



Shining a light on deadly informers: The de Silva report on the murder of Pat Finucane

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Numerous flaws and oversights in de Silva's report highlight the need for a full scale independent public enquiry into the British state's dealings in Northern Ireland. Security agencies tasked with keeping the peace acted beyond the law, lied to their political masters, leaked information to loyalists, told falsehoods in criminal trials, and recruited known murderers as agents.

Introduction

The use of informers in Ireland by the British state goes back many centuries. A man called Owen O'Connally informed on the Irish Rebels in 1641, and two of the rebel leaders were subsequently hanged at Tyburn Hill in London. O'Connally was rewarded but he did not live to enjoy his wealth or pension. Like so many after him, he was murdered two years later in the north of Ireland. [1] During the rebellion of 1798, Dublin Castle had a series of agents and informers high up within the ranks of the United Irishmen. In the Land War of the late nineteenth century, informers mingled in the crowds attending evictions and reported back to RIC Special Branch. They were used extensively during the War of Independence, particularly in County Cork. Agents and informers also played a central role in policing the recent conflict in Northern Ireland. Different elements of the security forces had paid agents and informers in all paramilitary organisations, some at the highest level.

On 12 February 1989, Patrick Finucane, a well-known practising lawyer, was brutally murdered by the Ulster Defence Association (UDA) in front of his family while having Sunday dinner. Two of those involved were paid informers and a third, instead of being arrested for the murder, was recruited as an agent. [2]

Following the Belfast Agreement in 1998, the British and Irish governments held further discussions at Weston Park in England in 2001 with a view to implementing the agreement in full. It was agreed that both governments would appoint a judge of international standing from outside both jurisdictions to undertake a thorough investigation of allegations of collusion in six incidents, including that of the murder of Pat Finucane. It was further agreed that if the appointed judge recommended a public inquiry the relevant government would implement one. In April 2004, Judge Cory, who carried out the review into the Finucane

murder, recommended a public inquiry. Cynically, in 2005 the Labour Government passed the Inquiries Act which radically increased the control of public inquiries by the government. But even this change has not been sufficient for successive governments to meet their internationally binding legal agreement under the Good Friday Agreement to hold a public inquiry into Pat Finucane's murder. Instead, in October 2011 the Finucane family was called to Downing Street to meet the Prime Minister, David Cameron, only to be informed that instead of a public inquiry there would be a review of the case led by QC Desmond de Silva – a response which the family described as insulting and a farce. [3]

De Silva published his two volume report in December 2012. The first volume contained 25 chapters of over 220,000 words. The second volume published a selection of scanned documents from the security services, agents and government departments covering some 329 pages. To anyone unfamiliar with events in Northern Ireland over the last 30 years, the report might appear a well-researched and meticulously written document providing a definitive public account which therefore eliminates any need for a public inquiry. However, to those familiar with the history of security strategies in Northern Ireland, there are numerous flaws in de Silva's analysis, reasoning and understanding of the context which, far from eliminating the need for a public inquiry, further strengthens the case in favour of one. This article focuses on the criticisms.

The main findings

Over the years there have been many inquiries into different aspects of the security strategies used in Northern Ireland. [4] This article details the deceit, complicity and illegalities of the various security agencies tasked with keeping the peace: the RUC Special Branch, the Army's Force Research Unit (FRU) and MI5. These agencies all acted beyond the law, lying to their political masters, running propaganda campaigns, leaking massive amounts of sensitive information to loyalists including putting in place FRU's own intelligence officer at the heart of the UDA, ignoring threats to the lives of those they were tasked to protect, telling falsehoods in criminal trials, steadfastly refusing to arrest and prosecute known murderers but instead recruiting them as agents, and refusing to co-operate with investigations into their nefarious behaviour. A list of specific abuses is noted in the Annex along with paragraph reference numbers.

