

From: THE PRIVATE SECRETARY

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CONFIDENTIAL

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

21 JUL 1997

Ken Lindsay Esq  
Principal Private Secretary  
Northern Ireland Office  
Whitehall  
London SW1File  
M 2/7

Dear Ken

## REPATRIATION OF PRISONERS TO THE REPUBLIC OF IRELAND

Thank you for your letter of 8 July about the proposed approach to the new Irish Minister for Justice.

... I attach a revised draft letter, which the Home Secretary has approved. This incorporates your Secretary of State's proposed form of words. However, as you will see the Home Secretary would welcome an explicit re-affirmation of the Irish Government's commitment to close consultation on the interpretation of the "exceptional circumstances" formula, which we know could include developments in the peace process. During the last ceasefire Governments led by both Fianna Fail and Fianna Gael released some 36 terrorist prisoners early; and while the Home Secretary is content to drop the specific references to Mr Ahearn's pre-election statements about the release of terrorist prisoners, it is the plain fact that any move or statement on this issue which could be interpreted as pointing to the early release of repatriated terrorist prisoners would be prejudicial and to the consideration of outstanding cases (quite apart from the wider political fall-out).

The Home Secretary is, therefore, anxious to secure a clear understanding between the two Governments on this issue. This can be reinforced at official level. But he is also minded to follow up Mr O'Donoghue's suggestion of a meeting, made in the course of the courtesy call to him by our Ambassador in Dublin.

I would be grateful for confirmation that your Secretary of State is content with the revised draft - and for any further advice on timing.

I am copying this letter to John Holmes (No. 10) and William Ehrman (FCO).

Yours

DAVID REDHOUSE

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