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Decision not to extradite

- The Home Secretary has decided, in exercising his discretion under the Extradition Act 1989, that he will not order Roisin McAliskey's return to Germany;
- the Home Secretary has a general discretion to refuse extradition in any individual case, and is obliged to do so if it would, having regard to all the circumstances of the individual, be unjust or oppressive to do so;
- the decision was taken as quickly as was possible;
- the Home Secretary has notified the German Government to explain his decision, which does not reflect in any way on the fairness of the German legal system or of the medical treatment that would have been available had he returned Roisin McAliskey;
- the UK enjoys excellent working relationships with the Germans in the field of extradition and international cooperation against terrorism; we are confident that this decision will not affect that relationship;

Next steps

- Roisin McAliskey may leave hospital; that is a decision for her doctors; she is no longer detained for extradition purposes, with immediate effect.

Northern Ireland peace process

- The Home Secretary's decision was taken under extradition legislation. He is obliged to take an independent decision in each individual case: it would be quite wrong for political considerations to interfere with a decision on whether to order one person's return;
- this is a decision for the Home Secretary as Secretary of State responsible for extradition: there was no consultation with other Government Ministers.

Compensation?

- No grounds for Roisin McAliskey to seek compensation from the UK government. The request for her extradition was handled lawfully and in the same way as all extradition cases under the European Convention on Extradition.

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Background

The German Government has applied for the extradition of Roisin McAliskey, a 26 year old British national. She is accused of offences, under German law, of attempted murder and causing an explosion by the use of explosives.

2 It is alleged that Ms McAliskey is a member of an IRA active service unit responsible for the mortar attack on the British barracks at Osnabrück on 28 June 1996. Her two co-accused are named as James Anthony Oliver Corry and Michael Robert Dickson; a parallel request for the extradition of James Corry was been made by the German Government to the Republic of Ireland, but was refused because their domestic legislation does not permit the extradition of Irish nationals to countries like Germany, where there is no reciprocity. Michael Dickson is still at large.

3 Three mortar bombs were launched from a Ford transit van. Two travelled over the outer perimeter fence where one of them exploded, while the third landed between the van and the perimeter fence. There were no casualties, although there were about 150 people in the area covered by the barracks. There was considerable material damage to the barracks and to nearby civilian housing.

4 A warrant for Roisin McAliskey's arrest was issued by Judge Dr Wahl at the German Federal Court on 24 November 1996. This was upheld by the Federal Court of Justice on 7 May 1997.

5 Ms McAliskey was originally arrested in Northern Ireland under the PTA (no charges for offences under Northern Ireland law were brought against her, and there are no outstanding proceedings in Northern Ireland). An extension order for her continuing detention under the PTA was signed on 24 November 1996. A provisional arrest warrant was issued at Bow Street Magistrates' Court on 25 November 1996 and she was arrested at Castlereagh police station, Belfast, on 26 November 1996. She appeared at Bow Street Magistrates' Court on 27 November 1996 when she was remanded in custody. She was held in HMP Belmarsh for one week but was subsequently transferred to HMP Holloway.

6 Ms McAliskey was granted bail at the High Court to the Whittington Hospital on 23 May after advice to the Judge from her consultant obstetrician. She gave birth to a daughter, Loinnir, in May 1997. Following the birth of her baby, she was granted a variation in the terms of her conditions of bail at the High Court on 3 June to reside at a specialist mother and baby unit. The judge heard from two NHS psychiatrists who were of the opinion that she required treatment in the specialist unit. She and her baby are still there and will stay at the unit until the bail condition is varied.

7 The court proceedings at Bow St have been delayed: first, because of the birth of her child, and secondly, because the magistrate took great care to establish whether she was well enough to attend the committal proceedings.

8 On 16 December 1997 the Divisional Court decided that the magistrate could reach a decision on committal in Roisin McAliskey's absence. This course of action had the

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support of her legal representatives. On 2 January 1998, Bow Street Magistrates' Court committed her to await the Secretary's of State decision as to her return to Germany.

9 The Home Secretary took a decision on [] February 1998.

German legal system

10 Under German law, criminal proceedings consist of three stages: the preliminary investigation, the intermediate proceedings and the main proceedings. The preliminary investigation is carried out by the Public Prosecutor's Office, who decides whether there is to be an indictment, or whether the investigation should be discontinued. An indictment marks the start of the intermediate proceedings; it is then for the court to decide whether the indictment should be admitted for trial. The main proceedings are opened by the court of jurisdiction.

11 Roisin McAliskey's case is still at the stage of the preliminary investigation. We understand that Roisin McAliskey will initially be committed to the maternity unit of Vechta Prison in Lower Saxony, as the indictment and subsequent trial will be held before the Celle Higher Court of Appeal, near the scene of the crime in Osnabruck. In the event of a subsequent trial, she may well be transferred to Hanover Prison.

12 Both Vechta Prison and Hanover Prison are equipped with a medically supervised hospital unit. If she were found to need additional expert treatment for mental ill health, Roisin McAliskey would be committed for stay in a private ward of a regional hospital for further medical treatment.