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Northeast Regional Office
1675 Massachusetts Avenue
Cambridge, MA 02138
Tel.: (617) 547-9295

October 24, 1983

Paul E. Healy
City Clerk
Cambridge City Hall
Central Square
Cambridge, MA 02139

Dear Mr. Healy:

We continue to be grateful for the wonderful attention and support the Cambridge City Council has directed to numerous cases of political imprisonment. I am confident that in at least some of the cases your appeals have made a difference and in all of them offending governments have had to notice that the outside world cares about what they are doing to their own citizens.

Knowing how interested the City Council has been with regard to the tragic situation in Northern Ireland, I thought the Council members would want to see a recent press release and article that make note of Amnesty's concerns in that troubled part of the world.

I am also sending to you a copy of our latest annual report. Please make it available to the council members.

Yours truly,

Joshua Rubenstein

Joshua Rubenstein
Northeast Regional Director



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International Secretariat, 10 Southampton Street, London WC2E 7HF, England
Telephone: 01-836 7788 Telegrams: Amnesty London Telex: 28502



REG 2/83

AI Index: EUR 29/01/83
Distr: SC/PO

REGIONAL NEWS ITEM FROM AMNESTY INTERNATIONAL

FOR IMMEDIATE RELEASE

WEDNESDAY 8 JUNE 1983

AMNESTY INTERNATIONAL CALLS ON IRISH GOVERNMENT
TO INTERVENE IN THE EAMONN "NICKY" KELLY CASE

Amnesty International said today (Wednesday 8 June 1983) that it had urged the Irish Government to intervene in the case of Eamonn "Nicky" Kelly, who is serving a 12-year prison sentence after a trial about which the worldwide human rights organization says it has "serious doubts".

Mr Kelly was sentenced in 1978 for armed robbery, his conviction being based solely on a confession. He claimed at his trial that he had been beaten into signing the confession.

In its statement today, Amnesty International said there was "uncontested medical evidence consistent with Mr Kelly's allegations of ill-treatment". It said also that the confession had been signed after prolonged, exhausting interrogation and reiterated its "serious doubts" about standards of fairness applied in the case.

The organization has expressed these concerns to both the previous and the present Irish Governments. However, the present Minister of Justice, Mr Michael Noonan, has refused to intervene in the case on the grounds that this would infringe the authority of the courts.

In mid-May Amnesty International sent a Canadian member of

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Amnesty International is a worldwide movement which works impartially for the release of prisoners of conscience: men and women detained anywhere for their beliefs, colour, ethnic origin, sex, religion or language, provided they have neither used nor advocated violence. Amnesty International opposes torture and the death penalty in all cases without reservation and advocates fair and prompt trials for all political prisoners. Amnesty International is independent of any government, political grouping, ideology, economic interest or religious creed. It is financed by its membership and by subscriptions from all parts of the world. Amnesty International has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States, and is a member of the Coordinating Committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

its International Secretariat to Dublin for further investigations into the Kelly case and on 19 May it made an urgent request for a meeting with the government.

The Minister of Justice replied on 27 May that there would be "no point" in such a meeting.

Today Amnesty International said it had asked for the meeting after its investigations had confirmed its disquiet about the case.

It said it was concerned that the Minister's refusal to intervene -- and his grounds for doing so - "foreclose all possibility of remedy to Mr Kelly".

Eamonn Kelly is now in his 39th day on hunger-strike in protest at his conviction and sentence; he is reported to be seriously ill in Curragh Military Hospital, County Kildare.

At his trial in 1978 he retracted his confession, saying it had been forced from him by beatings and prolonged, exhausting questioning.

Two men were convicted with him, also on the sole basis of their confessions. They were freed on appeal after the Court of Criminal Appeal ruled their confessions inadmissible as evidence.

Eamonn Kelly's appeal was heard separately as he had absconded from Ireland and returned only after the successful outcome of his co-accuseds' appeals.

Amnesty International has now sent three missions to Ireland to help it evaluate the case: previously, in 1980 and 1982 lawyers from South Africa and Canada respectively attended court proceedings connected with the case.

