



An Chartlann Náisiúnta National Archives

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GOVERNMENT STATEMENT.

The extradition of Desmond Ellis was ordered by the Supreme Court in November last in respect of two charges under British law.

On that occasion, the Chief Justice, who delivered the judgment of the court, cited and relied upon an affidavit filed on behalf of the British authorities concerning, inter alia, the jurisdiction of the English courts to try Desmond Ellis in respect of the two charges in question.

Yesterday, the Magistrate presiding at the committal hearing on the charges against Ellis decided that she did not have jurisdiction to commit Desmond Ellis for trial on the two charges for which he had been extradited and two other charges were substituted in their place. Desmond Ellis was then committed for trial by the Magistrate on those two new charges.

The committal for trial and prosecution of Desmond Ellis on the two additional charges is inconsistent with an agreement between the Irish Government and the British Government based on the "rule of speciality" whereby no additional charges can be preferred or proceeded with against an extraditee without, inter alia, the consent of the Irish authorities which must be obtained in advance.

The extradition of a citizen of one country to a foreign country concerns serious issues of legal and constitutional rights which must be dealt with in accordance with the due process of law.

In another extradition case, in 1984, one of the judgments of the Supreme Court noted that the successful operation of extradition with the United Kingdom "depends, at least in part, upon compliance by both parties with the reciprocal arrangement underlying the Act. One of its basic and express features is that an individual extradited in respect of one offence might not be prosecuted or otherwise punished in respect of another. If either side were to breach this principle, it would, I would think, mean an end to the reciprocal arrangement."

In the circumstances of this case the Irish authorities have informed the British authorities that they expect the British prosecuting authorities, in order to adhere to the existing agreement and to the considerations outlined above in the Supreme Court, to challenge the decision of the Magistrate in a higher court and they understand that they intend to do so. The Irish authorities will await the outcome of those proceedings.

15th February 1991.