

THE HIGH COURT
IN THE MATTER OF THE EXTRADITION ACT 1965

BETWEEN:

ROBERT PETER RUSSELL

Plaintiff:

and

STEPHEN FANNING

Defendant:

AFFIDAVIT OF HUGH NEILL

I Hugh Neill of the Royal Ulster Constabulary Station, Holywood, County Down, make oath and say as follows:-

1. I am a Chief Inspector of the Royal Ulster Constabulary.
2. I have read a copy of the Affidavit dated 20th October 1984 purporting to be that of the above named Robert Peter Russell (hereinafter referred to as "The Plaintiff") filed herein.
3. I believe that I can connect the Plaintiff with each of the charges set forth in the warrant issued on the Thirtieth day of April 1984 at Lisburn and in the 18 warrants issued on the Twenty-seventh day of May 1984 issued at Lisburn upon which I am informed and believe that the District Court of Dublin made 19 Orders pursuant to the provisions of the Extradition Act 1965 and referred to in paragraph 20 and 21 of the said Affidavit.
4. The Plaintiff in paragraphs 18 and 19 of his Affidavit has admitted the offence of escaping from lawful custody at the Maze Prison Hillsborough in the County Court Division of Ards on 25th September 1983 and I say and believe that there is cogent evidence that the Plaintiff,

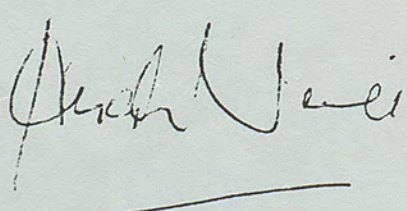
as one of the escapers on that day, was responsible for the commission of the offences set forth in the aforesaid warrants.

5. In the event of the Plaintiff being delivered in to the custody of the Royal Ulster Constabulary in Northern Ireland pursuant to the provisions of the Extradition Act 1965 he has the right, within the terms of the Criminal Appeal (Northern Ireland) Act 1968 and the Judicature (Northern Ireland) Act 1978 to prosecute the appeal against conviction mentioned in paragraph 14 of his Affidavit.

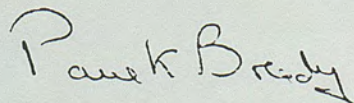
I can further state that the Plaintiff will only face trial in Northern Ireland for the offences detailed on the aforementioned warrants.

6. The matters with which the Plaintiff has been charged are not political offences. They are offences under the provisions of the Criminal Law of Northern Ireland and the prosecution against the Plaintiff in respect of the said offences was commenced in the course of the normal administration of the Criminal Law of Northern Ireland.

Save where otherwise stated or appearing I depose to the foregoing from facts within my personal knowledge.



SWORN this 10th day of December
1984 at the Royal Courts of
Justice, Chichester Street,
in the County of the City of
Belfast before me a Solicitor
of the Supreme Court of
Judicature of Northern Ireland.



THE HIGH COURT
IN THE MATTER OF THE EXTRADITION ACT 1965

BETWEEN:

ROBERT PETER RUSSELL

Plaintiff:

and

STEPHEN FANNING

Defendant:

AFFIDAVIT OF KENNETH HASSAN

I Kenneth Hassan of Her Majesty's Prison, the Maze, Hillsborough, County Down, make oath and say as follows:-

1. I am a Governor Class III at HM Prison, the Maze, Hillsborough, County Down. In September 1983 I was a Governor Class IV at the same establishment.
 2. I have read copies of the Affidavits purporting to be those of James Gerard Donnelly, Peter Hamilton, Brendan Mead, Patrick McIntyre and James Burns (each hereinafter referred to by his surname) filed herein.
 3. I am conversant, through personal knowledge or by access to prison records, with the treatment afforded by the prison authorities to Donnelly, Hamilton, Mead, McIntyre and Burns consequent upon their re-capture after escape on 25th September 1983 from lawful custody.
 4. I understand and believe that Donnelly and Hamilton were both re-captured on the day of the escape. Donnelly was caught when the vehicle in which he was travelling crashed in to the gate of the prison and Hamilton was found at a river bank adjacent to the prison.
- I further understand and believe that both men had their clothing

removed by members of the Royal Ulster Constabulary for forensic scientific examination in connection with alleged serious offences committed during the course of the prison escape.

5. Donnelly and Hamilton were each then placed in single cell accommodation in the prison cell block and provided with blankets for continuous use. Due to general administrative disorder consequent upon the prison escape, a supply of alternative clothing was not offered to Donnelly or Hamilton until 27th September 1983 on which date I understand and believe that each refused to wear such clothing which was then left in their respective cells.

6. I understand and believe that on 30th September 1983 Mead, McIntyre and Burns were returned to the prison.

7. Each of the re-captured prisoners was held in single cell accommodation in the prison cell block pending the completion of police and prison authorities investigations. Such treatment therein accorded with the normal procedures adopted by the prison authority in respect of any prisoner held for investigation adjudication or punishment for any disciplinary matter committed or allegedly committed within the prison. Such treatment is in compliance with the terms of Prison Rules (Northern Ireland) 1982 made pursuant to Section 13 of the Prison Act (Northern Ireland) 1953. The use of single cell accommodation was thus required for security reasons and was not used as a form of punishment against the re-captured prisoners.

8. Whilst held in such accommodation, each prisoner received normal prison meals in his cell. On and from 30th September 1983 exercise was available to each prisoner on an individual basis. On and after the 6th October 1983 two persons were allowed to exercise together and from 10th October 1983 that number was increased to six persons.

9. I understand and believe that Mead, Hamilton, McIntyre and Burns have each instituted civil proceedings in the High Court of Justice in Northern Ireland in relation to their alleged ill treatment by members of the prison staff.

Save where otherwise stated or appearing I depose to the foregoing from facts within my personal knowledge.

Sworn this 10th day of ~~December~~
at the Royal Courts of Justice
Chichester Street in the County
of the City of Belfast
Before me a Solicitor of the
Supreme Court of Judicature of
Northern Ireland.

R. A. Mason.

Paul Brady