The organization first approached the Irish Government in

November 1982, after the Supreme Court had rejected Mr Kelly's final appeal. The Ministry of Justice rejected these concerns, referring to the fact that the case had been examined and decided by the courts.

Mr Noonan has consistently said that he would not override the courts' decisions. In Irish law, there is no procedure for formal review of a court judgment which has been appealed unsuccessfully to the Supreme Court.

In a letter to Mr Noonan on 3 June, Amnesty International said that the authorities' approach meant that there was no remedy available to Kelly. However, the government had an obligation in the case, it said, because of the doubts surrounding Kelly's confession.

It said the onus had been on the prosecution to disprove the prisoner's allegation that the confession had been beaten from him.

Pointing to the medical evidence, the lack of independent witnesses and Amnesty International's own findings that there had been ill-treatment in similar cases at the time, the organization said "serious doubts remain that Mr Kelly may indeed have been physically ill-treated".

Amnesty International said its concerns related also to the standards of law for acceptance of Mr Kelly's confession as evidence.

According to his appeal submission his statement was signed at 05.15am "after eight hours of continuous interrogation which followed upon two days of extensive interrogation" - the previous interrogation sessions having lasted up to 13 hours each.

Referring to Irish legal standards which disallow confessions if they are extracted by "oppression", Amnesty International said "where a confession is the only evidence, a conviction is dubious if the confession was obtained in this way".

FOR IMMEDIATE RELEASE

WEDNESDAY 8 JUNE 1983

Help sought in Hub to free Irish prisoner

By Gloria Negri
Globe Staff

An Independent member of the Irish parliament yesterday accused the government of the Irish Republic of being as "repressive as the British are in Northern Ireland" on civil rights.

Tony Gregory made the charge in trying to call attention to the case of Eamon (Nicky) Kelly, 38, who is in Portlaoise Prison in Ireland, accused of taking part in a March 1976 train robbery at Salins in County Kildare. Kelly contends he was convicted and wrongly imprisoned on the basis of a confession he signed under torture and beatings.

State Rep. Marie Howe (D-Somerville), who with state Rep. Charles Doyle (D-West Roxbury) sponsored a visit by Gregory to the State House, described Kelly as "a Republican activist who favors the goals and aims of a united Ireland."

Because firearms were used in the robbery, Gregory said, Kelly

was tried without a jury under Ireland's Offenses Against the State law. "Nicky's case," Gregory said, "was heard by three politically appointed judges."

"All those repressive measures and the absence of civil rights in the north are paralleled in the south under the Offenses Against the State Act. The repressive legislation in the south is a byproduct of what is happening under the British in the northern six counties," he said.

Gregory is touring the United States to raise funds to help Kelly seek his freedom in the highest civil court in Dublin.

Gregory, one of three Independent Party members in the Irish Parliament, said 145 lawyers in Ireland have petitioned the minister of justice, Michael Noonan, for the immediate release of Kelly. Noonan, Gregory said, "has refused to review" the Kelly case.

He said others calling for Kelly's release include Amnesty International, the Irish Commission for Justice and Peace (formed in 1970

at the Irish Conference of Catholic Bishops) and trade unions. He said even members of the governing party, the Fianna Fail, "have called for an inquiry" into the Kelly case.

According to Gregory, Kelly made his way to this country after the robbery took place, but on hearing that the cases of his two

alleged coconspirators had been quashed he "returned to clear his name." He was then arrested, tried and jailed under a 12-year sentence. In May, Kelly went on a hunger strike for 38 days to protest his innocence.

The press officer of the Irish embassy in Washington refused to comment on Gregory's charges.

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Comm. received from Paul E. Healy, City Clerk, transmitting a comm. from Joshua Rubenstein, Northeast Regional Dir., Amnesty International Re: expressing his gratitude to the Council for its many resolutions adopted in connection with cases of political imprisonment & transmitting a press release on conditions in Northern Ireland & copy of Amnesty's latest annual report.

In City Council,

October 31, 1983

10/31/83

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