



Collusion: British Military Intelligence and Brian Nelson

**A Case for an Independent Public Inquiry — 31 March 1998 Submitted to British Government 21 December
1997 Submitted to Liaison Sub-Committee on Confidence Building Measures 31 March 1998**

Introduction

In the north of Ireland citizens are compelled under emergency legislation and at the point of British guns to provide details about themselves. The details relating to nationalists and republicans are computerised, finvolved is surpassed by the toll in human lives and suffering inflicted. The precise overall number of fatalities resulting from collusion between British forces and the loyalist murder gangs over a period of 25 years is unknown. But what is for certain is this. In the six years before the arrival of the South African weapons, from January 1982 to December 1987 loyalist murder gangs killed 71 people. In the six years following, from January 1988 to 1 September 1994, loyalist killed 229 people.

Defining Collusion

In the context of the north of Ireland the term collusion has come to embrace a number of illegal activities on the part of the British forces the British army, the RUC and the intelligence services. These include:

- conspiring with loyalist paramilitaries to carry out assassinations; taking part in assassinations;
- collecting information on individuals and passing it over to loyalist paramilitaries;
- passing officially collected information to loyalist paramilitaries for legitimate purposes;
- failing to prevent loyalist paramilitary assassinations;
- providing weapons to loyalist paramilitaries;

- running British intelligence agents involved in illegal loyalist paramilitary activities up to the most senior levels;
- assisting in the commission of killings by loyalist paramilitaries, for example, by lifting road-blocks;
- failing to investigate such killings rigorously;
- failing to inform individuals that they have been targeted for assassination;
- failing to provide individuals targeted for assassination with the nature of their personal details in the hands of loyalist paramilitaries;
- failing to share information with other sections of the British forces which should result in an individual being warned that they were being targeted for assassination.

Various organs of the British state, such as the Attorney General, the Director of Public Prosecutions and the Secretary of State for Northern Ireland, have:

- failed to prosecute those responsible for such killings;
- failed to prosecute or otherwise discipline those members of the British forces involved in collusion;
- used Public Interest Immunity certificates and claims at trails and inquests to withhold information concerning alleged collusion;
- allowed members of the British forces to carry illegal acts, whether in conspiracy with loyalist paramilitaries or not, with impunity and hindering official investigations of those acts.

An Appalling Vista

To borrow a phrase from Lord Denning, a senior member of the British judiciary, in relation to the Birmingham Six defence at their trial; what has been stated above represents an appalling vista. The facts documented below bear this out.

Justice for the Birmingham Six and their families took 16 years to secure. This dossier deals with only a very narrow band of the full spectrum of the whole issue of collusion yet it involves a demand for justice for a thousand relatives of hundreds of victims of the Nelson affair. Justice cannot wait another 16 years. This appalling vista must be laid bare now.

There is nothing new in this dossier nor does it purport to represent all that is in the public domain in relation to the subject matter. But what is clear is that it is wholly unacceptable that the often publicly stated serious allegations it contains should go uninvestigated, that the truth remains concealed and that those responsible are not held publicly accountable for their actions.

Nelson: Panorama's Research

In June 1992, two and a half years after his arrest and four months after Brian Nelson's trial the BBC's Panorama broadcast a programme on the Nelson affair.

The Panorama teams researches had secured a prison journal Nelson had written in the previous twelve months.

Nelson's prison journal was a mainstay to the programmes research. Many of the claims made by the programme are indeed based on this.

The main points of the Panorama teams research state that:

- British Military Intelligence had two years notice of the South African arms shipment. That their agent, Brian Nelson, describes in his prison journal how he gave all the details to military intelligence including the method he claims was used to smuggle in the guns. In the same journal Nelson says that in 1987 military intelligence told him they had decided to allow the first shipment into the country untouched to avoid suspicions about their

agent.

