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To: HQ
For: Secretary Gallagher

From: Belfast
From: Joint Secretary

Subj: Conversation with the Chief Constable

1. I had a brief conversation with the Chief Constable at a social function last Friday evening.

Finucane

2. Flanagan defended his decision to refer the BIHRW report to Stevens, claiming that he had no option in the matter. The material had to be referred to an outside police force and Stevens, now the Deputy Commissioner at the Met, was the obvious candidate.

3. I emphasised the depth of concern about this case, both domestic and international, and our anxieties about the potential for delay before political decisions can be taken. I also made clear the view of our Ministers that a compelling case exists for an independent inquiry into the case.

4. Flanagan suggested that the stage of political decision-making might be reached within about six months from now. Stevens will probably complete his examination of the new material within three to four months. If he finds a basis for possible prosecutions and recommends accordingly, the DPP will require a couple of months for his own consideration of the matter.

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5. Flanagan said that he would privately welcome a decision to bring people to trial over the Finucane killing - though it is clear that he expects these to be the Loyalist killers rather than any associates in the security forces. "We think we know who did the killing - it's a question of getting sufficient evidence this time". Repeating a point which we heard last week from David Watkins, he suggested that the application of up-to-date computer technology to existing or new data, including the material contained in the BIHRW report, might throw up new cross-references and avenues to explore and help to bring new evidence into the open. (Comment : Whether Flanagan has some particular material in mind, or is merely making a conventional assumption about a ten-year-old case, was not clear).

6. He emphasised that he has no difficulty in principle with an independent inquiry into the circumstances of Finucane's death. However, he wants to see the criminal investigation of the death completed first and any prosecutions arising from it carried out. A successful trial, he suggested, could "create a better climate" for an inquiry. The import of his remarks was that, if a trial were to be held first and convictions were achieved, some of the heat might be taken out of a subsequent inquiry as far as the RUC are concerned. No doubt the damage-limiting value of a long period of time elapsing before the inquiry gets underway has also occurred to him.

7. I stressed to Flanagan the importance of Stevens having unrestricted access to the original documentation on which the BIHRW report is based. Flanagan replied categorically that, if the MOD try in any way to obstruct him, they will be guilty themselves of criminal evasion - "he has to be given everything".

Nelson

8. I drew Flanagan's attention to the significant pressure which our Government are coming under to support a fully independent inquiry into the Nelson killing and the corresponding importance of the Port investigation being seen to be independent of the RUC and of our Ministers being fully satisfied on this score.

9. Flanagan took this point entirely. He said that there are now nineteen non-RUC officers on the team, drawn from several UK police forces and ranging in rank terms from Chief Superintendent to Sergeant. Two of these, he indicated, are family

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liaison officers - women officers from Liverpool - who have been assigned to Paul Nelson and his family (so that they need have no contact with the RUC).

10. I also underlined the importance of nationalists who are unhappy with the RUC, and who may have relevant information, being free to deal with the non-RUC members only and on a basis of absolute confidentiality. Flanagan had no difficulty with this and claimed indeed that the recent installation of a "hotline" for this purpose was his own initiative. He also emphasised that the RUC are not manning any of the phone lines used by the Port team at the Lurgan RUC station and have no secretarial involvement with the team.

11. Noting the reference made to the "hotline" in Adam Ingram's Belfast Telegraph article earlier in the day, Flanagan hoped that we would have appreciated this and the other reassurances given about the independence of the Port team. I replied (as we have done to the British side here) that the article was mildly reassuring on one or two points but did not go anywhere near far enough in terms of assuaging nationalist concerns.

12. I suggested that the collusion allegations should be handled exclusively by the non-RUC members of the team. Flanagan indicated that he would have an open mind on this.

Geralyn McNally

13. Finally, I mentioned the death threat received recently by Geralyn McNally, the ICPC member who exposed the RUC misconduct in relation to Rosemary Nelson.

14. Flanagan indicated that he is fully aware of this threat and has been in close contact with Ms McNally about it. It was received in a message left on her answering machine in the early hours of Easter Sunday. From the fact that a reference was also made to her husband Brian Mulqueen, a barrister who would tend to be known only in legal circles, and from some evidence that the caller had been drinking, Flanagan is inclined to see this as a malicious act on the part of one of Ms McNally's less savoury legal colleagues rather than as evidence of serious paramilitary intent. Nevertheless he is taking the matter very seriously and is reviewing all aspects of her security.

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