT SITUATION WAS UNSTABLE, AS EVIDENCED BY THE BREAKING OF FURNITURE THE PREVIOUS DAY. IF PROGRESS COULD NOT BE MADE, THINGS WOULD DETERIORATE. THE AUTHORITIES COULD LIVE WITH A SITUATION WHERE PRISONERS CONFORMED TO THE EXTENT OF NOT FOULING THEIR CELLS, WERE PREPARED, ALTHOUGH THIS WAS UNLIKELY, TO ACCEPT AND WEAR PRISON CLOTHES BUT REFUSED TO DO ANY WORK. RECOGNITION HAD BEEN ACCORDED TO THE GREATER DEGREE OF CONFORMITY NOW BEING PRACTICAL BY THE 96. PRISONERS COME UP FOR DETERMINATION OF PENALTIES EVERY 28 DAYS. HITHERTO, NON-CONFORMING PRISONERS HAD BEEN DOCKED ONE DAYS REMISSION FOR EVERY DAY ON THE DIRTY PROTEST. IN RECOGNITION OF THE GREATER DEGREE OF CONFORMITY NOW IN EVIDENCE, THEY WERE BEING DOCKED ONE DAY'S REMISSION FOR EVERY TWO DAYS OF NON-CONFORMING. FOR THE TIME BEING, SANDS WAS OPPOSED TO ANY FURTHER BLOCKS BEING MOVED TO CLEAN CELLS BUT MARSHALL FELT THE AUTHORITIES WOULD EVENTUALLY HAVE TO GIVE ALL PRISONERS THE OPPORTUNITY OF CONFORMING EVEN IF IT WERE TO BE REJECTED. HE COMMENTED THAT THERE WAS A CONSTANT DRIBBLE OF PRISONERS COMING OFF AND GOING ON THE STRIKE SO THAT THE NUMBER INVOLVED REMAINED FAIRLY CONSTANT.

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6. MARSHALL SAID THAT MINISTERS AND THE PRIME MINISTER WERE VERY FIRM ON THE ISSUES INVOLVED. THE GOVERNMENT'S POSITION HAD BEEN SET FORTH ON 4 DECEMBER AND HAD NOT CHANGED. THE AUTHORITIES HAD PREPARED FOUR BULLETINS WHICH HAD BEEN PASSED TO THE PRISONERS, DETAILING THE STEPS TAKEN AT EVERY STAGE. IF NECESSARY, THESE COULD BE PUBLISHED AS EVIDENCE OF THE GOVERNMENT'S CONSTANT PURPOSE AND STEADFASTNESS. HE HOPED THE PRISONERS REALISED THAT, UNLIKE THE DIRTY PROTEST, A HUNGER STRIKE WAS THE KIND OF CONFRONTATION WHICH PRODUCED A WINNER AND A LOSER. MINISTERS HAD LIVED THROUGH ONE HUNGER STRIKE AND WOULD NOT FLINCH FROM ANOTHER.

SORRY DUBLIN WE HAVE PARA 7 - VERY SHORT

7. MARSHALL HAS SINCE PHONED ME TO SAY THAT THINGS HAVE DIS-IMPROVED VERY RAPIDLY AND THAT WHEN HE SPOKE TO ME HE WAS UNAWARE THAT THE PRISONERS WERE EVEN THEN BACK ON THE DIRTY PROTEST.

HPJZRCOOD 29/1/81

TIME: 10.50

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1. On 10 December 1980 the British authorities sent into Long Kesh and Armagh a statement of what would happen when the protests ended. The hunger strike ended that evening and the British Government, while emphasising that the protestors could not achieve their objectives, expressed the hope that the knowledge of what would happen when the protests ended would lead all the prisoners concerned to stop their activities. Some events since this date gave rise to optimism that the dirty protest saga in Long Kesh would indeed finally come to an end. Recent developments, however, have dampened this optimism with an apparent return on 29 January to the pre-hunger strike protest situation with some 417 men in Long Kesh and 29 women in Armagh now involved again on the dirty protest.
2. Between the period 18 December and 9 January while there were grounds for hoping for a successful conclusion to the H-Block problem a large number of prisoners were nonetheless not prepared to conform with prison rules. In these circumstances another statement was issued by the British authorities on 9 January saying that in a further attempt to implement the regime described in the statement of 18 December a group of these prisoners would be moved to clean and furnished cells. On 12 January 22 prisoners were moved into clean furnished cells and when these cells were not fouled furniture was provided for the remaining prisoners in the same wing on 13 January. On 15 January a further group of prisoners was moved into clean furnished cells making 96 the total number of 'former' protestors occupying the clean furnished cells. On 21 January all protesting prisoners were told that the procedure for further moves into clean cells would be that in the first instance the cells would be unfurnished but, if by the day after they moved in, the cells remained clean and prisoners had slopped out furniture would be supplied.
3. The 96 prisoners who had been given clean and furnished cells nonetheless continued their protest by refusing to wash, shave, wear prison clothing or to undertake work. All clothing which was supplied for these prisoners by their relatives on 23 January was accepted by the prison authorities but was not passed on to the protestors. The British authorities maintain that where an individual protesting prisoner says that he wishes to conform having washed, shaved and had a hair cut, he is given a set of prison issue civilian clothing, moved from his cell to a new wing containing other conforming prisoners, medically examined for fitness to work and, if fit, allocated to the given work. As a conforming prisoner the British say he then qualifies for privileges including, of course, that of wearing his own leisure clothing of the approved type.
4. In a development on 23 January the prisoners who had deescalated their action to a clean protest in furnished cells indicated that they wished to be regarded as "non-protesting prisoners" and that in consequence
  - (1) they wanted to wash, shave and have a hair cut
  - (2) they would keep their own cells clean
  - (3) they would go to reception to be photographed in their new clean state
  - (4) they did not want to be moved (as would be the normal practice for those leaving the protest) to a new wing for conforming prisoners.
  - (5) they would undertake full time education:
  - (6) they would not undertake the full range of prison work and
  - (7) they would expect once cleaned up to be issued both with prison civilian clothing and their own leisure clothing.

The timing of this request was seen as significant because it was made immediately before the weekend when own clothing was permitted. The Prison Governor, after consulting higher authorities, replied that the prisoners were free to wash and shave, but that own clothing was a privilege reserved for conforming prisoners. They would not be given own clothing unless they were prepared to work as directed and to wear prison issue clothing during work period. Furthermore if they conformed they would be moved to a block with other conforming prisoners.

6. Somewhat to the surprise of prison authorities despite the rebuff the prisoners went ahead with washing and shaving although hair cuts could not be arranged immediately. However on the 27 January the 96 prisoners destroyed furniture and fittings in their new cells and broke the windows. On 29 January the 96 prisoners refused to stop out and began again to smear the walls of their cells. They maintained that the authorities had pushed them into this action by placing them first in dirty cells when they smashed their cell furniture and windows and secondly by the refusal of the authorities to give them their own clothing unless they promised to conform to prison regulations. The British authorities maintained that the group was placed in dirty cell immediately after the furniture and windows smashing episode only because these were the nearest empty cells and that they were all moved into clean cells on the Wednesday morning.
7. The British authorities impression of developments is that the protestors are attempting to put them in a position where either they grant a point which the protestors can claim as a concession of principle, or they take a stand on a point which the protestors would represent as a minor one. They maintain that the demands now being made by the protestors show quite clearly that they are not prepared to undertake the full range of prison activities and are still seeking to establish a different regime for themselves which distinguishes them from other prisoners. They are emphatic that they will not surrender control of what goes on in the prisons to a particular group of prisoners.

Department of Foreign Affairs  
2 February 1980

company's requirements come from the United Kingdom. We have to consider the balance sheet of security as well as politics. The car is coming on stream. While I was in America last week, there was a great deal of publicity for the car, which is eagerly awaited. We must remember that we are talking about employment in Northern Ireland. We should give the car a fair wind and all the help that we can—

**Mr. Speaker:** Order. Even a Front Bench spokesman must ask a question, rather than have an argument.

**Mr. Butler:** The right hon. Member for Mansfield (Mr. Concannon, takes the right attitude towards that car.

**Mr. Bruce-Gardyne:** On a point of order, Mr. Speaker. In view of my hon. Friend's reply, I shall seek to raise the matter on the Adjournment of the House. 5/1

### Political Institutions 5/3 5/13

6. **Mr. Latham** asked the Secretary of State for Northern Ireland whether he envisages making any early progress in evolving new political institutions in the Province; and whether he will make a statement.

ii. **Mr. Michael McNair-Wilson** asked the Secretary of State for Northern Ireland whether he plans any administrative changes in the governing of the Province.

**Mr. Humphrey Atkins:** The Government continue to seek a transfer of significant powers to locally elected representatives on a basis acceptable to both sides of the community. However, in the present absence of agreement among the Northern Ireland political parties on how those powers should be exercised, I am considering how to improve the existing administrative arrangements for the government of the Province.

**Mr. Latham:** Following the unsuccessful White Paper initiative, is my right hon. Friend still trying to break the log jam of resentment and suspicion about this matter and to move to a better structure of government in Northern Ireland? Or has he given up initiatives in despair and is settling down to a long period of indefinite direct rule?

**Mr. Atkins:** No, Sir, the Government have not given up in despair. I propose to remain in close touch with party leaders in Northern Ireland. A long-term answer can come only if the parties in Northern Ireland reach agreement on how the country should be governed and how power could be exercised by locally elected people.

**Mr. McNair-Wilson:** Can my right hon. Friend see any overriding reason why the current proportion of elected representatives on area boards should not be expanded from their current one-third of the boards?

**Mr. Atkins:** That matter, and a variety of other matters connected with the governing of the Province are currently engaging my attention.

**Mr. James A. Dunn:** Does the Secretary of State realise that, unless he solves the problems related to security, the prospect of changing events in the Province are very much diminished. Unless he treats with an equal hand not only the IRA but other terrorist organisations, he will find that faith in his proposals will diminish considerably.

**Mr. Atkins:** Of course, the security position bears very much upon the matter. That is why I am glad to note

that for a number of years the level of violence has been steadily diminishing—which is what everybody wants. It is part of the Government's business to be as even-handed as possible.

**Mr. Fitt:** Will the Secretary of State be totally honest with the House and say that the search for new political institutions in Northern Ireland has come to a full stop, pending the outcome of the talks now taking place between this Government and the Government of the Republic? Will he confirm that there is no possibility of creating new political institutions in advance of the outcome of those talks? Will he take it from me, in all sincerity, that his Government, and especially the Prime Minister, need to create a great deal more confidence in Northern Ireland that nothing underhand is taking place in the talks? Does he appreciate that the Opposition should be made fully aware of what is happening on political progress in Northern Ireland? Nothing underhand must be done that will support the attitude expressed by the hon. Member for Antrim, North (Rev. Ian Paisley).

**Mr. Atkins:** I would not say that the search for a way forward in improving the government of the Province has come to a full stop. A comma might be more appropriate. I sincerely hope that discussions between this Government and the Government of the Republic will continue on a wide variety of matters for a long time. I hope those discussions will not come to an end, but it would be wrong to say that we should not seek a way forward until they have come to an end.

**Mr. Kilfedder:** On humanitarian grounds, will the right hon. Gentleman bring forward the date of the local government election on 20 May by at least two months? In that way, the political shenanigans and the slanging match between the Democratic Unionist Party and the Official Unionist Party will cause the least possible damage to Ulster and its people.

**Mr. Atkins:** I had not thought of that idea. I take note of what the hon. Gentleman has said. I dare say that we shall hear the hon. Gentleman's voice between now and 20 May.

**Mr. McCusker:** Will the Secretary of State confirm that most of the many people whom he meets as he travels throughout the Province want nothing other than to be governed as their fellow citizens are governed in the rest of the United Kingdom?

**Mr. Atkins:** That view is held by a number of people, but I am not in a position to say that I believe it to be the majority view.

### Maze Prison 25/4 28

7. **Mr. Stephen Ross** asked the Secretary of State for Northern Ireland if he will make a statement about the continuing unrest in Maze prison.

16. **Mr. Stanbrook** asked the Secretary of State for Northern Ireland if he will make a statement on the prisoners who are refusing to comply with prison rules at Maze prison.

**The Minister of State, Northern Ireland Office (Mr. Michael Alison):** The dirty protest in support of the campaign for political status is continuing. There are at present 405 prisoners involved, 61 fewer than when the Maze hunger strike ended on 18 December and 100 fewer than the peak number reached early in the hunger strike.

my right hon. Friend has already told the House, we had hoped that the ending of the hunger strikes would be followed by the ending of all the protests in the prisons. However, the process of return to normality broke down on 27 January, when 96 prisoners who were in clean, furnished cells started to damage the cells and to break up the furniture. It had become clear the previous weekend that the prisoners were seeking a regime that was different from the normal regime which my right hon. Friend described in his statement of 4 December.

On 5 February there was an announcement, said to be on behalf of the protesting prisoners, that a further hunger strike would begin on 1 March, in support of their claim to be treated as political prisoners.

I very much regret that the prisoners appear to have decided to resort to this kind of action a second time. The Government have declared the principles by which they are guided. It is these principles that the prisoners are once again challenging. We have shown once that we shall not compromise on them, and shall, if we must, do so again. I find it difficult to believe that the prisoners do not understand this.

**Mr. Ross:** Will the Minister accept that I congratulate the Northern Ireland Office on the promptness of its publicity in response to claims emanating from the Maze prison? Last week I was in the United States of America and I found that to be the case. Does anyone who holds a responsible opinion, particularly in the Catholic Church, support the prisoners' contention that they were tricked into a settlement when they called off the hunger strike in late December?

**Mr. Allison:** I know of no individual who has made any such claim. I have never heard such a claim articulated in any rational or meaningful form.

**Mr. Stanbrook:** Will my hon. Friend resist any temptation to make any progressive and humane reforms in the prison administration of Northern Ireland until the present indiscipline has come to an end?

**Mr. Allison:** No. The Government will not be influenced against pursuing rational and proper courses by the illegal activities of prisoners.

**Mr. J. Enoch Powell:** How can the Government hope for a return to normality in the Maze prison, when they continue to accord special category status to several hundred prisoners in defiance of their own principle that such status is unjustified and unacceptable?

**Mr. Allison:** In principle, special category status was abolished five years ago. The Government have accelerated the practice of phasing it out. That demonstrates clearly the Government's rejection of the concept of special category status. As long ago as 1975 a previous Secretary of State established the practice of leaving sentenced prisoners to serve out their time in the conditions under which they had embarked on them. A retrospective alteration of those terms gives rise to far wider considerations, as my right hon. Friend the Prime Minister indicated to the right hon. Gentleman in her reply to him on 15 February.

**Mr. Biggs-Davison:** Will my right hon. Friend the Secretary of State accept my assurance that he will receive the same firm support from this House that he enjoyed before, and that we very much welcome his constant stand? Should not my right hon. Friend the Secretary of

State consult his right hon. Friend the Home Secretary so that prison reforms in every part of the United Kingdom can march together?

**Mr. Alison:** I am much obliged to my hon. Friend for his assurance—which I am sure is valid—that the House completely supports the maintenance of the rule of law and the authority of the lawfully elected Government in the face of violence. As regards my hon. Friend's second question, there is a special situation in Northern Ireland because many young prisoners are serving very long sentences. To some extent, that distinguishes Northern Ireland from the rest of the British Isles.

## Prime Minister (Engagements)

**Q1. Mr. Meacher** asked the Prime Minister, if she will list her official engagements for 12 February.

**The Prime Minister (Mrs. Margaret Thatcher):** This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today, including one with the Prime Minister of Mauritius. This evening I shall preside at a dinner given in his honour.

**Mr. Meacher:** Why does the Prime Minister continue to refuse to reflate on the ground that it always leads to worse inflation, when in fact all previous reflations—with the exception of the disastrous Barber reflation—have not led to a surge of inflation or to higher unemployment? Does not the right hon. Lady see that what the country desperately needs now is not an ever greater squeeze on credit leading to ever-increasing unemployment, but an expansion of credit provided that such expansion is channelled into public as well as private investment, which would cut unemployment without being inflationary.

**The Prime Minister:** If we were to reflate on top of the present level of inflation it would lead to hyperinflation and unemployment. There is no doubt about that.

**Mr. David Steel:** Will the Prime Minister reconsider the cost of unemployment that she gave in her speech last Thursday? This morning, an article in *The Times* "Business News" suggested that the total direct and indirect cost to the Government of unemployment-based on Treasury figures—was £5,000 per worker.

**The Prime Minister:** With respect to the right hon. Gentleman the two things are wholly different. I gave the cost of unemployment benefit coupled with social security benefit. Those figures are accurate. The right hon. Gentleman has given figures that show how the Exchequer would benefit if everyone were in work. If everyone were in work, producing goods and services that some one else could buy without subsidy, there would be no problem.

**Mr. Michael Hamilton:** As the Leader of the Opposition was good enough to send a message of good will and congratulations last week to the Salisbury branch of the Campaign for Nuclear Disarmament, will the Prime Minister find time today to send a similar message of good will and congratulations to the Duke of Edinburgh, on his outstanding speech on Monday?

**The Prime Minister:** I am sure that in elevated situations people share the Government's thoughts that, although we wish nuclear weapons had never been



BRITISH EMBASSY,  
DUBLIN.

25 February 1981

Mr C J Haughey TD  
An Taoiseach  
Department of the Taoiseach  
Government Buildings  
Upper Merrion Street  
Dublin 2

Dear Taoiseach

I have been asked by my Prime Minister to give you  
the attached message, which I have just received..

Yours sincerely

Leonard [initials]

L C W Figg

MESSAGE FROM THE PRIME MINISTER TO THE TAOISEACH OF 25 FEBRUARY 1981

As you will know there is a renewed threat of a hunger strike at the Maze prison by one or more prisoners demanding, to quote the statement put out in their name, "to be treated as political prisoners".

It is a matter of great regret that the ending of the last hunger strike on 18 December, without loss of life, did not lead as we had hoped to the phasing out of all forms of protest and the implementation of the régime which was and remains available to non-protesting prisoners. Details of this régime were set out in the Secretary of State for Northern Ireland's statement of 4 and 19 December and in more detail in the 32-page document on the Northern Ireland prison régime.

As Her Majesty's Ambassador has explained to your officials, everything the prisoners have said and done since 19 December has made it clear that the only régime which they are prepared to accept without protest is that which incorporates their five demands, i.e. a prisoner-of-war régime.

We are not prepared to concede these demands and we believe the prisoners know it. We think that their object now is to bring about one or more deaths of hunger strikers in order to inflame community passions. All the evidence is that community support for the protesters is at its lowest ebb. If there is another hunger strike we expect it to be accompanied by a campaign of Provisional IRA and INLA violence designed to provoke the Protestant community whose mood is more volatile than at the time of the last hunger strike.

Her Majesty's Government's position remains on the record in the statement by the Secretary of State for Northern Ireland to which I have referred: no political status: no concession to the five demands: the régime described at the ending of the last hunger strike remains available: we are committed to keeping prison conditions under review from a humanitarian point of view.

The forces of law and order will act with sensitivity as well as firmness to protect the community from violence from whatever quarter arising out of any renewed hunger strike. We shall do all we can to discourage moderate and rational people from being taken in by Provisional IRA propaganda. I am sure that we have your support in this. I thought I ought to let you know how we see the situation at this stage and of course if there is anything you feel you can do to reinforce the actions we shall be taking to inform those who might have influence on the prisoners, this would be very helpful.

*Note:*  
I mentioned the Taoiseach's attitude to the ambassador and said that if we could do anything to help about

## Northern Ireland (Prisons)

The Secretary of State for Northern Ireland (Mr. Humphrey Atkins): I will, with permission, Mr. Speaker, make a statement on the latest developments in the protests by Republican prisoners in Northern Ireland prisons. On 1 March one of the prisoners at Her Majesty's prison, Maze refused food and declared himself to be on hunger strike. A statement attributed to the prisoners said that the action was being taken, once again, in support of their demand for political status.

Yesterday, the Republican prisoners still taking part in the dirty protest at Maze and Armagh prisons—139 in all—let it be known that they intended to stop fouling their cells. A total of 240 men prisoners have, accordingly, already been moved into clean cells and provided with clean bedding. The rest will be moved as quickly as further cells become available. The 28 women prisoners will all be in clean cells by this evening.

The Government naturally welcome the decision by the prisoners to put an end to the degrading conditions that they have imposed upon themselves. But, in another statement, the prisoners have indicated that their action is being taken in support of demands for changes in the prison regime which would give effect to their demand for political status. In that, they differ from the 80 prisoners who have stopped protesting altogether since the last hunger strike ended on 18 December. That group are now receiving the full range of privileges and facilities that I described in my statement to the House of 4 December, including that of association, and of wearing their own leisure clothing of an approved type, in the evening and at weekends. That regime remains available for all who choose to take advantage of it; nothing has been added to and nothing taken away from my statement of 4 December.

The claim for political status has been rejected in clear terms by the European Commission of Human Rights, by successive Governments, and by both sides of the House. I wish to make it clear, once again, in case there is any doubt anywhere about the Government's position, that we shall not give way on the issue of political status under pressure of further protest action, whatever form that takes, and whether it is inside or outside the prisons.

Mr. J. D. Concannon (Mansfield): We thank the Secretary of State for making the statement and reiterating the Government's oft-stated position. We agree that it is the only sensible course for the House to take, and that it is right to move prisoners into clean cells. We welcome the decision of those prisoners.

Is the Secretary of State aware that the Opposition agree that Maze prison is the newest and most modern prison in the United Kingdom and that for conforming prisoners the regime is the most liberal in the United Kingdom?

Is the right hon. Gentleman further aware that in our opinion there can be no one, including the IRA and the UDA, who does not realise that there can be no going back to special category or special privileges for non-conforming prisoners? It is therefore clear—the actions and reasons of those who came off the dirty protest at the weekend substantiate this—that the further action is another IRA propaganda exercise.

It is our view that the House should in no way assist the IRA in its efforts. While thanking the right hon.

Gentleman for his statement outlining the Government's views, we shall not be pushing him to make further statements—in fact, quite the reverse.

Mr. Atkins: I am grateful to the right hon. Gentleman for his expression of support from the Opposition Front Bench. I agree that there is no necessity to make repeated statements. The Government's position is clear and must be clear to all involved in any form of protest in the prisons. I confirm that Maze prison is one of the most modern in the United Kingdom and I believe that it compares favourably with any prison anywhere in the world.

Mr. Anthony Fell (Yarmouth): Is it not a fact that a statement of this sort lends an importance to these criminals which they do not merit?

Mr. Atkins: It is my business to keep the House informed of the Government's position and actions in the part of the United Kingdom for which I have responsibility. The actions being taken are serious. They cause tension and difficulty in the Province and it is right that the House should know precisely where the Government stand.

Mr. James Molyneux (Antrim, South): Is the Secretary of State aware that we, too, would prefer to regard this as a once-and-for-all statement? There should be no need for it to be repeated at frequent intervals. Is the right hon. Gentleman aware of the resentment caused in the past by the publication of daily bulletins on the condition of convicted prisoners, when no corresponding bulletins were issued on the terrorists' victims?

Mr. Atkins: I am grateful for the hon. Gentleman's support of what we are doing. I take note of his view that this is not something with which I need trouble the House again.

Mr. James Kilfedder (Down, North): The Secretary of State is to be congratulated on the determined stand that he and the Government have taken. It has forced the Provisional IRA to call off the dirty protest by more than 400 prisoners—terrorists—after a three-year campaign. Can the right hon. Gentleman or the Government do something about certain sections of the news media that are bombarding the public with propaganda issued by the IRA, which, no doubt, will increase as the hunger strike goes on until, perhaps, the man's death, which may lead to further violence?

Mr. Atkins: I am grateful to the hon. Gentleman for what he said. The Government have taken a stand and have been supported in that by the House. That has been a great help to us. I do not control the media in Northern Ireland or anywhere else.

Mr. J. Enoch Powell (Down, South): Does the right hon. Gentleman agree that the all-important conviction that the Government and the House will not give way on the matter of political status will be greatly strengthened if he is seen to be proceeding to take steps to eliminate the existing political status in Maze prison?

Mr. Atkins: There is nothing that I can add on that point to what my right hon. Friend the Prime Minister told the right hon. Gentleman on 15 January.

Mr. John Farr (Harborough): I thank my right hon. Friend for what he told us, although most of it was in this

PSS

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Fermanagh/South Tyrone bye-election

1. I had a brief conversation with Seamus Mallon today about recent developments in relation to the bye-election. He said that the SDLP party executive had decided to withdraw Austin Currie's nomination on Sunday 29 March after receiving strong reassurances from Noel Maguire that he would maintain his candidature and in the light of strong feelings among SDLP supporters in the constituency that they should not put up a candidate. Mr. Mallon would go so far as to say that party workers in the constituency would not have mounted an active campaign for an SDLP candidate. The strong feeling was that Mr. Maguire should not have been opposed. Now that Maguire had "done the dirty" on them, he and the SDLP leadership were "sickened" by the outcome which would do them considerable damage.
2. The SDLP had made a major tactical mistake in not waiting until mid-afternoon on Monday to withdraw. They had however been convinced of Maguire's sincerity. It appeared that the Sands family and the Provos had exerted very strong pressure on Maguire who had backed down as a result.
3. It was now likely that Sands even if he did not win the seat would get a substantial vote which would be gleefully used by the Provos not only in Northern Ireland but internationally to justify their activities.
4. He mentioned, in addition that Currie had not been viewed as a "strong" candidate by the SDLP.

Martin Burke

31 March 1981

c.c. PSM  
PSS  
Mr. Neligan  
Mr. Kirwan D/Taoiseach  
Ambassador London  
*Mr. Whelan*



Extract from interview with Taoiseach on RTE

Sunday lunch-time news, 12 April 1981

Interviewer .....

Taoiseach

I don't see it that way at all. I just see it as something that has to be done, has to be faced up to has to be tackled. As I said last night, it's part of our overall strategy. It is not a question of giving Northern Ireland as a political problem, priority over economic development. I see the two as closely related, interacting on each other in fact, but apart from that, I believe that a nation which doesn't tackle a major outstanding problem like we have in the North of Ireland, then that nation impairs its ability to deal with all its other problems, but as well as that, on purely humanitarian grounds, the tragedy of Northern Ireland, has gone on too long, it's causing too much hardship and suffering, and it has to be tackled straightforwardly and honestly, with a view to providing some solution.

Int.

On the subject of Anglo-Irish talks you assured the Ard Fheis last night that no discussion has taken place with any other country or group of countries about changing our policy of neutrality, could I ask you do you see such discussion taking place at a future stage especially since you say we are not politically or ideologically neutral?

Taoiseach

There are two separate things there, first of all there is the question of military alliances, and being part of some military bloc. We are not, and have no intention of being, joining any military alliance. There is the other side of the coin, which is political neutrality - how we stand in the world in regard to the great issues of peace and human rights and all these matters of world significance and importance and things which relate to the preservation of world peace. On that side we are not neutral, we are very much committed to the western parliamentary democracy ideal, we are very much part of the European Community, we are anxious to play a full part with our European partners in making a contribution to defending these principles around the world, to working for disarmament and preservation of peace, working against <sup>the</sup> oppression and the exploitation of people anywhere in the world.

Int.

Since its now apparently common ground between Mrs. Thatcher and yourself and Mr. Lenihan that the constitutional status of Northern Ireland is not a matter for the present bilateral studies, when will its constitutional position be discussed between the two Governments?

Taoiseach

What the studies deal with was fully set out in the communiqué and I repeated that again last night. They deal with the totality of relations between these islands and they also deal with the possibility of creating new institutional structures which would help to promote peace and understanding between the two peoples. That's what these studies are about, that's the process which we are engaged upon. When the studies have been completed at official level the result of those studies will be brought forward for examination and discussion and decision

between myself and the British Prime Minister and our two Governments and that's the next step in the process, and that's as far as we visualise going for the present.

Int. And when will the constitutional position be discussed?

Taoiseach. Well, as far as I am concerned the constitutional position of Northern Ireland is a matter of continuing interest in so far as we have always said, and we make no secret of this that our aim is to bring about the unity of Ireland, and of course that has implications for the constitutional position of Northern Ireland, but I also emphasise that we want to achieve the unity of Ireland in peace and harmony and by agreement, and I think that's the matter that is of importance and significance to all the people in Northern Ireland.

Int. When you say though, by agreement, does that in effect mean that the Unionists, the Loyalists have a permanent veto, or is their consent qualified in some way?

Taoiseach. I don't like to think in terms of veto or anything of that sort. I believe that this is a situation which should evolve where we should have free and frank discussion with the people concerned, that the two Governments should see how the present tragic situation can be brought to an end and what new arrangements can be brought forward to solve the situation and in those new arrangements, naturally, the agreement of all the parties concerned would be necessary. It would be necessary to have full involvement of the political leaders from both Communities in Northern Ireland involved in those arrangements.

Int. But do you see any signs of change on the part of the Loyalists, are they becoming any less intransigent?

Taoiseach. Well, you have to think, there.. distinguish between the leaders and what some leaders say and what is actually happening on the ground with public opinion, in Northern Ireland. I believe that there is very considerable movement forward in the thinking in Northern Ireland. I think that right across the spectrum in Northern Ireland at the moment the present economic recession, the present economic desolation which has happened in Northern Ireland, this is causing very great concern and is causing a lot of people to rethink the situation and to see whether in some new arrangement a better economic development regime could be possible. By the way I might just mention there that I think that a lot of people in Northern Ireland have been taking very careful note of the fact that when Ray MacSharry in Brussels negotiated this special package for Irish farmers - now this is a package which is not available to any other farmers in the Community, it's a special package for the Irish farmers, that that package was extended to cover farmers in Northern Ireland, I think that's an indicator of the way things might go in the future, and I think it has enormously impressed, certainly the farming community in Northern Ireland.

Int. Do you think the Unionists are likely to be made even more intransigent following the result of the Fermanagh/South Tyrone by-election?

seach No, I hope that the result of that by-election would not be misread or misinterpreted by anybody. I think it's just a manifestation of the two different traditions and their two different positions. I believe that in Fermanagh/South Tyrone anybody that goes forward anti-Unionist, any anti-Unionist candidate that goes forward will get the Nationalists vote. It's as simple as that - that's the tradition, that didn't begin today or yesterday. Winston Churchill himself spoke about the integrity of the quarrel, showing how far back the entrenched positions in those two counties go, and I am certain that the vote in the by-election was not a vote for violence. I think it would be a dreadful and tragic mistake for anybody to read it as such.

Were you surprised at the result of the by-election?

seach No. I wasn't surprised at all. As I say I know that area very well. I know the feelings which are there. I know the two traditions which exist - the electoral situation which has prevailed over so many years, so many decades, it's part of the entrenched situation which we have to try and deal with.

t. Are you pleased with the outcome?

iseach It's not a question of pleasure or displeasure. Its a question of just accepting the ballot box. After all we are all democrats and we seek to have the rule of law and the parliamentary democratic regime accepted, and we ask people to abide by the political process and the ballot box so we have to accept that that is the result of that by-election and we have to deal with it as such.

t. Sile de Valera one of your Deputies gave a newspaper interview before the by-election in which she seemed to be urging people to vote for Mr. Sands, would that have been your view as well?

each No. I didn't naturally take any view on that by-election. That was a matter for the people of Fermanagh/South Tyrone to give their own decision on. I believe that they were affected by two things, first of all by the old traditional stance and attitude of opposing any Unionist candidate, that the Nationalist vote will go to anybody who opposes the union and unionism, but I believe also that on this occasion there was very likely a strong feeling on humanitarian grounds among the electorate that they would like to see something done to resolve the H-block situation. I am sure that was part of the result and the outcome.

Bernadette McAlliskey said on this programme 3 weeks ago that the resolution of the H-block's crisis rested in your hands, now with Bobby Sands and the other hunger strikers saying that they are prepared to die, is there anything that you can, or will do to prevent their deaths?

ach I have always made it clear that anything that this Government can possibly do to bring about a solution to the H-block situation, we will do. We are ready at all times to take any action, any initiative that is open to us to resolve that pretty tragic situation, and that is our position.

Do you think the British have mishandled the present situation?

oiseach . . . That's something on which I wouldn't wish to comment. I believe that, I have always said that the solution to the H-block situation can be found within the prison regulations and within the administration of the prison itself and that is still my view.

Int. Would you agree with Sile de Valera with that if there are deaths that it will be the responsibility - those deaths will be the responsibility of Mrs. Thatcher and the British Government?

oiseach No. I wouldn't say that at all. No. I think that... matters, emotional statements of that sort do not help. I think from our position in this part of the island should be that we are ready and willing to take any measures open to us to bring about a resolution of the situation to try and solve the problem on humanitarian grounds and it's along those lines that our action should be directed and not attempting to blame or condemn anybody in this situation. It is a tragic situation, a situation full of great human suffering, and these are the things which should be uppermost in our minds, to see if there is any way within the administration, within the prison administration, and within the rules that the situation can be alleviated and a settlement achieved.

it. Since the Northern majority have been told that their traditions and loyalties could be retained in some new constitutional arrangement, just what kind of united Ireland do you actually envisage, would it be a federal Ireland with two parliaments, separate laws north and south or a parliament with a Unionist blocking vote in an all Ireland context?

seach . . . The only thing I could<sup>say</sup> about that is that we have a very open mind as to the arrangements which might be brought forward. These are things which a variety of different approaches can be propounded. At the moment, our efforts are concentrated on the process which was initiated at the Dublin Summit on the studies, the results of the studies and the action arising therefrom. It's much too early to be attempting to propound any sort of final ultimate solutions at this stage. The only thing I say about it is, that we are open in our approach, very flexible in regard to arrangements and very willing and able to put forward any guarantees that may be required.

it. Do you think it is going to come soon?

each Well, I can only refer you to what I said last night.

nt. You said that next year we might see more clearly?

each We might see more clearly the lines along which a possible solution might evolve.

## NORTHERN IRELAND PRISONS: FURNITURE

On the morning of 14 April, 418 prisoners at HM Prison Maze requested furniture for their cells. They were told their request would be considered.

On the same day, Provisional Sinn Fein in Belfast made a statement supporting the prisoners' request and saying that they were entitled to furniture.

The Northern Ireland Secretary, in answer to a written Parliamentary Question today (publication at about 4.30 pm), will say that the authorities are going to provide furniture to the prisoners who have requested it. The issue of this furniture will begin today. Mr Atkins will also refer to a new booklet on Northern Ireland prisons which will be distributed to Members of Parliament.

At about lunchtime today, a newsletter will be given to each prisoner who has requested furniture promising to provide it, on the prisoner's assurance that it will not be damaged.

Beds will be issued first: one wing (about 25 prisoners) should be furnished by tonight. Work will continue tomorrow and resume after Easter. All beds should be issued by the end of next week.

15 April 1981

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Note

Mrs. Liddy rang me this afternoon to say that she had learned, informally but reliably, that the three Euro-MPs had sent a telex to Strasburg today about Bobby Sands. A reply has been sent to the effect that a formal application must be made either by Mr. Sands himself or by a close relative.

