



**British Irish
RIGHTS WATCH**



THE MURDER OF ROSEMARY NELSON



DECEMBER 1999

1. INTRODUCTION

- 1.1 On 15th March 1999 at 12:40pm Lurgan solicitor Rosemary Nelson was blown up by a loyalist car bomb outside her home. She suffered horrific injuries and died two hours later.
- 1.2 Rosemary Nelson was 40 years of age when she died. She was married with three children aged 8, 11 and 14. She had a thriving high street practice in her home town of Lurgan, providing a variety of legal services to the local population. Her clientele was drawn from both the Catholic/nationalist and Protestant/unionist communities. She was an able advocate with a caring attitude towards her clients and a passion for justice. The majority of her cases were very ordinary, but she had a few high-profile clients whose cases attracted a lot of publicity. These included:
- ◆ the family of Sam Marshall, who was murdered by loyalists on 7th March 1990 just after he had signed for bail at Lurgan RUC (police) station. His bail arrangements were known only to the police and his lawyers. A car spotted at the scene was later acknowledged as belonging to the security forces. No-one has been charged with the murder, nor has there been any inquest.
 - ◆ Colin Duffy, who was with Sam Marshall when he was killed but escaped injury himself. Rosemary Nelson achieved his acquittal on appeal in September 1996 on a charge of having murdered a former soldier, John Lyness. Colin Duffy had spent over three years in jail. The case against him collapsed when it became known that a key prosecution witness, Lindsay Robb, had been arrested for gun running for the loyalist Ulster Volunteer Force (UVF) and had probably been under surveillance by the police at the time of his testimony against Colin Duffy. After his release Colin Duffy was arrested in June 1997 for the murder of two RUC officers, Constable Graham and Reserve Constable Johnston, in Lurgan. In October 1997, after Colin Duffy had spent three months in prison on remand, the Director of Public Prosecutions dropped the case against him after Rosemary Nelson had worked tirelessly to prove they had got the wrong man.
 - ◆ the family of Robert Hamill, a young Catholic father who was set upon by a loyalist mob on 27th April 1987. He died 12 days later in hospital from head injuries, having never regained consciousness. Eye witnesses said that armed RUC officers parked nearby in a police landrover failed to intervene to save his life. RUC press releases falsely claimed that Robert Hamill and his friend, who was also attacked, had been involved in a fight between rival factions and that the police themselves had come under attack. The RUC themselves later admitted¹ that this was not the case.
 - ◆ the Garvaghy Road Residents Coalition, formed to respond to Orange marches through their nationalist neighbourhood.
- 1.3 Until early 1997, Rosemary Nelson had represented relatively few clients arrested under emergency laws. Such clients can be held for up to seven days and access to their lawyers can be deferred for periods of up to 48 hours. They are interviewed without their lawyers being present, and at that time there was no video- or audio recording of the

interrogations. Many lawyers who attended such clients in the special Holding Centres at Castlereagh in Belfast and Gough Barracks in Armagh² complained that RUC interrogators uttered abuse and threats against their clients and themselves during these interviews, which take place in the absence of the lawyers themselves. On 3rd October 1996, Rosemary Nelson told British Irish RIGHTS WATCH (BIRW) that on the few occasions when she had clients arrested under emergency laws she had come in for abuse. One RUC officer told one of her clients, "We'll tell Billy Wright [a prominent loyalist] your solicitor's address."

- 1.4 Colin Duffy's acquittal in September 1996 received widespread publicity. In February 1997, following a spate of arrests, Rosemary Nelson found herself with about a dozen clients in Gough Barracks over a very short period of time. She was alarmed when they reported abuse against her, including vile sexual innuendoes, and death threats. On 18th February 1997 she telephoned both Amnesty International and BIRW to record her concern. On 26th February 1997 Jane Winter, the Director of BIRW, travelled to Lurgan at Rosemary Nelson's request to discuss her fears. During their discussion, Rosemary Nelson expressed her horror at the murder of Belfast solicitor Patrick Finucane in February 1989 amid circumstances strongly suggestive of official collusion. A parent herself, she was appalled that he had been shot repeatedly in front of his wife and children. He too was threatened by RUC officers before his murder, and she was afraid that she was being targeted in the same way. She was amazed at the hatred expressed towards her by RUC officers, and resented their inability to see her as a professional just doing her job. She and Jane Winter discussed at length the options open to her, including giving up contentious work altogether, learning to live with the abuse but trying to keep a low profile, and tackling the abuse head on by making official complaints and campaigning publicly for her clients' rights. After giving the matter serious thought, she concluded that the main purpose of the threats was to dissuade her from representing clients whom the RUC officers concerned perceived as their enemy. Her abiding concern, frequently expressed, was that if she did not represent the handful of clients whose cases were contentious, no other solicitor in the area would take them on. It was unthinkable to her that she should abandon her clients. It came as no surprise to anyone who knew Rosemary Nelson that she opted to confront the problem.
- 1.5 The threats against Rosemary Nelson did not occur in a vacuum. They were part of an on-going problem experienced by many defence lawyers in Northern Ireland. Human rights groups had been highlighting a pattern of abuse of defence lawyers by RUC officers since the early 1990s³. In 1997 the distinguished Malaysian lawyer Dato' Param Cumaraswamy, who is the United Nation's Special Rapporteur on the Independence of Judges and Lawyers, made an official visit to the United Kingdom to investigate threats against lawyers and the murder of Patrick Finucane. He delivered his report to the United Nations Commission on Human Rights in April 1998. He was extremely critical of RUC practices, concluding that "... the RUC has engaged in activities which constitute intimidation, hindrance, harassment or improper interference" with lawyers⁴. He found that

intimidation and harassment of defence lawyers in Northern Ireland was “consistent and systematic”. He called for an independent investigation into intimidation of defence lawyers. He also called for an independent judicial inquiry into the murder of Patrick Finucane.

- 1.6 The timing of Rosemary Nelson’s murder was significant. It happened ten years and one month after the murder of Patrick Finucane. It is obvious that from their own warped perspective her death served a number of purposes for her murderers. At one level it was clearly an attempt to destabilise the peace process in Northern Ireland. At another, it put an end to the career of an able advocate who, like Patrick Finucane, was effective in upholding her clients’ rights. Thirdly, and here again there are echoes of Patrick Finucane’s murder, her murder sent a clear message to defence lawyers generally to keep their heads down.

2. **TAKING A HIGH PROFILE**

- 2.1 In March 1997 Rosemary Nelson allowed the American Lawyers Alliance for Justice in Northern Ireland to make an official complaint on her behalf about the threats and abuse reported by her clients as having been uttered against her by certain RUC officers. This complaint was investigated by the RUC, under the supervision of the Independent Commission for Police Complaints.

