

*Mrs Wark* *J.P. Curke* *11/1/94* *17/94*

To: 071-2106722 P.1 17/94

- cc PS/SOPS(B)
- PS/Michael Ancrum(LtB)
- PS/Sir J Wheeler (LtB)
- PS/PUS(LtB)
- PS/Mr Fella
- Mr Legge
- Mr Thomas

- Mr Bell
- Mr Steele
- Mr Wood (LtB)
- Mr Daniell
- Mr Leach \*
- Mr Bramley

\* Lines to take place, for orals, by 11.00 on Thursday.



EXTRADITION (AMENDMENT) BILL, 1994

*Mrs Wark* *J.P.S.* *for file* *19/1*

Statement by Mrs. Máire Geoghegan-Quinn, T.D., Minister for Justice

33411

21 JAN 1994

*Wark*

*Stee* *20/1*

The Government today approved the terms of the Extradition (Amendment) Bill, 1994, which will be published tomorrow morning.

- The main feature of the Bill is the amendment of the Extradition (European Convention on the Suppression of Terrorism) Act, 1987 and the insertion of a schedule of offences in that Act to extend and clarify the offences which cannot be regarded as political. In future it will not be possible to regard possession of explosives or firearms, where there is evidence of criminal intent, as a political offence. It will not be possible either to regard use of non-automatic firearms as a political offence for the purpose of avoiding extradition. (As the law stands the use of automatic weapons cannot be a political offence.)
- In November 1991 the Supreme Court in the cases of Magee, McKee and Sloan v. Culligan decided that the Extradition (European Convention on the Suppression of Terrorism) Act, 1987 should be strictly construed and that the Act did not prevent a judge deciding that possession of an M60 machine gun and ammunition with intent to endanger life was a political offence. It is clear from the decision that the Act leaves it open to the courts to decide that offences such as possession of firearms and explosives with intent to endanger life and the use of non-automatic

*Mrs Wark*

firearms to endanger life could be regarded as political offences depending on the circumstances. As a result persons charged with, or convicted of, such offences could be immune from extradition. In the light of the Supreme Court decision the Government decided to amend the Extradition Acts so as to clarify and extend the range of offences not to be regarded as political offences. The Bill will implement the Government's decision.

4. The Bill also includes a number of amendments of the Extradition Act 1965 to provide, among other things, that
- offences covered by the U.N. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances cannot be regarded as political or revenue offences for the purposes of extradition: the Convention will be ratified when the Extradition (Amendment) Bill and the Criminal Justice (no.3) Bill, 1993 (which deals with the confiscation of the proceeds of drug trafficking) have been enacted
  - extradition proceedings will be centralised in the Dublin Metropolitan District Court: at present extradition proceedings may be dealt with at any District Court venue
  - the granting of bail in extradition cases will be restricted to the High Court: at present bail applications may be dealt with by Judges of the District Court
  - the court order for the handing-over of the person to be extradited to the United Kingdom will no longer specify the hand-over point: at present the court order must specify the hand-over point
  - a Garda may arrest a person wanted for extradition even though he/she does not have the warrant in his/her possession (a copy of the warrant must be given to the person arrested within twenty-four hours): at present the Garda must have the warrant in his/her possession to make an arrest
  - the Garda Commissioner may endorse a U.K. warrant when the person sought is about to enter the State: at present the person sought has to be in the State before the Commissioner can endorse the warrant