

Who sanctioned Britain's Death Squads?



Time for the truth.

Sinn Féin

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Executive Summary

For 30 years, the British government, through its agencies - MI5, British Military Intelligence and RUC/PSNI Special Branch - has been involved in the murder of citizens in Ireland. Together, they directed the activities of various unionist paramilitary death squads. This was much more than simply passing on information. This was about the deliberate and orchestrated targeting and assassination of hundreds of citizens.

- MI5 was and remains in charge. It is their job to monitor the activities of Military Intelligence and PSNI Special Branch. MI5 is obliged to report on all of these matters to Whitehall and to Downing Street. In the period covered by this dossier, MI5 reported directly to Margaret Thatcher, John Major and Tony Blair, respectively, in their capacity as British Prime Minister.

- The report of the Stevens' Inquiry, handed over to the PSNI on April 17th, 2003, the third such report in 14 years, was not published. Instead a 19-page document titled 'Stevens' Enquiry: Overview and Recommendations' was issued. This highlighted:

- Collusion;
- The wilful failure to keep records;
- The absence of accountability;
- The withholding of intelligence and evidence;
- Agents being involved in murder.

- John Stevens also highlighted the pattern of obstruction he faced and said it was cultural in its nature and widespread in parts of the British Army and RUC. He said that he was confronted by a wall of silence, crucial evidence was destroyed, information was leaked to loyalist paramilitaries before the planned arrest of senior loyalists and British agent Nelson, his incident room was destroyed by fire and he was lied to about the existence of particular documents. He also reported that the RUC routinely failed to conduct adequate investigations and prevented proper investigations.

- RUC Special Branch, including those with an involvement in the most serious allegations of collusion with loyalist paramilitaries (which lies at the heart of these incidents), transferred into the PSNI Special Branch and continue to obstruct attempts to get to the truth.

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- Successive British governments have sanctioned murder. They have employed agents. They have given them a license to kill and the freedom to act with impunity.
- British agents help arm unionist paramilitaries with hundreds of weapons and grenades requisitioned from South Africa.
- No member of the British Army's covert Force Research Unit (FRU), or of the RUC Special Branch, has been charged with any offence relating to attacks on 80 people that can be traced to files held by British agent Brian Nelson, including the killings of 29 people.
- Intelligence agencies have not been subjected to any process of reform. They have not been made subject to a public debate about accountability in the way the issue of policing has. Instead, MI5 and Military Intelligence - the FRU being a case in point - have remained immune from change.
- The British Military Intelligence personnel involved in these matters are still in place and have had their activities endorsed by the British government. Some 70 honours and awards have been made to the British Army unit involved in colluding with loyalists in the killing of Irish citizens - the Force Research Unit (FRU).
- The public had been led to believe that the Force Research Unit had been disbanded but it has actually just been renamed the Joint Services Group (JSG). The policies and practices that led to the death of Pat Finucane and 28 other people as a result of FRU agent Brian Nelson's files are still in place today.
- British Intelligence agencies and their agents are still fighting their war. They continue to undermine the peace process by mounting propaganda operations, creating an avalanche of spin aimed at destabilising the process in general and republicans in particular.
- The Policing Board cannot investigate these matters. They have no powers to investigate either MI5 or the British Army or incidents involving the RUC prior to 1999.
- The Ombudsman cannot investigate the activities of MI5 or Military intelligence. Her powers to fully investigate the Special Branch are useless

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because it has been made clear publicly that she does not have the financial resources to do this.

- Sinn Féin fully supports the inquiry demands by the Finucane, Nelson and Hamill families.
- We demand full and proper disclosure of all relevant information by British government departments and agencies in relation to all cases of collusion. For example, there must be full disclosure to inquests, the Stevens' Inquiry, the Saville Tribunal and the Barron Inquiry.
- We demand the publication in full of the Stevens', and Sampson/Stalker reports.
- The FRU/JSG must be disbanded.
- The Patten Report on policing must be implemented in full. The British, in the Good Friday Agreement, signed up to a police service which is representative, accountable, acceptable to the community as a whole and imbued with a human rights ethos. The PSNI as currently constituted is unaccountable and unacceptable. There must be full local democratic accountability.
- The British government must end the operations by British Intelligence agencies aimed at destabilising the peace process.
- The Irish Government must seek and be afforded full and proper disclosure by the British Government on all information vital to the rights and welfare of Irish citizens and the defence of the peace process.

