



Collusion

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An insight into the arming and directing of Loyalist death squads over three decades of conflict in Ireland by successive British Government administrations.

'Collusion is all pervasive and institutionalised. It has existed as long as the conflict itself. It is not the act of renegades or a few bad apples, as some would have us believe. It has been an integral element in the armoury of the British military, financed and sanctioned by successive British Governments. It was under political control as much as military influence.'

Collusion largely falls into two categories, that of a disparate nature involving low ranking members of the RUC and part-time members of the locally recruited British army regiments often acting on their own initiative in an ad-hoc manner supplying information and weapons to loyalists. Given that both the RUC and part-time regiments are drawn directly from the same unionist/loyalist community cross fertilisation is not uncommon and in his first report into collusion Sir John Stevens acknowledged that leakages would continue to occur in this context. In general there also existed ambivalence on the part of the RUC to loyalist violence.

However, structured collusion would lie at the heart of British policy within the highest echelons of Whitehall and Downing Street with establishment figures pursuing the policy with at times great vigor. In line with this, administrative policies and practices with regard the judicial system and investigative procedures also had to be adopted that prevented the emergence publicly of any involvement by the state with loyalists. The international obligations of impartial, prompt and effective investigations into incidents where collusion was alleged or evidenced publicly were to be disregarded. Inquests were restricted and confined in such a way that they would effectively become perfunctory. The Walker Report too would become a common tool enabling murder to be officially unaccounted for in the interest of Britain's dirty war.

Introduction

Since partition it had been traditional practice that loyalist violence, and its threat often supported by the state 'police', kept northern nationalists in their place. The vicious and murderous Pogroms that followed the signing of the Treaty in 1920 was a measure of what Catholics/nationalists would continue to live under within the northern statelet for generations to come.

In 1969 the British government introduced the British army to the streets of the North of Ireland. The British army had not come to protect the community, it had come to prop up an undemocratic unionist regime that had collapsed under the modest and peaceful demands of the civil rights movement, which had emerged in the late sixties and which was led mostly by students. The military strategy in Ireland since that date has employed many tactics - all with political direction and consent. The foundation block of the strategy has been the promotion of the British interest in Ireland. If that was the foundation then Loyalist paramilitaries far from being viewed as "terrorists" were to become a corner stone of that strategy. This became state and state sponsored terror for northern nationalists.

Military Intelligence has been active in the North of Ireland since the deployment of the British army on 14 August 1969. However, Military Intelligence stepped up its operations following the imposition of 'Direct Rule' on March 30th 1972

Since 1969 the overwhelming majority of those killed by loyalists- UFF/UDA; UVF; PAF; RHC; RHD; LVF; OVf -have been civilian men women and children. Unlike any of the other protagonists extremely few of those targeted or killed by loyalists were other combatants.

The UDA was, and remains, the largest loyalist paramilitary organisation with its main base being in Belfast and the greater Belfast area. For three decades it was not an offence to be a member of the UDA. The UDA was not a proscribed organisation. After years of pressure, and after murdering hundreds of Catholics, the British Government was finally shamed into proscribing the UDA in 1992.

Since the ceasefires of 1994 a total of 80 people have been killed as a result of loyalist violence. 45 people have been killed in sectarian attacks, and 32 killed in matters of internal 'discipline' and feuds. A further 3 were killed by their own pipe bombs

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intended for Catholics. The UDA in particular have been responsible for scores of shootings and attempted murders, planted over 200 crude and indiscriminate pipe bombs at Catholic homes, schools, churches, and businesses, including the desecration of Catholic graves. The UDA have forced hundreds of Catholics from their homes. The UDA have been central to on-going interface violence aimed at destabilising the peace process.

Indeed - at the time of this publication - the UDA has intensified its campaign against Catholics whose loved ones are buried in Carnmoney Cemetery in north Belfast making visiting the graveyard virtually impossible. The Cemetery holds a number of graves of victims of loyalist violence. At this years annual blessing of the graves on Cemetery Sunday relatives were greeted by a hostile crowd of over 200 loyalists who jeered and mocked them in scenes reminiscent of those at Holy Cross Primary School. With a number graves being desecrated in numerous attacks some of relatives are considering having the remains of their loved ones exhumed and re-interred elsewhere.

Securocrats - a term adopted by the ANC during negotiations in South Africa and referring to those within the establishment opposed to any form of change or transition is used also here in a very similar comparison. Here they continue to be fixated with a military agenda - even at a time of peace. It is therefore no coincidence that at present the organisations most infiltrated by Military Intelligence and the Special Branch continue to pose the biggest threat.

Ironically in the internal loyalist feuding between the UDA and UVF, PUP Assembly member Billy Hutchinson claimed that there was collusion with the UDA. In particular he cited the attack on the Shankill Road's Rex Bar by the UDA. Both Hutchinson and the PUP leader David Irvine also claimed on BBC radio Ulster's Good Morning Ulster, and BBC Televised Lets Talk programme, that the 'RUC Special Branch were at best turning a blind eye to the UDA drugs trade'. Therein lay many of the answers as to why this was even tolerated - many of these same drug dealers were in actual fact low level agents in the pay and/or grip of Special Branch.

What follows we believe sets loyalist violence in its proper context in terms of its relationship with British Military Intelligence during the conflict here. We are strongly of the belief that the extent and capacity that has allowed loyalists to maim, kill and butcher would not have existed without the direct intervention of British Military

Intelligence over three decades. Loyalist violence is not solely, as some commentators would describe or promote, a reaction to republican violence. Rather, with the intervention of British Military Intelligence loyalists simply became another strategic wing in its overall military campaign during the 1969-2003 period.

The full extent of Britain's Dirty war in Ireland is as yet unknown and undisclosed. Republican organisations were also infiltrated and as a consequence some of their actions compromised. However, this was in a completely different way i.e. principally by coercing information and recruiting agents. Many of these agents were later deliberately compromised by Special Branch and Military Intelligence who knew of their inevitable fate. This was in order to protect and possibly promote other more senior agents. It would appear that the emphasis here was on internally destroying the capacity and morale of republican military organisations whilst the emphasis with loyalist organisations was building, enhancing, sustaining and controlling their capacity to be unleashed whenever and wherever required. This was as much a propaganda war as it was a military war with Military Intelligence and Special Branch having their fingers on the pulses of countless lives they chose to completely extinguish in acts of political expediency, whilst at the same time condemning the organisations responsible for taking those lives - lives that they, the state, had a duty to protect.

This booklet aims to give a voice to the thousands of bereaved relatives and injured victims and survivors of loyalist violence. Their accounts, experiences and views of what actually occurred have been officially dismissed. When relatives raised many of the issues raised in this booklet they were vilified and marginalised. Their experience deserves disclosure, truth, acknowledgment and recognition.

1970's - A policy is put in place

The history of collusion demonstrates the institutionalised nature of collusion as a policy objective on the part of successive British Governments down the years.



In April 1970 Brigadier Frank Kitson (left) was posted to the North where he took command of the 39th Brigade area, including Belfast. He had been a military Intelligence Officer in Kenya from 1953-55, a Company Commander in Malaya in 1957, and a Second in Command of a Battalion in Cyprus in 1962-64. In each of these conflicts he was deeply involved in counter-insurgency actions which resulted in the publication of a manual in 1971 entitled; 'Low Intensity Operations, Subversion, Insurgency and Counter Insurgency'.

In the manual Kitson describes counter-insurgency as 'Those military, paramilitary, political, economic, psychological and civic actions taken by a government to defeat subversion and insurgency'. In section F of his manual 'Army Land Operations' Kitson writes of the need for 'Liaison with, an organisation, of friendly guerrilla forces, operating against the common enemy'. Ireland provided the perfect opportunity for the British military to put into practice Kitson's manual. Ireland would become their training ground for the next three decades.

Kitson's role in Ireland led to the setting-up of Military Reaction Force (MRF), mostly made up of serving members of the British army who infiltrated loyalist paramilitaries and recruited agents. MRF was directly responsible for numerous actions, which included abduction and torture, shootings and bombings. The most notorious of which involved serving British army member Albert 'Ginger' Baker whose UDA gang carried out the horrific 'romper room' killings in the early 1970's. Many of these incidents were at the time reported as 'unattributable', often being described as 'motiveless'. However, they served the wider political and military agenda of black propaganda, terror, and maintaining the status quo. Baker later claimed that UDA leader Tommy Herron was indeed working for Military Intelligence and that a senior RUC member was in fact a UDA leader in Belfast.

