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18 years of investigation, three inquiries, not one prosecution

(Barry McCaffrey, [Irish News](#))

Barry McCaffrey reports on the angry reaction to a decision not to prosecute any security force members for collusion in a series of loyalist murders

After almost two decades of investigations, estimated to have cost up to £20 million, not one police officer or soldier is to face prosecution despite Lord Stevens publicly stating that he had uncovered evidence of security force collusion in multiple murders.

The Public Prosecution Service (PPS) announced yesterday (Monday) that no serving or retired member of the security forces is to face charges arising out of three separate investigations carried out by Britain's most senior police officer.

It is four years since Lord Stevens confirmed he had uncovered evidence of collusion in the murder of Protestant teenager Adam Lambert, who was shot dead by the UDA in mistake for a Catholic while working on a building site in north Belfast in November 1987.

The former Metropolitan Police commissioner also stated that security force members had colluded in the murder of solicitor Pat Finucane, shot dead in front of his wife and three children at their north Belfast home in February 1989.

"I have uncovered enough evidence to lead me to believe that the murders of Pat Finucane and Brian Adam Lambert could have been prevented," he said.

"I also believe that the RUC investigation of Pat Finucane's murder should have resulted in the early arrest and detection of his killers.

"I conclude there was collusion in both murders and the circumstances surrounding them."

Lord Stevens concluded that the "actions or omissions" of security force members had led to the murder of innocent civilians, with his own inquiries also being "wilfully

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obstructed and misled" as intelligence and evidence were withheld, and in the most serious incident his headquarters burnt down.

His three inquiries are thought to be among the longest and most extensive police investigations ever undertaken, spanning 18 years to the present day.

The investigations centred largely on the activities the actions of British army agent Brian Nelson.

During his first probe in 1989 Stevens found that Nelson had been recruited by the shadowy Force Research Unit (FRU) five years earlier and installed as the UDA's main intelligence officer.

Under FRU's control, Nelson updated UDA intelligence files, often with the direct assistance of his handlers.

In a diary written by him in 1990 he admitted involvement in eight murders, two attempted murders and conspiracy to murder 36 others.

UDA gunmen killed 29 people whose names had been on intelligence files.

At Nelson's trial his commanding officer, Brigadier Gordon Kerr described him as a 'courageous' man who had temporarily forgotten that he was not supposed to be a 'terrorist'.

Kerr said under oath that Nelson had saved 217 lives.

However, in 2004 retired Canadian judge Peter Cory found that Nelson's activities within the UDA had in fact led to only one life being saved.

"The evidence given by the commanding officer (CO) FRU at Nelson's trial could only be described as misleading," the retired judge concluded.

According to secret FRU records recovered by the Stevens team, 'RUC sources' handed over countless files to the UDA and UVF.

It was alleged one Special Branch officer handed up to 50 files over to loyalists.

Ken Barrett, who would later be convicted of Pat Finucane's murder, also claimed that a Special Branch officer had actively encouraged him to shoot the solicitor and handed over a photograph of him to the killers.

The Stevens team subsequently forwarded 20 files to the PPS linking security force members to collusion in multiple murders.

However, after deliberating for more than four years, the service yesterday announced that no police officer or soldier will face prosecution.

The PPS said that while evidence from the Stevens investigations had been sufficient to charge self-confessed informers Billy Stobie and Ken Barrett with involvement in Mr Finucane's murder, it had been insufficient to prove FRU had actively encouraged Nelson to commit murder.

PPS solicitors further concluded that Stevens had also failed on a number of counts to provide enough evidence to prove that either police officers or soldiers had been guilty of malpractice in public office.

It said it had based its decision not prosecute on a number of factors, including: "The absence of relevant evidence, including records which are now unavailable and witnesses who are now deceased, the use of intelligence records as evidence and the inability of the prosecution to prove that the police had not been informed of Nelson's activities.

"The director formed the view that there was not a reasonable prospect that the prosecution would be able to establish beyond reasonable doubt the commission of the offence."

Sinn Féin's Alex Maskey, who was shot and seriously wounded in a gun attack co-ordinated by Brian Nelson, described the failure to prosecute as "scandalous".

"There was a sustained and orchestrated campaign ag-ainst my life which included the murder of my best friend Alan Lundy as he worked on my home in 1993," he said.

"I find it absolutely galling that the PPS has taken this decision. It wouldn't happen in any other country in the world."

SDLP justice spokesman Alban Maginness also described the Finucane decision as "outrageous" and the "mother of all cover-ups".

"The conclusions of the Stevens investigation are no longer seriously disputed: that members of the security forces were intimately in-volved in this brutal killing.

"People wanted to see due process in such an important case. Although we know evidence was systematically tampered with, the colluders should have been brought before the courts and the available evidence should have laid out for all to see.

"Now we are faced with a binding, unchallengeable decision by the DPP."

Mr Maginness called on incoming prime minister Gordon Brown to establish an immediate public inquiry into the Finucane murder.

Secretary of State Peter Hain last night said he did not know in advance any of the details of the DPP's announcement on the Finucane case before it was made.

He said there were lots of issues, including "the role of the IRA; the behaviour of various agencies of the state; loyalist murders and IRA terrorism" that "everybody rightly feels strongly about".

If he were "in the shoes of the Finucane family", he would "feel just as angry", Mr Hain said, adding that friends of his "were shot in similar circumstances in South Africa [during apartheid]."

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