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Robert

STRASBOURG CASE

Taoiseach

As I mentioned in Rome, I was approached by Sir John Hunt, Secretary to the British Cabinet late on the second day of the Council meeting. He said that Mr. Wilson had been most anxious to get in touch with you but that it did not, at that time, seem likely that he would succeed, for a few words privately about this subject. Sir John Hunt said that he would like, in these circumstances, to show me the speaking notes which had been prepared for Mr. Wilson on the subject. At the same time, he emphasized that Mr. Wilson was himself deeply and personally concerned with the way the case was developing.

In the notes the impression was created that we had "shut the door" on the way to a friendly settlement and were not prepared to make any proposals which would enable this sort of settlement to be reached.

The notes went on to say that with the present bombing campaigns in both this country and the UK, the possibility of a public dispute on such a matter between the Governments could not but aggravate tensions to a dangerous degree. This aggravation would be heightened by recourse to the European court. It was stressed that it would serve the interest of neither Government in the present situation to have this sort of running sore going on.

The note brought out the point that Labour members in Opposition had strongly condemned these sort of practices which had been the subject of the case; that they admitted that the practices had taken place; and were fully prepared to acknowledge that they would not occur again.

Sir John said that both Governments knew the outcome of the Commission's investigations. [They had found against the British on the torture issue but not on the introduction of internment or on the implication that it was applied in a discriminatory way.] He said that there was a danger that the Commission's findings would soon become public and possibly the subject of ~~some~~ controversy. This gave the matter some urgency so far as they were concerned.

I said that I had not come to Rome briefed about Strasbourg. However, completely without prejudice, my understanding was we were willing to listen to any reasonable proposals which the British might make but that we regarded the onus as being on them - not on us - to make these proposals initially. We felt that the Offices of the Commission should be used for this purpose and that there were obvious

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dangers in any other method of approach. I did not think that "the door had been shut": it was simply the issue of who should make the initial proposals. I said that I felt that if the British did come up with proposals they would find us not at all unreasonable.

I said that in view of the nature of our conversation I would raise the matter with you and phone Sir John Hunt in London but what I did not expect that this communication would be any different from what I was then telling him.

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I propose, if you agree, to do this, at the same time emphasising that if they wish to make a further contact it might be, for the convenience of both sides, through the Embassy in London. This is agreed with Mr. Donlon (Department of Foreign Affairs).

As a personal comment, I believe that an open slanging match between the two Governments at the present could cause grave damage both here and in Britain - giving another impetus to the understandable British desire to withdraw from Northern Ireland, and also, perhaps, inspiring the sort of people who believe in violence to indulge their tastes further. It would be in the interests of both Governments and of the individuals concerned, that a friendly settlement, providing adequate compensation, and an acknowledgement of error, where it has been found by the Commission, should be reached.

precipitately

If I am to phone Sir John Hunt it might not be a bad idea to convey once again to him just how offensive their Press campaigns and briefings on the subject of security here are. If they want friendliness they should act in a friendly manner.

4th December, 1975.