- 2.2 On 5th July that year she was assaulted by unidentifiable RUC officers while trying to represent her clients’ interests on the Garvaghy Road. This assault was attested by independent witnesses and a lawyer recorded her own account two days after the event, and made a note of visible bruising upon her person⁵. She told the Lawyers Committee for Human Rights⁶:

“I went up to the police lines and asked, ‘Could somebody please tell me what’s going on here?’ One of them grabbed me by the arm and took me into them, right into the circle [of riot shields] and said, ‘Rosemary, you Fenian fucker’, and they threw me about a bit. I said, ‘Can I have your number please?’ Somebody else said, ‘F... off.’ The difficulty there was, because of the way they were dressed, there were no numbers distinguishable, you just couldn’t see any numbers, and they were wearing balaclavas. I can’t recall ever being so frightened in my life.”

On 29th January 1999, six weeks before she was killed, Rosemary Nelson issued a writ against the RUC for this assault.

- 2.3 When the UN’s Special Rapporteur on Judges and Lawyers, Dato’ Param Kumaraswamy, visited Northern Ireland that October, she told him about her fears for her safety. The Special Rapporteur highlighted her case in his 1998 report to the UN Commission on Human Rights⁷. Originally, he named her in his report, but after a disputed telephone call from the RUC (please see paragraph 3.10 below), he took her name out of his report. He also wrote to the government privately expressing concern about her safety.⁸

- 2.4 The abuse against her did not abate. On 3rd June 1998 a handwritten death threat was posted to Rosemary Nelson. She also received a number of telephoned death threats.
- 2.5 In September 1998 she testified before the House Subcommittee on International Operations and Human Rights in Washington, concerning harassment and intimidation of defence lawyers and death threats against her by the RUC. She told Congress:
“Another reason why RUC officers abuse me in this way is because they are unable to distinguish me as a professional lawyer from the alleged crimes and causes of my clients. This tendency to identify me with my clients has led to accusations by RUC officers that I have been involved in paramilitary activity, which I deeply and bitterly resent... I believe that my role as a lawyer in defending the rights of my clients is vital. The test of a new society in Northern Ireland will be the extent to which it can recognise and respect that role, and enable me to discharge it without improper interference. I look forward to that day.”⁹
- 2.6 Human rights groups in Northern Ireland, in Britain and around the world repeatedly raised her case with the RUC and the government, to no avail. In November 1998, BIRW said in a report about intimidation of defence lawyers to the UN:
“One solicitor who has been subjected to a campaign of death threats and vile abuse, some of it sexual in character, by RUC officers is Rosemary Nelson from Lurgan... We have transmitted a number of complaints on her behalf to the Special Rapporteur during the past year, and also conducted extensive correspondence with the Secretary of State. The situation in the area where Rosemary Nelson practices remains volatile and we call on the UK government to accept responsibility for her safety and for bringing this despicable campaign to an end.”¹⁰
The Chief Constable of the RUC, Sir Ronnie Flanagan, to whom they sent a copy of their report, responded with utter contempt, saying:
“I have received the documents forwarded with your letter of 5 November 1998. I suppose by now I really should have learned to expect, and not be surprised by, the total absence of balance in reports produced by your organisation. This latest report continues your now well established practice in that regard.”¹¹
- 2.7 Less than three weeks before her death, the Lawyers Alliance met the Chief Constable, to express their concern for her safety. Only three days before her death she gave an interview to the *Irish News* in which she talked of the death threats she had received, describing them as “so sinister”. The interview was published posthumously¹².
- 2.8 In the weekend before her death, Rosemary Nelson revealed to a friend that two more telephoned death threats had been received at her office in the previous week.
- 2.9 Despite her fears for her own safety, Rosemary Nelson campaigned consistently for an inquiry into Patrick Finucane's murder. In January 1998 a statement signed by 33 lawyers in Northern Ireland, entitled

Equal Protection under the Law, was published. Rosemary Nelson was one of the chief authors of that statement, which read in part:

“We remain particularly concerned about the murder of our esteemed professional colleague, Pat Finucane. It is simply unacceptable, that faced with compelling evidence of state involvement in the killing of a defence lawyer, no action has been taken. Serious allegations of collusion between members of illegal loyalist paramilitary organisations and members of the security forces have yet to be properly investigated. Similarly no action has been taken about the continuing intimidation and abuse of solicitors by police officers via their clients in detention centres. We are all too well aware of this continuing problem, which is one we face in our daily lives.”¹³

She said in her address to Congress in September 1998;

“No lawyer in Northern Ireland can forget what happened to Patrick Finucane or dismiss it from their minds. The allegations of official collusion in his murder are particularly disturbing and can only be resolved by an independent inquiry into his murder, as has been recommended by the UN Special Rapporteur. I would be grateful if the Sub-committee could do all in its power to bring about such an inquiry, by communicating to the United Kingdom government its belief that an inquiry in this case would in fact boost the peace process, as it has been in the Bloody Sunday case.”¹⁴

On 12th February 1999 she addressed a meeting in Derry on behalf of the Pat Finucane Centre, marking the tenth anniversary of his murder. A month later she too was murdered.

3. THE FAILURE TO OFFER ROSEMARY NELSON PROTECTION

- 3.1 On 10th August 1998, the Committee on the Administration of Justice (CAJ) wrote to government minister Adam Ingram MP including a copy of the handwritten death threat sent to Rosemary Nelson on 3rd June that year. They also enclosed a copy of a one-page pamphlet entitled “The Man Without a Future”, which referred to Garvaghy Road Residents Coalition’s (GRRC) spokesperson and local councillor Breandán Mac Cionnath. The pamphlet referred to his having received “advice from Lurgan solicitor and former bomber Rosemary Nelson” and quoted her business address and telephone number. The description of Rosemary Nelson as a “former bomber” was completely untrue.
- 3.2 The government were already well aware of the existence of this pamphlet as it was given to them by the GRRC in proximity talks¹⁵ held in Armagh on 21st July 1998, when the issue of security for the whole of the Coalition, and in particular their legal representative Rosemary Nelson, was raised with Jonathan Powell, Prime Minister Tony Blair’s Chief of Staff. Jonathan Powell had previously indicated on 18th July that the security of the Coalition was a matter of concern that should be dealt with urgently. The next day Inspector Foster and Superintendent Cully of Portadown RUC telephoned Breandán Mac Cionnath to ask what it was that he wanted. It is believed they had been instructed to make contact by the Chief Constables’ office, who in turn had been contacted by Jonathan Powell. The two RUC officers

offered nothing other than crime prevention advice. This was relayed to Jonathan Powell, who said this was not what he had thought would happen when he raised the issue of security with the police. At the meeting on 21st July he said that he would instruct the Northern Ireland Office to attend to the security of the GGRC within the next 48 hours.

