

163/8
14 AUG 1990
CENT SEC

MR Walker 2/10/9 (F)
You may wish to retain. 283/8

FROM: G R ARCHER
REPUBLIC OF IRELAND DEPARTMENT

DATE: 1 AUGUST 1990

cc: Mr Maclean, Home Office
Mr Rickard, SIL, NIO(L)

MA
7/9

- 1. MR Wilson 10/8
 - 2. MR Mr. Suter 2/10/8
- To see & return

Mr Bates
PRU

- 3. MR Spence (dir). You will be interested MA 15/8

ASST./ SEC 114/8
CENT SEC

MR GERRY ADAMS : HUMAN RIGHTS AS A PARLIAMENTARIAN

- 1. You asked for advice on how to respond to Sir Michael Marshall concerning the latest enquiry from the IPU about broadcasting restrictions on Sinn Fein.
- 2. I attach a draft reply to Sir Michael which has been agreed with the Home Office and NIO.

G R Archer
G R ARCHER

ASST./ SEC 53/9
10 SEP 1990
C.C.R.U.

- 1. cc Mr. Spence MA 14/8
Mr. Hill
Mr. McConnell

- 2. Mr. Blackwell

Since two broadcasts restrictions are but one aspect of our policy towards Sinn Fein, you will wish to be aware of the use made by Mr. Adams of the IPU in this context

Mr Rickard,
As requested I have obtained a copy of R.I.D.s advice to I.S.U. I agreed to X/ (see over) which is a simple definition of what "approved by Parliament" means. P 5/8

UNCLASSIFIED

S.L. Rickard o/s

- 3. Mr. Johnston - in

DRAFT: minute/letter/teleletter/despatch/note

FROM: Mr Bates

Draft/Final 1 +

DEPARTMENT:

TEL. NO:

Reference:

BUILDING: PRU

ROOM NO:

Your Reference:

SECURITY CLASSIFICATION

Top Secret

Secret

Confidential

Restricted

Unclassified

TO:

Sir Michael Marshall

IPU

Copies to:

SUBJECT:

PRIVACY MARKING

.....
In Confidence

CAVEAT

.....

You asked for advice on how to reply to a letter of 18 July from the Secretary General of the IPU asking for further information on the broadcasting restrictions imposed on members of Sinn Fein. You may wish to use the following paragraph in your reply:

X | "A debate on the broadcasting restrictions took place in the House of Commons on 2 November 1988 when a substantial majority endorsed the Government's decision to introduce the restrictions. The House of Lords endorsed the decision in a similar debate on 8 December 1988."

I also enclose for you to pass to the Secretary General copies of the Broadcasting Act, the Licence Agreement and the Royal Charter.

Enclosures

Tag(s).....

RB1AAB

Mr Davro

Pi. consult as appropriate
& let me have a draft

reply

[Signature]
30/7

NOTE

PRU have advanced the lead line to copy 1 viii.
I have called for a paragraph from the HO, together
with the 2 documents requested by IDU. (chase
Sre Davidson 277 ~~2773~~).

2947 *[Signature]* 31.7

FROM: M C Bates
Parliamentary Relations Unit
DATE: 27 July 1990

cc PS/Mr Lennox-Boyd
PS/PUS
Legal Advisers
Miss Spencer

Mr Archer
RID

MR GERRY ADAMS : HUMAN RIGHTS AS A PARLIAMENTARIAN

1. In December 1988 Gerry Adams complained to the Interparliamentary Union (IPU) Headquarters in Geneva about his exclusion from the broadcasting media. Sir Michael Marshall, the IPU British Group Chairman, consulted us about the form of his reply. Timothy George kindly consulted the Home Office and NIO and provided a draft reply for
A Sir Michael. I attach copies of some of the papers and a
B copy of Sir Michael's eventual reply for easy reference.
2. The IPU have so far only discussed the matter in camera, and clearly hope it will go away. So far as we know, they have accepted our line contained in Sir Michael Marshall's letter.
- C 3. IPU Geneva has now written again to Sir Michael. It is clear that Gerry Adams is continuing his campaign.
4. I would be grateful to know what advice to give the IPU this time. Could you please consult Home Office and NIO as necessary and let me know how Sir Michael Marshall might reply to IPU Geneva.



M C Bates
Parliamentary Relations Unit

2

A

FROM: T J B George
Republic of Ireland Dept

DATE: 13 January 1989

Mr D Holt, PRU *13/1*

MR GERRY ADAMS: HUMAN RIGHTS AS A PARLIAMENTARIAN

- A
1. Please refer to your minute of 14 December regarding Mr Adams's complaint to the IPU about his exclusion from the broadcasting media.
 2. We have consulted the Home Office and the NIO and I attach a draft reply for the IPU. I suspect that you need to submit this and Mr Davies has provided me with a draft submission also.

