

Witness Name: J Murphy

Statement No. 1

Exhibits: JM1 - JM16

Dated: 27 April 2007

THE ROSEMARY NELSON INQUIRY

Witness statement of Jennie Murphy

I, Jennie Murphy, will say as follows:

1. I started my career in the civil service in 1983, working my way up through the ranks, until I left the Northern Ireland Office in May 1999. In the period 1997 until I left, I was based in London in the Rights and European (London) ("REL") Division. The REL Division had a broad command covering matters ranging from human rights, European issues, extradition and international relations to voting and electoral procedures in Northern Ireland. I was a desk officer in that Division. My role was to gather information for briefings or lines to take for the Home Office or any other Government department that needed it. I did not produce policy statements. Essentially, when a letter was received by, for example, No. 10 requiring a response, my role was to pass the letter on to the relevant Division to prepare the briefing and / or lines to take. Any briefing was then cleared with Ministers or senior Officials, who were far more senior to me.
2. Before reading the papers again, I had very little recollection of Mr Kumaraswamy's visit to Northern Ireland and the issues arising out of it. Where I have been able to add anything to the documents by way of explanation or background I have done so.

3. It appears from a letter I was copied into dated 10 April 1997 from [REDACTED] to various individuals **RNI 105.009** that Mr Cumaraswamy, the UN Special Rapporteur on the Independence of Judges and Lawyers, had written to the UK Government asking if he could make a fact finding mission to the UK. Mr Cumaraswamy wanted to investigate certain allegations which had been made about the situation in Northern Ireland. I do not recognise the names of any of the individuals the letter was sent to, but presumably they were all Home Office Officials.
4. I subsequently received a letter from [REDACTED] of the Human Rights Policy Department on 8 August 1997 **RNI 105.060-062** enclosing a letter she had received from Mr Cumaraswamy containing allegations against the UK Government relating to Rosemary Nelson. Ms [REDACTED] requested a draft reply to Mr Cumaraswamy's letter by 5:00 pm on Wednesday 20 August. Upon receiving this letter I sent a copy of it to [REDACTED] at SPOB (Security Policy and Operations Division) asking for a reply to [REDACTED]'s letter by Monday 18 August. This is confirmed by my hand written note at the top of the letter.
5. On 13 August 1997, Mr [REDACTED] from the Human Rights Policy Department wrote to me **RNI 831.015** to notify me that Mr Cumaraswamy had written to say that he would like to visit the UK between 29 September and 8 October 1997. Mr Cumaraswamy planned to spend the first couple of days in London and the remainder in Belfast. Mr [REDACTED] asked me to confirm if these dates were likely to be acceptable to the Northern Ireland and Home Office. I recall that the dates clashed with the party conference. The prospect of not seeing a Minister as part of his programme caused some concerns to Mr Cumaraswamy and the Foreign Office. My handwritten note at the top of the letter shows that I copied the letter, noting that Mr Cumaraswamy wanted to visit prisons, Castlereagh and so on and asking if we could inform SPOB.

6. Mr Cumaraswamy's visit to the UK was ultimately cancelled and re-scheduled for the period 20 to 30 October 1997. Given that the new dates did not clash with the party conference arrangements, the Foreign Office wanted to ensure that Mr Cumaraswamy met both a Home Office Minister and a Northern Ireland Office Minister and the Lord Chancellor.
7. I wrote to Mr [REDACTED] and the Private Secretary of Mr Murphy on 25 September 1997 [RNI 831.180-181] asking if Mr Murphy was content in principle to have a meeting with Mr Cumaraswamy and, if he was, to let me know what dates he was available. I stated in the letter that a Home Office Minister was meeting with Mr Cumaraswamy. My point was that it was, therefore, appropriate for the Minister of State to meet with him also.
8. When I was notified that Mr Cumaraswamy was coming to the UK and wanted to see various individuals and visit certain sites, my role was to write to those individuals and ask them to make themselves available and to write to the relevant departments to arrange site visits. Any issues of substantive preparation or policy issues were not for me. I also got a junior to set up Mr Cumaraswamy's programme whilst in Northern Ireland to ensure that Mr Cumaraswamy was able to make the most efficient use of his time and to arrange for safe and secure transport for him during his visit.
9. Mr Cumaraswamy was very senior. He had made a formal request to meet people through the appropriate diplomatic channels. The Foreign Office had, therefore, requested that the people he wanted to see meet with him. My role was simply to facilitate that. If the people Mr Cumaraswamy wanted to see did not want to see him, then I was not made aware of that. Those sorts of discussions would not have been dealt with at my level.
10. The briefing from Noel Marsden of the Security Policy and Operations Division to Mrs [REDACTED] and Ms [REDACTED] dated 25 September 1997 [RNI 109.083-084] gives the background to the Colin Duffy case. I was copied in to this briefing for information and

would have kept it on my file as current lines to take, should there be a need for a press release on this matter.

