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TO IMMEDIATE FCO

TELEGRAM NO 516 OF 17 FEBRUARY

INFO IMMEDIATE NIO LONDON, NIO BELFAST, OTTAWA, DUBLIN

ROUTINE PARIS

OTTAWA TELNO 89: NORTHERN IRELAND: PIRA ARRESTS

1. ALL FIVE OF THE IRISHMEN WHO ENTERED THE US ILLEGALLY ON 6 FEBRUARY WERE INDICTED BY A GRAND JURY IN BUFFALO, NEW YORK, YESTERDAY EVENING (16 FEBRUARY). CHARGES ARE AS FOLLOWS:

- (A) (ALL FIVE) CONSPIRACY TO BRING ALIENS INTO THE UNITED STATES ILLEGALLY
- (B) (ELLIS) MISUSE OF PASSPORT
- (C) (ELLIS) MAKING FALSE STATEMENTS
- (D) (HOWELL) MISUSE OF PASSPORTS
- (E) AND (F) (O'NEAL AND GILROY) SMUGGLING ELLIS AND HOWELL INTO THE UNITED STATES.

2. ELLIS MAY FACE FURTHER CHARGES CONNECTED WITH FALSE STATEMENTS.

3. ALL FIVE ARE TO BE ARRAIGNED AT 1130 LOCAL TIME (1630Z) TOMORROW, 18 FEBRUARY, WHEN THE CHARGES WILL BE FORMALLY LAID, A TRIAL DATE NAMED AND BAIL SET. THE US AUTHORITIES WILL SEEK A SUBSTANTIAL FIGURE FOR BAIL AND WILL POINT OUT TO THE COURT THAT ELLIS IS A FUGITIVE FROM JUSTICE. ALTHOUGH BAIL WILL ALMOST CERTAINLY BE GRANTED THERE IS A GOOD PROSPECT THAT THE FIVE WILL NOT IMMEDIATELY BE RELEASED SINCE THEY FACE A SEPARATE EXCLUSION HEARING WHICH IS DUE TO TAKE PLACE IN BUFFALO AT 1000 LOCAL TIME (1500) ON FRIDAY 19 FEBRUARY. THE IMMIGRATION AND NATURALISATION SERVICE (INS) HAVE BEEN MADE WELL AWARE FROM OUR REPRESENTATIONS AND THOSE OF THE IRISH (BOTH DIRECTLY AND THROUGH STATE DEPARTMENT) THAT WE ATTACH GREAT IMPORTANCE TO ALL FIVE BEING HELD IN CUSTODY UNTIL SUCH TIME AS THEY ARE EXCLUDED TO CANADA, SHOULD THAT BE THE DECISION OF THE IMMIGRATION COURT. THE INS HAVE SAID THAT THEY TOO HAVE NO WISH TO SEE ANY OF THE FIVE QUOTE OUT ON THE STREETS UNQUOTE.

4. IF THINGS GO AS THEY DID IN THE CASE OF CARRON AND MORRISON, IT SEEMS LIKELY THAT ALL FIVE IRISHMEN, INCLUDING ELLIS, WILL BE QUOTE EXCLUDED UNQUOTE TO CANADA, EITHER ON FRIDAY 19 FEBRUARY OR, IF PROCEEDINGS CANNOT BE COMPLETED ON FRIDAY, ON MONDAY 22 FEBRUARY. ALL FIVE WOULD BE EXPECTED TO RETURN TO THE UNITED STATES TO STAND TRIAL IN DUE COURSE. YOU MAY WISH TO CONSIDER WHAT LEGAL AND PRACTICAL DIFFICULTIES MIGHT ARISE WERE WE TO BE SEEKING ELLIS' REMOVAL FROM CANADA UNDER THE FUGITIVES OFFENDERS ACT AT THE TIME HE WAS DUE TO APPEAR FOR TRIAL IN THE UNITED STATES. IT

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OCCURS TO US THAT WERE HE TO BE ALLOWED BY THE CANADIAN AUTHORITIES TO RETURN TO THE US FOR TRIAL HE MIGHT THEN TRY TO SEEK POLITICAL ASYLUM IN THE US ON THE GROUND THAT HE WAS BEING HOUNDED BY THE BRITISH AUTHORITIES. WHILE SUCH A PLOY WOULD BE UNLIKELY TO SUCCEED, IT WOULD CERTAINLY BUY HIM TIME AND MIGHT ALLOW ELLIS TO SLIP FROM OUR GRASP.

5. WHATEVER COURSE OF ACTION IS DECIDED ON, IE WHETHER WE OR THE IRISH SEEK ELLIS' RETURN, WE SHOULD CLEARLY TRY TO CLOSE ANY LEGAL LOOPHOLE WHICH COULD ALLOW HIM TO RETURN TO THE UNITED STATES ONCE, AS WE HOPE, HE HAS BEEN SENT BACK ACROSS THE CANADIAN BORDER AT THE END OF THIS WEEK.

6. HOWELL HAS BEGUN A HUNGER STRIKE AND IS TO BE JOINED BY ANOTHER OF THE DETAINEES EVERY FIVE DAYS. THE STRIKE IS IN PROTEST AT DENIAL OF BAIL, BEING FORCED TO WEAR PRISON CLOTHES, NOT BEING ABLE TO SPEAK TO EACH OTHER AND BEING GIVEN REGULAR PERIODS OF SOLITARY CONFINEMENT.

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