- 3.3 On 24th September 1998, some six weeks after they wrote, Adam Ingram's private secretary replied to CAJ, saying, "We passed the documents immediately to the Chief Constable's office for investigation. They would obviously, given the nature of the material assess the security risk against Ms Nelson." She also invited Rosemary Nelson to apply for the Key Persons Protection Scheme, without giving any assurance that an application would succeed. The letter also advised on how to apply for a personal protection weapon and suggested that Rosemary Nelson contact the local RUC crime prevention officer.
- 3.4 Rosemary Nelson did allow the GRRRC to make an application on her behalf to join the Key Persons Protection Scheme, although she had reservations about the RUC assessing her safety. They would have asked for all sorts of details about herself, her family, and her associates, and her daily routine. Her house and office would have been visited by the RUC to assess whether security measures were necessary. Since the threats against her were predominately emanating from RUC officers, she felt that to enable them to obtain all this information about her would merely make it easier for them to carry out their threats, and there was a real danger that such details would be leaked to loyalists, as such leaks were frequent¹⁶. Questioned about this, Rosemary Nelson told the House Subcommittee on International Operations and Human Rights in Washington:
- "The government does have responsibility, but the procedure there is, if you request security from the RUC, your house or your premises are assessed by the RUC for these security installations. And I wouldn't have any great faith in the RUC coming in to assess that."¹⁷
- She had no wish to carry a gun, nor to have one around the house with three young children at home. The idea that the local crime prevention officer would be interested in her protection seemed to her a contradiction in terms. She felt that the NIO's response to CAJ was derisory.
- 3.5 The GRRRC repeatedly attempted to obtain protection for Rosemary Nelson and for the Coalition. They raised the issue at several meetings over the months following their meeting with Jonathan Powell on 21st July 1998 between the GRRRC and Northern Ireland Office officials including the Director and Deputy Director of the Security Policy and Operations Division. On 20th November 1998 a meeting took place in the Drumcree Community Centre, which was organised by Tony McCusker of the Northern Ireland Office. Also present at the meeting was an independent third party¹⁸. The issue of security for members of the Coalition and specifically for Rosemary Nelson was raised yet again. Breandán Mac Cionnath reiterated that Rosemary Nelson had been subjected to constant harassment from the RUC, that loyalists

had circulated a pamphlet identifying her as a bomber, that she had a high profile in the North of Ireland, that the United Nations had investigated the harassment against her and that the Metropolitan Police were investigating threats from within the RUC. A specific request was made to Tony McCusker, as the NIO's representative, to place her on the Key Persons Protection Scheme, although the GRRC explained that there was some reluctance on her part to have the RUC visit her home. At that stage Tony McCusker indicated that Councillors Breandán Mac Cionnath and Joe Duffy could be placed on the Key Persons Protection Scheme but no-one else. There was also discussion of an alternative method of providing some measure of protection for other members of the GRRC, not funded by the NIO, which would not have provided as high a level of protection as the Key Persons Protection Scheme.

- 3.6 The GRRC left the meeting dissatisfied with the failure to resolve the security issue. Six days later, Breandán Mac Cionnath wrote to Jonathan Powell at 10 Downing Street as follows:

"The issue of security for members of the Coalition has still not been satisfactorily resolved. While the NIO are prepared to concede security cover for Councillor Joe Duffy and myself, they are not prepared to extend such cover to include other members of the Coalition whom we deem to be equally at risk. Although an alternative source of funding for such measures has been proposed, we feel the NIO are not treating the issue of personal security protection with the seriousness it deserves. The responsibility for security provision is within the remit of the NIO, not outside agencies."

Jonathan Powell replied on 27th November:

"I thought the issue of security had been successfully concluded. I understand the Northern Ireland Office have offered assistance with security to you and Councillor Duffy on the basis of your position as Councillors. The NIO apparently have no power to offer assistance to your committee members, but I believe they have pointed to other possible sources of help."

After Rosemary Nelson was murdered, Adam Ingram wrote¹⁹ to Breandán Mac Cionnath:

"I know you raised the issue of protection with the GRRC at proximity talks last July. Subsequently, you and Councillor Duffy received protection at your homes. Officials also facilitated discussion with a third party with respect of measures for other members of the GRRC. Any arrangements as a result of these discussions would be entirely separate from the KKPS and as such the requirements for an RUC threat assessment would not apply."

In the same letter, he described the Key Persons Protection Scheme as follows:

"The Scheme is designed to protect those whose death or injury as a result of terrorist attack could damage or seriously undermine the democratic framework of Government; the effective administration of government and/or the criminal justice system; or the maintenance of public order."

Despite the catalogue of issues relating to Rosemary Nelson's safety raised by Breandán Mac Cionnath at the meeting on 20th November

1998, and even after she had been brutally murdered, the government maintained that the Key Persons Protection Scheme did not apply to her. It is, though, quite apparent from the government's own definition that it did.

3.7 On the day after Rosemary Nelson's murder, the then Secretary of State for Northern Ireland, Mo Mowlam MP, gave a press conference in Washington. After paying tribute to Rosemary Nelson, she said that, as a result of concerns about Rosemary Nelson's safety raised with her by BIRW²⁰, a security assessment had been made of the risk to her safety and the risk had been found to be low. BIRW's Director, Jane Winter, was present at the press conference, and was astonished by what she heard. BIRW had never been told that such an assessment had ever been carried out, and what was more, neither had Rosemary Nelson. BIRW entered into a lengthy correspondence with the NIO to try to establish

- ◆ who made the assessment
- ◆ when the assessment was made
- ◆ how it was possible to make such an assessment without ever speaking to Rosemary Nelson
- ◆ what factors had been taken into account, and
- ◆ why the outcome had found her to be at a low level of risk.

They also sought a copy of the assessment. They have never received any satisfactory answers to these questions and they have been refused sight of the assessment. BIRW have yet to be convinced that any assessment was in fact carried out. Even if it was, it is now, sadly, clear that it was completely wrong in its conclusions.

3.8 Despite the government's assurance to CAJ that the handwritten threat against Rosemary Nelson's life had been passed immediately to the Chief Constable's office for investigation, on 27th May 1999 the Chief Constable said in an RUC press release that "the RUC itself did not have any information to substantiate a threat to Mrs Nelson's life before her murder". He also said he "was not aware of any request made to the Prime Minister's office for protection for her". The minutes of the Police Authority of Northern Ireland's meeting of April 1999, in which the Chief Constable of the RUC's monthly report is included, recorded²¹:

"Members raised a series of questions about whether security protection had been requested or offered to Rosemary Nelson. The Chief Constable advised that Mrs Nelson had not sought security advice from the RUC and indicated that, prior to her murder, the RUC did not have information to suggest that she was the subject of a specific terrorist threat."

3.9 These claims of ignorance are totally lacking in credibility. Not only had the GRRC persistently raised Rosemary Nelson's safety with senior government officials, but government ministers had claimed repeatedly that they and the RUC were well aware of the danger she faced. On 5th March 1998, government minister Adam Ingram MP wrote to BIRW in the following terms in a letter responding to their complaints on behalf of Rosemary Nelson:

“... The first thing I would say is that intimidation of anyone, but perhaps particularly a solicitor, in the way alleged, is an extremely serious matter. The police are aware of this and of the concerns expressed about Ms Nelson’s safety.”