Escalation in Loyalist Violence

By 1972 it was clearly evident that loyalists had developed a new capacity to wage violence on a large scale. Many of those bereaved, and the wider nationalist community, believed that much of this loyalist violence was now being controlled and directed as a result of Kitson's counter insurgency methods. Up until December 1971 loyalists had killed 3 people. On December 4th of that year McGurks Bar was bombed killing 15 people and injuring many more. Initially republicans were blamed - official sources at the time cited that the bombing was the result of an 'own goal'. The misinformation was now also accompanying the violence. Official sources including the then Security minister in Stormont, John Taylor, now Lord Kilcloney, also floated the notion that the IRA were responsible saying that forensic evidence supported this allegation. In 1975 the British Army through Lieutenant Colonel George Styles, were still claiming that it was an IRA "own goal". It was not until 1978 when journalist David McKittrick in an article for the Irish Times identified that the UVF carried out the bombing were the families and local community's claims of loyalist responsibility vindicated. That year a single UVF member received 15 life sentences for the murders at McGurks Bar.



McGurks Pub Bombing - New Lodge

It was, and remains, alleged that the UVF received significant assistance in this attack. As local people, emergency crews, and ordinary RUC members dug through the rubble the British army raided local homes. This was seen as promoting the lie that local republicans were involved. The turn of that year saw a huge escalation in loyalist violence. By the end of 1972, 114 people had been murdered by loyalists in sectarian/political attacks.



UDA Barricade



UDA Marching



Masked UDA representatives meeting with senior RUC and British army officers

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The British Government had introduced internment in August 1971. The official position stated that one of the reasons for internment was to stop the violence - to end the killings - and defeat terrorists. By the end of 1972 not one loyalist was interned.



British army raids on catholic homes during interment



Nationalist being rounded up for arrest during interment

Additionally British Intelligence directed loyalist bombings and attacks in the South aimed at influencing key changes in the legislative mechanisms of the Irish State. On December 1st 1972 as the Irish Government was debating the Offences Against the State Act UVF bombs exploded in Dublin's Sackville Place and Liberty Hall injuring over 120 people and killing 2. The debate was interrupted by the bombs. It had been widely anticipated that the Bill would fail with Fine Gael and the Labour Party voting against the minority Fianna Fail government. However the timing of the bombing ensured the Bill's safe passage. In August 1973 Taoiseach Jack Lynch publicly stated that he and his cabinet had suspicions that the 1972 bombs and other unexplained happenings in the Republic had been the work of British Intelligence. The Evening Herald 21st August 1973 stated that the Irish government had been given evidence by Garda Special Branch that connected the SAS with the bombings at Liberty Hall and Sackville Place. The article identified two SAS men using the names Fleming and Thompson. The Irish government stated that these men were wanted in relation to the bombings.



Dublin / Monaghan bombings claimed the lives of 33 people and injured over 200. The single worst day of the conflict

On 17th May 1974 the Monaghan and Dublin bombs incurred the highest single day's death toll in the conflict. 33 people were killed and over 200 people injured when the UVF planted no-warning car bombs in Talbot Street Dublin and Monaghan Town. It later emerged through British Military Intelligence operative Fred Holroyd that Military Intelligence had assisted the UVF. Colin Wallace, a senior British army press officer based at British army headquarters Lisburn, later also supported this assertion.

Other bombs were also placed in Belturbet, Co Cavan, Donegal, Dundalk and again in Dublin. Strategically this was as much about isolating northern nationalists and preventing progressive political change in the north as it was about attempting to influence legislation in the south.

From the period 1972 up until 1976 there was an average of 110 people killed each year by loyalists, many of which occurred in controversial circumstances where collusion was alleged.

1972 - 111 People Killed 1973 - 86 People Killed 1975 - 121 People Killed

Ulsterisation and the de-escalation of loyalist violence

Throughout 1976 as the policy of Ulsterisation was gradually introduced, the British Government wanted to contain the situation by administrative means and set about reconstructing the 'judicial, criminal, policing and security' systems. For Ulsterisation to appear to be working loyalist violence/terror had to de-escalate.

- In 1976 loyalists killed 114 people in sectarian/political attacks.
- In 1977 loyalists killed 25 people. The loyalist violence was by and large turned off.
- In 1978 loyalists killed 10 people.
- In 1979 loyalists killed 17 people.

1980's - Political Assassinations

In 1980 loyalists killed 14 people; principally these were political assassinations where collusion featured quite significantly. Most of those killed were publicly active around the National H-Block/Armagh Committee. In 1980 as organization around the prison campaign grew UDA leader John McMichael stated in a televised interview that if the H-Block/Armagh Committee "continue to trail their coats throughout Northern Ireland we will go into their areas and execute them". Before the year was out civil, human rights, and political activists Miriam Daly, Ronnie Bunting, Noel Lytle, Cllr John Turnley, and Cllr Larry Kennedy were killed by the UDA in their homes. McMichael's remarks remained unchallenged by the interviewer, and subsequently. He was never arrested or questioned following any of these deaths.

In January 1981 the UDA attacked the home of Bernadette McAliskey another leading member of the National H-Block/Armagh Committee. Bernadette, her husband Michael and their three young children were in the house when the loyalists burst in shooting Bernadette and Michael McAliskey and leaving them for dead. A British army surveillance unit in place outside the home observed the whole incident. Afterwards some of the British soldiers reported that they were told by their superiors not to intervene while the UDA gang entered the McAliskey family home. Their instructions were specifically and only to arrest the armed UDA gang when they had emerged from the house - not beforehand. Despite being critically injured both Michael and Bernadette were taken by British army helicopter, not to nearby hospitals, but on the longer journey to the military wing of the Musgrave Hospital in Belfast. They were the only civilians ever to be taken to Musgrave Hospital during the conflict. Bernadette often describes how both her and Michael 'didn't have the common decency of just dying en-route'. No one has ever called for a public inquiry into the shooting at the McAliskey home despite the presence of the British army and of their specific orders that failed to prevent the attack.

These killings and attacks were designed to intimidate and terrorise the community. It was an attempt to withdraw public support for the prisoners, support that was otherwise very publicly at odds with the Thatcher government's policy and description of criminalisation, and that the prisoners had little if no support. Along with plastic bullets - the technology of political control used to further keep people of the streets in peaceful protests around prison, social and political issues - it was seen

as strategic, from the Tory government position, that those active around the prison issues had to be curtailed. It was evident that this involved all methods.



During the rest of 1981 loyalists killed 12 people. Once again collusion was a significant factor in terms of those targeted and the circumstances surrounding the killings. Interestingly in this year, as the second hunger strike began, loyalist violence virtually halted and when the prison protest ended, loyalists again became active. In the period where the loyalist violence was absent direct State violence was at its height with 17 people being killed in a 3-month period. It was evident that the British Government felt that the political climate could sustain such ferocity with impunity against the nationalist community without having to rely on its ally - the loyalists.

After the hunger strikes it was becoming evident that the infiltration of the loyalists from 1979 onwards centered on re-defining their roles in terms of information and targeting. This was particularly so of the UDA in Belfast, Antrim and Derry areas and of the UVF/PAF in Mid-Ulster. Both were heavily infiltrated and controlled by Military Intelligence and Special Branch.

Anglo Irish Agreement

In 1985 the British and Irish Governments brought about the Anglo Irish Agreement. The opposition to this agreement within Unionism was enormous. Hundreds of thousands of unionists and loyalists took to the streets. Led by Ian Paisley and Jim Molyneux the North was brought to a near stand still in protest. Streets rang to cries of "Never, Never, Never" and Belfast City Hall and council buildings across the North were bedecked with banners saying "Ulster Says No". At



the highest British political level much was invested in making this agreement work. It was imperative that the loyalist violence once again de-escalated, as principally one of the aims of the agreement was to isolate republicans.



If you didn't believe that loyalist paramilitarism was controlled by the British military and its political leaders in Downing Street and Whitehall, then in theory, hundreds of thousands of angry loyalists, paramilitaries, and unionists being on the streets would have resulted in scores of sectarian killings by its armed groups, yet this did not occur. The British Government through its intelligence services were able to switch it off and contain the situation such was the stranglehold on loyalists.

In 1985, amidst all this anger, loyalists killed 2 Catholics.

The Anglo-Irish Agreement subsequently failed. In 1986 loyalist violence was once again on the increase, 15 people were killed.

