

Criminalisation and Human Rights:
Political Detainees' Experiences with the
Criminal Justice System in Northern
Ireland

March 1976 to October 1980

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Contents

<i>List of Tables</i>	3
<i>List of Abbreviations</i>	4
<i>Acknowledgments</i>	5
<i>Introduction</i>	6
Chapter One: <i>The Crime of Castlereagh</i>	15
Chapter Two: <i>Lord Diplock's Court: A Fair Trial?</i>	30
Chapter Three: <i>Violence, Humiliation and Dirt: Torture or Self Imposed?...</i>	42
<i>Conclusion</i>	55
<i>Bibliography</i>	59

List of Tables

Table 1.1: Dermot Walsh ‘RUC Constables Report Complaint Statistics’ from *The Use and Abuse of Emergency Legislation in Northern Ireland* (London: Cobden Trust, 1983), p.57.

Table 2.1: Richard Harvey ‘Case-Hardening- Table of Effective Acquittals’ from *Diplock and the Assault on Civil Liberties* (London, Haldane Society of Socialist Lawyers, 1981), p.32.

List of Abbreviations

CAIN- Conflict Archive on the Internet

HMSO – Her Majesty’s Stationary Office

INLA - Irish National Liberation Army

NAI – National Archives, Ireland

PIRA – Provisional Irish Republican Army

PRONI- Public Record Office of Northern Ireland

RUC – Royal Ulster Constabulary

TNA – The National Archives

UN – United Nations

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Introduction

*'The British continue to pump the same old hypocritical line, 'We have no special prisoners in the north and shan't cater for any". Ask any victim of Castlereagh, Diplock, H Block or Armagh if they agree with that!'*¹

These words, derived from a confiscated letter written by a soon-to-be Republican hunger striker incarcerated in Long Kesh prison, illustrate how the British policy of criminalisation, adopted to deal with paramilitary prisoners in Northern Ireland in the late 1970s, was a gross failure. This policy neglected the human rights of those accused of politically motivated 'scheduled offences', which the Diplock report characterised as 'terrorist offences'.² As a result of pre-existing separate 'Diplock' courts for those suspected of terrorism, the criminalisation policy undermined its own claim that there were no politically motivated crimes.³ Although the above quote is highly politicised by the author's Republican agenda, its sentiment that the British policy of criminalisation was hypocritical, is one shared by this study.

The 'Troubles' were a period of violent conflict within Northern Ireland, sparked by Catholic Civil Rights protests for equality in the Protestant dominated society in the late

¹ Conflict Archive on the Internet (CAIN): Frank Hughes, Bobby Sands and Raymond McCreesh, Belfast, Public Record Office of Northern Ireland (PRONI), Letters Found in H Block 3, NIO/12/196A, February 1981 <https://cain.ulster.ac.uk/proni/1981/proni_NIO-12-196A_1981-02-20.pdf> [accessed 28 February 2019].

² CAIN: Lord Diplock, London, Her Majesty's Stationary Office (HMSO), *Report of the Commission to Consider Legal Procedures to Deal with Terrorist Activities in Northern Ireland*, 1972 <<https://cain.ulster.ac.uk/hmso/diplock.htm>> [accessed 1 February 2019], Chapter 2, Summary of Conclusions (f).

³ London, HMSO, Northern Ireland (Emergency Provisions) Act 1973, 1973 <http://www.legislation.gov.uk/ukpga/1973/53/pdfs/ukpga_19730053_en.pdf> [accessed 7 January 2019]. Defined scheduled offences as murder, manslaughter, armed theft and illegal involvement with explosives and firearms. As the Act enabled the Attorney General for Northern Ireland to choose which cases were 'scheduled', the term became almost solely applicable to politically motivated offences, as hinted at in the Diplock's report interchangeable use of the terms 'terrorist offences' and 'scheduled offences'. (See previous reference).

1960's.⁴ Peaceful protest was met with unionist hostility and hastily descended into a complex sectarian conflict, with paramilitary factions emerging.⁵ Those suspected of paramilitary involvement in the late 1970s, were inhumanely treated during interrogation and endured questionable trials in juryless courts, before being placed in jails where non-conformity was violently punished. This process was the result of Labour's criminalisation policy, introduced following the resented system of mass arrest without trial: internment.⁶ Although the British government frequently claimed that the treatment which detainees received was necessary in the violent context of The Troubles,⁷ this project uses governmental sources to imply that such violations were the result of haste to achieve a conviction, thus were exemplarily of the government's prioritisation of security over political solutions, even at the cost of human rights.⁸

The British government sought to justify human rights contraventions against offenders as merely individual mistakes, rather than as calculated policy.⁹ Yet most convictions of paramilitary prisoners which occurred in this era would not have materialised without rights violation taking place, proving that the criminalisation policy became reliant upon intentional maltreatment. For the purpose of this project, the term 'human rights' is used

⁴ David McKittrick and David McVea, *Making Sense of The Troubles: A History of The Northern Ireland Conflict*, 2012 edn (London: Penguin Books, 2012), pp.44-56.

⁵ *ibid*, p.1.

⁶ Brendan O'Leary, 'Northern Ireland', in *New Labour, Old Labour: The Wilson and Callaghan Governments, 1974-79*, ed. by Anthony Seldon and Kevin Hickson (London: Routledge, 2004), pp.240-260, p.247.

⁷ House of Commons Parliamentary Papers Online, Command Papers, Lord H.G Bennett, London, HMSO, *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*, 1979 <<https://parlipapers.proquest.com/parlipapers/docview.t70.1978-070049?accountid=14664>> [accessed 20 November 2018], Background Section, p.6.

⁸ London, The National Archives (TNA), Northern Ireland Office: Amnesty International: Inquiry into Alleged Ill-treatment of Suspects by the Royal Ulster Constabulary (RUC); Coordination of Response, CJ 4/2090, To Secretary of State, Amnesty International: Enquiry into Alleged Ill-treatment by the RUC, from B C Cubbon, 8 November 1977.

⁹ London, TNA, Foreign and Commonwealth Office: Northern Ireland: Amnesty International and the Bennett Report on Police Interrogation Procedures in Northern Ireland: Includes Copy of Report (Cmnd 7497), FCO 87/965, Mr Mason's Draft Statement on the Bennet Report 15 March 1979.

to refer to the specific Human Rights as established by the United Nations (UN) Convention on Human Rights of 1948,¹⁰ as well as the standards of reasonable treatment implied in Article 3 of the European Convention on Human Rights.¹¹ Refusal by the criminal justice system to take responsibility for lapses from such standards, indicates that the British government considered those accused of terrorism to be less deserving of human rights than common criminals, which, while understandable given the nature of terrorist crimes, undermined their own policy of criminalisation, which dictated equality for all types of offender.

In 1975, the Gardiner Report, commissioned by Harold Wilson's Labour government to examine the Northern Ireland (Emergency Provisions) Act of 1973, recommended the end of special category status for political prisoners in Northern Ireland, following the violent 1974 riots in Northern Irish prisons.¹² This special status had been introduced in 1972, in the context of internment. It allowed prisoners incarcerated for politically motivated offences unique privileges, thus distinguishing them from ordinary prisoners.¹³ This dissertation does not seek to compare such privileges to human rights, nor to project modern standards onto the past, but rather to highlight the inconsistencies and failings of British policy.

In March 1976, Lord Gardiner's recommendation to end special category status took effect. Upon this decision to treat paramilitary members as ordinary criminals, Republican prisoners embarked upon a series of protests, culminating in the infamous hunger strikes of

¹⁰ United Nations General Assembly Resolution 217 A (III), *Universal Declaration of Human Rights*, 10 December 1948 <https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf> [accessed 13 December 2018].

¹¹ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as Amended by Protocols Nos. 11 and 14*, ETS No.005, 4 November 1950 <https://www.echr.coe.int/Documents/Collection_Convention_1950_ENG.pdf> [accessed 18 November 2018].

¹² CAIN: Lord Gardiner, London, HMSO, *Report of a Committee to Consider, in the Context of Civil Liberties and Human Rights, Measures to Deal with Terrorism in Northern Ireland*, 1975 <<https://cain.ulster.ac.uk/hmso/gardiner.htm>> [accessed 20 December 2018].

¹³ William Whitelaw, *The Whitelaw Memoirs* (London: Headline Book Publishing, 1990), p.121.

1980 and 1981. These protests were dominated by the Provisional Irish Republican Army (PIRA) and Irish National Liberation Army (INLA), who, like other Republican groups, predominantly consisting of the minority Catholic community, sought the end of British rule in Northern Ireland and aimed to achieve a united and independent Ireland. This group is occasionally referred to as ‘nationalist’, denoting their self-identification as Irish, rather than British.¹⁴ The rights of Republican prisoners have been largely dismissed in historiography, partially due to the European Commission of 1980 declaring that protesting Republicans were entirely responsible for the conditions they suffered in prison.¹⁵ Silence surrounding this topic can also be attributed to a reluctance among non-Republican historians to be seen to be advocating for terrorists’ rights.

This project is focused on a period in which direct rule from Britain was taking place in Northern Ireland, following the collapse of both Stormont and Sunningdale.¹⁶ Hence the British were directly responsible for the Northern Irish criminal justice system at the end of the 1970s. Scholarly attention surrounding The Troubles has failed to reconcile the lived experiences of accused terrorists on trial, with British policy. Scholars tend to either focus their attention primarily on policy, such as the work of Stuart Aveyard and Brendan O’Leary,^{17 18} or to take the alternative approach of concentrating solely on life in prison.¹⁹ David McKittrick and David McVea’s *Making Sense of The Troubles* is an exception to this binary phenomenon, supplying a coherent and balanced overview of The Troubles.²⁰ While this

¹⁴ McKittrick and McVea, p.2.

¹⁵ CAIN: Northern Ireland Information Service, Dublin, National Archives, Ireland (NAI), Northern Ireland Office Statement: The Hunger Strike and the European Commission of Human Rights, TSCH/2010/53/906, 4 December 1980 <https://cain.ulster.ac.uk/nai/1980/nai_TSCH-2010-53-906_1980-12-04b.pdf> [accessed 25 February 2019].

¹⁶ McKittrick and McVea, p.130.

¹⁷ Stuart C Aveyard, *No Solution: The Labour Government and the Northern Ireland Conflict, 1974-79* (Manchester: Manchester University Press, 2016).

¹⁸ O’Leary.

¹⁹ John Bowyer Bell, *IRA Tactics and Targets* (Dublin: Poolbeg Press, 1997).

²⁰ McKittrick and McVea.

work is flawed, mainly by its lack of footnotes, McKittrick's own life as a Protestant journalist married to a Catholic woman, enables a uniquely honest overview of events over the past hundred years.²¹ For broader context this project is heavily indebted to this book.

Similarly, Peter Taylor's closely focused *Provos* is exemplary in connecting the gap between policy and life in Long Kesh prison.²² Unfortunately, in this specific work Taylor fails to fully focus on the wider criminal justice system, although his contemporary productions make this link more explicitly.²³ Taylor's work is an especially useful guide for historians, as he was at the forefront of contemporary investigative journalism surrounding The Troubles, being personally involved in revealing Royal Ulster Constabulary (RUC) wrongdoing.²⁴

Alongside Taylor's work, which both recalls contemporary events from a personal perspective and examines them with historical hindsight, Tim Pat Coogan likewise connects British policy with prisoners' lives, focusing on Republican interviews in his outstanding work *On the Blanket*.²⁵ Coogan's publication is commendable as it explores the experiences of both male and female prisoners, which many other works omit. Similarly, Thomas Hennessey also offers a useful summary of the prison war, although he approaches the topic from a conspicuously pro-unionist stance, which diminishes the accuracy of his work.²⁶

Overwhelming focus on the 1981 Republican hunger strike has polarised discussion surrounding the battle within the prisons, reducing a five-year campaign to a singular and

²¹ Anne McHardy, 'Troubles in Mind', *The Guardian*, 7 January 2001 <<https://www.theguardian.com/books/2001/jan/07/historybooks>> [accessed 12 March 2019].

²² Peter Taylor, *Provos: The IRA and Sinn Fein* (Edinburgh: Bloomsbury, 1998).

²³ Peter Taylor, *Beating the Terrorists? Interrogation at Omagh, Gough and Castlereagh* (Harmondsworth: Penguin, 1980).

²⁴ Peter Taylor, 'Reporting Northern Ireland', *Censorship*, 7: 6 (1978) <<https://cain.ulster.ac.uk/othelem/media/docs/freespeech1.htm>> [accessed 23 February 2019].

