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① Sir Edward 23/6
P.M.

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14 23 JUN 1983
PRIVATE OFFICE



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HEAD OF THE N.I.
23 JUN 1983
CIVIL SERVICE

SECRETARY OF STATE FOR DEFENCE

EUROPEAN COMMISSION OF HUMAN RIGHTS : FARRELL

① MONTREAL 23/6
② cc for info
PS/Scpsu)-M
PS/PVS (b6)-M
PS/SIR E. Bell-M
MR Bierton
MR Bound-M
MR Angel
MR Royle-M
MR BoxSmith
Mr Caulfield
③ SJS to see
④ OF 23/6

Thank you for sending me a copy of your minute to the Northern Ireland Secretary of 17 June. I have, as you know, kept in close touch with this case throughout the domestic proceedings (where I myself represented the Ministry of Defence in the House of Lords) and in the current proceedings in Strasbourg.

I substantially agree with your analysis of the position in which we now find ourselves and I would support your recommendation that we should reply to the Commission to the effect that, while we are not ourselves making any specific offer, we would be willing to consider sympathetically any reasonable suggestion that the applicant might make for the friendly settlement of the case. I agree that, in any negotiations which might then ensue, we should be guided by the conditions indicated in paragraph 6 of your minute. I expect - and I think that this is your view also - that it will prove impossible to achieve a settlement consistent with these conditions but I think that, if we respond in this way, we shall finish up in a better position vis-a-vis the Commission than if we had refused even to contemplate the possibility of a settlement.

I understand that officials of all the Departments concerned are working closely together on the handling of this and other aspects of the case and are being assisted and advised by the Counsel whom I have nominated for the purpose (Senior Crown Counsel, Northern Ireland, and a

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very reliable Junior, from the English Bar) and I suggest that we might now leave the detailed handling of the negotiations to them. I myself would propose to continue to keep a very close eye on the matter and you and other interested colleagues would of course be consulted if (which, as I say, I do not really expect) a settlement compatible with our conditions seemed obtainable.

I am copying this minute to the Prime Minister, the Northern Ireland Secretary, the Foreign and Commonwealth Secretary and the Home Secretary.

MH

LAW OFFICERS' DEPARTMENT

22 June 1983