3.10 Controversy surrounds remarks attributed to the Chief Constable by the Special Rapporteur in the first draft of his report on the United Kingdom, delivered to the United Nations on 1st April 1998. In that draft, the Special Rapporteur said that it was remarked during his meeting with the Chief Constable and other senior police officers that some solicitors “may in fact be working for the paramilitaries”. BIRW and CAJ were told by the United Kingdom Mission in Geneva that the Chief Constable had insisted that this passage be excluded from the report because if they appeared in the same report as allegations about abuse against herself made by Rosemary Nelson, whom he named specifically, it might lay her open to loyalist attack. Later BIRW understood from the Secretary of State that the Chief Constable denied that these remarks were ever made at the meeting, although that is not what the Mission told the two human rights groups at the time. The Chief Constable has also publicly denied making these remarks, in a BBC *Panorama* programme broadcast on 21st June 1999. In the same interview, he also said he had no recollection of calling Geneva and asking for changes in the Special Rapporteur’s report. He later denied having made the call altogether²². In response to correspondence with Mo Mowlam about this matter, she said to BIRW in a letter dated 14th July 1998:

“Finally, I can understand your concern over Rosemary Nelson’s safety. Although clearly this is not a matter which it would be appropriate for me to discuss with you or anyone else, I can say that the police are aware of concerns such as yours, and take their responsibility for the safety of individuals very seriously.”

3.11 For these reasons BIRW are sceptical about the Chief Constable’s claim to have been unaware of any threat to Rosemary Nelson’s safety, especially in light of his contemptuous response to their 1998 report (please see paragraph 2.6 above). As the Special Rapporteur himself said in his oral presentation to the UN Commission in April 1998:

“There was, in my view, a complete indifference shown by the RUC to the allegations contained in reports from the NGOs.”

3.12 Ten days after Rosemary Nelson was killed, two RUC officers called in at the office of the Committee on the Administration of Justice. They wanted to know if CAJ had the originals of the threatening letter and the abusive pamphlet they had sent to Adam Ingram, so that they could subject them to fingerprinting and DNA testing. Had they taken her situation seriously, they would have taken these measures in August 1988. It might have saved her life.

4. THE FAILURE TO INVESTIGATE ROSEMARY NELSON’S COMPLAINTS ADEQUATELY

4.1 Another very disturbing aspect of Rosemary Nelson’s murder is the way in which her complaints about threats and abuse against her by RUC

officers were handled. The Independent Commission for Police Complaints commissioned an RUC investigation of her complaints in March 1997. On 23rd March 1997 the ICPC passed the complaints they had received from the Lawyers Alliance to the RUC. The RUC initially refused to accept them as *bona fide* complaints.²³

- 4.2 Geralyn McNally, the member of the ICPC responsible for their investigation, became increasingly critical of the way in which RUC officers acting under her supervision were dealing with the investigation. She identified nine separate points of dissatisfaction, including the hostility, evasion and disinterest of RUC officers, the provision of ready-prepared written statements by RUC officers due to be questioned, and a general unwillingness by some of them to co-operate with the investigation or take it seriously. One RUC officer had even turned up for an interview 45 minutes late and smelling of alcohol. She cited "ill-disguised hostility to Mrs Nelson" by some RUC officers as "bordering on the obstructive".²⁴
- 4.3 The Chairman of the ICPC, Paul Donnelly, drew her concerns to the attention of the Chief Constable and the Secretary of State for Northern Ireland. On 10th July 1998, over 15 months after the investigation began, the Chief Constable called in the Metropolitan Police to take over the investigation. They appointed Commander Niall Mulvihill to be in command. On 22nd March 1999, days after the murder, Geralyn McNally certified that she was satisfied "now" (her emphasis) with the conduct of the investigation. On 30th March a résumé of Mulvihill's investigation was published. It concentrated on the RUC's handling of the investigation, rather than on Rosemary Nelson's substantive complaints.
- 4.4 On 14th July 1999, a private report by Paul Donnelly, the ICPC Chairman, was leaked to the press. Written on 24th April 1999, it was heavily critical of Mulvihill's part in the investigation. In particular, it criticised the fact that Mulvihill only conducted a review of the RUC's handling of the investigation, rather than investigating the complaints from scratch. It also disapproved of the practice of allowing RUC officers who were under investigation to read other witness statements, presumably including Rosemary Nelson's own statement, before being interviewed. The Chairman said that Mulvihill was too ready to accept the RUC's classification of the abuse against Rosemary Nelson, some of which was sexually explicit, as "incivility", and displayed insufficient concern over an RUC officer identifying the solicitor with a client "of bad character". Mulvihill had failed to vindicate Geralyn McNally's complaints about the RUC handling of the investigation. Paul Donnelly also disputed Mulvihill's finding that "thorough" interviews were conducted with RUC officers alleged to have threatened Rosemary Nelson, most of whom declined to answer questions.²⁵
- 4.5 Three separate files concerning Rosemary Nelson's complaints are currently under consideration by the Director of Public Prosecutions. These are two complaints made jointly by Rosemary Nelson with two different clients, and the complaint made on her behalf by the Lawyers Alliance. In view of the information contained in Paul

Donnelly's report about the Mulvihill investigation, from which it was clear that RUC officers accused of uttering threats and abuse against Rosemary Nelson had declined to answer questions, it is not anticipated that any prosecutions will ensue. Rosemary Nelson's other complaint about the assault by RUC officers on the Garvaghy Road in July 1997 is still being considered by the ICPC, who expect to conclude their investigation by the end of the year. However, since the officers concerned wore no identification markings, it is unlikely that this complaint will lead to prosecutions, either.

- 4.6 The situation now is that Rosemary Nelson's complaints have never been properly investigated. If her complaints were well-founded, and all the evidence suggests that they were, then no RUC officer has been disciplined, let alone dismissed, for uttering death threats and other disgusting abuse against her. If RUC officers were prepared to make such remarks to Rosemary Nelson's own clients, they must have been even more ready to say such things to loyalists. These constant attempts to associate her with her clients' alleged crimes and causes undoubtedly put her life at risk. There is no doubt in the minds of the human rights groups that took up her complaints while Rosemary Nelson was alive that such abuse helped to create the climate which brought about her death.

5. **THE MURDER**

- 5.1 Shortly after Rosemary Nelson left her home for her office at around lunchtime on 15th March 1999, a bomb went off as the car approached a junction, possibly as she applied the brakes²⁶. Security sources were quoted as saying that the device was almost certainly a mercury tilt switch detonator connected to Powergel (commercial) explosives²⁷. However, a BBC *Spotlight* programme transmitted on 20th April 1999 suggested that the explosives used were not Powergel. It is understood that the detonator used has not been found, and some mystery surrounds the precise details of the device used.
- 5.2 The Red Hand Defenders (RHD) claimed responsibility for the murder in a telephone call to the BBC in Belfast²⁸. They used a recognised code word²⁹.
- 5.3 The RHD are made up of dissident elements of the Ulster Defence Association and the Loyalist Volunteer Force³⁰ (LVF). According to security sources, the RHD emerged in July 1988 and have only two or three dozen members. Membership overlaps with that of another dissident loyalist group, the Orange Volunteers.³¹
- 5.4 Senior RUC detectives believed it unlikely that the RHD could have carried out the murder without some help from elements previously connected with mainstream loyalists³². Many were puzzled at the advance in sophistication displayed by the RHD. The group had previously killed RUC Constable Frankie O'Reilly during Drumcree demonstrations in Portadown in October 1988. On 31st October 1998 they shot a Catholic, Brian Service, in north Belfast. They were also said to be responsible for a series of arson attacks on Catholic churches

and businesses.³³ The RHD had previously only used crude devices, whereas the UDA had been known to use the sort employed in Rosemary Nelson's murder³⁴. Ulster Democratic Party member John White (who was engaged in attempting to persuade the RHD to call a ceasefire) said that three people expelled from the UDA were now involved with the RHD³⁵.

