

A P P E A R A N C E S

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His Honour Judge Peter Smithwick

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Mr. Justin Dillon SC
Mr. Dara Hayes BL

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NOTICE:

A WORD INDEX IS PROVIDED AT THE BACK OF THIS TRANSCRIPT.
THIS IS A USEFUL INDEXING SYSTEM, WHICH ALLOWS YOU TO QUICKLY SEE
THE WORDS USED IN THE TRANSCRIPT, WHERE THEY OCCUR AND HOW OFTEN.

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1 THE TRIBUNAL RESUMED ON FRIDAY, 10TH JUNE, 2011,
2 AS FOLLOWS:

3
4 MR. VALENTINE: Good morning, today we are going to hear
5 from, firstly, two former RUC officers; they will be the
6 first two, and after that there will be a number of
7 civilian witnesses. However, unfortunately the person who
8 is scheduled to be the first witness hasn't yet shown up so
9 we are just reorganising the schedule slightly. The first
10 witness will be now Witness 36, who is a former RUC
11 officer, who has been granted anonymity, he has just
12 arrived and I would ask the court to rise for ten minutes
13 to allow that to be organised.

14
15 THE TRIBUNAL ADJOURNED BRIEFLY AND THEN RESUMED AS FOLLOWS:

16
17 CHAIRMAN: I am sorry you have been inconvenienced, ladies
18 and gentlemen, some rearranging of witnesses was needed at
19 very short notice but we have done that and I think the
20 court is now cleared and the witness can come in and -- oh,
21 here he is. And thank you very much, sir, for coming
22 today. We greatly appreciate your attendance and
23 Mr. Mills, perhaps you would be very kind and --

24
25 May I say, before we begin, that I have learned with great
26 sadness just a few minutes of the death of Mr. Brian
27 Lenihan and I want to say how deeply sorry I am to hear of
28 this sad news. Many of us here in this room knew him well,
29 he was a very distinguished practitioner at the Bar and as
30 a friend, and later as a minister he served with very great

1 distinction in government, and this is a great tragedy for
2 his wife and family, but I would like to record our very
3 great regret at his passing and I think that his wife and
4 his family will need to know that we greatly sympathise
5 with him.

6
7 MR. CALLAN: Unfortunately, as the longest living and
8 senior barrister present, I would just like to associate
9 myself and members of the Bar with condolences to the
10 family of the late Brian Lenihan. During the short time he
11 was in the Law Library, he was a wonderful colleague and we
12 all know how strenuously he has worked for the country
13 during his time. He has been an example to everybody and I
14 suppose his example will live long after him. I would like
15 to extend the sympathies of all of us to the family on this
16 very sad occasion.

17
18 CHAIRMAN: Thank you very much.

19
20 Now, Mrs. Lavery is here.

21
22 MS. LAVERTY: Sorry I kept you late.

WITNESS 36, HAVING BEEN SWORN, WAS EXAMINED BY MRS. LAVERTY
AS FOLLOWS:

MR. O'CALLAGHAN: Before Mrs. Lavery commences, can I just, for the record, make a point and I don't wish to upset the harmony and efficiency with which the Tribunal has been run to date, but as things stand at present the Garda Commissioner has the statements of the witnesses about to give evidence, but I don't, and I know in respect of the next witness, Witness 55, that last night we received letters -- sorry, I have just been handed now a statement of Witness 36, Judge. But I would ask there be some system whereby we be given the statements at the same time as other parties are given the statements so we can prepare for the cross-examination. I have the statement of Witness 36; I will read it. I would also ask I be given the statement of Witness 55 because we were written to last night and informed that there are things within his statement which may reflect on my client, and I say fairness requires we be given that also.

CHAIRMAN: Thank you, Mr. O'Callaghan. I do feel that if there is constant pressure being applied about copy statements and so on, I would just like to say this final word.

The purpose of this Tribunal is to be fair, and I'll say this: that if anybody feels that he has been disadvantaged by not having a particular statement, I don't think that this arises in this case, but it can be dealt with fairly

1 by recalling a witness so that the counsel who feels left
2 short will be able to ask questions then, and I think I
3 can't say any more about it on this subject at the moment,
4 but I would hope that you would find that in conversation
5 with counsel for the Tribunal, that you will be able to
6 explain your necessity for any particular document and if
7 you need to have it, efforts will be made to keep it right.
8 There is the safety net that if you are disadvantaged,
9 first of all, of course, if it's something derogatory to
10 your client, you have to get that information in advance,
11 and you will get it. But if, in addition to that, if you
12 feel that you are shortchanged and you do need further
13 time, that can be dealt with by recalling witnesses if need
14 be. But thank you very much for your -- telling me that,
15 thank you. Now, I think we will hear Mrs. Laverty.

16
17 1 Q. MS. LAVERTY: Firstly, Witness 36, thank you for travelling
18 to assist this Tribunal, and we are appreciative of your
19 time. I think you joined the RUC in 1976, is that correct?

20 A. That's correct, yes.

21 2 Q. And you retired in 2002?

22 A. Yes, I did.

23 3 Q. And where did you serve in your time in --

24 A. Most of my service would have been in Newry and the south
25 Armagh area for about 16 years.

26 4 Q. And what position did you hold?

27 A. I was collator in Bessbrook from 1982 to 1991.

28 5 Q. So that was a period of about ten years?

29 A. That's correct, yes.

30 6 Q. And perhaps you'd explain to us and for the general public

1 what exactly does a collator do?

2 A. Just to collate low level information coming in on, it be
3 ordinary criminals or terrorism, but anything else would
4 have been through Special Branch. But it was just all low
5 level road stops, sighting reports of road stops, I would
6 have got them and assessed them and passed them on, if
7 needs be, to other agencies.

8 7 Q. I am just wondering if the people at the back of the room
9 can hear?

10

11 CHAIRMAN: Can people not hear at the back?

12

13 MRS. LAVERTY: Some people at the back may not be hearing
14 the witness properly.

15

16 CHAIRMAN: We will see what can be done.

17

18 MRS. LAVERTY: Yes.

19 8 Q. So in your position then as collator, you were dealing with
20 an awful lot of information coming in all the time, sir?

21 A. I would have been, yes.

22 9 Q. And what did you do with this information then? Did you
23 disseminate it to other people?

24 A. It would have been disseminated to Headquarters and CID,
25 Special Branch, and even to other collators throughout
26 Northern Ireland.

27 10 Q. I assume that in this position as collator you would have
28 gained considerable knowledge about south Armagh and the
29 area that you were covering?

30 A. I would have, yes.

1 11 Q. And did you know Chief Superintendent Breen and
2 Superintendent Buchanan?

3 A. I did, I knew both gentlemen.

4 12 Q. In what capacity was Mr. Breen to you?

5 A. Well, Mr. Breen was my Divisional Commander.

6 13 Q. And Mr. Buchanan?

7 A. And Mr. Buchanan was the Border Superintendent; that he
8 would have liaised with me anything I wanted from the
9 guards for him to find out for me or things like that.

10 14 Q. And did you have regular dealings with Mr. Buchanan in his
11 role as Border Superintendent?

12 A. I would have had regular dealings, yes.

13 15 Q. And did you ever have occasion to travel out with him?

14 A. Yes, I would have travelled south of the border with him to
15 Dundalk and sometimes Drogheda.

16 16 Q. And how regularly would you have travelled to Dundalk or
17 Drogheda with Superintendent Buchanan?

18 A. Well, it was only the one occasion to Drogheda but it could
19 have been maybe a couple of times a month to Dundalk or
20 maybe just once a month, depending on what was happening.

