

2020/17/12

S18805N

S18805N

Extradition
(European Convention on the
Suppression of Terrorism)
Act, 1987

16/5/90 - 17/1/91

S18805N

START of file



Private Member

**AN BILLE UM EISEACHADADH (LEASÚ), 1990
EXTRADITION (AMENDMENT) BILL, 1990**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Amendment of section 3 of Act of 1987.
3. Offences to be regarded as serious offences for the purposes of section 3 of Act of 1987.
4. Repeal of section 4 of Act of 1987.
5. Amendment of section 11 of Act of 1987.
6. Short title, collective citation and construction.

SCHEDULE

ACT REFERRED TO

Extradition (European Convention on the Suppression of Terrorism) 1987, No. 1 Act, 1987.

***Published document,
has not been copied***

Mr Gallagher,



Handwritten notes:
2/15
M. Keenan
25/15
To see please
23/15
4-5-90
[Signature]

NO 11

Re: Extradition

The Joint Statement following the Anglo-Irish Conference Meeting on 19 April says:

' Ministers also had a constructive discussion of arrangements for dealing with fugitive offenders. They instructed officials to undertake a review of the situation and report back to a future Conference'.

You will wish to be aware that a meeting of Working Group 2 has now been fixed for London on 24 May 1990.

The meeting of the Group will, as usual, be co-chaired by the Department of Justice (Mr Joe Brosnan) and the NIO (Mr Quentin Thomas). The Irish side will also comprise officials from this Department, the Secretariat and the AG's Office.

There will be a preparatory meeting of the Irish side on 17 May.

The terms of reference of Working Group 2 are attached for information. The Group last met on 15 March 1989.

[Handwritten signature]

M Collins

14.5

Handwritten notes:
M Collins
2/15
[Signature]

c.c. PSM

PSS

Working Group II (Criminal Law Matters)

- (I) to examine issues of concern to the Conference relating to the enforcement of the criminal law in both jurisdictions;
- (II) to consider whether there are areas of the the criminal law applying in the North and in the South, respectively, which might with benefit be harmonised;
- (III) to give priority to an examination of policy aspects of extradition and extra-territorial jurisdiction.

Both groups are empowered to seek the advice of outside experts to the extent considered appropriate to enable them to discharge their functions.



AN ROINN GNÓTHAÍ EACHTRACHA

DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2

DUBLIN 2

15 May, 1990

Mr. Dermot Nally
Secretary to the Government

Ratification by Britain of the 1957
Convention on Extradition

Dear Dermot

As I mentioned to you orally at the end of last week an issue has come up on this matter which appears to present no problems but which my Minister has asked me to ensure that the Taoiseach is aware of before we go ahead.

We were advised recently through the British Embassy of the intention of the British Government to ratify the 1957 Council of Europe Convention on Extradition within the next few months. As you know Ireland ratified this Convention many years ago and indeed I believe that our 1965 Act is largely in accord with its provisions.

The consequence of British ratification of the Convention is that both Ireland and Britain will then be parties to it. This in turn has the consequence, under the terms of the Convention, that our present bilateral arrangements with Britain (which is to say the backing of warrants procedure under part III of the 1965 Extradition Act) would be replaced by the provisions of the Convention unless both the British and ourselves issue a specific notification to the Secretary-General of the Council of Europe under Article 28 (3) of the Convention that we would prefer to maintain our existing bilateral arrangements.

The British have indicated that they would prefer to maintain our existing bilateral arrangements and that, accordingly, they would wish to take the necessary steps by way of notification to the Secretary-General of the Council of Europe. The Minister for Justice and the Attorney General have each been consulted. Both agree that we should maintain our existing bilateral extradition arrangements with Britain; and both agree that we should lodge a notification to this effect with the Secretary-General of the Council of Europe in accordance with Article 28 (3) of the Convention. This would be done at the same time as the British lodge their notification which in turn would be when they ratify

the Convention. We would propose to have some exchange of views at official level on the content of the required declarations.

Like the Minister for Justice and the Attorney General, the Minister for Foreign Affairs believes that the proposed notification that we wish to maintain our existing bilateral arrangements with Britain rather than have them replaced by the provisions of the Convention would be desirable. He has asked me however to be sure that the Taoiseach is aware of the matter before we take the necessary action.

Yours sincerely



Noel Dorr
Secretary



Ratification by Britain of the 1957
Convention on Extradition

Taoiseach

Please see Mr Dorr's letter opposite.

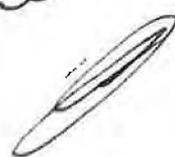
The main differences between existing arrangements for extradition to Britain and those which would apply if the procedures under the Convention were to be brought into force are:

- (1) the existing arrangements are for the documents to be transmitted from police to police, who then, here, consult the AG. Under the Convention they would be conveyed through diplomatic channels;
- (2) under existing arrangements, the first legal step in an extradition is a District Court Order. Under the Convention arrangements the Minister for Justice would have to make an Order in order to send the matter to the District Court; and
- (3) the 1987 Extradition Act applies only to Part III of the 1965 Extradition Act i.e. the part of the Act which governs procedures involving the UK (and Northern Ireland). It does not apply to Part II governing the arrangements with other countries.

I think that, in the circumstances, the reply to Mr Dorr's letter should agree with the proposal that both countries should lodge notification to maintain our existing bilateral extradition arrangements. This is the course agreed by both the Ministers for Foreign Affairs and Justice, and the Attorney General.


Dermot Nally

16 May 1990



Roinn an Taoisigh
Department of the Taoiseach

17 May 1990

Mr Noel Dorr
Secretary
Department of Foreign Affairs

*Mr Dorr
There is a problem
with the Convention
D*

Dear Noel

I showed your letter about the ratification by Britain of the 1957 Convention on Extradition. He agrees that we should maintain our existing bilateral arrangements with Britain rather than have them replaced by the provisions of the Convention and that action accordingly may be taken.

Yours sincerely

Dermot Nally

Dermot Nally
Secretary to the Government

Tithe an Rialtais, Baile Átha Cliath 2
Government Buildings, Dublin 2



Oifig an Taoisigh
Office of the Taoiseach

June, 1990.

Mr. Thomas C. Donachie,
Reformed Presbyterian Church of Ireland.

Dear Mr. Donachie,

The Taoiseach, Mr. Charles J. Haughey, T.D., has asked me to refer to your recent letter to him about the question of extradition.

The Taoiseach has noted the comments you have made. He hopes that you will appreciate that it would not be appropriate for him to comment in any detail on the terms of the decision given in the case you mention given that, under our system, the courts, in accordance with the Constitution, are independent in the exercise of their functions.

He has, however, asked me to mention the procedures which exist here for dealing with fugitive offenders. Our extradition arrangements with Britain and the North are based on a simplified backing of warrants arrangement which has worked to the benefit of both countries. The legislation governing that procedure under Irish law includes the Extradition (European Convention on the Suppression of Terrorism) Act 1987 which gives effect to the Council of Europe Convention of that name. That Convention is intended to eliminate and restrict the scope of the political offence exception in extradition proceedings by providing that certain specified offences should never be regarded as "political" and by allowing other specified offences not to be so regarded. The provisions of the 1987 Act fully meet the obligations Ireland undertook in signing the Convention and allowed it to be ratified without recourse to a reservation. This means that Ireland is one of only eight (out of a total of twenty-two) countries to ratify the Convention without reservation.

I should also add that the 1987 legislation was not relevant to the case you mentioned as the warrants which formed the basis for the application in that case predated the coming into effect of the Act. The legislation will, however, be relevant in any case in which the warrants were issued after 1st December 1987, the date when it came into effect.



Oifig an Taoisigh
Office of the Taoiseach

- 2 -

The Taoiseach has also asked me to mention that Irish law provides another method for dealing with fugitive offenders in addition to extradition. That is the extra-territorial method whereby, notably under the provisions of the Criminal Law (Jurisdiction) Act 1976, our courts have jurisdiction to try persons for certain serious offences committed in Northern Ireland and, in certain circumstances, elsewhere. The 1976 Act has already been used to good effect. The Government are determined to ensure that fugitive offenders continue to be pursued with the full rigour of the law be it by extradition or by prosecution under the Criminal Law (Jurisdiction) Act.

In conclusion, the Taoiseach has asked me to thank you for your good wishes which he very much appreciates.

Yours sincerely,

Private Secretary
to the Taoiseach.

Mr. Thomas C. Donachie,
Reformed Presbyterian Church of Ireland,
429, Cregagh Road,
Belfast BT6 OLG,
NORTHERN IRELAND.

In Holland "trans" to
the ark - trans to
T's "volunteer" etc
& refer to me.

J. J. Z.



Reformed Presbyterian Church of Ireland

Committee on Public Morals

Convener:

T. C. DONACHIE
429, CREGAGH ROAD
BELFAST
BT6 0LG
TEL. (0232) 795454

An Taoiseach,
Dail Eireann,
Kildare St.,
Dublin 2.

Dear Taoiseach,

We have been encouraged and heartened by statements that you have made recently concerning your determination to eradicate terrorism throughout the island of Ireland. We are, however, concerned about the recent failure of extradition procedures for those, not only charged, but convicted in the courts in Northern Ireland. The impression given to evil and violent men in this country is that lawlessness committed in Northern Ireland is considered to be acceptable in the Republic of Ireland.

We understand that there have been some difficulties with the extradition procedure which have now been rectified and we trust that there will be no legal "loopholes" that will enable people convicted or accused of the vilest acts of terrorism to escape justice.

Our concern is not political, but moral, for when the law is despised there can be no civilised society. We believe that righteousness, exalts a nation and the proper administration of law is an integral part of such justice.

We assure you of our prayers in the heavy responsibility that you bear and we trust that you will know the strength and wisdom that comes only from the Almighty God.

Yours Faithfully

Thomas C. Donachie



Oifig an Taoisigh
Office of the Taoiseach

May, 1990.

Handwritten notes and signatures:
pe
W. J. Haughey
R. J. [unclear]

Mr. Thomas C. Donachie,
Reformed Presbyterian Church of Ireland.

Dear Mr. Donachie,

The Taoiseach, Mr. Charles J. Haughey, T.D., has asked me to refer to your recent letter to him about the question of extradition.

The Taoiseach has noted the comments you have made. He hopes that you will appreciate that it would not be appropriate for him to comment in any detail on the terms of the decision given in the case you mention given that, under our system, the courts, in accordance with the Constitution, are independent in the exercise of their functions.

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Oifig an Taoisigh
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*N.P. L. in conclusion, the Taoiseach is asked to be better
Yours sincerely, you to your good work which he
very much appreciates.*

Private Secretary
to the Taoiseach.



OIFIG AN AIRE DLI AGUS CIRT AGUS CUMARSÁIDE
(Office of the Minister for Justice and for Communications)

BAILE ÁTHA CLIATH 2.
(Dublin 2.)

21 May, 1990.

Dear Brian,

I refer to your minute of 11 May enclosing copy of a letter received by the Taoiseach from Mr. Thomas C. Donachie of the Reformed Presbyterian Church of Ireland in relation to Extradition. I enclose herewith draft reply which might issue to Mr. Donachie.

Yours sincerely,

Private Secretary

Mr. Brian Collinge,
Department of the Taoiseach,
Government Buildings,
Dublin 2.

Mr. Donohue ;

recent

the question of

DRAFT REPLY
The Taoiseach, Mr. Charles J. Haughey, T.D., has asked me to refer to your letter to him about extradition.

N.P The Taoiseach has noted the comments you have made. He hopes that you will appreciate that it would not be appropriate for him to comment in any detail on the terms of the decision given in the case you mention given that, under our system, the courts, in accordance with the Constitution, are independent in the exercise of their functions.

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11 May, 1990.

Seamus Kirk,
Private Secretary,
Minister for Justice.

Dear Seamus,

Enclosed herewith is a copy of a letter the Taoiseach recently received from Mr. Thomas C. Donachie of the Reformed Presbyterian Church of Ireland in relation to extradition.

Perhaps you could arrange to let us have a suitable draft reply for consideration, please.

Yours sincerely,



B. Collinge.

4 May, 1990.

Mr. Thomas C. Donachie,
Reformed Presbyterian Church of Ireland.

Dear Mr. Donachie,

Thank you for your recent letter addressed to the Taoiseach,
Mr. Charles J. Haughey, T.D., and for your comments which I
will bring to his attention as soon as possible.

Yours sincerely,

GEORGE J. SHAW

Private Secretary
to the Taoiseach.

!Mr. Brian McCarthy,

!As discussed for your attention and appropriate action,
!please.