²⁵ Tim Pat Coogan, *On the Blanket: Inside Story of the IRA Prisoners' "Dirty" Protest* (New York: Palgrave MacMillan, 2002).

²⁶ Thomas Hennessey, *Hunger Strike: Margaret Thatcher's Battle with the IRA, 1980-1981* (Sallins: Irish Academic Press, 2014).

male dominated act of martyrdom, led by Bobby Sands. David Beresford's *Ten Men Dead* is especially guilty of this fixation with Sands, as, while a fascinating read due to his inclusion of 'comms' between prisoners, an immense portion of his book is taken up detailing Sands' life and character.²⁷ Although Taylor correctly assesses the hunger strikers self-sacrifice in 1981 as a watershed within Republicanism, focus on this one hunger strike has led to other prison protests being largely neglected in the literature.²⁸

Contrary to this homogeneous focus, Pádraig O'Malley's book *Biting at the Grave* acknowledges the impact of recommendations made by both the European Commission of 1980 and the Amnesty report of 1978.²⁹ Rather than romanticising the 1981 hunger strike, O'Malley provides an alternate narrative, implying that the strike was the result of sheer desperation, as Republican inmates began to lose hope.³⁰ This account offers an original explanation for the motivation behind the hunger strike, although O'Malley still fails to fully probe the manner in which the criminalisation policy inspired this protest. There has been a failure to comprehensively link the hunger strikes with earlier Republican encounters with the criminal justice system, resulting in crucial contributory factors to the protest being overlooked.

In contrast to this mass of literature on the hunger strikes, secondary literature on interrogation and the Diplock court system is lacking, with the exception of Charles Carlton's 'Judging Without Consensus'.³¹ Carlton makes the crucial point that Diplock courts ended the sectarian bias of juries and consequently improved the manner in which justice was

²⁷ David Beresford, *Ten Men Dead: The Story of the 1981 Irish Hunger Strike* (London: Harper Collins Publishers, 1987).

²⁸ Peter Taylor, *Brits: The War Against the IRA* (London: Bloomsbury, 2001), p.227.

²⁹ Pádraig O'Malley, *Biting at The Grave: The Irish Hunger Strikers and The Politics of Despair* (Boston: Beacon Press, 1990).

³⁰ *ibid*, p.28.

³¹ Charles Carlton, 'Judging Without Consensus: "The Diplock Courts in Northern Ireland"', *Law and Policy Quarterly*, 3:2 (1981), pp. 225-242.

administered to paramilitaries.³² Carlton also refers to the inconsistency between the British government's claim that the PIRA were normal criminals and their trials being carried out in special jury-less courts, which forms the basis of this project.³³ Similarly, Brendan O'Leary argues that the Labour government's strategy of criminalisation was fundamentally flawed by the pre-existence of Diplock courts,³⁴ introduced in 1973 by the Conservative party.³⁵ Both O'Leary and Carlton omit the significance of the link between violent interrogation and the Diplock courts themselves, failing to fully explain the impact of British policy in this era. This void in secondary literature urgently needs filling, although such a task is challenging, as most detailed information on both Diplock courts and interrogation, comes from either Republican propaganda or British government denials, neither of which are reliable.

Accordingly, the purpose of this project is to fill the gap which currently exists in historiography surrounding the criminal justice system's treatment of political detainees in the build up to the hunger strikes. By acknowledging the breadth of the criminal justice system, from police interrogation to the prisons, rather than focusing solely on life within the H blocks, this research will offer a new insight into the manner in which British policy became a brutal reality for adult political prisoners in Northern Ireland, under interrogation, on trial and in prison, between the ending of special category status in 1976 and the commencing of the 1980 Republican hunger strike.

To uncover a new approach to this topic, both archival documents from the National Archives at Kew and nationalist pamphlets held at Linen Hall library in Belfast are explored in this project, to reveal that many Republican claims were not as unreliable as the British government sought to imply. Declassified governmental documents have been especially

³² *ibid*, p.235.

³³ *ibid*, p.237.

³⁴ O'Leary, pp.240-260.

³⁵ McKittrick and McVea, p.144.

crucial to this research, as many of these resources were not available to Coogan and Taylor, whose otherwise excellent work is limited by this lack of insight. While contemporary newspapers have been used to understand the claims made on both sides of the conflict, this project does not rely heavily on journalistic sources, since, as journalist Taylor acknowledged, the reliability of journalism in this era was reduced by Secretary of State Roy Mason's hope that reporters would be allies to the British government.³⁶ Primary sources from this highly polarised political era fail to be impartial and this is taken into consideration throughout this project. Accordingly, all sources relied upon are compared with other accounts to validate their accuracy.

This project will add to discussion on the extent to which human rights abuses occurred in British custody and encourage a renewed understanding of the motivation behind the hunger strikes of the early 1980s. In naming the chapters of this project in correlation with Bobby Sands' poems, this research intends to meet historiography where it is at, seeking to shed new light on the dominant figure of Sands himself, by allowing his words to be focused on, rather than just his death.³⁷ The project's thematically based structure is reflective of the experiences of suspects, following their arrest, to enable a more personalised comprehension of the building pressures throughout the conviction and incarceration process.

Chapter One investigates how the policy of criminalisation enabled abuse to become rife within Castlereagh Interrogation Centre, offering previously overlooked insights into the impact upon mental health and an analysis of gender. Chapter Two examines in depth the way the Diplock courts' acceptance of involuntary confession as evidence encouraged this maltreatment, discussing how the criminalisation policy became reliant upon the denial of human rights. The final chapter explores how abuse targeted at paramilitary suspects

³⁶ CAIN: Peter Taylor, 'Reporting Northern Ireland'.

³⁷ Bobby Sands, *Prison Poems* (Dublin: Sinn Fein Publicity Department, 1981).

continued during Republicans' prison experience, despite the governments claims that such prisoners would receive the same treatment as ordinary criminals. This chapter examines gendered aspects of the system. As well as shedding new light on the motivations for the prison protests, noting that while Republican convicts did worsen their living conditions through protest, the criminalisation policy was partially responsible for such dissent, due to the inconsistency of treating prisoners as political suspects before their incarceration. Loyalist paramilitaries, generally Protestants who desired to ensure that Northern Ireland remained part of the United Kingdom, associated with the political trend of unionism, only briefly fought the new rules introduced into the prison system, and so are not focused on in depth by this final chapter of the project.³⁸

Overall, this study aims to develop a clearer comprehension of the level at which abuse was sanctioned, in order to explain how such maltreatment was crucial to the criminalisation policy, leaving it fundamentally flawed, despite its success at reducing fatality levels.³⁹ Such conclusions are vastly relevant to the broader context of The Troubles, as, even after the peace settlement of 1998, questions surrounding human rights, compensation and the status of prisoners remain volatile topics.⁴⁰

Chapter 1: The Crime of Castlereagh

'Bones are bruised 'cause boots are used.

To loosen up your tongue,

So men must admit a little bit,

³⁸ McKittrick and McVea, p.160.

³⁹ CAIN, Malcolm Sutton, An Index of Deaths from the Conflict in Ireland 1969-1993, Year of Death, 1994 < <https://cain.ulster.ac.uk/sutton/tables/index.html> > [accessed 12/04/2019]

⁴⁰ Jon Swaine, 'IRA Prisoners Seek Jail Time Compensation', *The Telegraph*, 26 August 2008 <<https://www.telegraph.co.uk/news/uknews/northernireland/2624001/IRA-prisoners-seek-jail-time-compensation.html>> [accessed 10 April 2019].

When nothing they have done.'⁴¹

This propaganda poem, written by soon-to-be Republican martyr Bobby Sands in 1980, retrospectively assesses Castlereagh Interrogation Centre as crucial to the conviction of paramilitary prisoners under the British policy of criminalisation in the late 1970s. This allegation, that abuse at Castlereagh enabled prosecution by methods tantamount to torture, has led to the centre being remembered as a 'conveyer-belt', due to its efficiency in funnelling those arrested on suspicion of terror into prison.⁴² While the malpractice at Castlereagh has been acknowledged in the historiography, the manner in which British administration sought to hide this wrongdoing has been overlooked and hence is a major focus of this chapter.

The reputation that Castlereagh Interrogation Centre gained, implied that there was something uniquely brutal occurring there.⁴³ Allegations uncovered by the 1978 Amnesty International report, included twenty-three first-hand accounts of suspects being physically beaten during interrogation and thirty-nine others of general physical maltreatment, including shaking and hair pulling.⁴⁴ As the Amnesty report suggests, it seems unlikely that all who experienced interrogation at Castlereagh were joined in a conspiracy to destroy the RUC's reputation.⁴⁵ The more plausible explanation for the high number of allegations against Castlereagh, is that abuse was occurring, violating Article 3 of the European Convention, which stated 'No one shall be subjected to torture or to inhuman or degrading treatment'.⁴⁶

⁴¹ Sands, 'Crime of Castlereagh', *Prison Poems*.

⁴² McKittrick and McVea, p.144.

⁴³ Dermot Walsh, *The Use and Abuse of Emergency Legislation in Northern Ireland* (London: Cobden Trust, 1983) p.74.

⁴⁴ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland (28 November 1977 - 6 December 1977)*, 1978 <

<https://cain.ulster.ac.uk/issues/police/docs/amnesty78.htm> > [accessed 5 January 2019], Chapter 3.

⁴⁵ *ibid.*

⁴⁶ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 3.

Examination of governmental sources relating to Castlereagh, reveal clear contradictions between the government's public assertions that suspects were treated humanely, and internal governmental documents which reveal a prioritization of security forces' careers, over the human rights of suspects.⁴⁷ In exploring the extent of human rights violations at Castlereagh, examination of Raymond Murray's various collections on the centre, in collaboration with Denis Faul, is crucial.⁴⁸ Even though the purpose of such work was to disgrace the British government, Murray's condemnation of murder distinguishes his work from Republican propaganda, even considering his own nationalist sentiment as a Catholic priest in contact with suspects. Taylor's *Beating the Terrorists* provides a more comprehensive overview of the Castlereagh situation as it unfolded, enabled by Taylor's reduced personal involvement in the conflict, as a British born journalist.⁴⁹ While this chapter does rely heavily on these two accounts, they are considered solely within their contemporary context, as the charged political situation of the time, reduced the possibility of neutrality from such authors seeking to hold the British accountable for their actions.

This chapter analyses contrasting claims surrounding human rights abuse and criminalisation at Castlereagh, albeit remaining mindful that all factions were producing propaganda. In investigating allegations, this project seeks to examine the overlooked psychological impact of abuse, using the Brian Maguire case as an example of how physical and psychological harm often overlapped in an ambiguous manner. This chapter will also showcase the elements of gendered victimisation which occurred in Castlereagh, suggesting that taboos surrounding sexual assault have prevented these violations from being properly investigated. Finally, it will examine the British government's reaction to the Amnesty report,

⁴⁷ TNA, CJ 4/2090, To Secretary of State, Amnesty International: Enquiry into Alleged Ill-treatment by the RUC, from B C Cubbon, 8 November 1977.

⁴⁸ Raymond Murray and Denis Faul, *The Castlereagh File: Allegations of RUC Brutality 1976/1977* (Country Tyrone: Faul and Murray, 1978).

⁴⁹ Peter Taylor, *Beating the Terrorists?*

relying on declassified documents uncovered at the National Archives to imply that the British tried to undermine the Amnesty report, to conceal their own responsibility for abuse. While the Amnesty report did force the establishment of an inquiry into interrogation procedure, this inquiry's impact was inhibited by British government involvement. The central proposition of this chapter is that the ill-treatment of suspects which occurred at Castlereagh bordered on torture, clearly constituted inhumane and degrading treatment, and so violated both the European Convention on Human Rights and Article 5 of the UN Convention.⁵⁰ As well as impeding the likelihood of suspects receiving a fair trial.⁵¹ Castlereagh Interrogation Centre failed to uphold the human rights of those in RUC care in the late 1970s, revealing an inconsistency within the government's criminalisation policy, as ordinary criminals were not treated with such brutality, as their involuntary statements were not accepted as evidence, and so there was no value in harming them.

Castlereagh Interrogation Centre opened in 1977, designed specifically to interrogate politically motivated suspects, who had been arrested under the Prevention of Terrorism Act 1974.⁵² As Timothy Shanahan points out, the very wording of this Act defined terror as politically motivated, meaning that the terms on which paramilitary prisoners were arrested were undeniably political, contradicting the criminalisation policy.⁵³ Though the extent of physical abuse within the centre and the level at which was sanctioned can be disputed, what is apparent is that the British government were reluctant to tackle this violence until it began causing international embarrassment, after an Amnesty International Mission investigated the centre.

