

Witness Name: **P121**

Statement No. 1

Exhibits: **P121, 1-37**

Dated: ... 19 March 2007 ...

THE ROSEMARY NELSON INQUIRY

Witness Statement of P121

I, **P121** will say as follows:-**Background**

1. I joined the Royal Ulster Constabulary in 1974 and joined the CID on 12 May 1980. I retired in 2003. I served as a Detective Constable in Lurgan from October 1989 to 2002.
2. I investigated ordinary crimes. for example: burglaries, thefts and deceptions. I also investigated terrorist offences. In the first nine months that I worked in Lurgan there were thirteen murders. This was a very crazy place with many IRA and UVF murders. Everyone was dealt with in the same way no matter who the victim was or who the perpetrators were. We conducted very diligent investigations. Some were successful but some were not.
3. I would say that my work was split roughly into half terrorist related work and half non-terrorist related work. This was pretty constant throughout my whole career but there were occasional periods of calm.
4. From June 1986 to October 1989 I was in the Regional Crime Squad in Gough. My sole purpose was to carry out terrorism interviews and murder inquiries.

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Contact with Solicitors

5. During the period that I worked in Lurgan, I had contact with a lot of solicitors. These solicitors acted for both Republicans and Loyalists. I came into contact with them mostly at the Magistrates, Crown and High Courts.
6. At the time, interviews at Gough Barracks were carried out under terrorist legislation so solicitors were not entitled to be present but could consult with their clients at any time, if a request was made. If access to a solicitor was going to cause a long delay, permission could be sought to carry on the interviews. This decision would not have been made by me but by a Senior CID Officer. It was fairly common that permission was granted for the interview to carry on without a solicitor but if there was a short delay, for example 30 minutes, the interview would not proceed.

Rosemary Nelson

7. I have been asked about my knowledge of Rosemary Nelson. I think I would have met her on no more than three or four occasions. One interview springs to mind in 1997 or 1998. She sat in on a tape recorded interview at Lurgan Station. It was in connection with an ordinary, non-terrorist crime but I cannot recall who the client was or what the crime was. This was the only time I ever sat in a room with Mrs Nelson. The interview was not in any way confrontational. Mrs Nelson was always courteous and professional and that is also the way I treated her.
8. I remember seeing her in the Magistrates' Court from time to time as she would have been dealing with clients and I would have spoken to her in my role as an Investigating Officer. I was at the courts frequently for remands and for queries from the Magistrates or the DPP. I would only have had contact with Mrs Nelson if I was involved with one of her clients, which was the same for all solicitors. It was natural for one of the solicitors to come and talk to you if they had a query.

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9. I had the same working relationship with Rosemary Nelson as I did with the other solicitors. As far as I was concerned this did not change after the complaints made against me relating to Mrs Nelson. I deal with these complaints later in my statement.
10. My personal perception of Mrs Nelson was that she was a professional carrying out her job. I would probably have known Mrs Nelson through her clients before the complaints in question were made but I cannot recall clearly. Although Mrs Nelson worked for some high-profile Republican clients, I felt no resentment or animosity towards her. She had a job to do and was employed by her clients. She carried out her job efficiently. I am not aware that any of my colleagues had any other opinions of her contrary to my own. I have been asked whether I was aware that Mrs Nelson had any links with Republican organizations. I was not aware of anything.

Complaints

11. I have been provided with documentation regarding various complaints. Other than those complaints discussed in this statement, I cannot recall the detail of any others made against me during the course of my career. As far as I am concerned there have been very few complaints against me in my career but I have never kept a note of how many.
12. I have been asked whether I would have interviewed clients of Mrs Nelson's other than those discussed in this statement. I am sure that I did. I am also certain that I would have interviewed other clients of hers between the date of the last complaint in June 1997 and her death in March 1999. I cannot remember the names of any specific clients interviewed during that period.
13. I am asked to comment on the complaints made by Colin Duffy, **C138**, Anthony Simmons and Barry Toman. I deal with these below. I have also been asked whether I was involved in a complaint made by Colm Toman. I do not recall any such complaint.
14. Some of these complaints arose in the period around 1997. I believe that at this time these related to the fact that there was talk that the RUC was being disbanded so an effort

