

4. Witnesses other than police (comment on evidence and reliability of each witness)

All four of the following witnesses, who were the foundation of the complaint made by Mr Lynch on behalf of Mrs Nelson, failed to attend for interview with Chief Inspector **P146** but supplied non Criminal Justice Act statements, some of which were unsigned and/or faxed.

Mr Colm Toman and Mr Barry Toman made statements to Mr Paul Mageean who was a legal officer for the Committee on the Administration of Justice (C.A.J.). Both statements which were neither dated or signed were taken by Mr Mageean at Mrs Nelson's request and supplied to Chief Inspector **P146** on the 20th October 1997, more than seven months after the complaint was originally entered (13.3.97).

Mr **C138** provided an unsigned statement dated 27th October 1997 as an attachment to a letter written by Mrs Nelson, dated 19th November, 1997. That typed statement stated that he had been questioned on 2nd February 1997 when in fact he was detained between the 6th and 9th February 1997. Mr Anthony Simmons' initial typed statement was signed and dated 6/11/97 but faxed from Mrs Nelson's office on 11.11.97.

All the above 'statements' were included in the report prepared by Chief Inspector **P146**

For the further investigation I wrote to all of the above and made various arrangements to see them in order to take formal witness statements. Those arrangements included liaison with Mrs Nelson's office, the ICPC (who made available their 'neutral premises' for the witness interviews, facilitated communication with Mrs Nelson's office and wrote to the witnesses explaining the further investigation) and Mr Lynch (L.A.J.I.) who stated that he would be able to expedite communication and encourage attendance of the witnesses through his contacts.

The co-operation of each of the witnesses will now be dealt with on an individual basis.

Mr Barry Toman

I wrote personally to him on;

20th August 1998 explaining my appointment, providing contact details and explaining that I would like to see him in September 1998.

15th September 1998 inviting him for interview on 21/22 September 1998.

Mrs Nelson's office and Mr Lynch stated that Barry Toman would attend the ICPC offices on 22nd September 1998. He did not attend and provided no contact to explain his non-appearance.