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Introduction

On 17 April 2003 Sir John Stevens handed over Stevens 3 to Sir Hugh Orde of the PSNI.

Stevens 3 is the report of the third Stevens inquiry into limited aspects of collusion by British Government agencies and loyalist paramilitaries, who have acted as proxy agents of British intelligence for 30 years. The report has taken 14 years to produce. It is limited by design and incomplete because of obstruction by British Government agencies.

In the week commencing Sunday 4 May 2003 agents of British intelligence briefed, in a comprehensive way, a wide range of media outlets in Britain and Ireland about unsubstantiated allegations in respect of an alleged British agent in the IRA codenamed "Stakeknife" or "Steakknife". The storm of spin and speculation created by these faceless and nameless British agents continues to rage.

The British intelligence briefings commenced within days of the unilateral cancellation by the British Government of elections to the fixed-term Assembly in the north of Ireland. These were established under the terms of the Good Friday Agreement, which was democratically mandated by the electorate in Ireland, north and south, five years ago on 22 May 1998.

The Irish Government opposed the action by the British, as did every political party in Ireland. Support for the British position came only from David Trimble the leader of the Ulster Unionist Party (UUP).

The media storm created by British intelligence around their alleged role in the IRA relegated this undermining of democracy and the peace process to the inside pages of the print media and erased it from the broadcast media.

On Monday 12 May the Belfast Newsletter reported that loyalist and British intelligence sources confirmed that a loyalist paramilitary organisation – the Ulster Volunteer Force – had a "spy network which colluded with military and police personnel to kill". The report detailed a system of informal collusion between the UVF, British soldiers and members of the RUC as opposed to the highly formalised system of collusion reported on by Stevens.

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The common thread to all of this is British intelligence agencies who, having failed to defeat the IRA in 30 years of conflict, continue to seek to politically defeat Irish republicanism by other means.

During the conflict their targets were human rights lawyers, members of the nationalist community, Sinn Féin elected representatives, unarmed IRA volunteers and others like Roseanne Mallon a Co. Tyrone pensioner.

Today their target is the peace process.

It is inconceivable that these activities could have been conducted down the years without the political sanction and protection of the British Government at the highest levels. These activities must be stopped.

They are a barrier to peace, a barrier to reconciliation and a barrier to justice.

There must be full disclosure of these activities.

Opponents of change have erected a bogus and deliberately misleading argument about the financial costs involved in getting to the truth about these matters. They point to the costs involved in the Saville Tribunal into the killing of 13 Irish citizens by British Paratroopers in Derry in 1972.

The cost involved in the Saville Tribunal arises mostly from the resistance within the British system to providing truthful information. Indeed solicitors and barristers are reduced to the painstaking extraction of nuggets of truth in a process akin to pulling teeth.

There is no need for any of this. Most of the answers are contained in the British Governments own files. Political will and an internal trawl could produce the truth and save millions.

The Irish Government has an onerous responsibility in seeing that this full disclosure of the truth comes about. The victims of British intelligence who fill these pages were Irish men and women and, as often as not, Irish citizens. Moreover, a resolution of what is involved here is key to rights, justice, reconciliation and the future course of the peace process and to the success or failure of those who want to derail it.

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British Intelligence

Time for Change. Time for Disclosures

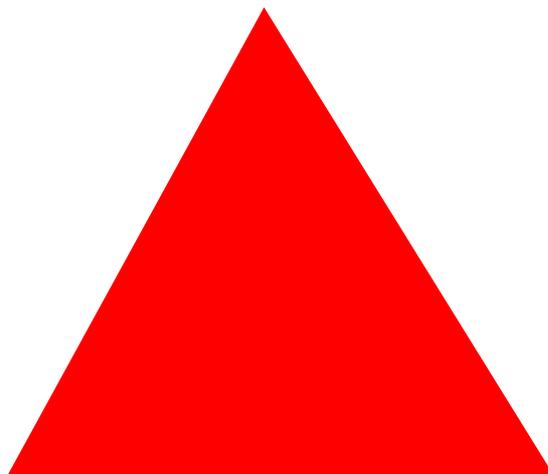
For 30 years, the British government, through its agencies – MI5, British Military Intelligence and RUC/PSNI Special Branch – has been involved in the murder of its citizens. Together, they directed the activities of various loyalist death squads. This was much more than simply passing on information. This was about the deliberate and orchestrated targeting and assassination of citizens.