21 17 Q. And was this part and parcel of the Border Superintendent's
22 duty, regular travel south?

23 A. It would have been, yes.

24 18 Q. Was there any other way of carrying out your role as Border
25 Superintendent if you did not travel south?

26 A. No -- well it would be almost impossible; you were just
27 relying on telephone calls.

28 19 Q. And I take it that they were sort of good relationships
29 established with the Gardai that you were dealing with
30 south of the border?

1 A. Well, certainly in my time the relationships were always
2 very, very good.

3 20 Q. And who did you deal with primarily in Dundalk?

4 A. Mostly with the collator, Garda Tom Staunton.

5 21 Q. And did you -- you exchanged, presumably, information from
6 a professional -- on a professional level, did you?

7 A. Oh, yes.

8 22 Q. And when you travelled to Dundalk with Superintendent
9 Buchanan, what roads did you mainly travel on it?

10 A. It would always be on the main Newry-Dundalk road.

11 23 Q. And this would be on average of once a month?

12 A. Once a month, sometimes twice a month.

13 24 Q. Yes. And had you gone to Dundalk prior to Superintendent
14 Buchanan's posting there three years earlier as Border
15 Superintendent?

16 A. I would have, yes, with the -- with his predecessor.

17 25 Q. And how many times? Was that on a regular basis as well?

18 A. It would have been sort of semi-regular, yes.

19 26 Q. When you went south -- perhaps you might tell us something
20 about Superintendent Buchanan, what sort of man was he?

21 A. He was a quiet man, I would describe him. A true
22 gentleman. He was a Christian.

23 27 Q. Mm-hmm.

24 A. But a very level headed man and he would have thought
25 things through.

26 28 Q. And I assume that, as indeed you had, that he had
27 considerable information about that particular area, south
28 Armagh?

29 A. Very much so. He would have got a lot of that from the
30 Garda, his counterparts.

1 29 Q. And I assume that he would have had information from his
2 own side as well?

3 A. He would have, yes.

4 30 Q. When you travelled south with him, in whose car did you
5 travel?

6 A. It would always be in Mr. Buchanan's car.

7 31 Q. Did you ever have occasion to drive down yourself and take
8 anyone else with you?

9 A. Not in my own car, no.

10 32 Q. And was there any other alternative provided to people
11 travelling south other than taking their own cars?

12 A. No. It was just either go down, just nip in a car and away
13 you went, and the less people knew about it, the better.

14 33 Q. And this was for safety reasons, was it?

15 A. It was, more or less, yes.

16 34 Q. Now, do you remember -- I assume that you remember the
17 awful tragedy of the murders on the 21st March 1989?

18 A. I do, yes.

19 35 Q. And do you recall a meeting that was held shortly before
20 that?

21 A. I do.

22 36 Q. And perhaps you could tell the Tribunal what transpired at
23 that meeting and where did it happen?

24 A. The meeting took place in the Divisional Commander's
25 office, Mr. Breen's office, in Armagh. Mr. Breen had been
26 off that day. Mr. -- the ACC chaired the meeting.

27 37 Q. Can you just lead us into how it was set up. What day of
28 the week was this, do you recall?

29 A. It would have been a Thursday.

30 38 Q. And were you working in your office at the time?

1 A. I was. It was during my lunch break I got a telephone call
2 to go to the meeting.

3 39 Q. Do you recall who you got the phone call from?

4 A. I do, yes, it was just from --

5 40 Q. Another officer?

6 A. Another officer, yes.

7 41 Q. Another officer. And was that other officer at the meeting
8 or not?

9 A. No, he wasn't.

10 42 Q. No. And did this request to go to a meeting come as a
11 surprise to you?

12 A. It did, just out of the blue.

13 43 Q. Did you normally attend meetings similar to this one?

14 A. Maybe not as high level. I did attend a lot of meetings at
15 subdivisional level, but in this meeting with the ACC
16 chairing it, would have been unusual for me to be at it.

17 44 Q. So you would consider this to be out of the ordinary and a
18 high level meeting as against a routine meeting?

19 A. Very much so, yes.

20 45 Q. And would you reject the suggestion that it was an informal
21 meeting?

22 A. Yes, although the protocol, the procedure was sort of
23 informal but the meeting itself would have been very
24 high-level.

25 46 Q. And can you tell us, you said that the ACC Rural chaired
26 the meeting; who was at that meeting?

27 A. Well, Mr. Buchanan was there; there was the Chief
28 Superintendent from Special Branch; there was military
29 officers were there; I was there myself.

30 47 Q. Do you have a list, a cipher before you, sir, that can tell

1 us who the Chief Superintendent was. We will just pass it
2 to you now. Perhaps you can tell us his reference?

3 (Document handed to the witness).

4 A. Number 27.

5 48 Q. And can you give us the cipher for the ACC?

6 A. Number 18.

7 49 Q. Thank you. And who else was there? You said there was the
8 ACC and there was Number 27. Was Superintendent Buchanan
9 there?

10 A. Oh, sorry, yes, Mr. Buchanan there was as well, yes.

11 50 Q. Yes...

12 A. And...

13 51 Q. What about Superintendent Breen, was he there?

14 A. No, Chief Superintendent Breen was off that day. I think
15 his Staff Officer was there, Number 43, he was there in and
16 out of the meeting.

17 52 Q. So he wasn't there all the time, was he?

18 A. No, he kept going out to answer the telephone.

19 53 Q. I see. And were there other people there that you knew?

20 A. There was a couple of military personnel there, I am not
21 aware who they were.

22 54 Q. And were there any other people there?

23 A. I just can't recall now anybody else.

24 55 Q. How many people do you think, roughly, were present at that
25 meeting?

26 A. Probably about nine, ten, possibly.

27 56 Q. And where did you fit in in relation to the ranking of the
28 personnel at that meeting?

29 A. I was just at the very bottom of the pile. It was all sort
30 of officers that was at the meeting.

1 57 Q. And do you understand what your function at the meeting
2 was?

3 A. Well, I just assumed I was to be there if anything had to
4 be got for future operations and that, that I knew
5 first-hand why this sort of information or whatever was
6 needed for.

7 58 Q. And do you recall the subject of the meeting, why the
8 meeting was called in the first place?

9 A. I do, yes.

10 59 Q. And what was it in relation to?

11 A. It was in relation to smuggling activities along the border
12 by a well known gentleman --

13 60 Q. I see?

14 A. -- which we believed money was going into the IRA.

15 61 Q. Now, do you recall discussions took place at the meeting?

16 A. Very little discussion. They were asking for suggestions
17 what we could do. There was legislation in place in
18 relation to the movement of oil tankers and petrol tankers,
19 but I think it all boiled down then to Mr. Breen and
20 Mr. Buchanan meeting with our counterparts on the Monday
21 and see what they could come up with with the Garda.

22 62 Q. And how did that decision for a meeting on the Monday come
23 about?

24 A. The ACC, Number 18, told Mr. Buchanan to arrange a meeting
25 with his counterparts on Monday and to take Mr. Breen with
26 him and to ring and let Mr. Breen know.

27 63 Q. And did Mr. Buchanan make any phone calls or did he do
28 anything to indicate that he might have passed on the
29 information at that stage?

30 A. Mr. Buchanan, he left the office once or twice to make

1 phone calls. Now exactly who to, I am not sure.

2 64 Q. But you can't say what the phone calls were about?

3 A. No, I can't, no.

4 65 Q. And were any phone calls received during the course of that
5 meeting?

