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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

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**TO:** E. McKee/Alma Ni Choighligh, Anglo-Irish Division rec'd 6/4 cc. G1/Section

**FROM:** P. Hickey, Belfast

**Copied directly to Mr. B. Callaghan, DOJELR**

**SUBJ: Nelson - ICPC / RUC Statement**

Attached is a copy of the joint statement issued by the Chiarman of the ICPC and the Chief Constable concerning the Mulvihill report on the investigation of complaints by or on behalf of Mrs. Rosemary Nelson togetherwith the editied version of the report released with the statement.

You will recall that the announcement by the Chief Constable that he intended to publish this report "within 24 hours" was the subject of an approach to us by the ICPC arising from their concerns that selective publication of the report might be used by the Chief Constable to undermine ICPC criticism of the original RUC investigation. Mr. O'Donnell's SF 1916 of 25 March and Mr. Ó Floinn's SF of the same date refer.

The report itself now makes clear that it was prepared as a result of a joint approach by the Chief Constable and the Chairman of the ICPC on 28 March. It is also issued under a covering statement in the names of both. The version of the report, as published, was, I understand from an ICPC contact, also "negotiated" by Paul Donnelly and the Chief Constable.

Also attached is an Irish News report of 31 March which contains reaction to the publication of the report.

Mr McCarry
Passed on to the
Taoiseach

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# JOINT STATEMENT BY CHAIRMAN, ICPC AND CHIEF CONSTABLE, RUC IN RELATION TO INVESTIGATIONS OF COMPLAINTS BY, OR ON BEHALF OF, MRS ROSEMARY NELSON

The first, and most important, point that we must make is that the investigation into complaints of threats to the life of Mrs Rosemary Nelson allegedly made by police officers while interviewing her clients in detention, has been completed to the satisfaction of the ICPC. The relevant files are now with the Director of Public Prosecutions for his consideration.

The statement issued by the ICPC at the conclusion of the investigation drew attention to concerns about its conduct, prior to the Chief Constable's appointment of Commander Mulvihill of the Metropolitan Police to take it over in July 1998. The ICPC would have been failing in its duty to Mrs Nelson, the wider community and the police force had it not highlighted its concerns. We always knew that the concerns raised would remain a matter of record, no matter how satisfactory the final outcome would prove to be. In this context, and given the seriousness of the matters raised, Commander Mulvihill was requested by the Chief Constable to undertake a parallel review of the RUC's investigative procedures in this case.

There have been public demands for his report in this regard to be published. However, legal difficulties prevent full publication. In this context, the Chairman and the Chief Constable, who have worked in an agreed way throughout this matter, decided to ask Commander Mulvihill to prepare for public scrutiny what he considered to be an accurate account of his report in the light of the concerns raised. His statement is attached hereto.

The Supervising Member of the Commission for this enquiry has supervised and directed over 100 cases and this is the first occasion in which she, or any other Member of the Commission, has had to issue a statement with such a degree of negative qualification. The RUC officer most closely associated with the conduct of this investigation is an officer who has satisfactorily conducted numerous complaints investigations under the supervision of the Commission. Commander Mulvihill is an officer of considerable experience and standing and his investigation of the complaints in this case met with the full satisfaction of the Commission.

Commander Mulvihill's recommendations represent a positive outcome to a set of difficult circumstances. We are committed to moving forward together to ensure that these recommendations are urgently and rigorously addressed. We will continue with our joint efforts to ensure that we have a police complaints system that enjoys the confidence of the public and the police officers that serve them.

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I attended a meeting on Sunday 28th March 1999 with The Chief Constable of The Royal Ulster Constabulary (R.U.C) and the Chairman of The Independent Commission for Police Complaints for Northern Ireland (ICPC) on issues of concern raised in the Appendix to the statement of the ICPC made under Article 9 paragraph (8) of the Police (Northern Ireland) Order 1987 dated 22nd March 1999 and which has now entered the public domain.

I have been asked by them to prepare for publication a full and accurate account of my report submitted to the Chief Constable of the R.U.C. in respect of the Review which I conducted of the original R.U.C. investigations into various allegations made against R.U.C officers by Rosemary Nelson, one of her clients and The 'Lawyers Alliance for Justice in Ireland'. This account follows hereunder. I have included all directly relevant issues which I believe are legally appropriate for publication. Names of those involved have been omitted.