11. There then followed an official briefing for Mr Murphy, the Minister of State, by Noel [redacted] dated 22 October 1997 **RNI 105.134-164** [redacted], which was copied to a number of people, including myself. The briefing essentially told the Minister everything he could possibly want to know about issues that may arise in discussion with Mr Cumaraswamy. The purpose of the briefing was simply to give the Minister information on all lines to take.
12. It covers all sorts of matters. Towards the end, it deals with the line to take on the alleged systematic abuse of defence lawyers. In the background it explains that there have been five allegations of intimidation of defence lawyers by the RUC. One of those cases was **RNI 105.148** [redacted] Rosemary Nelson, who represented Mr Colin Duffy earlier that year. It states that Ms Nelson had made a complaint against the police but had only recently begun to cooperate with the investigations of that complaint.
13. The briefing was of no interest or relevance to me at the time. I recall reading it but it meant very little to me. It simply provided me with what the current lines to take on these matters were. I wouldn't have studied or learned the briefing. If something had subsequently come in, I would have checked, usually by phoning the relevant division and asking them, if these were still the current lines to take. All briefings were drafted by people much closer to policy. This particular briefing may have been prepared by the Police Division.
14. Mr Cumaraswamy subsequently came and went. I had no involvement in his visit, other than if there had been any late cancellations of meetings. I recall that there was an issue about cars. Mr Cumaraswamy wanted to get taxis and we were concerned that it was not safe for him to do this. Someone of his standing needed to be provided with safe and secure transport. In terms of Mr Cumaraswamy's meetings with the various individuals, if

anything controversial happened at those meetings I was not told about it. I would only have been told about it later if it was needed for a briefing. Direct feedback at the time about Mr Cumaraswamy's meeting with the Chief Constable would have gone to the Police Division.

15. My next involvement in this matter was in February 1998. [REDACTED] from the Human Rights Policy Department wrote to me on 12 February 1998 [REDACTED] **RNI 106.014-016** regarding the draft report of Mr Cumaraswamy. Mr Cumaraswamy's report was in the process of being edited and translated prior to its official publication. It stated that the Chief Constable of the RUC suggested that solicitors may be working for paramilitaries. It also identified solicitors who had complained of police harassment and intimidation. It went on to conclude that the RUC identified lawyers with their client's causes and interfered with the attorney/client relationship during interrogation by questioning their professionalism and integrity.
16. The letter from Ms [REDACTED] asked me to confirm whether the UK Government would be replying to Mr Cumaraswamy's report and, if so, in what format. It also stated that we would have to be prepared for media interest in the report when it was formally published and develop a line accordingly. It states that a copy of the draft report had already been given in strictest confidence to the Committee of the Administration of Justice ("CAJ"). The CAJ had been told not to refer to the report until it had been formally released, but we could expect the CAJ to act quickly once they broke their silence.
17. The purpose of the letter was simply to alert me to the issue so that I could check the current lines to take. As I was not specifically asked to do anything more, I would have simply filed the letter and ensured that Mr Cumaraswamy's file was up to date. I would not of my own volition have done anything else.
18. I had no involvement commenting on Mr Cumaraswamy's draft report. I may have read it, to ensure that a copy of it went to the right officials to see it. There is nothing in the papers

that I can see or can recollect from memory that I sent a copy of the draft report to anyone. I presume Mr Kumaraswamy as a matter of courtesy sent a copy of his draft report to each person he saw as a copy of it clearly had already found its way to the Chief Constable.

