

E. R.

CONFIDENTIAL

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EXTRADITION OF McFARLANE AND KELLY

I have discussed the recent Dutch concerns about this case with David Chesterton and agreed that we should provide 2 notes for SIL (Simon March) by the middle of next week. 13/10

The first note would be a short "assurance" by the Governor (or Deputy) of HMP Maze on the treatment of McFarlane and Kelly if returned. This would be on the lines of the precedent in the Russell case.

The second note would be a short statement of the expected action following extradition on the following lines - McFarlane and Kelly would return to HMP Maze; they would be treated as all other prisoners and not subject to either prison punishment or special restrictions as a result of their escape. Any legal charges arising from their escape would be for the courts in Northern Ireland under the law. They would continue to have the same rights of complaint as all Northern Ireland prisoners including unfettered access to the NI Courts and to their legal advisers and also by way of individual petition to the ECHR. There are a number of other prisoners in the Maze prison in an exactly similar position to McFarlane and Kelly and there is no reason to fear for their safety from action either by staff or other prisoners.

We should be prepared for both notes to be handed over by the Dutch State Secretary to the Parliamentary Committee members which may mean that they will find their way into the press.

I would be glad if you would take on the preparation of both notes please.

9 October 1986

EPC