On the 13th August 1998 I was appointed to conduct investigations, into a variety of complaints against police officers, by the Chief Constable of the Royal Ulster Constabulary (R.U.C). My appointment was approved by the Independent Commission for Police Complaints for Northern Ireland (ICPC). That same day I received Terms of Reference Item number 7 of the Terms of Reference tasked me in the following terms:

**'You will review the original R.U.C. investigations into matters, 1, 2 and 3 above. If at any stage you conclude that this aspect requires separate or independent investigation or should be investigated by another officer you will draw this to my immediate attention. Alternatively you will report with any recommendations you feel are appropriate in this regard.'**

Items 1, 2 and 3 referred to:

1. The investigation of a complaint made by the 'Lawyers Alliance for Justice in Ireland' on behalf of Rosemary Nelson,

2. the investigation of complaints by Rosemary Nelson and a client, and

3. the investigation of a complaint made by Rosemary Nelson on behalf a client.

My investigations have now all been concluded to the satisfaction of the ICPC and, I understand, are with the Director of Public Prosecutions for consideration.

My Review was the only element of the Terms of Reference which was not, per se, to be supervised by the ICPC. However, the reality is that whilst investigating/further investigating the other allegations inevitably an element of

investigating/further investigating the other allegations inevitably an element of review took place with the Supervising Member in attendance. This has not caused any difficulties whatever.

The ultimate 'review' would be a re-investigation. However, it having been agreed that the ICPC were registering concerns rather than complaints it became clear that an assessment of the process of how the enquiries were conducted was more appropriate.

In conducting the Review a number of issues arose which I examined. Some questions however could not be put for legal reasons. An example was a proposed question to an officer for him 'to be asked specifically why (he) changed (his) mind (during interview) about having a legal representative present'. Following discussion it was accepted that, whilst such an action by any suspect will invariably make investigative antenna twitch, it is a perfectly legitimate response and consistent with legal entitlement. Other examples of questions not being put were where they had previously been put and responded to. Despite some earlier responses not perhaps being entirely satisfactory, repeating the allegations when there was no fresh evidence would not have been consistent with the spirit of the Police and Criminal Evidence Act 1984.

Concerns have been raised about the demeanour, behaviour and investigative approach of the interviewing police officer, and the responses of those officers under question.

As regards the 'demeanour, behaviour and investigative approach of the interviewing police officer', much has to be left to the investigator who will be reliant on experience and even intuition to determine how an individual interview should progress. Sometimes, when reading a cold transcript of an interview, something can get lost in the translation. I have discussed these investigations and interviews with the Chief Inspector and I am convinced that he did his best, worked industriously and that any perception that he might somehow have failed was wholly unintentional on his part.

The Chief Inspector is clearly a strong-minded and principled man imbued with a strong sense of duty. His desire to keep on top of a heavy workload, coupled with the inevitable frustrations which occur if potential witnesses do not come forward, might well have led to an impression being created which caused some concern . However, the style of his interviewing technique was generally robust and determined, clearly displaying an intention to get to the truth. It is easy, on reflection and with the benefit of hindsight, to say how an interview might have been conducted better: I consider his general performance to have been satisfactory.

'The responses of those officers under question' was largely outside the control of the Chief Inspector. Many of the officers took the proceedings in their stride and provided cogent and open responses despite sometimes facing intensive interviewing techniques. Others, on the contrary, especially

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subject of many complaints were (and are) far from relaxed at interview. I have to say this variation mirrored my own recent experiences when interviewing R.U.C. officers.

There is a general acceptance by police officers that they must be accountable for their actions. Some of the officers interviewed registered their displeasure at being subjected to interviews under caution. Many felt (and feel) affronted at what they perceive as the 'indignity of being treated like a common criminal'. For those officers who hold the passionate belief that they are the subject of an 'orchestrated campaign of complaints by terrorists, or those sympathetic to their cause, with a view to undermining the effectiveness of the R.U.C.' the whole process is particularly aggravating.

It is no easy task to handle difficult interviewees and it must be borne in mind that, other than by way of arrest, the investigator is powerless to detain the officer for the criminal element of the interview, other than with consent. Some officers, especially those subject of complaints on a regular basis, would appear to have adopted the policy of preparing written statements in advance. (See more expansive comments regarding 'written statements' below). This can also create difficulties for the investigating officer who, in such circumstances, needs to be particularly astute in progressing the interviewee away from responses akin to 'It's all in the statement'.