The main conclusion of the report is that "a series of positive actions by employees of the state actively furthered and facilitated [Pat Finucane's] murder and that, in the aftermath of the murder, there was a relentless attempt to defeat the ends of justice." [5] However, de Silva also concluded that there was no "overarching state conspiracy to murder Pat Finucane" [6] – refuting the long-standing and widespread allegation that the Thatcher government approved a 'deniable' campaign against the IRA by deploying loyalist assassins, a strategy approved by all successive governments.

Completeness of the documentation

De Silva asserts: "[I] was given access to all the evidence that I sought, including highly sensitive intelligence files". [7] But given the extent of the duplicity detailed in his report, how can he be sure that he saw all the relevant material? Judge Cory told the Joint Oireachtas Committee that he was satisfied he had seen all relevant documentation [8] but now de Silva informs us that he had "a wider evidential base" [9] which suggests that he received more documentation than Cory. Deep in the heart of his report, de Silva examines the disappearance of the tape on which Ken Barrett, one of the known killers of Pat Finucane, confesses to the murder in the back of a police car. It was replaced by another tape recorded a week later at the exact same location which does not have a confession on it. [10] Thus, what confidence can anyone have that other crucial evidence has not also disappeared or been substituted?

Much of the review is based on Contact Forms (CFs), Telephone Contact Forms (TCFs) and Military Intelligence Source Reports (MISRs). None of these documents are pre-numbered – which is suspicious in itself because this is a common practice of institutions which wish to deny responsibility for their actions. De Silva notes that the CFs from the period around Pat Finucane's murder were withheld from the

Stevens Investigation for more than a year. He goes on to say that he found no “evidence to suggest that they were doctored to remove incriminating material”. [11]

His rejection of the possibility that they were doctored is central to his overall conclusion that there was no ‘overarching state conspiracy’ and hence needs to be considered carefully. There were two elements in his argument. First, he argues that as some CFs were highly damaging to the FRU - including admissions that targeting information was passed to one of their key agents, Brian Nelson, by his handlers- it “was *inconceivable* that there was an attempt to amend the content of the CFs” (Italics added). [12] On the contrary, it is highly conceivable that the most damaging CFs were removed, for example, those which might have suggested that there was a clear policy to use loyalist paramilitaries as assassins, and to leave in place CFs that were less damaging. This would shift responsibility and blame away from the upper echelons of the security services and government to the soldiers on the ground.

The second element in de Silva’s argument involves the rejection of the evidence of Ian Hurst, aka Martin Ingram, an agent handler with FRU at the time of Pat Finucane’s murder who claimed to have been told by a colleague involved in the task that CFs were being doctored. De Silva rejects Hurst’s allegation on the grounds “of his general lack of credibility”. [13] Instead he opts to believe those whom he has shown to have lied extensively and had attempted to undermine the earlier Stevens inquiry (See Annex).

Having rejected Hurst’s credibility, the only other evidence suggesting that the FRU knew about the murder in advance was to be found in Nelson’s long statement to the Stevens investigation and also in his journal written while in prison. [14] But de Silva rejects both because first, an analysis of the CFs do not show that the FRU were told in advance and second, Nelson tended to conceal the truth. [15] Thus, once again the credibility of an agent is rejected in favour of the credibility of discredited members of the security services.

Intelligence-led policing

While de Silva’s terms of reference were very narrow, nevertheless there is one glaring omission in his analysis: there is not one single reference to the blueprint for an intelligence-led policing system for Northern Ireland drawn up by Sir Patrick Walker, who at the time was believed to be second in command of MI5 in Northern Ireland and later became its Director (1988-1992). The blueprint, which was rolled out in early 1980, transformed policing in Northern Ireland from the prevention and detection of crime to a system in which intelligence collection dominated all aspects of policing including the decision to prosecute. Walker’s reforms were drawn up and implemented in secret. The first the public and parliament knew of the strategy was from a UTV programme 20 years later in April 2001. [16] At the centre of the new strategy were informers and agents who were to be protected at all costs. The RUC Special Branch was given the task of controlling all intelligence and handling all decisions as to arrests and CID investigations. [17]

These reforms, which were developed by MI5 - an organisation whose very existence was not acknowledged until eight years later - and which bypassed the normal democratic process, must have been discussed at the highest level in the Northern Ireland Office and in the Joint Intelligence Committee which Mrs Thatcher chaired at the time. De Silva is totally silent on these developments and there is no reference in his report to having looked at any of the relevant minutes in the highest echelons of government.

