

Witness Name: P Vernon

Statement No. 1

Exhibits: PV1 – PV3

Dated:

THE ROSEMARY NELSON INQUIRY

Witness statement of Pat Vernon

1 Pat Vernon, will say as follows:

1. I am a practising Solicitor and I work for [REDACTED] in [REDACTED].
2. I worked with Rosemary Nelson from October 1997 up until her death at her practice in Lurgan. I don't know how Rosemary got my name about a pending vacancy due to Brian Leeson leaving but she rang me and invited me for an interview. By the time I started working for Rosemary in October 1997, Brian Leeson had left but Sharon Keely was still there for a while. Sharon was a Solicitor and she mainly focused on matrimonial work and did not really do any criminal work.
3. Prior to working for Rosemary I was working in Belfast. I was aware that Rosemary acted for the Garvaghy Road Coalition (GRRC) and for Colin Duffy. I think she took me on to deal with some of her other criminal cases so she would be free to focus her attention on these big cases. A lot of Rosemary's time was taken up with the Garvaghy Road matter and there was a constant stream of TV crews and journalists coming to the office to interview her about her work with the GRRC. The interviews would often take up whole afternoons and so Rosemary certainly had no time to get involved in day to day files.

4. Shortly after I started, Sharon left the firm. I think that the plan was she was supposed to stay and that both she and I would work for Rosemary. However, I think that Sharon and Rosemary had a bit of a fall out. Sharon was from Armagh and just before I started with the practice she and Rosemary had agreed to open up another office in Armagh. I don't really know the full details of the disagreement between them but I know that Rosemary's take on things was that Sharon had used Rosemary to finance the office and to get it opened up and then Sharon decided that she wanted to go it on her own. I think that proceedings were actually drafted for an injunction but they managed to resolve the dispute without any need for that.
5. When Sharon left the firm, I had to pick up all of the other matters that Rosemary didn't have time to deal with. The girls that were working for Rosemary in the office were very good and they even took statements from clients at times, especially around the time of Garvaghy Road.
6. Rosemary's firm was a typical country town practice. We handled a lot of ordinary criminal matters as well as matrimonial disputes, criminal injury claims and tripping claims. The other side of the practice was the matters that Rosemary was dealing with such as the Garvaghy Road and cases such as Colin Duffy. Rosemary dealt with these matters almost exclusively. I remember that Brendan McKenna came into her office regularly and, as time went by, more and more of her time was taken up by the Garvaghy Road matter. Every year there was always lots of build up several weeks before the march itself. There were lots of riots and it was a very high profile event. For this reason, this matter took up a lot of Rosemary's time during the year. She was also involved in ongoing talks facilitated by the Government in Armagh to try to resolve the situation. I think that Rosemary was involved in most of the talks but we didn't really discuss the work that she was doing in any detail. We would talk about her work in a light headed way; one time she came back saying that the boys from the Orange Order had refused to share the same toilets as the

Garvaghy Road representatives. We certainly didn't go into the ins and outs of the work that she was doing.

7. As I have stated, Rosemary spent a lot of time talking to the press. She was constantly bombarded by TV stations. I remember that she was visited by Canadian, US and Australian journalists along with their camera crews. Garvaghy Road was big news at the time and so they were all keen to interview Rosemary. Rosemary was also keen to do the interviews because she wanted to try to publicise what was happening. I remember that on a number of occasions I told her to keep her head down and not do so many of the interviews but she wanted to make public what she thought was a human rights issue: the right of the Garvaghy Road residents not to have the march take place down the road upon which they lived.
8. During the marches there was often bad rioting and that would generate lots of civil claims against the police and criminal cases when people were arrested. Therefore, as a result of her position representing the GRRC, she would pick up most of these claims.
9. I was not working for Rosemary at the time when she was assaulted on the Garvaghy Road. I do remember her vaguely telling me about the incident; that she was stood on the police line and that some police made some remarks to her but I don't remember much more than that.
10. By the time that I started working for Rosemary she had just finished working on the second Colin Duffy case, by which I mean the shooting of two policemen in Lurgan: the first case involved Lyness. However, following the conclusion of the case, ~~Mr. Duffy~~ continued to be in the office quite a lot because he was taking action against the police for wrongful conviction in relation to the first case and wrongful detention in relation to the second case. In fact, these matters are still ongoing and are now being dealt with through Mr [REDACTED]'s firm. There are a lot of public immunity issues surrounding this case and lots

of documents that have been sealed that we are now trying to get unsealed. Therefore, Mr Duffy continued to take up some of Rosemary's time.

