

## NATIONAL ARCHIVES

### IRELAND



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*Telex sent to Strasbourg  
by Miss Sands*

*Telex as put on tape at 9.30 p.m. on Thursday,  
23rd April, 1981.*

TO: THE EUROPEAN COMMISSION OF HUMAN RIGHTS

ON BEHALF OF MY BROTHER, ROBERT SANDS, M.P., I WISH TO APPLY TO THE COMMISSION UNDER ARTICLE 25 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. MY BROTHER IS A VICTIM OF A VIOLATION OF THE CONVENTION BY THE BRITISH GOVERNMENT. HIS STATE OF HEALTH IS SUCH THAT HE IS UNABLE HIMSELF TO MAKE AN APPLICATION DIRECTLY.

THE GROUNDS FOR MY CLAIM FOR INTERVENTION BY THE COMMISSION ARE:

- 1) THE BRITISH GOVERNMENT IS IN BREACH OF ARTICLES 2 AND 3 OF THE CONVENTION. MY BROTHER'S LIFE IS IN DANGER. HE IS NOW IN THE 54TH DAY OF A HUNGER STRIKE WHICH HE HAD NO CHOICE BUT TO UNDERTAKE AS A MORE CONVENTIONAL DOMESTIC REMEDY WAS NOT OPEN TO HIM TO PROTEST AGAINST PRISON CONDITIONS WHICH HE REGARDED AS INTOLERABLE.  
  
NO DOMESTIC REMEDIES ARE AVAILABLE TO HIM TO ENABLE HIM TO HAVE HIS PRESENT CIRCUMSTANCES DECLARED INHUMAN OR DEGRADING. THERE IS NO FUNDAMENTAL RIGHTS CHARTER JUSTICIABLE IN NORTHERN IRELAND ON WHICH HE CAN RELY.
- 2) THE CONDITIONS OF MY BROTHER'S IMPRISONMENT ARE IN BREACH OF ARTICLE 10 IN THAT HE IS UNABLE TO GIVE EXPRESSION OF TO THE OPINIONS OF HIS CONSTITUENTS, DESPITE THE FACT THAT HE IS A DEMOCRATICALLY ELECTED MEMBER OF THE BRITISH PARLIAMENT.
- 3) IN THE PARTIAL DECISION OF THE EUROPEAN COMMISSION OF HUMAN RIGHTS ON APPLICATION NO. 8317/78 BY T. MCFEELEY ET AL AGAINST THE UNITED KINGDOM THE COMMISSION AT PARAGRAPH 64 EXPRESSED ITS CONCERN AT THE INFLEXIBLE APPROACH OF THE STATE AUTHORITIES " WHICH HAS BEEN CONCERNED MORE TO PUNISH OFFENDERS AGAINST PRISON DISCIPLINE THAN TO EXPLORE WAY OF RESOLVING SERIOUS DEADLOCKS" IN THE NORTHERN, IRELAND PRISON SYSTEM. THIS INFLEXIBILITY CONTINUES.

MY BROTHER IS THE VICTIM OF A CONTINUING DENIAL OF HIS RIGHTS. BECAUSE OF THE URGENCY OF THIS SITUATION IT IS NOT POSSIBLE IN THIS TELEX TO EXPAND UPON THE LEGAL BASIS OF THIS APPLICATION AND TO RELY ON, AND DISTINGUISH WHERE APPROPRIATE, OTHER RELEVANT CASES BEFORE THE COMMISSION.



I AM MAKING THIS PLEA FOR THE COMMISSION TO TAKE NOTE OF DEVELOPMENTS FOLLOWING THE DECISION TO WHICH I HAVE REFERRED AND I WOULD ASK THEM TO EXAMINE URGENTLY, ON A FORMAL OR INFORMAL BASIS, THE EXTENT TO WHICH THE MEASURES TAKEN BY THE RELEVANT AUTHORITIES SINCE THE PARTIAL DECISION WAS INITIATED CONSTITUTES AN ADEQUATE RESPONSE TO THE COMMISSION'S COMMENTS AND SUGGESTIONS AND TO OTHER BASIC HUMAN RIGHTS REQUIREMENTS WHICH I WILL EXPAND UPON IF I AM AFFORDED THE OPPORTUNITY.

I P IN PARTICULAR, I WOULD REFER TO RULE 41 OF THE COMMISSION'S RULES OF PROCEDURE AND WOULD ASK THAT <sup>A</sup> SA SPECIFIC ON-THE-SPOT INVESTIGATION BE UNDERTAKEN IMMEDIATELY UNDER THAT OR ANY OTHER APPROPRIATE RULE.

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