



## **An Chartlann Náisiúnta** **National Archives**

<b>Reference Code:</b>	2019/31/35
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*Mr. J. C. Murphy*  
*21.2.89*  
*OK - Ireland*  
*ADIFA*  
*21/2*

TO ASK THE MINISTER FOR FOREIGN AFFAIRS IF HE HAS SEEN A REPORT  
STATING THAT THE UNITED STATES DEPARTMENT OF DEFENCE HAS  
CONCLUSIVE PROOF THAT THE ARMS SHIPMENT CAPTURED ON THE EKSUND  
CAME FROM LIBYA; WHETHER THIS PROOF HAS BEEN CONVEYED TO THE  
IRISH GOVERNMENT; AND, IF NOT, IF HE WILL REQUEST SUCH PROOF FROM  
THE UNITED STATES DEPARTMENT OF DEFENCE.

- DEPUTY PETER BARRY

FOR PRIORITY ANSWER ON TUESDAY 21 FEBRUARY 1989

DRAFT REPLY

I ASSUME THAT THE DEPUTY IS REFERRING TO A RECENT STATE  
DEPARTMENT REPORT WHICH STATED THAT THERE IS CONCLUSIVE EVIDENCE  
THAT THE EKSUND SHIPMENT ORIGINATED IN LIBYA. WE HAVE ASKED THE  
AMERICAN AUTHORITIES THROUGH OUR EMBASSY IN WASHINGTON IF THE  
REPORTED EVIDENCE CAN BE MADE AVAILABLE. AS THE DEPUTY WILL  
APPRECIATE, IT WOULD NOT BE APPROPRIATE TO COMMENT FURTHER ON  
THIS MATTER.

I WOULD REMIND THE DEPUTY THAT MY COLLEAGUE THE MINISTER FOR  
JUSTICE SAID IN THE DAIL ON 14 DECEMBER 1988 [COL 1597-1598] THAT  
THE GARDAI ARE CARRYING OUT INVESTIGATIONS INTO THE SOURCE OF THE  
ARMS FOUND ON THE EKSUND AND THESE INVESTIGATIONS ARE STILL  
ONGOING.

*D. Murphy,*

- ① For our
- ② For Mr

*Other P. 12 folder / file ✓*  
*15.*

*BL*

POSSIBLE SUPPLEMENTARIES

Q. WHY ARE THE GOVERNMENT NOT PREPARED TO ACT ON THE STRENGTH OF THE STATEMENT?

A. AS I HAVE SAID WE ARE HAVE ASKED THE AMERICANS TO MAKE THE EVIDENCE AVAILABLE TO US.

Q. WHEN WILL THESE INVESTIGATIONS BE COMPLETED?

A. I AM NOT IN A POSITION TO SAY AS THIS IS A MATTER FOR THE GARDAI.

Q. HAVE THE GOVERNMENT TAKEN ANY ACTION IN RELATION TO THE SUPPLY OF ARMS TO THE IRA?

A. IN ADDITION TO THE GARDA INVESTIGATION, I CAN INFORM THE DEPUTY THAT OUR AMBASSADOR TO CZECHOSLOVAKIA HAS BEEN INSTRUCTED TO APPROACH THE AUTHORITIES IN PRAGUE ON THE MATTER OF THE PRODUCTION OF SEMTEX IN AN UNDETECTABLE FORM. FURTHERMORE, AS I SAID IN REPLY TO A QUESTION IN THE DAIL ON 13 DECEMBER LAST [COL 1218] OUR AMBASSADOR TO LIBYA INFORMED THE LIBYAN AUTHORITIES ON 7 NOVEMBER 1987 OF THE GOVERNMENT'S UNEQUIVOCAL VIEW THAT ANY SUPPORT, MORAL OR MATERIAL, FOR THE PROVISIONAL IRA FROM ANY SOURCE IS UNACCEPTABLE. THIS POSITION WAS REITERATED TO THE LIBYAN AUTHORITIES ON 30 AUGUST 1988.

A State Department report of January 1989, entitled "Libya's Qadhafi continues support for terrorism", speaks of there being conclusive evidence that Libya is supplying weapons to the IRA [copy of extract filed beneath]. The report is in the form of a fact sheet which the State Department publishes on an occasional basis and is available to the public.

The Embassy in Washington asked the State Department if the "conclusive evidence" could be made available to us. The response the Embassy received was as follows: "This is a matter before the French courts. For this reason we suggest that all enquiries about evidence be directed to the Government of France."