*Rm*

Ronan Murphy

21.4.81.

c.c. PSS

Mr. Whelan

Mr. Buske

Mr. W. Kiernan

Note

Ted Smyth rang me today to say he has learned that Mr. Ramsey Clark and Rev. Philip Berrigan are flying to Ireland tomorrow and will arrive here on Thursday 23rd April. Their visit could be connected with the situation involving Bobby Sands, though its purpose is not known. They have open return tickets. Both men are described by Mr. Smyth as political mavericks. Mr. Clark is a former U.S. Attorney General. Once prominent in Democratic politics, he was involved in considerable controversy during the Iranian hostage crisis when he flew to Teheran on his personal initiative. Rev. Berrigan visited H-Blocks last year and some controversy surrounded this visit also.

*RM*  
Ronan Murphy

21.4.81.

c.c. P.S.S.  
Mr. Whelan  
Mr. Burke  
Mr. W. Kiwan


Deputy Sile de Valera

I received a telephone call from Deputy Sile de Valera in my capacity as duty officer in Anglo Irish Section at app. 5 PM on Tuesday 21st April 1981. Deputy de Valera said that she was phoning on her own behalf and on that of Deputy Blaney and Deputy John O'Connell. She asked that the Department of Foreign Affairs pursue the request contained in the telegram which the three TDs had sent on Monday 20th April to Mrs. Thatcher at 10 Downing Street. She gave me the telephone number of Mr. Seamas Brady, PR man for Deputy Blaney and said that he would read the telegram to me. She said that she had not got the text with her and she did not wish to diverge from the agreed text. I asked what did the message come down to and she said that it was a request for an urgent meeting with Mrs. Thatcher. Deputy de Valera said that if Mrs. Thatcher was not available as she was out of the country, they would wish to see Mr. Whitelaw. She said she assumed I had seen the afternoon papers where Mrs. Thatcher had said that the three TDs should pursue their request for a meeting through diplomatic channels. This was what they were doing now and she was formally asking the Department to pursue the question.

I replied that I noted her request and that I would proceed to contact the appropriate people in the Department to bring the request to their attention.

I subsequently rang Mr. Brady who read out the following text of the telegram sent at 6.30 PM on 20th April:

"Following our visit today by arrangement with the Northern Ireland Office to hunger striker Bobby Sands MP at Maze Prison Long Kesh urgently request confidential meeting in London re possible settlement solution. Urgency vital as medical opinion within the prison stresses hours can now make difference. Sile de Valera MEP TD, John O'Connell MEP TD, Neil Blaney MEP TD."

  
Ronan Murphy

22.4.81.

c.c. PSM  
PSS  
Mr. Whelan  
Mr. Burke  
Mr. W. Kiernan



M. Decided to refund in quarterly - pass & equal for next year. Will convey what is said to Jack for info.

B. Sent to convey information ideas of how expense can be taken know how come about

What stock, should share is that of my will a part of B.G. & avoid blow also in N - -  
\* if Bud's int. continues - 2 / 6 / 10 / 12 days - for info - - - - - donate is tender.

Confidentiality

What int. like to his & attention in how can be resolved.

500 in L.K. enjoying privilege

In British for - - - - - Bud knows share sent in being engaged demand to S.

P. Lawrence - - - - - as little as makes no difference to what Bud's make & what 500 have.

Not seeing by name "Political situation"

At end of conversation never mentioned P.S.

2) Mrs T & A. back in pt. station.

Agrees that should enjoy - - - - - pt. - - - - -  
don't matter what called.

There is unfortunate case why S. what get what has - 76 have - what I have in Britain & what they have down here.

Need to have it delivered - - - - - how can we be sure what look for more?

landed in Dec. not go to end - - - - - feels awkward when

they have them inside - can take it back.

S. can only 50 back on longer stocks.

8.0'C. Rile -- doesn't know why asked.  
He doesn't believe anyone who says  
has to freedom enough  
things interesting in prisoners. Prof. Strong  
Remembering things - other fearful. 6 days at most  
consequences in N - still over here.  
The Ts into someone's underwear.  
Then in front - hit me - set B. off the hook.  
Not looking for hands; even behind scenes.  
Work -- -- craft - cleaning out cells  
No trouble in P. house. Look it if possible  
Will with draw completely - if something can  
be done behind scenes.  
Interacted by brutal force --  
Had to us -- "soon" abuff" - no right.

Sd f -- shows 2.1 this house.

8.0'C -- reports will with draw. Had. be delighted if  
got over it. There will further sympathy - but  
there will be relief. If got out. intervene - even  
if failed - will be good. If got does not  
intervene - got will be condemned.

NB  
Remember the as such traditions involved.  
Sub Agents go to C -- but believe reaction is +  
squeeze on them by world wide publicity.  
Optimists arise from publicity created.

0.6 Sads said free soon. in interests of human culture.  
Segregation is what they are talking about  
Klein's position apart.

no reaction from Unions - not after visit  
except for Conclusions in interests of Unions also  
Not trying to contact it.

Min - talks -

① ② Have been out to CIR, Reagan admin; other  
behind scene ...  
forming interest from AS ... Congressman Kappel?  
Describes circle of post. people - Reik also seen  
working W.H. to even out his hand.  
also = resolution in next session of Gen. Parl. (6/5)  
interest is wide among MEPs  
~~being forwarded to~~  
Adds to international publicity.

SAW. Thousands interest = NL, FR, Can.

Min. fruitful for info.  
called in - ab to act  
Will emerge to post  
Will proceed from there in Govt.

do U - - possession of me gun.  
3 x 14 years.

N.B., keep in mind - product of situation since 1968.  
Mixed area  
Family out  
9/17 + 1972  
Prison --- 72 --- special category.  
Released 76 --- in again new regime.

Min : what date letters  
will be arranged  
ful - can look at it.

Go for the house is covered -  
bringing up to date.

Hoogaard - DK.  
Frowain. D

Pifoodt.  
Lynd Admin

- heading for UK  
- sed: what

①

① CHR

The Minister for Foreign Affairs, Mr. Brian Lenihan, T.D. met this morning at their request Miss Sile De Valera, T.D., M.E.P., Mr. Neil Blaney, T.D., M.E.P. and Dr. John O'Connell, T.D., M.E.P.

The Minister was given a report on the Deputies' visit to Long Kesh on 20 April which he will convey to the Government for their information.

Issued  
22 April 1981.

Secretary.

Mr. Paul Dempsey telephoned at 12.30 (you had departed for the Taoiseach's office).

He had conveyed to Mr. Evers (FCO) the text of the statement issued after the Minister's meeting with the three MEP's this morning. Mr. Evers' initial reaction was that the statement was "helpful".

In the course of conversation Mr. Evers mentioned that Sir Robert Armstrong had received a telephone call at 11.00 from Mr. Nally, during which Mr. Nally had indicated that there would be a message coming from the Taoiseach.

Mr. Dempsey asked that in your absence I pass the above information to Anglo Irish Section. (I immediately telephoned Mr. Whelan).

*to C*  
\_\_\_\_\_  
Timothy O'Connor  
Private Secretary  
22 April 1981

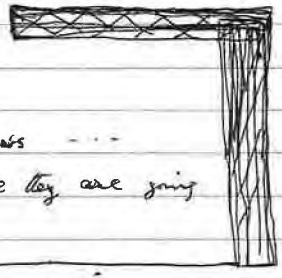
Boyle in  
on 2/25

Kruger had been talking with Fifoot on Tuesday.  
Clearance had subsequently come through  
for their visit to London/Belfast (not necessarily  
from Fifoot).

I.R. Radio says:  
press - 2 million of  
the law - going to  
H. Blabs.  
23-4-1981.

Commissioners

- No further news
- Absolutely sure they are going



PR.N  
2 or 3  
Fifoot

Has probably been  
intermediary

State

No member had called on legal dept  
yesterday - no knowledge of  
call to-day.

Newsnight said they had  
arrived in London.

Norgaard - DK  
Frowein - D.



12.30

Atkins call

Sir K. Stowe

- At meeting with other Ministers  
or with
- trying to raise him

- May be problem but will check w/p

- See State has been away

h(1)  
from 3-6

- PM may fear that any representations  
from 3 MEPs better made through Foreign Office.


Positional become difficult

Can we help?

2 Cims. . . . some hope . . .

Important to find formula - private / public  
to get S. off hook.

Can't <sup>ride</sup> ~~set~~ it out - will be bad.





Phone conversation  
with Dennis

5 people representing B. Sands called  
He said he wd. try to see Mr. S & intervene



We should find out what the facts are

- Who are they
- what is he proposing to do.

Sensitive.

- Co. Council of Lerragh  
Came as members of Council  
Doesn't know names  
there was a priest.

- Asked intervention of Holy Father
- H.F. is aware - informed by many sources
- Asked if he wd go to see prisoners
- No objection if permission given by Govt
- No plans for the present.
- If some objection wont go.

UK  
Govt

- I said I wd try to ascertain the facts  
for information of Minister / Taoiseach
- I said situation is sensitive

Uimhir Thagartha  
Ref. No.



ROINN AN TAOISIGH  
Department of the Taoiseach

BAILE ÁTHA CLIATH 2  
Dublin 2

23 April, 1981.

Mr. Martin Burke,  
Anglo-Irish Section,  
Department of Foreign Affairs.

Dear Martin,

I enclose two copies of a draft of a possible statement on the hunger strike, together with copies of my covering minute to Dermot Nally and other papers referred to therein. This may be considered later today. I will let you know whenever we hear further about this or any other developments and I would be glad if you will reciprocate.

Yours sincerely,

Walter P. Kirwan,  
Assistant Secretary.

# ROINN AN TAOISIGH

Uimhir.....

To : Secretary to the Government

From: W. Kirwan Assistant Secretary.

## Possible Public Statement on Hunger Strike.

The Taoiseach asked that a draft be prepared of a statement that could be issued on his behalf, if considered appropriate after a full assessment of all the circumstances. I now submit a draft of such a statement. I have given copies to Mr. O hAnnrachain and to the Department of Foreign Affairs.

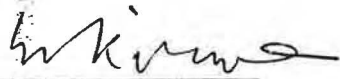
The draft is based on three papers which were available before Christmas:

- (1) The Taoiseach's reply to a P.Q. on 25 November, 1980.
- (2) The Government's statement of 4 December, 1980.
- (3) A draft statement prepared at the Taoiseach's request for possible issue on 15 December, 1980 or in the days immediately following but not used in the event as it was overtaken by the end of the first hunger strike.

I attach copies of these papers.

It is for consideration whether the final paragraph on page 1 of the draft now submitted should be included. It was calculated to have a particular effect, in conjunction with other moves being made in the period just before the end of the strike. It may be less apposite on this occasion when the hopes of averting one or more deaths must be realistically assessed as considerably less than on the previous occasion before Christmas.

The draft has been expressed as the position of the Government but this can easily be changed to that of the Taoiseach himself, if preferred.



23 April, 1981.

Statement issued on behalf of the Taoiseach,

Mr. Charles J. Haughey, T.D.

[Draft by W. Kirwan]

*at the implications*  
*horrible consequences of*  
*the hunger strike protest at*  
*the blaze prison, Long Kesh, both for*  
*the hunger*  
*strikes*  
*themselves*  
*and for*  
*the community*  
*at large.*

*in the*  
*statement*  
*made*  
*at*  
*the*  
*7*

1 The Government have been deeply concerned at the grave dangers threatening the community throughout Northern Ireland as a result of the hunger strike protest at Long Kesh.

2 Similar concern governed the Government's attitude to the previous hunger strike and led them to give their full support to moves which ultimately led to the end of that protest shortly before Christmas last. The Government shared the widespread satisfaction at that time that a potentially dangerous and tragic situation had been averted.

3 Since the initiation of the present hunger strike, the Government have kept in close and continuous touch with the situation as it has developed. It has been their constant objective to contribute in whatever way possible to the search for a humanitarian solution that would avoid tragic consequences without the sacrifice of essential principles. [These considered actions have governed the contacts efforts that the Government have undertaken, as necessary in recent weeks.]

*para 5*

4 The strike is now reaching the point where one prisoner stands in imminent danger of death where for one prisoner irreparable damage to his health can ensue. Its prolongation will intensify further the suffering of families. Death on strike will not prove or achieve anything and while the Government condemn all attempts to exploit the situation by heightening tension or by

fomenting or perpetrating violence, the dangers of such violence cannot be discounted.

Against this background, the Government have intensified efforts and contacts with a view to preventing such consequences. They have noted the renewed statements on behalf of the British Government expressing their readiness to examine whether the prison administration can be made more humane. The Government believe that the report of the European Commission on Human Rights provides a basis on which this question could be <sup>further</sup> examined [In an appropriate manner] [through appropriate channels] following a cessation of the hunger strike.

The Government believe that what is already on offer goes very far towards meeting the humanitarian aspects of what the protesting prisoners have themselves stated to be the basis of their protest. Death is too high a price to pay for so little. The Government appeal to all concerned and in particular those in Long Kesh to consider with the utmost care what is on offer and what is at stake. In an atmosphere of calm following an end to the hunger strike, it would be possible to have examined in a dispassionate and impartial manner whether further humanitarian improvements, without sacrifice of principle, could bring about a final resolution of the situation.

Statement prepared for possible use by the Taoiseach on 15th or days immediately following not used in the event of a strike - on by end of hunger strike  
22.12.8

The hunger strike in Long Kesh has now lasted more than seven weeks. The Government's anxiety that a solution be reached has been further intensified by reports of serious deterioration in the condition of the prisoners.

In fact, the strike is now reaching the point where irreparable damage can be done to health. Its prolongation will intensify further the suffering of families and friends and heighten tensions. Death on strike will not prove anything and may result in other deaths in a community which has already suffered too much.

The Irish Government welcomed the statement issued on the 4th December by the British Government which expressed their willingness to discuss the humanitarian aspects of the prison administration in Northern Ireland.

On the basis of contacts with the British Government and in particular my meeting with the British Prime Minister on 8th December, I am satisfied that the will exists to improve these aspects and that little separates the demands of the prisoners from what is already on offer. These improvements can indeed be put into effect following further discussion.

Death is too high a price to pay for so little. I would appeal to all concerned in the present strike to consider deeply what is on offer and what is at stake, and in particular, I would appeal to those my fellow Irishmen and Irishwomen in Long Kesh and Armagh to consider again all the consequences of the course of action they have undertaken.

5200 14

Printed by G. P. S. at  
5.40 p.m. today.

~~Draft~~ Government Statement

4112

The Government welcome the inclusion in the statement issued today of the expression by the British Government of their willingness to discuss the humanitarian aspects of the prison administration in Northern Ireland with anyone who shares their concern about it. As it is the Government's view that it is along these lines that a solution can be reached they express the hope that this offer will be taken up and pursued as a matter of urgency.

The Government believe that it is in the interests of the peace and security of all the people of this island that a way out of the present situation should be found and they again indicate that they are ready to give their support to any moves which would offer reasonable hope of achieving a solution.

P. Murray  
10/12

H. H. H. H.  
As file

Approved by P. Marshall  
9/12/80

4th December, 1980.

20574

QUESTION NO. 2.

DAIL QUESTION addressed to the Taoiseach by  
Deputy Frank Cluskey for answer on  
Tuesday, 25th November, 1980.

---

QUESTION:

To ask the Taoiseach if the Government supports the demand of the H-Block prisoners that they be granted political status.

REPLY:

The Government have, over a long period, made known their concern about the humanitarian aspects of the H-Block situation.

They have been concerned also about <sup>by</sup> the very real danger that the H-Block developments could lead to an even greater level of violence than we already have to endure in both parts of this country.

All of us will, I am sure, understand and sympathise with the anguish and distress of the parents and families of the prisoners involved and of all those who have suffered loss of life or injury as a result of the tragic situation in Northern Ireland.

Before the hunger strike began, the Government conveyed their concern to the British Government and their

/.....



anxiety about the possible consequences. Since then, they have been keeping in close and continuous touch with the situation as it has developed.

Since the loss of personal liberty is, of itself, a heavy penalty imposed on any prisoner, there is an obligation on authorities everywhere to ensure that, within the constraints imposed by security needs, prison conditions are as humane and as tolerable as it is possible to make them. Like a number of other people who are concerned about this issue, the Government believe that, if some adjustments could be made in the prison rules themselves or in their interpretation or their application, a solution would be possible.

The Government do not believe that political status should be an issue. Their concern, and I believe <sup>is</sup> this concern is shared by all members of the House, is to do anything they can to promote a solution so that more lives should not be needlessly lost. With this in view, the Government have indicated that they are ready to give their support to any initiative which would offer reasonable hope of achieving a solution, and to be of any help they can in order to avoid the grave consequences which could flow from the present dangerous situation.

/.....

3.

The Government believe that it is in the interests of the peace and security of all the people of this island that a way out of the present situation should be found. They further believe that an acceptable solution can be brought forward without the sacrifice of any principles which might be regarded as being involved.

Draft letter prepared by AFA + D/Jacobsen  
on 23.7.51.

Secretary

You will wish to see this draft prepared  
last night. Some amendments were made to  
Mrs. Kiddy will be able to give them to us when  
she arrives in

On behalf of my brother, Robert Sands, M.P., I wish  
to apply to the Commission under Article 25 of the  
European Convention on Human Rights. My brother  
is a victim of a violation of the Convention by the  
British Government. His state of health is such  
that he is unable himself to make an application  
directly.

The grounds for my claim for intervention by the Commission are -

(1) The British Government is in breach  
of Articles 2 and 3 of the Convention. My brother's  
life is in danger, and he is subject to inhuman  
and degrading treatment and punishment. He has been  
imprisoned for in the following conditions.  
He is now in the day of a hunger strike which  
he had no choice but to undertake as no more conventional  
domestic remedy was open to him.

The conditions against which he is protesting include  
the following elements:

he is unable to wear his own clothes, he is unable  
to associate with other prisoners, he is unable to  
avail of recreational facilities suitable to him and  
he is not entitled to receive even a minimum of one  
parcel, one letter and one visit a week. This latter  
restriction is entirely incompatible with the position  
as a democratically elected member of the British  
Government.

Parliament

/.....

24/6

No domestic remedies are available to him to enable him to have his present circumstances declared inhuman or degrading. There is no fundamental rights charter justiciable in Northern Ireland on which he can rely.

(2) The conditions of my brother's imprisonment are in breach of Article 10 in that he is unable to give expression of the opinions of his constituents.

(3) In the partial decision of the European Commission of Human Rights on application No. 8317/78 by J. McFeeley et al against the United Kingdom the Commission at paragraph 64 expressed its concern at the inflexible approach of the State Authorities which has been concerned more to punish offenders against prison discipline than to explore way of resolving serious deadlocks in the Northern Ireland prison system. This inflexibility continues.

My brother is the victim of a continuing denial of his rights. Because of the urgency of this situation it is not possible in this telex to expand upon the legal basis of this application and to rely on, and distinguish where appropriate, other relevant cases before the Commission.

/...

I am making this plea for the Commission to take note of developments following the decision to which I have referred and I would ask them to examine urgently, on a formal or informal basis, the extent to which the measures taken by the relevant authorities since the partial decision was initiated constitute an adequate response to the Commission's comments and suggestions and to other basic human rights requirements which I will expand upon if I am afforded the opportunity.

In particular, I would refer to rule 41 of the Rules of Procedure and would ask that a specific on-the-spot investigation be undertaken immediately under that rule.

Mr Nally  
Seen by T 28  
SA 4

Telex as put on tape at 9.30 p.m. on Thursday,  
23<sup>rd</sup> April, 1981.

TO: THE EUROPEAN COMMISSION OF HUMAN RIGHTS

ON BEHALF OF MY BROTHER, ROBERT SANDS, M.P., I WISH TO APPLY TO THE COMMISSION UNDER ARTICLE 25 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. MY BROTHER IS A VICTIM OF A VIOLATION OF THE CONVENTION BY THE BRITISH GOVERNMENT. HIS STATE OF HEALTH IS SUCH THAT HE IS UNABLE HIMSELF TO MAKE AN APPLICATION DIRECTLY.

THE GROUNDS FOR MY CLAIM FOR INTERVENTION BY THE COMMISSION ARE:

- 1) THE BRITISH GOVERNMENT IS IN BREACH OF ARTICLES 2 AND 3 OF THE CONVENTION. MY BROTHER'S LIFE IS IN DANGER. HE IS NOW IN THE 54TH DAY OF A HUNGER STRIKE WHICH HE HAD NO CHOICE BUT TO UNDERTAKE AS A MORE CONVENTIONAL DOMESTIC REMEDY WAS NOT OPEN TO HIM TO PROTEST AGAINST PRISON CONDITIONS WHICH HE REGARDED AS INTOLERABLE.

NO DOMESTIC REMEDIES ARE AVAILABLE TO HIM TO ENABLE HIM TO HAVE HIS PRESENT CIRCUMSTANCES DECLARED INHUMAN OR DEGRADING. THERE IS NO FUNDAMENTAL RIGHTS CHARTER JUSTICIABLE IN NORTHERN IRELAND ON WHICH HE CAN RELY.

- 2) THE CONDITIONS OF MY BROTHER'S IMPRISONMENT ARE IN BREACH OF ARTICLE 10 IN THAT HE IS UNABLE TO GIVE EXPRESSION OF TO THE OPINIONS OF HIS CONSTITUENTS, DESPITE THE FACT THAT HE IS A DEMOCRATICALLY ELECTED MEMBER OF THE BRITISH PARLIAMENT.
- 3) IN THE PARTIAL DECISION OF THE EUROPEAN COMMISSION OF HUMAN RIGHTS ON APPLICATION NO. 8317/78 BY T. MCFEELEY ET AL AGAINST THE UNITED KINGDOM THE COMMISSION AT PARAGRAPH 64 EXPRESSED ITS CONCERN AT THE INFLEXIBLE APPROACH OF THE STATE AUTHORITIES " WHICH HAS BEEN CONCERNED MORE TO PUNISH OFFENDERS AGAINST PRISON DISCIPLINE THAN TO EXPLORE WAY OF RESOLVING SERIOUS DEADLOCKS" IN THE NORTHERN, IRELAND PRISON SYSTEM. THIS INFLEXIBILITY CONTINUES.

MY BROTHER IS THE VICTIM OF A CONTINUING DENIAL OF HIS RIGHTS. BECAUSE OF THE URGENCY OF THIS SITUATION IT IS NOT POSSIBLE IN THIS TELEX TO EXPAND UPON THE LEGAL BASIS OF THIS APPLICATION AND TO RELY ON, AND DISTINGUISH WHERE APPROPRIATE, OTHER RELEVANT CASES BEFORE THE COMMISSION.

I AM MAKING THIS PLEA FOR THE COMMISSION TO TAKE NOTE OF DEVELOPMENTS FOLLOWING THE DECISION TO WHICH I HAVE REFERRED AND I WOULD ASK THEM TO EXAMINE URGENTLY, ON A FORMAL OR INFORMAL BASIS, THE EXTENT TO WHICH THE MEASURES TAKEN BY THE RELEVANT AUTHORITIES SINCE THE PARTIAL DECISION WAS INITIATED CONSTITUTES AN ADEQUATE RESPONSE TO THE COMMISSION'S COMMENTS AND SUGGESTIONS AND TO OTHER BASIC HUMAN RIGHTS REQUIREMENTS WHICH I WILL EXPAND UPON IF I AM AFFORDED THE OPPORTUNITY.

I P

IN PARTICULAR, I WOULD REFER TO RULE 41 OF THE COMMISSION'S RULES OF PROCEDURE AND WOULD ASK THAT <sup>A</sup>~~SA~~ SPECIFIC ON-THE-SPOT INVESTIGATION BE UNDERTAKEN IMMEDIATELY UNDER THAT OR ANY OTHER APPROPRIATE RULE.

MARCELLA SANDS

11 LABURNUM WAY,  
TWINBROOK,  
BELFAST BT 70  
NORTHERN IRELAND

TELEPHONE: (BELFAST) 613 675

00+  
GA  
042 870943+  
EUROPA C STRBG  
113 2231 #  
30925 MCAP EI

PLEASE STAND BY FOR MESSAGE RE BOBBY SANDS TO BE TRANSMITTED IN  
A FEW MINUTES: PLEASE ACKNOWLEDGE.~~~~~

YES OK FINE I WAIT FOR YOUR MESSAGE

THANK YOU

E00+  
GA  
042 870943+  
EUROPA B STRBG  
113 2306 #  
30925 MCAP EI

PLEASE DO NOT WAIT - REGRET MESSAGE RE BOBBY SANDS WILL NOT BE  
TRANSMITTED THIS EVENING. SORRY FOR KEEPING YOU WI A WAITING.



-----  
MR. ROBERT SANDS V. THE UNITED KINGDOM

(APPLICATION NO. 9338/81)

THE EUROPE

THE EUROPEAN COMMISSION OF HUMAN RIGHTS WAS ON 23 APRIL 1981 SEIZED OF AN APPLICATION INTRODUCED UNDER ART. 25 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AGAINST THE GOVERNMENT OF THE UNITED KINGDOM BY MS. MARCELLA SANDS ON BEHALF OF HER BROTHER, MR. ROBERT SANDS, MP, AT PRESENT ON HUNGER STRIKE AT THE MAZE PRISON WHERE HE IS SERVING A SENTENCE OF IMPRISONMENT.

THE APPLICATION COMPLAINS UNDER ARTICLE 2 (RIGHT TO LIFE), ARTICLE 3 (PROHIBITION OF INHUMAN TREATMENT) AND ARTICLE 10 OF THE CONVENTION (FREEDOM OF EXPRESSION) ABOUT THIS CONDITIONS OF DETENTION.

IN VIEW OF THE URGENCY OF THE SITUATION THE ACTING PRESIDENT OF THE COMMISSION (MR. NORGAARD) HAS INFORMED THE UNITED KINGDOM GOVERNMENT OF THE INTRODUCTION OF THE APPLICATION AND HAS INDICATED TO THE GOVERNMENT UNDER RULE 36 OF THE RULES OF PROCEDURE (2) THAT THE NECESSARY STEPS SHOULD BE TAKEN TO ENABLE A DELEGATION FROM THE COMMISSION TO MEET MR. SANDS IN PRISON WITH A VIEW TO OBTAINING HIS CONFIRMATION THAT HE INTENDS TO MAKE THE APPLICATION AND, IF SO, DISCUSSING THE CONTENTS AND THE HANDLING OF THE APPLICATION.

THE DELEGATION, WHICH IS ON ITS WAY TO THE UNITED KINGDOM, CONSISTS OF THE ACTING PRESIDENT, MR. CARL-AAGE NORGAARD (DANE) AND MR. TORSEL OPSAHL (NORWEGIAN). THEY WILL BE ACCOMPANIED BY THE SECRETARY TO THE COMMISSION AND ANOTHER MEMBER OF THE SECRETARIAT.

-----  
(1) RULE 17 (3) OF THE RULES OF PROCEDURE PROVIDES :

"AT ANY STAGE IN THE EXAMINATION OF AN APPLICATION, THE SECRETARY MAY COMMUNICATE INFORMATION TO THE PRESS TO AN EXTENT COMPATIBLE WITH THE LEGITIMATE INTERESTS OF THE PARTIES AND SUBJECT TO ANY SPECIAL DIRECTIONS BY THE COMMISSION."

(2) RULE 36 OF THE RULES OF PROCEDURE PROVIDES :

"THE COMMISSION, OR WHERE IT IS NOT IN SESSION, THE PRESIDENT MAY INDICATE TO THE PARTIES ANY INTERIM MEASURE THE ADOPTION OF WHICH SEEMS DESIRABLE IN THE INTEREST OF THE PARTIES OR THE PROPER CONDUCT OF THE PROCEEDINGS BEFORE IT." UNQUOTE

COMMUNIQUE ISSUED ETC ETC



24.4.81.

12.20 pm - E. Kennedy.

F.C.O.

fully take on points on urgency, facilitation, flexibility.

Hopefully they are coming on basis of application  
(otherwise, there could have been difficulties)  
bushy around in order to get them into act.

Converged to W. Kerwan 12.30 pm.

---

---

Message from EKV 4.30 pm 24/4/87.

Straying at British Inst  
of Human Rights.

2 Gen<sup>ers</sup> + Secret. Have not yet turned up

Scheduled any moment.

Meeting to be held --- formal session

Don't think will arrive in Belfast before to-morrow morning  
(earliest they'd get there  
fully aware of urgency. : anxious to get them there soonest.

Question

idea they get to Belfast,  
wd. it be possible for T to  
make appeal to Sains  
- to take account of their arrival

Minister spoke to T about 4.35.

235 8431. (flat)

Converged to T. (Hully)

235 8483 (office)

R. 4.45.  
27/4.

Barnettstown Castle : 045 (64115).  
or 64425.



M. Burke

886774.

~~the writings~~  
the H-blocks

24/4/81

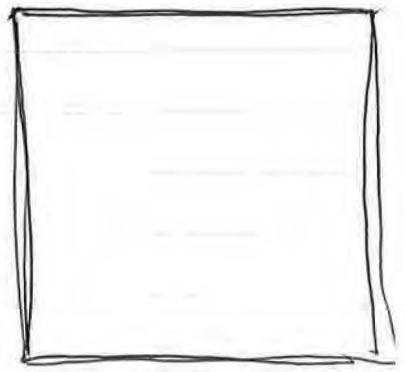
in a most dangerous way  
and confusing him

I would urgently ask the supporters and friends of B. Sand's to consider carefully whether they are <sup>not</sup> misleading him <sup>in his continuing to maintain that his full demands are</sup> ~~not~~ available.

the effects on him and the danger to

del him out

those of his supporters who demand political status for the prisoners ~~in~~ long ~~have~~ must ~~now~~ take full account of the <sup>repeated</sup> clear statements by the British authorities that this will not be ~~granted~~ <sup>conceded</sup>, either as such or by ~~agreement~~ <sup>agreement</sup> to demands which in practice ~~are~~ would be equivalent to ~~it~~ political status. His supporters also <sup>must</sup> ~~must~~ that he is not seeking political status ~~by~~ but certain improvements in conditions which would not involve concessions of principle, should consider whether he ~~should~~ be ~~encouraged~~ to ~~them~~ <sup>their</sup> activities may ~~encourage~~ him <sup>in their view</sup> further to persist in his present course, for aims which do ~~not~~ not amount to matters of principle.



E K

24-4-81.

9:20

W. Horvath

Cum meeting P10 / N10 - Over  
- Semin just over.

Cont so to-night

Join

8:30.

9:40 arr.

AT Maze. 10:30 to 11:00  
all going well.

Marcella ~~aware~~ - will be at Maze  
with lawyer.

Told them we will help

If cont under hand, will use RAF.

10:30.

P to Anraclain.

leave it.

25-4-81.

| Time. | Caller.                       | Message.                                                                  |
|-------|-------------------------------|---------------------------------------------------------------------------|
| 16:20 | Lenihan                       | None, will ring again later                                               |
| 16:55 | Mr Kivan from<br>Taxis. Dept. | Will ring back                                                            |
| 17:15 | Brian Lenihan (again)         | Just said 'yeh OK'<br>& rang off. Didn't<br>say who he was<br>til I asked |
| 17:17 | Taoiseach's Off.              | — Ring 325 477<br>O'gent                                                  |

Kivan.

Unchanged.  
still the  
discussions at

GA - very difficult  
others - lower degree.

long range  
appears to be  
impassable ← in between  
S & Commissioners

S looking for undertakings  
they are not in a position  
to give

Can't go on too long

Have not yet had  
to consider

- Still in Waze
- Holding discussion through intermediaries
- We don't know details, but  
reason why haven't met  
seems to relate to difference  
between Con & S. —

Kivan

Amek 2022-2023

1985

25.4.82

8.00

= W. Kinnear

= J. Home - - - - S., refuses to be arrested.

= M. Bushe trying to inform.

E. K.

- Confirms the above

- Has made point ~~clear~~<sup>25</sup> shd. remain.

M B

8.50.

- Comm have left
- Conference of officials at L K
- Trying to contact for info

M B

9.23 pm

- Text of statement by Conas
- S. Not associating - with complaint.

Ndp

Govt.

|| Sander family abusive  
|| Wd. act informally

The member of C Kt who writes M P on 25/4  
in response of complaint - - -

v. D. G. have issued a statement  
setting out clearly what took place

The Gov. have carried out investigations  
prior to facilitate the Com's examination  
of any complaint about the incident

The Govt note that S. not associating himself with  
complaint which lodged in his behalf.



E.K. - 10.55. pm

- Lin. faced with demand for presence of Adams, Morrison & MacFarland
- Lin not prepared to play
- Lin did not ask formally, knowing that it would come difficultly

[ Sands accused T. of mistreating family by suggesting B.G. looking for way out —

I advised Sands family to lodge complaint

The T. has dealt with death regard —  
 attempt to have been unsuccessful. ✓

in an attempt to resolve the ~~prob~~ situation

He wishes to make clear that in the light of his death course at the threat of loss of life he advised the S. Family to  
 in an attempt to save Prison  
 this advice was given solely on the basis that intervention offered the best hope of resolving the sit.

following  
 a

25-4-87

11.50 - E.K.

① - Commission. Secretary Kruger  
Colloids Hotel

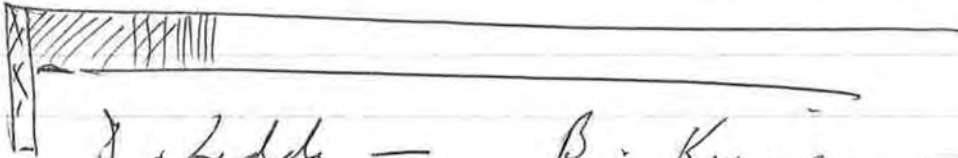
Hollywood, 5223 ; 5743.

[ Butch not making the point.  
that they should stay.



② Texts of statements given to M. Burke

③ Steve Lin did not ask them  
to admit the three.



J. Liddy - B. Kernan - Kruger?  
re ①.

Statement by Commissioners Saturday Night 25 April 1981

As stated in a previous press communique issued on 24 April the purpose of the visit of the delegation to the Maze Prison was to see Mr. R. Sands with a view to obtaining his confirmation that he intends to make the application and if so to discuss with him the contents and the handling of the application.

The delegation visited the Maze Prison on 25 April and ascertained through the intermediary of a solicitor his intentions as regards the above application lodged on his behalf.

The delegation established that Mr. Sands did not wish to associate himself with the application.

Nevertheless he expressed a willingness to see the delegation in the presence of three persons named by him in a press statement recently issued in his name.

After further consultations the delegation concluded that in the circumstances it was not possible to see and confer with Mr. Sands and accordingly no meeting took place.

End.

c.c. PSS  
PSM  
Mr. Neligan  
Mr. Burke  
Mr. Whelan  
Mr. Kirwan (D/Taoiseach)  
Ambassador London

**NIO statement Saturday Night 25 April 1981**

The members of the European Commission of Human Rights who visited the Maze Prison on 25 April in pursuance of the complaint lodged on behalf of Mr. R. Sands against the British Government have issued a statement setting out clearly what took place.

The Government have carried out the undertakings given to facilitate the Commissioners examination of any complaints to the Commission about the protest at the Maze Prison.

The Government note that Mr. Sands is not associating himself with the application lodged on his behalf.

**End**

**c.c. PSS  
PSM  
Mr. Neligan  
Mr. Burke  
Mr. Whelan  
Mr. Kirwan (D/Taoiseach)  
Ambassador London**

Text of Statement issued by Taoiseach Saturday Night  
25 April 1981

I have learnt with deep regret and disappointment that the visit to the Prison by delegates from the European Commission of Human Rights appears to have been unsuccessful.

