



Maze / Long Kesh Prison, Lisburn  
(site for detention of political prisoners)



Crumlin Road Courthouse, Belfast  
(site for trials of political defendants)

## Political Prisoners, Resistance and the Law in Northern Ireland: A Paper for Palestinian Activists

April 2015

# **POLITICAL PRISONERS, RESISTANCE AND THE LAW IN NORTHERN IRELAND: A PAPER FOR PALESTINIAN ACTIVISTS**

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# **POLITICAL PRISONERS, RESISTANCE AND THE LAW IN NORTHERN IRELAND: A PAPER FOR PALESTINIAN ACTIVISTS**

## **Preface**

This report was completed as part of the *Lawyers, Conflict & Transition* project – a three-year initiative funded by the Economic & Social Research Council.

The wider project explores the role of lawyers during conflicts, dictatorships and political transitions. Despite the centrality of the rule of law to the contemporary theory and practice of transitional justice, there is little emphasis in the relevant literature on the role of lawyers outside the courts – or indeed as ‘real people’ at work in the system.

Drawing on six key case studies (Cambodia, Chile, Israel, Palestine, Tunisia and South Africa) we set out to establish a comparative and thematic framework for lawyering at historic stages in conflicted and transitional societies. Taking a holistic approach to the role and function of law and lawyers, the project is intended as a bridgehead between transitional justice and the sociology of the legal professions.

Project staff members are based at the School of Law, Queen’s University Belfast, and the Transitional Justice Institute, Ulster University.

This project has at its core a ‘real-world’ dimension and seeks to make a difference both to theory and practice. In addition to academic outputs, we were determined to produce a body of work that will assist the societies we have researched. We were also conscious from the outset that academic fieldworkers are sometimes guilty of ‘parachuting in’ and then moving on, with little demonstrable benefit for participants. As part of our ethics policy we thus developed this series of practice-orientated reports, specifically tailored for each jurisdiction under scrutiny, as well as briefing papers for international audiences.

The individuals interviewed for the wider project (more than 120) were each invited to suggest research topics and themes that are of direct relevance to them and the organisations and networks with whom they work. The core team sifted and analysed these suggestions and commissioned two key reports per jurisdiction.

One of the issues which was of most interest to Palestinian interviewees was the experience of political prisoners during the Northern Ireland conflict, the strategies adopted by the state, and the concurrent strategies of resistance adopted by political prisoners and the role that law (and lawyers) played in the evolution of such strategies by both. Although this suggested topic was broader than the project focus in other jurisdictions, because it was specifically requested by quite a number of Palestinian interviewees and was within the field of expertise of the research team, we agreed to the request.

The reports are designed to be of immediate value to practitioners and as such we have sought to avoid complex academic terminology and language. We have made the texts available both in English and relevant local languages – in this case Arabic.

The anticipated readership mirrors the diverse range of interviewees with whom we engaged:

- National and international legal professionals (including cause / struggle lawyers and state lawyers)
- National and international legal professionals
- Scholars interested in the role of lawyers as political and social actors (with a particular focus on transitional justice)
- Government officials
- International policymakers
- Civil society activists
- Journalists and other commentators

The entire series will be made available on our website ([www.lawyersconflictandtransition.org](http://www.lawyersconflictandtransition.org)) and will be circulated via our various networks and twitter account (@lawyers\_TJ).

We hope that you will enjoy reading this report and encourage you to disseminate it amongst your networks.

For further information about the wider project please feel free to contact us at: [www.lawyersconflictandtransition.org/contact](http://www.lawyersconflictandtransition.org/contact)



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April 2015

## **Acknowledgements & Disclaimer**

This report was prepared by Professor Kieran McEvoy, Director of the *Lawyers Conflict and Transition* project. McEvoy is the author of *Paramilitary Imprisonment in Northern Ireland: Resistance Management and Release* (2001, Oxford University Press) and *Beyond the Wire: Ex-prisoners and Conflict Resolution* in Northern Ireland (2008, Pluto, with Pete Shirlow). All views expressed, and any errors, remain the responsibility of the author.

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## Executive Summary

For current purposes, the Northern Ireland conflict is best described as involving three sets of actors; Nationalists\Republicans, Unionist\Loyalists and the British State. Each set of protagonists has moderate exclusively 'political' expressions of their ideology as well as militant armed groupings. In addition, protagonists within each grouping have been guilty of acts of extreme violence. This resulted in the imprisonment of Republicans (IRA, INLA and other groups), Loyalists (UVF, UDA and other groups) and a very small number of state actors (police and army).

## PRISON MANAGEMENT

The British state adopted three broad strategies for managing political prisoners until most such prisoners were released as part of the Good Friday Agreement Peace deal. These strategies were (a) **Reactive Containment 1969-1975** (b) **Criminalisation 1976-1981** (c) **Managerialism 1981-1998**.

**Reactive Containment** was an adaptation of previous colonial methods deployed elsewhere. It was characterised by the state's need to *react* to the outbreak of political violence, *contain* those perceived to be involved in that violence, and suppress such actors and their supporters until a negotiated settlement could be achieved. It included the introduction of internment without trial, special non-jury Diplock courts for politically motivated offenders and Special Category Status for political prisoners. The latter entailed holding prisoners in segregated accommodation according to faction, recognition of the prisoners' leadership structures, and allowing prisoners to drill, hold military and political lectures and retain significant control over their own space in the prison.

**Criminalisation** was an effort to use the prisons as site to try to break the IRA in particular. It entailed refusing to recognise the prisoners as politically motivated rather than criminal, attempting to forcibly integrate them with opposing factions and ordinary criminals, as well as attempting to compel the prisoner to work, wear a prison uniform and assume other trappings of 'ordinary' imprisonment. It led directly on the part of the prisoners to the resistant strategies of blanket protest, dirty protest and hungerstrike.

**Managerialism** placed greatest emphasis on managerial rather than ideological and political rhetoric. Prisons were viewed not so much as a vehicle to 'defeat' political violence but rather as places where, at best, the consequences of such violence could be managed. It regarded the management of political prisoners as one more difficult but 'scientific' or technical challenge required from prison staff. It attempted to rationalise the policy-making process, take the operational decisions on prison management away from politicians and seek to limit as much as possible the power and influence of political prisoners – while recognising that this would not always be possible.

## PRISON RESISTANCE

Prisoner resistance in Northern Ireland was characterised by an overarching emphasis on the creation of a prison community. Specific strategies of resistance

included: escape (resistance as ridicule); law (resistance as legal challenge); hunger strike (resistance as sacrifice); and violence (resistance as infliction).

**Resistance and Escape** The classic expression of resistance for political prisoners is escape. Many political prisoners view themselves as 'prisoners of war' with a resultant 'duty' to escape. Escapes facilitate rejoining the military struggle on the outside, boost morale for comrades and supporters and strike a symbolic blow against the enemy. In Northern Ireland, republicans in particular were willing to commit disproportionate resources to escapes. Republicans escaped from custody throughout the conflict. They dug tunnels, smuggled in guns and explosives, scaled prison walls, hijacked helicopters, escaped by swimming, drove out of prison, escaped disguised as staff, legal teams and even female visitors. In short, escape was a defining characteristic of the republican prison experience.

