

Submission to the Northern Ireland Office by the Progressive Unionist Party on the Question of Political Prisoners and Prisons

*PUP, Stormont,
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PREAMBLE

The *Oxford Dictionary* lists emergency as 'sudden state of danger or conflict etc., requiring immediate action.' There is ample evidence during the past twenty-five years of upheaval within Northern Ireland, and farther afield, to dictate that this period be described as 'emergency.' The reactions of government to the seemingly continuous 'state of emergency' have been many and varied. Copious acts of Parliament have been created to complement the actions of the Security Forces, the Judiciary, and the Prison Regimes.

A substantial array of legislation exists, or has existed, with the dubious titles: *Temporary Provisions, Emergency Provisions, Special Diplock Courts, Special Powers, Scheduled Offences, Special Offences and Forfeiture, Exclusion, Special Custodial Environments*, etc. Over many years, the exceptional laws for exceptional times have been reshaped. They have constantly been renewed with little difficulty, irrespective of their detrimental effect upon human rights. There has been scant regard for the perception of permanency which undoubtedly exists given the ripe old of these 'temporary,' 'emergency' provisions. These provisions were maintained throughout the 'Normalisation.' Therefore, 'Ulsterisation policies resulted in the Special/Temporary/Emergency being accepted as the 'norm,' or disguised as the 'norm.' Indeed, such is the wide-spread acceptance of this form of legislation that some of it no longer requires review in Parliament and therefore can exist in perpetuity.

Thankfully, times change! The two ceasefires of August and October by the IRA and the CLMC have heralded a time of hope for all of the people of the British Isles. The sense of change is evident in the everyday lives of the inhabitants of these islands who, but a few short months ago, would not have believed the 'dream of peace' possible. The Progressive Unionist Party acknowledges that the people of Northern Ireland have some serious reservations still about the future. However, as is the case with the Prime Minister of the United Kingdom, they would seem in the main to accept 'the working assumption' that the ending of hostilities is permanent.

The Progressive Unionist Party believe that there is a real opportunity to create, for the first time, a truly wholesome society in Northern Ireland. Bravery and vision are required if we are to transform the sectarian mindset to that of tolerance and understanding. The 'shallow' politics of this portion of the United Kingdom have served the people badly. In the hope of creating an honourable society representative of the diversity of its people, it is the sincere wish of this political party that no section of our people should be omitted from the molding of its future.

The violent, political disturbance of the past leaves us all with an awful inheritance. Loved-ones of the victims of the 'war' cling to memories which they cherish as well as the pain of great loss. Some will use those memories as a 'political football.' All sections of this community have suffered. No grouping can monopolise pain or tragedy. Now is the time to build. Now is the time to face up to the difficulties and emotional strains of the past.

The issue of prisoners will cause much emotion within the community. However, it is a thorny problem which will not easily be dismissed. The Progressive Unionist Party considers the prisoners a vital ingredient in the further consolidation of the peace process. During our deliberations which made the CLMC ceasefire possible, it was evident to us that the prisoners were very positive in relation to the ending of hostilities. We conclude also that the very special circumstances which have prevailed for so long have changed. Those political groupings which have stepped back from the abyss are, we are told, believed by Her Majesty's Government (HMG). That being the case, and since the government accepts that violence carried out by CLMC prisoners was on the specific direction of those groupings, then it surely follows that no such direction will happen in the future. If the violence has ceased, and the threat of violence removed, then the possibility of recidivism is abrogated.

During the period of the 'troubles,' there has been much attention focused on prisons. The prison population has very clearly reflected the level of strife afflicting Northern Ireland. Today as we discuss this contentious issue, there are thousands of ex-prisoners playing a full and meaningful role in many walks of life. The politicisation of prisoners, the prison culture of equality, and the experience itself of prison carried to the wider community very often has had, and continues to have, a most positive effect. The community has not spurned those men and women. Indeed, the opposite is the case.

The Progressive Unionist Party regards that the 'emergency' is over. Alas, another danger still exists! It is imperative that there is generated a genuine assumption that the peace process can and will address all matters, however difficult. The Progressive Unionist Party considers as central to the cementing of a peace process a speedy, satisfactory, and honourable resolution to the question of political prisoners. Those who cannot or will not countenance movement on those points, which take this community towards normality, bear

a heavy responsibility. The loud fraudulent piety has all been heard before. HMG must be resolute in ensuring the best possible chance for conciliation ... not revenge!

