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Mr O'Higgins
Mr. Donlon

Visit to Northern Ireland, 24/25 January 1978

Summary

1. The primary purpose of the visit was to distribute copies of the judgement in the inter-State case to persons who had given evidence in Strasbourg on our behalf and to other interested individuals and organisations.
2. The most common reaction was to welcome the judgement but with reservations at the failure of the Court to condemn the "five techniques" as torture. This was usually combined with expressions of doubt as to whether the judgement would effectively control the behaviour of the security forces. The question of instituting proceedings against those members of the security forces responsible for ill-treating detainees was frequently raised. There was however universal approval of the decision of successive Governments to continue with the case through both the Commission and Court.
3. The chairman of the Association for Legal Justice, Mr. Seán McCann, whom the Minister met recently, expressed disappointment a remark said to have been made by the Minister in an interview on the evening of the publication of the judgement. It was, apparently, in reply to a question about whether the Government believed that inhuman and degrading treatment continued at interrogation centres such as Castlereagh. The Minister reportedly replied that "we do not have the information to decide one way or the other" but, apparently, went on to say that complaints are received and investigated from time to time. McCann felt that the information supplied to the Department over the years by the ALJ should be sufficient to leave no doubt that such practices were continuing.
4. I replied that while I had not heard the interview, I could assure the ALJ - as indeed they must know from their recent meeting - that the Minister took a keen personal interest in this aspect of the situation and that the material which they supplied was given the most careful consideration. The comments attributed to the Minister, if correctly reported, were most likely in the context of a comparison between the present situation and that which existed at Palace Barracks

and elsewhere in 1971. However, unsatisfactory the present situation might be the ALJ would agree, I thought, that it did not bear comparison with that of 1971. I should add that this was of the nature of a digression in an otherwise cordial conversation, in the course of which McCann expressed himself pleased with the Government's approach to the Northern Ireland problem.

5. There was general agreement among those who are active in monitoring complaints against the security forces that there has been a very real diminution in the number of allegations relating to Castlereagh and elsewhere over the past ten weeks - in fact, since the visit of the Amnesty delegation.

P. Hennessy

1 February, 1978

Visit to Northern Ireland, 24/25 January, 1978

Part II

1. Fr. Faul said he had not been involved in the organisation of previous weekend's Coalisland conference. This had been mainly undertaken by the local Relatives Action Committee. He mentioned the McGrath family, two of whom were picked up following the murder of 3 RUC men at Ardboe in June as being particularly active in the Coalisland RAC. Fr. Faul claimed to be heartened by the attendance of representatives of a very diverse range of bodies; he was however fairly pessimistic about the prospects of maintaining this united front. There was no definite follow-up agreed apart from a general acceptance of the need to build on this initial success. He was critical of Kevin Agnew's performance which he felt had resulted in damaging publicity. He thought it likely that there would be a takeover bid by Bernadette McAliskey, Michael Farrell and co., and that the present momentum would not be sustained for very long.

2. Kit Napier expressed particular concern at what he saw as a possible side-effect of the decision of the Strasbourg Court not to bring in finding of torture. Section 8(2) of the Emergency Provisions Act provides, in wording borrowed directly from the European Convention, that if it is adduced that an "accused was subjected to torture or to inhuman and degrading treatment" statements thereby obtained will be disregarded unless the prosecution can satisfy the court to the contrary. He was afraid that the effect of the judgement would be to raise the threshold on the level of physical violence which would be permissible during interrogation. Pascal O'Hare was however notably less apprehensive on this point and, in any event, seemed to feel that solicitors were now sufficiently well organised both to expose and halt such a drift should it occur.