



Home Office

The Rt Hon Baroness Scotland of Asthal QC
MINISTER OF STATE

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Dear Senator Feingold

Thank you very much for agreeing to see me at short notice last week. It was a great pleasure to meet you, and I was very encouraged by your support for ratification of the 2003 UK/US Extradition Treaty.

As I explained on Thursday, the three year delay in ratifying the treaty has given rise to adverse comment in the UK as well as scepticism about whether the US will ever ratify the treaty, given that it has already received much of the benefit that the treaty brings. This affects our wider relationship and it will benefit both our countries if the treaty is ratified quickly. Senate approval by October, when the Police and Justice Bill returns to the Commons, is of paramount importance. What is at stake is not only the continued status of the US as a "trusted partner" for extradition but also the perception in the UK of how our relationship works in practice.

As you know, the purpose of the treaty is to modernise extradition arrangements between the US and the UK, putting them on the same footing as our arrangement with other trusted partners. The treaty is not aimed at speeding up extradition from the US of people suspected of involvement in terrorism connected with Ireland. I hope I was able to satisfy you that the concerns about the treaty raised by certain Irish/American groups are entirely groundless. I enclose further information on this point.

I count on your active support for the treaty ratification. In our meeting you agreed to look into the treaty in order to satisfy yourself that there are no civil rights concerns. Please let us know if you need any further information in this respect. It would also be very helpful if you could speak to your Democratic colleagues on behalf of the treaty, especially Senator Dodd.

Thank you, in advance, for agreeing to help us with an issue of such importance to both our countries.

*Very best wishes ever
Yours sincerely
Patricia Scotland*

BARONESS SCOTLAND QC

US-UK Extradition Treaty – Northern Ireland Issues

Political Background

The political and security situation in Northern Ireland has been transformed following the 1998 Good Friday Agreement. A huge amount of progress has been made since then, including the historic statement from the Provisional IRA in July 2005, in which they made clear that their armed campaign was over. **The focus in Northern Ireland today is on restoring devolved Government and continuing to build a prosperous and peaceful society.**

Good Friday Agreement and Early Release Scheme

As part of the Good Friday Agreement (GFA), **individuals convicted of terrorist-related offences committed before 1998 were able to apply for early release after serving only two years of their sentences.** Over 400 prisoners have been released on license under this scheme. The license requires that individuals do not become re-engaged in terrorism or serious crime. Those released include many members of the Provisional IRA, which has maintained a ceasefire during this time. The Early Release Scheme was a very difficult part of the Good Friday Agreement for many people to accept, but it demonstrated the UK Government's commitment to moving forward with the peace process.

The Early Release Scheme is part of UK law and remains in force. Any individuals who are convicted of qualifying, pre-1998 offences in the future, including any individuals extradited to the UK, will be able to apply for the scheme.

Individuals convicted of pre-GFA offences

In 2000, the UK Government announced that it would **no longer pursue the extradition of individuals convicted of pre-1998 offences who had escaped from prison and who would, if they returned to Northern Ireland and successfully applied for early release, have little if any of their time left to serve.** That remains the position.

Individuals suspected of pre-GFA offences (“on the runs”)

Whilst the Early Release Scheme addressed the situation of individuals who had been convicted of past offences, there remained an anomaly in relation to individuals suspected of past offences, who had gone “on the run” before they were tried. **The British Government accepts that these individuals are in an anomalous position since, if they had been convicted before 1998, they could have been released by now under the terms of the Good Friday Agreement.**

In 2003, the British Government therefore published proposals for a scheme which would have allowed suspects “on the run” to be tried in their absence and to return to Northern Ireland without arrest or

imprisonment. Following the IRA's statement that its armed campaign was over in July 2005, legislation was introduced to implement that commitment.

Agreement could not be reached on that legislation during its passage through Parliament and it was withdrawn in January 2006. **The British Government is currently reflecting on the way forward.** However, as the 2003 proposals and the subsequent legislation demonstrate, the British Government is committed to addressing these cases in a way which resolves the anomaly.

In the absence of any change in the law, **decisions on whether to seek the extradition of suspects "on the run" for pre-1998 offences are still taken by the prosecuting authorities, in line with the legal obligations on them, as part of the normal criminal justice process.** But, as the UK Government's decision in 2000 not to pursue the extradition of convicted fugitives (including in the United States) who would qualify for early release under the GFA illustrates, there is no "political" agenda to pursue the extradition and trial of these people. And any suspects who were extradited and subsequently convicted would be able to apply for early release after two years, under the terms of the Good Friday Agreement.

Other individuals

Anyone convicted of an offence unconnected with terrorism, or an offence committed after the Good Friday Agreement, will not be eligible for the Early Release Scheme. The UK law enforcement authorities continue to seek the extradition of such individuals in line with UK law.

Outstanding warrants

When Home Office Minister Baroness Scotland visited the US, she explained that there were currently **no outstanding warrants for the extradition of individuals from the US to Northern Ireland.**