6 A. There was, yes, a couple of phone calls received for the
7 ACC.

8 66 Q. And do you recall one, in particular, of those phone calls?

9 A. I do. He went out to answer the phone and he came back in
10 and just turned and said "Bob, you are being transferred."

11 67 Q. Who did he say this to?

12 A. Sorry, Mr. Buchanan, he just said "Bob, you are being
13 transferred."

14 68 Q. And what was Mr. Buchanan's reaction to that?

15 A. He was sort of shocked; he didn't -- wasn't expecting it.
16 A military officer present turned around and says "Oh,
17 promotion and a pay rise for you." Mr. Buchanan told him
18 "No," he said "It's a side move for me," but the ACC said
19 no, he is being transferred as a Deputy Divisional
20 Commander. And it was a step up the ladder, not
21 financially, but it was a promotion that way.

22 69 Q. And did you get the impression that this was the first
23 Mr. Buchanan may have heard of this?

24 A. It definitely was, yes.

25 70 Q. Did you have any words with Mr. Buchanan about it?

26 A. No, I didn't personally, no.

27 71 Q. Now, did the Assistant -- can you repeat again for the
28 Tribunal for clarity what exactly did the ACC, Number 18,
29 say to Superintendent Buchanan?

30 A. His exact words I can't recall but it was along the lines

1 "Bob, you ring up and I will arrange a meeting with the
2 guards, and take Mr. Breen with you." He would have called
3 him Harry, "take Harry with you."

4 72 Q. And did he give any directions as to when this should take
5 place?

6 A. Yeah, it was to take place on the Monday. The Friday was a
7 bank holiday, St. Pat Patrick's Day, and then the weekend
8 --

9 73 Q. And where was the meeting supposed to take place?

10 A. I assumed Dundalk. There was nothing specifically said,
11 but one assumed that is where it was.

12 74 Q. Did you hear at any stage the Assistant Commissioner
13 telling Bob Buchanan you are not to go south of the border?

14 A. No, no, definitely not.

15 75 Q. You say that Chief Superintendent Breen was not there at
16 all?

17 A. No, he had been off that day.

18 76 Q. And the ACC, in his evidence here yesterday that you were
19 not present for, he said that he gave a specific direction
20 and extracted an undertaking from the two officers that
21 under no account were they to travel south of the border?

22 A. No, definitely not, I would dispute that.

23 77 Q. And do you think if such a direction -- what do you think
24 would have been the reaction of Superintendent Buchanan if
25 such a direction had been given to him by his ACC?

26 A. He wouldn't -- if he was told not to go, he wouldn't have
27 went.

28 78 Q. There was a suggestion yesterday made that both he and
29 Chief Superintendent Breen disobeyed a direct order?

30 A. No. Both Mr. Breen and Mr. Buchanan, they are two good

1 officers and they would have followed the directions they
2 were given.

3 79 Q. Now, you said that you had good relations, good personal
4 relations with the guards over the years and in particular
5 your opposite number in Dundalk, Tom Staunton?

6 A. Yes, very good relations with them.

7 80 Q. And what did you hear in the aftermath of, you know, the
8 murders? Did you hear any suggestions that there was a
9 mole in Dundalk or that there was rumours of --

10 A. There was rumours going about that there was a mole passing
11 information to the IRA from Dundalk station.

12 81 Q. And did you have any credence in that?

13 A. I couldn't honestly answer that. It's very hard to say.

14 82 Q. Yes. You have no view one way or the other?

15 A. No.

16 83 Q. You had no particular concerns about travelling down to
17 Dundalk?

18 A. No, I didn't have any.

19 84 Q. No. Did you ever have occasion to have a concern
20 travelling down to Dundalk?

21 A. No. Any time I would have travelled, nothing would have
22 been planned; it was just one of my officers would have
23 called in and says "come with me" or "come on, we are going
24 to Dundalk," I would just get into the car and away then
25 with him.

26 85 Q. Do you recall one particular incident when you were
27 travelling, in the late '80s, with Superintendent
28 Buchanan's predecessor?

29 A. It was, yes, it would have been in the early '80s I think
30 that would have been.

1 86 Q. Early '80s, I am sorry.

2 A. I do, yes.

3 87 Q. And perhaps you could just tell us about that?

4 A. It was Number 59, I went down to Dundalk -- he called for
5 me to go to Dundalk one afternoon. I went down with him.
6 I went and spoke to Garda Staunton and Number 59 went
7 upstairs and spoke to whoever it was he was there to speak
8 to. A short time later he came into the collator's office
9 in Dundalk and he more or less just ordered me out of the
10 office. I had wondered what had happened. On the return
11 journey to Bessbrook he hardly spoke to me. I got out of
12 the car at Bessbrook and he just sped off then. It was the
13 next morning he came down into the office and he sort of
14 apologised to me for -- he said, "Sorry about yesterday,"
15 and he says, I forget the exact words but whoever it was he
16 was seeing he called him an IRA man. He says "I went to
17 the Chief Constable and asked to have that man moved out of
18 Dundalk" and he informed me that that man had been moved
19 overnight out of Dundalk. Now, he never mentioned who it
20 was.

21 88 Q. And is that the way matters like that were dealt with
22 between the Forces at the time?

23 A. It would have been, yes.

24 89 Q. So, as soon as the Border Superintendent's predecessor had
25 a concern about someone, he went to the Chief Constable,
26 who contacted the Garda Commissioner, and the officer was
27 transferred?

28 A. That is what I am led to believe, yes.

29 90 Q. Yes. Now, in relation just to your general knowledge about
30 the area, sir, the operation carried out by the IRA to

1 assassinate Chief Superintendent Breen and Superintendent
2 Buchanan, have you views on how that might have been
3 carried out, from your experience?

4 A. Well, it certainly wasn't planned on the spur of the
5 moment. There would have been a number of days' planning
6 in the operation. There was speculation that the IRA had
7 the main road covered and that back road covered with
8 volunteers armed. That sort of thing doesn't happen in an
9 hour or two. There would be a couple of days' planning
10 involved in that.

11 91 Q. So you don't feel it would be possible to set up that kind
12 of organisation within a matter of hours?

13 A. No.

14 92 Q. And were the IRA careful in their planning?

15 A. Yes, they were, and even the spot they had picked where to
16 carry out the operation was what we call a blind spot from
17 the watch towers scattered throughout Armagh, throughout
18 south Armagh.

19 93 Q. Now, do you think there was a -- there was a suggestion in
20 the press that Chief Superintendent Breen was the target
21 because he had been photographed after the Loughgall
22 incident with a lot of captured guns and ammunition behind
23 him and that there was a suggestion that in the press that
24 he was a target because of that exposure in the press; what
25 are your views on that?

26 A. Well, certainly I would believe that if that was the idea
27 behind the operation, they would have took him alive, they
28 wouldn't have killed him.

29 94 Q. And would they have broadcast it, the fact?

30 A. Oh, very much so. They would have seen it as a great

1 feather in their cap, although at the time of Loughgall
2 Mr. Breen was only the Deputy Divisional Commander at the
3 time and he would have really no planning or involvement in
4 the operation.

5 95 Q. I think he was just asked to stand into the photograph,
6 isn't that correct?

7 A. More or less, just to say this is what happened, yes.

8 96 Q. Yes. Now, in relation to the IRA, were they often active
9 on the main road?

10 A. Yes, they were, just a wee old top out at Hotel 5 Alfa, the
11 border crossing point, it's on the main Newry-Dublin road
12 there.

