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RBS 84/8
FILE

Mr Chesterton

Mr Rimmer

cc PS/Sir K Bloomfield -M
Mr Elliott -M
Mr Innes -M
Mr Simpson,
NI Court Service -M
Mr Spence -M
Mr Steele -M
Mr Ball
Mr Blackwell -M
Mr Hewitt -M
Mr S Hewitt -M
Mr Kirk
Mr McConnell -M
Mr Bentley HO
Mr Wright HO
Mr George RID FCO

Thank ya.

S/H

M. R. Reger

US EXTRADITION CASE: DOHERTY: WITNESSES

As you know, we may soon, much later than we expected a year or so ago, be reaching the stage where it will be necessary to launch extradition proceedings in this case. We have therefore been turning our minds again, in consultation with the Embassy, to identifying potential high-powered and credible witnesses for the court hearings. It is still too soon to start approaching people (bearing in mind, for example, that some seven months have passed since the formal request for McMullen's extradition with no date yet set for proceedings and that we do not even know as yet when we shall have to make the formal request for Doherty), but we should clearly be in a position to know who we might go for when the balloon does go up. In this respect we have last year's helpful consultations to go on.

1. Nigel Sheinwald has helpfully discussed with US Justice Department officials the sort of witnesses who we think would be needed for the proceedings. In general terms they would favour both Catholic and Protestant witnesses (to avoid any impression that we

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had recruited "token" Catholics to give a false picture to a US Court); no-one with a present or past political career or strong political affiliations; and witnesses from Northern Ireland rather than Great Britain (although on politics and security it will clearly be valuable to have a mainland angle as well).

3. On this basis, the following fields of expertise have been suggested by the Americans:-

(a) A distinguished academic who, bearing in mind that Doherty is bound to argue that his trial was unfair and that the judicial system to which he will be returned is unjust, could talk about the NI judicial system. He could be expected to cover the treatment of PIRA compared with other paramilitary offenders, Catholics compared with Protestants and the usual questions on conviction rates, remand and so on.

(b) a political scientist or sociologist to talk about the political situation generally, the effect of the troubles on the two communities and to discuss human rights and discrimination issues.

(c) An authority on security policy: EPA, "shoot to kill" etc.

(d) An authority on prisons. Preferably outside government, an academic or a representative of a community group. Doherty will argue that IRA prisoners are discriminated against, and we shall need to respond by providing information on physical conditions in the prisons, the way the parole system works and job prospects for former paramilitary prisoners.

(e) Someone who could speak for the "ordinary citizen", a representative of a (presumably bipartisan) citizen's or community group.

(f) One or two government witnesses.

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4. I should be grateful for your and any copy recipients' views on how we might tackle this formidable list. I think we should aim at this stage to identify a couple of witnesses in each category. Initial SIL suggestions are for (a) Professor Boyle, (b) Professor Crick, and (c) Professor Madden, but other thoughts - especially from PAB in relation to a list of possible worthies they kindly provided last November - would be very welcome. (The Embassy is not, incidentally in favour of involving Jim Eccles; his very public involvement in the MacBride campaign has cast him in the role of an apologist for HMG whose credibility would be criticized in extradition proceedings). It strikes me that (d) is a very difficult slot to fill given that the kind of comprehensively detailed knowledge required is unlikely to be available to anyone outside Government circles; perhaps Mr Steele (or conceivably Mr Palmer) might agree to do this.

5. We intend to arrange a visit by (Ms) Noel Ferris, the Assistant US Attorney in charge of the Doherty case should extradition proceedings be activated, to London and Northern Ireland in the autumn. It would be helpful if by then we have a fairly clear idea of the potential witnesses in whom we are interested in each of the above categories. I should therefore be grateful for any candidates (suitable and who might be expected to be willing) by no later than 7 September if possible.

SAM

S A MARSH
SIL Division
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