

Decision to extradite

- The Home Secretary has decided to order Roisin McAliskey's return to Germany to stand trial for offences related to the bombing of Osnabruck barracks in June 1996;
- Roisin McAliskey has the opportunity to challenge this decision by means of an application for judicial review; full reasons for the decision have been passed to her solicitor and it is not appropriate to comment further;
- The Home Secretary took this decision under section 12 of the Extradition Act 1989, and gave careful consideration, as he does in all such decisions, to the representations made on Roisin McAliskey's behalf, including her health and personal circumstances;
- As with all requests under the European Convention on Extradition, a prima facie case was not required, but Germany provided the court of committal with identification particulars, particulars of the offence and a statement of the relevant law. The weight of evidence against Roisin McAliskey is a matter for the German prosecuting authorities, not the Home Secretary;
- any change in her present bail conditions is a matter for the courts.

Next steps

- The Home Secretary's decision is subject to judicial scrutiny in the courts, if Roisin McAliskey seeks to challenge the decision by applying for leave to apply for judicial review; she will not be returned until those proceedings are completed; any change in her present bail conditions is a matter for the courts.
- If Roisin McAliskey chooses not to challenge the Home Secretary's decision, she must be returned to Germany within one month of the date of that decision;

Return to Germany

- All matters relating to her trial, questions of custody and bail are a matter for the German authorities: the Home Secretary took his decision on the basis that Roisin McAliskey would receive a fair trial in Germany and that any necessary medical treatment will be available;
- The German authorities have said that she will be brought to trial as quickly as possible on her return to Germany;
- It is a matter for German authorities as to whether Roisin McAliskey keeps her baby with her on her return to Germany. We understand that their legislation allows for accommodation of a child with its mother in prison until school age, if this is in the best interests of the child. This is subject to the views of the German Youth Welfare Officer and the agreement of the parent or guardian;

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- Roisin McAliskey already has a German defence Counsel. She has the right to question her fitness to stand trial in respect of her psychological well-being at any time in the judicial process;
- In addition, both the public prosecutor and the competent court are obliged *ex officio* to examine any probable inability to stand trial as a bar to trial and, where necessary, to suspend the trial temporarily.

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.

Extradition of own nationals

- The European Convention on Extradition allows countries to determine whether they are prepared to extradite their own nationals. It is UK policy to extradite UK nationals where the requirements of domestic legislation and the European Convention are met, even when, as in the case of Germany, its Basic Law prevents the extradition of its nationals. It is prepared to prosecute its own nationals on the basis of extraterritorial jurisdiction instead.
- The decision to refuse the German request for James Corry (one of Roisin McAliskey's co-accused) was for the Irish Government; their domestic legislation does not permit the extradition of Irish Nationals to countries like Germany, where there is no reciprocity. Germany has asked the Irish Government to prosecute James Corry on their behalf.