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16 FEB 1988

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PS/Secretary of State (L&B) - B cc: PS/Mr Stanley (L&B) - B
PS/PUS (L&B) - B
PS/Sir K Bloomfield - B
Mr Burns - B
Mr A W Stephens - B
Mr Chesterton - B
Mr Innes - B
Mr Bell
Mr Hewitt - B
Mr S C Jackson - B

SOVIET REPRESENTATIONS ON HUMAN RIGHTS

1. I have just heard from the FCO that during the Foreign Secretary's meeting with the Soviet Foreign Minister in Moscow yesterday, Mr Shevardnadze expressed concern about alleged abuses of human rights in Northern Ireland, apparently arguing in particular that the absence of jury trials for certain offences was a basic infringement of individual freedom. He handed over a list of 400 names of "political prisoners" on whose cases the Soviet Union would like information.

2. The Foreign Secretary indicated that he was "astonished" by this demarche and firmly rebutted Mr Shevardnadze's allegations. He stressed that no-one was imprisoned for their beliefs in Northern Ireland and that although for practical reasons it was impossible to have jury trials for a number of offences, the Diplock system had an impressive array of built-in safeguards. HMG had gone to great lengths to maintain democratic freedoms in Northern Ireland despite the continuing terrorist campaign. By all accounts the Soviet Foreign Minister ended up with considerably the worst of the argument. However, we shall still need to consider with the FCO how to treat the Soviet request (which is clearly meant as a tit for tat measure linked to the UK's entirely justified interest in human rights cases in the Soviet Union).

3. A telegram setting out full details of the exchanges is coming to us, as is (by bag) the list of 400 names.

[Signed by]
S J LEACH
SIL Division

16 February 1988

T4916.

JBS 213
1) Mr J. Stephens - 15 Dec
2) Mr Jones - 14 Jan Ms. Nelson

Miss Howard
Pl. associate with
re previous pps.

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Ms Wood
Is any action required of
us? What happens to
the list? S 19 1/2

Mr Marsh - I have spoken to RID - once
Secret Dept. has collated all the relevant
papers they will be passed by RID to
deu. They will of course contact
400 is something of 074530
names
exaggeration 17 FLMDLIAN 0372

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Ms Wood

Thanks. S 22 1/2

Mr Marsh
Mr Leach

SECRETARY OF STATE'S MEETING WITH SOVIET FOREIGN MINISTER:
RESTRICTED SESSION: 'HUMAN RIGHTS' CASES IN NORTHERN IRELAND.

SUMMARY

SHEVARDNADZE HANDS OVER A LIST OF 'HUMAN RIGHTS' CASES IN
NORTHERN IRELAND, AND EXPRESSES CONCERN ABOUT THEM. SECRETARY OF
STATE EXPRESSES ASTONISHMENT, AND REFUTES ALLEGATIONS.

DETAIL

2. SHEVARDNADZE SAID THAT THE SOVIET UNION WAS CONCERNED ABOUT
THE SITUATION IN NORTHERN IRELAND, WHICH HE HAD NOT RAISED BEFORE
IN A BILATERAL MEETING. THEY WERE CONCERNED THAT THERE WERE MORE
THAN 400 POLITICAL PRISONERS IN ULSTER. THE SOVIET GOVERNMENT
HAD RECEIVED REPRESENTATIONS ABOUT MANY WHO WERE SERVING TERMS
UNDER SENTENCES WHICH THEY BELIEVED WERE ILLEGAL AND CONTRARY TO
THEIR RIGHTS. THE SOVIET UNION DID NOT UNDERSTAND HOW TRIALS COULD
BE HELD WITHOUT JURIES. SUCH TRIALS SEEMED VERY MUCH OUT OF STEP
WITH INTERNATIONAL AND EUROPEAN PROCESSES. HE HANDED OVER A LIST
OF NAMES. HE ASKED THE SECRETARY OF STATE TO TAKE A LOOK AT THEM
AND SEE WHETHER THE SENTENCES WERE JUSTIFIED. IF WE CONCLUDED
THAT THEY WERE NOT, HE HOPED WE WOULD SEE WHETHER SOMETHING COULD
BE DONE. THE HOLDING OF MORE THAN 400 POLITICAL PRISONERS SEEMED
INCOMPATIBLE WITH THE HELSINKI PROCESS.

3. THE SECRETARY OF STATE SAID THAT HE WAS SURPRISED AND
ASTONISHED. THERE WAS NO QUESTION OF POLITICAL PRISONERS. NOBODY
WAS IMPRISONED IN THE UNITED KINGDOM EXCEPT ON PROOF OF THE
COMMISSION OF A CRIME BEFORE A PROPERLY ESTABLISHED COURT. IN
RAISING THE POINT ABOUT JURIES, SHEVARDNAZE HAD IN FACT ACKNOWLEDGED
THAT THERE HAD BEEN PROPER TRIALS. COURTS IN THE REPUBLIC OF
IRELAND ALSO TRIED COMPARABLE CRIMINAL OFFENCES WITHOUT JURIES,
SINCE BOTH COUNTRIES FACED THE SAME THREAT OF INTIMIDATIONS OF
WITNESSES AND JURORS BY TERRORISTS. SOME YEARS AGO THERE HAD BEEN
A SYSTEM OF DETENTION WITHOUT TRIAL, BUT THAT HAD BEEN BROUGHT TO
AN END. CONVICTIONS WERE ALL WITHIN THE REMIT OF THE EUROPEAN
COMMISSION OF HUMAN RIGHTS, SO THAT THE JUSTICE IN NORTHERN IRELAND

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CC Ms Mabon PRB1

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COULD BE REVIEWED BY THE ECHR. THIS, AMONG OTHER THINGS, ENSURED THAT IT WAS WITHIN THE PROVISIONS OF THE HELSINKI FINAL ACT. HE AGREED TO LOOK AT THE LIST PROVIDED BY MR SHEVARDNADZE, BUT ON THE BASIS THAT HE DID NOT ACCEPT THE VALIDITY OF THE ALLEGATIONS HE HAD MADE.

4. SHEVARDNADZE COMMENTED THAT HE COULD SEE THAT THE SECRETARY OF STATE WAS A PROFESSIONAL LAWYER. BUT HE STILL FAILED TO UNDERSTAND SOME OF THE ARGUMENTS. IF THERE COULD BE INTIMIDATIONS OF WITNESSES, SURELY THERE COULD ALSO BE INTIMIDATION OF PROSECUTORS AND CHAIRMEN OF THE COURT. HE WAS FAR FROM SURE THAT ALL THE 400 WERE TERRORISTS. HOWEVER IT WAS A MATTER FOR US TO CONSIDER. WHEN WE HAD PROVIDED LISTS IN THE PAST THE SOVIET UNION HAD AGREED TO ACCEPT THEM AND TO STUDY THEM. THIS HAD BECOME A ROUTINE WORK BETWEEN THE TWO SIDES, ON WHICH THERE SHOULD BE RECIPROCITY. BUT HE UNDERSTOOD THE RESERVATION WE HAD ENTERED.

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ADDITIONAL 43

NORTHERN IRELAND

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