

Form MG 15(T)

Record of Tape Recorded Interview

Person interviewed	P 121	Police Exhibit No	DJM/15T
Place of interview	Interview Room, Lisnasharragh Police Office	Number of Pages	14
Date of interview	Wednesday 11th November 1998	Signature of interviewing officer producing exhibit	<i>[Signature]</i>
Time commenced	2.57pm	Time concluded	3.22pm
Duration of interview	25 mins	Tape reference No's	T229052A
Interviewing Officer(s)	Detective Chief Inspector [REDACTED]	DI Marshall	
Other persons present	Comdr. Niall Mulvihill	Geralyn McNally	

Tape counter times	Person speaking	Text
	DCI [REDACTED]	This interview is being tape recorded. I am Detective Chief Inspector [REDACTED] attached to the Metropolitan Police at New Scotland Yard. The other interviewing officer present is:
	DI M	DI Marshall also attached to New Scotland Yard
	DCI [REDACTED]	Observing this interview is
	Comdr. N	Commander Niall Mulvihill, New Scotland Yard
	DCI [REDACTED]	We are in the interview room at Lisnasharragh Police Office. I am interviewing, please state your full name, rank, service number and station to which attached.
	[REDACTED]	P 121 Detective Constable [REDACTED] CID Lurgan.
	DCI [REDACTED]	The other person present is
	GN	Geralyn McNally
	DCI [REDACTED]	Miss McNally is a member of the Independent Commission for Police Complaints in Northern Ireland and she is supervising this enquiry. The date is Wednesday 11th November 1998 and the time is 2.57pm. This interview is being tape recorded and it may be given in evidence if your case is brought to trial. At the conclusion of the interview I will give you a notice explaining what will happen to the tapes. This is a criminal investigation and it concerns a complaint made by Rosemary Nelson and her client, Colin DUFFY who allege a conspiracy to pervert the course of justice on 23rd to 25th June 1997. Now I propose to question you about this and will refer to five Forms 17/3 which have been served upon you and which outline the allegations. Four of the forms were served on you.

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Tape counter times	Person speaking	Text
		on 7th August 1997 by Chief Inspector [REDACTED] the last was served on you on 30th October 1997 by Chief Inspector P 146 You do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in court it may harm your defence. If you do say anything it may be given in evidence. You are not under arrest, you are not obliged to remain here for interview. If you remain here you may obtain free and independent legal advice if you so desire. This right to obtain legal advice includes the right to speak with a solicitor on the telephone. This interview can be delayed to enable you to obtain legal advice if you wish. Do you wish to obtain legal advice before this interview continues.
	[REDACTED]	No
	DCI [REDACTED]	Would you like to tell me why you do not want legal advice obviously you are not obliged to give any reasons →
	[REDACTED]	I don't require legal advice
	DCI [REDACTED]	Do you wish to have a friend or Federation representative with you during this interview
	[REDACTED]	No
	DCI [REDACTED]	For the purposes of the tape could you please confirm that immediately prior to this interview you've signed PACE Form 10 which is the Declaration of Voluntary Attendance here
	[REDACTED]	That is correct
	DCI [REDACTED]	I am now providing you with copies of PACE Forms 12(2) and 12(4). Could you also confirm that you have been supplied with copies of your 17/3's and extracts of Chief Inspector P 146 statement in which he deals with his interview of you on 18th March 1998 and a copy of the statement you also submitted on that day.
	[REDACTED]	That is correct
	DCI [REDACTED]	How long have you been employed on detective duties
	[REDACTED]	19 years
	DCI [REDACTED]	At the time of the complaint, this is June 1997, what was your role
	[REDACTED]	I was a Detective Constable in the Lurgan CID Office