Shoot-to-kill incidents became more prevalent and sectarian/political assassinations by loyalists once again escalated.

Force Research Unit - Gordon Kerr



The Military Reaction Force - MRF was replaced by Force Research Unit (also recognised as 14th Intelligence). The exact date is unclear but 1979 is the most widely identified year. What is known is that Colonel Gordon Kerr came to Ireland in 1986 and took charge of this unit. In 1987 he oversaw the reinstatement of a long-time agent in the UDA - Brian Nelson.

During the late 1980s the policy of collusion was much more sophisticated and had tangible and direct links through its chain of command to the British Cabinet.

Brian Nelson

In 1963 Brian Nelson, a young Shankill Road loyalist, joined the Blackwatch regiment of the British army. In 1970 he was allegedly dismissed on medical grounds. In turn Nelson offered his services to the then emerging UDA. In 1974 Nelson was arrested and sentenced for the kidnapping and torturing of a young partially sighted Catholic man Gerard Higgins. A regular British army patrol had accidentally stumbled upon Nelson's UDA gang on hearing the man's screams. The gang had been using live wires to electrocute their victim.

After a brief spell of imprisonment and on returning to the UDA, it is alleged that Nelson grew disillusioned with UDA racketeering and offered his services to Military Intelligence. (The first officially recorded note of his role as an agent stretches back to 1981- source military comments by soldier 'Z' at Nelson's initial arraignment in 1991).

Nelson left Belfast on two brief occasions from the early to mid eighties with his family only to return at the request of Military Intelligence each time.

During a brief return to his activities in 1985 Nelson traveled to South Africa at the consent of his handlers to seek weapons in order to rearm the UDA.

In 1987 he was now under the control of the Force Research Unit (FRU) and its commander Gordon Kerr. Nelson's return to Belfast and infiltration back into the UDA in this period also saw him quickly becoming the organization's chief intelligence officer with responsibility for targeting people for assassination. This effectively meant that the British military were in complete control of the UDA and it's targeting.

South African Plot and Importation of Weapons

Aside from Nelson being a central figure in importing arms from South Africa another key player was Dick Wright, an employee of the South African Arms company Armscor. Wright formerly of Portadown, Co. Armagh was an uncle of Alan Wright, leader of the Ulster Clubs and with Ian Paisley a co-founder of Ulster Resistance.

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Wright visited the UDA in Belfast in 1980 and made an offer of arms for cash or missile plans or parts from the Shorts missile factory as an acceptable alternative to cash. At the time Shorts in Bangor, under license from the MOD, manufactured ground to air blowpipe missiles.

As stated Nelson traveled to South Africa in June 1985 to investigate the possibility of a deal. (In February 1992, Private Eye reported that Nelson's visit was cleared by an unnamed British government Minister.) A deal was made. The loyalists were to supply South African agents with missile plans or parts and, if possible, a complete Shorts missile system in return for a substantial shipment of arms. It is thought John McMichael may have initiated the 1985 visit.

After this initial visit to South Africa Nelson apparently moved to Rogensburg, Bavaria, in Germany. It was here that Kerr and the FRU met with him and persuaded/pressed him to return to Belfast to take up again his role of British intelligence agent within the UDA and to resume and complete the final stages of the South African arms transaction.

On the instructions of Kerr Nelson resumed contact with representatives of the South African arms manufacturer Armscore, (at the time of the worldwide arms embargo due to apartheid). He made final arrangements in December 1987. However, the technology for arms deal had been replaced with a cash transaction. The proceeds of the largest bank heist at the time in the north's history at the Northern Bank in Portadown. This money would pay for the shipment of weapons. Nelson informed military intelligence of developments at every stage of the proceedings. He passed on all the details including the method to be used to smuggle in the weapons. No action was taken.

In a jail journal, written by Nelson and obtained by the BBC's Panorama team in 1992 he states: 'In 1987 I was discussing with my handler "Ronnie" the South African operation when he told me that because of the deep suspicion the seizure would have aroused, to protect me, it had been decided to let the first shipment into the country untouched'. ("Ronnie" it is assumed may be Gordon Kerr)

At the end of December 1987, Joseph Fawzi, a Lebanese intermediary employed by a US arms dealer working for the South Africans, dispatched the consignment of arms

to Ireland which were handled without intervention from the British authorities in January 1988.

The RUC later seized some of the weapons in a secondary move. This cache was taken from UDA Brigadier Davy Payne on January 8th 1988. Payne was a former member of the British army Parachute Regiment. However, between a half and a third of the weapons shipment remained in the hands of loyalist paramilitaries.

Nelson's central role in the arms transaction and transport meant he, and therefore British Intelligence, knew the location of the farmhouse where the weapons would be stored initially after landing. Yet, at the time of Nelson's trial, British intelligence was telling BBC's Inside Ulster that their surveillance of the shipment had been lost. They never disclosed at what point this is supposed to have happened.

Reportedly Michael Stone was the first to use the weapons in March 1988 at Miltown Cemetery when three people were killed and scores injured. Stone has since revealed in his book 'None Shall Divide Us', that both the military and the RUC assisted him. Stone also refers to being brought to a farmhouse stored with weapons some of which he took.

Subsequent attempts by Ulster Resistance to re-negotiate the technology for arms deal with South African government agents resulted in a series of arrests in Paris in 1989 by French authorities. The arrests included three Ulster Resistance members, Douglas Bernhardt, the U.S. arms dealer, and a South African diplomat, Daniel Storm.

Storm claimed diplomatic immunity. No extradition request has ever been made by the British authorities in relation to Joseph Fawzi, Dick Wright or U.S. arms dealer Douglas Bernhardt.

The shipment of weapons brought in by Brian Nelson and overseen by the Force Research Unit was successfully distributed to and between all the various loyalist groupings, the UDA, the UVF and Ulster Resistance, the organisation set up by Ian Paisley, Peter Robinson and Alan Wright.

The weapons that we know to have been procured and imported by Nelson during his tenure as a British Army agent are as follows:

- 200 AK47 automatic rifles;
- 90 Browning 9mm pistols;
- 500 fragmentation grenades;
- 30,000 rounds of ammunition;
- 12 RPG7 rocket launchers



The South African weapons led directly to the deaths of at least 102 People, Protestant and Catholic alike during the period 1988 to 1994.

In the six years before the arrival of the weapons, from January 1982 to December 1987, loyalist paramilitaries killed 71 people of whom 49 were sectarian/political in nature. In the 6 years following, from January 1988 to 1 September 1994, loyalists killed a total of 229 people of whom 207 were sectarian/political in nature perpetrated against the Catholic/nationalist and republican community. The remainder was internal loyalist killings. British Intelligence had effectively armed loyalists to continue their campaign of killing Catholics.

'Missing' Files

In addition to the importation of weapons RUC and British army 'security' files were also handed over to loyalists to assist targeting.



In August 1988 Loughlin Maginn, a Catholic man from Rathfriland Co. Down, was murdered by the UDA, who claimed that Mr. Maginn was a member of the IRA. His family rejected this. The UDA then said that they had evidence to prove otherwise.

Under pressure from the media to prove their claim the loyalists met BBC journalist Chris Moore and produced a number of RUC/British army classified files of nationalists with identity photos stating 'IRA suspects'. The list included Mr. Maginn. They also showed home video footage, taken from inside a barrack, of an RUC/British army operations room. This also contained lists of people who were subsequently

targeted.

It is estimated that almost 3,000 of these files were passed onto loyalists in the period between 1986 - 2001 alone.

The distribution of these weapons and files allowed loyalists a capacity to kill in an unprecedented and unparalleled way.

Nelson's Arrest and Trial



Against this backdrop and with increasing international pressure relating to a series of similar killings John Stevens, an outside police chief from Britain, was appointed in late 1989 to investigate allegations of collusion between members of the 'security forces' and loyalists. The Stevens investigation quickly led them to senior UDA member Brian Nelson who they arrested on January 12th 1990. In turn Nelson revealed that he was an agent working for the British army MI5 Force Research Unit (FRU).

At the time of his arrest Nelson, known internally by his FRU colleagues as Agent 6137, also revealed that he was engaged, on the instruction of his handlers, in an operation to identify, select and bomb targets in the Irish Republic. This was code-named 'operation snowball' (Irish News 11/1/91). This was an identical strategy to the one employed in the 1970's by British Intelligence which claimed dozens of lives and of similar operations first revealed in The Sunday Times March 13th 1977 and subsequently by the independent television documentary First Tuesday - The Forgotten Massacre - that would provide even more evidence of British involvement in relation the Dublin/Monaghan bombings. These revelations provide clear patterns of a much more sophisticated policy of collusion spanning over two decades and are linked directly to both the roles of Kitson and Kerr and of their respective military groupings the MRF and the FRU.