Amnesty

The Progressive Unionist Party calls for the release and resettlement of all persons incarcerated for activities carried out in the cause and furtherance of the armed political conflict in Northern Ireland. The violent nature of the political conflict in the Province during the past twenty-five years, together with the progressive development of a culture of violence which has affected the whole of society, is responsible for the fact that so many men and women have been imprisoned for activities related to that conflict. That the special nature of the conflict has already been recognised by HMG is evident from the special legislation introduced by successive parliaments to help address the problem of violence. The Progressive Unionist Party now asks HMG to recognise that, since the several parties formerly engaged in the armed conflict have themselves agreed to resolve their political disagreements through the democratic process, the totality of special legislation should be rescinded and those imprisoned as a consequence of it should be released. Such a response would show consistency on the part of HMG in relation to its justification for the introduction and implementation of emergency legislation.

Now that the combatant groups to which the prisoners belong are no longer engaged in armed activities, there are legitimate reasons why HMG should embark upon a process which would lead to the phased release and resettlement of prisoners:

- The use of imprisonment as a means of deterrence is no longer applicable since the combatant forces are now committed to the democratic process and do not, therefore, need to be deterred from continuing with the armed conflict.
- With political dialogue replacing armed conflict on the agenda of their respective reference groups, the use of imprisonment as a means of protecting society from the possibility of released prisoners becoming re-involved in the armed conflict is no longer valid.
- The consolidation of the ceasefire and the development of a new era of peace and stability requires a spirit of forgiveness and reconciliation which ought to override any desire on the part of society for exacting retribution from prisoners. To demand retribution only from those who have been apprehended for their participation in the armed conflict is tantamount to excusing

the excesses of those whose rhetoric and intransigence allowed the crisis to degenerate from constitutional politics to armed conflict in the first place. No one section of the community, certainly not the prisoners, should be asked to carry the burden of guilt for the violence of the past twenty-five years. Attempts to bring about a restoration of normality in local communities cannot be achieved while families within those communities suffer the ongoing trauma and deprivation associated with the imprisonment of a loved one.

- The release of prisoners will help to facilitate the transformation of the political conflict at grass-roots level from one of violence to one of political dialogue. There is an abundance of evidence to show that former prisoners have been key players in brokering the ceasefire and are now active in seeking to encourage the politicisation of paramilitary organisations.

The credibility and influence of released prisoners at community level, together with the goodwill generated through their relatives and reference groups, will be crucial to the former combatant groups in their efforts to support the conflict transformation process at grass-roots level.

The Progressive Unionist Party accepts that the phased release of prisoners must be achieved through the due process of law, and we believe that this can indeed be achieved. An acknowledgment by both HMG and the majority of the constitutional parties in the United Kingdom, that the conflict has genuinely been transformed from violence to political dialogue, should allow HMG to (a) rescind both the Emergency Provisions Act and the Prevention of Terrorism Act, and (b) initiate a review of all cases of persons who have been imprisoned as a consequence of such legislation. Legislation to facilitate the release of prisoners whose cases were reviewed under such a process could be introduced at the same time

INTERIM POSITION ON THE RESOLUTION OF PRISONERS

Increase in the Amount of Remission.

Due to the atmosphere of violence and political instability, the Emergency Provisions Act was implemented with a vigour that, at times, has led to incorrect and heavy sentencing. At regular periods over the years, many scheduled offenses had the maximum sentence doubled or trebled. As a result, sentencing in cases concerning scheduled offences became grossly exaggerated in comparison with equivalent non-scheduled cases.

It is our opinion that many people have been sentenced to longer periods due to the fact that their offences were categorised as scheduled. Therefore, in a post ceasefire situation, the most logical step to address this imbalance would

be to increase the amount of remission on sentences. In the past the level of remission has varied according to different government desires, and it is our belief that there should be an immediate increase of remission to 66%. This would be retrospective.

Reduction in Criteria for Work-Out Scheme.

