

THE ROSEMARY NELSON INQUIRY

Day 39: 23rd June 2008

Witness: P160

The witness's statement to the Inquiry is dated 15th November 2007. At the hearing, P160 was asked questions by Mr Savill about the interviews of two suspects: Colm Toman and a suspect ciphered C138. The witness had joined the RUC in 1969 and, as a Detective Constable in the CID, he had retired in March 2001. He had started his CID duties in July 1976 by moving to Portadown police station. From Portadown he moved to Armagh regional crime squad for about a year in the mid-1980s. He was transferred to Dungannon police station in 1985 and in 1997 he was transferred again to Lurgan police station.

P160's responsibilities and activities varied from ordinary crimes such as burglary and theft to terrorist-related offences. The witness declared that, in early 1997, terrorist activity in Lurgan would have been at a high level or, in other words, on high alert; Lurgan was a hot spot for paramilitary activities of both sides of the sectarian divide. P160 was particularly busy with incidents on the streets which involved spending a lot of time in holding centres interviewing suspect terrorists. The witness declared that the fact that suspects involved in terrorist activities would not answer the questions was as frustrating as the non-collaboration of suspects involved in ordinary crimes. Frustration was part of the daily job of a detective, P160 said; if an officer was not able to cope with frustration he should not be there in the first place.

As for the interview procedures, the witness explained that four detectives would be allocated to one suspect terrorist for interview purposes: in some occasions the number would rise up to six, but there would be normally four officers. The senior investigating officer would brief the team on the background of the case and a strategy would be designed for the interviews. The information obtained would be exchanged between the pair of officers taking turns in interviewing the suspect. One of the interviewing officers would be designated to take handwritten notes but this duty would not exclude him from taking a more active part in the interview. As an interview could last as long as two hours, the point was not so much to keep a verbatim note, as often information would be repeated and unless new data was obtained, it would not be recorded in written form. P160 agreed to Mr Savill's suggestions that often the officers engaged an informal conversation with the suspect, which, not being strictly related to the offence, would not be recorded in the notes. P160 recalled the existence of a video-recording system; however, it was not part of his job to verify the video-recordings nor to make sure, at the end of the interview, that everything worked with the cameras.

If the suspect requested it, the officers would facilitate a one-to-one conversation with a particular detective. The notes could be either taken by the remaining officer or they would be made upon the conclusion of the interview. P160 would always identify himself to a suspect at the beginning of

each interview and at the end of the interview the notes would be passed on to the pair of detectives who would interview the suspect next. The notes would be kept in a folder and added to the existing ones.

The witness stated that there was no particular pressure to obtain a conviction for Colm Toman as opposed to any other case. For C138, Mr Savill reminded the witness, the interviews were conducted between 6th and 9th February 1997, for Colm Toman between 11th and 14th February 1997. As far as Colm Toman was concerned, the witness was present at eight of the twenty interviews which took place and with two different partners: P225 and Detective Constable Strain, sadly deceased. In respect of C138, P160 was present at seven of the fourteen interviews which were conducted with officers P121, P135 and P162.

Mr Savill asked P160 for confirmation of the assertion that the witness was probably one of the most experienced senior detectives at the time, if not the most experienced, and P160 agreed. He had no interaction with a suspect terrorist's solicitor: the solicitor would speak to the suspect or to one of the interviewing officers, if requested; the uniformed personnel would however be mostly in contact with the solicitor. P160 would have known within a very short time the name of the suspect terrorist's solicitor. It was not uncommon to go into an interview with a suspect who had no legal representation or even before seeing his solicitor. If, during the interview, the suspect expressly wanted a consultation with his solicitor, the interview would effectively terminate; uniformed personnel would then take it on board and a solicitor would be on hand for the suspect. P160 admitted to seeing Rosemary Nelson on a professional basis in the holding centre no more often than other solicitors and that he did not feel that contacts with her changed noticeably in the period up to 1997 and after nor did he notice a shift towards a more substantial representation of clients with terrorism-related charges.

P160 also stated that he did not socialise to a great extent with other officers but it would happen that he discussed matters at work; he did not, however, recall having discussed Rosemary Nelson's name specifically. He admitted, however, to having discussed the role of defence solicitors in the acquittal of suspects being charged with a serious crime; during Mr Duffy's trial and subsequent acquittal everyone at the police station knew that Rosemary Nelson was his solicitor and everyone had an opinion, the witness continued, but the talk never deteriorated to target her personally. P160 said he was probably aware that Rosemary Nelson was representing Colm Toman and C138 at the time; Mr Toman had made a complaint regarding his first interview, which did not involve P160, where the officers had asked him whether Rosemary Nelson was really "a Provo"; in a second interview remarks were made degrading Rosemary Nelson's job. P160 was then addressed by Mr Savill who read out part of Colm Toman's statement with regards to the other remarks, recollecting the alleged question, during an interview where an officer produced a rocket, of whether Rosemary Nelson had shown him how to build one; the accusation of her being the right-hand woman of Colin Duffy and part of an active service unit; and other offensive allegations about her looks. The most serious allegations regarded direct

threats to her life; P160 denied making or hearing anyone make such remarks and allegations.

As for C138's allegations, the discussion between Mr Savill and the witness focussed on the written statement C138 had provided about his whereabouts on the day the murder he was charged of had been committed. P160 declared he was not aware of it but it would not be any more frustrating than another cases to keep interviewing the suspect with the knowledge that he would tell them to refer to the statement.

The investigation of complaints made concerning remarks made to Rosemary Nelson's clients had come in two parts, Mr Savill explains to the witness; the Royal Ulster Constabulary and then the Mulvihill investigation. While Mr Savill pointed out that P160, in the former, had throughout denied ever making or witnessing others making the remarks which represented the object of the complaint, in the latter the declared that during his working life he had always felt vulnerable to complaints. He added that it was not unusual for a suspect to make a complaint in reaction to the animosity felt towards the officers; if a suspect was under particular pressure, he knew that by presenting a complaint the interview would be suspended and the matter would then be taken further by uniformed personnel. If, however, it was felt that suspect was close to make an admission, some officers may have relayed to the uniformed personnel but an authorisation could also have come from the command chain for the interview to continue. He declared to Mr Savill that terrorist suspects would be under a lot more pressure during interviews than ordinary suspects or prisoners and this was why, he thought, more complaints were recorded as being made by suspect terrorist than by those accused of other run of the mill crimes.

P160 accepted Mr Savill's suggestion that, if on the one hand complaints were easy to make by the suspects, the absence of audio and video recordings would have made it difficult to prove them. Sir Anthony Burden asked the witness two questions; one related to the training P160 may or may not have received on dealing with terrorist suspects and the other about the general system on the ground. The witness said he had received some training quite far back but it had only consisted of general interviewing techniques and that the experience was handed down from more senior officers to junior ones. Dame Valery Strachan was particularly struck by the wording P160 used in both the RUC and Mulvihill complaint investigation: "I was involved in a number of interviews but had no part in any such conversations as referred to in the complaints": it could be inferred that he had no part but others did. The witness stated that it was probably a badly worded phrase and what he had meant was that he had never made, or had any knowledge that anyone else did, the allegations set out.