BRITISH INTELLIGENCE

BRIAN NELSON

& THE REARMING OF THE LOYALIST DEATH SQUADS

Glossary

ANC – African National Congress

Combined Loyalist Military Command – From April 1991, the umbrella group publicly representing the loyalist paramilitary groups, the UDA, UVF and Red Hand Commandoes.

CZI – Polish state arms export monitoring body, the Polish Central Office of Engineers.

DPP – Director of Public Prosecutions.

DUP – Democratic Unionist Party. Leader: Ian Paisley; Deputy Leader: Peter Robinson.

FRU – British Intelligence counterinsurgency section in the Six Counties. Full name variously reported as the Future/Forward/Field/Force Research/Reconnaissance Unit.

IRA – Irish Republican Army.

GOC – General Officer Commanding.

MI5/MI6 – British Military Intelligence.

MOD – British Ministry of Defence.

MRF – Military Reaction Force. Counter-insurgency section set up in the early 1970s in the Six Counties by British Military Intelligence.

NCO – Noncommissioned officer.

North – Six northeastern counties of Ireland, under British occupation.

PLO – Palestine Liberation Organisation.

RIR/UDR – Royal Irish Regiment, formerly called the UDR (Ulster Defence Regiment); locally recruited British army regiment in the North of Ireland.

SADF – South African Defence Forces; armed forces of the predemocracy Apartheid regime in South Africa.

SAS – Special Air Service, British army. Undercover operations force assigned to 'dirty war' tasks such as the summary execution of opponents.

Sinn Féin – Political party that campaigns for British withdrawal and a 32-County socialist republic.

Six Counties – The six northeastern counties of the nine-county province of Ulster in Ireland which are under British occupation.

UDA – Ulster Defence Association. Loyalist sectarian death squad. Uses title UFF (Ulster Freedom Fighters) when admitting carrying out sectarian attacks.

Ulster Resistance – loyalist paramilitary organisation launched in November 1986 with the support of DUP leaders Ian Paisley and Peter Robinson.

UN – United Nations.

US – United States of America.

UVF – Ulster Volunteer Force. Loyalist paramilitary organisation, which along with the UDA is responsible for the majority of loyalist death squad attacks in the past 25 years of the war in Ireland.

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In 1988 an organisation responsible for over 500 sectarian killings in Ireland was being publicly defended by the British government. In a British Foreign & Commonwealth Office briefing for international journalists, the world was told the UDA *"is not an avowedly terrorist organisation. Individual members have been convicted of acts of terrorism, but the fact that members of an organisation commit criminal offences does not necessarily mean that the organisation as a whole is criminal. The majority of the UDA's declining membership confine themselves to its social or small-scale political activities."*[1]

In January 1992 a British military intelligence representative was telling a Belfast court a different story. The UDA, he made clear, is *"a terrorist organisation"* and for that reason, from 1987 a British agent, Brian Nelson had infiltrated it *"to prevent, or at the very least limit its murderous activities"*.[2]

No explanation was offered as to why in 1988 the British state was protesting the relative innocence of a group it was now admitting was *"a murder gang"* throughout the same period.[3] The Belfast court asked for none. The UDA was not on trial; in fact, the UDA was still a perfectly legal organisation, and the British government's legal representative in the North was not in the dock. He was prosecuting the case.

On trial was the agent who had worked within the UDA on behalf of the British state, Brian Nelson.

The Nelson trial threatened to burst the bubble hiding the true nature of Britain's role in the conflict in Ireland. Far from being neutral, the British state has allied itself militarily and politically, overtly and covertly, with the loyalist cause.

Who is Brian Nelson?

Nelson is a native of Belfast who joined the notorious Black Watch Regiment of the British army in October 1965. A month later he was sent to the 51st Highland Brigade depot in Brig O'Don Barracks, Aberdeen, for training. He is remembered by one member of the Argyll & Sutherland Highlanders who served with him in the Tunis Squadron as *"an Orange bigot"* who *"only joined a Scottish regiment because he thought (wrongly) we were all Protestants. He hated Catholics and caused all sorts of problems in the camp. He only got away with his exploits because, even then, he was spying on the rest of us. He was the most odious character I've ever met and it was no surprise to read of his 'patriotic' exploits on behalf of the army."*[4]

Nelson's sisters have confirmed that it was while he was with the Black Watch Regiment that he was first recruited by British Intelligence, then on the look-out for locally recruited 'hirelings' to act for it in the Irish conflict.[5] Officially, it is claimed that Nelson went absent without leave in the late 1960s and was medically discharged from the army in 1970. However, Nelson's service enlistment did not end until 1974, and so it was while he was still a serving British soldier that, in 1972, he joined the UDA, an association of loyalist terror gangs formed the previous year.

Within the organisation, Nelson worked with UDA gangs in their campaign of intimidation against the Six Counties' nationalist community. In one incident for which he was arrested, Nelson and two other UDA members abducted and tortured a nationalist civilian, Gerald Higgins, in March 1973. The RUC labelled Nelson the gang's ringleader. A court report on the case in the *Belfast Newsletter* stated:

"The abducted man was taken to a UDA club in Wilton Street off the Shankill Road, searched, punched, had a gun drawn to his head and had his hair set alight.

"Mr Higgins had his spectacles taken away from him, leaving him almost blind. The injured man had a heart condition and his assailants refused to let him take pills which gave him relief. The men wet his hands and then put two wires in his hands connected to a generator and sent an electric shock through his body."

Gerald Higgins died soon after this tortuous ordeal, his family blaming his premature death on the UDA gang. Far from being charged with attempted murder though, Nelson had his first taste of British justice for pro-British forces. He and his two accomplices were allowed to plead guilty merely to false imprisonment and possession of a revolver. They were sentenced to seven years in jail, of which Nelson served just over three years.

Upon his release in 1977 Nelson rejoined the UDA, still working for British

Intelligence. By 1983 he had risen in the ranks as a death squad member to become the UDA's Intelligence Officer.

The official account of Nelson's life says that in 1985 he went back to Germany (where he had earlier served with the Black Watch Regiment) and took on a civilian job. He returned to Ireland in 1987 under the direction of his military 'handlers' and MI5.

Within a short time Nelson was Chief Intelligence Officer for the UDA, placing him in a leading role in the reorganisation and rearming of loyalist death squads which occurred in the late 1980s.

His day-to-day role was in the monitoring of and collation of information on people identified as nationalist 'suspects' in crown forces' files the UDA had in its possession. In the period while Nelson was in place in this key intelligence position in its leadership, the UDA killed at least 20 people.[6]

When in January 1992, Nelson's military handler since 1987, an anonymous 'Colonel J', claimed in Belfast's Crown Court that the reason for sending Nelson into the UDA was to curb its *"murderous activities"* and that Nelson had done so to *"save lives and bring down the terrorist organisation"*,[7] his claim was at variance with the reality of Nelson's position within that organisation.

Nelson's occupied a position in the UDA he could not have held without setting up people for assassination, a position the army itself admitted it had chosen for him. A position in which, in Nelson's own words, his brief was *"to build an efficient intelligence network to enable the association to properly target known republicans for possible execution"*.[8]

But on a wider scale, Nelson and his superiors in British Intelligence helped loyalist death squads import a vast arsenal of weaponry from South Africa, weaponry still being used in loyalist attacks on nationalists in Ireland.

The UDA and 'Friendly Guerrilla Forces'

Brian Nelson is neither the first nor the last British agent in the Ulster Defence Association. When it was formed from an alliance of loyalist paramilitary groups in September 1971, its first leader, Charles Harding Smith, worked as an agent for British Intelligence. He was later tried in connection with arms dealing in early 1972. He revealed at his trial that he had worked with British Special Branch and claimed his objective had been to try to trap the IRA through arms deals. His trial defence included a mitigation plea written by the Assistant Chief Constable of the RUC. Harding Smith and his four co-defendants, who included an RUC officer, were acquitted.[9] Harding Smith returned in late 1972 and resumed control of the UDA.

Dave Fogel, one of the founders and subsequent leaders of the UDA, was also a British agent. Fogel was leader of the Woodvale UDA in 1972, and during the period of the IRA truce in July, he arranged with two of the most senior British army officers in the North for mixed army-UDA patrols of loyalist areas.[10] In January 1973, Fogel fled to England with his family, fearing his UDA cohorts would not respond positively to his exposure as a British agent. He subsequently spilled the beans on the UDA in a *Sunday Times* interview.[11]

While Nelson was becoming active in UDA ranks in the 1970s, another British agent, Albert 'Ginger' Baker, was turning himself into police in England. On the 31 May 1973 at Warminster County police station, Baker confessed to four sectarian murders of Catholics in Belfast as well as eleven robberies. He told police he had *"found God"*.

Baker, a British soldier who left his army regiment, the Royal Irish Rangers to join the UDA in 1972, had played a leading role in the notorious 'Romper Room' murders of the early 1970s, where nationalists were beaten, tortured, mutilated and then shot.

As was the case with Brian Nelson, Baker was no lone 'bad apple' in the British basket. Following his sentence to life imprisonment in 1974, he publicly detailed the involvement of British Intelligence and the RUC in UDA death squads and described how he had been recruited and trained by British Intelligence while serving in the Royal Irish Rangers.

Amongst the statements Baker made was that RUC officers were involved in loyalist killings, supplied information and weapons to loyalist paramilitaries and that an RUC officer was second-in-command of a UDA battalion in 1972-'73.

When in September 1989 Baker threatened from jail to divulge all he knew about RUC involvement with loyalist killer gangs in the 1970s, he was speedily transferred to Ireland. Later, he was transferred back to England again and released in February 1992 from Frankland Prison.

Albert Baker, at the time of his involvement in the UDA, worked for a

Military Reaction Force (MRF) unit based at British army married quarters in Hollywood Barracks, Belfast. MRF was part of the counterinsurgency command in the Six Counties. Its purpose was to tie in official and unofficial pro-British forces in the war against Irish nationalists. It was set up by the then Brigadier Frank Kitson, the leading British counter-revolutionary 'expert' and commander of British forces in Belfast at that time.

MRF was phased out after a number of its operatives were identified and shot by the IRA and public exposure of its activities became counter-productive. A series of loyalist attacks carried out by SAS-trained operatives working from an MRF unit at Palace Barracks were revealed in court cases in 1973.

One of these court cases in particular highlighted the motivations of the British counterinsurgency operation. In 22 June 1972, four nationalist taxi-drivers were seriously wounded when loyalists opened fire from a passing car in Andersonstown, West Belfast. The RUC brought charges of possession of a Thompson machine gun and ammunition against two serving officers of the British army in connection with the shootings. In 1973, Captain James McGregor of the Parachute Regiment and Sergeant Clive Williams of the 39th Infantry Brigade were tried and acquitted. During and after the trial, Williams admitted he was an MRF member and an explanation for a whole series of apparently 'random' sectarian killings in and around the period of the IRA 1972 truce began to emerge. British Intelligence had deliberately set out to wreck the truce by use of the UDA and its MRF units in increased sectarian attacks.[12]

MRF was later replaced by other counter-insurgency units as British war managers set about refining their handling of the Irish conflict. However, the British state made no attempt to disassociate itself from MRF or its architect Frank Kitson. Despite his actions in Belfast, Kitson was awarded a CBE for*"bravery"* and later went on to become Commander-in-Chief of UK Land Forces in 1982.