13 97 Q. And was there any safe way of travelling or was there a
14 safer way of travelling on the roads between the north and
15 the south?

16 A. No, definitely not, no.

17 98 Q. So were you effectively taking your chances, no matter what
18 road you were travelling?

19 A. If anybody knew you were coming, yes. That is why most of
20 the travelling was kept -- sort of done at the last moment.

21 99 Q. I see. Have you any doubt at all about the details of the
22 meeting that you have described to the Tribunal that
23 happened on the Thursday before the murders?

24 A. In what respect?

25 100 Q. Have you any doubts at all that maybe your recollection may
26 have been faulty?

27 A. Oh, no, no. It was definitely that is what took place at
28 the meeting, that the two officers were told to go to
29 Dundalk and meet with their counterparts and to come up
30 with a plan and operation between the RUC and the Garda to

1 combat all the smuggling of the oil and the
2 money-laundering, et cetera.

3 101 Q. And if Witness 18 says that he specifically directed that
4 the officers not go south, you don't agree with that?

5 A. No, I don't. Certainly Mr. Buchanan, at the meeting, and
6 he was Christian gentleman, if he had been told not to go,
7 he wouldn't have went.

8 102 Q. Thank you very much, sir. You may be asked questions.

9

10 CHAIRMAN: Thank you very much. Has any counsel any
11 questions?

12

13 THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:

14

15 103 Q. MR. DURACK: My name is Michael Durack and I appear for the
16 Garda Siochana. I just might ask you a couple of
17 questions.

18 In your position as collator, am I right in understanding
19 that your function is to assemble all local knowledge that
20 is available, what information comes in from both members
21 and other sources?

22 A. It would have been, yes.

23 104 Q. And that insofar as that if anybody wanted to know anything
24 about what was happening around the area, you were the
25 person to ask?

26 A. I would have been, yes.

27 105 Q. And that if there was an incident, or at least if there was
28 a discussion about smuggling, again would you know the
29 up-to-date position about that?

30 A. Most likely, yes, but for operations for smuggling where

1 the IRA or terrorists were involved in it, that would be
2 more Special Branch would have dealt with things like that.

3 106 Q. If I might perhaps just skip then to this meeting that you
4 were talking about on the Thursday. We have a statement
5 that says it was at 2 o'clock in the afternoon, and I think
6 you told us now it was at 5:00?

7 A. No, it was 2 o'clock.

8 107 Q. It was at 2 o'clock. Because, again the ACC who gave
9 evidence yesterday suggested that it was sometime after
10 5:00?

11 A. No, definitely not.

12 108 Q. He also described what -- the meeting that he was
13 describing, that only four people attended it?

14 A. No, there was definitely more than four.

15 109 Q. And that it wasn't, in fact, a formal meeting at all; that
16 it was more an exchange of views than a formal meeting that
17 was chaired?

18 A. Well, the ACC chaired the meeting. Certainly nobody asked
19 for my views and I don't recall views being exchanged.

20 110 Q. But you appear to describe it as a much more formal
21 meeting?

22 A. It would have been formal in the extent it was specifically
23 called for the one purpose, yes.

24 111 Q. And again, as I say, he made no reference yesterday to the
25 presence of either the military or the Special Branch?

26 A. No, they were definitely there as well.

27 112 Q. I see. And he made a suggestion that it may have been the
28 Border ACC that may have been at the meeting?

29 A. No. It was just Number --

30 113 Q. Number 18?

1 A. Number 18.

2 114 Q. You are firm in your recollection?

3 A. Yes, he definitely chaired the meeting, yes.

4 115 Q. And would you have been surprised if somebody of the rank
5 of Superintendent Buchanan was given an instruction not to
6 go across the border or that he would be given such a
7 definite instruction?

8 A. Well certainly if it was deemed it was too risky for him to
9 be told not to go, he wouldn't have went, if there had been
10 information coming in from Special Branch which would
11 happen from time to time.

12 116 Q. But in the ordinary course, I take it that information
13 would be given directly to the person who was considered
14 under threat?

15 A. It would be, yes.

16 117 Q. And that they would act on it. It wouldn't necessarily
17 come down the line?

18 A. No, it wouldn't, no, exactly.

19 118 Q. You told us that most of your visits south were on the main
20 road. How many other ways were there to go?

21 A. Well, to me there would have been only the two ways of
22 going: the route that Mr. Breen and Mr. Buchanan took
23 coming home; and on the main road. They were the two we
24 would have used most of all.

25 119 Q. The Edenappa Road, is it?

26 A. Edenappa Road, correct, yes. I suppose one could have went
27 by Omeath or take a big roundabout ways of going but very
28 time-consuming, that.

29 120 Q. And in relation to your own security and travelling, were
30 you given any advice as to what you should do or how you

1 should --

2 A. No.

3 121 Q. What precautions you should take?

4 A. No. I think it was just assumed that we knew ourselves
5 what had to be done.

6 122 Q. Because, again it was suggested yesterday that it was a
7 practice to change the registration plates on cars on a
8 regular basis and to perhaps change the car every year?

9 A. Not that I am aware of now. Certainly I know some
10 policemen's cars had what we call security plates on them,
11 but that was on a permanent basis.

12 123 Q. So that on your trips, south anyway, in the ordinary course
13 of events you didn't take any particular precautions, you
14 merely used the main road like other people?

15 A. More or less, yeah, maybe you told the Communications
16 Centre in Newry that you were heading down to Dundalk and
17 that would have been it.

18 124 Q. And when would you tell the Communications Centre?

19 A. If I was going down I would have phoned up the
20 Communications Centre and said "I am away to Dundalk here,"
21 and that would have been it. If I had been going down with
22 Mr. Breen or Buchanan or anybody, I assume they would have
23 done things like that, let them know they were going down.

24 125 Q. This would be just immediately before you left?

25 A. More or less, yes.

26 126 Q. And on your various trips with Superintendent Buchanan, did
27 you make that call to Communications Centre or did he, do
28 you know?

29 A. I would assume he would have done it. He would just come
30 into the office to me and said --

1 127 Q. You certainly didn't do it?

2 A. No, not when I was going travelling with him, no.

3 128 Q. Now, it's also been -- we have heard that, in fact, it was
4 a practice that if somebody was considered to be at risk,
5 that there was a chance they'd be transferred to a
6 different place?

7 A. If there was a specific threat, yes.

8 129 Q. Well, were you aware of any specific threat against
9 Superintendent Buchanan?

10 A. Not directly against him personally, but there would always
11 be that possibility that his role and travelling back and
12 forwards, there would have been sort of always a threat on
13 him all the time.

14 130 Q. That he would be more at risk?

15 A. More or less it would be a risk assessment, yeah.

16 131 Q. And did you know or was there any reaction from the
17 Superintendent when the discussion about him being
18 transferred, whether that was in any way risk-related?

19 A. No, it wasn't.

20 132 Q. Now, in relation to the conversation that you had with
21 Number 59 in relation to somebody in Dundalk Garda Station
22 being, perhaps, unreliable, you have told us that he told
23 you the next day that that man had been transferred?

24 A. He did, yes.

25 133 Q. But he didn't tell you who?

26 A. No, he mentioned no names, no.

27 134 Q. All right. Because I can tell that you there would have
28 been three people mentioned in the opening by the Tribunal
29 as being potentially the subject of gossip and one of
30 those, Detective Sergeant Corrigan who served in Dundalk

1 from September 1964 until his retirement and never
2 transferred out; sergeant Hickey who served in Dundalk
3 from --

4

5 CHAIRMAN: Are you saying he was never transferred out of
6 Dundalk?

7

8 MR. DURACK: He was never transferred out of Dundalk from
9 1964. Oh, sorry, I am incorrect, he was never transferred
10 in the '80s at any stage is the point I want to make.