was being made to discredit the RUC. I also firmly believe that the Colin Duffy complaint was made in an attempt to muddy the waters at the time of his trial. I can see no other reason why these false allegations were made. The majority of the complaints were made by individuals whom I believe were members of the Provisional IRA Unit in Lurgan. They knew each other inside out. Their membership of the Provisional IRA had never been proved in a court of law but we had intelligence on this. I hold a firm belief that all these people were members of the Provisional IRA or their supporters. I cannot speak for anyone else but this was my view based on our intelligence at that time.

Colin Duffy Complaint 1993

15. The first complaint against me that I have been asked to comment on is one made by Colin Duffy on 22 July 1993. Colin Duffy alleged that he had not been allowed to read notes at the end of his interview in connection with the John Lyness murder inquiry. John Lyness was murdered on 24 June 1993 and Colin Duffy was identified as the murderer. I do not recall whether he was represented by Rosemary Nelson at the time. As far as I recollect he was always represented by her.

16. I have been shown my witness statement dated 6 July 1993

RNI 831.020-050. This statement was prepared for the murder inquiry and is a verbatim account of interviews with Mr Duffy. I can confirm that the contents of the statement are true.

17. Colin Duffy was initially interviewed by me on 28 June 1993 at 3.57pm. The statement shows that Mr Duffy did not speak during the interview.

18. During the interview, I asked Mr Duffy if this was his first job for the Provisional IRA (page 7 of the statement). I have been asked whether at the time of his interview, there was any evidence that Colin Duffy was a member of PIRA. At the time of the interviews I believed that he was a member of the Provisional IRA. This belief was based on

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intelligence given to the RUC. In my opinion, based on this intelligence Colin Duffy was a killing machine for the Provisional IRA.

19. My statement shows that Mr Duffy was given the opportunity to read and sign his notes (page 9 of the statement). My statement also shows that I asked Mr Duffy whether he murdered John Lyness because he had given evidence against Colin Duffy previously (page 9 of the statement). I cannot recollect what the previous case was all about.
20. Mr Duffy was interviewed again at 9.38pm that day. I was accompanied by Detective Sergeant Forde. Again my statement shows that Mr Duffy was given the opportunity to read and sign his notes (page 14 of the statement). I have been asked why Colin Duffy was asked during his interview whether he had any complaints to make (page 10 of the statement). I cannot remember specifically why this question was asked at this point, or who asked it. However, it was a routine question. I had asked this question before to other detainees. It was a safeguard. My statement shows that he made no reply.
21. I interviewed Colin Duffy again at 2.19pm on 29 June 1993, with DS Forde. On this occasion Mr Duffy spoke, and denied any involvement in the murder of John Lyness.
22. DS Forde and I interviewed Colin Duffy at 7.34pm that same day. Again he said that he was not involved in the murder. At the end of this interview Mr Duffy requested to read the notes and he was provided with them. He refused to sign the notes (page 21 of the statement).
23. I interviewed Mr Duffy at 11.48am on 30 June 1993 along with DS Forde. As before, Mr Duffy denied the murder but would say no more. He consented to a blood sample. He ignored the offer to read and sign the notes (page 25 of the statement).
24. The next interview with Colin Duffy was at 4.20pm on 30 June 1993. Again he denied the murder. He ignored the offer to read and sign the notes (page 25 of the statement).
25. Detective Constable **P149** and I interviewed Mr Duffy at 9.13pm that same day. He ignored the offer to read and sign the notes (page 31 of the statement).

