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TO: HQ FROM: BELFAST
29 NOVEMBER 1988

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FOR: D. O'DONOVAN FROM: N. RYAN

BRITISH GOVERNMENT REACTION TO THE EUROPEAN COURT OF HUMAN RIGHTS JUDGEMENT IN THE BROGAN CASE

I SOUGHT INFORMATION FROM THE BRITISH SIDE THIS MORNING ON THE LIKELY GOVERNMENT REACTION TO THE JUDGEMENT IN THE BROGAN CASE, PARTICULARLY IN THE CONTEXT OF THE NEW PREVENTION OF TERRORISM BILL NOW BEFORE PARLIAMENT WHICH, AS YOU KNOW, CONTINUES THE POWER OF DETENTION AVAILABLE TO THE POLICE FOR UP TO 7 DAYS.

I HAVE NOW BEEN GIVEN A COPY OF A STATEMENT ISSUED BY THE NIO WHICH I AM FAXING TO YOU SEPARATELY. I HAVE BEEN TOLD, IN ADDITION, THAT THE GOVERNMENT ATTACHES GREAT IMPORTANCE TO THE FULL 7 DAY DETENTION PERIOD AND I WOULD INFER FROM BOTH THE STATEMENT AND FROM THIS PARTICULAR COMMENT, WHICH CAME FROM A SENIOR NIO OFFICIAL, THAT EITHER DEROGATION IS BEING SERIOUSLY CONSIDERED (RATHER THAN AMENDMENT OF THE PT BILL TO REDUCE THE PERMITTED PERIOD OF DETENTION TO 4 DAYS) OR SOME OTHER AMENDMENT SUCH AS INVOKING A JUDGE AFTER 4 DAYS TO VALIDATE THE CONTINUED DETENTION.

THE GOVERNMENT WILL BE ANNOUNCING ITS REACTION TO THE JUDGEMENT IN THE COMMONS WHEN THE PT BILL IS DEBATED ON 6 DECEMBER. WE HAVE ASKED FOR AND BEEN PROMISED ADVANCE BRIEFING ON WHAT WILL BE SAID.

ENDS

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Note: His decision had been expected.
Our position has been for some time that the PTA detention period should be reduced to 5 days maximum given that the great majority of those who make statements do so in the first 48 hours.



NORTHERN IRELAND Information Service

STATEMENT BY THE NORTHERN IRELAND OFFICE

29 NOVEMBER 1988

The Government has not yet had time to study the judgement of the European Court and will want to do so carefully before determining its response. News of the Court's judgement does not, however, come as a surprise. These cases were considered by the European Commission as long ago as June of last year. Since then, save in the most exceptional cases, Ministers have individually reviewed, at least twice, all the cases of persons detained in Northern Ireland for the full 7 days allowed under the Prevention of Terrorism Legislation. Over 80% of those detained so far this year have been released or charged within a 5 day period and more than half of those detained for 5 days or longer were charged with serious offences including 16 for murder and 8 for attempted murder.

It is understood that the Court did not accept the applicants' complaint that they had been detained solely for the purpose of interrogation. The arrest and detention powers are used in Northern Ireland in an effort to bring charges against those responsible for terrorist crimes. Extended periods of detention are granted to allow the police to assemble evidence and to give time for forensic and other tests to be completed. So far this year, 35% of those arrested in Northern Ireland under the legislation, and detained for more than 48 hours, were subsequently charged with terrorist offences.