It goes on to say:

- The evidence suggests that Nelson played a vital role in ten murders, attempted murders and conspiracy to murder;
- That Nelson also targeted a further sixteen people who were murdered or against whom murder attempts were made;
- That Nelson's involvement with murder gangs was both allowed and sometimes encouraged by military intelligence;
- That advance warnings of murders and attempted murders by the UDA given by Nelson to British intelligence were not acted upon;
- That an inquiry later found that military intelligence withheld many details of Nelson's warnings from the RUC;
- That in 1987 military intelligence took from Nelson a binliner full of documents leaked by UDR and RUC personnel and weeded out details of targets that were regarded as out of date and returned the more selective list to Nelson;
- That Nelson says that additional photo montages were supplied to him by military intelligence at the same time. That is, while the majority of the photo montages returned to him were already in the possession of the UDA what was returned to him were more up to date and of superior quality;
- That military intelligence further aided and abetted Nelson in his UDA activities by:

1. buying him a taxi to conduct his surveillance activities;
2. providing him with a hollowed out spirit-level for hiding incriminating documents;
3. photographing the home of one of Nelson's targets and giving him the photograph;
4. Providing him with the addresses of three alleged IRA suspects the UDA were planning to kill;
5. Assisting in a plan to kill Sinn Féin councillor Alex Maskey by confirming his car registration number.

- That Nelson had copied his files to both the UDA and UVF with the full knowledge of his military intelligence handlers;
- That the UVF killed or wounded at least six people whose names Nelson had recorded in this intelligence files;
- That Nelson was involved in targeting two Belfast Lawyers Pat Finucane and Paddy McGrory;
- That Nelson was directly involved in the plan to

kill Pat Finucane who was shot dead at his home. Nelson says he passed a photograph of Pat Finucane to UDA man Eric McKee on the Thursday before the assassination. Loyalist sources claim that Nelson pointed out the Finucane home to the killers before the attack;

- That British military intelligence files on Nelson have disappeared so as to conceal facts;
- That British military intelligence encouraged the UDA, through Nelson, to bomb targets in the south of Ireland.

The Killing of Pat Finucane

- On 3 October 1997 the United Nations Special Rapporteur, Param Cumaraswamy, having visited Belfast to investigate allegations of harassment and intimidation of defence lawyers by members of the RUC, called for a judicial inquiry into the murder of human rights lawyer Pat Finucane;
- Pat Finucane was shot dead by two masked men on 12 February 1989 in front of his wife and three children. His wife, Geraldine, was also injured in the attack;
- The killing was claimed by the UDA who said Finucane was an IRA man. This was denied by family members, friends and in public statements by the RUC;
- One of the weapons used in the attack were one of 13 weapons stolen from a British Army barracks in 1987 by a serving member of the British Army's UDR regiment;
- The killing took place a few weeks after British minister Douglas Hogg said to the British parliament: I have to state as a fact but with great regret that there are in Northern Ireland a number of solicitors who are unduly sympathetic to the case of the IRA. Challenged, Hogg said: I state this on the basis of advice that I have received, guidance that I have been given by people who are dealing with these matters and I shall not expand on it further;
- The killing of Pat Finucane took place in the context of frequent allegations that RUC officers made regular threats against, or derogatory comments about defence lawyers to detainees. Such allegations have been recorded by Amnesty International, the London based British Irish Rights Watch, Helsinki Watch and the Lawyers Committee for Human Rights. Included in the allegations is a claim by Loyalist sources that UDA members detained at Castlereagh prior to the killing were told by RUC Special Branch that Patrick Finucane and

a few other solicitors were helping to keep IRA gunmen out of prison. Similar allegations, instancing the inquiry by the UN Special Rapporteur continue to the present;

- However, Brian Nelson, the British military intelligence agent who also served as chief intelligence officer of the UDA, alleged after his conviction on other charges that he had directly assisted in the targeting of Pat Finucane;
- According to the journal written by Nelson, and quoted on the BBC panorama programme in June 1992;

1. Nelson was asked to gather information about Finucane some weeks prior his killing;
2. He informed British intelligence killers before the attack;
3. Despite this warning Patrick Finucane was not informed of this threat to his life. A similar threat at the time, against another prominent lawyer, Paddy McGrory, was not relayed until two months before Finucane;
4. No one has been charged in connection with the murder. Three men were subsequently charged with possession of the murder weapon;
5. According to Ed Maloney, a journalist for the Sunday Tribune the man who asked Nelson for the photograph of Pat Finucane and who was subsequently brought to the Finucane home by Nelson was the head of the UDAs murder gangs. This man served a sentence for possession of scores of leaked documents along with four others. One of these was UDA leader Tommy Lyttle. All were arrested by the Stevens inquiry team. Like the Nelson trial itself a deal was struck which prevented the full details of collusion between British forces and loyalist murder gangs coming out in open court. In the Panorama programme Nelson names the man as Ernie McKee;
6. The Stevens inquiry did not interview Pat Finucane's widow, his partner, Peter Madden of the Madden/Finucane legal firm, or any of his clients to whom threats had been made against Pat Finucane himself;
7. The Report of the International Human Rights Working Party of the Law Society of England and Wales in 1995 states:

"There is credible evidence of both police and army involvement. We cite the most significant items below. There is further evidence in the hands of the police which we have not been given access.