The Taoiseach wishes to make it clear that in the light of his concern over the threat of loss of life both inside and outside the prison and following the approach to him by the Sands family he had advised that the best prospect of saving the life of Bobby Sands lay in them submitting a complaint to the European Commission. The advice was given solely on the basis that intervention by the Commission offered the best hope of resolving the situation. The Taoiseach believes efforts must continue as a matter of great urgency to find a solution.

26/4/81

? Eamon Kennedy  
o<sup>45</sup> Brendan H. from T's Dept. → referred him to M.I.

27 - 4 - 1981

Remain J. Liddy, Kruger & M. Pappas.

- The door is open - they are ready for a change of mind at any time.

- They will have to dispose<sup>(?)</sup> of the case, when they meet on 4/5.

Contacts with Commission Delegation

1. On instructions from the Minister for Foreign Affairs and the Taoiseach I asked Ambassador Kennedy to try and contact the Commission delegation at London Airport on Sunday 26 April. Ambassador Kennedy succeeded in making contact and spoke to Mr. Kruger.
2. The Ambassador expressed the disappointment of the Taoiseach and the Minister in relation to what had happened at Long-Kesh. Mr. Kruger said that his delegation was just as disappointed. The main stumbling block had been Mr. Sands refusal to confirm the application made on his behalf by Miss Sands. The Commissioners were prepared to see Mr. Sands to discuss the situation. He had however, asked for three people to be present and the British authorities had pointed out to the Commissioners their objections to the presence of Adams and Morrison. If Mr. Sands had been co-operative the Commission would have been inclined to press the British authorities on this matter but felt on balance that they should not in the circumstances ask for a meeting on Sands terms.
3. In relation to the question of the Commission continuing to be involved on a formal or an informal basis, Mr. Kruger said that they did not wish to "close any doors". They are however inevitably restricted by the convention and the rules of procedure. They could only make progress or remain involved if Mr. Sands pursued an application. Mr. Kruger stressed that Mr. Sands attitude had been "central" to their consideration of the situation and in view of his lack of co-operation they could not make progress.



Martin Burke

27 April 1981.

PSM

PSS

via. Heligau  
via. Kiaran  
via. Lollis



# ROINN AN TAOISIGH

Uimhir.....

1. In the absence of Mr. B. Palmer, Under Secretary Northern Ireland Office I spoke to Mr. Jackson of that Office this evening in relation to the report received at 3.10 p.m. by Mr. Jim Kelly of the G.I.S. from Derek Davies of R.T.E. to the effect that Bobby Sands had died this afternoon. Mr. Jackson confirmed that Bobby Sands was alive and conscious. He added that there was no basis either for another story circulating in certain media circles that Bobby Sands was being removed from the Maze to a hospital in Belfast.

2. Mr. Jackson said that on the basis of the medical advice available to the Northern Ireland Office, Bobby Sands would remain conscious throughout the night. Sometime during the working day tomorrow (28th April) he would go into a coma which would last from 12 to 48 hours. Mr. Jackson emphasised that this prognosis was the best that could be made at present and that there was always the possibility that Mr. Sands would die earlier.

3. I thank Mr. Jackson for this information. He undertook to notify us of the time Mr. Sands would go into a state of coma.

*J. Hurley*

27th April, 1981.

PSM  
PSS  
Mr. Deligan  
Mr. Brady  
Mr. Collins  
Ambassador London

NO. 154

27/4/81

TO HQ FROM MOSCOW

FOR ASST. SECHNLIGAN FROM AMBASSADOR.

163/163

/////

ROBERT SANDS

27/4/81 0950  
S. J. Barby

OUR MINUTE OF 8 APRIL REPORTED ON AN ARTICLE IN "PRAVDA"  
ON A LETTER SENT TO THE PAPER BY A LONG KESH INMATE. "PRAVDA"  
COMES BACK TO THIS SUBJECT ON 26 APRIL IN A REPORT HEADED  
"A JUST STRUGGLE" TO REVEAL THAT THE WRITER OF THE LETTER WAS  
ROBERT SANDS. HIS NAME WAS NOT MENTIONED AT THE TIME, "PRAVDA"  
SAYS, OUT OF CONCERN FOR HIS SAFETY.

END END  
/////

9630

Diary of main events regarding H-Blocks Hunger Strike

21-4-81 to 27-4-81

Tuesday 21 April, 1981

In a BBC interview the Secretary of State for N.I. replying to a query about a possible role for the European Commission for Human Rights indicated that he would be only "too happy to cooperate with the European Commission" if it approached him either formally or informally. These remarks were interpreted (Irish Times 22/4/81) as "significant" and as reflecting a marked shift in approach to the hunger strike. In the same interview Mr. Atkins said:

"The five demands amount to political status and we have repeatedly stated that we do not recognise that political motives for a crime entitled people to be treated differently from people who commit crime for other motives".

At a press conference in Saudi Arabia the British Prime Minister made it clear that neither she nor her deputy were prepared to meet the three Irish and European deputies (Messrs Blaney, O'Connell and De Valera) who had earlier by telegram sought talks with her on a "possible settlement solution" following their visit to the Maze prison.

Mrs. Thatcher said it was not her practice to meet M.P.s or deputies of other countries about a UK citizen resident in the U.K. "If they (the three deputies) wish to make representations they should do so in the customary way, through their own Government" she said.

The Prime Minister also reiterated her view that there is "no question whatever" of concessions on political status or special category status for prisoners in the H-Blocks. However, the British Government she said, "is always ready to consider anything which would help to make the prison regime more humane".

The three Irish/European deputies who visited Bobby Sands requested the European Commission for Human Rights to involve itself in the dispute. Signatures were also secured to a motion on the same subject for the next session of the European

Parliament. Deputy De Valera sent a telegram to Mrs. Gandhi, the Indian Prime Minister seeking support and calling for her intervention. The three deputies also sent joint telegrams to the President of the United States; to each of the "Four Horsemen" in the US - Senator Edward Kennedy, Senator Daniel Moynihan, Senator Hugh Carey and to the leader of the House of Representatives, Congressman Tip O'Neill - and to the newly formed Friends of Ireland committee.

The Chairman of the National H-Blocks Committee called on Mr. Haughey to seek an immediate meeting, with Mrs. Thatcher and failing a response from her to consider seriously breaking off diplomatic relations with Britain.

The leader of the SDLP Mr. Hume called on the British Government to talk directly to Bobby Sands.

Provisional Sinn Féin in Belfast said the Irish Government should reply to Mrs. Thatcher's "snub" to the three deputies by expelling the British Ambassador.

The leader of the Official Unionist Party and the British Labour Party Spokesman on N.I. both praised Mrs. Thatcher's decision not to meet the three deputies.

It was reported that Mr. Ramsey Clark, one-time United States Attorney-General and U.S. Jesuit, the Rev. Daniel Berrigan were expected to visit Belfast and involve themselves in the Bobby Sands hunger strike. The visit is sponsored by H-Blocks supporters in New York.

Wednesday 22 April, 1981

The British Ambassador Mr. Figg met Mr. Haughey in Government Buildings at the latter's invitation to discuss the Long Kesh hunger strike and its implications.

The Minister for Foreign Affairs met the three deputies and undertook to convey the report of their visit to Long Kesh to the Government for their information.

The Commission for Human Rights in a response to the request from the three deputies for a formal intervention, said it could not intervene in the absence of a formal application from Mr. Sands or his representative.

The Apostolic Nuncio Dr. Alibrandi met two delegations representing Mr. Sands and in a statement said he was prepared to travel to the North to visit hunger-striker Mr. Bobby Sands M.P. if requested to do so. Dr. Alibrandi's Secretary also said that he had sent a message to Pope John Paul II informing him of the current situation in the H-Blocks and telling him of the representations made on behalf of Mr. Sands.

Twenty three U.S. Congressmen signed an appeal calling on President Reagan to urge Mrs. Thatcher "as a humanitarian gesture" to grant political status to the H-Block prisoners in order to save Mr. Bobby Sands life.

Eleven members of the European Parliament called on Mrs. S. Veil, the Parliament's President to intervene urgently in the hunger strike.

Thursday 23 April, 1981

The family of Bobby Sands (parents and sister) called on the Taoiseach at his home. An application was made by Ms. Marcella Sands on behalf of her brother to the European Commission for Human Rights under Article 25 of the European Convention on Human Rights against the Government of the United Kingdom. Mr. Bobby Sands in a statement said that while he did not see what good an intervention by Commissioners would do, he was nonetheless prepared to meet them provided he could be accompanied by three senior Provisionals.

•  
The four main Irish Church leaders (Archbishop Armstrong, the Methodist President Dr. Callaghan, the Presbyterian Moderator, Dr. Craig and Cardinal O'Fiach) appealed to everyone involved in the hunger strike to draw back "even at the eleventh hour" from the calamity facing people of all religious and political persuasions.

Senator Edward Kennedy and Governor Hugh Carey of New York in separate statements urged the British Government to defuse the situation in Northern Ireland and "achieve a peaceful and humanitarian solution" to the hunger strike situation.

A White House spokesman, following a visit to President Reagan by Mr. Ted Gleason, President of the U.S. dockers union, said:- "We are aware of the situation. We will continue to urge the parties to come together for a just, and peaceful solution...".

Mr. Ramsey Clark and Rev. Daniel Berrigan were refused a visit to Mr. Bobby Sands.

It was announced that the Ulster Army Council - coordinating association of Loyalist paramilitary groups (UVF, UDA, Red Hand Commandos, Orange Volunteers, Ulster Special Constabulary) which had been unheard of for the past five years - had been re-established. A statement said that the current situation in Northern Ireland was of such a serious nature that "all personnel of the organisations have been placed in a state of readiness".

A telegram urging the British Prime Minister to act urgently "to resolve once and for all the confrontation in the Northern Ireland H-Blocks" was sent to 10 Downing Street by the 'Don't Let Irish Prisoners Die Committee' representing 15 Westminster M.P.s.

Friday 24 April, 1981

Two members of the European Commission of Human Rights obtained the agreement of the U.K. Government to visit Bobby Sands in prison. The object of the visit, it was stated was "to obtain Mr. Sands confirmation that he intends to pursue the application made on his behalf by his sister and to discuss the contents and handling of the application". The Chief Constable of the RUC supported the appeal for calm in Northern Ireland by the four Church leaders with one of his own.

Saturday 25 April, 1981

The Commission delegation visited Long Kesh but did not actually see Mr. Sands. They met his solicitor who told them that Mr. Sands did not himself wish to lodge a formal complaint to the Commission. Mr. Sands indicated nonetheless that he was prepared to meet the Commissioners provided he could be accompanied by three people - Brendan McFarland, the PIRA commander in the prison and two senior Provisionals, Mr. Gerry Adams and Mr. Danny Morrison. The authorities refused to allow Mr. Morrison and Mr. Adams into the prison.

The Commissioners issued the following statement after their unsuccessful visit:-

"As stated in a previous Press Communique issued on 24 April the purpose of the visit of the delegation to the Maze Prison was to see Mr. R. Sands with a view to obtaining his confirmation that he intends to make the application and if so to discuss with him the contents and the handling of the application.

The delegation visited the Maze Prison on 25 April and ascertained through the intermediary of a solicitor his intentions as regards the above application lodged on his behalf.

The delegation established that Mr. Sands did not wish to associate himself with the application.

Nevertheless he expressed a willingness to see the delegation in the presence of three persons named by him in a Press statement recently issued in his name.

After further consultations the delegation concluded that in the circumstances it was not possible to see and confer with Mr. Sands and accordingly no meeting took place".

The Taoiseach issued the following statement:-

"The Taoiseach has learnt with deep regret and disappointment that the visit to the prison by delegates from the European Commission of Human Rights appears to have been unsuccessful.

The Taoiseach wishes to make it clear that in the light of his concern over the threat of loss of life both inside and outside the prison and following the approach to him by the Sands family he had advised that the best prospect of saving the life of Bobby Sands lay in them submitting a complaint to the European Commission. The advice was given solely on the basis that intervention by the Commission offered the best hope of resolving the situation. The Taoiseach believes efforts must continue as a matter of great urgency to find a solution".

Mr. Sands in a statement issued by the Republican Press Centre in Belfast said he had not at any time requested the Commission to investigate the demands of the protesting prisoners. Despite this and despite his lack of confidence in the Commission he had said he was prepared to meet any European Commissioner, provided two advisers chosen by himself and a representative of the protesting prisoners were present. The statement continued :-

"These facilities were denied me. The legal submission and request to the European Commission was made in good faith by my sister Marcella, who was misled by Charles Haughey into believing that the Commission would deliver on the political prisoners' demands. Mr. Haughey led my family to believe that the British Government wanted a way out of the dilemma in which they now find themselves, and that the Commission's intervention was the vehicle for getting the British off the H-Block-Armagh hook.

"Because Mr. Haughey gave similar assurances leading up to the confused ending of the last hunger-strike, and because Mr. Haughey has in fact the means to put pressure and to call publicly on Britain to end the H-Blocks-Armagh crisis and has consistently refused to do so, I viewed his prompting of my family as cynical and a cold-blooded manipulation of people clearly vulnerable to this type of pressure.

"The Commission's intervention has been diversionary and has served to aid the British attempts to confuse the issue".



Mr. Sands went on to say that he and his three colleagues on hunger-strike were prepared to die for their demands and they called on people to support them.

Sunday 26 April, 1981

The National H-Block Committee called for an emergency meeting with the Taoiseach to impress on him the necessity for immediate action by the Irish Government to save Mr. Sands life.

Mr. Neil Blaney and Mr. Sands election agent called on the Taoiseach to approach Mrs. Thatcher in an effort to persuade the British Government to concede the demands of the hunger-strikers.

An estimated 15,000 people took part in a demonstration in Belfast in support of the hunger-strikers.

Police and H-Block demonstrators fought a running battle on the streets of Kilburn in North London for almost an hour. Thirty-two arrests were made and a number of demonstrators and policemen were taken to hospital with injuries.

Monday 27 April, 1981

Mr. Atkins briefed Mrs. Thatcher on the latest developments after her return from her Asian tour. It was stressed that the meeting had nothing to do with any moves by the Government on the hunger-strike. An official said: "The Government's position is well established - there can be no question of political status being given to prisoners convicted through the courts".

Mr. Michael Alison, Mr. Atkins senior deputy, restated the British Government's position on the hunger-strike. He said: "The Secretary of State made clear at its outset that the Government could not yield to this emotive form of blackmail. We have not done so, nor will we begin now. No government that takes the task of government seriously can surrender to such threats, for the victim of such surrender would be the innocent law abiding citizen for whom government exists.

The lives of the hunger-strikers remain, as they have done since they began their protests in their own hands".

Mr. Gerry Adams, vice-president of Provisional Sinn Fein, in a statement said:

"Today's statements from Margaret Thatcher and Michael Alison in which it appears that they are determined to let Bobby Sands die cannot in any way absolve the British Government from the responsibility for Bobby Sands's death or for the deaths of all those other victims of the British presence in this country.

"Attempts to justify the British Government's ghoulish preoccupation with killing Bobby Sands lies in the face of all logic - either moral or factual. The H-Block crisis did not have to come to a death, any death, either of political prisoner or jailer. The policy which has led us to today's crisis is a failed policy which was doomed since its inception in 1976.

"Efforts to project the political prisoners as criminals have foundered upon the rocks of the five years of passive protest by 440 Republican prisoners and a rising tide of support from people in Ireland and abroad. One has only to look back at five years of ill-treatment, littered with broken and empty promises and continuous anxiety for their families, to understand the resolve of the prisoners.

The death of Bobby Sands, M.P., will get the British Government nowhere. It proves, among other things, that any popular mandate from the Irish people which runs contrary to Britain's wishes will be killed by the British Government.

"In the meantime, the prison protest, despite all attempts to break it, remains unbroken and the four hunger-strikers, despite all efforts to isolate and confuse them, remain unmoved".

The RUC arrested more than a dozen senior Republic figures in different parts of the North.

President Reagan said in Washington that he was not prepared to intervene in Northern Ireland. He said that he was concerned about the tragic situation in the North.

Mr. 'Tip' O'Neill, Speaker of the U.S. House of Representatives urged the British Government to resolve the crisis. He said that Mr. Sands deteriorating condition and the violent protests sparked by this situation threaten "to increase dramatically the level of violence in Northern Ireland".

Ten women members of the European Parliament called upon the Northern Ireland authorities to make immediate concessions to save the life of Bobby Sands.

Amnesty International urged the British Government to respond flexibly to their detailed suggestions aimed at resolving the conflict in Long Kesh which had been put to it in March 1981.

Anglo-Irish Section  
28 April 1981

< < Flynn Kelly, Kiernan  
28/4  
Done for 28/4

1. On 27/4/81 I rang Mr. Michael Flynn in Strasbourg and Mr. Brendan Kiernan, the Irish Commissioner for Human Rights in Dublin with a view to ascertaining what Professor Opsahl had in mind when he stated "it is now up to the Commission to decide whether it can act on Marcella Sands' application alone" (London Times of 27/4/81). Mr. Flynn spoke with Mr. Rogge in the Commission who said that he could only speculate but that he guessed that what Professor Opsahl might have had in mind was the case law under the Human Rights Convention on the concept of who is a "victim". The Commission will be meeting on 4 May and there might be a possibility that they would choose to regard her as an indirect victim.
  
2. Subsequently Mr. Flynn spoke with Messrs. Kruger and O'Boyle of the Commission who were unable to add anything more concrete. Mr. Kruger stressed that they were fully satisfied that Mr. Sands was rational and in a position to refuse to endorse his sister's application. He said "the door is open, the Commission is ready if there is a change of mind at any time." At present they have a registered application and they have to deal with it in some way so it will most likely be raised before the Commission on 4 May as to how to dispose of it. Mr. Kruger did not refer at any length to the possibility of deeming Marcella Sands as an indirect victim.
  
3. Mr. Kiernan's view fitted in with the above picture. He stressed that the Commission when meeting on 4 May would have to decide of how to dispose of the application. They had at present a formally registered application and even if Mr. Sands died before 4 May they would still be left with the question of how to dispose of it formally. He said that Mr. Kruger had telephoned him

after his departure from Belfast saying that Sands had refused to endorse the application and that the British were prepared to allow in one but not all of the people Sands wanted to accompany him. Like myself Mr. Kiernan did not think that deeming Marcella Sands as an indirect victim held out much hope in view of the fact that the Commission had direct contact with her and nonetheless it appeared that she had not made any application in her own right. Mr. Kiernan added that in his view one faint hope for resolution might be if one of the other hunger strikers were to immediately lodge an application raising roughly the same issues assuming that there was no doubt that such an applicant was genuinely making the application on his own behalf and that the Commission were prepared to act immediately. Any measures which it might propose as a matter of urgency to the British pending a full consideration of such application would presumably apply to all hunger strikers.

4. Mr. Opsahl himself was in Amsterdam yesterday but no doubt could be contacted through his home in Oslo should this be thought desirable.
5. From the above I conclude that the statement that "it is now up to the Commission to decide whether it can act on Marcella Sands' application alone" most likely referred to the fact that the Commission meeting on 4 May has to formally and in a reasoned manner decide how to dispose of the application. The fact that Mr. Kruger was satisfied that Sands himself was rational would seem to preclude any hope that they might deem the circumstances as such that he was not in a position to either endorse

.../...

or refuse to endorse his sister's application.  
It is hard to see how they can deem Marcella Sands  
as an indirect victim unless she makes a case on  
her own behalf and there is nothing to indicate whether  
this arose in their conversations with her.

Jane Diddy

28 April 1981

28-4-1981

Demul - Wally

Heard Pa. W'jee travelling to Belfast  
Personal messages from Rike. ?  
Butch have been informed.

Statement by the Taoiseach.

Since the initiation of the hunger strike which has now resulted in the death of Bobby Sands, I have made known to all concerned my deep concern at the threat of loss of life, both inside and outside the prison. It is a source of profound regret that for those whose lives have been cut short by violence in recent weeks and now for Bobby Sands, this threat has become a reality. To the Sands family and to all those who have suffered bereavement, I extend sincere sympathy.

Concern to avoid such consequences influenced the Government's attitude during the previous hunger strike and led them to give their full support to moves which ultimately brought about the end of that fast shortly before Christmas. Since the commencement of the present hunger strike I have kept in close and continuous touch with the situation as it developed. My constant objective was to contribute in whatever way possible to the search for a humanitarian solution that would avoid tragic consequences without sacrifice of principle.

Last week, I intensified my efforts and following an approach from the Sands, I advised them that the best prospect of resolving the situation lay in submitting a complaint to the European Commission of Human Rights. The good offices of the Government contributed to the unprecedentedly speedy response from the Commission. I greatly regret that the non-pursuit of the complaint prevented action by the Commission that could possibly have avoided Mr. Sand's death.

Equally, I deplore and condemn the murderous attacks which, during the hunger strike, have continued to disfigure our country and to deny to many of our fellow-countrymen and women the basic right to life. Those responsible cannot speak with any credibility about rights or entitlements.

There can be no justification for attempts on any side, to exploit or exacerbate the situation by heightening tension or by fomenting or perpetrating violence. The Government will continue to do all in their power to prevent such attempts and will employ the full resources of the State for that purpose.

I would appeal for restraint and responsibility on all sides and for



an end to violence. This would provide the essential atmosphere for the further efforts that must be made to resolve the situation without further loss of life.

25300G ESTR EI  
916104 IVERNA G  
QQQQQQ

C131

TO HQ  
FOR A/S NELIGAN  
MMMHHGFD

FROM LONDON  
FROM AMBASSADOR

### SANDS HUNGER STRIKE

I FEEL YOU WOULD WISH ME TO RECORD THE BACKGROUND OF MY CONVERSATION ON SUNDAY MORNING 26 APRIL WITH DR. KRUGER, THE SECRETARY OF THE EUROPEAN COMMISSION ON HUMAN RIGHTS MISSION.

AT AROUND 10.30 A.M. ON SUNDAY MORNING I HAD A PHONE CALL FROM MR PADRAIG O HANNRACHAIN WHO CONVEYS THE TAOISEACH'S AND OUR MINISTER'S EXTREME DISAPPOINTMENT AT THE OUTCOME OF THE MISSION. THEY HAD'NT EVEN SEEN SANDS AND HAD FAILED TO MAKE PROGRESS. THE TAOISEACH AND THE MINISTER WERE ANXIOUS FOR THEM TO RECONSIDER WHETHER THEY COULD STILL HELP, EITHER FORMALLY OR INFORMALLY. FURTHERMORE, SINCE THEY HAD BEEN UNABLE TO SEE SANDS THEY SHOULD HAVE MADE IT CLEARER THAT THEY WERE PREVENTED FROM DOING SO. COULD I GET THESE POINTS ACROSS TO THE MISSION PREFERABLY IN PERSON IN LONDON?

2. AS MR O HANNRACHAIN UNDERSTOOD THAT THE MISSION HAD TAKEN THE 10.00 A.M. PLANE FROM BELFAST TO LONDON EN ROUTE TO EUROPE THERE WAS THEN NOT ENOUGH TIME TO GET TO THE AIRPORT. EVEN IF I DID, THERE WAS A RISK I WOULD MISS THEM AT HEATHROW IN THE CONFUSION CAUSED BY THE CIVIL SERVICE STRIKE. ACCORDINGLY THROUGH THE GOOD OFFICES OF AER LINGUS AND BRITISH AIRWAYS I HAD THEM CONVEYED ON ARRIVAL TO A TELEPHONE IN ONE OF THE AIRPORT LOUNGES WHERE I WAS ABLE TO TRANSMIT ALL THE POINTS TO DR KRUGER AND DISCUSS THE MATTER WITH HIM AT LENGTH. THE OTHER MEMBERS OF THE MISSION ACCOMPANIED HIM AND STOOD BY WHILE WE TALKED.

28/4/81  
PS

1130

3. DR KRUGER SAID THEY ALL SHARED OUR SENSE OF DISAPPOINTMENT. THE ESSENTIAL DIFFICULTY WAS THAT THROUGHOUT THEIR EIGHT HOURS STAY IN THE PRISON SANDS HAD REFUSED TO ASSOCIATE HIMSELF WITH HIS SISTER'S APPLICATION. HE GAVE ME THE DISTINCT IMPRESSION THAT HAD SANDS BEEN WILLING TO COOPERATE THEY WOULD HAVE REQUIRED TO SEE HIM EVEN WITH THE THREE REPRESENTATIVES WHICH HE DEMANDED. BUT HIS UNWILLINGNESS TO ASSOCIATE HIMSELF WITH THE APPLICATION MADE IT DIFFICULT TO SEE HIM, BEARING IN MIND HIS INSISTENCE ABOUT THE OTHER THREE, WHICH WAS NOT ACCEPTABLE TO THE PRISON AUTHORITIES. "OUR HANDS WERE WIDE OPEN" SAID DR KRUGER, "BUT WE WERE RESTRICTED BY THE FRAMEWORK OF THE CONVENTION IN WHICH WE HAVE TO WORK". DR KRUGER SAID THAT THERE WAS NO QUESTION OF THE MISSION "NOW CLOSING THE DOORS". THEY WOULD CONTINUE TO DO WHAT THEY COULD BUT THIS MISSION HAD FAILED BECAUSE OF THE INTRANSIGENCE OF SANDS. THE MISSION GENUINELY WANTED TO HELP HIM AND HAD SPENT EIGHT HOURS EXPLORING EVERY POSSIBLE AVENUE.

4. I SAID THAT WE WOULD TAKE CAREFUL NOTE THAT THE COMMISSION WAS STILL INVOLVED AND THAT WE MIGHT BE IN TOUCH WITH HIM SOON AGAIN IF ANY OTHER AVENUE OPENED UP IN WHICH WE FELT THEY COULD HELP. HE EXPRESSED HIS READINESS TO DO SO AND REITERATED THEIR REGRET THAT THEY HAD NOT MADE PROGRESS.

~~~~~

5. I CONVEYED THE ABOVE TO MR O HANNRACHAIN FOR THE INFORMATION OF THE TAOISEACH AND TO MR BURKE FOR OUR MINISTER.

P.S.S.

The European Parliament

Recalling its commitment to respect for basic human rights

Deeply concerned that the hunger strikes of prisoners in the Long Kesh Prison may very soon lead to unnecessary and avoidable deaths

Sharing the hope that the question of the humanitarian aspects of the prison regime in Northern Ireland would provide the basis for the resolution of the issues involved in the present dangerous situation

Mindful of the anguish and distress of the parents and families of prisoners involved in the protests and of all those who have suffered loss of life or injury as a result of the tragic situation in Northern Ireland

And concerned at the wave of escalating violence which could result if deaths occurred

1. Urgently requests all concerned to do their utmost to find a way out of the present situation in the interest of the peace security of all the people of Ireland
2. Calls on the United Kingdom authorities to apply their prison regulations with more flexibility, as recommended by the European Commission of Human Rights, so as to improve conditions of detention appropriately.
3. Undertakes to review this important matter from time to time.

- Cleared by Minister

- Copied to D/Taormid (Mr. Keenan)

- conveyed (by phone) to Deputy Labor

DRAFT

STATEMENT BY THE TAOISEACH

The death of Bobby Sands is yet one further tragedy in a long line of such tragedies in Northern Ireland. It must surely bring home to all concerned the need to find a solution that will bring a just and lasting peace to the area.

Since the commencement of the present hunger strike, my efforts have been constantly directed to securing in whatever way possible a humanitarian solution that would avoid loss of life. I deeply regret that such a solution could not have been found through a more humanitarian and flexible approach to the administration of the prison.

To the Sands family and to the families of all those who have suffered bereavement or serious injury, I extend most sincere sympathy on my own behalf and on behalf of the Irish Government.

It is important now to ensure that there will be no further suffering, injury or loss of life and that the sorrow and grief which exist should be expressed in a calm and dignified manner.

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QQQQQQ  
C132  
IMMEDIATE  
-----

TO HQ  
FOR ASSISTANT SECRETARY NELIGAN  
MMMAQWER

FROM LONDON  
FROM P DEMPSEY

PAPAL ENVOY  
-----  
~~~~~

EYERS (FCO) HAS PHONED TO INFORM US ABOUT THE MEETING YESTERDAY AFTERNOON AT LONDON AIRPORT BETWEEN THE POPE'S REPRESENTATIVE, FR. JOHN MAGEE, AND TWO BRITISH MINISTERS, MR. PETER BLAKER OF THE FCO AND MR MICHAEL ALISON OF THE N10. THE BRITISH HAD BEEN ASKED BY THE VATICAN YESTERDAY MORNING IF IT WOULD BE POSSIBLE FOR A PERSONAL REPRESENTATIVE OF THE POPE TO MAKE A PERSONAL VISIT TO SEE MR SANDS AND TO MEET A BRITISH MINISTER IF POSSIBLE. THE MEETING WITH THE MINISTERS WOULD ORDINARILY HAVE TAKEN PLACE AT THE FCO BUT TO AVOID ANY DELAY THE MINISTERS HAD GONE TO LONDON AIRPORT WHERE A DISCUSSION FOR HALF AN HOUR HAD TAKEN PLACE. EYERS UNDERSTOOD THAT THE MAIN POINT MADE BY FR. MAGEE HAD BEEN TO ASK WHETHER FURTHER CONCESSIONS ON CLOTHING WERE POSSIBLE. THE MINISTERS HAD EXPLAINED THE PROBLEMS INVOLVED AND SAID THAT MANY OF THE CONCESSIONS DEMANDED WERE ALREADY AVAILABLE. THEY SAID THAT IF SANDS CAME OFF THE HUNGER STRIKE THEY COULD SEE HUMANITARIAN IMPROVEMENTS TAKING PLACE BUT THERE WOULD BE NO POLITICAL CONCESSIONS. I ASKED WHETHER A FURTHER MEETING WITH MINISTERS, HAD BEEN ENVISAGED, DEPENDING ON THE OUTCOME OF FR. MAGEE'S VISIT TO SANDS. EYERS REPLIED THAT THE BRITISH DID NOT SEE FR. MAGEE AS A MEDIATOR. EYERS WAS NOT AWARE OF WHETHER FR. MAGEE HAD GIVEN ANY INDICATION TO THE MINISTERS OF THE LINE HE WOULD PROPOSE TO TAKE WITH SANDS.

END

RN  
PD 29/04/81  
TIME: 11.47

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916104 IVERNA GT

~~\_\_\_\_\_~~  
29/4 12/25  
F. C. C. C.

cc. Mr. Michael Collins

pss.

in. *Parsons*  
*1000*  
*1.5*

QQQQQQ

*4/4*

C339

29 APRIL 1981

CONFIDENTIAL

TO HQ FROM PMUN NY  
FOR CARROLL FROM O'DONOVAN

*Mr. Helge*  
*To see file for*  
*information*

MMIXPWK

*(Signature)* 1.5.81

HUMAN RIGHTS DEBATE AT ECOSOC

UK WAS SECOND SPEAKER IN DEBATE WHICH BEGAN THIS AFTERNOON.  
THE STATEMENT WAS DELIBERATELY LOW-KEY AND BRIEF.  
UK DELEGATE TOLD ME THAT THEY WERE KEEN TO AVOID GIVING REASON  
FOR USSR OR OTHERS TO TAKE UP THE SANDS CASE.

→60&#25  
25300F ESTR EIT

## THE HUNGER STRIKE

1. Mr Wyatt rang at 5 pm to bring us up-to-date on Father MacGee's mission.
2. Father MacGee had seen Mr Sands last night for 75 minutes. He has said publicly that his mission was a spiritual one, not political, and his sole purpose was to ask Mr Sands to give up his strike.
3. Father MacGee saw Mr Atkins this morning to tell him that he had urged Mr Sands to give up his strike and to deliver a personal message from the Pope telling Mr Sands that it was his duty to stop. Mr Sands had not responded. However, he had asked Father MacGee to tell Mr Atkins that he would suspend his strike for five days on condition that a Northern Ireland Office official should go to the Maze and negotiate the prisoners' five demands in the presence of "guarantors".
4. Mr Atkins had seen Father MacGee as a courtesy to the Pope's Representative and not to negotiate. The NIO were not prepared to discuss Mr Sands' request. They recognised that it would probably become public knowledge sooner or later but did not see any advantage in the news being released now.
5. Father MacGee was not certain when he would be leaving Northern Ireland: he wishes to see the other hunger strikers and has spoken of seeing the relatives of victims of IRA violence - no names were mentioned. The NIO have told him they are happy for him to return to the Maze and to confirm HMG's position. They would not wish to see him again afterwards as this would give the impression that he had become an intermediary in a negotiation. Father MacGee understood and accepted this situation.

*Handed to me by Mr. Tatham of the British Embassy*

*18-002000 29 April 1981*

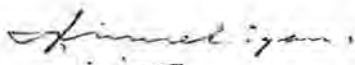
*E. J. ...*



Note:

Mr. John Blelloch, Deputy Under-Secretary, N.I.O., telephoned on 30 April to say that they were asking the British Embassy in Dublin to give us some further information later today on what is happening in the Catholic quarters in West Belfast. Briefly the Provisional IRA have for some days been operating what seemed to be an established plan to create a siege mentality and to have "no-go areas" set up in those quarters. They were putting it about that the Catholic areas would be attacked by Protestant paramilitaries and the S.A.S. and were "generally attempting to justify their own existence". A campaign of "vicious lie-spreading" was in progress.

In this situation the authorities intend to rely on the Roman Catholic hierarchy and on their own information services to get across the truth to people in the areas in question in an effort to save lives. Their message would be, briefly, "Don't be used. Don't be misled. Be careful who you're listening to. Listen to your clergy, listen to your radio. Don't listen to local thugs". Mr. Blelloch said he hoped we might be able to help in efforts to prevent deception of the people leading to violence. I said we would continue to deplore violence and to appeal for calm to all sections of the population whenever a statement by us seemed justified.

  
D.M. Neligan

30 April 1981.

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STRICTLY CONFIDENTIAL

C133

IMMEDIATE

TO HQ  
FOR A/S NELIGAN  
LMMMMNBVC

FROM LONDON  
FROM AMBASSADOR

30/4/81  
WJH  
S. Bailey

HUNGER STRIKE  
=====

1. THANK YOU FOR YOUR MESSAGE C134 ABOUT FR MACGEE'S MISSION. WE ARE, OF COURSE IN CLOSE TOUCH WITH THE FCO AND THE NIO HERE. AS YOU KNOW, OUR ASSESSMENT ALL ALONG HAS BEEN THAT THE BRITISH WERE NOT PREPARED TO MOVE AND, GIVEN THE INTRANSIGENCE ON BOTH SIDES, WE ARE UNFORTUNATELY NOT SURPRISED THEREFORE AT THE FAILURE OF THE MACGEE MISSION. THE BRITISH ATTITUDE WAS SIGNALLED VERY CLEARLY BY EYERS OF THE FCO WHEN HE TOLD US THAT THE BRITISH DID NOT REGARD FR. MACGEE AS A MEDIATOR.

