



28 ⁵⁶⁹⁷ OCT 1986 4.45 PM
H.A.

Crown Solicitor's Office
Royal Courts of Justice Belfast BT1 3JY

Telephone Belfast 235111 ext 374
Crown Solicitor H A Nelson

Mr Carol Jackson
Prison Regimes 3
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SU

Your reference

Our reference
I/241/86/MEM

Date
28 October 1986

Dear Sir

**RE RAYMOND PIUS McCARTNEY
JUDICIAL REVIEW**

I enclose for your kind attention 2 copies of the
Affidavit sworn by the PUS on the 28th instant.

Yours faithfully

Ma M. G. Madden

for Crown Solicitor

ENC

MR

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (CROWN SIDE)

IN THE MATTER OF AN APPLICATION BY RAYMOND PIUS McCARTNEY FOR
JUDICIAL REVIEW OF A DECISION OF THE SECRETARY OF STATE FOR
NORTHERN IRELAND MADE ON OR BEFORE 12 JUNE 1985

I certify that the within documents are the exhibits referred to in
the Affidavit of Robert John Andrew, a Knight Commander of the
Order of the Bath.

Sworn on 25th day of October 1986.

Paul Bony
Solicitor empowered to Administer Oaths

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (CROWN SIDE)

IN THE MATTER OF AN APPLICATION BY RAYMOND PIUS McCARTNEY FOR JUDICIAL REVIEW OF A DECISION OF THE SECRETARY OF STATE FOR NORTHERN IRELAND MADE ON OR BEFORE 12 JUNE 1985.

I, ROBERT JOHN ANDREW, a Knight Commander of the Order of the Bath, of Stormont Castle, Belfast, make oath and say as follows:-

1. I am Permanent Under-Secretary of State at the Northern Ireland Office. I am duly authorised to swear this Affidavit on behalf of the Respondent.
2. It is the declared policy of Sinn Fein to take power in Northern Ireland "with a ballot paper in one hand and an Armalite in the other". This policy was reflected in a speech made by Mr Danny Morrison, then Sinn Fein Publicity Officer, at the Sinn Fein Annual Conference in 1981. As reported in the Irish Times of 2 November 1981, Mr Morrison said "Who here really believes we can win the war through the ballot box? But will anyone here object if, with a ballot paper in this hand and an Armalite in this hand, we take power in Ireland?". I refer to a copy of the Irish Times of 2 November 1981, now produced to me and marked "RJA 1"
3. According to a report in An Phoblacht Republican News of 4 November 1982 a resolution was passed at the annual conference of Sinn Fein on 30 October 1982 requiring "all candidates in national and local elections, and all campaign material, to be unambivalent in support of the armed struggle". I refer to a copy of the said An Phoblacht Republican News now produced to me and marked "RJA 2".
4. Prominent members of Sinn Fein have from time to time made public statements in support of the IRA. Mr Gerry Adams MP, President of Sinn Fein was reported in the Sunday Tribune of 3 November 1985 as having said "If by some freak the Ard Comhairle repudiated the legitimate armed struggle of the IRA you will be looking for another president". I refer to a copy of the said Sunday Tribune of 3 November 1985 which is now produced to me and marked "RJA 3".

5. Those Sinn Fein candidates who are elected as public representatives expressly or impliedly endorse the policies of Sinn Fein.

6. The restrictions imposed by the Secretary of State on visits by Sinn Fein public representatives have been imposed with a view to securing discipline and good order, the prevention of crime and in the interests of the prisoner.

7. Visits by public representatives of parties which support the use of violence are liable to raise the morale of prisoners convicted of terrorist crimes, and provide opportunities to encourage such prisoners in various forms of action designed to disrupt discipline and order within the prison.

8. It is not conducive to the promotion of the social rehabilitation of a prisoner that he should be permitted to have visits from those known to support the use of violence for political ends.

Save where otherwise appears I depose to the foregoing from facts within my own knowledge, information and belief.

SWORN AT *Blairgowrie*

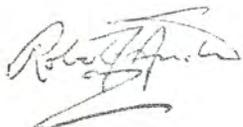
in the County of the City of Belfast

this *10* day of *June* 1986

before me a Solicitor empowered to

administer Oaths for the Supreme Court

of Judicature in Northern Ireland.



This Affidavit is filed on behalf of the Respondent by H A Nelson, Crown Solicitor, Royal Courts of Justice, Chichester Street, Belfast, Solicitor for the Respondent.