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Speech by An Taoiseach, Mr. Charles J. Haughey, T.D.,
moving the Second Reading of the Extradition
Amendment Bill, 1987, in Dail Eireann
on Friday, 27 November 1987 at 10.45 a.m.

I move that the Bill be now read a second time.

As the Dáil will be aware, it has been the practice for the Taoiseach to introduce Bills to which the Government attach special importance or which represent a significant new development of policy, even where the legislation, when enacted, will be the particular concern of another member of the Government. This Bill is clearly in that category involving as it does a major policy issue which is bound up with our relations not only with our nearest neighbour but with practically all the member countries of the Council of Europe. It is for this reason that I have thought it appropriate to move the Second Stage of the present Bill.

The Government have decided that the Extradition (European Convention on the Suppression of Terrorism) Act, 1987 should come into operation on 1st December, and at the same time to provide by legislation specific statutory safeguards for persons whose extradition to Northern Ireland or Britain is sought in the new situation.

The purpose of the Bill is to provide these safeguards. Before outlining them, however, I should like to explain to Deputies the present position because there is some confusion both inside and outside the House about it.

I wish first of all to make it clear that we are not "introducing" or "bringing in" extradition. We have had extradition in this country for a long time. It is not perhaps widely appreciated that extradition has been part of the normal law of this country since the foundation of the State. The present special arrangements for extradition between this State and Northern Ireland and Britain have been operating since 1965. They are laid down in the 1965 Act.

Under that Act since 1965 to date 733 persons have been extradited to Britain and 158 to Northern Ireland.

That 1965 Act enabled us to ratify the 1957 Convention on Extradition, to which almost all European countries belong, with the exception of Britain which now intends to become party to it. Under the 1957 Convention it is not possible to have a prima facie requirement, on the understanding that a warrant for the arrest of a person on a criminal charge will only be issued by the competent authorities in other democratic European countries, where there is strong evidence against that person.

Under the 1965 Act it is possible for persons whose extradition is sought by a foreign country to claim that they should not be extradited because the offence for which they are sought was a political offence or an offence associated with a political offence. It is that aspect of the 1965 legislation with which we are now concerned.

Recent court judgements on extradition since 1982 have developed a more restricted interpretation on this aspect of the 1965 Act. These would have required legislative clarification in any event as amendment of the law is the prerogative and responsibility of the Oireachtas, which has at the same time the opportunity to consider any safeguards which may be consequent on the change in the law. Even if we were to scrap the 1987 Act entirely, extradition under the 1965 Act would continue and the judgements made since 1982 would continue to operate without any influence from the legislature. Deferring the 1987 Act or stopping it from coming into operation would do nothing to stop extradition from continuing.

The European Convention for the Suppression of Terrorism in effect provides that for four particular categories of crime the countries subscribing to the Convention have agreed between themselves that it will not be possible for persons accused of committing a crime in this category to plead that the crime was political as a defence or reason why they should not be extradited.

When the 1987 Act comes into operation on 1st December the only change it will make will be that in respect of four categories of crime, namely hijacking an aircraft, kidnapping or killing by the use of explosives, automatic weapons etc., murdering a diplomat or a high official, a person may be extradited to any of the countries which have signed the Convention even though the person claims that the crime was a political offence. That is the only change it will make. It will not introduce extradition or bring in extradition because extradition is already there and has been there since the passing of the 1965 legislation and before.

An important aspect of our current situation is that the campaign of violent subversion we face is not either isolated or limited to the confines of this island. We are in fact dealing with a campaign of violence that is international in character, which uses legal systems and frontiers to its own advantage and for its own ruthless purposes. The persons organising this campaign now have access to a frightening armoury of weapons, explosives and materials.

The arrest of the Eksund by the French authorities and the seizure of her frightful cargo has focussed attention on the European and international dimensions of the threat that confronts us. In that connection it is important to recall that the very purpose of the Extradition (European Convention on the Suppression of Terrorism) Act 1987, the legislation due to come into operation on 1st December, is to enable us to subscribe to a convention among the nations of Europe to assist each other in responding to exactly this type of situation.

The background to that Convention was the growth of international terrorism, which has affected almost all European countries, and which led to the strong conviction among States that share common democratic traditions and values and that are political partners that persons who commit acts of terrorism in or against any one of them should not be able by escaping to a neighbouring country to avail of the political offence exception and claim exemption from extradition.