Throughout his analysis, de Silva appears to assume that intelligence-led policing is all about saving lives and the prosecution and detention of offenders. But intelligence-led policing in Northern Ireland is very different from intelligence-led policing in Britain. As Ed Maloney has pointed out, [18] it had other goals such as manipulating the leadership of enemy groups to advance the careers of some and destroy the careers of others, and shaping policies and ideologies.

As de Silva extensively points out, this system of policing was not subject to legal controls. [19] The 1969 Home Office Guidelines on the use of informers were simply considered inappropriate and there was a

“wilful and abject failure by the UK government to put in place adequate guidance and regulation for the running of agents.” [20] But as Maloney has noted: “no civil servant is going to recommend a set of rules, much less legislation that makes his or her Minister responsible for murder”. [21] It was a perfect system for the Security Service devised and controlled by them outside of the rule of law. [22]

In short, the security services and politicians conspired together to develop a system based on the widespread use of informers who were allowed to commit murder in order to be effective. It was conceived and approved in secret at the highest level of government. It had no legal basis and hence was illegal. Crucially, it was designed so that proper records would not be kept and hence there would be no audit trail. If challenged it could be denied. “Plausible deniability”, as one senior police officer described it, was built into the system from the start. [23] It was a system specifically devised to permit state agents to murder with impunity and one high profile victim was Pat Finucane. To suggest that there was no overarching conspiracy is therefore a matter of semantics.

Lack of any history on the use of informers

From the earliest days of the troubles, the British authorities were anxious to penetrate the IRA’s network. Plain-clothes teams, initially joint RUC/army patrols, began operating around Easter 1971. These teams were reformed and expanded in late 1971 the Military Reaction Forces (MRF), without RUC participation. [24]

IRA activists, when arrested, were given the choice between terms of imprisonment or undercover work for the British Army. At least ten of these defectors, known as ‘Fred’s’, were housed in Holywood Barracks, from where they operated under the command of an army officer, Captain McGregor of the Parachute Regiment. [25] There is incontrovertible evidence that, in 1972, the MRF was responsible for the murders of Patrick McVeigh [26] and Daniel Rooney [27] and the wounding of about a dozen men, [28] none of whom had any involvement with the IRA.

In late 1972, MRF operations were brought under centralised control and specialised training was introduced. The Special Reconnaissance Unit (SRU) was established under the command of Army HQNI. [29] Those recruited all had SAS training but, initially, soldiers who had served in the SAS in the previous three years were excluded so that SAS involvement could be denied. The SRU was a much more sophisticated and secretive outfit than its predecessor and its detachments were located at various points around Northern Ireland. Its primary task was to conduct covert surveillance operations and to handle agents and informers. It continued its work after the SAS was openly deployed to County Armagh in January 1976.

It is against this background, which de Silva is unable to consider because of his terms of reference, that the Force Research Unit (FRU), a covert army agent-running unit, was formed in 1982. [30]

No analysis of the patterns of abuse

De Silva’s report makes little or no reference to other official inquiries, Ombudsmen reports or reports from the Historical Inquiries Team (HET). [31] An analysis of these would have shown that many of the features of the security strategies which de Silva investigated – for example, the failure to arrest and prosecute murderers, the concealment of intelligence, deliberate loss or destruction of evidence, providing misleading or inaccurate information to the courts, the obstruction by both the army and the police of external investigations and the practices and processes of denial – were common features that had been extensively critiqued before.