2. MR DEMPSEY HAD LUNCH YESTERDAY WITH MR MICHAEL MORIARTY OF THE NIO IN THE COURSE OF WHICH CURRENT BRITISH STRATEGY WAS DISCUSSED. MORIARTY TOOK THE LINE THAT ANY CONCESSIONS TO THE HUNGER STRIKERS WOULD BE PRESENTED AS A VICTORY FOR THE IRA AND A RECOGNITION BY THE BRITISH GOVERNMENT OF THEIR CLAIM TO POLITICAL STATUS. DEMPSEY REPLIED THAT THE IRA, IN FACT, GOT MUCH MORE MILEAGE OUT OF THE CURRENT CONFLICT AND OUT OF THEIR STATUS AS THE CHIEF PROTAGONISTS OF THE BRITISH GOVERNMENT. THEY WOULD USE THIS CIRCUMSTANCE TO LEVER THEMSELVES INTO A LEADERSHIP POSITION IN RELATION TO THE MINORITY COMMUNITY. ON THE OTHER HAND, SOME RELATIVELY MINOR CONCESSIONS ON CLOTHING AND WORK WOULD GIVE THE IRA AT MOST A SHORT TERM PROPAGANDA ADVANTAGE BUT WOULD ALSO DEPRIVE THEM OF THE POLITICAL OPPORTUNITIES OF A PROLONGED CONFLICT. MORIARTY DID NOT AGREE. HE FELT THAT IF THERE WERE ANY INDICATION OF A WILLINGNESS TO NEGOTIATE ON THE PART OF THE BRITISH GOVERNMENT, THE IRA NEGOTIATING POSITION WOULD HARDEN AND THEY WOULD HOLD OUT FOR ALL FIVE DEMANDS. THE CONCESSION OF THESE WOULD MEAN HANDING OVER THE ADMINISTRATION OF THE PRISON SYSTEM IN NORTHERN IRELAND TO THE PROVISIONAL IRA AND, TO A LESSER EXTENT, TO THE LOYALIST PARAMILITARIES.

STRICTLY CONFIDENTIAL

3. DEMPSEY SAID THAT LARGE NUMBERS OF PRISONERS HAD ENJOYED POLITICAL STATUS FOR YEARS WITHOUT ANY DIRE CONSEQUENCES AND HE SUGGESTED THAT, IN POLITICAL TERMS, WHAT WENT ON BEHIND PRISON WALLS WAS RELATIVELY LESS IMPORTANT PROVIDED PRISON SECURITY WAS MAINTAINED. IT WAS DESIRABLE, AS FAR AS POSSIBLE, TO DEPRIVE MEN OF VIOLENCE OF ISSUES WHICH THEY COULD EXPLOIT FOR THEIR POLITICAL PURPOSES. MORIARTY'S RESPONSE WAS TWO-FOLD. HE SUGGESTED, IN THE FIRST PLACE, THAT THE FIVE DEMANDS WERE MERELY A PRELUDE TO BE FOLLOWED IN DUE COURSE BY A DEMAND FOR AMNESTY. THERE COULD BE NO WALK-OFF THE IRA AT ANY INTERMEDIATE POINT IN THEIR DEMANDS. IN ADDITION THE LOYALIST REACTIONS TO CONCESSIONS TO THE IRA HAD TO BE CONSIDERED. HE THEN WENT ON TO SAY THAT, IN THE BRITISH ASSESSMENT, THE IRA'S CAPABILITY TO MOUNT A MAJOR CAMPAIGN OF VIOLENCE WAS QUITE LIMITED. IT WAS LIKELY THAT THE LEVEL OF VIOLENCE OF THE PAST FEW MONTHS WAS CLOSE TO THE MAXIMUM THEY COULD SUSTAIN. THE GOVERNMENT FELT CONFIDENT THAT THEY COULD DEAL WITH THE CONSEQUENCES OF SANDS' DEATH AND THE DEATHS OF THE OTHER HUNGER STRIKERS. IF THIS OCCURRED, THE IRA WOULD HAVE BEEN DEPRIVED OF ANOTHER WEAPON.

4. THE CONCLUSION TO BE DRAWN FROM THE FOREGOING EXCHANGE IS THAT VICTORY OVER THE IRA CONTINUES TO BE THE OVERRIDING AIM OF BRITISH GOVERNMENT POLICY IN NORTHERN IRELAND.

5. THE IMPLICATIONS FOR THE LOCAL ELECTIONS IN NORTHERN IRELAND WERE ALSO DISCUSSED. MORIARTY SAID THAT THEY HAD REPORTS (CONVERSATIONS IN BARS AND SO ON) THAT THE IRA WERE CONSIDERING PUTTING UP A SLATE OF CANDIDATES DRAWN FROM PRISONERS IN THE MAZE. THE LEGAL POSITION WAS THAT CONVICTED CRIMINALS WERE NOT BARRED FROM STANDING IN LOCAL ELECTIONS BUT, IF ELECTED, THEY COULD BE PREVENTED FROM SITTING BY APPLICATION TO THE COURTS. UNDER THE PR SYSTEM, HE PROFESSED NOT TO KNOW HOW THE SEATS THEN WOULD BE FILLED.

6. HE SAID THAT THE OFFICIAL UNIONISTS MUST NOW REGRET THEIR ACTION IN MOVING THE FERMANAGH WRIT WHICH HAD BEEN DONE BECAUSE OF APPREHENSION THAT THE DUP WOULD GET IN FIRST. THE GOVERNMENT WERE NOW CONSIDERING AMENDING LEGISLATION TO PREVENT CONVICTED PERSONS FROM STANDING IN PARLIAMENTARY ELECTIONS. THIS COULD BE GOT THROUGH PARLIAMENT BEFORE A FURTHER ELECTION IN FERMANAGH BECAME NECESSARY. IN THE MEANTIME, ANY EARLY ATTEMPT TO MOVE THE WRIT WAS UNLIKELY AND WOULD BE ACTIVELY DISCOURAGED BY THE GOVERNMENT.

7. AS WILL BE SEEN, MORIARTY SPOKE VERY FRANKLY AND IN CONFIDENCE. WE WOULD SUGGEST THAT CIRCULATION OF THIS TELETYPE SHOULD BE CAREFULLY RESTRICTED.

BF78DXB)QDNWQUJXKPJ VO  
 #2530DF ESTRO#1-21(11:1:/70),) =6+762,' :2/. 6

916104 IVERNA G

Diary of Main Events concerning H-Blocks Protests

28-4-1981 - 30-4-1981

Tuesday, 28 April, 1981.

A special emissary from Pope John Paul II, Newry-born Father John Magee flew into Belfast on "a mission of mercy". Father Magee said he would plead with Mr. Sands to end his hunger strike and would see what could be done to alleviate prison conditions. He spent three hours in the prison at Long Kesh.

Mr. Atkins restated the British Governments attitude to the prison protests. According to a Stormont Castle briefing statement he "made it clear that the Government is determined to maintain the role of law in Northern Ireland. It would not be blackmailed or give in to threats from any quarter and would not abdicate its clear responsibility in this regard. If Mr. Sands persisted in his wish to commit suicide, that was his choice. The Government would not force medical treatment upon him which he rejected, but subject to that would ensure, in accordance with the advice of medical specialists, that everything is done to prevent avoidable loss of life.

Despite the actions of the four hunger strikers and the other protestors in prison, the Government would not concede political status in name or in fact to any particular group or groups of prisoners. Murder and other serious crimes remain crimes whatever political motive their perpetrators may claim.

The present situation placed obligations not only on the Government but also on the whole community to refuse to support violence, or the threat of violence, in any form. Restraint, not retaliation, was the great need today."

The National H-Blocks Committee claimed that the continuing arrests of H-Blocks activists (60 persons to date) amounted to a form of internment. The Ulster Defence Association put up to a thousand men onto the streets in West Belfast for what was described as "a purely defensive mobilisation exercise".

There was speculation that in the event of Mr. Sands becoming unconscious the doctors attending him might obey any request from his family for his life to be saved.

The European Commission of Human Rights in response to a request for a further initiative from Mr. Neil Blaney T.D. and Miss Sile De Valera T.D., formally ruled out any possibility of a recommendation being made aimed at breaking the hunger strike deadlock.

It was reported that leaflets had been distributed in Catholic areas of Belfast advertising the existence of citizens defence associations and setting out plans to deal with refugees, food and medical supplies and the defence of Catholic areas in the event of communal violence.

Wednesday, 29 April, 1981

Father Magee visited the hunger-strikers and the Secretary of State but failed to persuade the hunger strikers to give up their hunger strike.

Leaflets circulating in Derry revealed that the National H-Block Armagh Committee had laid precise plans for the period following the death of Bobby Sands.

It was reported that the Northern Ireland Office had decided in principle to transfer the governor of the Maze Prison, Long Kesh.

Thursday, 30 April, 1981

A statement (full text is attached) was issued by the Secretary of State, Mr. Atkins attacking the Provisional IRA.

In response to Mr. Atkins attack the PIRA in a statement said:

"The IRA view Humphrey Atkin's statement today on the prospects of an outbreak of violence as a major attempt to divert attention away from the hunger-strike and the determination of the hunger-strikers. The IRA are not involved in whipping up nationalist fears - the British Government and the Loyalists are the experts in this field".

In the House of Commons the British Prime Minister said that "there can be no question of granting political status to convicted criminals now or at all".

Father John Magee issued a statement (full text is attached) prior to his departure from Belfast.

Mr. Paddy Lalor the Fianna Fail Euro Deputy and Dr. John O'Connell T.D. the Irish Labour member tabled motions in the European Parliament on the hunger strike.

Mr. Bobby Sands mother revealed that she had promised not to ask prison doctors to revive him should he go into a coma.

Anglo Irish Section

1 May, 1981

The full text of the statement issued 30 April, 1981 by the Secretary of State for Northern Ireland, Mr. Humphrey Atkins:

"At this time the Provisional IRA have deliberately planned and created a climate of tension and fear in a number of areas throughout Northern Ireland.

They have brought about considerable community concern by cynically playing upon and fostering inter-sectarian fears with the objective of establishing conditions in which violence can be wilfully launched and subsequently justified.

Specifically the Provisional IRA are leading people to believe that they will come under attack, either by the security forces or by paramilitary organisations. Residents have been forced to cooperate in publicising the hunger-strike at HM prison Maze under the threat that they will be victimised. There has been a calculated and cold-blooded campaign designed to create a "siege mentality" which will justify the setting up of vigilante and so-called "defence committees".

All of these activities have one clear objective; that is to provide an environment of fear within which the Provisional IRA can stir up sectarian conflict, and to enable them to exercise control of Catholic areas and present themselves as alone capable of protecting threatened people.

I believe that knowledge of these intentions is a first step towards frustrating them. In one area of Belfast the Provisional IRA are contemplating evacuating residents to other parts of the city, burning the emptied houses and, by throwing the blame to others, further fuelling sectarian conflict. Already, they have actually earmarked houses for these intended evacuees and the owners have been ordered to co-operate.

In other areas, the Provisional IRA are suggesting that arms intended for use against the Catholic community have been moved in. The IRA intend to build on these rumours in order to justify their own subsequent terrorist activities.

Leaflets have been circulated alleging that certain areas will be "over-run" by Loyalist paramilitaries led by the security forces and calling upon residents to stockpile food and other essential commodities. Those who will not co-operate in supporting the hunger-strike are told they will not get the essential goods which PIRA claim they will control in crisis.

Most contemptible of all, they plan wherever possible to use young people in the confrontation they seek with police. Parents have a duty to guard their own children against such manipulations.

The need today, and it cannot be overstated, is for restraint, responsibility and the maintenance of calm and commonsense in the face of deliberately planned campaign of violence and disruption. Nothing will be gained by anyone attempting to take the law into his own hands. Anyone doing so will only make the proper discharge of their duties by the security forces all the more difficult.

The maintenance of law and order is the proper responsibility of the Government and of the police, supported as necessary by the Army. I am in the closest touch with the Chief Constable of the RUC and the GOC in Northern Ireland about the activities of the Provisional IRA. We will not hesitate to deal with them.

The resources are available and the will is there. Nor will we hesitate to deal with other paramilitary groups whether they call themselves Republican or Loyalist. In this we must have the co-operation of the community as a whole in refusing to be provoked or to do anything to impede the security forces in the carrying out of their duties.

Having pledged the total backing of the security forces, I also say that the role of the community itself is absolutely vital in all of this. Don't play the IRA's game or anybody else's. Don't listen to the Provisionals. Don't believe lies and rumours.

Do listen to your local clergymen, councillors and other community



leaders. We will be making it our business to ensure that the news media gets the facts so listen to that too. Observe the law. Keep away from trouble. Don't be fooled or misled by men and organisations whose intentions are the direct opposite of your best interests."

The full text of the statement issued 30 April, 1981 by the Papal envoy, Father John Magee:

"His Holiness, Pope John Paul, since his historic visit to Ireland at the end of 1979, has continued his efforts as Pastor and Father to encourage by his numerous appeals all Christians and all men of goodwill to do everything possible, even the seeming impossible, to seek a just, peaceful and truly Christian solution to the agonising problems of Northern Ireland.

It was therefore in this spirit of pastoral concern and in response to the requests which came to him, from both sides of the community in Northern Ireland, to intervene directly at the present moment, that his Holiness asked me to travel to Northern Ireland as his personal envoy.

The mission given me by the Holy Father was one of love, concern, understanding and mercy in his attempt to serve the cause of peace and harmony in Northern Ireland.

I was commissioned to express to all his deep personal and pastoral concern for the growing tensions and strife that are afflicting communal relations in this country.

The Holy Father's deep-felt concern is for the sacredness of all human life and his appeal is made to all concerned, to respect human life and to avoid everything that puts the life of anyone in danger.

On my way to Northern Ireland, I met briefly at London Airport with a representative of the British Foreign Office and a representative of the Northern Ireland Office.

During my two days visit to Northern Ireland, I brought the message of the Holy Father to the prisoners at the Maze Prison who are engaged in the hunger-strike, and to the Government officials at Stormont Castle.

I visited the Maze Prison on two occasions and spoke to the four prisoners who are on hunger-strike, conveying to them the appeal of the Holy Father to put an end to their hunger-strike in order to save and respect their own lives, and the lives of all in

Northern Ireland who may be in danger as a result of their action.

All life is sacred and must be preserved as a gift from God.

I therefore appealed in the name of Christ and his Vicar-on-Earth, saying that violence of all kinds must be condemned in the clearest terms as being against the law of God.

During my visits to the Maze Prison, I met with Mr. Bobby Sands, on three occasions.

I also visited Stormont Castle and conveyed to the Secretary of State, Mr. Atkins, the concern of His Holiness for the situation in Northern Ireland.

And I told him of the appeal of the Holy Father to seek every means possible to bring about a peaceful solution to the existing problems in a spirit of justice, tempered with mercy.

During the course of my short visit, I also met with the families of some of the prisoners involved in the hunger-strike and told them also of the concern and sincere appeal of the Holy Father.

In conveying to all concerned the pastoral solicitude and heartfelt appeal of the Holy Father to seek every means to put an end to violence of all sorts, I have left with them this appeal in the fervent hope that some time, somehow, this appeal will be instrumental in bringing about a peaceful and lasting solution to the dangerous and tragic situation which has arisen.

The appeal of the Holy Father was accepted with respect and gratitude by those with whom I spoke, and, for this reason, I am hopeful that it will be heeded in the generous spirit in which it was accepted.

This is my prayer.

I am now about to return to Rome, where I shall report in detail to His Holiness on the mission he has asked me to carry out.

I can assure all that the efforts of the Holy Father will continue in seeking ways to help people in Northern Ireland,

indeed in Ireland as a whole, to work out solutions to their communal problems in accordance with Christian teaching.

I wish to take this occasion to thank all those who have facilitated me during the carrying out of my delicate mission, and I convey to them also the gratitude of the Holy Father."

V  
To get clear  
30/4

HUNGER STRIKE

Northern Ireland Office have received reliable and detailed information of steps being taken by the Provisional IRA to create a siege mentality in the Catholic community, especially in Belfast, and to stir up fear and actual violence on a large scale as a last throw. For instance, Defence Committees have been set up, vigilantes had been appointed to individual streets, people are being panicked into stock-piling food if they have the money and forced to put up posters on their houses on threat of lacking food later on. Supposedly new Armalites are being shown around and PIRA announcing openly that they would defend the community against the imminent Protestant attacks. There are plans to create flash-points at Suffolk and Short Strand, which might be evacuated, and Turf Lodge has been designated as a safe refugee area.

This information has come to us from people who are in the best possible position to know what PIRA are up to and are not likely to panic.

Note:

Message handed to me by Mr. Tatum of British Embassy at 6 p.m. to-day. He had no further news of Sands' condition.

He said that there was a great deal of activity in the streets by Provos. and Protestant paramilitaries and some Unionist that the British Govt. had plans and the capability to deal with the situation. He could not be specific because of the nature of these measures but wished us to be assured of their ability to deal with the situation. They would welcome any action we could take in helping to keep things calm.

CONFIDENTIAL

I mentioned our concern with the way the propaganda war was going.

FOREIGN AFFAIRS


FOR PARLIAMENT DAIL DUBLIN

FOR URGENT TRANSMISSION

TO  
KEIL T. LANEY TD MEP  
SILE DEVALERA TD MEP  
DR JOHN O'CONNELL TD MEP

1. PSM 4/5/81.

2. Mr Whelan

*Mr. Whelan*  
*To see also message has*  
*been passed on via*  
*PSM's office*  


1.5.8

PRIMO

THANKS YOUR CABLE OF APRIL 30 STOP HAVE TAKEN NOTE OF YOUR  
REQUEST FOR ICRC TO INTERVENE IN HUNGER STRILE SITUATION  
MAZE PRISON LONG KESH STOP

SECUNDO

AS YOU ARE AWARE CMA SINCE 1971 THE ICRC HAS REPEATEDLY  
OFFERED ITS SERVICES TO THE BRITISH GOVERNMENT TO VISIT ALL  
PERSONS INCARCERATED AS A RESULT OF TENSIONS OR DISTURBANCES  
IN NORTHERN IRELAND STOP SUCH VISITS HOWEVER WERE ONLY  
AUTHORIZED TO PERSONS DETAINED OR INTERNED WITHOUT TRIAL FROM  
1971 TO 1975 AND NOT TO CONVICTED PRISONERS STOP ICRC RE MAINS  
PREPARED TO VISIT ALL PERSONS INCARCERATED AS A RESULT OF  
TENSIONS AND DISTURBANCES IN NORTHERN IRELAND CMA IF AUTHORIZED  
TO DO SO BY THE BRITISH GOVERNMENT STOP SUCH VISITS WOULD AIM AT  
IMPROVISING THEIR CONDITIONS OF DETENTION STOP

TERTIO

FROM THE LEGAL POINT OF VIEW AND AS THE PREVAILING SITUATION  
DOES NOT CORRESPOND TO AN ARMED CONFLICT IN THE SENSE OF THE  
GENEVA CONVENTIONS OF 1949 CMA THESE ARE NOT APPLICABLE IN  
NORTHERN IRELAND STOP THE ADDITIONAL PROTOCOLS OF 1977 ARE  
NOT IN FORCE IN THE UNITED KINGDOM WHICH HAS NOT RETIFIED  
THEM STOP

QUARTO

THE ICRC REITERATES ITS WILLINGNESS TO EXERCISE ITS TRADITIONAL  
HUMANITARIAN ASSISTANCE AND PROTECTION IN NORTHERN IRELAND STOP

FRANK SCHMIDT  
DELEGATE GENERAL FOR EUROPE AND NORTH AMERICA  
INTERCROSS

GENEVA

1.5.81/YDU

31014 LOC6 EI

*This text was approved this morning  
for issue by the Taoiseach on behalf  
of the Government.*

*6-5-81*

CC 7371  
PSS  
W. H. G.  
W. H. G.

STATEMENT BY THE TAOISEACH

The death of Bobby Sands is yet one further tragedy in a long line of such tragedies in Northern Ireland. It must surely bring home to all concerned the need to find a solution that will bring a just and lasting peace to the area.

Since the hunger strike began, I have sought constantly by every means open to me to secure a humanitarian solution that would avoid loss of life. I deeply regret that such a solution could not have been found through a more flexible approach to the administration of the prison.

To the Sands family and to the families of all those who have suffered bereavement or injury, I extend sincere sympathy on my own behalf and on behalf of the Irish Government.

I appeal now to all sections of the Irish people that there should be no further suffering, injury or loss of life and that the sorrow and grief which exist should be expressed in a calm and dignified manner.

# ROINN AN TAOISIGH

Uimhir.....

## HUNGER STRIKE

### NOTE:-

On the Taoiseach's instructions, I phoned Mr. Michael Alexander, Private Secretary to the British Prime Minister, to inform him, for the Prime Minister's information, that the Taoiseach intended to issue a statement shortly saying that he was asking the Commission of Human Rights, following a recent visit by a delegation, to intervene in the situation, as a matter of extreme urgency; and asking him to convey to the Prime Minister the Taoiseach's wish that there should not be a negative reaction. Mr. Alexander said that he did not think that such a reaction would be forthcoming. The British view on intervention by the Commission had been given reasonable publicity and they were by no means averse to it. He said that he would convey the Taoiseach's message immediately to the Prime Minister.

I said that the Taoiseach's action was being taken because of his view that even at this late stage there was some hope - however slight - of a way out of the present impasse.

I also said that it was important that the authorities should understand the enormity of the consequences which might ensue on Mr. Sands' death. Mr. Alexander said that they appreciated this and were deeply concerned. They had taken all measures they could think of to deal with possible eventualities.

Finally, I asked that if possible, Mr. Brian Palmer should contact the Department (Mr. Kirwan or Mr. Murray) so as to make arrangements under which the Sands family, who were in the prison, with the hunger striker at present, could be contacted from this office. Mr. Alexander said he would do this. (It is a bank holiday in the U.K.)

**DERMOT NOLLY**

4th May, 1981.

Copy to Mr. O'Rourke, Secretary, Department of Foreign Affairs



PSS  
Secretary may wish to see. It seems unlikely that the Sands family will agree to send an application to Strasbourg. Ulaella Sands has told P. O'Hara certain that it is too late for such manoeuvres. She suggested that To the Secretary General of the Council of Europe for the European Commission of Human Rights the Hughes family did approach.

4.5.8

We mother/father of Robert Sands M.P. as victims of the violation by the British Government of the rights set forth in Articles 3 and 8 of the European Convention on Human Rights hereby petition the European Commission of Human Rights under Article 25 of the Convention.

The grounds for our application for intervention by the Commission are:

- (1) the British Government is in breach of Article 3 of the Convention by subjecting us to extreme mental anguish and distress by their treatment of our son whose life is in danger. No conventional remedy being open to him by which to seek redress he was left with no choice but to go on hunger strike (now in its            day). There is no fundamental rights charter or written constitution justicible in Northern Ireland or other domestic remedy on which we can rely for redress.
- (2) The British Government is in breach of Article 8 of the Convention by failing to respect our private and family life and home in depriving us as set out at (1) above of the comfort and support of our son now and in the future.

.../...

We are victims of a continuing denial of our rights.

The continuation of the inflexible approach of the British authorities <sup>(allocated to by the Commission)</sup> (in paragraph 64 of its Partial Decision on Application No. 8317/78 by T. McFeeley et al against the United Kingdom) to the legitimate demands for investigation of prison conditions by our son has led to the present critical state of health of our son and will inevitably lead to his death. Our consequent mental anguish, the interference with our private and family life and home resulting from being deprived of his comfort and support constitutes a continuing breach of our rights under the Convention.

We make this plea for the Commission to examine immediately, on a formal or informal basis, the said violations by the British Government.

In particular we would refer to Rules 36 and 41 of the Commission's Rules of Procedure and would ask that a specific on the spot investigation be undertaken as a matter of urgency under that or any other appropriate rule.

Since the present hunger strike in the Maze Prison began, I have constantly sought by every means open to me to secure a humanitarian solution that would avoid loss of life. I believe that even at this eleventh hour, such a solution can still be found, through a more flexible approach to the administration of the prison. Accordingly, I have asked the European Commission of Human Rights, a delegation from which recently visited the prison, to consider as a matter of extreme urgency, making a recommendation arising out of that visit which would contribute to such a solution.

*Can still sitting  
H. 1/5-*

Secretary

I refer to the possible further application to the European Commission in the case of Robert Sands.

A draft application for signature by members of his family was prepared this morning by me with Mr. Kirwan (Taoiseach's Office) and Martin Burke. I understand that it is unlikely however that the application will in fact be forwarded.



Legal Adviser  
4 May 1981

Message from Ms. Liddy, from Strasbourg,

8.15 p.m. 4 May 1981

Following message was formally relayed to Ms. Liddy from European Commission of Human Rights for transmission to Dublin: The message was prefaced with remarks that Commission is not closing the door.

"The European Commission of Human Rights has to-day discussed the communication received from Mr. Charles Haughey, the Irish Prime Minister. The Commission has no jurisdiction to consider any situation or make recommendations without being seized of an application brought before it under the relevant provision of the European Convention on Human Rights. It notes that Mr. Robert Sands, M.P. did not associate himself with the complaints made by his sister Ms. Marcella Sands on his behalf and that consequently there is no application before it from Mr. Robert Sands. Neither is the Commission at present seized of an application by or on behalf of any other prisoner in the Maze prison which would enable it to act within the framework of the Convention".

The message was followed by these remarks:

1. The MacFeeley <sup>decision</sup> discussion was a partial decision and therefore, so far as Art.3 of the Convention is concerned, it has been disposed of.
2. We can do what we like with statement. They will not issue it to-night. They will issue it to-morrow. It is reply to Taoiseach.
3. Not be taken as rejecting Taoiseach's approach.

5/5/81

Minister

- ① - Look ahead to other larger studies
- Try to get some form of other national intervention by Com of HR.
  - Make sure we have all the contacts necessary to set it up.
  - Have it set up.
- 

② keps to UK.

linise

① + ②

Diary of Main Events concerning H-Blocks Protests

1-5-1981 - 5-5-1981.

Friday, 1 May 1981

The shadow Northern Ireland Secretary, Mr. Don Concannon visited the H-Blocks. The purpose of his visit, he said, was "to clear up any confusion which might have arisen about the attitude of the Parliamentary Labour Party towards political status." There is no question in the Labour Party of granting special category or political status of any kind". Mr. Concannon saw the four hunger strikers individually and asked them to come off their strike. They replied that they would fast to the death unless the British Government gave them their five demands.

There was much criticism of the visit by the SDLP ("a cheap and offensive publicity stunt") and the Provisional Sinn Fein ("a piece of cynical opportunism".) In a statement by Bobby Sands election agent issued by the Republican Press Centre it was reported that Bobby Sands had "asked that Haughey should publicly demand that the Brits move on the prisoners five demands."

The Fifth Conference of the General Council of County Councils called on the Taoiseach to use whatever channels were still left open to him to save the life of the hunger-striking M.P. Bobby Sands.

The International Committee of the Red Cross in a reply to a request from Messrs Blaney, De Valera and O'Connell to intervene in the hunger strike situation said it would offer its services if authorised to do so by the British Government.

Sunday, 3 May, 1981

It was reported that Mr. Bobby Sands had lapsed into a coma. Mr. MacBride called on the British Government to allow the International Red Cross or Amnesly International to investigate conditions in Long Kesh.

Monday, 4 May, 1981

The Taoiseach issued the following statement:-

"Since the present hunger strike in the Maze Prison began, I have constantly sought by every means open to me to secure a humanitarian solution that would avoid loss of life. I believe that even at this eleventh hour, such a solution can still be found, through a more flexible approach to the administration of the prison. Accordingly, I have asked the European Commission of Human Rights, a delegation from which recently visited the prison, to consider as a matter of extreme urgency, making a recommendation arising out of that visit which would contribute to such a solution.

Tuesday, 5 May, 1981

Mr. Bobby Sands died at 1.17a.m. In a statement from Stormont Castle the Northern Ireland Secretary said:-

"I regret this needless and pointless death. Too many have died by violence in Northern Ireland. In this case it was self inflicted. We should not forget the many others who have died. It is my profound hope and prayer that the people of Northern Ireland will recognise the futility of violence and turn their faces away from it."

The Taoiseach in a statement said:-

"The death of Bobby Sands is yet one further tragedy in a long line of such tragedies in Northern Ireland. It must surely bring home to all concerned the need to find a solution that will bring a just and lasting peace to the area.

Since the hunger strike began I have sought constantly by every means open to me to secure a humanitarian solution that would avoid loss of life. I deeply regret that such a solution could not have been found through a more flexible approach to the administration of the prison.

To the Sands family and to the families of all those who have suffered bereavement or injury, I extend sincere sympathy on my own behalf and on behalf of the Irish Government. I appeal now to all sections of the Irish people that there should be no further suffering, injury or loss of life, and that the sorrow and grief which exists should be expressed in a calm and dignified manner."



5-5-1981.

①  
Options

- Inter - state case

- Application a) by

b) on behalf of hunger - strikers.

c) by [or on behalf of] other prisoners?

AG considers that  
only course open  
is action under  
Art 25

- Consider these.

- Prepare draft applications

- How to lodge application

- Do we need somebody in Strasbourg?

- When does Cin meet . . . . this week? at next week.

- liaise with W. Kirwan.

forget the relatives  
- AG.

②  
draft ref to UK, including refs to  
our pursuing CRR angle.

C STRBG

ZCZC

cc  
Mr. Kirowan  
Mr. Helige  
Mr. Tynan  
Regal Division  
SECRET

TEL 3539 OF 5.5.81

Done To: s/s

FOR THE SECRETARY

FROM H C KRUGER

THE EUROPEAN COMMISSION OF HUMAN RIGHTS HAS TODAY DISCUSSED THE COMMUNICATION RECEIVED FROM MR CHARLES HAUGHEY, THE IRISH PRIME MINISTER. THE COMMISSION HAS NO JURISDICTION TO CONSIDER ANY SITUATION OR MAKE RECOMMENDATIONS WITHOUT BEING SEIZED OF AN APPLICATION BROUGHT BEFORE IT UNDER THE RELEVANT PROVISIONS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. IT NOTES THAT MR ROBERT SANDS, MP, DID NOT ASSOCIATE HIMSELF WITH THE COMPLAINTS MADE BY HIS SISTER, MS MARCELLA SANDS ON HIS BEHALF, AND THAT CONSEQUENTLY THERE IS NO APPLICATION BROUGHT BEFORE IT FROM OF AN APPLICATION BY OR ON BEHALF OF ANY OTHER PRISONER IN THE MAZE PRISON WHICH WOULD ENABLE IT TO ACT WITHIN THE FRAMEWORK OF THE CONVENTION.' - 4 MAY 1981


THIS TEXT HAS BEEN MADE AVAILABLE TO THE PRSS SERVICES OF THE COUNCIL OF EUROPE.

H.C. KRUGER  
SECRETARY TO THE EUROPEAN  
COMMISSION OF HUMAN RIGHTS

⊕  
25300 B ESTR E1  
EUROPA C STRBG  
V⊕

PSS

1. I contacted Mr. David Tatham, British Embassy this morning to enquire about the condition of Francis Hughes and to find out the position in relation to a new Governor for Long Kesh Prison.
2. Mr. Tatham has informed me that the medical people looking after Mr. Hughes feel that there is no danger of him dying until after the coming weekend. Although his eyesight has suffered his fluid level is good.
3. Mr. Tatham said that a routine decision had been taken towards the end of last year to replace the Governor of Long Kesh with an officer (Mr. William Kerr) from the prison service headquarters at Stormont. Mr. Kerr is a former Governor of Crumlin Road prison. The implementation of this decision was postponed because of the December Hunger-Strike and subsequent developments. Although there were presentational difficulties in making the change at this time it is now felt that the transfer should take place towards the end of this month. Mr. Tatham stressed that there was no significance to be attached to the change of Governor.
4. Mr. Tatham also indicated that civil disturbance in Belfast was at a low level today and it was felt by the N.I.O. that further large scale rioting would not take place until after the funeral of Bobby Sands.

  
Martin Burke

6 May, 1981.

P.S.M.  
P.S.S.  
Mr. Neligan,  
Mr. Kirwan, D/Taoiseach  
Mr. Collins.

Note:

Ambassador Donlon rang on 6 May to enquire about the latest situation after the death of Hunger-Striker, Sands. In particular he was interested in an assessment of the disturbances in Dublin indicating that the various Bord Failte representatives in the U.S. were clearly concerned about the effects of reports of these disturbances in today's news.


The Ambassador mentioned that Senator Kennedy and Governor Carey had appeared jointly on television on 5 May and had spoken about the Northern Ireland situation in sensible terms. Kennedy was anxious to do whatever he could to show his concern about the present critical turn of events.

The Ambassador then asked my views about the possibility of bringing pressure on President Reagan to say something to Mrs. Thatcher. He mentioned this because the conduct of business in the Congress over the next 48 hours would put Speaker O'Neill in a very strong position to ask a favour of the President. I reacted by saying that it did not seem appropriate from here to try to get the President to question or criticise British Government policy on Northern Ireland prisons. Not a day passed that the London Government did not repeat with emphasis that they could not change that policy and unfortunately they were supported in this attitude by the British opposition. Moreover, the President would probably be reluctant directly to query an internal policy of an allied country. However it did seem possible to me that something might be suggested as appropriate material for a message to Mrs. Thatcher based on the unprecedented interest of the American Media in developments in Northern Ireland and the notable propaganda failure by the British Government in this context. In other words what might be possible would be for the President to say that he felt he had to get in touch with Mrs. Thatcher to comment on the very bad press which her Government was getting in the States, arising out of the Sands death and to wonder whether the British Government had given sufficient thought to this extremely negative publicity aspect when defining their policy. The President could possibly link his remarks with something along the lines used by him on St. Patrick's Day

namely that it is not good for the Western Alliance to have within it an area of instability and violence such as Northern Ireland. The effects of the present crisis were not likely to reduce instability, in fact quite the contrary. He could also enquire how the recent deplorable developments would affect the dialogue between the British and Irish Governments inaugurated at the Bilateral Summit Meeting of 8 December. In general, the President might be willing to express the views that the pursuit of constructive policy could not be carried on in complete disregard of public opinion and that viewed from America public opinion was now disturbingly Anti-British in tone.

There is of course no certainty that the President could be induced even in the favourable circumstances described by Ambassador Donlon, to make any démarche to Mrs. Thatcher. Perhaps, however the above proposal could be examined.

I reminded the Ambassador that President Reagan had already made a statement of regret on Sand's death through the State Department. Donlon replied that this would have been a low level reaction relayed through the State Department but probably not even seen by President Reagan before being issued. In his view that reaction did not preclude the possibility of the action we had been considering.



D.M. Neligan

6 May 1981.

IMMEDIATE

TO HQ FROM WASHINGTON  
FOR ASST SEC NELIGAN FROM AMBASSADOR

FOLLOWING IS TEXT OF TELEGRAM SENT ON 6 MAY 1981:

PRIME MINISTER MARGARET THATCHER  
10 DOWNING STREET  
LONDON, ENGLAND

DEAR PRIME MINISTER THATCHER:

WE WANT YOU TO KNOW PERSONALLY OF OUR DEEP CONCERN OVER THE SPECTRE OF WORSENING VIOLENCE AND TRAGEDY THAT THREATEN TO ENGULF NORTHERN IRELAND AFTER THE DEATH OF BOBBY SANDS.

IN RECENT MONTHS, WE HAVE PRAISED ~~OUR HOPEFUL INITIATIVE WITH~~  
~~YOUR HP~~

YOUR HOPEFUL INITIATIVE WITH  
PRIME MINISTER HAUGHEY OF IRELAND, AND WE HAVE LOOKED FORWARD  
TO FURTHER PROGRESS IN SECURING A PEACEFUL SETTLEMENT OF THE  
CONFLICT.

THROUGHOUT THESE TRAGIC YEARS OF KILLING AND DESTRUCTION IN  
NORTHERN IRELAND, WE HAVE CONSISTENTLY AND UNEQUIVOCALLY  
CONDEMNED ALL VIOLENCE FROM ANY SOURCE.