As a member of the community of European nations sharing common values and principles we must join in this common fight against terrorism. Our European friends would not understand any other attitude on our part and I would not be prepared to see Ireland isolated on this issue and become the victim of accusations and reproach.

Ten years ago there were fears that there might be a constitutional difficulty related to international law, which prevented us from signing the Convention, but judgements by the Supreme Court in recent years, as well as developments in international jurisprudence, have removed any such difficulties.

I personally conveyed to the French Prime Minister our gratitude for the timely interception by his authorities of the Eksund, and told him that this action saved many lives in Ireland. But the Eksund was not an isolated example. We know of reports, which must be taken seriously, that other shipments of weaponry and explosives may have got through to Ireland by similar means within the past few years. This is not a limited domestic problem. We are dealing with terror and subversion which has international ramifications.

The kidnapping of Mr. John O'Grady and the sickening cruelty that was inflicted upon him brought a new dimension of awfulness. Mr. O'Grady's life was under very grave and immediate threat until the Gardai succeeded in finding him and securing his escape to the relief and gratitude of the whole nation. Detective Garda Martin O'Connor was wounded very seriously during the rescue but thankfully he is making a steady, if slow, recovery. I am sure that all in this House would like to wish that brave man well and add our hopes for his speedy recovery. Many members of the Garda Siochana risked death and injury doing their duty during the whole kidnap episode. On some occasions they did not have the success their efforts merited but their diligence, zeal and courage were never found wanting. Let us salute them and be deeply grateful we are served by such a force.

Five people have already been charged in connection with the kidnapping. The person reputed to be the leader of this

various group has yet to be apprehended, but I am confident he will be as a result of the Gardai's continuing intensive search for him.

Then on Sunday the 8th of November came the horrible atrocity at Enniskillen. A group of Irish people, men, women and children, had come together to honour their dead. They were devastated by an IRA bomb. Eleven were killed and over sixty hospitalised with injuries, many of them so seriously that they are still in hospital. We have all heard the heart-rending accounts by the survivors of the horror of the bombing. The dignity and the Christian forgiveness shown by the survivors and relatives of those killed was deeply moving and inspiring. Following that event, I conveyed sympathy on behalf of the Irish people to those injured and to the relatives of those killed in the atrocity and spoke on behalf of the vast majority in Ireland when I said that the security forces in this island must combine in an all out effort to bring the perpetrators to justice.

The convergence of these three major events in a short space of time has brought home dramatically to us all the reality of the terrorist violence which affects the whole of Ireland north and south. The tragic problem of Northern Ireland is not of our making but we have to live with it. We have to watch the suffering and the agony of the people of Northern Ireland and face up to all the many implications it has for us in this part of Ireland.

All Irish Governments have had to meet the demands of this situation. They have had to devote their time and energy to coping with it and sometimes to provide massive resources of men and material to counter violence and subversion. The tragedy of Northern Ireland has distorted normal relations between Ireland and Britain and continues to distort them. They can never achieve that high degree of harmony and normality that we all desire until a solution to the problem of Northern Ireland based on justice has been promulgated.

In the New Ireland Forum all those who subscribed to the constitutional nationalist position came together with the utmost sincerity of purpose to endeavour to formulate a

solution. Subsequently the last Coalition Government brought forward the Anglo-Irish Agreement as their contribution towards political progress.

But while we were making these efforts democratic politicians had to contend with the realities of terror and subversion which became increasingly sophisticated and ruthless in its approach. We have had to devote time and energy to these matters when we would all have wished to have been concentrating exclusively on other pressing social, cultural and economic problems.

The revelations of the past few weeks of the character, the extent and the effectiveness of the forces of subversion must strengthen us in our resolve to deal with this menace and protect the security of our State and the lives and well being of our citizens.

I would like to remind this House and especially those who share with me an adherence to genuine republican principles that Fianna Fail and Governments of the past have had to meet and have met resolutely threats to the security of this State. During the last war Eamon de Valera and his colleagues had to face and defeat a major threat from the IRA of that day to the security and independence of the State and to our parliamentary democracy. They met the challenge with every means at their disposal. There have been other major threats since then and we can only be eternally grateful that Government resolve and the loyalty and effectiveness of our security forces saw us safely through.

