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Draft

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The Government notes the comments of the British Prime Minister on the fact that Ireland was unable for constitutional reasons to sign the Council of Europe Convention on Terrorism. The Prime Minister is aware that the widely accepted principle of 'aut dedere aut judicare' - the alternative of trial within the jurisdiction of arrest or extradition has been incorporated in the provisions of the Criminal Law Jurisdiction Act 1976, which by agreement between the Irish and British Governments has been passed into law in both Ireland and the United Kingdom. He is also aware that on behalf of his Government he accepted at last July's European Council of the Nine Heads of Government the introduction of the same principle into the proposed Convention on the Taking of Hostages which is being prepared for signature by the Nine member States of the EEC.

Finally, he is aware that the Irish Government invited his Government, in the interest of consistency and avoidance of conflict of laws, to support an Irish amendment introducing the same principle into the draft Convention on Terrorism amongst the 19 Council of Europe States. His Government, however, refused to support this amendment, although on notice that the resultant introduction of an inconsistent element into these overlapping anti-terrorist treaties would be liable both to endanger their effectiveness and to make it constitutionally impossible for the Irish Government to sign the Council of Europe Convention.

The British Prime Minister is also aware that since December 1973 any person against whom there is evidence that he or she committed murder or attempted murder within Great Britain and Northern Ireland since that date can be brought to justice in the Republic. Yet in only one such case in over three years has such evidence been submitted by the British authorities; the person so accused returned to Northern Ireland while on bail on a preliminary extradition charge arising from the alleged offence and was arrested and is in custody there.

Since June last year similar provisions have been in effect with respect to crimes of violence committed since that date, yet in this period no request has been received from the United Kingdom authorities seeking the arrest of any person on such a charge, presumably as the U.K. authorities have no evidence that any such fugitive offenders are in the Republic.