

# CONSEIL DE L'EUROPE - COUNCIL OF EUROPE

DIRECTION DE L'INFORMATION — DIRECTORATE OF INFORMATION

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## FIRST PUBLIC SESSION OF THE EUROPEAN COURT OF HUMAN RIGHTS

### Lawless Case

The Registrar of the European Court of Human Rights makes the following announcement:

"The Chamber of the European Court of Human Rights, convened to examine the "Lawless case", will hold its first public hearing in Strasbourg on Monday, October 3 1960 at 10 a.m. This is the first sitting of a chamber of the Court since the latter was constituted in 1957. The members of the chamber for the "Lawless case" are as follows:

Mr. R. CASSIN (French), President  
Mr. G. MARIDAKIS (Greek)  
Mr. E. Rodembourg (Luxemburger)  
Mr. R. McGONIGAL (Irish) - ex officio  
Mr. G. BALLADORE PALLIERI (Italian)  
Mr. E. ARNALDS (Icelander)  
Mr. K.F. ARIK (Turkish)

Judges

Mr. A. VERDROSS (Austrian)

Substitute Judge

The European Commission on Human Rights, which seized the Court of the "Lawless case," will be represented by its Chairman, Mr. C.H.M. WALDOCK (principal delegate) and MM. C. Th. EUSTATHIADES, Vice-Chairman and S. PETREN, member, (assistant delegates).

The Irish Government will be represented by its Agent, Mr. T. WOODS, Permanent Representative of the Irish Government at the Council of Europe, assisted by his Counsel, Mr. A.O. KEEFFE, Attorney-General of the Republic of Ireland.

## BACKGROUND NOTE ON THE LAWLESS CASE

On November 8 1957, Gerard LAWLESS, an Irish national, aged 22 and a native of Dublin, brought before the European Commission of Human Rights an application against the Republic of Ireland.

The Lawless application was based principally upon the fact that he had been arrested on July 11 1957 on suspicion of having belonged to an illegal organisation (the I.R.A.) and that he had been detained without trial in the prison of the Curragh until December 11 1957 by virtue of a decision of the Minister of Justice based on Article 4 of the "Law on Offences against the State".

Lawless maintained that his detention constituted a violation of the European Convention on Human Rights and in particular, of Articles 5 and 6, guaranteeing everyone the right to liberty and security of person and the right to a fair trial. He claimed reparation for the damage he had suffered as a result of his detention.

The Commission declared the application admissible on August 30 1958. Following the procedure provided by the Convention, the Commission set up a Sub-Commission of seven members, presided over by Mr. C.Th. EUSTATHIADES, Vice-Chairman of the Commission, to establish the facts and to attempt to arrange a friendly settlement. After having examined the facts of the case and established the impossibility of such a settlement being reached, the Sub-Commission reported back to the plenary Commission, which then adopted its own report. In this report, the details of which remain secret, the Commission stated in a majority opinion that the detention of Gerard Richard Lawless had not constituted a violation of the provisions of the Convention in view of the fact, firstly, of the state of public emergency which existed at that time in the Republic of Ireland, and, secondly, of the Government's right to take measures derogating from the obligations laid down in the Convention strictly to the extent required by the situation. This report was transmitted to the Committee of Ministers and to the Government of Ireland on February 1 1960.

As provided by the Convention, the European Court of Human Rights could be seized of this case either by the Irish Government, which had already accepted the compulsory jurisdiction of the Court, or by the Commission. During its meeting in Strasbourg from March 28 to April 2 1960, the Commission decided to bring the Lawless case before the Court, in view of the basic importance of the legal principles raised thereby.