

NATIONAL ARCHIVES**IRELAND**

Reference Code: 2003/17/30

Title: Department of Foreign Affairs briefing document 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 document refers to internment in the Twenty-Six Counties [Republic of Ireland].

Creation Date(s): September, 1971

Level of description: Item

Extent and medium: 1 page

Creator(s): Department of Foreign Affairs

Access Conditions: Open

Copyright: National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Internment in Twenty-Six Counties

In the State internment without trial is governed by the Offences against the State (Amendment) Act 1940. In order that the power to intern should become operative two conditions must be fulfilled.

- 1) The Government must make and publish a proclamation declaring that the powers of internment is necessary to secure the preservation of public peace and order [S.3(2)];
- 2) A Minister of State must be of opinion that a particular person is engaged in activities which, in his opinion, are prejudicial to the preservation of public peace and order or to the security of the State and he must order the arrest and detention of such person by warrant under his own hand [S.4(1)].

An interned person's rights may be stated thus:-

- (a) a right to have the procedure outlined in (i) and (z) followed as a preliminary to his internment;
- (b) the proclamation referred to in (1) may be annulled by resolution of Dail Eireann [S.3(4)];
- (c) the detained person is entitled to receive a copy of the warrant as soon as he is detained in a prescribed place of detention [
- (d) a detained person has a right to have his detention considered by a Commission which is to consist of one member of the defence forces and two lawyers of at least 7 years standing. If this Commission reports that no reasonable grounds exist for the continued detention of the detained person, he must, with all convenient speed, be released [Sect.8];
- (e) the government must furnish information on detentions to the Oireachtas at intervals of six months [Sect.9];
- (f) the exact manner and conditions of the detention must be in accordance with regulations made by a Minister of State and laid before the Houses of the Oireachtas either of which may pass a resolution annulling it.

There are no regulations such as the one referred to in (f) in operation at present. However in 1957 the regulations provided for monthly visits from relatives, and other visitors could only be excluded on specified objective grounds. Internees were entitled to see a legal adviser with the approval of the Adjutant-General. They were entitled to receive and send letters although these could be opened and not forwarded if the contents were objectionable. They were allowed to receive clothing, books and newspapers. They were only punishable in a specified manner for specified offences against camp discipline and they were entitled to hear the evidence and make a defence prior to such punishment. Finally there were provisions protecting internees who became ill.