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PS 8  
Mr Mally  
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JLh  
28/4

28 April 1992

Mr S. O hUiginn  
Assistant Secretary  
Anglo-Irish Division

(Copied to Michael Collins, Press Section.)

Dear Assistant Secretary

Conversation with John Ware, BBC Panorama  
Brian Nelson Case

As you know, Ware has produced some useful material on Northern Ireland for Panorama over the past number of years - with a particular focus on security issues. He is currently finalising a programme on the Nelson case - a case which he has been following very closely since it first emerged from the Steven's Inquiry.

The programme is tentatively scheduled for transmission in June and, as part of the programme, he would like to include a short on-the record interview with the Minister. (He had a similar piece with Minister Collins as part of his controversial programme on the Steven's Inquiry some time ago.)

This request may pose some difficulties and, before considering these, I should perhaps explain some of the current background, and some of the salient features of the proposed programme.

BBC Panorama:

The atmosphere in the BBC at present is less than conducive to investigative journalism of the type traditionally practiced by Panorama. This was publicly evident during the recent election period when a planned Panorama programme on the

recession was cancelled for fear of giving an appearance of a pro-Labour bias on the part of the BBC. Strains continue to be evident in the BBC's relations with the Conservative Government and the BBC is currently very edgy as to what plans may yet emerge from the Government in relation to the future of the Corporation.

It is against that backdrop that Ware has been working on this programme on Nelson. He is keeping a very tight rein on any information emerging on its likely contents as he feels that BBC management might, in the current climate, be tempted to axe the programme at an early stage. He feels that the closer it gets to the transmission date, the harder it will be for the management to wield the axe. For this reason, he was cautious about how much he could tell me and was particularly anxious that what information he could provide should remain confidential.

I gathered that the programme would make a number of controversial allegations including, inter alia:

- The programme will centre on the activities of Colonel Kerr, the officer responsible for British Military Intelligence at the time. (While not named in Court at the time of the Nelson trial, it was Kerr who provided the Court with glowing testimony of Nelson's virtues.) Ware told me that Kerr served in Military Intelligence in the early 1980's but was withdrawn in 1983 after the RUC refused to co-operate further with him. He returned to Northern Ireland in more recent times and was responsible for the unit managing Nelson.
- Nelson had worked for Military Intelligence in the 1980's and it was at their instigation that he was brought back from Germany in 1987 to work once again for them as a deep penetration agent within the UDA. Apparently the decision to reactivate Nelson was opposed by both the RUC and MI5 - both agencies distrusted Nelson and, in any event, felt that they had enough intelligence on Loyalists. However, after the theft of a significant quantity of arms and munitions from the UDR base in Coleraine, the then Secretary of State, Tom King, threw his weight behind the Military's case that better intelligence was needed on Loyalists. It was in that context that Nelson was brought back to Northern Ireland in 1987 to work as an agent within the UDA.
- Ware alleges that within 3 weeks of returning to Northern Ireland, his army handlers had lost proper control over Nelson. While Nelson continued to submit weekly reports to his army handlers, at the same time he became deeply involved in the UDA's criminal activity. Ware is convinced that Nelson had a direct or indirect involvement in as many as 30 murders in the intervening period.
- At the same time, Nelson's reports to his army handlers contained numerous allegations of collusion on the part

of both Military and RUC personnel with loyalist paramilitaries - including on one occasion a plan to hide a UDA assassination team inside a UDR base. Ware's information is that the army took no action on any of these reports of collusion.

- Ware told me that his information is that there was considerable debate within the British Governmental system on whether to prosecute the Nelson case. His understanding is that the matter was eventually referred to a Cabinet committee composed of Prime Minister Major, Northern Ireland Secretary Brooke, Defence Secretary King, Foreign Secretary Hurd and Attorney General Mayhew. Apparently it was Hurd who insisted that the prosecution of Nelson should go ahead. (You will be aware that Sir Patrick Mayhew has on a number of occasions hinted strongly that he had also been insistent on the prosecution of Nelson.) Another factor which apparently favoured the decision to prosecute was that the Northern Ireland DPP threatened resignation if the case was not prosecuted.
- A particularly controversial allegation in the programme concerns UDA plans for a bombing campaign in the South. Ware's information is that this suggestion was put to Nelson during one of his weekly briefing sessions - not by an N.C.O. (his usual day-today handler) but by an officer who was Kerr's No2 at the time. Nelson subsequently carried out a number of photo-reconnaissance missions in the South on targets like supermarkets etc and including the Whiddey and/or Bantry oil terminals. The project was aborted however after the Gardai had been alerted by the RUC, who had heard of the project from one of their own informers within the UDA.

It is on this last allegation that Ware would wish to focus his interview with the Minister. Ware told me that he has documentary evidence to back up his allegation and that he would show this to the Minister before recording any interview. He refused however to disclose to me at this stage the nature of this documentary evidence. What he is apparently looking for is an on-the-record statement by the Minister to the effect that he will be pursuing the matter with the British authorities.

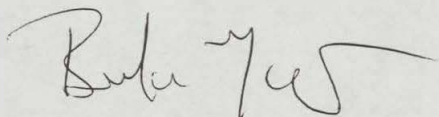
Overall, Ware appeared very confident that he had sufficient concrete material for what would prove to be a highly controversial programme on the activities of British Military Intelligence in Northern Ireland.

Comment:

As mentioned in previous reports, Ware has known Nelson for some time and interviewed him on a number of occasions when he was being held on remand. From what he told me, it would appear that the programme has been carefully researched and, one can assume that it is likely to cause considerable controversy.

I suspect that Ware's desire to include an on-the-record piece with the Minister is related, not so much to the contents of the programme itself, but to a concern on his part that in the current atmospherics in the BBC such an interview might help to fire-proof the programme against an attempt by management to have it axed.

The issue to be addressed in the interview - the allegation that British Military Intelligence attempted to use Nelson as an agent provocateur in relation to criminal offences within the State is extremely serious. However, to underline our concerns on this and other allegations in the programme, it is not necessary for the Minister to become involved by actually appearing on the programme itself. It will be open to the Minister to react to the programme after its transmission. My own feeling is that in the circumstances it would be best to follow this course. In this way we would not become directly involved in the controversy while retaining the capacity to react in whatever way we choose after the programme has been transmitted.



Brendan McMahon  
Press & Information Officer