



PUBLIC PROSECUTION SERVICE
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PRESS NOTICE

Monday 25 June 2007

PUBLIC PROSECUTION SERVICE – CONCLUSION ON STEVENS III

THE Public Prosecution Service has today concluded that no further prosecutions will be brought against any individual following Lord Stevens third investigation (Stevens III) into alleged collusion between loyalist paramilitaries and the security forces.

In total, 46 people have been convicted as a result of the three Stevens' investigations. Seven were convicted on a range of offences as a result of Stevens III including Kenneth Barrett who pleaded guilty to murdering Patrick Finucane and a number of other offences. William Stobie was acquitted of offences including the murders of Patrick Finucane and Brian Adam Lambert. Six others were found guilty of unlawfully possessing documents of use to terrorists.

The Stevens' investigations produced more than one million pages of documentation. Stevens' III was complex, led to many lines of inquiry and the police team submitted investigation files to the PPS between 1999 and April 2003. The PPS, when considering the available evidence in Stevens III, also had to examine many of the papers from Stevens I and II.

CONTEXT

Lord Stevens in his 2003 summary report 'Overview and Recommendations', stated that he believed there had been collusion between loyalist paramilitaries

and elements of the security forces. While an investigator may properly reach general conclusions on collusion, the prosecutor's role is different.

The PPS may only take a decision to prosecute an identifiable individual if there is sufficient evidence to do so. In order to proceed with charges, the test for prosecution must be applied and the Director of Public Prosecutions must be satisfied that:

- there is sufficient evidence to provide a reasonable prospect of conviction and
- that prosecution is in the public interest

The PPS examined evidence and information gathered in the course of the Stevens III inquiry together with material from the Stevens I and Stevens II inquiries. This included an examination of how the Army Force Research Unit (FRU) handled Brian Nelson who was their agent and a UDA intelligence officer. It also included an examination of the RUC's conduct in handling William Stobie who was their agent and a UDA quartermaster.

All the available evidence has been thoroughly examined and reviewed by the PPS and the advice of independent senior counsel has been sought. A wide range of offences was considered against a number of individuals and the test for prosecution was applied. These offences included murder, conspiracy to murder, manslaughter, misfeasance in public office, firearms and other documents offences.

The issue of sufficient and available evidence was critical for the PPS when considering possible charges arising out of Stevens III. Some of the difficulties included an absence of particular records, potential witnesses who had since died and the inability in certain instances to identify the role and responsibilities that individuals played in specific events. In addition, the prosecution had to take account of potential abuse of process arguments by the defence that any trial at this stage would be unfair.

ARMY FORCE RESEARCH UNIT

The PPS concluded that there was insufficient evidence to establish that any member of FRU had agreed with Brian Nelson or any other person that Patrick Finucane should be murdered or had knowledge at the relevant time that the murder was to take place.

The PPS also considered whether there was evidence of the offence of misfeasance in public office. This means whether there was wilful neglect arising from FRU's handling of Brian Nelson as an agent and/or whether there was wilful neglect by FRU to pass on information of Nelson's activities to the RUC.

In deciding that the test for prosecution was not met for this offence in respect of any individual member of FRU, the PPS considered a number of matters, including the absence of relevant evidence, legal issues around the admissibility of evidence and the inability of the prosecution to prove that the police had not been informed of Nelson's activities.

The DPP reached the conclusion that it was not possible to bring charges against any individual in FRU.

ROYAL ULSTER CONSTABULARY

The PPS concluded that there was insufficient evidence to establish that any RUC officer had agreed with William Stobie or any other person, that Patrick Finucane or Brian Adam Lambert should be murdered or that they had knowledge at the relevant time of William Stobie's alleged involvement in the murders.

The conduct of members of the RUC and a civilian employee was examined in relation to possession, handling and deactivation of five firearms which William

Stobie had passed to the police in 1989. The Stevens III team uncovered evidence that steps were taken by the police to deactivate a Browning pistol and to partially deactivate a second weapon before returning them to Stobie.

The Browning pistol was subsequently reactivated by an unknown person/s and used in fatal shooting incidents at the Devenish Arms bar in December 1991 and also at Sean Graham's Bookmakers in February 1992.

In relation to potential criminal charges including gross negligence manslaughter:

- there was insufficient evidence to identify senior police officers or officers involved in the decision to return the firearms to Stobie
- there was insufficient evidence to identify whether any senior officer was responsible for supervising Stobie's possession of the firearms or putting in place a plan to recover the firearms
- the constable who physically returned the firearms to Stobie was identifiable however the evidence indicated that the decision to do this had not been taken by him but by more senior officers. Also the prosecution was unable to disprove his assertion that when he returned the weapons, they were not a danger to the public or what his state of mind was when he did this
- there was insufficient available evidence relating to the other police officers or the civilian employee that any of them had been directly involved in returning the weapons to Stobie or that they had knowledge this would or did happen.

As a result, the DPP concluded that the prosecution test was not met.

NOTES TO EDITORS:

1. A full statement has been published by the Public Prosecution Service giving details of the legal considerations in this case.

It is available at www.ppsni.gov.uk

2. Press queries should be referred to Fiona McElroy on 07970 122748 or 02890 897104

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