

Witness Name: P. Henry

Statement No. 1

Exhibits: None

Dated: July 19, 2006

THE ROSEMARY NELSON INQUIRY

Witness statement of Patrick Henry

I, Patrick Henry, will say as follows:

1. I am a retired District Attorney of Suffolk County, New York, and New York State Supreme Court Justice. I was born in the Town of Islip, New York, on [REDACTED]. My father was a native-born American of Scottish extraction and my mother a naturalized American citizen of British birth. My father was an attorney. By being raised in such a household, it was only natural that our attitudes and affections were pro British. This included an appreciation for the British judicial system, together with its high standards. With this as a background and with the resumption of "troubles" in Northern Ireland, and with the demands from the Irish community in America reaching new proportions, I became concerned and decided to see for myself what was happening in the area.

2. I became acquainted with Edmund Lynch, an attorney from New Jersey, and his group, "The Lawyers Alliance for Justice in Ireland," and

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accompanied their delegation to Belfast in February 1998. It was not what I would describe as an enjoyable trip but was quite informative.

3. I recall, among other things, that we attended a dinner at a hotel in Lurgan where Rosemary Nelson was the guest of honor. She spoke to us during dinner followed by a short talk by [REDACTED], the sister of Robert Hamill. She spoke about her brother's death and the circumstances in which the R.U.C. had stood by and watched as he was beaten to death.

4. Mrs. Nelson impressed me tremendously and I was very moved by what she said. Mrs. Nelson spoke about her law practice, what she was doing and what she felt was wrong with the system in Northern Ireland. She was representing both Catholics and Protestants and also did a lot of work pro bono for clients who could not afford to pay legal fees. She also told us how she represented people accused of being involved in the IRA and IRA-related offenses. I got the impression that not many lawyers were prepared to do this type of work and, although there was some funding remuneration available from the Crown, it did not really seem to be adequate. I recall Mrs. Nelson saying that she was having problems with the R.U.C. and that the R.U.C. could not be relied upon to assist her or, for that matter, any Roman Catholic in trouble.

5. Rosemary Nelson impressed me so much with what she said that, as soon as she had finished speaking, I leapt to my feet and said that I would go home and raise \$10,000 for her cause. I thought that the work that she did was very important and it seem appropriate for me to make this offer. I actually thought that others would follow my lead and make similar offers, but in fact

nobody did! It was my intention that I would raise this money so that it could be used by Mrs. Nelson to further her practice and the type of work she was undertaking. It was not for any one case in particular - simply funds to help her continue what she was doing. I got the impression from her that staffing was a problem at her office and so I thought that an offer of money would assist her to continue with her valuable work. She impressed me by her devotion to her profession even in the face of tremendous adversity, and I thought such a person should be encouraged to carry on.

6. I believe that when Rosemary Nelson spoke over dinner, she had alluded to the fact that she had been threatened. Therefore, after dinner I took the opportunity to speak to Mrs. Nelson personally and to ask her again about this. Mrs. Nelson confirmed that she had been threatened, but she struck me as being very brave. She admitted that she was scared but said that she would not be intimidated.

7. I think there may have been one or two other people with me when I spoke with Mrs. Nelson at this time (but I can't recall who). I don't recall that she gave me any detail as to the nature of the threats, but I think that I subsequently learned of their content, which was ugly and vulgar. Some threats were personal insults and others were threats to her life made by the R.U.C. officers via some of her clients. I recall that Mrs. Nelson said that she had made complaints about the threats she had received but she did not expect anything to be done about them. She did not specify to whom exactly she had complained. I don't recall that she asked me or anyone else to do anything. The words that she

had spoken over dinner moved me enough to offer to raise funds for her, but she never asked me to do this or anything else.

8. I have been asked whether she or we raised the issue of security or personal protection, but I cannot recall any conversation about this. I have also been asked whether Mrs. Nelson asked me or anyone else to relay a message to anyone in authority about the threats she had received. I do not recall her asking anyone to do this but I know that she did testify herself before the US Congress.

9. At the end of the evening we all went out to our cars. I recall that Mrs. Nelson needed to retrieve something from her car to give to Ed Lynch. I think this may have been some papers. In any event, it was dark and we were in a fairly hostile area, so I offered to accompany Mrs. Nelson to her car while she did this. This was the last time that I saw Mrs. Nelson, and I believe it was the only time I have ever met with her.

10. I have been asked whether anyone else apart from Mrs. Nelson and ██████████ attended the dinner to speak to us and, in particular, whether the issue of the Garvaghy Road was raised. I do not recall anyone else speaking to us, but it is possible that the topic of the Garvaghy Road was raised at some point during the evening. I cannot recall any detail in relation to this, though.

11. Following on from the dinner, I discussed the evening with the rest of the delegation. We were all impressed with what Mrs. Nelson had to say and we admired her very much.