⁵⁰ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*. UN, *Universal Declaration of Human Rights*, Article 5.

⁵¹ *ibid*, Article 6.

⁵² McKittrick and McVea, p.144.

⁵³ Timothy Shanahan, *The Provisional Irish Republican Army and the Morality of Terrorism* (Edinburgh: Edinburgh University Press, 2009), p.172.

Before this investigation, multiple doctors with access to the centre had complained about the physical trauma caused by police interrogation methods.⁵⁴ The concern expressed by medical personal and by Amnesty International, bolsters the statements made by those who had experienced Castlereagh, such as Bernard O'Connor, whose account was originally published in the *Listener* in January 1978, and then later republished in Father Murray's collection 'State violence'.⁵⁵ While the title of this collection clearly demonstrates Murray's intention to disgrace the British, the accounts within the compilation remain valid, as they were taken from suspects on both sides of the sectarian divide, hence implying that allegations were not solely invented as Republican propaganda. Although it is important to appreciate that the accounts included were handpicked, and so are unlikely to be representative of every suspect's experience in Castlereagh, Amnesty also found that of those willing to discuss their ordeal, most alleged to have experienced violence, including beating, choking and burning, supporting the claims made in Murray's collection.⁵⁶ O'Connor's account emphasizes that he was 'beaten every time he denied an accusation'.⁵⁷ This use of violence as punishment for failing to confess, implies that abuse was systematic, intended to ensure that confessions were rapidly gained, regardless of accuracy. Similarly, the sheer length of the seventeen-hour interrogation which O'Connor received,⁵⁸ illustrates that the British were willing to accept confessions resulting from sheer exhaustion, contrary to the standards established in the European Convention on Human Rights.⁵⁹

Such absolute determination by RUC officers to extract a confession from suspects, regardless of accuracy, suggests a violation of Article 6 of the European Convention on

⁵⁴ Coogan, p.162.

⁵⁵ Raymond Murray, *State Violence in Northern Ireland 1969-1997* (Dublin: Mercier Press, 1998).

⁵⁶ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland*, Chapter 3.

⁵⁷ Bernard O'Connor in Murray, *State Violence in Northern Ireland 1969-1997*, p.69.

⁵⁸ *ibid*, p.78.

⁵⁹ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 3.

Human Rights, which states that all suspects ‘shall be presumed innocent until proved guilty according to law’.⁶⁰ Aaron Edwards offers a sympathetic explanation of the RUC’s violation of this right, arguing the force were overwhelmed by the volume of responsibilities handed over to them by the army, as part of the Ulsterisation policy.⁶¹ This policy encouraged a transfer of security obligations from the army to the RUC, alongside the criminalisation policy, to reduce perception of The Troubles as an international conflict.⁶² Admittedly, this claim is too hasty to mitigate police liability, but Edwards is correct that overarching pressure on the RUC created by the Ulsterisation policy, combined with the British government’s willingness to turn a blind eye to the tactics used, contributed to an interrogation process comparable to torture developing in Castlereagh. The violent and inhumane strategies encouraged in the context of Ulsterisation demonstrated that the RUC presumed all entering Castlereagh were guilty, infringing their rights.

It was not only physical abuse which occurred at Castlereagh, but also psychological, which has been overlooked in historiography, despite Richard Harvey’s contemporary accusation that the Bennet report neglected mental health.⁶³ It is possible that this reduction of psychological trauma within the Bennet report is responsible for historiography’s oversight of the topic. Despite its shortcomings in this area, the Bennett report did recognise that forty-eight percent of those questioned were subject to verbal abuse, designed to degrade and traumatise.⁶⁴ This statistic, while limited by all the flaws of the Bennett inquiry, which will be probed later in this chapter, demonstrates the likelihood of suspects suffering emotional

⁶⁰ *ibid*, Article 6.

⁶¹ Aaron Edwards, ‘“A Whipping Boy if Ever There Was One?” The British Army and the Politics of Civil-Military Relations in Northern Ireland, 1969-79’, *Contemporary British History*, 28:2 (2014), pp.166-189, p.177.

⁶² O’Leary, p.248.

⁶³ Richard Harvey, *Diplock and the Assault on Civil Liberties* (London: Haldane Society of Socialist Lawyers, 1981), p.19.

⁶⁴ CAIN: Lord H.G Bennett, London, HMSO, *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland* (London: HMSO, 1979) <<https://cain.ulster.ac.uk/hmso/bennett.htm>> [accessed 19 December], Part 2, Section 6.

trauma during interrogation. Such intentional psychological aggression was intended to degrade suspects, hence violating human rights. Many who had been interrogated at Castlereagh went on to need psychiatric help after their ordeal, with one suspect recorded as stating ‘I am ready to commit suicide rather than go back’.⁶⁵ This statement, though employed by Murray to evoke emotion, clearly emphasizes the extremity of the damaging treatment Castlereagh suspects were undergoing. Similarly, Amnesty International reported that many suspects suffered from lasting psychological trauma after their time in the centre, noting that ‘Case 27’ tried to commit suicide twice as a result of his experience and had to spend time in a mental institution.⁶⁶ This case suggests that the emotive allegations included in Murray’s work are more than mere propaganda, and are indeed indicative of a system driving suspects to extremes. Such emotional abuse was enabled by RUC refusal to allow one third of suspects access to legal representation,⁶⁷ and indeed to doctors, ensuring that suspects felt isolated and vulnerable.⁶⁸ The cause of this haste to extract confession at any cost, will be explored in the next chapter. The sheer psychological pressure applied to terror suspects at Castlereagh not only violated human rights, but also undermined the central claim of the government’s criminalisation policy, that such suspects were ‘ordinary’, as those arrested on non-troubles related issues did not face such treatment, as their forced confessions held no value in court.

In some extreme cases, the psychological and physical pressures placed on suspects blurred, most notably in the case of Brian Maguire. Maguire was brought into Castlereagh on the 9th of May 1978, to be interrogated for the murder of a policeman.⁶⁹ Just twenty-five

⁶⁵ Murray and Faul, *The Castlereagh File*, p.17.

⁶⁶ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland*, Annexes, Case 27.

⁶⁷ Walsh, p.66.

⁶⁸ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland*, Chapter IV, The Law, Access to Solicitors and Other Outside Persons.

⁶⁹ Taylor, *Beating the Terrorists?*, p.281.

hours later, Maguire was found hanging dead in his cell.⁷⁰ There are two contesting narratives surrounding his death, neither of which bode well for the reputation of RUC inspectors. Republican sources claim that Maguire was murdered.⁷¹ Both the committee to free Michael Culbert and Trade Union activists,⁷² alleged that a common interrogation tactic was ‘to perform a mock hanging, suspending the victim by a blanket knotted around the throat until they pass out’.⁷³ Such allegations suggest that Maguire’s death was confirmation of the lengths to which the RUC were prepared to go, in extracting incriminating statements. The allegations brought to light by this death, confirmed that the RUC had no qualms in using inhumane methods, including mock executions, although Catholic stigma against suicide means scepticism is required in evaluating Republican haste to dismiss the official narrative, that Maguire took his own life.

In contrast, Peter Taylor supported the RUC’s claims, concurring that suicide was a more likely explanation for Maguire’s death than murder and that Republican allegations of murder were just an attempt to discredit the RUC.⁷⁴ This assessment erroneously diminishes the significance Maguire’s death. Whether or not the death was intentional, to drive a man to suicide within twenty-five hours in custody should discredit the RUC. Clearly the level of pressure being placed upon Maguire was barbaric. Even if Maguire did commit suicide in RUC custody, the RUC remain responsible for his death, as they had a duty to protect the

⁷⁰ Annabel Ferrman, ‘IRA protest March over Death’, *The Times*, 11 May 1978, issue 60298, p.1.

⁷¹ Sinn Fein Workers Party, ‘RUC Hangmen’, *United Irishmen*, June 1978, p.4
<<https://www.clirishleftarchive.org/workspace/documents/30285-ui-ruc-1978.pdf>> [accessed 24 February 2019].

⁷² Iain Dalton, ‘Suicide at Castlereagh, Labour Movement Must Demand Trade Union Enquiry into the Death of Brian Maguire’, *Peter Hadden Internet Archive*, 19 May 1978, No.406
<<https://www.marxists.org/history/etol/writers/hadden/1978/05/suicide.htm>> [accessed 4 January 2019].

⁷³ London, TNA, Northern Ireland Office: Hunger Strike and ‘Dirty Protest’ by Republican Prisoners Demanding Special Category Status: Discussions with Prisoners and Others; Interest in Republic of Ireland, CJ 4/3639, Note from the Committee to Free Michael Culbert, Forwarded from Ken Coates to the Northern Ireland Office, 1981.

⁷⁴ Taylor, *Beating the Terrorists?*, p.285.

lives of those in custody, which they violated by placing a man under such psychological pressure that he felt compelled to take his own life.⁷⁵ The RUC did bear some responsibility for the death of Brian Maguire and of others such as John McMahon, which historians such as Taylor have failed to acknowledge, although full research into such sensitive incidents remains impossible until governmental files are declassified.⁷⁶

Accounts gathered by Murray demonstrate how both physical and psychological gendered strategies were used to make interrogation a uniquely damaging experience for women.⁷⁷ While the accounts cited by Murray are designed to incite anger towards the British system due to his own Catholic gender ideals and nationalist perspective, both the Bennet report and the Amnesty inquiry into Castlereagh also identified that gendered abuse occurred, validating Murray's claims. The Amnesty report claimed that of the thirteen women they had interviewed, three had threats of rape made against them during interrogation, with the lights being turned off immediately after this threat.⁷⁸ Social expectations of Catholic women at this time would have made this a difficult topic for women to discuss, therefore the actual rates of such sexual threats are likely to have been much higher. Murray's investigation into Castlereagh clarifies that threats were partially followed up, demonstrated in the account of Rosemary Meenan: 'They threatened to rape me and dump me in a back lane. One of the branch men came and ran his hands over my person'.⁷⁹ For male RUC members to touch a woman in this manner, without her consent, immediately after threatening rape, constitutes sexual assault. This account clearly testifies a violation of women's rights in a manner so taboo within Christian communities in the 1970s, that the RUC doubtlessly felt protected by

⁷⁵ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 2.

⁷⁶ Sinn Fein Workers Party, 'RUC Hangmen'.

⁷⁷ Geraldine Crane, in Murray, *State Violence*, p.95.

⁷⁸ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland*, Chapter 3.

⁷⁹ Murray and Faul, *The Castlereagh File*, p.29.

the knowledge that this abuse would not be openly discussed. Threatening women with rape, demonstrated a clear level of degradation and inhumanity among the RUC, further violating human rights standards.⁸⁰ Such gendered aspects of the RUC's wrongdoing have broadly been overlooked in later historiography, arguably due to their taboo nature, but these accounts are crucial in proving how the RUC used unacceptable methods to force confession. Silence surrounding the threats of sexual assault made against female suspects at Castlereagh, has allowed the British criminal justice system to escape the culpability which it deserves.

Due to increasing allegations surrounding Castlereagh, in 1977 an Amnesty International Mission came to examine the centre, focusing on seventy-eight individuals who had alleged maltreatment during interrogation. Granting that focusing on those who had made allegations did not provide a proportionate example of the treatment of all suspects, Amnesty estimated that around ten percent of those who had been in the centre made complaints against the force, demonstrating that the problem was wide-spread.⁸¹ Indeed, it can be assumed that the numbers experiencing abuse at Castlereagh were higher than ten percent, as it is likely that many declined to make a formal complaint for fear of consequences. This is implied in an Amnesty doctor's report into 'Case 72', which noted that 'on the first three examinations the patient had denied having been subjected to maltreatment because he was afraid that if he made a complaint he would receive more severe treatment'.⁸² This anxiety makes it likely that all official doctor's reports in this era lack accuracy, as suspects were only examined if they gave permission, so it is likely that many abuse cases went undetected in the hope of avoiding repercussions. The majority of claims made to Amnesty were corroborated by medical evidence, although the Mission was not granted access to RUC

⁸⁰ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 3.

⁸¹ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland*, Chapter 1.

⁸² *ibid*, Annexes, Case 72.

records, which would have been far more significant, as the examinations Amnesty relied on were carried out by the arrested person's own doctor shortly after detention and so were not as telling as RUC medical records, as personal bias by external doctors and time enabling healing would have effected the results of such examinations.

