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Mr Humphrey

for urgent action pl

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NORTHERN IRELAND OFFICE
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LONDON SW1A 2AZ

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10 JAN 1996
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Dept. of the Environment

URGENT

Mr J Semple
Department of Finance and Personnel
Rosepark House
Upper Newtownards Road
Belfast BT4 3NR

Mr Dundon R. 2/1

10 January 1996

Dear John

As discussed would you check and Henry Dundon if
whether any records or files or relation to these 3 individuals
and if so what they contain. By 16 January pl.

I have written to Mr Blewett with a further request
Any other NDIBs sponsored by Henry should be similarly approach

KEVIN ARTT, PAUL BRENNAN AND TERENCE KIRBY:
EXTRADITION FROM THE US

Check
12/1/96

This letter seeks your help in establishing urgently whether evidence relevant to forthcoming extradition proceedings in the United States might be found in official files.

Kevin Artt, Paul Brennan and Terence Kirby were all convicted of serious offences in Northern Ireland (Artt and Kirby of murder and Brennan of explosive offences) and all three escaped from the Maze prison in 1983. They were arrested in California between 1992 and 1994 and their extradition from the United States is currently being sought. These cases, along with that of James Smyth (another Maze escaper), represent the first test of the 1986 extradition treaty between the United States and the United Kingdom. The defendants for their part must establish that if returned to Northern Ireland they would be punished, detained or restricted in their personal liberty by reason of their race, religion, nationality or political beliefs. The hearing proper is due to begin in June 1996, but there have already been proceedings to consider the scope that hearing should cover and to decide which of the defence's requests for discovery of documents should be granted.

Until recently we had assumed that we could rely on responding to specific requests, and on the limits set on them by the judge, to alert us to papers which would be considered relevant to the case. However some weeks ago papers came to light in an old file (belonging to a Non-Departmental Public Body) which did have relevance to the Artt case. Naturally as soon as we were aware of this we passed copies of the papers to the court and to Artt's lawyers, but under different circumstances we might have been open to accusations of concealment. Accordingly, and having discussed the matter with the Assistant US Attorney in charge of the case, I have concluded that we must ask all government departments in Northern Ireland to look for any records they have covering any of these men.

Therefore, I am asking each Northern Ireland Department, together with HM Customs and Excise and the Inland Revenue, to check their departmental records for any files or papers relating to these three individuals. I have attached their full names, dates of birth and last known addresses at the Annex to this letter. The task may not be quite as onerous as it may first appear. The three escaped from HMP Maze in 1983, and there should therefore be no records of them after that date. It may be the case that files this old have been destroyed.

I would be grateful if you could also pass this letter to the head of each non-departmental body sponsored by your department to arrange for a similar trawl to be made through their files.

X

If there are no records or they have been destroyed I would be grateful, if at all possible, for notification to that effect by 17 January. This will enable us to present an up to date position to the Assistant US Attorney when the RUC meet him the following week. If there are records on any of the three, again I would be grateful for simple notification of that fact by 17 January. We can then discuss what those records refer to and whether you or we need to look at them more carefully.

I am also conscious that your department, or non-departmental bodies sponsored by your department, may have a specific policy on requests for information. If such a policy would make it difficult either to confirm whether or not records exist, or to give access to records where they do, I would be grateful for details as soon as possible.

I am sorry about the short deadline for initial responses to this request; we have to work to the timetable imposed on us by the court. I am also sorry to burden your department with what is potentially a tedious and burdensome request. As I mentioned earlier, these cases, together with that of James Smyth which was heard last year, are the first test of a n extradition treaty. It is therefore particularly important to ensure that we do not damage our case by sins of omission, and I am most grateful for your help. Both Sir David Fell and Sir John Chilcot are aware of our actions.

Please do not hesitate to contact me or Rachel Miller on 0171 210 6505 if further information would be helpful.

*Tom
E. Tom*

STEVEN BRAMLEY
RIGHTS AND EUROPEAN DIVISION

RN/ESL/23344

EVIN JOHN BARRY ARTT

Date of Birth:

[REDACTED]

Last known address:

[REDACTED]

PAUL BRENNAN

Date of Birth:

[REDACTED]

Last known address:

[REDACTED]

TERENCE DAMIAN KIRBY

Date of Birth:

[REDACTED]

Last known address:

[REDACTED]

RN/ESL/23344