On June 15th 1991 Nelson appeared before court to have his charges formally proffered, there were 34 charges in total including two actual murders. A British Intelligence witness, known only as Soldier Z, revealed that Nelson was a British agent stating that Nelson had been working for the British army as an agent from 1981.

Despite being initially charged with 10 murders, attempted murders, and a number of conspiracies to murder, Nelson had his charges later reduced again to conspiracy to murder. This was the result of meetings between the then Attorney General, Sir Patrick Mayhew, the Lord Chief Justice at the time Sir Brian Hutton, the DPP, the trial Judge Basil Kelly, the then Secretary of Defence Tom King, who had previously been the North's Secretary for State during Nelson's time as an agent, and the British Prime Minister John Major. A deal resulted from the meetings and was then put to Nelson in return for him not taking the witness stand during his trial and thus not disclosing his full role as an agent and the activities of the FRU. He duly accepted it.



Patrick Mayhew Tom King

Journalist John Ware, who had followed events and reported comprehensively about Nelson and the FRU, quoted in an article for the London Independent how one senior military figure described the events as being our 'Watergate'.

Ware also noted; 'Since Nelson's arrest another 6 people have been killed and 3 injured. These people's names were among the 369 found in Nelson's possession at the time of his arrest.' BBC Panorama 'The Dirty War' 8th June 1992. This list of names had been compiled and prioritised by the FRU. What we don't know is how many more were targeted and killed beyond the period of June 1992, only John Steven's could shed light on this.

At his trial, which opened officially on January 22nd 1992, Nelson's commander and army handler, Gordon Kerr, whose identity at the time was concealed and known only to the court as 'Colonel J', took the stand instead of Nelson. He gave evidence on Nelson's behalf and stated that '...our aims being to infiltrate him (Nelson) into the loyalist paramilitaries in order to gain inside knowledge of their workings and in order to prevent or at the very least limit their murderous activities.' This couldn't have been further from the truth and was later disproved by BBC Panorama, and by the evidence that would later emerge after the trial.

Under cross-examination Kerr revealed of how Nelson's remit and information within the UDA was passed in 'regular, monthly and verbal briefings' up the chain of command. Kerr stated that these included:

- Monthly briefing by Kerr to the British army's most senior military figures in the north the General Officer Commanding (GOC) and the Commander of Land Forces (CLF);
- The Director and Coordinator of Intelligence and his senior security officers;
- The information was also disseminated and passed to other agencies, which included the RUC Chief Constable and Special Branch.

Kerr further went on to say that '...obviously the Secretary of State may have an interest in some of the reports. ...Brian Nelson's product and his reporting was passed throughout the intelligence community and at a high level, and from that point of view he has to be considered a very important agent...'

Kerr also stated that '... Nelson was loyal to the army.'

On the last day of the trial the court heard a mitigating plea for leniency on Nelson's behalf by Tom King, the British Secretary for Defence. The trial ended in February a month later. Between adjournments the actual time spent on Nelson's activities, to which he pleaded guilty, lasted a few days and barely got an airing. However, there is absolute clarity about the role of Gordon Kerr and of Brian Nelson, and the extent to which the material about the activities of Nelson was distributed.

Additionally, and in relation to the killing of Pat Finucane, who Nelson targeted, these briefings also included British Junior Minister, Douglas Hogg who in turn used Parliamentary privilege on January 17th 1989 to state quite publicly his views about '... lawyers being unduly sympathetic to the cause of the IRA.' The scene was being set by Military Intelligence and the British Government to publicly vilify the man (people) they would all later conspire to murder. It would later emerge that other lawyers, including the late PJ McGrory, were also being targeted.



Douglas Hogg

Obviously a Minister on behalf of a government would not make such comments without the full knowledge of the Cabinet and then Prime Minister who sat only feet away in the British Parliament.

In fact so adamant was Hogg that when challenged by SDLP Justice spokesperson Seamus Mallon MP about the recklessness of such comments, Hogg further repeated the comments and added that the people who knew best about these matters had fully briefed him.

Brian Nelson's plea bargain offered through the DPP ensured he was safely out of the way and kept quiet. He remained silent throughout his court appearance. This deal, authorised by the British Cabinet, was not in the context of a renegade unit at work. It was safeguarding the scale and enormity of the entire affair from fully emerging. It was protecting the policy from becoming public. The 'Watergate' comment was a reflection, a glimpse, of the gravity that existed internally.

Another measure of this was that the DPP had been unusually represented at the trial by Brian Kerr, the British Attorney General's office representative in the North, displacing the usual prosecution team. Brian Kerr spent considerable time during proceedings not prosecuting the case but rather going to great lengths explaining why the original charges had been dropped. Fifteen charges including the more serious counts of murder were dropped. The decision had been taken, Brian Kerr explained... 'after a rigorous examination of the interests of justice'.

Nelson received a 10-year sentence. We are led to believe that he spent six years in jail at an unknown location.

A pattern emerges from and at all levels - a conspiracy - a 'judicial' cover-up not in the interests of justice but rather to prevent justice. This was collective action. Other moves prior to the trial certainly weren't the work of renegades. There was obstruction to Stevens at every level from an arson attack on his offices during his first investigation, to the decision not to fully publish the findings of his initial reports into collusion. That too was sanitized against the interests of justice.

In February 1998 the London High Court issued an injunction against the author of a book entitled 'Ten Thirty Three' - the author, using the pseudonym Nicholas Davis, and an unknown co-author, had written extensively about the activities of FRU. Indeed one of the authors worked for FRU and was fully aware of Nelson's role and the chain of command to Downing Street. In a sworn affidavit to the High Court seeking the injunction the British Ministry of Defence's Director of Operations,

Brigadier Arundell David Leakey, responsible for all matters in the North, stated; ... 'although some information about Brian Nelson and his activities emerged at his trial, there remains a very substantial quantity of highly sensitive information which has not hitherto been in the public domain the disclosure of which would be highly damaging.' The book was eventually published by agreement between the authors and the MoD. RFJ made representation on behalf of Patrick Hamill killed by loyalists and whom the authors claimed had been deliberately selected for assassination by FRU. RFJ asked a series of questions in a letter to the then British secretary for the north Peter Mandelson about the claims. Mandelson refused to answer them instead referring to the policy of not commenting on these matters.

Gordon Kerr was later decorated for 'meritorious service' for his 'tour of duty' in the north. He is now an attaché at the British Embassy in Beijing. Observers see this as a very senior post within the diplomatic corp. Mayhew received a knighthood. The then acting RUC Chief Constable Jack Hermon, who accompanied by his senior Special Branch officers that included Ronnie Flanagan had briefed Hogg prior to his comments on 'security' related matters in Parliament, also received a knighthood. Flanagan was made Chief Constable of the RUC and subsequently received a Knighthood. Many of those involved in Special Branch now also hold senior positions in the PSNI.

Brian Nelson, if imprisoned at all, would have been released by the mid nineties. He and his family were given a new identity and a new home. All this has been paid for by the British Government - not usually the treatment afforded to 'renegades'. Nelson also received his salary from the time of his arrest until his alleged untimely death on the eve of the third Stevens report. Stevens was due to re-interview Nelson. The story surrounding Nelson's death is unclear and unconfirmed with two differing causes of death at two different locations having surfaced in the media recently.

The official connection - chain of command

There have been many debates about the role of the Force Research Unit (FRU), and indeed Kitson and MRF, being 'renegade'. In understanding the role of both Brian Nelson and the structure of the FRU in terms of how it operates, we will see clearly that this, and a sequence of other key events, make a nonsense of claims such as 'renegade'.

The Force Research Unit was answerable to the Task Coordinating Group (TCG), which is comprised of the Heads of RUC Special Branch, the RUC Chief Constable, and various intelligence services all relating directly to affairs on the ground in the north. The TCG has responsibility for deploying the SAS and other covert operations. It also reports to the north's Secretary for State.



The connections - Thatcher, Douglas Hurd, Castlereagh, RUC HQ and 10 Downing St.