On a confidential basis the State Department said that it was the French and not the Americans who have the evidence [the State Department does not claim in their report that they have the evidence] and that in any event they don't as a matter of policy comment on intelligence matters.

Action we have taken

We understand from the Department of Justice that the Gardai's investigations into the source of supply of the weapons they have recovered are still continuing. The Department of Justice have also told us that the Gardai have not received from the Americans the "conclusive evidence" mentioned in the State Department report.

As stated in the proposed reply to a possible supplementary, the Libyans have been informed of the serious view we take of any country which supplies arms to the IRA.

A Joint Trade Commission which was to have taken place in November of 1986 was postponed following the seizure of the "Eksund".

PQ replies of 14 December 1988, 13 December 1988 and 18 February are filed beneath.

20 Anglo Irish Section  
17 February 1989

Extract from State Department report 7 January 1989

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French authorities in late 1987 intercepted a 150-ton Libyan arms shipment, including surface-to-air missiles, intended for the Provisional Irish Republican Army (PIRA) in Northern Ireland. There is conclusive evidence that this shipment -- the equivalent of 60 large truck-loads of munitions -- originated in Libya. PIRA has used the SEMTEX explosives obtained from Libyan shipments in destructive bombing campaigns against both military and civilian targets in the UK and Western Europe. Last October, police uncovered a munitions cache believed to have come from an earlier Libyan shipment. The cache, hidden at a retirement home in West Belfast, included a Warsaw Pact-type flamethrower capable of incinerating a vehicle at up to 80 yards.

Decisions concerning Custody of Children and Restoration of Custody of Children; and if he will make a statement on the matter.

**Dr. Woods:** Two international conventions on the question of child abduction are at present being examined in my Department. They are: (1) the 1980 Hague Convention on the Civil Aspects of International Child Abduction and; (2) the 1980 Council of Europe Convention on Recognition and Enforcement of decisions concerning custody of children.

Pressure of other work in my Department has meant that the examination of the conventions is still at an early stage and I am not yet in a position to say when I will be submitting proposals to Government in the matter.

**Mr. S. Barrett:** I am disappointed to learn that the Minister's Department do not regard this as a matter of urgency. Are they not aware of the hardship involved—especially to children—when there is a struggle between parents and legal custody of a child or children is sought by one of them? I cannot think of anything more urgent in his Department than resolving a problem concerning young children. Will urgent steps be taken to produce the necessary legislation to enable us to ratify this convention? How many countries have ratified both conventions? What co-operation is there at present in relation to problems of this nature where the Garda are involved? Are there built in safeguards and contacts with other police forces in Great Britain and throughout Europe? Are there checks at airports and ferry ports?

**Dr. Woods:** As I said, the examination of the convention is at an early stage but even now it is possible to forecast that my legislation to enable ratification will be substantial. I will convey the Deputy's view about the urgency of the matter to the Minister for Justice. There is co-operation on a country to country basis and 15 have signed the European Convention. It has been ratified by nine

States, France, Luxembourg, Portugal, Switzerland, Austria, Belgium, Cyprus, Spain and the UK. It has been in force since October 1983. The Hague Convention has been signed by 15 States and nine have ratified it. These are Canada, France, Portugal, Switzerland, Australia, Spain, the UK, the USA and Hungary.

#### Family Mediation Service.

**55. Mr. Taylor** asked the Minister for Justice if he will make a statement on the operation of the Family Mediation Service set up by his Department in 1986, indicating the areas of the State covered by the service; the funding provided; and the plans he has to extend the service.

**Dr. Woods:** As I stated in reply to a written Dáil Question on 1 December—column 133 of the Official Report—the Family Mediation Service was established in Dublin in July 1986 to operate as a pilot scheme for a three year period. At the end of that period a decision will be made regarding the future of the scheme, including its geographical scope.

The service is located at Irish Life Centre, Block 1, Floor 5, Lower Abbey Street, Dublin 1. However, the service can be availed of by persons from outside Dublin and statistics supplied to my Department in relation to the service show that 20 per cent of those who used the service up to July 1988 were resident outside the greater Dublin area.

The funding provided for the operation of the service in 1988 and 1989 is indicated in the Revised Estimates for the Public Services 1988 and the Estimates for Public Services (Abridged Version) 1989, respectively. The same money has been provided for the whole year in that case as can be seen from the Estimates.

#### Eksund Arms Affair.

**56. Mr. S. Barrett** asked the Minister for Justice if the investigations by the French authorities and the Garda into the Eksund arms affair have been concluded;

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and if he will make a statement on the matter.