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Tape counter times	Person speaking	Text
	DCI ■	How often did you conduct interviews with persons detained under the Prevention of Terrorism legislation
	■	Very often
	DCI ■	Can you just outline for me please the procedure for actually conducting an interview with a terrorist suspect
	■	The terrorist is arrested and brought to either Armagh police office, in this instance Armagh Police Office. We are then briefed as a group of detectives and we are detailed a prisoner to interview and we are detailed to interview with out partners. We are told why the prisoner is here and any evidence that there is against the prisoner. We are then allotted time to go and carry out an interview. We sign out notes which are date stamped, electronically stamped. The prisoner is brought to a cell and we carry out our interview. At the termination of the interview the notes are read to the accused and he is given the offer to read or sign them if he so wishes. We then read or sign the notes, the notes are recorded at the time and they are then read over by ourselves and signed, brought to a uniform sergeant again who again he electronically stamps them and signs them himself. They are then brought to the Senior CID officer in charge of the operation and they are left with him.
	DCI ■	You said that the notes were written down at the time, is everything recorded
	■	Yes
	DCI ■	What about periods that seems to be classed as general conversation
	■	That is, could be a conversation in relation to hobbies, sporting activities, family life in an effort to engage the subject in conversation if he hasn't been talking. It is an effort to engage him to see if he is prepared to talk to us and answer our questions in relation to the matters for which he is being interviewed.
	DCI ■	What sort of matters are recorded verbatim
	■	Evidential matters
	DCI ■	Who decides who scribes, who writes the interview
	■	It's decided before we go down, it's usually turn about
	DCI ■	Does the scribe actually answer questions

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Tape counter times	Person speaking	Text
	■	Ask questions yes
	DCI ■	Do you usually interview with the same colleague
	■	More than likely yes
	DCI ■	In relation to Mr. Duffy, have you had any previous dealings with him
	■	I have yes
	DCI ■	In what circumstances
	■	Mr. Duffy is a well known terrorist in the North Armagh and wider field area. I have on previous occasions charged him on three occasions, once with possessing ammunition, once, on two separate occasions, on separate dates, with collecting information useful to terrorists. He was not convicted of any three. In relation to the first one, the police searched the house, there were three people in the house. The occupier of the house finally took responsibility for the bullets being in the toilet bowl and the other two were let off, which was Mr. Duffy and another person. The collected information he had registration numbers of police officer's vehicles and civilian staff at Lurgan Police Station, hidden in the radiator caps in his house. He was not convicted at Belfast Crown Court in two separate trials. I have interviewed him on a number of occasions in relation to various murders he has carried out in the Lurgan area, in relation to the murders of Constable ■ in relation to the murders of ■ and ■ one morning they were going ■ and then Mr. Duffy and his accomplices murdered them. The murder of Sergeant LYNAS of which Mr. Duffy was convicted of, later acquitted when one of the witnesses was discredited. Various other terrorist offences and murders which he I have no doubt carried out.
	DCI ■	Has he ever been convicted of terrorist offences
	■	He was convicted of the murder of Sergeant LYNAS as I said but was later let out for whatever reason
	DCI ■	Is it frustrating that he seems to keep getting off in your view
	■	No it's not frustrating, no
	DCI ■	For this case, he was arrested for the suspected murder of two RUC Constables
	■	Yes

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Tape counter times	Person speaking	Text
	DCI [REDACTED]	Can you remember what briefing you received prior to the interviews
	[REDACTED]	Yes we were aware that he was a gun man which murdered the two policemen in Church walk in Lurgan on 18th June. We were aware that there was an eye witness who identified him and whose come forward and has made a statement and in fact who is still in protective custody still prepared to give evidence that he was the gun man involved in the murders. Enquiries into that particular terrorist activity are still ongoing in an effort to bring him and the other people responsible before the courts.
	DCI [REDACTED]	On that subject my understanding was that he was charged in this case and the charges were later discontinued
	[REDACTED]	That's correct
	DCI [REDACTED]	Is the investigation still outstanding
	[REDACTED]	It is still ongoing
	DCI [REDACTED]	Does he still feature in it
	[REDACTED]	He does
	DCI [REDACTED]	Who was the investigating officer in this case
	[REDACTED]	Detective Inspector Monteith would have been the Detective Inspector in charge of it there wasn't a senior investigating officer may have been Detective Chief Superintendent [REDACTED]. I'm not 100% sure but at my level it was Inspector Monteith.
	DCI [REDACTED]	Can you remember what the content of the briefing was that you received before you started the interviews
	[REDACTED]	It would have been the fact that Duffy was the gun man in the murder of the two police officers
	DCI [REDACTED]	What was the object of the interview
	[REDACTED]	To secure evidence against him in an effort to charge him and bring him before the courts
	DCI [REDACTED]	Bearing in mind the situation at the time and the emotive subject of the murder of two colleagues, were you under any pressure to achieve a result in this case

