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TO DESKBY 211100Z FCO  
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OF 211015Z FEBRUARY 89  
AND TO DESKBY 211100Z NIO(B), UKREP BRUSSELS  
INFO PRIORITY WASHINGTON, BIS NEW YORK, BRUSSELS

PATRICK RYAN

SUMMARY

1. IRISH MEDIA CLAIM THAT RYAN HAS LEFT IRELAND AND PREDICT ANOTHER ANGLO-IRISH ROW. GOVERNMENT SOURCES CANNOT CONFIRM RYAN'S DEPARTURE. I RECOMMEND THAT I SHOULD REMONSTRATE FORCEFULLY IN PRIVATE.

DETAIL

2. THE SUNDAY PRESS, WHICH HAS CLOSE LINKS WITH THE RULING FIANNA FAIL PARTY, AND OF WHICH RYAN'S SOLICITOR IS A DIRECTOR, CARRIED A FRONT PAGE EXCLUSIVE ON FEBRUARY 19 CLAIMING THAT RYAN HAS LEFT IRELAND, ACCORDING TO 'VERY RELIABLE SOURCES'. THE ARTICLE, HEADLINED 'ROW LOOMS', PREDICTS A 'VERY ANGRY RESPONSE FROM THE BRITISH'. (THE STORY HAS BEEN PICKED UP BY OTHER NEWSPAPERS WHICH REPORT THE LOW KEY RESPONSE FROM NO 10 AND THE REACTIONS OF MR STANBROOK AND MR GOW.

3. THE IRISH AUTHORITIES ARE SAID TO HAVE BEEN UNAWARE OF RYAN'S DEPARTURE ALTHOUGH THIS IS CLAIMED TO BE THE SECOND TIME HE HAS LEFT IRELAND SINCE HIS REPATRIATION FROM BELGIUM. RYAN'S BROTHER STRESSED RYAN'S INNOCENCE, BUT CLAIMED THAT HE HAD NO INTENTION OF RUNNING AWAY FROM ANY CHARGES BROUGHT AGAINST HIM IN IRELAND. THE ARTICLE SPECULATES THAT RYAN MAY BE IN THE SOUTH OF FRANCE OR THE US. IT CLAIMS THAT A DECISION BY THE IRISH DPP ON RYAN - 'IN THE NEXT FEW WEEKS' - WILL BE TAKEN REGARDLESS OF HIS WHEREABOUTS. RYAN'S LAWYER, MALOCCO, HAS SUBSEQUENTLY CONFIRMED ON RTE TELEVISION, THAT HIS CLIENT HAS LEFT THE COUNTRY, ALTHOUGH HE CLAIMS THAT HE WILL RETURN IF CHARGED. THE MEDIA REPORT GARDA SOURCES AS DOUBTING THAT RYAN HAS LEFT THE COUNTRY BUT ADMITTING THAT THEY DO NOT KNOW HIS WHEREABOUTS.

4. OFFICIAL SOURCES HAVE TAKEN THE LINE THIS MORNING THAT THEY KNOW OF NOTHING WHICH WOULD SUPPORT THE SUNDAY PRESS STORY. BROSAN (DUS EQUIVALENT IN THE DEPARTMENT OF JUSTICE) TOLD HEAD OF CHANCERY THIS MORNING HE HAD NO REASON TO BELIEVE THAT THERE IS ANY SUBSTANCE IN THE STORY. THOSE IMMEDIATELY CONCERNED WITH RYAN'S WHEREABOUTS COULD NOT BE CATEGORICAL, BUT HAD GOOD REASON TO BELIEVE THAT HE WAS STILL IN IRELAND. OFFICIALS HAD, HE SAID, BEEN SURPRISED AT THE STORY.

5. THE IRISH PRESS OF 20 FEBRUARY, THE ONLY PAPER TO EDITORIALISE ON THE AFFAIR, SAID THAT IT WILL BE A 'SOURCE OF EMBARRASSMENT' TO THE GOVERNMENT. IT WOULD BE 'EXTRAORDINARY' IF THE GARDA DID NOT KEEP A DIRECT EYE ON RYAN. MANY PEOPLE IN IRELAND AND BRITAIN WOULD FIND IT 'DIFFICULT TO UNDERSTAND' WHY THE DPP WAS TAKING SO LONG TO REACH A DECISION: EVEN WHEN ALL ALLOWANCES WERE MADE 'THE TIME TAKEN STILL SEEMS EXCEPTIONAL'.

