

Witness Name: Colm Toman

Statement No. 1

Exhibits: CT1-CT3

Dated: 2-6-08

THE ROSEMARY NELSON INQUIRY

Witness Statement of Colm Toman

I, **Colm Toman**, will say as follows:-

1. I am a resident of the Kilwilke Estate in Lurgan.
2. When we were growing up, we were mentally tortured by the security forces just because we were republicans. They used to come onto the estate and give us gip and so we would give some gip back. We would then get thumped. They just picked on you. If I saw a foot patrol I knew that I would be stopped and harassed. It didn't make any difference whether it was army or RUC, both were involved in the harassment. It was a normal part of growing up in the area. It was like it was their job to hassle us. If they saw you, they would be straight over.
3. Even if I was just going for a walk in a field, I would still be harassed. One minute a helicopter would be overhead and the next minute a foot patrol would be after you.
4. I sought Rosemary Nelson's legal services on a number of occasions in the 1990s when I was arrested and interviewed at Gough Barracks. I was, however, never charged or

convicted of any offence. As stated in greater detail below, I witnessed police officers during my interviews making threatening and derogatory comments about Rosemary.

5. I was detained in Gough Barracks for the first time in February 1997. My arrest related to a rocket attack which had taken place on the Kilwilke Estate a couple of weeks earlier. A number of houses had been raided and the RUC had sealed off the area and a RUC Land Rover had tried to run over people stood on the pavement. As a result, a rocket was fired at the Land Rover.
6. I think that I was arrested because a few days before the rocket attack, I had been seen with two people who had been arrested following raids on their houses. The rocket attack took place after these raids.
7. I was arrested a couple of weeks after the rocket attack. The police raided my house (and others) and arrested myself, my brother and a couple of other people in the area. When I was arrested they called me a "wee murdering bastard". Another called me a "fucking murderer". This was the first time I had been arrested.
8. We were taken to Gough Barracks for questioning in a jeep. On the way a police officer put a rifle to my chest and against my head and I was kicked and punched. They said "you're not a big man now, Colm". They made sure that they didn't mark you because you saw a police doctor when you arrived. I think that the officers in the jeep were Sergeant [REDACTED] and Constable Jeffrey Crone. I still see Constable Crone and he still calls me a murderer.
9. As soon as I arrived at Gough Barracks, people came in and had a good look at me. One said "that's him" and then they left. The Custody Sergeant took our details, together with our watch, shoelaces etc. He asked for details of my solicitor and I then told him that it was Rosemary Nelson. I think I had used her a few years before to complain about the harassment, when I was a teenager. On those occasions, I think I had been stopped by the army and thumped so I went to see her. I am not sure what she did about it. I think that she

wrote to them to ask them to stop. It was no good – the harassment got worse. I am not sure why I first went to her, I think she may have been mentioned as a good solicitor. That was good enough for me. However, I got to know her and she was good. Sharon Keeley who worked with her was good as well.

10. After seeing the Custody Sergeant at Gough, I was taken to a cell. I shouted out to the other cells to see who else had been arrested. I would have been given food but the RUC actually spat in it. They just threw it at you and you couldn't eat it. If I was given a mug of tea I would use the mug to drink water. That was all I had to survive on.
11. Interviews took place during the day, maybe 3 or 4 per day. I have been asked what I can recall about the officers who interviewed me. The interviews were always done by CID officers. However, they would not give their identity. You only got to know them over time by talking to other people who had been interviewed by them and had seen them at Court. One was a black haired fellow whose name was McKeef. He was in his 30s, skinny and about 5'7. Another had grey hair and a grey beard. He was well into his 40s, 5'8 or 5'9 and heavily built. A lad called [REDACTED] told me their names. I cannot remember the name exactly but it sounded like "Dowd" or "Dowds". He smelt of alcohol, especially in the evenings. These two interviewed me together and were the instigators of the abuse detailed below. After I had been released, I remember seeing the grey haired fellow on one occasion in a chippy. He got his food down him and ran out.
12. In addition, I think I was interviewed by a girl and a Scots fellow who was bald, in his 30s or 40s. I cannot recall their names. They hardly asked me anything and mainly talked about their holidays.
13. During the interviews, I was kicked, shouted at, had my ears pulled and had the back of my head slapped by the interviewing officers. They also placed a chair leg on my foot and then sat on the chair. Essentially I was bullied.