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Tape counter times	Person speaking	Text
		Under no pressure whatsoever
	DCI	<p>What I would like to do now is to go over your earlier interview, this is the one on 18th March with Chief Inspector P 146 As I said this was on 18th March at Lurgan RUC Station. After P 146 had conducted the formalities of the introductions, advised you of your rights and placed you under caution, the interview began as follows:</p> <p>Q You are aware of the allegations made by the complainants. Can you confirm that you interviewed Colin Duffy, accompanied by Detective Constable Walker on the evening of 23rd June 1997 and the morning of 25th June 1997</p> <p>A That's correct yes</p> <p>Q I understand you have made a statement re this matter dated 18th March 1998, do you wish to tender this for use in this investigation (reads statement)</p> <p>A I do yes</p>
	DCI	<p>Actually on this subject this is something that's a little bit new to me from the Mainland. Is it practice to submit statements in these sort of things</p> <p>No It's not. What happened on this occasion was I was the officer in charge of a Crown Court Case which was occurring in Antrim Crown Court, a series of armed robberies committed by the LVF in Portadown. It was an ongoing trial which lasted on and off up to seven weeks. Mr. P 146 had tried on numerous times to arrange time for interviews, always had fallen through, whether verbally or a note left on my desk I'm not sure, I was asked to prepare a statement for him, obviously in the event of him not running across me if you understand, during the enquiry. And this I done. I made the statement, it was dated 18th March. Then as chance would have it, I think it was 19th March, I returned to Lurgan when P 146 was actually there. He was interviewing a colleague, Detective Constable Walker and then said he would interview me afterwards. As I say it was a chance that I was there it wasn't pre arranged. I walked into the interview room and handed him the statement I had prepared the day previous</p>
	DCI	<p>Thank you. So I got to the question about the statement</p> <p>A I do yes</p> <p>Q Now in relation to the comment of page 6 of the interview on the evening of 23rd June 1997, are you proud of yourselves for being involved in these killings, did you say that</p> <p>A I can't recall who asked the question. It's Detective Constable Walker's writing</p>

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Tape counter times	Person speaking	Text
		That was your answer then, can you recall now
	█	No I can't
	DCI █	Do you stand by that response
	█	I certainly do, yes
	DCI █	Q Were you both asking questions
		A Yes
		Q What was the meaning of that particular question
		A Can't comment on that because I'm not sure who asked the question
		Do you stand by that response
	█	I do yes
	DCI █	With the passage of time, do you recall anything more
	█	I don't recall no, I could give an answer if it was me that asked it, I could say why I asked it but I would rather not say because I cannot say well in fact it was me who did ask the question
	DCI █	Q What was the purpose of that question
		A Again I can't answer that
	█	The answer has to be the same, because I honestly do not recall who asked the question
	DCI █	Q Well I put it to you that this was the incident which Mr. Duffy had in mind when he complained that you said that his solicitor was proud of him i.e. proud that he allegedly killed two police officers. Did you say this
		A I refer to the statement I handed in
	DCI █	I shall cover your statement in a moment. Is that a question that you can respond to now or do you stand by your answer then
	█	It's covered in the statement once it's read
	DCI █	Q Are you denying these allegations
		A I refer to the statement I'm handing in
	█	Yes I deny them in the statement

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Tape counter times	Person speaking	Text
	DCI [REDACTED]	Q You seem to suggest that Mr. Duffy was lying about this, is that a correct interpretation
	[REDACTED]	A I refer to the statement I handed in
	[REDACTED]	Again there's denials in the statement
	DCI [REDACTED]	Q Would you accept that to make such comments would amount to a serious breach of discipline viz. a vis irregularity in interview procedures
	[REDACTED]	A I refer to the statement I handed in, the comments were not made
	[REDACTED]	Do you want to elaborate on that response, do you stand by your answer
	[REDACTED]	I stand by my answer, the comments allegedly made were not made by me or anyone in my presence
	DCI [REDACTED]	Q Would it be in your view a serious breach of discipline
	[REDACTED]	A It certainly would yes
	DCI [REDACTED]	Q Now moving on to 25th June, can you recall who told you that you could proceed with interview without the solicitor Mrs Nelson being present
	[REDACTED]	A No
	[REDACTED]	Is that still the case
	[REDACTED]	A It's still the case, it would be recorded in the Custody record
	DCI [REDACTED]	Q Can you recall who the officer from the police office was who told you that Mrs Nelson had arrived
	[REDACTED]	A No
	[REDACTED]	That's true, yeah
	DCI [REDACTED]	Q Did you see them
	[REDACTED]	A No I would have been sitting with my back to the door
	[REDACTED]	Q The time was recorded at 1103, were you aware that Mrs Nelson was in the building before this
	[REDACTED]	A No
	[REDACTED]	Yes
	DCI [REDACTED]	Q Going back to the interview in the evening of 23 June, were you and D. Constable Walker the only officers present with Mr. Duffy
	[REDACTED]	A Yes
	[REDACTED]	Q How did he react when this comment about being proud was made