BUT WE QUESTION A POSTURE OF INFLEXIBILITY THAT MUST LEAD  
INEVITABLY TO MORE SENSELESS VIOLENCE AND MORE NEEDLESS DEATHS  
IN NORTHERN IRELAND.

WE URGE YOU TO ACT NOW, BEFORE ADDITIONAL LIVES ARE LOST, TO  
IMPLEMENT SENSIBLE AND REASONABLE REFORMS IN THE ADMINISTRATION  
OF THE MAZE PRISON --- REFORMS THAT OFFER REAL HOPE OF ENDING THIS  
VIOLENT IMPASSE AND ACHIEVING A PEACEFUL AND HUMANITARIAN  
SETTLEMENT OF THE THREE HUNGER STRIKES THAT ARE NOW NEARING THE  
POINT OF NO RETURN.

SURELY IT IS POSSIBLE TO COMPROMISE ON THE PRACTICAL ISSUES OF  
PRISON ADMINISTRATION, WITHOUT COMPROMISING IN ANY WAY ON THE  
BASIC PRINCIPLE OF OPPOSITION TO VIOLENCE. SURELY THE LEADERS  
OF GREAT BRITAIN HAVE AN URGENT RESPONSIBILITY TO DO ALL WITHIN  
THEIR POWER TO END THIS TRAGIC AND UNNECESSARY CRISIS.

EDWARD M KENNEDY  
UNITED STATES SENATE

DANIEL PATRICK MOYNIHAN  
UNITED STATES SENATE

THOMAS P. O'NEILL, JR.  
SPEAKER, HOUSE OF REPRESENTATIVES

HUGH L. CAREY  
GOVERNOR, STATE OF NEW YORK

END OF MESSAGE

CORRECTION  
SECOND LINE OF SECOND PAR SHOULD READ:

25300F ESTR EI V⊕  
916104 IVERNA G  
QQQ=QQQ  
C146

9/5/57  
*[Handwritten signature]*

*[Handwritten signature]* 1/5

URGENT

TO HQ  
FOR A/SECY NELIGAN

FROM LONDON  
FROM AMBASSADOR

MMMLOKMB

MANY THANKS YOUR C145. I WOULD JUST LIKE TO MENTION THAT I HAVE ASKED SIR KEN STOWE TO LUNCH ON TUESDAY 12 MAY (WE KEEP REGULARLY IN TOUCH). IF THERE IS ANY POINT YOU WOULD WISH ME TO MENTION TO HIM THIS WOULD BE A USEFUL OCCASION.

~~~~~

2. THE GENERAL LINE I INTEND TO TAKE IS THAT CURRENT TENSION IN NORTHERN IRELAND MUST NOT BE ALLOWED TO BLOW LONDON-DUBLIN RELATIONS OFF COURSE. INDEED, I WILL ARGUE, PRESENT TENSIONS MAKE CLOSER COOPERATION ESSENTIAL. I WILL ALSO SOUND HIM OUT ON THE HUMAN RIGHTS COMMISSION AND IF THERE ARE ANY DEVELOPMENTS BETWEEN NOW AND THEN ON THAT FRONT PERHAPS YOU WOULD LET ME KNOW.

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MCUJRSB),.+ 0')=755+CMIAWF ESTR ⊕

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916104 IVERNA GT

PSS

Meeting of Foreign Ministers of the 10  
at Venlo 9/10 May.

The Minister had a lengthy informal conversation with Lord Carrington regarding the situation in Long Kesh. The Minister told me afterwards that the following points arose in their discussion:-

- (a) Lord Carrington reiterated the British position that no concessions would be made to the hunger-strikers. The British do not appear at this stage to be reassessing their position;
- (b) Lord Carrington felt that the second hunger-striker would continue his hunger-strike to the death. There appears to be some hope on the part of the British that the international attention will diminish and that the other hunger-strikers will not continue when no concessions are made;
- (c) Lord Carrington expressed great concern at the international attention which the hunger-strike had achieved;
- (d) He confirmed that the British Government would cooperate with and would be quite happy to see the European Commission of Human Rights involved in reassessing the prison conditions in Long Kesh;
- (e) Lord Carrington also indicated that he fully understood the Irish Government's concern and was not critical of our request (which the Minister reiterated) for greater flexibility in the administration of the prison.

The Minister said that most of his colleagues (especially the West German Foreign Minister) questioned him about the situation in Northern Ireland and our attitude to the hunger strike. Finally, Lord Carrington indicated that he would convey the Minister's views to Mrs. Thatcher whom he is meeting this morning prior to the Anglo-German Summit at Chequers.

Martin Burke

10.5.1981

c.c. PSM  
PSS  
Mr. Nally  
Mr. Neligan  
Ambassador, Washington  
Ambassador, London.



PSM  
PSS  
Madison  
GPS  
DT.

~~PRESS  
SECTION~~

25300 C ESTR EIVMME#  
25300 C ESTR EI  
NO 68  
TO HQ FROM CHICAGO  
FOR PRESS SECTION FROM CONGEN  
SUBJ: TRIBUNE EDITORIAL

EDITORIAL ENTITLED +WHAT NEXT FOR BLOODY ULSTER?+ APPEARED TODAY. EDITORIAL ARGUES THAT MRS. THATCHER MUST NOW MOVE TO AVERT FURTHER CRISES IN NI. IT STATES THAT SHE SHOULD FORGET HER DESIRE OF +STARING DOWN+ IRA, AND SHOULD START TALKING WITH +RESPONSIBLE CATHOLICS LIKE JOHN HUME+. OBJECT OF TALKS WOULD BE TO RESTORE HEATH'S POWER-SHARING STRUCTURES. IN ACHIEVING THIS, EDITORIAL ADVISES THAT +POWER-HUNGRY DEMOGOGUES AND BIGOTS LIKE THE REV. IAN PAISLEY AND JAMES MOLYNEAUX+ SHOULD BE IGNORED. EDITORIAL ALSO CALLS ON BRITISH TO DROP +CONSTITUTIONAL GUARANTEE+ AS IT IS USED +AS AN ABSOLUTE VETO WITH WHICH TO OBSTRUCT ANY AND ALL EFFORTS TOWARD RECONCILIATION AND PEACE.+ PIECE CALLS FOR CONTINUATION OF TAOISEACH/THATCHER TALKS AND STATES THAT THEY SHOULD BE EXPANDED IN SCOPE. IDEA OF +LOOSE FEDERATION+ BETWEEN IRELAND AND BRITAIN IS MENTIONED FAVOURABLY.

EDITORIAL CONTINUES BY ADVISING MRS. THATCHER TO GRANT SOME CONCESSIONS IN NI JAINS, AND MENTIONS SYSTEM EXISTING IN SOUTH. IT ALSO STATES THAT UNIONIST CONTROL OF TRADE UNIONS MUST END. EDITORIAL ENDS BY DISCUSSING U.S. ROLE IN PROBLEM. IN FIRST PLACE IT STATES U.S. FINANCIAL AID COULD BE OF DECISIVE IMPORTANCE IN ENDING PROBLEM. IN SECOND INSTANCE, U.S. COULD ACT AS MEDIATOR IN DISPUTE: BECAUSE OF COUNTRY'S NEUTRAL STANCE IN CONFLICT, IT WOULD BE IN GOOD POSITION TO DO SO. PIECE ENDS BY STATING THAT REAGAN, BUSH, HAIG OR FORD WOULD ALL BE OF USE AS MEDIATORS.

COPY IN POST.

NNNEND  
16:00 HOURS  
8.5.81

⊕  
25300 C ESTR EI⊕  
25300 C ESTR EI⊕  
25300 C ESTR EI⊕

Condition of Francis Hughes

I asked the British Embassy today for information on the medical condition of Francis Hughes.

Mr. Smith British Embassy informed me that Mr. Hughes' eyesight had deteriorated to a situation where he was virtually blind. He was semi-conscious and had not yet slipped into a coma. He is now in his 58th day on hunger strike and he is not expected to live as long as Mr. Sands did (66 days).

Mr. Smith promised to keep us informed of his condition.



Martin Burke

11 May 1981

c.c. PSM

PSS

Mr. Nally

Mr. Neligan

Ambassador London

Confidential

5 p.m. on 5 May 1981

MEMORANDUM

*Mr J. [unclear]*  
*[Signature]*  
*7/5/81*

The Executive Committee of the National H-Blocks Committee, as part of their demonstration outside Government Buildings (North Block) on 5 May 1981, delivered two letters addressed to the Taoiseach. In the process of delivering them, a representative of the Executive Committee indicated that they wished to discuss the matter with the Taoiseach and would appreciate it if he would meet them. I conveyed this request to the Taoiseach (who was in Leinster House and involved in Dáil business). He asked me to meet the representatives of the Executive Committee, listen to what they had to say and convey it to him.

Within five minutes of their having asked to meet the Taoiseach I met the following people in Government Buildings (North Block):

- Sean MacMathúna, Uas., Ard Runaí, Conradh na Gaeilge;
- Mr Jim Monahan, Dublin H-Blocks Committee;
- Mr Brian Higgins, Dublin Trade Union H-Blocks Committee (and Chairman RTE section of the Federated Workers' Union of Ireland).

The three persons were very courteous and polite during the meeting with me.

The following is the general theme of the message which these three persons conveyed to me and which I indicated would be communicated to the Taoiseach immediately (the words and phrases

which follow were those used by the delegation):

'The Executive Committee of the National H-Blocks Committee were gravely concerned, even at this stage after Bobby Sands' death, that the five demands would be met by the British Prime Minister, Mrs Thatcher. It was imperative that Mrs Thatcher should publicly grant the five demands at this stage. The British Government had purposefully allowed the situation to get to the present stage - as evidenced in part at least by the treatment they gave to Bobby Sands when the delegation from the European Commission on Human Rights arrived in Northern Ireland. This action by the British Government was a snub to both Bobby Sands himself and to the Taoiseach. The Taoiseach should publicly demand now that the British Government act on the five demands. The Government of the 26 Counties were not putting enough pressure on the British Government at the present time and the people both North and South of the border were not going to wait indefinitely for action. It was a moot point that the nationalist people of Northern Ireland and Sinn Féin regard the issue as a political one. The British Government, particularly Mrs Thatcher, were criminalising the whole matter. The National H-Blocks Committee could not understand why the Taoiseach has not come out publicly on this issue before now. The insensitivity of the course pursued by the British Government was evidenced by Mrs Thatcher's indication that she would not meet national politicians when the

three European Parliamentarians, - Miss Sile de Valera, Dr John O'Connell, and Mr Neil Blaney - wished to see her. These three persons, at that time, were not national parliamentarians, they were Euro-deputies and consequently did not fit into Mrs Thatcher's category. Bobby Sands' demands were infinitesimal in relation to the implications which could arise from a continuation of the hunger strike activities. Mrs Thatcher's attitude that "a crime is a crime is a crime" was insensitive and did not reflect reality. A dramatic move was now more than ever necessary to save the life of the next hunger striker. The Taoiseach was the key to this matter. He, alone, in these islands could arrange or orchestrate such a move. The people and the Government should be concerned not alone about the hunger strikers in Northern Ireland but also about all the nationalist and unemployed youth, both in the North and in the Republic. Bobby Sands represented them. Leaders like the Taoiseach could show the youth what could and should be done. People in the South should now stand up to the situation which had developed in relation to the H-Blocks issue. And the Taoiseach should lead in this. It was such a general situation in earlier years which had driven the Taoiseach's father out of the North. He would have had sympathy with the present situation. The National H-Blocks Committee is willing to meet the Taoiseach anytime, anywhere to discuss these matters.'

The above message was given in discussion form and in an earnest fashion by the three members of the National H-Blocks Committee,

i.e., each person made some of the points - sometimes speaking together and overlapping. The people who did most of the talking were Mr Jim Monahan (Dublin H-Blocks Committee) and Mr Brian Higgins (Dublin Trade Union H-Blocks Committee). Before finishing their message and, as a separate issue, Mr Monahan made the point directly to me that both today and over the next two days or so they wished to keep their activities peaceful and dignified. However, he said, it was extremely provocative for them and their members to see the Gardai in riot gear outside Government Buildings (North Block) and they would earnestly hope that consideration could be given to ensuring that the wearing of riot gear by the Gardai would not be continued. It was, Mr Monahan stressed, extremely provocative and inflammatory. I thanked the three members of the delegation for their courteousness and indicated I would pass on their message to the Taoiseach; they thanked me for having received them on behalf of the Taoiseach and indicated that they appreciated it. The delegation left Government Buildings (North Block) - after about 15 minutes taken to give me the above mentioned message - at about 3.30 p.m. I reported back to the Taoiseach on the matter at 4 p.m. approx.



---

N. W. W. W.

5 May 1981

Diary of Main Events concerning H-Blocks Protests

5-5-1981 - 7-5-1981.

Tuesday, 5 May, 1981.

Riots and protests followed the death of Bobby Sands. There were also many pleas for calm.

It was reported that the condition of hunger-striker Francis Hughes continued to deteriorate.

More reactions by public figures to the death of Bobby Sands were reported.

The four leading Irish-American Democratic Party politicians (Messrs Kennedy, Moynihan, O'Neill and Carey) urged Irish-Americans and the nationalists of the North to exercise restraint. They also condemned the British Governments "posture of inflexibility".

A White House spokesman said:-

"The President and the Administration deeply regret the death (of Bobby Sands) and we hope that the hunger strike by the three others will not end in a similar tragic fashion".

Church leaders appealed for restraint but it was noted there were widely differing attitudes to the death of Bobby Sands. Cardinal O'Fiaich in a statement said:-

"Once more I appeal to both sides in the prison dispute for a change of heart, just as our Holy Father pleaded with both sides through his envoy last week. I renew my earlier appeals to the hunger-strikers to give up their fast. I repeat my previous pleas to the British Government to abandon their inflexible attitude regarding prison dress and work".

The Moderator of the Presbyterian Church in Ireland said:-

"I personally could not see that the British Government could remain a Government and yield to the demands the prisoner was making. In fact, if those demands had been granted I feel that further demands would have come because ultimately it was for political status".

There was widespread international publicity and reaction to Bobby Sands death. In the House of Commons Mrs. Thatcher said:-

"To grant political status would be to give a licence to kill. That is why this Government will never grant political status, no matter how much hunger striking there may be". The Opposition leader, Mr. Foot expressed his support for the Government's approach.

Wednesday 6 May 1981.

There was more domestic and international reaction to Bobby Sands death. An attempt by the Conservatives in the European Parliament to prevent a debate on the death of Bobby Sands and conditions in Long Kesh failed.

Additional British troops (600) were drafted into the North to deal with the possibility of increased disturbances following the funeral of Bobby Sands.

Twelve Labour Party backbenchers tabled a motion in the House of Commons which declared that Mr. Sands's life "had been forfeited because of the intransigence of the Government."

In an interview broadcast by a US television network Mr. Atkins said "..... there is no way the British Government can or will concede political status for certain types of crimes".

"I very much hope that the other three people who are on hunger strike will recognise that their hunger strike is pointless".

"Murder is a crime. It is not to be excused because the motive is political".

The Republican prisoners in Long Kesh in a statement said:-

"The hunger strike goes on, and will go on until our demands are met".

The leader of the SDLP, Mr. Hume maintained on an interview that the Republican protest in the H-Blocks, including the hunger-strike would end if all prisoners were allowed to associate freely within the 25 man wings and if they were permitted to wear their own clothes.



- 3 -

Thursday 7 May, 1981

In one of the biggest demonstrations of Republican sympathies in the North tens of thousands attended the funeral of Bobby Sands.

At the end of a debate in the European Parliament a motion tabled by the British Conservatives was adopted. The motion expressed its sympathy for the families of all those who had been murdered in the North. It condemned all forms of violence and called on the EEC Council of Ministers to join with the European Parliament "in expressing their readiness to offer any assistance that may ease the tensions and thereby assist in solving the problems in ways compatible with the wishes of the appropriate authorities and the people concerned". Motions by Deputy P. Lalor calling on the British Government to be more flexible over prison conditions in the H-Blocks and one tabled by a group of Independents were defeated.

Four leading American politicians called on the British Prime Minister to save the lives of the three remaining hunger-strikers by implementing reforms in the administration of the Maze Prison. The text of their telegramme is attached.

The RUC warned that the PIRA and the INLA are considering attacks on a range of public figures.

The Secretary of State for N. Ireland restated the Governments position on the prison protests. The text of the statement is attached.

Dr. David Owen of the SDP declared that the Irish Governments involvement in an overall settlement to the Northern Ireland problem was essential.

Anglo-Irish Section.

8 May, 1981

Text of Telegramme of 7 May, 1981 from  
Messrs Kennedy, O'Neill, Moynihan and  
Carey to Mrs. Thatcher

We want you to know personally of our deep concern over the spectre of worsening violence and tragedy that threaten to engulf Northern Ireland after the death of Bobby Sands.

In recent months we have praised your hopeful initiative with Prime Minister Haughey of Ireland, and we have looked forward to further progress in securing peaceful settlement of the conflict.

Throughout these tragic years of killing and destruction in Northern Ireland. We have consistently and unequivocally condemned all violence from any source. But we question a posture of inflexibility that must lead inevitably to more senseless violence and more needless deaths in Northern Ireland.

We urge you to act now, before additional lives are lost, to implement sensible and reasonable reforms in the administration of the Maze Prison - reforms that offer real hope of ending this violent impasse and achieving a peaceful and humanitarian settlement of the three hunger strikes that are now nearing the point of no return.

Surely, it is possible to compromise on the practical issues of prison administration, without compromising in any way on the basic principle of opposition to violence. Surely the leaders of Great Britain have an urgent responsibility to do all within their power to end this tragic and unnecessary crisis.



# Northern Ireland Information Service

Stormont Castle,  
Belfast BT4 3ST  
Telephone Belfast 63011  
Telex 74163: 74250: 74272

Great George Street,  
London SW1P 3AJ  
Telephone 01-233-4626  
Telex 1918889

Ulster Office,  
11 Berkeley Street, London W1  
Telephone 01-493-0601  
Telex 21839

7 May 1981

STATEMENT BY SECRETARY OF STATE FOR NORTHERN IRELAND, RT HON HUMPHREY ATKINS, MP

We have seen today the funeral of a man who took his own life, either by his own decision or on the instructions of those who felt it was useful to their cause that he should die. Whatever the reason, it was a tragedy that he should have added his name to the list of those who have died in Northern Ireland as victims of a campaign which can contribute nothing to the resolution of the historic and deep-seated problems of this Province.

And we shall shortly see - the event deserves no less publicity - the funeral of Constable Ellis, an officer of the law murdered yesterday in Belfast in the course of his duties. The dead Constable Ellis differs from the dead Mr Sands in that his death was not of his choosing. The two bereaved families can surely not be the only two who realise that there can be no worthwhile dividend from terrorism.

I regret very much the death of any person, whether policeman, soldier or citizen going about his daily business who is murdered by those who claim to be acting in pursuit of a political objective. All of us know that the claim of political justification is bogus.

I must say to you with all the seriousness at my command that we will not give way to this demand for political status. There is no question here of any lack of flexibility. We come right up against the matter of principle. Is murder any less murder because the person responsible claims he had a political motive? The answer is no. Is robbery with violence any less a crime because the perpetrator said he had a political motive? The answer is no. Is the kneecapping of a milkman acceptable because its perpetrators say they had a political motive? The answer is no.

If you were to answer yes to those questions, you would encourage murder and violence throughout the Western World, in the UK, in Europe and in the United States. This is not a matter for argument nor is it a matter for negotiation. We really must have clear in our minds that the central issue is not whether or not the Government is being flexible enough; it is about political status.

The Government's position is perfectly clear. We are not prepared to concede the principle of political status for which Robert Sands was ordered to die, nor are we prepared to do so to prevent others taking the same course.

Some people have said that if we were flexible in our administration of the prison system in Northern Ireland it would save the lives of those who wish to hold us to ransom.

There is nothing flexible about murder and bombing.

There is nothing flexible about the demands. Mr Sands and others have made it clear, all too clear, time and again that it is political status - that is, to be recognised as a different class of prisoner - that they want.

By contrast we have shown that we have been prepared to be flexible. We have in the past year introduced a number of changes in precisely the kind of matters - prison clothing, letters and parcels, remission - which are alleged by some to be what the hunger strikers are concerned about. We have established one of the most humane and liberal prison regimes in the Western World which has taken serious account of the findings of the European Commission on Human Rights. And we will continue to do so.

We have shown that in our consideration of the treatment of all prisoners we are prepared to be flexible. We have proved this by the provision of civilian-type clothing to all prisoners, and even to those who break prison rules, the provision of the right to additional letters and visits, the granting of facilities for compassionate home leave and in many other ways. Prisoners who have decided to end their protest and conform with prison rules have received some restoration of lost remission. All of us who are concerned with creating a more humanitarian regime are glad that the so-called dirty protest, which so disgusted all who heard of it, has been ended and that those prisoners involved are now living in clean furnished cells.

Despite all of these developments however the five demands, which constitute political status, still stand.

We as a Government are concerned with the well-being of all prisoners. We have taken as I have outlined a number of steps to improve the conditions of those held in custody. But we are not prepared to give in to blackmail in the form of a hunger strike or of any other form of pressure.

We must and will govern in the interests of all of the people of Northern Ireland. That is the message which any Government must give to those who seek to subvert democratic government by the exercise of violence.

dc PSM, Legal Advisor, Amb. London, A-1.2.

Handed to me by British  
Ambassador at 3.45 p.m.

to-day.

sh  
6/5

The Government has already made its position clear, a position which was established last October and reaffirmed in December.

The Government does not want anybody to die but there will be no concessions to hunger-strikes or other forms of violence.

The Government is committed to a humanitarian prison regime, and is prepared as it always has been to listen to representations from responsible quarters on all aspects of the environment for all conforming prisoners.

In that context we were and are prepared to give the European Commission for Human Rights facilities for investigating a genuine complaint within their terms of reference. We told them so before they responded to Sands' complaint: we regard that avenue as still open but it cannot act as channel of negotiation between Her Majesty's Government and Provisional Sinn Fein/hunger strikers.

If the European Commission for Human Rights were to make any further criticisms or suggestions about the prison regime or about our handling of the continuing protest, we would consider them very carefully as they would be taken into account in the light of the law.

Her Majesty's Government is serious in emphasising that the Commission has had and could have again a constructive role in this matter.

We confidently expect the Commission, if it were again asked to consider complaints against Her Majesty's Government's administration of prisons in Northern Ireland, to reaffirm its earlier endorsement of our position with regard to political status - ie political status would not become an issue between the European Commission for Human Rights and Her Majesty's Government.

In saying that, and in emphasising that we do regard this channel as a possible source of a solution to prison difficulties, we make no assumptions about what they might or might not say about the prison administration in detail: it should be noted that they have not failed to criticise Her Majesty's Government in the past.

We responded to the last criticisms which the European Commission for Human Rights made: our response was detailed, progressive and sustained over several months and we should be very disappointed if the European Commission for Human Rights did not recognise this.

If the European Commission for Human Rights were to make any further criticisms or suggestions about the prison regime or about our handling the continuing protest, we would consider them very seriously as our record shows that we have done in the past.

# COUNCIL OF EUROPE CONSEIL DE L'EUROPE

## COMMITTEE OF MINISTERS

*Part 57 - - informal meeting  
Parliament of the Council  
general situation in the process on the end*

*Franz, Kasazek*

Strasbourg, 5 May 1981

Restricted  
CM(81)OJ 1 prov.

UN

A.

### PROVISIONAL AGENDA

of the 68th Session of the Committee of Ministers,  
to be held on Thursday, 14 May 1981 at 10 am  
at the Council of Europe, Palais de l'Europe, Strasbourg (1)

1. Adoption of the agenda
2. CSCE
3. Progress of European co-operation
4. United Nations
5. Intolerance
6. Access to justice
7. Dates of forthcoming sessions
8. Other business



*c/r (88) 61.49.61*

*M.F.s Office extn 20.93.*

*Paol delegation extns 20.50  
32.10  
20.27.*

a. Statement by the Minister for Foreign Affairs of Turkey on  
the situation in his country

9. Communiqué

(1) Postal address : Council of Europe  
67006 Strasbourg Cedex, France

Telephone : (88) 61.49.61

Telegram : Europa Strasbourg

Telex : Strasbourg 870943



B.

PROVISIONAL ANNOTATED AGENDA  
FOR THE 68TH SESSION OF THE COMMITTEE OF MINISTERS

1. Adoption of the agenda

The Chairman has sent a message (CM(81)89) to his colleagues commenting on his intentions concerning the conduct of the meeting.

2. CSCE

An introductory statement will be made by the Minister for Foreign Affairs of Spain in his capacity as Representative of the host government for the Madrid Conference. A statement will also be made by the Head of the Netherlands delegation on behalf of the President of the Council of Ministers of the European Communities.

In their debate Ministers might wish to assess the Madrid meeting and the CSCE process in general and to examine the question of post-Madrid in the light of the latest developments in East/West relations.

3. Progress of European co-operation

Written reports by the President of the Council of Ministers of the European Communities, the Chairman of the EFTA Council and the Secretary General of the Council of Europe appear in CM(81)90, 91 and 92 and Add. These reports will be introduced briefly by the Head of the Netherlands delegation, the Head of the Federal Department of Foreign Affairs of Switzerland and the Secretary General. The President of the Commission of the European Communities, Mr. Thorn, will also speak under this item.

The Secretary General's written report (CM(81)92 and Add.) contains in particular chapters on the following subjects:

- Reinforcement of political dialogue within the Committee of Ministers
- Balanced development in Europe
- Human rights - follow-up to the 1978 Declaration on Human Rights

- Fascist propaganda - action taken since the 67th Session
- Terrorism - action taken since the 67th Session (see in particular the Addendum to CM(81)92)

The Austrian delegation has circulated a document (CM(81)93) on human rights.

Ministers wishing to speak on two or more of the matters referred to above may prefer to do so in a single intervention.

4. United Nations

The Chairman of the Deputies' report on the latest exchange of views on the United Nations, which took place with the participation of experts on 26 January 1981, is contained in CM(81)81. The Chairman of the Deputies will briefly introduce this report, time permitting.

5. Intolerance

The Deputies recommend that Ministers adopt the draft Declaration regarding intolerance - a threat to democracy (CM(81)124).

6. Access to justice

The Deputies recommend that Ministers adopt, without debate, the draft Recommendation on measures facilitating access to justice as it appears in CM(81)94.

7. Dates of forthcoming Sessions

The date of the 69th Session has been fixed for Thursday, 19 November 1981. Ministers could decide to hold the Colloquy with Parliamentarians in the afternoon of Wednesday, 18 November 1981. It is proposed that the 70th Session be held on Thursday, 29 April 1982.

8. Other business

a. Statement by the Minister for Foreign Affairs of Turkey on the situation in his country

This sub-item has been placed on the draft agenda at the request of the Turkish delegation.

9. Communiqué

The draft communiqué will be prepared by a drafting group comprising the Permanent Representatives of France and the United Kingdom and a member of the Chairman's delegation, assisted by an official from the Directorate of Political Affairs and the Director of Press and Information Services.

Memorandum

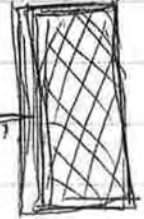
12-5-1981

Trans each -

→ wants statement out our démarche in  
Strasbourg - - -

Put it together

- Not to be issued until we have  
numbers.



① When should have "agreement"

② How to go?

③ Scenario is not only action under '87' but  
also a visit to consider what improvements  
have been made & to make recs  
(~~in~~) in further improvements

FTIME

④ Draft 1) terms of Sec 5 letter  
2) intervention by Hain...

The Seelye case - - no reason to submit it on agenda.

12-5-1981.

Phone-call to M. Glyn in Strasbourg

Art 57

- Make informal soundings with Kruger or Karaged to ascertain if there is possibility of intervention of Sec-Gen  
 { discussion between the parties  
 or concussions

Idea is to open up the situation

breaking the log-jam

- Possible that UK will welcome, or not oppose

- Report this morning

- Possibility that Mauter will go out.



Director of Human Rights  
 Peter Henzprecht - Austria

11:15.

Saw Sezer: conveyed message, concern, search for flexibility.  
 Put to him he did. replace 57. Will call in  
 advisors in afternoon - will see M.F. later in day.  
 but mention - Sezer has not felt to act under 57,  
 in any individual case - i.e. to any <sup>particular</sup> ~~specific~~ Govt.  
 Powers probably restricted by M.S. Needs careful advice.

Re Min. Room for manoeuvre very limited. Cf. see Sezer to convey message at ~~point~~.

Wally Kewen, 12.10pm

12/5/81

1) J. Home seeing Mrs T. tomorrow pm

2) Note of caution - not a negotiation  
Proposal - - - the commission for some time  
Assessment - add up to 5 demands.

3) From overall political view <sup>useful</sup> - if seen ready to be  
flexible

---

J. Nelson will convey to E. Kennedy.  
B 11/5

2 N - 3 pm.

Had been in touch with Alexander

Draw attention to earlier decision

Not bad idea to involve the girls - -

They will think about it.

---

Council of Europe

Seen by Townsend and G  
AG on 12/5/81.

The Committee of Ministers is scheduled to meet on Thursday, 14 May with an informal meeting anticipated for Wednesday, 13 May p.m.

For the meeting the President-in-office draws up the agenda and this is adopted at the opening of the meeting. This would seem to imply that other items could be introduced on to the agenda at that stage if the meeting agreed.

The Committee of Ministers is entitled to examine reports of the Commission and each representative in the Committee may make submissions. This would appear to apply only if the Committee has the report of the Commission before it.

In relation to the McFeeley case there is no report from the Commission since most of the alleged violations were found to be inadmissible and deliberation by the Commission on the outstanding points has not been completed and therefore no report which could be considered by the Committee of Ministers has been produced by the Commission. It seems therefore that there is no action which can be taken in relation to the McFeeley case. It is not on the Commission's agenda for this meeting since they are awaiting further observations from the applicant's solicitor on Article 13.

In relation to paragraph 64 of the Commission's Decision it appears the Commission is of the view that there is no scope for it to get involved for instance in checking up on the flexibility of the British as they suggested in the Decision since the main finding was one of inadmissibility.

.../...

It is also worth noting that if the Commission finds that there has not been a violation it is not entitled to make proposals to the Committee of Ministers (Rule 6).

In relation to Article 57 and the suggestion that the Minister might, in the Committee of Ministers, make a proposal which would lead to an initiative by the Secretary General under this Article, there seems to be no procedure laid down. The implication in Article 57 is that the Secretary General would on his own initiative take action and the question arises as to how he might be encouraged to take an initiative. The view of Michael O'Boyle (H.R. Secretariat) is that the Secretary General would only act at the request of the Committee of Ministers. Whether the Committee of Ministers would make such a request if the British opposed it is in my view unlikely.

Even if the Secretary General acted in the matter it would still be open to the British to "furnish explanations" in accordance with that Article without further involving the Secretary General or the Commission and our objective would not be achieved. It would depend on the virtual collusion of the British to ensure that the Secretary General or persons nominated by him became involved directly.

In relation to Article 2 of the Convention which requires the right to life to be protected by law it would in my view be extremely difficult to formulate any submission. The right itself is already subject in the Convention to certain limitations and in this instance since death is self-inflicted it is difficult to see how any submission could be formulated.

Legal Adviser  
12 May 1981



## Options

### 1. Reactivation of the Marcella Sands application

This application was rejected ab initio by the Commission as not meeting the requirements of Article 25. It was not by a person claiming to be a victim of a violation of the Convention. Re-submission of this application is therefore not possible.

### 2. The McFeeley case

(a) The main findings of the Commission were that the complaints were inadmissible. In so far as those complaints are concerned the case can be brought no further, there is no report for consideration by the Committee of Ministers. As far as having the matter referred to the Court this could only be done by the defendant and not by the applicant as an individual petitioner. There is no manner in which it could be raised by us.

(b) The Commission adjourned for further deliberation allegations under Articles 8 and 13 of the Convention. These matters have not yet been considered by the Commission and cannot be taken up by another body pending the finding of the Commission thereon.

### 3. An inter-State case

Ireland as a high Contracting Party could initiate an action against the U.K. for violation of the provisions of the Convention. Such a case would need to be well-founded and based on substantial grounds. It is not

a procedure which would lead itself to an emergency situation or to immediate investigation by the Commission of the allegations. It would also take some time to prepare if we were to formulate it in a manner likely to be seriously considered by the Commission.

4. Action by the Secretary General of the Council of Europe

Under Article 57 the Secretary General can request an explanation from any Contracting Party of the manner in which its internal laws ensure effective implementation of any of the provisions of the Convention. The question arises as to how the Secretary General could be encouraged to take action in this regard. He would be unlikely to act without a mandate from the Committee of Ministers. It would also be necessary in this instance for the British to co-operate with the Secretary General since the strict requirement under this Article would merely require them to furnish an explanation which they could do in any form which seemed appropriate to them and also apparently without any obvious time constraint. If the British were amenable they could facilitate on the spot investigation or some other direct involvement by the Secretary General or persons nominated by him with a view to finding a solution.

5. United Nations/Security Council

Any member of the U.N. may bring a dispute or a situation which might lead to <sup>international</sup> friction or give rise to a dispute to the attention of the Security Council.

This method was the one adopted in 1969 but failed on the basis that it dealt with an internal domestic situation and so was outside the mandate of the U.N. All U.N.

involvement seems to depend on the existence of a dispute which threatens international peace and security or where such possibility exists. The international peace and security element is the overriding one. The Security Council may investigate any dispute or situation which may lead to international friction (Article 34). It might be possible to classify the present situation within this provision but again without British agreement it is unlikely the Security Council would pursue the matter.

6. United Nations/Secretary General

The Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security (Article 99). Again, however, it is for the Security Council to take a decision and presumably to give a mandate to the Secretary General. The Secretary General performs the functions entrusted to him by the U.N. organs and being the chief Administrative Officer of the U.N. is apparently not entitled to act independently. He is precluded from seeking or receiving instructions from any government.

Sec. Gen. -

I regret to say I find very few options  
- 4 to 6 in the paper under - and even these  
rely in my view on active and positive support  
from the British.

There is also the consideration that other  
countries may not wish to create a precedent  
if we involve the U.N. The same may be true of the  
Council of Europe.  
I have not succeeded in finding out yet  
how the Sec. Gen. got his mandate for sending the  
Commission to Iran in the case of the hostage  
crisis. U.N. side is exploring this further.

 12/5/81

I did not contact Gough and you may wish to  
speak to the Minister, or let him take the matter from here.

In continuation of the Government's efforts to secure a settlement of the H-block crisis, we have pursued actively all possibilities of seizing the European Commission of Human Rights once more of the issues. In so far as matters arising from the prison situation in Northern Ireland are still before the Commission we are particularly anxious that they should complete their consideration of them without delay.

Meanwhile I have directed the Minister for Foreign Affairs to travel to Strasbourg to take control of the conduct of our policy in this matter and in particular, to stand ready to address the Committee of Ministers of the Council of Europe which may have a role in the matter, emphasising the political importance to our Government of finding a solution to this question.

As a further possibility, the Permanent Representation in Strasbourg has already invited the attention of the Secretary General of the Council of Europe to the possibility of his intervening with the British Government under Article 57 of the European Convention of Human Rights.

As we actively pursue these endeavours, I have to add that we would also regard it as a favourable development if prisoners themselves made application to the Commission about the conditions under which they are at present held in Long Kesh.

(butch)

intent to wish they had responded - - -



- Graham to - mirror

- Say to Sec - few

we have talked

- should not be too impetuous

Impression

He will move if he gets a signal from UK.

If no signal - - - possibly pressure from Min<sup>or</sup> Council.



Douglas Heard.

Intervention at formal meeting.

formal meeting of HR - not see press report

Minister at - push it up.

formal intervention.

T. material:  
Tell M.P. we are negotiating to UK they have signal - - - in any event we are going ahead  
think Min.

Q. 2/4

Uti

Informed T's meeting. Butch informed through E.H. House. daily to say if A - please that agreed should be given. 12/5.

M. Brown: from Strasbourg 5.45 pm

See - Gen: with Sir. H.R., had business.

enlarged: - Mr. Min. has recently returned

more for man -  
- All the Gen: have only not out  
- general enquiry  
- business has been very poor.

He feels that the

2 questions

Before entering on this subject  
and read given list for UK -  
UK. must then work  
can be allowed UK. Prod -

Send

1) must be allowed for UK with to  
family give your list -  
and he would regard?

He is working

Asked him not to contact with other class

②

From which sd. be possible  
and not be possible

Took the list. The authority kindly.  
Business of enquiry - what sort of letter?

not on flexible contract.

H:

③

ASS Secretary may wish to see. (13.5.81)

Statement by Taoiseach 12.5.81

The Hughes family of Bellaghy have now joined the many families who have suffered bereavement or injury in Northern Ireland. To all of them, I extend my deepest sympathy.

latest

The ~~death of yet another prisoner in the H-Blocks~~ demands with an even greater urgency than ever, a solution which will bring the present terrible situation to an end.

No Irish Government can be indifferent to the prospect of these deaths continuing.

Even before the first hunger strike at the H-Blocks began, and since the present hunger strike was proposed, I have constantly made known to the British Government the deep concern and anxiety felt by the Irish Government at the developing and highly dangerous situation as we saw it and emphasising the need to find a humanitarian solution to this problem.



I have again conveyed that concern and anxiety to the British Government. I have also conveyed my view to the European Commission of Human Rights that their involvement could contribute to a solution.

A solution must be found but it can only be found if all those <sup>INVOLVED</sup> ~~who have responsibility~~ decide that in the name of humanity it must ~~be~~ <sup>be</sup>.

The tragic events of recent weeks have confirmed once more that Northern Ireland as at present constituted is no longer a viable political entity. A new political arrangement is the only possible way forward to peace. A political solution ~~acceptable to all~~ <sup>acceptable to all</sup> ~~of the community in Northern Ireland~~ is the only means of bringing this grim cycle of violence, destruction and death to an end.

I appeal to Irish people in every part of this  
island by their behaviour in these difficult days  
to uphold the honour and dignity of Ireland and  
to let no-one for whatever motive use this tragic  
situation to <sup>cause further suffering and</sup> damage our good name in the eyes of  
the world.

13.5.1981

11.30 a.m.

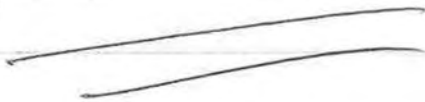
D. Wally

(Bridget) have not made up their mind

on either of the two approaches (Armstrong (Alex)).

- After 2 pm - - will come back.

- Personal things may come to fore again



13-5-1981

U. Flynn.

Diplomatic signal from B --

~~which~~ careful to bump into him.

Met informally:

- 1) Had heard of visit to Bergen
- 2) Unnecessarily at pains to point out no contract's capital (??)
- 3) Wanted to elicit what in mind

- ease rigidity - flexibility

4) He observed:

It wd. get publicity

Fearcd UK wd. be object of criticism

being put in dock

Wd. feel being singled out

Ed. affect attitude to C&R

On what ed. enquiries be based?

- on effective implementation of prov. of Convention

- Ed. lead to flat rejection - no grounds.

Doubts about realism of approval.

Mediator reqd rather than SG?

5) M.F. said <sup>hardly</sup> any flex shd. be tried

- they are not flexible

6) Wondered how realistic approval ed. be?

7) Not very advantageous bilaterally.

[ Meeting with Sec - Gen (tomorrow)  
- Press release. brief

13-5-1981.

E.K. . . . T. wants to talk to him.

Draft

13/5/81

Steering Note

1. The Minister could begin by explaining that an extremely serious situation has now developed in Northern Ireland with two hunger-strikers dead and with other deaths and large-scale rioting taking place. Tension between the two Communities is at its highest level since the major disturbances of the early 1970's. There is great danger that the level of violence will increase dramatically and that it could spill over into the Southern part of Ireland.
2. Meanwhile the effects of recent events on the political situation in Northern Ireland have been deleterious. The Provisional I.R.A. has made great propaganda gains, with a corresponding movement towards extremism on the Unionist side, and an erosion of support for moderate politicians of all groups. In the rest of Ireland a similar increase in generalised sympathy for the I.R.A. is discernible, and this also represents a danger of an undesirable shift in the political spectrum. Internationally the propaganda success of the I.R.A. has been notable.  
*Review?*  
*Agreement.*
3. A deadlock exists at present in the prison because of the position adopted by the hunger strikers and the British Government. Both sides have adopted inflexible attitudes and in an effort to find a way forward the Irish Government has sought the involvement of the European Commission of Human Rights. The Commission last year did consider the prison conditions at Long Kesh and in its partial decision (application No. 8317/78 by T. McFeeley) expressed inter alia its concern at the inflexible approach of the British authorities.
4. In this connection, it may be relevant to mention that the British Secretary of State for Northern Ireland stated on 4 December 1980 that his Government "have always been and still are willing to discuss the humanitarian aspects of the prison administration in Northern Ireland with anyone who shares our concern about it", *Add "and on 19 November, in a document addressed to each prisoner, he said that "for our part, we will, subject to the overriding requirements of security, keep human conditions etc. under continuing review".*

5. None of the prisoners involved in the hunger-strike appear to be prepared to submit a further application to the Commission. In the circumstances we have examined the European Convention on Human Rights and feel that the Secretary-General under Article 57 could have a role to play. The Minister could ask the Secretary-General under this Article to seek an explanation from the British Government on how it is implementing the provisions of the Convention with particular reference to the prison regime in Long Kesh and the terms of the Commission's partial decision in the McFeeley case. Could the Commission not be invited to reexamine on the spot in N.I. the changes that have been made by the British Authorities since the McFeeley case and the changed prison regime outlined in the British document of 18 December, *which has been described by the prisoners as an agreement with them.*

Department of Foreign Affairs.

13 May 1981.

13/5/81

19.40 PZ.

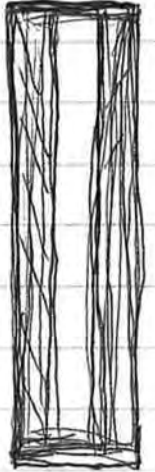
Deputy John Kelly

- Phone call from resident opposite British Embassy.

Damage - family terrorised

- Point - - -

He is close to asking that Embassy  
move elsewhere.



Schuster - 10 Kelly

Q - - - - -



13-5-1981.

15.05. Nally.

= E.K. was asked to call & asked for a meeting.

= go ahead in Strasbourg.

- Nothing yet from UK.

= Publicity.

Wait an hour.

= Tell them this going - done

= Relations with T. now.

---

15.55 . & Nally.

- E.K. has appointment for 3 pm.
- No word yet on attitude to Leon initiatives.
- Check again 17.00 . . . hold on press enquiry.

16.30

& Nally

In answer to queries

- Yes there is meeting of Attee of Nally - Hunter is attending

-- No badge with relatives . Brain washed .

803515.

for 8.15.

Secretary.

Strasbourg Programme, 13 May 1981

I have just spoken to Brian Earls in Strasbourg.

Party due to arrive there c. 18.30 (local time).

Minister due to go straight to informal meeting of Ministers being hosted by Swedish Foreign Minister in Hotel Sofital (tel. (163388) 329930) to be followed by buffet (also in Sofital).

Michael Flynn is expected to accompany Minister to Sofital.

Mr. Earls understood that Mr. Neligan and PSM would not be accompanying Minister to Sofital and would presumably proceed to the Hotel Terminus (tel. (163388) 328700).

He himself would be in the Council Building (tel. (163388) 614961 x2093 or 2050) until c 19.00 (local). Thereafter he had to attend a short reception and would then be returning to Terminus where entire party is overnighing.

to C 13/5/81

Σ Kennedy from London 20.00 hours

13/5/81

40 minutes - <sup>interview with PM</sup> H.A. ; M. Alex. also present.

Courteous, friendly; no noticeable give

Anal. stressed urgency of moment now in light of sit, in W. Rep - - elsewhere

larger ~~of~~ <sup>to</sup> angle - did relatives

stressed in further need for give on either / error

their whole emphasis was

- they want all five - Sands

Published this week

She referred to meeting with Amb. last Oct -

much recent suggestion of inflexibility

Amb. raised question of smallness of issue

No - facing solemn tactics

Amb - said we understand pol. situation out but

asked for flexibility

their info - no flex <sup>on part of prisoners</sup> - if we have, interested to know.

~~Act 57~~ - - Conv. HR - no objection to our initiating moments

Any aspect - they wd. welcome anyone coming in to prison

prepared to cooperate.

Told them this out in Strus. to discuss with Seeger } depressed

Noted that - didn't appear surprised. } that wd. not

be opposed

Made point that other prisoners have rights.

No response - no urgency.

Ended on agreement that both wd. are short time available - but no give.

Wonderful if 2 Pms wd. meet - to set over logjam - we wd. need to be sure of moment.

Not taken up ~~with~~, didn't seem to mean Courteous but

no indication of give -

but if we had indication of give - acceptability of less than stability of demands.

10  
with Stansbury.  
S. Nelson & Chairman (P.M.) of Gov -  
signed that MacK. shd. be reactivated  
Gov asked if Gov willing and so  
Seeger K 5 - morning. [also in mind; still active  
-horribly Austria. # Bit dubious. Needs to be explicit]  
Perhaps 57 not in favour. But sure it out.



III. Some practical guidelines for the researcher

Many of these aforementioned categories and questions require evaluative-descriptive treatment. The individual researchers will have the freedom to choose where such treatment is appropriate and necessary. However, the choice should be explained. It is also possible, where necessary out of special reasons, to add or break down certain categories. But the core of the Model has to remain and has to be accepted in order to achieve some level of uniformity in the analytical results. It is also possible not to treat certain categories. However, all deviations from the Model must be reasoned and explained.

Where it is found necessary to include substantive definitions of certain terms or criteria in order to understand them correctly in their national context, the researcher should provide these.

The following table summarizes the stages of analysis (Impulse for change; process and structure of change; results and prospects), the systemic levels (Environment/Context; Firm and Workers; Experiment) and the method of analysis and presentation and stresses the intensity of their interrelationships:

Systemic level Stage of analysis	Environment/ Context	Firm/ Workers	New Form/ Experiment in Work Organisa- tion	Method of analysis and presentation
Causes/ Impulse	XX	X		Descriptive & evaluative
Process/ Structure		X	XX	Descriptive
Results & Prospects	X	XX		Evaluative

(The X's indicate the relative importance of the cross-relationships, i.e. two X's indicate a greater importance than one X or a blank space.)

14/5/81.

D. Nelygin from Strasbourg.

9.45 am

Wm. saw Hurd. (also had telex report EK meeting)

Awome need to find way forward.

Had generally positive - but negative on 57 - other way preferred.

Undertake to go back to Marshall N10.

Awaiting word.

Wm. found him open - <sup>was</sup> encouraged.

Saw K this morning. general impression positive.

Cim. spent long time considering how to act. Eager to do so.

Meeting again this morning. (now)

Probably Act 13 Cim --- most feasible

i.e. reactivating Hare F case.

We emphasised need to get people to visit

K. took this point - confident wd. be able to

send people to LTB

Act 15 also possible ---

Anxious to know if new applications possible.

Told wallychely.

Saw Seeger. Concentrated on A. 57. Wm. made presentation: well recd; on basis that UK wd. support any move --- but he said he wd. need this.

Repeated that signal reqd. being him again later a.m. (11, 12)

This line will be held open.

K will inform Nelygin of result of Cim discussion.

Formal meeting. Discussion on terrorism. Planning intervention - general plan for action by Cim.

Austin - theoretical possibility - cd be led to take action. In Cim.

In Deleg Room X2093

Note / I told D Nally at 10 am and Tarrant, who phoned, at 10.05

of 5.30 on 6 Dublin  
Apr. 7 of 8

14/5

3pm XN from SI briefing.

Spoke K again

Passed resolution enabling them to reactivate that case  
mainly finally settled procedure H 28/30

Only condition is: contacting UK first to get agreement  
Don't act before they get agreement

Ready to go

DN questioned K if on the spot -

Yes - L & B - on the spot

Not before Monday K. estimates

No ideas yet which Comms: Maybe some 2.

Minister's statement to Cite - should be to the British

Stressors objections - with to linking visit to Com's  
movement.

Agreed to change it - should statement - general -

Agreed not to go public

Better to keep it quiet.

When Brown had prepared press statement -

Holding

Thinking about what to say to press.

IMMEDIATE

C155  
TO HQ  
FOR SECRETARY

FROM LONDON  
FROM AMBASSADOR

MMML0IKJ

CODED MESSAGE  
IMMEDIATE URGENT  
CONFIDENTIAL  
14-5-87 1217  
DATE..... TIME.....  
INITIALS..... *Robert*

CALL ON PRIME MINISTER

THE APPOINTMENT YESTERDAY WEDNESDAY, 13TH MAY AT NO. 10 WAS FOR 6 P.M. I ARRIVED AT 5.55 P.M. AND WAS USHERED IN TO THE PM'S OFFICE AT ABOUT 6.05. SHE WAS ACCOMPANIED BY SECRETARY OF STATE HUMPHREY ATKINS AND MICHAEL ALEXANDER, HER PRIVATE SECRETARY FOR OVERSEAS AFFAIRS (AS DISTINCT FROM HOME AND PARLIAMENTARY AFFAIRS). OUR CONVERSATION LASTED FOR ABOUT 40 MINUTES.

2. THE ATMOSPHERE WAS COURTEOUS AND FRIENDLY BUT A LITTLE TENSE AT THE BEGINNING. I BEGAN BY EXPRESSING APPRECIATION FOR BEING RECEIVED AT SHORT NOTICE BUT THAT THE IMPORTANCE OF THE MISSION WHICH THE TAOISEACH HAD GIVEN ME AND THE MESSAGE HE HAD ASKED ME TO CONVEY CALLED FOR MOST URGENT CONSIDERATION. I THEN WENT OVER ALL THE POINTS WE HAD DISCUSSED IN THE TAOISEACH'S OFFICE YESTERDAY MORNING AND LATER WITH OUR MINISTER IN THE PLANE EN ROUTE TO LONDON. I HAD MARSHALLED OUR ARGUMENTS ON SMALL CARDS INSTEAD OF READING THEM FROM A WRITTEN TEXT.

3. THE PRIME MINISTER LISTENED CAREFULLY TO WHAT I SAID, WITHOUT INTERRUPTION. SHE OPENED HER REPLY BY SAYING THAT SANDS AND HUGHES BEFORE THEY DIED, AND THE NEWSPAPER AN PHOBLAIGHT THIS WEEK, ALL MADE IT VERY CLEAR THAT THE IRA WANT ALL THE FIVE DEMANDS OR NOTHING. THEY WANT POLITICAL STATUS AND THEY CAN'T GET IT. SHE REFERRED TO MY CALL ON NO. 10 LAST OCTOBER JUST BEFORE THE HUNGER STRIKE BEGAN AND SAID SHE REGRETTED ANY SUGGESTION THAT SHE WAS INFLEXIBLE THEN OR NOW. IT WAS THE HUNGER STRIKERS WHO WERE BEING INFLEXIBLE. LAST OCTOBER THE GOVERNMENT HAD MADE A GENUINE EFFORT TO HELP ON CLOTHING BUT THIS HAD BEEN REJECTED BY THE PRISONERS AS NOT ENOUGH. ATKINS MADE THE POINT THAT THERE SEEMED TO BE VERY LITTLE DIFFERENCE BETWEEN A SWEATER SUPPLIED BY MARKS AND SPENCER AND A SWEATER SUPPLIED BY A PRISONER'S FAMILY. IT SEEMED HARDLY WORTH DYING FOR - WHICH PROVED THAT THE REAL POINT AT ISSUE WAS NOT THE SWEATER BUT POLITICAL STATUS. THIS THEY COULDN'T BE GRANTED AND THE PM SAID THAT SHE WOULD NOT BE TAKEN-IN BY 'SALAMI TACTICS' WHICH WOULD MEAN THAT EACH CONCESSION WOULD BE FOLLOWED BY MORE DEMANDS.

4. I ARGUES THAT OUR CONTACTS HAD GIVEN US TO BELIEVE THAT IF THERE WERE SATISFACTORY MOVEMENT ON CLOTHES AND ASSOCIATION IT MIGHT BE POSSIBLE TO REACH AN END OF THE STRIKE WITHOUT GRANTING POLITICAL STATUS. THIS WAS STRONGLY CONTESTED BY THE OTHER SIDE BUT THEY WOULD BE INTERESTED IN ANY HARD INFORMATION TO THAT EFFECT. THEY WOULD BE QUITE COOPERATIVE WITH ANY COUNCIL OF EUROPE MECHANISM AS THEY WERE PROUD OF THE PRISON REGIME. ATKINS MENTIONED THAT AFTER THE CONCERN EXPRESSED IN THE 1978 REPORT FROM STRASBOURG AT THE INFLEXIBLE ATTITUDE TO PRISON DISCIPLINE THEY HAD INTRODUCED NINE SIGNIFICANT REFORMS. I MENTIONED THAT OUR MINISTER WAS IN STRASBOURG YESTERDAY AND THAT HE WOULD PROBABLY DISCUSS A MOVE BY THE COUNCIL OF EUROPE WITH THE SECRETARY-GENERAL. THEY WOULD PLACE NO OBSTACLE BUT FELT THAT WE RATHER THAN THEY SHOULD INITIATE ACTION.

5. I ASKED THE PM TO BEAR IN MIND THAT THE DENIAL OF THE FIVE DEMANDS WAS MADE ALL THE DIFFICULT BY THE FACT THAT HUNDREDS OF OTHER PRISONERS WERE STILL ENJOYING THEM UNDER THE SAME ROOF. SANDS HAD THEM DURING HIS EARLIER PERIOD OF IMPRISONMENT. THE ONLY REPLY I GOT (WHICH ILLUSTRATES A TOTAL LACK OF A SENSE OF URGENCY) WAS THAT THE TWO CLASSES OF PRISONERS WOULD BE SEGREGATED LATER NEXT YEAR WHEN A NEW PRISON WOULD BE READY.

6. THIS LEAD ME TO EMPHASISE AGAIN THE URGENCY OF THE PRESENT CRITICAL SITUATION AND THE EFFECT IT WAS HAVING NOT ONLY IN THE NORTH, IN THE REPUBLIC AND ABROAD BUT ALSO IN THE AREA OF ANGLO-IRISH RELATIONS TO WHICH THE TAOISEACH ATTACHES SO MUCH IMPORTANCE. THE PM REPLIED THAT SHE ALSO GREATLY VALUES IT EVEN IF ARMED ATTACKS ARE SOMETIMES DIRECTED ACROSS THE BORDER AT BRITISH SECURITY FORCES AS HAPPENED RECENTLY. I URGED THAT A WELL PREPARED MEETING OF THE TWO PRIME MINISTERS LEADING TO THE COLLAPSE OF THE STRIKE ON THE BASIS OF AGREED IMPROVEMENT AND FLEXIBILITY OF PRISON REGULATIONS WOULD NOT ONLY REMOVE THE PRESENT INTOLERABLE TENSION IN NORTHERN IRELAND BUT OPEN A NEW CHAPTER IN ANGLO-IRISH RELATIONS. THERE WAS NO "GIVE" ON THIS. I WENT ON TO MAKE THE POINT THAT WE ONLY HAVE ABOUT TEN DAYS FROM NOW TO THE NEXT DEATHS AND THAT IT WAS ESSENTIAL THAT BOTH GOVERNMENTS KEEP IN TOUCH IN ORDER TO FIND A WAY OUT OF AN INTOLERABLE CRISIS. THE PRIME MINISTER SENT GOOD WISHES TO THE TAOISEACH AND AGREED WE SHOULD KEEP IN TOUCH AS SUGGESTED AND THE CONVERSATION THEN CAME TO A CONCLUSION. SHE ASKED WHAT SHE SHOULD SAY TO THE PRESS ABOUT MY CALL AND I REPLIED THAT QUIET DIPLOMACY SEEMED BEST. (I WISHED TO AVOID ANY SUGGESTION THAT OUR APPROACH HAD BEEN REBUFFED).