14. I could tell that the CCTV, which was meant to be monitoring the interviews, was not on because there was no red light on the camera. In addition, the door to the interview room was left open and I could see the sergeant who was meant to be watching the screens walking past.
15. Between the interviews I was allowed to see Rosemary. I told her that they said that I had carried out a rocket attack and what had been happening to me. She would have asked me how I was and I would have told her I was alright. I told her that I hadn't eaten because they had spat in my food and I remember that Rosemary Nelson brought me Mars Bars to eat.
16. This pattern continued for days. I remember that they extended the time that we were detained so that I was detained for 4 days in all. I was eventually released on Valentine's Day.
17. When the police were not getting anywhere they upped the ante and increased the intimidation and bullying. This was after the time of my detention had been extended. It became far more extreme. I was punched, poked and the chair was used on my foot again. They also tried to throw me down flights of stairs when I was taken to and from the interview room. They used to write on some paper something for me to sign, but I refused.
18. Another tactic which they used was to only turn the interview tape on half way through the interview, after they had already subjected me to the bullying detailed above. They were meant to put it on at the start of the interview.
19. During the second day of my interrogation they brought in a witness, who said that I had put the rocket in her garden. I had nothing to do with it. She was squealing and needed to get psychological treatment to calm her down after she was released. Afterwards she said that she had been forced to say it.
20. Then they brought in the rocket and put it in front of me. They called it a "prig". They asked me how I had done it and tried to get me to show them how to use it. I had no idea.

They said that I had been seen organising the attack. I'm not sure where they got that from - the rioting had been broadcast live on UTV, half the country had seen it. They also said "I suppose Rosemary showed you how to make that." I cannot now remember exactly which of the two officers made these comments.

21. From the second or third day onwards they also made a number of other comments about Rosemary Nelson. These were mostly made by the black haired fellow referred to in paragraph 11 above but the grey haired officer referred to in the same paragraph made the same sort of comments. They said that she had been part of an active service unit which had been caught when a fire bomb had exploded prematurely causing the scarring on her face. They also said that she had been beaten with the ugly stick and that she was Colin Duffy's right hand woman. They said that they would have her sorted out and that there would be "no fucking Rosemary Nelson provo solicitor running about". They said that she would not be helping me this time. They said they would lock me up and throw away the key. They were shouting at me constantly. One of them, I cannot remember which one exactly, said "we will take her out". They also threatened my life and the lives of my parents and brother. They said it "wouldn't be hard to take you out". They said I would be spending time with my uncle in St Colms (the local graveyard). I believed them as it had happened before - Sam Marshall had been killed in similar circumstances. At certain times one or two other officers were present when these things were said, but I don't know their names and cannot recall what they looked like.
22. I recall at one point they suggested that I might be hit by a lorry on Victoria Street. In fact, previously, I had nearly been run over by a lorry in Victoria Street. They must have known about that. They also knew that I went for a run from work every lunchtime, because they mentioned that as well.

23. At some point another officer came in to offer me £25,000 and a boat if I signed a confession. He also threatened to tell my mates that I was talking. It was the same thing over and over again.
24. I remember that one of the interviews took place very late at night, at 1am. It should not have been allowed to take place because it was so late. I think there are rules against that sort of thing. They said that a soldier had been killed called Stephen Rosterick in South Armagh. The officer with black hair roared at me. He said that "we'll fucking finish her off" and there will be "no more Rosie the provo". He said "we will fucking kill her, a provo like the rest of you". Ultimately, they did just that. He went on about her constantly. Then after a while, the tapes went in and the interview would start.
25. Occasionally you felt like losing your rag and trying to fight back. However, if I had done so they would have beaten me to a pulp. At one stage I did try to get them to shut up and tried to get out of my chair. They said "you sit fucking down" and then said "we'll put you down and we'll put Rosemary down. None of yous will be running about." After 4 days of questioning I was eventually released, without charge. Of all the times I spent in Gough Barracks this was the worst. A couple of the others who were also held also said it was the worst they had experienced.
26. Whilst I was in detention, I told Rosemary everything that had happened as detailed above. She was angry but told me not to worry. After I was released some of the others who were held at the same time as me told me to go and see Rosemary to make a statement. I have been shown a copy of a statement which is attached at **RNI 206.072-073**. I have not seen this before, but reading it, it brings back memories. I think I went to Rosemary's office a couple of months after I was released. I was interviewed by a young fellow with black hair. A girl may have been with him too. They must have prepared the statement after the interview, but as I have said, I have not seen the statement before. I was not given a copy to sign. I think it may have been a rushed job preparing it, or it may be

