



An Chartlann Náisiúnta
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Reference Code:	2021/46/151
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Prepared for Anglo-Irish Conference meeting
on 26 January 1992.

PR PA on Steven Hill

Brian Nelson
Background Note

Dr. 14.1.92

Personal details

1. Brian Nelson, a 44-year old from the Shankill, is a former member of the British Army's Black Watch Regiment. He first joined the UDA in 1972. In 1974, he was given a seven-year sentence for his part in the kidnapping and torture of Gerald Higgins, a blind man. Upon his release, he is believed to have joined British Military Intelligence and reintegrated himself into the UDA. In 1985, Nelson left Northern Ireland to work in Germany. In 1987, apparently at the request of Military Intelligence, he returned to Northern Ireland and became Chief Intelligence Officer of the UDA, while also working for British Military Intelligence. His UDA role was to gather and record information on possible UDA assassination victims, (mainly persons whom the UDA believed to be IRA suspects and their associates) and pass this information on to UDA assassins. His role in British Military Intelligence was to provide the Army with information on his own activities and those of others in the UDA.

Arrest of Nelson

2. Nelson was arrested on foot of the Stevens Inquiry and initially charged in January 1990 with possession of information likely to be of use to terrorists. He was remanded to Crumlin Road Prison and has remained there, in isolation for his own protection, ever since. (It is clear that Nelson gave substantial information on UDA activities to the Stevens Inquiry team, as a result of which a number of senior figures in the UDA were arrested and charged). At one stage, there were considerable fears in Loyalist circles that Nelson would turn "supergrass" but the prospects of this appeared to recede towards the end of 1990 following indications that the

Army and the RUC were opposed to putting him in the witness box.

3. In May of 1991, in what was generally seen as a surprise move, Nelson was charged with a number of serious offences including five counts of conspiracy to murder (one of which involved a plan to murder Alex Maskey, a Sinn Fein Councillor) and two counts of murder. While it was known as early as February 1990 that Nelson had a detailed knowledge of the conspiracies and murders in question (on which he was believed to be cooperating with the Stevens Inquiry), a new development in May 1991 concerned the retrieval by the Stevens team of at least one box of Nelson's intelligence material (which had been passed by Nelson to his Army contacts for safe-keeping) from Thiepval Barracks at Lisburn. It is widely believed that this box contained material relevant to several murder cases.
4. On 22 January 1992, Nelson made a brief appearance in Court on 35 charges. He admitted 20 charges including five of conspiracy to murder, 14 of possessing information of use to terrorists and one of possessing a sub-machine gun. In what clearly appears to be a deal between Nelson and the Crown, the prosecution announced that it was not proceeding with 15 other charges, including the two murder charges. The trial has been adjourned until next week when the defence will call one witness (reputedly a character witness from Germany) and enter pleas of mitigation. It is believed that Nelson faces a twelve-year sentence which will probably mean release in six years at the most. (Had Nelson been convicted of murder, mandatory life imprisonment would have followed).
5. At the Court case, Brian Kerr Q.C., for the Crown, stated that the decisions reached, including the decision not to

proceed with the murder charges were based on a "rigorous examination of the interests of justice" and had been reached after a scrupulous assessment of the possible evidential difficulties. Kerr, however, also said that Nelson had played a pivotal and indispensable rôle in the two murders and several other attempted killings. He said that the information Nelson passed to the Army was sometimes extensive but on occasions it lacked detail or was not given promptly enough. The following points also emerged in relation to the two murder charges:

Murder of Terence McDaid (shot dead in May 1988)

McDaid was shot dead in mistake for his brother Declan. According to Kerr, Nelson was approached by a UDA killer, named Dodds. Nelson supplied Dodds with the name, details and a photograph of Declan McDaid, and suggested Declan McDaid as a possible target. The court was told that Nelson had given his Army handler information on the UDA's targetting of Declan McDaid on at least five occasions, but that the information was not as complete as it should have been.

Murder of Gerry Slane (September 1988)

Slane was shot following the murder by the IPLO of a UDA member, Billy Quee. Nelson showed photographs of IPLO suspects to a witness of the Quee killing, who picked out Slane's photograph. Nelson then passed on information on Slane to a UDA killer. The Court was told that Nelson told his handler 10 days before the Slane murder of what he had done and that the UDA wanted to retaliate for the Quee shooting. Nelson passed on further information to his handler the day before the shooting. He has pleaded guilty to conspiracy to murder Slane.

6. The deaths of McDaid and Slane led to considerable local suspicion of security force collusion in their murders, based on the appearance of heavy military presences in

the areas immediately prior to the shooting. The suspicions were reinforced by the arrest shortly after McDaid's murder of Corporal Cameron Hastie and UDR Greenfinch Joanne Garvin on charges of passing information to Loyalist paramilitaries. In addition, an alleged RUC "mugshot" of Slane appeared in the UDA's magazine "Ulster" after his murder.

7. In June 1988, we conveyed through the Secretariat our concerns at tensions in North Belfast, an important element in which was the local suspicions of Security Force collusion in the McDaid killing. We raised the issue of the alleged leak of a RUC photograph of Slane on a number of occasions but received no response other than to be told (in November 1989) that the case had been referred to the Stevens Inquiry.

We heard from our contacts in the North that there had been an internal UDA investigation which established that 15 separate operations since 1984 may have been frustrated by Nelson, through the flooding of an area with the military at the time of the expected murder bid. Against that, however, it could be argued, as Seamus Mallon has privately suggested in the past, that the military presence could have been geared to arrest the perpetrators after the attack had been carried out.

8. The two murder charges against Nelson have not been struck out. They remain "on the file". The precise import of this has yet to be determined. It may be that, in the aftermath of what clearly appears to be a deal to spare the British Army embarrassment, leaving the two murder charges "on the file" may act as a restraint on Nelson who, we understand, is keen to sell his story. We understand from legal contacts that there is no judicial sanction for plea bargaining. It is normally a question at the discretion of the respective counsel.

Clearly, however, the Crown Prosecutor would have to refer the matter back to the DPP. In the Nelson case, the Judge would no doubt have been kept apprised of the developments in this regard. A more significant question is whether the British Attorney-General had any role in the decision not to press the murder charges, given the fact that the original recommendation by the Stevens team to prosecute Nelson, who was known to be an Army agent, was raised in the British Cabinet at the time.

9. The Nelson affair brings into sharp relief two broad issues which are of fundamental relevance to the Anglo-Irish Agreement:

- public confidence in the quality and administration of justice. The arrangements reached in the Nelson trial and specifically the dropping of the murder charges pose a challenge to nationalist confidence in the administration of justice;

- the problem of collusion is a troubling element in the Nelson case. Stevens, in the conclusion of his Inquiry, stated, inter alia, that the "passing of information to paramilitaries by Security Force members has been restricted to a small number of individuals. It is neither widespread nor institutionalised". The case of Nelson, an Army agent who was being controlled by an Army handler, and who deliberately passed information to Loyalist killers with the knowledge of his handlers, gives grounds for doubting Stevens' conclusions on this point. Important questions are also raised about the Army's foreknowledge of and response to the illegal activities perpetrated by Nelson and other members of the UDA.

11. A further disturbing element is the claim by Nelson, which has been reported in "The Independent" of 9 January that Nelson's Army handler suggested that he (Nelson) encourage the UDA to bomb targets in this jurisdiction, with the aim of ensuring more extraditions to the North.

Anglo-Irish Division
24 January, 1992

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