

From: THE ~~SECRET~~ PRIVATE SECRETARY

NORTHERN IRELAND OFFICE

~~CONFIDENTIAL~~

WHITEHALL

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17 February 1989

Dear Charles,

Thank you for your letter of 16 February recording that the Prime Minister is content for us to seek the return of Hanratty from the Federal Republic of Germany, as proposed in my Secretary of State's letter of 13 February, and is also willing to mention the matter to Chancellor Kohl. This letter provides briefing.

Much of the background to this case was included in the 13 February letter. A copy is attached for ease of reference. In addition, I enclose a suggested line to take and background which stresses the importance that HMG attaches to the case - both to the likely prosecution in FRG and to the extradition itself.

Copies go to Stephen Wall (FCO), Philip Mawer (Home Office), Brian Hawtin (MOD), Michael Saunders (LOD) and Trevor Woolley (Cabinet Office).

*Yours sincerely,
Stephen Leach*

S J LEACH

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EXTRADITION REQUEST: GERARD HANRATTY

Line to Take

- You may be aware that we intend to submit a request for the extradition of Gerard Hanratty, the PIRA terrorist currently in custody in FRG and against whom your authorities are likely to bring charges.
- Understand that German charges are likely under the Ordinary Weapons Law and possibly the War Weapons Law. I am sure it is right for these criminal proceedings (for offences allegedly committed much more recently) to take precedence.
- Our officials have been in close touch. Sure that this co-operation will continue. We of course stand ready to assist in any way we can.
- Hanratty is suspected of many crimes both in the United Kingdom and more recently across the continent of Europe. Sure you agree that it is in all our interests to ensure he is kept in custody as long as possible. HMG attaches great importance to this case and we look forward to your support.

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EXTRADITION - HANRATTY

Background Note

Hanratty and McGeough were arrested on the West German border by a Customs official in August 1988. Both are being questioned by the German authorities about offences concerned with the illegal possession of firearms. In addition, McGeough may be charged with attempted murder.

The RUC have no grounds on which to seek extradition of McGeough (although the FBI may be interested in him). We are, however, to submit an extradition request for Hanratty. He absconded, while on bail, in 1984 after having been committed for trial in Belfast on a charge of possession of firearms with intent to endanger life contrary to Article 17 of the Firearms (NI) Order 1981.

The DPP(NI) has said there would be a "reasonable prospect, amounting even to a probability of securing the conviction of Hanratty in Northern Ireland". Senior Crown Counsel goes further saying that "one would be amazed if Hanratty were not convicted". The case is, therefore, a strong one. He might expect to receive a ten year sentence as did his co-accused.

The charges to be preferred in FRG have not yet been settled but likely charges involve the illegal possession of firearms contrary to the Ordinary Weapons Law and the War Weapons Law. A charge under the War Weapons Law would be considered to be more serious. A likely sentence would be from 2-4 years but could be as high as ten years.

The Extradition Treaty of 1872 as amended in 1978 allows that any proceedings in the requested State take precedence over the surrender of the subject following a successful extradition request. It is, therefore, to be expected that Hanratty would serve

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any sentence imposed by the German Courts before he was returned to Northern Ireland.

The line to take expresses the hope that Hanratty will be tried in Germany while stressing the importance HMG attaches to the case and offering any possible assistance.

It is hoped that there will be no public mention of the case during the Summit, but if there is it is normal practise not to confirm or deny the existence of a request until it is a matter of public note in the country concerned. It would not, therefore be appropriate to comment.

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