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Title: Letter from HJ McCann, Secretary in the Department of Foreign Affairs, to D O'Sullivan, Assistant Secretary in the Department of the Taoiseach, attaching a draft letter to John Peck, British Ambassador to Ireland, regarding possible Irish action before the European Commission of Human Rights in connection with alleged human rights abuses in Northern Ireland.

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ROINN GNÓTHAÍ EACHTRACHA

DEPARTMENT OF EXTERNAL AFFAIRS

Foreign

BAILE ÁTHA CLIATH 2

DUBLIN 2

Confidential

18 Deireadh Fómhair 1971

Tansaid 18/10/71

Dear O'Sullivan

The attached draft letter to the British Ambassador has been prepared by Mr. Gallagher in response to your request.

You will note that alternative versions of the final paragraph have been suggested - for use depending upon whether the Taoiseach wants to announce a decision on Wednesday or wishes to formalise the threat now giving an option to the British to react. The latter would have value only on the off-chance that Mr. Heath has been postponing action on a political initiative until after he gets his EEC vote on 28th October.

Yours sincerely

D. O'Sullivan, Esq.
Assistant Secretary
Department of the Taoiseach

Rinnai Cúirt, 29/10

*This reached me from the Private Office yesterday.
I don't know what action, if any, was taken on the
accompanying draft.*

*H.S.D.
28.6.72.*

Draft.19th October, 1971

No doubt you are aware that our Ambassador in London, when he called on Sir Thomas Brimelow at the Foreign and Commonwealth Office on August 25th last, told him that the Government were considering action before the European Commission of Human Rights in connection with alleged breaches of the European Convention on Human Rights in Northern Ireland. When the Taoiseach saw Mr. Heath at Chequers on 6th and 7th September ~~alt~~ he told him that he was under strong pressure in this matter. Again on the 28th September the Taoiseach told Mr. Heath that he was satisfied that there was a case for laying complaints before the Commission.

The Taoiseach has naturally been reluctant to proceed with this matter. He is, however, satisfied, from careful examinations made and from the material put at his disposal from a number of reliable sources, that breaches of the Convention appear to have taken place in a substantial number of cases.

The Taoiseach had hoped that his remarks on this subject to Mr. Heath would have had the effect of eliminating the alleged behaviour. Regrettably there is no evidence of this. Humanitarian considerations ~~now~~ compel the Government to consider the position.

The Taoiseach had also hoped that his conversations with Mr. Heath would have resulted in a greater understanding by the British Government that the fundamental causes of strife in the North will yield only to political initiatives and that these should be designed to pull the North together and to set general Anglo-Irish relations on a progressive road to a better future. To rely on military measures is simply to repeat mistakes all too frequently made in the past. Further military measures have now been taken, despite the Taoiseach's views on them, which seem calculated to give the impression that the Northern difficulties emanate or are encouraged substantially from here. The facts of the situation in the North repudiate this.

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[I am asked to advise you that the Government have taken a decision to have recourse to the European Commission on Human Rights and the Taoiseach will announce this in Dáil Éireann tomorrow.]

Alternatively [I am instructed to advise you that the Government are now seriously considering taking a decision to have recourse to the European Commission on Human Rights. I am letting you know this in response to the request made by Sir Thomas Brimelow to our Ambassador in London at their meeting on August 25th last for advance notification of such an intention].

His Excellency Sir John Howard Peck, K.C.M.G.
British Embassy
39 Merrion Square
Dublin 2