~~~~~

7. YOU WILL HAVE SEEN THAT JOHN HUME REPORTED TO THE PRESS LAST NIGHT THAT HE HAD RUN INTO IMPLACABLE OPPOSITION IN HIS REQUEST FOR FLEXIBILITY ON CLOTHES ETC AT NO.10. WE ARE SENDING A SEPARATE BRIEF REPORT ON THIS. HUME WILL BE RETURNING TO DUBLIN THIS MORNING AND HOPES TO SEE THE TAOISEACH THIS AFTERNOON BEFORE LEAVING FOR DERRY.

END

EK 14/05/81

TIME: 12.17

⊕

25300F ESTR EI

916104 IVERNA G



Statement made by Minister on leaving

Strasbourg 14/5/81

I was in Strasbourg today to attend a meeting of the Committee of Ministers of the Council of Europe.

On the basis of information obtained in the course of contacts made by me while I was in Strasbourg it is my hope that action will very shortly be taken under the European Convention on Human Rights in relation to the humanitarian aspects of the prison régime in Northern Ireland.

Confidential

Note

Minister's visit to Strasbourg (13-14 May 1981)

The Minister met the Irish member of the Council of Europe Commission of Human Rights and the Secretary-General of the Council of Europe and directed the Permanent Representative, Mr. Flynn, to explore some matters with the Secretary to the Commission, Mr. Kruger. The Minister also had contacts with Mr. Douglas Hurd British Minister of State for Foreign Affairs, in the margins of the Committee of Ministers meeting, which the Minister partially attended.

In these contacts, the possibilities for activating the Council of Europe human rights machinery to seek a solution to the H-block crisis were urgently discussed.

Three options were discussed as follows:-

- 1) An inter-State case. It became apparent that, although we know this option was seriously looked at by the Commission (with the idea that a third power, perhaps Austria, might initiate a case against Britain non-contentiously and for the purpose of establishing facts and making recommendations), it was not going to be acceptable to the British Government or to the Human Rights Secretariat who disliked the precedents that would be set.
- 2) Action by the Secretary-General (Article 57). The Secretary-General readily accepted the Minister's suggestion that, given the gravity and urgency of the case, he should create precedent and enlarge his role by acting to demand an account of the situation from the British authorities, but made it clear that he would only do so if the British concurred, even tacitly or informally. However Mr. Hurd indicated British objection to this option.
3. Action by the Human Rights Commission either on foot of a new petition or revival of the existing one (McFeeley et al, no. 8317/78). In the event this option was adopted by the Commission which ~~decided during the course of the day to reactivate its consideration of the McFeeley case.~~ At a late

stage, the way was cleared for very early action through communication from London that Britain was waiving its right to submit observations on the Commission's decision which as a party it was entitled to do. Without exercise by the British of this waiver, action would have been held up for, at least, several days.

The Commission sat throughout the day and deliberated as usual in camera. Contacts with Mr. Kiernan, the Irish Commissioner, were accordingly very intermittent but he availed of every opportunity to give us information. In the afternoon when it became evident that there was delay in getting British cooperation in the matter of the waiver, despite assurances about cooperation from Mrs. Thatcher on 13 May and Mr. Hurd in Strasbourg, the Minister instructed the undersigned to telephone Ambassador Kennedy in London and the Department in Dublin to urge very prompt action from Whitehall. The Minister also asked Mr. Hurd to step outside the Committee of Ministers meeting and pressed him to intervene. The outcome of these pressures was that at 5.00 p.m. local time, when the Commission had considered all other business and was about to adjourn to next week, a message reached the British member (and acting Chairman) Mr. Fawcett conveying the required waiver decision.

Mr. Flynn continues to follow very closely the Commission's proceedings and intentions and will keep us informed. Mr. Kiernan telephoned the Minister when the Commission finally adjourned at 8.00 p.m. local time and told him that he thought the Commission's work in Belfast would probably begin on Tuesday next, 19 May.

Both the Commission and the British side urged the utmost confidentiality about what was being arranged. The Secretary of the Commission stressed to Mr. Flynn that the judicial impartiality of the Commission could be impaired by disclosure of its proceedings. The Commission, he said, had resented the intrusions made and misleading material published by the Press when its members acted in April. In addition, if the Commission were to act on a dormant case, ~~it could not tolerate disclosure of this fact before~~ one of the parties (the complainant) knew about the matter.

For this reason they did not wish any statement to be made to the press. We pointed out the extreme political urgency of the problem on which the Commission was to act and the absolute necessity of the Minister making a statement. We also indicated that a lot of reports by the media were coming in, based on speculation, and referring to new moves in Strasbourg in which the Minister was involved. Eventually Mr. Kruger agreed to the Minister saying that he was "confident that action will very shortly be taken under the European Convention on Human Rights" (wording proposed by us) and the Minister issued the annexed statement at 6.00 p.m. local time. Confidentiality about details of the Commission's proceedings and proposed action evidently continues to be necessary.



David M. Neligan.

15 May 1981.

PSS  
Mr. Holly A / Jarvis  
Mr. Burke

⊕  
25300F ESTR EI  
916104 IVERNA G  
QQQQQQ

14/5/81

1/15

DNB

C156

IMMEDIATE

TO HQ  
FOR M BURKE

FROM LONDON  
FROM P DEMPSEY

MMXZAQW  
HUNGER STRIKES

ANNEXED FOR YOUR INFORMATION ARE TWO REPORTS PREPARED IN THE EMBASSY THIS MORNING, ONE BY DAITHI O'CEALLAIGH ON A CONVERSATION LAST NIGHT WITH JOHN HUME AFTER HIS MEETING WITH MRS THATCHER, THE OTHER BY PAT HENNESSY ON A CONVERSATION YESTERDAY WITH LEN DOWNIE, LONDON CORRESPONDENT OF THE WASHINGTON POST.

MEETING BETWEEN JOHN HUME AND MRS THATCHER

1. WHAT FOLLOWS IS BASED ON A NUMBER OF VERY BRIEF CONVERSATIONS WITH JOHN HUME, MOSTLY IN THE PRESENCE OF OTHERS.
2. HUME SAW THE PRIME MINISTER FOR AN HOUR AND 10 MINUTES. THE PRIME MINISTER WAS ACCOMPANIED BY THE SECRETARY OF STATE, MR HUMPHREY ATKINS. MRS THATCHER DID MOST OF THE TALKING FOR THE ENGLISH SIDE.

3. AS DISCUSSED IN DUBLIN BEFORE HIS VISIT, MR HUME SAID IT AS HIS BELIEF THAT THE HUNGER STRIKERS WOULD END THEIR STRIKE IF, IN ADDITION TO THE CONCESSIONS OFFERED BEFORE CHRISTMAS, THE BRITISH GOVERNMENT WERE TO ALLOW ALL PRISONERS IN NORTHERN IRELAND WEAR THEIR OWN CLOTHES AT ALL TIMES AND IF THERE WERE A MEASURE OF FREE ASSOCIATION IN THE WINGS OF THE H-BLOCKS. (HUME TOLD ME THAT HIS EVIDENCE FOR THIS WAS FROM A PRIEST WHO HAD VISITED HUGHES ON THE MORNING OF HIS DEATH AS WELL AS THE OTHER TWO HUNGER STRIKERS, AND ON A CONVERSATION WITH GERRY ADAMS HAD SOUGHT WITH HIM. BEFORE SEEING THATCHER, HE SAID HE WOULD MENTION THIS TO HER BUT I HAVE NO CONFIRMATION THAT HE DID SO).

4. IN RESPONSE, MRS THATCHER SAID THAT THAT WAS NOT THEIR BELIEF. THEY UNDERSTOOD THAT THE PRISONERS WOULD ACCEPT NOTHING LESS THAN THE FIVE DEMANDS IN TOTO. THESE AMOUNTED TO POLITICAL STATUS AND THEY WERE NOT PREPARED TO GRANT THIS.

5. HUME REFERRED TO THE POLITICAL CONSEQUENCES OF THE CONTINUING SERIES OF DEATHS IN THE MAZE, INDICATING THAT THE PROVISIONALS WERE ON THE CENTRE OF THE STAGE. MRS THATCHER REPLIED THAT THESE POLITICAL PROBLEMS WERE NOT OF HER MAKING.

6. THERE WAS A GREAT DEAL OF DISCUSSION ABOUT RIGHTS FOR SOME AND NOT FOR OTHERS. MRS THATCHER OBVIOUSLY FELT VERY STRONGLY THAT THOSE IN THE MAZE WERE MURDERERS AND THAT THEY SHOULD NOT BE TREATED ANY MORE LENIENTLY, OR IN ANY MORE SPECIAL A WAY, THAN ONE WOULD EXPECT THE AUTHORITIES TO TREAT THE MAN WHO HAD ATTEMPTED TO ASSASSINATE THE POPE. MR HUME REFERRED TO THE BACKGROUNDS, FROM WHICH SOME OF THOSE IN THE MAZE COME. HE REFERRED TO THE CHILDREN OF WHAT HE TERMED GOOD FAMILIES INVOLVED IN THIS BUSINESS. HE REFERRED TO THE IMMENSE DAMAGE IT WAS DOING IN NORTHERN IRELAND. MRS THATCHER CONTINUED TO SPEAK OF MURDER IN A BLUNT FASHION TO WHICH MR HUME REPLIED THAT SHE DID NOT UNDERSTAND THE MEANING OF IRISH NATIONALISM.

7. ON THE CENTRAL ISSUE OF MOVEMENT OF PRISON CONDITIONS, MR HUME FOUND THE PRIME MINISTER TOTALLY IMPLACABLE. SHE DID, HOWEVER, RAISE WITH HIM THE EUROPEAN COMMISSION FOR HUMAN RIGHTS AND SAID THAT THEY WOULD GIVE EVERY SUPPORT TO THE COMMISSION.

8. MR HUME THOUGHT THE ATMOSPHERE AT THE MEETING WAS GOOD. IT WAS NOT AN EASY ONE FOR HIM, HOWEVER. ON BALANCE HE FEELS IT WAS THE RIGHT THING FOR HIM TO DO AS IT IS BETTER FOR HIM TO BE SEEN AS TRYING TO DO SOMETHING EVEN IF IT FAILS. HE PLANS TO CALL ON THE TAOISEACH LATER TODAY TO BRIEF HIM ON THE MEETING.

D O'CEALLAIGH  
14 MAY 1981

NOTE

FOLLOWING ARE SOME POINTS FROM CONVERSATION WHICH I HAD YESTERDAY WITH LEN DOWNIE, WASHINGTON POST CORRESPONDENT. DOWNIE, WHO HAS EXCELLENT CONTACTS AT BOTH THE POLITICAL AND OFFICIAL LEVEL HERE AND IN NORTHERN IRELAND, HAS JUST RETURNED FROM BELFAST:

- THERE IS CONTINUING BRITISH CONFIDENCE THAT THEIR PRESENT STRATEGY IS THE RIGHT ONE AND WILL BE SUCCESSFUL. THIS IS MATCHED BY A DETERMINATION TO ENSURE NO EXCUSE FOR VIOLENCE IS GIVEN TO LOYALIST COMMUNITY.
- PERCEIVED GREATLY INCREASED SENSE OF ALIENATION AMONG SETTLED, "NON-RIOT PRONE", COMMUNITIES IN CATHOLIC AREAS IN AFTERMATH OF SAID'S DEATH. HE DID NOT, HOWEVER, FEEL THAT THIS WOULD NECESSARILY TRANSLATE INTO ACTIVE SUPPORT FOR A COMPAGN OF VIOLENCE.
- ON BASIS OF CONVERSATIONS WITH LOCAL PEOPLE COMMENTED ON CALMING INFLUENCE OF LOYALIST AREAS OF STRENGTHENED PRESENCE, AND HIGH PROFILE, OF SECURITY FORCES. UDA LEADERS WERE MAKING BIG EFFORTS TO PRESENT THEMSELVES IN STATEMANLIKE ROLE TO FOREIGN JOURNALISTS.
- FELT LARGE-SCALE IRA RETALIATION IS NOT TOO DISTANT FUTURE INEVITABLE AND HAD BEEN STRUCK BY A NUMBER OF OMINOUS REFERENCES TO ROYAL FAMILY.
- IMPROPER PRACTICES OF PRESS IN REPORTING LAST WEEK'S EVENTS NOT WIDESPREAD AND MAINLY CONFINED TO FRENCH CAMERA CREWS. STRUCK BY CARE WITH WHICH ALL PARTIES (UNOFFICIAL AS WELL AS GOVERNMENTAL) TO CONFLICT MONITOR US PRESS COVERAGE AND NOTE EVEN MINOR CHANGES OF EMPHASIS. VERY CRITICAL OF CHRISTOPHER THOMAS, TIMES CORRESPONDENT WHO, HE SAID, RARELY LEFT THE EUROPA.
- SOME OFFICIALS ENDEAVOURED TO SUGGEST THAT LONGER-TERM BRITISH STRATEGY ENVISIONED FURTHER POLITICAL INITIATIVES AT SOME TIME IN THE FUTURE IN PURSUIT OF WHICH CREDIT EARNED WITH LOYALIST COMMUNITY BY PRIME MINISTER'S REFUSAL TO COMPROMISE COULD BE TURNED TO ACCOUNT IN PUSHING THROUGH AN INSTITUTIONAL SETTLEMENT. I POINTED OUT THAT APART FROM ABSENCE OF PRECEDENT IN TERMS OF BRITISH WILLINGNESS TO FACE UP TO LOYALIST INTRANSIGENCE THIS SCENARIO OVERLOOKED THE ENORMOUS DAMAGE WHICH PRESENT POLICY WAS INFLECTING ON LEGITIMATE POLITICAL FORCES IN THE NATIONALIST COMMUNITY. IT CONSEQUENTLY PUT IN JEOPARDY THEIR ABILITY TO LEAD THAT COMMUNITY TO GIVE ITS CONSENT TO ANY FUTURE ARRANGEMENT AND INCREASED THE DANGER OF THEIR DISCARDED IN FAVOUR OF LESS MODERATE VOICES.

P HENNESSY  
14 MAY 1981.

END

\*\*\*\*\*

AC - P 55  
Mr. Nicholson  
Mr. Williams R. Murphy  
Mr. Bunker  
Mr. F. Murphy

HS

UNCLASSIFIED

URGENT

257

TO HQ FROM WASHINGTON  
FOR R MURPHY FROM SHARKEY

STATEMENT OF SENATOR KENNEDY RESPONDING TO PRIME MINISTER  
THATCHER'S LETTER ON NORTHERN IRELAND.