The present amount of time a person has to serve before they can be considered for the work-out scheme should be decreased to 7 years. Life sentence prisoners have a credulous record in the work-out scheme, and in the absence of violence, there is no danger of them becoming involved. Loyalist paramilitaries stated publicly in 1986 (reiterated again in 1987) that 'it is policy that their organisation prohibit life-sentence prisoners from re-entering their organisation.'

Reduction in Criteria for Parole

At present, prisoners must be into the last year of their sentence before they are considered for parole. In the light of new developments and reasons given in previous and succeeding paragraphs, prisoners should be considered for parole after they have completed 33% of their *effective* sentence.

Increase in the Amount of Parole

At present prisoners are only allowed bi-yearly or annual parole. This could and should be increased incrementally in proportion to *effective* time served.

Reduction of Review Board Criteria Prior to Appearance of Life-Sentenced Prisoners

At present, people serving indeterminate sentences are required to serve 10 years as a prerequisite to appearing before the Life Sentence Review Board. In the light of a new atmosphere, there is no risk or likelihood of lifers becoming involved in violent acts for two reasons: because of the ceasefire, and because paramilitaries prohibit lifers from rejoining their organisations. Recognising these points and assurances, we believe that prisoners serving indeterminate sentences should go before the Review Board after serving five years of their sentence. SOSPs should be treated in comparative terms.

Long-Term Prisoners

While dealing mostly with life sentence prisoners in previous paragraphs, the question of long-term prisoners needs to be addressed. Long-term prisoners,

whose *effective* sentence exceeds the criteria pertaining to life-sentenced prisoners, should also be included in work-out schemes because the same considerations that apply to life-sentence prisoners also apply to long-term prisoners.

More Liberal Approach to Medical and Compassionate Leave

Compassionate leave should be widened to include the extended family. The length of parole for compassionate leave should be a minimum of one week.

Medical Parole. Prisoners undergoing medical treatment should be given parole before they return to prison.

The LPWA and Prisoners

Over the past 25 years, the contribution made by the LPWA in reducing the hardship of prisoners' families has been tremendous, and quite often, the only source of comfort for these innocent victims. The assistance from the early years in transport, comfort, and general welfare has filled and continues to fill a large gap where government bodies have failed. During that time, the vast majority of that work has been done without any support from anyone other than themselves. Therefore, both the role the LPWA has played and the important role it still has to play in the resolution of the prisoners' issues should be acknowledged:

- The LPWA should be given full recognition as the legitimate welfare representatives of UVF and RJC Political Prisoners.
- The LPWA should be given pragmatic support in the appropriation of premises and equipment to run their offices.
- The LPWA should be given the financial support to maintain their offices their services to prisoners.
- The LPWA representatives should be given access rights on to prisoners wings.
- Resettlement programmes should be instituted in conjunction with the LPWA.
- Resettlement programmes should include educational and retraining schemes with full consultation and participation of prisoners and the LPWA.
- There should be regular meetings between the LPWA representatives and the Prisoner representatives.
- There should be regular meetings between the prison regime and LPWA.

OBJECTIVE

The objective of the Progressive Unionist Party is to gain recognition, support, credibility, and acceptability for welfare organisations that have, throughout the violent conflict, been the main supporting agencies for the Political Prisoners and their families. The PUP are particularly interested in the Loyalist Prisoners Welfare Association. It is the belief of the PUP that the LPWA should be recognised as the legitimate welfare representatives of UVF and RHC Political Prisoners. The negativity of HMG toward the LPWA is causing widespread frustration and disappointment amongst both prisoners and their families, and the PUP are concerned lest this should lead to a wider disaffection throughout the welfare association and the community.

Throughout the past 25 years, the contribution played by the LPWA in reducing the hardships of political prisoners families has been overwhelming and, quite often, the only source of comfort for these innocent victims. The assistance from the early years in providing transport, comfort, and general welfare has filled and continues to fill a large gap where government sponsored bodies have fallen short. During that time, the vast majority of that work has been carried out voluntarily without 'outside' government support. The LPWA is currently playing a proactive role in seeking to convince ordinary people of the need to regard the release of political prisoners as being an integral part of the peace process. In the mean time, they have been at the forefront in campaigning for better conditions for political prisoners – a basic human right.

