

STATE PAPERS

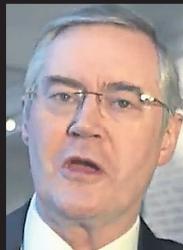
Northern Ireland 1989

THE year 1989 opened violently with the UDA assassination of the prominent Belfast solicitor Pat Finucane by loyalists at his north Belfast home.

The violence continued with the murder of a Sinn Féin councillor in Co Derry and the ambush and killing by the IRA of two senior RUC officers as they crossed the border after a meeting with gardaí in Dundalk.

In April three loyalists were arrested in Paris as they gave what were believed to be parts of an anti-aircraft missile used by Shorts plc to South African diplomats. The British government later expelled three South African diplomats following revelations that the South African regime was willing to exchange arms to loyalists for British defence secrets. In the district council elections in May the UUP remained the strongest party (31 per cent) with the SDLP on 21 per cent, the DUP on 18 per cent and Sinn Féin on 11 per cent. In the Republic a general election saw Charles J Haughey returned as taoiseach. A new era began at Stormont Castle

Previously confidential files from 1985 to 1989 have been released by the Public Records Office of Northern Ireland (PRONI) as part of the 30/20 Year Rule. It is part of a process reducing the time limit for the release of files from 30 years to 20. **Dr Éamon Phoenix** examines their contents with additional reporting from **Michael McHugh**

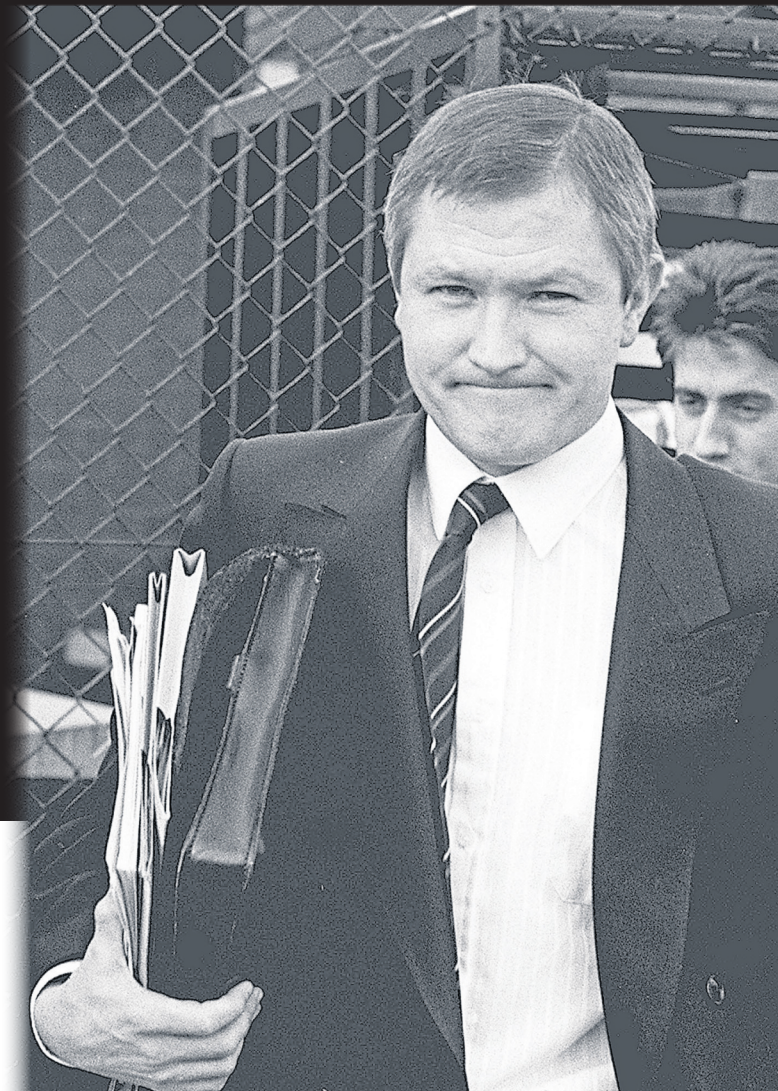


in July when Peter Brooke replaced Tom King as secretary of state. But he soon faced a storm over collusion between the RUC and British army and the UDA/UFF. It resulted in the appointment of John Stevens, a senior British police officer, to investigate the theft of intelligence documents. On September 12 1989 an IRA bomb killed 10 bandmen in Kent. On November 3 Brooke sparked controversy by suggesting that the British government might talk to Sinn Féin if the IRA renounced violence.