**Dr. Woods:** I understand that the investigation by the French authorities is still in progress, as is the Garda investigation. In the circumstances, I do not propose to make any comment on the matter.

**Mr. S. Barrett:** Does the Minister not find it extraordinary that such a long period has elapsed since these people were picked up in connection with the Eksund arms affair? Can he give any indication as to what will happen in relation to this matter? I cannot remember the exact date but I think it was last April.

**Dr. Woods:** I do not have the date but the Deputy will be aware of the different procedures in the country in question. It can mean that a much longer time will elapse before a case finally comes to hearing. I cannot make any other comment at this stage.

**Mr. S. Barrett:** Will the Minister agree that, in the light of the massive arms, ammunition and explosives find in this country and in Northern Ireland it is a matter of grave concern that we establish, as quickly as possible, where the Eksund load came from and the channels which were used? It would help us in our fight against terrorism. Will he agree that when somebody is caught in possession of such a large quantity of arms, ammunition and explosives, it is an extraordinary length of time to carry out an investigation before any charges are preferred? Is the Minister not seriously concerned at the long delay in this matter? Is he aware that the Eksund arms find was valued at about £20 million?

**Dr. Woods:** I can make no further comment.

#### Remission of Prison Sentences.

**57. Mr. S. Barrett** asked the Minister for Justice the average remission of sentence given to prisoners for whatever



## DÁIL ÉIREANN

*Dá Máire, 13 Nollag 1988.  
Tuesday, 13 December 1988.*

*Written Answer*

### **Supply of Weapons to IRA.**

18. Mr. Dwyer asked the Minister for Foreign Affairs, in view of the widespread belief that Libya is continuing to supply arms and explosives to subversive groups on this island, with consequent large-scale loss of life, if he will appeal publicly to Colonel Ghaddafi to halt such supplies; if he will convey the views of the vast majority of the Irish people on the issue; and if he will arrange a meeting with the Libyan leader to convey the wishes of the Irish people at first hand.

**Minister for Foreign Affairs (Mr. Lemmon):** The Libyan authorities are fully aware of the unequivocal view of the Government that any support, moral or material, for the provisional IRA from any source is unacceptable.

I reported to the Dáil on 8 December 1987 that the Irish Ambassador in Rome, who is also accredited to Libya, had on the instructions of the Government travelled to Tripoli on 7 November to make this view absolutely clear. I stated that the Ambassador had impressed on the Libyan authorities the widespread public concern which has arisen as a result of the threat posed to the peace and security of this State by the apparent attempt to import into the State for use by the IRA a vast and sophisticated arsenal of weapons. I am satisfied that the Libyan authorities are in no doubt as to the position of the Government on this important point of principle. Our position was reiterated to the Libyan authorities on 30 August 1988. The Deputy will also recall that the Ambassador informed the Libyan authorities that in the light of recent events the Government would not be proceeding with the trade visit to Libya which has been planned for the period 15-17 November 1987.

I have made clear in the Dáil on a number of occasions that the Government's overriding concern is to assess at all stages what are the most effective means of ensuring that neither Libya nor any other country offers support of any kind, moral, political or material to subversive elements in this country. The course of action it adopts in our relations with Libya has been and will continue to be decided on that basis.

[Mr. Collins.] the chairmanship of Professor Seán Scannón of UCD and they gave powerful support to the public, the taxpayers and the Garda Síochána.

**An Ceann Comhairle:** We have encroached into time nominated for Priority Questions.

**Mr. Taylor:** One of those questions which the Minister has answered was tabled by me.

**An Ceann Comhairle:** I appreciate that, but we are now in time nominated for Priority Questions.

**Mr. Taylor:** I wish to ask a brief supplementary. Will any of the extra 1,000 gardai be recruited in 1988?

**Mr. Collins:** Yes. Please do not tie me to exact dates as yet. I will be in a position within a short time to make a full announcement. We would hope that the Civil Service Commission are already putting together the organisation required to get the competition under way and as soon as that has been done we will start bringing them in. We have to do a major job at Templemore to make sure we have the necessary accommodation and we hope to start on that work immediately. It will probably be towards the end of the year before trainee recruits are actually in position. I say that from my knowledge and experience of what has taken place in relation to other competitions. It is in the interest of all of us to get this matter moving as fast as we can and it is my intention to see to it that this is done.

#### Arms Find.

34. **Mr. S. Barrett** asked the Minister for Justice if his attention has been drawn to the origin of the arms, ammunition and explosives recently found at Five Fingers Strand, Malin, County Donegal; and if he will make a statement on the matter.

