

**REPORT TO THE SECRETARY OF STATE**

**IN ACCORDANCE WITH ARTICLE 17 (2) OF THE POLICE (NORTHERN IRELAND) ORDER RELATING TO COMPLAINTS AGAINST OFFICERS OF THE ROYAL ULSTER CONSTABULARY BY LAWYERS ALLIANCE FOR JUSTICE IN IRELAND ON BEHALF OF ROSEMARY NELSON, SOLICITOR OF LURGAN, CO ARMAGH AND RELATING TO COMPLAINTS BY COLIN FRANCIS DUFFY OF [REDACTED] AND OTHERS.**

This report is submitted to the Secretary of State for Northern Ireland by the Independent Commission for Police Complaints for Northern Ireland in accordance with Article 17 (2) of the Police (Northern Ireland) Order 1987.

Article 17 (2) states that "The Commission may make a report to the Secretary of State on any matters coming to its notice under this Part to which it considers that his attention should be drawn by reason of their gravity or other exceptional circumstances."

The Commission considers that the issues raised by the police investigation of the above complaints, which was supervised by the Commission as falling within the category specified in Article 9 (3)(a) of the Order, are such as to constitute matters of gravity and be within exceptional circumstances.

The matters in question are grave: alleged death threats and sinister innuendoes have been made towards Rosemary Nelson, a solicitor. It is claimed that these were communicated to Mr Duffy, while under arrest as a suspect in the murder of two police officers in Lurgan in June 1997, and to other persons while they were in police custody.

The circumstances of this investigation are exceptional. Firstly, there is a high degree of interest expressed from external bodies, in particular, the United Nations Commission on Human Rights, Lawyers Alliance for Justice in Ireland and Human Rights Watch/Helsinki. Secondly, for the first time in the history of the Commission, we are unable to confirm that the police investigation has been conducted to our satisfaction. The demeanour, behaviour and investigative approach of the interviewing police officer, together with the responses of those officers under question, combined to fundamentally undermine the investigative process. In spite of numerous efforts on the part of the Commission representatives to challenge and redress the situation, the investigation has been obstructed and obscured to an extent that leads us to conclude that the final outcome is irretrievably flawed.