



## An Chartlann Náisiúnta National Archives

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Stevens file

CONFIDENTIAL

Brian Nelson Case

There is a growing level of interest in Belfast media circles in the case of Brian Nelson, who was arrested as a result of the Stevens Inquiry on 20 January, and is currently on remand facing charges in relation to possession of information likely to be of use to terrorists.

Reliable sources in Belfast have confirmed media reports that Nelson, a former British soldier, appears to have been working for British Military Intelligence (not MI5 as alleged in some news reports). The indications are that Nelson was a deep-penetration agent who rose to a very significant level within the UDA. Apparently, his role was not to collect the intelligence himself, but to collate information on computer from all sources within Northern Ireland, and particularly in the Belfast area. Apparently he was one of three such people operating in that role for the UDA.

Nelson appears to have been co-operating with the Stevens team and at his last remand hearing, he dismissed his Solicitor (Paddy Donnelly) telling him that he was quite happy to deal with the Stevens team. His Solicitor complained at the Court hearing that he had been unable to meet with his client except for 10 minutes before the hearing and, in the circumstances, was quite happy to have been dismissed from the case. [It is possible that his Solicitor may have been hired by the UDA for his defence and this may explain his reluctance to retain his services.]

Since his arrest, there has been something close to panic within the ranks of the UDA\*, as witnessed by the number hair-brained stunts carried out by the UDA in recent weeks in an effort to discredit the Stevens Inquiry. Information in Belfast is that Nelson "knows lots" about at least 5 murders, 5 attempted murders and 5 conspiracies to murder. Among the murders are those of Patrick Hamill (8 September 1987); Terry McDaid (5 May 1988); Billy Totten (12 June 1988); Gerry Slane (23 September 1988) and Pat Finucane (12 February 1988). The fear now is that Nelson may be used to mount another Supergrass case.

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\* According to sources in Belfast, the UDA were already in something of a sweat after the arrest the previous month of Jeffrey McCullough with 4 others while on their way to shoot Peter McCarthy in Rathfriland. He also "knew lots" about various UDA operations and proved very co-operative in his interviews in Castlereagh. In the event, McCullough took the precaution subsequently of making an affidavit to the effect that any statements made by him in Castlereagh were made under duress. He is currently on remand charged with 4 murders (Kathleen Mullan and her son Terence, Patrick Feeney, and Loughlin Maginn)

Kilcoo

The UDA have conducted their own internal investigation and it is understood that they have tentatively identified 15 separate operations since 1984 which may have been frustrated by Nelson ie: where an assassination team was unable to carry out its assignment owing to an unexpectedly heavy military presence in the area at the time.

This throws a completely new light on some recent murders, notably those of Terry McDaid in Newington Street, North Belfast, in May of 1988, and the subsequent murder of Billy Totten in the nearby Cavehill Road the following month. Shortly after both of these murders, I reported reliable local witnesses to the effect that there had been a heavy military presence in the area immediately prior to each shooting. At the time, there was considerable local suspicion of security force collusion in both murders - suspicions which were reinforced by the arrest shortly afterwards of Cpl Hastie and UDR Greenfinch, Joanne Garvin (both based at the nearby Girdwood Barracks) on charges of passing security force information to loyalist paramilitaries. These latest rumours about Nelson indicate that there may have been an entirely different explanation for the security force presence on both occasions and that it may actually have been designed to frustrate the assassination teams, but that in each case the teams waited until shortly after the Army had moved off to carry out the murders.

Nelson's family is now under protection in England and Nelson himself is on remand in the isolated basement area of Crumlin Road Prison

Nelson's own background is fairly sketchy. He is apparently a former NCO in the Black Watch Regiment and is rumoured to have served a short sentence in prison in Northern Ireland in the early 80's. He appears to have risen to prominence in the UDA around 1984.

Comment:

This case raises a number of issues relating to the difficulties inherent in handling security force agents within paramilitary organisations. Presumably, in order to protect the agent and to ensure his credibility in the organisation, very fine judgement is required as to the degree to which the security forces can turn a blind eye to certain events with which their agent may be associated. In the case of Nelson, there are a number of interesting questions -viz-

- If Nelson was working for Military Intelligence in the type of role outlined above, the Military must have been well aware of leaks (and indeed the source of many of the leaks) from the security forces. If that is the case, the question arises as to why the military took no action on the matter and did not pass on the information to the Stevens Inquiry. More fundamentally, this raises the entire question of the relationship between Military Intelligence and the RUC.

There are rumours (and only rumours at this stage) that RUC Special Branch was also fully aware of Nelson's activities, something which, if true, raises again the question of the relationship between Special Branch and the rest of the RUC - a relationship which was supposed to have been put on a sounder footing in the aftermath of the Stalker affair.

As Nelson is now on remand, the case is now sub judice. This effectively kills media speculation for the moment. It will be of considerable interest to see how Stevens handles this particular case, and observers in Belfast are waiting to see whether Nelson eventually stands trial and, if so, the sentence he is likely to receive. There is an expectation that one way or the other, in the long run the matter will eventually be swept under the carpet in time honoured fashion.

Brendan McMahon  
15 February 1990

cc A/Sec Gallagher  
Counsellors A.I.  
Secretariat  
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