Throughout the late 1970s and '80s, the scale and focus of British Military Intelligence involvement with loyalist killers continued unchallenged. The Military Intelligence brief remained the same. One of its main roles was defined in 1973 in the British army's secret training manual, *Land Operations, Volume III - Counter-Revolutionary Options*:

"Liaison with, and organisation, training and control of, friendly guerrilla forces operating against the common enemy." [13]

While British politicians continued to insist the 'common enemy' was the IRA, their forces were going beyond merely targeting the armed assertion of the risen nationalist population. In Kitson's famous phrase, it was necessary to *"pollute the water the fish swim in"*. Albert Baker confirmed this strategy when he later stated the UDA's activities *"were designed to fit into a British Intelligence plan*

to terrorise the nationalist community and push off support for the IRA". The target was to be the whole nationalist community.

In a period when the UDA maintained a public profile which consisted of marching and the issuing of threatening statements, its rank-and-file were responsible for the forced evacuation of over 50,000 nationalists from their Belfast homes and its leadership was directing an intense campaign of sectarian assassinations and attacks on nationalists and all those it perceived as being a threat to the union. Loyalists have long used anti-Catholic pogroms as a means of reinforcing Protestant supremacy in the North. It is important to note that these pogroms pre-dated the re-emergence of the IRA's campaign.

The continued use of British agents within the UDA in the late 1970s and early '80s was confirmed in at least two cases. In 1981, a spokesperson for the UDA in Derry told the *Irish Times* that they had discovered that one of their members was an officer in British Military Intelligence. They confirmed that he had regularly handed over intelligence on alleged *"republican suspects"* who had subsequently become targets for UDA killer gangs. Also in 1981, a UDA member on trial for the murder of John Turnly told the court he had been working for the SAS at the time of the killing. Turnly, a Protestant member of the small Irish Independence Party, was shot dead while he was on his way to a political meeting on 4 June 1980.

While British state agents organised and manipulated the level and direction of loyalist violence, British politicians wiped their hands clean of their Irish war, dismissing it as a sectarian conflict between two religious sides.

Though loyalist paramilitaries have always had their own sectarian agenda, it is clear that the expertise and experience of British agents has added significantly to their ability, strength and the focus of their activities.

Nevertheless, even when clear examples of state terrorism occurred, such as when British agents directed the bombings of Dublin and Monaghan that took place on the 17 May 1974 – the highest death toll in any one day of 25 years of war in Ireland – these were passed off as solely the work of loyalists.

This high-level collusion involving British agents has always been paralleled by sanctioned collusion between British and pro-British forces on the ground. In 1990, independent researchers were commissioned by Sinn Féin to investigate 113 killings by loyalists in the 1980s. The researchers found *"strong evidence of crown forces involvement"* in 62% of the loyalist killings, the vast majority of which were what they described as 'uninvolved people'. At a press conference on the 23 March 1990, Sinn Féin President Gerry Adams concluded that:

"Far from being random, actions by loyalists against nationalists are linked to the so-called forces of law and order. In 70 out of the 113 killings examined, there was strong evidence of crown forces involvement. In 18 cases, the killings were carried out directly by members of the British forces or by gangs which

included members of British forces. Only in 12 of the cases (10.6%) were the victims active republicans."[14]

Far from *"bringing down"*[15] the UDA or other loyalist paramilitary groups, Britain has always made clear it regarded them as 'friendly guerilla forces' or at worst, counter-terrorists.

Even the Ulster Volunteer Force, the other main loyalist paramilitary force, was legalised for a period between May 1974 and October 1975. The UVF and its off-shoots, the Protestant Action Group and the Protestant Action Force, have matched the UDA's policy of targeting Catholics for sectarian killings. Its first leader, Gusty Spence, has alleged the organisation was being directed by British Intelligence at the time he was in it, a fact he claimed he only discovered years after.[16]

In addition to this and other allegations of infiltration of the leadership of the UVF by British Intelligence, a huge cross-over has long existed between the UVF and the British army regiment, the UDR/RIR. Many UVF members were ex-British army officers and the UVF itself has encouraged its members to join the UDR for free training as well as access to weapons, ammunition and intelligence.[17]

In an article in *Hibernia* journal in 1975, journalist Kevin Myers reported that he had been shown some of the UVF files in early 1973.[18] These had included, he stated, 'restricted' British forces' files on republicans and a British army street map of part of North Belfast listing all the houses of so-called 'IRA suspects'. Myers also reported that *"a remarkable relationship was struck up between four leading intelligence officers and the effective military commander of the UVF"*, Jim Hanna. The four included three members of the 39th Brigade Intelligence, Captains Anthony Ling and Anthony Box and Lieutenant Alan Homer, as well as Intelligence Corps member, Timothy Golden.

Jim Hanna gave Myers one example of how this *"remarkable relationship"* with British forces worked. He told how *"a British army patrol had assisted him and two other UVF men into Corry's timber yard, which overlook the Catholic Ballymurphy, and were present when one of the three shot a young Catholic".* Hanna revealed that an army major ordered his soldiers to withdraw without arresting either him or his UVF accomplices.

Ironically, despite detailing this and other links between the UDA and UVF and British forces, Myers ended his *Hibernia* article with the statement *"there is no evidence such collaboration is widespread"*, a claim which was to be echoed by British government spokespeople every year after 1975.

In the early 1970s, as the UDA continued to be listed in telephone directories and to operate out of offices in Belfast, it began to use a cover name, the Ulster Freedom Fighters (UFF) to claim its sectarian killings. The UFF name was banned in 1973, but most observers accepted it was a nonexistent group anyway;

the UFF being merely a label of convenience for the UDA. Even the crown forces talked of UDA killings, not UFF ones. Nevertheless, right up to the Nelson trial, British officials sought to maintain the fiction that the UDA was somehow different from the killer gangs that comprised its membership.

In 1984, for example, an official British government report by Sir George Baker defended the continuing legal status of the UDA. Referring to an October 1980 UDA press statement in which it said it would not *"be drawn into a sectarian war, but will use every means at its disposal to eliminate those who pose a threat to the state of Ulster"*, Baker commented that the statement made clear that *"this was not to be interpreted as a threat to the Roman Catholic population"*.[19]

When the UDA was finally banned on 10 August 1992, the public admission by the British that *"the Ulster Freedom Fighters comprises no more than a cover name for the violent acts of the UDA"* [20] prompted the northern editor of the *Irish Times* to comment:

"This is not news to anyone involved in the Northern Ireland conflict. The surprise is that it has finally been publicly accepted by the British government, having been rejected for many years."[21]

The decision to make the UDA officially unofficial came about following the Brian Nelson trial. But within two weeks of that trial, then British security minister Brian Mawhinney was still defending the organisation's legal status and describing its activities as *"reactive rather than proactive"*. Four months previously, British Direct Ruler Peter Brooke had made plain that despite a year of increased loyalist sectarian attacks, *"nonetheless, the IRA remains the principal threat to the fabric of society"*.[22]

In April 1992, new British minister Michael Mates continued the defence of the 'friendly forces' when he told an ITV documentary *"there are some rowdy and possible criminal elements"* within the UDA, but it *"up until now has been an extreme Protestant organisation most of whose members... don't go beyond the law."*[23] Six members of the UDA appeared on the same programme justifying 13 UDA killings since the beginning of the year, including the Ormeau Road massacre in which five nationalists were killed.

On the same day as Mates' comments were broadcast, the UDA killed a 26-year-old woman, Philomena Hanna, as she worked in a chemist's on the Springfield Road, Belfast. An RUC/British army checkpoint which usually operated at Lanark Way nearby was lifted some 20 minutes before the attack occurred. As local women gathered to protest after the shooting, an RUC armoured vehicle rammed through their road picket.

Like the 1988 Foreign Office briefing on the UDA, the comments of Michael Mates were no error, no misinformed bumbling. Mates was in a perfect position to know the UDA for what it was. A former soldier, he had served in the North

in 1955, 1964 and 1969, and had acted as military adviser to the loyalist Stormont regime. In the 1970s, as Britain refined its attempts to direct loyalist death squads, Mates was sited in the Ministry of Defence MO4 Section, which had overall control of the British war machine in Ireland. As security minister in 1992, he oversaw the FRU, the successor to the MRF and the 14 Intelligence Company, another counterinsurgency unit.

Opinion is divided amongst security analysts as to what FRU stands for, but Brian Nelson has stated that his handlers latterly came from it. When 'Colonel J' told Nelson's trial judge he had served as commander of a military intelligence unit in the North from 1986 to 1989, it was widely reported that this unit was FRU.

Writer Martin Dillon claims in his book *Stone Cold*[24] that the role of what he calls the *"Future Research Unit"* is to liaise with the UDA. He further claims that in 1988, FRU supplied material assistance to loyalist freelance killer Michael Stone to carry out the Milltown massacre and that the two soldiers killed at the funeral of one of Stone's victims were FRU members.

Whatever the name of the counterinsurgency division, there is little doubt that liaison with the UDA on the part of crown forces continues. In May 1991, a year and a half after Brian Nelson's arrest, a British agent who had worked alongside him in the UDA, Noel Walker, was taken into 'protective custody' by his handlers. In late September 1992, another agent Martin McDowell was taken into 'protective custody' by the RUC and allocated a new home for his family. In a wrap-up operation, the RUC 'discovered' a small arms dump in a locked-up social club close to McDowell's home. The weaponry found included arms from the South African shipment brought in by Brian Nelson for loyalist paramilitaries in 1988.

McDowell's recall by his military superiors one month after the UDA was banned confirms the view most aptly expressed by *Irish Independent* journalist Alan Murray the day after the ban announcement, that *"There are unlikely to be wholesale arrests of members of the UDA... it is unrealistic to expect that this move under the EPA will prove more than a cosmetic exercise."*[25]

Quoted in the same article, Sinn Féin spokesperson Mitchel McLaughlin said the UDA had been used *"as a tool of British security policy for 20 years. It is nonsense to expect that the same forces which have worked so closely with the UDA will now take effective action against it."*

The handling of both McDowell and Noel Walker also demonstrates why Brian Nelson's case was so peculiar: Nelson was never meant to be put on trial. His superiors viewed his work as *"valuable"* and his tenure as the UDA's arms procurer and killer-gang servicer was unlikely to have been stopped were it not for his unintended arrest in January 1990. So why was Nelson arrested and how was he tried?

The Stevens Inquiry and Nelson's arrest

In 1989 concern about collusion in the form of information sharing between British forces and loyalist paramilitaries was increasing, with Sinn Féin and others highlighting individual cases. Pressure on the British government to be seen to be doing something about it suddenly mounted when loyalists themselves again proved its existence. The situation was becoming farcical as dozens of intelligence files were pasted on walls and posted to journalists and politicians. After the shooting dead of Rathfrailand man, Laughlin Maginn, on 24 August 1989, the UDA/UFF showed BBC reporter Chris Moore a video tape identifying people they claimed were 'IRA suspects', including Maginn. They said they had got their information from an RUC Special Branch 'confidential' dossier.

Amidst the ensuing public outcry, John Cope, British Security Minister in the Six Counties, stated: *"No one here has the right to take the law into his own hands, least of all members of the security forces. If it is found that any members of the security forces have been helping terrorists, I have no doubt they will be prosecuted with the full severity of the law."*[26]

Within weeks, in September 1989, the re-instatement of a 'security force' member convicted on collusion charges into his British army regiment with the blessing of Armed Forces Minister Archie Hamilton (who described him as *"a very fine soldier"*) gave the lie to Cope's claims.

The soldier, Corporal Cameron Hastie, and an accomplice, UDR private Joanne Garvin, had five months previously been given an 18-month suspended sentence for providing the names, addresses and photographs of nationalists to loyalist paramilitaries. It is widely known, but was not revealed at their trial that the UDA contact who Garvin met outside Girdwood Barracks in North Belfast on at least one occasion was Brian Nelson.

