

## **Paying the Ultimate Price for Human Rights: The Life and Death of Rosemary Nelson**

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Rosemary Nelson was one of a small number of defense lawyers in Northern Ireland who took politically sensitive cases in a climate shaped by thirty years of conflict between a Protestant majority and Catholic minority. Rosemary had a thriving general law practice in her hometown of Lurgan, providing a variety of legal services to the local population. She represented clients drawn from both the Protestant and Catholic communities in Northern Ireland. Although most of Rosemary's cases were very ordinary, she had a few high-profile clients, whose cases attracted a lot of publicity, including:

- *The family of Sam Marshall, who was murdered by Protestant loyalists in March 1990 just after he was released on bail from the Lurgan police station.* The bail arrangements were known only to the Royal Ulster Constabulary (RUC), the police force in Northern Ireland, and to Marshall's lawyers. A car spotted at the scene of the murder was later discovered to belong to the security forces. No one was ever charged in the murder.
- *Colin Duffy, who was with Sam Marshall when he was murdered but escaped injury himself.* Duffy spent several years in jail after being convicted of killing a former soldier, but Rosemary Nelson achieved his acquittal after it came to light that a key prosecution witness had been arrested for gun running on behalf of a loyalist paramilitary group. Duffy was arrested again in 1997, for the murder of two Lurgan police officers and spent three months in jail until Rosemary Nelson convinced prosecutors that they had the wrong man.
- *The family of Robert Hamill, a young Catholic father who was attacked by a loyalist mob in 1987 and died twelve days later from head injuries.* Eyewitnesses reported that armed police officers parked nearby failed to intervene to protect Hamill. RUC press releases falsely claimed that Hamill and a friend, who was also attacked, had been involved in a fight and that the police had also been attacked. The RUC later admitted that this was not the case.
- *The Garvaghy Road Residents Coalition, formed to respond to Orange Order marches through their nationalist neighborhood.*

Because of this work, and in particular after the acquittal of Colin Duffy, Rosemary Nelson began to receive death threats from loyalist paramilitary organizations. In addition, some of her clients, arrested under the emergency law regime (the system of laws in place to deal with terrorism suspects) told her that RUC officers relayed abusive language and threats against her to them. During the 1997 Marching Season, the annual march of loyalist fraternal orders commemorating historical Protestant events, Rosemary was assaulted by members of the RUC while trying to represent her client's interests on the Garvaghy Road. As she reported to the Lawyers Committee for Human Rights, "I went up to the police lines and asked, 'Could

somebody please tell me what's going on here?' One of them grabbed me by the arm and took me into them, right into the circle [of riot shields] and said, 'Rosemary, you Fenian f\*\*\*\*\*,' and they threw me about a bit. I said, 'Can I have your number please?' Somebody else said, 'F\*\*\* off.' The difficulty there was, because of the way they were dressed, there were no [badge] numbers distinguishable, you just couldn't see any numbers, and they were wearing balaclavas [over their faces]. I can't recall ever being so frightened in my life."

Rosemary knew she was at risk. She was very familiar with the murder of Belfast solicitor Patrick Finucane, who was shot to death in front of his wife and children by members of a loyalist paramilitary group, in circumstances strongly suggesting government collusion. She knew that Finucane had been threatened by RUC officers before his murder, and she feared that she was being targeted in the same way. She was amazed at the hatred expressed towards her by the police, and she resented their inability to see her simply as a professional doing her job. Rosemary considered what to do in the face of the escalating threats and harassment: she debated whether she should give up the contentious work altogether, learn to live with the abuse but try to keep a low profile, or tackle the abuse head on by making official complaints and campaigning publicly for her clients' rights. After giving the matter serious thought, she concluded that the main purpose of the threats was to dissuade her from representing clients whom the police perceived as the enemy. Her abiding concern, frequently expressed, was that if she did not represent the handful of clients whose cases were contentious, no other lawyer in the area would take them on. It was unthinkable to her that she should abandon her clients. It came as no surprise to anyone who knew Rosemary Nelson that she opted to confront these abuses and to carry on with her work.

Despite filing official complaints about the attacks against her, Rosemary Nelson was never offered government protection. Many human rights organizations, including Amnesty International, British Irish Rights Watch, the Committee on the Administration of Justice, Human Rights Watch, and the Lawyers Committee for Human Rights, urged the British Government to ensure her safety. Dato' Param Cumaraswamy, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, interviewed Rosemary in 1997 and personally wrote to the British Government expressing concerns about her safety.

On September 29, 1998, Rosemary testified before the House International Operations and Human Rights Subcommittee in Washington, D.C., about the ongoing harassment and intimidation of defense lawyers in Northern Ireland and the threats she herself was receiving. She explained why she continued her work, in the face of such obstacles: "I believe that my role as a lawyer in defending the rights of my clients is vital. The test of a new society in Northern Ireland will be the extent to which it can recognize and respect that role, and enable me to discharge it without improper interference. I look forward to that day."

But she did not live to see it. On March 15, 1999, at 12:40 p.m., six months after testifying before Congress and six weeks after filing a complaint against the RUC for the assault against her on the Garvaghy Road, Rosemary Nelson was murdered. A sophisticated bomb exploded under her car while she was just outside her home in Lurgan. She suffered horrific injuries and died two hours later. Rosemary Nelson was forty years old, married with three children ages eight, eleven, and fourteen.

The police investigation into her murder is now in its 20th month. Although a Protestant paramilitary group has claimed responsibility, there have been no arrests made to date. The investigation is being conducted by a high-ranking English police officer, but operates out of the Lurgan police station, where many of the officers who had threatened Rosemary Nelson continue to work.

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