**Resistance and Law** In the early days of the conflict Republican prisoners refused to recognise the legitimacy of the courts. However that tactic gradually changed as they realised that successful challenges could be raised. From the 1980s onwards, IRA and other Republican prisoners began to view law and the courts as an additional arena of practical struggle alongside armed struggle and political mobilisation. When the movement ultimately decided to abandon armed struggle in the mid-1990s, this was in part because the Republican leadership was able to persuade the majority of the movement that they could achieve more through politics and law than they could through armed struggle.

**Resistance and Hunger Strike** Hunger Striking is a resistance strategy deployed against a seemingly more powerful enemy. Through the process of denial, self-sacrifice and endurance, the body is itself transformed into a symbolic site of struggle. Irish political prisoners have a long history of hunger-striking, usually as an assertion that they should be treated as political prisoners. Following the prison policy of criminalisation, Republican prisoners responded by refusing to wear a prison uniform and only putting on their blankets (the blanket protest), smearing their own urine and excrement on their cell walls (the dirty protest) and finally in 1980-1981, two hunger-strikes. Ten hunger-strikers ultimately died on the second hunger-strike including the strike leader, Bobby Sands. Mr Sands was elected as a Member of the Westminster Parliament while on the hungerstrike and his death generated huge publicity around the world – with much of the world's media critical of the perceived intransigence of the then British Prime Minister, Margaret Thatcher.

**Resistance and Violence** Political prisoners in Northern Ireland have used violence as a resistance strategy against staff, against prisoners from rival factions, against their own members (for disciplinary reasons), against ordinary prisoners (who may be regarded as a threat to security) or against the property of the prison. On occasion prisoners enlisted the support of their comrades on the outside to carry out armed acts in support of their prison struggle – thirty prison officers were killed by paramilitary groups, all but two of them by republicans in support of prisoner campaigns. For political prisoners, the use of violence, like hunger-striking, is a high risk strategy. It can be counterproductive, encouraging an even harsher reaction from the regime, and can damage relations with prison management and staff. It can also have adverse consequences for the broader political struggle to which the

prisoners belong. The use of violence, against staff particularly by republicans from late 1980s onwards, became less frequent and apparently much more strategic.

### **PRISONER RELEASE**

After the Good Friday Peace Agreement was signed in 1998, prisoners belonging to factions on ceasefire became eligible for early release. The Agreement stated that all such prisoners would be released within two years, regardless of the seriousness of their offences. Prisoner release was not linked to the decommissioning of weapons. Prisoners were released on licence meaning that they could be recalled to prison without being reconvicted if suspected of reengaging in political violence. Despite this mechanism, some 15 years after the Agreement, less than 5% of those released early have been returned to prison for politically motivated offences. The early release programme has been a successful element of the Northern Ireland peace process. The Agreement also contained provisions for the reintegration former political prisoners. With significant support from the European Union, many ex-prisoners have become key peace-builders and community leaders in areas affected by violence.

### **CONCLUSION**

Prisons in Northern Ireland were a key site of the conflict as whole. The various styles of prison management detailed below reflect different ideological, political and practical attitudes within the state towards Republican and Loyalist violence. The strategies adopted by the prisoners, all of which focused upon their collective assertion of their status as political offenders in a political conflict, tell us much about how their respective organisations 'thought' at different junctures over the past thirty years. The prisons which held the bulk of political prisoners – the Maze and Crumlin Road prisons - have both closed, the latter becoming a prominent tourist site. While comparatively small numbers of prisoners belonging to dissident Republican and Loyalist groupings continue to be held in Northern Ireland prisons (27 in September 2014), the prisons remain as iconic sites of the historical conflict.

## Introduction: Background to the Conflict in Northern Ireland

Since 1969 almost 3700 people have been killed and over 40,000 people have been injured in a conflict which cost the British and Northern Irish economy several billion pounds. With a relatively small population of just over 1.7 million people, the scale of the Northern Ireland conflict is appropriately compared to those in Sri-Lanka or Lebanon. If we compare the casualties to what would have happened in England with its population of 50 million people, the equivalent proportion of people killed would have seen 500,000 deaths. In short, it was an intense and longstanding conflict which affected many families and communities, particularly amongst the poorest section of society. While the conflict officially 'ended' in 1998 with the signing of the Good Friday Agreement, which also saw all of the major factions maintaining ceasefires and ultimately decommissioning their weapons some years later, a small number of dissident groups have either continued the 'armed struggle' or ultimately become political\criminal gangs involved in drug dealing and other criminal activities.<sup>1</sup>

For current purposes, the Northern Ireland conflict is best described as involving three sets of actors: Nationalists\Republicans, Unionist\Loyalists and the British State. Each set of protagonists has moderate exclusively 'political' expressions of their ideology as well as militant armed groupings. In addition, protagonists within each grouping have been guilty of acts of extreme violence. This resulted in the imprisonment of Republicans, Loyalists and a very small number of state combatants.

### Nationalism\Republicanism

Moderate Nationalism has traditionally been represented by the Social Democratic and Labour Party (SDLP) – led throughout much of the conflict by Nobel peace prize winner John Hume. Republicanism, the less moderate expression of Irish Nationalism, led by Gerry Adams, is represented by Sinn Féin. Both parties draw their support primarily from the Catholic community. During the conflict the SDLP was the largest Nationalist party in Northern Ireland but since the IRA ceasefire of 1994 (suspended and then reinstated in 1997 until the present day), Sinn Féin has replaced it as the largest political party in the Nationalist\Catholic community – now garnering over 70% of the vote from that community. Sinn Féin, which did not contest elections until the 1980s, has become the fastest growing political party in Ireland, North and South. It is the political wing of the largest and best known Republican paramilitary grouping, the now defunct Irish Republican Army (IRA).

While there have been a number of Republican groupings engaged in political violence, the Provisional IRA [hereafter, the 'IRA'] is the largest and best known.<sup>2</sup> Interrupted by three major ceasefires, (the most recent called in July 1997 and still in place) the IRA has been engaged in political violence since 1969 including

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<sup>1</sup> D. McKittrick and D. McVea (2012) *Making Sense of the Troubles: A History of the Northern Ireland Conflict*. London: Penguin.

<sup>2</sup> In December 1969 the Provisional IRA split from the mainstream IRA (thereafter known as the 'Official IRA'). The Provisional IRA – with its focus on traditional militant republicanism – gradually became the dominant force (the more left-leaning 'Official IRA' declared a ceasefire in 1972). See B. Hanley and S. Millar (2009) *The Lost Revolution: The Story of the Official IRA and the Workers' Party*, London: Penguin.

bombings and shootings in Northern Ireland, Britain and Europe. That campaign has included attacks on the security forces (police and army), political and judicial figures, Loyalist paramilitaries and civilians. The IRA has also carried out a campaign of bombings on economic and commercial targets designed to damage the British and Northern Irish economy, in their terms to '*make the occupation of Ireland costly for the British.*'

Civilians killed by the IRA have included those who have been targeted deliberately, those who have been adjudged guilty (by the IRA) of 'informing', those considered guilty of anti-social activity such as drug dealing or car theft, and numerous 'mistakes' wherein civilians have been erroneously or negligently killed in botched attacks on economic targets, the security forces or Loyalist paramilitaries. In the late 1980s deliberate attacks on civilians increased after the IRA extended their range of 'legitimate targets' to include those involved in construction for or service provision (e.g. selling goods and services) to the security forces.