TJB

T J B George

PUG 011/89		
RECEIVED IN REGISTRY		
15 JAN 1989		

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Initial

FROM:

Reference

PRU

DEPARTMENT:

TEL. NO:

Your Reference

BUILDING:

ROOM NO:

SECURITY CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

TO:

Captain Peter Shaw RN,

Copies to:

~~M Marshall Esq MP, Chairman~~

Inter-Parliamentary Union

Palace of Westminster, London

SUBJECT:

PRIVACY MARKING

..... In Confidence

CAVEAT

You sought our advice on a letter of 7 December from the IPU office in Geneva regarding Mr Gerry Adams' complaint about his exclusion from the broadcasting media by the Home Secretary. I ~~have consulted colleagues and they have suggested~~ that you may wish to reply along the following lines.

The decision to impose the broadcasting restrictions was taken only after long and careful consideration by the Government and was approved by Parliament. Its operation will be kept under review. In arriving at the decision, the Government were satisfied that the measures in no way violated any of the United Kingdom's obligations in the field of human rights, including those set out in the relevant "instruments of reference" set forth in the "Procedure for the examination and treatment by the Inter-Parliamentary Union of Communications concerning violations of the Human Rights of Parliamentarians."

/In

UNCLASSIFIED

Enclosures flag(s)

In the particular case of broadcasting, the Government's view was that those who practice and support terrorism connected with Northern Ireland should not be allowed direct access to radio and television screens in the United Kingdom. The same conclusion was reached some years ago by the Republic of Ireland, in imposing similar restrictions there.

But the directions imposing the restrictions were issued only to the broadcasting authorities; they do not apply to the press. Furthermore, they do not restrict the reporting of events by broadcasters. The activities of terrorists and their supporters, and the words they utter, can still be reported, just as they are in the written press.

Consequently, we do not believe that the broadcasting restrictions inhibit Mr Adams' ability to represent his constituents' interests. His views on issues can still be the subject of reports in the media.

In addition, Parliamentary proceedings are exempted from the Broadcasting restrictions. If Mr Adams were to take his seat at Westminster - and many would argue that by failing to do so he is not representing his constituents properly - any statements he made during Parliamentary business could be broadcast directly.

UNCLASSIFIED

Do.
19/1.

UNION INTERPARLEMENTAIRE



INTER-PARLIAMENTARY UNION

PLACE DU PETIT-SACONNEX
CASE POSTALE 438
1211 GENÈVE 19 (SUISSE)

ADRESSE TELEGRAPHIQUE
'INTERPARLEMENT-GENEVE'

TELEX 289 784 IFU CH
TELEFAX (022) 33 31 41
TELEPHONE (022) 34 41 50

COMMITTEE ON THE HUMAN RIGHTS
OF PARLIAMENTARIANS

Case N° UK/01 - GERRY ADAMS - UNITED KINGDOM

CONFIDENTIAL
REGISTERED

Geneva, 7 December 1988

Dear Mr. Chairman,

I wish to inform you that the Committee on the Human Rights of Parliamentarians has received a communication from Mr. Gerry Adams, MP for West Belfast, stating that on 19 October 1988, the British Home Secretary, Mr. D. Hurd, banned access to the broadcast media to, amongst others, the ... Sinn Féin Party including Mr. Adams. The attached statement by Mr. D. Hurd was annexed to Mr. Adams' letter.

Mr. Adams states: "This exclusion from the broadcast media seriously inhibits my ability to represent my constituents' interests. The broadcast media is a vital component in the communications between an elected representative and constituents concerning the many issues which affect their day-to-day lives. In addition, the views which I represent and for which I was elected are to be placed at a serious disadvantage in relation to contrary views which, correctly, will not be subject to censorship". Mr. Adams reports that his "right to fully represent (his) constituents' interests" is being denied and that this places him at a "serious disadvantage (...) in relation to (his) overall responsibilities as a member of Parliament".

The Committee on the Human Rights of Parliamentarians will consider Mr. Adams' communication, under the provisions of the attached ... "Procedure for the examination and treatment, by the Inter-Parliamentary Union, of communications concerning violation of the human rights of parliamentarians" at its next session, which will take place from 30 January to 2 February 1989, in Geneva.

As you may be aware, the Committee has in the past had to deal with communications concerning Mr. Adams. In reply to the Committee's request for clarifications on Mr. Adams' parliamentary status, given the fact that he had not taken his seat in the House of Commons, the then

./.

