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MESSAGE FROM THE TAOISEACH, MR CHARLES J HAUGHEY, T.D., TO
THE RIGHT HONOURABLE MARGARET THATCHER M.P., PRIME MINISTER

ON 25th NOVEMBER 1987

1. Thank you for your message of 23 November which was delivered to me by your Ambassador.

2. I agree most strongly that, as you say, it is our task to put the old suspicions behind us and to work together to build a more hopeful future for both our countries. An important part of building that more hopeful future is close and full co-operation between us in the fight against the terrorism which menaces us both. You will know of the close co-ordination, North and South, in the continuing search for arms on which we in this country are engaged. This search, which is the largest and most extensive security operation ever mounted in this State, is the most important public demonstration of our determination in that fight and a clear indication of the common commitment of our countries to ensure that violence will not prevail against our democratic systems.

3. I approach the legislation on the European Convention on the Suppression of Terrorism in the same spirit. We are determined to legislate that the plea of political motivation will not be allowed to justify the most abhorrent crimes or to frustrate justice.

4. Our officials have worked closely together in recent days on this legislation; and I am glad that we have been able to meet some of the points which they raised and which are mentioned in your message.

5. In particular we have been able to go a long way to meet your concern about the possible inclusion in our draft legislation of provisions which could give an appearance of amnesty and your concerns about the "specialty" issue. We have also removed any reference to your Law Officer from the draft bill. We wanted to ensure that there is absolutely no question of his being asked to appear before our courts; and, like you, we also wanted to ensure so far as we can that any certificate of his in relation to a prosecution will not be justiciable here.

6. I am sorry that, notwithstanding lengthy discussion between our officials, we have not found it possible to meet you on the requirement which we feel it necessary to introduce: that our Attorney General shall not give his consent to the endorsement of a warrant unless he is of opinion that there is a clear intention to prosecute founded on the existence of sufficient evidence. I would like to have been able to go the whole way to meet your concern on this point also: but I hope you will be able to accept my political judgement that it would simply not have been possible for me to go as far as I have in other areas if we had not built this provision into the draft.

7. I am convinced that the amendments which we are now proposing in our new amending bill are indeed the minimum necessary; that with co-operation between us they will operate effectively and satisfactorily; and that the essential closeness which has always characterised our extradition arrangements will be maintained. I would like, however, to give you a solemn assurance that if, with experience, we find that these new arrangements turn out to be less than satisfactory I will bring forward proposals to deal with any problems which may have emerged. I will say this clearly in presenting our new amending Bill to the Dáil.

8. In the end, when the legislation is enacted, we will maintain between us an extradition procedure which is unique in its closeness and which still has much of the ease of operation of the backing of warrants within a single jurisdiction. And the net effect will be a significant advance on the present position, since by law, the claim that an offence was "political" will no longer be a bar to extradition in respect of a whole series of offences involving violence. I believe that thereby we will have achieved something which is of importance for its own sake and a clear public demonstration of our common commitment to close co-operation in the fight against terrorism.