

Extradition News

No.1 February 1988

STAND UP TO BRITAIN

EXTRADITION strikes at the heart of Irish national rights. Are Fianna Fail members prepared to stand over the sell-out of these rights and the handing over of Irish people to the discredited armed forces, courts and judiciary of Britain and the Six Counties? This is the central issue facing Fianna Fail as it assembles for its 55th Ard-Fheis.

Since the last Fianna Fail Ard-Fheis the leadership of the party has taken decisions that have reversed previous stated policy positions. But they have not just been minor 'U-turns'. They have involved matters of fundamental principle.

Irish sovereignty and military neutrality are supposed to be at the heart of Fianna Fail beliefs. Both have been compromised and threatened by the party's leadership in government. Far from standing up to Britain the government has followed in the footsteps of the Coalition

in pursuing policies which Fianna Fail opposed before the 1987 General Election.

In the manifesto for that election it was stated:

"Fianna Fail has consistently made it clear that it cannot accept the constitutional aspects of the Anglo-Irish Agreement of November 1985."

It was pointed out at the time by leading members of Fianna Fail that Articles Two and Three of the Constitution were violated by the Agreement. The commitment of Fianna Fail to a united Ireland was then put to the test. The leadership failed in that test and gave full support to the Agreement in spite of the fact that the party objected to it on constitutional grounds. The question for rank and file members of Fianna Fail is, "Did U-turn?" And are you happy with what has been done in your name?

ANGLO-IRISH AGREEMENT

Did U-turn on the Anglo-Irish Agreement which for the

first time in international treaty form conceded the 'right' of the British to occupy part of Ireland?

Did U-turn on the full and active co-operation being given to the British army and RUC along the border? This includes gardai and Irish soldiers working with the same RUC responsible for the shoot-to-kill policy so recently highlighted by the Stalker/Sampson affair.

Did U-turn on allowing British troops to cross the border into the 26 Counties? For well over a year now the government has given official permission to British forces to cross the border, supposedly on "bomb-disposal" missions. This was confirmed by the government after RUC chief John Hermon revealed it before Christmas 1987. The arrangement also supposedly provides for Irish troops to cross into the Six Counties to help the British occupying power, the RUC and the SAS. The question is, is Fianna Fail prepared to ask the people of border areas



to welcome marauding British soldiers (who illegally make incursions almost daily)?

Is Fianna Fail prepared to allow Irish soldiers to risk their lives defending British interests?

Did U-turn on Irish neutrality? When the Single European Act was first debated Charles Haughey said it "could and no doubt will be interpreted as

a formal abdication of our neutrality". Fianna Fail went on to fully back the SEA.

Did U-turn on the compromise of Irish national rights? If not then it is time for you to call the Fianna Fail leadership to account.

It is time to stand up to Britain.

Repeal the Extradition Act Now!



RELEASE THE BIRMINGHAM SIX REPEAL THE EXTRADITION ACT

RECLAIMING OUR NATIONAL SPIRIT

FOR A LONG TIME NOW our people have been subjected to propaganda aimed at destroying their confidence in themselves and the institutions which they depend upon. Newspapers and radio/television commentators for example have consistently conveyed the message that the revolution, or 'War of Independence', was really a mistake, that our people have never been able to govern themselves successfully, that their parliament is inefficient. Indeed, the only institutions of the state which have escaped corrosive comment are the police and the army.

Whether one believes the various institutions should have been set in place at all, or whether they could have been constructed differently is not the important point in this matter — what is important is that the effectiveness

of the institutions was used in a continuing campaign to convince Irish people that they were a failure and could never be anything else. The revisionism of which people complained among the historians was only a symptom of what had become for many opinion formers a whole way of life. More and more writers and broadcasters earned their living by propagandising against their fellow citizens.

APOLOGISING

One could ascribe reasons for all this.

One reason is that those who have revolutions with some measure of success may spend as much as two or three centuries apologising for them to their former masters. In the early 1940s, French people in high places said that God was still angry at the French for creating the French Revolution and later abandoning the monarchy; in the United States of America the British



Dublin's O'Connell Street is packed with people commemorating the 70th anniversary of the Easter Rising

government is treated with special consideration and favour even when this goes against the United States' best interests — while a discussion of citizens' rights in America is likely to attribute their existence not to the American Declaration or Constitution but to Britain's Magna Carta. They are

still apologising for the revolution.

