

The failure to take action against the West Belfast UDA

58. The intensive work on this case carried out by the Stevens III Investigation has meant that the other key UDA suspects involved in Patrick Finucane's murder have been identified. Regrettably, however, given the passage of time, there has been insufficient admissible evidence to prosecute any of this group of individuals.
59. Nevertheless, I was able to trace the involvement of that particular gang through a series of murders and attacks by the West Belfast UDA during the year prior to Patrick Finucane's murder. I have seen the significant amount of intelligence that the RUC SB received at the time linking those individuals to the attacks, at least some of which was passed to the RUC Criminal Investigation Department (CID). Whilst the intelligence was not of the kind that would have been admissible in evidence for the purpose of bringing criminal charges, in my view it could have enabled the police to identify suspects and thereby develop evidential leads. Arrests could also have been highly effective in disrupting the plans of those paramilitaries to carry out imminent attacks. Indeed, the gathering of intelligence to effect arrests was cited by the Commanding Officer of the FRU as one of the key reasons for running Brian Nelson as an agent in the heart of the UDA.
60. The evidence clearly shows that the RUC had failed to take action against this gang in relation to a series of attacks they carried out over the year preceding Patrick Finucane's murder. For example, none of the four individuals reliably linked to the murder of Terence McDaid in May 1988 was arrested in connection with that attack. Similarly, none of the six who were linked to the Gerard Slane's murder in September 1988 was arrested in connection with the killing. Indeed, two of the key ringleaders of this group were not arrested at all during the period between May 1987 (the point at which Nelson returned to Belfast) and February 1989, despite Nelson having provided extensive intelligence about their terrorist activities.