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Tape counter times	Person speaking	Text
	A	I don't recall the comment being made
	█	The comment was not made
	DCI █	Just something that's just confused me now in that it is actually in the notes, in the note of interview
	█	Yes. I think the note said are you proud of yourself for being involved in these killings. Yes that's in the notes but I don't recall that particular comment being made. Sorry I thought it was comment that you were referring to
	DCI █	Right that's okay because you seem to be saying two different things
	█	No, no, no, I did get mixed up, yes. I'm referring to the extract from the interview notes. I don't recall that comment being made but it's in the notes so it must have been
	DCI █	Q Nevertheless do you agree that it was in fact made
	A	It's in Detective Constable Walker's notes which I have signed after having first read and agreed with them
		Do you stand by that
	█	Yes as I say I have to admit that a statement was made, again I say I cannot remember making it
	DCI █	Q Given that answer, are you saying that the comment was made
	A	I cannot remember the interview and can only rely on the notes of the same
	█	Yeah
	DCI █	Q Are these notes comprehensive with everything included
	A	Yes we were making enquiries into Colin Duffy's murder of two policemen in Lurgan on 16 June 1997 and I feel that I'm entitled to ask any question I wish as with my colleague, Detective Constable Walker
	█	Yes stand by
	DCI █	Do you stand by that
	█	Yes
	DCI █	What actually did you mean by that. I mean for example here today, in 3

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Tape counter times	Person speaking	Text
		an earlier interview you've said to me, that's not relevant when I was questioning you, so what do you mean by when you say entitled to ask any question that I can
	█	Just the same as you are entitled to ask the questions that I objected to. I feel I'm entitled to ask any question I can to try and extract evidence from a suspect
	DCI █	Q Does that include asking if Mr. Duffy's solicitor (and wife) were proud of what he had done
		A That was at no time ever said. I refer to the statement I handed in. If it was said it would be recorded
		Do you stand by that
	█	I stand by that
	DCI █	Q And for the record are you referring to Mr. Duffy's alleged murder of two policemen, his involvement has not been proved and legal action against him has ceased
		A I am referring to Colin Duffy's murder of two policemen, legal action has not ceased
		In fact that's actually something we've covered earlier about ten minutes ago
	█	Yes
	DCI █	Q Anything else you wish to say
		A No
		What I have here, and I hope you have a copy of, is a copy of a statement made by yourself, dated 18th March, which is one page long headed with the statutory declaration, statement of P 121 P 121 over 21, one page, 18th March, signature of member by whom the statement was recorded and received, signature of witness, your own name.
	█	That's correct
	DCI █	I don't propose to read through this unless I need to, do you stand by every word in this statement
	█	I do yes

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Tape counter times	Person speaking	Text
	DCI ■	Is it an accurate summary of your responses to the allegation
	■	It is indeed yes
	DCI ■	You've answered the questions that I wanted to put to you in relation to these matters. Do you wish to add anything further or to clarify any point
	■	Yes. I feel that all these allegations are fabricated. They are totally untrue. I am disgusted by them. Complaints of this nature have not been made against me before. I feel that they are fabricated in an effort to discredit the name of the Royal Ulster Constabulary as a whole and me in particular.
	DCI ■	Actually that has just sparked one thing in my mind. Have you had previous dealings with Mrs Nelson in a professional basis
	■	She has sat in on interviews which I have been involved in before at Lurgan Police Station for ordinary crime or on representing terrorist suspects which I perhaps have charged on being involved. I have no personal contact with Mrs Nelson
	DCI ■	What's your view of her
	■	She is a solicitor doing her job
	DCI ■	How do you feel about this complaint
	■	I feel disgusted by this complaint. All the complaints are made by her, I feel that she is relying on the word of a terrorist in Colin Duffy and in my view a convicted terrorist. Mrs Duffy was not there, the comments were not said, sorry, Mrs Nelson was not there. The comments were not said. The comments were reported to her as being said by Colin Duffy. I totally reject any of the allegations. They were not said and I feel it is a concentrated effort by Colin Duffy and the Provisional IRA to discredit the RUC and myself in particular
	DCI ■	I think actually this brings me back after our little sort of tangent to do you want to add anything further or clarify any point
	■	Nothing further
	DCI ■	Here is a notice PACE 21 which explains your entitlement to a copy of the tapes used in this interview. Please could you sign the receipt form on Form PACE 25. The interview relating to the criminal matters is now concluded and the time is 3.18pm.