I do not believe that the Chief Inspector can be criticised for 'the responses of those officers under question'.

Equally the further interviewing of suspect officers, whilst clearing up several ambiguities and illuminating some earlier concerns, only actually led to an endorsement of the findings and recommendations of the original investigating officer.

Communication and perceptions play an important part in any supervisor/supervised relationship. It is clear that the one between the R.U.C and the ICPC during the original investigations was not entirely smooth. If an investigating officer deliberately disregarded the specific directions of a Supervising Member then that would be quite unacceptable. It is the duty of the Investigating Officer to act in accordance with legitimate directions.

In an ideal world the taking of witness statements and the interviewing of suspect officers would all proceed as smoothly as a Swiss clock. Real life is somewhat different with appointments being broken, or interviews over-running, for a variety of reasons. When police officers are involved the complexity and likelihood of delays and difficulties are increased. Police officers do have court commitments and duty demands often at very little notice and equally, sometimes, there can be a pressing need to take leave at short notice.

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Clearly, if any appointment is likely to be broken, for a legitimate unavoidable reason, the ICPC member must be advised as soon as possible. Given that appointments will inevitably not always be met, and that they are often broken at the eleventh hour, it would be prudent for a pager system to be established to ensure that ICPC members are advised at the earliest possible time.

Another 'issue' is a reference to 'one officer arrived for interview forty five minutes late without explanation and smelling of alcohol'. Regrettably this 'issue' was not raised until three months later. The Chief Inspector has no recollection of any officers attending for interview smelling of alcohol. The time for raising issues of concern is at the time of occurrence. The fact that this was not done provides no opportunity for the R.U.C. to address the matter or to prove or disprove the observation. Therefore such a contention can never be satisfactorily resolved.

There is an issue of concern relating to 'the air of hostility to the investigation on the part of police officers.

This almost certainly alludes to certain interviews conducted during March 1998 with officers who can reasonably be described as awkward characters. In respect of one, where reference has been made to him as being 'very peppery' he was, to be fair, acting within his 'rights' even though such an attitude was disappointing.

I have previously commented regarding the difficulty an investigating officer can have when dealing with an angry or resentful suspect police officer. Most officers are compliant but others are so disgusted at 'the tables having been turned' that they react adversely. While I noted that passionate views were held regarding the bona fides or otherwise of some complainants, it would perhaps be prudent for a carefully worded reminder to be issued, advising R.U.C. personnel of the professional standards required, even when a suspect officer feels aggrieved at what he believes to be a false or malicious allegation.

Ultimately I do not accept that the Chief Inspector failed in how he dealt with 'the attitude' of suspect officers. In general terms, as already outlined, he was diligent and robust when necessary. Some of the officers subject of complaint 'know their rights' and would have no fear of exercising them. Too authoritarian or challenging an approach would have led to him achieving far less than he did.

The Chief Inspector absolutely refutes pro-actively asking officers to make statements before interviews. However, he points out that Complaint Notices to Officers (Forms 17/3) effectively invite an officer to make a statement at any time. He contends that when suspect officers have dialogue with an investigating officer (for example to arrange interview) some of them have already made statements especially if they are subject of a series of complaints, to assist those suspect officers with their recollection later on. Further he feels that he has no power to prevent them doing so and that on occasions such statements can work to the advantage of an investigation (and this was certainly

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the situation in respect of one pre-prepared statement of one suspect officer which was very detailed and clearly assisted the questioning of him by the Investigating Officer).

The Chief Inspector felt restrained from ordering the Police Officers not to make a statement where any officer said he was going to. In correspondence between the R.U.C. and the ICPC the issue of prepared statements is debated and it was acknowledged by the R.U.C. that the Chief Inspector " whilst denying requesting a prepared statement says that in response to a question from a suspect officer confirmed that such a statement could be tendered if that was the wish of the suspect officer". The R.U.C. letter concedes that "the Chief Inspector was wrong in confirming such a request'. In fact I do not necessarily think that the Chief Inspector was wrong. I see no power on his part to advise a suspect officer not to complete a statement if that is the wish of the officer.

The obvious potential problems of an officer continually saying when questioned 'I refer you to my statement' can indeed be frustrating. However, this is a subject comfortably catered for within the R.U.C. Manual for Instruction for Investigating Officers. Clearly when a prepared statement is submitted investigating officers must continue to put necessary questions to ensure all allegations are adequately dealt with in order that the investigation can be seen to have been thorough. Generally the Chief Inspector did conduct thorough interviews.