He also said that military means might contain but could not defeat the IRA. The death toll arising from the Troubles was 62.

■ Dr Éamon Phoenix is a political historian and Irish News columnist. His is a member of the taoiseach's Expert Advisory Group on Centenaries

■ **SHOT DEAD:** Belfast solicitor Pat Finucane, right, was shot dead in February 1989



British efforts to extradite top IRA men

Michael McHugh

A BRITISH official agreed "with considerable reluctance" to a royal pardon for Maze prison escapee Gerry Kelly rather than see him freed in Holland, state files from 1989 reveal.

The future Stormont minister was arrested in the Netherlands in 1986 – about three years after the biggest prison escape in UK history – and extradited back to Northern Ireland to face charges relating to the attempted murder of a prison officer.

Conditions set by the Dutch meant he could not face charges relating to London bombings for which he had already been convicted and was serving life sentences, leading the British authorities to cancel the sentence.

Declassified state papers also reveal another IRA prisoner Brendan 'Bik' McFarlane, who oversaw the hunger strikes inside the Maze, was



■ **ESCAPEES:** Brendan McFarlane, left, and Gerry Kelly

also to be given a royal pardon for explosives charges.

The Northern Ireland Office (NIO) 1986 correspondence was released by the Public Record Office of Northern Ireland (PRONI).

A senior NIO official wrote: "With considerable reluctance, however, I accept that the balance of advantage overall lies in our taking Kelly on the conditions offered rather than refusing to take him with the prospect of his then being released in the

Netherlands."

The Maze housed some of Northern Ireland's most notorious paramilitary prisoners during the Troubles.

Mr Kelly, now a Sinn Féin MLA for North Belfast, had been jailed for life in 1973 for the Old Bailey and Scotland Yard bombings.

He was among 38 IRA inmates who fled the Maze in Co Antrim in September 1983. They used smuggled guns and knives to overpower prison staff before hijacking a food lorry and driving to the main gate.

After his capture in Holland, a court prohibited Mr Kelly's extradition on grounds of his life sentences for explosives offences, permitting it only on the charges of attempting to murder a prison officer, causing grievous bodily harm and certain others.

The NIO official described it as "difficult", saying: "If we accept him on the conditions set out by the Dutch

Supreme Court, I assume action will be necessary under the royal prerogative to remit his life sentences."

He acknowledged there were genuine reasons for the Dutch not extraditing Mr Kelly on the bombing convictions.

"Nevertheless, the use of the royal prerogative to set aside Kelly's (and McFarlane's) life sentences will be extremely controversial and it is quite likely to be widely misunderstood, misinterpreted and misrepresented: London bomber given royal pardon etc, in the headlines," he said.

The royal prerogative of mercy allows changes in sentences without the backing of or consultation with parliament.

The measure was also considered in extradition proceedings against McFarlane, another Maze escapee.

McFarlane was convicted of a bomb attack on a pub in the Protes-

tant Shankill Road area in 1975.

He was the officer in command of the H-Block prisoners during the 1981 hunger strike over conditions in the Maze.

Following his capture in Holland, he faced extradition proceedings along with Mr Kelly. Mr McFarlane was not permitted to be extradited on his conviction for three explosives offences.

An official wrote: "I agree that we should accept McFarlane on the conditions set out by the Dutch Supreme Court, which provide for him to continue to serve his life sentences for murder and to face charges for certain less serious offences in connection with the Maze escape."

"I assume action under the Royal Prerogative will be necessary to implement this decision, ie to remit his sentences for the three convictions for explosives offences for which he is held to be not extraditable."



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