There is only one mention of the Stalker/Sampson police inquiry into the killing by the RUC of six men in three separate incidents in 1982 and this is contained in a comment by the Chief constable. Yet Stalker as early as 1985 was concerned about the use of informers in Northern Ireland and the possibility that they were acting as agent provocateurs. He and his team were particularly worried about the influence Special Branch had over the entire police force. [32]

There is no mention of the Rosemary Nelson inquiry which revealed the very different practices adopted by Special Branch in Northern Ireland compared with England. It acted as 'an intelligence cell' and only supplied 'sanitised scripts' to the CID. [33] Similarly, there is no mention of the Wright inquiry which noted the lack of an adequate and effective system for information management and dissemination. [34]

The failure to examine any of these and other inquiries and reports foreclosed any analysis of patterns of behaviour which might have informed the conclusions based only on a narrow, document-based, legalistic analysis of the circumstances surrounding the murder of Pat Finucane. Hence it was relatively easy to dismiss the argument that these abuses, practices and processes were systemic or institutionalised.

The recruitment and re-recruitment of Brian Nelson by the FRU

Brian Nelson was a central figure in the intelligence-led policing and security strategy in Northern Ireland. De Silva states that he was initially recruited by FRU in 1984. [35] He had previously been sentenced to seven years' imprisonment for offences connected with the kidnapping and torture of a partially sighted man. Following his recruitment, "he played a pivotal role in the targeting and attempted murder of a Sinn Féin Councillor". [36] De Silva reports that between May 1984 and October 1985, Nelson, who apparently was the FRU's only loyalist agent, met with his handlers some 60 times and was paid over £2,000 for the intelligence he had gathered. [37]

In October 1985, he gave up his role as an agent and took a job in Germany. He had no sooner settled into his new life before FRU were frantically trying to re-recruit him, meeting with him as early as December 1985 and January 1986. [38] Why was he allowed to leave at all if he was regarded as such a valuable agent? Did somebody higher up the line of command suddenly discover he had left and order his re-recruitment?

Gordon Kerr justified FRU's re-recruitment of Nelson to de Silva as follows:

"...there was a desperate need for operational intelligence on the Protestant terror groups, who were successfully targeting individuals for assassination on a seemingly ad hoc basis...We, in the FRU, decided that if we could persuade Brian Nelson to return to Northern Ireland we could re-instate him as Intelligence Officer in the UDA and gain valuable intelligence on UDA targeting." [39]

This justification rings rather hollow in light of the numbers being killed. In 1984, loyalist violence, particularly UDA violence, was low. The UDA killed two people in 1983 and eight people in the previous three years. The UVF, on the other hand, had killed ten people in 1983 and 33 people in the previous three years.

Loyalist violence had declined sharply until 1985. Why then was Nelson re-recruited with such intensity? Kerr's statement to the Stevens enquiry may, unwittingly, reveal FRU's real intentions in re-recruiting Nelson:

"By getting him [Nelson] into that position [Chief Intelligence Officer for the UDA] FRU and SB reasoned that we could persuade the UDA to centralise their targeting through Nelson and to concentrate their targeting on known PIRA activists, who by the very nature of their own terrorist positions, were far harder targets. In this way we could get advance warning of planned attacks, could stop the ad hoc targeting of Catholics and could exploit the information more easily because the harder PIRA targets demanded more reconnaissance and planning, and these gave the RUC time to prepare counter measures" [40]

This explanation suggests that FRU wanted to direct the UDA's targeting towards members of the IRA. Kerr's remark that the RUC would have more time to prepare counter measures to halt such attacks before they could be carried through does not stand up to scrutiny when one considers that the FRU was well aware that Special Branch had continually ignored information provided to them previously.

FRU was not the only organisation determined to re-recruit Nelson; MI5 was also anxious to procure his services. Both FRU and Security Service officers flew to Germany in May 1986 to seek a meeting with Nelson after he had failed to contact them over the Easter holidays.