Irish people are also still apologising to their former masters, rather than telling them what they will get if they dare return.

In the face of this propaganda, for whatever reason it comes about, we need not just wait around for better days to come.

Revisionism and anti-people propaganda does not just go away — it must be made to go away. We need a programme for reclaiming our national spirit. The redeclaration of who we are, what we are, what we stand for, and how much we value our dignity is long overdue.

Des Wilson, West Belfast.

POLITICAL FUGITIVES from the North of Ireland may be sent back there, or to the equally discredited regime in Britain following the government's decision to allow the Extradition Act to come into operation from December 1st last year.

Mr Haughey took the decision to bring the Act in despite the fact that a majority of the Fianna Fail TDs and Executive members either rejected the Act completely or demanded considerable safeguards including a minimum of prima facie evidence. Fianna Fail local authorities from around the country condemned the decision to implement the Act and many cumainn and local activists expressed their opposition to the Taoiseach. Independent Fianna Fail, Sinn Fein and large sections of the Labour Party also opposed the Act which virtually removes the political exception from extradition cases.

The new Act means that for certain offences, including those involving weapons and those which 'affect persons foreign to the motives behind them', extradition will be automatic. It will mean that the old political exemption which for nearly a century has prevented the courts ruling on the merits of political cases is virtually removed and persons wanted by the British and Northern authorities must be handed over on request. The 'safeguards' introduced by the Government amount to a lower standard than prima facie.

POLITICAL OFFENDERS TO BE EXTRADITED



RUC men open fire on and baton mourners at the republican funeral of Paddy Deery and Eddie McShaffrey in Derry City, November 1987, as they smash one of the coffins to the ground (left). (Below) Robert Russell.



missions to the Taoiseach, the Irish Anti-Extradition Committee, an independent campaign opposing the Act, pointed out that Ireland would be bringing in the most extreme legislation in all of Europe. Of the other signatories to the European Convention, 12 countries retain the political exemption, 8 will not extradite their own citizens, and 7 will not extradite people to appear before special courts such as Diplock courts.

The Committee particularly stressed the repressive nature of the Northern legal system with its non-jury courts, special powers of arrest (such as those under the Emergency Provisions Act), and special rules governing the admission of confessions. The submission also pointed to 3-year remand periods, 7-day detention orders, the use

of 'supergrasses' and the shoot-to-kill policy. It was also stated that the Act was retrospective, with questions about Mr Haughey himself being a possible extraditee, and the Committee condemned the interrogation of suspects following their extradition and the fact that further charges could be added on later.

A 3-2 majority in the Supreme Court on January 20th will mean that Robert Russell, the alleged Long Kesh escaper,

will be extradited to the North.

Chief Justice Finlay upheld a previous decision of the High Court that the 19 charges relating to the mass breakout from Long Kesh were neither political offences nor offences connected with a political offence. Justice Finlay ruled that any attempt to achieve Irish reunification must be left to the Government and that anybody who took on a policy of reunification themselves was subverting the Constitution and usurping the functions of government. Justice Finlay also held that it was "improbable" that Mr Russell would be subjected to any form of ill-treatment or degrading treatment by prison officers, were he to be sent back to the North. He also ignored the fact that when Dominic McGlinchey and Seamus Shannon were sent North, there were long delays before they appeared in court.

These delays, coupled with their interrogation following their extradition, were clear indicators that little real evidence existed at the time extradition was requested.

Justice Finlay's judgement even further narrows the political exemption. This case, coming only 7 weeks after the implementation of the Extradition Act, means that the political exemption has all but been eradicated.

Not all the Supreme Court judges were prepared to hand over yet another Irish person

to the Diplock regime. Mr Justice Hederman said that the revolt in the North was "the classic form of political offence" and that there was no evidence that Russell had attempted to overthrow the 26-County Government. Justice McCarthy pointed out that other prisoners had testified that they were beaten following the escape and their sworn statements had not been contradicted. He said it was vital that "fundamental fairness of procedures will not be violated" but that in both the McGlinchey and Shannon cases "these rights have been violated". The clear message was that beatings and an unfair hearing were likely where someone was extradited to the North.