It should be noted that the recidivism rate of political prisoners is minimal. This is largely due to the counselling and assistance of the LPWA. Therefore, it should be acknowledged by HMG the role the LPWA has played and the very important role it still has to play in the resolution of the prisoners' issue. It is a vehicle through which prisoners upon release can be positively and constructively channelled.

The LPWA primarily assist political prisoners throughout four recognized phases of incarceration and release: detention and arrest, remand, sentence, and release. All of the work that the LPWA undertakes is on a voluntary basis and is difficult to quantify. What follows is an attempt to give an indication of work that has been carried out.

Detention and Arrest

Whenever political prisoners are detained, they immediately request that their family and friends contact their chosen prison welfare association. This they do because they:

Trust that organisation. The trust is based on the fact that the prisoners will know and will have socialised with the voluntary workers within the chosen welfare organisation and who reside in the local community. In most cases, the voluntary workers will have endured a similar experience.

Availability of LPWA volunteer workers. They are easily accessible 24 hours a day.

Confidentiality of LPWA. The detainee knows that he can confide in the voluntary worker without fear of incrimination or prejudice.

Services: Legal Advice and Assistance

Detention and Arrests. Upon being contacted by a detainee's relative, the relevant prison welfare association immediately contacts a solicitor, requesting his presence at the relevant holding centre to assist, advise, and represent the detainee.

Remand. The LPWA maintain contact with the political prisoners on remand and with their solicitors, ensuring that the prisoners receive as much legal support and assistance as is available. They also assist the legal advisers in collating any necessary information in order to assist the prisoners, evidently explicit in the supergrass cases.

Sentence. The LPWA assists and supports political prisoners who have been sentenced and who have challenged those sentences by appeals. The LPWA liaise with the legal advisers and the prisoners in a similar manner to that of prisoners on remand. This again has been very much in evidence with supergrass cases.

Release. When a prisoner is released and requires any advice on his legal position, such as a prisoner released on licence, or when and if a sentence is likely to become a spent sentence, it is the LPWA that he contacts to establish the relevant information. If they do not have the information, then the LPWA acquires the relevant material on behalf of the licensed prisoner. The LPWA frequently advises indeterminate sentenced prisoners released on licence on how best to surmount problems of discrimination when seeking employment.

Counselling Families

Detention and Arrest. The LPWA maintains constant contact with the detainees' families interpreting any legal information they may have received and advising them on how best to cope. They give the families moral support and refer them to others who have undergone a similar experience.

Remand. Relatives of political prisoners remanded in custody are generally in a state of shock and require quite intensive support and advice on the relevant requirements of the prisoner. Remand prisoners' families seek advice, assist-

ance, and counselling from the LPWA voluntary workers with whom they have been in contact. They also attempt to involve the families in voluntary work in order to take their minds off their plight.

Sentenced. The preparatory work by the LPWA when the prisoner is at the remand stage stands him and his family in good stead after the prisoner has been sentenced. However, because of the abnormal rate of marital break-up of long-term and life-sentenced prisoners, the demands made upon the marriage counselling services of the LPWA are quite intense and many resources are expended. Spouse depression, unruliness and child truancy, debt and inability to cope are but a few of the contributory factors with which the LPWA have to contend.

Release. The LPWA have in place a series of schemes for the preparation of the prisoner and his family in relation to his eventual release and after-care. There are many schemes that vary in relation to characteristics of the prisoner, his family, and his specific circumstances. They range from the referral to the practical. Due to the material constraints placed upon the LPWA, any help other than advice and referral is minimal, which should not be the case when the successful social reintegration of a long-term prisoner is involved.

Material Assistance

Detention and Arrest. The LPWA recognises that, when potential political prisoners have been arrested, their families and dependents are immediately faced with an economic burden. The role of the LPWA becomes vital since they play a pivotal part in the advice and guidance, in what are usually unprecedented circumstances as far as the detainee and his family are concerned. Required consumables of whatever kind are supplied as well as transport for ferrying purposes. There is a material vacuum which the statutory bodies do not consider.

Remands. The LPWA provides the political prisoners with practical consumables and a change of clothing for their new environment. They reduce the financial burden on the prisoners' families with parcels, clothing, etc. This assistance is related to the prisoners' dependencies on the outside. It also allows the prisoner and his family to retain a certain amount of dignity and feeling of independence. Fortunately or unfortunately, such assistance from the LPWA is often viewed now as a right because of the way it has been administered. Sometimes these obligations cannot be fulfilled and this, in turn, creates hardship.