Mr. M. Marshall, MP
Chairman of the British Inter-
Parliamentary Group
Palace of Westminster
London SW1A 0AA
United Kingdom

Chairman of the British IPU Group, in a letter dated 14 November 1984, stated that the Committee "should view Mr. Adams as a member of the British Parliament in that he was elected to it and can be properly styled as such". I believe that that statement is still valid; should it not be the case, I would be grateful if you could inform us.

Furthermore, in the event that Mr. Adams is considered to be a member of Parliament, the Committee would greatly appreciate it if you would be so kind as to convey to it at your earliest convenience your comments and observations on the substance of the allegations, as well as any other information which might enlighten the members of the Committee.

As you know, this request for observations is of a confidential nature and does not prejudice in any sense the decision which will be taken by the Committee next February, after having considered all the evidence on file.

That decision will immediately be conveyed to you.

Looking forward to hearing from you, I remain,

Yours sincerely,

P. Cornillon

Pierre Cornillon
Secretary General



INTER-PARLIAMENTARY UNION

PLACE DU PETIT-SACONNEX
1211 GENEVE 28 (SWITZERLAND)

TELEGRAPH "INTERPARLEMENT-GENEVE" TELEPHONE (022) 34 61 80

PROCEDURE FOR THE EXAMINATION AND TREATMENT BY THE INTER-PARLIAMENTARY UNION OF COMMUNICATIONS CONCERNING VIOLATIONS OF THE HUMAN RIGHTS OF PARLIAMENTARIANS

A. SCOPE OF THE PROCEDURE

The Procedure shall be applicable to members of Parliament who are or have been subjected to arbitrary actions during the exercise of the mandate which had been entrusted to them, whether the Parliament is sitting, in recess or has been dissolved as the result of unconstitutional or extraordinary measures.

B. COMPETENT BODIES

A Special Committee on Violations of the Human Rights of Parliamentarians appointed by the Council and assisted by the Secretariat shall be the body mainly responsible for examining and treating the communications; it shall report to the Inter-Parliamentary Council.

C. SOURCES OF COMMUNICATIONS

- (a) Any parliamentarian (or a person authorized by him to make such communication) who has been the subject of a violation of any of the rights set out in the instruments of reference;
- (b) Any member of a National Group of the Union; any member of a Parliament; any former parliamentarian whose Parliament has recently ceased to exist through unconstitutional or extraordinary measures;
- (c) Certain international organizations competent in the field of human rights (United Nations and Specialized Agencies, inter-governmental organizations, inter-parliamentary organizations, non-governmental international organizations competent in the field of human rights and having consultative status with the United Nations Economic and Social Council);
- (d) Such other sources of information as the Special Committee may unanimously decide to accept.

D. PRESENTATION OF COMMUNICATIONS

In principle, communications shall be addressed to the Chairman of the Special Committee on Violations of the Human Rights of Parliamentarians, at the headquarters of the Inter-Parliamentary Union.

As far as possible, they should be complete, precise and succinct; a document listing the essential points on which it would be useful to supply information is available at the Secretariat of the Union.

E. TREATMENT OF COMMUNICATIONS

(a) The Secretary General of the Inter-Parliamentary Union shall establish a file concerning any communication submitted to the Union. In order to do so, he shall be authorized, in consultation with the Chairman of the Special Committee on Violations of the Human Rights of Parliamentarians, to request relevant information from the sources of communications, as well as from the Authorities of the State concerned or, possibly, from third parties able to supply such information.

Such correspondence shall be treated confidentially by the Union.

(b) These files shall be transmitted to the Special Committee on Violations of the Human Rights of Parliamentarians which is composed of five members and shall meet at least twice a year* at the headquarters of the Union, several weeks before the latter's two annual statutory meetings.

The Special Committee, which shall meet in camera, shall carry out its functions in the following way:

- It shall examine each of the cases submitted to it, as well as the file prepared for that purpose by the Secretary General, taking into account:

(i) the following instruments of reference:

- Constitution of the State concerned, as well as any other such item of domestic law as may be relevant to study of the case;
- Universal Declaration of Human Rights;
- International Human Rights Covenants;
- Regional human rights instruments, where appropriate;
- United Nations Declaration on the Protection of All Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**;
- Standard Minimum Rules for the Treatment of Prisoners;
- Geneva Convention of 12 August 1949 on the Protection of Civilians in Time of War.

(ii) standards and criteria of admissibility laid down by it.

- The Special Committee shall, where necessary, communicate the complaint to the Authorities of the State concerned for comments and action, and at its next session shall continue the examination of the case in the light of the replies received.

