

Witness Name: **P136**

Statement No. 1

Exhibits: **P136, 1-47**

Dated: .....

**THE ROSEMARY NELSON INQUIRY**


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**Witness statement of **P136****


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I, **P136**, will say as follows:-

1. I joined Command Secretariat as Chief Inspector in May 1997. In April 1998 I was promoted to Superintendent and remained in the Command Secretariat until September 1999 when I moved to an operational post. I am now attached to Crime Operations Department.
2. I worked my way up through the ranks and have served in various divisions but I have never been attached to South region (which covers Lurgan and Portadown) and aside from one attendance at Drumcree as Chief Inspector Public Order Bronze Commander, I have had no involvement in the Garvaghy Road marches. I had no direct contact with Rosemary Nelson and I did not correspond with her in a professional capacity until I joined the Command Secretariat in 1997.
3. I refer to **RNI 834.001** which is a diagram prepared by one of my ex colleagues, Roger Maxwell. Roger was my predecessor as Superintendent in Command Secretariat. I also refer to **RNI 834.002-003** and **RNI 834.004-005**. **RNI 834.002-003** is an extract from the 1997/1998 Chief Constable's Report.

**RNI 834.004-005** is an extract from the 1998/1999 Chief Constable's Report. These diagrams provide a helpful context when considering the role of the Command Secretariat and the posts of Chief Inspector and Superintendent. It is an accurate reflection of the RUC command structure in the late 1990s.

4. Referring to **RNI 834.001** and taking each of the departments in turn, A Department dealt with business process and administration. B Department handled all human resource matters and C Department dealt with crime including policy. D Department was responsible for operational support and this essentially meant that it devised policy in relation to operational matters such as traffic. D Department was also responsible for assessments in relation to the Key Persons Protection Scheme (KPPS) although this was run and administered by the NIO. E Department was Special Branch and F Department was the Press Office. G Department handled complaints and discipline. Independent Commission for Police Complaints ("ICPC") was the supervisory body for police complaints as the Ombudsman was not in place until some years later. Whilst I was in the Command Secretariat, **P146** was a Chief Inspector in Complaints and Discipline. B and G Departments were amalgamated I believe during my period of service in the Command Secretariat. C and E Departments were amalgamated later.
5. In addition to these departments, there were three operational regions; Urban region, which covered Greater Belfast, South region, which included areas such as Lurgan and Portadown, and North region, which covered north and west areas of Northern Ireland. I recall that during my time in the Command Secretariat, Assistant Chief Constable Bill Stewart headed up the Urban region, Assistant Chief Constables Tom Craig and **B171** both had periods of time as head of South region. I cannot recall who was Assistant Chief Constable of North region.
6. The head of the Command Secretariat for the duration of my posting in that department was Chief Superintendent **P157**. When I joined the department, Roger Maxwell was the

Superintendent and I held the post of Chief Inspector. As I have stated, in April 1998 I was promoted to Superintendent when Roger Maxwell moved on to an operational role.

7. The Chief Constable had a team of private staff who dealt with his diary and personal matters outside the Command Secretariat. Command Secretariat consisted of a mix of civilian staff, headed by a senior civilian post and assisted by a small number of civilian staff and police. Two police Sergeants assisted in Command Secretariat and they were often responsible for compiling draft answers to questions put to the Chief Constable by bodies such as the Police Authority (which was the fore runner to the Policing Board). The civilian staff were employed by the Police Authority to work for the Chief Constable.
8. Correspondence that came in that was directly addressed to the Chief Constable and which was not of a personal nature would be passed to the Command Secretariat. Queries generated by correspondence would normally be supervised by the ranks of Chief Inspector or Superintendent, and matters would be raised to the attention of the Chief Superintendent or the Chief Constable as appropriate. The Superintendent in Command Secretariat was also responsible for liaising with the NIO and was the addressee for most correspondence between these two offices. Below the Chief Inspector, there was a small team of lower ranking officers and staff (including the two Sergeants and civilian staff members) who assisted to process the mail and letters of response.
9. Essentially, the Command Secretariat was a huge post box. Correspondence would come in that required attention and it was our role to process that correspondence and forward it on to the relevant department or division with a request for comment or information to assist the Command Secretariat staff to respond appropriately. On some occasions correspondence would have been sent out to the Department or region for them to deal with without further input from Command Secretariat. When the necessary information to deal with the correspondence was provided to the Command Secretariat, someone in the Secretariat would draft a reply to the correspondence. Correspondence was usually signed

out either by the Chief Inspector or the Superintendent. Generally speaking, correspondence always had the Superintendent's name on it as a matter of procedure but this did not necessarily mean that the Superintendent had dealt with the correspondence personally.