The Supreme Court judgement means that Mr Russell will be sent North when he has completed a 3-year term he is serving in Portlaoise Prison. It is the duty of us all to ensure that he will be the last.

The judgement of Justice Finlay is a nonsense, purporting to argue that only the Government (which received 44% of the votes in the last general election) can express views on how best to reunify the country. He seems to suggest that the PDs who proposed the abolition of Articles 2 and 3 are trying to usurp the functions of government and are not entitled to any rights under the Constitution. Even the IRA has stated that it does not wish to come into conflict with members of the Southern security forces. No matter whether the war in the North is in line with current Government policy in the South, it is still quite clearly done for a political motive. As Justice McCarthy said in his judgement: 'I am not aware of any law in the State which prohibits anybody publicly urging the raising of an armed revolt, even though such policy is contrary to the stated

MOST EXTREME IN EUROPE

In correspondence and sub-

INVALIDATING EXTRADITION

IN THE RECENT Russell case before the Supreme Court, grounds for appeal against extradition were based on claims that the offences were political, or connected with a political offence, and that Mr Russell would be subjected to inhuman treatment if returned to Long Kesh.

The appeal against extradition was rejected by a three to two majority decision. The Chief Justice, *inter alia*, based his decision to reject the appeal on the grounds that to attempt to reintegrate the national territory without the authority of the government was to subvert the Constitution.

Mr Justice Hederman disagreed, stating that there was nothing in the case to indicate that the appellant "or his associates" had at any time claimed to exercise the powers of government. He went on to state that the High



Capt James Kelly looks on as IAEC Chairperson Alistair Rutherdale displays evidence of the British tabloids' "trial by media" conviction of the Wiltshire Three before they had even been charged!

Court judge incorrectly equated insurrectional activity outside the state with an attack on the state itself.

In relation to the application of British justice, the Chief Justice said that it was improbable that Robert Russell would be

subjected to any form of violence if delivered across the border.

Mr Justice McCarthy, disagreeing, quoted uncontradicted evidence of assault on recaptured Long Kesh escapers, stating: "It is a vital ingredient of extradition arrangements that Constitutional rights will not be disregarded, that fundamental fairness of procedures will not be violated, that making of the reciprocal arrangements must assume accordingly." He saw that presumption as negated by the actions of the Six-County authorities.

DEFICIENT BRITISH JUSTICE

Basically, political exception and faulty and deficient British justice — the two major factors seen by many as invalidating the implementation of the Extradition Act on December 1st last — have, less than three months later, surfaced in the Supreme Court, where they are seen by

part of the court as invalidating extradition.

In view of the split court decision, the question arises: should the liberty of Irish citizens be put at risk through the enforcement of extradition when the grounds for and against extradition have proved such contentious issues at Supreme Court level?

In view of the disagreement between members of the court on such fundamental issues as the application of Article Six of the Constitution to offences, political and connected to political, committed outside the jurisdiction, a doubt has been created in the public mind on the constitutionality of extradition. In the circumstances, involving such a serious matter as the liberty of Irish citizens, it might be better to have legislation backed by a unanimous decision of the Supreme Court.

Captain James Kelly.

policy of the organs of Government of this State."

SLAP IN THE FACE FOR MR HAUGHEY

The last week of January witnessed both the refusal of the British Court of Appeal to release the Birmingham Six and the British Attorney General's announcement to the House of Commons that no prosecutions would follow the findings of the Stalker/Sampson Report. Tom King muttered some vague utterances about "internal discipline procedures" but the previous nature of internal inquiries clearly indicates that this is yet another British cover-up.

Mr Haughey and Mr Dukes were quick to condemn the Stalker/Sampson decision and call for a special meeting of the Anglo-Irish Conference. However, they were placed in the paradoxical position of condemning the legal system to which only 8 weeks earlier they had been prepared to hand over young Irish men and women. Stalker had suspended 2 RUC Special Branch officers and had clearly uncovered the details of the South Armagh 'shoot-to-kill' policy. For the British to then invoke a massive cover-up in the name of "national security" must surely convince Mr Haughey that the Extradition Act must be repealed.

The Stalker/Sampson cover-up was followed a mere two days later by the decision to refuse the appeal of the Birmingham Six. Lord Justice Lane, sitting with 2 other justices, found the verdicts to be "safe and satisfactory" and that he was "convinced that the verdicts of the jury in 1975 were correct". It was clear that not only could the British judiciary make mistakes, but it is not prepared to admit them. The decision will be seen by most people as presenting an appalling vista of British justice.