Many commentators have made the point that major decisions of this kind should not be taken under pressure or in the highly emotional atmosphere created by the Enniskillen carnage. They are right. It is not wise to legislate in any area on the basis of or under the impact of one particular happening. But we are not taking a decision on this legislation because of one particular event. A combination of happenings on different fronts have brought deep concern about the security of the State and the safety of our citizens. These developments have brought a new urgency to the situation. The impact on public opinion has been profound, a mixture of

after, revulsion and sorrow and a deep underlying anxiety about what our society is facing in these disturbed times.

Following recent events special policing and security measures have been taken. The Garda Commissioner and the RUC Chief Constable met immediately after the Enniskillen bombing to ensure that there would be all possible co-operation in the hunt for the perpetrators. We have also had a special meeting of the Anglo-Irish Conference here in Dublin to discuss ways in which existing security co-operation between the two Governments might be enhanced. The Gardai with full support from the Army have undertaken a major search for arms and explosives that may have been smuggled into this country during the last three or four years and this search is continuing.

I mention these events as immediate background to the discussion of the Bill now before the House but I would like to emphasise that what we are proposing is not due only to these happenings. Enniskillen was not an isolated event. Within a day or two of the Enniskillen murders a further bomb was found and defused near Pettigo. In Belfast security measures prevented what might have been an even more horrendous explosion. We are not dealing with the politics of the last atrocity. We are dealing with a campaign which has seen almost 3,000 violent deaths.

Legal co-operation is an essential feature of the fight against serious international crime and terrorism.

Extradition is one of the measures available to civilized nations for combating terrorism. We are, of course, already playing our part in international legal co-operation of this kind. As I have said, we have been a party to the European Convention on Extradition of 1957 and have been operating the provisions of the Extradition Act 1965 for more than 20 years. That Act also provides the basis for our extradition arrangements with Britain and Northern Ireland, the United States and Australia.

Both the Convention on Extradition and the 1965 Act provide that extradition shall not be granted for a political offence.

However, as most Deputies are aware within the past five years the Supreme Court has decided in a number of cases that people who were wanted in the North for crimes of terrorist-type violence should be extradited and has rejected their claim that the crimes concerned could be regarded as political.

The Supreme Court has taken the approach that modern terrorist violence in many cases cannot reasonably be regarded as political and that the test of whether an offence is political is whether the particular circumstances showed that the person charged was at the relevant time engaged, either directly or indirectly, in what reasonable, civilised people would regard as political activity. Likewise the idea underlying the European Convention on the Suppression of Terrorism is that certain crimes are so odious in their methods or results that it is not rational to classify them as "political" offences. These Court decisions are now part of our law and have been operative for some years.

What the Convention and the 1987 Act do is to confirm statutorily that particularly abhorrent crimes generally involving large numbers of people or particularly serious forms of crime are not to be regarded as political offences in any circumstances.

The European Convention on the Suppression of Terrorism is a Convention to which virtually all the member countries of the Council of Europe have acceded.

The countries which have signed or ratified the European Convention are Austria, Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, and Britain. The Convention was also signed, on behalf of Ireland, in Strasbourg, in February 1986.

What the Government are now doing is introducing legislation in our domestic law which will provide safeguards for Irish citizens when the Convention comes into operation. I must emphasise again that under court judgements, people are already being extradited in terrorist cases. The

Implementation of the 1987 Act and the ratification of the European Convention on the Suppression of Terrorism are, therefore, to an extent symbolic. In ratifying the Convention, the Dail will be to a large extent merely giving statutory effect to what the law already is and indicating our willingness to co-operate with countries who think the same as we do in defeating international terrorism.

I would like at this stage to point out that in opposition Fianna Fail accepted the 1987 Act in principle. We did not vote against it. We sought to have safeguards inserted in it but we did not oppose its passing because we did not wish Ireland not to be able to implement the Convention. Let me recall specifically what our Justice spokesman in Opposition, Deputy Michael Woods, said in this House on 4 December 1986: 'In the spirit of international co-operation we support the principle of this Bill and will support its second reading', remarks which were preceded by the statement that 'we must also ensure as do our European partners, that adequate safeguards are included in any extradition legislation'. That is the same broad approach we are adopting today.