10. A significant amount of mail passed through the Command Secretariat daily. The Chief Constable was appraised of relevant correspondence by either the Chief Superintendent or the Superintendent. He would not have been involved with or appraised of holding letters that were sent out as a matter of procedure acknowledging receipt of letters and advising that a full response would follow.
11. As I have stated, I had no known contact with Rosemary Nelson until I was in post as Chief Inspector in the Command Secretariat in 1997. However, from 1997 until her death, we did receive numerous pieces of correspondence into the Command Secretariat in relation to her and various allegations that she was being threatened by members of the RUC. Although many matters crossed my desk, this was one matter that did stand out during my time in the Command Secretariat because of the volume of correspondence we received and the high profile attention the matter attracted. It was a matter that the Chief Constable became directly involved in. It would have been Chief Superintendent **P157** who was the Chief Constable's main point of contact in this matter.
12. Chief Superintendent **P157** would have informed the Chief Constable of relevant correspondence and the correspondence would then be passed back to Command Secretariat to take the appropriate action. On occasions the Chief Superintendent would identify specific actions or draft the response. When letters came in that required information or action from other departments before we could draft a response, we would send a request for information to the relevant department including a copy of the correspondence received if appropriate. The response from the relevant departments would then be shared with the Chief Superintendent and/or the Chief Constable if appropriate. In

the case of Rosemary Nelson correspondence, it was common for such responses to be shared up the chain of command in the form of a draft response to the author of the original correspondence. The draft response would then be approved at the appropriate level before it was sent.

13. After I joined the Command Secretariat in May 1997 I saw numerous pieces of correspondence in connection with the 1997 Drumcree parade. I probably would have first come across Rosemary Nelson's name in this context. I recall dealing with complaints and correspondence in relation to allegations that police officers had threatened Rosemary Nelson and assaulted her but I do not recall the further detail, in terms of the correspondence received in or the response we sent out. As with all letters, on receipt I would have sent requests to the relevant departments for further information to enable me to draft a response, if Command Secretariat did not already hold the information.

**RNI 101.131-132** 14. I refer to **RNI 101.133** dated 16 October 1997. I do not recall any details of the letter that was sent in by Rosemary Nelson to which I was responding. This document is a copy letter that would have been put on the Command Secretariat file. The one that was sent out would have my signature on it.

15. Although I cannot recall the content of Rosemary Nelson's letter to the Command Secretariat in October 1997, I refer to **RNI 101.168**. I assume that this letter refers to the letter sent from Rosemary Nelson in October 1997. It also appears that I had received a letter from the NIO to which I was responding. I note that in this letter I state that the matter had been passed to the military for investigation. I have no further recollection of this matter and cannot recall if any further correspondence came into or was sent out of Command Secretariat on this issue.

16. I refer to **RNI 101.184-186**, a letter from Lesley Foster and an enclosed letter from British Irish Rights Watch ("BIRW"). I note that the letter from BIRW states that there had been previous correspondence with the RUC on this matter. It may be that

there was previous correspondence that came into the Command Secretariat in relation to the statements referred to by BIRW but I cannot recall any. If correspondence of this nature came into Command Secretariat, I (or someone on my behalf), would have sent any correspondence of the nature referred to G Department (Complaints and Discipline) and asked them to send a response to us so that we could do a reply. As I have stated, this was essentially how the Command Secretariat worked; we received correspondence and then sent out requests for information to the relevant department to enable us to draft a full response to the author of the letter. I note that the letter from BIRW refers to Chief Inspector [redacted]. Chief Inspector [redacted] was attached to G Department and this confirms that it is likely that correspondence of the nature referred to by BIRW would have been sent by me or a colleague to G Department for a reply.

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17. My role in the Command Secretariat was not a quality assurance role. The Chief Constable would expect the Assistant Chief Constable (ACC) of the relevant department (which is a senior role) to provide the information for any questions or complaints from the public or from other organisations via the Command Secretariat. The ACC was also expected to deal with any qualitative concerns. The response to the query or complaint would then go out through the Command Secretariat unless the ACC was answering direct.
  18. In relation to the note from T Craig **RNI 101.206-207**, I have been asked to explain the role of Divisional Commander J. In respect of the three regions, Urban, South and North, these regions were further divided into divisions; division A, B, C, D etc. Division J was part of South region and covered both Lurgan and Portadown. Divisions were sub-divided again into sub-divisions.
  19. The report from Assistant Chief Constable Craig must have been preceded by a query from the Command Secretariat for information in relation to any known threats or intelligence suggesting Rosemary Nelson was at risk. A letter may have come into the Command Secretariat suggesting that Rosemary Nelson was at risk and this resulted in a query going

out from the Command Secretariat to the Regional Assistant Chief Constable. The query would most likely have been passed on to the Sub-Divisional Commander of the area to action. The response from the Sub-Divisional Commander would then be passed back up the chain to the Assistant Chief Constable for it to be signed by him or his deputy. The response would then come back to Command Secretariat. The Divisional Commander would be of Chief Superintendent level and the Sub-Divisional Commander would be a Superintendent. People in these posts may have CID or Special Branch experience but this is not a prerequisite.

20. I have been asked how the Divisional Commander or Sub-Divisional Commander would obtain the necessary information to prepare a response of this nature. Within each Sub-Division, there would have been CID officers and Special Branch officers as well as uniformed police. There would also be local crime prevention officers. Therefore, the Divisional or Sub-Divisional Commander could ask the Special Branch and CID officers for assistance in dealing with queries from the Command Secretariat, such as those relating to alleged threats against an individual from the local area. The Special Branch officers would have local knowledge of intelligence.
21. If information came in to the Command Secretariat that suggested that an individual was under threat, we would have sent this information to Special Branch (E Department) and to the relevant region concurrently. If the query concerned KPPS, the query would have been passed on to D Department for assessment and report. D Department would also put out requests for information to E Department and to local regions so that they could fully assess the level of risk to an individual.
22. On some occasions correspondence may not have been sent to the Command Secretariat but sent directly to the local Divisional or Sub-Divisional Commander. This correspondence may have been dealt with locally and not filtered up to the Command Secretariat (or indeed the same correspondence may have been sent to both). However, if a

query in relation to whether or not a person was at risk came into the Command Secretariat, it was passed on to E Department and to the appropriate region. This would result in officers in the relevant region having input into the response to the Command Secretariat as well as officers from E division HQ.

