

## ROSEMARY NELSON PUBLIC INQUIRY

**Day 50 : September 16th 2008**

**Witness: Mr Eamon Stack (continued)**

Mr Eamon Stack explained that the work Rosemary Nelson did for the Garvagh Road Residents Coalition was pro bono. He said she was not part of the coalition; she was strictly a legal adviser.

He explained that on July 5th 1997, he was on Garvagh Road to ensure there was no violent behaviour carried out by young teenagers. He said the sit-down was a form of peaceful protest. It was meant as a nuisance but they were careful to avoid violence against the police. He got the impression there were 150 people sitting on the road. He said they cooperated with the police in the process of being removed.

Mr Stack explained that he made a complaint about the behaviour of an officer who had kicked Joanna Tennyson in the thigh. Although he was aware of other incidents, that was the only incident he actually witnessed. He said the officer could not be identified because of his uniform. As a result, the complaint could not be investigated but it was a personal protest on his part. He did not remember seeing Rosemary Nelson that night but he said that given the chaos, he could envisage altercations happening.

He said the coalition had meetings with the RUC. He described the relationship with the RUC as tense but professional.

Questioning then turned to the issue of the safety of members of the Coalition. He remembered Breandan Mac Cionnaith receiving a threatening telephone call from someone in 1997. Although he had not discussed it with Breandan, he said he was certain it was a death threat and it came from Billy Wright. He remembered Breandan getting protection from the State and that he had also received a threat by fax. Mr Stack explained that all the members of the Coalition felt under threat and had to be very careful when leaving their area. He did not remember discussing her personal safety with Rosemary Nelson or thinking that she was particularly a target. He said everyone was more-or-less a target.

**Witness: Mr Alan Todd, a Chief Superintendent who joined the RUC in 1991. By 1997, he was a sergeant working with the Mobile Support Unit.**

Mr Alan Todd said that by 1997, his knowledge of Rosemary Nelson was minimal and came through media coverage. He said he knew the officer investigating the murder for which Colin Duffy was charged, they had met through work. He remembered the investigating officer telling him about the case and that he knew Rosemary Nelson was the solicitor. He explained that she made police officers nervous because she was very focused.

Questioning turned to the night between July 5th and 6th, 1997. That night

Alan Todd got struck by a brick. Mr Todd said there were hundreds of police officers deployed for the occasion. He explained that they were told to make a cordon. He was not involved in lifting people up from the road since he had not received the training to do it in a safe way. A helmet similar to the one worn on the day was presented to the witness and the panel. Mr Todd explained they would pull down the balaclava on the helmet if they needed to talk to somebody. He did not suppose there were numbers or items for identification on helmets by 1997, so the rank of the officer was not visible.

He was presented with a map of the area so he could identify where he was when he first saw Rosemary Nelson. He said she was coming from the Ashgrove Road side, facing the line of police officers. She was with a group of residents wanting to come through the police line to Garvaghy Road. He said she was going up and down the line, speaking to officers. He said he considered her as having a special status as a solicitor and a public figure. He said he heard she was requesting to go through the line but was not getting any response. Since the situation was tense and would escalate, he had decided to intervene. Rosemary Nelson said she wanted access to her clients and he explained to her that they had been removed from the road and were free to join her but they did not want them to stay off to one side of the road in what was intended to be a sterile area. He did not recall giving her his name. He said in general officers were reluctant to give their identities in this kind of situation because they feared retaliation. He said she was agitated and angry. He said none of the officers he was with verbally or physically abused her.

Questioning turned to another encounter he had had with Rosemary Nelson, in Lurgan in 1997. He was there as part of visibility patrols to deter attacks and support the local police. His unit had seen and spoken to an individual who had come out of Rosemary Nelson's office but he could not recall the individual.

Turning to the murder investigation of Rosemary Nelson, Mr Alan Todd said he knew the officers investigating. He said at the time he had been surprised that South Region was involved in the investigation since most of the complaints made by Rosemary Nelson concerned South Region officers. He said he was surprised but never doubted the integrity of officers.

**Witness: Susan McKay, a journalist at Sunday Tribune in Dublin from 1992 to 2004. She was a news reporter specialising in Northern politics and wrote books about the conflict.**

Mrs Susan McKay explained that she got to know Rosemary Nelson in the context of her job. Rosemary Nelson would give her opinion on certain cases and issues or would provide the witness with the general opinion of the nationalist community and would put her in contact with people. She said they were on friendly terms.

Mrs McKay had reported on the Dumcree issue in 1997. When she went out in the early hours, Rosemary Nelson found her and asked her to witness when she would complain to an officer after an assault. She said she did not

witness the assault itself. Susan McKay explained there were two points raised by Rosemary Nelson to police officers; one was a complaint and the other was about wanting to access her client on the road. Rosemary Nelson showed her arm to Susan McKay but she said she could not see bruising.

Susan McKay said officers were dismissive of Rosemary Nelson. She said they did not seem to take her complaint seriously. She did not believe Rosemary Nelson was being confrontational.