Deputies will recall that in the Joint Communique that was issued after the signing of the Anglo-Irish Agreement on 15 November 1985, ratification of the Terrorism Convention was set against the background of progress in relation to a number of matters under the Agreement, including public confidence in the administration of justice in Northern Ireland and relations between the security forces and the minority community. The commencement clause was designed to enable the Dail and Seanad to defer a final decision on commencement and to look again at progress in the building up of public confidence in the administration of justice in Northern Ireland.

There have been changes in Northern Ireland which represent progress in that regard and I would not wish to downplay their worth and significance in their own terms. However, the Government consider, and I am sure that Members of the House generally will share this view, that there is still a great deal of room for further progress.

Successive Irish Governments have always regarded the problem of increasing the level of confidence of the nationalist section of the community in Northern Ireland in the administration of justice as an essential element in the process of restoring peace and stability to the North.

The courts there and the special court system here were set up many years ago to deal with what was then thought would be a short lived campaign of terrorist violence. That assessment has not proved to be correct.

I would suggest, therefore, that we in each jurisdiction, without reflection on either system, might do well to initiate a formal study of the special arrangements for handling terrorist cases in both jurisdictions to serve as a basis for further discussion between both Governments.

Apart from concerns about the administration of justice, the other main issue is that of safeguards in the extradition law itself. Extradition, especially of one's own citizens, is a very sensitive issue in every country. As I have already said on another occasion, to hand a citizen over to another jurisdiction is something that should only be undertaken with great care and scrupulous regard for all the circumstances. It is clear from the experience of all States, including Britain, who at this very time have their own legislation on the stocks, dealing with this most sensitive of issues, to enable them to ratify the European Convention on Extradition of 1957, that the question of extradition raises deep anxieties and that the public are vigilant to ensure against the arbitrary or unreasonable return of fugitives to foreign jurisdictions, even to friendly countries.

The major source of concern here is that an extradited person should get a fair trial in the receiving country. On this, the Extradition Act of 1965 provides specifically that extradition shall not be granted for any ordinary criminal offence if there are substantial grounds for believing that a person's position may be prejudiced on account of his race, religion, nationality or political opinion. A similar provision is contained in the Convention on the Suppression of Terrorism, and is specifically enacted into a law by the 1987

Act. The Courts here, therefore, have full jurisdiction to refuse extradition in any case where they think a person's right would be prejudiced on any of these grounds: and that jurisdiction will remain fully in operation under these proposals.

Our concern stems from two basic underlying principles. The first is that extradition affects the right of the citizen to liberty and there should be protection against the possibility that it might take place in any arbitrary way. The second basic principle, which is well established internationally, is that extradition is not for the purpose of questioning the person concerned but to bring a charge in a court of law. It is in this area that it is vital that there should be a new statutory safeguard for the rights of the person who is wanted for extradition and it is that safeguard which this Bill will provide. If there is already sufficient evidence against a person at the time when his extradition is sought, the question of his extradition for the purpose of getting enough evidence to charge him with does not arise.

The argument has been made that we should look for a prima facie case established against a person in our courts before extradition. Though this argument has many attractions superficially, the reality is that if this country were to require a prima facie case to be made out by a country which is party to the Convention on Extradition, then we would no longer be able to remain party to that Convention, under which we have operated for more than 20 years. Those who advocate the prima facie requirement should be absolutely clear that that is what it would mean.

As well as forcing us to leave the 1957 Extradition Convention, a prima facie requirement would be a major practical obstacle to extradition. It would mean that prosecuting authorities in a foreign jurisdiction would have to produce a book of evidence founded on their law but which would also have to comply with our law. The problem of having to have key witnesses from that jurisdiction available in court for examination on their written statement would also arise.

What the present Bill will provide is an alternative statutory safeguard which will meet the concerns in this area in an effective and positive way. At the same time it will enable the system to work without the difficulties that the requirement that a prima facie case be made out in court would cause. The Bill will amend Part III of the Extradition Act 1965 which regulates the execution in the State of warrants received from the neighbouring jurisdictions of Northern Ireland and Britain.