5.5 The only successful loyalist car bomb in recent years was employed against UDA man Glen Greer, allegedly over drugs, in October 1997³⁶. No organisation has claimed responsibility for his murder, but the UFF are thought to have obtained Powergel explosive³⁷, which was used in the bomb, which was triggered by a mercury tilt mechanism (both of which may or may not have been used in the bomb that killed Rosemary Nelson).

5.6 Two newspapers claimed that Rosemary Nelson was probably murdered by former members of the UDA with help from Ulster Resistance. They alleged that Ulster Resistance supplied the mercury tilt device and the Powergel explosive, while former UDA members planted the bomb.³⁸ In December 1988 *The Observer* revealed that weapons put on show by the RHD were part of Ulster Resistance's 1987 arms shipment from South Africa, which was said to have been brokered by Army intelligence agent Brian Nelson, who has been implicated in the murder of Patrick Finucane. The newspaper also claimed that the same people murdered both Glen Greer and Rosemary Nelson. Another Sunday paper said that the car bomb device may have been made by a UFF³⁹ bomb-maker on the Shankill Road. It also claimed that the device may have been supplied by UDA members in Belfast⁴⁰. An un-named senior RUC detective was reported as saying that the device could have been planted in less than 10 seconds⁴¹. Colin Port, the police officer in charge of the murder investigation, has said that it is highly likely that the bomb was attached to Rosemary Nelson's car in the hours of darkness on 14/15 March⁴².

5.7 An editorial in the *Sunday People* claimed that, "The people believed to have been behind the outrageous murder of Mrs Nelson are well-known"⁴³. Several papers speculated that loyalist Frankie Curry, who was himself murdered on 17th March, only two days after Rosemary Nelson, had been involved in her murder, although others claimed there was no connection. One paper alleged that Curry had been an RUC Special Branch agent⁴⁴. Curry himself apparently claimed to have murdered Glen Greer and is thought to have been sympathetic to the Red Hand Defenders⁴⁵. Colin Port has dismissed any connection between the two murders⁴⁶.

6. THE POLICE INVESTIGATION INTO THE MURDER

6.1 On 23rd March 1999, Rosemary Nelson's husband Paul made his first public statement since the murder. He did so after reading the ICPC's report on Rosemary Nelson's complaints. He said:

"I was very shocked when I read the catalogue of hostility, obstruction and dishonesty which the ICPC identified in the RUC

investigation into the threats against Rosemary... If the ICPC had no confidence in the ability of the RUC to investigate the death threats against Rosemary how can my family be expected to have confidence in their ability or indeed their willingness to effectively investigate her murder?"

- 6.2 On the day after her murder, obviously realising that parallels would be drawn with the death of Patrick Finucane and that her case would be equally controversial, the RUC Chief Constable announced that he had called in the FBI to assist with the forensic aspects of the murder investigation. He also said that the Chief Constable of Kent, David Phillips, had been appointed "to oversee the investigation"⁴⁷. Both these moves turned out to be cosmetic. Within two weeks, the Chief Constable announced that Colin Port, Deputy Chief Constable of Norfolk Constabulary, would assume responsibility for the day-to-day control, direction and command of the murder investigation⁴⁸. He would, however, report to the Chief Constable. David Phillips' role seems quietly to have been phased out. In a radio interview at the end of March, the Chief Constable said that David Phillips' "responsibilities in other fields don't allow him to be here on a daily basis"⁴⁹. The Chief Constable said that he was still involved in an advisory capacity.
- 6.3 On 12th April 1999, only a month after the murder, John Guido, legal attaché to the FBI, indicated that its 4-week involvement with the murder investigation was at an end. He said the FBI found little that they would have suggested the RUC change or do differently.⁵⁰ It is understood that the FBI sent four officers to Northern Ireland. Two of them spent less than three weeks there and one of them was there for less than two weeks. A rapid-start computer expert also returned to the USA after a short stay. The FBI were not involved in any operational capacity; they conducted no interviews and they were not involved in gathering evidence. The RUC carried out all the forensic work on the ground. The FBI's role appears to have been limited to participation in a round-table guidance group and to acting as observers and/or supporters. It appears that they have played no role in the investigation since 16th April 1999.⁵¹ It would appear that no independent forensic tests have been carried out at all, and the Nelson family are now considering commissioning their own tests.
- 6.4 When Colin Port arrived on the scene, he found that the murder investigation was already well under way. The Chief Constable had set up a team, within the investigation team as a whole, to look into the question of whether there had been any collusion in the murder⁵². This team included RUC officers. Initially, Colin Port's investigation team of 50 police officers included 40 RUC officers and 10 drawn from six other police forces⁵³. The whole team was based at Lurgan RUC station, the very office from which some of the worst abuse against Rosemary Nelson allegedly emanated, and the team was sharing the RUC's computers. Human rights groups who met with Colin Port to discuss his reliance on local RUC officers were dismayed that he did not appear to be sufficiently alive to the possibility that RUC involvement in the investigation could facilitate any cover-up if any

RUC officers had been involved in the murder. Given the death threats some RUC officers had allegedly uttered against her this seemed a distinct possibility. He defended the inclusion of RUC officers in the collusion team, who by 1st May 1999 outnumbered non-RUC officers by a ration of two to one, "because they know the systems that operate here"⁵⁴.

- 6.5 Human rights groups were also concerned that Colin Port was not carrying out a completely independent investigation. He had been called in by the RUC Chief Constable, Sir Ronnie Flanagan, and ultimately he reports to the Chief Constable. Ownership of his report will vest in the Chief Constable, which means that it will be for him to decide whether the report is ever published. If earlier investigations by external police officers are anything to go by, it is unlikely that Colin Port's report will ever be published.
- 6.6 Furthermore, his investigation is the least independent of the RUC of any external investigation to date. The three other external investigations - by John Stalker and Colin Sampson into the alleged RUC shoot-to-kill policy; by John Stevens into collusion and the murder of Patrick Finucane; and by Strathclyde Police into the ill-treatment of David Adams in Castlereagh - have all used non-RUC officers for the investigative elements of their tasks. Nevertheless, the Stalker/Sampson and Stevens investigations were both hampered by collusion.
- 6.7 It was late July before it was reported that Colin Port's investigation team had its own computer system and that all RUC personnel had been removed from the collusion team⁵⁵. By mid September the number of RUC officers in the team as a whole had dropped from 80% to about 50%⁵⁶. It remains to be seen whether the inclusion of RUC officers in both the collusion team and other aspects of the investigation, and the sharing of computing facilities, has made it difficult or impossible to establish whether any RUC officer(s) actively incited or participated in the murder.
- 6.8 The involvement of RUC officers in the police investigation meant that some witnesses were reluctant to speak to the police. Some have still not come forward to this day. In May 1999 the Pat Finucane Centre published a report on Rosemary Nelson's murder⁵⁷. In it they included extracts from interviews they had conducted with 52 local eyewitnesses after the Centre had been asked to take statements because of local reluctance to talk to the RUC. These 52 people all came forward voluntarily, without any approach being made to them by the Centre. Many of them gave consistent accounts of intense and highly unusual security force activity in the area around Rosemary Nelson's house in the two or three months beforehand and especially during the 48 hours before the murder. In particular, local people reported that troops were being dropped off in a field near Rosemary Nelson's house on the day before she was killed. They also reported helicopters hovering low over the area from around 6:30 pm until after midnight on the night before the murder. Rosemary Nelson herself noticed the heightened level of security activity. She mentioned it to a client and to a friend, to whom she remarked that she suspected

