

SECRET

From: THE PRIVATE SECRETARY

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Ask 13 point.
otherwise you
not*

13 May 1981

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Prime Minister

Dear Michael,

*Would you be content for me to speak
along the lines of this letter to Mr Nally?*

Paul

You telephoned me yesterday and reported a conversation you had with Dermot Nally in the Taoiseach's office about the hunger strike in the Maze prison. I understand that in addition Nally has since been in touch with Robert Armstrong.

13/5

The possibility that we should ourselves try to involve the European Commission of Human Rights (ECHR) is one that we thought of, and investigated, before the death of Bobby Sands. As far as solving the Northern Ireland prison problem is concerned, we should be more than willing, if it were possible, to find some way in which by our initiative the Commission could be brought in, whether to consider, as the Taoiseach has suggested, the accusation that we failed to honour undertakings alleged to have been given at the end of the last hunger strike, or to examine how far the British authorities have or have not responded to the Commission's own observations in their Report last year that we had been unduly inflexible in dealing with the developing protest in the prisons.

There might, on broader grounds, be objections to seeking to widen the scope of the Commission's functions, even informally, in this way; but in the event such objections have not had to be weighed. Our understanding is that there is no way, under the Convention, in which the Commission can be activated save by the receipt by them of a complaint alleging that someone's rights under the Convention have been infringed by a signatory Government; and as we saw in the case of Sands, an application made by someone other than the injured party immediately fails if that party declines to "adopt" the complaint.

However, since Nally's telephone calls, we have had further strictly private contact with the Commission to see whether any way forward can be found. There appears to be one possibility. You will recall that the Decision issued in June 1980 by the Commission on the admissibility of the case brought by four prisoners in the Maze was a partial one because it left two elements in the original complaints unsettled. One of these, relating to correspondence, is not relevant for the present purpose. The other was a complaint under Article 13 that the

*(Revised
this afternoon
by Mr Atkins)
Paul*

.../2.

SECRET

E.R.

SECTION V

ARTICLE 57

ON RECEIPT OF A REQUEST FROM THE SECRETARY-GENERAL OF THE
COUCIL OF EUROPE ANY HIGH CONTRACTING PARTY SHALL FURNISH
AN EXPLANATION OF THE MANNER IN WHICH ITS INTERNAL LAW
ENSURES THE EFFECTIVE IMPLEMENTATIONS OF ANY OF THE PROVISIONS
OF THIS CONVENTION.