

RESTRICTED - PERSONAL

P102/00

PA
Nelson

FROM: SIMON ROGERS
Patten Action Team
16 March 2000

See copy distribution below

Mr Lindsay

ROSEMARY NELSON CASE - DISCUSSIONS WITH SUPERINTENDENT SHORT

Issue: Superintendent Short met Lesley Foster and me, separately, to discuss the exchange of correspondence in August/September 1998 about threats to Rosemary Nelson.

Timescale: As soon as possible.

Recommendation: Ministers to be given an update, and you to write to Chief Superintendent P157.

Background

I thought I should record, and comment on, discussions (or interviews) which Lesley Foster and I had with Superintendent Short yesterday. Superintendent Short is working for ACC White to examine the administrative circumstances in which an envelope sent to the Northern Ireland Office by the Committee on the Administration of Justice on 10 August 1998 was not subjected to investigation by the police. The Chief Constable appointed the officers to look at the issue and their examination will be checked by DCC Port. The point was publicly highlighted in the November 1999 British Irish Rights Watch report on the Rosemary Nelson case. It commented on the fact that the police only sought to get the original envelope after Mrs Nelson's murder. BIRW and the CAJ have been pointing to this fact (for example in a meeting with the Minister of State on 1 March) to illustrate their claims that:

RESTRICTED - PERSONAL

RESTRICTED - PERSONAL

- the police failed to deal properly or seriously with threats against Rosemary Nelson;
- this called into question the validity of the security assessment provided to the NIO on Mrs Nelson; and
- this in turn should be a matter of concern to Government.

Details

2. P 157 telephoned me yesterday morning to say that Detective Superintendent Short would like to see Lesley Foster and me, separately, in the near future. The near future turned out to be lunchtime yesterday for Lesley and 3.00 pm for me. Mr Short wanted to establish the chain of events surrounding the correspondence on the "threatening envelope". He had already interviewed relevant police, and police civilian staff. It seems the position is:

- I wrote to Command Secretariat after receiving a copy of a leaflet from the Irish-containing threats to Brendan MacCionnaith, Colin Duffy and Rosemary Nelson (letter attached at Annex A). This letter issued on 6 August. The CAJ wrote to the Minister on 10 August enclosing a copy of the leaflet and an envelope which was posted to Rosemary Nelson and which read "We have you in our "sights" you Republican bastard. We will teach you a lesson. RIP". Lesley wrote to Command Secretariat on 26 August (copy attached at Annex B).
-
- The police records show that Lesley's letter was faxed but went without the attachments. Lesley's recollection is that the documents were subsequently sent - Lesley recalls a conversation with someone in Command Secretariat about the quality of the copy of the envelope (which is certainly distinctive) in which she said she would stick a copy in the post as it was not worth trying to fax it again. Lesley is not sure, however, on what date the material was sent. The police acknowledge that they did receive the attachments documents, but they are not clear how they got

RESTRICTED - PERSONAL

RESTRICTED - PERSONAL

them (they do not have any fax identification marks or a covering note etc) or when. Lesley and I independently felt that Superintendent Short was forming the view that these may have been received in Command Secretariat after their response to my letter of 6 August. They could not prove or disprove this, however, and Lesley and I independently pointed out that whatever date they received them, the fact was that they did receive them.

- I also pointed to the fact that their response to my letter of 6 August, dated 3 September, referred to Lesley's letter which mentioned both the leaflet and the envelope. (It is worth noting, however, that this document, in hindsight, does not refer to the envelope directly – see Annex C.)
- In response to questions, I said that it would be rare for us to send a hard copy in the post if a document had been faxed successfully. Furthermore, we did not have a rule that fax cover sheets should be kept. In this case they were not.

Police conclusions

3. Superintendent Short confirmed that the police had not taken any action when they received the copy of the envelope; it appeared to have been filed away at some point. He felt there had been an "administrative breakdown" which was contributed to by the fact that our original letter did not annex the envelope and leaflet.

4. I asked him what his view was on whether or not the security threat assessment was undermined by this breakdown. He said that he did not believe this was the case. Since tracking down the original of the threat envelope they had done various forensic, ESDA etc tests on it which had not produced anything which to date has been of any value to Colin Port's team.

RESTRICTED - PERSONAL

RESTRICTED - PERSONAL**Comment**

5. While Superintendent Short is looking at RUC procedures and will recommend changes for Command Secretariat, I anticipate that his report will, unfortunately, point one finger in our direction. I trust that it will not be more than that. It is regrettable that we do not have a confirmation of when they got the copy envelope, but by their own admission they did receive it.

The bigger picture

6. My overriding concern in all this is the potential effect it will have on public confidence. I suggested to Superintendent Short that it would be helpful if he highlighted to ACC White and the Chief Constable our clear interest in the handling of the report, the results of which he thought would be made public. Clearly if he includes a reference to the threat assessment not being undermined by the failure to investigate the envelope then this is a message we will have to try and get across. I fear, however, that it will cut no ice with human rights groups and others who will seek to use it to show RUC complacency, NIO incompetence and to further their claim that the NIO/RUC failed to protect Rosemary Nelson. All pointing to renewed calls for a public inquiry.

Handling

7. If you agree, I think that we need to make Ministers aware that Superintendent Short has nearly concluded his report (it should go to ACC White at ~~the beginning of next week) and that we will be asking the police to liaise with us on~~ handling the publication of its conclusions (which I believe they intend to do).

8. To seek to ensure that the police do talk to us ahead of release, I am attaching a draft to **P 157** for your consideration.

Signed

SIMON ROGERS
CB Ext [REDACTED]

RESTRICTED - PERSONAL

RESTRICTED - PERSONAL

Copy distribution

PS/PUS (B&L)
Mr Watkins
Mr Leach
Mr McCourt
Ms Foster
(without attachments)

RESTRICTED - PERSONAL