!WP4 GS927

*Mr. Lally
re with D.I. Justice for dlr
R. 5/5/90*



Oifig an Taoisigh
Office of the Taoiseach

June
May, 1990.

Mr. Thomas C. Donachie,
Reformed Presbyterian Church of Ireland.

Dear Mr. Donachie,

The Taoiseach, Mr. Charles J. Haughey, T.D., has me to refer to your recent letter to him about the question of extradition.

The Taoiseach has noted the comments you have made. He hopes that you will appreciate that it would not be appropriate for him to comment in any detail on the terms of the decision given in the case you mention given that, under our system, the courts, in accordance with the Constitution, are independent in the exercise of their functions.

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Oifig an Taoisigh
Office of the Taoiseach

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In conclusion, the Taoiseach has asked me to thank you for your good wishes which he very much appreciates.

Yours sincerely,

Private Secretary
to the Taoiseach.

ROINN AN TAOISIGH

To: Mr. McCarthy
From: B. Collinge

Mr. Phelan

Revised reply across 1990

*Donagh,
Uimhir...
clean reply into
Garrigue.*

Donagh 30/5/90

**Re: Letter to the Taoiseach from Mr. Thomas C. Donachie
of the Reformed Presbyterian Church of Ireland
about extradition**

Mr. Donachie has written to the Taoiseach saying that he was heartened by statements the Taoiseach made about our determination to eradicate terrorism in Ireland. However, he is concerned about what he calls the recent failure of extradition procedures. He hopes that "loopholes" will be filled so that terrorists cannot escape justice and says that his concern is on moral rather than political grounds.

The draft reply across, suggested by the Department of Justice, is submitted for consideration, please.

B. Collinge
B. Collinge.
25th May, 1990.

*Garrigue,
In your
approval
prior to
issue.*

*13
6
90.*

*Mr.
McCarthy,
Byrne,*

*This was
never cleared
with the
Taoiseach.
In your
files*

Issued by the Government Information Services,
Government Buildings, Dublin, 2.
Tel. (01) 607555. Telex 93938. FAX 603281.

Ó Sheirbhíisí Eolais an Rialtais,
Tithe An Rialtais, Baile Átha Cliath, 2.
Tel. (01) 607555. Telex 93938. FAX 603281.

Government Statement re case of
Miss Donna Maquire

All requests for extradition must be processed in accordance with the law of the country to which the application is made, in this case Irish law. Irish law reflects international law, including the European Convention on Extradition and the European Convention on the Suppression of Terrorism. Ireland fully subscribes to both Conventions and operates their provisions. In the case of the person concerned the appropriate procedures in this regard were followed.

Since that person is currently on criminal charges before a court in Belgium it would not be proper to comment on the facts and circumstances of her case.

18 June, 1990.

H. L. Maquire

For extradition file
RL

RLZ.

EXTRADITION

1. Extradition is part of the normal machinery of legal cooperation against crime among democratic states. It has been part of our legal machinery since independence, and has operated in its present form in Ireland since 1965. Over 900 offenders have been extradited to Britain and Northern Ireland since 1965.
2. When considering requests for extradition in recent years the courts restricted the scope of the political offence plea in line with developments in international law. In addition, Ireland has become a party to the Council of Europe Convention on the Suppression of Terrorism. This Convention provides that serious offences of violence may not be regarded as political offences. This was given effect in our law by the Extradition (European Convention on the Suppression of Terrorism) Act, 1987.
3. In response to widespread concern that further safeguards be provided in this new situation for the rights of the citizen, the Extradition (Amendment) Act, 1987 was enacted by the Oireachtas. The principal safeguard embodied in that Act provides that warrants issued by a judicial authority in Britain or Northern Ireland shall not be endorsed for execution by the Garda Commissioner unless the Attorney-General, having considered such information as he deems appropriate, is of the opinion that there is a clear intention to prosecute and that this intention is founded on the existence of sufficient evidence.
4. The Act also provides that extradition shall not be ordered where by reason of the lapse of time since the commission of the offence and other exceptional circumstances it would, in all the circumstances, be unjust, oppressive or invidious.
5. It has always been possible for a person to contest his extradition on the grounds that his/her constitutional rights would be infringed or that his extradition would be

contrary to the safeguards already accepted in international law and the new safeguards in our extradition legislation.

6. The Taoiseach told the Dail in November, 1987, that it was on the basis of these safeguards, or not at all, that extradition would proceed. The Taoiseach has also indicated that cases of persons extradited under the new arrangements will be monitored carefully.
7. The issue of extradition and other arrangements for dealing with fugitive offenders are currently being discussed in the context of the Anglo-Irish Conference.
8. Extradition is not the sole legal weapon for dealing with the fugitive offender. There is also the Criminal Law (Jurisdiction) Act 1976 under which it is possible to try persons in this jurisdiction for offences committed in Northern Ireland. Sixteen persons have been tried by our courts under this Act and 12 have been convicted. The Government are convinced of the value of this legislation and remain strongly committed to its use in appropriate cases.

Anglo-Irish Section
September 1990.

15th October, 1990.

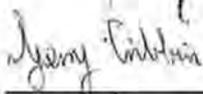
Mr. Oliver Grogan,
Department of Foreign Affairs.

Dear Oliver,

I enclose, for your information, a covering letter and sample petition sent to the Taoiseach by the Australian Aid for Ireland group. A total of 43 signed petitions against extradition were attached to the letter.

I discussed the matter with the Department of Justice who informed me that it is their policy not to reply to such petitions.

Yours sincerely,



Gerry Cribbin.

Mr. McCarthy. 729711

For your advice, please.

Mr. Crobbin

I thank the group
in the District - venem. *TH* 11.10.90
of W.raid. Pl. get date
advice - the only man he
the best approach *RS 17*

Australian Aid for Ireland

Incorporated in Victoria



W.A. BRANCH P.O. BOX 1210 MIDLAND W.A. 6056

4th October 1990.

An Taoiseach
The Hon Charles J Haughey, TD,
Department of Taoiseach,
Government Buildings,
Upper Merrion Street,
Dublin,
Eire.

Dear Taoiseach,

Please find enclosed petitions from many concerned people in Australia. We are abhorred that the Irish Government would in any way consider the extradition of any Irish man.

We would appreciate a reply in receipt of receiving the enclosed petitions.

Is mise le meas,

Angelo Forte,
W.A. Branch Secretary.

A handwritten signature in cursive script that reads "Angelo Forte".

Sample

Name THOMAS SMITH

Address 2/40 AVENUE ROAD

DAYSWATER PERM. W.A. 6053

Date 21/8/1990

An Taoiseach
The Hon Charles J Haughey, TD,
Department of Taoiseach
Government Buildings
Upper Merrion St
DUBLIN
EIRE

Dear Taoiseach,

I wish to register my total opposition to the enactment and implementation of the Extradition Bill in Ireland for the purpose of extraditing Irish nationals such as Dessie Ellis to British jurisdiction.

I consider the implementation of this Bill a serious derogation of Irish sovereignty. The British Government's political veto of Irish sovereignty and national self-determination is receiving full compliance from your Government through the extradition legislation. It is the British Government's pursuance of a political agenda enshrined in Irish Government legislative and legal structures which reinforces the political veto on Irish unity and sovereignty.

A number of countries retain political exemptions in extradition legislation, whilst others refuse to extradite their citizens to appear before non-jury special courts in foreign countries. Some nations, such as Britain, will not extradite their citizens regardless of alleged offences. Why does the Irish Government comply to extradition requests to Britain when other nations are more circumspect about seeking safeguards to guaranteeing the human and civil rights of its citizens in extradition cases?

Prisoners such as Dessie Ellis and extraditees before him are victims of the political conflict in the north east of Ireland. A conflict where Britain's constitutional claims to jurisdiction are in dispute. A continuation of the conflict which saw the establishment of the Dail. These extraditees are political prisoners and deserve due consideration as political prisoners.

Ludvic Kennedy, a leading British conservative legal reformer, has expressed his concern that Irish citizens cannot get a fair and just trial in Britain's judicial system. He cited the miscarriages of justice to the Birmingham 6, Guildford 4, Winchester 3, Maguire 7 and Judith Ward.

In each case, trial by media has prejudiced a fair trial and encouraged anti-Irish racism. Perjury by police, discredited forensic evidence, confessions extracted by beatings and strip-searching, all confirm that Irish detainees would be subject to human rights abuse.

The European Court of Human Rights, Amnesty International, Britain's National Council for Civil Liberties, some British MPs and eminent lawyers, have highlighted and criticised the British Government's derogating its responsibilities on human rights where Irish citizens are concerned.

Extradition to the north of Ireland is unthinkable given that the legal system and police are part of Britain's military infrastructure in the colonial province. John Stalker, the former Manchester Deputy Police Commissioner, has documented the 'shoot to kill' operations of these forces. State internment, torture and assassination means the safety of Irish extraditees cannot be guaranteed.

The Irish Government will gain no respect in the eyes of the International Community by extraditing its citizens to Britain where their safety and human and civil rights cannot be guaranteed.

I call upon the Irish Government to refuse to extradite its citizens and to repeal the 1986 Extradition Act.

Yours faithfully,

Thomas Smith

8.

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

- Form to be completed and inserted in the original record
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **26 October 1990**
- (iv) The description of each document: **Copy letter re. discussion**
- (v) Number of pages: **2**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

(b)(c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: **Elaine Kelly**

Grade: **AP**

Department/Office/Court: **Taoiseach's Department**

Date: **25/8/20**

No action
for whatever action you deem appropriate
22/10/90
Mr J. Carth

258 Cappagh Road,
 Finglas West,
 Dublin 11.
 Phone 361097
 5/10/90

A chara,

My brother Desmond Ellis is facing extradition to Britain. His appeal against the extradition order of the District Court will come up in the Supreme Court in the next few months. If Desmond is extradited he will be put on trial on conspiracy charges in a system that has been proven to be unable to deliver justice to Irish people, as in the cases of the Birmingham Six, the Maguire Seven and the Guildford Four.

In my brother's case it is well known that he comes from a republican background, a fact that is certain to be used against him. Desmond has said that he cannot allow himself to be put into a situation which will certainly mean spending the rest of his life in prison in Britain.

Desmond has said that he will be going on hunger-strike for justice, knowing that he would not get a fair trial in Britain. I'm appealing to you to use your influence to prevail on the government to intervene now to prevent my brother taking this terrible step.

There is a meeting of Fianna Fáil Members Against Extradition at 8pm on Saturday, October 20th in Buswell's Hotel, Molesworth Street, Dublin. Your attendance would be greatly appreciated, the situation is now very urgent.

Hoping to hear from you,

Is mise

Martha Ellis *Martha Ellis*

John Ellis

Mr James Ellis
Mrs Patricia Ellis



INDEXED

~~Schoxa D.A.~~
18805

25 October, 1990.

Kay Lee,
The Coalition of Irish
Groups in San Francisco.

Dear Kay Lee,

Thank you for your letter of the 15th October, 1990
addressed to the Taoiseach, Mr. Charles J. Haughey, T.D.,
concerning Dessie Ellis.

The Taoiseach has noted your concern and is passing your
letter to his colleague, the Minister for Justice, Mr. Ray
Burke, T.D., for his attention.

Yours sincerely,

! BRIAN MCCARTHY

! COPY FOR YOUR INFORMATION

RICHARD HODGINS

Private Secretary
to the Taoiseach.

! PS, MIN/JUSTICE

! FOR ATTENTION PLEASE

! RH3709/WP3

REGISTRY,

ANY PREVIOUS CORRESPONDENCE
IN CASE ?

Papers attached

RH 23/10

HE 23/10

The Coalition Of Irish Groups in San Francisco
P.O. Box 21457
Oakland, Ca. 94620

October 15, 1990

Honorable Charles J. Haughey
Taoiseach
Government Buildings
Dublin 2, Ireland

Dear Mr. Haughey:

The Coalition of Irish Groups in San Francisco continues to urge the Irish government to refuse the extradition of Irish people accused of politically related offenses to Britain. We most especially urge that Dessie Ellis not be extradited to England.

We believe, along with Amnesty International, The Norwegian Helsinki Committee and many other international human rights organizations too numerous to name that the British judicial system is grossly prejudiced in its treatment of Irish defendants. We are also very concerned that the almost nonexistent protections for the civil rights of defendants in cases even remotely of a political nature in England preclude the possibility of an Irish person receiving a fair trial in that country. This is particularly true in Dessie Ellis' case since his family has an Irish Republican background.

