

The Committee of Ministers,

Having regard to Article 54 (art. 54) of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the convention");

Having regard to the judgment of the European Court of Human Rights in the "case of Ireland against the United Kingdom" delivered on 18 January 1978 and transmitted on the same day to the Committee of Ministers;

Recalling that this case had its origin in an application against the Government of the United Kingdom of Great Britain and Northern Ireland lodged with the European Commission of Human Rights by the Government of Ireland on 16 December 1971 under Article 24 (art. 24) of the convention;

Recalling that the case had been brought before the European Court of Human Rights on 10 March 1976 by the Irish Government in pursuance of Article 48 (art. 48) of the convention;

Whereas in its judgment of 18 January 1978 the Court:

I. On Article 3

1. held unanimously that although certain violations of Article 3 (art. 3) were not contested, a ruling should nevertheless be given thereon;
2. held unanimously that it has jurisdiction to take cognisance of the cases of alleged violation of Article 3 (art. 3) to the extent that the applicant Government put them forward as establishing the existence of a practice;
3. held by sixteen votes to one that the use of the five techniques in August and October 1971 constituted a practice of inhuman and degrading treatment, which practice was in breach of Article 3 (art. 3);
4. held by thirteen votes to four that the use of the five techniques did not constitute a practice of torture within the meaning of Article 3 (art. 3);
5. held by sixteen votes to one that no other practice of ill-treatment is established for the unidentified interrogation centres;
6. held unanimously that there existed at Palace Barracks in the autumn of 1971 a practice of inhuman treatment, which practice was in breach of Article 3 (art. 3);
7. held by fourteen votes to three that the last-mentioned practice was not one of torture within the meaning of Article 3 (art. 3);
8. held unanimously that it is not established that the practice in question continued beyond the autumn of 1971;
9. held by fifteen votes to two that no practice in breach of Article 3 (art. 3) is established as regards other places;
10. held unanimously that it cannot direct the respondent State to institute criminal or disciplinary proceedings against those members of the security forces who have committed the breaches of Article 3 (art. 3) found by the Court and against those who condoned or tolerated such breaches;

II. On Article 5 (art. 5)

11. held unanimously that at the relevant time there existed in Northern Ireland a public emergency threatening the life of the nation, within the meaning of Article 15, paragraph 1 (art. 15-1);

12. held unanimously that the British notices of derogation dated 20 August 1971, 23 January 1973 and 16 August 1973 fulfilled the requirements of Article 15, paragraph 3 (art. 15-3);

13. held by sixteen votes to one that, although the practice followed in Northern Ireland from 9 August 1971 to March 1975 in the application of the legislation providing for extrajudicial deprivation of liberty entailed derogations from paragraphs 1 to 4 of Article 5 (art. 5-1, art. 5-2, art. 5-3, art. 5-4), it is not established that the said derogations exceeded the extent strictly required by the exigencies of the situation, within the meaning of Article 15, paragraph 1 (art. 15-1);

14. held unanimously that the United Kingdom has not disregarded in the present case other obligations under international law, within the meaning of Article 15, paragraph 1 (art. 15-1);

15. held by fifteen votes to two that no discrimination contrary to Articles 14 and 5 (art. 14+5) taken together is established;

III. On Article 6 (art. 6)

16. held unanimously that the derogations from Article 6 (art. 6), assuming it to be applicable in the present case, are compatible with Article 15 (art. 15);

17. held by fifteen votes to two that no discrimination contrary to Articles 14 and 6 (art. 14+6) taken together, assuming the latter article to be applicable in the present case, is established;

IV. On Article 50 (art. 50)

18. held unanimously that it is not necessary to apply Article 50 (art. 50) in the present case;

Having regard to the "Rules concerning the application of Article 54 (art. 54) of the convention";

Having invited the Government of the United Kingdom to inform it of the measures which it had taken in consequence of the judgment, having regard to its obligation under Article 53 (art. 53) of the convention to abide by the judgment;

Whereas during the examination of this case by the Committee of Ministers, the Government of the United Kingdom informed the Committee of the reasons why it considered that the judgment does not call for any consequential measures in addition to those that have already been taken, which information is summarised in the appendix to this resolution,

Declares, having taken note of this information, that it has exercised its function under Article 54 (art. 54) of the convention in this case.

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Summary of information provided by the Government of the United Kingdom during the examination of the "case of Ireland against the United Kingdom" before the Committee of Ministers

I. The Court found that the use of the five techniques in aid of

interrogation in August and October 1971 constituted a practice of inhuman and degrading treatment in breach of Article 3 (art. 3) of the convention. The fourteen men concerned brought civil actions for damages in the High Court of Northern Ireland and were given compensation ranging from £10 000 to £25 000. Between August and November 1971 the events in question were investigated at the request of the United Kingdom Government by a Committee of Enquiry, under Sir Edmund Compton, and the Parker Committee then considered whether the techniques should be used in the future. As is recorded in the judgment, the Prime Minister, Mr Heath, announced in March 1972 that they would not be used in future as an aid to interrogation and, in February 1977, the Court took formal note of a solemn undertaking by the Attorney-General to the same effect. The five techniques had not been used since October 1971 and the United Kingdom Government would not permit or condone their use in the future, whether in Northern Ireland or elsewhere.

II. The Court also found that there was, in autumn 1971, a practice of inhuman treatment in breach of Article 3 (art. 3) of the convention in connection with the interrogation of prisoners by the Royal Ulster Constabulary at Palace Barracks, but that it was not established that this practice continued thereafter.

III. As the Court noted, a series of measures was adopted from 1971 onwards to ensure that prisoners would in the future be properly treated, including medical examinations of persons held for questioning by the police, strict instructions to the security forces and rigorous procedures for investigating complaints.

IV. For these reasons, the United Kingdom Government considers that the Court's judgment does not call for any consequential measures to be taken by it in addition to those already taken.