The killing of Terence McDaid at his home in Belfast on 10 May

1988 was triggered by the Hastie/Garvin leaks. Amongst the documents provided by them to Nelson was an index card and photograph of Declan McDaid, identified as a 'republican suspect'. Nelson in turn passed these on to Winkie Dodds, a UDA assassin. When Terence McDaid was killed, the UDA later admitted they had mistaken him for his brother.

The Hastie/Garvin case was notable not only for the suspended sentences they received, but also the nature of the charges brought against them. Depositions in the case show both Hastie and Garvin had admitted to the RUC they knew the information they were providing would be used to kill Catholics. But the RUC ignored this evidence of conspiracy to murder and instead charged the two with the far lesser crime of possession of documents.

On the 14 September 1989, as Hastie began his new job as a training

instructor at a British army base in Scotland, RUC Chief Constable Hugh Annesley announced an inquiry into the disappearance of documents and the leaking of crown forces' information in three specific cases, including the murder of Laughlin Maginn. The inquiry, headed by Deputy Chief Constable of Cambridgeshire police, John Stevens, was intended as a sop to concerned public and Dublin government opinion.

Although 2,600 documents came to light in the course of the Stevens Inquiry, only two crown forces' members were charged in connection with leaking. Both were members of the British army's locally recruited Ulster Defence Regiment.

An example of the high-grade information being leaked came to light in a trial of five UDA members a year later, on 20 June 1991. The five, including UDA chief Tommy Lyttle, faced charges arising out of the Stevens Inquiry relating to the possession of documents and the planning of loyalist acts of violence. Documents used in court evidence in the trial included ones from MI5's Special Military Intelligence Unit in RUC headquarters. SMIUs are the command network for Britain's dirty war in Ireland.

Despite the claims of most of the 28 loyalists charged by Stevens that their information came from the RUC, no RUC member was ever charged. This is not surprising, given that from the outset, the mechanics of the inquiry were carried out by the very forces under investigation.

When Stevens discovered that Military Intelligence agents were being used in loyalist death squads, senior army officers at first denied the army ran any agents at all. For the first four months of the inquiry, the army concealed 1,100 documents from it and only handed them over when Brian Nelson revealed their existence to the Stevens team.

Nelson had been picked up by the Stevens Inquiry team during a roundup of UDA suspects. It was his arrest and exposure as a British agent which really worried the RUC and Military Intelligence chiefs. Nelson told Stevens he had given the UDA's collection of crown forces' files on nationalists to the army in 1987. These files included intelligence on personal details of nationalists, their movements, their house lay-out and any security measures they took to protect themselves. The army admitted that they had later handed back the files to Nelson. The question which must have occurred to the Stevens team was why the UDA's possession of leaked documents was of no concern in 1987 when in September 1989, the RUC chief constable was *"deeply concerned"*.[27]

A demonstration of the lengths the security establishment was prepared to go to limit any inquiry occurred the night before Stevens was due to arrest Brian Nelson. A fire gutted the office of the investigation team, sited in a heavily-guarded RUC barracks outside Carrickfergus. A sophisticated infrared alarm system installed by Stevens failed to go off and 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.

Whatever Stevens' attitude to the fire and the obstruction of his investigation, he was content to present a say-nothing-do-nothing report to Hugh Annesley on 5 April 1990.

In the event, even if Stevens had asked that question, he never revealed the answer. The precise terms of reference of his inquiry were never made public. His inquiry report was never published.

Stevens may have been mindful of the experience of his predecessor in dirty war whitewashes, another English policeman, John Stalker. Stalker was removed from his inquiry in May 1986, only days before he was due to interview then RUC chief, Jack Hermon, under caution. Stalker later said: *"I believe, as do many members of the public, that I was on the threshold of causing a major police scandal and political row that would have resulted in several resignations and general mayhem."*

In the case of the Stevens Inquiry, Direct Ruler Peter Brooke prepared the world for another whitewash when on the day the report was presented he said: *"It will be up to the RUC chief constable what he tells me and then a number of us will decide what we tell everyone else."*[28]

What was told to everyone else a month later was that Stevens had found the passing of information from British to pro-British forces was *"neither widespread nor institutionalised"*, that any leaks discovered were of low-grade information and that *"in the present climate"* such leaks were likely to continue.[29]

But there was one outstanding problem with the Stevens whitewash for the British state. Agent Brian Nelson was still under arrest and Stevens was pressing murder charges. From January 1990, Nelson's trial was delayed several times as his superiors sought a way out.

At a hearing on 18 June 1991, Nelson faced 34 charges, including murdering two Catholics, conspiracy to murder three others, conspiracy to murder Sinn Féin Councillor Alex Maskey, possession of documents likely to be of use to terrorists, and possession of firearms. In addition, a Military Intelligence witness, known only as 'Soldier Z', admitted that Nelson had worked as a British agent, though he claimed this had only been for the previous ten years.

The Nelson Trial

When two years after his arrest, Brian Nelson finally faced trial in January 1992, many observers believed the British bubble was set to burst. In *the Independent*, BBC journalists John Ware and Geoffrey Seed quoted a 'senior security source' describing the case as *"the army's Watergate"*.[30] *The Irish Times* headlined: *"The most sensational trial in Northern Ireland since the start of the Troubles opens next week."*[31]

Speculation continued when it emerged that British Prime Minister John Major had met the trial judge, Lord Justice Basil Kelly, and the head of the British judiciary in the Six Counties, Lord Chief Justice Brian Hutton, during the week preceding the trial. Major would have been aware of Basil Kelly's creditentials as a willing supporter of the status quo in the Six Counties. A High Court judge since 1973, Kelly had previously been Attorney General for the Stormont regime. He issued the following advice to judges and magistrates at the time of the nationalist Civil Rights Movement of the late 1960s: When considering bail applications, he said, they should ask: *"Has the accused got a stake in the country? Is he a man with a settled business? Does he own property?"* The upholder of British law and order in the Six Counties was making clear working-class Catholics, then struggling for housing and voting rights, didn't stand a chance in his legal system.[32]

When Nelson's trial opened on 22 January 1992, it quickly became clear the bubble was not to be burst. A deal had been done. The charges against Nelson were reduced to five of conspiracy to murder, 14 of collecting information likely to assist acts of terrorism and one of possessing a submachine gun. The Attorney General's Six-County representative, Brian Kerr, prosecuting in place of the usual counsel for the DPP, explained the decision to reduce the charges and drop the murder charges. It had been taken, he said, *"after a rigorous examination of the interests of justice"*.[33]

Nelson pleaded guilty to the reduced charges and the court was adjourned for a week.

After the announcement of reduced charges for Nelson, Sinn Féin President Gerry Adams commented:

"Collusion takes many forms. The one which nationalists are most familiar with is the passing of documents between the UDR/RUC and loyalists groups. The Nelson case has, despite the deal done and the efforts of the British government to bury it, revealed that collusion involves the deliberate manipulation of loyalist murder gangs by British agents with the purpose of killing nationalists and republicans."

When the trial reconvened on 29 January 1992, the only witness it heard from was speaking in Nelson's defence. He was the unnamed FRU handler

'Colonel J'. The judge also received a mitigation plea from the British Defence Secretary and former Six Counties Secretary, Tom King, in which he described Nelson as *"a valuable agent"*.

In a submission in which he enjoyed little or no crossexamination, 'Colonel J' portrayed Nelson as *"a very courageous man"*, *"a hero"* and *"a victim of the system"* to which he was loyal.

Nelson's defence counsel went even further, questioning whether the man who had been responsible for at least a dozen murders of nationalist civilians should be punished at all. *"There seems to be something lacking in a system that allows this man to work for the community in the way he did, and to allow him to stand in the dock facing your lordship's decision,"* Desmond Boal QC declared.[34]

At no stage in his court submission did 'Colonel J' suggest Nelson was a rogue agent, a bad apple. Quite the opposite. Nelson's information was always passed on to RUC Special Branch, and at monthly briefings, to the General Officer Commanding the British Army in the Six 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 some standing. His product was appreciated."[35]

'Colonel J' also made clear: *"There is absolutely no doubt in my mind that Brian Nelson was not loyal to the UDA, but was loyal to the army."* After just two days of 'trial', the first largely confined to a lengthy defence by the prosecutor of the decision not to prosecute on the main charges; the second taken up entirely with what amounted to pleas for leniency for Nelson, Lord Justice Kelly deferred sentence for a further week.

When sentence was passed on 3 February 1992, Kelly described Nelson as *"a man of the greatest courage"* but said his plea of guilty on five conspiracy charges was an admission that he had chosen to cross *"the dividing line between criminal participation and lawful intelligence gathering"*.[21] Kelly did not attempt to explain why a loyal army hero would go against his superiors' wishes.

Nelson was sentenced to a total of 101 years, but the judge ruled the sentence for each conviction would run concurrently, meaning the actual sentence was ten years. Brian Nelson was getting his second taste of British justice for pro-British forces. With pretrial custody and remission taken into account he was due for release just four years and eight months from the date of the sentence, that is, in early autumn 1996.

Lord Justice Kelly's sham trial tied in perfectly with the counterinsurgency norms which form the basis of Britain's Irish war. As Brigadier General Frank

Kitson outlined years earlier: *"The law should be used as just another weapon in the government's arsenal... the activities of the legal services have to be tied into the war effort."*[37]

In its report *Political Killings in Northern Ireland*, Amnesty International summed up the Nelson cover up:

"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 [British] 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 handers who allegedly provided information which assisted in targeting some individuals for murder, were not charged with any offence."[38]

The arrogance with which Britain pursues its dirty war in the face of such international exposure is annually illustrated by the number of awards given to its war managers in the Queen's New Year's Honours List. The year 1992 was no different. RUC Chief Constable Annesley was made a Knight Bachelor. His English colleague John Stevens had already been promoted to Chief Constable of Northumbria Police. 'Colonel J' and another of Nelson's handlers were later given meritorious service awards.[39]

And there was confirmation in September 1993 that Nelson was by no means the last British agent in the loyalist death squads. Hugh Annesley admitted at a press conference that British forces had built up a significant level of *"indentation"* amongst loyalist paramilitaries since the Nelson affair.[40]

The War Effort

The British state has long regarded loyalist violence as an adjunct to its war effort in the Six Counties. Collusion is seen as a convenience of war, a means of murder by proxy, with little or no blood on British hands.

The day-to-day links between official and unofficial forces[41] is not surprising when we look at the make-up of the British state forces north of the border in Ireland.

The police force has never been anything but a paramilitary force. Since its formation in June 1922 its members have been trained with and used rifles, submachine guns and armoured cars. It was responsible for anti-Catholic pogroms in every decade from the 1920s to the 1960s. Its current make-up is 92% Protestant; its role is that of defender of Protestant/unionist supremacy in the Six Counties.

The locally recruited regiment of the British army, the Royal Irish Regiment (formerly the Ulster Defence Regiment), is similarly comprised of a 96% Protestant membership. The UDR was formed in 1970 from the notorious 'B' Specials, which in turn was formed in 1920 by the UVF putting on state uniforms.

In October 1972, the first commander of the UDR, Denis Omerod, stated that as far as he was concerned, the UDR was open to members of the UDA. In January 1973, the British government Under Secretary in the Ministry of Defence stated in the House of Commons that *"there is no obligation on a UDR member to tell us if he belongs to the UDA or not"*. [42]

When in July 1991 it was announced the UDR name was to be changed to the Royal Irish Regiment (RIR), British GOC General Sir John Wilsey was anxious to dispel rumours that UDA members would not be as welcome to join as before. *"Vetting regulations will remain unchanged,"* he said.[43]

Throughout the 1980s, Britain's reliance on the sectarian forces of the UDR and RUC increased as part of its bid to localise its Irish war as much as possible.

