

# Inquiry findings continue cover-up of 1999 Rosemary Nelson assassination

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The findings of the official inquiry into the murder of lawyer Rosemary Nelson, delivered after a six-year investigation, continue the cover-up by the British and Northern Ireland state apparatus.

Nelson, a prominent lawyer, was demonised by Ulster loyalists, threatened and assaulted by police and finally assassinated in a car bomb attack on 15 March 1999.

According to the inquiry panel led by Sir Michael Morland, a retired British high court judge, there is “no evidence of any act by or within any of the state agencies we have examined” that “directly facilitated Rosemary Nelson’s murder.”

Morland’s team concede, however, that “we cannot exclude the possibility of a rogue member or members of the RUC [the Royal Ulster Constabulary] or the Army in some way assisting the murderers to target Rosemary Nelson”.

The panel accept that Nelson was publicly abused and assaulted by the RUC and that intelligence information about her was leaked. They conclude that “the state failed to take reasonable and proportionate steps to safeguard the life of Rosemary Nelson”.

It then claims that the investigation into the killing, itself the subject of much controversy, was conducted with “due diligence.”

The conclusions were seized upon by the British government to claim that this proved there was no “collusion” between the British government and Nelson’s killers. Speaking in Westminster, Northern Ireland Secretary Owen Paterson claimed that “those who are looking for evidence that the state conspired in or planned the death of Rosemary Nelson will not find it in this report.”

The press repeated the “no collusion” headline, buried the story under news of the visits by the British Queen and Barack Obama to Ireland and moved quickly on. Few commentators appear to have even taken the time to read the 505-page document.

In fact, the report provides ample evidence of collusion, as defined by Peter Cory, a Canadian judge hired by the British government in 2001 to assist in reviving the 1998 Good Friday Agreement, which laid the basis for power sharing in Northern Ireland. Cory stated, to the British government’s intense irritation, that collusion should be defined broadly enough to include the systematic omission of elementary security measures. Cory’s 2004 report into collusion led to the Nelson inquiry along with similar inquiries into a number of other high profile murders arising from Britain’s three-decade “dirty war” in Northern Ireland.

Rosemary Nelson built a career as a working solicitor in the town of Lurgan, Northern Ireland, primarily dealing with domestic cases. She had an office in the town’s high street, offered her services to both Protestant and Catholics, was popular locally, and, was prior to 1993, on good terms with the local RUC.

She attracted RUC and loyalist hatred by providing legal representation in a number of prominent cases. Firstly, she was hired by Colin Duffy, thought to be member of the Provisional Irish Republican Army, and successfully quashed Duffy’s conviction for the murder of John Lyness, a

former member of the Ulster Defence Regiment.

For the crime of providing legal advice to a republican, Nelson herself became a target. A note was left on her car windscreen stating, “We can get you any time”.

Nelson also worked for the family of Robert Hamill, a 25-year-old Catholic man who was beaten to death in the centre of nearby Portadown in 1997. Hamill was killed by a group of Protestant youths while members of the RUC sitting in a Land Rover looked on. This case is also the subject of an ongoing inquiry.

The report notes, “Her work in this case would undoubtedly have generated hostility towards her among extreme Loyalists, particularly in Portadown. And, because she was making serious and public criticisms of the RUC’s role in Robert Hamill’s death and of the subsequent investigation, we believe that it would have contributed to the antagonism felt towards her by some RUC officers.”

During the late 1990s, Portadown was also the centre of a tense and protracted conflict over Orange and loyalist marches along the Garvaghy Road, past a Catholic and nationalist area in the town. At their peak, the Drumcree protests involved thousands of Ulster unionists, loyalists and Orange Order supporters. Nelson offered legal advice to the Garvaghy Road Residents’ Committee, which opposed the marches. During one residents’ protest Nelson was assaulted and verbally abused by RUC members, suffered severe bruising and was badly shaken up.

A number of loyalist paramilitary groups emerged around the Drumcree protests. One of them, the Loyalist Volunteer Force (LVF) and its military wing, the Red Hand Defenders, is suspected of killing Nelson.