troops were dug in in the fields near the house. There also appeared to be many more RUC patrols than usual throughout the weekend. At about 10:00 am on the day of the murder several witnesses noticed an army patrol by the railway station. Although the area was not sealed off from the public, one RIR soldier told a witness that a suspect device had been found. Other witnesses saw soldiers handling various objects, which would be highly unusual if it was suspected that an attack might be made on the railway line.

- 6.9 Prior saturation of an area by the security forces has been cited as a suspicious circumstance in other murders where collusion has been alleged. A book published recently⁵⁸ has suggested that the security forces issue "restriction orders" when one branch wants to make sure other branches do not interfere with their operations. Security force activity has the side effect of discouraging local people from being out and about and noticing anything or anyone unusual, and could provide cover for those intent on murder. Given the very high level of security force activity in the area, it seems strange that the perpetrators went ahead with the murder, rather than calling it off and re-scheduling it for a quieter night. It suggests a surprising degree of self-confidence on the murderers' part, unless they knew they had nothing to fear from discovery.
- 6.10 According to the Pat Finucane Centre (PFC), some of those who gave them statements also gave statements to Colin Port's investigation team. Some time after doing so, they were asked to return to Lurgan RUC station for a further interview. This interview was conducted by an English police officer and an RUC officer, who led the interview. The witnesses told the PFC that the RUC officer told them that they had mentioned seeing an RUC mobile patrol and a particular time and place, but that no other witnesses had done so and there was no RUC log of such a patrol. The witnesses felt they were being persuaded to change their evidence. However, they were sure they were right and did not change their account. The RUC officer's assertion that their account was uncorroborated was incorrect; other witnesses had also seen the patrol, and given statements to the police team to that effect, and a media report⁵⁹ also confirmed its presence.
- 6.11 PFC also reported that a friend of Rosemary Nelson's who had spent the weekend before the murder with the Nelson family in Donegal had left the friend's own car parked in Rosemary Nelson's drive in Lurgan throughout the weekend. RUC officers had visited the friend's house two and a half weeks after the murder. Having ascertained that the friend lived at that address but was not at home, they asked if the friend owned a car of a certain description. The description did not match the friend's car. The following week, Colin Port told Rosemary's husband Paul that officers had yet to interview the family friend and that officers had gone to the wrong address, which was untrue and suggests that Colin Port may have been misled by the RUC. The friend had still not been interviewed seven weeks after the event⁶⁰. Other key witnesses had still not been interviewed months after the event.

6.12 It is suspected that an RUC member of Colin Port's team has leaked information about the murder investigation to the *News of the World*. In a piece entitled "Nelson bomb suspect is on run from cops", published on 3rd October 1999, someone described variously as "senior security sources" and "the senior security source" gives detailed information about the murder investigation. The article says that a middle-aged LVF leader had fled after an internal feud within the organisation. He was under intense scrutiny by the murder team, who had a lot of intelligence linking him to the crime but insufficient forensic evidence to secure a conviction. Police believed that the bombers had carried out a dummy run before the actual attack and that this man and another LVF member had carried out surveillance on the Nelson home in the days prior to the attack. This suspect had planted the bomb during the night of Sunday 14th March. Three people had been identified as being capable of making the sort of device used in the bombing. They included: a senior UDA man from Scotland, who had been smuggled over to Northern Ireland by boat along with seven others; a freelance bomb-maker whose name had been linked to several loyalist bombings; and a UVF man from east Belfast who had fled in May because he feared arrest by Port's team. It was alleged the bomb may have been manufactured in a UFF area of west Belfast. The murder team had taken over a thousand witness statements, made dozens of house-to-house enquiries, and were trawling security camera tapes in order to try to identify the vehicle used to transport the bomb and the murderers to Lurgan. This highly circumstantial account contains some obvious inaccuracies⁶¹, and cannot be relied upon. However, what is disturbing about it is the fact that it describes potential suspects in enough detail for them to be warned that they are under scrutiny. It also gives some details about the methods employed by the murder team, which might alert the murderers, for example, to destroy the vehicle they used. If this information was leaked by an RUC officer, the implications for the integrity of the murder investigation would be very serious indeed.

6.13 On 4th November 1999, the RUC raided Stoneyford Orange Hall in County Antrim. They found up to 300 files containing photographs, addresses, telephone numbers and other personal details of alleged republicans from South Armagh and Belfast⁶². By 7th November alarming details were emerging about this find. According to one Sunday newspaper⁶³:

"The information contained in the handwritten documents discovered at Stoneyford Orange Hall in Co Antrim last weekend is more recent than was first thought. Some of the details were copied from army files compiled as recently as 1997, three years after the IRA declared its first cessation. There were also copies of 70 photographs of republican suspects taken between 1988 and 1993."

The paper quoted a security source as saying,

"All the indications are that it was the work of elements within the regular British Army, probably intelligence. It represents a very serious breach of security."

Another paper⁶⁴ also claimed that the original documents came from army intelligence and reported:

“A senior RUC officer said the material they are looking for includes information on the murder of Lurgan solicitor Rosemary Nelson, the personal details of republican suspects, and statements carrying threats against the lives of journalists working in Northern Ireland.”

The link to the investigation into Rosemary Nelson's murder was made more explicit by another Sunday paper⁶⁵:

“Detectives investigating the murder of Rosemary Nelson are waiting to examine computer discs, files and other items seized during the crackdown against loyalist dissidents. The team of 50 English⁶⁶ detectives hope the material might reveal a vital link with the Lurgan solicitor's murder last March. Arrests of loyalist dissidents suspected of involvement in the murder were expected last month. But it's understood they were delayed until the RUC operations against the Red Hand Defenders and Orange Volunteers were completed. Materials seized in the raids are currently undergoing examination for fingerprints and other forensic traces. It'll be another week before Norfolk deputy chief constable, Colin Port's team will be passed relevant material for examination.”

While it is to be hoped that these developments will lead to a breakthrough, if this newspaper report is accurate it appears that the RUC will decide what it is relevant for Colin Port to see. If there has been any collusion between loyalist dissidents and RUC officers, there is clearly a danger that any evidence this seizure may have brought to light will have been filtered out before it can reach the murder team.

