

ROSEMARY NELSON INQUIRY

DAY 27: 2ND JUNE 2008

Witness: Mr James McIntyre

From October 1997 to May of 1998, James Gerard McIntyre worked in the justice and security section of the Anglo-Irish Secretariat as first secretary. During this period he dealt with a range of security and justice issues as well as parades issues. Mr McIntyre was in fact Mr McKee's predecessor and successor (Day 26), in that he operated as a traveller to the North for contact and information work before and after Mr McKee.

Working as a traveller Mr McIntyre had the opportunity to meet a range of contacts including solicitors, NGOs, community activists, politicians, et cetera because his work focused primarily on the issue of the administration of justice.

Although in many of his other employments during his career Mr McIntyre kept notes and diaries of his activities, for reasons of confidentiality and sensitivity little material from the period between 1997 and 1998 was kept.

Mr McIntyre's first contact with Rosemary Nelson was in the second half of November 1997. Over a period of eight months he estimated he saw her approximately four to five times. Contact was by telephone except on one occasion when they met. In his role in the Anglo-Irish Division it was not unusual for him to have contact with solicitors from Northern Ireland. He also had contact with NGOs such as the Commission for the Administration of Justice or British Irish Rights Watch.

After he took over Mr McKee's role he was also aware that his office had been in contact with Rosemary Nelson in relation to the Duffy case. On the day after his meeting with Rosemary Nelson Mr McIntyre filed a report to a senior official on the Irish side stating that they had received complaints concerning police actions. He also asked for the matter to be raised in the "strongest possible terms" because of concerns regarding the wider impact on the community in Lurgan and Armagh, as well as his knowledge that Rosemary Nelson had raised previous issues of security. This also meant that the process of "filtering" (i.e. ascertaining the validity and credibility of Rosemary Nelson's statements) was made easier, as she had previously been in contact with him and then Mr McKee.

Ten or eleven days later Mr McIntyre learnt that that his points of concern regarding Colin Duffy's bail were brought to the attention of both the police and to the senior official responsible for the conduct of prosecutions in Northern Ireland.

Later in December, when the Colin Duffy matter was to be brought by Rosemary Nelson to the High Court, Mr McIntyre recalled how Rosemary Nelson's general attitude was one of frustration and exasperation. Her

feelings of anger towards the police in the Colin Duffy case were continual throughout their period of contact in November/December 1997. Mr McIntyre was aware of her involvement with the Gavarghy Road Residents Coalition, but it was never discussed between them.

Her attitude did not strike Mr McIntyre as being unusual, for it was somewhat normal for the legal professionals with whom he had contact to feel anger towards the police. In fact to him, Rosemary Nelson came across as a very committed, professional, and concerned legal practitioner.

In terms of the high level of involvement from both governments Mr McIntyre agreed that there was little or no other previous case that had been taken as seriously.

Mr McIntyre and Rosemary Nelson also had a conversation on the 2nd March 1998. Mr McIntyre recalled that the arrest of client (C200) a few days prior to this phone call had prompted this contact and that she was very agitated and concerned throughout.

A note of this conversation was made by Mr McIntyre and copied to Second Secretary Gallagher who at that point was head of the Anglo-Irish Division, (and who at the time of the interview was Secretary General of the Department of Foreign Affairs). At this time Mr McIntyre was also aware of the reports of messages to solicitors (such as threats) being passed via clients.

In this call Rosemary Nelson described her situation and asked if was possible to schedule a meeting with the Irish Minister for Foreign Affairs, in order to discuss the allegations that had been made against her by the RUC. At the time she expressed concerns over possible collusion in the police, as well as concern over her general safety.

Mr McIntyre recommended meeting with him first, in order for her issues to be raised through official channels in the Anglo-Irish Division. Shortly after this note was written they met in a cafe in Belfast. They spoke briefly for 20 minutes over a cup of coffee. However, this meeting was quite general and went over the ground that probably had been covered previously during the phone call.