After Nelson was successfully re-recruited, with the blessing of no less than the Army's Chief of General Staff and Assistant Chief of Staff G2, a FRU officer, referring to Nelson's security in a Contact Form dated 30 April 1987, wrote rather tellingly:

"In the past when [Nelson] targetted [sic] people for the UDA he of course would be aware that the victim would be 'hit' some time or other and based on his information. However, he never knew the identity of the 'hit' team or actually when they would strike. It is hoped these arrangements will continue as it leaves [Nelson] virtually above suspicion if a job goes wrong." [41]

De Silva acknowledges that the FRU's priority, rather than using Nelson's intelligence to prevent loss of life, appeared to be the protection of Nelson's security and he notes that "even the MoD's [Ministry of Defence's] own internal document stated that it 'could be interpreted as the Army approving of paramilitary murders'." [42]

Nelson was offered a very tempting package by the FRU to entice him back from Germany. They bought him a house and a taxi costing £7,200 and agreed to pay him £200 per month for his services. [43]

Whatever the FRU's intentions, Nelson's re-recruitment was an abysmal failure. UDA murders increased during the three years 1987-89. During that time, 30 people were killed by the UDA: twelve in 1987, twelve in 1988 and six in 1989. Ten of those killed were Protestants. Only two members of the IRA were killed – one at the funeral of the three IRA members killed by the SAS in Gibraltar and one at his home in County Antrim in April 1989. The remaining 18 people, including Pat Finucane, were Catholic civilians.

De Silva admits that the provision of information to Nelson by the FRU was "utterly inconsistent with the objective of preventing terrorist attacks and saving lives" [44] and that the way Nelson was tasked and paid meant that he was in effect acting as an employee of the MoD. [45]

MI5 propaganda

De Silva notes that by the 1980s the UK Government and the security forces considered there to be a need for propaganda initiatives against the paramilitaries, specifically against the IRA. [46] To this end, the Security Service disseminated information "within the broader loyalist community in a bid to counter republican propaganda" [47] – an initiative taken forward by MI5 without reference to the Northern Ireland Office. We are told very little about the details but it involved in some instances highlighting the effects of PIRA murders and attacks and in others "discrediting specific PIRA figures". [48]

One of the figures targeted in the initiative was Pat Finucane. [49] As if to mitigate this finding, de Silva notes that he was not the 'focus' of the propaganda initiative [50] and that he found no evidence that Finucane's "personal details were circulated by the Security Service". [51] Nor was it "proposed that any individual or group should attack him". [52] The purpose of the initiative apparently was designed "to discredit and 'unnerve' him". [53] Anyone with a little understanding of Northern Ireland in the period would know that falsely linking people to the PIRA and spreading rumours amongst loyalist communities was an encouragement to murder.

These propaganda initiatives were "comparatively limited" [54] and "appear to have been terminated around the end of 1989" (Italics added). [55] It is extraordinary that de Silva uses the word 'appear' because it suggests that he does not know conclusively, despite claiming to have had access to all relevant documentation. In any event, his analysis flies in the face of what is known about propaganda campaigns in Northern Ireland. While the MI5 initiatives involving Finucane were no doubt limited and terminated in a panic following his murder, propaganda was a central part of the security strategy to defeat the IRA. The Information Policy Unit was set up at army headquarters in Lisburn by the British Government in 1971, shortly after the introduction of internment to counteract what it perceived as IRA

propaganda. The unit was joined by the Information Research Department (IRD), a covert branch of the Foreign Office created in the 1940s to counter communism. Both groups engaged in “a full-blown propaganda war against the IRA”. [56] Colin Wallace, who was senior information officer for the army specialising in ‘psychological operations’ in the 1970s, raised concern internally about the black propaganda campaigns and was forced to resign as an alternative to dismissal (only in 1990 was his role admitted in the House of Commons). [57] Subsequently, he was charged and convicted of killing the husband of a work colleague. He always claimed that he was innocent of the crime and had been set up. His conviction was eventually overturned. [58] There is no mention of this history in de Silva’s report.