11. In terms of Rosemary's relationship with the police, she occasionally made comments that she thought they strongly disliked her. I don't doubt that they saw her as a person who had gotten off the person that had murdered their friends and colleagues. There was talk in the office that the police might be watching Rosemary because she was the only one in town who would do terrorist work. A couple of other firms did it in the early 90's but they pulled out so Rosemary got all this work, especially after representing Colin Duffy; she got a lot of work on the back of that. There was also talk in the office that the police might be watching Rosemary because she was the only one in town who would do terrorist work.
12. I haven't personally experienced any serious problems with the police but back in the mid to late 1990's solicitors were not allowed in to interviews when clients had been arrested for terrorist crimes. A lot of clients would tell us what had been said to them about us (their legal representatives) during interviews that had taken place in Gough Barracks. I remember being told of some incidents where threats were made towards Rosemary, although I can't recall the names of the clients who recounted these threats now. One of them said that they had been told that there was no point in calling Rosemary because she would not be around long enough to help. Several clients told Rosemary about comments that had been made by the police about her personal appearance because of her facial disfigurement. I specifically recall one of her clients, Marshall I think, saying that the police who interviewed him said she had a face like a man's ball bag. I also recall that there was talk that she had been involved in making bombs. Rosemary was not concerned about these comments. She had gotten over her sensitivity as she had had the disfigurement as a child.
13. I remember that there was one of Rosemary's clients, Donnelly I think, who was arrested and Rosemary was unable to attend the police station so she asked me to go instead. He

had been held for about a day and a half. He told me afterwards that the police had been saying to him that Rosemary didn't care about him as she wasn't there to represent him. I think that they were essentially trying to undermine our relationship with the client. When I eventually got in to see Donnelly he wouldn't speak and he was stood against the wall like he was standing to attention. As he didn't know me he probably thought that I was someone planted by the police but when he realised that I had come on Rosemary's behalf he began to relax as the interview went on. It was certainly my impression that he had been "got at". He didn't strike me as a guy who would be easily frightened but he was certainly very scared when I arrived.

14. I have been shown my statement dated 21 September 1998 RNI 219.078-080. I confirm that this concurs with my current recollection of this incident. He later said that he had been told he was well briefed to choose Rosemary when he wouldn't speak. He said they got frustrated and said they would give the LVF his name, [REDACTED] in particular. I think that they were essentially trying to undermine our relationship with the client.
15. Over the years I remember many occasions when clients had asked for legal representation and had named me as the solicitor who they wanted to be called but they had been told that the police couldn't get hold of me. However, when I checked my mobile phone I had no missed calls and they had not tried to contact me at the office. This was really one of the things that happened on a daily basis and if you protested or asked too many questions, you would get less work from the police because if they disliked you, even if a client asked for you, they would give a different solicitor a call. ~~Defence solicitors could of course~~ complain about such behaviour but I think that most of us didn't want to antagonise the police and we certainly didn't want to lose work.
16. It was common for the police to try to undermine those that they arrested as well as their lawyers. They would try to chip away at the resolve of those that they arrested in an attempt to try to get them to admit to the crime. Once admissions are made in Northern

Ireland, it is especially difficult to get clients off. Courts take the view that if someone has made an admission then they are guilty.