6.14 No-one has yet been arrested in connection with the murder.

7. **CALLS FOR AN INDEPENDENT INQUIRY**

7.1 Human rights groups reacted swiftly to Rosemary Nelson's murder. On the day it happened, 15th March 1999, Amnesty International put out a press release calling on the government:

“... to take the following measures without further delay:

* institute a thorough and impartial inquiry into the killing of Rosemary Nelson. Amnesty International considers that, given the circumstances, the RUC would not be considered impartial;

* institute an independent judicial inquiry into allegations that defence lawyers are systematically harassed and intimidated by the security forces;

* urgently implement the Special Rapporteur's recommendation for an independent inquiry into the killing of Patrick Finucane.”

The following day, Amnesty International, British Irish RIGHTS WATCH, the Committee on the Administration of Justice, Human Rights Watch, the Irish Council for Civil Liberties and the Lawyers Committee for Human Rights all met the Secretary of State for Northern Ireland in Washington to impress on her the need for a truly independent investigation of the murder.

7.2 On 16th March 1999, Dato' Param Cumaraswamy, the UN's Special Rapporteur on the Independence of Judges and Lawyers, put out a press release in response to the murder. It set out his concerns about her safety and his attempts to raise those concerns with the government. It concluded:

"The Special Rapporteur calls upon the Government to establish an independent and impartial commission of inquiry to investigate this brutal crime, to apprehend those responsible and bring them to justice."

- 7.3 On 15th April 1999 the European Parliament passed a resolution calling for an independent inquiry into the murder⁶⁷.
- 7.4 On 19th April 1999, the Rosemary Nelson Campaign was launched in response to "widespread concern at the circumstances leading up to her murder, particularly following the ICPC Report and the comments of UN Special Rapporteur Param Cumaraswamy. " The Campaign is calling for "an independent, international investigation and an independent, international, judicial inquiry" into the circumstances of Rosemary Nelson's death.⁶⁸
- 7.5 On 20th April 1999, the US House of Representatives passed a resolution⁶⁹ calling on the British government to :
 - "(A) to launch an independent public inquiry for the investigation of the murder of defense attorney Rosemary Nelson so that evidence gathering, witness interviews, and the issuance of a detailed, public report can be based on the work of law enforcement experts not connected to or reliant upon the efforts of the Royal Ulster Constabulary (RUC);
 - (B) to institute an independent judicial inquiry into allegations that defense attorneys are systematically harassed and intimidated by security forces; and
 - (C) to implement the United Nations Special Rapporteur's recommendations for an independent inquiry into the possibility of collusion in the killing of defense attorney Patrick Finucane."
- 7.6 On 11th May 1999, a special meeting of the membership of the Northern Ireland Law Society passed a motion calling for "an independent judicial inquiry into the circumstances surrounding the murder of Mrs Rosemary Nelson and for an independent investigation into her murder"⁷⁰.
- 7.7 That international concern has not abated with the passage of time. On the contrary, it has deepened. On 10th December 1999, international human rights day, a coalition including some of the most authoritative international human rights groups called for an independent inquiry into Rosemary Nelson's murder. Amnesty International, Human Rights Watch, the International Commission of Jurists' Centre for the Independence of Judges and Lawyers, the Lawyers Committee for Human Rights, the Committee on the Administration of Justice and British Irish RIGHTS WATCH called for "a thorough, independent and impartial inquiry into all the circumstances surrounding her death".

8. CONCLUSION

- 8.1 All right-thinking people want the murderers of Rosemary Nelson found and brought to justice. It follows that they want to see a successful police investigation into her death.
- 8.2 However, as this report shows, there are very serious question marks over the role played by the RUC. The evidence indicates that:
- ◆ several of Rosemary Nelson's clients reported that she had been abused by RUC officers, who had also threatened her life, in the two years before her death
 - ◆ the Chief Constable of the RUC, Sir Ronnie Flanagan, had been contemptuous in his attitude towards complaints made on her behalf by human rights groups
 - ◆ RUC officers acting under the supervision of the Independent Commission for Police Complaints failed to investigate those complaints properly
 - ◆ after her death, the Chief Constable tried to maintain that the RUC had been ignorant of any threat to her life
 - ◆ although he called in external police officers and the FBI to assist in the police investigation into her murder, he included RUC officers in the team charged specifically with investigating whether there had been any collusion in her death
 - ◆ Colin Port, who has charge of the police investigation, reports directly to the RUC Chief Constable, who will own Colin Port's report.
- 8.3 Despite these defects, Colin Port was slow to separate his own investigation from the RUC investigation he inherited. Although he has tried to be as accessible as a police officer running a murder investigation can be, the facts remain that his team is still based in Lurgan RUC station, from whence some of the threats against Rosemary Nelson allegedly emanated, and that half his team is still made up of RUC officers. There is also some evidence to suggest that at least one member of his team has leaked informed in such a way as to undermine the investigation.
- 8.4 The complaints that Rosemary Nelson made about death threats and other abuse allegedly made against her by RUC officers have yet to this day to be properly investigated, despite the participation of Commander Niall Mulvihill of the Metropolitan Police.
- 8.5 However, it was not only the RUC who failed to protect Rosemary Nelson's life. Human rights groups from around the world constantly drew the Secretary of State's and the Northern Ireland Office's attention to the threat to her safety. The United Nation's Special Rapporteur called publicly for an inquiry into intimidation of defence lawyers, drew specific attention to her case in his report, and wrote privately to the government expressing concern about her situation. The government refused to act on his recommendations. The Garvaghy Road Residents Coalition repeatedly raised her safety with the government, all to no avail.
- 8.6 The criminal justice system has not served Rosemary Nelson well, either before her death or afterwards. She was abused and threatened by

RUC officers and others, she complained, her complaints were neither taken seriously nor properly investigated, she was murdered, and her murderers have yet to be brought to book. If such a train of events had happened to one of her clients, she would have been up in arms. That it should happen to a solicitor, an Officer of the Court, despite her case having been raised with the government by the United Nations, is a scandal.

- 8.7 Whatever the outcome of the police investigation into the murder of Rosemary Nelson, it is imperative that all the issues that have been raised in this report are properly examined and recommendations made and implemented to ensure that she is the last lawyer ever to be murdered in Northern Ireland and the last to have to carry out her professional duties in fear of her life. British Irish RIGHTS WATCH has concluded that only an independent, international, judicial inquiry into her murder will suffice to achieve these ends.