"...the Government told the UN Special rapporteur

that the DPP directed that there should be no prosecution against any officer in connection with Patrick Finucane's death. Significantly the Government did not deny that there was collusion by the government or the security forces in relation to the murder.

"The following threats were made against Patrick Finucane by RUC officers

1. death threats by CID officers;
2. false allegations by CID officers that he was a member of the IRA;
3. threats by CID officers to pass his name and details to loyalist paramilitaries.

"Our understanding is that none of these allegations has been investigated by the police, let alone tested in court. DS (Detective Sergeant RUC) Simpson told the inquest that some of them were investigated by the Stevens inquiry. John Stevens told us that as far as he could remember they were not. It is wholly wrong in our view that such allegations should remain unexamined.

"Since the inquest two British army officers have admitted army participation in the UDA murder plot that involved Patrick Finucane. The context of each admission is very different one in a television programme and one on oath in Court. Yet they are both credible. Together they raise serious questions which require further investigation.

(i). Admissions by Brian Nelson

Brian Nelson was a British army intelligence officer who was placed in the UDA in 1987. He is currently serving prison sentences arising out of his involvement, while acting as an intelligence officer, in other terrorist murders. (Note: Nelson is now a free man. This 1995 report predates Nelson's release in 1996).

His admissions to involvement in the Finucane murder were transmitted in a BBC Panorama programme on 8 June 1992.

He claimed:

1. He was asked weeks before the murder of a UDA terrorist what he could find out about the movements of Patrick Finucane;

2. He told his army handlers of the UDA interest in Patrick Finucane's movements;

3. 3 days before the murder he handed a UDA terrorist a photograph of Patrick Finucane leaving court with his client Patrick McGeown.

(ii). Admissions by a British Army colonel known as "J".

Colonel J gave evidence on oath at Belfast Crown Court in mitigation for Brian Nelson. He said:

1. Brian Nelson was infiltrated by the army into the UDA;

2. The army directed Brian Nelson to work in and report on the intelligence structure of the UDA. Nelson learned the identity of UDA assassination targets, sometimes suggesting them himself. He then assisted the UDA by providing it with information, including photographs, on those to be assassinated. Nelson reported this to his army handlers;

3. Brian Nelson had provided the UDA with a photograph of a targeted victim leaving court. The army was aware that this individual was a target for assassination;

4. The army told the RUC of assassination plots so that the RUC could warn the victims and prevent the murders which Nelson had helped to plan.

"We received no evidence that Patrick Finucane was warned that he was a target for assassination.

"We asked the DPP, his deputy and John Stevens about the Panorama allegations. If Panorama was right. Nelson had admitted to conspiracy to murder Patrick Finucane. How then could there not be sufficient evidence to prosecute him? They said they could not comment on individual cases. However they indicated that the full journal was not in police hands.

"We note that in spite of his admission on oath. Colonel J has not been prosecuted.

"John Stevens told us he knew beyond a shadow of a doubt who was responsible for the murder. He also said he knows the truth about Brian Nelson and the full facts concerning his involvement in collusion and murders.

"We do not. The public does not.

"While the facts are not disclosed by the police and known to the public only through television, they remain untested, the murderers remain unpunished, the allegations of collusion persist, and a cloud remains hanging, not just over the legal profession, but over the system of justice itself.

A thorough, wider investigation is required!