Nelson became prominently involved in efforts to expose state collusion in the 1989 murder of lawyer Pat Finucane and called for the reform of the RUC. Concerns were frequently raised over her security and that of other lawyers tackling politically sensitive cases in Northern Ireland. Nelson was at various times supported by the Irish government, a special rapporteur from the United Nations, Amnesty International and leading legal figures in Britain, Ireland and the United States. In her last recorded words she sought to draw parallels between the killing of London teenager Stephen Lawrence by racist thugs, and the murder of Robert Hamill.

The report provides repeated examples of police describing Nelson in the foulest terms to both loyalists and republicans arrested and held in one of Northern Ireland’s three notorious holding centres. One man reported a police officer threatening, “Tell Rosemary she’s going to die too.”

In 2003, loyalist Trevor McKeown told the Murder Inquiry Team investigating Nelson’s death that in 1998 police asked him repeatedly, referring to Nelson, “Would you shoot her Trevor, would you?” Morland’s team examined RUC Special Branch electronic records revealing that SB considered Nelson a “dedicated republican,” a view shared by the loyalist paramilitaries. The British intelligence services considered, but decided against, electronically bugging a house owned by Nelson and rented to Colin Duffy as a means to gather information on Duffy.

In early 1999 the RUC had acquired clear information that loyalist groups in Portadown, “intend to attack a number of unknown Catholic targets within the Mid Ulster area.” Surveillance and sources further identified two bombs, “probably bigger than blast bombs,” moved into the area by loyalist groups. Morland’s team note that this, along with a series of loyalist meetings may have been the “genesis of the plot to murder Rosemary Nelson.”

None of this led the RUC to offer any specific warning to Nelson or offer enhanced security, although there had been some general written exchanges characterised by mutual mistrust.

Nelson was killed by a car bomb outside her house on March 15 1999. She did not die instantly, but, grievously wounded, clung to life for several hours. She died in the BMW, which she and her family had driven home the previous evening from a weekend caravan break. The bomb was therefore planted sometime between the Nelson party’s return early evening and the following morning.

Part B of the report deals with the murder investigation, tensions between the agencies involved and seeks to explain military movements around the time of the bombing. In their drive to whitewash state institutions a pattern emerges. The inquiry team systematically adopt the most benign interpretation of events. They repeatedly assert that no ill intention towards Nelson should be implied from this or that inexplicable or downright sinister event.

Nevertheless sufficient information is provided to make clear that state agencies went far beyond “omission” in their responsibility for the attack. The inquiry team’s comment that participation by “rogue” forces in the murder “cannot be excluded” is intended to obscure the fact that many sections of the security forces operating in Northern Ireland in 1999 allowed the attack to be carried out.

At the time up to 13,000 troops, along with a huge security apparatus, were stationed in what remained one of the most militarised spots in the world.

Suspensions were immediately directed to the loyalist Red Hand Defenders, who claimed responsibility for the atrocity in a telephone call to the BBC. Eyewitness statements and CCTV footage identified two cars as significant, both of which were seen driving slowly around the area in the evening. One, a white Ford Fiesta, was similar to a vehicle owned by a local loyalist and Royal Irish Regiment member. Another, a blue Vauxhall Nova, was similar to a vehicle seen previously outside the home of a Belfast loyalist bomb maker.

The report glosses over the glee with which news of the murder was greeted by members of the RUC, Royal Irish Regiment and the British Army. Reports collated in 1999 by the Pat Finucane Centre for Human Rights and Social Change (PFC) refer to gloating and smirking from soldiers and police sent to guard the crime scene. The inquiry team refer only to “one or two tasteless remarks”.

The PFC also gathered statements detailing vehicle checkpoints manned by both British and Royal Irish Regiment soldiers. They reported army Land Rovers speeding around the area, helicopters hovering very low for hours on end, dropping off troops and using infra-red search lights as if looking for something or someone. Sightings of RUC men in boiler suits were also reported.

It was apparent that security forces had been saturating the area and skies around Nelson’s house in Ashford Grange and the neighbouring and predominantly Catholic Kilwilkie estate. How could a car bomb be delivered in such conditions unless there was collusion?