23. I have been asked if it is therefore conceivable that local Special Branch officers may have relevant information that is not on the intelligence records at E division and if there is intelligence information held by Special Branch officers that is not recorded on the formal record system. I have also been asked to explain how Special Branch officers run agents in relation to gathering terrorist intelligence. At that time, 1998/90, local Special Branch officers in the regions would run agents in relation to gathering intelligence on terrorist related matters. Local CID officers would run agents in respect of obtaining criminal intelligence. Officers in the Command Secretariat Department were not required to have DV clearance. I did not have such clearance until much later on in my career and so I would not have known the details about agent handling at the time. I would not have had access to any Special Branch material other than sanitised reports forwarded to me and my knowledge of how Special Branch operated at that time would have been very limited. Therefore, I cannot comment on whether or not relevant officers in the regions or HQ had information that was or was not kept on a central system.
24. I have been referred again to **RNI 101.206-207** and I have been asked to explain what was meant by the note that appears to be written on the report in relation to an offer of crime prevention advice. **P157** wrote this following a conversation with me as to whether we should offer Rosemary Nelson crime prevention advice given the fact that she and others had raised concerns about her safety. Overall, I had suggested that we offer her Crime Prevention advice by a local officer on two occasions but this suggestion had not been taken up. In terms of the handwriting on the note stating "discussed with CC on 1.4.98". This is my note of a further conversation with **P157** after he had

apparently spoken to the Chief Constable in relation to whether it was now appropriate to offer Rosemary Nelson crime prevention advice. The Chief Constable and P157 had apparently agreed that no further action could be taken. Rosemary Nelson was therefore not offered any crime prevention advice to my knowledge. It would be unusual for me to directly discuss such a matter with the Chief Constable. I was not made up to Superintendent until 6 April 1998 and would then only have liaised direct with the Chief Constable if Chief Superintendent P157 was unavailable.

25. I believe that it was felt that it was inappropriate to make an offer of crime prevention advice as the advice would be given by local officers and Rosemary Nelson had complained about threatening behaviour by local officers. I raised this matter verbally with P157 on two occasions. I was really asking "is there anything else we can do?".
26. I have been asked if there are any other steps that the police can take if a person who is considered to be at risk refuses to cooperate with the local police who provide crime prevention advice. Aside from the KPPS scheme, there is a scheme for the Special Purchase of Evacuated Dwellings (SPED) which ensures that people under threat who have had to move out of their homes immediately because they are at serious risk are given the market value for their home. Both KPPS and SPED rely on intelligence from Special Branch that the individual concerned is under threat. SPED can only be implemented with a certificate from the Chief Constable. Other than these two schemes, the only other assistance the police could provide to people under threat was crime prevention advice, as far as I am aware.
27. I have been asked if I think that Rosemary Nelson would have taken up such advice had it been offered to her. I had no detailed knowledge of Rosemary Nelson's security situation particularly because I had never served in the Lurgan area and I could not really comment on her views regarding police assistance in terms of her security. However, through correspondence, I became aware later in 1998 that she did not feel that it was appropriate

for the local police officers from whom she perceived the threat to come to be providing her with crime prevention advice. She expressed such a view during her visit to the US Congress. However, I think that it would be a logical assumption that if the allegations that she was making were directed at the police, she may not want their help.

28. I refer to **RNI 101.260-262** . Although this fax was addressed to Superintendent **P136** , as I have stated, I was not made up to the rank of Superintendent until April 1998. I have no recollection of this document and, as Roger Maxwell would still have been in post as Superintendent at this time, it would have gone to him to deal with despite the fact that it was addressed to me. In fact my recollection is that Mr Kumaraswamy's report was dealt with personally by the Chief Constable. I was certainly never made aware of any particular or specific issue in relation to the improper association of defence solicitors with their clients within the RUC at this time. Any matters of this nature would certainly have been dealt with at a higher level. If anything in relation to such a matter was passed down from the Chief Constable, the relevant request for information may have gone directly to the Department rather than filtering down through the Command Secretariat. Back then everything was in hard copy and there were no e-mails and so unless I was specifically dealing with something, I would not have seen such request for information.
29. I note that there was further correspondence in relation to the matter of the Special Rapporteur's report late in 1998 **RNI 101.322-324** and that, as per the note that I wrote on the bottom of this fax, the proposed reply to BIRW was discussed with the Chief Constable. I probably would have phoned Simon Rodgers to tell him that the Chief Constable was happy with the proposed response. Even on this occasion I had limited involvement in the matter. I have no recollection of further discussions with the Chief Constable other than to ascertain he was happy with the response as I was aware he was

personally involved in this matter. If he had said anything more it would have been reflected in my note. I was probably dealing with the matter in **P157**'s absence.

30. I refer to **RNI 101.267**. It appears from this letter that there was previous correspondence with the US Lawyers Alliance but I have no recollection of any such correspondence. This correspondence had clearly been forwarded on to the NIO and so I assume that I had received a letter from Simon Rodgers asking for an update on the situation. I assume that it was Mr Rodgers' letter of 23 February that prompted my request for information from South Region and their response at **RNI 101.206-207**.

