



# An Chartlann Náisiúnta National Archives

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1015

# ROINN AN TAOISIGH

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**SECRET**

## Northern Ireland

~~Taoiseach~~

Ambassador Fenn phoned this morning to discuss prospects for the meeting with the Prime Minister in Rhodes.

We agreed that the items likely to come up were:-

- (1) the Ryan case;
- (2) security issues - on which the Prime Minister would be enquiring about the matters raised in her recent letter;
- (3) the Agreement generally, including the Review.

### Ryan Case

The Ambassador said that perhaps the communique, if any, after the meeting might include a statement from the Prime Minister that, following the discussion, she was assured that the due process of Irish law would be expeditiously applied. This was, according to the Ambassador, the official view of what might optimistically emerge.

British annoyance in the case springs from the sharp contrast between what happened in the Ryan case and the "undertakings" or "understandings" when the 1987 arrangements were being discussed initially that there would be no or very little delay in dealing with extradition applications under the new procedures, including the assessment of the sufficiency of evidence. What had happened in the Ryan case was that even though the "evidence" had been delivered on Friday evening, he was allowed to go free from the Blackrock Clinic, and no effort had been made to keep him in detention while a decision was reached on the application.

I outlined what exactly had happened in this area, so far as we were concerned, including the flaws in the draft warrants and the failure to deliver the material on the "evidence" on time - and made reference to the procedures in the Belgian courts where the original arrest had taken place at the end of June, the British extradition application lodged some time about the middle of September and the court decision towards the end of November. They had five months: we were hardly given five hours.

See by  
Tasneem  
v. Ryan  
6/12  
in McCaffrey  
ma  
6-12-88

# ROINN AN TAOISIGH

Uimhir.....

- 2 -

I said that, in this case, anger was not an emotion felt by one side only. The sort of rubbish being dished up in the British gutter press and elsewhere did nobody much credit.

## Security Issues

The draft reply to the Prime Minister's letter indicated that only in relation to the area of Garda/Army contact at operational level, did there appear to be any difficulty. I said that you would probably be replying to the Prime Minister after the Rhodes discussion.

(The other outstanding security issues in the letter relate to training, and communications, etc. equipment in border areas, on which there does not appear to be any outstanding difference of principle. On the home made explosives projects there are technical difficulties common to both sides.)

The Ambassador mentioned that the Prime Minister might be expressing some dissatisfaction at the way in which Irish Ministers are claiming that the British are satisfied about security co-operation. This, he says, is not the case as the Prime Minister's letter indicates; and the repetition of the claim is a source of irritation.

## Agreement

I said that from here the "consultative" process was not altogether satisfactory and there seemed to be a lack of balance in that the emphasis, from the British side, now seemed to lie almost entirely in the security area. The Agreement was based on balance; and I was not sure that this was evident in the practice. The Ambassador said that the Prime Minister would no doubt be pointing to the Fair Employment legislation, the "I" voters, educational changes and new investment as indications of positive political and economic action.

On the security aspects, she would no doubt be emphasising her tough attitude to terrorism and that if this attitude was to be given expression within the law then the law must be changed, as they had changed it.

The Ambassador did not think that much time would be spent on the Review, at this stage - though there was general agreement that it should be a thorough exercise, looking to the political opportunities, such as they were.

# ROINN AN TAOISIGH

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- 3 -

## General

We spoke for some time on the background to the meeting which, as now appears the norm, could be difficult. However, it provided a unique opportunity for each side to say to the other what exactly they thought. It would seem important not to feed current hysteria.



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Dermot Nally

30 November 1988.