

Mrs Nelson's office through the ICPC informed the enquiry team that he would attend on 6th October 1998. He did not attend and no explanation was given for his non-attendance.

A further appointment was made with Mrs Nelson's office through the ICPC for him to attend on 6th November 1998. Again he did not attend and no explanation or apology was given for his non-attendance.

On all the above occasions either myself or members of the enquiry team had travelled to Belfast to be available for the appointments.

For the above reasons Mr Barry Toman has not been interviewed by the enquiry team and no statement has been recorded.

There is no additional information to that contained in the report of Chief Inspector **P146**

Mr Colm Toman

Exactly the same circumstances apply to this man as to Mr Barry Toman. For the same reasons he has not been interviewed by the enquiry team and no statement has been recorded.

There is no additional information to that contained in the report of Chief Inspector **P146**

Mr Thomas Anthony Simmons

Mr Simmons attended the ICPC offices on the 22nd September 1998 and a written witness statement was recorded by the enquiry team.

He came across as credible, was smartly dressed and was unquestionably the best witness to appear in relation to this complaint. If he is not telling the truth it would have to be assumed that either his account is a fabrication or he has been pressured in some way to make the allegations subject of the complaint. There is no evidence to suggest this is the case.

Also of interest are the comments of one of his interviewing officers (DC **P149**) who stated that at the conclusion of his interviews whilst in detention they were reasonably satisfied that he was not involved in the terrorist matters for which he had been arrested. He also commented that he was surprised that he had complained and made such allegations.

Mr Simmons' statement dated 22nd September 1998 was recorded in the presence of Ms McNally and Mrs Mitchell (I.C.P.C.) and Mr Lynch (L.A.J.I.). The latter had travelled to Belfast from New Jersey in an endeavour to facilitate the interviews of the witnesses.