- The British government has yet to respond to the call from the UN Special Rapporteur for a judicial inquiry into the killing of Pat Finucane;
- The widow of Pat Finucane has issued a civil suit against the Ministry of Defence for damages for allegedly failing to pass on intelligence warnings that he was the target of loyalist gunmen;
- Patrick Finucane's brother, Martin, stated that RUC road-blocks had been in place in close proximity to the Finucane residence up to an hour before the murder; their removal prompted allegations that the RUC had cleared the area so that the gunmen could have unfettered access to and from the house. Reports of police operations on that evening would be one documentary source to be examined by a wide-ranging independent inquiry into collusion;
- Allegations of collusion by British forces with loyalist paramilitaries have yet to be the subject of an independent inquiry;
- The killing of Pat Finucane and the apparent lack of a thorough investigation into his killing has had wide ramifications for the public perception of the rule of law;
- The claims by Brian Nelson an agent of British military intelligence of his direct involvement in the targeting of Pat Finucane places him at the centre of the wider picture which needs to be thoroughly and independently investigated. That is allegations of collusion between British forces and loyalists and the South African arms shipment used to arm the loyalist paramilitaries in the last 1980s as well as the murder of Pat Finucane;
- It also adds to the wider question of the credibility of earlier investigations initiated by the British authorities including the Widgery Tribunal into Bloody Sunday and more recently the Stalker/Sampson inquiry into the shoot-to-kill policy. The credibility of these inquiries are already seriously in question.

Reference to the latter in particular, statements by the British authorities repudiating the existence of a shoot-to-kill policy by British forces are not

substantiated by evidence of an official will:

- to investigate fully and impartially such incidents;
- to make the facts publicly known;
- to bring the perpetrators to justice, or;
- to bring legislation concerning such matters into line with international standards.

Brian Nelson

- Brian Nelson was a former British Army soldier a member of the Black Watch regiment. He was discharged in 1970;
- He was a member of the Ulster Defence Association (UDA). He joined the UDA in 1972. In 1974 he was jailed for 7 years for kidnapping Gerald Higgins, a partially sighted catholic man who was tortured by electric shocks by his kidnappers. He died shortly afterwards. Nelson served just over 3 years in prison for the offence. Sometime after his release from prison Nelson was appointed as an intelligence officer in the UDA;
- Nelson was an agent of British Military Intelligence. They have confirmed this to be the case in open court. The British Defence Secretary and former Secretary of State, Tom King, in a mitigation plea submitted at the Nelson trial in 1992 described him as having been a valuable agent;
- Nelson who was convicted and sentenced to 110 years imprisonment is now a free man. His concurrent prison sentences meant that he served less than six years in prison;
- Nelson was recruited by British Military intelligence around 1983. He worked as an agent for some years before ceasing his activities and moving to work in Germany. There he was pursued by British intelligence to Regensburg and persuaded or pressed into returning to Belfast in 1987 to resume his work as an agent of British Military intelligence inside the UDA.

Allegations of Collusion between British forces and Loyalist Paramilitaries:

Nelson's role emerges

- Allegations of collusion between British forces and loyalist paramilitaries stretch back at least 25 years. Convicted UDA killer Ginger Baker claimed that four sectarian assassinations carried out in

1972-73 were based on files given to him by senior RUC officers, (see appendix);

- Collusion between serving British soldiers in the UDR and loyalist paramilitaries has resulted in the thefts of hundreds of British army weapons over the same period. Research by the Irish News in 1985 showed that up to that point almost 600 rifles and pistols were thus secured by loyalists. As is now proven such a weapon was used in the murder of human rights lawyer Pat Finucane;

- In August 1989 UDA spokespersons attempted to justify the killing of a nationalist, Loughlin Maginn, by claiming that he was an IRA member, and that this information was based on RUC files. They released the files and followed this up by distributing to the media, between then and the end of September lists containing over 250 names, photographs and addresses of suspects from intelligence files. The overall estimate on the number of intelligence files which have ended up in the hands of loyalist paramilitaries runs to thousands. This was publicly acknowledged by the RUC;

- As a result of the public outcry John Stevens, a senior British police officer, was appointed to investigate these serious leaks in what became known as the Stevens inquiry;

- The terms of reference for the inquiry have never been made public;

- A summary of the report of the Stevens inquiry was released in May 1990, his full report has never been published;

- In the course of the Stevens inquiry:

1. A fire gutted the office of the investigation team, sited in a heavily guarded RUC barracks outside Carrickfergus. A sophisticated infra-red alarm installed by Stevens failed to go off. When his officers tried to phone the fire brigade from another part of the barracks, the line was dead. All of the files Stevens had accumulated relating to Nelson were destroyed, though the Stevens team later stated they had arranged for back-up storage of some material in England prior to the fire;

2. Stevens discovered that military intelligence agents were being used in the UDA. Senior British army officers at first denied the army ran any agents at all. For the first four months of the inquiry, they concealed 1,100 documents from it and only handed them over when Brian Nelson revealed their existence to Stevens team.