The IRA and other Republican groupings regard themselves as the inheritors of a Republican tradition in Ireland (stretching back to at least 1798) which has seen a number of major campaigns seeking to remove the British presence from Ireland through armed struggle. In their view, causes of the conflict include: the partition of the island designed to ensure a Unionist majority; the endemic discrimination against Catholics in the Northern state under Unionist domination; and a heavily politicised police force - in effect the armed wing of Unionism. Their stated objective throughout the conflict has been a removal of British jurisdiction and a reunification of the island of Ireland partitioned in 1921.<sup>3</sup>

### Unionism\Loyalism

As well as a number of constitutional parties, Unionism has its more extreme violent wing usually referred to as Loyalism (i.e. emphasising loyalty to the Crown and the union with Britain). The political wing of one of Loyalist paramilitary group - although small in numbers - played a very significant role in securing the Loyalist ceasefires in 1994.

Loyalist paramilitaries have carried out a violent campaign of 'pro-state' terrorism in support of the maintenance of the Union with Britain and the perceived failure of the government to deal effectively with Republican terrorism. Their targets were traditionally uninvolved Catholic civilians, economic or civilian targets in the Irish Republic, or Republican activists. Regarding themselves as primarily defensive in nature, they consider that they have been driven to the use of political violence because of the IRA - defending not only the link with the United Kingdom, but also their community from Republican violence. Loyalists argue that, with few clear Republican targets other than identified IRA members or elected representatives of Sinn Féin, they have been forced to attack the Catholic community as a whole.

Loyalists, as members of pro-state paramilitary groups, have by definition had an ambivalent relationship with that state. They were arrested and imprisoned by the state for which they were fighting and, by and large, did not contest its legitimacy.

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<sup>3</sup> R. English (2004) *Armed Struggle: The History of the IRA*. London: Macmillan.

They have appeared more ready to accept that they have broken the law and must pay for their crimes, but felt that their loyalty was not sufficiently recognised. '*Their only crime is Loyalty*' has long been the graffiti slogan on walls in Loyalist areas.

While some of the most capable political and community leaders during the period of the ceasefires have come from the ranks of former Loyalist prisoners, in general Loyalists paramilitary organisations are widely viewed by academics, journalists, security and prison staff as less organised and less disciplined than their Republican counterparts and therefore more difficult to constructively engage. They have also been extensively involved with ordinary criminal activity including drug dealing and distribution.

Given the particular interests of Palestinian activists in Republicanism, this paper refers primarily to Republican prison related activism. For those with an interest in the Loyalist prison experience, please refer to these key texts.<sup>4</sup>

### The British State as an Armed Protagonist

The final armed protagonist to the Northern Ireland conflict has been the security forces of the British state. These have included the local police (Royal Ulster Constabulary, now titled the Police Service of Northern Ireland), the British Army (including special forces such as the Special Air Service [SAS] and the locally recruited Ulster Defence Regiment) as well as the various intelligence agencies. State security strategies have included open confrontation with rioters, 'shoot to kill ambushes', the infiltration and direction of Loyalist and Republican paramilitary groups (known as collusion), as well as torture and maltreatment of terrorist suspects under emergency law measures. At different junctures over the period of the conflict, the state has sought to portray itself as a 'neutral' referee between Catholics and Protestants rather than a protagonist in the conflict. In addition the state has also attempted at different times to deny the political origins of the conflict and to attempt to criminalise those involved in political violence – in effect treating politically motivated prisoners as if they were ordinary criminals. This strategy was to have disastrous consequences in the prisons.

The state was directly responsible for approximately 10% of all deaths (352) during the conflict, almost half of whom were uninvolved civilians.<sup>5</sup>

### British State Strategies for Managing Political Prisoners

The British state adopted three broad strategies for managing political prisoners until most such prisoners were released as part of the Good Friday Agreement Peace deal (discussed further below).

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<sup>4</sup> P. Taylor (2000) *Loyalists*. London: Bloomsbury; K.McEvoy (2001) *Paramilitary Imprisonment in Northern Ireland: Resistance, Management and Release*. Oxford: Oxford University Press; W. Smith (2014) *Inside Man: Loyalists of Long Kesh - The Untold Story*. Newtownards: Colourpoint Books.

<sup>5</sup> F. Ní Aoláin (2000) *The Politics of Force in Northern Ireland, Conflict Management and State Violence in Northern Ireland*. Belfast: Blackstaff.

These strategies were (a) Reactive Containment 1969-1975 (b) Criminalisation 1976-1981 (c) Managerialism 1981-1998.

### Reaction, Containment and Negotiation (1969-1975)

Elements of this model may be seen in the colonial experiences of successive British governments in places such as Cyprus, Kenya, Malaysia as well as Northern Ireland. In Northern Ireland, the period of reactive containment saw the prisons as but one element of an overall counter-insurgency strategy. It was characterised by the primacy of the state's need to react to the outbreak of political violence, contain those perceived to be involved in that violence, and suppress such actors and their supporters until a negotiated settlement could be achieved. It was largely characterised by a militaristic and security focused mind-set. Due process and human rights concerns were viewed as, at best, irritating impediments which undermined the effectiveness of the state's response to political violence.

In the Northern Ireland context this era witnessed the granting of 'special category status' to convicted political prisoners. Such prisoners were held in Long Kesh and other 'compounds' which were segregated on the basis of the prisoners' factional allegiance. The prisoners operated within their own organisational command structures through which all negotiations with the prison system were channelled. Military and political lectures were permitted, prisoners were allowed to wear their own clothes and indeed on occasion to march or drill in military-style uniforms for special occasions. In effect, in all but name, these prisoners enjoyed *de facto* prisoner of war status.

