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ANGLO-IRISH RELATIONS

NOTE:-

The British Ambassador, accompanied by Mr. John Hickman, called this morning at 10 a.m., by arrangement, to receive the Taoiseach's reply to the Prime Minister's message on this subject as delivered on 24th February. I replied in the terms of the speaking notes attached, dated 25th February, emphasising -

- (1) that in the normal way the message would have been delivered through Foreign Affairs; and
- (2) that the Government in appreciating the need for restraint in public comment would expect reciprocal appreciation on the part of the British Government and media.

The British Ambassador said that he was sure that the Prime Minister would be thankful to the Taoiseach for his reply, which the Ambassador would have conveyed through the normal channels to the Prime Minister. He was particularly appreciative of the message on Strasbourg.

On the S.A.S. case, the Ambassador mentioned four points which were worrying them -

- (1) would the men be allowed to fly out of Dublin if the case went for more than a day;
- (2) the question of remission, in the event of conviction involving a prison sentence;
- (3) the likelihood of bail being granted, if there were a conviction and appeal; and
- (4) the Taoiseach's mention of "a fine or brief imprisonment".

On the first of these, I said that it would be a matter for the Court to decide if the men would be permitted to leave Dublin. However, I could see no reason whatsoever why the Court would refuse this permission. Certainly, the State here would have no interest in keeping the men overnight in the city.

On the question of remission, I said that I could not go beyond what the formal reply I had given said. The Government did not wish to answer a hypothetical question but the British Government could be assured of our appreciation of the fundamental identity of interest between the two Governments.

Bail was a matter for the Courts. So far as the State here was concerned, there was no interest whatsoever in opposing bail, particularly when the defendants would have turned up for the trial.

The Taoiseach's mention of "brief imprisonment" was, in its context, a reference to the section in the Statute which mentioned a short period of imprisonment, and/or a fine for the lesser charge. Nobody could say now what way the Court would decide the case but on all the facts a fine seemed to be, by far, the most likely outcome. This was the sort of legal advice we were getting continually.

28th February, 1977.