that there is a page missing. The statement does not give details of all the threats that I heard about Rosemary. These are correctly detailed above. It also does not appear to give the right days I was in custody as I am sure I was released on Valentine's Day.

27. At paragraph 2 the statement refers to two photos which were taken. These were shown to me by the police later, on the second or third time I was arrested.
28. At paragraph 6 the statement states that one of the interviewing officers asked "is Rosemary Nelson really a provo" at the first interview. This is incorrect. As stated above, they only started to make comments about her on the second or third day.
29. At paragraph 7 the statement refers to one of the police officers having black hair and a bit of a beard. This is incorrect. He was clean shaven. I am happy that my description in paragraph 11 above is correct.
30. I think that the purpose for me giving the statement was to say that Rosemary's life was under threat because she represented republicans. I think the people I met said that they were investigating solicitors who had been threatened by the security forces. However, I didn't get an insight into what they were doing. I understood that my statement would be used to make a complaint once it was completed. However, as stated above, the statement provided to me does not give a complete picture of what happened to me at Gough Barracks.
31. I have also been referred to a series of letters addressed to me by Commander Mulvihill in relation to a possible meeting with him. I have never seen any of these letters before. They are attached at . At the time the letters are dated I was not living at the address they were sent to. That is my parents' address. However, that would not explain why the letters were not received by me as I would have been given any post that was received by my parents. The letters refer to a meeting having been arranged at the ICPC offices on 22 September 1998 and another on 6 October 1998. I do not recall anything of that kind being arranged.

**RNI 223.041-042,
RNI 223.094,
RNI 223.142,
RNI 223.361**

32. I have been asked whether I have any information in relation to similar complaints or incidents concerning Rosemary Nelson. I recall that Shane McCrory was on television saying that he had been stopped because he gave evidence for Rosemary. He said that he heard an officer threaten to kill Rosemary Nelson. He claims that a uniformed police officer said that to him. In my opinion, there is no way a uniformed police officer would know anything about a plan to kill Rosemary, or would say anything of that nature to Shane McCrory. The people who were making threats to me were a different league. It was at a higher level – CID.
33. I spoke to my brother, Barry, about the threats that I had heard. We talked about what they had said, and in particular whether they would do what they threatened and take us out. There was nothing you could do. You had to take it. No one liked you just because you were a republican.
34. I also recall giving another statement to the Pat Finucane Centre about a year after Rosemary Nelson had been murdered. I have been shown a copy of a statement I gave to the Pat Finucane Centre dated 24 March 1999. A copy of this statement is attached at **RNI 835.228**. I believe this is the only statement I gave to the Pat Finucane Centre. I have no further information that I can add to that statement.
35. Apart from the accounts I gave to the two people at Rosemary's office (referred to in paragraph 26) and to The Pat Finucane Centre (referred to in paragraph 34) and my conversation with my brother, I have not discussed the threats made against Rosemary with anyone else.

Other examples of harassment

36. An example of the constant harassment I was subjected to an incident involving Constable Crone which took place in a chip shop. In the statement attached at **RNI 206.072-073** _____ he is the one who is referred to as having destroyed our house. As stated above, even to this day he describes me as a "wee murdering fellow".