In addition, from 1971 onwards suspected 'terrorists' were interned without trial. Internees were held in camps similar to but separated from the sentenced prisoners, and again segregated by perceived paramilitary affiliation. The legal process to intern such suspects was fairly crude. It required the issuing of an internment order by the Minister for Home Affairs in the Stormont era (later, under Direct Rule, by the Secretary of State for Northern Ireland). Defendants could be excluded from the administrative hearings, witnesses (usually police officers) gave evidence from behind a screen that they 'believed' an individual to be involved in terrorism, detention orders could be renewed for up to a year and the only grounds for legal challenge were for 'bad faith'. Internment was a measure directed largely against the Catholic community. In total 2,060 suspected Republicans were detained compared to 109 suspected Loyalists. The Gardiner Committee Report, which was established by the British government, concluded that internment had 'brought the law into contempt', 'fanned a widespread sense of grievance and injustice' (Gardiner 1975 38-43) and recommended its phasing out.<sup>6</sup>

The application of this model to Northern Ireland also saw significant changes to the ways in which paramilitary suspects were arrested and tried. In 1972, following the recommendations of the Diplock Committee (1972) a number of legislative changes were introduced. These included an extension of army and police powers to stop, search, arrest and detain. The law governing the admissibility of confessional

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<sup>6</sup> Lord Gardiner (1975) *Report Of A Committee To Consider, In The Context Of Civil Liberties And Human Rights, Measures To Deal With Terrorism In Northern Ireland*. London: HMSO.

evidence was also relaxed to permit convictions based solely upon confessions. In addition, as noted above, a system was introduced whereby offences connected to political violence were deemed 'scheduled offences' and were tried in specially designed juryless 'Diplock' courts. Finally, throughout this period the army had a prominent role in the oversight of security at Northern Ireland's prisons. A prison system that grew from 269 in 1969 had risen to 2,687 by 1975 and the Northern Ireland Prison Service struggled to recruit sufficient numbers to cope.

Under this model it was feasible for the British authorities simultaneously to utilise different and apparently contradictory strategies and tactics to deal with political prisoners (up to and including extra-judicial killings and torture), negotiate with the prisoners' leadership during their incarceration and, ultimately, if the political conditions on the outside require it, release such prisoners without too much soul searching on the legal or ideological implications of such a move. In effect, it allows those tasked with prison management to make pragmatic judgements on security grounds (for good and ill) as to how to best engage with political prisoners, while not losing sight of the political character of the conflict of which both they and the prisoners are inevitably a part.

As for the legal elements of this model, as noted above, the system was framed within existing Emergency laws in place since the formation of the Northern Ireland state (which permitted internment without trial), new emergency laws (which facilitated the establishment of the no-jury Diplock courts and changed rules of evidence designed to secure more convictions based on confessions) and a quite relaxed enforcement of prison rules which allowed the prisoners to organise themselves on a factional basis. As is discussed further below, lawyers appeared on behalf of their clients at internment hearings and in Diplock trials, but the legal tactics deployed were (particularly in the early 1970s) largely dictated by the prisoners and their political movements. At that time, there was little legal opportunity for challenging the operation of the prison regime itself although some prisoners did take successful civil actions against the prison authorities for abuses including beatings which occurred after escapes and escape attempts.

#### Criminalisation, Repression and the Denial of Political Motivation (1975-1981)

The second broad model for the management of political prisoners in Northern Ireland placed greater emphasis upon imprisonment as a central element in the broader political and ideological conflict. Criminalisation is a perspective which views prisons as more than simply places to contain, interrogate and imprison combatants while conflict is ongoing outside. Rather, they become key sites in efforts to 'break' prisoners. Denying their status as political rather than criminal actors is, by extension, part of an effort to deny the broader political character of the struggle in which they are engaged. This model cannot countenance the trappings associated with political rather than ordinary offending. Thus, issues such as recognition of and negotiations with prisoner command structures, segregation by paramilitary faction, the prisoners' refusal to do prison work or wear the uniform of ordinary criminals – these and related issues inevitably become battlegrounds between the prisoners and the system.

Although the period of reactive containment in the early 1970s in Northern Ireland was marked by a period of enforced pragmatism, the co-ordinated attempts at

criminalisation from 1976 until around 1981 arguably better resonated with British legal and political culture. Following the Gardiner Report of 1975, the strategy of criminalisation was implemented. Internment without trial was abandoned and any prisoner convicted of a 'terrorist' offence was to be treated in exactly the same fashion as an ordinary prisoner and forced to wear a prison uniform and do prison work. Attempts were made to integrate them with ordinary prisoners and with those from opposing factions, and the prison system refused to recognise the prisoners' paramilitary command structure. In the prisons, the strategy was characterised by a rigid enforcement of rules and assertion of the powers of staff, the internalisation of what were essentially propagandist positions by staff and managers a prison culture of brutality, violence and dehumanisation, and constant political 'interference' from senior politicians including the then Prime Minister in the micro-management of the prisons. As Margaret Thatcher summed up:

*There is no such thing as political murder, political bombing or political violence. There is only criminal murder, criminal bombing and criminal violence. We will not compromise on this. There will be no political status.*<sup>7</sup>

Throughout the criminalisation period prison managers and their political masters were involved in implementing policies which deliberately sought to obscure the political character of the prisoners, and placed the prisons front and centre in the broader political and ideological battles of the conflict. The law during this period served little use as a break on the widespread abuse of prisoners as the state saw itself engaged in a battle of will designed to break IRA prisoners. Torture and ill-treatment was used on a widespread basis in interrogation centres and within the prisons. The rigid enforcement of 'the rules' in the prison was used as an excuse to justify extreme brutality against the prisoners. Complaints by lawyers and human rights groups about the abuse of prisoners and suspects were often dismissed during this period – that either the injuries were self-inflicted by the prisoners as part of a propaganda war or that those making the complaints were labelled as 'fellow travellers'. In a context where the prisons had literally become a fight to the death between IRA prisoners and the British Prime Minister Margaret Thatcher, there was little space afforded for using the law to protect the rights of prisoners. As is discussed below, these policies provoked considerable resistance, in particular from Republican political prisoners.

### Managerialism and Political Prisoners as a 'Technical' Challenge

A third era for the management of political prisoners in Northern Ireland was what can broadly be described as 'managerialism'. This style of prison management placed greatest emphasis on managerial rather than ideological and political rhetoric. During this period prisons were not seen so much as a vehicle to 'defeat' political violence but rather as places where, at best, the consequences of such violence could be managed and where management sought to avoid mistakes which would in turn provoke further violence or social unrest. It tends to regard the management of political prisoners as one more difficult but 'scientific' or technical challenge which, while it requires a discrete set of skills and techniques, is comparable to other

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<sup>7</sup> Speech by Margaret Thatcher, Belfast, 5<sup>th</sup> May 1981. Available <http://www.margarethatthatcher.org/document/104589>.

'specialised' forms of prison management such as that of long-term prisoners, women prisoners or youth offenders. This version of managing political prisoners seeks as much as possible to rationalise the policy-making process, and make decisions based on the objective calculation of risk. It is certainly not a 'politics free' approach to management which simply capitulates to each and every demand of the prisoners. Indeed, one of the guiding principles of managerialism may be to seek to limit as much as possible the power and influence of political prisoners.

The particular style of managerialism which developed in Northern Ireland was seen as a consequence of the hungerstrikes. Certainly the combination of the disastrous consequences of the republican hunger strikes against criminalisation (discussed below), the ensuing reduction in political 'interference' in the prisons (letting prison managers 'get on with it') all combined with other factors to produce a particular management style in the prisons. Thus, for example, Northern Ireland operated a highly successful home leave scheme for long-term prisoners from the mid-1980s onwards under which large numbers of prisoners were released for up to ten days in the course of a year (usually during the summer and Christmas periods). Many of those who benefited were politically motivated prisoners convicted of the most serious of offences. All such prisoners returned, since to have absconded would have been to scupper the scheme for their comrades. In the case of republicans, they sometimes returned literally to resume escape efforts which had been underway before their temporary release.