Sentenced. The assistance available from the LPWA to sentenced persons is not different from that of those on remand. Both sets of prisoners and their

families receive extra pragmatic assistance at special times of the year such as Easter and Christmas. If any of the families approach the LPWA with any special economic problems or requirements, they are sympathetically received.

Released. Upon release, there is special help facility commensurate with the amount of time served and contingent on the dependency that exists within the family unit. This has proven to be very beneficial, especially in the case of political prisoners who served indeterminate sentences. The released political prisoner invariably obtains a more enhanced consideration from the LPWA than they would from statutory agencies funded for that specific purpose.

Transport

Detention and Arrest. The LPWA provides transport for families to and from the holding centres. They provide transport for the delivery of any of the clothing and consumables required by the prisoners at the holding centres.

Remand. The LPWA have transport laid on for the families of remand prisoners. This transport is available every day of the week and is a necessity that the families have come to expect. There is no charge to the families or the prisoners for the use of such transport unlike transport facilities laid on by any other well-meaning and voluntary agencies. Because remand prisoners have three visits a week, and because they are housed in Long Kesh/Maze, the cost of transport and fuel is prohibitive and causes hardship, since this is an area inadequately covered by government legislation. Consequently, some recognition of and practical support for the LPWA from the government should be forthcoming as soon as possible. There is precedence for such governmental recognition and monetary assistance.

Sentenced. The LPWA have supplied transport to and from Long Kesh/Maze since political prisoners were first transferred to that location in December, 1972. Special buses are deployed for the days of heavy visiting demands and other modes of transport are in operation for the lighter days to make the service viable. Transport has always been supplied by the LPWA for ferrying parolees to and from the various locations of incarceration. Let it be unequivocally stated that the families and friends of any prisoner of whatever category have never, ever, been denied passage to and from any prison.

Released. The families tend to look for a family member to provide transport on such a special occasion. If, however, this is not possible, the LPWA cater to their individual needs.

OTHER AGENCIES

The Progressive Unionist Party recognise that there are government funded statutory and voluntary agencies offering only partial services comparable to those supplied by the political prisoners welfare associations. The reality, however, is that such governmental agencies are rarely utilised. The prisoners and their families prefer the consistency and reliability of the LPWA. Whereas government agencies supply the necessary vouchers to allow the families of remand prisoners 13 visits per year, there is the opportunity for those families, if they so wish, to visit the prisoner one 150 times per year, since the remand prisoner is entitled by law to three visits per week. Twelve to eighteen months spent on remand in Northern Ireland is very common. There is a gross statutory shortfall in this regard and such a parsimonious approach could certainly not be construed as contributing to marital and family perpetuity. Too, in the case of the sentenced prisoner who is entitled to a weekly visit amounting to 52 visits per year the governmental bodies only provide the financial resources for thirteen visits per year and then only after stifling and tedious bureaucracy. Is it any wonder that the families and friends of the prisoners prefer the more humane and pragmatic approach of the LPWA?

LPWA Requirements

The LPWA require the same kind of recognition, support, and financial assistance the government funded agencies already in existence received, without having the bureaucracy or stigmatisation of attempting to criminalise the political prisoners they are servicing.

The LPWA should be recognised as the welfare representatives of UVF and RHC Political Prisoners. With this recognition they should be furnished with the same credibility and financial requirements and assistance the currently funded agencies receive. The other agencies recognise the necessity to work with, sometimes closely, the relevant political prisoners' welfare associations. In particular, the Quakers have had and provided a fair amount of recognition to the work that organisations like the LPWA carry out.

The LPWA should be given material support in the appropriation of premises and equipment to run their offices. The LPWA have always had to work in difficult conditions and have never been able to afford the luxury of working in presentable professional surroundings. Such situations add to the inability to centralise and quantify the work they carry out. The finances they manage to accrue are directed to the people they are involved in helping; therefore, if

the government intends to tackle the prison situation, they should assist in professionalising the conditions in which the LPWA work. This refers to the actual, physical office equipment, environment, and working conditions and does not require the granting of finances for such equipment, since the government could provide, and indeed should feel compelled to provide, such equipment.