The extent to which Britain actively encourages day-to-day collusion and the criminalisation of the entire nationalist community within its local forces is illustrated by an *Irish News* report in September 1989, which revealed: *"All serving soldiers at Ballykinlar UDR base have complete access to confidential files and videos on local nationalists in the South Down and Belfast areas. No videos are taken of loyalists. Intelligence documents on loyalist suspects are not shown to the UDR."*[44]

It is only when we consider that British forces' files on nationalists have time and again amounted to nothing less than death lists that the implication of these revelations become apparent.

However, despite all the evidence to the contrary, and in a week which saw

two RIR members charged with leaking information to loyalist death squads, RUC Chief Constable Hugh Annesley was still claiming in July 1994 that although some of the apples were bad, the barrel was sound. *"I am absolutely satisfied that collusion is neither widespread nor institutionalised"*, Annesley said. *"From time to time, however, there will be some bad apples in every barrel."*[45]

We have already seen from the Brian Nelson case that the bad apple theory does not match the reality. Yet it is precisely this theory that has allowed each damning case of evidence of British agent presence in the leadership of loyalist paramilitaries to be dismissed or excused. Even while investigative journalists such as the BBC *Panorama* team were revealing yet more facets to Nelson's sordid history as a British agent, these were being presented as evidence of an agent out of control, or at the worst, an agent 'badly managed' by his army handlers.

In April 1993, John Stevens was recalled to look into fresh collusion allegations. By August, sources within his inquiry team were quoted in *The Times* as *"dismissing"* allegations of high-level collusion between British and pro-British forces in the Six Counties.[46] Despite this, we were told Stevens was to continue his investigation, this time into *"new allegations"*. *The Irish Times* reported:

"The RUC and Northumbria police refused to reveal the precise nature of Mr Stevens' fresh inquiry. Nor is it known whether any new findings will be made public and if the inquiry will focus on the substantive allegations or be restricted to claims that Nelson was 'badly managed' by the army personnel involved."[47]

Aside from the abrupt dismissal of collusion allegations reported in *TheTimes*, Stevens Inquiry II has not been heard from since. The only clue we have as to his conclusions regarding whether Nelson was 'badly managed' is in the treatment of Nelson's handlers since. And far from being censured, the granting of meritorious service awards to two of his handlers shows just how happy the British government was with their record of service in the dirty war.

The work of Brian Nelson referred to at his trial and defended by his military handlers clearly was an embarrasment to the British argument that its influence in the North of Ireland, albeit armed, has been that of a peacemaker. But the work of Nelson not mentioned at his trial even more clearly shows that collusion goes far beyond mere links and leaks.

One such task for Nelson was the reorganisation and development of UDA intelligence capabilities. Nelson computerised the UDA death lists. Military Intelligence even bought him a taxi to help him to monitor nationalist targets in West Belfast. Amnesty International says that when army Intelligence took the entire set of UDA files into its temporary possession in early 1987, it

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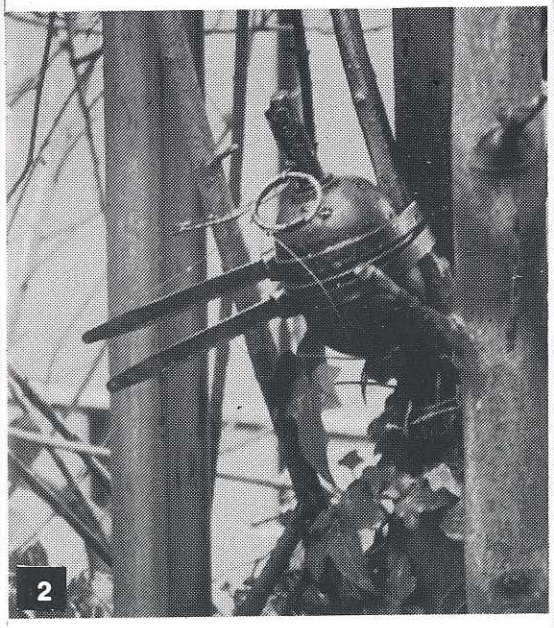

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SHOOT-TO-KILL AND COLLUSION
PEOPLES RIGHT TO KNOW IF RUC HAVE FILES ON THEM!
END! COLLUSION
MADE IN SOUTH AFRICA
SMUGGLED IN BY MI5
USED BY LOYALISTS TO MURDER IN IRELAND


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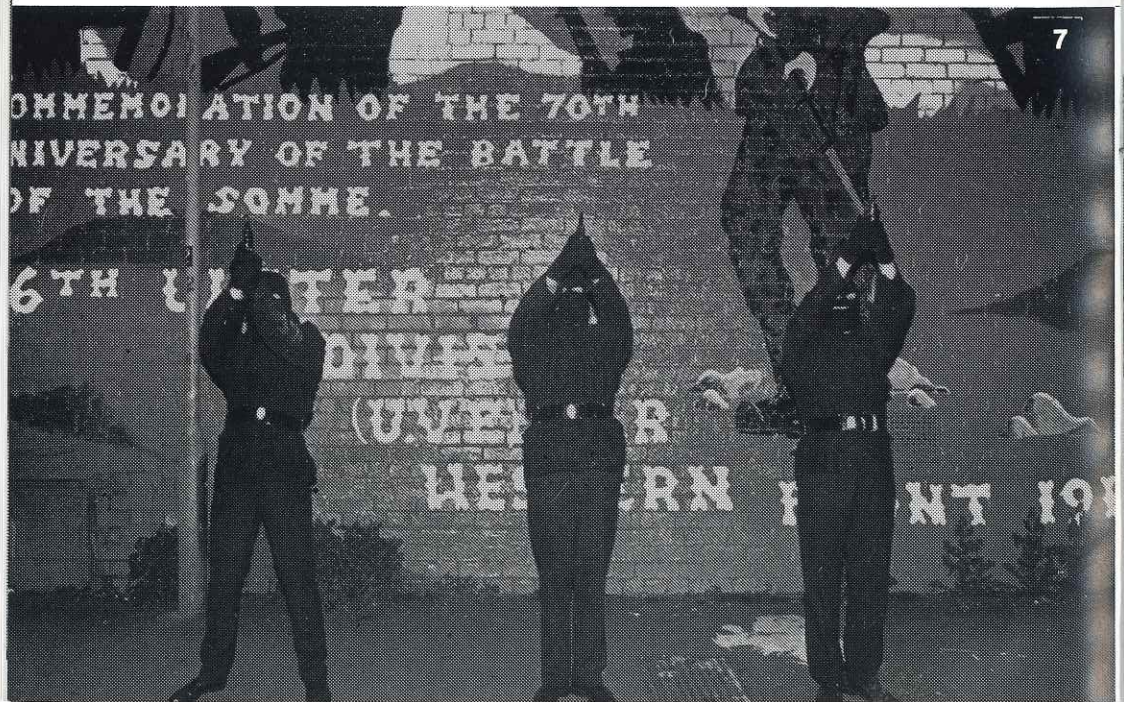
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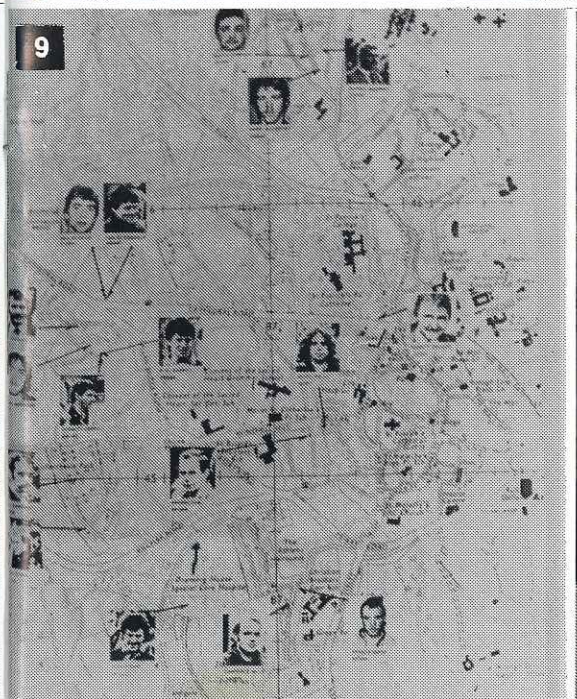
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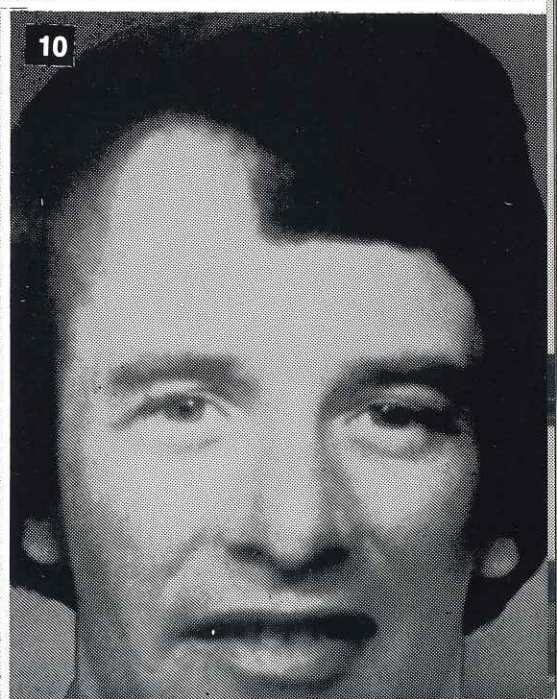
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SHANKILL
NO SURRENDER.
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EAST
BELFAST.
FOR AS LONG AS ONE HUNDRED OF US
REMAIN ALIVE WE SHALL NEVER, IN
ANY WAY CONSENT TO SUBMIT TO THE
RULE OF THE IRISH FOR IT'S NOT FOR GLORY
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WHICH NO MAN LOSES BUT WITH HIS LIFE
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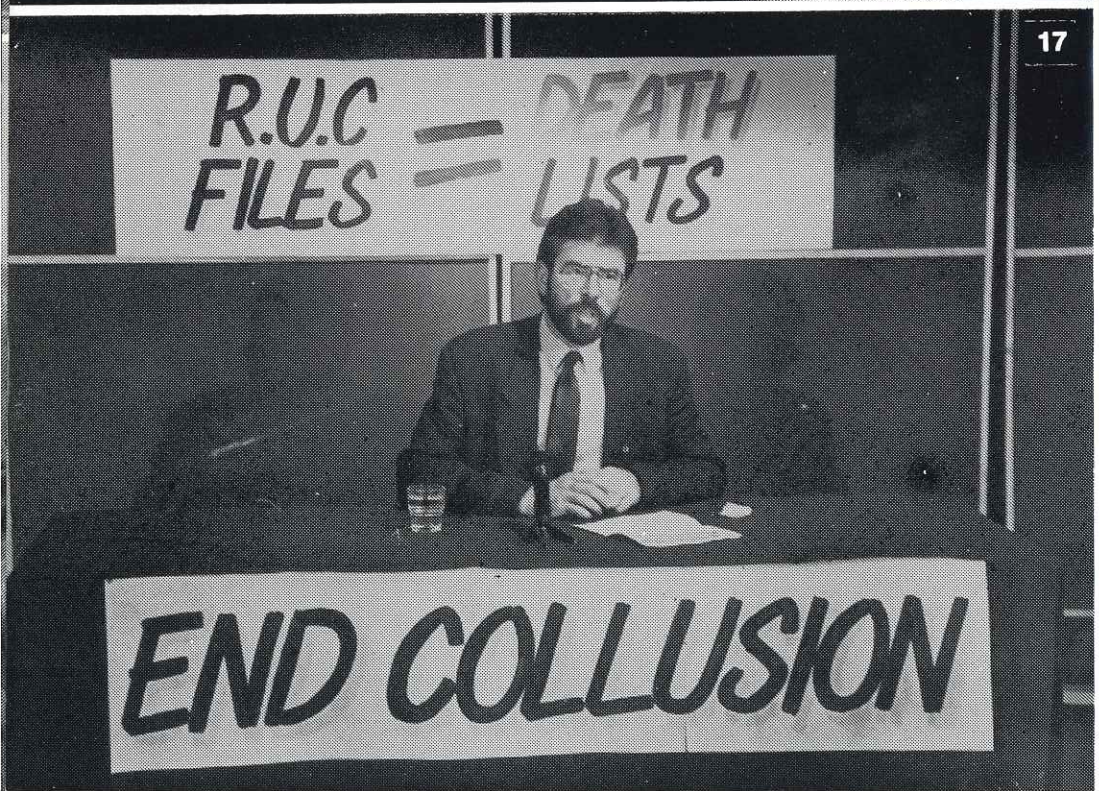