The recollection of conversation between the Chief Inspector and the ICPC Supervisor, after certain interviews, is subject of dispute. Certainly it had, as one of its themes, the issue of prepared statements. In respect of this issue the distinction is between whether the Chief Inspector proactively sought such statements or whether he acted in a benign fashion when suspect officers made it clear they intended to prepare such statements.

I do not doubt that, responding to the ICPC Supervisors question, the suspect officer may well have indicated that he made the statement at the request of the Chief Inspector. However, in the overall context of the proceedings, I have no doubt that it was the Detective Constable who told the Chief Inspector that he intended to prepare a statement and, because the Chief Inspector said nothing directing him to the contrary, this later translated into the fashion that it did in response to the Supervisors question.

The whole issue of prepared statements is tendentious. It may well be prudent for a legal opinion to be taken. Such statements should not be actively sought but it is difficult to see how a suspect officer could be prevented from preparing one (to assist their own defence). Furthermore the form actually advises the recipient that he/she may make a written statement to the Investigating Officer.

It is crucially important that the Investigating Officer and the ICPC member work very closely together. Whilst the Investigating Officer has the

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responsibility for conducting the enquiry and compiling the report it must be good practice for a variety of issues to be mutually agreed, advanced and adjusted as the enquiry progresses (see recommendation 2 in this regard).

When an enquiry is reaching conclusion it would be prudent for the Investigating Officer to confirm, in writing to the ICPC Supervisor, that 'drafting' is about to commence This will provide the Supervisor with a final opportunity to direct the enquiry to any previously unchartered waters, to express any outstanding concerns or, more optimistically, to indicate early satisfaction with the endeavours to date. It would certainly go some way to ensure that the ICPC would not feel the need to express dissatisfaction similar to that articulated in the case(s) subject of the Review.

These enquiries were always going to be difficult especially where people who might be potential witnesses were reluctant, or refused, to substantiate their allegations. Nevertheless investigations did take place even though some 'statements' provided on behalf of complainants were uncertificated, undated, unsigned and contained errors of detail including dates of arrest and detention.

The allegations were very broadly based but with the common 'thread' of R.U.C. interviewing officers verbally abusing suspects and, in particular, making unpleasant references to Mrs Rosemary Nelson. Until quite recently interviews of persons suspected of committing terrorists offences were neither audio or video recorded. The first advance was the introduction of videoing (without audio) of such interviews. Shortly after taking up my appointment as the Senior Investigating Officer, in a series of cases, I spoke with the Chief Constable of the R.U.C. and indicated that the early installation of audio as well as video equipment would go some considerable way to reassure those with concerns of the propriety of interviews with suspected terrorists. The Chief Constable quickly accepted my submissions and such equipment has now been installed. Suspected terrorist prisoners are now interviewed in precisely similar fashion to all other suspected criminal offenders. This will reduce the incidence of interview room allegations of verbal impropriety by R.U.C. officers because the tape will confirm or refute any such allegation without argument.

Concerns have been expressed regarding 'assertions which constitute judgements' drawn by Investigating Officers. In this case, the ICPC has suggested that opinions expressed on the reliability of Mrs Nelson and others, and weight to be attached to their evidence may call into question their moral character. The ICPC are anxious that Investigating Officers base conclusions wholly on the evidence and do not tread into broad areas of personal comment which stray from the allegations made and the evidence uncovered. Their rationale is that the inclusion of such comments can give rise to a suspicion of partiality on the part of the Investigating Officer, in particular, and the R.U.C., in general. I make no critical observations in this area but, logically and in general terms in respect of any report, their concerns are worthy of note. The RUC should give serious consideration to the appropriateness of such a practice.

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It is my view that a breakdown of communication, coupled with a series of unrelated administrative and organisational problems, combined to create an 'air of concern' which was wholly at odds with, and disproportionate to, the actual situation. Whilst acknowledging that the various complaint investigations might not have been conducted in a truly outstanding fashion they were adequate, but adversely complicated by the various issues outlined.

