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444 CORCORAN TREATISE

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Noting that the family had been speaking of taking private proceedings, he suggested that, as the Attorney General's prior permission was needed in any such actions, the chances of the family succeeding were "clearly very slim". In this regard, he felt that the Secretary of State - who, understandably, wished to be supportive - was wrong to leave the family with any false hopes in the matter.

Colin Duffy

Our visitors told us, in strict confidence, that the ICPC in the next two to three weeks (the matter might break around 15 -16 June) would be signing a certificate of dissatisfaction in relation to the report of the RUC Investigating Officer in the Colin Duffy case. In other words, the ICPC - for the first time in the history of the organisation - would be saying that it was not prepared to certify that an RUC investigation of a case under its supervision had been satisfactorily carried out.

They suggested that the ICPC's "refusal" in the matter - the report setting out their reasons would run to some 20 pages - would be forwarded to the Secretary of State, and copied to the Chief Constable and PANI. They added that the Secretary of State was obliged, by statute, to publish the ICPC report in the matter. In any event, copy of the "certificate of dissatisfaction" would be given to the complainant (British Irish Rights Watch) who could presumably be expected to take the matter into the public arena.

Donnelly indicated that, as some aspects of the case were still sub judice, the ICPC, in addition to the refusal report, would also provide the Secretary of State with a confidential briefing note covering those points.

Donnelly and McClelland suggested that the RUC report in the case - "in its methods and approach" and its tendency "to obstruct itself" - had effectively "undermined" or "killed" itself. They said that the ICPC's dissatisfaction arose in part from the fact that there had been "threats to lives" and that there were also "UN-related" aspects (they were not specific about the latter point).

As regards the "threats to lives", we asked if these might also have extended to lawyers (Rosemary Nelson) representing Duffy. Our visitors responded that there had indeed been allegations of "proxy threats to lawyers". In one case an RUC officer was alleged to have suggested, in relation to Ms Nelson, that "there is no point in getting that f.....g bitch to represent you as she will be dead before the case reaches the courts". The RUC had attempted to play down such statements as amounting only to 'incivility'!

Our visitors mentioned that the ICPC supervising Commissioner in the case was Geraldine McNally, who is (an Irish speaker) from Dungannon.

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