The cases of the Guildford Four, Winchester Three, the Maguires, Birmingham Six, Judith Ward and the many victims of British injustice in Northern Ireland are proof positive that no Irish person can expect justice from the British courts. The British penal system is also thoroughly discredited for its cruel and inhuman conditions and treatment of prisoners.

We are convinced that Dessie Ellis would not receive a fair trial in England. Moreover, we do not believe that he is guilty of the charges against him. It is impossible for Mr. Ellis to have been in England during the time specified in the charges. It is also next to impossible to defend oneself against conspiracy charges under English law, which in effect causes the defendant to be guilty until proven innocent.

We therefore **strongly urge** the government not to extradite Dessie Ellis or any Irish person to the internationally discredited British judicial system. We look forward to a prompt reply to our urgent concern for Dessie Ellis.

Sincerely,

Kay Lee

For: THE COALITION OF IRISH
GROUPS IN SAN FRANCISCO

R

~~INDEX & P.A.~~

26143/2

INDEXED

26th September, 1990.

Mr. Geordy P. Austin,
The Coalition of Irish Groups
in San Francisco.

Dear Mr. Austin,

Thank you for your letter of 10th September, 1990,
concerning the enfranchisement of Irish citizens who live
abroad, which will be brought to the attention of the
Taoiseach, Mr. Charles J. Haughey, T.D., as soon as
possible.

Yours sincerely,

RICHARD HOLLAND

Private Secretary
to the Taoiseach.

!RH3649/WP4

Return ✓

Private Secretary, M/Environment.
For your attention, please.

B. McCarthy. For your information.

} Copied to book
27 5/10/90

The Coalition Of Irish Groups in San Francisco
P.O. Box 21457
Oakland, Ca. 94620

10 Meán Fómhair/September 1990

Honorable John Rowan
Irish Consul General
655 Montgomery Street
San Francisco, CA 94111

Dear Mr. Rowan, a chara,

The Coalition of Irish Groups in San Francisco strongly urges the Irish government to enfranchise its citizens who now live abroad.

As you know, thousands of Irish citizens have been forced to leave home in search of employment. These men and women should not be compelled to also suffer disenfranchisement.

Ireland is the only European Community country which does not provide for its citizens living abroad to vote in national elections, and by so doing Ireland is losing its youth and its future in the world.

We urge the government to address the urgent concern of Irish people in America and worldwide for their right to vote at home.

Thank you for your prompt attention to this serious matter.

Is mise le meas,

Geordy P. Austin

For: THE COALITION OF IRISH
GROUPS IN SAN FRANCISCO

cc: Hon. Charles J. Haughey, Taoiseach
Hon. Gerard Collins, Minister for Foreign Affairs
Irish Immigration Reform Movement

brent b
nalgo

*With the Compliments
of the Secretary*

*Mr Brian
J. [Signature]*

NALGO OFFICE
BRENT HOUSE (9th floor)
349 HIGH ROAD
WEMBLEY, MIDDLESEX HA9 6BZ
01-900 5187 (direct line)
01-904 1244 ext. 4174

brent branch

nalgo

NATIONAL AND LOCAL GOVERNMENT OFFICERS ASSOCIATION

NALGO OFFICE
BRENT HOUSE (9th floor)
349 HIGH ROAD
WEMBLEY, MIDDLESEX HA9 6BZ
01-900 5187 (direct line)
01-904 1244 ext. 4174

SECRETARY JOHN TYMON

OUR REFERENCE: JT/

YOUR REFERENCE:

26th October 1990

Mr. Ray Bourke,
Minister For Justice,
Briars Gate,
Malahide Road,
Swords,
Co. Dublin,
Ireland.

Dear Mr. Bourke,

This Branch of NALGO, representing 2,500 local authority workers, are deeply concerned about the fate of Irish people living/working in Britain.

This Union has struggled for many years to demonstrate the discrimination that exists against Irish workers in this Council, and in Britain generally. The fight against this injustice is an ongoing one and we are making some progress with regard to justice for Irish people in employment, the allocation of grants and services provided by this Authority.

We work for the abolition of all laws that discriminate against minority groups in our community and we are especially concerned about the indiscriminate use of the P.T.A. against our Irish workers in our community.

Many members of our Irish community, including members of our union NALGO, have been harassed and arrested on several occasions under this reactionary law.

Our members therefore have no faith in British Justice with regard to Irish people and are alarmed that your Government is even considering the extradition of Irish citizens to horrors of the magnitude suffered by so many Irish people in Britain.

In the light of this historic fact that the Brent Branch of NALGO passed the following motion:-

Hunger Strike : Dessie Ellis

"This Executive notes with concern the hunger strike began in Portlaoise Prison by Dessie Ellis, on the morning of 10th October 1990 the day after his 38th birthday, against his extradition to Britain.

We note, also, that he has been in detention since 13th May 1981 - some months short of 10 years.

2/contd....

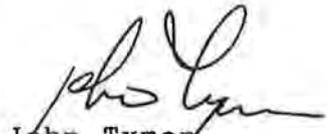
The warrants for his arrest were issued by the 'London Magistrates Court' allege that he:

- ° had control of explosive substances with intent to endanger life in England from 1st January 1981 to 27th October 1983;
- ° Conspired with others to cause explosions in Britain during this period.

This Executive points to the injustice suffered by the Birmingham Six, Guildford Four, The Winchester Three The Maguire Family, Guiseppe Conlon Dr. Moire O'Shea to demonstrate that there is no justice for Irish people framed under The Prevention of Terrorism Act and call on the Irish Government to refuse to extradite Dessie Ellis."

Your early reply for consideration by our Branch members would be appreciated.

Yours sincerely,



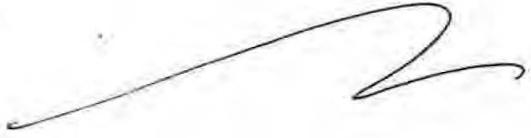
John Tymon,
BRANCH SECRETARY.

2
for an urgent meeting in
surroundings convenient to
yourselves to discuss the
issue and try to save my
son's life.

I am waiting in anticipation
of a favourable reply.

Sincerely,

James Noel Ellis



Mr Corbett
To associate with
Charles P. on Ellis
case

Post. 19 Dunsink Rd,
Finglas West,
Dublin 11.

28-10-90.

An Taoiseach,

Dear Mr Haughey,

I want to
thank most sincerely for your
courtesy and time you showed
my wife and myself on your
visit to Waterford on Friday.

As I write this letter
my son Pessie is now on his
19th day of his Hunger-Strike, as
you will appreciate his condition
continues to deteriorate more
rapidly.

I appeal to you

Mr. Trotter

This was addressed
to you in my letter
of yesterday - please
return it

For whatever

action you might
decide

36 $\frac{20}{11}$
 $\frac{50}{50}$

In replying to this letter, please address the envelope as follows:

Number A390 Name R. MurphyBirmingham Long Walk Prison

Monday 5th November 1990

A. Chasa,

I am writing to you concerning the case of Dessie Ellis who at present is on hunger strike in Long Walk prison in protest against his up and coming extradition to Britain. I do not want to go into the politics behind this because although we are (yourself) and I are in opposition to the methods being used in the North it is on the humanity grounds that I write. Firstly, as we are well aware of the feeling worldwide being raised concerning the Birmingham Six and the call for their release. In Britain being 'hush' means not getting a fair hearing, remember the Guildford Four and the Worcester Three. Dessie Ellis is charged with actions taking place in Britain while he was imprisoned in Ireland and with the help of the British media he cannot expect a fair trial. You may feel that being on hunger strike he is blackmailing the present government into refusing his extradition. But as being in prison during the Hunger Strike period in the North I witnessed things. I am not for one minute saying that that was the only thing that I recall because there has been numerous things affecting everyone in this country but I don't want another one on another whether be it be the Brixton etc. it is essential. A Chasa, extradition is a political decision made between governments to ensure a so called political treaty but a decision concerning Dessie Ellis can only mean his death or a long sentence behind bars. Yes, justice has to be seen done but why not give him a hearing in court in the 26 counties? After all there was a bill concerning that at present. Whether or not Dessie Ellis was used in the charges being levelled against him, surely there must be enough evidence to give a court hearing in Ireland. What is the

difference with him going to England. I will say the difference
is that the present government do not want to be seen as
acting against Britain and the Hillsborough Accord. Dease's
politics are not the same as politics of political parties in the 26
countries but all democratic countries has opposition right wing,
left wing liberal politics and violent actions on all sides whether
state violence or armed struggle. I myself have my own view on
the way politics and struggles should be waged but at the end
of it politics play a much larger part of things. To say that Dease
Ellis is going to receive a fair hearing is to see the Birmingham
Six, Guildford Four, etc. etc. and the other prisoners in
England getting a fair hearing. All those who were questioned
by the West Midlands Police have been acquitted are now appealing their
convictions because of the methods used to convict them. So is
this a fair system or just a mass trial. I am not asking you
yourself to support what is happening in Ireland but to see the
charges of Dease Ellis receiving a fair trial. Like I said we are of
different political parties but does that mean we do not care about
things in Ireland. I think, would you consider making a request to
stop the extradition of Dease Ellis to Britain whether or not you
believe he should stand trial in Ireland he would get a trial on
no charges or why extradite him. Dease Ellis is back and being
that he cannot expect a just trial in Britain. I do not wish you to
question his politics but judge his charges, he was after all in prison
at the time of some of the charges. Ask yourself why did Britain wait
until he completed a prison sentence before asking for his extradition?
I think I will await your reply whether or not you will give voice
to stop him being sent to Britain.

Yours S. Murphy
Bunoy H Block 3
Long Kesh
Ulster.

ROINN AN TAOISIGH

Mr. Lohan
To Mr. M +
for O'Connell M.

Uimhir.....

7
R.L.U.
90

To: Subject to Verification

<Copies to D/Justice>
R.L.U.

From:

SECRET AND PERSONAL

Taoiseach's meeting with Mr. and Mrs James Noel Ellis

1. The Taoiseach met Mr. and Mrs Ellis, parents of Mr. Dessie Ellis, who is on hunger strike in Portlaoise, in Government Buildings on Tuesday, 6 November, 1990. Mr. F. Murray, Assistant Secretary to the Government, was also present. The Taoiseach had written to Mr. and Mrs. Ellis on 5 November and a copy of the correspondence is attached to this note. The note does not purport to be an exhaustive account of all of the matters discussed in the course of the meeting which lasted for about 20 minutes.
2. The Taoiseach in opening the meeting referred to his letter of 5 November and reiterated that he was not in a position to offer any undertakings. He invited Mr. Ellis to set out the position as he saw it.
3. Mr. Ellis said that his son was not prepared to come off the hunger strike. If the Supreme Court case should go against him it was his son's wish to die in Ireland. If, however, the Supreme Court goes well from his son's point of view there may be time to get him back to proper health. He was having difficulties with his eyesight at present. His legal advisers wanted him to go to the Supreme Court on Thursday, 8 November but he was not fit enough for the journey.
4. Referring to the case against Dessie Ellis his father said there was no evidence against his son "except the word of a Metropolitan policeman". He would not accept this in the light of the Birmingham Six and Guildford Four cases. The policeman concerned was "in on those cases". Dessie Ellis would not get justice in England especially as a member of a Republican family.
5. Mr. Ellis said that he had been all over the country in relation to his son's case. A lot of Deputies and Senators whom he had met had agreed that Dessie Ellis should not be extradited. Most of the people whom he met had been sympathetic. He referred to a meeting with the Leader of the Workers Party, Deputy Proinsias De Rossa, who had told him that he believed in extradition. Mr. De Rossa had said that if his son wanted to starve himself to death that was a matter for him.

his
copy

as discussed

Jim
6
11
90

ROINN AN TAOISIGH

Uimhir.....