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26. I have been provided with a copy of the complaint made by Colin Duffy on 22 July 1993 **RNI 831.051**. He claims that I did not allow him to read the notes of the last interview on 28 June 1993. Mr Duffy's complaint is untrue. This did not happen, as the documents show.
27. I am now shown my statement which was made on 13 September 1993 **RNI 831.060** in response to Colin Duffy's complaint. My statement confirms that the allegations made by Mr. Duffy were totally untrue. I refer to him in the statement as a "murderer trying his best to form a defence". I have been asked about the basis for describing him as "a murderer". The reason for this was that he was initially convicted of Lyness' murder although he was acquitted on appeal and our intelligence indicated this. I have been asked how I felt about the acquittal. I felt no resentment. A policeman's job is always frustrating and these issues would have been out of my control. My job as a policeman was to bring matters to court. What happened there was not my concern.
28. The complaint would have been investigated by a Senior Officer. I recall that no charges were brought against me.
29. I have been asked whether Colin Duffy would have known me before I interviewed him in connection with the Lyness case. I knew Colin Duffy and he knew me from working in Lurgan. Mr Duffy was a well known terrorist at the time in North Armagh and further afield. People like Colin Duffy make it clear that they know everything about you. This is a small area and people are living and working together. I would have interviewed Colin Duffy on occasions before the Lyness investigation, for example, investigating the murders of Constable Withers, two RUC officers and two civilians, and on other occasions.
30. I believe Constable Withers was murdered in 1989 or 1990 in the lane near his house. Mr Duffy was not charged for his murder or the murder of the RUC Officers and civilians but our intelligence indicated he was involved.

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31. I do not recall having any contact with Rosemary Nelson during Colin Duffy's interviews in connection with the Lyness case, though I think she was representing him.

C138 Complaint

32. I have been asked whether I recall a complaint made by **C138**. I believe he was arrested because a car with a mortar bomb was found in his garage. I am not sure whether **C138** was known to me before his arrest but I would have categorised him as a member of the Provisional IRA or one of their supporters. This was probably because of intelligence that had been provided to the RUC. **C138**

33. I was involved in questioning Mr on 7 and 8 February 1999. I have been shown the notes of the interviews **RNI 204.075-136, RNI 204.159-166**. I can confirm that the notes are an accurate account of events.

34. I am shown the Form 17(3) and the attached statement **RNI 203.057-059**. It is a complaint regarding abusive comments about Mrs Nelson allegedly made by Officer **P162*** and by another officer, described by Mr as having grey hair. **C138**

35. The description in the form does not fit my description. I am six foot tall and fair-haired, whereas the officer described had grey hair. I have been asked why I was served with a Form 17(3) when it appears that the complaint relates to two other officers, not me. It was the usual practice for all officers named in the complaint, and all interviewing officers to be served with a Form 17(3). I believe I was served with the Form because I was one of the interviewing officers.

36. The comments alleged to have been made are recorded in Form 17/3 **RNI 203.057-059** **C138**

37. The comments alleged by Mr were not made by me and I take exception to them. **RNI 203.058**

38. I have been shown my statement made on 21 January 1998. I have been asked why my only comment is "nothing at this stage". The Form 17(3) is completed at an early stage

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in the process and leads to a fuller investigation which will follow. I had nothing to say at that stage.

Anthony Simmons Complaint

39. I have been shown the Form 17(3) and the attached statement

RNI 203.179-181 This is a complaint made by Anthony Simmons. I have also been shown the notes of the interview with Mr Simmons **RNI 204.241-252**. I can confirm that the interview notes are an accurate and true account of events.

40. I deny I made the comments alleged by Mr Simmons in the Form 17(3). I consider the comments to be disgusting. **RNI 203.179**

41. I have been asked about the comment on the Form 17(3) regarding Anthony Simmons "seeing" Mrs Nelson. I have no knowledge of Anthony Simmons and Rosemary Nelson "seeing" each other and I have no knowledge of Rosemary Nelson being involved with any of her other clients, other than on a solicitor-client basis.

42. I note that Form 17(3) was served on 21 January 1998 which is some time after the interview on 11 February 1997. I am not aware that a complaint was made at the time of the interview.

43. I note that my only comment on my statement is "nothing at this stage". The reason is the same as previously explained regarding the **C138** complaint.

Barry Toman Complaint

44. I interviewed Mr Toman on 12 February 1997 in connection with a hand held rocket launcher .

45. I am shown a Form 17/3 and the attached statement **RNI 208.160-164**

This is a complaint by Barry Toman which includes alleged comments regarding Rosemary Nelson. The first part of the form does not refer to me at all as I was not involved in the house search. I am shocked at the comments made regarding Rosemary

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Nelson at paragraph 8 of this document. They were not made by me and I have never heard them before.