Mrs Susan McKay said that Rosemary Nelson told her about threats she had received when they spoke on the phone. Rosemary Nelson saw them as death threats and they were directed at her specifically. She said Rosemary Nelson did not think the RUC was going to be helpful.

Questioning turned to Mrs McKay's contacts with the Loyalists. She remembered certain people speaking violently about Rosemary Nelson but she refused to name them. She said they resented Rosemary Nelson because she was very clever and under her guidance the GRRC was using the law strategically against them. She said some loyalist paramilitaries would make comments like "she will be killed". She said that she witnessed some police officers being on friendly terms with members of the loyalist paramilitaries and the overall view within the Orange Order was that the police were on their side.

She said she did not have information which suggested that the police facilitated Rosemary Nelson's death but she certainly thought the police treated her with disrespect.

According to Mrs McKay, the Red Hand Defenders were loose paramilitary group; it seemed more like a name they used to claim acts of violence rather than a fixed group. She said she did not know who killed Rosemary Nelson but she thought they were associated with the UDA and the LVF and the Orange Order.

**Witness: Mr Andrew Cully, joined the RUC in 1976 and retired in 2004. He was promoted to Deputy Subdivisional Commander in Portadown in 1995. He moved to the Complaints Department in February 1998.**

Andrew Cully was not working on the ground in the Dumcree events in 1996 and 1997.

He explained that working in the Complaints Department for 10 months, he dealt with about 100 complaints; 70 or 80 of which concerned cases of assault during arrest. He could not say whether these complaints were lodged so as to distract the RUC from criminal investigations. He said a particular solicitors' firm did register complaints indicating that they did not wish to pursue them further. He said this behaviour suggested they did not believe in the complaints procedure and suggested an anti-RUC agenda.

He explained that the first step in the complaint procedure would be to issue a

form to officers informing them they were under investigation.

**Day 51: September 17th 2008**

**Witness: Mr Andrew Cully (continued)**

Mr Cully explained that he dealt with only one complaint which concerned the Drumcree night and the treatment of nationalists then. He said the complaint was unusual in that it came from a solicitor. The interview took place in the ICPC offices, which was not a common practice at the time. The atmosphere was tense. During the interview, Rosemary Nelson did not add much to her original statement. She could not identify the officer because of the issue of the removal of officers' identification numbers, and Mr Cully said identification was often a problem in the context of complaints.

Having interviewed her, he said he could believe something had happened, either verbal abuse or physical assault or both.

**Witness: P121 worked as an RUC officer in Lurgan from 1989 to 2002 on investigation and interviews of crimes and terrorist offences.**

P121 said that during his time in Lurgan, paramilitary activity was very high. At the end of the 1990s he said he would be involved in interviewing for terrorist offences around once a month for up to a week.

Questioning started around the general way of interviewing; P121 said officers conducting the interview would always introduce themselves even if the person being interviewed knew who they were. He explained that there was no particular style in interviewing. He said raising voices was acceptable but had any inappropriate remarks been made, he would have taken notes of them. He said they would be briefed by a senior CID officer on any piece of intelligence held by Special Branch concerning the person being interviewed and that was the only access to intelligence they had. However they had a close working relationship with the local Special Branch so they could always ask them questions about intelligence.

Questioning turned to interviews of three persons and Collin Duffy and their subsequent complaints. P121 said he knew when he interviewed Collin Duffy that Rosemary Nelson was his solicitor. He said that this knowledge was based on intelligence he had received. He believed Colin Duffy to be guilty but he did not resent it when he was acquitted. Collin Duffy had lodged a complaint regarding the conduct of the interview but there was no charge against the witness.

The second issue concerned the interview and subsequent complaint of C138, who was interviewed by the witness while in custody. A complaint was made by C138 about the interview and the witness was served a 17/3 form 11 months later. The complaint concerned remarks made about Rosemary Nelson during the interview. P121 said he did not say these comments nor did he hear anyone else make them. Concerning Anthony Simmons' interview

and complaint regarding comments about Rosemary Nelson, P121 said he did not make them nor hear them made by another officer.

Turning to Barry Toman's complaint, P121 said those threats and comments about Rosemary Nelson were not made by him or anyone during an interview where he was present. He repeated that had they been made they would be in the interview record.

P121 explained that in all these cases, when he was served with the 17/3 form and did not comment, it was because he knew that whatever he said the complaint investigation procedure would take its course.

Concerning the interviews of Collin Duffy in June 1997 while he was in detention for the murders of two constables, P121 said comments about Rosemary Nelson "being proud of him" were not made during the interview. His reaction to the 17/3 form was different then, he had denied the allegations straight away. He could not say why his reaction was different then.

The witness said that he believed those complaints were being made in an effort to discredit the RUC. He said he drew a distinction between Rosemary Nelson and her clients so that he did not think it was her own tactic nor did he think she was a trouble maker.