

# Ireland: Charges mount of police collusion in murder of civil rights lawyer

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An article in the *Sunday Business Post* last weekend claimed that the Royal Ulster Constabulary is preparing to charge two loyalists in connection with the car bomb murder of civil rights lawyer Rosemary Nelson.

Citing a source close to the joint investigation by two teams of British police officers and RUC detectives, the paper reports that the two suspects were associates of loyalist Frankie Curry, who was himself shot dead on March 17, two days after Nelson was killed.

Curry is believed to have arranged for the under-car bomb which killed Rosemary Nelson to be collected at a house in Bangor by one of the two suspects, whom the RUC are ready to charge. At the time, Curry was serving a short jail sentence for driving while disqualified, but had access to phones and had visitors while in prison.

The links to Curry give added validity to the mounting evidence of RUC collusion in the death of Nelson. The *Sunday Business Post* claims that Curry is listed with an agent number in E3 files, indicating that he was an intelligence source for E department, the internal name of the RUC Special Branch.

This makes the Nelson murder remarkably similar to the suspected assassination of another lawyer by the RUC. Pat Finucane was shot in 1989 by loyalist gunmen, members of the Ulster Defense Association (UDA), who had been passed information in prison by a British Army intelligence agent, Brian Nelson.

As a standard procedure, the RUC Special Branch officers log all contacts with an informer on a printed source report known as an SB50. An agent identity number of several digits is used for secrecy and only the handler and the E3 collator know the name of the agent. It was from one such report that a team of British officers investigating Finucane's murder, headed by John Stevens, discovered that Brian Nelson was an agent working inside the UDA.

Early reports of Curry's murder, less than 48 hours after

his release from prison, indicated that his assailants operated in broad daylight and did not even bother to wear masks. His death is at the very least a fortunate coincidence for the RUC.

It is likely that access to files on Curry will be prevented on grounds of "national security". Furthermore, if charges are brought in the Nelson case it could hinder attempts by independent investigators to reveal RUC collusion, since the case would be considered *sub-judice*.

The problems facing the RUC are far from over, however, and a desperate attempt is underway to restore credibility in the force. The inquiry team investigating Nelson's murder has been through various changes, in an attempt to appease public distrust of the RUC, while maintaining their control of the investigation.

Initially the chief constable of Kent, David Phillips, was asked to participate by RUC chief constable Ronnie Flanagan. Irish premier Bertie Ahern expressed confidence in the inquiry which was "being led" by Phillips -- only to be corrected by Kent police who said he was merely "overseeing" it.

Reports then emerged that Phillips had served on a Greater Manchester Police committee which had set up a secret unit to spy on its own deputy chief constable, John Stalker, during his investigations into alleged RUC shoot-to-kill incidents. Under considerable political pressure, Flanagan then asked Norfolk assistant chief constable Colin Port to head the inquiry.

Port is now working with a team of 50 detectives, most of them RUC officers. Though he heads the inquiry, he reports directly to Flanagan.

As the Labour government in Britain desperately seeks a way out of the stalemate in the Irish peace process, the allegations against the RUC are having an impact within official circles in Ireland and internationally. Ireland's premier Bertie Ahern has told the Dail (parliament) that he attaches credibility to the allegations made by Nelson

that RUC officers threatened her.

A United Nations human rights investigator has repeatedly called for an independent judicial inquiry into claims of collusion by security forces in the 1989 killing Pat Finucane. The Malaysian jurist Dato Param Cumaraswamy said there was prima facie evidence of security forces' involvement in the 1989 murder.

Speaking at the UN human rights commission in Geneva, Cumaraswamy also raised the issue of the murder of Rosemary Nelson. He noted that she had made complaints against RUC officers and had expressed no confidence in the force. Rosemary Nelson had been instrumental in bringing the Finucane case before the UN. Referring to the 1989 killing, Cumaraswamy said that he was "even more convinced now that there is a stronger case made out for a Royal Commission into the murder to ascertain whether there was security forces, including RUC, collusion in that murder".

Cumaraswamy accused RUC chief constable Ronnie Flanagan of "allowing the situation to deteriorate" regarding allegations that police officers threatened lawyers. He said Flanagan had shown "complete indifference" to complaints from human rights organisations about the alleged death threats.

Human rights sources have pointed out that the response of the British government does not address in detail major points of concern regarding the judicial system in the north of Ireland. Suspects are still being denied the right to have a solicitor present during interviews and simultaneous video and audio recording in holding centres is not in operation. Rosemary Nelson said that many of the threats made against her had come via clients, after being detained in holding centres for questioning by the RUC.

An international report into the infringement of lawyers' human rights has found that more lawyers in Northern Ireland were the victims of death threats and harassment than in any other part of the European Union.

The study, conducted by the International Commission of Jurists based in Geneva, was presented to the United Nations Commission on Human Rights. It found that 40 lawyers working in Northern Ireland had complained of intimidation last year. The study focused on Mrs Nelson's death and called on the government to order a judicial inquiry into the "wider issue of intimidation of defence lawyers by police in Northern Ireland".

The study identified 446 cases worldwide where lawyers had been murdered, assaulted, intimidated or disappeared. Turkey, with 93 cases, was the only

European country to have a worse record for harassing lawyers than Northern Ireland. Mona Rishmawi, director for the Centre for the Independence of Judges and Lawyers, said she met Nelson last year while investigating threats and intimidation faced by lawyers in the province.

"She was on the top of our list because she knew something would happen to her," Rishmawi said. "The RUC want to get confessions out of them [the suspects] and try pushing them to confess by undermining the lawyer. They feel the lawyer is an obstacle."

The question of RUC reform has assumed greater political significance, as fears mount within official circles in Ulster that Sinn Fein will seek to tie the demand for the total disbanding of the RUC to any agreement on arms decommissioning.

British Prime Minister Blair is due to meet with leaders of the main Northern Ireland political parties this week. He will press for Sinn Fein to agree to arms decommissioning by the IRA so that a new Northern Ireland executive can be set up as outlined in the Good Friday peace accord.

There is growing scepticism in Whitehall as to the possibility for any implementation of the peace deal before the May 13 start of the European election campaign. There is speculation in Ulster that the republicans hope for a suspension of the agreement, in the belief that this will lead to tougher recommendations from Chris Patten, who heads a commission on the future of the RUC.

Ulster Unionist leader David Trimble ruled out any possibility of the RUC being disbanded: "Patten cannot deliver what the Provisional IRA wants. The IRA rhetoric is about dismemberment of the RUC. They will not get that."



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