Although it was sometimes characterised as outright surrender to the power of the paramilitaries in the prisons (particularly by Prison Officers), such a perspective is an oversimplification. Rather, it is more accurate to say that lines were drawn in the sand to seek to limit the influence of political prisoners, these positions were defended vigorously until they became untenable, and then the lines were redrawn. That said, as the peace process gathered pace from the mid-1990s onwards, and the prisoner issue became gradually more important in the political negotiations, the impetus not to destabilise the political process through events in the prisons did arguably formalise into considerably altered power relationship in favour of the prisoners.

With regard to law during this period, much of the certainty and rationality of this model required greater deference to law and legality. The strategic use of law by political prisoners (discussed below) did have a significant effect on how prisons were run. Unlike during the criminalisation era, this model saw (broadly) a gradual and reluctant acceptance that the power of staff is inevitably checked by British and international human rights standards. In addition, while torture and abuses did continue sporadically in interrogations centres, successful lobbying by national and international human rights NGOs as well as litigation by lawyers meant that it was no longer as systemic or widespread as in the criminalisation era

In broad terms, managerialism in this context is also informed by a small 'p' political awareness which requires more subtle forms of engagement as well as a large 'P' political awareness that once conflict is provoked in the prisons it can have quite disastrous consequences on the outside.

### Prison Management Conclusion

In sum, the Northern Ireland conflict saw three styles of prison management of political prisoners which broadly correspond with management practices elsewhere in the world. They were, however, uniquely shaped by external and internal factors. The conduct of the armed groups to which the prisoners belonged as well as the broader political developments in which these models arose had a direct impact upon the management models. It was inside the prisons, however, that the models were shaped, refined and contorted around the actions of the prisoners. Those actions are best understood as techniques of resistance.

### Political Imprisonment and Resistance

Political prisoners often do more than simply cope with imprisonment. Many engage in acts of individual or indeed coordinated and strategic resistance. As noted above, given that often the efforts of the prison managers and staff are designed explicitly to 'break' the prisoners, political prisoners frequently self-consciously regard the prison as a further political and ideological site of struggle, another key arena in the war going on outside.

For political prisoners, resistant actions are often deliberate, calculated and, to varying degrees, explicitly politicised. Some of the most thoughtful writings on resistance in general have focused on power relationships and, in particular, on notions of resistance as ways of examining the 'weapons of the weak'. However, one important feature of political prisoners is that, in most instances, they are in a more powerful position with regard to the prison system than ordinary criminal prisoners. They may be able to organise collectively within the prison; individual and group morale tends to be higher; they may have a long history of prison struggle from which they can draw lessons and inspiration; they may have amongst their ranks inmates with considerable organisational, military or intellectual gifts; and they may have supportive political constituencies, willing lawyers and, of course, organisations upon whose assistance they can call.

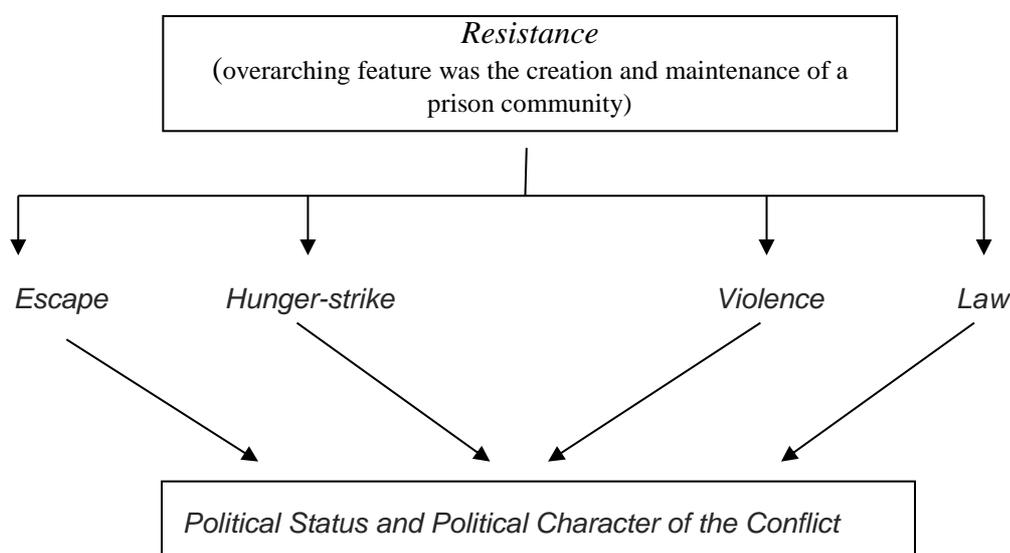
The nature of the prison regime and the political system in which it is located will inevitably shape the nature of the prisoners' resistance. Amongst the prisoner groupings themselves, in addition to individual factors such as age and gender, styles of resistance will be fashioned by variables such as:

- political ideology;
- prevalence of a political history within the prisoner culture;
- calibre of recruits and leadership;
- organisational and disciplinary capacity.

Resistance may be expressed in a wide number of ways, ranging from the dramatic (escape, hunger strike or self-harm, legal challenge) to the routine (smuggled contraband, illicit communications, organisational discipline, political education). However, the essential similarity of prison structures worldwide ensures that a number of avenues of resistance are commonly employed.

With an overarching emphasis on the creation of a prison community, the key strategies of resistance for Irish political prisoners included; escape (resistance as ridicule); law (resistance as legal challenge); hunger strike (resistance as sacrifice); and violence (resistance as infliction). Cumulatively these strategies were designed to assert the status of the prisoners as political actors rather than ordinary criminals and by extension, to assert the political character of the conflict which the government sought at different times to frame as either an extended crime way or the result of the actions of a small number of psychopathic terrorists rather any broader social, political or ideological struggle.

### Political Prisoners' Strategies of Resistance in Northern Ireland



### Community as Resistance

For political prisoners who have belonged to some form of collective organisation or cellular structure on the outside, re-forming such a community is often an overarching priority when imprisoned. It is precisely because of the capacity of such collectives to alter power relationships within the prison that management and staff often try to disrupt them. Prisoner collectives may vary from an unwritten code of honour, to an intricate subculture, to a full formal military or paramilitary command structure. For political prisoners the organisation's ideology will unsurprisingly shape the collective. Thus, for example, both the African National Congress (ANC) in South Africa and Republican prisoners in Northern Ireland placed considerable emphasis on the 'communal' nature of their imprisonment, putting into practice their broadly socialist leanings by, for example, pooling resources.<sup>8</sup> Loyalist prisoners in Northern Ireland on the other hand, while part of larger organisation, tended to have a much more individualistic approach to imprisonment with more fluid command structures,

<sup>8</sup> F. Buntman (2003) *Robben Island and Prisoner Resistance to Apartheid*. Cambridge: Cambridge University Press.

less emphasis on the collective and a relatively disorganised approach to resistance strategies and tactics.