Leaks of intelligence to Loyalists

The incredible detail of leaks from both the RUC and the UDR, and apparently to a lesser extent the Army, undermines the view that the security forces were keeping the peace between two warring factions. De Silva examined just a sample of intelligence relating to security force leaks to the UDA in the greater Belfast area between January 1987 and September 1989 and found 270 separate incidences of leaks. [59] He notes that MI5 estimated that, in 1985, the UDA had thousands of items of intelligence material and that 85% of this was drawn from security force sources. [60]

Despite his attempts to downplay the leaks as ‘low-level’ and originating from ‘junior’ UDR and RUC officers, de Silva is forced to accept that there were a number of high-level RUC and army officers involved and that very sensitive information was sometimes passed. He quotes MI5 as follows: “Certainly our researches suggest that RUC links are as extensive as the UDR’s; although it is probably fair to say that RUC officers would not have committed so many offences of murder, manslaughter, firearms offences, etc”. [61] The obvious question that arises is just how many offences of murder, manslaughter and firearms offences have members of the RUC committed?

The leaking was so extensive that on one occasion the deputy head of Special Branch decided that it was not worth bothering to prevent a break-in at a UDR barracks “since the UDA already had lots of this stuff anyway” and “as they would find nothing of value, there was little to be gained by trying to prevent the break-in”. [62] No attempt therefore was made to prevent the UDA breaking into the UDR barracks and gaining intelligence. A UDR briefing video was stolen and given to Nelson who “encouraged UDA attacks on those [republicans] featuring on the video.” [63]

De Silva also refers to vetting difficulties in the UDR; an old problem, still alive and well in the late 1980s. He reports that the Stevens team found 1,350 adverse RUC vetting reports on individuals seeking to join the UDR during the period 1988-89. Despite these reports, 351 of these individuals were enlisted into the UDR. [64] Vetting of applicants to the UDR had been problematic from the inception of the regiment. In a memo of August 1973, the Director of Security (Army) admits that the process is merely a screening procedure with checks made with Special Branch and other ‘int/sy’ records. The check had been extended to include the interview of at least one character reference. However, it was remarked that this is no more than a public relations exercise because the applicant nominates the referee. [65]

More break-ins at armouries were occurring in the late 1980s, by then a traditional source of weapons for loyalists. The first major armoury break-in occurred at the TAVR/UDR Centre in Lurgan on 23 October 1972 when 83 rifles and 21 sub-machine were taken, along with a Land Rover belonging to 40 Signal Regiment (61 rifles and seven SMGs were subsequently recovered – the thieves had not expected such a huge haul). On the first anniversary of the break-in, four rifles, two sub-machine guns and five pistols were stolen from the armoury of E Company UDR in Portadown. [66] In the following years, break-ins at UDR armouries were a regular occurrence. [67]

Arming the loyalists?

De Silva examines the attempt by the UDA to purchase arms in South Africa and totally discounts any involvement of FRU or the Security Service. He is adamant that there was no shipment of arms in 1985

based on the evidence that Nelson told his handlers that the UDA was unable to raise the required funds. He acknowledges, however, that Nelson did visit South Africa in 1985 with the sole purpose of obtaining arms for the UDA with the full knowledge and approval of FRU. [68] He omits to note that his travelling expenses were paid by FRU, a detail provided by Cory. [69] This raises the question: if the FRU was prepared to pay for his trip were they also prepared to pay for guns?

Cory is far less certain than de Silva that no shipment took place in 1985. He comments: "The evidence with regard to the completion of the arms transaction is frail and contradictory" and "whether the transaction was consummated remains an open question". [70] Ian Hurst, aka Martin Ingram, is in no doubt that arms were obtained in South Africa with the knowledge of both Armscor, the South African Armaments body, and the South African government. He argues that FRU was heavily involved in the whole process because it had two main advantages. First, it would increase the operational capacity of the UDA and second, it would improve the standing and prestige of Nelson. [71] This account is not even considered by de Silva.

