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Mr M Conroy
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FAX COVER SHEET

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Date: 1 December 1988 Time: _____

To: RHODOS PALACE HOTEL

For: MR NOEL DORR, IRISH DELEGATION

From: MR DECLAN O' DONOVAN, DUBLIN

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Brief description of material: PQ on 'Ryan Case' in House of Commons

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PARLIAMENTARY QUESTION.

For ORAL ANSWER

THURSDAY 1ST of DECEMBER 1988

*Rec'd Brown
Noted Embassy
4.06 pm
Ch
Hir*

QUESTION.

*cc: PSC. to Russell
PSM to Graham
PSS / Mr Gallagher*

MR JOHN MORRIS: To ask Mr Attorney General, if he will make a statement on the action taken by Her Majesty's Government to seek the extradition of Patrick Ryan to the United Kingdom.

MEMBER'S CONSTITUENCY:—

ABERAVON

LAB

ANSWER.

THE ATTORNEY-GENERAL:—

The Government has sought the extradition of Patrick Ryan first from Belgium and latterly from the Republic of Ireland.

In the Belgian proceedings, which followed the arrest of Patrick Ryan in Belgium on 30 June 1988 extradition was sought in respect of the following offences:

- (i) conspiracy to murder;
 - (ii) conspiracy to cause explosions;
 - (iii) possession of explosives with intent to endanger life or cause serious injury to property;
- and

(iv) possession of explosive substances without a lawful object.

Our own prosecuting authorities consulted the Belgian prosecuting authority before initiating the extradition proceedings and were given no reason by the Belgian authority to suppose that the request might fail to satisfy Belgian legal requirements.

The extradition of Patrick Ryan was authorised by the Belgian Court of First Instance on 26 September, subject to the approval of the Minister of Justice, and by the Court of Appeal of Brussels on 12 October in respect of the two conspiracy charges.

Patrick Ryan's case then fell to be considered, as I understand it, by the Belgian Minister of Justice. On Friday 25 November the Belgian Government refused to order extradition and ordered the repatriation of Patrick Ryan to the Irish Republic.

On learning on Friday afternoon of the Belgian decision, and that Patrick Ryan was expected to arrive in Dublin that evening, an immediate application was made by the Crown Prosecution Service at Bow Street Magistrates' Court for fresh warrants for the arrest of Patrick Ryan, as was necessary in order to comply with Irish requirements. The warrants were issued in the late afternoon and facsimiles at once transmitted to the Irish authorities in Dublin at 6.20 p.m.

In the event, I spoke to Mr Murray for the first time when he telephoned me at about 10.30 a.m. on Monday morning. He informed me that he was still considering the documentation. I drew attention to the risk that Ryan might discharge himself from the clinic where he was undergoing treatment and asked him to take an early decision. Mr Murray acknowledged that risk. I told him that, if there were any problem with the documentation or any other question, I would be immediately available. No question as to the adequacy of any of the documentation sent to him for the purposes of the 1987 Act has been raised with me.

I understand that Mr Murray is still considering the application.

Before the effective warrants were obtained on Friday, warrants in draft form were on Wednesday 23 November submitted to the Irish Attorney General's office.

This followed a helpful practice that has been developed between the two Departments, the law and practice in relation to warrants being different in the Republic of Ireland to that of England. These documents were sent on a contingency basis, lest the Belgians decided to repatriate Ryan. The draft warrants did not constitute the sending of a request for extradition. The very purpose of sending drafts to the Irish is to allow them to comment on the form of the warrants.

Facsimiles of the documentation which the Irish Attorney General requires under the provisions of the Irish Extradition (Amendment) Act 1987 were transmitted to his Department between 4.30 and 6.30 p.m. that evening. That documentation contained a full statement of the facts upon which the allegations were founded; a statement setting out the relevant English law; and a certificate by me that it is the clear intention of the Crown Prosecution Service to bring a prosecution and that that prosecuting authority has satisfied itself that there is sufficient admissible evidence to found a prosecution.

The documentation which I provided to the Irish Attorney General last Friday fulfilled the requirements of the legislation.

On Friday the Metropolitan Police had requested the Garda to obtain provisional warrants for the arrest of Patrick Ryan pending the arrival in Dublin of the warrants just issued at Bow Street, which in the event were delivered to the Irish authorities in Dublin in the early hours of Saturday. No provisional warrants were, however, sought.

My Department was in touch with its counterpart in Dublin late on Friday night with a view to enabling me to speak to the Irish Attorney General, Mr Murray. This was because we had learned that the Metropolitan Police had been told by the Garda that no action was to be taken on any warrant until the two Attorneys had spoken.

I mention this because of certain misleading publicity.

Irish officials, apart from drawing attention to two minor details, and certain purely presentational matters, expressed themselves content with the form of the proposed warrants. The Bow Street warrants took account of these comments.

The Irish authorities on Saturday 26 November alerted us to an omission by the Bow Street Chief Clerk of a date in the certificates accompanying the warrants. This omission, which we were advised was not a serious matter, was immediately rectified the same day.

This matter affected neither the Garda's statutory power to seek provisional warrants from Friday evening nor the statutory power to back the effective warrants on their arrival in Dublin early on Saturday morning.