To:

SECRET AND PERSONAL

From:

-2-

6. Mr. Ellis also referred to the statement issued by the Minister for Justice to the effect that he would not invoke Section 50 (2) of the Extradition Act. There was an option here to have Dessie Ellis tried under the Criminal Law Jurisdiction Act.
7. The Taoiseach intervened at this point to say that the Minister could not do that once the extradition process had commenced. It might have been possible to deal with the case either by way of extradition or through the Criminal Law Jurisdiction Act procedure before proceedings had commenced but once the process of extradition had started it was not possible to switch to another procedure.
8. Mr. Ellis, continuing said that he had not got a reply from the Minister for Justice for six months. In his (Mr. Ellis's) view everybody was entitled to justice and a proper answer to a request. The Taoiseach said, in response, "you have done your best". Mr. Ellis in referring to the 1987 Act and the European Convention said that his understanding was that no person should be extradited if a trial would be prejudiced by race or religion. The Taoiseach in response said that that had been tried before. Sometimes the law might seem odd but the law was the law. He reiterated that he could not interfere with the legal process and in response to an inquiry from Mr. Ellis said that the Attorney General likewise could not intervene. The Taoiseach added that he could not understand why Mr. Ellis's son would not wait until after the Supreme Court case before embarking on the hunger strike.
9. In response Mr. Ellis said that it was possible that the minute the Supreme Court case was over his son could be in Baldonnell and on his way to Britain within an hour. If that were to happen his life would be finished.
10. The Taoiseach said, in response, that as things stood at present his life might well be finished anyway. Mr. Ellis added that his son would rather finish his life here.
11. In reply to the points made by Mr. Ellis the Taoiseach said that there could not be any question of the

ROINN AN TAOISIGH

Uimhir

To:

SECRET AND PERSONAL

From:

-3-

British police not ensuring that a fair trial would be provided. Surely before his son decided to die he should let all the legal processes be tried both here and in Great Britain. If the Supreme Court verdict should go against him then his case would go to court in Britain. The Taoiseach strongly advised that Dessie Ellis should go through all that before deciding to fast to death.

12. Mr. Ellis mentioned that a Judge Sommers (from the US) had sat in on the McNamee extradition case and had said that the judgement was disgraceful. The Taoiseach reminded him that when McGlinchy was brought to Northern Ireland the case against him was thrown out. The case against the Winchester Three had also been thrown out on appeal.
13. Mr. Ellis continuing said that there was no answer in the case of a conspiracy charge. In his view there was no way to defend yourself against such a charge. He was not defending his son's methods. His son did not wish to die in England. He added that all British judges were either ex-Army or Navy personnel - the Taoiseach dissented from this view.
14. The Taoiseach made the point that surely Dessie Ellis should wait until all final legal channels had been explored - dying was a final step. Mr. Ellis said that if the Supreme Court should give a "freedom verdict" his son would be alright provided he could be put into a clinic for treatment. If it should go against him he would die.
15. At this point the Taoiseach said to Mr. Ellis that neither of them could decide on what the verdict of the Supreme Court might be. Mr. Ellis said he understood that. The Taoiseach mentioned that he understood Gerry Adams was to go to see his son on Saturday last. Mr. Ellis said that nobody wanted his son to die. The Taoiseach stated that a fixation was a fixation. Dessie Ellis was a strong minded person.
16. Continuing the conversation the Taoiseach said that initially he had been reluctant to see Mr. and Mrs Ellis as he was afraid he might raise expectations. Both the Taoiseach and the family had their respective points of view. The Taoiseach added that he would like Mr. Ellis to say to his son to wait until after the

ROINN AN TAOISIGH

Uimhir.

To:

SECRET AND PERSONAL

From:

-4-

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17. Mr. Ellis added that his son was thinking of "his comrades" and not just of himself. He had been thinking of the treatment which the Hill family had received because of the constant changes of jail in Paul Hill's case. The Taoiseach said that all that had changed now and that there was a new regime in operation. He urged that Dessie Ellis should not offer up his life for that reason. He asked Mr. Ellis whether he would ask his son to give up his life to save the family the trouble of having to travel to England. Mrs Ellis intervened again at this point to say that her son was of the view that he would not get justice in England. His father added that the High Court verdict had been unsatisfactory.
18. The Taoiseach reiterated that nobody wanted Dessie Ellis to die. At the same time he could not see anything that he or the Government could do that would change his mind or anything further that his parents could say to him.
19. Mr. Ellis in response, stated that every time we go to visit him in Portlaoise we talk to him but he is adamant that he will continue. If the Supreme Court goes well for him all would be fine but if not -.
20. The Taoiseach said he understood that Dessie Ellis was walking around in prison. His father added that he was fairly weak but was of sound mind at present. He had been treated well and was getting another doctor to examine his condition. The Taoiseach said there would be no problem with that and added that if anything further could be done Mr. Ellis should "let us know".
21. In concluding their conversation the Taoiseach inquired from Mr. Ellis as to his background, where he worked etc. He said that he had been a cabinet maker by trade and had worked with Collen Brothers both as a cabinet maker and later as a machinery driver. By way of final comment the Taoiseach expressed the hope that the case would come right in the end.
22. The meeting was amicable throughout. Mr. and Mrs Ellis then left Government Buildings.

Frank Hendry
7 November, 1990.

5 November, 1990.

Mr. and Mrs. James Noel Ellis,
19, Dunsink Road,
Finglas West,
Dublin 11.

Dear Mr. and Mrs. Ellis,

Thank you for your kind letter.

I fully understand the anguish you both feel about the deterioration of your son's health as a result of his refusing to take food.

All I can do at this very serious stage is to urge you as I did in Waterford to do everything you can to persuade your son to abandon his fast.

Tragically it is now putting his life at risk before the legal process is even completed as the Supreme Court will hear his appeal on Thursday next.

You have asked for a meeting with me. I am certainly willing to meet you tomorrow, but I must tell you that at our meeting I will not be able to do any more than to emphasise again the advice I have already given you in Waterford.

Yours sincerely,

Taoiseach.

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Taoiseach.



ROINN AN TAOISIGH

Misc.
F. 2.

Uimhir. *Murray*

To: Subject to Verification

From:

SECRET AND PERSONAL

*See and
amendment.*

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ROINN AN TAOISIGH

Uimhir:

To:

SECRET AND PERSONAL

From:

-2-

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ROINN AN TAOISIGH

Uimhir.....

To:

SECRET AND PERSONAL

From:

-3-

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SECRET AND PERSONAL

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Now SEEMED TO HAVE

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Frank [Signature]
7 November, 1990.

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **8 November 1990**
- (iv) The description of each document: **Note re prisoner (personal)**
- (v) Number of pages: **2**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

(b)(c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: *Shirine Kelly*

Grade: *AP*

Department/Office/Court: *Taoiseach's Department*

Date: *25/8/20*

cc PSM ;
Mr. Wells: AEB
Mr. Butler: de O'Connell
Dr. H. ...; ...

IMMEDIATE

Fax

November 6, 1990

For Assistant Secretary Gallagher from O'Ceallaigh
cc: Ambassador, Washington

[Handwritten signature]

There follows a letter which was received this morning addressed to me by the Council of Presidents of Major Irish American Organisations requesting an urgent meeting to express their concern and to discuss "the options to extradition" which are available to the Irish Government in the Dessie Ellis case.

8/11

[Handwritten signature]

8.11.90

The Council of Presidents is an East Coast umbrella group made up of representatives of the Irish American Congress, the American Irish Political Education Committee, the Ancient Order of Hibernians, the New York Brehon Law Society, the Committee for Legal Justice, the Irish American Labor Coalition, the Irish American Unity Conference, Irish Northern Aid and the Knights of Equity. Jack Irwin, who is a National Director of the AOH and who is a member of the Immigration Working Committee in New York told me of this letter when I met him last night at a reception and volunteered the view that our difficulties with Irish Northern Aid are well understood and that it would be possible to have a meeting with the Council of Presidents without the presence of members of Irish Northern Aid if we wished. (In 1985 the then Government boycotted the St. Patrick's Day Parade in New York because Peter King of the Committee for Legal Justice was Grand Marshall. King has made, and continues to make, statements strongly supportive of Noraid and of the IRA).

Unless I hear to the contrary, I would propose to agree to meet with representatives of the Council of Presidents, excluding Noraid and Peter King, at a date to be fixed, after the Supreme Court hearing. I would propose to listen to what they have to say and present them with any statement which might be available at the time from the Minister for Justice.

November 6, 1990

Council of Presidents of Major Irish American Organizations

November 3rd, 1990

*Rec'd 6 Nov 90
DM*

Honorable Daith O'Ceallaigh
Consul-General of Ireland
515 Madison Avenue
New York, New York 10022

Dear Mr. Consul-General:

The Irish American community is vitally concerned about the deteriorating physical condition of Irish hunger striker Desmond Ellis. The Council of Presidents shares that concern and wishes to set up a meeting with you to discuss the options to extradition which are available to the Irish government.

Because some of our member organizations have worked with you in the past on other issues of concern, many of us are uncomfortable with the demonstrations which have been mounted at Irish consulate offices throughout the United States.

The urgency of this situation prompts us to seek a meeting as soon as possible. Therefore, Kathleen Holmes, Chairperson of the American Irish Congress will telephone your office on Wednesday, November 7th to arrange for the earliest possible meeting between us.

Sincerely,

KATHLEEN HOLMES, Chairperson
American Irish Congress

JOHN J. FINUCANE, National President
American Irish Political Education Committee

GEORGE CLOUGH, National President
Ancient Order of Hibernians

CODY MCCONE, President
Brehon Law Society

PETER T. KING, Chairman
Committee for Legal Justice

JOSEPH JAMISON, Director
Irish American Labor Coalition

Honorable Daithi O'Ceallaigh
November 3rd, 1990

(continued from page 1)

Robert C. Linnon

ROBERT C. LINNON, Ph.D., National President
Irish American Unity Conference

Paul Murray

PAUL MURRAY, National Chairman
Irish Northern Aid Committee

John Gavin

JOHN GAVIN, Chairman
Knights of Equity

- CC: Ad Hoc Committee for Irish Affairs
- American Protestants for Truth About Ireland
- Friends of Fianna Fail X
- Mr. Al O'Hagan
- Mrs. Dorothy Hayden Cudahy
- Irish Chamber of Commerce in the United States of America
- His Eminence John Cardinal O'Connor
- Honorable Paul O'Dwyer, United Nations Ambassador
- Most Reverend Edward Daly, Diocese of Brooklyn
- Most Reverend Mark J. Hurley
- Most Reverend John R. McGann, Diocese of Rockville Centre

McCarthy
W...
Kuwan
(Recd. to-day)
14/11



CONSULATE GENERAL OF IRELAND

515 MADISON AVENUE
NEW YORK, N.Y. 10022

TELEPHONE
(212) 319-2555
FAX
(212) 980-9475

To: Anglo-Irish
For: R. Murphy

From D. O'Ceallaigh

c.c. B. Scannell (Emb. Washington)

9 November, 1990

4 Pages (incl. cover sheet)

c.c. Mr. Gallagher
Mr. P. Wicker
D. Justice
Mr. Farrell

1. cc Mr. Mills; PRR
on document
2. Mr. Farrell

Meeting with Council of Presidents
of Major Irish-American Organisations

Re: Dessie Ellis

Date: 9 November, 1990

Venue: Consulate

Attendance: Consul-General
Vice-Consul Sheehan

Kathleen Holmes, American Irish Congress
John Finucane, American Irish Political
Education Committee.

Jack Irwin, A.O.H.
Cody McCone, New York Brehon Law
Society

Joe Jamison, Irish American Labor
Coalition.

Danny Dee, Irish American Unity
Conference

Harry O'Brien, Suffolk Brehon Law
Society.

I met with the above for an hour and a quarter this evening. Each one of them spoke and all expressed serious disquiet at the changes in our extradition laws and particular concern about the Dessie Ellis case, the main points of which are as follows:

- 1) The Government should utilise the Criminal Law Jurisdiction Act to try Ellis rather than extradite him. Government has a "moral duty" to try him in Ireland.
- 2) Incredulity that Government would permit extradition to Britain. The Government's policy was "amazingly inconsistent" with its views on the Birmingham Six etc. .
- 3) Ellis will not receive a fair trial if extradited. Mention was made of the Guildford Four, the Birmingham Six etc. .
- 4) Extradition or death on hunger strike would have very negative consequences for the relationship between the Irish-American community and the Irish Government.

Paul O'Dwyer sent a letter (copy attached) to me with Cody McCone, who works in his law office in which he

said that he agrees with paragraph three of the letter addressed to the Taoiseach by New York State Assemblymen on 1 November which states that the 1987 extradition legislation permits the option of trying Ellis under Irish law and asks why proceed with extradition.

In response, I said that I would convey their views to my authorities. I said that press reports indicate that the Supreme Court judgement would be available next week. I outlined the facts of the hearing in the Supreme Court as reported in today's Irish Times and I referred to the views of the Minister for Justice as reported in the Irish Times of 6 November (which the Department has confirmed), stressing that the Minister has made it clear to Ellis that there is no question of his intervening in this case under s. 50 (2) (a) and (b) of the Extradition Act.