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- 1 RUC press release 7.5.1997
- 2 And in earlier years at Strand Road in Derry
- 3 See, for example, successive editions of *United Kingdom Human Rights Concerns*, Amnesty International; successive reports by British Irish RIGHTS WATCH, 1992 - 1999; *Human Rights and Legal Defense in Northern Ireland: The Intimidation of Defense Lawyers, the Murder of Patrick Finucane*, Lawyers Committee for Human Rights, New York, February 1993; *Political Killings in Northern Ireland*, 1994, Amnesty International; *At the Crossroads: Human Rights and the Northern Ireland Peace Process, Ending the Emergency, Judges and Lawyers*, Lawyers Committee for Human Rights, New York, December 1996; *To Serve Without Favour: Policing, Human Rights, and Accountability in Northern Ireland*, 1997, Human Rights Watch/Helsinki, New York; and *Criminal Justice And Human Rights In Northern Ireland and the Republic of Ireland*, 1999, Association of the Bar of New York, New York
- 4 *Report on the mission of the Special Rapporteur on the Independence of Judges and Lawyers to the United Kingdom of Great Britain and Northern Ireland*, United Nations, E/CN.4/1998/39/Add.4, paragraph 90
- 5 Statement of Rosemary Nelson, taken by the Committee on the Administration of Justice, 7th July 1997 by Paul Mageean, who noted visible bruising on her right upper arm. Rosemary Nelson also told Jane Winter of British Irish RIGHTS WATCH over the telephone on the same date that she was "black and blue" as a result of the assault
- 6 Interview with Rosemary Nelson, *Policing the Police: The Video*, Committee on the Administration of Justice and Witness Program of the Lawyers Committee for Human Rights, 1997
- 7 *Report on the mission of the Special Rapporteur on the Independence of Judges and Lawyers to the United Kingdom of Great Britain and Northern Ireland*, United Nations, E/CN.4/1998/39/Add.4, paragraphs 16 and 17
- 8 As he confirmed in his oral presentation to the Commission in April 1999, when he said, "In the last two years, I had expressed concern for her personal security and raised the threats on her life in communications to the Government of the United Kingdom."
- 9 Statement of Rosemary Nelson before the International Operations and Human Rights Sub-committee of the House International Relations Committee on Human Rights in Northern Ireland, 29.9.1998
- 10 *Mistaken Identity*, Report to the United Nations' Special Rapporteur on the Independence of Judges and Lawyers, British Irish RIGHTS WATCH, November

1998

11 Letter from the Chief Constable to British Irish RIGHTS WATCH, 11.11.1998. The
letter is quoted in full

12 *Irish News*, 16.3.1999

13 *Equal Protection under the Law*, statement by 33 Northern Ireland solicitors,
issued on 14.1.1998

14 See note 6 above

15 Concerning the Orange Order march

16 See, for example, *Political Killings in Northern Ireland*, Amnesty International
1994 and *Collusion 1990 -94 Loyalist Paramilitary Murders in the North of
Ireland*, Relatives for Justice 1995

17 Minutes of the meeting of the International Operations and Human Rights Sub-
committee of the House International Relations Committee on Human Rights
in Northern Ireland, 29.9.1998, p. 23. The Northern Ireland Office has since
recognised that it is inappropriate for the RUC to carry out some security
checks and have allowed independent checks to be carried out

18 British Irish RIGHTS WATCH have spoken to this third party, who has confirmed that
the GRRC specifically named Rosemary Nelson as being in need of protection
during the discussion about the Key Persons Protection Scheme

19 On 18th May 1999

20 In a letter to British Irish RIGHTS WATCH dated 10.11.1999, government minister
Adam Ingram MP claimed that the Secretary of State had meant to cite CAJ
rather than BIRW – it seems incredible that it took eight months and the
exchange of numerous letters before this mistake was corrected. Needless to
say, CAJ was never informed about the assessment either

21 At p. 11

22 *Irish Times*, 25.6.1999

23 *A Commentary by the Chairman of the ICPC on the Review of RUC
Investigations into Complaints by or on behalf of Mrs Rosemary Nelson
conducted by Commander N G Mulvihill Metropolitan Police*, Paul Donnelly,
28.4.99

24 *Statement made in accordance with Article 9, paragraph (8) of the police
(Northern Ireland) Order 1987, relating to complaints against officers of the
Royal Ulster Constabulary made by Lawyers Alliance for Justice in Ireland on
behalf of Rosemary Nelson, Solicitor, and Mr Colin Duffy, ICPC*, 22.3.1999

25 See note 17 above

26 *The Independent*, 16.3.1999

27 *Sunday Telegraph*, 21.3.1999

28 Reuters, 15.3.1999, 9:59 pm

29 ITN, 16.3.1999

30 *Irish Times*, 16.3.1999

31 *The Times*, 16.3.1999

32 *The Guardian*, 17.3.1999

33 *Irish News*, 16.3.1999

34 *The Independent*, 16.3.1999

35 *Belfast Telegraph*, 17.3.1999

36 *The Guardian*, 16.3.1999

37 *Lost Lives*, McKittrick et al, Mainstream Publishing, Edinburgh, 1999, p. 1415

38 *Sunday Telegraph*, *The Observer*, 21.3.1999

39 The Ulster Freedom Fighters, a mainstream loyalist group currently on
ceasefire, who were responsible for the murder of Patrick Finucane

40 *Sunday Tribune*, 21.3.1999

41 *Irish News*, 27.3.1999

42 Interview with Colin Port, *Irish News*, 1.5.1999

43 11.4.1999

44 *Sunday Business Post*, 25.4.1999

45 *Lost Lives*, McKittrick et al, Mainstream Publishing, Edinburgh, 1999, pp. 1469 –

1470

- 46 Interview with Colin Port, *Irish News*, 1.5.1999
47 RUC Press Release, 16.3.1999
48 RUC Press Release, 30.3.1999
49 Transcript of an interview which the Chief Constable gave to Barry Cowan for
the BBC Radio Ulster programme *Seven Days on Sunday*, 28.3.1999
50 RUC Press Release, 12.4.1999
51 Contacts between the office of Representative Chris Smith and the FBI's
Congressional Liaison Officer, Rob Walsh, Spring 1999
52 Interview with Colin Port, *Irish News*, 1.5.1999
53 *The Guardian*, 13.4.1999
54 Interview with Colin Port, *Irish News*, 1.5.1999
55 Exclusive interview with Colin Port, *Irish News*, 22.7.1999
56 Meeting between Colin Port, BIRW and CAJ, 13.9.1999
57 *Rosemary Nelson: The Life and Death of a Human Rights Defender*, Pat
Finucane Centre, Derry, 1999
58 *Ten-Thirty-Three: The Inside Story of Britain's Secret Killing Machine in Northern
Ireland*, Nicholas Davies, Mainstream Publishing, 1999, p.17
59 *Lurgan Mail*, 18.3.1999
60 Ibid, p. 31. The friend has been interviewed since
61 For instance, the article says that Rosemary Nelson was killed instantly, and
that "scores of English detectives" are involved in the murder team, neither of
which is true
62 *Irish News*, 5.11.1999
63 *Sunday Times*, 7.11.1999
64 *Observer*, 7.11.1999
65 *Sunday Life*, 14.11.1999
66 This is wrong; about 50% of Colin Port's team are RUC officers
67 *Irish News*, 16.4.1999
68 Letter from the Rosemary Nelson Campaign, 12.4.1999
69 H. Res. 128
70 Minutes of a Special Meeting of the Law Society of Northern Ireland held at
the Europa Hotel on 11th May 1999