**RNI 106.078**

31. According to the papers, on 17 June 1998 and 23 June 1998, I was sent correspondence by Lesley Foster asking for an update on the complaints made by Rosemary Nelson **[REDACTED]** **RNI 106.210** and **RNI 101.279**. All correspondence of this nature would by this time have been addressed to me as I had now taken up my role as Superintendent. However, simply because the correspondence was addressed to me, it did not mean that I would have dealt with it personally. It is clear from this letter that Lesley Foster was querying information that we had given to her previously. I have no recollection of the matters raised in this letter and it was clearly dealt with by **[REDACTED]** **[REDACTED]** who was a Chief Inspector in the Command Secretariat. I can only assume that the "other developments" that **[REDACTED]** was referring to in the manuscript note on this document related to the appointment of Commander Mulvihill in relation to the ongoing complaints investigation concerning allegations made by Mrs Nelson and her clients that she had been threatened by the RUC.

32. I refer to **RNI 101.288**. **[REDACTED]** was clearly responding to an earlier request from me for information in respect of complaints made by Rosemary Nelson. I cannot recall the specifics of my previous correspondence or the minute to which he refers.

33. I am aware that the complaints made by Rosemary Nelson in relation to her allegations that threats were made against her continued for some time. I was aware that the ICPC were supervising the matter and that the ICPC refused to issue a Certificate of Satisfaction in relation to the investigation into Mrs Nelson's complaints that was conducted by RUC Complaints and Discipline. I was also aware of the Chief Constable's decision to call in an external police officer, Commander Mulvihill, to assist the investigation **RNI 106.254** [redacted].
34. I have been asked to what extent, if any, Commander Mulvihill's appointment caused disquiet in the RUC. I don't have much recollection of the events surrounding Commander Mulvihill's appointment but I would think that the fact that the Chief Constable needed to call in an external officer would have been of concern to many people. I was aware that the ICPC were not satisfied with the internal investigation but nothing further. Commander Mulvihill's appointment would have been dealt with by the Chief Constable and any correspondence on this matter would most likely have been handled by **P157** [redacted] and the Chief Constable. Whilst I would have mentioned the Commander's appointment in correspondence with the NIO for example, I certainly have no recollection of being present at any discussions in relation to this matter. My letters to Mr Lynch and Lesley Foster of 20 July 1998 were simply updating them of the Commander's appointment [redacted] **RNI 106.254** [redacted] and **RNI 223.008** [redacted].
35. I refer to **RNI 101.318** [redacted]. I assume that the letter referred to from the CAJ is a letter dated 16 July 1998 to **P157** [redacted] **RNI 101.314-315** [redacted]. I was not involved with the press release referred to in these two letters. I clearly processed a request for information from Mr [redacted] but I have no recollection other than what is contained within the letter and Superintendent Donnan's response to my request for information **RNI 101.321** [redacted].

36. I refer to **RNI 834.006**. I have been asked what knowledge I had of a request for security from members of the Garvaghy Road Residents' Coalition (GRRC). I was aware that members of the GRRC had raised general concerns regarding their security but I had no knowledge as to whether any threat assessments had been requested or if any assessments were carried out. If discussions in relation to the GRRC's demands were being dealt with at a higher level, I would have had no involvement in these.
37. I do recall the leaflet coming in that was attached to **RNI 101.327-328** entitled 'The Man Without a Future' and this was reflected in my later correspondence to E Department and South region. When I read the leaflet, I thought that it sounded intimidatory and so I would have wanted to get views from E Department and from South region as to their opinion on the level of threat to Mrs Nelson, if any and to enable them to take any other investigatory action. Therefore, I sent the same letter to both the Assistant Chief Constable of South region and to E Department requesting that they look into the matter **RNI 101.329**. I did this upon receipt of the letter from Simon Rodgers. I was looking for intelligence or information to help me respond to the NIO. I wrote to South region because, as stated earlier, they would have the local knowledge and would be the people who would assist Rosemary Nelson to look after her office and her home and also carry out any investigation. E Department may also have had relevant information about possible threats to Rosemary Nelson. As I have stated, I would not have known what checks the Special Branch officers carried out in relation to potential threats against individuals upon receipt of such a document.
38. Prior to receipt of a response from South Region and E department on this matter, I was forwarded a further fax from the NIO on this matter **RNI 101.340.500-501**. I was actually on annual leave when this fax arrived and I did not return from leave until 1 September. During my absence correspondence would have been dealt with by Chief Superintendent **P157** or the Chief Inspector. I remember being informed by [REDACTED]

[REDACTED], a civilian member of administrative staff on my first day back that we had received another fax from the NIO in relation to the leaflet [REDACTED] **RNI 101.340.500-501**. Of course, I already knew about the leaflet [REDACTED] **RNI 102.091** as it was the same leaflet that was attached to Simon Rodger's earlier letter **RNI 101.327-328**. I asked someone in the Command Secretariat staff if we had received a response from E department or South Region in relation to the leaflet and told them to chase a response if not. At this time I did not realise (and was not informed by anyone at the Command Secretariat) that there had been an issue regarding the attachments to the letter from Lesley Foster **RNI 101.340.500-501**. I would have come back from leave to a lot of post and, following my conversations with [REDACTED] I was left with the impression that Lesley Foster's letter related to the leaflet that I had already seen. There was no mention of another enclosure and I was not informed that there had been discussions between my staff and the NIO regarding missing attachments. I did read the letter from Lesley Foster but reference to a "threatening note" must have passed me by. It was not until after Rosemary's death that I became aware of a threatening note to Mrs Nelson that should have been attached to the fax from Lesley Foster when I found it on the file. In terms of how this letter got onto the file, I can only assume that someone had put it on the file at a later date **RNI 102.093**. The file had been with the murder inquiry investigators in the meantime. **RNI 101.340.501**

