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Ref: NO.0270

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The Home Office
50 Queen Anne's Gate
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28 November 1997

Roisin McAliskey

ROISIN McALISKEY

We met today with colleagues from the Northern Ireland Office, FCO, the Home Office and LSLO to consider this case.

2. The present position and the outlook were as follows:

- The Bow Street Magistrate was refusing to take a decision on committal for extradition in McAliskey's absence. Her doctor argued that she was not fit to attend hearings in London, and the Magistrate refused to convene the court in the Maudsley Psychiatric Hospital, to which she had been bailed.
- Application for judicial review of the Magistrate's failure to take a decision had been tabled today by the CPS. It could be a month or two before the case was heard. The Magistrate would probably welcome a High Court decision requiring him to decide committal in absentia. A further committal hearing was scheduled for the beginning of January, but there was no reason to believe that McAliskey would not continue to absent herself.
- Once the Magistrate's decision had been taken, she would be able to apply for habeas corpus (on a narrow, but potentially exploitable, range of issues). This could take six months or possibly longer. She could then petition the House of Lords (four months) and then the Home Secretary. When the Home Secretary came into the picture he had complete discretion as to whether or not to approve extradition, as well as being bound to take into account certain

statutory criteria. McAliskey could seek judicial review of the Home Secretary's decision and go to the ECHR.

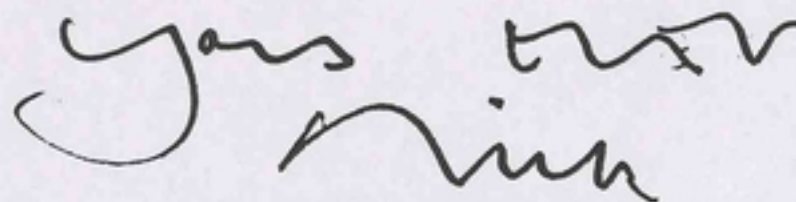
- If, for political reasons, she wished to do so, she could skip the habeas corpus and House of Lords stages, and go directly to the Home Secretary, while still retaining the possibility of delaying the case for a long period.
- McAliskey had not sought to vary the bail conditions, for example to permit her to stay with her family in Northern Ireland. It was not clear if bail in Northern Ireland could be granted under the law (you agreed to look into this). The police would be likely to oppose it and possibly to argue for remand back to prison. Unless instructed to do so by the German Government, the CPS could not argue for relaxation of the bail conditions.
- Public lines, which had been agreed with the FCO and the Northern Ireland Office, were contained in the attached standard letter. Many letters were being received from the USA.

3. In discussion we noted that the Government was continuing to seek extradition of Irish terrorists from overseas, and had recently made applications in respect of three people in the USA and two in the Republic. It was possible for the Government to decide at any time not to pursue such cases if it considered it was in the public interest so to do. This discretion was not available where someone from Britain was being extradited abroad, until the end of the Court and House of Lords proceedings.

4. We noted that McAliskey and her daughter were in the mother and baby unit at the Maudsley Hospital. Presumably the time would come when her daughter became too old to be accommodated there, in which case it would be a matter for her solicitor, Gareth Pierce, to apply for a variation of bail to another location.

5. After we met you kindly telephoned me to say that Gareth Pierce had now written to the Home Secretary making representations on the case, but apparently not waiving her right to proceed to habeas corpus and the House of Lords. The status of these representations raised legal complexities which you would consider. I would be grateful if you could report back if they are of significance.

6. Copies go to those listed below.

A handwritten signature in black ink, appearing to read 'Gareth Pierce' with a large flourish underneath.

N C SANDERSON

Copied to:

Mr Chris Jones, Home Office

Ms Anita Bharucha, NIO

Ms Jackie Sear, NIO

Ms Camilla Fenning, FCO

Mr David Dunleavy, LSLO