11

12 CHAIRMAN: Well, anyway, this witness says he didn't hear
13 anybody in particular being referred to.

14

15 135 Q. MR. DURACK: And you didn't hear Sergeant Hickey, who was
16 mentioned, who again appears to have spent most of his
17 latter career in Dundalk?

18

19 CHAIRMAN: No name was mentioned of anybody?

20 A. No, no name was mentioned to me at all.

21

22 136 Q. MR. DURACK: We have heard that Chief Superintendent Breen
23 was the man who did the -- was the front-of-the-camera for
24 the television reports in Loughgall, and you considered
25 that if they had known he was there, they would have taken
26 him alive?

27 A. That is my opinion, yes.

28 137 Q. I think you know what happened at the scene, I think there
29 was no attempt to take anybody alive?

30 A. No, there wasn't.

1 138 Q. And would you draw from that or, what would be your view
2 that in fact they didn't know who he was?

3 A. I would take it they just knew there was two RUC men coming
4 up that road.

5 139 Q. Without knowing who they were specifically?

6 A. Not specifically, no.

7 140 Q. And throughout your dealings with the Gardai in Dundalk,
8 you built some very strong personal relationships, isn't
9 that right?

10 A. Yes.

11 141 Q. And that that was a fact, the aim was that personal
12 relationships would be built up between the members on both
13 sides of the border?

14 A. That's correct, yes.

15 142 Q. Yes. Thank you. There was no intelligence ever shared
16 with you in relation to the possibility of there being a
17 mole or somebody unreliable?

18 A. No, that would have just been Special Branch dealt with
19 things like that. That wouldn't have come down to my
20 level.

21 143 Q. It wouldn't necessarily have come down to you.

22

23 **THE WITNESS WAS CROSS-EXAMINED BY MR. ROBINSON AS FOLLOWS:**

24

25 144 Q. MR. ROBINSON: Witness 36, my name is Mark Robinson and I
26 am counsel for the PSNI. I would just like to ask you some
27 clarification questions. You mentioned with regard to
28 Superintendent Buchanan's function, that it may have
29 rendered his ability to perform his job impossible if he
30 was prevented from crossing the border, is that correct?

1 A. That would have been my opinion, yes.

2 145 Q. And the Tribunal has heard evidence from Witness 6 and
3 Witness 18 and they both expressed surprise at the
4 frequency within the month before the ambush, it was quoted
5 that he, Superintendent Buchanan, travelled some ten times
6 across the border in the month prior to his death, they
7 expressed surprise, Inspector Day said that was part of his
8 function. What is your view on the frequency?

9 A. I thought it was, when I heard that I was surprised and I
10 didn't think he would be down as many times in the one
11 month. Like, once a week probably would suffice to liaise
12 with his counterpart unless something urgent cropped up
13 that he had to go down.

14 146 Q. Yes. And if I can move you to the meeting that took place
15 that was chaired by the ACC Rural, was the issue of
16 crossing the border ever raised during that, in the course
17 of that meeting?

18 A. Just to let Mr. -- tell Mr. Buchanan to arrange a meeting
19 with the Garda and go down and see him and Mr. Breen to go
20 and see them.

21 147 Q. So there was absolutely no reference to stopping any
22 officer travelling across the border?

23 A. No.

24 148 Q. I have no further questions. Obligated.

25

26 CHAIRMAN: Thank you very much.

27

28 **THE WITNESS WAS CROSS-EXAMINED BY MR. O'CALLAGHAN**

29 **AS FOLLOWS:**

30

1 149 Q. MR. O'CALLAGHAN: Sir, I appear on behalf of retired Garda
2 Sergeant Owen Corrigan, and the first thing I'd like to do
3 is thank you for coming here to give evidence today. You
4 mentioned in your evidence that when you travelled down to
5 Dundalk, you travelled either with Superintendent Buchanan
6 or, on occasion, you travelled with other Royal Ulster
7 Constabulary officers to Dundalk. Can you tell us who
8 would be the other officers that you would travel down to
9 Dundalk with?

10 A. Number 59.

11 150 Q. And when you were travelling with Number 59, would you
12 always take the same route to Dundalk?

13 A. I do believe so. I can't recall veering off the main road.

14 151 Q. And it's your evidence that when you were travelling with
15 Superintendent Buchanan you always travelled on the main
16 road, isn't that correct?

17 A. Yes, Mr. Buchanan always stayed to the main road.

18 152 Q. Did it ever cause you concern, sir, that Superintendent
19 Buchanan always followed the same route when he was
20 travelling to Dundalk?

21 A. Not really. One looked at it, it was the main road, a
22 better road. If anything did happen you may have a better
23 chance of getting away rather than on a small, country
24 road.

25 153 Q. The reason I asked you is that two witnesses who gave
26 evidence to the Chairman yesterday, Witness 18 and
27 Inspector Day, they stated that in order to provide greater
28 protection really that routes should be changed, and the
29 evidence given by Inspector Day was that patterns kill.
30 Would you agree with that evidence, sir?

1 A. I would agree with that, yes. But then again some would
2 have viewed the back road, the Edenappa Road as a narrow
3 road easily blocked and if anything did happen you couldn't
4 make a good attempt to escape. Whereas if you are on the
5 main road, you have that small chance possibly.

6 154 Q. You also mentioned, on two occasions in your evidence you
7 referred to how Superintendent Buchanan was a Christian
8 gentleman. I am just wondering from that, is there any
9 suggestion that Superintendent Buchanan placed his faith in
10 God in respect of his protection and saw that as being
11 sufficient rather than trying to change routes or taking
12 other appropriate measures?

13 A. No, I don't think so. He was a very professional police
14 officer. Anything he done, he would have thought it
15 through before doing.

16 155 Q. You also mentioned in your evidence, sir, that there was
17 speculation that the IRA had the main road covered. Can
18 you just elaborate upon that for the Chairman as to what
19 you meant by stating that they had the main road covered?
20 What did that entail?

21 A. Well, just if Mr. Breen and Buchanan had left Dundalk, they
22 would have been followed to see which route they would have
23 taken, whether they would have stayed on the main road or
24 took the back road, and it wouldn't have mattered which
25 road they took that day, that the main road, there was an
26 operation, or a gang was there to stop the car on the main
27 road if needed be, if IRA volunteers, as well as the
28 Edenappa Road.

29 156 Q. And would you agree with me that it was a fact of life for
30 officers from the Royal Ulster Constabulary in the 1980s,

1 that they were subjected to surveillance by the Provisional
2 IRA?

3 A. Yes, they would have been.

4 157 Q. Thank you very much, sir.

5

6 THE WITNESS WAS CROSS-EXAMINED BY MR. COFFEY AS FOLLOWS:

7

8 MR. COFFEY: If I may. Witness 36, I appear on behalf of
9 retired Sergeant Leo Colton, and I just want to put one or
10 two questions to you.

11 In the course of your direct evidence, you indicated that
12 when you were travelling from north to south to visit the
13 Garda station in Dundalk, the less people knew about such a
14 trip, you felt, the better; am I correct in saying that?

15 A. That was always my opinion.

16 158 Q. And can you just indicate briefly what was the thinking
17 behind that opinion that you formed? Was it part of your
18 security measures to protect your bodily integrity?

19 A. It would have been, yes. Just anything you are doing at
20 all, even north or south, you didn't plan or let people
21 know your plans.