17. I think these attitudes were endemic of the police in this area generally. I don't think that it was just Rosemary that suffered and I guess this is what led to us all signing a petition demanding Equal Protection RNI 115.341-343. I think that at the time that we signed the petition we all felt that there was a certain amount of immunity that was afforded to members of the RUC. However, no matter how much we protested nothing ever happened to any of the police involved in any of the complaints that were made and I certainly think there was a sense that they could get away with whatever they wanted. I am sure that they had a sense themselves that they were untouchable.
18. I don't recall that anything prompted this petition. I think that for several local solicitors things just came to the boil: we were fed up of being treated badly. I don't think that it was signed long before Rosemary's death and I think that it just grew out of the situation that we all faced at the time in terms of difficulties and abuse from the police. I don't think we met up to discuss the matter. I think a form was sent round and we were asked to put our name on the form if we agreed with the sentiment of the petition. I am not sure who the main promoter or organiser was. I have been asked if there was any adverse impact after we all signed up to the petition. To my knowledge there was little or no reaction to the petition at all; but then things couldn't have got much worse.
19. Although most defence solicitors generally suffered because of the attitude of the police, I don't doubt that things were much worse for Rosemary, particularly after she became involved in the Garvaghy Road and after she got Colin Duffy off. I think that the Colin Duffy case was particularly important in terms of the way the police treated Rosemary because at the end of the day she got someone off who was accused of killing one of their own. There were also rumours regarding Rosemary's relationship with Colin Duffy. He

was in the office a lot but I never saw any hint or suggestion the rumours were true. I was aware she rented him a house.

20. I think that it was particularly after getting Colin Duffy off that Rosemary's clients began to report that the police were saying things to them like "Rosemary won't be around for too long". I think complaints were made by Shane McCrory, Anthony Simmons and Colin Duffy to this effect, although I cannot remember the details now. I recall that one of our clients, **C150**, received a death threat himself after making a complaint about the way he was treated by the police. I think that I was acting for him at the time. Generally, clients seemed to be prepared to make complaints but I think that we all knew that nothing was ever going to come of them. There was no ombudsman back then and the police were very much regarded as "the State". I certainly got the impression that they had been told by people higher up not to let complaints go any further.
21. I think that the way police treated defence solicitors says something about the mentality of the police at the time. From their prospective, I guess they felt that their friends were getting shot on a weekly basis and because there were no cameras or video tapes in any of the interview rooms, they did what they had to get confessions out of people and they certainly didn't want solicitors interfering.
22. By the time I started working for Rosemary or shortly thereafter, she stopped going to Court and the police stations due to the hassle that she used to get. Before I arrived I think Brian had started to take over some of the criminal work but I don't think that he really liked it. I took over the majority of this work when I arrived and after working in ~~Central~~ Belfast before, the attitude of the police here was certainly a surprise to me. Before I came I heard stories about the police around here threatening solicitors but then when I started to hear from clients what was going on, I was certainly shocked by the frequency of the bad behaviour. I guess I had a somewhat middle class view of the police as good guys before I came here.

23. Rosemary certainly backed off going to the stations due to the hassle she was getting. This did not make her adverse to high profile cases but I think that she just wanted to keep out of the way of the police as far as possible.
24. Whilst working with Rosemary I was certainly aware that she did receive various threatening letters and phone calls, although I don't really recall the details of these now. I have been shown my statement dated 24 March 1999 RNI 830.195-196 I remember the police coming to take this statement but I can't recall anything other than what is contained in it. I remember the William Street incident now. Rosemary didn't really say anything she just thought they were suspicious.
25. I do remember saying to Rosemary that she should try to lower her profile and not do so many interviews in relation to the big cases she was handling but she was so committed to her work I doubt my comments made any difference. I would often joke with her and say that I wasn't going to walk to the car park with her. I had heard from others that she often left her car unlocked and I remember speaking to her about taking precautions but she would laugh and say that most nights she forgot to lock her doors. I also suggested that she should leave the house and work at different times and vary her routine. She wasn't a great riser and often arrived at the office about 11:00 am, and after putting the coffee on, would be in press interviews for most of the afternoon. She always left by about 5:30 pm and always parked her car in the same spot down the road. She had a very set routine. There were no security cameras, in fact when you walked in to the office through the front door, the girls all sat on the left so anyone could walk in and walk straight upstairs.
26. I think that Rosemary may have been more at risk because she was living in the Lurgan/Portadown area. After she died there was some talk that she had applied for security and wasn't given any but this was not something she discussed with me and I doubt it was a big issue for her. She certainly never made an issue out of the fact that others on the GRRC got security and she didn't. She simply didn't mention it. I think that

when push came to shove, Rosemary didn't expect that the threats would come to anything and I remember that she received a threatening letter a few weeks before she was killed and she was laughing and joking about the bad spelling in the note that she had received. She thought the threats were a kind of harassment in an attempt to intimidate her and that that was the extent of what would happen. She did not show it to me and I don't know what it said.

