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Note

Castlereagh.
To see please -
5/11
18/4/79

Mr. Michael Canavan, SDLP spokesman on justice, rang from Derry on 6 April. He adverted to his previous recommendation that we should consider bringing Britain before the European Court of Human Rights once more on account of the disclosures of police brutality. I told him we had had a look at the procedures and other considerations and had had a preliminary discussion with the Minister. The arguments against taking action before the Commission and Court had considerable weight. There was no provision for subsequent re-examination or surveillance of undertakings given to the Court like those given by the British Government in 1977. We would therefore apparently have to bring a new case, with all that that would involve in the way of gathering evidence and lapse of time before a verdict. The previous condemnation of Britain was for an administrative practice, sanctioned by the authorities, of five specific techniques of ill-treatment, over a specified short period at one detention centre. Many other proven cases of ill-treatment were held to be not in breach of the Convention. For instance, the mal-treatment of internees at Ballykinler had been dismissed. If that were so, there must be doubts about the prospect of getting a favourable verdict in respect of offences at Castlereagh, the more so since evidence of these had yet to be built up. However we would continue to examine the matter and the British obligation to stand by the undertaking given to us and to the Court would be insisted upon, as it had already been in official contacts.

Mr. Canavan said the British would only understand action, not words. He was concerned that one of the five techniques - hooding -, seemed to have returned in a modified form as there were reports and some evidence that plastic bags were being put over the heads of people being interrogated. I asked Mr. Canavan to give us full details of this and of any other abuses known to him as such information would be central to our consideration of the question of any resumption of procedures under the Strasbourg Convention.

Mr. Canavan concluded by urging us to bring our influence to bear fully on the British authorities at the present stage. They would be on the defensive during the election campaign, he stated.



D.M. Neligan
(2 April, 1979

c.c. PSM
PSS
Mr. D. Nally (D/Taoiseach) ✓
Mr. O hUiginn