

ROSEMARY NELSON INQUIRY

Day 49: 11 September 2008

Witness: Geralyn McNally (continued)

In examining cases for dispensation of investigation, Miss McNally said that they would consider whether there was a chance of co-operation. Since Rosemary Nelson had indicated she could co-operate on the Colin Duffy complaints, Geralyn McNally took the view that there was a chance for co-operation on the other limb of complaints, the Lawyers Alliance for Justice (LAJI) in Ireland complaint. On that basis and owing to the fact that Rosemary Nelson did attend an interview with regard to the Colin Duffy complaint, dispensation was not acceded to. Miss McNally did not think she gave the case special treatment.

That interview was the first time she had met Rosemary Nelson but she could not remember anything specific about her attitude. Miss McNally clarified the working of the investigation to Rosemary Nelson as part of the procedure and Rosemary Nelson did co-operate.

She said the interview took place in a formalised way, with the investigating officer asking questions. She did not recall exactly how the statement of the interview would be produced, whether straight after the interview or typewritten and made into a body of statement. She said that during interview, Mrs Nelson clarified some of the points made by Mr Lynch in the context of the LAJI complaint.

In her statement Miss McNally had said that the investigating officer was being inappropriate in doubting Rosemary Nelson's reliability. She explained what she meant by this by referring to comments made in his report which she thought were inappropriate. In the report, he questioned the way evidence was collated. She said she did not think it fitted her interpretation of a neutral report about facts. She had brought the language of the report to the attention of the Chief Constable and Secretary of State. She confirmed she had difficulties working with that investigating officer and she had raised a number of concerns about his ways at various stages. She decided to issue a qualified statement, something which had never been done before. There was a vigorous debate about it and it was decided to write to the Secretary of State instead, which meant backtracking. She said she did not have the support of her colleagues in this action save for that of the Chairman.

Miss McNally was presented with the letter written to the Chief Constable and Secretary of State about the concerns. It had been written by the Chairman and she said she had played no part in the drafting. The Inquiry went through the letter with Miss McNally because it had had an explosive impact. She said it did not cover all her concerns although she admitted some of her main criticisms were reflected in the letter. The letter stated that given that the investigation had been holed beneath the waterline the final outcome was inevitably flawed.

It had been decided to send a letter to both Rosemary Nelson and Colin Duffy which said there would not be a statement issued on the dissatisfaction with the investigation.

She said the atmosphere in the subsequent meeting which took place was tense. The Chief Constable offered to remove the certificate of completion of the investigation and hand the investigation over to a higher body, supervised by Miss McNally. Commander Mulvihill was appointed.

Assisted by documents presented to her, she said she believed the second meeting with the Chief Constable took place sometimes at the end of January 1999; in any case she was certain it was before the murder of Rosemary Nelson. She realised early in the meeting that the business of it had been dealt with previously without involving her. She said she was feeling under pressure to give up and not voice her concerns further now that she was satisfied with the Mulhivill investigation. Towards the end of the meeting the Chief Constable commented that Rosemary Nelson was having an affair with her client Colin Duffy.

The Inquiry turned to the issue of pre-prepared statements because Miss McNally had voiced concerns about their use. She saw them as a flaw in the investigation procedure although she admitted they had a practical role in so far as the time lapse between the complaint and an interview could be long. She said in the particular case of the present complaints, the statement prepared beforehand by RUC officers had diminished the quality of the process. She had repeated her concerns about the prior investigation in her report of the Mulhivill investigation.

Miss McNally said she was made aware by a journalist that there were rumours circulating within the police authorities attacking her credibility and saying she was politically motivated. She said that those rumours were unfounded. They appeared after her statement voicing criticisms and concerns and at that time she felt under threat and isolated.

A joint press statement was issued by the Chairman and the Chief Constable which she thought undermined her concerns.

Questioning turned to the issue of security and Rosemary Nelson. She said she remembered Rosemary Nelson voicing in an interview the fact that she felt unsafe. She could not remember the exact date. Miss McNally remembered being made aware of the fact that Rosemary Nelson produced a letter of a death threat in an interview during the Mulvihill investigation but she was not present on that occasion. She was not aware of any subsequent action in relation to that letter.

Turning to an interview with Colin Duffy, she said the atmosphere was not relaxed but there was no obvious hostility between him and the interviewing officer. She had pointed out at the end of an interview that a point had been missed and she insisted this was an appropriate act on her behalf.

She reiterated her dissatisfaction with the practice of pre-prepared statements from officers under investigation, in particular the practice of investigating officers requesting such statements. In her view, this undermined the role of the ICPC, especially in the context of such a high-profile complaint.

Miss McNally was presented with her notes of a meeting in the context of the Duffy complaint. It voiced again concerns at prepared statements but it was a satisfactory interview. In her statement she said she believed there was substance to the Duffy complaint but she said she did not think this comment showed a lack of impartiality on her part nor did it play a part in her conducting of supervision.

Witness: Mr Eamon Stack, a Jesuit priest during the 1990s. He joined the Jesuit order in Dublin in 1983. He was formally appointed in 1991 and based just off the Garvaghy Road. He was a committee member of the Drumcree Community Centre.

Mr Eamon Stack clarified his role as a member of the Drumcree Community Centre. He worked in a Justice and Faith group, which was a nationalist Catholic faith group. He explained that the philosophy of the group was to deal with the conflict by peaceful means.

Mr Eamon Stack was the Secretary of the Garvaghy Road Residents Coalition (GRRC) formed in 1994. Breandan Mac Cionnaith was a community leader interested in resolving the issue by political means so he became the spokesperson. He explained that Breandan Mac Cionnaith had a wide spectrum of supporters from having previously been a Sinn Féin member but he had parted from them to follow a view on non-violence. The GRRC was heterogeneous coalition but all parties had to share the philosophy of non-violence.

He drew a distinction between membership to the GRRC and membership to political parties; the GRRC was independent of political parties although some members belonged to a political party as well.

He said the Orange Order was corrupt in relation to loyalist violence because they did not denounce it nor did anything against it.

Mr Eamon Stack said he had no interaction with the IRA and he was certain Breandan Mac Cionnaith, who had a conviction in 1981 for terrorist offences, had left the IRA by the time he joined the Coalition.

Turning to the murder of the two police officers, Constables Graham and Johnson, Mr Eamon Stack said it had upset him, and Breandan Mac Cionnaith had condemned the act as a spokesperson since it put the whole community in danger of retaliation.

He explained Rosemary Nelson became involved with the GRRC in 1996 as the solicitor of members charged for their sit-down protest on the Garvaghy

Road in 1995. She was not Mr Eamon Stack's solicitor but she represented the four other people charged.