DATES TO LOOK OUT FOR

PAUL KANE, arrested by gardai in Cavan for allegedly escaping from Long Kesh, faces another hearing for his extradition in the Green Street Special Court, Dublin, on TUESDAY, MARCH 8th

SEAN McCLAFFERTY is appearing in Drogheda District Court on FRIDAY, FEBRUARY 19th. In 1986, McClafferty walked free from a Belfast court because the RUC produced insufficient evidence against him.

DERMOT FINUCANE and GERARD HARTE will be brought before the High Court and the Supreme Court in Dublin on dates yet to be fixed.

In August, ROBERT RUSSELL will be released from Portlaoise Prison and extradited on charges of escaping from Long Kesh in 1983. He will be immediately handed back to the discredited RUC and Diplock courts.

PROTEST!

Large and disciplined protests need to be mounted at every court appearance or attempted handover of extraditees at the border to reflect our anger at the extradition sell-out. Details of protests can be obtained from IAEC Head Office. Keep an eye on the newspapers for dates of court hearings.

Turn out and make your voice heard — don't allow Irish people to be meekly surrendered to the Thatcher government and British injustice.



ANGER IN DUBLIN

MORE THAN 5,000 people (*Irish Times* figure) took to the streets of Dublin on Saturday, February 6th, to protest at the rejection of the Birmingham Six appeal and for the repeal of the Extradition Act.

That so many turned out from Belfast, Clare, Cork, Wexford, Laois/Offaly, Meath and the border counties to vent their anger

The law should be used as just another weapon in the government's arsenal, and in this case it becomes little more than a propaganda cover for the disposal of unwanted members of the public. For this to happen efficiently, the activities of the legal services have to be tied into the war effort in as discreet a way as possible.

— General Sir Frank Kitson, British army counter-insurgency expert in Kenya, Malaya and Ireland, who was made a Companion of the British Empire for his war record as commander of the 39th Brigade in Belfast in the '70s.

Many people are concerned that the Extradition Act is now being used in a way that was not foreseen or intended by the legislators. The courts appear to no longer recognise the concept of a political offence. Some of the extradition cases to the North have involved significant irregularities.

The system of justice in Northern Ireland does not command confidence, and, as even the Minister for Foreign Affairs has pointed out, we have legislation here by which anyone can be tried for offences committed in the North. We will be anxious to see the position as it existed down the years re-established.

— Gerry Collins (now Fianna Fail Minister for Justice) addressing the 53rd Ard-Fheis of Fianna Fail on Sunday, March 31st 1985.

That this council has no confidence in the system of criminal justice administration in the Six Counties and deplores the extradition of persons who are sought for political offences or offences in connection with political offences.

— Motion passed by Dublin City Council on September 2nd 1986. The motion was proposed by Fianna Fail's Bertie Ahern (now Minister for Labour) and seconded by Ned Brennan.

The Birmingham Six, Guildford Four, Maguire family and Judith Ward are all living proof of what the Irish people can expect from British justice. To hand over Irish men or women to a British court is to condemn them to a system where they will not receive a fair or impartial trial, where they will be discriminated against by the whole prison administration because they are Irish.

Evil can only exist when good men and women do nothing about it. The evil which we, the Birmingham Six, Guildford Four, Maguire Seven and Judith Ward have endured for the past 13 years is a result of a lack of courage by various Irish governments.

— Paddy Hill, one of the Birmingham Six.

The way things are at the moment, I would not extradite a cat to England.

— Fianna Fail TD Willie O'Dea.

SAFEGUARDS NOT SO SAFE

"SAFEGUARDS" has been a key word in the vocabulary of Dublin Government spokespersons in defence of the Extradition Act. Paddy MacEntee, one of the country's top barristers and legal experts, has challenged the validity of the "safeguards". Mr MacEntee said:

(a) The Act may be subject to successful constitutional challenge which would leave the situation so that the 1965 Act together with the convention apply without any modification.

(b) The Act does not sufficiently define key phrases and criteria and consequently the exercise of powers by the Attorney General is peculiarly susceptible to political influences and individual capriciousness.