The meeting consisted of endless repetition by the visitors of their views on the Ellis case and of more general views on the situation in Northern Ireland. K. Holmes said the group would like to have a response from the Government about their concerns. I did not undertake to obtain any response for them but I did say that they could remain in contact with us.

Comment: I think the meeting was useful in allowing the representatives of some of these organisations to make their points at length and to convey their concern. This may allow the more moderate of these organisations to retain their distance from the Noraid demonstrations. (However, the group did protest formally at the exclusion of Noraid and Peter King from the meeting.) They are, however, concerned that Ellis may die or may be extradited and either one of these events could result in most, if not all, of these groups becoming involved in protests against the Government. No mention was made of any publicity concerning the meeting but it is a possibility that those present will publicise it.

D. O'Ceallaigh
D. O'Ceallaigh
9 November, 1990



NEW YORK CITY COMMISSION
FOR THE UNITED NATIONS AND CONSULAR CORPS
TWO UN PLAZA, 27TH FLOOR, NEW YORK, NY 10017
(212) 319-9300

PAUL O'DWYER
COMMISSIONER

FAX (212) 319-9430

Dear Consul General

I regret that I will not be able to join the Irish American Group calling on you on leave from New York. I have read the letter addressed to you and signed by three New York State assemblymen. I completely agree with the third paragraph. Desmond should be tried in Ireland.

I took an active role in connection with the Hunger Strike in Long Kesh, ten years ago. The Prime Minister of Great Britain permitted them to die and later found merit in the complaint they presented that the charge of deliberate homicide was clearly laid at the door of Mrs Thatcher. Ellis has been on strike for 25 days and his jail is numbered. It would be a case of Patience to hand him over to the British. I have heard that the Irish Prime Minister told the Ellis family that there has been an improvement in the British Points approach to Irish prisoners. It will be difficult to convince the Birmingham Six that such the case in my opinion is more Paul O'Dwyer

Mr B. Murphy
14/11/90

A/Sec Gallagher.
for information

RF
12.10.90

Collier

14/11
(Recd. to Gen)

FAX COVER SHEET

FAX NO.: _____

DATE: 9.11.90

TO: Oliver Grogan

FROM: Gary Ansbro, Con Gen Chicago

BRIEF MESSAGE: c.c. Brendan Scannell, Embassy Washn.

This material is being sent from Fax No. 312-337-1954.

This number should be used for return faxing.

If there are any problems on receipt please phone transmitting operator _____ at 312-337-1868.

Total number of pages including this page: 3

cc'd Mr. R. Murphy ✓

cc R. Kelly, R. H. Russell
cc Mr. Beeson
2. Mr. H. H. H.



(312) 387-1068

CONSULATE GENERAL OF IRELAND

400 N. MICHIGAN AVENUE

CHICAGO, ILLINOIS 60611

9 November 1990

To: Oliver Grogan
From: Gary Ansbro, Con Gen Chicago

c.c. Brendan Scannell- Emb. Washn

I attach for your information a copy of a resolution which was adopted by the Chicago City Council on November 7th. Alderman Ed Burke (who sponsored a helpful resolution on the Morrison Bill and a resolution of welcome for the Lord Mayor of Dublin - also on 7th), was approached by a worker in the City Clerk's Office who is a supporter of the Friends of Irish Freedom. Although we were consulted about the wording of the Lord Mayor's resolution we were not informed of the intention to propose an Ellis resolution. I spoke to Alderman Burke's aide this morning and marked his cards.

Gary Ansbro

RESOLUTION

WHEREAS, Desmond Ellis on October 10, 1990 began a hunger strike to protest his possible extradition to Great Britain by the Republic of Ireland; and

WHEREAS, Mr. Ellis is wanted by the British government on the vague charge of "conspiracy" stemming from the situation in Northern Ireland; and

Amnesty International and several persons have publicly expressed grave concern about the treatment the Northern Irish receive in the British judicial system; and

WHEREAS, There is reason to believe that, if extradited, Mr. Ellis would not be dealt with under the same standards of justice that we in the United States hold so dear and have fought so hard to maintain; now, therefore,

BE IT RESOLVED, That we, the mayor and members of the Chicago City Council, in meeting assembled this seventh day of November, 1990, do hereby memorialize the Republic of Ireland not to extradite Desmond Ellis to any country where he is not assured of being treated in accord with the highest standards of justice; and

BE IT FURTHER RESOLVED, That suitable copy of this resolution be presented to the principle parties involved.

ALDERMAN -- 14TH WARD



*Mr. McElroy
14.11.90
1411
(held to 107)*

*Embassy of Ireland
30 Auburn Street
Yarralumla, A.C.T. 2600
Telephone: (062) 73 3088*

UIMH.FAX NO _____

DÁTA/DATE _____ AM/TIME _____

CHUIG/TO ANGLO- Israel

DO/FOR Deenot Gallagher

Ó/FROM AMBASSADOR

LÍON LEATHANACH (AN CEANN SEO SAN ÁIREAMH)/
TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET) 6

TEACHTAIREACHT/MESSAGE:

*Fuair to my letter today. In addition
we have received a large number of letters
from members of the public and two
petitions. We have also received a
dozen telephone calls. I will send the
correspondence home by bag.*

*c.c. Assoc
Mr. Kelly; P.E.
Mr. Russell,
Mr. Evans
Mr. R. Murphy*



LEGISLATIVE COUNCIL

PARLIAMENT HOUSE

ADELAIDE, S.A. 5000

9th November, 1990

Mr. John Murray
Attorney-General.
Dail Eireann
DUBLIN 2
IRELAND

Dear Attorney-General,

It has been brought to my attention that Mr. Dessie Ellis, an Irish national and currently a prisoner in Portlaoise Gaol, is facing extradition to stand trial on conspiracy charges. I understand that Mr. Ellis disputes the charges and is concerned that he will not receive a fair trial in Britain and requests to be tried in an Irish court.

I appreciate the sensitivity of political intrusion into judicial procedures. However, the judgements in Britain regarding the Birmingham Six, Guilford Four, Winchester Three, the Maguire Family and the partiality of the British media where trials of Irish nationals are concerned, gives me grave concern that Irish people cannot receive a fair trial in Britain. I believe that this is the view of leading British and Irish Members of Parliament and human rights groups.

I am informed that there are constitutional powers open to your Government to prevent Mr. Ellis' extradition, and ask that your Government does all it can to ensure Mr. Ellis' trial is held in Ireland.

Yours sincerely,

HON GEORGE WEATHERILL



LEGISLATIVE COUNCIL

PARLIAMENT HOUSE, MELBOURNE, VIC. 3002

TELEPHONE 651 8911

Electorate Office:
14C Boronia Road
Vermont 3133

Tel: 874 6005
Fax: 872 3488

8th November 1990

The Hon. Ray Burke
Minister for Justice and Communications
Dail Eireann
Dublin 2
IRELAND

Dear Minister

Ref: Desmond Ellis - Extradition to England

I, the signatory, support the Ellis family in their endeavors on behalf of their son and brother, Desmond Ellis who is currently imprisoned in Ireland.

I, the signatory, appeal to you in your position as Minister for Justice, to ensure Desmond Ellis is not extradited to England.

The European Court of Human Rights, Amnesty International and Britain's National Council for Civil Liberties, as well as some British Members of Parliament, and eminent lawyers, have highlighted and criticised the British Government's treatment of Irish citizens.

I do not argue innocence or guilt of Desmond Ellis, but seek a fair and prompt trial by the Irish Judiciary.

I believe Desmond Ellis, an Irish national, may be denied this should the Irish Government proceed to allow his extradition to England.

Yours sincerely

Jeany McLean MLC
Member for Boronia Province
Chairperson - ALP Foreign Affairs C'tee

cc: Irish Embassy in Canberra
Australian-Irish National Extradition Committee

Australasian Meat Industry Employees Union

Registered under Industrial Relations Act 1988

HEAD OFFICE: 62 LYGOE STREET,
CARLTON SOUTH 3053

W. J. CURRAN, State Secretary
G. BIRD, Assistant Secretary
T. DEUIS, President

Phone: 662 3766

November 1 1990

An Taoiseach
The Hon Charles J Haughey, TD,
Department of Taoiseach
Dail Eireann
Dublin 2
IRELAND

Mr. Bennett

Dear Mr Haughey

RE: Desmond Ellis - Extradition to England

I, the signatory, support the Ellis family in their endeavours on behalf of their son and brother, Desmond Ellis who is currently imprisoned in Ireland.

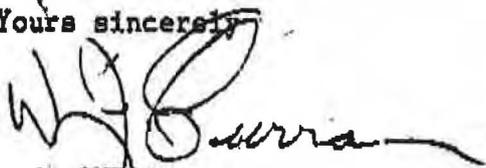
I, the signatory, appeal to you in your position as Taoiseach, to ensure Desmond Ellis is not extradited to England.

The European Court of Human Rights, Amnesty International and Britain's National Council for Civil Liberties, as well as some British M.P.s and eminent lawyers, have highlighted and criticised the British Government's treatment of Irish citizens.

I do not argue innocence or guilt of Desmond Ellis, but seek a fair and prompt trial by the Irish Judiciary.

I believe Desmond Ellis, an Irish national, may be denied this should the Irish Government proceed to allow his extradition to England.

Yours sincerely



W.J. CURRAN
SECRETARY

Mr. Bassett

Mr. John Murray
Attorney General
Dall Éireann
Dublin 2
Ireland

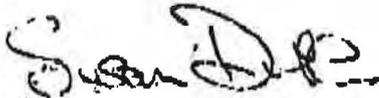
RE: Desmond Ellis : Extradition to England

On behalf of the members of Community Radio Federation Ltd. I petition you in the matter of the possible extradition of Mr. Desmond Ellis to stand trial on conspiracy charges in England.

The Community Radio Federation has been notified by the Dessie Ellis Anti-Extradition Committee (Australia) of concerns that Mr. Ellis would not receive a fair trial in Britain should he be extradited. That Committee has also made reference to the "Guildford Four" and the "Birmingham Six" cases to substantiate their argument.

On behalf of my members I would ask that you do all things possible to arrange for the trial of Mr. Ellis to be held in Ireland rather than in England.

Yours sincerely,



Susan Duffy,
Secretary
Community Radio Federation

COMMUNITY RADIO FEDERATION LIMITED

21 South St, Fitzroy 3065 Phone (03) 419 8377. Postal Address: PO Box 1277, Collingwood 3066. Fax (03) 417 1172



LEGISLATIVE COUNCIL

PARLIAMENT HOUSE, MELBOURNE, VIC. 3002

TELEPHONE 651 8911

JOAN COXSEGE
MEMBER OF PARLIAMENT
MELBOURNE WEST PROVINCE

Mr John Murray
Attorney-General
Dail Eireann
Dublin 2
Ireland

U.R. Bassett

1 November 1990

Dear Mr Murray,

I write to you concerning the possibility that Dessle Ellis may be extradited from Ireland to England to face conspiracy charges.

As I am sure you are aware, there are many people around the world - of whom I am one - who believe that Mr Ellis would not receive a fair trial in England given the circumstances surrounding his case and the experiences of the Guildford Four and the Birmingham Six. While the charges against him may seem absurd, there is no doubt that he may well be convicted given what has happened to these other Irish citizens who found themselves in similar positions.

I understand that under a new EC agreement, the British Government has the right to demand extradition of Irish subjects for so-called crimes in the United Kingdom. However, there is no political exemption clause covering this nor does a prima facie case have to be established. Apparently, it is under this agreement that Mr Ellis may be sent to England. On the other hand, there does exist a Criminal Law Jurisdiction Act which allows those accused in either country to be tried in either country and I understand that there is a possibility that this could be invoked so that Mr Ellis could answer his British charges in an Irish court of law.

If this is the case, I ask that every effort be made by you and your government to arrange to hold the trial in Ireland. I would remind you that Australia is a country which has been largely settled by Irish immigrants and that there is much interest here in the fate of our cousins in the Northern hemisphere. Many of us are especially concerned now about Mr Ellis's health since he has been on a hunger-strike and believe that a speedy decision to ensure he has a fair trial in his own country is imperative.

Joan Coxsege

JOAN COXSEGE MP
MELBOURNE WEST PROVINCE

690
17 NOVEMBER 1990

1. cc
PSM
Mr. Kelly
Mr. Russell, Mr. Thomas
Mr. H. H. H. H.

