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Points which may arise in the Anglo-Irish context in
discussions with the Spanish Foreign Minister (19/2/76)

1. Two inter-related points suggest themselves, viz., IRA-ETA links and measures to counter both national and international terrorism. The Spaniards have raised this first issue on a number of occasions recently. The King mentioned the concern of his Government that such links might exist to President Ó Dálaigh last year; the Spanish Ambassador here has raised it with both the Secretary of this Department and the Minister for Justice; finally the Ambassador in Madrid has reported that an exchange of information on IRA-ETA connections might be a matter raised by the Spaniards on the margin of the meetings held this week.

2. There have been sporadic reports in the last two or three years of ETA links with both the Official and Provisional IRA. Towards the end of 1973 it was widely reported that the IRA had provided the explosives which killed the then Spanish Premier Admiral Carrero Blanco and that the Spanish-born international terrorist who master-minded this assassination, Octavio Alberola-Surinach, had been retained as an adviser by the IRA. The ETA claimed links with both wings of the IRA at that time. Shortly afterwards, in January 1974, according to an article in a Madrid evening paper (Informaciones), a prominent member of the Provisional IRA "Military Council" confirmed in Dublin that his organisation was "in continuous and growing contact" with the ETA. Also in January 1974 Ambassador, Madrid, reported he had been informed by his Belgian colleague of IRA presence at an international meeting of subversives (including the ETA) in Paris to discuss the kidnapping of a Spanish hostage to be held as hostage for the anarchist Puig condemned to death for the murder of a Barcelona policeman. In July of that year it was reported in the Spanish paper ABC that both Catalans and Basques intended to be present at the Official IRA organised anti-imperialism conference in Dublin. The Department of Justice feel it likely that these groups will wish to participate in a similar conference to be held this summer by the Officials but they have no hard evidence to suggest that representatives of these groups are coming. The most recent report on file concerns a Spanish radio report of 11 October 1974 that a consignment of arms from the ETA to the IRA was loaded on two ships bound for Cork at Bayonne (a subsequent Justice report indicated that searches of these ships proved negative). It has been suggested also that Spanish fishing boats off the south-east coast are a channel of ETA-IRA communication. The Department of Justice say, however, that there is no evidence to prove this is so.

3. Notwithstanding all of the above, the final paragraph of the Informaciones report quoted above seems to sum up adequately the position:

"... it would be a mistake to attach too much importance to this relationship. In the worst case, even if the ETA were receiving from the "Provos" instruction in the use of bombs, etc., that could only take place in a very irregular and sporadic way. All in all the ETA-IRA axis is probably no more than a fraternal relationship. Mutual reliance for the purpose of maintaining a high level of military activity is minimal."

4. On the general question of ETA-IRA links, we have up to now taken the line that police contact through Interpol has been a satisfactory channel for dealing with such incidents as may arise. The Department of Justice have indicated, however, that they have informed the Spanish Ambassador that they would have no objections to direct police-to-police contact on the matter (outside the Interpol framework). /The point was made to this Department by Justice, however, that where such general discussions, not relating to any specific crime, take place between police forces there is a reluctance to speak freely to their counterparts unless personally known to each other. Any improvement in police contacts in this area would, therefore, be welcome.7

5. Ambassador, Madrid, reported on 27 January 1976 that Interior Minister Manuel Fraga, in the course of a meeting with the Ambassador in which he took a strong line against terrorism, said that other countries in Europe have taken more extreme measures than those adopted by Spain and referred at this point to the British internment policy in Northern Ireland. The Ambassador pointed out that we had never agreed with that policy and that now in fact it had been terminated by the British. The Foreign Minister may try to justify Spanish internal security measures by pointing to measures adopted in this country. It could be said that internment has not been used here in recent times although admittedly provision for it still exists: that we do not accept that there are political prisoners in Irish prisons: that people claiming that status here have been duly convicted before properly-appointed courts and are regarded as criminals: that even though the sworn testimony of a senior Garda officer that he believes a defendant to be a member of an illegal organisation is admissible as evidence, the courts are not obliged to accept that evidence and have in fact rejected it on occasion. To any suggestion from the Spanish that greater international co-operation against terrorism is called for, reference could be made to discussions currently taking place in the Council of Europe and EPC frameworks.

6. Finally, paragraph 6 of Mr. Dorr's note of 10 October 1975 - reproduced for ease of reference - may be relevant in this context.

"A consideration which influenced this decision* was the fact that while Ireland has in practice virtually abolished the death penalty it has been retained in our law as a possible sentence in case of certain murders which include the murder of a policeman. Since the real basis for the exception taken by many countries to developments in Spain was not the imposition of the death penalty in itself but the inadequate judicial procedures and civil rights allowed to the accused, there would have been a clear basis for distinction between the situation in Ireland and recent developments in Spain and had we thought it appropriate we need not have been precluded from recalling our Ambassador as a mark of disapproval. Nevertheless the fact that we have retained such a legal provision in Ireland, while not central to our decision in regard to the Ambassador, was a factor which was kept in mind."

* not to withdraw Ambassador Whelan following the execution of five Basque Nationalists.