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15th August, 1975.

Dr. Garret FitzGerald, T.D.,
Minister for Foreign Affairs,
Mill Cove,
Cushean,
Schull,
Co. Cork.

Dear Garret,

I enclose herewith a report of a meeting in Strasbourg on the 12th August.

You will see that the representatives of the Commission have indicated that the Commission is likely to find that the United Kingdom Government was in breach of Article 3 of the Convention. It will not, however, find breaches in relation to the other Articles. Whilst the report indicates that a preliminary view was being expressed it was made clear that these preliminary views will, in fact, be those included in its final report. It is thought that the report will be available for the September meeting of the Commission. If there is no settlement then the report is likely to be forwarded to the Government towards the end of the year.

You will see that in paragraph 12 reference is made to the President's remarks that a meeting in two or three weeks time would be desirable to explore the possibility of a friendly settlement. A response from us is required.

I enclose, for your information, a copy of the letter of the 12th October 1973 and copies of the most recent letter of the 8th of August 1975.

The following considerations appear to me to be the relevant ones:

- (a) A settlement of the case would, presumably, involve either a withdrawal of the charges or a request that no finding be made on our claim. To justify such a settlement considerable concessions would be required from the U.K. The only worthwhile concession at the present time (in the context of the Case) would be some type of Bill of Rights (or the enactment of the Human Rights Clauses Convention in Northern Ireland) coupled with an International Tribunal to hear complaints of breaches of the Bill of Rights (or Convention, as the case may be). Nothing short of a settlement on these lines could be contemplated.
- (b) A judgement has to be made as to the likelihood of the U.K. agreeing to such terms. In my opinion such agreement is extremely unlikely. No willingness has been shown up to now to settle; no willingness to allow an International Tribunal to adjudicate on human rights matters in the Northern Ireland context has been shown; the U.K. realise that findings against them would, in any event, be made in the individual petition cases; if concessions are to be made by the U.K. they are more likely to be made in the context of

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I of the politics of Northern Ireland rather than to the Irish Government.

- (c) If any indication of our ideas of settlement is given to the Commission then the U.K. is likely to seize on this to delay proceedings. Any indication given by us now to the Commission could be interpreted as a sign of weakness on our part.
- (d) The U.K. know perfectly well that they can activate the friendly settlement procedures by putting forward proposals. Any criticism by them of our attitude would be completely unreasonable - it is their responsibility if no settlement proposals are considered.

For the reasons outlined above, therefore, I would suggest that we maintain our previous attitude and do not put forward any proposals for settlement but give consideration to any proposals which might be forthcoming. For what it is worth, I would anticipate that no firm proposals will be made by the U.K.

Could you telephone me when you have considered this matter? It is very urgent as we have to contact Strasbourg. When you have considered it I would like to inform the Taoiseach of our views and obtain his opinion as to the action to be taken.

Sincerely yours,

Enc.