

445 East Main Street
Denville, NJ 07834
Phone: 973-827-8511
Fax: 973-827-4142
E-mail: [REDACTED]

Lawyers Alliance

Fax

To: N.G. Mulvihill - 171 [REDACTED] From: Edmund E. Lynch, Esq.
G. McNally - 1232-248-663

From: See Above Date: September 16, 1998

Pages: 2

Re: Rosemary Nelson & Colin Duffy CC: Rosemary Nelson - 1762-321-487

Urgent For Review Please Comment Please Reply Please Recycle

Comments

Dear Commander Mulvihill and Ms. McNally:

I am pleased to see that we are making progress on your investigation.

I spoke to Mrs. Mitchell on September 15th. We hope to have a tentative witness list to you within the next two days. I will be prepared to meet in advance of the interviews at the ICPC offices on Monday, September 21st at 10 a.m., if that is convenient to you.

The following safeguards are essential:

1. The witnesses will be granted immunity from prosecution for any alleged crimes which are the subject matter of their statements.
2. The immunity set forth in #1 shall not extend to false statements given by the witnesses. However, no member of the RUC shall have any involvement in determining whether a statement by a witness is false. Only if a majority of the ICPC and Commander Mulvihill conclude that a statement of a witness is willfully false, and that the evidence supports a conclusion of falsity, beyond a reasonable doubt, will such matter be referred to prosecution.
3. The ICPC will hold each witness harmless and indemnify each witness for any claims of defamation, slander, libel or similar claims which are in any way related to their cooperation with the ICPC or statements given to the ICPC as part of the pending investigation.
4. The statements of the witnesses will be recorded by a certified reporter and a copy of the transcript of same provided to each witness and to me, without charge.

No

our procedure

09/16/1998 09:06 2016274142

LYNCH&LYNCH

PAGE 02

5. The ICPC and/or Commander Mulvihill will supply Ms. Nelson and me with a copy of the investigation report and findings upon issuance of same.

*Procedure
App: b RUC*

In my view, these witnesses are public spirited citizens who are prepared to come forward, at genuine risk, to assist the Government in routing out unfit members of the police service. If there is any hope for progress in reconciliation in the north of Ireland, it is essential that the citizens have confidence in their policing service. So long as one abusive police officer remains in active service on the Force, progress toward the goal of community confidence in the policing service will be diminished.

Thus, I feel fully justified in requesting the above safeguards for individuals who are prepared to promote the interest of the Government, without fee or compensation of any kind.

I will be happy to discuss these matters with you via telephone prior to our meeting of September 21st. I am also willing to discuss in person these concerns when we meet on September 21st. However, I must alert you in advance that we cannot expect the cooperation of the witnesses unless there is a reciprocal cooperation from the ICPC and the investigating authority.

*COPY
Legislation*

Respectfully yours,

Edmund E. Lynch

Edmund E. Lynch