- The Special Committee shall consider the suitability of reporting to the Inter-Parliamentary Council.

* Since January 1979, the Special Committee meets four times a year.

** Since 1985, International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

- 3 -

(c) The report of the Special Committee, together with appropriate recommendations, shall be submitted to the session of the Inter-Parliamentary Council which immediately follows the meeting of the Special Committee at which the decision to seize the Council was taken.

The report shall be public.

F. ACTION AND RECOMMENDATIONS

The Inter-Parliamentary Council shall consider the Special Committee's report and decide, where appropriate, to make recommendations or take appropriate measures.

National Groups will be required to report to the next meeting of the Council on all action taken with respect to Inter-Parliamentary Union reports of human rights violations against parliamentarians.

Home Office

NEWS RELEASE

50 Queen Anne's Gate London SW1H 9AT
(Night line 01-273 4595)

Contact Number:

October 19 1988

01-273 4610

BROADCASTING AND TERRORISM

The Home Secretary, the Rt Hon Douglas Hurd, CBE MP, today made the following statement to Parliament.

"With permission, Mr Speaker, I wish to make a statement about access to the broadcast media by certain organisations in Northern Ireland.

"For some time broadcast coverage of events in Northern Ireland has included the occasional appearance of representatives of paramilitary organisations and their political wings, who have used these opportunities as an attempt to justify their criminal activities. Such appearances have caused widespread offence to viewers and listeners throughout the United Kingdom, particularly in the aftermath of a terrorist outrage.

"The terrorists themselves draw support and sustenance from having access to radio and television and from addressing their views more directly to the population at large than is possible through the press. The Government has decided that the time has now come to deny this easy platform to those who use it to propagate terrorism. Accordingly, I have today issued to the Chairmen of the BBC and the IBA a Notice, under the Licence and Agreement and under the Broadcasting Act respectively, requiring them to refrain from broadcasting direct statements by representatives of organisations proscribed in Northern Ireland and Great Britain and by representatives of Sinn Fein, Republican Sinn Fein and the Ulster Defence Association. The Notices will also prohibit the broadcasting of statements by any person which support or invite support for these organisations.

The restrictions will not apply to the broadcast of proceedings in Parliament, and in order not to impair the obligation on the broadcasters to provide an impartial coverage of elections the Notices will have a more limited effect during election periods. Copies of the Notices have today been deposited in the Library, and further copies are available from the Library. Honourable Members will be able to study their detailed effect.

These restrictions follow closely the lines of similar provisions which have been operating in the Republic of Ireland for some years past. Representatives of these organisations are prevented from appearing on Irish television, but because we have had no equivalent restrictions in the United Kingdom, they can nevertheless be seen on BBC and ITV services in Northern Ireland, where their appearances cause the gravest offence, and in Great Britain. The Government's decision today means that both in the United Kingdom and in the Irish Republic such appearances will be prevented.

"Broadcasters have a dangerous and unenviable task in reporting events in Northern Ireland. This step is no criticism of them. What concerns us is the use made of broadcasting facilities by supporters of terrorism. This is not a restriction on reporting. It is a restriction on direct appearances by those who use or support violence.

"I believe that this step will be understood and welcomed by most people throughout the United Kingdom. It is a serious and important matter on which the House will wish to express its view. For that reason, we shall be putting in hand discussions through the usual channels so that a full debate on the matter can take place at an early date."

2 Hall
Parliamentary Relations Unit

File
73

PUG 011/3

From: D Holt
Parliamentary Relations Unit
Date: 14 December 1988
cc : PS
PS/Mrs Chalker
PS/Mr Eggar
PS/PUS
Mr Boyd
Miss Pestell

Mr George, RID

MR GERRY ADAMS: HUMAN RIGHTS AS A PARLIAMENTARIAN

1. The British IPU group have today requested our help in replying to the attached letter of 7 December from IPU Headquarters in Geneva. The letter relates that Mr Gerry Adams has complained to the IPU Committee for Human Rights of Parliamentarians about his exclusion from the broadcasting media by the Home Secretary.

2. I understand from the IPU there is something of a history in that two years ago (the IPU say) Mr Adams wrote to the Human Rights Committee saying he was a parliamentarian being harassed by British security forces. At the time, the Committee decided that, for their purposes, Mr Adams could be considered an elected MP even though he had never taken his seat. The matter then apparently faded away and the IPU heard no more. We can find no papers about this episode in PRU.

