

NATIONAL ARCHIVES

IRELAND



Reference Code:	2008/79/3076
Creation Date(s):	18 January 1978
Extent and medium:	2 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
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STRASBOURG CASE

In December 1971 the Irish Government submitted a series of complaints against the British Government to the European Commission of Human Rights in Strasbourg alleging breaches of the European Convention on Human Rights. The Commission adopted its Report on 25 January, 1976 and transmitted it to both Governments. On 10 March, 1976 the Irish Government referred the case to the European Court of Human Rights consisting of judges from seventeen member States of the Council of Europe and the Court has to-day delivered its judgement.

The Commission and now the Court of Human Rights have condemned the methods of interrogation shown to have been used by the British Government. The Report of the Commission and the Judgement of the Court have indicated to the British Government that to re-introduce these methods of interrogation, irrespective of whether they are called torture or inhuman and degrading treatment, would involve a deliberate breach of the Convention rendering Britain liable to expulsion from the Council of Europe. As a result of the case, Ireland has succeeded in outlawing, in Northern Ireland and indeed in any country which is a signatory to the Convention, the use of methods of interrogation which the Commission did not hesitate to call torture.

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Ireland has also succeeded, in the face of absolute denials that anything irregular had taken place, in establishing before the Court that there existed in Palace Barracks in 1971 a practice of inhuman treatment. The Court has also described the treatment of detainees at Ballykinler as a discreditable and reprehensible practice. The Court also decided that the information before it suggested that there must have been individual cases of breaches of Article 3 in various other places in Northern Ireland.

The case made by the Irish Government has stood up to rigorous, international examination and the judgement of the Court, which is final, must be welcomed by all who are interested in the protection of human rights. It will strengthen the ability of Governments to co-operate in the fight against those using terror or violence for political ends.

18th January, 1978.