What has been allowed to happen, to borrow a phrase from former British Lord Chief Justice Denning, represents an “appalling vista”. The facts documented below bear this out.

Who ran Britain's Death Squads?

Chain of command:

MI5



**RUC/PSNI Special
Branch**

Tasking and Co-ordinating Groups

**British Military
Intelligence**

**Force Research Unit(now
Joint Services Group, JSG)**

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MI5

MI5 is in charge. It was and still is their job to monitor the activities of Military Intelligence and RUC and PSNI Special Branch. MI5 exerts its authority through having a seat on the RUC's Tasking and Co-ordinating Groups and a liaison officer with the British Army's Force Research Unit.

MI5 is obliged to report on all of these matters to Whitehall and to Downing Street. In the period covered by this dossier, MI5 reported directly to Margaret Thatcher, John Major and Tony Blair, respectively, in their capacity as British Prime Minister. This means that successive British Prime Ministers knew and still know of the activities of the Tasking and Co-ordinating Groups, of Brian Nelson and of the FRU/JSG. If they didn't, it means that they were lied to or had information deliberately withheld from them by senior figures in MI5, British Military Intelligence and the RUC/PSNI, including Special Branch.

What is now required is that there is full and proper disclosure on all of these issues.

British Military Intelligence (Force Research Unit)

British Military Intelligence functioned primarily through a covert unit called the Force Research Unit (FRU). The FRU, in recent years, was given a new name — the Joint Services Group (JSG) — but its fundamental functions and procedures remain the same. Brigadier Arundell David Leahy of the British Army confirmed the JSG's "methods of operation... have not changed to any significant extent". The Force Research Unit, under the command of Brigadier Gordon Kerr, between 1987 and 1991 recruited and ran British agents, including Brian Nelson. At Nelson's trial, the head of FRU gave evidence in his support and British Defence Secretary and former Secretary of State Tom King described him as a 'valuable agent'. Patrick Mayhew, then British Attorney General, did a deal with Nelson to avoid him giving evidence which saw the charge of murder withdrawn. Nelson was resettled by the British government after his release from prison.

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RUC/PSNI Special Branch (Tasking and Co-ordinating Groups)

The RUC Special Branch, through their Tasking and Co-ordinating Groups (TCG), were responsible for the action end of the collective intelligence gathering, of these agencies in the 1980s. Everything from MI5, Special Branch and Military Intelligence ended up with the TCGs for assessment and response. Some of these 'responses' included the shoot-to-kill operations in North Armagh in the early 1980s which saw several unarmed IRA Volunteers gunned to death by the RUC.

Sir Ronnie Flanagan, the former Chief Constable of the RUC, 1996 – 2002, was in charge of TCG South, which included North Armagh. He was also a senior figure in the Special Branch at the time of the murder of Pat Finucane.

The RUC Special Branch transferred into the PSNI Special Branch. Soon after the RUC/PSNI name change, PSNI Special Branch set out to undermine and frustrate the inquiry by Policing Ombudsman Nuala O'Loan into the Omagh bombing and they did so with complete impunity. Neither the Ombudsman nor the newly created Policing Board could do anything about this. No member of the PSNI Special Branch has been subjected to disciplinary proceedings.

Stevens 3 - Collusion & Murder

The Report of the Stevens Inquiry (Stevens 3) was handed over to Sir Hugh Orde, the Chief Constable of the 'Police Service of Northern Ireland' (PSNI) on 17 April 2003. The report consists of thousands of pages. It is the property of the Chief Constable. He may share some or all of it with a small sub-committee of the Policing Board of the PSNI. Whether he will or not remains to be seen.

The Irish government, which is a joint and co-equal partner with the British government in seeing the full and faithful implementation of the Good Friday Agreement, including its terms on policing, have no right to see the report.

This needs to be rectified.

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This was the third Stevens' Inquiry in 14 years.

On the same day, Sir John Stevens, the author of the report, in conjunction with its handover, publicly issued a 19-page document titled "Stevens' Enquiry: Overview and Recommendations".

The author made clear that his enquiries highlighted:

- Collusion;
- The wilful failure to keep records;
- The absence of accountability;
- The withholding of intelligence and evidence;
- Agents being involved in murder.

He made clear that these serious acts and omissions have meant that people have been killed or seriously injured.

He detailed how his enquiries have been obstructed.

Obstruction

The Stevens' Inquiry's terms of reference were so narrow that it is reasonable to draw the conclusion that those who designed them sought to prevent information from emerging as opposed to constructing a process for full and proper disclosure.