TO HQ FOR ANGLO-IRISH, DERMOT GALLAGHER
FROM AMBASSADOR BURKE CANBERRA

*by Mr. Kelly
14.11.90*

14/11/90

11111
SUBJECT: DESMOND ELLIS

YOU WILL ALREADY BE AWARE FROM OUR REPORTS THAT THERE IS GROWING INTEREST IN THE CASE OF DESMOND ELLIS IN AUSTRALIA. AS INDICATED IN DD C48 THE CAMPAIGN TO PUBLICISE HIS CAUSE IN THIS COUNTRY HAS NOW BEGUN IN EARNEST. AT THE INTERNATIONAL COMPOSITE RULES GAME BETWEEN IRELAND AND AUSTRALIA IN CANBERRA ON 10 NOVEMBER THERE WAS A PROTEST ON HIS BEHALF DURING THE HALF TIME INTERVAL. A SMALL GROUP OF PEOPLE CLIMBED ONTO THE PITCH WITH AN ANTI-EXTRADITION BANNER BUT WERE REMOVED QUICKLY BY STEWARDS. THERE WAS ALSO A SMALL NUMBER OF PROTESTERS OUTSIDE THE GROUND AS THE SPECTATORS ARRIVED. THE PROTEST WAS SMALL BUT DID ATTRACT THE TV CAMERAS AND WAS MENTIONED ON THE MAIN EVENING NEWS ON TELEVISION.

WE HAVE IN ADDITION RECEIVED SEVERAL LETTERS AND FAXS ON THE SUBJECT OF ELLIS'S PROPOSED EXTRADITION TO BRITAIN. I WILL FAX THESE TO YOU SEPARATELY. WE HAVE ACKNOWLEDGED THE CORRESPONDENCE BUT REFRAINED FROM COMMENT OTHER THAN STATING THAT THE MATTER WILL BE DECIDED BY THE JUDICIAL AUTHORITIES IN IRELAND.

WE HAVE ALSO RECEIVED REPORTS FROM DIFFERENT STATE CAPITALS BRISBANE, PERTH, SYDNEY, ADELAIDE AND MELBOURNE THAT REPRESENTATIVES FROM THE AUSTRALIAN AID FOR IRELAND (LOCAL EQUIVALENT OF NORAID) HAVE BEEN LOBBYING POLITICIANS TO WRITE TO THE ATTORNEY-GENERAL ON THE MATTER. AS YOU CAN SEE FROM

OUR FAX SEVERAL IN FACT HAVE WRITTEN TO THE A-G.

THE CAMPAIGN IS STILL FAIRLY LOW KEY AND APPEARS TO BE MAINLY DIRECTED FROM MELBOURNE WHERE ELLIS'S SISTER LAETITIA NORMALLY LIVES. SHE HAS OF COURSE GONE BACK TO DUBLIN TO HELP WITH THE CAMPAIGN IN IRELAND. MELBOURNE HAS A LARGE IRISH BORN POPULATION AND IS ALSO THE HEADQUARTERS FOR THE AUSTRALIAN AID COMMITTEE IN AUSTRALIA.

AS ELLIS'S HUNGER STRIKE CONTINUES IT IS LIKELY THAT THERE WILL BE MORE ATTEMPTS TO CAPTURE MEDIA ATTENTION. THERE IS ENORMOUS GOOD WILL IN THIS COUNTRY TOWARDS IRELAND SO THERE IS POTENTIAL FOR THE PROTESTERS TO TRY AND HARNESS THIS FOR THEIR OWN BENEFIT. IT IS THEREFORE VITAL THAT WE ARE KEPT ABREAST OF DEVELOPMENTS IN THE CASE AND BE GIVEN THE MOST HP TO DATE BRIEFING.

WE HAVE NOT COMMENTED PUBLICLY ON THE CASE OTHER THAN TO ACKNOWLEDGE CORRESPONDENCE AND HANDLE TELEPHONE ENQUIRIES. PLEASE LET US KNOW OF ANY FURTHER GOVERNMENT STATEMENTS OR DEVELOPMENTS.

END... (1-703 410 867...)
11111

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **12 November 1990**
- (iv) The description of each document: **Note of discussion (private)**
- (v) Number of pages: **2**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

(b)(c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: **Elaine Kelly**

Grade: **AP**

Department/Office/Court: **Taoiseach's Department**

Date: **25/8/20**

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **13 Nov 1990**
- (iv) The description of each document: **Note re prisoner (personal)**
- (v) Number of pages: **5**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

(v) Reason(s) why the part has been abstracted for retention:

(b)(c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: **Elaine Kelly**

Grade: **AP**

Department/Office/Court: **Taoiseach's Department**

Date: **25/8/20**

12 November, 1990.

Messrs. Garrett Sheehan & Co.,
Solicitors,
32 Francis Street,
Dublin 8.

Mentioned to Tassera

9/11/90

→

12/11

Dear Sirs,

I wish to acknowledge receipt of your letter dated 9 November, 1990, (ref. GS/AMCH) in regard to your client, Mr. Desmond Ellis.

Yours faithfully,

Desmond Wally

Secretary to the Government.

cc Mr. J. Broome D/J
W. M. Russell.





OIFIG AN ÁRD-AIGHNE
(Office of the Attorney General)
GOVERNMENT BUILDINGS
UPPER MERRION STREET
DÚBLIN 2

Telephone: 616944
Telex No: 90879
Fax No: 761806

Our Ref. SR12/31

Your Ref.

Mr. D. Nally,
Secretary to the Government.

12 November, 1990

I refer to the letter dated 9 November, 1990 addressed to you by Messrs. Garrett Sheehan & Co., Solicitors, in regard to their client, Mr. Desmond Ellis.

The Attorney General directs me to say that in his opinion the appropriate reply would be a letter which simply acknowledged receipt of the Solicitors' letter.

A handwritten signature in cursive script, appearing to read 'Matthew Russell'.

Matthew Russell
Senior Legal Assistant

GA GARRETT SHEEHAN & COMPANY

32 Francis Street, Dublin 8.
Telephone: 533477/533521.
Fax No.: 533528

In reply etc.

Your Ref:

Our Ref: GS/AMCH

Date: 9th November 1990

Solicitors:

**Garrett Sheehan
Robert Eagar**

**Legal Executive
Valerie Cronin**

The Secretary,
Government of Ireland,
Government Buildings,
Upper Merrion Street,
Dublin 2.

Dear Sir,

We act for Desmond Ellis whose extradition case is presently before the Supreme Court awaiting judgement.

It is our submission that our system of Extradition Law is such that the Government has power to refuse the extradition of any citizen irrespective of the decision of the Courts.

Should it happen that the Supreme Court direct the extradition of Desmond Ellis to England or authorise the implementation of the existing District Court Orders made in that behalf we wish to apply on behalf of Desmond Ellis for an order that he not be extradited to England.

The grounds for so doing are:-

1. An unconscionable length of time has elapsed since the crimes alleged against Mr. Ellis were committed with the inevitable result that it is grossly prejudicial to preparing a defence and
2. that conditions are such in England that it is well nigh impossible for an Irish citizen charged with an explosives offence charge and believed to be of Republican sympathies to get a fair trial.

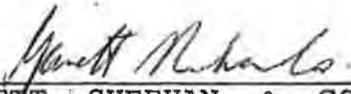
We believe that the depth and extent of the problem in this latter regard will be very well known to the Government through its diplomatic agents and other sources of information and that the

Contd...

Government is in a better position to calculate the extent of this problem than the Courts.

It is of course essential that Mr. Ellis should not be removed from the jurisdiction until this application has been duly dealt with by the Government and we hereby request the Government to make the appropriate arrangements to ensure that Mr. Ellis is not delivered out of this jurisdiction until the Government has discharged its legal and constitutional functions in this regard.

Yours faithfully,



GARRETT SHEEHAN & COMPANY

HUNGER-STRIKE

DESMOND ELLIS from Finglas in Dublin commenced a hunger-strike in Portlaoise Prison on Wednesday, 10th October. In a statement issued from the jail

Desmond Ellis said:

"I am going on hunger-strike to the death, if necessary, to prevent my extradition to Britain. The government has it in its power to stop my extradition and only the Irish people can force the government to act. I now appeal with my life to you the Irish people."



● DESSIE ELLIS

Desmond Ellis is in grave danger of being the first citizen from the 26 Counties to be extradited to England on political charges. If he is handed over he faces charges of "conspiring to cause explosions" in Britain at unspecified times between January 1981 and October 1983. Dessie was never in Britain at all during that time, but conspiracy charges are, by their nature, impossible to disprove.

Right through the 1970s and early 1980s Irish courts refused to extradite people to Britain or the North to face charges which were political or politically related. The Supreme Court judgement which led to the release of extradition victims Owen Carron, Dermot Finucane and Jim Clarke earlier this year upheld that internationally recognised principle. But in Desmond Ellis' case Justice Hamilton in the High Court ruled that British trials of Irish suspects were 'fair'.

Dessie no longer has faith in the courts or the politicians who hide behind them. The government has the power to stop his extradition.

**Please help save Dessie's life
No British Justice — No Extradition**

WHY IS DESSIE ON HUNGER-STRIKE?

- As an Irish citizen facing politically-related charges, and as a known republican, he cannot get a fair trial in Britain.
- He has been to the courts in Ireland and has been told:
 - (a) That British justice for Irish people is 'fair', despite evidence presented on the Birmingham Six and Guildford Four cases and affidavits from British solicitor Gareth Peirce;
 - (b) That the alleged offences which relate directly to the ongoing conflict in the North were not 'political'.
- Fianna Fáil, the government party, has ignored Dessie's plight, despite a unanimous vote of delegates at their last Ard Fheis against political extradition.
- If handed over to Britain he will face certain conviction — his 'trial' has already been prejudiced by adverse media coverage. A fair trial is out of the question. Potential jurors will be vetted by the Special Branch to ensure a "correct verdict".
- He is charged under Britain's notorious conspiracy laws. It is almost impossible to defend oneself against "conspiracy with person or persons unknown" over a three-year period.

NATIONAL MARCH
2pm Sat 10th Nov
St Stephen's Green
DUBLIN

DESSIE IS NOW APPEALING TO YOU, THE PEOPLE OF IRELAND

He is asking you to tell the politicians that he should not become the first political hostage to be extradited to England.

PLEASE GIVE HIM YOUR SUPPORT

- Write to your TD or councillor.
- Write to the papers.
- Raise Dessie's case in your tenants' association, trade union, sports club, or political party.
- Attend meetings and demonstrations on Dessie's behalf.
- Join a local action group or form one if there is none in your area.

If you want further information contact:
Irish Anti-Extradition Committee,
29 Mountjoy Square,
Dublin 1.
Tel (01) 366489.

Money is urgently needed for the campaign.
Donations to: IAEC A/C 88331532,
Bank of Ireland, Rotunda Branch, Dublin 1.

Mr. Nally.

For attention, please. 14/11/90

(The letter has not been
acknowledged)

~~BH~~
M. K. ...

as

w
oin
nt

y



**Straffan,
Co. Kildare.
Tel: 01-6272149 (Home)
01-789737 (Office)**

**DÁIL ÉIREANN
BAILE ÁTHA CLIATH, 2.
(Dublin, 2).**

13 / 11 / 90

Dear Taoiseach,

I visited Mr. Dessie Ellis in the Curragh Military Hospital yesterday where he is on the 36th Day of a hunger strike. His protest is against a proposal to extradite him to Britain to face charges there.

I explained to Mr. Ellis the serious and eventual fatal consequences of the continuation of his protest in its present form and I requested him to end his protest. He refused this request and indeed seemed to me to be most determined to continue his fast.

I asked what were the conditions on which he would resume taking nourishment and he stated that he wished the alleged offences on which he is charged to be tried before an Irish Court under the Criminal Law Jurisdiction Act. If this were accepted he would end his fast. I pointed out the difficulties in achieving this and I undertook to contact you by letter in the matter.

I would therefore urge that you contact the British Authorities to seek their agreement to the course of action Mr. Ellis seeks i.e. the use of the Criminal Law Jurisdiction Act in his case. If you agree to taking this action I would urge that Mr. Ellis be informed at an early date.

If you or your officials wish to speak to me further on this or if I can be of any assistance in resolving the matter without loss of life, I will be available.

Yours Sincerely,

Emmet M. Stagg V.D.

SEEN 6

TAOISEACH

To see.

v Nally,
for your
information —
no further
action required.
(Taoiseach).

14
11
190.

c.c. J. Nally

Stage to Deputy
Staff and
exhausted
position





Straffan,
Co. Kildare.
Tel: 01-6272149 (Home)
01-789737 (Office)

DÁIL ÉIREANN
BAILE ÁTHA CLIATH, 2.
(Dublin, 2).