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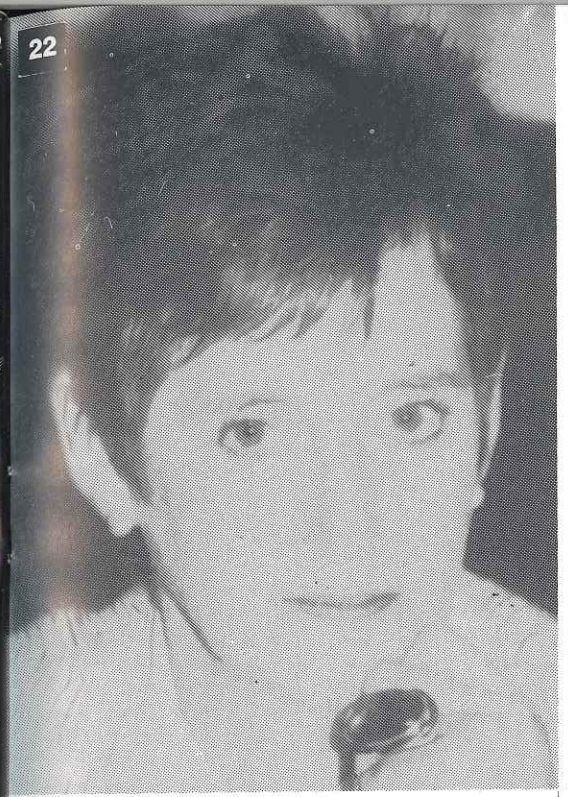
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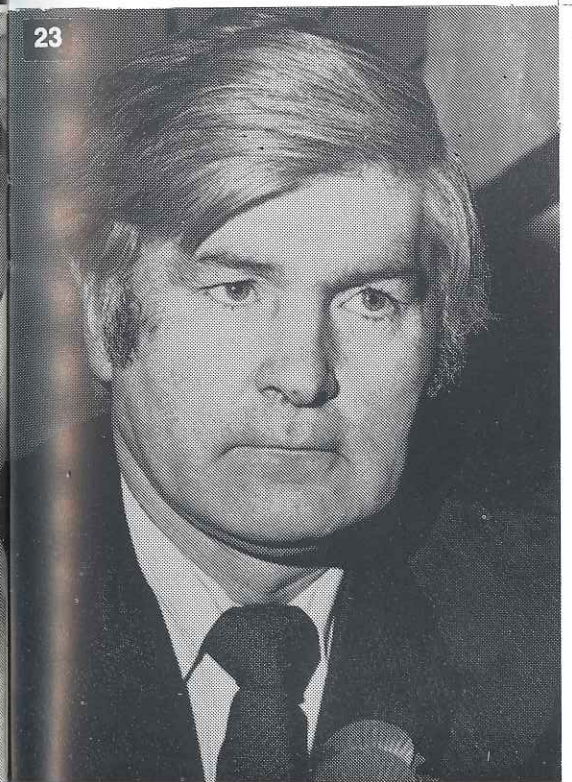
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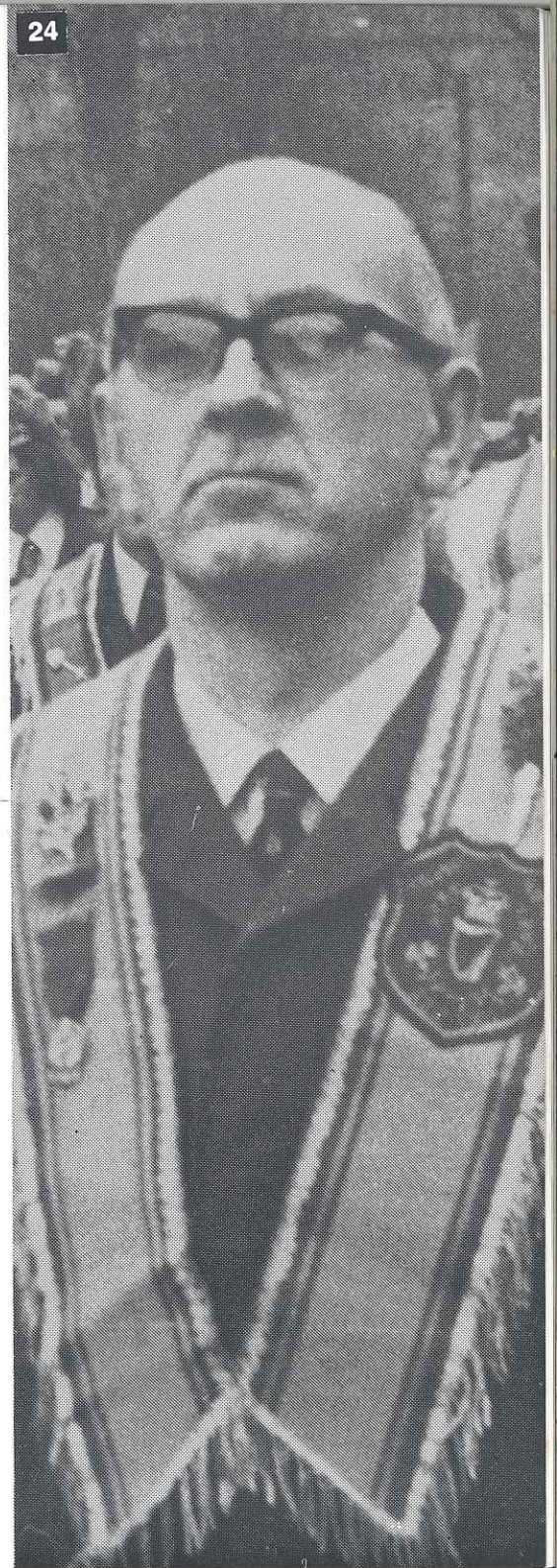
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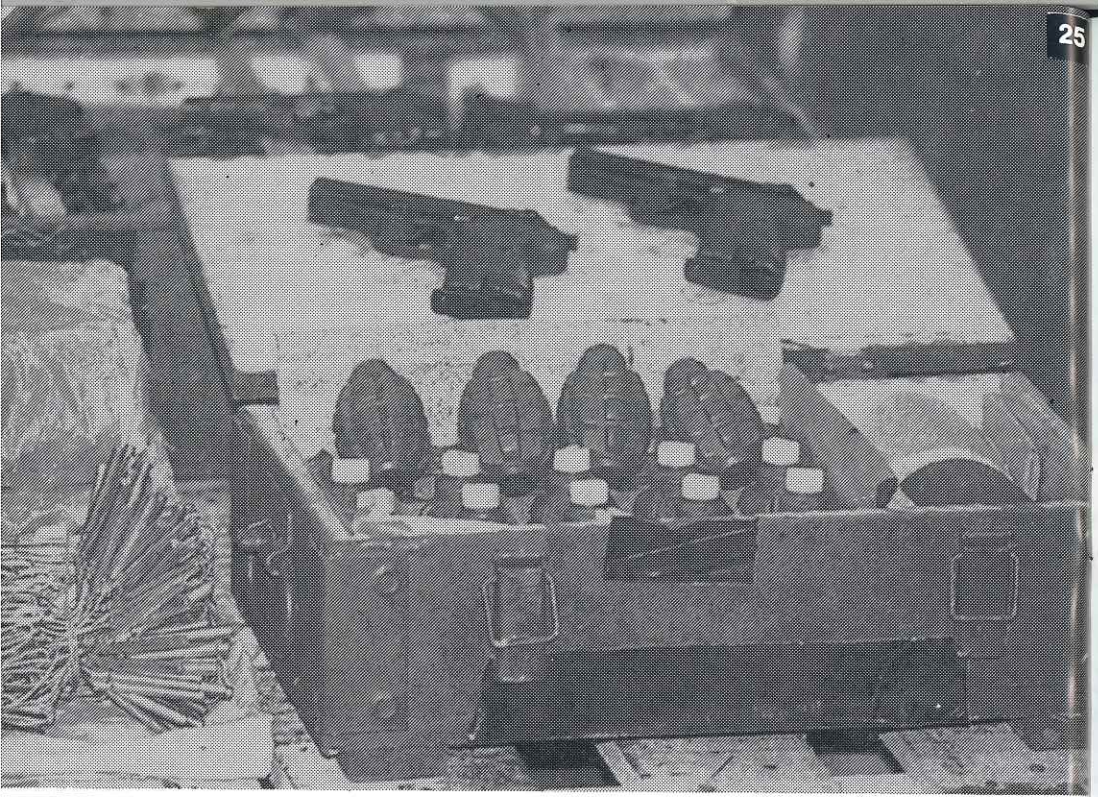

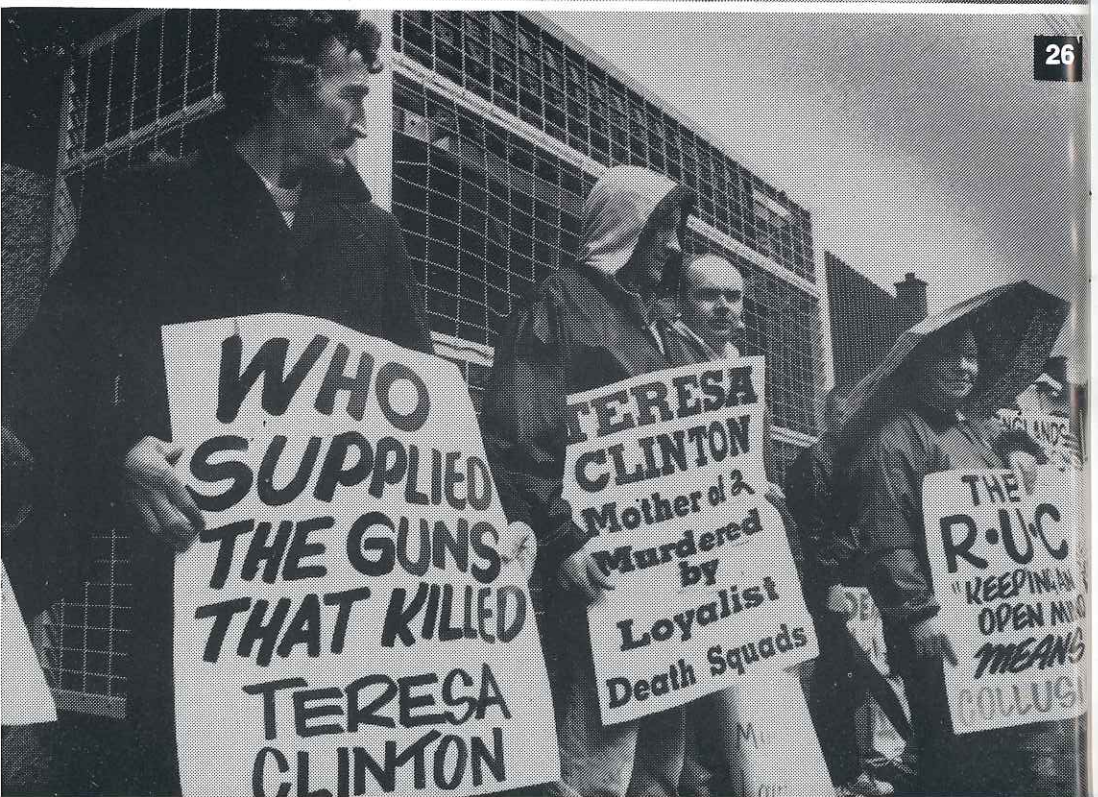

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17: Gerry Adams at an anti-collusion press conference in Belfast on 8 September 1993, following the killing by loyalists of Falls Road hairdresser Seán Hughes