46. I know nothing further about this matter.

Colin Duffy's second complaint

47. I have been asked about the complaints made by Colin Duffy and Rosemary Nelson in 1997.

48. Colin Duffy was suspected of involvement in the murder of two police officers on 16 June 1997. I knew these officers. Davey Johnston and John Graham, as they were stationed in Lurgan.

49. I interviewed Mr Duffy with DC Walker on 23 June and 24 June 1997 [redacted]

RNI 212.128-137, RNI 212.216-227

50. Mrs Nelson then made the following complaints, two of which were expressed to be on Colin Duffy's behalf:

a) that interviewing continued on two occasions before she had consulted with Mr Duffy: once on 24 June 1997 and once on 25 June 1997, and that the detectives were fabricating statements **RNI 211.113-115** and [redacted]

RNI 211.119-121

b) that I said to Mr Duffy: "I'm sure your mother's proud of you and I'm sure your wife's proud of you, and I'm sure Rosemary is proud of you as well"

RNI 211.124-127

c) that there was an irregularity in the recording of notes during an interview on 24 June 1997 **RNI 211.113-115** and **RNI 211.119-121**

d) that DC **P149** asked Mr Duffy what he was playing at and he had responded: "It is for court purposes" **RNI 211.122-123** **P146**

Mrs Nelson gave further details of the complaint at Chief Inspector [redacted]'s request

RNI 211.124-127

This document states that Mrs Nelson sent a letter of

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complaint on 25 June 1997 detailing her complaints and adding that detectives had sought to link her to acts of terrorism by indicating that she approved of such acts.

51. Only one of the above complaints relates directly to me, and that is the allegation that I asked Colin Duffy if Mrs Nelson was "proud of him". This comment was not made by me or by anyone else in the interview. The interview notes show that he was asked if he was proud of himself for his involvement in the murders in question. I did not mention Mrs Nelson **RNI 212.213**. The notes of the Colin Duffy interview on 23 June 1997 were made by a colleague, DC Walker. I read the notes at the time and recall they were a true account. Nothing was left out of them.

52. On the second page of the Form 17(3) **RNI 211.119-121** relating to this complaint, it states: "I did not make those comments. As far as I'm concerned it is Mr Duffy's way of trying to create a defence for himself at a later murder trial". Mr Duffy was very shrewd. He was trying to throw as much dirt as he could before his murder trial. I have been asked why I made a more detailed response to the complaint in light of the fact that in previous statements in response to the **C138** notes and Simmons complaints I have only said "nothing at this stage". I believe that extra detail was included because the response was made close to the time of the interviews and was fresh in my mind. **P146**

Chief Inspector Interview **P146**

53. Chief Inspector investigated the complaints made by Rosemary Nelson, **C138** , Anthony Simmons, Barry Toman and, on a separate occasion, Colin Duffy.

54. I have been shown the statement that I made on 18 March 1998 **RNI 210.018** and have been asked to explain the circumstances in which I made it. Chief Inspector **P146** had been trying to contact me regarding an interview, but I had been involved in a Crown Court case so I was unavailable to meet with him. I agreed with him that I would prepare a statement, which I did. I was not ordered to prepare a statement.

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It was a practical issue, as we kept missing each other. The same day I wrote the statement, I actually saw Chief Inspector [] in Lurgan so I presented myself voluntarily for interview. This was purely by chance. P146 P146

55. During my interview with Chief Inspector [] on 18 March 1998, he questioned me P146 about Colin Duffy's complaint. I have been shown extracts of Chief Inspector []'s statement dated 14 April 1998 which report what was said in the interview on 18 March 1998 RNI 210.099-102. I recall that Geralyn McNally of the ICFC was also at the interview.