(c) The section giving the High Court an additional power to release a person is of little or no value as it is unlikely to provide any basis for certainty

in relation to the treatment of individuals who have been allegedly involved in offences committed some considerable time before an extradition warrant is issued.

(d) Insofar as an intention is concerned or sufficient evidence to found such an intention, the civil law in the 'United Kingdom' already provides a remedy for an aggrieved person who is wrongfully and maliciously prosecuted by the authority. The Act does not provide any proper or substantial protection to the individual.

(e) If the powers of the Attorney General are exercised in a negligent manner the state may be liable to pay compensation in damages to the aggrieved person.

(f) There is no procedure for the citizen, whose extradition is sought, to appeal the powers of the Attorney General or to review the "information" seen by



These IRA veterans from the Tan War, seen here with Sinn Fein President Gerry Adams MP at the funeral of Sean MacBride SC, could be handed over to the British under the Extradition Act. (Photo Irish Free Press Agency, Belfast)

him in advance of his extradition. (g) There is no procedure in the Act to test the credibility

of witnesses in any intended proceedings, the reliability of evidence or the consistency of

testimony between intended witnesses in a prospective criminal suit.

ORGANISATIONS

AND INDIVIDUALS

OPPOSED TO EXTRADITION

Individuals

Gerry Adams MP
 Tony Benn MP
 Neil Blaney TD
 John Browne TD
 Hugh Byrne TD
 Noel Davern TD
 Chris Flood TD
 Tony Gregory TD
 Michael D. Higgins TD
 Ken Livingstone MP
 Mary Mooney TD
 Willie O'Dea TD
 Emmet Stagg TD
 Brian Swift TD
 Senator Brian Friel
 Senator Tom McEllistrom
 Senator Brendan Ryan
 Capt James Kelly (FF Nat Exec)
 Michael MacNamara (FF Nat Exec)
 Anne O'Rourke (FF Nat Exec)
 Kadar Asmal (TCD Law Professor)
 The Late Sean MacBride SC (Nobel & Lenin Peace Prize Winner)
 Paul O'Dwyer (US Attorney)
 Mary Pike (US Attorney)
 Charles Rice (Notre Dame Univ, USA, Law Professor)
 Jim Shannon (US Attorney)
 Nick Murphy (AOH President, USA)
 Tony Coughlan (Irish Sovereignty Movement)

Matt Merrigan (former Pres Irish Congress of Trade Unions)
 John Mitchell (IDATU Gen Sec)
 Lorcan Allen MCC
 Joe Costello (Prisoners' Rights Organisation)
 Michael Farrell (historian & author)
 Raymond Crotty
 Desmond Fennell
 Daithi O hGagain (Univ College Dublr.)
 Fr Denis Carroll
 Fr Piaras O Duill
 Fr Denis Wilson

Local authorities

Ballina TC
 Ballyshannon TC
 Carlow UDC
 Clones UDC
 Dublin City Council
 Killeek TC
 Killarney UDC
 Leitrin CC
 Listowel UDC
 Loughrea TC
 Monaghan UDC
 Newbridge TC
 New Ross UDC
 Passage West TC
 Shannon CC
 Sligo CC
 Tralee UDC

Tramore TC
 Tuam TC

Trades councils

Carrick-on-Suir
 Clonmel
 Cork
 Derry City
 Drogheda
 Dublin
 Galway
 Limerick
 Meath
 Sligo
 Waterford

Organisations

Ogra Fianna Fail
 Irish in Britain Representation Group
 Sinn Fein
 Irish Council for Civil Liberties
 Irish Sovereignty Movement
 Conradh na Gaeilge
 National Commemoration Day Association
 Communist Party of Ireland
 Irish Distributive & Administrative Trade Union
 AFRI (Working for Justice & Peace in Ireland & The Third World)
 Queen's University, Belfast, Students Union
 Irish-American Unity Conference
 Australian Aid for Ireland
 Swiss Labour Party
 New Zealand Socialist Unity Party
 Ireland Information Centre (Netherlands)
 Irlandskommitee (Norway)
 Collectif Irlande, Rennes (France)

ACTION GROUP CONTACTS

CARLOW
 Matt Diskin,
 Benburb,
 Baileynide, Carlow.

CAVAN
 Capt Jim Kelly,
 Barrack St,
 Ballieborough.

