

ROSEMARY NELSON INQUIRY

Day 70: 4th November 2008

Witness S703, a former member of MI5

Witness S703 has been a member of the Security Service since 1981 and had worked in the loyalist investigative team from 1995 to 1997. He then took over from Witness S519 in August 1997 as a desk officer in the Assessments Group

The witness described the work of the Joint Intelligence Group, which was “strategically focused,” looking at the leadership of both republican and loyalist terrorist groups. The witness described the RUC as having the “intelligence lead” in Northern Ireland and as a result, the Security Service would not necessarily have received all of the loyalist intelligence from the RUC. The Assessment Group’s customers (Northern Ireland and Whitehall officials) had no interest in the day-to-day tactical intelligence on loyalist individuals.

The witness described Rosemary Nelson as a “quite well known sort of public figure” and due to her association with the Garvaghy Road Residents Coalition (GRRC), her name was known. Her name would have arisen during meetings between the republican and loyalist Assessment Desks with regard to her relationship with Colin Duffy and her involvement with representing republican individuals. The witness described the relationship between Rosemary Nelson and Colin Duffy euphemistically as “very close” and as something that was well known in the community. The witness could not say whether Rosemary Nelson’s association with the IRA was due to sympathy for their cause or merely some physical attraction to Colin Duffy. The witness’s use of the word “associated” as opposed to “represented” in a legal sense, was to imply that she had contact with these individuals outside her work as a solicitor.

The witness was unaware of the complaints by Rosemary Nelson against the RUC in which she alleged threats against herself and harassment of Colin Duffy. The witness believed that loyalists may have viewed her as sympathetic to the republican cause, particularly due to her public involvement with the GRRC and her association with prominent public figures such as Colin Duffy and Brendan Mac Cionnaith. However, the witness did not see any reporting to suggest that she was a specific target of loyalist terror attacks but believed that they would have taken umbrage against her and her involvement with the issues in general.

The main loyalist group in North Armagh at the time would have been the Ulster Volunteer Force (UVF) mid-Ulster brigade. The Loyalist Volunteer Force (LVF) was also prominent while the Ulster Defence Association (UDA) was less so. The Drumcree issue was the catalyst for the start of the LVF and it was during stand-offs at Drumcree parades that the LVF leader, Billy Wright, came to prominence. The witness assessed that the LVF at this time had a

limited capacity to carry out major attacks although it is possible they had access to other loyalist terrorists who would have been capable of producing more sophisticated explosions. The witness's interest in smaller loyalist groups was at a strategic level regarding the ceasefires, paramilitary leaders' views on the peace process and fringe activity by dissidents. The Security Service was not really involved with tactical decisions surrounding Drumcree as this was an issue for the RUC and the Army.

The witness wrote a Northern Ireland Intelligence Report (NIIR) on the Red Hand Defenders (RHD) who were of interest at the time due to their possible impact on the peace process. The report concluded that the RHD were not a group in its own right but rather a "flag of convenience" that was used by militant loyalists. Without a coherent membership structure it was difficult to determine numbers but it was probably around tens of people. Members of loyalist groups who shared similar beliefs, would use the term RHD as a flag of convenience so as not to breach the ceasefire by the main loyalist groups. Another report by the witness addressed the Orange Volunteers who claimed to "represent the loyalist people." There existed a "murky pool" of connections between several groups with apparent crossover of members. The report, from the end of December 1998, said that the RHD and the Orange Volunteers could mount indiscriminate attacks against "enemies of Ulster," although the witness saw no intelligence on specific targets of these groups.

Another NIIR spoke of the Justice for Protestants group, a protest group focused on the parades issue. It was believed that any attacks by this group would likely be claimed under another name due to the merging of groups. At this time, these splinter groups did not have access to the kind of munitions that would eventually kill Rosemary Nelson. The reports often dealt with the membership of these groups and suggested that connections still existed between the army Royal Irish Regiment and dissident splinter groups. The reports said that militant loyalists in the Belfast area were targeting Catholics with a view to "assassination" and this, according to the witness, was an RUC matter.

The witness received a specific report on 4th March 1999 from a handler (number S966), which said that the RHD did not exist as an organisation but was used as a flag of convenience by other groups to claim attacks that they ordinarily would not want to own up to. The UDA carried out some low level attacks but claimed them under the name of the RHD. None of these attacks however, involved an undercar booby trap like the one that killed Rosemary Nelson.

The witness stated that the Assessment Group never received any intelligence that Rosemary Nelson or any other person connected to the GRRC would be targeted but this is not surprising as any threats to life would have been dealt with by the RUC. It was the police who had the "intelligence lead." The Assessment Group was focused on creating a general view of these loyalist groups, not the tactical day-to-day activities.