37. I recall that my brother and I were stopped by Constable Crone on our way into town to go to the chip shop. He had told us not to go into town, but we went in anyway. As we went into town he drove past us and followed us into the chip shop. He said that we were sat there laughing at him. We were not. In the end we got up and left and he sat there eating our chips.
38. On another occasion he broke all of my golf clubs when I was going out to play golf. He has harassed me so many times it is difficult to remember individual occasions.
39. I may have complained to Rosemary about being harassed by Constable Crone but I have no specific recollection of doing this.
40. I was arrested on another occasion before Rosemary was murdered. It concerned a train hijack which took place in Drumcree in July 1997 or July 1998. I was taken to Gough Barracks. It was the same stuff all over again. They described Rosemary Nelson as a fire bomber and that she had been beaten with the ugly stick. This time the interview lasted for a shorter period, only 1 or 2 days, and I was aware of what was going to happen so I wasn't as shocked by what was said. I think the police knew that it was pointless talking to me. I think that it was possibly the Scots guy who was interviewing me who I refer to in paragraph 12 above. I cannot be sure it was him, however. I mentioned the abusive remarks to Rosemary. She told me not to pay any attention to them. I do not know whether she took any action in connection with any of this.

Rosemary Nelson's Murder

41. I live close to where Rosemary Nelson was murdered. In the couple of days before her murder I had never seen anything like it. There were security forces everywhere. I had not seen such activity before. We thought that there might be a big raid about to take place.
42. I recall one incident in particular which sticks in my memory. It took place a day or two before Rosemary was murdered. I think it may have been on the Sunday, before mass. A man got out of a RUC land rover which had stopped at the top of the Kilwike Estate. He

was wearing a balaclava and raised his G3 rifle to the sky. This incident took place on Lake Street at the junction with Victoria Road and Levin Road. I just stood and watched with a group of mates. I cannot remember who I was with any more.

43. There was also a helicopter which stayed up in the sky constantly. When it had to go for a re-fuel another one took its place. It was constantly monitoring the area around where Rosemary Nelson lived. The foot patrols were also constantly patrolling the same routes, which was unusual, and were concentrating on the area around where she lived. It would be more usual for the Kilwilke Estate to be under surveillance. There were also unusual checkpoints in unusual locations. There was a checkpoint at Mile House which was very, very unusual. Some people may disagree but I had never seen a checkpoint there before. It was a no go zone for the army. It would have been dangerous for them to have a check point there.
44. On the day of the murder I had been out walking in the fields near Tarry Lane in Lurgan when I heard a bang. A couple of hours later I went up to Tannaghmore School. A Sinn Fein Counsellor, John O'Dowd, was there as well. There were lots of soldiers and the police and the bomb squad as well. There was a helicopter flying overhead. It had apparently arrived within minutes of the explosion – it could not have flown in from Aldergrove in that time so it must have been on the ground somewhere nearby. A cordon had been set up around the scene. Some of the Scottish soldiers on the cordon were making smart comments and laughing. They asked whether Rosemary “needed a hand”. I tried to push people back to stop trouble.
45. On either the day after Rosemary’s murder (Tuesday) or the day after that (Wednesday), I saw an army patrol, probably RIR/UDR, suspiciously remove an object from what looked like a concrete pillar box close to the railway crossing on Lake Street. It is difficult to describe the pillar. It was like a gate post, surrounded by weeds. I think it may have been on the Tuesday, as I recall that the army had been looking for something on the morning of

Rosemary's murder as well. I assumed that they couldn't find what they were looking for so they came back the next day. It looked like the middle of the pillar box was missing because one of the soldiers reached into it and removed an item. He held it up and gestured to the other soldiers as if to say "I've found it!". I couldn't see what was in his hand but it looked like it was in a plastic bag. The soldier ran across the road to give it to another soldier. The soldiers then moved away to the bottom of North Street. They stayed there for a couple of hours before leaving. This could not have been a hoax device because the bomb squad would have needed to attend, so it must have been something else.

46. I think that these events took place just after midday. There were 4 or 5 of us watching the patrol from an alleyway approximately 150-200 feet away. I cannot remember who else was with me anymore, however. There were about sixteen or seventeen soldiers in the patrol, spread out in a line. At first we thought that they were removing spying equipment from the pillar box. However, I now think it had something to do with Rosemary's murder. As I've said I could not see the object. It seemed quite small – no bigger than a man's hand.
47. When the soldiers removed the item from the pillar box I think that the rioting was taking place on the other side of the Kilwilke Estate and it was relatively calm on Lake Street.
48. It was a difficult time with rioting taking place all day. I remember that a Land Rover was on fire and one of its occupants shouted "that's where Rosemary went". It was an angry time – a solicitor had just been killed.

Statement of Truth

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

Signed: X. Colm Toman

Colm Toman

Dated: 2 June 08