Under Part III extradition warrants to Northern Ireland and Britain must be endorsed by the Commissioner of the Garda Siochana for execution in the State. The change now being made by this Bill is that the Commissioner will be obliged not to endorse a warrant if the Attorney General so directs. The Attorney General will be required to give such a direction unless, having considered such information as he deems appropriate, he is of opinion that there is a clear indication to prosecute, and that this intention is founded on the existence of sufficient evidence.

This important new procedural step will mean that the Attorney General will have to form an opinion himself as to these matters. The Attorney General will be required to exercise his function and form his opinion about the existence of, and the foundation for, the intention to prosecute in each and every case.

It is the Attorney General's intention that this important new procedure will be operated as efficiently and with as little complication as possible. The provision about sufficiency of evidence will be applied in a way which will provide the necessary safeguard for the rights of the person wanted for extradition. But it will not create the major difficulties that the requirement that a prima facie case, be established in court, would involve.

Since publication of the Bill there have been some suggestions that the new procedure would provide an insufficient safeguard because the function involved will be exercised by the Attorney General and not by a judicial person. It is not clear what precisely those who have made this point have in

mind. If the suggestion is that a judicial person should scrutinise the evidence against the person sought, that would amount to a prima facie requirement, which would be a serious barrier to extradition. What the Bill does is to provide a new administrative safeguard which will give effective protection to the individual but will not unduly restrict legal co-operation in criminal matters.

It is unreasonable to take an "all or nothing" attitude to the sufficiency of evidence question. At present there is no safeguard at all on this issue. It is seriously being suggested that the only alternative to this unsatisfactory position is a requirement that a prima facie case be made out in court, with the disadvantages that would bring with it? The Bill strikes the right balance - it gives effective protection without being excessively restrictive. An administrative safeguard which is imposed and regulated by statute is a real safeguard and a substantial improvement over the existing position.

Another major concern is that a person might be charged with an offence other than that for which he or she was extradited and that the other offence might be political. //

It is in everybody's interest to take steps to reduce to the minimum the risk of such an error occurring, which would have a very damaging effect indeed on the extradition process within these islands. It is for this reason that the Bill now before the House includes provision for introducing a statutory rule of specialty into our extradition arrangements with Northern Ireland and Britain in accordance with the standard laid down for more than 20 years in the Extradition Convention and incorporated for other countries in the 1965 Act.

The rule of specialty is not designed to shield people against additional charges in general but only against additional charges for offences which are not themselves extraditable - for example, a political offence. The way this safeguard works is that charges cannot be added except with the consent of the State which has granted extradition. But if the other charge is for an offence which would itself have been

extraditable, that consent must be given.

The rule of specialty as contained in Part II of the 1965 Act is provided for in sections 20 and 39 of that Act. The Bill provides that the Minister for Justice may by order apply the provisions of these sections, with any modifications he deems necessary or expedient, to extradition requests from Northern Ireland or Britain. The reason that provision is being made for the making of an order by the Minister is that the rule of specialty can operate only if corresponding provision is made in the law of the requesting country. The British Government will consider the introduction of such a provision into their backing of warrants legislation at an early date and the coming into force of the order made under this Bill by the Minister for Justice will be timed to coincide with the coming into force of that amendment to their legislation.

In the meantime the safeguard contained in section 50(2)(b) of the 1965 Act will, of course, continue to apply. It enables a person facing extradition to Northern Ireland or Britain who thinks that he might be charged with an additional offence, not specified in the warrant, which would be political to raise this plea in the High Court before he is returned. If he is successful, the court will refuse his return. In addition, until such time as the Minister's order is made, there will be an administrative arrangement with the British authorities, which will ensure that additional charges of a political nature will not be brought after extradition and that the specialty principle will be observed.

I wish to assure the House that these new arrangements which will come into operation with the Bill will be carefully monitored by the authorities here. I believe that this is of crucial importance. Public opinion would wish to be assured that extradition works fairly and properly, that persons accused get a fair trial and proper treatment and that the arrangements will be scrupulously adhered to. We are determined that they should be implemented with a scrupulous regard for what has been laid down in the relevant Convention and in our legislation. We wish to see the arrangements upheld, both in letter and in spirit. If they are not adhered to I know the Dail and the people would expect me to

come back here and set the arrangements aside. I wish to give the Dail an assurance of my intention to do that.