3. I should be grateful to know what advice to give to the British IPU. They will undoubtedly want to base their reply to Geneva upon a draft supplied by us or the Home Office. The Human Rights Committee is to meet on 30 January 1989 to consider Mr Adam's complaint. The British IPU feeling is that the Committee - a five nation one currently chaired by a Zimbabwean parliamentarian - will decide in Mr Adam's favour.

D Holt

D Holt
Parliamentary Relations Unit



MICHAEL MARSHALL M.P.

B

INTER-PARLIAMENTARY UNION

BRITISH GROUP
PALACE OF WESTMINSTER
LONDON S W 1

Telephone:
01-219 3013-3011

Secretary:
Captain P J. Shaw, R.N

Telex:
8813033

24 January 1989

Dear Secretary General

COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

CASE NO UK/01 - GERRY ADAMS - UNITED KINGDOM

Thank you for your letter dated 7 December 1988 about the representation by Mr Gerry Adams to the Committee on Human Rights of Parliamentarians.

There will not be an opportunity for our full Executive to discuss this matter before the Committee meeting on 30 January. The comments which follow should therefore be regarded as those of Her Majesty's Government.

As the Committee may be aware, the decision to impose the broadcasting restrictions was taken only after long and careful consideration by the Government and was approved by Parliament. Its operation will be kept under review. In arriving at the decision, the Government were satisfied that the measures in no way violated any of the United Kingdom's obligations in the field of human rights, including those set out in the relevant "instruments of reference" set forth in the "Procedure for the examination and treatment by the Inter-Parliamentary Union of Communications concerning violations of the Human Rights of Parliamentarians".

In the particular case of broadcasting, the Government's view was that those who practise and support terrorism connected with Northern Ireland should not be allowed direct access to radio and television screens in the United Kingdom. The same conclusion was reached some years ago by the Republic of Ireland in imposing similar restrictions.

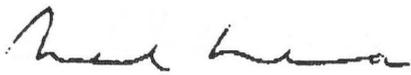
The directions imposing the restrictions were issued only to the broadcasting authorities; they do not apply to the press. Furthermore, they do not restrict the reporting of events by broadcasters. The activities of terrorists and their supporters, and the words they utter, can still be reported, just as they are in the written press.

Consequently, Her Majesty's Government do not believe that the broadcasting restrictions inhibit Mr Adams' ability to represent his constituents' interests. His views on issues can still be the subject of reports in the media.

/...

In addition, Parliamentary proceedings are exempted from the Broadcasting restrictions. If Mr Adams were to take his seat at Westminster - and many would argue that by failing to do so he is not representing his constituents properly - any statements he made during Parliamentary business could be broadcast directly.

We look forward to the opportunity of discussing this matter with you next month.



M Pierre Cornillon
Secretary General
Inter-Parliamentary Union
Place du Petit-Saconnex
Case Postale 438
1211 GENEVA 18

UNION INTERPARLEMENTAIRE



Formerly
Human Rights
INTER-PARLIAMENTARY UNION

DP
MA

C

PLACE DU PETIT-SAconnex
CASE POSTALE 438
1211 GENÈVE 19 (SUISSE)

ADRESSE TÉLEGRAPHIQUE
"INTERPARLEMENT - GENÈVE"

TELEX 289 784 IPU CH
TÉLÉFAX (022) 733 31 41
TÉLÉPHONE (022) 734 41 50

COMMITTEE ON THE HUMAN RIGHTS
OF PARLIAMENTARIANS

Case N° UK/01 - GERRY ADAMS - UNITED KINGDOM

Geneva, 18 July 1990

Dear Chairman,

With reference to our exchange of correspondence in 1988 and 1989 concerning the case of Mr. Gerry Adams, I have to inform you that, having received a further communication on the matter, the Committee on the Human Rights of Parliamentarians would appreciate if you could kindly convey to it "details as to when and in what manner the restrictions on direct broadcasts by, inter alia, members of Sinn Féin, was 'approved by Parliament', as indicated in (your) letter of 24 January 1989". The Committee would also be grateful to you for sending it copies of the Broadcasting Act and the Licence Agreement.

This information will be studied by the Committee at its session to be held in Punta del Este from 16 to 18 October next. However, with a view to accurate translation of this material into French and its thorough study in advance by the Committee's members, may I ask you kindly to ensure that this material is conveyed as soon as possible.

I thank you most warmly in advance for your kind co-operation and remain,

Yours sincerely,

P. Cornillon

Pierre Cornillon
Secretary General

Sir Michael Marshall, M.P., K.B.
Chairman of the British Inter-
Parliamentary Group
c/o the Secretary General of the
British Inter-Parliamentary Group
Palace of Westminster
LONDON SW1A 0AA
United Kingdom