**Mr. Collins:** I have been informed by

the Garda authorities that while there is information about the places of manufacture of some of the weapons found, there is no firm indication of their more recent origin.

I am informed, for example, that the kalashnikov rifles were manufactured in Rumania, the machine-guns and some ammunition in Belgium, other ammunition in Yugoslavia and the Soviet Union, and that the plastic explosives are of Czechoslovak manufacture.

There are obvious similarities between the arms found most recently and those found in a number of other locations in recent times and Garda inquiries aimed at establishing the origin of all of these arms are still in progress.

**Mr. S. Barrett:** Is it known if this was part of a consignment or is it big enough to suggest that it was brought in in its entirety? Is there any connection between this find and the two recent finds in Northern Ireland? Has the Minister any indication as to whether this consignment was brought in during 1985 or 1986? Is it true that there is strong evidence that these arms, ammunition and explosives had their origin in Libya? If that is the case, will the Minister confirm or deny the rumour that very recently a Libyan Minister or very senior official from the Libyan Department of Information arrived in Dublin Airport under very strange circumstances, stayed a short period and then disappeared? Has this anything to do with all these rumours regarding the origin of these arms, ammunition and explosives? If there is sufficient evidence, would the Minister not agree that it is about time this country formally broke off diplomatic relations with that country and made it quite clear—

**An Ceann Comhairle:** We have five questions with which to deal within the prescribed period of time. I have no chance of dealing with those questions if Members dwell unduly on them by way of a large number of supplementary questions. I would ask for the co-operation of the Members because at 3.45 p.m. I shall

be going on to other business and it may well transpire that some of these questions will not have been dealt with. It is a matter for Deputies themselves.

**Mr. Collins:** I am not in the business of confirming or denying rumours.

**Mr. S. Barrett:** Is the Minister saying he is not aware of the fact—

**Mr. Collins:** I have had to say to the Deputy on a number of occasions that I am not in the business of confirming or denying rumours. I was asked to confirm or deny a rumour and I will not do so. Deputy Barrett asked whether this consignment was part of a larger consignment. It is my opinion from what I have been told by the Garda that it is part of consignments that arrived in 1985 or 1986. I have said previously in this House that it is believed that the total volume of the four consignments — two in 1985 and two in 1986 — would approximate to that on the *Eksund*, which would be in excess of 100 tonnes of weaponry. I named the countries in which the items were manufactured. There is a similarity between the arms found recently but there is a difference between the arms found here and those found in Northern Ireland. The Kalashnikovs recently found in Northern Ireland, supposedly for the use of the UDA, had clear markings, whereas the marking on the guns found here had been removed. The Garda are trying to bring up the markings so as to learn more about them but they are not in a position to give me a report as to the origin of the weapons. I say that very specifically. When I have that information it will be made available to the House. The House can then discuss the matter and make recommendations.

**Miss Harney:** When will that be?

**Mr. S. Barrett:** I wish to avail of the opportunity to congratulate the Garda on this recent find. Do the finds of late more or less eliminate the suspected quantities brought in during 1985 and 1986?

**Mr. Collins:** Most certainly not. The House will remember that it is believed that the *Eksund* contained anything up to 1,000 AK47 Kalishnikov rifles and if the other four shipments that got in in 1985 and 1986 contain similar to what was on the *Eksund*, Deputies will see that we have approximately 200 or 250 rifles recovered out of a possible total of 4,000.

**An Ceann Comhairle:** Next question please.

**Mr. Collins:** We will certainly appreciate any help we receive from the general public in trying to find what is still out there somewhere.

#### Stolen Property Legislation.

35. **Mr. S. Barrett** asked the Minister for Justice in view of the Law Reform Commission's report on the inadequacy of the law in relation to the crime of receiving stolen property, when the Government intend to introduce amending legislation; and if he will make a statement on the matter.

**Mr. Collins:** The report of the Law Reform Commission on receiving stolen property, which has just been published, is being examined in my Department and, arising from that examination I propose to bring forward a proposal for amending legislation for the approval of the Government as soon as possible.

**Mr. S. Barrett:** Does the Minister in his proposal intend to include confiscation of unexplained assets of those convicted of larceny or receiving, or both?

**Mr. Collins:** The Deputy will appreciate that I am not being discourteous in not giving him a direct answer but it will have always been the practice of Ministers for Justice not to say what will not be included in proposals which go to Government. That is a practice I propose to continue for obvious reasons. The report of the Law Reform Commission