For instance the third Inquiry focused in detail on only two killings in the three years covered by the report – 1987-1989 – which had seen scores of deaths and attempted killings as a result of collusion between British Intelligence agencies and loyalist paramilitary organisations. Moreover, Stevens notes in his report that in November 2002, 13 years after his enquiries had begun, a considerable amount of documentation from the British Ministry of Defence "became available to the Enquiry team for the first time". He went on to say: "I record the late disclosure with considerable disquiet. I have encountered the same problem of late disclosure during my two previous Enquiries and expressed then my strong concerns surrounding the issues."

Stevens, later in his report, sets out the nature and extent of the obstruction. Much of this was already in the public domain but is repeated here because,

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as will be shown, this remains entirely pertinent — not just to the limited issues under investigation by Stevens but to the wider activities of MI5, Military Intelligence and Special Branch.

For what Stevens encountered is endemic to these agencies and has long been a destructive impediment to the peace process.

Stevens said that:

Throughout his three Inquiries he recognised that he was being obstructed.

This obstruction was cultural in its nature and widespread within parts of the Army and the RUC.

Crucial evidence had been concealed from his inquiry team, including the facts that:

Brian Nelson was a British Army agent;

Nelson had been in possession of an 'intelligence dump' which his British Army handlers had seized when Stevens' 1 began.

Information was leaked to the loyalist paramilitaries and the press before the planned arrest of Nelson and senior loyalists, which resulted in the arrest operation being aborted.

Stevens' Incident Room had been destroyed by fire before a new arrest operation could be mounted. In his view, this was a deliberate act of arson that has never been adequately investigated.

He had been lied to about the existence of particular documents he asked to examine.

Culture of obstruction

The obstruction encountered by Stevens and which he described as cultural in its nature and widespread within parts of the British Army and the RUC, relates to the narrow area of the issues covered by his Inquiries.

This culture of obstruction, however, was and is widespread in the British

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Army and British Intelligence and the RUC; and remains in the PSNI because human rights abusers in the RUC were not, as recommended by Patten, dealt with and, in particular, because many have transferred into the PSNI, where they continue to obstruct attempts to get to the root of things.

The facts to support these matters are incontrovertible. The pattern of obstruction set out above by Stevens is evident in a whole range of other cases stretching back over 30 years and includes the refusal to compel British government agencies to make full and proper disclosure of all relevant information. This pattern and practice is clearly a matter of policy.

Some of the cases involved include:

Wall of Silence

- The wall of silence encountered in the RUC around the death of Sammy Devenney, who was beaten to death by RUC officers in 1969.

Refusal to investigate

- The refusal to investigate the consistent claims over almost 20 years by loyalist killer and former British soldier 'Ginger' Baker that RUC officers drove illegal loyalist weapons through British Army and RUC checkpoints, regularly gave RUC files to the UDA and tipped off loyalists to prevent the seizure of their weapons.

Destruction of evidence

- The destruction of British Army weapons used to kill 13 Irish citizens in Derry on Bloody Sunday 1972 and so preventing this forensic evidence from being submitted to the Saville Tribunal.
- The destruction of an MI5 tape recording of the killing of Michael Tighe in a hayshed outside Lurgan in 1977 and the prevention of legal proceedings against those involved by Sir Patrick Mayhew, the then British Attorney General.
- The destruction of a tape recorded confession by Ken Barrett, a Special Branch agent and UDA member, in which he claimed that he had shot dead Pat Finucane, the human rights lawyer.
- The destruction of the notes of interview of the SAS personnel involved in the killing of IRA Volunteers Pete Ryan, Laurence McNally and Seán Dorris

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in a shoot-to-kill operation in 1991.

- The burning of John Stevens' Incident Room during the Stevens 1 Inquiry.

Failure to make full and proper disclosure

- The current refusal by the PSNI to comply with the Coroner's request for full and proper disclosure of information to the inquest into the death of unarmed IRA Volunteer Pearse Jordan who was killed by the RUC in 1992.
- The current refusal of the British army and PSNI to comply with the coroner's request for full and proper disclosure of information to the inquest of Co. Tyrone pensioner Roseanne Mallon who was killed by loyalists under surveillance by the British army in 1994.
- The refusal by British government agencies to make full and proper disclosure on the Dublin and Monaghan bombs of 1974, which resulted in the deaths of 33 Irish citizens.
- The refusal to give full and proper disclosure of the facts surrounding the summary execution of Peter Thompson, Eddie Hale and John Joseph McNeill by British soldiers from the 14th Intelligence Company during an attempted robbery. John McNeill was shot repeatedly from the back while sitting behind the wheel of a getaway car.
- The ongoing refusal of the British Ministry of Defence to provide full and proper disclosure to the Saville Tribunal of information relevant to Bloody Sunday.