Finally, collective resistance requires a 'site' in that it needs to 'take place' in a geographical location. Even temporary, partial or contingent prisoner control over *space* within the prison offers opportunities for techniques of resistance (such as escapes) but also suggests a fundamental critique of the primary feature of imprisonment, the ownership and control of space. In order to affect forms of resistance, resisters must establish (however temporarily) spaces and networks which reduce the effectiveness of the prison managers' control and surveillance. They must determine some sovereignty over space in order that a sense of community can be properly 'imagined', organised and realised.

#### Escape and Resistance - Resistance as Ridicule

The classic expression of resistance for political prisoners is escape. As noted above, many political prisoners view themselves as 'prisoners of war' with a resultant 'duty' to escape. Escapes may facilitate rejoining the military struggle on the outside, boost morale for comrades and supporters and strike a symbolic blow against the enemy. In Northern Ireland, republicans in particular were willing to commit disproportionate resources to supporting and securing escapes, well beyond what would have normally been sanctioned for regular 'military operations'. Republicans escaped from custody throughout the conflict. They dug tunnels, scaled prison walls, hijacked helicopters, escaped by swimming, drove out of prison, escaped disguised as staff, legal teams and even female visitors. In short, escape was a defining characteristic of the republican prison experience.

For Loyalists, with less obviously supportive constituencies to escape to (many republicans went to the Irish Republic or the United States), less interest in directly challenging the legitimacy of the state and (arguably) less organisational capacity, their prisoners did not appear to consider it their 'duty' to escape from incarceration as acutely as their republican counterparts, although some succeeded and others tried.

For its part, the state in Northern Ireland appeared to view escape as the ultimate in ideological and political challenge to its authority. The state also expended enormous resources in not only maximising security to prevent escapes but also seeking to extradite successful escapers back to the jurisdiction, regardless of the costs.

If, besides death, imprisonment is the greatest sanction which a state can impose upon its enemies, then escape from custody is the most direct of challenges to the exercise of state power.

#### Resistance and the Law - Legal Challenge and Adapting the Weapons of the State

The notion of law as a key weapon in the armoury of the state in times of violent conflict is well established. However, even in settings which are highly unsympathetic to political prisoners, legal hearings, whether to determine guilt or innocence, or in challenges related to the nature of a political prisoner's detention, may offer some basis for political prisoners to resist both practically and symbolically.

In the early days of the conflict Republicans appeared to view the courts as sites primarily of *symbolic* resistance. Many of them either attempted to make political speeches in the court (and were usually prevented from doing so by the judge), or simply refused to recognise the courts – arguing that the courts were tangible symbol of British rule in Ireland. For example, Gerry Adams, then an IRA prisoner, recounts in his autobiography how he refused to recognise the authority of the court by sewing his jeans during his hearing, refusing to stand when addressed and chatting with other prisoners and reading newspapers.<sup>9</sup> Needless to say, judges took a very negative view of such obvious symbols of disrespect and this was reflected in convictions rates. For lawyers acting for such prisoners, this behaviour was very frustrating and it meant that their clients were sometimes being convicted on quite weak evidence because they were refusing to allow their lawyers to present a proper defence to the charges. Under pressure from prisoners themselves, their lawyers, and aware that they were now facing a long war (in which volunteers who successfully mounted defences could be released and re-join the struggle), the Republican leadership relaxed the organisational line on recognising the court and the practice declined sharply from 1976 onwards, largely being carried out by prominent leaders against whom there was already ample evidence likely to result in a conviction.

From the late 1970s and 1980s onwards, many political prisoners attempted a more practical utilisation of the courts to challenge state authority in applications to international human rights courts and for habeas corpus, judicial review, extradition hearings and the like. Within republicanism, the 'line' was transformed from a stance wherein members used to refuse to recognise the legitimacy of the courts to one wherein every case was fought regardless of the chance for success. Two former prisoners explained the changes thus to the author:

*I was caught red handed on a job. The Brits [British Army] stopped us at a checkpoint, we tried to make a run for it but were nabbed... There was a couple of rifles and a handgun in the car. When it came to the trial we went through all the motions even though we knew it was hopeless....I suppose we wanted to cost them as much as possible with the lawyers, cops' time and so on...<sup>10</sup>*

Another former prisoner, also convicted in the 1980s, told the author:

*To be honest I was intending not to recognise the court. I had been in before and had refused to recognise that time in the 1970s. My second time around was in 1986 but the line had changed, so we fought the case...I suppose I could have pushed it [non-recognition] if I had wanted to but, well, there was always a chance of getting off...<sup>11</sup>*

Changes in attitudes amongst IRA personnel from the mid-1970s regarding trials did not occur in the context of a static judicial system and legal profession. Lawyers too played a role in that transition. As noted above, lawyers were persuasive in making

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<sup>9</sup> G. Adams (1996) *Before the Dawn: An Autobiography*. Cork: Brandon Books.

<sup>10</sup> Interview with former IRA prisoners convicted in the 1980s (14<sup>th</sup> June 1996). Some of the details of the arrest have been omitted so as to prevent identification.

<sup>11</sup> Interview former IRA prisoner (1st December 1994).

the case to the Republican leadership that the policy of not-recognising the courts was self-defeating and thus a tactic emerged of fighting most cases to 'use up resources' (all legal bills including those of defence lawyers, expert witnesses etc. were paid by the British government through its legal aid system) became the norm. In the 1990s, partly because of the court system becoming over-burdened by political cases, a new accommodation called 'adopting the evidence' emerged. This entailed defendants pleading 'not guilty', but not mounting a defence. This had the effect of the prisoners sticking to a principled position in not accepting the guilt imposed by a British court, but speeding up the trial. In return judges offered lighter sentences without formal 'plea-bargaining' which was technically not allowed in the British system.

In the prisons themselves, this willingness amongst republicans and some loyalists led to a range of judicial review challenges to the disciplinary rules in the prisons which rendered implementation of the Prison Rules all but impossible. The reality is that once the courts became willing to look at the operation of the prison disciplinary system, and the prisoners became willing to challenge the decisions, the legal weakness in its design and implementation became all too apparent.

Republicans also used the international legal arena to advance their struggle. For example, Republicans used law as a means of resistance by fighting extradition cases in other countries and through the European Court of Human Rights. The extradition cases are fascinating because, even in the period when the IRA was refusing to acknowledge both the courts in the North and South of Ireland, the legal issue for extradition hearings was whether the offences could be deemed 'political'. Thus extradition proceedings went to the core of the Republican understanding of the conflict. In terms of the European Court of Human Rights, in 1978 a group of protesting prisoners claimed they should be deemed political prisoners under article 9 of the Convention (freedom of thought, expression, and religion). The European Commission on Human Rights did not agree. The next strategy was more oblique and challenged their conditions of arrest, such as denial of access to a lawyer (under Article 6) or with respect to the execution by British forces in Gibraltar of unarmed IRA activists under Article 2, the right to life. Even though they lost more cases than they won, the contest was primarily of symbolic and political, rather than instrumental, significance. These international actions provided a challenge to the British efforts to represent the conflict as simply a law and order question – as well as presenting an opportunity to have evidence of British collusion with Loyalist paramilitaries, torture, extra-judicial executions and so forth written into the record and presented to the international media.

