

11.72 Having analysed FRU, Security Service and RUC records, it is clear that a decision was taken by the RUC not to seek to prevent the UDA from obtaining the UDR intelligence material. A Security Service internal note recorded the following discussion with the RUC SB:

"[L/03] was planning to break into a UDR camp on 2 December to photograph some intelligence reports ... We agreed that this was ... odd ... a view endorsed by D/HSB when I spoke to him subsequently. D/HSB advised that 'since the UDA already had lots of this stuff anyway' and that they would find nothing of value there was little to be gained by trying to prevent [L/03's] activity." [Emphasis added]³³

11.73 Although it was certainly the case that the UDA had already obtained huge quantities of security force information, in practice the novelty of being able to obtain the intelligence directly from within a UDR barracks appears to have prompted them to place a particular significance on this information. It included a video tape of a UDR briefing that featured a number of individuals, including Maginn. The CF dated 6 December 1988 recorded that Nelson had viewed the video tape and also noted that the UDR members had apparently offered 'refuge' in the local barracks to the UDA hit team.³⁴

11.74 The UDA targeted a number of individuals featured on the tape but subsequently selected Maginn as a target. Nelson does not appear to have been involved in the targeting of Maginn but he did certainly encourage attacks to be made against those featured on the video tape. The CF dated 4 January 1989 recorded the following comment being made by Nelson (referred to here by his source number, 6137) to L/03:

"6137 suggested that if no attacks resulted on any of those mentioned on the video tape the UDR personnel who supplied it would not supply anymore."³⁵

11.75 The video tape of the UDR briefing was subsequently shown to journalists by the UDA and ultimately prompted the Stevens I Investigation. The implications of the UDR/UDA links exposed in the CFs are acknowledged in the Ministry of Defence's (MoD's) own 'Problem Areas' document:

"The video was filmed in a UDR briefing room. This video led directly to the murder of Loughlin McGinn [sic]. [L/03] also goes on [as recorded in the 6 December 1988 CF] to say that a hit had been already planned in the Castlewellan area.

It was also explained that if the hit team could not escape they would be given refuge in barracks by certain members of the UDR.

This is potential dynamite. Should this become public knowledge the Security Forces, particularly the Royal Irish Regiment's credibility would be severely damaged."³⁶

11.76 I should also note that the threat to Loughlin Maginn may also have increased as a result of information apparently leaked by an RUC officer to the UDA. The CF dated 30 August 1989 included the following account of a UDA meeting on 24 August attended by Nelson:

"Once [L/45] had been handed the material he stood up and said, I received this from an SB officer in Lisburn but some of it is mixed and if we were to target everyone in this we'd end up shooting one another."³⁷

11.77 It is not clear whether L/45 was exaggerating when claiming that his contact was an SB officer, though it is certain that he must have had an RUC contact of some sort because I have seen a copy of the montage photographs that were provided by L/45 to Nelson (and subsequently by Nelson to his FRU handler). The handler commented on the CF that:

"It is interesting to note that one of the PIRA suspects named on the top sheet of paper was Loughlin Maginn who was assassinated later that evening."³⁸

11.78 I should also note that L/45 was later able to tip off the UDA command on 6 January 1990 that its members would be arrested by the Stevens Investigation on 8 January. This information was accurate and seems likely to have been provided by an RUC 'contact' with advance knowledge of Stevens' arrest plans.³⁹

11.79 In summary, my examination of the background to the murder of Loughlin Maginn reveals that no attempt was made by the security forces to prevent the UDA from breaking into the UDR barracks and gaining the intelligence; that Brian Nelson subsequently encouraged UDA attacks on those featuring on the video tape;