Obstructing inquiries

- The obstruction by the PSNI Special Branch of the Ombudman's inquiry into the Omagh bombing by withholding relevant files and hiding relevant files in complex computer systems. None of those involved were reprimanded or disciplined.
- The public defamation of British police officer John Stalker, when his inquiries into shoot-to-kill started producing results unwelcome to MI5, the RUC and the British Government.

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Failure to prosecute

- The collaboration between the British Attorney General, the British Army and the RUC which ensured that British Army agent Brian Nelson evaded charges of murder and walked out of prison a wealthy man after only four and a half years; and that only fragments of information with a bearing on collusion between British agencies and loyalist paramilitaries saw the light of day in the court proceedings.

Collusion and cover-up

The pattern and practice of collusion and cover-up that has emerged over the past 30 years, right up to the present, as the above limited number of examples illustrate, is as follows:

- The obstruction of inquiries by various means, including a wall of silence by members of British agencies — MI5; Military Intelligence; RUC/PSNI Special Branch; the British Army; the RUC/PSNI.
- The destruction of evidence, the hiding of evidence and a policy of refusing to make full and proper disclosure.
- The refusal to conduct adequate investigations, including wilful neglect or refusal to do so, the limiting of terms of reference of inquiries so as to limit their potential, and the shutting down of inquiries when they appeared to be getting somewhere.
- The collaboration by various British government agencies, including government law officers at the highest levels, and intelligence and security agencies to prevent proper investigations and maintain their agents' loyalty by protecting them against the full rigours of due legal process, including preventing prosecutions from taking place.
- A reliance on wholly illegal activities, including multiple killings, and a confidence to act with impunity in respect of these matters.

Political Sanctions

The upshot of all of this is far too extensive to deal with here in its detail but the following represents some sense of what is involved:

Successive British governments have sanctioned murder. They have

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employed agents. They have given them a license to kill and the freedom to act with impunity.

Agents like Brian Nelson were not sources for British government agencies, they were the servants of those agencies in the direction and manipulation of loyalist paramilitaries. Reporter John Ware, in the Newsletter on 29 June 2002, wrote: "So far as I can tell, many, - if not most – of the West Belfast UDA Brigade was working for the CID or Special Branch or MI5 at one stage or another."

Belfast man Brian Nelson is the classic example. He was recruited by MI5. Nelson was an employee of British Military Intelligence and a member of the UDA.

Nelson's employer, Brigadier (then Lieutenant Colonel) Kerr, the head of the FRU, testified in court in January 1992 that Nelson was being paid by FRU, which had instructed him to infiltrate the UDA. MI5 was a party to this and had full knowledge of Nelson's role.

He further testified that FRU had helped to improve Nelson's intelligence files and took steps to prevent the unwitting loss of these files to an RUC raid by telling the Special Branch where they were being stored and that the FRU had access to all of these files.

In a televised report into these matters last year, the BBC's Panorama team said:

"By our count, at least 80 people listed on Nelson's targeting files were attacked.

"29 were shot dead."

The same programme noted that according to Military Intelligence records, "RUC sources" provided a "considerable number of targeting files. Fifty came from an officer in the RUC's Special Branch."

Brigadier Kerr, in his 1992 court appearance, testified that Nelson's identity was known to RUC Special Branch officers at the highest levels and to two senior MI5 officers.

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No member of FRU, or of the RUC Special Branch, has been charged with any offence relating to these 80 attacks, including the killing of 29 people, on Brian Nelson's files. These files were supplied by members of the British forces, including Special Branch and were improved by FRU, which maintained access to all files. FRU and Special Branch, moreover, colluded to ensure the protection of Nelson's files. The British Attorney General took control of Nelson's prosecution, or rather the avoidance of prosecution. For instance, two charges of murder were not pursued. The reasons for dropping the charges of murder against Nelson have never been given.

There is little possibility that British agencies could be involved in such actions without political sanction and protection.

Agencies undermine peace process

Conversely, the mountain of information on state-sponsored illegal activities, including killings, attempted killings and gunrunning in the hands of these unaccountable and covert British agencies, may be acting to hobble the peace process.