Added to these limitations, Republican political magazine *Hibernia*, purported that 'The first let up in the present RUC torture policy for several months, coincided with the visit of a three man Amnesty International investigation team'.⁸³ This allegation, while carrying clear prejudice against British authority, is crucial to consider when examining the Amnesty report's reliability, as it is true that the RUC may have limited abuse during the Mission's investigation. Consequently, despite the impartiality of the Amnesty report, it cannot be viewed as an entirely accurate representation of what was occurring in Castlereagh, as even the most politically loaded accounts succeed in emphasizing. The Amnesty investigation was limited, by the reluctance of suspects to talk, by the British government's refusal to allow Amnesty access to vital medical reports and by British awareness that Amnesty were investigating, enabling them to halt maltreatment for the eight days Amnesty was in the province.⁸⁴

Although, following the Amnesty report, the British government did set up an investigation into RUC interrogation, the government also implied that Amnesty went too far in its condemnation of Castlereagh.⁸⁵ Shortly after the revelation of the report's findings, Mason stated 'I want to discern the difference between truth and propaganda', seeking to

⁸³ London, TNA, Northern Ireland Office: Complaints Against Members of the Royal Ulster Constabulary, CJ 4/2302, *Hibernia* Article by Patrick Murphy, 9 December 1977.

⁸⁴ CAIN: Amnesty International, *Report of An Amnesty International Mission to Northern Ireland*.

⁸⁵ CAIN: R Jones, Belfast, PRONI, Allegations of Ill-treatment by the Police: Amnesty International Report, NIO/12/68, 9 October 1978 < https://cain.ulster.ac.uk/proni/1978/proni_NIO-12-68_1978-10-09_b.pdf > [accessed 16 March 2019].

damage the reports credibility.⁸⁶ What is notable about British reaction to the Amnesty report, is that before the report was published, confidential communication to the Secretary of State reveals that the British government had already chosen how they were going to react to any allegations made. The private statement ‘I doubt whether the outcome will be wholly favourable to the RUC. Amnesty International may well conclude that there is substance in some allegations’,⁸⁷ clearly implies that the British were aware of the abuse occurring within Castlereagh, as otherwise why would they have predicted an unfavourable outcome from the investigation? This revealing letter suggests that the British sanctioned what was occurring at Castlereagh to such an extent that they were willing to preserve it. Much as the British government publicly sought to claim that Amnesty’s allegations had gone too far, declassified government documents imply a level of official tolerance for abuse, since no action was taken to prevent it, regardless of British awareness of its occurrence.

Despite their attempts to deny the need for investigation, the British government established an inquiry into the concerns raised by the Amnesty report, which resulted in the Bennett report, published in March 1979. Many historians of The Troubles have highly commended the Bennet report, with Paul Arthur arguing that it reformed the system and so diminished brutality.⁸⁸ This claim is supported by the RUC Constables report analysed by Dermot Walsh, which demonstrates that the number of complaints against the RUC did decline in 1979 after the implementation of Bennett’s reforms.⁸⁹

Table 1.1: Dermot Walsh ‘RUC Constables Report Complaint Statistics’

⁸⁶ HANSARD, *House of Commons Debates*, June 15 1978 (vol. 951, col. 1164-9).

⁸⁷ TNA, CJ 4/2090, To Secretary of State, Amnesty International: Enquiry into Alleged Ill-treatment by the RUC, from B C Cubbon, 8 November 1977.

⁸⁸ Paul Arthur, *Political Realities: Government and Politics of Northern Ireland*, 2nd edn (London: Longman, 1984) p.141.

⁸⁹ Walsh, p.57.

Year	Complaints
1976	384
1977	671
1978	327
1979	188

While these statistics only show those who felt comfortable complaining to the police, undoubtedly omitting those too traumatised to protest, the decline is remarkable, dropping from six hundred and seventy-one annual complaints in 1977, down to just one hundred and eighty-eight by 1979.⁹⁰ This decline suggests that the Bennett report's recommendations were highly effective in improving Castlereagh's treatment of suspects.⁹¹ These recommendations included: improved training and supervision of the RUC, CCTV to be used during interrogation and bans on: humiliation, insults forcing prisoners to strip and 'the use of sexual assault', as well as stating that only female officers could interrogate female suspects.⁹² Even though it was damning that the report needed to recommend that sexual assault no longer be used as a tactic, nonetheless, the recommendations made were an applaudable attempt to protect the human rights of those in custody, even if they did come too late for many.⁹³

While commending the Bennet report, it is crucial to note that the British government chose who would head the inquiry. 'So far as the membership of the inquiry is concerned I think it essential that the Chairman should be an English Judge and a Hanging Judge at that,

⁹⁰ *ibid.*

⁹¹ Michael Cunningham, *British Government Policy in Northern Ireland, 1969-89* (Manchester: Manchester University Press, 2001), p.120.

⁹² Anne McHardy, 'Bennett Report Uncovers Ulster Ill-Treatment', *The Guardian*, 17 March 1979, p.5.

⁹³ The Irish News, 'Newman Not Happy as Press 'Interrogate'', *The Irish News*, 17 March 1979, p.1, p.11.

and not a humanitarian'.⁹⁴ This recommendation from the Northern Ireland Office, that the best outcome for the British would be found if no one committed to human welfare was involved in the investigation, is telling about British hopes for the inquiry.⁹⁵ The British chose to focus the investigation on policing as a whole, rather than on specific allegations, exhibiting how the government externally influenced the inquiry.⁹⁶ Notes on meetings between government representatives and the RUC's leadership disclose concern about releasing complaints files 'because of the detail they revealed about individual policemen'.⁹⁷ Such minutes are highly incriminating of both the government and the RUC, as Kenneth Newman, head of the RUC, clearly knew that publicising files would confirm that abuse had occurred. Unveiling such documents which prove that the government prioritised individual policemen's careers over justice, creates scepticism surrounding the private nature of the Bennet inquiry, as this privacy enabled damning evidence to be hidden, reducing the inquiry's ability to hold the British publicly accountable. As the Bennet inquiry was independent, it was intended to appear isolated from British propaganda, but British involvement in the inquiry's establishment, diminished its accuracy greatly considering declassified documents which reveal authority figures' desire to shelter abusive RUC members.⁹⁸

The few problems which Lord Bennett did openly identify, were downplayed by the British government, to detract public attention from the issue. Roy Mason's claim that 'There

⁹⁴ London, TNA, Northern Ireland Office: National Council of Civil Liberties: Discussions with Amnesty International and Others, Including of Amnesty International Report into Alleged Ill-Treatment of Suspects by the Royal Ulster Constabulary (RUC), Part 1 of 2, CJ 4/2119/1
Letter to Mr Hannigan on the Amnesty International Report from J D W Janes, 23 May 1978.

⁹⁵ Patrick Hanks, 'Definition of 'Humanitarian'', *Collins Dictionary of the English Language* (USA: 1979, Rand McNally and Company), p.714.

⁹⁶ Walsh, p.42.

⁹⁷ London: TNA, Northern Ireland Office: Amnesty International: Government Response to Report Alleging Maltreatment of Suspects; Correspondence and Meetings, CJ 4/3573, Secretary of States Meeting with Senior Members of the Police Authority on Monday 31 July 1978, p.6.

⁹⁸ TNA, CJ 4/2090, To Secretary of State, Amnesty International: Enquiry into Alleged Ill-treatment by the RUC, from B C Cubbon, 8 November 1977, p.3.

is no suggestion that this is indicative of a regular or widespread practice’, sought to manipulate public understandings of the Bennet report, to alleviate suspicion of the British criminal justice system, to imply that abuse was a rarity, rather than the rule.⁹⁹ The manner in which the British tried to wield the report’s findings is clear from a letter from the Foreign Secretary to the Secretary of State, just days before the report was made public, suggesting ‘you could omit any references to paragraphs 163 and 164 about medical evidence’, evidently seeking to limit public knowledge of what the report had uncovered.¹⁰⁰ The British clearly wanted to reduce the attention drawn to even the very innocuous statements of condemnation made by the Bennet report, demonstrating that they prioritised an interrogation process which achieved high confession rates, over the maintenance of human rights.

As Dermot Walsh comments, in the late 1970’s the British government set a remarkably high threshold on what they acknowledged as inhumane treatment, within their own borders.¹⁰¹ Their definition did not apparently include beating suspects, exhausting them or threatening them with rape, labelling these actions instead as merely ‘ill-treatment’.¹⁰² While the Bennett report did provide pivotal recommendations for reform, it did not go far enough, as failed to hold the British responsible for knowingly tolerating an abusive system. Castlereagh Interrogation Centre was the site of regular human rights abuse against political suspects between 1977 and 1979 and some level of violence continued even after the reforms introduced by the Bennett report.¹⁰³ This abuse not only broke both the European and UN conventions on Human Rights, but also subverted the British claim that political suspects were on par with normal criminals, as ordinary suspects were not brutalised to extract

⁹⁹ TNA, FCO 87/965, Mr Mason’s Draft Statement on the Bennet Report 15 March 1979.

¹⁰⁰ TNA, FCO 87/965, Letter to Secretary of State for Northern Ireland Concerning the Bennet Report, from David Owen, 14 March 1979.

¹⁰¹ Walsh, p.53.

¹⁰² CAIN: Lord H.G Bennett, *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*.

¹⁰³ The Irish News, ‘Police Deny ‘Beating’ Claim by Accused’, *The Irish News*, 12 February 1980.

confession. What is most revealing about Castlereagh, is the lengths that the British went to, to protect the system, suggesting that they were not only aware of the abuse, but that they relied upon it to ensure conviction, more than has previously been acknowledged.

Chapter 2: Lord Diplock's Court: A Fair Trial?

The Diplock report, commissioned to deal with terrorist activities, presented to the Secretary of State for Northern Ireland at the end of 1972, recommended that no jury was needed to try those suspected of terrorism, and encouraged the acceptance of non-voluntary confession as evidence.¹⁰⁴ This hastened the conviction process and resulted in the ill-treatment during interrogation discussed in the previous chapter. Violent interrogation, followed by an unfair trial did violate the rights of prisoners, as human rights standards of the time dictated that people deserved to be free from torture and ill-treatment,¹⁰⁵ as well as having the right to be assumed innocent until proven guilty.¹⁰⁶ The Diplock report's recommendations, formalised in the Northern Ireland (Emergency Provisions) Act of 1973,

¹⁰⁴ CAIN: Lord Diplock, *Report of the Commission to Consider Legal Procedures to Deal with Terrorist Activities in Northern Ireland*.

¹⁰⁵ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 3.

¹⁰⁶ UN, *Universal Declaration of Human Rights*, Articles 11 and 12.

led to the creation of Diplock courts.¹⁰⁷ The 1973 Tom Hadden, Paddy Hillyard and Kevin Boyle study, published in 1975,¹⁰⁸ and their later work *Ten Years On*, forms the basis of much historiographical debate surrounding these courts,¹⁰⁹ with Steven Greer claiming that their studies lack evidence.¹¹⁰ This accusation serves as a reminder to consider the motivations of contemporary authors, as Boyle became heavily involved in assisting prisoners with their applications to the European Commission on Human Rights.¹¹¹ Regardless of this personal connection, Boyle, Hadden and Hillyard's studies nonetheless remain valuable, with *Ten Years on* examining around one third of those arrested and questioned.¹¹² Relying on such contemporary sources, Carlton accurately assesses the most significant feature of the Diplock reforms to have been that they only altered the court procedure for those accused of scheduled offences, although the narrow focus of his work results in him neglecting the significance of the link between interrogation and Diplock courts.¹¹³

As aforementioned, scheduled offences were specifically scheduled by the government as 'they are the kinds of criminal offences which terrorists commonly commit in pursuit of their aims'.¹¹⁴ The very existence of the such scheduled offences and hence of juryless Diplock courts, acknowledged the inherently political nature of the crimes on trial

¹⁰⁷ Shanahan, p.170.

¹⁰⁸ Kevin Boyle, Tom Hadden and Paddy Hillyard, *Law and State: The Case of Northern Ireland* (London: Robertson, 1975).

¹⁰⁹ Kevin Boyle, Tom Hadden and Paddy Hillyard, *Ten Years on in Northern Ireland: The Legal Control of Political Violence* (Nottingham: The Cobden Trust, 1980).

¹¹⁰ Steven Crawford Greer and A White, *Abolishing the Diplock Courts: The Case for Restoring Jury Trial to Scheduled Offences* (London: The Cobden Trust, 1986), p.53.

¹¹¹ London: TNA, Northern Ireland Office: Non-Jury Special ('Diplock') Courts in Northern Ireland: Preparation of Papers and Consultation Between Officials, CJ 4/3602, To Mr Blackwell from N C Abbott, Topic '10 Years on in Northern Ireland', 18 November 1980.