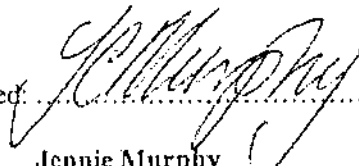
19. It appears from [REDACTED]'s letter to Colin Wells dated 26 February 1998 [REDACTED] **RNI 109.162-163** that I spoke to the Police Division regarding Mr Kumaraswamy's report. I would not have spoken directly to the Chief Constable about this as I was far too junior. Presumably the Police Division had telephoned me to tell me the lines to take and I had then telephoned [REDACTED] to update her. It appears from Ms [REDACTED]'s letter that the Chief Constable categorically denied making the comment that solicitors may be working for paramilitaries. The Chief Constable was primarily concerned with the possible repercussions in terms of the safety of those solicitors currently involved in cases against the police. This would have been fed through to Mr Kumaraswamy via the Foreign Office.
20. I was not involved in the dispute that followed between the Chief Constable and Mr Kumaraswamy in relation to this. I note from Mr Kumaraswamy's letter dated 5 March 1998 to the British Ambassador, Permanent Representative of the UK to the United Nations Office at Geneva **RNI 106.110-111** that representations were made by both the UK Permanent Mission in Geneva and the UK Mission in Kuala Lumpur to remove the reference in the report to the Chief Constable expressing a view that some solicitors may be working for the paramilitaries, as it may put some Northern Ireland solicitors at risk, turning them into targets for paramilitary groups. Ultimately Mr Kumaraswamy agreed to amend the offending sentences in the interests of security of the defence lawyers, although he insisted that the Chief Constable made the remarks attributed to him. My handwritten note on the letter states "[REDACTED] PA" which means that I must have asked a colleague at the time, who was called [REDACTED], to file this letter. The letter did not ask me to do anything else.

21. **RNI 110.135-136** is a draft press release responding to Mr Cumaraswamy's report. I have not seen a copy of this press release before. This is not surprising. The police issue their own press statements. I would not have expected it to come to me for my input.
22. There was then a Foreign Office telegram dated 12 March 1998 which was copied to me for information **RNI 106.146-150**. It gave the lines to take in relation to Mr Cumaraswamy's report. No action was required. I therefore, simply put the telegram on Mr Cumaraswamy's file to ensure the file was comprehensive.
23. I did not have any involvement in drafting or was even aware of the letter Mr Flanagan, the Chief Constable, sent to Mr Cumaraswamy direct dated 13 March 1998
RNI 101.215
24. There then follows a letter from to me dated 27 March 1998
RNI 106.171-172 referring to a telephone discussion we had. I cannot now recall if was a press officer or desk officer. Again, the letter did not ask me to do anything and was simply updating me for information. I was not a press officer so I wouldn't have been drafting any press releases on the back of this. In addition, there was nothing to get comments on from my colleagues. I would, therefore, have probably just filed it.
25. I wrote to the Private Secretary to Mr Ingram on 13 August 1998
RNI 106.291-301 enclosing a draft letter to go from Adam Ingram to the President of the American Bar Association in response to Mr 's letter to the Secretary of State dated 27 July 1998. Mr 's letter raised the same concerns as those contained in Mr Cumaraswamy's report. The draft response, therefore, simply enclosed a copy of the full response issued by the Government to the UN on Mr Cumaraswamy's report. I was not involved in drafting the Government response. Presumably it would have been drafted by the Foreign Office, who would have collected information from the Home Office, as necessary. I would have received a copy of it so that I would be aware of current lines to take on Mr Cumaraswamy's report, if needed.

26. The lines to take dated 23 April 1999 **RNI 831.182-190** were put together by the Police Division for the purposes of the Secretary of State's meeting with Professor **[REDACTED]** on Monday 26 April 1999. I note that my line manager, **[REDACTED]**, was due to attend that meeting with **[REDACTED]** of Police Division to support the Secretary of State. I would not have expected any formal record of that meeting to have been taken.
27. I wrote to Mr **[REDACTED]** and the Private Secretary to Mr Ingram on 11 May 1999 enclosing a draft reply to a letter from Jane Winter from the British Irish Rights Watch **RNI 831.191-194** **[REDACTED]**. I would have drafted that response, pulling on the lines to take. I tried to reflect in the draft Mo Mowlam's warm style. I did not discuss the draft response with her, nor was it based on any discussions with her, but on inputs from the Police Division and lines to take so far. I left very shortly after this.
28. My involvement in this matter was purely gathering information to pass on to others. I had no involvement in policy.

Statement of Truth

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

Signed: 

Jennie Murphy

Dated: 