In turn the TCG is directly accountable to the then Joint Security Committee (JSC), now Joint Intelligence Committee (Intelligence Act 1994) in London, which is comprised of Cabinet members and senior MoD figures. The Joint Intelligence Committee (JIC) is directly answerable to the British Prime Minister and has the final say in all 'security' matters. During the 1980's Margaret Thatcher occasionally chaired the JIC.

RUC Special Branch

During Brian Nelson's trial the RUC maintained that they were unaware of Nelson's role as an agent and in the killings of Pat Finucane, Gerard Slane and Terence McDaid. They struggled hard to put distance between themselves and the unfolding evidence.

However during the evidence presented by Gordon Kerr at the Nelson Trial he made it very clear that Task Coordinating Group (TCG) including the Head of Special Branch and the Chief Constable knew all about Nelson and his activities. Therefore it is inconceivable that at this level they did not also know about the weapons, the directing of intelligence and the activities of Brian Nelson and by extension the loyalist death squads operating during those years. Indeed it was Hermon and Flanagan that had met with and 'briefed' Hogg.



John Herman



Ronnie Flanagan

Through the chain of command and its composition and the monthly briefings as described at the Nelson trial by Kerr Military Intelligence knew about the many agents being run by RUC Special Branch within loyalism and vice versa. Their objectives in terms of running agents were the same and that cooperation and coordination was set at such a high level indicated the importance at which this operated.

Through the use of the Walker Guidelines Special Branch could interfere with or even disregard existing investigations, recruit murderers as agents and protect existing agents. They did this by sharing information with their colleagues in Military Intelligence as they saw fit. (for full detail of the content of the Walker Report please see www.relativesforjustice.com).

In 1989 Criminal Investigation Division (CID) Detective Johnston Brown attempted to investigate the murder of solicitor Pat Finucane.

During an interview in relation to the murder of Mr. Finucane a suspect Ken Barrett had confessed to the killing of the solicitor. His confession was given substance by the fact he disclosed certain aspects of the killing and the scene of the death during the interview that would have only been known to the investigating officers from CID - and the actual killers.

Johnston Brown alerted Special Branch that Ken Barrett had killed Pat Finucane, as is protocol under the Walker Guidelines.

Special Branch met Barrett and recorded his confession. Barrett also boasted openly that the RUC had wanted Pat Finucane killed and that they had pointed him towards killing Pat Finucane on several occasions during different times of arrests. Barrett was not convicted instead the Special Branch, again using the Walker Guidelines that enabled them to disregard evidence in a murder case and avoid prosecution, used the opportunity to recruit Barrett as an agent.

Johnston Brown attempted to stop this and was eventually forced into exile in fear for his life by his colleagues in the RUC Special Branch. On October 5th 2000 Johnston Brown survived an attempt on his life when a pipe bomb and a canister of petrol was thrown into his Co. Antrim home.

Collusion

1980's Political Assassinations

RELATIVES FOR JUSTICE

RELATIVES FOR JUSTICE

If anything it would appear that because he was acting in the interests of justice Johnston Brown was the 'renegade' within the RUC. (Read the full transcript of Ulster Televisions Insight programme about Jonty Browne and the role of Special Branch at our website).

In 1987 a man arrested for the UDA murder of a young Protestant man, Adam Lambert, whom the killer mistook for a Catholic, also had no charges brought against him despite his confession whilst in custody. Again using the Walker Guidelines this person was recruited by Special Branch. This man, William Stobie, immediately began his work for RUC Special Branch and in 1989 as quartermaster for the UDA gang responsible for murdering Pat Finucane warned the RUC that a killing was about to take place as the weapons he had secreted were requested for a killing. The warning he gave was sufficient to prevent the killing.

After the Finucane killing Stobie confided to a journalist who reported it to the RUC. Stobie was arrested and charged. He denied any involvement in the murders stating that he acted as directed by Special Branch. Stobie threatened to reveal more information about his RUC handlers. The Director of Public Prosecutions (DPP) dropped the case that would have opened once more the can of worms that so many had conspired to close since Nelson's arrest by Stevens in 1990.

Stobie, was shot dead within weeks of the case collapsing by gunmen outside his north Belfast home on 12th December 2001. The UDA admitted the murder immediately and dispatched spokesperson John White to speak to the media. White, who had vigorously denied for months a string of UDA attacks on Catholics, including murders, confirmed UDA responsibility. It was the only thing they had claimed that year. It was more likely the case that this was the only major incident that the UDA had not initiated themselves that year.

RUC - Failure to Investigate

In many incidents of loyalist killings and attacks RUC forensic and scenes of crimes teams failed to properly gather vital information. Scores of families whose loved ones were gunned down in their homes retrieved spent gun cartridge shells and removed bullets from items of furniture and home fixtures after the RUC examination of the scene.

Throughout the 30 years of conflict it was not uncommon for RUC responses to emergency calls to take up to an hour or more. And on arrival the victim family often experienced hostility and harassment by the RUC. Families were even mocked about the attacks and killings of their loved ones by the RUC.

In addition to this pattern there was also a failure on their (RUC) arrival to act on immediate information, properly secure the crime scene, and pursue assailants. There was ambivalence to these killings by the RUC at best, which suited the agenda of Special Branch and the FRU. Indeed in a recent case, involving the prosecution of a man alleged to have carried out a gun attack on the RUC/PSNI at a polling station in County Derry, senior forensic scientist, Ann Irwin, told the court that she was repeatedly requested by the RUC and the PSNI over a seven year period to either fabricate evidence and/or to disregard initial forensic evidence by senior officers.

RFJ Documented Report

In 1995 Relatives for Justice published a report entitled Collusion. It details the number of loyalist killings following the importation of arms from South Africa to loyalists by British army agent Brian Nelson.



The RFJ Collusion report also examined the circumstances surrounding the killings. Families recorded the following patterns that surrounded loyalist killings during this period. Many of these same patterns existed pre-87 and should be seen as further evidence of the long history of collusion:

1. Death threats made by members of the 'security forces' to the deceased before the killings;
2. Visits from the RUC to warn individuals that they were "at risk" from loyalists as their personal details, secured and held by the RUC on security force files, had 'found' their way into the hands of loyalists;
3. Raids on homes during which internal notes were made as to the layout and personal security measures (note - on some raids legally held shotguns were removed without explanation);

4. RUC/British Army watchtowers with high-tech surveillance cameras which overlooked the scenes of numerous attacks were either allegedly 'not' working or had been 'recorded' over - there was also a failure to respond by any means;
5. High levels of militarisation which had been conspicuously removed prior to the attacks, only to return when the death squads had made good their escape;
6. Refusal by the NIO (Northern Ireland Office), on the advice of the RUC, to provide personal security measures to those told that they were in imminent danger.

NB: There were also 'Restrictions Orders' issued by Military Intelligence and Special Branch prohibiting the presence of regular British army and RUC patrols in areas where killings would take place. These orders were agreed at TCG meetings.

There were many other aspects of collusion surrounding killings where South African weapons were not used.

In many of these killings (including that of Pat Finucane) legally held weapons, allegedly stolen from members of the RUC and British army, were also used. On March 8th 1999 RFJ met with General John de Chastelain of the Decommissioning Body, established under the terms of the Good Friday Agreement. At the meeting family representatives raised the issue of 'missing' weapons belonging to members of the British army and the RUC that had been reportedly 'stolen' and subsequently used by loyalists to murder and attack. We asked if the then Chief Constable of the RUC, Sir Ronnie Flanagan, had briefed him as to the quantity of such 'missing' weapons in his routine meetings and assessments of available arsenals to loyalists and of their potential use against Catholics. Flanagan had not even indicated that weapons were missing.

RFJ's Collusion report significantly attributes many of the murders directly to the South African weapons brought into the country under Nelson's tenure as an agent for British Military Intelligence. We believe that this specifically led to the RUC abandoning its former policy of making public the forensic and ballistics findings in the aftermath of loyalist killings only. The latter information now only becomes available at inquests held long after the killings, if it becomes available at all.

International Findings

In February 1994 an Amnesty International report stated: 'Amnesty International has not been convinced that the government (British) has taken adequate steps to halt collusion, to investigate thoroughly and make known the full truth about political killings of suspected government opponents, to bring to justice the perpetrators and dismantle 'pro State' organisations dedicated to political violence, or to otherwise deter such killings' (AI Index: EUR 45/01/94: 1873328095).