18: British Northern Secretary Patrick Mayhew and Security Minister Michael Mates announcing the proscription of the UDA in 1992

19: Fomer Northern Secretary Peter Brooke (left)

20: DUP leader Ian Paisley and press officer Sammy Wilson at an Ulster Resistance rally

21: Ulster Resistance berets were among weapons, Shorts missile parts, army fatigues and detailed maps of the Monaghan area, discovered in Richhill, County Armagh in 1988

22: MI5 boss Stella Rimington

23: John McKeague

24: William McGrath – former head of loyalist group Tara

25: Part of the loyalist arms haul that was 'captured' at Teesport in November 1993, in an MI5 sting operation

streamlined the UDA's records and targeting system, making the files more accurate and up-to-date.[48]

In June 1992, the BBC *Panorama* programme revealed that Nelson, in his prison journal, admitted that FRU gave him practical assistance in targeting republican activists for assassination. In one instance, members of the British army took photos of the house of a republican for Nelson. The person concerned moved house before an attack could be launched.[49]

On another occasion, in July 1988, Nelson phoned his handler and got confirmation of the registration number of Sinn Féin Councillor Alex Maskey's car. Only luck prevented the death of the councillor, whose home was petrol-bombed in 1986 and who was shot there in 1987. On the 1 May 1993, loyalists again attacked Councillor Maskey's home, this time killing Alan Lundy, who had been working on the exterior of the house. The weapons used by the loyalist killers were traceable to a consignment Nelson had brought in from South Africa in 1988.

Nelson's role in the UDA murder of solicitor Pat Finucane on 12 February 1989 was also not revealed at his trial. Nelson later said he had provided Finucane's killers with details on the human rights lawyer and had even brought one killer to Finucane's address. He says he informed his army controllers of the planned murder two months in advance. The significance of this claim is compounded by a statement made by a junior British minister only weeks before Pat Finucane was killed. At a time when the people who would have advised the minister knew of the loyalist death plan, Douglas Hogg MP told the House of Commons: *"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 IRA."*[50]

Hogg's statement, setting up Finucane as a 'legitimate target' for loyalists, could not have been made without British cabinet approval. At the time, Pat Finucane was working on a number of controversial court cases set to embarrass the British government, among them, shoot-to-kill cases from 1982 and the Casement Accused case.

In addition to agent Brian Nelson's role in Pat Finucane's death, it is worth noting that, according to a report from the US-based Lawyers Committee for Human Rights, a second crown forces agent supplied the weapon used in the killing.

In August 1993, Pat Finucane's widow, Geraldine, began a case against the British army for withholding information regarding the targeting and murder of her husband. The case is still ongoing.

Another allegation Nelson made in a series of meetings with BBC *Panorama* journalists was that a British Intelligence officer suggested the UDA should bomb the Whitegate oil refinery in Cork harbour. The UDA went to Cork to gather

intelligence for the proposed bombing. The FRU operation was code-named 'Snowball' and its aim was to lead to a situation in which the Irish government would be willing to extradite republicans to the North in return for loyalists wanted for bombings in the South. The Stevens Inquiry team found that Nelson himself had made reconnaissance trips to Dublin and specific targets in the South had been photographed. Operation Snowball was, however, never launched.[51]

But of all of Nelson's roles not mentioned in his trial, the one which was to have the most significance was his involvement in the procurement of arms for loyalists from South Africa. Nelson's purchase of the weapons and the fact that British Intelligence let them through to loyalists has put the hallmark of the British state on each of the numerous murders and attacks on nationalists in which these weapons have since been used.

Arms from South Africa

The close links between the official and unofficial arms of the British war effort in Ireland has always meant loyalist killers have had relatively easy access to crown forces' weaponry.

When the UVF killed four men in Cappagh, County Tyrone, on the 3 March 1991, for instance, the muzzle for one of the guns used was found at the scene and identified as one which could only have come from a British army weapon. The discovery was made all the more significant when the RUC admitted the guns used in the attack were used in seven other killings in the Lurgan and Mid-Ulster area by the UVF.

But if loyalists have ever been in need of extra weaponry, British Intelligence has provided it. In 1974, leading loyalist William McGrath imported arms from Holland with the collusion of British Intelligence. McGrath, who had been instrumental in the moves to set up the UDA, headed a loyalist 'doomsday' planning group called Tara, but was best known as a rapist in the Kincora Boys Home case. The Dutch arms import took place at the time of the UDA-managed Ulster Workers' Council strike against a perceived threat of nationalist political advance. The arms shipment was never recovered.

William McGrath had links through British Military Intelligence with the White Apartheid regimes in Rhodesia and South Africa and was later described by a former associate, Clifford Smyth, as *"a gunrunner"*.[52]

In 1985, British Intelligence again helped loyalists acquire weaponry, this time using Brian Nelson as their gunrunner.

The South African-loyalist link was further aided by a 48-year-old ex-merchant seaman originally from Portadown, who had gone to live in South Africa.[53]

Dick Wright's Ulster connections made him a useful intermediary – he was the uncle of Alan Wright, leader of the Ulster Clubs and co-founder of a loyalist paramilitary organisation set up with the support of the DUP, Ulster Resistance. He was also an agent for Armscor, the South-African state-owned company which, in defiance of the 1977 United Nations arms embargo, set about making South Africa self-sufficient in military hardware.

Within a decade, Armscor had made the country one of the world's top ten arms exporters.[54] It was particularly anxious to acquire a sophisticated modern missile system for use in Angola and Namibia. Israel (which had given South Africa its start in the arms business, supplying designs for ships, missiles and small arms) was equally keen to get details of the most advanced missile available – the Starstreak being developed by Shorts in Belfast.

In 1985, Dick Wright visited the home in East Belfast of a senior UDA leader. His offer was to supply guns to the order of at least a quarter of a million pounds, but missile parts or plans would be an acceptable alternative to cash.[55]

The offer was taken seriously by the UDA. Leader John McMichael sent intelligence chief Brian Nelson to South Africa to investigate the possibility of a deal.[56] In February 1992, *Private Eye* reported that Nelson's visit was cleared not only by the Ministry of Defence dirty war directors, but also by an unnamed British government minister.[57]

The crowds travelling from Belfast to London over the weekend of 7/8 June 1985 for the McGuigan/Pedroza boxing match provided cover for the first part of Nelson's journey.[58]

During his two weeks in South Africa, Nelson was shown warehouses full of weapons by Dick Wright, representing the South African state. Other reports have claimed that Nelson also met Charles Simpson, a South African Defence Forces (SADF) member who was also an MI5 agent.[59] Charles Simpson had left William McGrath's Tara group in the early 1970s, went to Rhodesia to fight for Ian Smith's regime and joined the SADF in the early 1980s. Nelson is alleged to have inspected a consignment of arms in Durban with Simpson, arms later shipped to the Six Counties. One account states that this shipment landed in the Six Counties in December 1989.[60]

Whoever the contact or contacts, Nelson made a deal. The loyalists were to supply South African agents with missile secrets or parts – if possible a complete Shorts-missile system – in return for a substantial shipment of arms. Some reports stated the South Africans also promised finance of up to £1 million.[61]

In June 1987, the robbing of the Northern Bank in Portadown provided the loyalists with money for the deal to go ahead – £150,000 of the £325,000 taken in the raid was spent on South African arms.[62] This bought more weaponry than the UDA could handle, so the UVF and Ulster Resistance were made 'partners' in the enterprise. A top secret unit responsible for developing channels of communication on behalf of several loyalist paramilitary groups was set up.

Roy Metcalfe, a member of the unit, represented Ulster Resistance in the negotiations. When he was executed by the IRA in October 1989, Ulster Resistance claimed he had been 'set up' by British Intelligence.[63]

The deal was completed and final arrangements were made in December 1987. Military Intelligence had been informed by Brian Nelson 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.[64] No action was taken.

At the end of December 1987, Joseph Fawzi,[65] a Lebanese intermediary employed by a US arms dealer working for the South Africans, dispatched a huge consignment of arms which landed without difficulty in January 1988 somewhere along the County Down coast.[66] Two hundred AK47 automatic rifles, 90 Browning pistols, around 500 fragmentation grenades, 30,000 rounds of ammunition and a dozen RPG7 rocket launchers disappeared without trace, the haul having apparently been divided into three parts shortly after its arrival.[67]

If discovered, the arms would not have revealed their true origin; many were Czech-made weapons initially used by the PLO in Lebanon where they had been captured by the Israelis and sold to Armscor.[68]

The shipment had not been let in through negligence, mistake or oversight. The decision to allow it to go ahead had been taken (presumably at the highest levels) months before. Brian Nelson states in a prison journal:

"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."[69]

Nelson's involvement in setting up the UDA's transport system meant he, and therefore British Intelligence, knew the location of the farmhouse where the weapons would be stored initially after landing. Yet, at the time of Nelson's trial, British Intelligence was telling the BBC's *Inside Ulster* that their surveillance of the shipment had *"broken down"*.[70] Later they claimed they had *"lost track"* of the shipment, but never disclosed at what point this is supposed to have happened.

On 8 January 1988, Davy Payne, an ex-British paratrooper and a UDA Brigadier, was arrested outside Portadown as he transported 60 assault rifles, rockets and handguns – the portion of the shipment assigned to the UDA. At the time, the arrest was attributed to good luck and 'keen observation'. The UDA did not appear overly concerned with the seizure and in fact, later disowned Payne.[71] On the 14 March 1988, it held a press conference announcing *"a resumption"* of its military campaign and stating that despite the interception of its portion of the South African shipment, it was *"better equipped than ever before"*.[72]

Davy Payne's arrest in the Portadown seizure also drew attention to Ulster Resistance. A telephone number written on Payne's hand turned out to be that of Noel Lyttle, a civil servant, former member of the UDR and close associate of Ian Paisley and Peter Robinson. Lyttle had stood for the DUP as a candidate in local government elections and was a member of the coordinating committee which set up Ulster Resistance. In November 1988, an Ulster Resistance dump was uncovered in Richhill, County Armagh. Along with Ulster Resistance berets were Shorts missile parts, army fatigues and detailed maps of the Monaghan area, just south of the British border in Ireland.

In 1989, Lyttle was warned on two or three occasions that he was under surveillance by the crown forces.[73] Even his questioning and release without charge did not interrupt Ulster Resistance attempts to renegotiate with the South Africans for further weapons.

The Starstreak, being developed under a £225 million Ministry of Defence contract at Shorts, was what the South Africans wanted. A fully operational unit

had been on display until a few hours before a raid in 1987 in which Ulster Resistance had stolen a Javelin aiming unit. The extraordinary coincidence did not raise any suspicions. The discovery of the Ulster Resistance hide, Lyttle's questioning and the warnings were ignored and three Ulster Resistance members travelled to Paris to negotiate with the South Africans, who had already made a down payment of £50,000.

