

From: THE PRIVATE SECRETARY

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15 DEC 1997

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18/12*

*Jan
Jan*

ROISIN McALISKEY: REPRESENTATIONS

The Home Secretary has carefully considered the request made by Birnbergs, acting for Roisin McAliskey, that he should either reconsider the authority to proceed issued against Roisin McAliskey in January 1997, or exercise his discretion under Section 12 of the Extradition Act, before a decision is reached on committal. The leading authority - the judgment in the case of Thom - indicates that the Secretary of State has no power to reconsider an order to proceed, and the relevant section of the Act does not allow him to take a final decision, either to order surrender, or to decide not to order surrender, until a decision has been reached on committal.

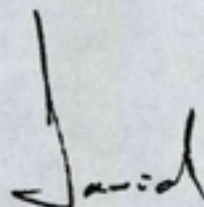
Although the CPS asked for an emergency hearing of their application for judicial review of the magistrate's failure to reach a decision on committal, last Friday's hearing was inconclusive. Roisin McAliskey's representatives have formally declared that it is their intention, after committal, to waive their client's rights to apply for habeas corpus, and to make representations to the Secretary of State. Under the circumstances, and in particular because of the continuing delay in reaching a decision on committal, the Secretary of State is prepared to start considering the representations now. This will involve commissioning an independent medical and psychiatric assessment, and reverting to the German Government on some of the points raised on the evidence against Roisin McAliskey.

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This should help the Secretary of State to take a final decision on surrender as soon as possible after a decision on committal is reached. I am copying this letter to John Holmes and to Jan Polley.

Yours

A handwritten signature in dark ink, appearing to read 'David', with a stylized, cursive script.

DAVID REDHOUSE

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