In relation to the shipment of arms via Lebanon in December 1987, de Silva is resolute that Nelson and FRU had absolutely no involvement and places the bulk of the responsibility on Ulster Resistance. [72] He refers to the "limited evidence available" and claims "Nelson had little awareness of this operation". [73] Is it credible that Nelson, Intelligence Officer for the UDA, would not have been fully aware of the operation even if he, himself, was not directly involved? An article in the *Guardian* quoted an Armscor source that "when arrangements were being made for the shipment of the arms from Lebanon, it had to be agreed by John McMichael and by his intelligence officer, Brian Nelson". [74] Ian Hurst confirms the shipment and the involvement of the FRU and the Security Service, pointing out that the loyalists were put in touch with the Lebanese gun-runner through an American in Boss, the South African government's secret intelligence agency. [75]

Conclusion

De Silva's report has shone a light on the role played by the British state in a very dirty war. Its paid agents were involved in the murder of both innocent citizens and paramilitaries. The security service, MI5, designed and put in place a deniable and illegal system of intelligence-led policing which operated outside the rule of law. Successive British governments were aware of the existence of this system yet took no action against it. Senior officials in the police, army and MI5 attempted to subvert and undermine any independent investigations through lies, deceit and other means. Both the army and MI5 were prepared to re-recruit a known killer as an agent, supply him with intelligence and pay for him to go to South Africa with the assumed aim of purchasing arms at a time when UDA violence had declined significantly. What could have been the purpose of all these actions other than to encourage loyalist paramilitaries to intensify the war against the IRA and the Republican community? Far from dispelling the possibility that there was an overarching conspiracy in the murder of Pat Finucane, de Silva's report adds further weight to such a conclusion. A definitive answer can be obtained only by a full scale independent public inquiry in which key witnesses are cross-examined.

Annex: de Silva's principal findings

RUC Special Branch

- It failed to take action against the FRU's agent Brian Nelson who was involved in at least 4 murders and 10 attempted murders (29).
- It failed to respond to Nelson's intelligence (38).
- It failed to warn Pat Finucane of the threat to his life in 1981 (54) and 1985 (56).
- It failed to act on threat intelligence relating to Paddy McGrory in July and October 1989 (23.20).

- It failed to take action against the West Belfast UDA gang responsible for many murders and other attacks (17.16).
- It provided the Chair of the UDA and 'Brigadier' of the West Belfast UDA with an entirely improper degree of protection and assistance (78).
- It failed to exploit William Stobie's intelligence which could have prevented Pat Finucane's murder (91).
- It did not reveal information regarding the probable murder weapon to the RUC CID murder investigation team (93) or the agent roles played by William Stobie and Brian Nelson (23.75).
- It failed to arrest Barrett, despite reliable intelligence of his involvement in the murder as early as 16 February 1989, until the Stevens III Investigation in 1999 (95).
- It recruited Barrett as an agent rather than charge him with Patrick Finucane's murder (97).
- It deliberately lost the original tape with Barrett's 'admission' to the murder in order to obstruct the investigation into the murder of Patrick Finucane (99).
- It seriously obstructed the Stevens investigation by withholding significant quantities of information (163).
- It lied to the Stevens investigation about its knowledge of Nelson's 'intelligence dump' (24.59) and its seizure by the FRU (24.67).
- It failed to pass onto the Stevens investigation for more than a year a file reporting on RUC and UDR leaks during 1987-89, prepared by the FRU. The Security Service described the file as a 'fairly formidable folio on [Nelson's] reporting on collusion' (24.71).
- It failed to pass onto the Stevens investigation a Security Service compendium of leaks (24.80).
- It deliberately sought to direct the Stevens Investigation towards examining security force 'leaks' from the UDR and concealed information indicating that a similarly large number of leaks had emanated from RUC sources (163).
- It failed to arrest four individuals reliably linked to the murder of Terence McDaid, six linked to the murder of Gerard Slane or a number of individuals linked to the three attempted murders (17.18).
- It provided highly misleading information regarding Nelson's role to the Attorney General, DPP(NI) and the prime minister (24.118, 24.137, 24.141).