27. This is typical of Rosemary's reaction when she received a phone call or a threatening letter. I think that she just generally threw them out without giving them much consideration at all. A lot of people adopted that attitude: you just had to get on with things. Things were so different then to now.
28. I have been asked why I think Rosemary was killed in 1999 rather than in earlier years when she had a somewhat higher profile. I think that this is one of the sad things about her death. By the time she was killed, the peak of the violence had been reached and had passed. Everything was starting to come to an end; ceasefires were in place. She was really one of the last ones to be killed in terms of the political situation here. The Garvaghy Road talks were still going on but they were generally more positive, particularly in terms of violence. Maybe someone felt that it was their last chance to get her for her past.
29. It was so surprising that she was killed when she was after going through some really bad times. Apart from continuing to act for the Garvaghy Road, she had become much less high profile by this time. Rosemary was not really involved in any other particularly high profile cases. She was involved in the South Armagh sniper case in the months leading up to her death. This was the case where [REDACTED] allegedly killed the last soldier on active duty here. This case was certainly not as high profile as the Colin Duffy case and, although it was a big case, Rosemary was certainly not in the spot light. I would have done most of the work on that case and there was no real focus on Rosemary as the focus was on

the case itself. The case was just coming to an end around the time that she died. [REDACTED] was convicted but got out under the Good Friday Agreement.

30. I wouldn't say that the [REDACTED] case was particularly controversial and so at the time of her death, the Garvaghy Road was still the most high profile matter that Rosemary was involved in. It was still in the news because there were talks taking place trying to resolve the conflicts surrounding the march but was not as high profile as in 1997. In the weeks before Rosemary died, I had no sense that anything was particularly wrong. Other than the letter that she received which I have already mentioned, things were just carrying on as normal. I do remember that she told me that there was talk in Portadown by people saying that it was her fault that the talks were not going better because she was advising her clients not to give up. I don't think that particularly concerned her but she was just annoyed that she was helping people yet she was being seen as a provo lawyer who got Colin Duffy off and was now stopping the march down Garvaghy Road. She was annoyed about people's perceptions of her and she felt that she was just doing her job.
31. In the weeks leading up to her death, Rosemary carried on doing press interviews as normal. It had got to the point where she didn't even mention to me that reporters were coming as it was such a regular occurrence and there was always camera lights on in her room. There really was no sense of heightened fear or atmosphere in the office. Her murder was a total bolt out of the blue. The fact that she was not in the office at 10:30 am on the day of her murder was neither here nor there. We all heard that there had been an explosion on the news but it took a while for word to get around that it was her. ~~_____~~
32. After her murder we did get some phone calls to the office rejoicing at her death and making unsavoury comments. I recall one guy calling up saying "Rosemary will not walk down Garvaghy Road now". The girls in the office and I took several of these calls. We didn't recognise any of the callers.

- 33. Following Rosemary's murder, the police gave us advice about varying our routes to work etc for about six months or so. The rest of that year was taken up with moves by Paul Nelson to sell the practice and then, when he decided not to sell it, we were all working towards closing it down and it was really a winding up exercise. I did have a fall out with Paul Nelson when, as I see it, he didn't honour an agreement regarding wages and that is an ongoing issue but I don't think it's really relevant to the Inquiry.
- 34. When we started to wind up the practice, we didn't take on any new clients and wrote to all of the clients telling them that we were closing down. The Colin Duffy case against the police is ongoing but I think that that was the only sensitive case that remained. As I have stated, by the time of Rosemary's death, most political violence was at an end.
- 35. I don't doubt that the police may have had particular views about Rosemary and the fact that there was so many sealed documents in the ongoing Colin Duffy case possibly supports that.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: *Pat Vernon*

Pat Vernon

Dated: *15/3/07*

