RESTRICTED

29/6/86

Reference .....

Mr Palmer

ACCESS TO PRISONERS BY SINN FEIN ELECTED REPRESENTATIVES

1. The purpose of this minute is to advise you that Judge Carswell has given leave for judicial review of the decision not to allow Sinn Fein elected representatives to visit prisoners. The application for judicial review was made by Oliver Kelly, solicitor (a well known republican sympathiser who studied as a solicitor when he was a detainee in Maze prison). The application was made on behalf of Raymond Pius McCartney, a life sentence top risk prisoner in Maze. McCartney is PIRA second-in-command in Maze prison.

2. The application challenges the decision not to allow Sinn Fein elected representatives to visit prisoners, in either a constituency, or personal capacity, other than as an ordinary visit to a member of their immediate family. As you know, this decision is part of the general government policy towards Sinn Fein, in view of that party's unequivocal support for the use of violence.

3. Sinn Fein have been anxious to test our general policy towards them, for example, the refusal of Ministers to meet them, and this application will give them the opportunity (to my knowledge) to air their case in court. The case will not be heard until September at the earliest. This will undoubtedly attract widespread publicity. The case obviously has implications beyond the immediate prisons interest. We are seeking legal advice and I will keep you informed of developments. The case is being handled by the Crown Solicitor's Office who will be consulting Crown Counsel. We will be keeping in close touch on the policy aspects. If we lost the case and had to remove our blanket prohibition, the effect would be more of a political victory to Sinn Fein than a practical problem for the Prison Department.

A R BROWN
Prison Regimes Division

3rd June 1986

cc PS/SOS(B&L)
PS/Mr Scott(B&L)
PS/PUS(B&L)
PS/Mr Bloomfield
Mr Gilliland
Mr Spence
Mr Jackson O/R
Mr Elliott
Mr Bell
Mr Kendrick
Mr D McNeill
Miss Elliott
Mr McConnell
Mr G Hewitt
Mr A K Templeton
Mr Jones
Mr J Hamilton

Mr Kelly
Mr Thompson
Mr Walker
Mr Jones
Mr Hayes 9/6/86
Please file
9.6.86
To see.
4.6.86

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4 JUN 1986

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CODE 18.77

KC

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