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Yours Sincerely,

Emmet M. Stagg V.D.

*Ms. Tait
re Mr. Ellis
E*

14 November, 1990.

Mr. Emmet M. Stagg T.D.,
Dáil Éireann,
Dublin 2.

Dear Mr. Stagg,

The Taoiseach has asked me to acknowledge receipt of your letter of 13th November 1990 about Mr. Ellis and to indicate that he notes and appreciates your concern in the matter.

Yours sincerely,

Private Secretary
to the Taoiseach.

*not issued
see Private Office
note of 14/11/90
Ruth*

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record in place of each part abstracted

(i) Reference number of the separate cover under which the abstracted part has been filed: S230/08/05/00310

(ii) How many documents have been abstracted: 1 (+ copy)

(iii) The date of each such document: 14 Nov 1990

(iv) The description of each document: Note re prisoner (personal)

(v) Number of pages: 2 (1 page + copy)

[Where appropriate, a composite description may be entered in respect of two or more related documents]

(v) Reason(s) why the part has been abstracted for retention:

(b)(c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: Shuine Kelly

Grade: AP

Department/Office/Court: Taoiseach's Department

Date: 25/8/20

ROINN AN TAOISIGH

Uimhir.....

SECRET

EXTRADITION

Note

I conveyed the Taoiseach's views, as directed, about the non-implementation of the agreement reached between the people immediately concerned as to the arrangement this morning to the Prime Minister's Principal Private Secretary - stressing that this was one of the most difficult, troubled and emotional cases. I said that the Taoiseach's view was that this bungling had to stop - or the other arrangements would.

The Private Secretary said that he had no immediate knowledge of what was happening but would enquire and come back to me immediately. He would also tell the Prime Minister.

He telephoned within the hour to say that his understanding was that the definitive arrangements had been in place since about 12.00 noon. He said that there had undoubtedly been a 'cock-up' for which they had no hesitation in apologising. Apparently somebody had failed to get clearances for the plane. It had been in the air and had been turned back. He was having a full enquiry made into the matter and hoped for a report soon.

Shortly after I made the first telephone call the British Ambassador got on to me to say that there had been a foul up but that, by then, things had righted themselves and the plane was now in the air. I conveyed the Taoiseach's views to him also in the strongest terms, pointing to the dangers to the entire process arising from this sort of messing. The procedures should be followed through the proper channels without interference.

DN
Dermot Nally
14 November, 1990.

*Mentioned to Taoiseach
11/11/90
to keep with the other papers
to Secretary
copy to
DN
14/11*

592106

M. Moh

591382

99 - ruled

592106

516375

- all stuff about extradite

business of

give

extradite will be to

a couple of

diff. bundles

on final copy

well - advice : 0 / N : 10

apology or stop

- 12008

- anybody a cool up: apologise

forget to get my cleavages.

- hair: I had to be no

- full

ROINN AN TAOISIGH

Uimhir.....

SEEN BY
Taoiseach

SECRET

Handwritten notes:
16/11

EXTRADITION

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Handwritten signature: DN
Dermot Nally
14 November, 1990.

Handwritten notes on left margin:
Taoiseach
As requested
this morning
17/11

3

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **15/11/90**
- (iv) The description of each document: **Note re prisoner (copy)**
- (v) Number of pages: **1**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

(b) (c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: **Staine Kelly**

Grade: **AP**

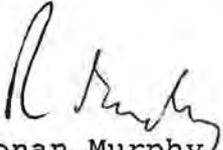
Department/Office/Court: **Taoiseach's Department**

Date: **25/8/20**

Desmond Ellis Case

McDonagh
VI - 11.90
21/11

We have been informed by the Attorney General's Office that the Attorney General has nominated Mr. Donagh McDonagh B.L. to be the Government's observer at the Ellis trial. We have asked the Embassy in London to facilitate Mr. McDonagh in carrying out his task.



Ronan Murphy

18 November, 1990

c. c. PSM, Mr. Nally, PSS, Mr. Mathews, Ambassador London, Mr. Brosnan.

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **4 December 1990**
- (iv) The description of each document: **Personal letter (copy)**
- (v) Number of pages: **1**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

(v) Reason(s) why the part has been abstracted for retention:

(b)(c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: **Eilise Kelly**

Grade: **AP**

Department/Office/Court: **Taoiseach's Department**

Date: **25/8/20**



Roinn an Taoisigh
Department of the Taoiseach

6 December 1990

Mr Charles Powell
Private Secretary
to the Prime Minister

Yours truly

Dear Charles,

Many thanks for your letter about the recent RAF special flight.

I think the best thing we can all do is to ponder again what Burns said about the best laid plans of mice and men -

With all best wishes.

See you (in Rome).

Yours truly

Dermot

Dermot Nally
Secretary to the Government

Tithe an Rialtais, Baile Átha Cliath 2.
Government Buildings, Dublin 2.



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

23 November 1990

→

Mr Dermot

You spoke to me on the morning of 14 November about the arrangements for an RAF special flight to be used for the Ellis extradition.

I am sorry that there was some confusion. We have looked into the reasons for this carefully.

As the result of arrangements they had made with the Metropolitan Police late on Thursday 13 November, the Garda were expecting the RAF special flight to leave Northolt at 0900 hrs on 14 November and arrive at Dublin at 1005 hrs. It did not arrive until 1200 hrs. This was because, despite the best efforts of our Embassy in Dublin diplomatic clearance for the flight from the Irish Government was not given until after 1000 hrs on 14 November, by which time the aircraft, which had left on schedule, had been obliged to divert to RAF Brawdy. The Garda appear not to have ensured that urgent diplomatic clearance would be forthcoming when our Embassy approached the Irish Department of Foreign Affairs.

There was a second, short, delay at this end when the diplomatic clearance was finally received by the RAF at 1037 hrs. Even so, the aircraft arrived in good time to collect Ellis as soon as the formalities of his extradition had been completed. The aircraft left Dublin at 1333 hrs.

*Things are not always quite what they seem; but I am sorry for our part in it.
A muddle.*

Yours ever
Charles Powell

Mr Dermot Nally

Asst. Sec. Gallagher,

Handwritten notes:
17/12/90
17/12/90
17/12/90

Re. Danny McNamee Appeal

I received a telephone call today from Mr. Francis McNamee, brother of Mr. Danny McNamee whose hearing at the Court of Appeal is scheduled for next Monday, 17th. December.

He telephoned to inform us of developments in the case which gave rise to concern and to see if there had been any change in the Government's position on the sending of an observer to his brother's Appeal which he had previously discussed with us. He reiterated his view that attendance by an official observer would be appropriate and asked if we could raise his concerns with our British counterparts.

The two developments which Mr. McNamee would like us to raise are: -

1. The Court of Appeal has refused Danny McNamee the right to appear in person during its proceedings.
2. Of the three judges appointed to hear the Appeal, two seriously undermine McNamee's chances of success. Namely, Lord Lane and Sir Igor Judge who were both involved in the Birmingham Six case, the third member of the panel being a Justice Kennedy.

Mr. McNamee felt it was no coincidence that his brother's hearing was scheduled for the same day as the Birmingham Six and that this effectively denies him of any publicity. Given Lord Lane's past attitudes he did not hold much hope for success in his brother's Appeal. When asked if the relevant lawyers had expressed these concerns Mr. McNamee confirmed that they were examining the question of Lord Lane disqualifying himself from the hearing.

Francis McNamee will be in Dublin tomorrow (13th December) on his way to London and said he would try to contact myself or Ms. Cullen with a view to confirming our position on the question of an observer and for any feedback on the raising of his concerns. As the Appeal is sub judice I did not make any response to Mr. McNamee's comments.

Richard Fallon

Richard Fallon,
Anglo-Irish Section,
12/12/1990

C.C. Ms. P. Cullen ✓ Mr. R. Murphy ✓

Handwritten notes:
1. cc
2. P.S. or Mr. Cullen; P.S.
Mr. Cullen.

IRA bomb-maker jailed for 25 years loses court fight

By Terence Shaw, Legal Correspondent

AN IRA bomb-maker jailed for 25 years was refused leave by the Court of Appeal yesterday to challenge his Old Bailey conviction. Gilbert "Danny" McNamee, a 30-year-old physics graduate, was convicted of conspiracy to cause explosions, including the 1982 Hyde Park blast that killed four Household Cavalry men.

Lord Lane, the Lord Chief Justice, sitting with Mr Justice Kennedy and Mr Justice Judge, said the allegation by McNamee lawyers that the trial judge had misrepresented his defence or deprived him of a fair trial was wholly unfounded and should not have been made.

The judges also rejected McNamee's contention that the conspiracy charge had been improperly widened to include "prejudicial evidence" about the Hyde Park bombing and that fingerprint evidence against him was unsafe.

Giving the court's reserved judgment rejecting McNamee's application, Lord Lane said the about-turn at last year's appeal hearing by a witness who had been expected to disprove fingerprint evidence against McNamee was symptomatic of the way the appeal had been advanced.

A large number of grounds of appeal had been set out, many containing — "sometimes in intemperate language" — allegations of substance, said Lord Lane. But when the grounds of appeal were investigated, there was nothing to be found.

If such allegations were made, they should be capable of substantiation, otherwise the hopes of an applicant who faced a long sentence were falsely raised and the cause of justice was ill-served, he said.

McNamee, from Crossmaglen, County Armagh, was jailed for 25 years by Mr Justice, now Lord Justice, McCowan after he was convicted in October, 1987.

He was brought to trial after the discovery of bomb-making equipment and firearms hidden in dustbins at Pangbourne, Berks, and in Salcey Forest in Northants.

One of his fingerprints was found on a piece of red tape round a tin containing an encoder and switch in the Pangbourne cache and another on grey tape wrapping a receiver-decoder in the Salcey Forest cache.

The caches contained bomb-making equipment similar to fragments found after the Hyde Park bombing and similar to that used in an explosive device discovered in Phillimore Gardens, Earls Court, in December, 1983, which was destroyed by remote control.

McNamee's left thumbprint was said to have been found on one of four batteries used in the Phillimore Gardens bomb.

Lord Lane said the trial judge had been accused of obscuring the defence and of seriously and regularly prejudicing its case. But the complaints made were trivial and did not justify the allegation of unfairness.

The judge, he said, had properly warned the jury to be dispassionate about the Hyde Park outrage and his summing-up was not weighted in favour of the prosecution or in any way unbalanced.

"The assertion that the judge factually misrepresented the applicant's case or that he deprived him of a fair trial is wholly unfounded and does no credit to counsel responsible for the notice of appeal," added Lord Lane.

Miss Jane Deighton, McNamee's solicitor, said it was a basic principle that a defendant should know the case he had to answer in a court of law and her client's right to a fair trial might have to be pursued before the European Court of



McNamee: fingerprints

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: S230/08/05/00310
- (ii) How many documents have been abstracted: 1
- (iii) The date of each such document: December 1990
- (iv) The description of each document: Consular note - personal (copy)
- (v) Number of pages: 4

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

(b) + (c)

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: *Shirley Kelly*

Grade: *AP*

Department/Office/Court: Taoiseach's Department

Date: *25/8/2020*

Roinn an Taoisigh
Department of the Taoiseach

9th January, 1990.

Mr. Billy Byrne,
Department of Justice.

Billy Byrne informed me that he is reluctant to issue a further reply to this letter on the grounds that it is not the role of his or any other Government Department to justify a Court decision or ruling.

Jerry Cribbin - 21/1/90

Dear Mr. Byrne,

Enclosed is a copy of a letter sent to the Taoiseach by Mairin Higgins of the Irish Prisoners Support Group in London.

Ms. Higgins is highly critical of the Government's failure to intervene on behalf of Mr. Ellis to prevent his extradition to England. She cites numerous cases to support her argument that an Irish person stands a poor chance of obtaining a fair trial in Britain. She also alleges that the Taoiseach said that the British judicial system is now much improved and she asks what improvements have taken place since the early seventies.

I understand that it is your general policy not to issue substantive replies to letters of this sort. Unfortunately, the acknowledgement issued by this Department inadvertently stated that a further reply would soon follow. It would be very much appreciated if you could prepare a draft reply for signature by the Taoiseach's Private Secretary.

Yours sincerely,

Jerry Cribbin

Gerry Cribbin

30 November, 1990.

Mairin Higgins,
Irish Prisoners Support Group,
BCM I.P.S.G.,
London WC1 N3XX.