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Tape counter times	Person speaking	Text
		As I outlined to you earlier, it is my intention now to allow the tape run and move directly to deal with the disciplinary matters but in order that the correct protocols are observed I now need to start again.
	DCI [REDACTED]	This interview is being tape recorded. I am Detective Chief Inspector [REDACTED] of the Metropolitan Police Service at New Scotland Yard. The other interviewing officer is:
	DI M	DI Marshall, also attached to New Scotland Yard
	DCI [REDACTED]	Also present is:
	Comdr. M	Commander Niall Mulvihill, New Scotland Yard
	DCI [REDACTED]	And
	GM	Geralyn McNally
	DCI [REDACTED]	Miss McNally is a member of the Independent Commission for Police Complaints in Northern Ireland and is supervising this investigation. What is your full name, rank and service number and which station are you attached to please
	[REDACTED]	P 121 Detective Constable [REDACTED], CID in Lurgan
	DCI [REDACTED]	The date is Wednesday 11th November 1998 and the time is now 3.19pm. We are in the interview room at Lisnasharragh Police Station. At the end of this interview I will give you a notice that will explain the procedure for dealing with the tape and how you can have access to it. This is a discipline investigation and it concerns a complaint made by Rosemary Nelson and her client, Colin Duffy who allege a conspiracy to pervert the course of justice on 23rd to 25th June 1997. In relation to these allegations you have been served a total of five Forms 17/3, four of which were served on 7th August 1997 by Chief Inspector [REDACTED] and one of which was served on 30th October 1997 by Chief Inspector P 146 . Can I confirm that you have been supplied with copies of these 17/3's
	[REDACTED]	That is correct, yes
	DCI [REDACTED]	Are you certain that you fully understand and are aware of the contents of these 17/3's.
	[REDACTED]	Yes
	DCI [REDACTED]	Do you wish me to read any of them over to you

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Tape counter times	Person speaking	Text
	█	No
	DCI █	In relation to the 17/3's that were served on you on 7th August 1997, by Chief Inspector █, in relation to the first one, after having your attention drawn to the caution at the foot of the form, you replied, nothing to say at this stage. Is that correct
	█	That's correct
	DCI █	In relation to the second one on that date, after having your attention drawn to the caution, you said, 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.
	█	That's correct
	DCI █	Is that correct
	█	Yes
	DCI █	In relation to the third 17/3 that was served, after the caution you made the same reply, is that correct
	█	That is correct yes
	DCI █	In relation to the fourth, after having the caution drawn to your attention, you said no comment to make. Is that correct.
	█	Yes
	DCI █	In relation to the 17/3 that was served on you on 30th October 1997, after having your attention drawn to the caution you replied, reference no. 5 and 6 of this complaint, this is lies.
	█	That's correct
	DCI █	You do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in any subsequent disciplinary proceedings, it may harm your defence. You may, if you so desire, make a written or oral statement to the investigating officer or the Chief Constable or the Police Authority as appropriate. Anything you mention when questioned or any written or oral statement you make may be given in evidence at such disciplinary proceedings. Do you understand the contents of the Forms 17/3 served on you and the discipline caution

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Tape counter times	Person speaking	Text
		I do yes
	DCI	Have you been provided with a copy of the Notes for Guidance, Evidence by Inference and a List of Friends
		I have yes
	DCI	You have the right to have a friend or Federation Representative with you during this interview. You also have the right to obtain free legal advice and have your legal representative with you during this interview. Do you wish to call any of these people for advice or to be present with you before this interview continues.
		No
	DCI	On this tape you have already been interviewed in relation to the criminal allegations in regard to these complaints. Do you wish the answers that you gave in that interview to be used as your answers for the disciplinary enquiry
		I do yes
	DCI	Do you wish to say anything further in respect of these allegations
		Just that in my opinion the allegations are false and made up in an effort to discredit the RUC and myself
	DCI	Is there anything else that you can tell me that would assist my investigation
		No
	DCI	This interview relating to the discipline matters is now hereby concluded. The time is 3.22pm. Thank you very much.