22 159 Q. Was that, if you like, born out of a concern that there
23 might be leaks of your travel arrangements, accidental or
24 otherwise?

25 A. Well, maybe I wouldn't say they were concerns, but the
26 possibility of it was always there, yes.

27 160 Q. And that is before you would leave your own RUC station?

28 A. Yes.

29 161 Q. Thank you.

30

1 CHAIRMAN: Thank you very much.

2

3 MRS. LAVERTY: Just a few matters arising out of that,
4 Chairman.

5

6 **THE WITNESS WAS RE-EXAMINED BY MRS. LAVERTY AS FOLLOWS:**

7

8 162 Q. MRS. LAVERTY: Sir, you said in your evidence that you
9 would phone, if you were travelling, say, from Newry, south
10 to Dundalk, that you would phone the Communications Centre
11 in Newry and just say you were going to Dundalk?

12 A. Yes.

13 163 Q. Now, when you were coming back then from Dundalk, would you
14 make a similar phone call to the Newry Communications
15 Centre?

16 A. Sometimes. Possibly -- most of the times, no.

17 164 Q. So you'd advise when you were going south but wouldn't
18 necessarily tell them that you were going back?

19 A. No, not necessarily, no.

20 165 Q. I see. And can I ask you, did you attend any other meeting
21 prior to the murders chaired by the ACC involving a
22 well-known smuggler?

23 A. No.

24 166 Q. And you mentioned that one of the people you recalled being
25 at the meeting was Witness Number 27?

26 A. Yes.

27 167 Q. And you recall him particularly being there with the other
28 people who had -- the other people at the organisation?

29 A. Yes, I think -- yes, Mr. -- yes, 27.

30 168 Q. Where were you at 5 o'clock that evening?

1 A. I would have been at home.

2 169 Q. So your duty would have finished at that stage?

3 A. It would have, yes.

4 170 Q. When, actually, were you finished your duties that day?

5 A. Sorry?

6 171 Q. When would you have normally been finished?

7 A. It normally would have been 5 o'clock.

8 172 Q. I see. Thank you very much indeed and thank you for
9 attending.

10

11 CHAIRMAN: Thank you very much sir. I want to thank you
12 very much for coming. I appreciate you have come
13 voluntarily, there was no compulsion on to you come and I
14 am grateful to you for assisting the work of the Tribunal.

15

16 Now, as the witness wishes to leave, I think it would be
17 appropriate if members of the public would very kindly
18 vacate the seats at the back until that has been done.

19

20 Mrs. Laverty, is the next witness claiming anonymity as
21 well?

22

23 MS. LAVERTY: The next witness is, Chairman, yes.

24

25 CHAIRMAN: So the screen will remain in place.

26

27 MS. LAVERTY: For the moment. We will just check. It may
28 be that he is not. We will just go to check.

29

30 CHAIRMAN: I think everybody now has left and it would be

1 safe for the witness to leave.

2

3 THE WITNESS THEN WITHDREW.

4

5 CHAIRMAN: Shall I rise for a moment?

6

7 MS. LAVERTY: May it please you, Chairman.

8

9 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

10

11 MR. VALENTINE: Chairman, we are just waiting for the next
12 witness, who is retired Senior Assistant Chief Constable of
13 the RUC, Mr. David Cushley. Whilst we wait, Mr. Chairman,
14 for your benefit and for the benefit of the other parties,
15 I can say that during yesterday's evidence Mr. Cushley was
16 referred to by the cipher Witness Number 55

17

18 CHAIRMAN: Yes. Thank you very much, Mr. Valentine.
19 Good morning.

20

21

22

23

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25

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29

30

1 DAVID CUSHLEY, HAVING BEEN SWORN, WAS EXAMINED BY MR.
2 VALENTINE AS FOLLOWS:

3

4 CHAIRMAN: Mr. Cushley, I want to thank you very much for
5 the trouble you have taken to come down here to give
6 evidence this morning. We are very grateful to you.

7 A. Thank you, Mr. Chairman.

8

9 173 Q. MR. VALENTINE: I would like to echo his thanks on behalf
10 of the Tribunal's legal team. I think, Mr. Cushley, you
11 retired in 1993 from the RUC at the rank of Senior
12 Assistant Chief Constable, isn't that correct?

13 A. Correct.

14 174 Q. If I come straight in the timeline of your career to the
15 1980s, I believe that in the 1980s you held a total of six
16 positions, three at the rank of Assistant Chief Constable
17 and three at the rank of Senior Assistant Chief Constable?

18 A. Sounds correct.

19 175 Q. I think you were a senior Chief Constable in 'D'
20 Department?

21 A. That is uniformed operations, that's right.

22 176 Q. Assistant Chief Constable in the Crime Department?

23 A. Crime Department, yes.

24 177 Q. And Senior Chief Constable for Rural region?

25 A. Rural region. That was all the division outside the
26 Belfast region.

27 178 Q. And at that point, a single ACC governed everything outside
28 Belfast, is that correct?

29 A. Yes.

30 179 Q. And subsequently, there was a division between the east and

1 west rural regions, is that correct?

2 A. Yes, at one stage it was decided by the Chief Constable
3 that the rural region was too great a span of command for
4 one Assistant Chief Constable and it was divided up shortly
5 after the incident at Darkley, which is engraved in most
6 people's minds.

7 180 Q. And actually, given your seniority of rank and your
8 experience, it might be very useful for the Chairman if you
9 could just explain briefly the hierarchy of the RUC during
10 the '80s?

11 A. Well, the Chief Constable had one Deputy Chief Constable,
12 three Senior Assistant Chief Constables and then a range of
13 Assistant Chief Constables. The three Senior Assistant
14 Chief Constables were delegated to look after -- one was
15 administration and personnel; one was crime and crime
16 Special Branch; and the other was uniformed operations, to
17 use a vernacular term that's familiar to those in American
18 scenes, Chief of Patrol would be a term used, responsible
19 for most of the uniformed operations; that was ACC
20 operations.

21 181 Q. Thank you very much. Can you just explain briefly to the
22 Chairman what meetings took place amongst the hierarchy?
23 What was the structure of meetings for the briefing of the
24 Chief Constable?

25 A. The structure: Each morning at 9 a.m. sharp, the Chief
26 Constable, in his office, met with his Senior Assistant
27 Chief Constables: the Assistant Chief Constable Crime,
28 Assistant Chief Constable Special Branch, and his Chief
29 Information Officer, that was a meeting held every morning.
30 On the Thursday morning, there was a meeting with all the

1 chief officers, that is Senior Assistant Chief Constables,
2 Deputy Chief Constable, the Assistant Chief Constables and
3 the Chief Administrative Officer; that was on a Thursday
4 morning. On a Thursday morning after that meeting, the
5 Senior Assistant Chief Constable Operations held a weekly
6 meeting with his Regional Commanders, that is ACC Belfast,
7 ACC Rural East and ACC North. From time to time there were
8 dynamic meetings called by the Chief Constable to deal with
9 specific issues, let it be something on the terrorist end
10 or on public order end, which was also a major issue at the
11 time.

12 182 Q. Now, you have identified the three senior ACC posts, Senior
13 ACC Crime and Special Branch, Senior ACC Ops and Senior ACC
14 Administration, and I think you held all three of those
15 posts at one time or another?

16 A. From time to time, yes, Mr. Chairman.

17 183 Q. Could you recall which order you held them in?

18 A. Well, the last one was Uniformed Operations. I cannot
19 quite recall whether it was Crime and Special Branch first
20 or Administration. I probably think it was Crime and
21 Special Branch first, administration next, and then
22 Uniformed Operations.