12. During this trip, I also met with the Lord Chief Justice, Robert Carswell, for the first time. He was very guarded at this first meeting, but I have

met him several times subsequent to this and we have come to establish a good professional relationship. I do not recall that I discussed the issue of Rosemary Nelson with him at this meeting. Ed Lynch attended the meeting with me, but other members of the delegation attended a meeting with Chief Constable Ronnie Flanagan at the same time. Although I was not at this meeting with the Chief Constable, I recall other delegates telling me that they felt that they were stonewalled by the Chief Constable. They cited him as being nice enough but not interested in doing anything to assist Rosemary Nelson.

13. I cannot be sure what other meetings I attended during this trip in February 1998. After this time, I went out to Northern Ireland virtually every year and sometimes twice a year, and so I am unclear as to which meetings took place on which trip. I recall that I did visit the Maze Prison on one occasion to meet with the inmates, and I was the first person not in custody to go into H block to visit with the IRA prisoners. However, I cannot be sure when this was.

14. I have been asked whether I attended the Lawyers Alliance for Justice in Ireland delegation out to Northern Ireland the following February in 1999. I have consulted my passport and it would appear that I did not travel to Northern Ireland in this year. I definitely made trips in both 2000 and 2001, though.

15. I recall meeting again with Lord Chief Justice Carswell after the death of Rosemary Nelson, but I cannot be sure of the date of this meeting and whether it was 2000 or 2001. We did discuss Mrs. Nelson's murder, but Mr. Carswell was reluctant to get too involved in discussing what had happened. He

did say to me that it was a despicable act, though. I remember telling Mr. Carswell that I thought that there was police involvement in the murder which stemmed from corruption with the R.U.C.

16. I met with Colin Port in 2000 at the Dukes Hotel in Belfast where I was staying. I wanted to engage with the investigation of Mrs. Nelson's murder because I had investigated murders myself and also prosecuted many of them. I thought that I might have something to offer Mr. Port in relation to his investigations. I would have retired from the bench to join his staff if it would have been of assistance to him. He did not, however, need such help.

17. Mr. Port and I remained in contact and the following year he flew over from Manchester to meet with me again in Belfast. I also had further meetings with Mr. Port.

18. All the meetings I had with Mr. Port were at my instigation as I did not want another murder investigation to be stonewalled in the same way as had happened in the investigation into the murder of Patrick Finucane. Mr. Port told me that he was aware of the problems that had been encountered on the Finucane investigation and was keen to ensure that this would not happen on this investigation. Ultimately, though, I think he did encounter the very same problems. When the investigation was first set up, I recall saying to him that I thought it was a mistake for him to set up his investigation at the very barracks where some of the officers accused of being involved were based. I was not convinced by his answer that his team was in a separate unit and was wholly independent from R.U.C. officers who were resident there.

19. I recall meeting with Chief Constable Ronnie Flanagan in March 2001, which was the first time I met with him after Mrs. Nelson's death. Ed Lynch was also present at this meeting as were some other members of the Lawyers Alliance delegation for this year, but I cannot recall who. We met with Mr. Flanagan in a meeting room at the police headquarters. I recall someone raising the murder of Rosemary Nelson with him, and Mr. Flanagan replied that it was just another one of those murders that was taking place in Northern Ireland.

20. I said to Mr. Flanagan that there was a perception that he had a serious corruption problem within the R.U.C. At this point I saw the back of his neck turn red. He asked what I meant by this comment, and I said that there was a suggestion that members of his force were involved in Mrs. Nelson's murder. Mr. Flanagan asked me why I would think that, to which I replied that Mrs. Nelson had been threatened by R.U.C. officers at police barracks. I did not have all the details of the threats that Mrs. Nelson had received, but I told Mr. Flanagan that she had been threatened several times and that, to my knowledge, she had been assaulted by two off-duty policemen. I am not sure where I acquired this information from (although it may have been via Ed Lynch) but I think that Mrs. Nelson may have been stopped in her car and beaten up.

21. I recall saying to Mr. Flanagan that these things might happen, but than normally an investigation took place. However, there had been no such investigation here. Mr. Flanagan said that he needed evidence in order to hold such an investigation. I recall that this comment angered me and I told Mr. Flanagan that I was a former prosecutor and a Supreme Court Judge and so was

fully aware that he would need evidence. However, in order to get it, he would have to actually go out and find it. Mr. Flanagan never said that he was going to get evidence and he never provided me with any assurances, but he did say that there were a lot of demands on his time and his department was stretched to the limit.

22. I have been asked whether I had any other contact with Rosemary Nelson following on from the dinner in 1998 and before her death. I think it is possible that I spoke to her on the telephone to discuss the arrangements for the funds I was raising. True to my word, I had engaged some attorneys to assist with a fundraiser and we had raised the promised \$10,000. I recall Mrs. Nelson warning me not to mail her the money, but have someone bring it over to her instead. I think she was concerned that someone might be checking through her mail. I was due to make these arrangements, but then Mrs. Nelson was murdered. I did not know what to do with the money we had raised at this point. Then [REDACTED] came over to the United States to testify and she came to visit me in Suffolk County. I, therefore, gave her the money we had raised and asked her to spend it on whatever she considered appropriate to honor the memory of her brother.

Statement of Truth

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

Dated this 19th day of July, 2006

Signed:


Patrick Henry