¹¹² Boyle, Hadden and Hillyard, *Ten Years on*, p.31.

¹¹³ Carlton, p.231.

¹¹⁴ House of Commons Parliamentary Papers Online, Command Papers, Lord H.G Bennett, *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*, General Powers of Arrest, p.22, paragraph 67.

and so undermined the 1976 criminalisation policy from its introduction. Accepting confessions as evidence in juryless courts after questionable interrogation tactics, ensured high prosecution rates in Northern Ireland, based on trials which lacked fairness and impaired British policy.

The acceptance of involuntary confession as evidence encouraged the RUC violence detailed in the previous chapter. This abuse, while most extreme at Castlereagh, also occurred at other centres such as Gough, and marked a distinction between ordinary suspects and political ones, undermining the criminalisation policy from its outset.¹¹⁵ This chapter will clarify the failings of the Diplock courts, as case-hardening and pressure upon overworked judges resulted in abnormally high conviction rates, reducing the chance of those suspected of scheduled offences receiving a fair trial. Confidential documents unveiled at the National Archives imply that the government manipulated the somewhat unwarranted findings of the Diplock report, to enable smooth prosecution of terror suspects. Such factors confirm that Diplock courts undermined the criminalisation policy, as they provided a distinctly political conviction experience for those the government claimed to be ordinary criminals.

The admissibility of non-voluntary confession as evidence in trials of political suspects, as encouraged by the Diplock report,¹¹⁶ contributed to the increase in human rights abuses occurring at Castlereagh and other interrogation centres.¹¹⁷ While the report had rejected accepting confession achieved under ‘violence or the threat of’,¹¹⁸ such specific terminology was notably not included by the government when Section 6 of the Northern Ireland Act

¹¹⁵ Boyle, Hadden and Hillyard, *Ten Years on*, p.39.

¹¹⁶ CAIN: Lord Diplock, *Report of the Commission to Consider Legal Procedures to Deal with Terrorist Activities in Northern Ireland*, paragraphs 73-92.

¹¹⁷ Shanahan, p.171.

¹¹⁸ TNA, CJ 4/3602, Northern Ireland Office Guidance on Non Jury (“Diplock”) Courts in Northern Ireland.

1973 was drafted.¹¹⁹ Although, after the allegations levelled against Castlereagh, there was discussion of rewording Section 6 to offer more protection to suspects, such an amendment would have threatened the entire prosecution process in Northern Ireland, it had become so reliant upon Castlereagh confessions.¹²⁰ The section therefore remained as stating ‘a confession made by the accused should be admissible unless it was obtained by torture or inhumane or degrading treatment’.¹²¹ Clearly, the preservation of this section which permitted confession achieved by ‘violence or the threat of’, suggested that the Government did want to permit some degree of ill-treatment during interrogation, which was clarified in the judgement of Lord Justice McGonigal on the 1977 case of *R. V McCormick*. In this case, it was stated that Section 6 ‘appears to accept a degree of physical violence which could never be tolerated by the courts under the common law test’.¹²² This ruling acknowledged that the government had specifically worded the Emergency Provisions Act to suggest that a level of violence was acceptable and indeed necessary in the interrogation process. The government legally enshrined selected findings of the Diplock report, which enabled the conviction of those suspected of terror, overlooking more humanely focused recommendations, in a manner missed by historiography.

As a result of Section 6, unchecked abuse occurred, as it was difficult for suspects to prove in court that their confessions were the result of torture.¹²³ Despite judges doing their best to ensure that trials were fair, quashing cases where medical evidence supported suspects allegations,¹²⁴ even when cases were dismissed, brutality was not prevented, since there were

¹¹⁹ Northern Ireland (Emergency Provisions) Act 1973, p.4 Section 6.

¹²⁰ Taylor, *Beating the Terrorists?*, p.294.

¹²¹ CAIN: Lord Diplock, *Report of the Commission to Consider Legal Procedures to Deal with Terrorist Activities in Northern Ireland*.

¹²² ‘*R v. McCormick* [1977] Northern Ireland Reports 105’, in Boyle, Hadden and Hillyard, *Ten Years on*, p.47.

¹²³ Northern Ireland (Emergency Provisions) Act 1973, Section 6.

¹²⁴ Stephen Cook, ‘Judge Rules Out ‘Torture’ Confession in IRA Bomb Trial’, *The Guardian*, 2 April 1980, p.24.

no substantial repercussions for the RUC.¹²⁵ The case of Patrick Fullerton sheds light on this low conviction rate of security forces, as five detectives were charged with assaulting Fullerton, none of whom were found guilty.¹²⁶ While the magistrate was satisfied that Fullerton had been attacked in police custody, as he could not assign blame to a specific individual, he did not convict any of the accused officers. In his verdict, the magistrate declared ‘the guilty escape with the innocent... but I do not doubt that this man was assaulted’.¹²⁷ This case confirms that RUC members were willing to create alibis for one another, disregarding their moral and legal duty to prioritise justice over protecting their colleagues, imitating the paternal attitude of their superiors, as discussed in the previous chapter. As a result of this lack of integrity, the acquittal rate of RUC members accused of assaulting suspects in the period in question was one-hundred percent.¹²⁸ Section 6 of the Northern Ireland Act 1973 enabled abuse of suspects and failed to provide legal protection or justice to those who had suffered during interrogation.

To fully comprehend the phenomenon of abuse during interrogation that was examined in the previous chapter, exploration of conviction rates is key, as these dramatically increased upon non-voluntary confession becoming admissible as evidence. Shanahan estimates that by 1986, ninety percent of convictions in terrorist trials relied on confession.¹²⁹ This enormous figure demonstrates how Diplock courts shifted trials away from the normal criminal process and hence were not compatible with the criminalisation policy initiated in 1976. This statistic highlights why violence began to occur within Castlereagh and other interrogation centres, as the RUC were aware that they could ensure conviction, so long as

¹²⁵ London: TNA, Northern Ireland Office: Complaints Against Members of the Royal Ulster Constabulary (RUC), CJ 4/2302, ‘Concern at RUC Brutality’, *Morning Star*, 8 June 1978.

¹²⁶ Raymond Murray and Denis Faul, *H Blocks: British Jail for Irish Political Prisoners*, (S.I: Faul and Murray, 1979), p.7, p.8.

¹²⁷ *ibid.*

¹²⁸ Boyle, Hadden and Hillyard, *Ten Years on*, p.50.

¹²⁹ Shanahan, p.171.

they could gain a confession. This overwhelming focus on achieving self-incriminating statements did itself mark a derogation from Human Rights legislation, as Article 14 (3) of the International Convention on Civil and Political Rights states that the accused has a right not to be compelled to testify against himself.¹³⁰ Hillyard insightfully explains how the British justified such a violation of international standards, as confessions legitimised this derogation, by laying blame on the accused.¹³¹ Once suspects confessed to crimes, any methods used against them appeared justified, as without such tactics the person may not have admitted their guilt. This logic enabled even the most violent tactics to be presented as acceptable, as the more horrific the statement achieved, the more validated abuse appeared. Successful conviction, based upon confession, encouraged assault in interrogation centres, illustrating how pressure created by the combination of the criminalisation policy and an abnormal legal process, encouraged human rights violations.

Allegations regarding the invention of confession also need analysing in examining the fairness of the Diplock court system. Michael Culbert, who later became involved in lobbying for compensation for those falsely imprisoned, alleged that he was convicted on a fabricated statement.¹³² He claimed the policeman who interrogated him ‘wrote out a statement whilst calling it out. This he got the other one to sign and said ‘thanks Mick for that verbal- it will put you away for life’’.¹³³ This claim by Culbert must be considered in the light of its propaganda value and indeed Culbert’s desire to proclaim his own innocence. Nonetheless, such allegations are valid, as police evidence was repeatedly favoured over

¹³⁰ United Nations, *The International Covenant on Civil and Political Rights*, 1966 <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [accessed 15 December 2018].

¹³¹ Paddy Hillyard, ‘Political and Social Dimensions of Emergency Laws in Northern Ireland’, in *Justice Under Fire: The Abuse of Civil Liberties in Northern Ireland*, 2nd edn, ed. by Anthony Jennings (London: Pluto, 1998), pp.191-213, p.202.

¹³² Brendan Crossan, ‘Mickey Culbert’s Long and Winding Road’, *The Irish News*, 19 January 2019 <<https://www.irishnews.com/sport/2019/01/19/news/mickey-culbert-s-long-and-winding-road-1531584/>> [accessed 20 April 2019].

¹³³ TNA, CJ 4/3639, Forward from Ken Coates to the Northern Ireland Office and Secretary of State, From the Committee to Free Michael Culbert.

suspect evidence in court, leaving scope for such invention.¹³⁴ Judicial preference for police evidence, due to its practiced and professional nature, ensured that police were confident that their claims about confession would be accepted.¹³⁵ Acceptance of non-voluntary confession as evidence was flawed, not only due to the abuse it encouraged, but also as it allowed police to unfairly manipulate the system against suspects, once again erasing the chance of political suspects receiving the fair trial that they were entitled to.

Carlton accurately describes the decision to accept confession as evidence in Diplock courts as having ‘lowered the standard’.¹³⁶ It is questionable whether this ‘lowered standard’ of justice met UN and EC requirements that all should have a fair trial, although the British used the Gardiner inquiry into the Northern Ireland Act of 1973, to argue that as ‘Article 15 gives any High Contracting Party the right to derogate from its obligations under Article 5 "in time of war or any other public emergency to the extent strictly required by the exigencies of the situation"', such detraction was acceptable.¹³⁷ While the UK had given due notice of the derogation, the decision to trigger an article which specifically related to a ‘time of war’, further undermined the government’s claims that paramilitaries were merely normal criminals. Indeed, the British government had privately declared that they aimed to ‘scotch the idea internationally that the introduction of tribunals or special courts and preventive detention does immediately put us on par with such regimes as the present Greek and Spanish ones’.¹³⁸ The idea that it was necessary to ‘scotch’ the similarities between Diplock courts and totalitarian regimes, significantly reduces the validity of the claims made by the Gardiner

¹³⁴ Walsh, p.97.

¹³⁵ *ibid.*

¹³⁶ Carlton, p.226.

¹³⁷ CAIN: Lord Gardiner, *Report of a Committee to Consider, in the Context of Civil Liberties and Human Rights, Measures to Deal with Terrorism in Northern Ireland*, Chapter 1, Section 17.

¹³⁸ London, TNA, Northern Ireland Office: Special Courts to Try Terrorist Cases: Proposals to Set Up, Following Recommendations of Diplock Commission. Details of Terrorist Activities, CJ 3/112, Secret Letter to Mr Trevelyan, Subject – Special Courts, Preventative Detention Et Al. from R.C. Cox, 8 September 1972.

report, that measures were in accordance with human rights legislation.¹³⁹ As demonstrated by internal communication, the government were aware that their reliance on Diplock courts reduced the fairness of political suspects trials, marking a distinction between those suspected of scheduled offences and those accused of regular crimes.¹⁴⁰

The removal of juries also reduced the likelihood of suspects receiving a fair trial. Notably, the Diplock inquiry failed to provide proof to support its claim that juries needed abolishing due to risk of intimidation.¹⁴¹ Lord Diplock's retort to requests for evidence on jury intimidation was 'When I see a fire starting, I send for the fire brigade. Not a statistician'.¹⁴² This speech at the House of Lords the month after the report's publication, confirmed that the concerns raised in the report lacked evidence and were based mainly on fear of future issues. Peter Rawlinson, Attorney General at the time, also admitted that there were not supporting figures for the suspension of juries, although he did list individual examples of intimidation.¹⁴³ However, as Greer and White pointed out, many of the cases cited by Rawlinson in defence of Diplock courts related to witness intimidation rather than to coercion of a jury.¹⁴⁴ These claims about witness intimidation should have been considered separately from jury intimidation, but declassified British papers reveal that the misuse of such statistics by prominent figures such as Rawlinson was intentional, to shape public opinion against suspects.

¹³⁹ Hanks, 'Definition of 'Scotch'', *Collins Dictionary of the English Language*, p.1309.

¹⁴⁰ TNA, CJ 3/112, Secret Letter to Mr Trevelyan, Subject – Special Courts, Preventative Detention Et Al. from R.C. Cox, 8 September 1972.

¹⁴¹ CAIN: Lord Diplock, *Report of the Commission to Consider Legal Procedures to Deal with Terrorist Activities in Northern Ireland*, paragraphs 21-26.

¹⁴² Greer and White, p.25.

¹⁴³ *ibid*, p.27.

¹⁴⁴ *ibid*, pp.28-30.