Recently the European Court ruled, under Article 2 (right to life) of the European Convention on Human Rights, that the mechanisms used in the north to investigate state killings, and killings where there were allegations and/or evidence of state collusion, were totally ineffective. These ranged from RUC investigations, the office of the DPP, the Inquest Court and Civil Court. All were severely criticised in an unprecedented judgment that was unanimous. Relatives for Justice further believe that the domestic legal remedies are deliberately inept preventing proper examination, disclosure, and truth. The British Government, were, and continue to use their sovereignty as a shield.

Legal Requirements

Under Article 2 there also exists a positive obligation on the part of States and sovereign governments to protect life whenever and wherever it is or may be at risk within its jurisdiction. What we clearly have witnessed is not only the failure by the British Government to adhere to this, but also, that the British Government has actively plotted assassinations and directed loyalists to take the lives of its own citizens - citizens that under international law the State has a duty to protect.

Collusion is all-pervasive and institutionalised. It has existed as long as the conflict itself. It is not the act of renegades or a few bad apples, as some would have us believe. It has been an integral element in the armoury of the British military, financed and endorsed by successive British Governments. It was under political control as much as military influence.

Conclusion

Collusion - the activities of the FRU and Nelson's role did not happen in isolation to wider developments at the highest political authority that were also occurring at the time. All of the facts listed out here were structured and coordinated to create an environment in which the activities of the military intelligence agencies would be mutually beneficial to a wider political policy objective on the part of the British Government: collusion was at the heart of that policy. Culpability for the deaths, injuries and attacks on property rests squarely with the British administrations that initiated this policy, facilitated it, financed it, gave cover to it, and continued its practice.

Indeed the FRU, according to Brigadier Leakey's affidavit to the High Court in London, was still operating at the time of the injunction, February 1998, and he stated that the FRU; ... 'is now known as the Joint Support Group Northern Ireland...' and that; 'The existence of the unit is known by reason of Nelson's trial but its methods of operation remain a closely guarded secret and have not changed to any significant extent since (authors name) served in the unit.'

Force Research Unit personnel also worked under the cover of the 14th Intelligence Unit. After the Nelson trial this changed its name to the Force Reconnaissance Unit. The reality was that it was still operating and still using the same methods.

Catholics continue to be killed by loyalists in the North of Ireland.

Call for inquiry

Relatives for Justice demands that the gravity of this situation should not be dealt with by internal police investigations nor by investigative television documentaries drip feeding information, but by a full independent international judicial inquiry into the arming, controlling, and directing of loyalist death squads by the British Government during the course of the conflict.

The British Government needs to make the current John Stevens findings fully public. They need to move now to making the previous two reports public also. We are confident that these findings will add weight to the call for the type of investigation

outlined above. On April 17th 2003, and after 14 years and three private inquiries later, Sir John Stevens told a press conference in Belfast that '...collusion was systemic...' At the press conference Stevens also stated;

- That both the RUC and the British army colluded with loyalists in the killings of Catholic's;
- That the British army was responsible for an arson attack on his offices during his initial investigation;
- That this, and other types of obstructions by the RUC and military to his investigation/s were widespread;
- That it was something akin to that of a 'Central American dictatorship';
- That this action/s (collusion) prolonged and sustained the conflict.

Brian Nelson, we are told, was freed from prison. He and his family were given a new identity and new home in Florida. It was revealed that from his time of arrest until his time of death his British army pay continued. On April 13th 2003 it was announced that Nelson had died, allegedly, of natural causes. As mentioned earlier this is as yet still unclear. Teresa Slane, the wife of Gerard Slane of which Nelson was originally charged with killing only to later have the charge reduced as part of the plea deal, has written to Tony Blair directly seeking clarification as to Nelson's demise. At the time of print of this document there has been no official clarification from Downing Street. Indeed lawyers representing a number of families affected by Nelson and the South African weapons that he and the FRU imported received correspondence from the MoD in late September 2003 in response to a letter requesting details of Nelson's alleged death. In the brief response part of the letter states; 'Brian Nelson was *reported* (our emphasis) to have died in April 2003.'

- Brian Nelson may well be dead but the search for the truth, surrounding all aspects of state collusion throughout the conflict, is still very much alive. Families have had to bury their loved ones - they will not bury the truth.

Relatives for Justice are a support organisation for people affected by the conflict in Ireland. Much of the organisation's work centres on human rights issues, truth and justice, and trauma and emotional support in the context of conflict resolution.

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BBC Panorama's License to Kill (part 1& 2) broadcast June 03;

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Nelson's trial transcripts January 22nd 1992;

Ulster Resistance - A Democratic Unionist Party (DUP) initiative, and follow on from their Third Force, believing that the RUC needed more assistance to take on republicans by directly engaging them militarily. The organisation boasted a 20,000 membership and paraded regularly in the Antrim hillsides for the media. Many held legal firearms;

Relatives for Justice **Collusion Report** Sept. 1995 (Available at www.relativesforjustice.com);

Michael Stone's revelations in the serialisation of his book 'None Shall Divide Us' over a three week period in May 2003 in the **Sunday Life** - see appendices # 1;

Missing Files - a compilation of missing files as reported in various media over the years and including Relatives for Justice correspondence with British Secretaries for State - see appendices # 2;

Letter re: restriction orders on the case of **Patrick Hamill** murdered by loyalists - see appendices #3;

Investigative procedures - Article based on interviews with bereaved relatives entitled Investigations - What Investigations! (Available at www.relativesforjustice.com);

Amnesty International Report (Northern Ireland) 1994;

Article 2 Ruling Strasbourg May 2001 - the ruling essential found that investigative procedures into State killings, and loyalist killings where collusion was suspected/alleged, were insufficient in terms of the impartiality and effectiveness. This ranged from RUC investigations to the role of the DPP, the Inquest and Civil Court. All violated the victim's rights failing to adhere to international standards of transparency and accountability in accordance with Article 2. It is particularly important to note that the ruling involved the killing of Patrick Shanaghan who was murdered by loyalists. Patrick was continually harassed and had been continually arrested spending a total of 42 days in RUC Special Branch custody. He had been threatened by the RUC - Also the positive obligations of Article 2 that requires states to prevent attacks and protect the lives of its citizens who are/may be at risk or under threat. see appendices # 4;

Article 2 as laid down by the European Convention on Human Rights #4;

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Stevens Report 1& 2 - comments made re: publishing the report by Brooke - see appendices # 8;

Appendix 1

There has always been a long held view that Stone did not act alone in his attack on mourners at Miltown Cemetery. Similarly allegations of collusion have always persisted in the UDA/UFF murders of Paddy Brady, Kevin McPoland, and Paddy Hackett which Stone was also responsible for, despite his recent denials.

On the Miltown attack that claimed the lives of Caoimhghin Mac Bradaigh, Thomas McErlean, and John Murray, and which injured 63 people, Stone admits that;

- he used weapons taken from the South African shipment imported by British Military Intelligence and their UDA/UFF agent Brian Nelson;
- that an RUC issue Ruger pistol and ammunition were also used;
- that a member of the RUC drove him to collect the illegal weapons, safely returning Stone to Belfast with the weapons in their possession;
- he was told that there would be no RUC or British army presence at the Gibraltar funerals (which had never previously occurred at republican funerals and was indeed the case on this occasion);
- that aerial photographs were provided of the area, which also indicated security camera and lookout positions from the joint RUC/British army fortress that overlooks Miltown Cemetery; that Stone was to be picked up on the M1 motorway that runs parallel to Miltown Cemetery¹, his getaway route after the attack;
- that he had received RUC photo, video and file material on people to target;
- and that Stone was 'rescued' by the RUC immediately on being apprehended by mourners, and only then.

These all raise a series of questions that now need to be examined, and may possibly explain the reason as to why the state failed to provide forensic and ballistic reports of the weapons to the families bereaved in the Miltown attack. It may in part also explain the failure to hold a full inquest into the killings, as requested immediately after Stone's trial by the families.

Appendix 2

RFU have written to successive British Secretaries of State and British Security Ministers requesting exact figures on 'missing' files presumed in the hands of loyalists. They have refused to comment. It is believed that between 2,500 and 3,000 security files went missing although this is not an exact figure and is based solely on those informed that their files were 'missing' and news reports of files found.

We have also asked for figures in respect of weapons belonging to members of the RUC and British Army that have been 'stolen' or 'lost'. We have yet to receive a reply. In fact the Decommissioning Body, who we met on this topic on March 8th 1999, had not even received a report from the then RUC Chief Constable, Ronnie Flanagan, in relation to this figure considering that a number of firearms, allegedly taken from a member of the 'security forces', have been used in numerous loyalist murders.

