



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

20 March 2017

Our Ref: FOI/Req/2017/0042

Dear Mr Keane,

I refer to your recently submitted request for information, made on 17 February under the terms of the Freedom of Information Act 2014, in which you requested the following:

Materials relating to the allegations of torture and waterboarding (though this phrase may not have been used) by the paratroop regiment of the British army in Belfast in 1972.

This covers material from 1 January 2016 to the date of your request.

Government policy on the use of torture

Ireland condemns, at the highest level, all forms of torture and ill-treatment. We strongly believe that the absolute prohibition of torture is one of the cornerstones of the international human rights framework and recall that all countries are obligated to comply with this unconditional prohibition and that no exceptional circumstances may be invoked as a justification for torture or any other form of cruel, inhuman or degrading treatment or punishment. Ireland is fully committed to the prevention and eradication of torture and other forms of cruel, inhuman or degrading treatment or punishment, including through our work in the EU and in international fora such as the United Nations, the International Criminal Court, the Council of Europe and the Organisation for Security and Cooperation in Europe.

Regarding the allegations that have been made in relation to the use of torture in Northern Ireland, these are another deeply concerning example of the horror that was inflicted on people from all communities during the Troubles. This in turn underscores the central role of human rights protections in Northern Ireland in ensuring confidence in the peace process and the Good Friday Agreement settlement.

Freedom of Information Request

Further to your request under the Freedom of Information Act, this Department can neither confirm nor deny that it holds information relevant to parts of your request, as the duty to offer access to any record held by the Department under the legislation does not apply by virtue of Section 33(1)(c) and 33(4) of the Act (Security, defence and international relations). I have determined that the disclosure of the existence or non-existence of such records would prejudice matters relating to Northern Ireland.

In addition, Section 42 of the Act sets out the exclusion of certain records from the scope of Freedom of Information legislation which includes any record given by this Department to

the Minister for use by him in any proceedings in either Houses of the Oireachtas, see Section 42(j).

I have therefore identified 7 records which fall within the scope of your request and are covered by the Freedom of Information Act. After consideration of the records and the relevant sections of the Act, I have made the decision to release 3 of these records.

1. Schedule of records

A schedule of records is enclosed with this letter, which shows the documents relevant to your request.

2. Reasons for decision

The refusal to release the records is based upon exemptions in the Act relating to administrative grounds [15(1)(d)]; deliberative process of an FOI body [29(1)]; functions and negotiations of an FOI body [30(1)(c)]; security, defence and international relations [33(1)(c), 33(2)(b)(ii), 33(3)(c)(i)].

In relation to section 15 of the Act, the information is already in the public domain and can be accessed on the Sinn Féin website: <http://www.sinnfein.ie/ga/contents/43316> . I have therefore decided to refuse the record on administrative grounds.

In relation to section 29 of the Act, my decision has been informed by consideration of the public interest in having access to the records. I am satisfied that the public interest is better served by refusing these records. In relation to section 30, a similar public interest test also applied, and likewise I am satisfied that the public interest would not be better served by granting access to this record.

In relation to section 33 of the Act, my decision has been informed by consideration of the potential for the release of this record to create difficulty in the conduct of relations between this country and another State, thereby prejudicing the future supply of information required for the effective conduct of international relations.

In relation to section 33(1)(c) I have carefully considered both the nature and source of the record and am satisfied that the public interest is best served in refusing access to this record. I have also refused access to a record under section 33(2)(b)(ii) and section 33(3)(c)(i); these are mandatory exemptions and so I am obliged to refuse the release of the record.

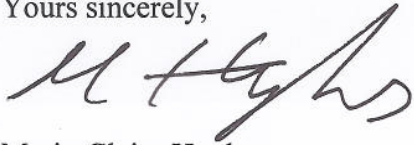
3. Rights of appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfa.ie or on 01 408 2857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Should you have any questions or concerns regarding the above, please contact me by telephone on 01 408 2283.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M + C Hughes', written in a cursive style.

Marie-Claire Hughes
Ireland, UK and Americas Division
Department of Foreign Affairs and Trade