39. I have been asked what action I would have taken, if any, if I had known about the threatening letter **RNI 102.093** that was sent to Rosemary Nelson. I would have regarded the letter as a threat against Mrs Nelson that required further investigation. [REDACTED]

[REDACTED], I think that at the time I would have thought that the letter also warranted consideration by Special Branch.

40. With hindsight, even if the letter had been passed on to Special Branch (E Department and South region) I doubt that the response they provided in respect of the pamphlet would have been different. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]. A "specific threat" is intelligence from a human or technical source to indicate a person is under threat. If Rosemary Nelson was under specific threat I would have expected to be told that there was intelligence that supported the threat in the letter. No such intelligence was reported to me.
41. If I had have received a copy of the threatening letter attached to Lesley Foster's fax, I would have actioned it separately and straight away. I would have done exactly what I did with the pamphlet. I would have sent out a similar request for information to Special Branch at HQ and in South Region. It would have gone to South region as a priority because the letter had gone to her Lurgan address and to enable any investigations. I suspect that South region would have been keen to obtain the original and I would have expected them to do so. I would obviously have provided any information that I could in terms of how the letter arrived at the Command Secretariat, e.g. via the NIO, and would have provided any information that I could to assist them to trace the origins of the letter.
42. I was obviously extremely shocked when I discovered the threatening letter on the Command Secretariat file after Rosemary's death, but at the time (September 1998) I thought Lesley Foster's fax was a chaser for a response to the earlier letter from Simon Rodgers which enclosed the leaflet alone.
43. Later that day (1 September 1998), as I went through my post, I noted I had received responses back from E department and South Region in relation to my request for

B171

information in relation to the pamphlet. The note from ACC [ ] on 27 August [ ]  
 RNI 102.081 [ ] would have been the reply from E Department in respect of  
 my request for information about potential threats to Rosemary Nelson [ ]  
 RNI 101.329 [ ]. The memos at RNI 101.336-337, RNI 102.085 [ ]  
 [ ] would I believe have been attached to the note from B171 [ ]  
 RNI 102.086 [ ]. This would have been ACC [ ]'s original request for  
 information to his staff. All of these officers involved in this paper trail response were  
 from E Department. B242 [ ], was the Head of the Intelligence Management Group,  
 which was also part of E Department. I can only assume that this was the internal chain of  
 correspondence between the officers who were dealing with this matter within that  
 department.

B171

44. I have been asked why it took three weeks for Assistant Chief Constable [ ]  
 B171 [ ] to respond to my request for information. Whilst I obviously don't know what else Assistant Chief  
 Constable [ ] was dealing with at the time, it was no surprise to me that it took this long  
 to get a response. They would have needed adequate time to do their research and I was not  
 aware how efficient or cumbersome these procedures in Special Branch were.

B171

45. As I have stated, I would have seen Mr [ ]'s response when I returned to the office on 1  
 September 1998. I would also have seen the response from South Region RNI 102.094 [ ]  
 RNI 101.339, RNI 101.334 [ ] that was similar to the response from E  
 Department. Again, I suspect these documents were the internal chain of memos in  
 response to my request for information.

46. It would have been P157 [ ] or the Chief Inspector who would have dealt with this  
 matter in my absence if anything arose that had to be dealt with. I recall returning to the  
 office and dealing with the correspondence from South Region myself. I have no  
 knowledge of what went on in relation to this matter whilst I was off but I do not recall  
 seeing any other correspondence in relation to this matter and I certainly did not have any

B171

discussions with Assistant Chief Constable [redacted] ACC Craig or any of the other authors of the internal notes about this matter.

47. I have been asked if I had any concerns in relation to the information that came back from E Department and South Region. I don't recall having any concerns about the content of the memos. I would have expected Special Branch to check crime records as well as use their sources. I would expect them to use whatever means they had to check the threats. I would have had no idea of what checking the threat out actually involved and I did not need to know. I was reliant on the relevant Assistant Chief Constable satisfying themselves that their staff had investigated the threat thoroughly and that the response to my request for information was adequate. [redacted]  
[redacted]. It was certainly not my job to tell them what action they should take. It was not the case to my knowledge that there was a widely circulated list of informers that I would have expected them to contact. There may well have been other correspondence between the Assistant Chief Constable and the staff concerned that I was not privy to.
48. On 1 September, I would have drafted a note setting out my response to the NIO [redacted] RNI 106.314. Whenever I did receive information in from the various Assistant Chief Constables, I would usually simply lift paragraphs from their report and put it into the draft response. It was the people out in the divisions with the knowledge and it was not for me to put any sort of interpretation on what they had said. This is exactly what I did on this occasion. I handed my draft letter to Chief Superintendent P157 with an expectation that he would make the Chief Constable aware of the content given as I was aware that the Chief Constable had a personal interest in this matter. When I handed the draft letter to him I would have given him the entire file and the draft letter would have been on the top. I recall that the letter to Simon Rodgers came back to me with a post it note on it in P157's hand writing saying "CC ok". I understood this to mean that

the Chief Constable was happy with the draft letter. **P157** would have handed me the whole correspondence file back after discussing the matter with the Chief Constable. I recall that when I went looking for these papers at a later date, after the press queries in May 1999, that the post it note was still on the document so I assume that this is still on the Command Secretariat files.