Appendix 3

The Secretary of State
Mr Peter Mandelson MP
11 Millbank
London
SW1P 4QE

7th February 2000

Secretary of State a chara,

We are writing to you on behalf of Laura Hamill whose husband, Patrick, was murdered on the 8th of September 1987. The murder was never claimed by any organisation nor has anyone ever been charged or convicted for it. You may recall that her daughter, young Catherine Hamill, addressed President Clinton on his first visit to Belfast in November 1995 at Mackies Factory.

A recently published book, entitled 'Ten Thirty Three', makes certain allegations regarding Mr Hamill's murder. The content has not only caused deep hurt and upset to the Hamill family, but also raises some very serious questions in relation to the 'security forces', the then Tory government, and the alleged role they played in the murder, particularly the role of British Army double agent Brian Nelson. Nelson was also the chief intelligence officer of the Ulster Defence Association.

According to the author The Force Research Unit (FRU), which you would be aware of since the Nelson trial, had in its possession a photograph of Mr Hamill. If this is true why were they in possession of such a photograph? Where did it originate? And why did they or any other branches of the 'security forces' hold a 'P' or 'Personal card' on Mr Hamill? Accordingly we are told that the card would have contained details about his family, his work, friends, places he went and people he visited. The card and photograph were then given to Brian Nelson.

Why was there a failure on the part of the 'security forces' to act thereby

preventing the murder of Patrick Hamill? Why was Mr Hamill not warned that his life was in danger and that loyalist paramilitaries were seeking information about him? Why was the information provided in the first instance?

On the day of the murder Mr Hamill's Forfar Street home, and the surrounding area where he lived, was cleared from any RUC and British Army patrols. A 'restriction order' had been enforced by the Task Co-ordinating Group (TCG) at the request of FRU preventing other members of the 'security Forces' from operating within the cleared area. This would have provided a safe and unhindered passage to those who carried out the murder. After the killing it took the RUC fifty minutes to respond to the 999 call. Is there an explanation for this?

The author states that Patrick Hamill's murder was just part of a series of sectarian murders that took place over a two year period, 1987 and 1989, during Nelson's tenure as a double agent.

'Ten Thirty Three' also states that at no time were instructions received by the FRU Unit telling them to halt the killings even though the Joint Irish Section Headquarters, which involves senior British Government figures at the time, received prior information from FRU about planned murders, numerous attempted murders, and actual murders.

Questions must now be answered as to why these murders, including that of Patrick Hamill, were allowed to take place. We hope that a prompt and sufficient reply will be forthcoming to the above questions that we have raised on behalf of the Hamill family.

Relatives for Justice

After a lengthy delay we received a reply stating that it was not policy to comment on these matters. The Hamill family has engaged legal representation to further obtain answers and to pursue the case.

Appendix 4

Fact File on the Killing of Patrick Shanaghan

Patrick Shanaghan was shot dead by members of the UDA/UFF on August 12 1991 in Castlederg County Tyrone. The gun used in the murder was from a South African weapons shipment procured by British army agent and UDA/UFF Chief Intelligence Officer Brian Nelson.

Patrick was a Sinn Féin member from Killen Castlederg and a part-time constituency worker for the party.

He had been arrested and held for interrogation on ten different occasions between 1985 and 1991, spending a total of 42 days in custody without being charged. His home was searched and ransacked on 16 occasions during that time. Some nine months earlier he had been told by the RUC that his name and other personal details were in the hands of loyalists after a photomontage was 'lost' from an army vehicle.

A priest at his funeral said he was a well-mannered and obliging young man, seemingly unafraid of danger and not a man of violence. He added: 'it is totally impractical to suggest that he was involved in any type of violence to his fellow man. We must nail that lie put about by evil people.'

After Patrick's killing a public inquiry was held into the killing in Castlederg, Co. Tyrone, in September 1996, hearing strong criticism of the RUC. An American legal figure that presided, the Honorable Andrew L. Somers Jr, concluded:

'I have never seen a case where all the evidence loudly points to one conclusion. Patrick Shanaghan was murdered by the British government and more specifically with the collusion of the police. I would not hesitate to indict members of the RUC from top to bottom.'

ARTICLE 2 of the European Convention on Human Rights to which the British Gov. are a signatory.

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - (a) in defence of any person from unlawful violence;
 - (b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained;
 - (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

II. The positive obligation in Art. 2 EconvHR

In *LCB v United Kingdom*², the Court for the first time went beyond its interpretation of Art.2 (1) as a mere negative obligation to refrain from the intentional and unlawful taking of life, but equally recognised the positive obligation of the state to take appropriate steps to safeguard the lives of those within their jurisdiction³. In this case quite the opposite occurred.

Appendix 5

Prime Minister
Tony Blair MP

4th July 02

Prime Minister, a chara,

We are writing to you on behalf of Relatives for Justice. Our organisation works with families who have been bereaved as a result of collusion between the British Army, RUC and loyalists. Our delegation is submitting this letter to your good office and that of An Taoiseach Bertie Ahern.

We, the families of people who have been killed by loyalists, believe that there was collusion between British State forces and loyalists. We are asking you to immediately establish an international, judicial inquiry into the arming, directing and controlling of loyalist paramilitaries by the previous British administration.

As the Good Friday Agreement states: "The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation." This is of course a firm and proactive commitment by the British and Irish governments and the parties to the Agreement. In order for the suffering of the victims of collusion to be addressed there needs to be full public disclosure of what actually occurred and who was responsible. Only public disclosure and acknowledgement can begin to address the effects on families of their bereavement and loss.

Following media reports on the contents of the Stevens ³ inquiry and the recent Panorama programme's investigation of collusion we believe that there can be no confidence in any internal mechanism or investigation into the history of collusion.

These revelations deeply implicate previous British administrations in

collusion between the British army, RUC and loyalists. It is therefore in the public interest that an immediate, international, judicial inquiry into the arming, directing and controlling of loyalist paramilitaries by the previous British administration is commenced.

The British State as a sovereign government has a sworn duty to protect the lives of its citizens. There is a clear distinction between the actions of illegal paramilitaries who are held accountable through judicial mechanisms and the conduct of a sovereign state. It is much more repugnant and reprehensible when a state is implicated in the murder of its own citizens, it is therefore essential that you move swiftly to establish a judicial inquiry which is international and independent, into the full relationship between the British army, RUC and loyalists in light of recent revelations.

It is imperative that your government immediately publish the findings of Stevens 1 and 2. You must also make commitments to the full and public publication of Stevens 3.

If the peace process is to mean anything to the families we represent, then these issues need to be addressed and examined.

Is Sinne le Meas,

On behalf of Relatives for Justice

- | | |
|-------------------|----------------------------|
| Martin Mallon | Nephew of Roseanne Mallon |
| Theresa Slane | Wife of Gerard Slane |
| Josephine Maginn | Mother of Loughlin Maginn |
| Roseanne Gilbride | Wife of Michael Gilbride |
| Briege O'Donnell | Mother of Dwayne O'Donnell |
| Peggy Quinn | Mother of John Quinn |

Appendix 6

During a Committee stage of the renewal of the Prevention of Terrorism Act (PTA) at the British Parliament Douglas Hogg, on January 17th 1989, made the following remarks.

'There are in Northern Ireland a number of solicitors who are unduly sympathetic to the cause of the IRA.... I state this on the basis of advice that I have received, guidance that I have been given by people who are dealing with these matters.'

Only days before this Hogg had visited Belfast and met directly with the RUC Chief Constable Sir John Hermon, and the then head of Special Branch, Ronnie Flanagan.

On 12th February 1989 loyalists killed lawyer Pat Finucane.

Just little than a decade later Sir Ronnie Flanagan met with the UN Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Cumaraswamy, regarding on-going threats and the intimidation of lawyers by the RUC. The Rapporteur was also reporting on the killing of Pat Finucane.

At the meeting Ronnie Flanagan told the Rapporteur that '...some lawyers were working to the agenda of the paramilitaries...'. This was an alarming statement given the context of the UN's involvement via the Finucane murder.

A subsequent UN draft report containing the comments was sent to the British Government's then northern secretary Dr. Mo Mowlam MP, who in turn contacted Flanagan. Flanagan denied making the comments and demanded that they be extracted from the report. The Rapporteur referred to notes taken from the meeting and a number of exchanges were made by Flanagan to the UN in Geneva in an attempt to have the remarks omitted.

