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FM OTTAWA 171705Z FEB 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 95 OF 17 FEBRUARY

AND TO IMMEDIATE WASHINGTON AND DUBLIN

MY TELNO 89: NORTHERN IRELAND : PIRA -- DESMOND ELLIS

1. CROWN COUNSEL IN THE DEPARTMENT OF JUSTICE TELEPHONED A MEMBER OF CHANCERY THIS MORNING ABOUT THE ELLIS CASE. SHE SAID:
(A) IN HER OPINION THE PROVISION REGARDING "HARD LABOUR" IN THE FUGITIVE OFFENDERS ACT WOULD NOT PRESENT ANY PROBLEM.
(B) THERE WAS INDEED NO EXTRADITION TREATY BETWEEN THE REPUBLIC OF IRELAND AND CANADA.
(C) SHE REFERED TO REFERENCE TO THE REPUBLIC OF IRELAND IN THE INTRODUCTORY SECTION OF THE BRITISH FUGITIVE OFFENDERS ACT BUT DOUBTED WHETHER THIS AFFECTED THE POINT IN (B) ABOVE.
(D) IF WE WISHED TO SECURE ELLIS'S RENDITION IT WOULD BE IMPORTANT THAT THE OFFENCE FELL WITHIN THE PROVISIONS OF THE CANADIAN FUGITIVE OFFENDERS ACT. POSSESSION OF EXPLOSIVES MIGHT NOT BE SUFFICIENT.

2. THE CANADIANS ARE CLEARLY APPLYING THEIR MINDS IN A POSITIVE AND HELPFUL WAY TO THIS PROBLEM. THIS IS ENCOURAGING.

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