

Ms [redacted] Secretary with request
Mr [redacted] that further enquiries be made on
the other side (accepting that case
Conversation with Rosemary Nelson is in sub-judice

1. Rosemary Nelson is the solicitor acting for Colin Duffy who, as you will recall, has been charged with the murders of Constables Graham and Johnston in Lurgan last month. She made the following points about the case:
2. There is to be a second bail hearing tomorrow. Duffy was previously refused bail on 4 July. Nelson now has twelve witness statements which provide Duffy with an alibi for the time of the killing. She also has twelve witness statements which place the Crown's witness away from the immediate scene also. She has spoken with the family of the witness who claim that the latter is a "psychiatric case".
3. She believes that a member of the witness' family intends to speak at tomorrow's hearing and make the above point. However, she does not have much hope that this will necessarily carry any weight with Judge Nicholson.
4. Nelson has reason to believe that video footage of the front of the RUC station shows the Crown witness to be at that location at the time of the shooting rather than at the scene on nearby Church Road.
5. Nelson has raised the case with the Secretary of State in person. Dr. Mowlam has since written to her confirming that she has asked the Chief Constable and the Director of Public Prosecutions to keep her apprised of developments.
6. Expressing intense frustration at developments ("the worst I have come across in fourteen years"), she believes that if the bail application is again refused, Duffy may have to wait up to a year for a committal hearing.
7. She wondered whether it would be possible for us to again raise the matter through the Secretariat. I informed her that while the case was due to be discussed at Conference, in the event, time did not permit any discussion. She is aware that we have already conveyed the concerns of, *inter alia*, the Committee on the Administration of Justice with regard to these charges. I wonder whether it might be possible to raise the case again, in light of, or perhaps following, tomorrow's bail hearing. The issue was last raised with the British side on 27 June 1997. While the British side undertook to convey our representations within their system, we received no response as such from them.

Crown

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28 July 1997

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but noting part led