In Northern Ireland, beyond the prisons, the political wing of the IRA (Sinn Féin) also began increasingly to use the courts as the party became involved in electoral politics. Until the 1980s Sinn Féin had held to an abstentionist position that it would not take its seats in any chamber since to do so would be to accept the illegitimate partition of the island. However, in part because of the successes of hungerstrike candidates in 1980\81 (discussed below), abstentionism in Irish political structures was abandoned in the 1980s. When Unionist councillors attempted to gerrymander committees to exclude Sinn Féin councillors from exercising any political power, Republicans made several successful challenges before the courts that such actions were discriminatory and unlawful.

To sum up, in the trials of Republican political defendants, within the prisons themselves and in the political realm, Republicans from the 1980s onwards began to view law and the courts as an additional arena of practical struggle, alongside armed struggle and political mobilisation. When the movement ultimately decided to abandon armed struggle in the mid-1990s, this was in part because the Republican leadership was able to persuade the majority of the movement that they could achieve more through politics and law (particularly mobilising and litigating on human rights and equality) than they could through armed struggle.

### Hunger Strike and Death: Resistance as Self-Sacrifice

The use of hunger strike as a strategy of resistance or protest in political, ethnic and social conflicts is well documented. It has been used by suffragettes, students, pacifists and human rights activists, veterans protesting against war, as well as doctors protesting over conditions for themselves or their patients. While 'ordinary' prisoners also utilise hunger strikes to draw attention to conditions or indeed claims of innocence, organised protests to the death are more associated with politically motivated prisoners. In South Africa, Israel and Palestine, the former Soviet Union, West Germany, Turkey and of course prisoners held in sites such as Guantamamo and other 'War on Terror' prisons, political prisoners have long since resorted to hunger strike. In Ireland, the tradition dates back at least two hundred years for political prisoners and in the 20<sup>th</sup> Century, both in Northern Ireland and the South of Ireland, it became a key strategy for political prisoners in asserting their status as political rather than ordinary offenders.

Hunger strike is a resistance strategy deployed against a seemingly more powerful enemy. Through the process of denial, self-sacrifice and endurance, the body is itself transformed into a symbolic site of struggle. Indeed, in some cases, the body may become a literal site of struggle as the prison authorities force feed prisoners. The power of such struggles in a hunger strike derive from the prisoner's willingness to endure, seeking to expose the 'cruelty' of a powerful state and eliciting support in the local and international community (even from those who do not necessarily support armed struggle). In some contexts (including Northern Ireland), all of the complexities of a political conflict may, for a time, become narrowed to a prisoner's capacity for endurance as those inside and outside wait for his or her death and the inevitable political and social reactions thereafter. In others, such as Turkey where 107 prisoners died on hunger strike between 2000-2003, political conflicts appear to continue without significant change to their innate rhythm despite events in the prison.

Self-sacrifice is of course a high-risk strategy for prisoners and one in which they must carefully calculate the likely costs, benefits and outcomes. Most crucially, they must accurately assess the durability and resolve of the strikers to continue to the end if necessary, the length of time it may take them to die, the resultant political pressure that can be built in such a period, and the likely state response to such pressures. Hunger strikers rely on the fact that their death will provoke a reaction which will in turn pressurise the state towards meeting at least some of their demands. When national or international public opinion is successfully mobilised in favour of hunger strikers, as it eventually was in the Irish hunger strikes of 1980-1, then their actions can be symbolically and strategically powerful.

As former IRA prisoners themselves have acknowledged, the Irish republican hungerstrikes emerged largely as a strategy of desperation on the part of the prisoners at the perceived failure of the long-running blanket and 'no wash' protest which had ultimately come to be regarded as self-defeating.<sup>12</sup> Between 1976 and the beginning of the first hungerstrike in 1980, hundreds of protesting Republican prisoners refused to wear a prison uniform in protest at the removal of 'special category status' (discussed above) when, in effect, they had been treated by the prison authorities as prisoners of war. Rather than wear the uniforms provided by the authorities, prisoners instead chose to be naked apart from their prison issue blankets. This 'blanket protest' ultimately became a 'no-wash' and then a 'dirty protest' wherein prisoners smeared the walls of their cells with their own excrement. The actions of the prisoners was met with violence from the staff, intrusive body searches, beatings and other abuses. In addition, as discussed below, prison officers were assassinated by the IRA on the outside. By April 1978 there were 3-400 prisoners engaged in this form of protest. A decision in 1979 by the prison authorities to remove all of the leaders from the 'H-Blocks' and place them in one location (designed to weaken the will of the remaining men) had the effect of facilitating a reappraisal of a strategy which was clearly not working. The prisoners began to pressurise the IRA leadership on the outside to give permission for a hunger-strike. The outside leadership, who were opposed to the strike, ultimately relented when it appeared such a strike might begin without their permission. The first hungerstrike began in October 1980.

In the first hungerstrike, seven prisoners went on hungerstrike demanding political status, a claim which had been refined to five practical demands in 1979. The five demands were (i) the right to wear their own clothes, (ii) to be exempt from prison work, (iii) to have freedom of association with fellow Republican prisoners, (iv) the right to organise educational and recreational facilities (v) the restoration of remission lost as a result of the protest.

The seven prisoners went on hunger strike at the same time, a tactical error (since staggered prisoners approaching death at different times built more political momentum) which was not repeated in the second hungerstrike. As one of the initial prisoners Sean McKenna neared death, a further 27 prisoners went on strike on December 15<sup>th</sup>, and a further seven on December 16<sup>th</sup> 1980. The first hungerstrike ended when the Thatcher government's representative in Northern Ireland, Secretary of State Humphrey Atkins, provided the prisoners with a document which offered various concessions on issues such as 'civilian style' clothes, food, parcels, visits, association and other issues. However, as far as the prisoners were concerned, in the immediate aftermath of this apparent last minute deal, the government reneged on that document.<sup>13</sup>

The second hungerstrike began in March 1981, led by the then prison Officer Commanding, Bobby Sands. The day after Sand's strike began the prisoners called

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<sup>12</sup> B. Campbell, L. McKeown and F. O'Hagan (eds) (1994) *Nor Meekly Serve My Time: H-block Struggle, 1976-81*. Belfast: Beyond the Pale; L. McKeown (2001) *Out of Time: Irish Republican Prisoners, Long Kesh 1972-2000*. Belfast: Beyond the Pale.