Perusal of the style of interviews, document accumulation, witness statements and format of report with recommendations leaves me with the impression that, essentially, sound enquiries were undertaken in the earlier investigations. It is clear that any additional evidence produced by my investigative team largely came about as a result of certain witnesses being prepared to come forward either because an outside police force had been called in or because of the involvement of other people (i.e. Lawyers Alliance for Justice in Ireland). Even with their encouragement and that of Mrs Nelson, not all potential witnesses co-operated. Of those who still refused to assist some had made the most serious of the allegations. Their continued non-contribution made the original R.U.C. investigations, and my subsequent investigations, that much more difficult.

I am confident that the facts of the case(s) have not only <u>now</u> been established, so far as it was ever going to be possible to do so, but <u>were</u> established during the original enquiry(ies).

**<u>Recommendations:</u>**

1. That audio as well as video recording equipment should be installed to all interviewing facilities where prisoners suspected of involvement in terrorist offences are detained. (*This recommendation has already been implemented)*

2. That a protocol should be established between each ICPC Supervising Member and R.U.C. Investigating Officer catering for such issues as:

   a) the broad direction and scope of the investigation,

   b) the frequency of meetings,

   c) the preparation of elaborate interviewing strategies, and

   d) ensuring that each is satisfied that the other is functioning within their agreed area of responsibility.

3. R.U.C. officers need to be reminded, perhaps through the medium of their established in-Force Training Programme, of the duties and responsibilities of ICPC Supervising Members, in the case of supervised complaints, and of their absolute right to be present at interviews.

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4. Furthermore, through the same medium, R.U.C. officers need to be reminded that, whilst they have every right to defend themselves when complaints are made, (and whilst they may well feel aggrieved at what they perceive to be false or vexatious allegations) a resort to belligerence or hostility is unhelpful.

5. A broad policy should be agreed covering:

(i) the number of occasions a witness should be contacted and he/she fail to respond (or fail to honour an agreed meeting), and

(ii) the passage of time which should be allowed to elapse,

before a witness is deemed to have failed to co-operate with an enquiry.

6. The contentious issue of pre-prepared statements needs to be revisited, with appropriate legal advice, to establish a policy which is acceptable to both the ICPC and the R.U.C.

7. In the event that any suspect police officer attends for interview having completed a prepared statement he/she must still be subject to comprehensive questioning to establish specific and detailed responses. (The fact that such prepared statements must <u>not</u> be actively sought by Investigating Officers should be brought to the notice of investigators by way of clear written instructions.)

8. The policy of Notices to Suspect Officers (Forms 17/3) containing verbatim detail of a witness statement should be reconsidered. It is suggested that, instead, a thorough summary of the broad areas of complaint should be the content.

9. Additional Notices to Suspect Officers (Forms 17/3) should not be served after each witness statement is obtained unless evidence of an additional allegation emerges.

10. If complaints are made which are not later supported by full witness co-operation then the allegations should either be the subject of a full-blown investigation or dispensed with (this would be by agreement at an appropriate R.U.C./ICPC level).

11. In the event that potential witnesses are reluctant to attend police premises to make statements a safe and neutral venue (for both parties) should be agreed. *(I understand this is now the case)*

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12. If the 'fact' that a telephone call was made (or not) becomes the subject of dispute then consideration should be given, at an early stage, to calling for an itemised telephone bill.

13. In advance of an ICPC Supervisor sitting in on the interview of a suspect officer a strategy should be established relating to:

a) the broad areas for questioning, and

b) the method by which the Supervisor can advise the Investigating Officer if there are any additional desired areas for questioning at the conclusion of the interview.

14. At the immediate conclusion of each and every ICPC supervised interview the Investigating Officer and the Supervising Member should discuss the conduct and product of the event to ensure mutual satisfaction. Unresolved areas of concern should become the subject of written communication between the R.U.C. and the ICPC.

15. There should be agreement on precisely which documentation is relevant to an enquiry so that no unnecessary crime files or other documentation becomes the subject of dispute (in the event of disagreement the matter should be subject of written correspondence in accordance with the protocol suggested at Recommendation 20).

16. When an enquiry is reaching conclusion it will be prudent for the Investigating Officer to confirm, in writing, to the ICPC Supervisor that 'drafting' of the report is about to commence. This will provide the ICPC Supervisor with a final opportunity to direct the Investigating Officer into any outstanding areas which remain of concern.

17. Dialogue should take place between the ICPC and the R.U.C. to improve the system by which ICPC Supervisors are advised when previously arranged interviews have to be cancelled. A pager system seems an obvious solution.

