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Mr. O hUiginn

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6/1

Mr. Donlon

1. The judgement of the Court of Human Rights in the inter-State case will be made public at a hearing in Strasbourg at 9 a.m. on Wednesday, 18 January. The Court will simultaneously release a short press statement summarising the judgement. Our delegation at the hearing will consist of Mr. Michael Greene and the under-signed from this Department and Mr. Declan Quigley from the A.G.'s Office

2. I would propose to give the main points of the judgement and/or the text of the press statement by telephone to the Department as soon as the documentation is made available at the opening of the hearing. A short-hand typist will be on stand-by at this end. I will return to Dublin on Wednesday evening and will have with me the bulk of the total number of copies of the judgement which it is estimated will be required (see below). The remainder will follow within two or three days by air freight.

3. I will arrange, if it is considered desirable, - as was done with the Commission's report - to deliver copies of the judgement to the witnesses and other interested parties (SDLP HQ, ALJ, Kit Napier) in Northern Ireland on the Thursday (18th) or Friday (19th) of that week.

4. The following is the proposed distribution of the Court judgement:

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|---|-------|
| Ministers and Ministers of State | 25 |
| Irish missions abroad (as per attached list) | 80 |
| GIS | 100 |
| Dáil Library | 10 |
| Witnesses | 32 |
| Legal Team | 6 |
| SDLP | 10 |
| Remaining Copies | 37 |
| | <hr/> |
| | 300 |

5. I would be grateful for guidance on whether a small number of copies should be made available to the Opposition parties. I understand that when the Commission report was made public copies were sent to Fianna Fáil head-office.

6. It would also be useful to have an indication of how you would wish queries from members of the press who are likely to be in Strasbourg for the judgement to be dealt with. A list of possible questions and draft replies is attached for your consideration. They have been prepared on the assumption that the Government will issue a statement as soon as the judgement is known and that any formal press conference or briefing will take place in Dublin. (They are also based on the assumption that the judgement will not differ radically from the opinion of the Court.) Copies of previous Irish and British Government statements on the case are attached.

PH

P. Hennessy

6 January 1978

c.c. Mr. O Broin

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|---------------------|-------|---------------------------|
| London | 15 | |
| Boston | 4 | air-freight |
| Chicago | 4 | " |
| New York CG | 10 | " |
| San Francisco | 4 | " |
| Washington | 10 | " |
| PMUN New York | 1 | " |
| Berne | 1 | |
| Bonn | 3 | |
| Brussels (Embassy) | 1 | |
| Brussels (Perm Rep) | 1 | |
| Buenos Aires | 1 | |
| Cairo | 1 | |
| Canberra | 1 | |
| Copenhagen | 1 | |
| Geneva | 1 | |
| The Hague | 2 | (one for Prof. Baastians) |
| Holy See | 1 | |
| Jeddah | 1 | |
| Lagos | 1 | |
| Lisbon | 1 | |
| Luxembourg | 1 | |
| Madrid | 1 | |
| Moscow | 1 | |
| New Delhi | 1 | |
| Ottawa | 1 | |
| Paris | 3 | |
| Rome | 3 | |
| Stockholm | 1 | |
| Tehran | 1 | |
| Tokyo | 1 | |
| Vienna | 1 | |
| | <hr/> | |
| | 80 | |

1. Is the Irish Government pleased with the verdict?

The Government will issue a statement on the matter later today. It is obvious however that the judgement of the Court fully justifies the decision of the Government to bring this case in the first instance and the subsequent decision to refer the case for adjudication by the Court of Human Rights.

2. What do you consider to be the most important point in the verdict?

The decision in regard to the prohibition under international law of the future use of the "five techniques". This is a major advance in the protection of human rights and will have repercussions far beyond Northern Ireland.

3. How do you feel about the fact that both the Court and the Commission have rejected many of the charges made by the Irish Government?

The allegations in question have not been rejected; the Court has merely been unable in the light of the very high standards of proof which it requires to find them substantiated. The difficulties which the Commission faced in collecting evidence in this case are of course well-documented in its Report.

4. What happens now?

The Convention provides that the judgement of the Court is final. I understand that the Court will forward the judgement to the Committee of Ministers who are charged with supervising the execution of the judgement.

/...

5. Does this mean that the whole case might be reargued before the Committee of Ministers?

No. The competences of the Committee in these matters are very particular and very limited. It is basically expected to satisfy itself that the offending Government have taken adequate measures to ensure that there can be no repetition of the breaches of the Convention. There is no way that the case can in any sense be reopened.

6. Does the Government accept that "adequate measures" have been taken in Northern Ireland; what about the refusal of the Court probable to accede to the A.G.'s demand that members of the security forces responsible for ill-treatment should be disciplined or prosecuted?

You will appreciate that, like yourselves, we have just this morning received the Court's judgement. The Government will need time to examine it in detail and until that has been done it is not possible to comment on these points. We are nevertheless pleased that the British A.G. was able to give to the Court a solemn undertaking that the British Government would never again use the "five techniques" in N.I.

7. Is the Irish Government satisfied that this assurance is being honoured. There have, for example, been many reports in the past year of ill-treatment of persons in custody in Northern Ireland?

The Government is satisfied that the "five techniques" as understood in the context of this case have not been reintroduced into Northern Ireland. As regards the allegations, these are investigated and reliable information about them collected and assessed. Where appropriate the matter is brought to the attention of the British authorities.