British Labour MP Kevin McNamara has recently said in a Westminster speech on the Stevens' Report: "I believe that intelligence agencies played a significant role in shaping the political geography of Northern Ireland and prevented the emergence of a political alternative for many years."

These agencies have not been subjected to any process of reform. They have not been made subject to a public debate about accountability in the way the issue of policing has. Instead, MI5 and Military Intelligence – the FRU being a case in point – have remained immune from change.

Moreover, over several successive summers we have witnessed an ongoing campaign of loyalist violence aimed at destroying the peace process — a campaign heavily influenced by British agents. Accordingly precious few arrests have been made. Clearly, the old agenda continues.

This is wholly unacceptable. The reasons are self-evident.

All of this raises a number of important issues entirely relevant to the current situation, including truth and justice and reconciliation. It is also entirely pertinent to the political situation at this moment and to our political future.

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The British military intelligence personnel involved in these matters are still in place and have had their activities endorsed by the British government. Some 70 honours and awards have been made to the British Army unit involved in colluding with loyalists in the killing of Irish citizens - the Force Reconnaissance Unit (FRU).

Moreover, the public had been led to believe that this unit had been disbanded. The reporting of the March 2001 raid on Castlereagh Barracks, Belfast, however, revealed the unit to be still in place and functioning under a new name — the Joint Services Group (JSG).

The Director of Military Operations in the British Ministry of Defence spelt out the wholly unacceptable significance of this in an affidavit sworn in 1998. In this, he said that the FRU "is now known as the Joint Support Group (JSG) Northern Ireland" and is employed as one of "two specialist units" that "acquire intelligence on behalf of the Royal Ulster Constabulary". He added that JSG's "methods of operation have not changed to any significant extent..." since 1987. The import of this is that the policies and practices which led to the death of Pat Finucane and 28 other people as a direct result of FRU agent Brian Nelson's files are still in place today. This is totally unacceptable.

In addition, the RUC Special Branch, including those with an involvement in the most serious allegations of collusion with loyalist paramilitaries, which lies at the heart of these incidents, transferred en bloc into the PSNI Special Branch. They were at the centre of attempts to obstruct the Ombudsman's enquiry into the Omagh bomb.

British Intelligence agencies and their agents are still fighting their dirty war; still obstructing the necessary search for truth. They continue to undermine the peace process by mounting propaganda operations, creating an avalanche of spin aimed at destabilising the process in general and republicans in particular. All this is intended to exacerbate an already bad situation.

The Policing Board cannot investigate these matters. It has no powers to investigate either MI5 the British Army or incidents involving the RUC prior to 1999.

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The Ombudsman's powers to investigate such matters are yet to be tested but the point is somewhat moot, given that it is already clear is that the Ombudsman does not have the financial resources to conduct such inquiries. She also has no power whatsoever to investigate the British Army or MI5.

Action Required

The position of the Finucane, Nelson and Hamill families is clear and unambiguous. They are demanding independent judicial inquiries into the deaths of Pat Finucane, Rosemary Nelson and Robert Hamill.. Sinn Féin unequivocally endorses that position.

We believe the evidence of collusion between British government agencies and loyalist paramilitaries demands this. Three separate police inquiries have failed to get to the root of the matter. Immunity from prosecution granted by the British government to some of those involved has presented an obstacle to the truth that has been insurmountable to date. There is no confidence in the nationalist community in Ireland that any British government agency will get to the bottom of what is involved here.

This is, in part, a legacy of the British government's "Widgery Inquiry" into the killing of 13 civilians by the British Army on Bloody Sunday 1972, an inquiry that has been totally discredited as a whitewash.

This has been reinforced by the British government's refusal to co-operate with its own inquiry into Bloody Sunday – the Saville Inquiry. The obstructive conduct of the British Minister of Defence in impeding the inquiry is such as to prevent it fully investigating the role of the British Army on that day.

The 14 years it has taken to produce Stevens 3, a limited enquiry which still remains far from complete because of official obstruction underlines this.

- **Sinn Féin fully supports the inquiry demands by the Finucane, Nelson and Hamill families.**

- **We demand full and proper disclosure of all relevant information by British government departments and agencies in relation to all cases of collusion. For example, there must be full disclosure to inquests, the Stevens' Inquiry, the Saville Tribunal and the Barron Inquiry.**

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- We demand the publication in full of the Stevens', and Sampson/Stalker reports.
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