56. I can confirm that the answers which I gave to the questions asked in the interview are true. P146

57. I am shown another extract from a statement made by Chief Inspector [] the following day. This was made to record his interviews with me on 19 March 1998 [] RNI 210.039-043. From the statement I see that the complaints of Anthony Simmons, C138 and Barry Toman were discussed at this point. I do not recall the meeting, but I confirm that the answers I gave to the questions asked are true.

58. I have been asked how I felt about these complaints and about having to be interviewed P146 by Chief Inspector [] P146. I had no problem in answering the questions asked by Chief Inspector []. He had a job to do. The comments alleged to have been made in the various complaints were never made and so I felt that there was nothing more I could do about it other than comply with investigations.

Mulvihill Interviews

59. I am shown two sets of minutes of interviews which started at different times RNI 227.160-179, RNI 226.170-183 []. I stand by everything I said in the interview as recorded in the minutes. The record states, half way down the first page, my name as P121 [], that is an error. I confirm that the answers I gave in these statements are

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RNI 227.170

true, with the exception of the reference to "[REDACTED] House" in the interview held at 1:47pm, which is an error.

60. I was interviewed by Commander Mulvihill and DCI [REDACTED] from New Scotland Yard on 11 November 1998. Geralyn McNally was also present. The first interview was about the Anthony Simmons, **C138** and Barry Toman complaints. **RNI 227.161**

61. The interview which began at 1.47 shows on the second page, that I was asked if I wanted legal advice. I have been asked why I declined the opportunity to obtain legal advice. I declined legal advice as I felt that I had done nothing wrong and did not need it.

62. The second interview started at 2.57pm. This concerned the complaints made by Colin Duffy and Rosemary Nelson. **RNI 226.170-183**

63. I have been shown Continuation Sheet 3 of this interview and in particular the reference to general conversations with prisoners, which are not recorded verbatim. I have been asked whether there may have been discussions regarding Mrs Nelson during these general conversations. There would certainly not have been any such discussion. General conversation is exactly as it is described.

64. I have been asked about my comments on Continuation Sheet 11 [32] about the complaint regarding my alleged comments about Mrs Nelson. I said that the allegations were "total lies". I maintain these views today.

19 May 1999 Statement

65. I have been shown my statement dated 19 May 1999 **RNI 831.061**. This was made regarding the inquiry into Rosemary Nelson's death. The statement describes my duties on the day that she was killed. Having returned from Belfast Crown Court, I attended the scene of the murder only to give a Senior Officer a lift in a car back to the station. I was there only for a few minutes and I did not get out of the car. I was not involved in the murder investigation.

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Trevor McKeown

66. I have been asked whether I recall Trevor McKeown. Trevor McKeown was a well known Loyalist who was convicted of murdering a young civilian girl, Bernadette Martin. On the day that Rosemary Nelson was killed, he was sentenced to life imprisonment for Bernadette's murder and I was involved in this investigation. He was arrested on 15 July 1997. I am aware that Trevor McKeown made allegations in 2003 about me to a journalist. He said that in my interview with him I had asked why he hadn't shot Rosemary Nelson instead. I was contacted about this by Detective Chief Superintendent Provoost. I was retired at the time but I attended voluntarily and was interviewed at Lurgan Police Station. The allegation made by Trevor McKeown was totally untrue as confirmed in my interview with DCS Provoost [redacted]

RNI 831.062

67. Trevor McKeown made this allegation in 2003 which was a short time after his brother was convicted of murder. It is hard to imagine what possible reason he could have had for doing this but I do think that his brother was appealing against his conviction at the time and it was an attempt to get his brother off by throwing dirt at the police. I believe this allegation was made to muddy the waters.

68. I have been asked whether I had any dealings with his brother. I interviewed [redacted], at least once. He lived outside Lurgan but had connections to the LVF and was a notorious terrorist. Trevor McKeown would have known that I would have been involved in the investigation. [redacted] made admissions to the murder in an interview with a journalist and that is how he was convicted. I think his brother, Trevor, made his allegations against me to a journalist in just the same way. [redacted]

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I do not know why he made the allegations after five or six years.

Statement of Truth

I believe the facts stated in this witness statement are true

Signed: **P121**

Dated: **P121**
19 March 2007.