Witness: Ms Cynthia Wasser

Cynthia Rae Wasser, a Toronto (Canada) barrister specialising in criminal matters.

Although she was not a member of the organisation, questions by the Counsel for the Inquiry focused on her involvement in the Information on Ireland Campaign. The organisation consisted primarily of Canadian lawyers interested in matters emanating from the conflict in Northern Ireland. They operated by travelling to Northern Ireland and speaking to politicians in order to find ways to highlight the cause to Canadians and assist in the peace process.

She was contacted by a member, Mr McConnell, who invited her to join a delegation from the Information on Ireland Campaign acting as observers during the marching season in July 1998. She was asked to come as a representative of the Association in Defence of the Wrongly Convicted (AIDWIC - a group in Canada that dealt with wrongful criminal convictions).

Although at the time she knew little on the conflict in Northern Ireland, she took it upon herself to research the issues and that is how she came to be familiar with Rosemary Nelson. It is also through her contact with members of the Information on Ireland Campaign who had on a previous trip to Ireland met Rosemary Nelson that she learnt more about her case. Thus Ms Wasser came to be aware of the problems Rosemary Nelson was encountering with the RUC as a result of her defence of alleged IRA terrorists.

Ms Wasser met Rosemary Nelson at the Drumcree Community Centre in Portadown, not far from where the marches took place in July 1998. During this meeting, Ms Wasser recognised that Rosemary Nelson had reason to be fearful. This reflected Ms Wasser's own personal experiences of receiving threats in criminal cases.

The main issues that Rosemary Nelson had highlighted to Ms Wasser were that clients were being dissuaded to use her legal services by the police force. When Rosemary Nelson had raised this issue with judges and the police, they had all turned a blind eye. In fact in general, Ms Wasser's impression was that there was no respect by the judiciary for solicitors and barristers in Northern Ireland.

More specifically on the topic of Northern Ireland's judiciary, Ms Wasser recalled Rosemary Nelson having said that there were no Catholic judges on the bench. They also talked about the threats Rosemary Nelson would receive in general, and Ms Wasser remembered how for example Rosemary Nelson said that she sometimes recognised the voices of members of the RUC calling her "Fenian", an "IRA sympathiser" or "half-face Nelson" over the telephone.

This abuse together with the threats had been reported to Chief Constable Flanagan or even to some extent to judges. After Rosemary Nelson's murder, Ms Wasser gave a speech at a vigil on 15th April 1999 which highlighted that: "She spoke of clients who were thrown downstairs by court house guards. She spoke of judges who told her to shut up when she complained of this brutality. "

After their meeting Ms Wasser and Rosemary Nelson stayed in contact by e-mail and even through the odd telephone call. But they were careful however, because of their fear that phone lines were bugged and that e-mails could potentially fall in the wrong hands.

At the time of Ms Wasser's visit a rumour circulated within the community, in which Chief Constable Flanagan was alleged to have said that he would not

protect Rosemary Nelson if she continued to defend her clients. When Ms Wasser confronted Mr Flanagan about it (in a face to face meeting on July 9th) he denied ever having said that.

The meeting had been organised by the Information on Ireland Campaign, and the content of the meeting was not wholly devoted to Rosemary Nelson's security. However Ms Wasser was able to touch upon the inadequacy of the suggested security arrangements made for Rosemary Nelson, while also emphasising the need for investigation. Mr Flanagan took Ms Wasser's suggestions on board and said he would look into these matters.

In general, during this meeting Ms Wasser felt unsure about Mr Flanagan's sincerity. However after her return to Canada, Ms Wasser was provided with an article from the Irish Times that indicated that Mr Flanagan had appointed a special investigator from England to probe the concerns of the defence bar.

Ms Wasser felt especially concerned for Rosemary Nelson's safety because of the fact that she was a female lawyer practicing criminal law in such a dangerous context. Ms Wasser suggested maybe returning to her work on family law, but she explained that Rosemary Nelson was more concerned about being a role model for her community.