

CONFIDENTIAL

2



H Steel CMG OBE
LEGAL SECRETARY.

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

Prime Minister
You will wish to be
aware of this contact between
the two Attorneys-General.

9 March 1983

A J Coles Esq
Prime Minister's Office
10 Downing Street
LONDON S W 1

A.J.C. 9/13.

Sir John,

EXTRADITION FROM THE REPUBLIC OF IRELAND

I think that I should report to you that, at his own request, the Attorney General of the Republic of Ireland (Mr Peter Sutherland) is coming over here on Tuesday next, 15 March, to discuss with our own Attorney General certain cases in which we might seek the extradition from the Republic of persons who are wanted, either in Northern Ireland or here, on terrorist charges.

The background is this. As you may know, the Irish Supreme Court delivered a judgment towards the end of last year (in the McGlinchey case) in which they appeared to reverse their previous view that fugitive terrorists were protected from extradition by the "political offence" exception. The exact scope and implications of the McGlinchey judgment were far from clear and what was said in it about this aspect of the matter was, in any event, strictly obiter. We are therefore by no means certain that it does involve the major break-through in our efforts to get the Irish to extradite terrorists that some people have taken it to be. Nevertheless, following inter-departmental discussions it was agreed that we ought to select some suitable cases which would put it and the Irish authorities to the test. However, before we could complete action on that, I was telephoned personally by Mr Sutherland - our own Attorney General then being abroad - who said that he himself wanted to discuss with us a suitable case which would build on the McGlinchey foundations. What had apparently prompted him to raise the matter was that he had been asked to consider proceeding under the Irish extra-territorial jurisdiction legislation against a man who was accused of complicity in the murder of Sir Norman Strong and his son. So far as he (Mr Sutherland) could see, this would make an ideal case in which to rely on the McGlinchey judgment. When I told him that I had not heard of these particular proceedings but that I did know that we were looking at the corresponding problem in relation to other cases, he said that he thought it essential that he and

/Sir

CONFIDENTIAL

CONFIDENTIAL



~~XXXXXXXXXX~~
LEGAL SECRETARY.

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

Sir Michael Havers should discuss all the possibilities before we took any formal step. I therefore undertook to put a brake on all current activities on this front until our Attorney General returned, when he would at once get in touch with Mr Sutherland personally. This is what has now happened and next Tuesday's meeting is the result of that discussion.

At next Tuesday's meeting it is our Attorney General's intention to confine himself to a purely technical examination of the possible cases in which we might proceed, so as to identify in collaboration with Mr Sutherland those which would provide the best hope of reaffirming and consolidating the Supreme Court's reasoning in the McGlinchey case. In addition, the Attorney General may wish to explore with Mr Sutherland whether there is anything that can be done to avoid or mitigate the potential embarrassment to us of the request which the Irish have made for the return, to face trial in the Republic, of four members of the RUC who went into the Republic some months ago, got themselves into a fracas in a pub, drew their weapons and were eventually rescued and arrested by the Garda. Though they were then allowed to return to Northern Ireland, they have been charged with being in possession of firearms with intent to endanger life and a warrant for their arrest and return has been sent to the RUC. I doubt if there is much that the two Attorneys General can now do about this but it certainly seems worth exploring. Apart from this, the Attorney General has no intention of broadening the discussion himself and will certainly do his best to prevent Mr Sutherland from broadening it - not that he now seems likely to want to do that. I understand that the Attorney General and Mr Prior have had a word about this and that Mr Prior impressed on him the importance of avoiding getting drawn into any wider discussion which could be represented (or misrepresented) as being a resumption of the inter-governmental dialogue.

I am copying this letter to John Lyon (NIO), Brian Fall (FCO) and Tony Rawsthorne (HO). I am also sending a copy to David Goodall whom I have already put in the picture.

Yours ever,
Henry [Signature]

CONFIDENTIAL

THE ATTORNEY GENERAL
U. S. DEPARTMENT OF JUSTICE

RECEIVED
1961
FEB 1 11 21 AM '61
DEPT OF JUSTICE

2000
100-100000-1

FEB 1 11 21 AM '61
DEPT OF JUSTICE

The attached copy of the proposed order is being submitted to you for your information and comment. It is suggested that you review the proposed order and advise the undersigned of any comments you may have by the date indicated on the copy of the proposed order which is being submitted to you. The proposed order is being submitted to you for your information and comment. It is suggested that you review the proposed order and advise the undersigned of any comments you may have by the date indicated on the copy of the proposed order which is being submitted to you.

The proposed order is being submitted to you for your information and comment. It is suggested that you review the proposed order and advise the undersigned of any comments you may have by the date indicated on the copy of the proposed order which is being submitted to you. The proposed order is being submitted to you for your information and comment. It is suggested that you review the proposed order and advise the undersigned of any comments you may have by the date indicated on the copy of the proposed order which is being submitted to you.

The proposed order is being submitted to you for your information and comment. It is suggested that you review the proposed order and advise the undersigned of any comments you may have by the date indicated on the copy of the proposed order which is being submitted to you.

CONFIDENTIAL

BPP



file

10 DOWNING STREET

From the Private Secretary

11 March 1983

Extradition from the Republic of Ireland

The Prime Minister has noted the contents of your letter to me of 9 March in which you report that the Attorney General of the Republic of Ireland will visit London on 15 March to discuss with the Attorney General certain cases in which we might seek the extradition from the Republic of persons who are wanted, either in Northern Ireland or here, on terrorist charges.

I am copying this letter to John Lyon (Northern Ireland Office), Brian Fall (Foreign and Commonwealth Office), Tony Rawsthorne (Home Office) and David Goodall (Cabinet Office).

A. J. COLES

Henry Steel, Esq., C.M.G., O.B.E.,
Law Officers' Department

CONFIDENTIAL