



An Chartlann Náisiúnta
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Reference Code: 2021/46/304

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Prepared for use by Seamus Nelson
in EPA debate in House of Commons
on 10.6.92.

Brian Nelson
Points for EPA debate

W.L.
Pl Ad Stevens file.

- The Panorama Programme of 8 June has brought into sharp focus longstanding concerns about the handling of intelligence agents and links between the Security Forces and Loyalist paramilitaries. The Stevens Inquiry was set up in September 1989 to investigate the problems of leakages of security force documents and collusion between members of the security forces and Loyalist groups following the murder by Loyalists of a young man named Loughlin McGinn. Panorama revealed that Nelson was aware of the planned murder of McGinn. Nelson was arrested on foot of the Stevens Inquiry, but a wide range of issues remain unanswered and pose very serious questions about the British Army's respect for the rule of law in Northern Ireland and its links with terrorism. On Panorama, it was stated that Nelson played a vital role in 10 murders, attempted murders and conspiracies to murder while working for British Intelligence. It was also stated that Nelson targeted for assassination a further 16 people.

- Character of Nelson

In 1974, Nelson was given a seven-year sentence for his part in the kidnapping and torture of Gerald Higgins, a blind man. He was later recruited into British Military Intelligence. After a time in Germany, and apparently at the request of Military Intelligence, he returned to Northern Ireland in 1987 and became Chief Intelligence Officer of the UDA, whilst also working for British Military Intelligence. His UDA role was to gather and record information on possible UDA assassination victims, 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. In other words, the British Army recruited a convicted Loyalist kidnapper and torturer as one of their most trusted agents.

Conviction

Doubts continue about the lenient treatment of Nelson in Court. On 22 January 1992, Nelson appeared 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 appears to be a deal between Nelson and the Crown, the prosecution announced that it was not proceeding with 15 other charges, including two murder charges. On 29 January, an unnamed British Army Colonel (Colonel 'J') appeared as a mitigation witness for Nelson. On 3 February, Nelson was sentenced to ten years on five charges of conspiracy to murder. He is expected to be released in less than five years. It was revealed on Panorama that Tom King wrote to the DPP in London, applauding Nelson as a "valuable agent" after he was arrested.

Degree of Army's foreknowledge of and involvement in UDA murders

Of key importance is the information (containing e.g. photomontages, addresses and personal details of suspected Republicans) left by Nelson with the British Army for safekeeping once the Stevens team began to investigate in 1989. Nelson, however, had reportedly brought this information to the attention of his handlers as early as 1987. It was indicated by Panorama that his handlers photocopied and pruned the information and gave it back to Nelson. Included in this was material leaked from the security forces, together with the UDA's own

documents. (These facts were confirmed by Colonel 'J' in Court). This clearly raises questions of collusion, complicity or negligence by Colonel J and his associates in the commission of murders, which are known to have taken place on foot of Nelson's activities as UDA intelligence collator.

Toleration by British Army of involvement by agents in criminal activities

Colonel 'J' stated that there were no laid-down guidelines to govern the control of agents in Northern Ireland. Home Office guidelines were in his view inadequate. He repeatedly stated in Court his belief that an agent was bound to be involved in criminality. Colonel 'J', moreover, acknowledged the Army's absolute responsibility for recruiting and running Nelson. His comments raise the most profound questions about the amenability and attitude of the British Army to the rule of law. The RUC, for their part, are unhappy at the role of British Military Intelligence in Northern Ireland and, in contradiction of what Colonel 'J' said at the trial, Jack Hermon, appearing on the Panorama Programme, stated that not all of Nelson's information was passed on to the RUC. Moreover, Hermon stated that it appeared that the running of Nelson as an agent went badly wrong, and made the point that if the military were aware of these problems (the Panorama programme indicates that some of Colonel J's associates felt Nelson was out of control), then, in Hermon's view, he should have been withdrawn.

It was also stated on Panorama that Nelson was allowed and sometimes encouraged to target suspected Republicans by his handlers e.g. the incident where Nelson spotted Alex Maskey of Sinn Fein at a restaurant, alerted UDA

assassins and received confirmation from his handlers as to Maskey's car registration number.