The day following the murder, the Security Service received a detailed report

(a loose minute) on the device used. This level of detail was important for the Assessment Group in helping them to achieve some sense of where and by whom similar devices may have been used. The witness did not recall any allegations of state involvement in the murder at this time.

A report by the witness, dated 16th March 1999, was distributed among members of the government including the Prime Minister. In this report, it was said that the RHD considered Rosemary Nelson a “legitimate target” because of her role in representing republicans and her murder may have the desired impact of damaging the peace process. There was no intelligence to suggest that the leadership of the LVF or UDA had sanctioned this attack. Based on comparisons with previous attacks, the report concluded that there was a significant possibility that individual members of the UDA had provided the RHD with the device. A preliminary report suggested that the LVF leadership were not involved as they would not have wanted to jeopardise the release of Mark Fulton from prison. Individual members of the LVF were not found to have the capacity to create a viable undercar booby trap. However, militant members of the various groups often worked together and so it is possible they could have obtained it from somewhere else. There was nothing to suggest that the attack was carried out by anyone other than a loyalist group or individual.

On 23rd March 1999, the witness produced another NIIR entitled, “LVF responsible for the murder of Rosemary Nelson.” The report was based on Special Branch reporting. By this time, the witness had changed his opinion on the involvement of the LVF in the murder and suggested that prominent LVF members had played an active role in the murder. The witness did not think that the Special Branch would have viewed the murder of an individual such as Rosemary Nelson as a “good thing.”

Witness: Thomas James Craig, former Assistant Chief Constable of the RUC, who had previously made a statement to the Inquiry on 25th April, 2007

Mr Craig became the Assistant Chief Constable for the South Region in January 1996, responsible to the Chief Constable for the implementation of RUC policies, strategies and the operational running of the region. He believes he was well informed about Special Branch operations in this area, with regional meetings every fortnight. It was standard practice for the regional head of Special Branch to brief the meeting on any threats of terrorism in the region.

Mr Craig stated that he was only “marginally involved at the outset in the murder investigation” and his role was one of support, rather than involvement. During his initial statement to the inquiry, he found it difficult to remember what he knew at the time and what he had heard after the murder, although he now feels that his memory is better organised. He had no recollection that any references to complaints about police arose during the Chief Constable’s meetings, although he acknowledged that this could have happened.

When he took over the position in the South Region, Operation Revert was in progress which implemented a policy of normalising policing but also maintaining a position where the police could act if “things went off the deep end again”. Mr Craig had a good working knowledge of the police stations at Lurgan and Portadown but was careful about becoming too involved in them so as not to encroach upon their autonomy. The Lurgan area was still a particularly difficult area as regards policing and the officers would have faced greater security pressures. He believes there was “hesitancy” among many officers to the gradual process of normalisation, particularly after two police officers were killed in Lurgan in June 1997.

Mr Craig was aware of Rosemary Nelson due to her work representing Colin Duffy in the murder trial of those two police officers, although she was not a “feature” of working life in Portadown. He had been aware that she had issued complaints alleging that some officers had threatened her but he had no recollection of an alleged assault by officers on Mrs Nelson.

The witness acknowledged that some people within the RUC may have had the impression that Mrs Nelson was a supporter of the republican cause but this was not the official view of the police. It is possible some officers had an “adverse view” of her but he was no actual knowledge of such beliefs. At the time, he was probably aware of her role with the GRRC but it would not have been a major issue for him. Regarding possible claims that Rosemary Nelson behaved improperly as a lawyer or of having a sexual relationship with Colin Duffy, Mr Craig had no recollection of being made aware of any such allegations.

Although there were a lot of threats to peoples’ lives at this time, Mr Craig did not have hands on involvement in notifying people. He did not believe that fears on behalf of the police that the disclosure of such threats to the people involved might create adverse feelings in the local community ever influenced the decision whether to inform people or not about potential threats to their lives.

On 25th February 1998, Mr Craig received a letter from the Command Secretariat containing correspondence from the NIO relating to alleged threats against Rosemary Nelson. The NIO asked whether Mrs Nelson needed to be approached and given advice on personal security. Mr Craig did not add anything of his own to the letter, but forwarded it on to the relevant Divisional Commander, who said that the Lurgan police did not have details of any threats against Mrs Nelson nor did they know of any reasons for the deep concerns felt by the US Lawyers Alliance regarding her safety. A report, by the Divisional Commander of the J Division, supplied some details of the initial Lawyers Alliance complaint. It stated that the Deputy Sub-divisional Commander was taking precautionary measures in respect of Rosemary Nelson and her office at William Street.

Although there was no specific intelligence of a threat, Mr Craig believed that a low level of measures were taken, just to “keep an eye” on Mrs Nelson. He

sent a note to the Superintendent in Command Secretariat that said, despite no threats being received, Mrs Nelson's high profile meant that "attention was being paid to her home and business".