49. As I have stated, I do not recall any conversations within the Command Secretariat about where the information that E Department or South region had provided came from. If there had been any discussions of this nature, it would have been noted on the relevant files. I have been asked if I was surprised that when the information came back from E Department and South Region it only focused on Rosemary Nelson given the fact that the leaflet mentioned the names of various people including Brendan McKenna and Eamon Stack. I cannot recall my thinking on the fact that the reply did not specifically cover the other individuals. As we had had previous correspondence in relation to Rosemary Nelson and alleged threats against her, my focus was on Rosemary Nelson. My request to ACC South region and ACC E Department on 7 August 1998 reference the leaflet referred to those named. I would expect them to have addressed all those involved. **RNI 102.061-125**

50. I am told that Superintendent Short's review of Command Secretariat processes comments about the letter that I wrote to the NIO dated 3 September 1998, suggesting that the letter was not transmitted until 11 September 1998. It is my recollection that this letter went out much quicker. If the letter had been held up for any reason, to my knowledge I would have changed the date on the correspondence accordingly. I would be content for a letter that had been drafted to sit around for perhaps one day or two awaiting signature but certainly for no longer than that without the dates being amended. For example, I may have let a letter go out that was dated 3 September if I was signing it on 4 September but I would certainly not knowingly let anything go out that was delayed for any longer. I recall that the letter was with **P157** for a day or so but certainly no longer than that. However,

what I can't comment on is if there was a huge delay by the Command Secretarial staff in terms of actually posting the letter. After I signed the letter, it would immediately go to the staff to put it out. I would be surprised if it was the case that they caused the delay.

51. In relation to the letter from Lesley Foster dated 12 October 1998 **RNI 103.157** [REDACTED], I don't recall if there was any further correspondence on the file in relation to Mr Cumaraswamy's report that had not already been referred to in this statement. I know that as a result of the report the RUC did introduce training for detectives involved in interviews of terrorist suspects and I think that the Chief Constable initiated this. I was not involved in the development training at all. I have no recollection of taking any action in respect of Lesley Foster's letter. I may just have passed it to the Chief Constable as it was in connection with the Rosemary Nelson matter but I cannot be sure. As I have stated, just because the letter was addressed to me, does not mean I would deal with it.
52. My letter dated 23 November 1998 **RNI 101.350** [REDACTED] to the Assistant Chief Constable of G Department is an example of an "expedite" letter. If correspondence went out and we had not had a quick enough response, the Command Secretariat staff would probably call to chase a response. If that did not work, I or the Chief Inspector would expedite it in this way. I cannot recall what specifically prompted this expedite or, indeed, what the original request for information was in respect of, although it obviously relates to Rosemary Nelson's complaints. It looks as though I received a response back from [REDACTED] dated 27 November 1998 **RNI 101.350.500** [REDACTED] but I cannot be sure. The signature on the bottom right of **RNI 101.350.500** [REDACTED] is I believe that of Chief Inspector [REDACTED].
53. In relation to Mr Rodgers' letter of 8 December 1998 **RNI 834.007** [REDACTED], I believe that this letter is referring to a section in Mr Cumaraswamy's report that referred to a complaint of assault made by a solicitor against a police officer. I understood that this

matter was being investigated and dealt with by Complaints and Discipline. I cannot recall what the outcome was in relation to the matter specifically referred to in this letter. There may have been no disciplinary action because of the high standard of proof. I had no role in this matter or disciplinary matters generally. The relevant Assistant Chief Constable would have handled this so I would have requested information from the Assistant Chief Constable to enable me to respond to Mr Rodgers' letter.

54. I have been asked the extent during my time in the Command Secretariat, that I was aware of allegations being made that defence solicitors were being threatened by members of the RUC. I was aware that such allegations were being made but I was not aware of any intelligence or evidence to substantiate the allegations. I was aware that something needed to be done to address this issue, hence the idea of involving solicitors in police training.
55. I have been asked if there was any internal backlash in relation to Geralyn McNally's refusal to issue a Certificate of Satisfaction in relation to Chief Inspector [redacted]'s investigations into Rosemary Nelson's complaints. I was not involved in this but assume that it was this that led the Chief Constable to bring Commander Mulvihill in so quickly. P146
56. In relation to my fax of 12 March 1999, RNI 834.008, RNI 102.005-011, I have been asked if I had any role in the Panorama programme by John Ware. I have no recollection of having any role in that programme. I sent out this fax to various Assistant Chief Constables to try to get some answers to some queries that had obviously been raised internally. This is me seeking to fill in gaps in the Command Secretariat's knowledge. I obviously went through the paper and, where I believed it referred to a complaint and discipline matter for example, I indicated who I thought should deal with the query.
57. I have been asked what my expedite of 12 March 1999 RNI 102.000.502 was in relation to. It was possibly in relation to the appointment of Commander Mulvihill and it seems to follow my correspondence with [redacted] on this but I can't be sure. It was going to G Department so it was clearly in relation to a complaints matter. I would

probably be able to work this out by reference to the Command Secretariat files. The reference number in the top right hand corner relates to the Command Secretariat files and there is also a complaints and discipline number. "B147" is a complaint matter number. However, I note the report is signed by Chief Inspector [REDACTED].