They were offering not only the missile parts they had acquired (which though not operational could be used for research purposes) but expertise in firing the weapons. One of the three, Samuel Quinn, was a senior NCO in the Ulster Air Defence Regiment of the Territorial Army. Quinn trained recruits in the use of the Blowpipe missile. One of the weapons offered to the South Africans was a dummy Blowpipe, stolen from Newtownards Barracks, where Quinn served.

In April 1989, the three – Noel Lyttle, Samuel Quinn and James King, were arrested in Paris along with arms dealer Douglas Bernhardt and a South African diplomat, Daniel Storm.

Storm claimed diplomatic immunity and was expelled from France. A diplomatic row blew up – but there was more noise than genuine surprise on the part of the British authorities, who were well aware of Bernhardt's activities. A naturalised American citizen, born in South Africa and married to an Englishwoman, he had operated a gun dealership, Field Arms, in Mayfair, London, for three years. His business had received material assistance from the British Department of Employment.[74]

The security services knew of Bernhardt's loyalist connections; they knew he was the US dealer involved in the January 1988 shipment. They would also have been aware that Armscor agent Dick Wright had been employed as a marketing executive by Field Arms. Noel Lyttle later admitted that he had known Dick Wright as an Armscor agent who had represented the South African state for *"quite a few years"*.[75]

No request for the extradition of the three was made. No request was made for an investigation into Bernhardt or his company, the Geneva-based Agencia Utica, although the Swiss authorities did hold one of their own.[76]

The Ulster Resistance members were released on bail. Following the 'revelations' of contacts between the South African government and the Paris trio, the British government expelled three South African embassy personnel. They were Staff Sergeant Mark Brunwer, who did not appear on the diplomatic list and was described in the press as *"a technical officer"*; the First Secretary of the embassy, Jan Castelyn; and Etienne Fourie. Although the Foreign Office emphasised that they had been chosen at random, it must have been just another coincidence that Etienne Fourie was considered the 'eyes and ears' of the London embassy and had worked as a journalist in the North in the 1970s.[77]

Whatever the true story behind the arrest of the Paris Three, loyalist arms dumps were in no urgent need of fresh supplies. Two thirds of the vast shipment arranged by Nelson has never been uncovered, and there are indications from the media reports cited in this booklet that the January 1988 shipment might not have been the only one arising out of his South African contacts.

If further evidence was needed that British Intelligence was involved in the arming of loyalist death squads aside from the Nelson case, it was provided in the court reports of the trial of Robert Henry, charged in connection with the killing of Sinn Féin Councillor John Davey. Henry was the son of a businessman killed by the IRA in 1987 for continuing, despite several warnings, to do construction work for British military bases in Ireland. At a pretrial hearing, the defence counsel alleged that a British soldier working for Military Intelligence had given Robert Henry photos of people he claimed killed his father and had helped him contact a London arms dealer with a view to smuggling £1 million worth of weapons to the UVF.[78]

An example of the loyalist attacks in which weaponry traceable to the South African consignment was used occurred within two days of the end of Nelson's trial. Five people were killed in a UDA massacre at Seán Graham bookmakers on the Ormeau Road, Belfast. On 22 October 1993, a member of the Ulster Young Militants (the still legal youth section of the UDA) was charged with supplying one of the East European assault rifles from the British Intelligence arranged shipment to the Ormeau Road killers.

Raymond Smallwood, the leader of the UDA brigade which carried out the Ormeau Road massacre, visited South Africa later in 1993. Smallwood, a prominent member of the UDA Inner Council and UDA representative on the Combined Loyalist Military Command, went with Ken Kerr and several other leading loyalists and met representatives of the Inkatha Movement in the Fredericksen building in Johannesburg in March 1993.

The purpose of the meeting was never disclosed, but Inkatha and the loyalists had more in common than the positions they occupied in the political landscape of their respective countries. It was later revealed by the South African Goldstone Commission that one of the South African Apartheid regime's death squad organisers, Colonel Eugene de Kock, was the original source of gunrunning to both Inkatha and to loyalist death squads during the 1980s.

At the time of the Ormeau massacre and an attack by an RUC officer on Sinn Féin offices on the Falls Road on 4 February 1994 in which three people were killed, Direct Ruler Peter Brooke made the following ironic statement in the British House of Commons:

"The overwhelming majority of the people of Northern Ireland deeply abhor and want no part of, the wanton destruction perpetrated by that tiny minority who, without democratic, moral or spiritual authority, have taken upon

themselves the right to decide who should live or die...We will take whatever action is necessary to bring terrorism to an end. But we will not abandon the underlying principle of our security policy, which is determination to deal with terrorism under the rule of law."[79]

For its part, in its statement the IRA called for no sectarian retaliation for the killings and said:

"The attacks over the last week seek to spread fear and terror in our country. The aim is to demoralise nationalists and to deflect attention away from Britain's central role in this war by drawing people into futile sectarian conflict."[80]

The British strategy the IRA was pointing to was similar to an equally deadly one being pursued around the same time by members of the Apartheid regime in South Africa. The strategy was aimed at thwarting the moves towards democracy by increasing so-called 'Black-on-Black' violence through train massacres and township violence. In the dying days of the regime, the Goldstone Commission, led by Sir Richard Goldstone found that a group called Third Force, run by three of South Africa's most senior police, was involved in organising political murders, the manufacture, purchase and smuggling of weapons and their supply to the Inkatha Freedom Party, along with full-combat training.[81]

Goldstone named a key figure in Third Force as Colonel Eugene de Kock, who headed a notorious police death squad in the '80s that operated from a farm near Pretoria called Vlakplaas. De Kock's familiarity with Ireland went beyond his gun-running links with loyalists. As dirty tricks chief of South African Intelligence he had been involved in a joint British/South African Intelligence bid to jointly discredit the ANC and the IRA. The bid, dubbed 'Project Echoes' was later revealed in South African Supreme Court records.

De Kock's role in anti-ANC warfare was exposed by a former South African policeman turned whistle blower, Dirk Coetzee. Coetzee fled to Zambia in 1989 and ended up living in London in 1991. In November 1992, a secret South African investigation prompted by British media speculation found that British Intelligence agent Charles Simpson and members of the RUC had been involved in a plot to kill Coetzee which De Kock had sanctioned.[82]

The investigation revealed that RUC officers provided surveillance and intelligence on Coetzee and also offered to 'take him out'. Two South African Defence Force agents negotiated with Simpson and RUC officers on a trip to London and Ireland in April 1991.

The two were Pamela du Randt, a captain in the South African Intelligence service and secretary to the head of South Africa Military Intelligence, Christoffel van der Westhuizen; and Leon Flores, an ex-policeman on the South African Intelligence payroll.

Flores paid £2,000 to Charles Simpson *"for services rendered by his RUC*

friends" in monitoring the activities of Dirk Coetzee. When Flores and du Randt came to London, Charles Simpson took them to meet what British Intelligence claimed were three loyalist assassins at the Three Kings pub in Kensington. The South African Intelligence inquiry stated the two of the three were RUC officers.

Following the Three Kings meeting, du Randt and Flores travelled with Simpson via Dun Laoghaire port to a second meeting in Hillsborough, County Down. There, further payment by means of the supply of Semtex explosives, weapons, night vision equipment and electronic eavesdropping devices was discussed for the continued monitoring of Coetzee.[83]

These claims made in the internal South African investigation were later confirmed in the South African Supreme Court when Flores and du Randt were subpoenaed to appear at the inquest into the murder of Bheki Mlangeni, a lawyer who had earlier been killed in South Africa in a parcel bomb intended for Dirk Coetzee.

The Dublin-based *Phoenix* magazine has reported the agreement to monitor and kill Coetzee was an attempt to sting South African Military Intelligence by British Intelligence, giving the latter leverage in persuading the South Africans to keep quiet about British involvement in the arming of loyalist killer gangs.[84]

The full details of role of Eugene de Kock in servicing British-backed death squads in the Six Counties may yet emerge, to the embarrassment of his British contacts and the RUC. He survived the changes in South Africa and had even been awarded a £250,000 golden handshake in the final days of De Klerk's regime. In April '94 he attempted to travel to Hillsborough through Dublin to meet a man he had known through 'Project Echoes'.

But de Kock never got a chance to barter his political asylum with British Intelligence. Nor did Dublin gardaí get to question him on his involvement in the supply of arms which have killed dozens of Irish citizens since 1988.

Acting under the advice of British Intelligence via the RUC, on 20 April 1994, Irish Justice Minister Máire Geoghegan Quinn, signed an order prohibiting de Kock from entering Ireland. But on his return to Pretoria, de Kock was arrested on 5 May 1994 and is now in prison awaiting trial under four murder charges.[85]

Britain's 'Legitimate Targets'

On 6 January 1993, a week after Brian Nelson was transferred from Crumlin Road Jail, Belfast, to a secure unit in an English jail, Secretary of State Patrick Mayhew rejected charges made by Nelson (and confirmed by events) that Britain had let the January 1988 shipment through. He also dismissed the charge that weapons used by loyalist death squads since then were part of the shipment as "*rubbish*".

That said, Mayhew and his government have since maintained a strange silence about the South African arms. The 'chance discovery' of about a third of the weapons in Portadown in 1988 is constantly referred to as proof of Britain's good faith in the matter. But the revelations of further British Intelligence involvement in attempted loyalist arms imports since, and the decision by the RUC not to release ballistic information on weapons used in loyalist attacks points to the lie behind the silence. The RUC continue to release ballistics on weaponry used in republican military operations.

A survey of killings by loyalist death squads since the January 1988 shipment shows a more accurate picture of the British-sponsored South African arms death legacy in Ireland. From January 1988 to 23 March 1994, loyalist paramilitaries were responsible for killing over 200 people. Of these, 178 were sectarian murders of Catholics. In 85 of the 178 killings, researchers found weapons originating from the South African arms deal were used. Of the remaining 93 sectarian assassinations, there was no ballistic information provided by the RUC in 54 of the killings.[86]

In view of the above statistics, it is not surprising that media observers reacted with scepticism when in September 1991, the RUC formed a Loyalist Murder Coordinating team *"to combat UDA/UVF activity"*. In the *Sunday Tribune*, journalist Ed Moloney wrote:

"Observers were surprised when Mr Annesley said that the unit would investigate the sharing of intelligence and weapons by the UDA and UVF, since this sort of cooperation between loyalist paramilitaries has been known to the authorities for some years. The two groups, along with the DUP-linked Ulster Resistance, worked together two years ago on swapping missile technology from Shorts aircraft factory for South African arms. It is also known that around five years ago, the UDA replaced all the UVF's intelligence files which were lost in an RUC raid".[87]

Moloney did not, however, explain why the South African arms deal or the sharing of intelligence files was known: a British agent had been involved in setting up both situations.

As well as a huge increase in so-called 'random' sectarian attacks on Catholics and those people loyalists mistook for Catholics, an increased attempt by loyalists

to target republican activists coincided with the arrival of the South African arms import and the development by Nelson of the UDA's targeting abilities.

