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**Special  
report**  
Northern  
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## No soldiers or police to be charged over Finucane murder, prosecutors rule

- Attempt to prove collusion with paramilitaries fails
- Review of Stevens inquiry finds insufficient evidence

**Owen Bowcott, Ireland correspondent****Tuesday June 26, 2007**[The Guardian](#)

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No policemen or soldiers are to be charged in connection with the loyalist murder of the solicitor Pat Finucane, the prosecution service said yesterday.

The decision to take no action against senior officers in military intelligence and the Royal Ulster Constabulary effectively marks the end of an 18-year investigation to prove in court that there was organised collusion between the security forces and loyalist paramilitaries.

Patrick Finucane, a 39-year-old civil rights lawyer who defended republican suspects, was killed by gunmen from the loyalist Ulster Defence Association (UDA) in February 1989. The gunmen burst into his north Belfast home and shot him in front of his family. His family denied he had any links to the IRA.

The latest evidence reviewed by the Public Prosecution Service of Northern Ireland came out of the third inquiry conducted by the former Metropolitan police commissioner Lord Stevens into agent-handling in Northern Ireland during the late 1980s and early 1990s.

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In a statement the prosecution service said there was insufficient evidence to bring cases to trial. It cited problems with missing records, witnesses who have died and the difficulties of ascertaining "the role and responsibilities that individuals played in specific events". It also had to take account of potential abuse of process arguments by the defence that any trial at this stage would be unfair.

The main thrust of what was known as Stevens III was the role of the army's surveillance operations in Northern Ireland, in particular the Force Research Unit (FRU). Nine former members of the unit, including its former head, Brigadier Gordon Kerr, were questioned, as well as seven police officers and a civilian. The prosecution service said: "There was insufficient evidence to establish that any member of FRU had agreed with Brian Nelson [an agent run by FRU] or any other person that Patrick Finucane should be murdered or had knowledge at the relevant time that the murder was to take place."

It added: "Lord Stevens ... stated that he believed there had been collusion between loyalist paramilitaries and elements of the security forces. While an investigator may properly reach general conclusions on collusion, the prosecutor's role is different."

Three years ago Ken Barrett, a UDA gunman, confessed to taking part in the Finucane murder. He was sentenced to 22 years in jail but under the terms of the Good Friday agreement was freed in 2006.

Alex Maskey, a Sinn Féin assembly member who was also targeted by Nelson, said yesterday: "It has to be remembered that the DPP [prosecution service] is simply another level in the policy of collusion and the policy of concealment and cover-up."

The Police Service of Northern Ireland issued a statement on Lord Stevens's behalf, saying: "[He] notes the statement made by the public prosecution service. It is a matter for them."

British-Irish Rights Watch, the organisation whose report

triggered the Steven III inquiry, said it was "disappointed but not surprised" at the decision.

The MoD said: "We welcome the decision. Soldiers have been criticised for long enough and should be left to get on with their lives. The MoD has cooperated fully with the Stevens inquiries."

The government has said it is committed to holding a public inquiry into the Finucane murder but, it is believed, has been unable to find a judge to chair it.

## **Backstory**

In 1987 Gordon Kerr, a lieutenant-colonel and veteran of army intelligence, now retired, was appointed head of the Force Research Unit. He oversaw the recruitment of Brian Nelson and his infiltration of the Ulster Defence Association. Nelson took up a key position as a gatherer of intelligence on potential republican targets. At Nelson's trial in 1992 Col Kerr defended his former agent's role, declaring: "There were several occasions when targets for assassination were brought to our notice by Nelson." Col Kerr has insisted his operation saved lives and that Nelson never told the FRU that Finucane was going to be killed.

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