QUOTE

THE CENTRAL POINT OF THE MESSAGE THAT SPEAKER O'NEILL, SENATOR  
MOYNIHAN, GOVERNOR CARY AND I CONVEYED TO PRIME MINISTER THATCHER  
LAST WEEK IS THAT GREATER FLEXIBILITY BY GREAT BRITAIN ON  
THE ISSUE OF PRISON ADMINISTRATION INVOLVED IN THE HUNGER STRIKES  
AT THE MAZE PRISON IN NORTHERN IRELAND IS ESSENTIALLY TO AVOID  
GREATER VIOLENCE.

I CONDEMN ALL VIOLENCE IN NORTHERN IRELAND. I CONTINUE TO BELIEVE  
THAT BRITAIN HAS A RESPONSIBILITY TO ALL THE PEOPLE ON BOTH  
SIDES OF THE COMMUNITY TO PURSUE EVERY POSSIBLE STEP THAT COULD  
LEAD TO A QUICK, FAIR AND HUMANITARIAN SETTLEMENT OF THE HUNGER  
STRIKES, BEFORE ADDITIONAL DEATHS OCCUR. UNFEELING INFLEXIBILITY  
WILL ACHIEVE NOTHING BUT MORE DEATH.

THE PRIME MINISTER'S RESPONSE SHOWS ONLY THE SHADOW OF FLEXIBILITY,  
WITHOUT THE SUBSTANCE. IT IGNORES POSSIBLE INITIATIVES WHICH  
COULD RESOLVE THE CURRENT DISPUTE OVER PRISON CONDITIONS.

OBVIOUS AVENUES ARE OPEN FOR SENSIBLE AND REASONABLE COMPROMISES  
ON THE PRACTICAL ISSUES OF PRISON ADMINISTRATION WITHOUT  
COMPROMISING IN ANY WAY ON THE BASIC PRINCIPLE OF OPPOSITION TO  
VIOLENCE.

THE LEADERS OF GREAT BRITAIN HAVE A HUMAN RESPONSIBILITY TO SEEK  
SUCH A COMPROMISE. SURELY - BEFORE MORE HUNGER STRIKERS DIE,  
BEFORE MORE LIVES ARE LOST IN VIOLENT DEMONSTRATIONS, BEFORE  
ALL THE HOPEFUL PROGRESS OF RECENT MONTHS IS LOST - THERE IS TIME  
FOR BRITAIN TO BREAK THIS ENDLESS SPIRAL OF DEATH IN NORTHERN  
IRELAND, SO THAT LEADERS OF GOODWILL MAY RESUME THEIR EFFORTS TO  
ACHIEVE A PEACEFUL AND LASTING SETTLEMENT OF THE CONFLICT

UNQUOTE

END  
15 MAY 1981  
TIME SENT: 1250 HRS  
25300 C ESTR EI  
HIBERNIA64160

\*\*\*\*\*  
REPLY TO HIBERNIA64160  
VIA WUI N



PSM  
PSS  
via. Deligan  
via. Hally  
via. Burke  
via. Collins

BURKE

E-A DUBLIN  
F-A1 LDN  
SERIAL NO 500  
UNCLASSIFIED

IMMEDIATE  
=====

TO HQ  
FOR BURKE

FROM LONDON  
FROM O'CEALLAIGH

TEXT OF PRIME MINISTER'S REPLY TO MESSAGE OF 6 MAY FROM

-----  
SENATOR KENNEDY, SENATOR MOYNIHAN, CONGRESSMAN O'NEILL  
-----  
(SPEAKER OF THE HOUSE OF REPRESENTATIVES) AND GOVERNOR CAREY  
-----  
OF NEW YORK  
-----

1. 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.

2. YOU QUESTION A "POSTURE OF INFLEXIBILITY" THAT MUST LEAD INEVITABLY TO MORE VIOLENCE AND DEATH IN NORTHERN IRELAND. BUT THAT IS NOT THE GOVERNMENTS 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.

3. THIS FULL ACCOUNT SHOWS THAT IIR 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 TOTAL 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.

5. 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.

6. 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 J REMAINS DETERMINED TO BUILD ON UNIQUE RELATIONSHIP THAT ALREADY EXISTS BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF IRELAND TO THE BENEFIT OF ALL THE PEOPLE OF THESE ISLANDS.

N.B

SIGNED -  
MARGARET THATCHER

W.B

AND THE GOVERNMENT REMAINS DETERMINED TO BUILD ON THE UNIQUE RELATIONSHIP THAT ALREADY EXISTS BETWEEN THE UNITED KINGDOM

ANNEX

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 W 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 INADMISSABLE 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 THESE 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.

END

DO'C 14/05/81

TIME: 18.20

✚

E-A DUBLIN

F-A1 LDN



6 MAY 1981

AMBASSADE D'IRLANDE  
HOLY SEE

HS.

Confidential

PR. 9/81  
11th May, 1981

Secretary  
Department of Foreign Affairs  
Dublin

Fr. John Magee's mission to Northern Ireland

S u m m a r y

1. In the course of a Meeting of EEC Heads of Mission at the Netherlands Embassy on 3th May, the Netherlands Ambassador asked the British Minister, Sir Mark Heath, if he would comment on the Holy Father's decision to send Fr. John Magee to Northern Ireland to visit Bobby Sands.
2. The British Minister informed us that the initiative had come from the Vatican; he had been informed of it by Msgr. Silvestrini shortly before Fr. Magee was due to leave Rome. The Monsignor told him that Fr. Magee was going to Belfast on an unofficial visit to undertake a personal mission to Sands on behalf of His Holiness. Fr. Magee, Sir Mark understood, had pleaded with Sands to desist from his hunger strike but Sands had adamantly refused. (para. 2)
3. The British Government regarded the visit as helpful; they did not regard the Vatican as "interfering". Although Fr. Magee had not succeeded in persuading Sands to desist from his hunger strike, his visit may prevent other I.R.A. prisoners from taking a similar course. (para. 3)
4. The German Ambassador noted that a Vatican emissary had not been sent to the German terrorist hunger striker who died in prison recently or had any German bishop intervened. Hence, the Ambassador regarded the Magee visit as "political" rather than "humanitarian". (para. 4)
5. Msgr. Silvestrini had been taken aback by the tone of "The Times" leader criticising the Magee visit. The British Minister had long felt that the Secretariat of State officials were taking too simplistic a view of the Northern Ireland situation partly because of what they hear from some members of the Hierarchy and the Nuncio in Dublin. The Papal intervention in the Sands case could well have a negative effect on the public reaction to the Pope's visit to Britain next year. (para. 5)

*Jac.*



Confidential

PR. 9/81

10th May, 1981

Secretary  
Department of Foreign Affairs  
Dublin

Fr. John Magee's mission to Northern Ireland

1. During a meeting of EEC Heads of Mission held at the Netherlands Embassy on Friday, 8th May, the Netherlands Ambassador asked the British Minister, Sir Mark Heath, if he would comment on the Holy Father's decision to send Fr. John Magee to Northern Ireland to visit Bobby Sands.
2. Sir Mark informed us that several newspaper stories had been seriously inaccurate. The initiative had come from the Vatican. Shortly before Fr. Magee was due to leave for London, Msgr. Silvestrini had informed the Minister that Fr. Magee was going to Belfast on an unofficial visit to undertake a personal mission to Sands on behalf of His Holiness. At London Airport Fr. Magee had had discussions with Peter Blaker, Minister of State, F.C.O. and Michael Alison, Minister of State, Northern Ireland Office and on arrival in Belfast was taken immediately to the Maze Prison. The Minister understood that Fr. Magee had pleaded with Sands to desist from his hunger strike but Sands had adamantly refused. Fr. Magee saw Sands and the other hunger strikers several times but had been unable to change their resolve. He had also had a meeting with the Secretary of State for Northern Ireland but Sir Mark had no knowledge of the tenor of their discussion. The Vatican had indicated its appreciation of the co-operation the British authorities had given.
3. The British Minister went on to say that his Government regarded Fr. Magee's visit as helpful; they did not take the view that the Vatican was "interfering". Although Fr. Magee had not succeeded in dissuading Sands from continuing his hunger strike and while it did not now seem likely that Francis Hughes, who may not live very much longer, would decide to desist, there was a slight indication that the remaining two hunger strikers might abandon their fast. Furthermore, the British authorities believed that the Magee visit might be instrumental in preventing other I.R.A. prisoners from starting a hunger strike. There had been reports that some seventy prisoners would now go on hunger strike but the Government did not believe it likely that anything approaching that number would determine to fast.

4. Our German colleague remarked that in the Federal Republic a terrorist on hunger strike had died recently and there had been no Vatican emissary sent to try to persuade him not to starve himself to death nor, indeed, had any German bishop intervened in the case. For this reason, the German Ambassador continued, he regarded the intervention in the Sands instance as "political" rather than "humanitarian". The Belgian Ambassador was inclined to agree adding that he had been surprised to read that Fr. Magee had given Sands a crucifix apparently from the Holy Father and this gesture must have given many the impression the Church did not regard Sands as committing suicide. It was remarked (not by the undersigned) that Pope John Paul II had a special interest in Ireland and presumably did not consider an I.R.A. prisoner as being in quite the same category as a Bader-Meinhof terrorist.

5. Sir Mark then mentioned that Msgr. Silvestrini had been somewhat taken aback by the tone of "The Times" leader which had been sharply critical of the Magee visit. He (Sir Mark) had not been too surprised by Msgr. Silvestrini's reaction as he has long felt that the Secretariat of State officials were taking too "simplistic" a view of the Northern Ireland situation, partly, he suspected, because of what they hear from some members of the hierarchy and the Nuncio in Dublin. The British Minister referred to Cardinal Hume's comment on a hunger strike being a form of violence; this would be widely accepted in Britain. The British people were at a loss to understand how hunger strikers could continue to be permitted to receive the Sacraments. In reply to a question, Sir Mark thought the intervention by His Holiness in the Sands case could well have a negative effect on the public reaction to the Pope's visit next year.

*J. Caffrey*  
Ambassador.



HS

AMBASÁD NA hÉIREANN, LONDAIN.

17 Grosvenor Place



SW1X 7HR

IRISH EMBASSY, LONDON.

18th May 1981

Dear Assistant Secretary

When I met with the Prime Minister and Mr Humphrey Atkins at No.10 Downing Street on Wednesday, 13th May I mentioned in my telexed report (No. C155) that reference was made to an article from An Phoblacht about the hunger strike, making the point that nothing less than the five demands will be acceptable.

Humphrey Atkins has since sent me the enclosed (copy of a) letter of 15th May together with a copy of the relevant An Phoblacht issue of 2nd May. I thought that perhaps our Department and the Department of the Taoiseach might wish to have a copy of the letter and enclosure.

Yours sincerely

*Eamon Kennedy*

Eamon Kennedy  
Ambassador

Mr David Neligan  
Assistant Secretary  
Department of Foreign Affairs  
Dublin 2

Encl.



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

H E Dr Eamon Kennedy  
Irish Ambassador  
17 Grosvenor Place  
London SW1 7HR

15 May 1981

*Dear Eamon,*

When we met last night I mentioned an article from An Phoblacht about the hunger strikes, which came out earlier this month, and I promised to let you have a copy. You will ... find one enclosed.

As always, I was glad of the chance to see you again and to have a talk.

*Yours ever*

*Humphrey*

jc

• BOBBY SANDS

• FRANCIS HUGHES

• PATSY O'HARA

• RAYMOND MCCREESH

From AN PHOBLAcht (REPUBLICAN NEWS) 2nd May, 81

# Nothing less than the five demands

TWO major attempts to unconditionally end the H-Block hunger-strike themselves ended in failure following re-affirmations to their relatives by hunger-strikers Bobby Sands, Francis Hughes, Patsy O'Hara, and Raymond McCreesh, that they will not settle for anything less than their five demands.

Last weekend's suspect introduction of the European Commission on Human Rights into the H-Block crisis appeared to hold out the best prospects for those with whom the idea originated, SDLP leader John Hume and Free State premier Charles Haughey, to avoid the nationalist pressure on them from within their own ranks to publicly take Britain to task by supporting the prisoners' just demands. Bobby Sands and the other three hunger-strikers were probably expected to be impressed by the journey of two Scandinavian professors, who, according to overwhelmingly hyped-up media reports, offered the prisoners their last hope.

But this 'last hope' foundered last Saturday,

after having been seen to be not just the 'formality' and 'back door out' Haughey had promised to the Sands family, within seventy-two hours the four families were again subject to false hopes and the hunger-strikers to the greatest pressures put on them yet.

Whereas the December decision of the original seven hunger-strikers to end their fast was influenced by the imminent death of one of their number, Sean McKenna, the Brits must have initially rubbed their hands with glee when last Tuesday the Pope dispatched to Ireland his personal secretary, Fr. John Magee, as a moral envoy to plead with the hunger-strikers to end their protest, since to continue would carry the implicit threat of moral disapproval (from the Catholic point of view) of 'Christ's vicar on Earth'. The weapon used to wage war on the nerves of the original seven hunger-strikers was the potential responsibility for their comrade's death: now, it was not a temporal but a spiritual threat which must have taken some moral courage, personal discipline and republican principle to counter.

But, counter that considerable pressure, the

four courageous hunger-strikers did, and by putting their lives on the line stood firm by the assertion that they are political prisoners and that their struggle — Ireland's right to self-determination, peace and justice — is a just and honourable struggle, bigger even than themselves, though its integrity is being measured in terms of their courage and sacrifice.

The hunger-strike may soon be over for one, or possibly two, of the hunger-strikers, given the critical deterioration in the condition not only of Bobby Sands, but also of Francis Hughes. Although Bobby Sands, IRA Volunteer and member of the Westminster parliament, insisted on going out in front of his three comrades by two weeks so that his death alone could perhaps save the lives of the others as well as securing the demands of his comrades in the Long Kesh H-Blocks and Armagh jail.

The hunger-strikers' courage should be saluted, their morality goes without question, and, from the outcome of their protest, tomorrow's lessons can be drawn.

cc. PSS  
Mr. Ueligan

This draft has not yet been  
approved by the Taoiseach,  
Draft  
M. S. S.  
18.5.81

Death of Raymond McCreesh.

A Government spokesman said that the Taoiseach and the Government profoundly regretted the death of Mr. McCreesh, as they regretted the deaths of all in Northern Ireland whose lives had been prematurely cut short over the last decade. The Government's sympathy for the bereaved relatives and concern at the wider effects of a prolongation of the existing situation had prompted their continuing efforts to contribute to an acceptable settlement both of the immediate issue and of the underlying political problem. The spokesman referred to the strong desire on the part of the Government that the efforts they and others were making would avoid further deaths.

May, 1981.

Statement by Taoiseach of 19 May, 1981

These latest deaths in the continuing toll of tragedy underline once more the need to pursue urgently a political solution which will bring this awful cycle of death and destruction to an end.

Our sympathy goes out to all the bereaved families. What is needed on the part of all who are involved in Northern Ireland is an approach based above all else on respect for human life.

ASS

European Commission of Human Rights

The European Commission will issue a press release in the next day or so regarding the various cases which it dealt with at its recent meeting. The following section will appear in this press release:

The Commission in the course of its May session considered the remaining complaints in the case of McFeeley et al against the UK (No. 8317/78). These complaints concern an alledged interference with respect for the right of correspondence (Art. 8) and the alledged lack of effective remedies (Art. 13). The other complaints in the application concerning prison conditions had been previously declared inadmissible in a partial decision dated 15 May, 1980. The Commission without in any way prejudging the issues arising under Arts. 8 and 13, and in view of the complex questions of law involved, decided to declare these complaints admissible. It will now decide, after consultation with the parties, the future procedure to be adopted and will reconsider the application again in due course.

Mr. Flynn telephoned this morning with the above information and said that the Commission since last evening has been using the above text in answering press queries. Mr. Flynn confirmed that the Commission feels that it has a wider remit that simply considering the remaining two aspects of the McFeeley case. The Commission does not propose and would not wish us to make public the wider possibilities of the **friendly** settlement procedure. They wish to avoid undue publicity or propaganda which could impair their ability to bring about a friendly settlement.

We are free of course to use the text above in dealing with press queries.



Martin Burke

22 May 1981.

c.c. P.S.S.  
Mr. Neligan  
Mr. Kirwan  
Mrs. Liddy.

European Commission  
of Human Rights

McFeeley v UK

cc Doyle, Keogh  
Mrs Liddy  
2/9/80  
RSS

FOR INSERTION IN GLOBAL PRESS COMMUNIQUE UNDER HEADING OF  
ADMITTED CASES

The Commission in the course of its May session considered the remaining complaints in the case of McFeeley et al v. the United Kingdom (No. 8317/78). These complaints concern alleged interference with respect for the right of correspondence (Art. 8) and the alleged lack of effective remedies (Art. 13). The other complaints in the application concerning prison conditions had previously been declared inadmissible in a partial decision dated 15 May 1980. The Commission without in any way prejudging the issues arising under Arts. 8 and 13 and in view of the complex questions of law involved, decided to declare these complaints admissible. It will now decide, after consultation with the parties, the future procedure to be adopted and will reconsider the application again in due course.

- Handwritten note: ...*
1. No recognition of the damage being done - in the way of IRA recruitment. Sympathy for the cause among the Catholic population - 70,000 at Sands funeral - and in the middle of an election here, where this sort of hardline attitude only creates support for the H-Block sympathisers.
  2. The more fundamental lack of appreciation of where the fault and its remedy lie. The short-term answer may be in a humanitarian prison regime, security and law and order measures; but in the longer term, The answer can only come from a recognition of the cause of the trouble, and policies to remove that cause.
  3. From certain contacts, we get the impression that the H-Blockers may be looking for a way out. If they are, a solution is not being made any more easy - and may in fact be put further off - by the repetition of the line in the speech.

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*29* May, 1981.



C165  
IMMEDIATE  
29/5/81

TO LONDON FROM HQ  
FOR AMBASSADOR FROM NELIGAN

QQQ~~MM~~QQQMMMSFJGF

MRS THATCHER'S SPEECH YESTERDAY

HAVE DISCUSSED YOUR 542 WITH D NALLY AND WE ARE OF OPINION THAT HAVING REGARD TO THE TIMING AND CONTENT OF PMS STATEMENT OF 28 MAY YOU SHOULD SEEK VERY EARLY OPPORTUNITY TO SEE SIR K STOWE AND SHOULD BASE YOUR REMARKS ON THE FOLLOWING NOTE WHICH NALLY JOTTED DOWN DURING OUR CONVERSATION :-

1. NO RECOGNITION OF THE DAMAGE BEING DONE IN THE WAY OF IRA RECRUITMENT, SYMPATHY FOR THEIR CAUSE AMONGST THE CATHOLIC POPULATION (E.G. 70,000 AT SANDS FUNERAL) AND IN THE MIDDLE OF AN ELECTION HERE, WHERE THIS SORT OF HARD-LINE ATTITUDE ONLY CREATES SUPPORT FOR THE H-BLOCK SYMPATHISERS.

2. THE MORE FUNDAMENTAL LACK OF APPRECIATION OF WHERE THE FAULT AND ITS REMEDY LIE. THE SHORT-TERM ANSWER MAY BE IN AN HUMANITARIAN PRISON REGIME OR IN SECURITY OR LAW AND ORDER MEASURES, BUT THE LONG-TERM ANSWER CAN ONLY COME FROM A RECOGNITION OF THE CAUSE OF THE TROUBLE AND FROM POLICIES TO REMOVE THAT CAUSE.

3. FROM CERTAIN CONTACTS WE GET THE IMPRESSION THAT THE H-BOLOCKERS (MAY BE LOOKING FOR A WAY OUT. IF THEY ARE A SOLUTION IS NOT BEING MADE ANY MORE EASY - AND MAY IN FACT BE PUT FURTHER OFF - BY THE REPETITION OF THE LINE IN THEM

QQQ  
KQ  
QQQ  
QQQMMMSFJGU

3. FROM CERTAIN CONTACTS WE GET THE IMPRESSION THAT THE H-BLOCKERS MAY BE LOOKING FOR A WAY OUT. IF THEY ARE A SOLUTION IS NOT BEING MADE ANY MORE EASY - AND MAY IN FACT BE PUT FURTHER OFF - BY THE REPETITION OF THE LINE IN THE SPEECH.