RUC in general

- It proposed Patrick Finucane as a UDA target (74) and gave the UDA 'intelligence' on him (19.81).
- It provided assistance to loyalist paramilitaries in instances where they shared a common desire to see republican paramilitaries killed (46).
- It failed to ensure an adequate investigation into the murder of Pat Finucane (94).
- It tipped off Nelson and other UDA members of pending arrests by the Stevens Investigation (24.82).

The Army's Force Research Unit (FRU)

- It allowed Nelson to update and disseminate targeting material to other loyalist paramilitaries (32).
- It passed intelligence to the RUC SB prior to the attack on Pat Finucane in the knowledge that the RUC was taking no action on the bulk of intelligence supplied to them (40).
- It informed the Stevens investigation that the army itself did not use informants (24.41).
- It failed to provide the Stevens investigation with important material relevant to his criminal investigation (101).
- It gave Nelson at least three lessons in 'Resistance to Interrogation' techniques in case he was arrested and was " told to say absolutely nothing to any interrogators no matter what the threat " (24.11).

- It failed to mention that Solicitor, Paddy McGrory, was the main target in a CF on loyalist targeting (23.16).

Army in general

- It gave instructions that no intelligence documents or access to its intelligence gathering units should be made available to the Stevens Investigation without reference to the DHSB (24.26).
- It briefed Government Ministers that leaks related to only a small number of 'rogue' individuals and was of 'low-level' when in fact it was extensive and included highly sensitive information (47).
- It must bear a degree of responsibility for Nelson's targeting activity during 1987-89, including that of Patrick Finucane (87).
- It consciously failed to provide the Stevens investigation with important material relevant to his criminal investigation (101).
- Senior Army Officers deliberately lied to criminal investigators by informing them that they did not run agents in Northern Ireland to hide the existence of Brian Nelson (102).
- MOD wrote to Tom King that it would not wish Nelson to be prosecuted (24.102).

MI5

- It failed to carry out their advisory and co-ordinating duties adequately in relation to Nelson and the FRU (37).
- It supported the RUC SB's decision concerning threats to Pat Finucane to take no action in 1981, and appear to have made no attempt to prompt them into taking any action in 1985 (56).
- It failed to seek political clearance for its involvement in propaganda initiatives (63).
- It failed to take proportionate steps to protect the life of Solicitor Paddy McGrory in July and October 1989 (23.24).

Security forces in general

- They passed on to loyalist paramilitaries a very large volume of information including reported leaks of highly sensitive information (47).

Government/Civil service criticisms

- They failed to put in place an infrastructure underpinning the conduct of intelligence agents and handlers (108)
- MOD officials provided the Secretary of State for Defence highly misleading and, in parts, factually inaccurate advice about the FRU's handling of Nelson. (107).
- The system appears to have facilitated political deniability in relation to such operations, rather than creating mechanisms for an appropriate level of political oversight (25.25)

Endnotes

[1] Boyd, A. (1984). *The Informers: A Chilling Account of the Supergrass in Northern Ireland*. Dublin: Mercier Press.

[2] De Silva, D. (2012). 'Pat Finucane Review: An independent review into any state involvement in the murder of Pat Finucane, Vol 1 and Vol 2'. London. Vol 1, Para. 51 and para. 97. Available: <http://www.patfinucanereview.org/report/index.html>

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Irish Times, 13 May 1972; National Archives of UK, DEFE24/981, Information Policy brief, 16 May 1973.
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