

THE ROSEMARY NELSON INQUIRY

Day 45: 4 September 2008

Witness: P117

The witness's name is ciphered as P117. The witness's statement to the Inquiry is dated 10 July 2007. At the hearing, P117 was questioned by Mr Phillips, Counsel to the Inquiry, about the interviews of three paramilitary suspects: Anthony Simmons, Colin Duffy and Gary Marshall.

P117 stated that he joined the Royal Ulster Constabulary in 1979 and the Criminal Investigation Department (CID) in 1988. During the period of time from 1997-1998, he worked at the Regional Crime Squad where his role would have involved interviewing suspects at the holding centre and conducting on-the-ground enquiries in relation to different incidents. P117 confirmed that the Lurgan/Portadown area would have been a very active area from both a Loyalist and Republican paramilitary point of view during the period of time from 1997-1998. At the time of the interview, P117 had approximately nine years of experience interviewing suspected paramilitaries at holding centres.

P117 had no specific recollection of the interview of paramilitary suspect Anthony Simmons which took place on February 14, 1997. Mr Simmons had been arrested the previous day on suspicion of building a hiding place for weapons in his girlfriend's garden, and was interviewed by both the witness and his CID partner, whose identity has been ciphered as P149. The witness and P149 had a number of years of experience interviewing suspects together prior to the interview of Mr Simmons. According to notes taken by the witness and P149 during the course of the interview, Mr Simmons was generally uncooperative and declined an offer to either read the notes himself or sign them.

P117 was questioned by Counsel over whether or not interviewing officers in similar cases would generally have had any contact with the suspect's lawyer, or whether the interviewing officer would have been informed as to who was representing the suspect. P117 denied that interviewing officers would have had contact with the suspect's lawyers, but confirmed that the interviewing officers would generally have been aware of who was representing the suspect.

P117 confirmed that at the time of the interview he was aware that Rosemary Nelson was representing Republicans in the Lurgan area although he had never met her personally. The witness denied Mr Phillips suggestion that Mrs. Nelson had a reputation for making complaints against the police but confirmed that he himself had been the subject of complaints made by suspects he interviewed during his career.

The witness was questioned by Counsel in regards to a rumour which had been circulating at the time in question within police circles; that Mrs. Nelson

had a personal or possibly romantic relationship with Colin Duffy. P117 confirmed that he had been aware of the rumour at the time but that it did not affect his view of her.

P117 denied knowledge of any resentment amongst his colleagues at the role Mrs. Nelson had played in securing Colin Duffy's release on appeal in relation to the Lyness policemen murders in June 1997, but confirmed that the murders had made a particular impact on the Lurgan community. It was clarified by Counsel that Mr Simmons was arrested on the 11th of February on suspicion of building a hiding place for weapons in his girlfriend's garden. P117 asserted that he had no recollection of Mr Simmons' demeanour during a subsequent interview. Counsel submitted that according to notes taken at the time of the interview, Mr Simmons was unresponsive to questioning. P117 confirmed that the stance taken by Mr Simmons in regards to questioning was one normally taken by people involved in terrorism.

P117 submitted that he was unable to recall whether or not he had been aware that Mr Simmons had, or intended to, make a complaint against him during the period of time that he was in detention. Counsel clarified that Mr Simmons had not provided a statement to the Inquiry regarding his complaint.

Counsel clarified that Simmons' complaint outlined a series of derogatory comments made by a pair of interviewing officers which followed a request by Mr Simmons to meet with a solicitor on the second day of questioning, and subsequently repeated on the third day of detention. Both Counsel and P117 were in agreement that the request to see a solicitor took place in an interview in which P117 was involved. P117 denied that any derogatory comments were made either by himself or P149 during the course of Mr Simmons' interview. P117 also denied that Ms Nelson's name was mentioned at all during these same interviews.

Counsel submitted that both Colin Duffy and Mrs. Nelson made a number of complaints against interviewing officers during the course of Mr Duffy's detention from June 23, 1997 onwards. Mrs. Nelson's complaint alleged that threatening comments made by interviewing officers during the course of Mr Duffy's time in custody directly referenced her name and presented a real danger to herself and her family. P117 denied taking part in any interviews of Mr Duffy during the course of June 1997.

P117 was questioned by Counsel as to whether he felt any sense of pressure from line management to get a result from this particular case in light of the impact which the Lyness policemen murders in June 1997 had on the Lurgan community. P117 denied that this was the case.

P117 confirmed that the Lurgan police were well aware of Mr Duffy and that he was perceived as a ruthless terrorist. He denied that this view ever led him to remark on Mr Duffy's alleged relationship with Mrs. Nelson nor was he aware of any such comments being made by other officers.

P117 was questioned by Counsel in regards to two similar but separate sets

of complaints made by another suspected paramilitary, Gary Marshall, in relation to derogatory and/or threatening remarks allegedly made about Ms Nelson during interviews conducted with Mr Marshall in February 1998. At the time in question, Mr Marshall was in custody on the basis of alleged membership of the Provisional IRA and in relation to the murder of Kevin Conway. P117 denied making derogatory and/or threatening remarks about Rosemary Nelson during the course of these same interviews.

P117 repeated his assertion that in his view, such allegations as those touched upon by Counsel were simply a tactic used by paramilitary suspects in order to discredit the police. He maintained that as far as he was aware of at the time, this was also a view held by many of his colleagues. P117 denied being aware of the view that complaints were sometimes made in order to obtain an advantage in criminal or civil proceedings.

Under questioning from Counsel, P117 again confirmed that he was aware of the various instances in which complaints were filed against him by suspected paramilitaries during their time in custody. He maintained that these allegations were false.

When questioned by Counsel as to whether there was anything which had not been covered and that he would like to add, P117 stated that he did not.

P117 was questioned by the Chairman, Sir Michael Morland, regarding the availability of intelligence systems and information prior to interviewing paramilitary suspects during the period of time from 1997-1998. P117 confirmed that interviewing officers often received intelligence briefings from the appropriate Senior Investigating officer and/or Special Branch officers in relation to the offences that had been committed.

P117 was questioned by former Chief Constable of South Wales Police, Sir Anthony Burden as to whether there were any other occasions, besides the three previously mentioned by Mr. Phillips, when he had interviewed suspects for whom Mrs. Nelson was the solicitor. P117 confirmed that it was more than likely that he had, although he could not recall particular instances.

P117 was asked by Sir Anthony Burden whether he could assist the Inquiry in understanding how the common thread of complaints involving Mrs. Nelson developed. P117 submitted that although he could not answer such a question definitively, it was significant that all three men were from Lurgan and most likely from the same active service unit.

The witness was questioned by Sir Anthony Burden as to whether or not the building of arms hides was a common offense for which suspected paramilitaries were interviewed during the period in question. P117 answered in the affirmative.

Post-Interview Submissions

Mr Donaldson, Counsel to the Police Service of Northern Ireland, made the

point that out of a total of sixteen questions and lines of enquiry put to the witness, only four of these received an affirmative response, which left a total of twelve questions and lines of enquiry unexamined. In some of these cases, it was submitted, the witness should have been allowed to express his own knowledge of the subject at hand as well as elaborate on particular elements as this information might have been of assistance to the Inquiry.

Mr Robinson, Counsel to P117, had been fairly and fully questioned by the Panel and the Counsel for the Inquiry.

Mr Robinson submitted that it would have been on great assistance to have in advance the questions proposed by Mr. Donaldson.