58. I have been asked about the events of 15 March 1999. On the day of Rosemary Nelson's murder I was in HQ. I think that the Chief Superintendent was on leave. I recall taking a telephone call from someone in South Region who told me about the incident. Mrs Nelson was still alive at that stage. I went and lifted her files from the Command Secretariat cabinets straight away. I also tried to contact the Chief Constable to tell him about the incident but he was out. When I saw him about an hour or so later he already knew. I did not have any detailed discussions with him about the incident. As soon as the attack happened, the investigation that followed would have been handled by South region. I would expect that the Chief Constable would have had calls with Special Branch to check if there was any intelligence in connection with the attack but I was not and would not be aware of any detail.
59. As so many people had written in to the Command Secretariat in relation to Rosemary Nelson during the previous few years, I expected questions to be raised as to whether the RUC had any knowledge that she was at risk. As I have stated, I collected together the Command Secretariat files straight away. I put them into the safe until the Chief Constable came back. I didn't want there to be any allegations that anything untoward had happened to them. When the Chief Constable returned, I told him where they were and he asked me to take them to Special Branch. I personally took them to where Special Branch are located and handed them over. We were on the ground floor and they were a few floors up. I handed them over to [REDACTED], the Chief Inspector. I did not examine the files myself at this point in time. Thereafter, I was not aware of what happened to the files. They obviously came back to Command Secretariat at some stage but I do not know when.

60. Following Mrs Nelson's death, we continued to receive correspondence relating to her into the Command Secretariat. In relation to the letter from Simon Rodgers dated 25 March 1999 **RNI 834.009**, it was normal for the NIO to have specific lines prepared for any queries in relation to such matters and it is normal for them to check with the police to make sure that there is no conflict with the investigation. I would have discussed the proposed lines with the Chief Constable. **RNI 834.010** is a note of my conversations with him. He would have told me that Mr Phillips' letter to the Permanent Under Secretary explains the situation. I don't recall what that letter was now or any discussions at all in relation to who should investigate Rosemary Nelson's murder.
61. Command Secretariat would have had no role in the murder investigation. However, post her death I do recall that a lot of correspondence came in and we would put it out to the relevant departments for responses. At this time we were also dealing with the Omagh bombing, the Billy Wright murder had happened and the Robert Hamill case was ongoing, so there were a number of significant matters at this time. Rosemary Nelson's murder was one of these significant matters.
62. I have been referred to a letter from Simon Rodgers dated 9 June 1999 that was copied to me **RNI 831.114-117**. I have been asked if there were any investigations immediately following Mrs Nelson's death in relation to any potential mistakes made on the RUC's part or if there was any kind of debrief. I have no recollections of any meetings or discussions of this kind but I expect that Superintendent Short's report was for this purpose.
63. I do recall the changeover in relation to the head of the investigation from Mr Phillips to Mr Port but I had no input in terms of putting in place replacements for Mr Port's team. I would have been copied into documents. I have been referred to a letter from Mr Kinkaid dated 3 September 1999 **RNI 834.011**. I do recall that there were queries about the independence of the team but I was not aware of any internal problems. I

think that in any investigation where there is any criticism of the police, people expect an external investigation.

64. I have been asked if I recall being visited by Officers in relation to the investigation. I do recall two investigators speaking to me at Command Secretariat. I do not recall them taking a statement from me or even writing a note. I have been shown a document entitled "Interview with Superintendent **P136**" and asked if it is my handwriting. It is not. I don't think that I even got the relevant Command Secretariat files out when they came to see me in connection with the murder investigation. I could have done, but I have no recollection of doing so. I didn't view their visit as a formal interview and as such it was not even recorded in my journal. I certainly have no recollection of them making any suggestion that there might be something missing on the file or that something had been overlooked. I clearly recall my reaction later, in May 1999, when I realised that a threatening note to Mrs Nelson **RNI 102.093** had appeared on the file. I would have recalled if they had mentioned anything or if I had seen it on the file at this time and I would have started asking questions internally straight away. We had a general chat about the Command Secretariat files but I am very sure that the absence of any document was not raised with me at that time. I may have introduced the investigators to Lesley Foster as I wouldn't have been surprised if they wanted to speak to the NIO but I cannot recall.
65. I have been asked to explain when and how it came to light that the threatening letter **RNI 102.093**, a document that I had not seen before, appeared on the Command Secretariat files. On a monthly basis the Chief Constable had a meeting with the Police Authority where a number of questions were tabled for the Chief Constable. The RUC would have been given the questions in advance and draft responses would be prepared by the Command Secretariat. There would be some matters that the Chief Constable was familiar with so answers may not have been drafted to some questions if the

Chief Constable did not feel it was necessary. Sometimes the Chief Constable would also respond to additional supplementary questions on the spot. **P157** attended the meetings with him.

