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MESSAGE FROM THE RIGHT HONOURABLE MARGARET THATCHER MP, PRIME MINISTER
TO MR CHARLES HAUGHEY TD, AN TAOISEACH, DATED 23 NOVEMBER 1987

I was grateful for your message of 12 November and welcome your decision that your Government's ratification of the ECST will go ahead as planned. But I am very concerned to learn about some of the accompanying changes which you are considering in your own legislation. For instance the requirement that the Irish Attorney General shall give his consent to the endorsement of a warrant, and that such consent shall depend on his being satisfied that there is a clear intention to prosecute, founded on a sufficiency of evidence, would effectively introduce a prima facie requirement. Similarly, a statutory certification procedure such as has been discussed between our two Attorneys General would carry a strong risk of making the British Law Officer's certificate justiciable in the Irish Courts, and thereby lead to the same result. This would undermine the whole basis of our reciprocal backing of warrants legislation which has been in place since 1965, and would actually increase the difficulties of extradition. Moreover, a provision removing from ratification some or all of its retrospective effect will have the appearance of an amnesty and will undoubtedly undermine the impact of your decision to ratify the ECST.

Our people have been working on some ideas which may help you provide some extra non-statutory safeguards. I hope you will feel on further reflection that they can be developed efficiently to provide a fair outcome. It would be sad if the unilateral changes you have in mind had the effect of making the extradition procedures a less, rather than a more, effective contribution to our joint fight against terrorism. It is our task to put the old suspicions behind us and work together to build a more hopeful future for both our countries.