#### COMMENT

6. WHEN RYAN ARRIVED IN IRELAND, OFFICIALS OF THE DFA, DEPARTMENT OF JUSTICE AND THE GARDA ASSURED US THAT THE IRISH AUTHORITIES KNEW WHERE RYAN WAS AND COULD PICK HIM UP WITHOUT DIFFICULTY WHEN THE TIME CAME. MORE RECENT ASSURANCES HAVE BEEN LESS CATEGORICAL. IT IS PLAUSIBLE THAT HE MAYBE ABSCONDED, BUT THERE IS NO HARD EVIDENCE AND NO OFFICIAL CONFIRMATION.

7. THE MANNER AND TIMING OF THE STORY MAY BE SIGNIFICANT. THE SOURCE COULD BE RYAN'S LAWYER OR REPUBLICAN ELEMENTS IN THE ANTI-EXTRADITION CAMPAIGN. BUT IT COULD HAVE BEEN OFFICIALLY INSPIRED - AN EXCLUSIVE ARTICLE IN THE NEWSPAPER CLOSEST TO FIANNA FAIL ONE WEEK BEFORE THE PARTY CONFERENCE. THE PRESENTATION SUGGESTS THAT IT IS INTENDED TO PROVOKE A VIGOROUS BRITISH PUBLIC REACTION WHICH WOULD SERVE ONCE MORE TO CLOSE THE RANKS BEHIND THE TAOISEACH, TO BOLSTER HIS ALREADY HIGH POPULARITY, TO INCREASE RESISTANCE TO CHANGES IN EXTRADITION LEGISLATION AND THEREBY LET HIM OFF THE HOOK.

#### RECOMMENDATION

8. I RECOMMEND THAT WE SHOULD DENY THE IRISH THIS SATISFACTION, AND SEE THE STORY NOT AS A THREAT BUT AS AN OPPORTUNITY. IF RYAN'S DEPARTURE IS CONFIRMED IRISH PUBLIC OPINION WILL BE SHAKEN. THERE WILL BE CRITICISM NOT ONLY FROM THE OPPOSITION BUT FROM MODERATE MEMBERS OF THE GOVERNING PARTY: THE EDITORIAL IN THE IRISH PRESS IS SIGNIFICANT (PARA 5 ABOVE). IT WOULD UNDERMINE THE IRISH PRESENTATION OF THE CRIMINAL LAW JURISDICTION ACT AS A VIABLE ALTERNATIVE TO EXTRADITION AND THE CREDIBILITY OF THE 1987 EXTRADITION ('SAFEGUARDS') ACT. IT WOULD POWERFULLY REINFORCE OUR CASE FOR CHANGES IN THE IRISH EXTRADITION LAW.

9. I THEREFORE RECOMMEND THAT I SHOULD BE FORMALLY INSTRUCTED TO SEEK OFFICIAL CLARIFICATION IN THE NEXT FEW DAYS. I WOULD DRAW ATTENTION TO THE WARNINGS WE HAVE GIVEN, AND UNDERLINE THE NEED FOR THE CHANGES WE HAVE PROPOSED.

10. IF THE IRISH HAVE LOST RYAN IT WILL BE MUCH MORE DIFFICULT FOR THEM TO RESIST OUR ARGUMENTS FOR CHANGES IN THE LAW. BUT THIS APPROACH WOULD BE VITIATED IF WE ATTACKED THEM IN PUBLIC. DENUNCIATION FROM US WOULD REUNITE PUBLIC OPINION BEHIND MR HAUGHEY AND REDUCE CHANCES OF THE CHANGES WE WANT. IF ASKED, I RECOMMEND THAT WE SHOULD SAY:

A. WE HAVE NO CONFIRMATION THAT RYAN HAS LEFT THE COUNTRY.

B. IT IS IN ANY CASE IN THE FIRST INSTANCE A MATTER FOR THE IRISH.

C. IF IT IS CONFIRMED THAT HE HAS LEFT, THE IRISH AUTHORITIES WOULD NO DOUBT BE AS CONCERNED AND DISAPPOINTED AS WE ARE.

11. IF YOU HAVE AN OPPORTUNITY TO TACKLE MR LENIHAN ABOUT THIS IN PRIVATE IN THE MARGINS OF THE FAC I RECOMMEND THAT YOU SHOULD ASK FOR CLARIFICATION, STRESS OUR CONCERN AND DRAW THE MORAL THAT IT POINTS TO THE NEED FOR CHANGES IN THE IRISH LAW.