The Murder Inquiry Team, initially led by the RUC but quickly handed over to Colin Port, a Deputy Chief Constable from Norfolk, England, viewed collusion to be a major line of inquiry. Large numbers of military personnel were interviewed. It emerged that at least two security operations were in place over the weekend, as well as police riot control directed against local youth in Kilwilkie.

“Operation Improvise” was described by the report as a “surge” used from time to time to control the area, involving large numbers of troops and a number of vehicle check points. Other movements over the weekend were claimed to be directed against small bombs found around the Kilwilkie estate.

“Operation Fagotto” was a surveillance operation against a local republican. Six RUC Special Branch cars were driving around Kilwilkie estate during the evening of March 14. A car driven by “Officer K”—many of those giving evidence to the inquiry did so on condition of anonymity—passed by Ashford Grange around 22.00 hours and drove around it again at 23.45.

Even more serious issues are raised by “Operation Shubr”, long term surveillance of the Loyalist Volunteer Force (LVF), launched in April 1998, directed particularly against LVF leader Mark Fulton. Fulton assumed leadership of the LVF following then leader Billy Wright’s assassination in December 1997.

Wright’s killing removed a significant loyalist opponent of the Good Friday Agreement from the scene and was itself the subject of a collusion inquiry. Reporting in September 2010, the Wright hearings found only negligence in the circumstances whereby Irish National Liberation Army prisoners were able to shoot Wright in the high-security Maze prison. Wright’s father noted in response, “Having considered the factual findings, it looks like collusion, it sounds like collusion and in my mind amounts to firm and final proof of collusion by state agencies in acts and omissions culminating in Billy Wright’s death.”

The existence of Operation Shubr appears to have been concealed from the Murder Inquiry Team (MIT) for years and was only unearthed by Morland’s inquiry team. Yet the report notes that “under the codename Operation Shubr, surveillance had been carried out, both before and after the murder of Rosemary Nelson, on those regarded by the MIT as the principal murder suspects.”

Information from Shubr revealed that key suspects in the bombing were observed travelling to Belfast on February 25, attending a meeting in Belfast on March 4 and 5. Remarkably, surveillance stopped a few days before the bombing and started again on March 19.

The inquiry team comment, without justification, that they “are satisfied that the absence of any Shubr operation in the days immediately before Rosemary Nelson’s murder has no sinister connotation.”

The report documents repeated disputes between Colin Port and Special Branch’s leadership over the extent to which intelligence was passed on. Other items which the inquiry report as having been withheld include

- A 1997 report of Mark Fulton testing an under-vehicle car bomb (Fulton committed suicide in prison in 2002).
- A March 1999 report that LVF members intended to attack Nelson’s client Colin Duffy.
- A report from the same month that the Ulster Freedom Fighters (another loyalist paramilitary outfit) had mislaid one car bomb.
- A warning that Portadown members of the Royal Irish Regiment are warning the Red Hand Defenders when RUC raids are in their area.
- Details of the public phone box from which the Red Hand Defenders called the BBC to claim responsibility for the attack.

The inquiry merely notes that the decision to withhold such information from the Murder Inquiry Team is “overcautious” or “incomprehensible” or, in the case of the public phone box “to protect a source.” Further disputes emerged over the MIT’s request to access telephone record of calls made shortly after the attack to Lurgan RUC police station.

The same approach is taken by the inquiry into numerous British Army helicopter flights over the area on March 13 and 14, particularly one flight on the evening of March 14 by an aircraft equipped for night flying and spotting the existence of which was denied until a year after the attack. The flight took place between 2300 and 0000 hours. The aircraft landed briefly in Portadown to pick up a Royal Irish Regiment colour sergeant

and flew over Kilwilkie and Ashford Grange.

The inquiry notes that “no coherent explanation was put forward as to why the helicopter was re-tasked, what information was gathered by it and to whom such information was passed.” But Morland’s team simply concludes that “it appears to us that the presence of a helicopter at or near the scene would have been of no practical assistance to those engaged in the murder.”



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