It is our intention to institute a new regime of monitoring and observation, and to give that process a statutory basis. This legislation will provide that in future the Attorney General will have a statutory obligation to prepare and submit to the Government an annual report on the operation of extradition arrangements and the cases that have taken place under these arrangements in the previous twelve months.

I also wish to make it clear that should it emerge after a period of twelve months that these arrangements are not working satisfactorily and persons whose extradition is fully justified can evade the law, the Government will bring forward revised proposals to deal with such a situation.

Finally, before and since the 1987 Act was passed there has been considerable concern about the position of some people who are wanted for things that happened many years ago and who would not have been extraditable but for the Act. To meet this concern we have included in the Bill a provision on lapse of time, the effect of which will be as follows. A person whose extradition is sought will be able to apply to the High Court to have his extradition refused on the ground that, by reason of the passage of time since he is alleged to have committed the offence, it would, having regard to all the circumstances, be unjust, oppressive or invidious to extradite him.

I want to make it clear that the mere passage of time itself will not constitute grounds for refusal of extradition. There will also have to be particular circumstances which will make it unjust, oppressive or invidious to extradite the person.

The question of unfairness by reason of lapse of time has already arisen in the courts in a few extradition cases and the provision in the Bill is in keeping with the approach taken in these cases. The provision itself will clarify what the position is and will provide a reasonable safeguard for the quite exceptional case where the interests of justice

would suggest that extradition should not be granted because of lapse of time and special circumstances.

To sum up, therefore, in the new situation that will arise there will be the following new safeguards. The Attorney General will have to be of the opinion that there is a clear intention to prosecute founded on the existence of sufficient evidence. The rule of specialty will ensure that as a general principle persons can only be tried for the offence for which they are extradited, and any additional charges could only proceed if our authorities agreed. There will be a provision which will prevent an extradition when due to a lapse of time and other circumstances it would be unjust, oppressive or invidious. A new regime of observation and monitoring of the operation of these arrangements will be instituted on the basis of which the Attorney General will submit an annual report to the Government.

Circumstances and developments have confronted us with a difficult decision. I fully understand that many people are troubled by the changes proposed. In a different world, a world free of international terrorism, subversion, massive shipments of deadly weapons, kidnapping and the massacre of innocent people we would all be free to consider different courses of action. As Parliamentarians however faced with the brutal realities that have unfolded in recent weeks we must have a concern for the safety and welfare of all the people on this island. We must demonstrate that terrorism cannot be allowed to prevail and that on this issue we cannot stand aloof. We must combine with the other countries of Europe in seeking to protect our respective populations from this constant menace to their safety and their lives. It would be foolish to think that this convention can by itself be effective in preventing further outrages. But it is part of the machinery the European countries are devising to combat terrorism and in so far as it can make any contribution we cannot stand aside and refuse to make that contribution.

By deciding to proceed with the Act, and providing it with the greatest possible safeguards, we will have closed a significant gap in relations with our European partners. The British Government is doing the same with its own legislation.

I am sure the House will appreciate that this is not a decision which the Government have taken lightly.

We have looked at every aspect and carefully weighed the balance. In the end the ultimate consideration had to be what was in the best interest of the security of the State and the safety of our citizens. We cannot by anything we do or fail to do give any impression or indication that that is not our priority. Nor can we give any encouragement to anyone to believe otherwise.

This recent combination of events, the seizure of a massive consignment of arms by the French authorities, the kidnapping of John O'Grady and the slaughter at Enniskillen bring the whole question of subversive threats to the security of this State into a new and urgent focus. They place renewed emphasis on the need to use all available means at our disposal, not just to combat terrorism and subversive activity but also to demonstrate clearly and unequivocally to the world our condemnation of violence in all its ugly manifestations. We are not soft on terrorism, domestic or international, and we must give a clear and unequivocal signal to that effect by ratifying the European Convention.

It has been said that the bringing into operation of the 1986 Act is largely symbolic because in fact our Courts have already decided that in regard to certain crimes the plea of political offence shall not be available to those accused of such crimes. To an extent that is true. However, insofar as it is symbolic and insofar as we are being asked by the other nations of Europe to openly join them in their attempts to defeat subversion and terrorism, then I believe we should make that declaration.

I am deeply conscious of the fact that we are a small nation in a troubled and turbulent world. Our resources are limited and the forces we can deploy from time to time against subversion and threats to our security can often be dangerously over stretched. Terrorism and subversion have now developed two new dangerous attributes; an international dimension and access to all kinds of sophisticated weapons and

techniques.