18. In the event that an officer, who is to be subject of complaint interview, finds him/herself likely to be unable to attend, the prior authority of an officer of Chief Inspector rank should be obtained. In the event that the late reporting of sickness is the cause an officer of Chief Inspector rank should verify the genuineness of any claimed ailment. In either case that senior officer (who may often be the Investigating Officer) should advise the ICPC without delay.

19. There should be an established calendar of liaison meetings, at a senior level, between the ICPC and the R.U.C., to discuss at a policy level any emerging issues of concern. Trends such as officers being hostile at interview, hostile to ICPC members or attending for interview with pre-prepared statements, could all be broadly addressed.

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20. In the event that real concerns emerge, on either side, at any time throughout the duration of an enquiry then the matter must promptly become the subject of written debate between the ICPC Chairman and the Chief Constable of the R.U.C. (or their designated nominees). Additionally, there must be clarity of outcome with concluding correspondence making it transparent that any disputed issues are resolved.

**N.G. Mulvihill**
Commander
Specialist Operations (Crime)

29 March 1999

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Wednesday March 31 1999

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# Outrage at Nelson 'damage limitation'

By Steven McCaffery

THE latest move in the Rosemary Nelson death threats investigation has been dismissed as "an exercise in damage limitation".

The SDLP, Sinn Fein and a leading human rights group last night expressed grave misgivings at a document released by the RUC and Northern Ireland's policing watchdog, the Independent Commission for Police Complaints (ICPC).

This follows the publication of a damning ICPC report listing a series of "serious concerns" that saw the RUC removed from an inquiry into claims that policemen had made death threats against Rosemary Nelson.

Last week *the Irish News* obtained and printed a copy of the confidential report which explained why the RUC was removed.

It included claims that officers had prepared statements in advance of interviews and that officers displayed "ill-disguised hostility to Mrs Nelson".

It was also claimed a senior officer made judgements about the moral character of Mrs Nelson and confused her role as a solicitor with the crimes her clients were alleged to have committed.

When the document was made public the RUC came under sharp criticism for not instituting a formal inquiry into the criticisms of police conduct.

Last night the RUC issued a 10-page 'review' by English police officer, Commander Niall Mulvihill of those ICPC "concerns" – and it has already been blasted by nationalists as being a substitute for a full investigation.

In this overview – written within the last two days – Commander Mulvihill says: "It is my view that breakdown of communication, coupled with a series of unrelated administrative and organisational problems, combined to create an 'air of concern' which was wholly at odds with, and disproportionate to, the actual situation.

"Whilst acknowledging that the various complaint investigations might not have been conducted in a truly outstanding fashion, they were adequate, but adversely complicated by the various issues outlined."

The SDLP's Brid Rodgers said: "The Chief Constable has failed to address the serious and legitimate concerns of Rosemary Nelson's family and of the wider community.

"He has instead engaged in an exercise of damage limitation.

"He needs to accept the reality that the assessment of an independent supervisor from the ICPC is more objective and more credible in the eyes of the community than that of a policeman."

She said an independent investigating team should be drafted in "in the interests of the police and the public".

Mr Mulvihill lists a series of 20 recommendations including the creation of clearer protocol for contact between the ICPC and RUC.

He suggests that the RUC in-force training programme be adjusted to tackle a range of issues, including that officers be reminded that while they have a "right to defend themselves when complaints are made", that when being interviewed about such complaints to "resort to belligerence or hostility is unhelpful".

It is further suggested that the "contentious issue of pre-prepared statements needs to be revisited".

Sinn Fein policing spokeswoman Bairbre de Brun said: "This is an attempt by the RUC to draw attention away from the report in the death threat allegations. Ronnie Flanagan is engaged in damage limitation."

Human rights watchdog, the Committee on the Administration of Justice noted that when Sir Ronnie first said extracts of the Mulvihill investigation may be published, the CAJ called for "all or nothing" to be brought into the public domain.

"What we now have in the public domain," the CAJ spokesman said, "is a subjective account of one aspect of the Mulvihill report. This runs the risk of being self-serving to the interests of the police."

The spokesman added: "This document in no sense detracts from the findings of the ICPC. Neither the chief constable or the chairman of the ICPC make any such suggestion.

"In this context it is important to note that more than half of the original ICPC findings were purely factual matters about which Commander Mulvihill was not in a position to form any opinion."

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