From mid-1988 to mid-1994, 20 people were killed in loyalist attacks on Sinn Féin members, former members and their families. In addition, dozens of other gun and bomb attacks on the homes of party members and on Sinn Féin offices took place.[88]

When, on 8 August 1993, the UDA killed Seán Lavery, the son of Sinn Féin Councillor Bobby Lavery, his father pointed to the motivations behind the killing when he said: *"It wasn't Protestants who killed my son, it was the UDA. But I don't even blame those who pulled the trigger. I blame those who demonise Sinn Féin as a party and justify these murders."*[89]

The UDA/UVF alliance also began to increasingly target SDLP party members from the beginning of 1993. On 12 September 1993, the *Sunday Tribune* reported that since the beginning of the year, loyalists had carried out 30 bombing attacks on SDLP figures and Sinn Féin members and supporters. Again, the South African arms link was pointed to: *"It is believed the explosives in the pipe bombs – which are often supplemented by shrapnel and nails – came from the Russian grenades smuggled to loyalists in 1988 in a deal involving South African Intelligence."*[90]

Overall in 1993, 60% of the deaths in Britain's war in Ireland were caused by loyalist killings.[91]

While British and unionist politicians were attacking what they called a 'pan-nationalist' alliance, loyalist death squads were leaving the same message in the shape of bullets, parcel bombs and grenades in nationalist homes.

Teesport and the Bloodbath Threat

When in May 1992, then British Home Secretary Kenneth Clarke transferred anti-IRA intelligence control from the police to MI5 in Britain, he was effectively moving the British battle against the IRA outside the law, a situation which already existed in the Six Counties. Seventy percent of MI5's 2,000-member force were now dealing with what MI5 boss Stella Rimington described as *"Irish terrorism"*.

An example of MI5's 'dealings' came to light in November 1993 with the 'capture' of an arms cache, allegedly destined for loyalists, at Teesport in north England.

The Teesport affair demonstrates how, far from preventing more suffering and death in the conflict, British forces are still tied in to the total war effort.

On 23 November 1993, journalists were called to what amounted to a photo opportunity on the dockside in Teesport. On show was a consignment of weapons British customs claimed they had 'seized' en route to loyalist paramilitaries. The display, dubbed the biggest ever arms seizure in Britain, consisted of two tonnes of military plastic explosive, detonators, 320 Kalashnikov assault rifles, 500 hand grenades, 53 Russian-made 9mm Makarov pistols and a range of other weaponry. In addition, 14,000 rounds of pistol ammunition and 60,000 rounds of rifle ammunition were included.

British customs said they had been tipped off by the British Secret Service, MI6, of the arrival of the arms cargo from Gdynia in Poland. MI6 claimed they in turn had been tipped off by Polish agents. Press reports stated MI5 had done the tipping off. Even from the start, the stories by the agencies involved – British Intelligence, British customs and the Polish security service – did not concur.

But as the wrangling over the details of the operation began, media and politicians alike were rushing to explain the significance of the find. A *Sunday Times* 'Insight' feature titled "Peace or Bloodbath" was accompanied by an editorial congratulating *"excellent intelligence work"* for preventing *"terrorist warfare on a scale unknown since the present 'Troubles' began"*.[92]

DUP deputy leader, Peter Robinson said: *"There is a real feeling that there is surrender in the air and people are preparing themselves for war.....[The cargo] was not to restock the depleted resources of a terrorist organisation; this was to arm an army."*

The Combined Loyalist Military Command had earlier emerged as the umbrella group representing pro-British death squads when on 17 April 1991 it announced a *"suspension of operational hostilities"* for the duration of the first phase of the so-called Brooke talks. At the time, Peter Robinson was again on hand to claim that *"loyalist paramilitary organisations are anti-IRA. They are essentially counter-terrorist organisations"*. In making their announcement,

Robinson said, they had shown dramatically that there was going to be no bar from the Protestant and unionist community to the peace process.[94]

In making his statement on the Teesport arms shipment, Robinson was echoing one from the Combined Loyalist Military Command issued 48 hours before the 'discovery' of the arms container. In it, the UDA, UVF and Red Hand Commandos warned they were *"preparing for war"*. Later, the UVF claimed it had ordered the arms cargo and said it would continue to *"scour the world"* for arms.[95]

As the days passed in November 1993, it became clear that, curiously, no one had been arrested in Poland, Britain or Ireland in connection with the arms haul. Nor was there any hint that anyone had even been questioned. In addition, the head of the Polish arms export monitoring body, the CZI, was refusing to reveal the identity of the person he termed a *"mediator"* who had ordered the supplies.

On 1 December 1993, Polish Minister for Justice and Chief Prosecutor, Mr Wlodzimierz Cimoszewicz ordered an inquiry into what was now becoming apparent was a fake arms deal. CZI director Dr Jan Strauss told the *Irish Times* he did *"not know the central aim of the joint [British/Polish] operation and did not want to get involved in it"*.[96]

Media reporters began to point to problems in the Teesport story. No documentation was being shown, either for the purchase or the transportation bills for the consignment. No consistent story was being offered for who actually paid the £250,000 for the arms, and there was no record of what happened to the money.

In addition, the make-up of the explosives on board the shipment was a brand called Nitrolite, commonly used in Polish mines and, for safety purposes, manufactured with an obvious odour. No one could explain why loyalists would allow such explosives to land in two British ports (the arms ship, MV *Inowroclaw* had first docked in Tilbury on its arrival in England) where the use of sniffer dogs was widely known. Teesport, after all, was the site of the Iraqi 'Supergun' discovery as well as several large drug seizures.

But most especially, why had British authorities not tracked the consignment to its destination and arrested those who claimed it at Larne? And how had the person or persons who ordered the shipment escaped arrest?

On 28 January 1994, almost two months after *An Phoblacht/Republican News* and *Phoenix* magazine had first alleged the Teesport discovery was a false one, journalist Emily O'Reilly revealed the truth behind Operation Photocall in the *Irish Press*. Polish authorities told the paper the shipment was *"a bogus operation carried out for political reasons by MI5"*.

The find, a Polish embassy official said, was *"a political and psychological operation rather than a police one"*. The operation, he stated, was coincidental

with the British-Irish talks and carried out *"to make political and public opinion sensitive to the loyalist threat"*.[97]

London customs officials also confirmed to O'Reilly that the arms find was a sting operation set up by MI5 in cooperation with the Polish authorities and MI6. Even the Foreign Office denial of this one day later was less than convincing. *"I very much doubt if that was the case. We are not in that business, at least I don't think we are in that business"*, an official spokesperson told the *Irish News*.[98]

Within a day of the revelations, Polish government spokespersons refused to comment on the case and in March 1994, the Polish embassy official who had made the original admission was telling the *Sunday Business Post* he was not allowed to speak on the matter.[99] The British MoD confirmed to the *Sunday Business Post* that D-Notices had been applied to journalists covering the affair in Britain. D-Notices are gagging orders preventing the British media from publishing anything that might jeopardise British national security. Once again, when the truth was coming out, silence was enforced.

At the time of Teesport, the British government was under pressure to respond positively to the Irish Peace Initiative, the Hume/Adams process. Because of its deal with unionists to safeguard its survival in House of Commons votes, the British were looking instead to pressurise the Dublin government to reject the Hume/Adams process and agree to what became known as the Downing Street Declaration. In the months before Teesport, British security sources repeatedly referred to the threat of loyalist bombs in the South and Irish Tánaiste, Dick Spring was forced to publicly rebuke RUC Chief Constable Hugh Annesley for his 'bombs in the Irish Republic' forecasts.[100]

When the Dublin government accepted the terms of the Downing Street Declaration, the British threat was refocused on republicans and northern nationalists. In a BBC Radio 4 interview in late December, British Foreign Secretary Douglas Hurd warned republicans could expect *"no quarter"* if they rejected the Downing Street Declaration and that they would have to ask themselves *"why are we exposing ourselves to sectarian retaliation from the loyalist paramilitaries?"* Republicans, he said, could *"no longer exploit divisions between the British and Irish governments, or stir up trouble in the United States, as they have done in the past"*.[101]

While Hurd's message was directed at the Republican Movement, one month earlier, Teesport had been directed at the Irish government. Teesport, which must have been one of the most expensive ever photocalls, was a sting where nobody got stung but the Irish government and the Irish public. In its aftermath, the British government were not overly concerned that the operation had been exposed in Ireland. By temporarily removing the velvet glove to reveal the iron

fist beneath, the Irish government were being sent a clear message by the British security establishment.

But the significance of Teesport goes beyond Operation Photocall. The statement by the Combined Loyalist Military Command 48 hours before the dockside display took place, in which they warned they were *"preparing for war"* and the subsequent UVF claim to have ordered the arms points once again to a joint British Intelligence-loyalist paramilitary link-up.

When loyalists did hit the South, on 21 May 1994, the Teesport link-up was still in evidence. Following the attempted bombing of the Widow Scallans pub in Dublin, in which IRA Volunteer Martin Doherty was killed preventing a planned massacre, the UVF statement said: *"The logistical setback caused by Teesport has been overcome and the UVF would warn the IRA and the Dublin government that Ulster people will neither be coerced nor persuaded and will remain masters of their own destiny".*[102]

Once again, the curious reference in the UVF statement to an arms shipment which the British had admitted was a bogus operation gives clues as to the origin of the Widow Scallans attack. As Dublin Sinn Féin Councillor Christy Burke told the *Irish Independent :"On every occasion that murders such as this have been carried out in Dublin, there has been British Intelligence involvement".*[103]

Curiously, the Dublin gardaí followed RUC practice on loyalist attacks by refusing to release the ballistic information on the explosives and guns used in the attack. It is, therefore, open to question whether the weaponry used stemmed from Brian Nelson's shipment or from another British-inspired source.

Britain Stands Accused

In its report, *Political Killings in Northern Ireland,* Amnesty International stated:

"A reluctance [by Britain] to institute broad and independent inquiries into allegations of collusion with death squads that have been operating for over 20 years in the name of the political status quo, has had dramatic consequences for public confidence".[104]

The Brian Nelson case and the events that surround it show that the British state is prepared to use every means at its disposal to mask the true nature of its involvement in Ireland. Far from worry about public confidence, successive British governments have relied on public indifference to its secret dirty war in Ireland.

Far from broad and independent inquiries, where it could not 'rubbish' collusion allegations, the British state has pursued those who have sought to get to the truth 'with the full rigour of the law'. It was a TV programme about a collusion network in the Six Counties which saw a journalist arrested, a television company fined, and Channel 4 chief executive Michael Grade declare: *"The reporting of Northern Ireland is a no-go area".*[105] In the words of renowned journalist John Pilger, *"investigative journalism has become an offence against the state".*[106]

In these circumstances, and where nationalist and republican evidence of collusion continues to be depicted as 'claims', whilst British government denials and disinformation are presented as 'fact', only an international independent inquiry with enforceable powers, long demanded by relatives of the victims of collusion, can get access to the truth.

Until then, the last word will always go to such as General Sir John Wilsey, British Army General Officer Commanding in the Six Counties during the Nelson tenure of office in the UDA. The highest-ranking officer in occupied Ireland told BBC Radio in January 1993 he was *"certainly not ashamed"* of the Nelson affair. His only concern was the possible damage to the British cause. Wilsey stated:

"If the Brian Nelson episode taught us anything, it taught us that the relationship between the army and the RUC and other agencies involved was strong enough to withstand any pressure that came about because of that investigation".[107]

The bubble had not yet been burst.

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The Brian Nelson case reveals the extent to which the British government is prepared to use covert operations and 'counter gangs' in order to advance its political objectives in Ireland.

Brian Nelson, a native of Belfast, was a British soldier and was active in the UDA's death squads in the 1970s. He was jailed along with two other UDA members for the kidnapping and torture of a Catholic man. Nelson rejoined the UDA at the behest of British Intelligence in the 1980s, working closely with his MI5 handlers. He became UDA Director of Intelligence and was responsible for selecting targets for the UDA's death squads, and organising arms shipments with the full backing of his 'handlers' until his arrest in 1990.

On 3 February 1992, a senior judge , Basil Kelly, handed down a minimum prison sentence to Nelson and described him as a man who had shown *"the greatest of courage"*.

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