23 184 Q. And approximately when were you promoted to the rank of
24 Senior ACC?

25 A. Early -- about '83, '84, '85, around about that time.

26 185 Q. And so at some stage then in the mid-80s you were Senior
27 ACC(C and E), which is Crime and Special Branch?

28 A. Yes.

29 186 Q. Does that mean you were the immediate boss of the head of
30 Special Branch?

1 A. "Boss" is a strong term, but I was his supervisory officer.

2 187 Q. You were his superior officer on the line structure, in the
3 structure of the hierarchical line?

4 A. Yes, in hierarchical terms, yes.

5 188 Q. Do you recall from that period being aware of any specific
6 intelligence in relation to a mole from Dundalk Garda
7 Station?

8 A. No.

9 189 Q. Do you recall any specific security concerns about Dundalk
10 Garda Station?

11 A. The generality, no.

12 190 Q. OK. Coming on, then, Mr. Cushley, to 1989, and I think at
13 that stage you were in the position of Senior ACC Ops, is
14 that correct?

15 A. Yes.

16 191 Q. Now, I understand that you were not at a dinner in Stormont
17 Castle on the 6th March with the Secretary of State for
18 Northern Ireland?

19 A. No, sir.

20 192 Q. I am going to put to you now, ask Mr. Mills to hand you a
21 document.

22 (Document handed to the witness)

23 You see that is a direction, if that is the right word to
24 describe it, to Senior Assistant Chief Constable Ops and
25 Senior Assistant C and E, that's Crime and Special Branch?

26 A. Yes.

27 193 Q. And it comes from Witness Number --

28 A. Superintendent -- Staff Officer to the Chief Constable.

29 194 Q. Yes, I don't have the Witness Number in front of me, it's
30 the Staff Officer to the Chief Constable, Witness Number

1 56.

2 A. Yes.

3 195 Q. It's five paragraphs.

4 "1. I refer to the attached copy letter from the GOC's MA.

5 2. This matter was raised recently at the SPM." What is
6 SPM?

7 A. That is security policy meeting, which a meeting was
8 chaired on a regular basis by the Secretary of State or his
9 deputy, attended by the General Officer Commanding, GOC.

10 196 Q. That is the head of the army in Northern Ireland?

11 A. Head of the army in Northern Ireland, and the Chief
12 Constable. I can't say how regular it was but it was at
13 least -- not more than a month between them, I would
14 imagine. It may be more frequent than that, I am not sure,
15 but that is the security policy meeting. That was the top
16 meeting.

17 197 Q. And then "3. "The Chief Constable wishes a full report on
18 this matter including the Garda view via Divisional
19 Commander 'H'."

20 And this is the matter referred to, as I understand it, is
21 the arrangements for a cross-border operation against a
22 smuggling operation on the border?

23 A. Yes.

24 198 Q. "4. The Chief Constable would also like to know if our
25 procedures for dealing with similar smuggling cases are
26 adequate.

27 5. Please treat as urgent."

28 And then it's signed the Staff Officer to Chief Constable?

29 A. Yes.

30 199 Q. And dated the 15th March 1989?

1 A. Yes.

2 200 Q. Now, the Tribunal has information, and unfortunately we
3 don't have this document but the Tribunal has information,
4 and therefore I have to put it to you, that there is
5 effectively a second page, or the next page, the next part
6 of that direction or the next chain in the link of
7 directions and that is a document that is headed up and
8 directed to Regional ACC Rural East and it's signed "David
9 Cushley Senior ACC Ops" and dated 15th March 1989, and it
10 simply states as a direction to Rural ACC East: "Please
11 comply with points 3 and 4 above and further report by 24th
12 March 1989."

13 A. Yes.

14 201 Q. I don't know do you have any recollection of signing that
15 document which I have described to you, and I appreciate
16 it's difficult because you don't have it in front of you...

17 A. Definitely not, but if the signature is there I will stand
18 over it, that is my document. It's obviously similar to
19 this. When it was disseminated from the Chief Constable's
20 office, it went two directions: Uniformed Operations and
21 the CID Special Branch Operations.

22 202 Q. And then you directed it, then, onwards to the ACC for
23 Rural East?

24 A. Rural East, yes, that is the natural -- so...

25 203 Q. Just for the information, is Witness 18. And you asked for
26 a report by 24th March to deal with points 3 and 4 in that
27 first document which, do you have in front of you?

28 A. Yes.

29 204 Q. And that is requiring "full report on the matter including
30 the Garda view via Divisional Commander 'H'."

1 A. Yes.

2 205 Q. Can you envisage -- whilst you don't remember the document,
3 what do you think, reading it now, you would have envisaged
4 that that would have required to be done?

5 A. Well, the Divisional Commander -- it would have been -- it
6 would have gone from the Regional Commander East to the
7 Chief Superintendent 'H', and then he would have had to
8 examine and come up with a plan to implement what the Chief
9 Constable and the SPM required, and that would have
10 involved liaison with his counterparts south of the border
11 because this was right -- anything that was involved, there
12 had to be involved both sides of the border.

13 206 Q. What form would you envisage that liaison would take?

14 A. Well, it would need to be eyeball communication between the
15 opposite numbers of the officers concerned.

16 207 Q. It couldn't just be on the telephone?

17 A. I would not have been happy with the -- if a plan had been
18 produced which had been organised over a telephone, it
19 would have been deficient, in my view.

20 208 Q. Why?

21 A. You need to work up a rapport with your opposite numbers,
22 you need to have confidence in each other and you need to
23 talk at some distance -- at some length, sorry. But
24 certainly, it would have been a deficient plan if organised
25 over a telephone.

26 209 Q. I will be putting some specific points to you from
27 yesterday's evidence at the end of my questions but I am
28 going to raise one point with you now, and that is that
29 yesterday, Witness Number 18 described this as a simple
30 low-level operational reporting system that didn't require

1 any crossing of the border. In your view, is this, just
2 from looking at that direction, do you agree with that
3 analysis that this is a low-level operational reporting
4 system?

5 A. No, sir.

6 210 Q. Why not?

7 A. This was direction coming from the Secretary of State, had
8 gone to the Chief Constable, it had gone to the GOC and it
9 had -- the -- it had the Chief Constable's imprimatur to
10 require a report and detail, and that certainly was not low
11 level, in my mind.

12 211 Q. OK.

13 A. The Chief Constable's directions were expected to be
14 carried out in a disciplined organisation.

15 212 Q. Thank you. Now, moving on to the 16th March, I understand
16 that you have no recall of being in a meeting in Armagh,
17 and, in fairness, I don't think anyone else places you at a
18 meeting in Armagh on that day, but you will be aware that
19 there is a suggestion that at a meeting that took place in
20 Armagh, a direct order was given by the Witness 18, who is
21 the ACC Rural East, to Officers Breen and Buchanan not to
22 travel south of the border. Do you have any recollection
23 of that?

24 A. No. I wonder why that direction would have been given in
25 view of the instructions that had been given to carry out
26 an operation.

27 213 Q. So, it's your view that the direction that was given
28 required people to go south of the border or to meet the
29 guards?

30 A. In my view, it would have required them.

1 214 Q. OK. Do you think, from your own knowledge of Officers
2 Breen and Buchanan, that had they been given such a
3 direction, would they have complied with it?

4 A. Officers Buchanan and Breen were very senior, experienced
5 and truthful officers. I would be amazed that they would
6 disregard a verbal order from their Regional Commander. I
7 would be astounded.