CLARE
 Micheal O Riain,
 17 Bothair na Tomas,
 Srajd na Cathrach,
 Miltown Malbay.
 Stella Feane,
 100 Cullinain Airne,
 Shannon.

CORK
 Donnacha O Se,
 Drumadulin,
 Skibbereen.

DUBLIN CITY & COUNTY
 Dublin Central
 Alistair Rutherdale,
 16 Nth Gt Georges St, D1.

DUBLIN NORTH
 Donald McCormack,
 147 Ardesia Pk,
 Artane, D5.

DUBLIN NORTH-EAST
 David Walsh,
 4 McCormack Gdns,
 Sutton, D13.

DUBLIN NORTH-WEST
 Sean Marlowe,
 90 Willow Pk Road, D11.

DUBLIN SOUTH CENTRAL
 Phillip Ferguson,
 15 Meath St, D8.

DUBLIN SOUTH-WEST
 Dermot Smyth,
 37 Forest Hills,
 Rathcoole.

DUBLIN WEST
 Nora Comiskey,
 Strawberry Beds, D20.

DUBLIN WEST (CLONDALKIN)
 Sile Fanning,
 8 Alpine Heights,
 Bawnosue, D22.

SOUTH COUNTY DUBLIN
 Chris Maguire,
 3a Lr Georges St,
 Dun Laoghaire.

DONEGAL
 Una McIvor,
 Rahan, Letterkenny.

GALWAY
 Dermot Guy,
 4 Newcastle Rd,
 Cooke's Corner Lr,
 Galway.

KERRY
 Billy Leen,
 25 Castle St, Tralee.

KILDARE
 Ann Commons,
 1644 Paic Muirre,
 Droichead Nua.

LAOIS/OFFALY
 Caroline Tynan,
 57 Lakelands, Portlaoise.

LEITRIM
 Mary Mulvihill,
 Convent Rd, Bailinamore.

LIMERICK
 Padraig Malone,
 72 Deimege Pk,
 Moyross, Limerick.

LONGFORD
 Pat Healy,
 4 St Bridgid's Tce,
 Longford Town.

LOUTH
 Pearse McGeough,
 8 St Mary's Villas,
 Kilsaran, Castlebellingham.

MAYO
 Mary McGing,
 16 Newline,
 Castlebar.

MEATH
 Eric Hanley,
 Sterling,
 Dunboynne.

TIPPERARY NORTH
 Mairead Ryan,
 Dolla, Nenagh.
 Brian Smith,
 Knockallin, Nenagh.

TIPPERARY SOUTH
 Eddie Doherty,
 62 Marian Ave,
 Carrick-on-Suir.

WATERFORD
 Brendan Barron,
 3 Boue St, Waterford.
 Clodna Nic Mhurchu,
 An Rinn.

WEXFORD
 Sean Cullen,
 29 Mount Ross,
 New Ross.

WICKLOW
 Anti-Extradition Cttee,
 c/o Connolly Hall,
 Main St, Bray.

If you feel you could help in any way - there's something that everyone can do whatever little time or resources they have - please fill in the form below and send it to your local action group or IAEC Head Office at 5 Henrietta Street, Dublin 7.

Name
 Address
 Phone
 Organisation (if any)

WHAT YOU CAN DO



1. If you belong to any organisation get them to pass the following motion calling on the government to repeal the Extradition Act. (Please notify IAEC Head Office when submitting motions and/or if they're passed.)

"The (name of organisation) calls on the Government to repeal the Extradition Act. There is clearly an absence of confidence in the system of criminal justice administration in Northern Ireland and concern at the possibility of many more cases in the British courts like the Birmingham Six, Guildford Four

- and the Maguire Seven."
2. Join your local Anti-Extradition Committee action group or set up one if there's not one there already. Contact IAEC Head Office for help/advice.
 3. Arrange meetings within your own organisations/colleges, etc to raise the issue of extradition.

4. Lobby any organisations concerned with justice in Ireland and abroad.
5. Write to the newspapers and use any phone-ins on radio to argue against extradition.
6. Please send us a donation - no matter how small - to help us fight for the repeal of this Act: Bank of Ireland, Rotunda, Dublin A/C No. 88331532. (Why not take up a collection in your workplace, college, etc?)