Nelson's assistance in saving lives

Colonel 'J' stated in Court that Military Intelligence had produced, on foot of Nelson's information, 730 reports of threats to the lives of 217 individuals, and that Nelson's information was responsible for saving the life of, among others, Gerry Adams. Only three of the 217 persons, Colonel 'J' said in Court, had been murdered. (These claims are now treated with scepticism even within the security forces in Northern Ireland). According to Panorama the RUC are baffled by these figures. The figures beg the question of how, during the time between Nelson's return from Germany and his arrest, the UDA carried out some seventeen murders. Moreover, the Colonel's curious and qualificatory choice of words in Court is noteworthy: he described Nelson's activities as being of "life-saving potential". In addition, Panorama have revealed that Colonel J, interviewed under caution, has said that only two lives were saved, one of whom was Gerry Adams.

Possible bombing attacks in the South

Nelson has claimed that his Army handler suggested that he (Nelson) encourage the UDA to bomb targets in the South, with the aim of precipitating more extraditions of Republicans to the North. It has been reported that this concerned a possible attack on the Whitegate Oil Refinery. It is essential to get to the bottom of this matter.

South African arms

Panorama report that Nelson, on behalf of the UDA, made an arms purchasing trip to South Africa in the mid-1980s. Some of these arms were seized by the RUC in 1988. Other arms from the consignment are believed to have been used in subsequent attacks by Loyalists which led to the deaths of innocent civilians (e.g. Panorama said that weapons from this consignment were used in the shocking killings of five Catholics at the Ormeau Road betting shop massacre earlier this year). The central question is: did Nelson inform his handlers of the South African shipments? If he did, why was this shipment not interdicted and seized? If he did not, then Colonel J's assertions in Court, that Nelson was a loyal agent, appear to be called even further into question.

Panorama stated that Nelson knew about or was involved in the planning of the following murders or attempted murders and surveyed the murders as follows: (Note: Nelson was charged with the murders of Gerry Slane and Terence McDaid (both charges were dropped). Panorama includes the McDaid murder in its survey:

Harry Fitzsimons:

- Sinn Fein member
- Nelson told his handlers that the UDA were going to shoot Fitzsimons. Fitzsimons was shot.

Terry McDaid

- Nelson claims to have warned the handlers five times about the projected murder of McDaid.
- The handlers' files suggest that the least recorded meeting between the handlers and Nelson was three

weeks before the killing.

- Nelson has told Panorama that, in fact, he contacted his handler a week before the killing.
- The files seem to indicate that the Army were expecting an incident.
- On the night of the murder, there was a military presence in Newington Street, the Street where McDaid lived. However, the patrol moved out shortly before McDaid was shot. There is no record of such a patrol.

IRA Director of Operations in Belfast

- Nelson was actively involved in the planning of this murder. He stalked out the IRA man's house from a nearby derelict factory for three consecutive nights.
- His handler arranged for the Army to take a photograph of the IRA man's house.
- His handler then personally traced the photograph for Nelson.
- The plot, however, was abandoned when the IRA man went to ground.

Alex Maskey

- A UDA activist spotted Maskey going into a restaurant and tipped off Nelson. Plans were then sets in motion to kill Maskey.

- Nelson made two telephone calls from his home to his handler about Maskey. In the first call he requested confirmation that the registration number of the car Maskey was using was Maskey's. The second telephone call was to confirm that this was the case.

Brendan Davison

- Davison was categorised as the best IRA informer Special Branch had.
- Panorama claims that Nelson was particularly zealous about Davison's murder: "it was as if Nelson had declared war on Davison".
- Special Branch were furious about Davison's murder. No clear assessment had been passed by military intelligence to Special Branch before the murder.

Patrick Finucane

- Nelson informed his handler that Eric McKee, a loyalist gun-man was showing an interest in Finucane.
- However, Nelson did not tell the Army everything and it was at this point that Colonel J began to question Nelson's allegiances.

Loughlin McGinn

- Nelson knew of this projected murder but did not tell his handlers.

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