

C O N F I D E N T I A L

LINKS TO TAKE - EXTRADITION OF JAMES JOSEPH SMYTH

Comments on the decision to extradite Jimmy Smyth?

We welcome Warren Christopher's decision to extradite Jimmy Smyth to Northern Ireland. It has been a long case, during which Jimmy Smyth has exercised all the judicial procedures open to him and at the end of which the US courts have found that it is right and proper for him to be returned to the Northern Ireland to serve the rest of his sentence.

This has been the first test of the Supplementary Extradition Treaty which was designed to eliminate the 'political offence exception' in cases involving terrorism or violent crime. We are pleased that the treaty has worked as well.

Will he be returned to the Maze

Once he has returned to Northern Ireland he will be taken to Maghaberry Prison which is the committal prison for Northern Ireland. If he wishes he may then apply to be moved to the Maze Prison. [It is entirely his choice.]

Will he be subject to punishment within the prison?

The Prison authorities have made it clear to Smyth's lawyers that they will not seek to discipline him under prison rules for his part in the 1983 escape or his subsequent refusal to be extradited.

Will he be prosecuted for his part in the Maze escape?

Under the terms of the Supplementary Extradition Treaty with the USA he cannot be prosecuted on his return for any crime which he was not extradited for. Charges for the escape were not included in the formal request for extradition.

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16. Aug. 1996 14:15
16/08/96 14:52

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Will he get credit for the time he served in US prisons?

The legal position is quite clear and has been fully tested in courts. Time spent in prison in another country will not count in calculation of the time he should spend in prison. The Secretary of State has a very limited discretion to direct to the contrary only in very exceptional cases. This case does not represent a very exceptional case.

[If pressed:

Smyth will be free to challenge this decision in the courts.]

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