

NATIONAL ARCHIVES**IRELAND**

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Title:	Department of Foreign Affairs briefing documents for the meeting at Chequers, England, between the Taoiseach, Jack Lynch, the British Prime Minister, Edward Heath, and the Prime Minister of Northern Ireland, Brian Faulkner. The documents detail the Irish Government's view of the operations of the British Committee of Inquiry into allegations of brutality.
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British Committee of Inquiry into allegations of brutality

Background: Widespread and consistent reports of army brutality against, and degrading treatment of, detainees in the internment operation in Northern Ireland led to repeated demands from a wide variety of organisations (including Amnesty) and persons for a thorough and independent inquiry. The Irish Government through the Ambassador in London supported this move in a formal request to the British authorities on 25th August 1971. The British were also told that the Irish Government will have to consider action at the European Court of Human Rights in Strasbourg. The British Government were taken aback by the reference to Strasbourg and asked us not to make a public statement or take any action without acquainting them in advance. In calling for a full and impartial inquiry (which should have non-British membership) the Irish Government also requested that the terms of reference of the inquiry body be sufficiently wide to cover not only the allegations of brutality by security forces in the North, but also cases like those involving the killing of Thornton, Cusack, Beattie, and McDevitt, the deaf mute. Britain expressed the view that we would be "backing a loser" if we thought the allegations of brutality were well founded. A copy of the Ambassador's report is attached if further details are required.

Terms of Reference of Inquiry Body: Almost two weeks elapsed before the British announced their decision to hold an inquiry and ten further days passed before the names and terms of reference of the Committee of Inquiry were published. The attached paper contains full particulars in this connection.

Reaction to Composition and terms of reference of Committee of Inquiry:

There has been general dissatisfaction with the composition and terms of reference of the Committee of Inquiry - so much so that the detainees have refused to co-operate. They mentioned as major defects the fact that the inquiry will not be in public; will not have full judicial powers to summon witnesses and examine records; that people giving evidence will not be legally represented; and that there will be no cross-examination of witnesses. These are all major defects which give rise to the widespread view that the whole exercise is

2nd September under the prominent headline "THE INQUIRY IS FAULTY", supports the decision to hold the hearings in private but adds that the detainees "are fully justified in demanding that they be allowed representation before the Committee and be given the opportunity of testing the evidence of other witnesses". The editorial goes on to say that "without those elementary requirements of the mechanics of justice they would stand at a disadvantage, unable quite possibly to make the best of their case. And there are precedents in their favour". The precedent mentioned was the enquiry three years ago (headed by the present Solicitor General) into allegations of ill-treatment of patients at mental hospital at Cardiff. There was criticism also of the inquiry from several other quarters.

With regard to the composition of the Committee of Inquiry, the appointment of Sir Edmund Compton (who is to be the Chairman) has been criticised in the North. He is also the Ombudsman in Northern Ireland (and up to recently in Britain also) and the White Paper on reforms issued two weeks ago by the Northern Government quoted from Sir Edmund Compton's second report as Ombudsman as follows:

"My first years of office in Northern Ireland have not produced a single instance of culpable action in the organs of central government". In the same report the Ombudsman also said (and this, too, is quoted in the White Paper)

"I think it fair to say that the quality of administrative performance in the Northern Ireland Ministries compares well with my experience of Government Departments in the United Kingdom. Indeed the individual citizen frequently gets a better service from a Northern Ireland Ministry than he would get from a United Kingdom Department in similar circumstances owing to the easier access to central government".

While this might be fairly true within the very narrow terms of reference of the Ombudsman's mandate, the minority would find it very difficult to accept such a sweeping statement.

Sir Edmund Compton stated on 2nd September that the boycott of the inquiry by the detainees would not frustrate his Committee's

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investigation. Although the prospects of having a fair investigation carried out within the announced terms of reference were doubtful from the start the likelihood of doing so now without the cooperation of the detainees is minimal and the report when it emerges will be totally rejected by the minority in general and the detainees in particular.

(One member of the Committee of Inquiry, Mr Edgar Kay, Q.C. participated in the inquiry into the Munich air disaster. It is thought in some quarters that he ^{was} chosen because of the desire of the British to ensure that blame was pinned to the German pilot. The investigating body duly reported accordingly.)

The Home Secretary has invited Sir Edmund Compton to be Chairman and Dr Ronald Gibson and Mr Edgar Fay, QC to be members of the Committee of Inquiry into allegations of brutality in the recent internment operation in Northern Ireland. They have accepted the invitation. The terms of reference of the inquiry are

"To investigate allegations by those arrested on 9 August under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 of physical brutality while in the custody of the security forces prior to either their subsequent release, the preferring of a criminal charge or their being lodged in a place specified in a detention order."

The Home Secretary has told the members of the Committee that in order to ensure the personal safety of members of the security forces against whom allegations may be made it is necessary that the inquiry should be undertaken in private and that there should be no opportunity for a confrontation between complainants and members of the security forces against whom complaints are made.

The report of the inquiry will be published.

Note: The joint Secretaries to the Committee are: Mr R Morris, of the Home Office and Mr C G Leonard, of the Treasury Solicitor's Office.

August 31 1971