<sup>13</sup> D. Beresford (1987) *Ten Men Dead: Story of the 1981 Irish Hunger Strike*. London: Harper Collins.

off their no-wash protest, having concluded that it had run its course. In the second hunger strike prisoners were to join the strike in stages. While initially it had been difficult to garner public support, even amongst the Republican constituency, that changed when Sands ran for political office at Westminster from his prison and was elected as Member of Parliament for Fermanagh and South Tyrone. This election garnered huge national and international attention onto the issue of the hungerstrikes although Mrs. Thatcher announced that the result changed nothing, reiterating her view that '*A crime is a crime is a crime...It is not political, it is a crime*'. On 5<sup>th</sup> May 1981, on the 66th day of his hunger strike, Bobby Sands died. His funeral was attended by over 100,000 people and his death produced a massive (and largely negative) international reaction to perceived British intransigence. Despite a range of efforts by mediators, and direct channels of communication to the British government through the Foreign Office, ten hunger strikers were to die before this second hunger strike was called off on in October 1981.

The ultimate reason for the ending of the hungerstrikes was that, under intense pressure, families began to give permission for medical intervention once their sons slipped into comas, and the hungerstrike was abandoned in October 2001.

While the hungerstrikes were widely viewed at the time by the prisoners as a failure, the five demands were eventually granted in full in the ensuing years. More broadly, the strikes led directly to the political development of Sinn Féin and this was ultimately to transform the nature of Irish Republicanism and the political landscape of Northern Ireland more generally.

### Violence and Resistance as Infliction

In some ways the use of hunger strike can be construed as a method of violence, albeit directed against the self. However, prisoners can of course also engage in acts of violence against staff and other inmates. For political prisoners who resort to acts of violence, this may result from viewing prison as a site for the continuance of the armed struggle in which they were engaged on the outside. It may also be a response to material conditions or a result of poor (as well as strategic) leadership within the prison. Violence may even be a rational calculation in which its efficacy is compared to other strategies of resistance.

As noted above, violence may be directed against staff, against prisoners from rival factions or indeed ordinary prisoners (who may be regarded as a threat to security or the objects of a 'forced integration' strategy where they are being utilised to break-up the cohesion of groups of 'politicals' such as occurred in Northern Ireland) or against the property of the prison.

On occasion prisoners may also be able to enlist the support of their comrades on the outside to carry out armed acts in support of their prison struggle. For example, in Northern Ireland, 30 prison officers were killed by paramilitary groups, all but two of them by republicans in the context of prisoner campaigns such as the 'no wash' protest, hunger strikes and anti-prisoner integration.

For political prisoners, the use of violence, like hunger-striking, is a high risk strategy. It can be counterproductive, encouraging an even harsher reaction from the regime, and can damage relations with prison management and staff. It can also

have adverse consequences for the broader political struggle to which the prisoners belong. One of the key resources for political prisoners is their potential to illicit sympathy in the face of a powerful and often repressive regime. Violence may jeopardise the reserve of goodwill in provoking a possible adverse public reaction. It is therefore arguably most effective when it is well calibrated. Certainly the use of violence against staff, particularly by republicans from late 1980s onwards, became less frequent and apparently much more strategic. In the late 1980s and 1990s, the IRA declared that staff working in prisons were no longer considered 'legitimate targets'. Violence as a strategy of resistance is arguably most effective as a constant threat, often unspoken and rarely used, but nonetheless sufficiently real to maximise the conditioning of staff and progress the demands of prisoners without requiring actual resort to it.

### Prisoner Release and the Good Friday Agreement

After almost every period of conflict in modern Irish history prisoners have been released early after a sustained cessation of violence. After the 1994 ceasefires, Loyalists in particular began to press for the release of political prisoners. In the earlier stages of negotiations, Republicans appeared less enthusiastic to focus heavily on prisoners, apparently fearing that the prisoner issue would be used by the British to seek to extract unacceptable concessions on broader political and constitutional matters. The lack of movement by the John Major-led Conservative government on a range of issues (including prisons) in response to the IRA ceasefire was widely viewed as contributing to the collapse of the ceasefire in 1996. It was reinstated in 1997 after the Blair-led Labour government was returned with a massive majority. The new British government's willingness to engage realistically on the prisoner issue was underlined when the new Secretary of State, Mo Mowlam, went into the Maze prison and publicly reassured Loyalist prison leaders (who had been threatening to withdraw support for the Loyalist ceasefire) that early releases would feature as part of any peace deal.

Under the Good Friday Agreement it was ultimately agreed that prisoners belonging to factions on ceasefire would all be released within two years of the Agreement, regardless of the seriousness of their offences. Prisoner release was not linked to the decommissioning of weapons. Prisoners were released on licence meaning that they could be recalled to prison without being reconvicted if suspected of reengaging in political violence.<sup>14</sup> Despite this mechanism, some 15 years after the Agreement, less than 5% of those released early have been returned to prison for politically motivated offences. The early release programme has been a successful element of the Northern Ireland peace process. The Agreement also contained provisions for the reintegration former political prisoners. With significant support from the European Union, ex-prisoners have become key peace-builders and community leaders in areas particularly affected by violence.<sup>15</sup>

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<sup>14</sup> Such recalls can be legally challenged.

<sup>15</sup> See further P. Shirlow and K. McEvoy (2008) *Beyond the Wire: Ex-prisoners and Conflict Transformation in Northern Ireland*. London: Pluto.

## Conclusion

Prisons in the Northern Ireland were a key site of the conflict as whole. The various styles of prison management detailed above were the out-workings of different ideological, political and practical attitudes within the state towards Republican and Loyalist violence. The strategies adopted by the prisoners, all of which centred upon their collective assertion of their status as political offenders in a political conflict, offer important insights into the ways in which their respective organisations 'thought' at different junctures over the past thirty years. The prisons which held the bulk of political prisoners – the Maze and Crumlin Road prisons - have both closed, the latter becoming a prominent tourist site. While comparatively small numbers of prisoners belonging to dissident Republican and Loyalist groupings continue to be held in Northern Ireland prisons (27 in September 2014),<sup>16</sup> the prisons remain as iconic sites of the historical conflict.

For prisoners, the overlapping resistance strategies of communal organisation, escapes, violence and use of law were all associated with their assertion that they were in fact politically motivated actors involved in a political struggle. With regard to the state, in a violent political struggle, the treatment of prisoners also holds a mirror to its shifting view of the conflict. The internment of suspects without trial and the granting of special category status to prisoners in the early 1970s, the removal of such status from 1976 and the attempts at criminalisation until the early 1980s and the policies of managerialism in the 1980s - all of these offer insights into successive British governments' ideological and political approach to the conflict. Similarly the early release of political prisoners as a result of the Good Friday Agreement represented an acknowledgement that, despite the years of propaganda to the contrary, this was a political conflict, requiring a political solution and that releasing political prisoners would inevitably be part of that solution.

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<sup>16</sup> Response to Freedom of Information Request, September 2014, available <http://www.dojni.gov.uk/de/index/ni-prison-service/nips-foi/nips-foi-disclosure-log/nips-foi-statistics/number-of-terrorist-related-prisoners-and-age-profile>

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