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Title: Copy letter from Ambassador of Ireland to Great Britain to Seán Ronan, Assistant Secretary at the Department of Foreign Affairs, reporting a meeting with Thomas Brimelow, and Kelvin White of the Foreign and Commonwealth Office, mainly regarding allegations of brutality accompanying the reintroduction of internment in Northern Ireland

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Confidential

August 25th 1971

Dear Assistant Secretary

I am writing to confirm what I told you on the telephone this afternoon following my call on Sir Thomas Brimelow, Deputy Under Secretary of State, at the Foreign and Commonwealth Office. Sir Thomas was accompanied by Mr. Kelvin White for our discussion which lasted the best part of an hour.

The attitude of the British officials was completely friendly throughout and they gave me the impression of wanting to be as reasonable and conciliatory as possible.

They made copious notes of what I had to say to them on the different points you asked me to raise.

On the question of the independent inquiry into the allegations of brutality, they told me that the Prime Minister has given instructions that the most urgent action be taken on this. General Tuzo is also very anxious that the inquiry should proceed as a matter of special urgency. In making our request for the immediate initiation of the inquiry, we are therefore pushing an open door. Mr. Kelvin White stressed at this stage, and again at several points throughout our discussion, that the British are reasonably certain that the allegations of ill-treatment are grossly exaggerated and they are virtually convinced that the Irish Government is "backing a loser" in this matter.

Sir Thomas Brimelow took particular note of the suggestion I made for non-British membership of the inquiry team and for the widening of the terms of reference to cover not only all the allegations of brutality but cases like those of the killing of Thornton, Cusack, Beatty and the deaf mute. He

promised to bring these suggestions to the attention of his authorities.

On the question of the Appeals Body on detainees, I said I had been instructed to urge that this should be set up immediately, that it should not be headed by a person belonging to the Unionist establishment, and that it should be given the task of enquiring into the cases of all detainees whether they were referred to it or not. The only comment which Sir Thomas made on this point was that what we were suggesting was something in the nature of a Parole Board. Mr. Kelvin White mentioned that the detainees are at present held under Section 11 of the Special Powers Act. The setting up of the Appeals Body may not arise until Internment Orders under Section 12 of the Act have been made. He was not sure whether his interpretation of the situation was correct but he promised to make enquiries if possible this afternoon not only about the Appeals Body but also about the independent inquiry into brutality and to phone me as soon as he has information.

I then moved to the suggestion that all detainees should have immediate access to medical and legal advisers and that there should be free legal advice for them. Sir Thomas promised to put this suggestion to his authorities. Mr. Kelvin White made the point that all detainees were subjected to medical examination on arrival at the detention points and he thought it highly unlikely that the medical people would accept responsibility for "detainees who had been roughed-up by the soldiers".

From there, I moved to the question of the improvement of the conditions under which the detainees are held.

Mr. Kelvin White said he was in a position to let me know in confidence that the view here is that the Maidstone is

not at all suitable. Alternative accommodation is being sought and it is almost certain that the detainees on the Maidstone will be removed from there in about a fortnight or so.

I then told them that my Government will have to consider action at the European Court of Human Rights and that the Government is under great pressure to make a move in this direction. As I understood the position, derogations from the Human Rights Convention are possible in certain emergencies but such derogations are not possible where deprivation of life is involved (Article 2) or where there is evidence of torture and inhuman or degrading treatment (Article 3). They were obviously quite taken aback by this information and after a reading of the Articles in question agreed that the instances I quoted are cases where derogations are not possible. They expressed the strong hope that "your Government will wait on events" before deciding on any move to the Court of Human Rights. Here, they were referring to the allegations of ill-treatment and said it would be unfortunate for us if we were found to be "embracing an unreasonable case". They again repeated that General Tuoz is not at all the type who would for a moment tolerate brutal behaviour from his soldiers. However, in the event of specific cases emerging which would appear to be eligible to put before the Court, they would greatly appreciate it if we would have a preliminary word with them before taking any such action. I said I would convey these comments to my authorities.

I then told them that I had been instructed to make known to them that the Taoiseach's meeting with the Opposition M.Ps and Senators from the North was aimed solely at

trying to hold a moderate central line. If there is no political hope of a change in the situation, it will be extremely difficult to hold out against the violent element. Sir Thomas said that he was glad to receive this comment from me and said I could take it that his Government is as interested as mine in preserving a middle line. We must all try "to get back to reasonable political dialogue as soon as possible." He asked if another meeting with the people from the North has been fixed. I said I had no information on this but further meetings will certainly take place.

Mr. Kelvin White said I may be interested to know in confidence that the International Red Cross, following its meeting in Geneva to-morrow, will probably issue a statement suggesting that, if internment camps are established in the North, it would be a good idea for the Red Cross to have a look at them. There will be no objection either by Westminster or Stormont to inspection of the camps by a Red Cross team which would include some ^{medical} experts.

This ended our substantive discussion. Sir Thomas Brimelow enquired whether I would be speaking to the Press afterwards. I told him that I proposed to inform the London representatives of the Irish papers and of Irish television that I had called on him at my request and that I was reporting on our discussion to my Government. Sir Thomas said that if a statement was being put out in Dublin he would have no objection to a reference being made to all the points I had raised except that on the European Court of Human Rights. He thought it might be as well too to avoid any mention of the suggestion that the inquiry into brutality should be extended to cover the killings of Thornton, Cusack, etc.

There was no reference during our discussion to the meeting between the Taoiseach and the Prime Minister. Mr. Kelvin White has been concerned with the arrangements for the visit. He accompanied me to my car after the talk and made no reference to the meeting nor did I.

While I was dictating this, Mr. Kelvin White telephoned the results of the enquiries which he had promised to make. About the independent inquiry into brutality, efforts are being made by telephone to line-up people for the inquiry. The authorities here are moving with great speed in the matter and he hopes that the composition of the inquiry team can be settled very quickly.

As to the Appeals Body on detainees, Mr. White confirmed that this will not be set up until Internment Orders have been made. Under the terms of the Internment Orders, each individual involved will be free to make representations. The question of selectivity does not at all arise. Mr. White could not give me any indication as to when Internment Orders will be made but he offered the comment that the sooner this happens the better.

On the question of detainees having immediate access to medical and legal advisers, Mr. White told me that the detainees are being treated in the same way as prisoners on remand. They therefore have the right to ask for legal advisers and, in fact, some legal advisers are already having access. No complaints have been received by London of refusals of access to legal advisers. He could not say if legal advice in these cases is free but his impression is that it is. He is to enquire further into this point. He also told me that, insofar as he can ascertain, a

prisoner on remand has the right to ask for his own doctor. He is to enquire further into the situation to ascertain whether any of the detainees have asked for visits by their own doctors and, if so, whether these requests have been met.

Yours sincerely

BONAL O'SULLIVAN

Ambassador

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