‘Naturally these cases concern things other than frightening witnesses but we don’t need to mention that’.¹⁴⁵ This significant statement confirms how the British government intentionally manipulated the public to support Diplock’s unfounded recommendations. The government claimed that the Diplock courts ‘have been made necessary only by the intimidating actions of the terrorists’ and yet fabricated proof for this allegation, which was the basis of their claim that prisoners convicted of scheduled offences did not deserve different rights, despite being sent through different courts.¹⁴⁶ As with the introduction of involuntary confession as evidence, the removal of juries from Diplock courts seems to have been a decision made by the British government to ensure high conviction rates, rather than one made in the interests of justice.

The lack of jury in Diplock courts, resulting from embellished anxieties about intimidation, instilled excessive power in judges alone, leading to a potential for sectarian bias and resulting in case-hardening. In 1976 Protestants held sixty-eight out of seventy-four senior court appointments, and most High Court judges openly associated themselves with the Unionist Party, making the courtroom a hostile environment for Republican suspects.¹⁴⁷ ¹⁴⁸ Surprisingly, despite such demographics, statistics on convictions generally serve as a reminder not to be too hasty in making accusations about sectarian bias in court.¹⁴⁹

In contrast to allegations about sectarian prejudice,¹⁵⁰ Boyle, Hadden and Hillyard provide a more valid explanation of the problems raised by a single judge presiding over a case alone, as such judges became case-hardened, as they heard so many similar cases and

¹⁴⁵ TNA, CJ 4/3602, To Mr Buxton, Paper on Diplock Courts, From C.A Marson, 19 February 1981.

¹⁴⁶ London, TNA, Prime Minister’s Office: IRELAND. Hunger Strike at the Maze Prison, Northern Ireland; the ‘Dirty Protest’; Part 2, PREM 19/503, Maze Prison Protest PMG Note: 83/80, p.2.

¹⁴⁷ Carlton, p.227.

¹⁴⁸ Hillyard, in Jennings, p.200.

¹⁴⁹ Walsh, p.84.

¹⁵⁰ Carlton, p.227.

alibis.¹⁵¹ The below table, taken from Richard Harvey's research, demonstrates a clear decline and stagnation in the rate of effective acquittals for those prosecuted by Diplock Courts, hence proving the case-hardening thesis.¹⁵²

Table 2.1: Richard Harvey 'Case-Hardening- Table of Effective Acquittals'

Year	Jury	Judge
1974	38%	47%
1975	50%	36%
1976	54%	35%
1979	59%	35%

From examining this table and corresponding statistics on the sectarian nature of conviction rates,¹⁵³ it appears apparent that Boyle, Hadden and Hillyard were correct in their assessment that high conviction rates in Diplock courts occurred not solely from sectarianism, but rather from case-hardening of judges who had heard hundreds of similar trials.¹⁵⁴ This case-hardening clearly does confirm a major flaw in the Diplock system, as courts are meant to represent the judgement of society, which they were clearly failing to do between 1974 and 1979, as judges continued to convict at a similar rate, while society became more willing to acquit.¹⁵⁵

Even if one accepts government claims that sectarian bias and case-hardening were prevented by 'all the basic safeguards of the British legal system', one cannot overlook the

¹⁵¹ Boyle, Hadden and Hillyard, *Ten Years On*, p.80.

¹⁵² Harvey, p.32.

¹⁵³ Walsh, p.103.

¹⁵⁴ Boyle, Hadden and Hillyard, *Ten Years On*, p.80.

¹⁵⁵ **Table 2.1.**

other pitfalls of the juryless system's implementation.¹⁵⁶ As the responsibility for deciding a verdict in Diplock trials rested on the judge alone, judges felt unduly pressured to convict, worsened by the highly politicised context of The Troubles, as they would be blamed if they released someone who went on to kill. As a result, judges were more reluctant to acquit Diplock cases than normal trials,¹⁵⁷ as demonstrated in **Table 2.1**. This reluctance to acquit also stemmed from the same judge continuing to hear the case, even if evidence was deemed inadmissible, where as in a regular court a new jury would be sworn in.¹⁵⁸ In such circumstances, it would have been challenging for a judge to ignore a confession he was aware of, once more proving how effective violent interrogation tactics were in self-justifying. Impressive prosecution rates should not be considered the same as justice or a fair trial, and indeed the one judge system prevented either of these from occurring.

Regardless of the fairness of Diplock courts, they clearly undermined the British policy of criminalisation. As the courts only trialled those suspected of 'terrorist' crimes, it was highly contradictory for the British to not acknowledge those tried by Diplock courts as political prisoners, after the removal of special category status in 1976. Indeed, the main issue with Diplock courts was how they could be considered as fair solely for terrorists and not for normal criminals, as surely a fair trial for one is a fair trial for all.¹⁵⁹ The criminalisation policy itself was logical, but the pre-existence of Diplock courts was a major flaw, as criminalisation relied on normal legal processes, which were contradicted by the Diplock courts and the UK derogating from the European Convention's Human Rights agreement on the grounds of an 'emergency'.¹⁶⁰ The British frustrated their own claim that members of paramilitaries were ordinary detainees, as they relied on an abnormal court system to

¹⁵⁶ TNA, PREM 19/503, Maze Prison Protest PMG Note: 83/80, p.2.

¹⁵⁷ Walsh, p.94.

¹⁵⁸ SDLP Conference, 'Discussion Document on Proposals for the Reform of Diplock Courts', *Conference of the SDLP* (Belfast: SDLP, 1986), p.5 Section 5.

¹⁵⁹ Greer and White, p.15.

¹⁶⁰ O'Leary, p.247.

prosecute them. Not only did the Diplock courts reduce the chance of those suspected of terrorism from receiving a fair trial, but they also eroded the British claim that these suspects were ordinary criminals. The PIRA themselves picked up on this inconsistency, demanding that if they were to be tried by special courts then they should have special status.¹⁶¹ This logic aggravated the pre-existing prisoner of war mentality among convicted Republicans, hence contributing to the protests which occurred in the prisons.¹⁶² The Diplock courts exhibited a major inconsistency in British policy after 1976, as one could be a political suspect but not a political prisoner.

The Diplock court system was fundamentally flawed, due to it allowing non-voluntary confession as evidence and excluding juries. These flaws were created by the British government's desire to ensure hasty convictions, resulting in fair trials becoming a rarity. The admissibility of confession as evidence encouraged abuse in interrogation centres and at times tempted the RUC to simply invent confessions to ensure conviction. The one judge policy, which encouraged case-hardening, placed an enormous pressure on judges to convict suspects. These factors denied prisoners a fair trial and so breached Article 6 of the European Convention.¹⁶³ Added to this violation of rights, the Diplock courts also failed to bolster the British policy of criminalisation, as the courts very existence was based upon trying exclusively political suspects. Paramilitary prisoners were not only angered by the denial of their right to a fair trial, but also further infuriated by the British claim that they were not political prisoners, despite having been arrested, interrogated and tried as political suspects. It was this anger which fed into the prisons and contributed to the development of the prison war, which will be explored in the next chapter. The Diplock court system of the 1970s, while introduced with intentions of making criminal justice fairer after the despised policy of

¹⁶¹ Carlton, p.237.

¹⁶² Coogan, p.69.

¹⁶³ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 6.

internment, failed to provide a fair trial, violated Human Rights laws, and undermined the policy of criminalisation upon its introduction in 1976.

Chapter 3: Violence, Humiliation and Dirt: Torture or Self Imposed?

In Northern Irish prisons, especially in the H blocks at Long Kesh prison, built to house those convicted of scheduled offences,¹⁶⁴ Republican paramilitary prisoners suffered disproportionate brutality at the hands of prison guards.¹⁶⁵ As Republican protests for political status escalated, conditions in the prisons became atrocious, contributing to both the hunger strikes and the adoption of the ‘Long War’ mentality seen in PIRA strategy of the 1980s.¹⁶⁶ Such resistance was exacerbated by the fact that paramilitary prisoners had been treated as political suspects, previous to their arrival in prison, hence it was paradox in British policy that resulted in bitter dispute inside the prisons. As prisoners had been arrested under the Prevention of Terrorism Act 1974, which defined terrorism as ‘violence for political ends’, the terms of their arrest, interrogation and trial had acknowledged the political nature of their crimes.¹⁶⁷ This inconsistency between treating paramilitary members as political suspects, but not as political prisoners, sparked prison protests among Republican prisoners and fundamentally destabilised the policy of criminalisation.

¹⁶⁴ McKittrick and McVea, p.160.

¹⁶⁵ O’Malley, p.22.

¹⁶⁶ Taylor, *Provos*, p.213.

¹⁶⁷ Shanahan, p.172.

As noted, historiography surrounding the Northern Irish prison experience is almost entirely dominated by the 1981 hunger strike, which has led to earlier Labour policies being overlooked and Margaret Thatcher being demonised for continuing a policy which she did not initiate. Between 1976 and 1981, protests occurred among Republican prisoners, as they demanded the restoration of special category status, which had allowed them privileges distinguishing them from ordinary criminals. These protests commenced with a 'blanket protest' in September 1976, with Republican prisoners refusing to wear the prison uniform.¹⁶⁸ In 1978, the men in the H blocks began a 'dirty protest', refusing to leave their cells to use toilets and instead covering the walls of their cells with human waste.¹⁶⁹ Thirty female prisoners joined this dirty protest in February 1980, after a dispute in Armagh prison.¹⁷⁰ Towards the end of 1980, the decision was made by PIRA leadership to embark on a hunger strike.¹⁷¹ This is where this project ends, since the hunger strikes have been well documented in historiography.

This chapter will examine allegations of prison guards abusing protesting Republican prisoners, to demonstrate that the British government failed to protect the nationalist prisoners in their custody. Presumably, the silence surrounding this topic in non-Republican historiography is the result of an unwillingness to advocate for the rights of terrorists, yet this project seeks to clarify that even terrorists are entitled to the most basic human rights. The inhumane conditions caused by the dirty protests will be acknowledged, noting that though the prisoners were responsible for their conditions, had they not been treated differently from common criminals outside of jail and abused in custody, then their determination to have special status in prison may not have resulted in such extreme protest. While there had been protests for special category status in previous eras, for instance, after the introduction of

¹⁶⁸ McKittrick and McVea, p.162.

¹⁶⁹ Richard English, *Armed Struggle: The History of the IRA* (London: Pan Macmillan, 2012), p.191.

¹⁷⁰ Taylor, *Provos*, p.229.

¹⁷¹ *ibid*, p.231.

internment, never before had such a gruelling protest occurred, implying that there was something different about the 1978 dirty protest, which has not been fully acknowledged by historiography.¹⁷² This argument is admittedly somewhat limited by Loyalist prisoners lack of extreme protest, although some Loyalists were involved in the blanket protests, despite their general cooperation with the system out of loyalty to British law.¹⁷³

Human rights abuse increased once Republican prisoners embarked upon protest, as their jailers grew increasingly aggravated. At Armagh, cruelty took a specifically gendered format, forgotten by male historians, as male prison guards were brought into the women's prison, shocking Catholic sensibilities and sparking further resistance. Effectively, the dispute which occurred inside the prisons, stemmed from the inconsistencies of the criminalisation policy, allowing paramilitary prisoners to be arrested and tried on special terms, but imprisoned on ordinary ones. The Republican protest against this inconsistency resulted in disproportionate abuse of nationalist prisoners. Consequently, the claim that these were 'ordinary' prisoners was further undermined by the exceptional maltreatment that they suffered in jail, in comparison to other prisoners, even considering their defiance.

At both Armagh and Long Kesh, there were constant allegations that prison guards were violent towards prisoners. Such allegations were not exclusive to the two prisons explored in this chapter, but as Long Kesh and Armagh housed the majority of convicted paramilitary prisoners in Northern Ireland, analysis of these jails enables the most comprehensive insight into the lives of such prisoners.¹⁷⁴ The most common type of violence against paramilitary prisoners was physical beatings, which clearly violated the Prison

¹⁷² McKittrick and McVea, p.159.

¹⁷³ Marion Green, *The Prison Experience- A Loyalist Perspective* (Belfast: Ex-Prisoners Interpretive Centre, 1998) < <http://www.epic.org.uk/images/custom/uploads/129/files/Prison-History.pdf> > [accessed 9 March 2019], p.22.

¹⁷⁴ English, p.189.