All those who love this country must put her security and protection as a Parliamentary democracy first and foremost and above everything else. That is the very essence of our republicanism. We must show courage and determination to resist all threats from whatever direction they emanate and we must not delude ourselves about the reality of terrorism and subversion today. The question is are we prepared to stand aside and refuse to cooperate when the countries of Europe come together and seek to combine their efforts to protect their people from terrorism and subversion. I do not think we can. Geographically we are still an island but in terms of international crime the smuggling of arms and drugs, kidnapping and the many other evils of our modern world we are no different from any other part of Europe.

Our task, therefore, as the legislature of this sovereign independent Republic is to find a way to reconcile what might be seen as conflicting requirements. We must protect the rights and the freedom of our citizens as individuals. At the same time we must cooperate with other countries in countering and defeating international cross-border terrorism and subversion.

This legislation seeks to find a basis on which the two objectives can be achieved.

What the people have to decide is do they wish in regard to the particular abhorrent crimes mentioned in the Convention that it should still in future be possible for persons not to be extradited in regard to them because they claim that they were political offences.

On this point I would like Deputies to ask themselves a few simple questions.

If the French Government following the recent seizure of arms on the Eksund established that that particular operation had been organised by a person living in this country and sought to have that person extradited to stand trial in France, would we be justified in refusing to extradite that person on the

basis that the smuggling of that vast quantity of deadly arms was in fact a political offence?

If one of that vicious group of persons who kidnapped and mutilated John O'Grady had escaped to Britain, France, Holland or some other European country, would we be prepared to accept that they should not be returned to stand trial here because he claimed that the kidnapping was a political offence?

If one of the persons responsible for the Enniskillen massacre was arrested here, would we be justified in refusing to hand that person over to stand trial in the North of Ireland or in Britain on the basis that the Enniskillen bombing was a political offence?

Any legal historian can tell us about the time honoured tradition of countries refusing to extradite persons on the grounds of political offence. This tradition among western nations is of honourable and legitimate origin. It has been handed down to us from a time when citizens of one particular State in order to escape tyranny and oppression would flee to another. The State in which such a person sought refuge would on the grounds of highest political principle and for humanitarian reasons refuse to hand them back to be punished because of their political beliefs or activities.

But in States and communities of States where democracy is a recognised principle and where political co-operation is the norm there are other ways of rectifying political grievances and there is no excuse for any resort to violence. Closer European co-operation between democratic Governments coupled with freedom of movement between peoples has made it less and less tolerable that people normally resident in one jurisdiction should be able to avoid prosecution for acts of violence they may have committed by moving across frontiers to another jurisdiction.

We must all recognise, however, that the international scene today is very different from the one in which that principle of political refuge and asylum evolved. Modern means of transport and communication and the development of ever more deadly and sophisticated weaponry have completely transformed

the situation. International terrorism is now a reality. It is possible for terrorists and instruments of terror to move quickly and freely from one jurisdiction to another.

We live in a complex, confusing and dangerous world. From what we know or suspect about some of the operations and enterprises engaged in by some countries in the international arena it is often very difficult to identify who stands for what and where we can look for truth and justice. What we must do in the midst of all this turbulence and confusion and conflict of interests is to preserve our own standards of decency and self respect and do what is right.

We must face the reality that persons who seek to achieve their political objectives by terror, by bombing, and by kidnapping can now move freely and quickly with their means of destruction from one jurisdiction to another. They can only be prevented from inflicting horror and suffering and tragedy by international effort. We must do what we can both in our own country and in cooperation with other countries to protect our citizens from the effects of internationally based terror and subversion.

I would ask Members of the House whether they would really consider this to be a suitable time to postpone the ratification of the Convention on the Suppression of Terrorism already signed and ratified by so many other States concerned about terrorism or whether we should implement it with the safeguards set out in this Bill. To postpone the commencement of the 1987 Act now would give a wrong message about our country to the world outside. The message that this House must give is that we abhor all the different aspects of international terrorism and that we will not allow the democratic process to be threatened or undermined by it. That is what democratic government is about: and it is on that principle that I am making the proposals now before you.

In that spirit, I commend this Bill to the House.