In a last ditch effort he contacted UN officials and stated that if the

comments remained as part of the report then he, as Chief Constable of the RUC, could not guarantee the safety of a number of lawyers named in the report and to whom the Rapporteur interviewed, in particular he singled out one lawyer - Rosemary Nelson.

Given similar remarks by Hogg and the subsequent consequences the Rapporteur was faced with a difficult decision and was effectively being threatened to have the remarks extracted. Eventually the Rapporteur decided that the comments by Flanagan would remain as part of the report. Instead, and to protect the lawyers, the Rapporteur removed the names of all the lawyers interviewed.

On Monday 15th March 1999 Rosemary Nelson was murdered, allegedly by loyalists.

(RFJ made this public after the killing of Rosemary and subsequently Alex Thompson of Channel 4 News traveled to Malaysia where he interviewed the Rapporteur which was later broadcast. Panorama also interviewed Ronnie Flanagan who not only denied the comments but also intervening by calling the UN. During this interview Flanagan was confronted and shown telephone records supplied by the UN that clearly indicated that three calls were made from the RUC headquarters, and from Flanagan's own office).

Appendix 7

The Walker Report - Security service told RUC that it could put spying on terrorists ahead of solving crime. Secret MI5 report raises questions over what ministers knew about handling of informants.

Special report: Northern Ireland
Richard Norton-Taylor and Nick Hopkins
Guardian, Thursday June 14, 2001

MI5 gave the RUC special branch wide-ranging powers stipulating that the force could give priority to recruiting terrorist informers over solving crime, a confidential report seen by the Guardian reveals.

The report, drawn up by Patrick Walker, a senior MI5 officer in Northern Ireland who was later to head the agency, shows how the agency dictated security policy in Northern Ireland during the 80s and 90s. It raises questions about what Whitehall, including ministers, knew about the activities of agencies which ran informants.

Among them was the force research unit, the army's undercover group whose links with paramilitaries are being investigated by Sir John Stevens, the metropolitan police commissioner.

The Guardian yesterday disclosed that Douglas Hogg, a junior Home Office minister, has been interviewed by detectives investigating claims that the army colluded with loyalist paramilitary assassins to murder the Belfast solicitor Patrick Finucane in 1989.

Plot

It is understood that Mr. Hogg adamantly denied to detectives knowing anything about the UDA plot to shoot Mr. Finucane, though he conceded that he had been briefed by the RUC about the activities of solicitors in Belfast who allegedly had republican sympathies.

The Walker report says RUC special branch should have responsibility for

Collusion

handling agents, and primacy over detectives responsible for investigating crime. The document, which was adopted as force strategy, says: "It is imperative that CID officers seize every opportunity to acquire intelligence on subversive organisations". "All... planned arrests must be cleared with regional special branch to ensure that no agents of either RUC or army are involved," it says.

"An agent or source reporting on subversive organisations should be handled by special branch ... When the opportunity to recruit [agents] arises, special branch must be involved at an early stage both in debriefing and handling the agent ... It is important to ensure that information provided by the person so recruited is handled in such a way that his value as an agent is not put at risk at an early stage."

The existence of the report was revealed by Ulster Television's Insight team. In a programme last month, RUC police officers alleged that its special branch had curtailed investigations, hampered operations and denied colleagues crucial information that could have led to arrests and prosecutions. Jonty Brown, a former RUC detective sergeant, claimed that special branch officers blocked his attempts to follow up a confession relating to the murder of Mr. Finucane.

He said special branch officers tampered with evidence and deliberately misled the Stevens inquiry.

It is already known that special branch had an agent, Billie Stobie, inside the Ulster Defence Association who warned his handlers about a plan to kill Mr. Finucane. It is also known that military intelligence, through its agent Brian Nelson, knew that Mr. Finucane was a target of loyalist paramilitaries. Mr. Brown now says that in 1991, a loyalist known to him requested a meeting. Aware of the Walker guidelines he alerted RUC special branch.

Armed with a tape recorder, his special branch colleagues came to a second meeting on October 3 when, according to Mr. Brown, the loyalist explained how he killed Mr. Finucane. At a third meeting, on October 10, the loyalist discussed two other, unrelated murders.

Frustrated by the lack of action against the loyalist, Mr. Brown approached special branch and discovered it had tampered with the tape of the October 3 meeting containing the loyalist's confession.

Brice Dickson, chief of the Northern Ireland human rights commission - set up under the Good Friday agreement - told the Guardian: "The commission would be alarmed if handlers of informers were ignoring serious breaches of criminal law for the sake of obtaining better intelligence information."

"In this particular case it is alleged a murderer was allowed to go scot free with no questions asked. It calls the whole rule of law into question."

The human rights organisation British Irish Rights Watch said the Walker report was significant for two reasons. "These guidelines disclose what we had long suspected," said its director, Jane Winter.

"The RUC has never been an ordinary police force. Its role in keeping the peace, the prevention and detection of crime and upholding the rule of law has been distorted by the primacy given to the collation of intelligence by special branch. The guidelines explain why we have watched bemused as perpetrators of crimes as serious as murder have gone free."

Miss Winter added: "If special branch was running the RUC, was MI5 running special branch? At what political level were these arrangements sanctioned?"

Whitehall sources insist that informants are told by their handlers that they must avoid participating in serious criminal activity. The Walker guidelines contain "assessment codes" for the RUC when dealing with informants. A sliding scale shows that A is a "completely reliable" source, E is "unreliable" and F indicates "reliability unknown".

A second, six-point sliding scale, relating to the information supplied, ranges from "absolutely accurate, confirmed by an independent source" to "impossible to assess accuracy". Sources insist official guidelines state that informants are told they must not get involved in serious crime.

'Maverick unit'

The Stevens team has discovered that, rather than a streamlined system for intelligence gathering, the RUC, MI5 and the army were all handling informers in Northern Ireland during the 1980s and 90s.

Officers suspect that MI6 also had its spies. Coordination between the agencies was poor, so information was not pooled as it should have been. The deployment of the force research unit in the early 1980s coincided with a fall in shootings by loyalist paramilitaries. The gunmen became more selective and professional. Former FRU members have alleged that they were not a "maverick unit", and that it is inconceivable that ministers were not aware of their activities.

One former FRU soldier, who uses the pseudonym Martin Ingram, has said that MI5 officers were stationed at the unit's headquarters to monitor what they were doing. A key objective of the Stevens team is to establish whether MI5's links to RUC special branch and the FRU made it likely that ministers, who were regularly briefed by the security services, were aware of the collusion.

Appendix 8

The initial Stevens Investigation made over 80 recommendations to curb collusion. Before its conclusion in May 1990 the then British northern secretary, Peter Brooke, when asked by a journalist if the findings of the 'Stevens Inquiry' would be made public, said: "It will be up to the Chief Constable what he tells me and then a number of us will decide what we tell everyone else".

However, Stevens did say: '...that collusion has been restricted to a small number...in the present climate leakage's of information from the security forces may never be completely eliminated'.

During its investigations the Stevens Team set-up base in a portacabin outbuildings in the secure grounds of Carrickfergus RUC barracks at Seapark. As the investigation gathered momentum and arrests were made these buildings were mysteriously burnt to the ground. Every file and shred of information was destroyed. However, unknown to the culprits Stevens had kept back-up copies of all his files in England. It's impossible for anyone to conceive or argue that it was loyalists who broke into a secured area within the RUC base and burnt the building down. It was those who feared the truth and who also happened to have easy access. In November 1999 the Sunday Times revealed that indeed the intelligence services were responsible for this incident. A gagging order was immediately issued preventing the publication of further information by the paper.

Newspapers Researched:

Andersonstown News;
Belfast Telegraph;
Evening Herald;
Irish Independent;
Irish News;
Irish Times;



Sunday Business Post;
Sunday Life;
Sunday Tribune.

Papers abroad;

London Guardian;
London Independent;
London Times;
Sunday People;
Sunday Times.

- 1 **(Page 33)** While Stone was apprehended by mourners a white Ford Transit van that had been parked on the hard shoulder of the M1 suddenly made off - this was first shown in an initial ITN news flash only to be later edited out. The question being, were military intelligence and/or Special Branch monitoring the entire operation in terms of its progress/success?
- 2 **(Page 38)** LCB v United Kingdom (App. 23413/94), Judgment of 9 June 1998; (1998) 27 EHRR 212.
- 3 **(Page 38)** Clare Ovey and Robin White, Jacobs&White, European Convention on Human Rights, 3rd edition, 2002, Oxford University Press, at 51.