- As a result of the inquiry:

1. more than 2,600 documents came to light;
2. 59 people were charged or reported to the DPP;

3. the offences for which charges were brought centred almost exclusively on the mishandling of classified intelligence documents. This included the unlawful possession of documents; communicating documents to others without authorisation; collecting and recording information;

4. two members of the UDR were convicted in relation to the killing of Loughlin Maginn -Some charges were also brought for firearms offences;

5. The overwhelming majority of 32 of those arrested were members of loyalist organisations as opposed to the serving British forces personnel with whom the documents originated;

6. No one was charged with conspiracy to murder, save Brian Nelson whose central role in the wider picture as an agent of British intelligence was exposed.

- The inquiry failed to identify members of the British forces with whom the documents originated;

- The refusal of British intelligence to provide full co-operation left the inquiry with only the facts which Nelson chose to provide in relation to the role played by British intelligence. Of itself this was substantial involving an 800 page statement;

- The Stevens Inquiry 1989-1990 exposed Brian Nelson as an agent of British Military intelligence and as a senior intelligence officer in the UDA. It uncovered only limited facts;

- The refusal of the British army to provide its fullest co-operation and Nelson's own selectivity in the facts he chose to provide obviously helped draw a curtain around all the facts. Other facts were to emerge as a result of the legal proceedings against Nelson and from the work of journalists;

- Nelson was not the sole British military intelligence agent in the UDA. More than a year after Nelson's arrest Noel Walker, a British agent who had worked alongside him was taken into protective custody. Likewise another agent, Martin McDowell, in September 1992. In a wrap-up operation, the RUC discovered a small arms dump in a social club near McDowell's home. The cache included arms from the South African shipment brought in for loyalist paramilitaries in 1988. The facts of the activities of these agents and active members of the UDA has never emerged.

The Stevens inquiry did not look at the issue of collusion as a whole but was restricted rather to leaks of security documents at the time and related matters. It did not look at evidence that collusion between members of the British forces and loyalist paramilitaries had been going on for many years or at the overall pattern as it related to both targeted and random killings of Catholics. It did not look at the British authorities record during this time in bringing criminal proceedings against British forces personnel in this regard.

The Trial

Due Process and Brian Nelson

- Nelson was arrested in early 1990
- At a hearing on 15 June 1991 he faced 34 charges including two counts of murder. A Military Intelligence witness, known only as Soldier Z admitted that Nelson had worked as a British agent. He claimed that Nelson had performed that role for the previous ten years only.
- The trial finally opened on 22 January 1992, two years after Nelson's arrest:

1. The trial was conducted on 4 years over a 13 day period;
2. Day 1 22.1.92: Nelson pleaded guilty to reduced charges and the court was adjourned for a week;
3. Day 2 and 3 29-30.1.92: The trial hears from a single witness called by the defence; a Military Intelligence officer known only as Colonel J. No other witnesses were called. Colonel J was responsible for reactivating Nelson in 1987;
4. Day 4 3.2.92: Judgement given by Lord Justice Kelly.

- In the week preceding the trial:

1. - the then British Prime Minister, John Major, met the trial judge, Lord Justice Basil Kelly, and the head of the British Judiciary in the six counties. Lord Chief Justice, Brian Mutton. This was a telling parallel of the meeting between Ted Heath and Lord Widgery on the eve of the Bloody Sunday inquiry;
2. - In the Independent, BBC journalist, John Ware and Geoffrey Seed quoted a senior security source describing the case as the army's Watergate.- The Irish Times headlined: The most sensational trial since the start of the Troubles opens next week.

- At the trial:

1. it quickly became clear that the boil was not going to be lanced; a deal had been done. Fifteen charges including the most serious of two counts of murder were dropped. The decision had been taken, it was explained after a rigorous examination of the interests of justice;
2. the usual counsel for the DPP was dropped. Instead, the then Attorney General Sir Patrick Mayhew's representative in the 6 counties, Brian Kerr, prosecuted the case. A few years earlier Mayhew had prevented prosecution arising out of the Stalker / Sampson inquiry into shoot to-kill by issuing Public Interest Immunity Certificates;
3. On the first day after Nelson pleaded guilty to the reduced charges the proceedings were adjourned for a week;
4. On the second day Sir Patrick Mayhew's representative, Brian Kerr, spent most of the day in a lengthy defence of the decision not to prosecute on the main charge;
5. The rest of the trial proper which lasted only one more day was taken up by the single witness called and pleas for leniency for Nelson. This latter included a mitigation plea from the then British Defence Secretary, in which he described Nelson as a valuable agent.