Dear Mairin Higgins,

Thank you for your letter of 20th November, 1990 addressed to the Taoiseach, Mr. Charles J. Haughey, T.D., and for letting him have your views regarding the recent extradition of Mr. Desmond Ellis and the other related matters.

Your letter is receiving attention and a further reply will issue to you shortly.

Yours sincerely,

WILSON SPAW

Private Secretary
to the Taoiseach.

Mr. Gorman
re ser *DTA* *advise*
Justice *R.S.* *30/11*
William Byrne

! GS3765/WP1 BRIAN MCCARTHY. YOU MIGHT CONSIDER AN
! APPROPRIATE RESPONSE IN THIS CASE OR ALTERNATIVELY
! ADVISE US WHETHER WE SHOULD SIMPLY REFER THIS TO
! JUSTICE AND FOREIGN AFFAIRS.

Irish prisoners support group



BCM I.P.S.G. London WC1 N3XX

20 November 1990

Mr. C. Haughey
An Taoiseach
Office of the Taoiseach
Government Buildings
Dublin 2.

Dear Mr. Haughey,

RE: Extradition of Desmond Ellis

I am writing on behalf of our group to register our complete and utter dismay at your government's refusal to intervene on behalf of Mr. Ellis to stop his extradition to England. This feeling of dismay is particularly felt by those groups and individuals who have consistently raised the denial of human and civil rights which Irish people suffer when charged with alleged offences of the nature Mr. Ellis will face.

The denial of basic human and civil Rights in these cases is the norm. The Guildford Four, although a case celebre, is not an isolated case. Since Noel Jenkinson in 1972, (died 1976) the regular pattern of innocent people 'convicted in show' - trials, which are no more than a blood letting exercise, has continued down the years. (See attached).

Your action, or non action to be precise, has caused great anger and resentment amongst Irish people in Britain who are subject to the repressive Prevention of Terrorism Act which every Irish community group across the political spectrum is opposed to. When we complain, we are told you are monitoring the situation. You may like to know the rye smiles 'monitoring the situation' raise when we hear it.

You are quoted as saying, before Mr. Ellis was extradited, that the system of Justice is now acceptable. Please, Mr. Haughey, tell us how and what has changed. We are unaware of it.

(Continued)

Many Irish people felt ashamed of their nationality when this extradition took place. No other country in Europe would have so obviously prostituted itself on the word of a foreign Police Officer, never mind an English one, and on such flimsy evidence. You are probably unaware that in the Magistrate proceedings in London Mr. Ellis' defence solicitor was denied access to the evidence against her client on the basis that there was no "book of evidence" (as supposedly seen by the Supreme Court) and the police requested time to gather evidence. Whats new, perhaps you could send her the information since you are, happy there is a charge to answer.

The feeling here amongst many is a deal was struck between your Government and The British Government reinforced by off the record statements and events over the last week. Mr. Ellis extradited followed by the Birmingham 6 leak. If there is truth in this line of thought, you may call it statemanship but we here on this side of the water know different. Its an Irish joke, your logic and inaction at least will have given Mrs Thatcher a good laugh at a time when she needs cheering up. Please find enclosed a copy of another Irish joke which was sent out by an Irish prisoner and which was being circulated amongst the warders. The same people will have a warm welcome prepared for Mr. Ellis as they have for every Irish prisoner.

I hope you read this letter and give me a reply to the substance of the letter. I am only now able to control my feelings and put them on paper some 5 days later but it is better I did not give vent to my feelings aroused by your inaction which reduced many Irish people to tears in their shame

I look forward to hearing from you.

Yours sincerely,



Mairin Higgins.

| | | | |
|---------------------|-------|---------------------|---------------------|
| Noel Jenkinson | 1972 | LIFE | Died in prison 1976 |
| Judith Ward | 1974, | LIFE | still in prison, |
| P.J. O'Brien | 1974 | found innocent 1974 | released 1974 |
| Carole Richardson | 1974 | found Innocent 1989 | released 1989 |
| Patrick Armstrong | 1974 | found innocent 1989 | released 1989 |
| Gerry Conlon | 1974 | found innocent 1989 | released 1989 |
| Paul Hill | 1974 | found innocent 1989 | released 1989 |
| Annie Maguire | 1974 | 14 years | |
| Patrick Maguire | 1974 | 14 years | |
| Guiseppi Conlon | 1974 | 12 years | Died in prison 1980 |
| Sean Smyth | 1974 | 12 years | |
| Patrick O'Neill | 1974 | 12 years | |
| Patrick Maguire | 1974 | 5 years | |
| Vincent Maguire | 1974 | 4 years | |
| Paddy Joe Hill | 1974 | LIFE | Still in prison |
| Dick McIlkenny | 1974 | LIFE | still in prison |
| Hugh Callaghan | 1974 | LIFE | still in prison |
| John Walker | 1974 | LIFE | still in prison |
| Billy Power | 1974 | LIFE | still in prison |
| Gerry Hunter | 1974 | LIFE | still in prison |
| Partick McGloughlin | 1985 | LIFE | still in prison |
| Danny McNamee | 1986 | LIFE | still in prison |
| Martina Shanahan | 1987 | found innocent 1990 | released 1990 |
| Finbar Cullen | 1987 | found innocent 1990 | released 1990 |
| John McCann | 1987 | found innocent 1990 | released 1990 |

In addition to those set-up by proven agents provocateurs with Security Links:-

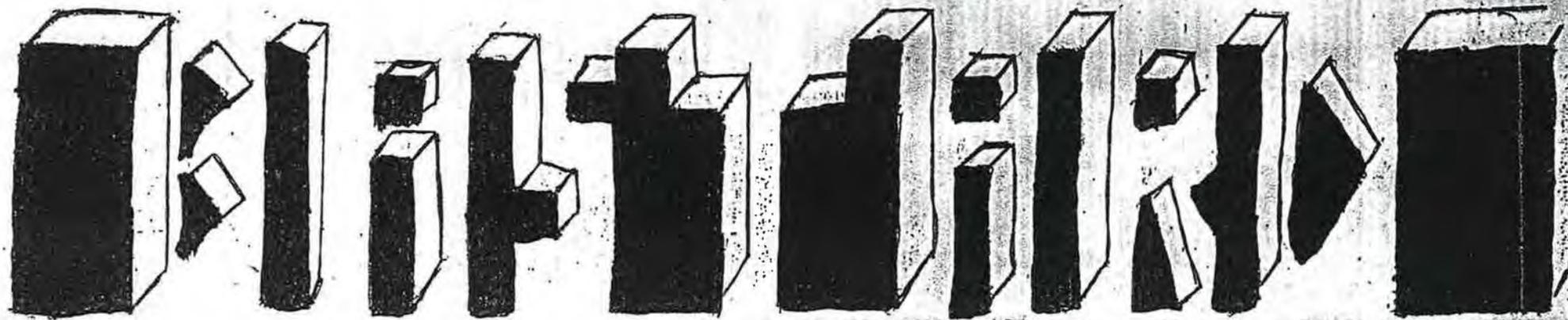
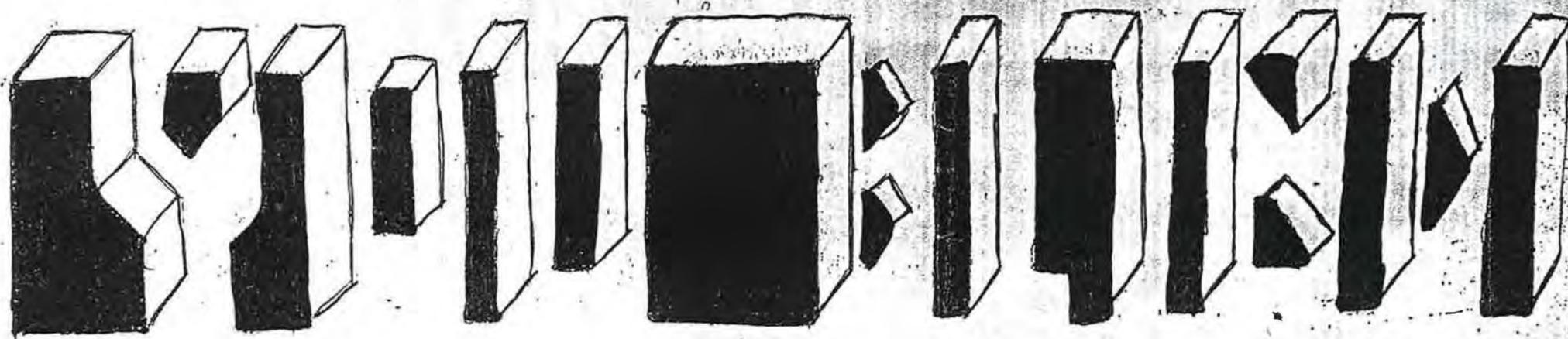
| | | | |
|-----------------|------|----------|-----------------------|
| Sean Campbell | 1973 | 10 years | set up by K.J. Lennon |
| Philip Sheridan | 1973 | 10 years | set up by K.J. Lennon |
| Gerry Mealey | 1973 | 10 years | set up by K.J. Lennon |
| P. J. O'Brien | 1974 | 8 years | set up by K.J. Lennon |
| John Higgins | 1976 | 10 years | set up by John Banks |

Over the years 2, Irish prisoners have died on Hunger strike in prison fighting for their rights:-

| | | | |
|-----------------|-------|-------------|------|
| Michael Gaughan | 1974: | Frank Stagg | 1976 |
|-----------------|-------|-------------|------|

Sean O'Connell, Noel Jenkinson, (Circumstance were never adequately explained) and Guiseppi Conlon died through neglect and deliberate mistreatment. Others, such as Paul Holmes, sentenced to Life 1973, are suffering health problems brought on by ill-treatment and neglect over the years. Paul Hill, one of the Guildford Four, still has a part of a dentist drill left in his mouth by a prison 'dentist'.

I have only outlined the worst instances here but with all 'Republican' prisoners receiving longer and longer sentences from Courts which fabricate evidence with impunity, even in those rare cases where the correct people are being charged with an offence they carried out. You could learn a great deal on the reality of being an Irish person in Britain by meeting the prisoners or at least their relatives.



IRISH EYE TEST

(11)

17 January, 1991.

Mr. Tony Duignan,
Ancient Order of Hibernians in America.

Dear Mr. Duignan,

I wish to acknowledge receipt of a fax copy of your letter dated 4 December, 1990 addressed to the Taoiseach, Mr. Charles J. Haughey, T.D. regarding Mr. Desmond Ellis.

Yours sincerely,

RICHARD J. AND

Private Secretary
to the Taoiseach.



B. MCCARTHY. FOR YOUR INFORMATION. RH2/WP1
PS, MIN/JUST. FOR YOUR INFORMATION.

INDEX & P.A.

26 143 //

INDEXED

20 November, 1990.

Mr. Tony Dúignan,
Ancient Order of Hibernians in America.

Dear Mr. Duignan,

Thank you for your letter of 5th November, 1990 addressed to the Taoiseach, Mr. Charles J. Haughey, T.D., regarding the case of Mr. Desmond Ellis.

Your correspondence is being passed on to the office of the Minister for Justice, Mr. Ray Burke, T.D., for his attention.

Yours sincerely,

GEORGE J. SHAW

Private Secretary
to the Taoiseach.

1 GS3735/WP1

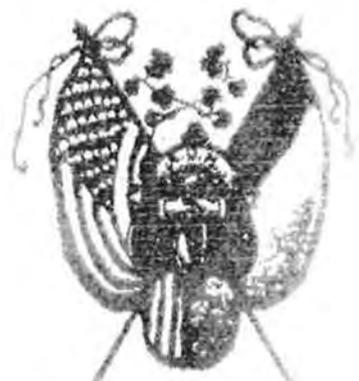
1 PS, MIN/JUST. FOR APPROPRIATE ACTION PLEASE.

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NASSAU COUNTY
CHAIRMAN
FREEDOM FOR ALL IRELAND



TONY DUGNAN
58 MAPLE ROAD
INWOOD, N.Y. 11696

ANCIENT ORDER
OF HIBERNIANS IN AMERICA
INCORPORATED
Organized in New York City, May 18, 1858

November 5, 1990

Taoiseach Charles Haughey,
Dail Eireann,
Dublin, Ireland.

Dear Taoiseach,

On behalf of the County Presidents and the Presidents and members of the nine Divisions in Nassau County of the Ancient Order of Hibernians in Nassau County I request that you will not allow the extradition of Dessie Ellis to England. We believe that the extradition of Dessie Ellis to England would be a result of the collaboration with British authorities in Nassau County.

Yours in a United Ireland,

Tony Dugnan

END of file