Rules.¹⁷⁵ Despite this legislation designed to protect prisoners, reported allegations of assault within the H Blocks averaged six per week at the start of 1980.¹⁷⁶ Such statistics on assault in prison lack reliability, as prisoners reported that those who objected to treatment were put in ‘punishment cells’, so many did not disclose their injuries or make formal complaint, for fear of retribution, reflecting the anxieties of those assaulted during interrogation.¹⁷⁷ Due to this lack of reliability in prison records, statements made by prisoners and their families on the topic of abuse remain valuable, despite the propaganda elements associated with such sources.

While many prison narratives do serve primarily as propaganda, no other accounts reveal so much about life in the H blocks. The chronicle of Paddy Wilson, documented in Murray and Faul’s *H Blocks: British Jail for Irish Political Prisoners*, is typical of the statements made by Republicans about their prison experience.¹⁷⁸ Commenting on an incident just months after the initiation of the dirty protest, Wilson claimed ‘We were beaten by four screws. I was dragged into a cell by the hair and found myself unable to stand up. I was covered in blood and couldn’t see out of my left eye’.¹⁷⁹ This statement exemplifies the factual rhetoric used by Republicans to validate their allegations, mirroring the style of a witness report to feign reliability. Such a one-sided account, taken from a collection gathered

¹⁷⁵ London, HMSO, *The Prison Rules 1964* (London: HMSO, 1964)
<https://www.legislation.gov.uk/ukSI/1964/388/pdfs/ukSI_19640388_en.pdf> [accessed 01 March 2019], No.388, Section 44, p.14.

¹⁷⁶ London, TNA, Northern Ireland Office: ‘Dirty Protest’ by Republican Prisoners Demanding Special Category Status: Medical Considerations, CJ 4/3036, Note of a Meeting to Consider Medical Aspects of the Dirty Protest, 12 February 1980, p.2. 8.1.

¹⁷⁷ Murray and Faul, *H Blocks: British Jail for Irish Political Prisoners*, p.49.

¹⁷⁸ Paddy Wilson, B Wing, H5, 6.6.78, in Murray and Faul, *H Blocks: British Jail for Irish Political Prisoners*, p.55.

¹⁷⁹ *ibid.*

by nationalist priests ministering to Republican prisoners, conceals that conflict with prison officers was generally the result of Republican refusal to conform.¹⁸⁰

Even considering conformity levels, punishment for rebellion was aggravated by the sectarian divide within the prison service, as the majority of prison guards were Protestants and hence more likely to maltreat Republicans than Loyalists.¹⁸¹ Although there is a lack of comparison of abuse levels between Republicans, Loyalists and ordinary prisoners, the absence of literature on the assault of ordinary criminals in Northern Irish prisons is in itself suggestive that such violence was not as regular in the ordinary criminal's experience, once more distinguishing these two types of prisoner. Violence, aggravated by sectarian prejudice, violated the Prison Rules, which dictated that force was only to be used if necessary, not as punishment.¹⁸²

Despite limitations, propaganda pieces by Republican inmates remain useful when corroborated by internal communication between prisoners, which reiterate claims of abuse. For instance, one such message details 'They grabbed them by the hair and run them over, kicking and punching the whole time'.¹⁸³ These private communications between prisoners are clearly laced with resentment. Nonetheless, they provide a more honest account than public propaganda, as they are not seeking public gain, and yet both assert regular brutality by prison guards. While public allegations may have been overexaggerated, internal prison communication was likely to be honest, since those the inmates were writing to endured the same conditions.

¹⁸⁰ Murray and Faul, *H Blocks: British Jail for Irish Political Prisoners*.

¹⁸¹ Taylor, *Provos*, p.220.

¹⁸² London, HMSO, *The Prison Rules* 1964.

¹⁸³ Seanna, 'Comm', H5, 28 January 1981, in David Beresford's *Ten Men Dead*, p.51.

It was not only the prisoners themselves who produced accusations of maltreatment, but also their families, who saw first-hand the injuries suffered.¹⁸⁴ As one woman stated, ‘My son can gain no propaganda success by misleading me over his conditions’ emphasizing that assault was not solely invented to impress, but was indeed a reality for those imprisoned in the H blocks, the physical evidence of which families could see when they visited.¹⁸⁵ This correlation between external propaganda, internal communication and family complaints, implies that physical abuse did regularly occur against non-conforming Republican prisoners at Long Kesh. Thus, prisoners claims about the initiation of the dirty protest stemming from fear of violence, should not be totally disregarded, even granting that Republican ex-prisoner Richard O’Rawe admitted desire for public attention to be the most significant factor in this decision.¹⁸⁶ In allowing the use of extreme force against protesting Republican prisoners, the British government undermined their own criminalisation policy and encouraged dirty protest, by failing to ensure equal treatment for all prisoners, as non-conforming felons were merely supposed to lose privileges, rather than to suffer abuse.¹⁸⁷

Regardless of the reason for escalation of protest, conditions in which Republican prisoners lived became inhumane after the initiation of the dirty protest, reinforcing a prisoner of war mentality. Contemporary claims about the inhumanity of the conditions are harrowing, even considering that prisoners did have an alternative: conformity. Sands emotively described his cell during dirty protest ‘there are several maggots clinging to my legs, the walls are covered with a mass of fat bloated flies’.¹⁸⁸ While the acute timing of this publication, released just before Sands’ death, clarifies its propaganda aim and hence reduces

¹⁸⁴ TNA, CJ 4/3036, First Hand Account, by Moyra Berkey, *Irish People*, 31 May 1980.

¹⁸⁵ *ibid.*

¹⁸⁶ Richard O’Rawe, *Blanketmen: An Untold Story of the H-Block Hunger Strike* (Dublin: New Island, 2005), p.32.

¹⁸⁷ TNA, PREM 19/503, Booklet on ‘Day to Day Life in Northern Ireland Prisons’, Addressed to PM R16/4, p.3.

¹⁸⁸ Bobby Sands, *The Writing of Bobby Sands* (Dublin, Sinn Fein POW Department, 1981), p.28.

its reliability, such Republican accounts are supported by other less politically loaded sources. In July 1978, Archbishop Tomás Ó Fiaich visited Long Kesh, releasing a statement which declared, ‘One would hardly allow an animal to remain in such conditions, let alone a human being’.¹⁸⁹ The Archbishop also added ‘I was unable to speak for fear of vomiting’.¹⁹⁰ Such graphic statements made by a respected member of the clergy, indicated that conditions were as horrific as prisoners described.

In reaction, the Northern Ireland Office propounded that O’Fiaich’s statement overlooked that the prisoners themselves had created the conditions.¹⁹¹ Two years later, the European Court of Human Rights reiterated this approach, rejecting the case brought by Kieran Nugent and three other prisoners that conditions in Long Kesh were ‘inhumane’.¹⁹² While this ruling is accurate, the British had already devalued the criminalisation policy by interrogating and prosecuting paramilitary prisoners under different rules to ordinary suspects, and hence could have revaluated their flawed policy once conditions became inhumane. Reluctance to do so came from British determination not to be seen to talk to terrorists, leaving Republican convicts in horrific conditions, once more marking a paradox in British policy, as no such qualms were mentioned about opening a dialogue with ordinary criminals.¹⁹³ British resolve to maintain the flawed criminalisation policy, resulted in a failure to uphold reasonable living conditions for protesting Republicans in prison.

¹⁸⁹ Hennessey, p.29.

¹⁹⁰ Archbishop O’ Fiaich, Statement 1978, in *H Blocks: British Jail for Irish Political Prisoners*, ed. by Murray and Faul, p.28.

¹⁹¹ CAIN: Belfast, PRONI, Press Notice: Comment by Northern Ireland Office Spokesman on Archbishop O’Fiaich’s Statement, 1 August 1978, NIO/12/68
<https://cain.ulster.ac.uk/proni/1978/proni_NIO-12-68_1978-08-01_b.pdf> [accessed 26 February 2019].

¹⁹² Hennessey, p.64.

¹⁹³ *ibid*, p.11.

The dirty protest created further opportunity for assault of Republican prisoners, with the commencement of forced washing and shaving.¹⁹⁴ One such incident on the 4th of December 1978, which the Relatives Action Committee (RAC) complained about, resulted in serious injury, ‘Joe McNulty sustained a broken nose and a sprained wrist. Martin Hurson suffered a broken toe. He is still in hospital. His left leg is paralysed due to severe kicking on the spine’.¹⁹⁵ This incident, while most likely exaggerated as propaganda to gain funding for the PIRA in the context of international media attention in the late 1970’s, does clarify that prison guards were violent towards those in their custody.¹⁹⁶ Despite propaganda elements, the sheer volume of allegations levelled against prison guards following the escalation of protest, implies that incidents did increase upon the dirty protest’s commencement. The beating of prisoners during washing and bathing, demonstrated a failure by the British criminal justice system to protect those in their custody, violating Human Rights standards established in Article 3, hence marking a distinction between ordinary prisoners and protesting Republican ones.¹⁹⁷ Though it is crucial to consider that there were health reasons behind the forced bathing processes, such excessively violent incidents do indicate that prison officers revelled in the opportunity to manhandle prisoners.¹⁹⁸ Even considering health issues, the cruelty involved in forced bathing validates how sectarian prejudice resulted in notably degrading and harsh treatment of non-conforming Republican convicts.

Such abuse of Republican prisoners demonstrates the failure of the British criminal justice system to sufficiently discipline prison officers. The British government’s coordinated

¹⁹⁴ Taylor, *Provos*, p.225.

¹⁹⁵ Faul and Murray, *H Blocks: British Jail for Irish Political Prisoners*, p.55.

¹⁹⁶ Arthur, p.138.

¹⁹⁷ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 3.

¹⁹⁸ CAIN: E.N Barry, Belfast, PRONI, Prisoners Who Are Persistently Refusing to Conform with Prison Rules in H Blocks 3,4 and 5: Measures to Promote Health and Hygiene, HSS/32/1/15/1A, 28 September 1978 < https://cain.ulster.ac.uk/proni/1980/proni_HSS-32-1-15-1A_1978-09-28.pdf > [accessed 20 March 2019].

response to allegations of brutality that ‘it is remarkable that prison staff have behaved with such restraint in face of the uniquely provocative nature of the protest and 19 murders’, indicated that they viewed the behaviour of officers as not only justified, but reasonable.¹⁹⁹ As devastating and undeniably aggravating as their colleagues deaths were, prison guards continued to have a duty to maintain the human rights of those in jail and the British government continued to have a responsibility to ensure that this duty was met. The above statement, prepared for a meeting with nationalist John Hume, asserts that the British government chose to abandon this responsibility, indicating that prison guards were free to treat prisoners as they pleased.²⁰⁰ While British authority did not officially advocate violence, their toleration served as encouragement. In failing to condemn cruelty, they effectively sanctioned it, negating their own criminalisation policy which dictated that all prisoners should be treated equally.

As well as allowing physical abuse, the prison system in Northern Ireland in the late 1970s also intentionally degraded and humiliated prisoners, often in a specifically gendered manner, disregarding human rights.²⁰¹ Laura Weinstein offers the most comprehensive analysis available of the female prison experience in this era, claiming that ‘the male dominated prison system was abusing prisoners in an exclusively female way’.²⁰² This claim reflects the lack of access prisoners had to sanitary products, which played into the politics of Republican prisoners’ lives in Armagh, as limited access to menstrual necessities caused the potential for infection in menstruating women, and encouraged dirty protest, since hygiene

¹⁹⁹ TNA, CJ 4/3036, Brief Meeting on Friday 7 March 1980 with a Deputation led by Mr John Hume to Discuss the H Block Protest, Notes by S.C Jackson 5 March 1980.

²⁰⁰ *ibid.*

²⁰¹ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 3.

²⁰² Laura Weinstein, ‘The Significance of The Armagh Dirty Protest’, *Eire-Ireland*, 41, 3:4 (2006), pp.11-41, p.28.

standards were already failing to be met.²⁰³ This deprivation was emphasised in the 'Troops Out' Magazine in March 1980, who reported that 'women are allowed only two sanitary towels daily, regardless of need'.²⁰⁴ Similarly, Margaretta D'Arcy reported that 'all women are given the same amount regardless of their flow'.²⁰⁵ Albeit that such claims by Republican sources did partially serve propaganda purposes, the taboo nature of menstruation within Catholic communities, made it unlikely that this would have been chosen as an issue by Republicans without any foundation. Consequently, women's allegations must be taken seriously.