In his submission, the sole witness called the British Military intelligence officer known as Colonel J portrayed Nelson as very courageous man, a hero, and a victim of the system to which he was loyal. At no stage did Colonel J suggest Nelson was a rogue agent. On the contrary he asserted that Nelson's information was always passed on to the RUC Special Branch, and at monthly briefings, to the General Officer Commanding the British Army in the 6 counties as well as to other senior officers. Colonel J said:

"It would be normal for Nelson's information to be referred to these security briefings. In other words, his information was passed around throughout the intelligence community and at high level. Because of that he has to be considered a very important agent of high standing. His product was appreciated. He added: The Secretary of State for Northern Ireland might also be interest in such information."

Colonel J also made clear:

"There is absolutely no doubt in my mind that Brian Nelson was not loyal to the UDA, but loyal to the army."

- When sentence was passed on 3 February 1992, Lord Justice Kelly described Nelson as a man of the greatest courage but said his plea of guilty to five conspiracy charges was an admission that he had chosen to cross the dividing line between criminal participation and lawful intelligence gathering. In sentencing Nelson to a total of 101 years imprisonment, Kelly ruled that the sentence for each conviction would run concurrently. In effect this reduced the sentence to 10 years. Brian Nelson has been a free man since late 1996.
- A direct consequence of the accommodation entered into by Sir Patrick Mayhew through his six county representative, Brian Kerr and the defence was that only fragments of the truth bearing on allegations of collusion emerged. Cross examination was almost entirely dispensed with;
- The prosecution failed to probe fully the extent of Nelson's knowledge and involvement as an agent;
- The deal ensured that allegations that the British army encouraged loyalists to carry out bomb attacks in the 26 counties and then obstructed RUC investigations were never aired;
- In its report Political Killings in Northern Ireland, Amnesty International summed the situation up thus:

"The trial of UDA intelligence chief Brian Nelson revealed that a very high level of information on both loyalist personnel and operations was held by the army and the RUC. The trial also obliquely highlighted that little was done to disrupt these operations, to save lives, to dismantle loyalist groups and to take severe measures to deter known collusion in the passing of security information. Brian Nelson's military handlers who allegedly provided information which assisted in targeting some individuals for murder, were not charged with any offence."

Nelson and the South African Arms

- In January 1988 Loyalist paramilitaries received a huge haul of South African weapons. This consisted of 200 AK 47 assault rifles, 90 Browning pistols, 500 fragmentation grenades, 30,000 rounds of ammunition and 12 RPG 7 rocket

launchers;

- The weapons were divided between the UDA, the UVF and Ulster Resistance, the organisation set up by Ian Paisley, Peter Robinson and Alan Wright;
- In the six years before the arrival of the weapons, from January 1982 to December 1987, loyalist paramilitaries killed 71 people of whom 49 were sectarian / political in nature. In the 6 years following, from January 1988 to 1 September 1994, loyalist killed 229 people of whom 207 were sectarian/ political in nature;
- Brian Nelson, the agent of the British army intelligence and the UDAs chief intelligence officer, was a key personality in this arms transaction. Another was Dick Wright, an employee of the South African arms company Armscor. Wright formerly of Portadown, Co Armagh was an uncle of Alan Wright, leader of the Ulster Clubs and with Ian Paisley a co founder of Ulster Resistance;
- Wright visited the UDA in Belfast in 1980 and made an offer of arms for cash or missile plans or parts from the Shorts missile factory as an acceptable alternative to cash;
- On the instruction of UDA leader John McMichael, Nelson travelled to South Africa in June 1985 to investigate the possibility of a deal. (In February 1992, Private Eye reported that Nelson's visit was cleared not only by senior officials from the British Ministry of Defence but also by an unnamed British government Minister.) a deal was made. The loyalists were to supply South African agents with missile plans or parts if possible a complete shorts missile system in return for a substantial shipment of arms;
- Nelson sometime after the South African visit moved to Regensburg in Germany where in 1987 British intelligence military intelligence and MI5 met with him and persuaded / pressed him to returning to Belfast to take up again his role of British intelligence agent. This was well in advance of the final stages of the arms transaction;
- The deal was completed and final arrangements were made in December 1987. Nelson informed military intelligence of developments at every stage of the proceedings; he passed on all the details including the method to be used to smuggle in the weapons. No action was taken;
- In a jail journal, written by Nelson and obtained by the BBC's Panorama team in 1992 he states: "In 1987 I was discussing with my handler Ronnie the South African operation when he told me that because of the deep suspicion the seizure would have aroused, to protect me it had been decided to let the first shipment into the country untouched";