66. The Police Authority had started to publish minutes of their meetings on line. They had a public and private session but they tried to put as much in the public domain as possible. The documents relating to the questions and answers would have been kept in a Command Secretariat file.
67. Around April 1999 there was a question in relation to threats that had been made against Mrs Nelson prior to her death. In the answer provided by the RUC the threatening note was not mentioned. One of the NGOs, the CAJ I think, came forward and questioned the response pointing out that they had been lead to believe documentation that they had forwarded to the NIO had been forwarded to the RUC in respect of threats made against Mrs Nelson. This resulted in us reverting to the files to check their content. It was at this time that I looked at the files and was extremely shocked to see a copy of the threatening note **RNI 102.093** to Mrs Nelson. I had not seen this before. I am absolutely sure of this because I clearly remember how shocked I was to see the letter.
68. Sometimes I was involved in preparing responses to the questions posed but I don't recall being involved in drafting the response to the original question to the Police Authority that resulted in the CAJ raising a query. When the CAJ raised its query in the public domain, I went back to the files and found the letter on there. It was not on top of the file. It had been inserted behind or in front of the Man Without a Future leaflet. It was as if someone had put it where they thought it should go.
69. I don't know who had had the files since Rosemary Nelson's murder. I did not keep track of them after I handed them over to Special Branch. However, people who handled the files were supposed to put their name on the fly sheet at the front so providing this has been accurately completed, it should be possible to answer this question.

70. I would have spoken to all of the staff in the Command Secretariat about this matter at some point to try to ascertain if they had any recollection of the letter or how and when it had been put on the file but I can't recall when I did this.
71. I don't recall if there was anyone else about when I opened the files and found the note in or around May 1999. I was shocked and annoyed when I realised that there was a document on the files that had not been dealt with. When I found it, I showed it to  **P157**; he too was concerned. I can't recall when the Chief Constable became involved but I think that Superintendent Short was brought in quickly to investigate the matter. I remember sitting in the Chief Constable's office with him and Superintendent Short and going through my recollection of the correspondence sent out and received.  **P157** would probably have been in that meeting too. I do not recall the Chief Constable expressing any views in the meeting with Superintendent Short. Superintendent Short was an RUC detective and I think that he was attached to West Belfast. He was promoted to the rank of Superintendent before me so he would have been regarded as someone more senior to me.
72. As I explained to Superintendent Short, I have no idea how it was that the note came to be on the file when I went back to the files in connection with the CAJ's query. I can recall that the note was on the file with the pamphlet and the cover fax from the NIO. As stated, they were not on the front of the file. The whole file was in date order so the note (together with the pamphlet and fax) was in the correct order on the file in accordance with the date of the fax so the threatening note must have been put on the file by someone in what they considered to be the right place. I specifically recall noting that there were staple holes in the top of the documents that did not match; they had clearly all been re-stapled in a different place and put in the file together. The note did not have staple holes in the same place as the fax and pamphlet. I can specifically recall this because I was soul searching as to how this could have happened and how this letter could have been missed. I know that I

had not seen it before and it had been put on the file at some stage after I had taken the files to Special Branch in connection with the murder investigation.

73. I'm sure that I would have prepared a written response for Superintendent Short to this effect and I assume that upon conclusion of his investigation, he would have prepared a report. However, I do not recall receiving a copy of this or of my statement. I would not have expected to see Superintendent Short's report though as it was an investigation into my actions as well as others.

**RNI 102.061-125**

74. I have been asked how many files the Command Secretariat had with correspondence relating to Rosemary Nelson. I recall that there was one file containing documents and correspondence relating to Mr Cumaraswamy's Report. There was also a file of correspondence relating to the NIO and threats against Rosemary Nelson. I think that there was also a third file as well. This file may have been a continuation of one of the others or may have been a separate file in relation to complaints but I cannot recall now. They were all buff coloured cardboard files that were not distinguishable from other Command Secretariat files. The contents of the files were held in place on the file by a fixture in the top right hand corner.
75. I have also been asked to explain what the MARS system is. MARS was the system that we used to log correspondence on. It was in place during the period when we were receiving correspondence in connection with Rosemary Nelson. This was the way that we tracked correspondence electronically but it did require staff keeping the system up to date. Documents were not scanned onto the system though. It was simply a record of correspondence going in and out. I would certainly expect to see a record on MARS in respect of the NIO correspondence referred to in this statement.
76. I have been in correspondence with PONI and am now aware that, as well as the 2006 draft Report which was sent to me by their office, there was a previous 2001 draft report on these matters. I have now seen both draft reports and compared them. There are substantial

differences in the two reports, the first being 21 pages and the second 51 pages dealing with this matter. There are a number of factual inaccuracies in both, and I attach a copy of my response to the 2006 report **RNI 834.012-014** which was sent to the Ombudsman in October 2006 before I had been shown the 2001 version. I have now prepared a further response based on the later report and highlighting the differences in the two. I have also sent a copy of this to PONI. The second response is also attached at **RNI 834.015-017**.

77. As a result of my responses to the Ombudsman she subsequently prepared a third draft which is [REDACTED]. I understood that this was to be the final version of the report.

78. I have now become aware that the Ombudsman has produced a fourth report dated <sup>P136</sup> 19<sup>th</sup> September 2007 which is attached at **RNI 834.068-119**. I believe this report to the final version. It has changed since the previous version of 8 March 2007.

Statement of Truth

I confirm that the contents of this witness statement are true.

Signed: .. **P136** .....

**P136**

Dated: ... 19 OCTOBER 2007 .....