RE PARA 1 ABOVE YOU WILL KNOW OF THE HOSTILE RECEPTION GIVEN TO T. YESTERDAY X IN BUNDORAN AND ~~XAKKXSNABX~~ BALLYSHANNON AND THE INTENSIFYING PRESSURE ON HIM IN DOMESTIC POLITICAL TERMS. NEITHER IN THIS RESPECT NOR IN HIS PERSONAL RELATIONS WITH MRS THATCHER IS HE AT ALL HELPED BY HARD-LINE CLUMSILY TIMED BRITISH GOVERNMENT STATEMENTS.

~~~~~  
A FURTHER POINT - THE PMS REFERENCE TO THE AVOIDANCE OF LEGITIMATION OF HUNGER STRIKERS' CAUSE BY WORD OR DEED. THIS IS AN UNDERSTANDABLE CONCERN, BUT WHAT DO THE BRITISH AUTHORITIES CONSIDER THAT THE GRANTING (AND THE PRESENT MAINTENANCE) OF SPECIAL CATEGORY STATUS DID FOR THE "CAUSE" OF THOSE CONVICTED BETWEEN 1972 AND 1976? DID IT LEGITIMATE IT? DOES IT NOT STILL DO SO? THE SITUATION IS NOT BLACK AND WHITE AND ABOXXX ABSOLUTIST STATEMENTS WILL NOT MAKE IT SO. MORE POLITICS AND LESS MORALITY MIGHT BE RECOMMENDED.

END END END

⊕  
END END

⊕  
916104 IVERNA G

Diary of Main Events concerning H-Blocks Protests8-5-1981 - 21-5-1981Friday 8 May 1981

The Taoiseach in a speech (text attached) in the Metropole Hotel in Cork called for the urgent intervention of the European Commission of Human Rights in the hunger strike.

The leader of Fine Gael, Dr. FitzGerald in a statement urged the Commission to set aside its bureaucratic procedures and suggested that the British Government should invite the Commission to make observations on the manner in which it had responded to the Commission's comments on prison administration in 1980.

The condition of the three remaining hunger strikers (Hughes, McCreech, O'Hara) was reported to have deteriorated "at an alarming rate" according to the H-Block Information Centre.

National H-Block/Armagh Committee announced that a further member would shortly join the hunger-strike.

President of Provisional Sinn Fein said he thought "it reasonable to expect" that the Government will make some sort of response.

Scott

Diary of Main Events concerning H-Blocks Protests8-5-1981 - 21-5-1981Friday 8 May 1981

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The leader of Fine Gael, Dr. FitzGerald in a statement urged the Commission to set aside its bureaucratic procedures and suggested that the British Government should invite the Commission to make observations on the manner in which it had responded to the Commission's comments on prison administration in 1980.

The condition of the three remaining hunger strikers (Hughes, McCreech, O'Hara) was reported to have deteriorated "at an alarming rate" according to the H-Block Information Centre.

The National H-Block/Armagh Committee announced that a fourth prisoner would shortly join the hunger-strike.

The vice-president of Provisional Sinn Fein said at a press conference that he thought "it reasonable to assume that at some point the IRA will make some sort of response" to the death of Bobby Sands.

Mrs. Thatcher speaking to the Scottish Conservative Party conference referred to the attempts by the Northern Ireland Secretary to "try to build up political institutions acceptable to all sides in the community in the province" and continued: "But that community cannot be coerced into accepting such institutions if it does not want them". Mrs. Thatcher rejected suggestions that her Government had been intransigent on the hunger strike and commented on the humane conditions in Long Kesh. She also said her Government respected the views of the European Commission of Human Rights and described the death of Bobby Sands as a "needless and futile waste of life". She also referred to the concern of the Republic of Ireland about the situation in Northern Ireland and the joint efforts of the two governments (Dublin/London) to improve their relationship.

Saturday 9 May, 1981

A fourth prisoner Mr. Joe McDonnell (30) of Belfast joined the hunger strike. He was sentenced to 14 years imprisonment in September, 1977 for possession of a gun found in a car.

Sunday 10 May 1981

The leader of the Labour Party, Mr. Cluskey added his voice to those of Mr. Haughey and Dr. FitzGerald insisting that a greater degree of flexibility and sensitivity in the administration of the prison was demanded of the British Government as a matter of urgency. The Labour leader also declared his party's firm opposition to political status for the prisoners and called on the Provisional IRA leadership to call off the hunger strike and allow time for further investigation of conditions in the prison by the European Commission of Human Rights.

In an RTE interview Bishop Edward Daly of Derry said he believed the British Government had been intransigent and described his efforts and those of Cardinal O'Fiaich to resolve the earlier hunger strike in 1980. The Church of Ireland Bishop of Down, Dr. Eames denounced the "calculated blackmail and intimidation" of the Long Kesh hunger strikers.

It was reported that the British Labour Party leader Mr. Foot had come under attack from some of his back benchers over his support for the British Governments policies on the hunger strike. The condition of Francis Hughes was reported to have deteriorated.

#### Tuesday 12 May 1981

Mr. Francis Hughes died at 5.43 p.m.

The Taoiseach in a statement (text attached) said that the death of Francis Hughes demanded with greater urgency than ever a solution that would bring "the terrible situation" in Northern Ireland to an end.

Several Gardai and civilians were injured during a H-Block demonstration outside the British Embassy in Dublin.

It was announced that the SDLP leader Mr. Hume would meet the British Prime Minister in London on Wednesday 13 May, 1981.

Mr. Tony Benn of the British Labour Party declared that British policy on Northern Ireland had failed and suggested the intervention of a United Nations peace keeping force.

#### Wednesday 13 May, 1981

The British Prime Minister underlined her determination not to give way to the demands of the H-Block hunger strikers during a 75 minute meeting with the SDLP leader Mr. Hume.

A statement (text attached) was issued by the Catholic Press and Information Office on behalf of Cardinal O'Fiaich appealing to the British P.M. to abandon her inflexible policy on the hunger strike.

The sisters of hunger-strikers McCreesh and O'Hara met the Taoiseach "with the sole intention of asking him to now call publicly on Mrs. Thatcher to implement the five demands and save the lives of our brothers". It was announced that another prisoner would join the hunger strike.

The H-Blocks Information Centre issued a statement on behalf of the family of Francis Hughes alleging RUC harassment at the funeral.

#### Thursday 14 May, 1981

The Minister for Foreign Affairs issued the following statement: "On the basis of information obtained in the course of contacts made while I was in Strasbourg, I would hope that action will very shortly be taken under the European Convention on Human Rights

in relation to the humanitarian aspects of the prison regime in Northern Ireland."

In a reply letter to four leading Irish American politicians Mrs. Thatcher said: "It is the Governments 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 can not 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 Commissions findings and to facilitate in any way it can the Commissioners conduct of its investigations".

Another prisoner Mr. Brendan McLaoughlin (29) of Greysteel, Co. Derry joined the hunger strike. Mr. McLaughlin was jailed in February, 1977 for 12 years for firearms offences.

Friday 15 May, 1981

A spokesman for the Northern Ireland Office said it understood that the European Commission had been considering whether it should proceed under the friendly settlement provisions of the European Convention on Human Rights on two outstanding parts of an earlier complaint.

The British Prime Minister in a reply to Cardinal O'Fiach's telegram of 13 May, 1981 said "It (the solution) lies with the hunger strikers their families and advisers. More directly it lies with the leaders of the Provisional IRA who have taken a cold-blooded decision that the unfortunate men now fasting in prison are of more use to them dead than alive. This seems to be the most immoral and inflexible decision anyone could take. The Government have repeatedly made clear how much they regret the loss of life through all forms of violence in Northern Ireland. The Government is not the inflexible party in this issue. The Provisional IRA at whose behest the hunger strike is taking place have stated and restated from the beginning that they would call off the strike only if the Government were to concede all five of their demands. What they want is not prison reforms, but a special different status for some prisoners. This the Government cannot concede since it would encourage further blackmail and support for terrorism. We cannot treat persons convicted of criminal offences as prisoners of war, which is what they want."

Senator Edward Kennedy in a reply to Mrs Thatcher said that she had ignored "possible initiatives" which could have resolved the dispute. He said that "an unfeeling inflexibility will achieve nothing but more deaths."

Mr. David Steel MP leader of the Liberal Party said in a statement that "a solution must lie in fresh dialogue between the Governments of the U.K. and Eire within the context of our European Community membership. We should explore new constitutional arrangements embracing the federal concept....."

Saturday 16 May, 1981

There was speculation that there might be a fresh intervention in the hunger strike dispute by the European Commission of Human Rights.

Dr. David Owen, leader of the British Social Democratic Party in a speech in Blackpool called on Britain and Ireland to establish a working party composed of all the member states of the E.C. to investigate the Northern Ireland political problem.

Sunday 17 May, 1981

On the "Weekend World" television programme the former British Labour Party Secretary for Northern Ireland, Mr. Rees suggested that the removal of the British constitutional guarantee to the North could be a "good step" because it would force people to realise that what mattered more than any guarantee was the will of the majority not to join with the Republic.

Monday 18 May, 1981

The family of hunger striker McCreesh called for the removal of two members of the prison medical team following an assertion by the NIO that McCreesh wanted to end his fast on Saturday 16 May, 1981. It was reported that the European Commission of Human Rights had become involved in another attempt to solve the prison dispute but the intervention would not include a visit to the North or the prison. H-Block activists warned the Taoiseach that unless he calls publicly on the British P.M. to grant the five demands they would put forward candidates in the border constituencies at the next election.

Tuesday 19 May, 1981

The Taoiseach had a brief meeting yesterday with Ms Elizabeth O'Hara, sister of one of the hunger strikers after a 250,000 signature petition calling for Government pressure on Britain had been handed in to the Taoiseach's office.

Dr. Bill Loughnane, Fianna Fail T.D. accused the Taoiseach of showing weakness in his dealings with the British P.M.

Wednesday 20 May, 1981

Election day for the Northern Ireland district councils.

It was reported that the Taoiseach had asked the H-Block hunger strikers to suspend their fast while the intervention of the European Commission of Human Rights is sought. The request was made at a meeting with relatives of hunger-strikers McCreesh and O'Hara. At a meeting of the Fianna Fail Parliamentary Party the Taoiseach said he would continue, as a matter of extreme urgency, his efforts to secure a solution through the intervention of the European human rights group.

In a letter to the brother of hunger striker McCreesh the

British P.M. said the granting of the prisoners demands was not within the gift of any responsible Government.

Thursday 21 May, 1981

Hunger striker Raymond McCreesh died at 2.11 a.m. and Patsy O'Hara died at 11.29 p.m. It was announced that Kieran Doherty (25) from Belfast would replace Raymond McCreesh.

The European Commission of Human Rights announced that it was to take up two minor aspects of a case lodged by four H-Blocks prisoners in 1978, but it was understood that this move is not expected to mean that the Commission will play a role in the continuing hunger strike crisis.

Senator Edward Kennedy said of the death of Raymond McCreesh that the British Government should now implement "real measures of prison reform that offer genuine hope of ending this deadly stalemate".

In a statement (text attached) Cardinal O'Fiaich appealed to both sides for a compromise which would bring the hunger strike to an end.



Speech by the Taoiseach, Mr. Charles J. Haughey, T.D.,  
at the Annual Dinner of the Fianna Fail  
Cork City Comhairli Ceanntar in the Metropole Hotel,  
Cork on Friday, 8th May at 8.00 p.m.

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Since the hunger strike began, I have constantly made known the anxiety of the Government that unless a humanitarian solution were found there would be a real danger of loss of life, both inside and outside the prison. That danger has now become the grim reality.

The death of Bobby Sands has given rise to deep feelings and emotions in every part of this country.

We have seen too many deaths, too much destruction. We must make every effort now to bring this terrible cycle to an end.

From the time the first hunger strike was proposed, I have taken every step open to me that appeared likely to be effective in resolving the situation in the prison. I will continue to seek and to avail of every opportunity to achieve this. There is no human problem which cannot yield to a humanitarian and practical solution. I believe that reasonable people everywhere not alone in these islands but around the world, now wish to see such a solution. It has always been and remains my view that the involvement of the European Commission of Human Rights offers the obvious hope of achieving this.

I appeal again to every section of the Irish people to exercise restraint and responsibility at this time and I condemn any acts of violence or intimidation that have

/.....

occurred. The Government will fully discharge their duty to safeguard and protect the personal freedom and security of all the people.

The policy of this Government in its efforts to provide a political solution to the Northern Ireland problem is clearly the right one and must be pursued even in the present difficult circumstances until the objective of a peaceful and lasting solution is achieved. We must not be deflected from these efforts to resolve the basic underlying problem. That is the clear message coming through in recent days from around the world.

Responsible leaders of opinion everywhere are all urging that such a solution be found. Far from deterring us from our efforts, the tragic events of recent days and the present situation in the Maze must strengthen our resolve to pursue it with even a greater sense of urgency than ever before.

I am reminded in these days of trial of the words of Abraham Lincoln "let us, with malice towards none but with charity for all.....strive on to finish the work we are in, to bind up the nation's wounds....., to do all which may achieve a just and lasting peace among ourselves and with all nations".

Statement by Taoiseach on 12 May 1981

The Hughes family of Bellaghy have now joined the many families who have suffered bereavement or injury in Northern Ireland. To all of them, I extend my deepest sympathy.

This latest death demands with even greater urgency than ever, a solution which will bring the present terrible situation to an end.

No Irish Government can be indifferent to the prospect of these deaths continuing.

Even before the first hunger strike at the H-Blocks began, and since the present hunger strike was proposed, I have constantly made known to the British Government the deep concern and anxiety felt by the Irish Government at the developing and highly dangerous situation as we saw it and emphasising the need to find a humanitarian solution to this problem.

I have again conveyed that concern and anxiety to the British Government. I have also conveyed my view to the European Commission of Human Rights that their involvement could contribute to a solution.

A solution must be found but it can only be found if all those involved decide in the name of humanity that it must be.

The tragic events of recent weeks have confirmed once more that Northern Ireland as at present constituted is no longer a viable political entity. A new political arrangement is the only possible way forward to peace. A political solution acceptable to all is the only means of bringing this grim cycle of violence destruction and death to an end.

I appeal to Irish people in every part of this island by their behaviour in these difficult days to uphold the honour and dignity of Ireland and to let no-one for whatever motive use this tragic situation to cause further suffering and damage our good name in the eyes of the world.

Statement of 13 May, 1981 issued by the Catholic Press and  
Information Office on behalf of Cardinal O'Fiaich

My return from Lourdes last night brought me the sad news of the death of Francis Hughes. I sympathise with his parents and other relatives and friends. May the Lord have mercy on his soul.

The H-Block problem could have been solved without any sacrifice of principle on several occasions during the past two years. How many more Irishmen must go to their graves inside and outside the prison before intransigence gives way to a constructive effort to find a solution?

I have already urged Mrs. Thatcher to abandon her inflexible policy on prison clothes and work and have appealed to the Hunger-Strikers to give up their fast. I do so once more today.

I exhort all sections to exercise restraint in the present critical days.

The text of the Cardinal's telegram to Mrs. Thatcher was:-

Having already appealed to the Hunger-Strikers on several occasions to give up their fast, I now repeat my earnest request to you and the cabinet to abandon the inflexible policy in Northern Ireland regarding prison dress and the fraternisation of prisoners at work or recreation.

Northern Ireland, with a five-fold increase in prison population requires a different approach from other areas, for the vast majority of its prisoners

- (i) are very young,
- (ii) come from law-abiding families,
- (iii) have been sentenced to very long terms,
- (iv) do not share the religion or national identity of their jailers.

Yesterdays death of Francis Hughes is a further blow to the efforts of all true christians here to uphold love of neighbour as the supreme law and only adds fuel to the fires of hatred and violence. In God's name, dont allow another death. I beseech you to make the move immediately by making prison dress and work optional for all

prisoners in Northern Ireland, as prison dress has already been abandoned here in Armagh prison for nearly a decade. Such changes would be welcomed by prisoners of all denominations. Please send a representative to talk to the prisoners' spokesmen as was done during the last hunger-strike and the danger of further death can be removed.

Statement by Cardinal O Fiaich of 21 May, 1981.

I offer my deep sympathy to the parents and family of Raymond McCreesh. During recent weeks they have borne their pain and grief with exemplary fortitude. May the Lord have mercy on the soul of the deceased and on the souls of all who have lost their lives in the northern troubles.

The death of Raymond McCreesh, exemplifies the cruel dilemma in which northern Catholics are caught. I shared the family's joy in 1973 when an t-Ath Brian (Fr. Brian McCreesh) was ordained priest for this diocese. It would be unthinkable of me, therefore, not to be willing to share their burden now in the hour of their greatest need.

Raymond McCreesh was born in a community which has always openly proclaimed that it is Irish, not British. When the northern troubles began he was barely 12, a very impressionable age at which to learn of discrimination. Those who protested peacefully against it were harassed and intimidated. Then followed Burntoltet, the Bogside, Bombay Street, and Bloody Sunday in Derry, all before he was 15. These events gave rise to very deep emotions in Nationalist areas. Sectarian murders in Co. Armagh made many young Catholics and Protestants easy recruits for paramilitary organisations.

I repudiate unequivocally this recourse to arms but I well remember how easy it was in the mid 70s for many young men on both sides to become convinced that this was the best way to defend their own community. Raymond McCreesh was captured bearing arms at the age of 19 and sentenced to 14 years imprisonment. I have no doubt that he would never have seen the inside of a jail but for the abnormal political situation. Who is entitled to pronounce him a murderer or a suicide? I leave his judgement to a just and merciful judge.

In near desperation I appeal to both sides for the fifth time for a compromise which would bring the hunger-strike to an end. If the hunger-strikers continue with their "all or nothing" policy it will shortly lead to the death of a fourth young man.

If the Government continues its rigid stance on prison dress and work it will ultimately be faced with the wrath of the whole Nationalist population. Already Government policy has provided the IRA with its greatest influx of recruits since Bloody Sunday and has left some sections of our youth so alienated that they no longer pay much attention to the denunciations of violence.

Let this young man's death be followed not by violence, arson or intimidation but by sympathy with his family and by prayers on a wide scale for his soul and for the soul of all who have died. Any repetition of the disgraceful events which followed the death of earlier hunger-strikers would be a deadly blow to the morale of the people. South Armagh must never again witness the horrifying carnage of this week which left immeasurable grief and sadness in the five English homes. This revolting deed shames us all. There are broken hearts, too, in many Protestant homes in our local community as well as in Catholic ones. We must recognise the grief in the faces of these fellow Christians and fellow Irishmen and women and strive to heal their wounds in the spirit of mutual acceptance, forgiveness and love.

Gaeilgeoir líofa a bhí i Reamonn Mac Raois. Go dtuga Dia suimhneas síoraí dá anam, agus sóláas dá mhuintir a d'fhág sé faoi bhrón ina dhiaidh. A dhia na glóire, tri idir ghuí do mháthair beannaithe, bronn an síocháin ar phobal na h-Éireann, thuaidh agus theas.



***Newspaper  
article(s)/cutting(s)  
have not been copied***

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Summary

Foreign media coverage of the death of Sands was extraordinarily intensive and widespread. Reports of international coverage of the death of Francis Hughes are still coming in but it does not appear to have had the impact of the Sands case.

United States

In the US the Bobby Sands story was given daily saturation coverage on TV and radio, in the news magazines, on the front pages of newspapers across the nation, in editorials, in personal 'columns' and in extensive background articles.

Editorials in two New York city papers were very critical of the British Government policy on the H-Blocks. The New York Times has criticised British policy on Northern Ireland before but not with the vehemence shown on this occasion. While accepting that "on the question of principle Britain's Prime Minister Mrs. Thatcher is right in refusing to yield political status to Bobby Sands...by appearing unfeeling and unresponsive, she and her Government are providing Bobby Sands with a death bed gift - the crown of martyrdom". The NYT went on to argue that there were "areas where the British could honorably yield. On the petty question of prison clothing, for example..... Isn't it time that the British Government heeded appeals for the reform of a harsh criminal justice system..... (Mrs. Thatcher's) inflexibility is matched by a starchy tone..... by stressing what Britain won't do, Mrs. Thatcher has allowed the initiative to pass to a miniscule army of implacable nationalists...." In a second strong editorial the NYT urged Mrs. Thatcher to take the "king of breath-taking leap that Anwar Sadat took when he went to Jerusalem...Mrs. Thatcher has shown on Zimbabwe that she knows the meaning of bold diplomacy - far from home". Similar views were expressed by one of the two New York tabloids, the Daily News. The only other major daily to take this line was the Chicago Tribune. The Jesuit weekly 'America' also criticised British "intransigence". The Brooklyn Tablet (Catholic) maintained that a way out could be found and that peace "will never come until the British recognise that human rights are at issue and that Irish Catholics will continue to resist until their rights are recognised". The only New York editorial voice to dissent from this consensus was the specialised but influential Wall Street Journal which stated that Britain's earlier decision on special category

status had been a mistake and that no nation can afford to confer legitimacy on those who pursue their political objectives through terrorism. The New York Post (the tabloid owned by Rubert Murdoch) did not address the specific prison issue in its editorial comment, confining itself to a general criticism of the British experience in NI and a call for ultimate British withdrawal.

Outside New York, with the above-mentioned exception of the Chicago Tribune, editorial opinion across the country supported the British position of principle without caveats concerning <sup>the</sup> practice of greater "flexibility". The following papers, among others, while generally expressing regret at the death of Sands and concern for its possible violent consequences, all took the view that the prisoners' demands were inadmissible tout court: Washington Post, Washington Star, Boston Globe, Baltimore Sun, Christian Science Monitor, Chicago Sun Times, Pittsburgh Press, Cleveland Press, San Francisco Examiner, San Francisco Chronicle, Los Angeles Times. The following quote from the San Francisco Examiner is typical of majority American editorial opinion:

"It's a pity that Bobby Sands died, but he was deluded if he confused nobility with violence, and thought that the latter could bring his land to a better day. We expect his testimonial of death will not cause the British Government to make concessions to terrorism. Nor should it make any, no matter what price must be paid for the rule of law, and the rule of the balot as the ultimate deciding power".

A feature of almost all editorials, whether for or against British H-Blocks policy, was vigorous support for the Dublin-London dialogue as holding the best hope for a solution to the overall NI problem.

Background analysis of the situation "behind the hunger strikes" was extensive and ranged from the serious and balanced to the simplistic and highly emotive, as in a series of articles where the New York Daily News columnist, Michael Daly, wrote about the effect of the troubles on the Catholic community. When the accuracy of a rather dramatic article of his on the activities of an army patrol was questioned by the London Daily Mail he was summoned home and resigned from the paper.

Detailed coverage was also given to Irish-American reaction with the views of Senator Kennedy, Governor Carey and Speaker O'Neill and Senator Moynihan featured prominently. Noraid spokesmen were also interviewed on television. The general tone of much of this ethno-centric coverage was highly critical of Britain. The Runyonesque talents of Mr. Jimmy Breslin were fully employed in this latter

connection in the NY Daily News. It should be noted that Daily News columnists, Breslin and Daly, were much stronger in their criticism of the British than was the corporate editorial opinion of that paper.

### Canada

Heavy coverage was also given by the Canadian media. Editorially the Montreal Gazette was extremely hostile to the prisoners' case and to Sands in particular, while the Toronto Globe and Mail editorialised in tones of general exasperation at the continuing violence.

### Australia

Every major paper carried editorials. This was significant in that it is most unusual for the regionally dispersed press to show such a degree of unanimity on what should be covered in editorial opinions. Many papers strongly opposed the granting of political status. Others skirted the issue. Almost all felt there was room for flexibility in practice and were critical of the British record in NI. The following extract from an editorial in the Adelaide Advertiser is quite typical:

"The death of Sands will no doubt tilt the balance of emotional feelings against the Government of Mrs. Thatcher, but it should be noted that there was a rational basis to its attitude.

.....it must be added that it is completely unrealistic to identify as common criminals Irish nationalists fighting for what they regard, with some reason, as a just cause. No common criminal sacrifices his life for what he perceives to be the common good of his fellows.....yet Mrs. Thatcher has chosen to dismiss Bobby Sands as just another criminal and in a strident outburst ('a crime is a crime is a crime') she demonstrated exactly that inflexibility of outlook that through the generations has poisoned London's relations with the Irish.

A more malleable approach must be adopted by Britain if ever hope and sanity are to return to Northern Ireland.....the best hope for Ulster would seem to be the establishment of some federal arrangement which would allow the two Irelands to unite and yet would grant a degree of acceptable autonomy to the North. At least such possible solutions should be offered by the British Government for public debate".....

The general thrust of this kind of editorial comment in the Australian media is significant in a country where the press tends to reflect the establishment point of view which has been traditionally loyal to the "mother country".

## Continental and Eastern Europe

In Europe coverage was also extensive, particularly in France and Germany. There was a distinct difference between French and German editorial opinion. German editorials e.g. Frankfurter Allgemeine Zeitung and Die Welt were either non-committal or supported the refusal to grant political status. They did not explore the "flexibility" dimension. The French press, on the other hand, were very critical of British inflexibility, from the conservative Le Figero and the Catholic La Croix to the independent Le Monde (which came near to arguing for actual political status. The influential left-wing weekly Le Nouvel Observateur (which is close to M. Mitterand) carried a long article more or less reproducing the Provo line.

In Italy, in spite of the ideological difference between the major dailies, the general picture presented by them was fairly uniform. The British Government and particularly Mrs. Thatcher was characterised as inflexible, unsympathetic and unimaginative. Signor Fanfani's Parliamentary gesture on the occasion of the death of Sands was highlighted.

Other European commentary included a general Swiss tendency to support the refusal of political status, a similar Swedish consensus but in this case accompanied by a parrallel consensus that a more flexible approach to prison administration could be taken, and a comment in the Belgian Le Soir that the IRA had scored a propaganda victory.

Soviet commentaries reiterated the familiar line that the hunger strike was a protest against the inhuman conditions and torture in the Long Kesh "concentration camp".

There was little other editorial comment in Europe

## Elsewhere

The Sands death was generally given front page treatment in the world press. Arab papers gave it prominence. Editorial opinion in two major Third World countries, India and Nigeria, was strongly critical of the British Government. Most of the South African press supported the British position.

## Britain

British editorial opinion across the political spectrum and across the "quality" tabloid divide, was strongly in favour of the British Government position, was against political status and against the five demands which were seen as amounting to political status. The hunger strike was seen as a cynical and sinister propaganda device. It is noteworthy that even the Guardian which for some years since the early stages of the "dirty protest", has been canvassing increasingly ingenious casuistic solutions to the H-Block problem and which continued to do so until a few weeks before Sands died, rallied to the Government position when the death finally occurred, describing the Government position as "correct" (though adding that Mrs. Thatcher's "posture" had been "disdainful" and unhelpful to the TAOiseach.

Although the British media have supported the bipartisan approach of the Conservatives/Labour parties in agreeing that there should be no political status, the papers have drawn different conclusions as to what the future holds. The Mirror again seems to be advocating a withdrawal from N. Ireland and the Spectator editorial seems to take up this point also when it says "if there is no benefit or interest but only duty then we are bound to wonder whether the involvement is worth it". The Guardian, Financial Times and Economist suggest that it is now vital to advance the rapprochement with Dublin as the only way forward. The Times and Telegraph editorials appear to have nothing to offer for the future except more of the same. The other papers for the most part concentrated on blaming Sands for his own death without advice or solutions to offer for the future.

All the British media were sensitive to, and withering in their criticism of, what they regarded as uninformed international media reaction to the Sands death.

## Assessment

While the sheer extent and intensity of the international media coverage of the Sands death must have been most unwelcome to the British Government, actual editorial opinion has not perhaps on balance been as hostile as first impressions might have suggested or as the hyper-sensitive reaction in the British media itself - particularly to some critical American opinion - might have led one to believe. There is of course no denying that the British have not succeeded in getting their view fully across to international opinion.

It would appear reasonable to assume that in taking account of international media opinion when shaping their future policy on the H-Blocks question, the British Government will be mindful of the following factors:

- (1) the setback in image terms suffered following the Sands death has been serious but not disastrous;
- (2) international media attention is fickle and volatile; many of the international T.V. teams left Belfast very quickly after Sands died when the level of violence failed to satisfy the expectations and needs of news editors; already, although reports are still coming in from our diplomatic posts abroad, and the attack on the Pope has preempted media space, it seems clear that the Hughes death has had nothing like as big an impact as that of Sands; in media terms deaths from hunger strike might well become as routine as deaths from other violent causes have become in N.I. once a certain boredom threshold is reached;
- (3) when this country has been under heavy international media criticism in the past - often at the instigation of Britain - on such questions as extradition or cross-border security, it will not have escaped British attention that the Irish Government did not allow what it regarded as unfair or uninformed press comments to deflect it from the steady pursuit its moral, constitutional and political imperatives. While in no way suggesting that the British position in the present

matter has a validity equivalent to the positions adopted by Irish Governments on the above-mentioned matters, the British Government is unlikely to allow international media criticism alone to deflect it from its present policy if they regard the countervailing moral, legal and political pressures on the domestic front as of paramount importance;

It also appears reasonable to assume that the Provo 'strategists' will themselves be mindful of the above factors and will have to take them into account as the present lethal exercise in brinkmanship continues. They will have to assess very carefully whether even this ultimate weapon of the hunger strike, like other forms of pressure and propaganda, may itself be subject to the law of diminishing returns.

Press Section  
14 May 1981





AMBASSADE D'IRLANDE

M A D R I D

AS

The Secretary  
Department of Foreign Affairs  
DUBLIN

7th May, 1981

Attention Mr. D. Neligen, Assistant Secretary

Further to the Ambassador's telex C75 of yesterday's date, I enclose translations of two reports appearing in the Madrid evening newspaper Diario 16 on 5th and 6th May.

*Christopher P. Barnwell*  
Christopher P. Barnwell  
First Secretary

TRANSLATION FROM "DIARIO 16" OF 5TH MAY 1981

IRA Leader in Madrid

"THERE WILL BE NO CIVIL WAR IN IRELAND"

Madrid.- "There will be no civil war in Ulster if Bobby Sands dies", Richard Behal, leader of Sinn Fein, political branch of the IRA, declared yesterday in Madrid.

The Irish nationalist politician was the electoral agent of Bobby Sands during the electoral campaign.

Behal pointed out that "one of the parts of Ireland is in favour of England but we cannot speak of confrontation or civil war between catholics and protestants, but between nationalists and those who remain faithful to the English Government."

The IRA leader added that "in Ireland there are fascist factions in contact with parafascist European groups. They are the ones that have the money and would like the continuity of a British Government".

Behal stated that "the nationalist groups want an absolute independence and they are the majority of the Irish, including many protestants".

Richard Behal refused to make any statement regarding the possible relations between the IRA and the ETA.

Sinn Fein Leader in Madrid

"THATCHER IS GUILTY OF MURDER"

Fernando Jáuregui

"Margaret Thatcher is guilty of murder", Richard Behan, head of international relations of Sinn Fein (political branch of the IRA), declared yesterday a few hours before the death of Bobby Sands was known.

The leader of Sinn Fein, who has come to Spain to contact various political forces, among them the Socialist Party, said that the IRA has called for three days of mourning after the death of Bobby Sands and that it expects a "disciplined response"!

In a press conference held yesterday, Behan promised that the IRA "will act in defence of the people and, if it were necessary, against the English army" if "the fascists launch attacks of provocation". Nevertheless, he stressed, the IRA knows that the English army is looking for confrontation in a battle field where the forces of London will choose time and place.

"The IRA will not let itself be caught in the English trap. It will fight when and where it suits it", Behan said.

Behan detailed the sufferings to which the hunger strikers in Maze prison are submitted, where until very recently they remained naked, with no toilet but their own cell and having to sleep on the floor. He said that others of the three hunger strikers that are left in the prison are in bad health, weakened by the strike and by the bad treatment received. He compared the situation in Ulster with that of Spain at the beginning of war of 36.

cc PSM  
PSS  
Mr. Neligan  
Mr. Mally  
Mr. Keenan  
Mr. O'Hara  
P.S. Attorney General

Mr. Neligan

Attached hereto is a paper setting out some of the points which occur to me in relation to a possible petition to the European Commission on Human Rights.

I also attach three draft petitions. Those for a hunger striker or a prisoner are obviously virtually the same and that for a family is the one worked out earlier. It did not seem appropriate to include reference to the so-called agreement in this latter petition.

I am not sure what the next step should be but perhaps you would keep me informed.



Legal Adviser

7 May 1981

Petitions to the European Commission of Human Rights

The chances of success in getting an ultimate finding by the Court against the UK or of even having a case by whatever applicant admitted by the Commission in relation to the present situation regarding the hunger strikers are in my view virtually non-existent. In the inter-State case of Ireland v. U.K. where much more extreme allegations and substantiating evidence was produced the finding of the Court was less than wholehearted. It does seem however that our primary aim here is not to put the U.K. in the dock.

Our present aim is limited to creating a situation which would allow each side an opportunity to reconsider its position and in particular to give an opportunity to the hunger strikers to call off their strike, while a solution is sought.

If this is the case then any method which would enable the Commission to take immediate action might provide an answer and the first step is to ensure that they are properly seized of the case. The Commission would be entitled in my view to examine the application, presumably by whatever means it thought appropriate (e.g. by a visit), even before deciding whether the case was admissible under Article 27 of the Convention. In the application of Marcella Sands they did not consider themselves to be properly seized of the application since no evidence existed that Bobby Sands, on whose behalf she purported to make the application, associated himself with it. In fact the contrary, seemed to be the case. We must be sure therefore the same situation does not arise.

To bring the case before the Commission the applicant must be entitled to do so under either Articles 24 or 25 of the Convention.

The question of the State bringing a case as is provided for under Article 24 has been ruled out. Apart from the political considerations it would not seem to be an appropriate method for an emergency application and would need to be based on much firmer grounds than seem to exist. It would also create difficulties with regard to the parties engaged in seeking a friendly settlement which is the first objective in this case i.e. it seems that the hunger strikers or those negotiating on their behalf, would not be involved since it would be a matter for the Commission with the parties.

An application must therefore be brought under Article 25 by a victim of a violation of the Convention. It seems that the most appropriate applicant would be a hunger striker if one was prepared to proceed. It will be necessary to ensure that he signs the application or gives very clear evidence of associating himself with the application, in order to avoid a repetition of the Sands case. Other options with less chance of success - i.e. of achieving even our immediate objective - are applications by members of the families of the hunger strikers or by another prisoner or prisoners.

The second and in my view equally difficult hurdle which must be cleared relates to the grounds for the application given the previous applications made and the requirement in Article 27 (1)(b) that any petition which is substantially the same as a matter which has already been examined shall not be dealt with by the Commission. In this regard the McFeeley case is not helpful. The facts appear to be substantially the same except in so far as the element of hunger strike is added and it must be recognised that this is a self-inflicted condition and unlikely to carry weight with the Commission (see paragraph 54 of McFeeley v U.K.)

To find either any circumstances or areas of the Convention which have not already been dealt with in relation to these same circumstances seems extremely difficult. The Commission ruled as inadmissible and rejected the application in the McFeeley case in so far as it related to Article 3 (see paragraphs 65, 72, 75 and 77), Article 6 (see paragraph 104), Article 8(2) (see paragraphs 83 and 86), Article 9 (see paragraph 31), Article 10 (see paragraph 111), Article 11 (see paragraph 115), Article 14 in conjunction with Articles 3, 8, 9, 10 and 11 (see paragraphs 124, 125, 127 and 130) and Article 18 (see paragraph 134). Only Article 8, in so far as it relates to correspondence, and Article 13 have been adjourned for further consideration.

As far as proceeding other than by a new application to the Commission the position is that only a Contracting State or the Commission can bring a case before the Court. Having rejected the McFeeley application it is unlikely that it would be open to the Commission to refer that matter to the Court or even to make a report since this implies that the case was not rejected but that a solution was at least sought (see Article 31 of the Convention).


Whether the State as a Contracting Party could still refer the questions raised by the Commission's findings in the McFeeley case to the Court under Article 48(b) - i.e. as a Contracting Party whose national is alleged to be a victim - is not clear to me but this procedure also suffers from the same disadvantages as any case taken by the State.

In any case we are in my view relying on the goodwill of the Commission and the evident readiness of its members not to reject out of hand any application. The Commission would probably be more likely to deal with the petition of an applicant who was a hunger striker as a matter of urgency. An application by another prisoner or even by members of the hunger strikers families would make it more difficult to propose a settlement, to involve the hunger strikers themselves

In light of the foregoing and in view of the decision to proceed as set out above I attach three drafts for the three categories of applicant.

Although I do not believe that failure to honour the so-called "agreement" is a basis for complaint under the Convention and although I am unsure as to whether this document can be treated as an agreement I include it in the petition particularly since the Attorney General seemed to think that it would be useful. Each allegation would need to be checked with the applicant to ensure that there was some basis for it before it is included. You will wish to discuss these texts further with the Taoiseach's Department. The Attorney General's Office may also be in touch with them and produce other drafts in this matter.

It has also been suggested to me that it would be possible for the British authorities themselves to invite the Commission to return to Belfast. They might do this on the basis that consideration by the Commission of the question of prisoners correspondence (Article 8) and of Article 13 has not been completed. They could use the opportunity to show the Commission that their attitude to the Commission described as inflexible in that decision has altered. This would of course, be totally a matter for the British authorities to decide and for political decision here as to whether any suggestion in this regard would be made to them.



Legal Adviser

May 1981



To the Secretary General of the Council of Europe  
For the European Commission on Human Rights

I (hunger striker) as a victim of violations by the British Government of the rights set forth in Articles 3, 6, 8, 13 and 14 of the European Convention on Human Rights hereby petition the European Commission of Human Rights under Article 25 of the Convention.

The grounds for my application for intervention by the Commission are:

(1) that I am being subjected to [inhuman and] degrading treatment causing severe physical and mental suffering by reason of the prison regime under which I am detained;

(2) that in the application of the prison regime the authorities discriminate between me and other prisoners detained for similar offences as regards my treatment on the grounds of my political beliefs;

(3) that because of the lack of adequate and effective remedies which would be capable of providing reliefs for my complaints I have been forced to resort to hunger strike to achieve this objective so that my life is in danger;

(4) that the British Government has failed in its duty to safeguard my health while a prisoner and has failed to keep the humanitarian aspects of the prison regime under review;

(5) that the British Government has failed to respect my family life by the restrictions imposed on the correspondence between me and my family thus causing me further severe anguish and distress;

(6) . that the British Government has failed to honour the agreement regarding prison conditions as set out in a document circulated to H-Block protesters on 18 December 1980;

(7) that by the foregoing actions and the inflexible approach of the British authorities (adverted to by the Commission in paragraph 64 of its Partial Decision on Admissibility in Application No. 8317/78 - T. McFeeley et al v. U.K.) and by continuing to refuse to meet the legitimate demands for investigation and alteration of prison conditions the British Government is guilty of violating my rights under the Convention and is in breach of the provisions thereof.

I am a victim of a continuing denial of my rights.

I make this application for the Commission to examine immediately on a formal or informal basis the said violations of the Convention by the British Government.

In particular I refer to Rules 36 and 41 of the Commission's Rules of Procedure and would ask that a specific on the spot investigation be undertaken as a matter of urgency under these or any other appropriate rules.

DRAFT

I (prisoner) as a victim of violations by the British Government of the rights set forth in Articles 3, 6, 8, 13 and 14 of the European Convention on Human Rights hereby petition the European Commission of Human Rights under Article 25 of the Convention.

The grounds for my application for intervention by the Commission are:

(1) that I am being subjected to inhuman and degrading treatment causing severe physical and mental suffering by reason of the prison regime under which I am detained;

(2) that in the application of the prison regime the authorities discriminate between me and other prisoners detained for similar offences as regards my treatment on the grounds of my political beliefs;

(3) that there exists adequate and effective remedies which would be capable of providing reliefs for my complaints;

(4) that the British Government has failed in its duty to safeguard my health while a prisoner and has failed to keep the humanitarian aspects of the prison regime under review;

(5) that the British Government has failed to respect my family life by the restrictions imposed on the correspondence between me and my family thus causing me further severe anguish and distress;

...../..

(6) that the British Government has failed to honour the agreement regarding prison conditions as set out in a document circulated to H-Block protesters on 18 December 1980;

(7) that by the foregoing actions and the inflexible approach of the British authorities (adverted to by the Commission in paragraph 64 of its Partial Decision on Admissibility in Application No. 8317/78 - T. McFeeley et al v. U.K.) and by continuing to refuse to meet the legitimate demands for investigation and alteration of prison conditions the British Government is guilty of violating my rights under the Convention and is in breach of the provisions thereof.

I am a victim of a continuing denial of my rights.

I make this application for the Commission to examine immediately on a formal or informal basis the said violations of the Convention by the British Government.

In particular I refer to Rules 36 and 41 of the Commission's Rules of Procedure and would ask that a specific on the spot investigation be undertaken as a matter of urgency under these or any other appropriate rules.

DRAFT

To the Secretary General of the Council of Europe  
For the European Commission on Human Rights

We (members of the family) of (hunger striker) as victims of the violation by the British Government of the rights set forth in Articles 3 and 8 of the European Convention on Human Rights hereby petition the European Commission of Human Rights under Article 25 of the Convention.

The grounds for our application for intervention by the Commission are:

(1) the British Government is in breach of Article 3 of the Convention by subjecting us to extreme mental anguish and distress by their treatment of our son whose life is in danger. No conventional remedy being open to him by which to seek redress he was left with no choice but to go on hunger strike (now in its day). There is no fundamental rights charter or written constitution justicible in Northern Ireland or other domestic remedy on which we can rely for redress.

(2) The British Government is in breach of Article 8 of the Convention by failing to respect our private and family life and home in depriving us as set out at (1) above of the comfort and support of our son now and in the future.

We are victims of a continuing denial of our rights.

The continuation of the inflexible approach of the British authorities (adverted to by the Commission) in paragraph 64 of its Partial Decision on Admissibility in Application No. 8317/78 by T. McFeeley et al v. United Kingdom) to the legitimate demands for investigation of prison conditions

.../..

by our son has led to the present critical state of health of our son and will inevitably lead to his death. Our consequent mental anguish, the interference with our private and family life and home resulting from being deprived of his comfort and support constitutes a continuing breach of our rights under the Convention.

We make this plea for the Commission to examine immediately, on a formal or informal basis, the said violations by the British Government.

In particular we would refer to Rules 36 and 41 of the Commission's Rules of Procedure and would ask that a specific on the spot investigation be undertaken as a matter of urgency under that or any other appropriate rule.

# Northern Ireland Office

25/4

## BACKGROUND NOTE

### THE HUNGER STRIKE AND THE EUROPEAN COMMISSION OF HUMAN RIGHTS

The European Commission of Human Rights considered an Application made by four of the protesting prisoners at Her Majesty's Prison Maze against the conditions in which they were held. The Application was not made in relation to the protesting prisoners' five demands, nor in relation to political status as such. However, in its Partial Decision, given last summer, the Commission touched upon most of these points, and also upon the Government's own position. The Commission's salient remarks upon these points are set forth below.

The Commission found the bulk of the Application inadmissible.

## POLITICAL STATUS

### ARTICLE 9 (Freedom of conscience and belief)

#### "Right to Special Status"

30. The Commission considers that the applicants are seeking to derive from Art. 9 the right to a "special category status" whereby they are entitled to wear their own clothes and be relieved from the requirement of prison work and, in general,

be treated in a way which distinguishes them from other prisoners convicted of criminal offences by the ordinary courts. The Commission is of the opinion that the right to such a preferential status for a certain category of prisoner is not amongst the rights guaranteed by the Convention or by Art. 9 in particular. Moreover, it considers that the freedom to manifest religion or belief "in practice" as contained in this provision cannot be interpreted to include a right for the applicants to wear their own clothes in prison."

ARTICLE 3 (Freedom from torture and inhuman or degrading treatment or punishment)

Paragraph 43

"The Commission, however, must observe that the applicants are seeking to achieve a status of political prisoner which they are not entitled to under national law or under the Convention. Furthermore, although this point has not been argued by the parties in their observations, the Commission does not consider that such an entitlement in the present context can be derived from existing norms of international law."

PRISON UNIFORM AND WORK

ARTICLE 3

Paragraph 44

"It must also be considered whether the Convention imposes on the Government an obligation to accept the demands of the applicants not to wear prison uniform or to work in the face of a dispute which continues to deteriorate in such a drastic way to the detriment of everyone concerned. However, the Commission does not consider that such an obligation exists in the present case."

Paragraph 45

"The Commission would add finally, that it does not consider there to be anything inherently degrading or objectionable about the requirement to wear a prison uniform or to work."

ARTICLE 8 (Right to respect for private and family life..... and correspondence)

"83. The Commission has also considered, ex officio whether the requirement that the applicants wear prison uniform constitutes an interference with their right to respect for their private lives. The Commission considers that such a requirement constitutes an interference with respect for private life under Art. 1(1). However, it observes that the purpose of a prison uniform is to facilitate identification of a prisoner with a view to preventing his escape or securing re-capture in the event of an escape, and secondly, to enable the prison authorities to distinguish between the prison community and visitors dressed in ordinary clothes. The requirement to wear the clothing provided by the prison authorities is contained in Rule 63 of the Prison Rules (Northern Ireland) 1954. The Commission thus finds



that it is justified under Art. 8(2) as "necessary in a democratic society in the interests of public safety and for the prevention of crime".

## FREEDOM AND ASSOCIATION

### ARTICLE 11 (Freedom of association)

"114. As the language of Art. 11 suggests, the concept of freedom of association, of which the right to form and join trade unions is a special aspect, is concerned with the right to form or be affiliated with a group or organisation pursuing particular aims. It does not concern the right of prisoners to share the company of other prisoners or to "associate" with other prisoners in this sense.

115. Consequently the Commission considers that this complaint must be rejected under Art. 27(2) as incompatible ratione materiae with the provisions of the Convention."

## RECREATION, VISITS, LETTERS AND FOOD PARCELS

### ARTICLE 3

#### Exercise.

"55. The applicants further complain that they are being denied exercise and have been so for considerable periods of time. The Commission has paid particular regard to this complaint since it considers that a denial of exercise constitutes a serious danger to the physical and mental well-being of prisoners and would raise a serious issue under Art. 3, if established. However, once more it must observe that the applicants' claim is not correct. They are in fact entitled, under prison rule 58, to one hour's exercise in the open air every day. They can exercise either in prison uniform or prison underwear or naked. While it is true that the governor does not permit them to exercise covered in a blanket, it cannot be deduced that exercise is being denied them. In reality they choose not to take advantage of the opportunities for exercise rather than compromise their protest. A similar situation exists in relation to use of the library facilities which may be availed of by the applicants in either prison uniform, prison underwear or naked. It follows, therefore, that they alone must bear responsibility for the choice they have made."

#### Visits

"85. The Commission notes that these restrictions on family visits are the direct consequence of the award of loss of privileges imposed on the applicants for their refusal to wear prison uniform. The Commission considers that whilst the restrictions appear to involve prima facie an interference with the applicants' right to respect for their family life; it is clear that they have been imposed as part of a regime of disciplinary punishments whose purpose is to bring the protest to an end. The measures taken were in accordance with Rule 31 of the Prison Rules (Northern Ireland) 1954 with due regard to Rule 102(1) which provides that special attention is to be paid to the maintenance of relationships between a

prisoner and his family. The Commission thus finds that they were justified under Art. 5(2) as being necessary in a democratic society ... for the prevention of disorder...

### Correspondence

The Commission adjourned its examination of the rules on correspondence to and from prisoners in Northern Ireland prisons with a view to further deliberation in the light of its examination of related cases concerning prisoners' correspondence in England and Wales.

### RESTORATION OF FULL REMISSION

#### ARTICLE 3

"The Commission considers, firstly, that an award of loss of remission for a disciplinary offence does not constitute inhuman or degrading treatment in the sense developed above. Moreover, it notes that lost remission may be restored by the prison authorities where a prisoner conforms to the prison rules and after a period of good conduct."

### OBLIGATIONS OF HER MAJESTY'S GOVERNMENT

The Commission also pointed out that the prisoners' protest did not absolve the Government from its responsibilities to safeguard the health and well-being of all prisoners, viz:

"46. On the other hand, the Commission considers that in such a situation, the State is not absolved from its obligation under the Convention and Art. 5 in particular, because prisoners are engaged in what is regarded as an unlawful challenge to the authority of the prison administration. Although short of an obligation to accept the applicants' demands in the sense described above, the Convention requires that the prison authorities, with due regard to the ordinary and reasonable requirements of imprisonment, exercise their custodial authority to safeguard the health and well-being of all prisoners including those engaged in protest insofar as that may be possible in the circumstances. Such a requirement makes it necessary for the prison authorities to keep under constant review their reaction to disciplinary prisoners engaged in a non-violent but organised protest."

and

"64. No doubt the authorities consider that to make concessions to the applicants will result in strengthening their resolve to continue their protest to a successful conclusion. However, the Commission must express its concern at the inflexible approach of the state authorities which has been concerned more to punish offenders against prison discipline than to explore ways of resolving such a serious deadlock. Furthermore, the Commission is of the view that, for humanitarian reasons, 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 (looser than prison clothing) and making greater use of the prison amenities under similar conditions. At the same time, 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.

The Government considered the Commission's comments within the normal process of review covering regimes for all prisoners. Subsequently a number of additional privileges were made available to the protesting prisoners:

- a) Three additional letters in and out per month.
- b) One additional visit per month.
- c) One hour's additional physical recreation using sportswear provided for the purpose.
- d) One period of evening association per week.
- e) Compassionate leave is available subject to the same conditions as conforming prisoners.

4 December 1980

EUROPEAN COMMISSION OF HUMAN RIGHTS

PARTIAL

DECISION OF THE COMMISSION

Application No. 8317/78  
by T. McFeeley et al  
against the United Kingdom

The European Commission of Human Rights sitting in private on 8, 10 and 11 March 1980, and on 8 and 15 May 1980, the following members being present:

MM. G. SPERDUTI, Acting President (Rules 7 & 9 of the Rules of Procedure)  
J. E. S. FAWCETT —  
C. A. NØRGAARD  
F. ERMACORA  
E. BUSUTTIL  
B. DAVER  
T. OPSAHL  
C. H. F. POLAK  
J. A. FROWEIN  
G. JÖRUNDSSON  
G. TENEKIDES  
S. TRECHSEL  
B. KIERNAN  
N. KLECKER  
M. MELCHIOR  
J. SAMPAIO  
J. CARRILLO

Mr. H. C. KRÜGER, Secretary to the Commission

Having regard to Art. 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 9 August 1978 by Thomas McFeeley et al against the United Kingdom and registered on 16 August 1978 under file No. 8317/78;

./.

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not been copied***

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