- At the end of December 1987, Joseph Fawzi, a Lebanese intermediary employed by the US arms dealer working for the South Africans, dispatched the huge consignment of arms which were handled without intervention from the British authorities in January 1988;

- Many of the weapons were later seized by British authorities the largest single cache being taken from Davy Payne, the British ex-paratrooper and UDA Brigadier on 8 January 1988. Between a half and a third of the weapons however still remain in the hands of loyalist paramilitaries;

- Nelson's central role in the arms transaction and transport meant he the subject of a comprehensive public and independent inquiry. That is, collusion between British forces and loyalist paramilitaries including a full investigation of the shipment of South African arms used to rearm the loyalist paramilitaries in the late 1980s.

The latter resulted in the deaths of 229 people between January 1988 and September 1994. Justice for the victims and relatives must be comprehensively and urgently addressed.

This matter, too, has a direct bearing on the current peace process.

The 'decommissioning' issue was deliberately erected by the government of John Major and the unionist parties as a tactical device to prevent the commencement of negotiations, to keep Sinn Féin out of the talks and to delay the start of the substantive phase of the talks.

Sinn Féin's position on this issue is simple and straightforward. We want to see the removal of all the guns from Irish politics; the disarming of all armed groups to the conflict British, loyalist and republicans. That has to be an objective of the peace process.

In this the Sinn Féin position goes much further than the remit with which the two governments tasked the International Body. This was to take into consideration only those guns held by paramilitary organisations. That said, it is clear that even this narrow, and therefore incomplete, focus cannot be fully considered unless the full extent of the role of the British military and intelligence agencies in arming loyalist paramilitaries is laid bare as part of that consideration.

In particular the role of the British security and

intelligence apparatus supported politically and legally at the highest levels of the British government in arming the UDA, the UVF and Ulster Resistance through the activities of British Intelligence agent Brian Nelson must be fully exposed.

There is clearly a direct linkage from the British government, through its military and intelligence apparatus, intelligence agent Brian Nelson to the loyalist paramilitaries and the 229 murders perpetrated by the latter after they received the shipment of South African guns in January 1988.

Appendix

Ginger Baker

Allegations of collusion between British forces and loyalist paramilitaries have been made since the early 1970s. No independent public inquiry has ever been conducted.

Former British soldier Ginger Baker was sentenced to 25 years imprisonment for killing 4 Catholics in the early 70s. Baker has consistently claimed that the RUC members drove weapons through checkpoints, regularly gave RUC files to the UDA and tipped off loyalists to prevent the seizure of their weapons.

On 27 September 1989 the Irish News received a letter from Baker stating that he had been in contact with the Stevens Inquiry. Shortly before this Baker had claimed that an RUC officer was second in command of a UDA battalion in 1972-73. Baker claimed he has vital evidence and can name RUC officers who passed information to loyalist paramilitaries in the early 70s.

In his letter from Long Lartin prison Baker stated:

"In a telephone call from this prison on Friday 22nd September, I informed a female member of John Stevens investigative team that on returning to Northern Ireland I would name the RUC moles."

Collusion between security forces and loyalist extremists in Northern Ireland has always existed. I can prove this absolutely. However the terrible truth which I can reveal may well result in another cover-up.

A spokesperson for the Stevens Inquiry confirmed

that Baker had contacted them. When asked if the inquiry would interview Baker the spokesperson replied: "What Mr Baker has told us is being considered by senior officers and a decision will be made."

Nothing more has been publicly heard of the matter.

Baker was, however, speedily transferred to Ireland. Later he was transferred to England again and released in February 1992 from Frankland Prison.

The Baker era of the early 70s heralded an unbroken chain of events ever since of allegations and proof of British forces collusion with loyalist paramilitaries. This has been documented in court cases, newspaper stories and television documentaries over the past twenty-five years.

However, no comprehensive public independent inquiry has ever taken place.