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# Northern Ireland Office

## Press Notice

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Great George Street

November 6, 1972.

### DETENTION OF TERRORISTS (NORTHERN IRELAND) 1972

#### Appointment of Commissioners to deal with people suspected of participation in terrorist activities

The Detention of Terrorists (Northern Ireland) Order 1972\* has been laid before Parliament and published today, in which the Secretary of State for Northern Ireland, Mr. William Whitelaw has appointed three Commissioners to carry out the functions specified in the Order.

The Order follows the statement on security policy of September 21. It sets out the intention of the Government to introduce a system whereby people suspected of terrorist activities can be dealt with in a manner which provides the maximum safeguards for the individual. The system will eliminate the judgment by executive decision alone but will be matched to the special conditions which obtain in Northern Ireland.

The three Commissioners are Judge Leonard, Sir Ian Lewis and Sheriff John Alexander Dick.

The Commissioners will be independent of the executive and will have wide power to enable them to consider whether a person has been concerned in the commission or attempted commission of any act of terrorism; or the organisation, direction or training of persons for the purpose of terrorism; and whether his detention is necessary for the protection of the public.

The Commissioners may order the detention or the release of a person. It is for the Secretary of State to direct the discharge or release of any person against whom a detention order has been made by the Commissioners. The Secretary of State

\* HMSO, 1972 No.1632 (N.I.15), price 8p.

may also refer to a Commissioner the case of a person detained by this Order to determine whether or not he should be released.

A person whose case is the subject of a reference - called in the Order the "respondent" - shall be given a written statement as to the nature of the terrorist activity which is being inquired into not less than three days before the hearing of a case. The respondent may be represented by counsel or a solicitor at the hearing.

Where it appears to the Secretary of State that a person is concerned with terrorist activities and cannot be charged under the normal processes of law, an interim custody order may be made under this Order. A person cannot be detained for more than 28 days unless his case is referred to a Commissioner by the Chief Constable.

All existing internees and detainees are to be referred to the Commissioners.

To protect witnesses against intimidation, hearings will be in private and the normal rules of evidence will not apply.

A Detention Appeals Tribunal is also being established and will sit under the Rt. Hon. Sir Gordon Willmer, a former Lord Justice of Appeal.

The Order in Council has been taken under the urgency procedure provided for in the Northern Ireland (Temporary Provisions) Act 1972. It was made on November 1 and will come into effect on November 7, subject to affirmative resolution in both houses of Parliament within 40 days.

The formation of these Commissions is an interim measure pending recommendation by the Diplock Commission which is considering what arrangements for the administration of justice in Northern Ireland could be made in order to deal more effectively with terrorist organisations by bringing to book, otherwise than by internment by the Executive, individuals involved in terrorist activities, particularly those who plan and direct, but not necessarily take part in, terrorist acts.

The Commissioners begin work this week.

#### BIOGRAPHICAL NOTES

His Honour Judge Leonard was born in 1905 and has been a circuit judge since 1965. He was called to the Bar in 1928 after graduating from Christchurch College, Oxford. A former recorder of Walsall he was Deputy Chairman of the County of London Quarter Sessions from 1964 - 65, and of Oxfordshire from 1962 - 71.

Sir Ian Lewis is 46 and has been a Justice of the Supreme Court of Nigeria since 1966. After graduating from Trinity College, Cambridge with a first-class honours law degree, he was called to the Bar in 1951. He was Attorney-General and Minister in the Nigerian Government from 1962 - 66.

Sheriff John Alexander Dick was born in 1920 and graduated from Edinburgh University in 1947 with a first-class honours degree in economics. He lectured in Public Law in that University from 1953 - 1960 and has been Sheriff of the Lothians at Edinburgh since 1969.

Sir Gordon Willmer was born in 1899 and was a Lord Justice of Appeal from 1958 to 1969. He was called to the Bar in 1924 and is a former member of the General Claims Tribunal, Chairman of the Inns of Court Mission and Treasurer of the Inner Temple.