

as he claims that neither they nor any of the detectives who interviewed him that week identified themselves by name, he is able to give a good physical description of those involved. Firstly, he claims that this was the one set of detectives who interviewed him every day of his detention. The detective who made the comments about Ms Nelson was in his 40s, about 6ft tall, with black/grey hair which was receding and brushed back. His colleague who did not say anything untoward in relation to Ms Nelson was fattish, with a moustache and brown hair in a side shade. The relevant excerpt from the statement of Marshall is as follows:

Then they started talking about Rosemary. In the first interview on the Friday morning they said that the IRA had given her the statement which I had given them. They said that the IRA were pulling her strings. They also said that there was a new law passed in 1989 which meant they could do away with solicitors who concocted stories.

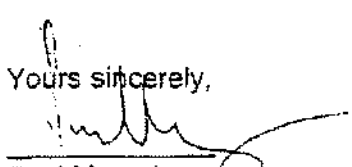
Ms Nelson took the comment in relation to the law in 1989 to be a reference to the murder of Patrick Finucane who was killed in 1989. After these comments were made Ms Nelson consulted with her client and advised him to make a complaint. He tried to do this with a uniformed officer who initially advised him that his complaint was not a matter for the police in Castlereagh and that the solicitor should make any complaint. Eventually Mr Marshall believes that he took note that a complaint was being made although he did not record the detail. As a result of the consultation Ms Nelson faxed the police asking that as comments of this nature had been made about her, she should be allowed to attend the rest of the interviews with her client. Her client was in fact released later that afternoon and when the police responded to Ms Nelson's fax, they simply stated that her request was no longer relevant as her client had been released. No comment was made on the serious allegation which had been made.

Although Mr Marshall was released later that day, he was also interviewed again after lunch. Again comments were made about Ms Nelson:

There was then another interview after lunchtime. It was the same two detectives and the tall one said to me that he heard I had been making complaints. He said that this has been going on for thirty years and it was not going to change now. He said to tell half face that. They said I made the statement and Rosemary got the witnesses and told them what to say.

We are sure you agree that it would be completely unacceptable for police officers to behave in this way. We believe that the government and you, as the relevant minister, have an obligation to ensure that behaviour of this nature is punished and not allowed to recur. Unfortunately, it appears that while the authorities have had notice of this problem for a considerable number of years, little has been done to prevent its repetition. If the police are unable to deal effectively with this problem, then it becomes the responsibility of government to ensure that the UK does not continue to breach its international obligations. We look forward to receiving confirmation as to how you intend to deal with this particular problem and the pattern of police harassment of defence lawyers in general.

Yours sincerely,


Paul Mageean
Legal Officer