

24.102 Written advice to Tom King was submitted by a Ministry of Defence (MoD) official on 26 September 1990. The submission made clear that the MoD would not wish Nelson to be prosecuted “on the information available”. An Annex to the submission specifically covered “the complicated public interest issues [that would] arise from disclosures that might arise if Nelson were to appear as a witness or to be prosecuted”. Significantly, in my view, the Annex noted “the strong political dimension” to the issue. A prosecution would, it was claimed:

*“ ... challenge the integrity of the system ... by revealing that ... [Nelson] ... was not merely a paid informer but a long-term agent who was allowed to continue as an active member of a terrorist organisation which committed many murders while he was acting as its intelligence officer. It would feed the speculations of those who believe that the security forces are involved in a ‘dirty tricks campaign’ and are in collusion with loyalist paramilitary groups.”<sup>61</sup>*

24.103 Whilst the submission did briefly cover potential public interest arguments in favour of prosecuting Nelson, the focus on the **political damage** that Nelson could cause suggests to me that the MoD’s first instinct was to prioritise the protection of the Army’s reputation over the administration of justice in this case.