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Please mofax ^{file}

I agree strongly we need to
make forward with

- 1. Mr Bell
- 2. PS/Mr Scott (L) ^{minimal} ^{cc}

delay

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EXTRADITION OF MCFARLANE AND KELLY

This submission seeks Mr Scott's approval to approach the Ministry of Defence for the use of an RAF aeroplane to bring McFarlane and Kelly back from the Netherlands. Mr Scott is aware of the details of the case; it now seems likely, according to our contacts, that McFarlane and Kelly will be returned within the next couple of months, possibly even well before Christmas.

Argument

2. The normal procedure is for returned fugitives to travel by UK civil carrier. A British flight is necessary so that the UK has jurisdiction over any offences committed en route. But the RUC, whose responsibility it is, are strongly of the view that in this case the RAF should be used. We agree fully with this, for the following reasons:

- (i) the recent Quinn case has set a public precedent for using the RAF to transport terrorists;
- (ii) given the publicity over Quinn, the likelihood of a civil carrier accepting the job is minimal;

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- (iii) in any event, the only company flying direct from Amsterdam to Belfast is KLM, a Dutch carrier, and the alternative would be an undesirable stopover in London;
- (iv) news of a civil flight would inevitably leak and attract considerable media attention and possible security difficulties; and
- (v) organising a civil flight in these circumstances would be cumbersome and expensive.

Cost, etc

3. The costs of the operation will be met by the RUC. We have already approached the Ministry of Defence informally on their behalf; the RAF would be willing to do it and they estimate that it would cost anything between a few hundred pounds and £6-7,000. The exact sum would depend on whether an aircraft already due to fly to RAF Germany could be diverted or whether a special round trip would have to be made. The RUC are content with this.

Conclusion

4. I should be grateful ^{for} Mr Scott's urgent approval to make a formal request to the Ministry of Defence. Once this has been given we can proceed to assist the RUC in firming up the details of the operation.

SIL Division
19 November 1986