The financial support to maintain and manage offices. Unfortunately such administrations do have financial overheads, such as short-life equipment, running costs, and staffing costs. There are several benefits to be gained here for financial investment from the government. They can provide employment for people who are engaged in meaningful positive work within the community, people whose work has previously gone unrecorded, unrecognised, and therefore, unsupported by the establishment. They can offer these people a feeling of support and recognition for their positive contribution to society. Most of those involved in such activities have been through the system and deserve the credit for what they have achieved and could contribute to the peace process.

The necessary grants to maintain their services to prisoners. There is a fair amount of detail in the services offered to political prisoners and their families from the LPWA included in this document already. Such services are carried out on shoestring budgets and depend on contributions from the local community to render them possible. They could be greatly enhanced and sustained by grants from the government for the remainder of the duration of the current political prisoners' incarceration and release programmes, programmes that should be developed in conjunction with representatives of the LPWA. Precedents have been set in the past when the government grant aided political prisoner welfare associations for assistance with transport.

At the base of these propositions is our firm suggestion that governmental agencies are at liberty to employ any overseeing body and any means of accountability they so wish in order to bring to fruition this meaningful and necessary aspiration. We are amenable to any worthwhile proposal.

The LPWA representatives should be given access rights to prisoners' wings. The PUP feel that to ensure proper, sensible resettlement programmes and decent prison conditions during the interim period, representatives from the LPWA should be permitted access rights to prison wings. Such recognition for political prisoners welfare associations can act as stabilising influences within the prison by letting the prisoners see that their welfare *confidants* are being awarded the same rights and conditions as the statutory and voluntary agencies currently funded by the government. The welfare associations can also better prepare the prisoners for resettlement into a changing society.

Resettlement programmes to be done in conjunction with the LPWA. Because of the relationship between the LPWA, political prisoners and former political prisoners, the PUP feel it a necessity to include the LPWA in any proposed discussions for the resettlement of political prisoners. The PUP feels that the trust, experience, availability, and confidence that the prisoners and their families have in the LPWA has certainly earned them the credibility within the community affected by such programmes.

Resettlement programmes to include educational and retaining schemes with full consultation and participation of prisoners and the LPWA.

Regular meetings between the LPWA representatives and the Prisoner representatives. Though regular meetings take place between political prisoners representatives and the LPWA representatives, in the event of an anticipated resettlement programme, more frequent and in-depth meetings would be required. Such meetings should take place in a relaxed atmosphere and not in the rushed facilities of the normal prison visits, inconveniencing the normal family visits for both prisoners and their families. The meetings should take place on the wings of the prisons to facilitate the prisoners and allow the LPWA to experience the conditions in which the prisoner is currently confined as Board Of Visitors and other organisations do.

Regular meetings between Prison regime and LPWA. The LPWA should have regular meetings with the prison regime in order to assist in the development of a more human prison system. Such meetings could reduce tensions between political prisoners and prison staff and reduce stress on all those involved in the system. Problems could be openly discussed and addressed by all involved and influential in the system.

CONCLUSION

This paper containing these proposals has been submitted in good faith in an attempt to inject realism into a very motive arena because, make no mistake about it, the prisons are an important and integral part of the greater arena of Northern Ireland. It would be less than circumspect for any quarter to use the Loyalist prisoners as bargaining counters or the disadvantaged half of a *quid pro quo*.

We would assume that many universal lessons have been learned in relation to prisons, and especially prisoners who have been imprisoned in Northern Ireland. Not least, these lessons are due to the fact that prisoners are in many ways the catalyst that can make things happen. From 1972, when Special Category came into being, up until their input into the Loyalist Ceasefire, the prisoners have played a pertinent and significant role in the affairs of our Province, and it would be folly in the extreme to under-estimate that role or the

depth of belonging and esteem in which these men are held in the affections of the Loyalist population in the working-class areas. In many ways, the Loyalist political prisoners are a vital key to unlocking some of our more problematic doors. We would wish this document to be received in the spirit in which it is presented – that of goodwill and a genuine concern to make progress.

Any confidence and trust placed in the Loyalist representatives by those to whom this paper is presented will not be abused.