Whether this lack of access to menstrual products was intentional, or a genuine mistake, it posed a health risk, as well as creating a uniquely gendered form of humiliation, especially during strip searches.²⁰⁶ Prison guards did use menstruation vindictively against Republican women within Armagh, as, once the dirty protest began, women recalled that their sanitary pads were flung into their filthy cells unwrapped, so lay in filth until used.²⁰⁷ Such allegations imply that prison officers in Armagh intentionally sought to make menstruation as uncomfortable as possible for incarcerated Republican women, although such claims are difficult to compare with the experience of ordinary female prisoners, due to lack a discussion on menstruation. It is unclear whether this silence indicates a lack of complaint or is merely a result of the taboo nature of this subject in the 1970s, making analysis of this topic challenging. Considering the willingness of Republican women to

²⁰³ *ibid.*

²⁰⁴ Troops Out Movement, "Attacks on Women Prisoners," *Troops Out*, March 1980, p.3.

²⁰⁵ Margaretta D'Arcy, *Tell Them Everything: A Sojourn in the Prison of Her Majesty Queen Elizabeth II at Ard Macha (Armagh)* (London: Pluto, 1981), p.58.

²⁰⁶ Cahal McLaughlin, 'Memory Place and Gender: Armagh Stories, Voices From the Gaol', *Memory Studies* (2017), pp.1-14 < <https://0-journals-sagepub-com.wam.leeds.ac.uk/doi/10.1177/1750698017730872>>, p.8.

²⁰⁷ CAIN: Department of the Taoiseach, Dublin, NAI, Conditions on "A" Wing, Armagh Gaol, TSCH/2010/53/901, 1980 < https://cain.ulster.ac.uk/nai/1980/nai_TSCH-2010-53-901_1980-nd.pdf> [accessed 04 February 2019], p.2.

discuss this socially unacceptable topic, it seems that the British prison system did manipulate menstrual products to humiliate female Republican prisoners.

Apparent rationing of sanitary products was not the only strategy used to humiliate Republican women, as a gendered power dynamic at Armagh, following a disturbance in February 1980, marked a further distinction between ordinary female prisoners and Republicans. The Northern Ireland Office reported that ‘intimidation’ of female officers made it impossible for them to carry out a cell search, leading to male guards being brought into the prison.²⁰⁸ Azrini Wahidin’s interviews, reliant on a snowball sample of female ex-prisoners, provides an insight into what occurred on February 7th.²⁰⁹ Although snowball sampling’s nonprobability technique does not necessarily reflect the experience of all female paramilitary prisoners, Wahidin’s work is crucial in investigating a previously silent community. While these interviews are prone to the flaws of memory and personal politics, their occurrence after the Good Friday Agreement reduces the likelihood of them having been majorly exaggerated for propaganda purposes. These interviews emphasize the discomfort of female prisoners with male involvement at Armagh prison.²¹⁰ ‘This screw had his two knees on my chest, and another screw holding my arm and another at the bottom. It was like being raped’.²¹¹ Male warders were used to subjugate Republican women, tipping the power balance within the prison past the normal jailer/ prisoner distinction, to a dynamic comparable to that of rapist/victim in terms of the power inequality created. Those who chose to bring men into Armagh would have been fully aware of the sexually charged power imbalance which this created in the prison, exemplified by one woman who articulated ‘both

²⁰⁸ TNA, CJ 4/3036, Search of the Thirty-Three Protesting Prisoners in Armagh Prison and its Aftermath, R D T Gibson, Deputy Director Prison Operations, 12 February 1980.

²⁰⁹ Azrini Wahidin, *Ex-Combatants, Gender and Peace in Northern Ireland: Women, Political Protest and the Prison Experience* (New York: Palgrave, 2016).

²¹⁰ *ibid*, p.144.

²¹¹ *ibid*, p.146.

my breasts were exposed to the jeering and mocking eyes of all'.²¹² This intentional exposure of Catholic women in front of men was designed to create a specifically gendered and sexualised form of humiliation, contrary to human rights.

On the 4th May 1980, the parents of prisoners wrote to the Northern Ireland Office that 'the dignity, spiritual rights, and self-respect of the girls have been violated'.²¹³ The details of this concerned letter are confirmed by Wahidin's interviews, which clarify that even decades after the incident, the fear it created continued to haunt ex-prisoners. The oral history acquired by Wahidin clarifies that women in Armagh were traumatised by the February episode, as the abuse they suffered was inflicted by male hands, violating their own conceptions of modesty. The decision by the British prison system to use their dominance to intentionally humiliate, degrade and terrify Republican women with the perceived threat of sexual assault, represents a serious flaw in the integrity of a country which claimed to be committed to upholding human rights.²¹⁴

This final chapter has concluded that prison protests were partially motivated by harsh treatment of inmates and inconsistencies in British policy, as, by arresting suspects on political charges, prosecuting them through political courts and indeed isolating them in specially built facilities such as the H Blocks, the British state apparatus legitimised the Republican claims that they were 'special' prisoners.²¹⁵ It was the criminalisation policy that encouraged the prison protests, which, in turn, led to the deterioration of physical conditions in the prisons. Farther to these inhumane conditions, prisoners were abused and humiliated by

²¹² An Phoblacht/Republican News, 'Armagh Prisoners, Decision Final. Women Join the Hunger Strike', *An Phoblacht/Republican News*, 22 November 1980.

²¹³ Raymond Murray, *Hard Time: Armagh Gaol 1971-1986* (Dublin: Mercier Press, 1998), p.76.

²¹⁴ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*.

²¹⁵ CAIN: Department of the Taoiseach, Dublin, NAI, The Current Protest Campaign in the Northern Ireland Prisons Against the Refusal of the Authorities to Grant "Special Category" Status to Convicted Prisoners, , TSCH/2009/135/742, 1979 <https://cain.ulster.ac.uk/nai/1979/nai_TSCH-2009-135-742_1979-nd_a.pdf> [accessed 26 February 2019].

prison guards, often in a uniquely gendered manner, demonstrating how the criminal justice system failed to protect those in custody. While the prison system's desire to enforce conformity was in accordance with the criminalisation policy, the tactics used to discipline Republican prisoners violated human rights, which encouraged humane treatment of even the unruliest prisoners. The British failed to tackle sectarian prejudice among prison guards, suggesting instead that such animosity was acceptable, which further inflamed the prison war.²¹⁶ The British government were so keen to defend their policy of criminalisation, that they chose to ignore inhumane prison conditions, as they feared that any change of policy would look like a concession.²¹⁷ British pride enabled the abuse and humiliation of Republican prisoners at Long Kesh and Armagh, contradicting their own criminalisation policy, which prescribed that Republican prisoners would be treated as ordinary criminals.

²¹⁶ TNA, CJ 4/3036, Brief Meeting on Friday 7 March 1980 with a Deputation led by Mr John Hume to discuss the H Block protest, Notes by S.C Jackson 5 March 1980.

²¹⁷ Boyle, Hadden and Hillyard, *Ten Years On*, p.62.

Conclusion

Dirty, unjust and as torturous as Sands claimed in his poems; this study has sought to demonstrate that the British policy of criminalisation was not only flawed by its failure to paint Republican prisoners as common criminals, but was also a fiasco in terms of human rights, reliant upon abuse and improper trials.²¹⁸

The first chapter exhibited how political suspects of all backgrounds were met with inhumane and degrading interrogation tactics, which bordered on torture. While these brutal tactics have been acknowledged in historiography, their centrality to the criminal justice system's processing of political prisoners at this time appears to have been forgotten. While the Amnesty report of 1978 did force the British to establish the Bennet inquiry, making some improvements to the interrogation process, the Bennet report's recommendations have been praised too highly in historiography, as the report merely established basic requirements for humane treatment, such as not to sexually assault suspects. These should have already been a moral requirement for RUC members, since the British had agreed to adhere to

²¹⁸ Sands, *Prison Poems*.

international human rights standards.²¹⁹ Within their public statements, the British government sought to place blame for injury upon suspects, rather than upon those who assaulted them, clearly seeking to protect the ‘individual policemen’ involved.²²⁰ Most significantly, the British government’s decision, uncovered at the National Archives, to protect abusive RUC members from investigation, displays a gross miscarriage of justice, as the government had a moral and legal duty to prioritise human rights over personal allegiances to members of the security forces.²²¹

Chapter 2 exposed how the acceptance of involuntary statements as evidence in Diplock courts encouraged abuse. This chapter postulated that Diplock courts did not constitute fair trials, as they relied upon a guilty until proven innocent presumption, demonstrated by remarkably high conviction rates in comparison to regular courts. Such high conviction rates are also attributable to case-hardening by judges, which further reduced prisoners’ access to a fair trial. The greatest failing of the Diplock courts in this period, was that they encouraged prisoners accused of political offences to regard themselves as different from ordinary criminals, as regular suspects were still prosecuted in a normal fashion with a jury present, so this usage of special courts made political suspects feel entitled to special status, subverting the criminalisation policy’s goals.

The purpose of the final chapter was to disclose that historians have not fully acknowledged how the highly politicised status of paramilitary prisoners was aggravated by the special courts under which they were tried. It was this self-identification as political prisoners which led to a refusal to cooperate with the system, resulting in a loss of privileges, coinciding with abuse from frustrated staff members, all of which contributed to the

²¹⁹ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*. UN, *Universal Declaration of Human Rights*.

²²⁰ TNA, CJ 4/3573, Secretary of States Meeting with Senior Members of the Police Authority on Monday 31st July 1978, p.6.

²²¹ *ibid*.

development of the 'Long War' strategy.²²² Notably, the 1998 Good Friday Agreement's release of political prisoners has since added to tensions surrounding what constitutes a 'political' crime, denoting the relevance of this research in a modern context.²²³ While the government was correct that poor prison conditions were self-inflicted by protest, such protests were aggravated by the fact that paramilitary prisoners had been treated as political, before they entered jail. This chapter also noted that the way prison authorities chose to maintain control was often unnecessarily cruel, even considering the terrorist nature of those imprisoned, as was seen in the installation of male prison guards in Armagh. This incident concerning women in jail, combined with crucial insights into sexual threats at Castlereagh Interrogation Centre and sanitary product rationing in Armagh prison, reveals how the largely male and Protestant dominated security forces intentionally manipulated Catholic notions surrounding gender and modesty, to abuse female prisoners in a manner previously omitted from discussion. More research is required into the experience of ordinary prisoners in this era, to make a more accurate comparison of the varying treatment prisoners experienced. Clearly, even minor violence against paramilitary prisoners should not have been justified by the government, as prison guards had a professional duty not to let their political inclinations dictate their actions. The state was obligated to protect those in custody, which it failed to do.

In the years following the hunger strikes, encouraged by the inconsistencies discussed in this paper, the Republican community felt vastly embittered towards the British, further complicating the peace process.²²⁴ Despite the introduction of concessions in the aftermath of the hunger strikes, harsh treatment at the hands of the criminal justice system had increased stubbornness within Republicanism and Loyalism, as both groups felt that they deserved

²²² Taylor, *Provos*, p.213.

²²³ CAIN: The Agreement, Belfast, PRONI, Agreement Reached in Multi Party Negotiations, 10 April 1998. < <https://cain.ulster.ac.uk/events/peace/docs/agreement.htm> > [accessed 02 March 2019], Section 7.

²²⁴ Jim Prior, *A Balance of Power* (London: H Hamilton, 1986), p.192.

reward following the injustices they had suffered.²²⁵ This focus on criminalisation continued up to the Good Friday talks, demonstrating how entrenched dispute became.²²⁶ Even following such discussion, it was not until 2007 that Diplock courts were amended, clarifying how deeply embedded injustice became in the Northern Irish prosecution process and how complex normalisation was as a result.²²⁷ Criminalisation did little to ease the community tensions brewing in Northern Ireland, created resentment towards British policy on both sides of the sectarian divide and to this day raises questions surrounding compensation for rights violations.²²⁸

Clearly, the British government's policy of criminalisation between 1976 and 1980 was not only riddled with flaws and inconsistencies, but was also reliant upon human rights abuse. The British government's willingness to accept human rights abuse in the name of justice made a farce of the integrity of the British criminal justice system in Northern Ireland in the late 1970s, thus further entrenching the conflict, by equipping political detainees with a deepened sense of injustice.

²²⁵ CAIN: James Prior, Belfast, PRONI, Statement by the Secretary of State for Northern Ireland, CENT/1/10/86A, 5 October 1981 < https://cain.ulster.ac.uk/proni/1981/proni_CENT-1-10-86A_1981-10-05.pdf > [accessed 10 April 2019].

²²⁶ CAIN: The Agreement.

²²⁷ Owen Boycott, 'Northern Ireland's Diplock Court To Be Abolished Soon', *The Guardian*, 12 August 2006 < <https://www.theguardian.com/politics/2006/aug/12/uk.northernireland> > [accessed 11 April 2019].

²²⁸ Swaine, 'IRA Prisoners Seek Jail Time Compensation'.

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