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## Inquiry into solicitor murder investigates state's role

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- [Esther Addley](#)

[The Guardian](#), Wednesday April 16 2008

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This article appeared in [the Guardian](#) on [Wednesday April 16 2008](#) on p7 of the [UK news](#) section. It was last updated at 00:27 on April 16 2008.

A public inquiry into alleged collusion between security forces and terrorists in Northern Ireland will hear "very troubling suggestions of state involvement in the murder of one of the state's own citizens", it was told yesterday.

Rosemary Nelson, a prominent Catholic solicitor, was killed in March 1999 by a booby-trap bomb placed under her car by the Red Hand Defenders, a cover name for the Ulster Defence Association and Loyalist Volunteer Force. But her murder swiftly attracted allegations of security force involvement.

The inquiry in Belfast into the killing, which opened in 2005 but only yesterday began its first day of full hearings, will consider allegations that the then Royal Ulster Constabulary, British army, Northern Ireland Office and MI5 failed to protect her and may have incited or "facilitated" her killing. It will also examine whether the investigation into her murder was obstructed. No one has ever been charged with the crime.

Nelson, a solicitor in her home town of Lurgan, Co Armagh, had also represented a number of high-profile republican figures, which she repeatedly claimed before her death had placed her life in danger. Among the death threats she had received, she claimed, were two from serving members of the RUC. The 40-year-old mother of three had addressed the US Congress and also given evidence to the United Nations about the threats to her life.

Opening the hearings, Rory Phillips QC, leading counsel for the inquiry, said: "The striking and possibly unique feature of [Nelson's] murder was that the fact of it, if not the manner of it, had apparently been so clearly foreshadowed and foretold, not least by her. Unsurprisingly therefore, after her murder, there were many who wanted to know whether more could have been done to protect her, and whether her murder could have been prevented. Although only one of well over 3,000 violent deaths [during the Troubles], it has continued to arouse deep feeling and be the object of controversy."

Nelson's husband, Paul, also a solicitor, was in the chamber to hear the opening statements, along with her elderly mother, Sheila Magee, and a number of her brothers and sisters.

Speaking outside the inquiry chamber, Eunan Magee, the solicitor's brother, told reporters it was "something that we have to do in order to be able to move on with our own lives". Describing the years since his sister's murder as "horrendous", he said: "I do believe that an awful lot is going to have to be relived over the next days and months - and it is going to be hard to listen to."

The inquiry, which is being heard by a panel of three chaired by retired high court judge Sir Michael Morland, has already sat for three years and taken over 250 witness statements; the public hearings are expected to take many months and hear from 120 witnesses. Also present in court were more than 20 lawyers, representing Nelson's partner and children, her mother and siblings, the Police Service of Northern Ireland, the Northern Ireland Office, the Ministry of Defence, MI5, and the officers who conducted an earlier investigation into the way the murder inquiry was handled. Among those expected to give evidence are the director of the intelligence services in Northern Ireland, the former RUC chief constable Sir Ronnie Flanagan, the former UN special rapporteur Param Cumaraswamy, and Jonathan Powell, who was Tony Blair's chief of staff at the time of the Drumcree disturbances of 1997 and 1998. Nelson was the solicitor representing the residents of Garvaghy Road, Portadown, who opposed the Orange marches.

Phillips noted that he had not yet received the requested witness statement from Flanagan, including his account of a meeting with Cumaraswamy in 1998 at which, according to the UN official's evidence, the police chief told him that some solicitors in the province "worked to a paramilitary agenda". Flanagan has previously denied making the allegation.

In addition to the initial police investigation, Nelson's murder has been the subject of a number of investigations, including one by the former Kent police chief Robert Ayling. In September the then police ombudsman, Nuala O'Loan, concluded that the RUC had failed to properly address the threats to Nelson before her death.



Between October 1996 and September 1998, Nelson received seven death threats, including one which said "We have you in our sights. RIP" and another which contained a bullet. She also claimed to have been the subject of abusive comments from police officers on 11 occasions. The Nelson hearing is one of four put in place in the province after the Good Friday agreement to look into allegations that the security forces colluded in terrorist murders.

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## Inquiries

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The murder of Rosemary Nelson is not the only terrorist murder to be investigated in a public inquiry amid allegations of collusion between the security forces and terrorists. Three other murders in Northern Ireland and two in the republic will also come under scrutiny. These are the 1989 killing of Belfast lawyer Pat Finucane by the UDA; the murder at Christmas 1997 in the Maze prison of Billy "King Rat" Wright; the death of Robert Hamill, a Catholic man beaten to death by loyalists in 1997, and the assassination of RUC officers Harry Breen and Bob Buchanan by the IRA. The inquiries have been dogged by controversy. Finucane's family has claimed the inquiry into his murder has been compromised because of a lack of disclosure of top-secret material.

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