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## PSNI in Nelson inquiry legal bid

By Staff reporter

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The PSNI has launched a High Court bid to compel the Rosemary Nelson murder inquiry to make findings of fact.

Lawyers for the Chief Constable are challenging a decision by the tribunal that it is not obliged to reach definitive verdicts in assessing allegations against officers.

John Larkin QC argued that unlike terms of reference set by the Secretary of State, the inquiry itself has laid down the areas and claims to be probed.

These include complaints of police threats or abuse directed at Mrs Nelson (40) before she was killed in a loyalist paramilitary bomb attack near her home in Lurgan in March 1999.

Seeking leave to apply for a judicial review, Mr Larkin said: "We submit as a matter of procedural fairness that the inquiry, having set the issues and not formally departed from them or established alternatives to them, is obliged to act in accordance with them.

"The determination of those issues does require fact finding."

Allegations of security force collusion led to the establishment of a public inquiry into the Catholic solicitor's death.

James Eadie QC, for the inquiry, confirmed that the intention was not to publish any findings.


Mr Eadie contested the claim that it was obliged to establish as fact any allegations against police officers by stressing a series of reasons against such an approach.

He claimed the police service was "seeking to straight-jacket the inquiry into a trial process and trial standard of proof".

Mr Justice Morgan said he would rule on the application today.

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