8 215 Q. Can you explain a little bit about the operational
9 sovereignty, so to speak, of a Divisional Commander, and to
10 what extent his superior officers could direct -- give
11 directions in relation to specific matters such as that?

12 A. Well naturally, each Senior or Chief Officer has their own
13 style of performance. Some are -- believe that to be a
14 leader you have to be right at the front rank and always at
15 the front rank doesn't always get the overall picture, the
16 panoramic view. So sometimes, Chief Officers would crowd
17 the Divisional Commander and their style sometimes was to
18 do this. I think it was not a good way to encourage the
19 Divisional Commander to use his own discretion and
20 experience. So my view is, the Divisional Commander should
21 be allowed to get on with his function and how he saw it
22 should be carried out. He knew all the risks and threats
23 that were existing and he would not have been reckless, nor
24 would Mr. Buchanan, in my view, in doing anything such as
25 disobeying direct orders.

26 216 Q. Thank you. Now, I want to move on to 20th March 1989
27 itself, that is the day of the murders. Do you recall how
28 you learned of the deaths of Chief Superintendent Breen and
29 Superintendent Buchanan?

30 A. Yes, it's etched in my memory along with other major

1 issues. It was by a telephone call from the Divisional
2 Office in Armagh station that the officers had been
3 murdered.

4 217 Q. Do you recall what you did on hearing that information?

5 A. Yes, I went from my office and advised the Deputy Chief
6 Constable. He may have heard it from other sources but I
7 wanted to convey it to him personally.

8 218 Q. And do you recall what happened next? Did you travel to
9 the scene?

10 A. No, I would have no added value to go to the scene. The
11 Chief Constable was already -- or would have gone to the
12 scene, and cluttering the scenes of a crime would not have
13 been a function of a Senior Assistant Chief Constable.

14 219 Q. Did you travel to Newry police station?

15 A. I may have been at Newry police station. I know I
16 travelled to the division at some stage and spoke with
17 Mrs. Buchanan.

18 220 Q. I see. Was that in Mrs. Buchanan's house?

19 A. Yes.

20 221 Q. So you recall being in Mrs. Buchanan's house?

21 A. Yes.

22 222 Q. But you don't recall being in Newry station but you may
23 have been there?

24 A. I may have been. I am regularly in and out of these
25 stations, and I can't recall on that specific date, I may
26 have been but I can't recall it.

27 223 Q. OK. I will come back to that in a second. Just, I wonder
28 could you just outline to the Chairman your own experience
29 of dealing with An Garda Siochana in your capacity as the
30 Senior ACC Ops?

1 A. I had a quarterly meeting with -- attended by all the
2 Border Chief Superintendents north and south. It was held
3 north of the border and then south of the border,
4 quarterly, and the Deputy Commissioner was the joint
5 chairman and we discussed the general problems at the time.
6 My relationship was excellent with the Deputy Commissioner
7 at the time.

8 224 Q. I think that was Deputy Commissioner Culligan, is that
9 correct?

10 A. Yes, Mr. Culligan, yes.

11 225 Q. And were you aware that Mr. Buchanan was shortly due to be
12 transferred when he was killed?

13 A. I don't think I learned that until quite recently.

14 226 Q. And you have no information as to why that transfer was
15 happening?

16 A. No, but I could easily speculate why it was happening.
17 High profile officers, regardless of rank, in extremely
18 dangerous areas were moved from time to time for their own
19 security, and Border Superintendent was a high profile job
20 in difficult circumstances and Mr. Buchanan obviously was
21 due to be given a less stressful role, and that was a
22 regular function from Constable right through to Chief
23 Superintendent.

24 227 Q. And would someone also be moved if there was a specific
25 threat against them?

26 A. Yes, if there was a specific threat, that would be
27 immediate action. If it was just the generality of long
28 term service in hard stations, it would come in a slower
29 profile.

30 228 Q. Thank you. Now, there is a number of matters arising from

1 yesterday's evidence which I need to put to you.

2 Firstly in relation to the evidence of Witness Number 18,
3 who is the ACC Rural East, he gave evidence yesterday that
4 at a Thursday morning meeting with Chief Constable on 16th
5 March, and I think you have already described such Thursday
6 morning meetings, and I think his evidence was that it was
7 in that context or possibly on the fringes he was given an
8 instruction by the Chief Constable, Sir John Hermon, there
9 was no need for officers to cross the border in relation to
10 this, to the requirement to get the Garda view in relation
11 to anti-smuggling operation, there was no need to cross the
12 border, no necessity, and no one should cross the border to
13 obtain that information. Yesterday, Witness 18 said:

14
15 *"Question: Anyway, you are clear in your mind that.*
16 *the Chief Constable did say that there was no.*
17 *necessity to cross the border?*

18 *Answer: Quite clear.*

19 *Question: I think -- now, you have in front of you a*
20 *list of names and numbers?*

21 *Answer: Yeah.*

22 *Question: I think Number 55 was there, isn't that.*
23 *right? " -- that was the number, Mr. Cushley, that*
24 *was accorded to you yesterday but you did not seek*
25 *anonymity -- "ACC Operations.*

26 *Answer: Yeah, senior, yes, number 55 was present."*

27
28 So, Witness 18 says that you were present when the Chief
29 Constable told him that the officers were not to cross the
30 border in this operation. Do you have a recollection?

1 A. This was allegedly made at a Thursday morning meeting?

2 229 Q. Yes.

3 A. I can't recall that, and I am quite surprised that that is
4 the sort of information that would be passed on that sort
5 of an occasion. And in fact if it was, I would be
6 astounded.

7 230 Q. Why would you be astounded?

8 A. Because they couldn't carry out their function without
9 meeting their opposite numbers.

10 231 Q. OK. Now, both Witness 6, who is Witness 18's Staff
11 Officer, so the Staff Officer to the ACC Rural East and ACC
12 Rural East themselves say that you travelled with them by
13 car to Newry on the afternoon of Monday, 20th March,
14 shortly after the killings?

15 A. I have no recollection of travelling with the Regional
16 Commander on that occasion. It may be, but I have no
17 recollection of it.

18 232 Q. OK.

19 A. I rarely -- rarely was I travelling with the Regional
20 Commanders. I made my own way because there were other
21 responsibilities that he would have and I would have and we
22 couldn't be together all the time, shouldn't be together
23 all the time.

24 233 Q. And I think Witness 6 states that you were in his presence
25 when he met Alan Mains in Newry, but if you don't recall
26 being in Newry, you probably don't recall, you won't recall
27 that conversation either.

28 Now, returning to Witness 18, this is the Assistant Chief
29 Constable Rural East, he states that either immediately
30 before or during the car journey, which he says he took

1 with you to Newry on the afternoon of Monday, 20th March,
2 he says that he told you, either, as I say, either before
3 or in the course of that conversation, he said to you
4 something along the lines of that he had told them not to
5 go down and that they had gone down. In fact, I will just
6 refer you -- he says, and this is in response to Question
7 835 of yesterday's transcript. Sorry, go back to Question
8 834. The question is:

9
10 *"Question: ... I think in reply to a question put to*
11 *you by Mr. McGuinness, who is here on behalf of the*
12 *Garda Commissioner, correct me if I am wrong, but*
13 *you told Witness 55?" -- that is you -- "that is the*
14 *ACC in charge of operations, you told him of the*
15 *direction, is that right?"*

16 That is the direction, not to travel south. Witness 18,
17 ACC Rural East, replies, "Yes."

18 *"Question: When did that occur?"*

19 *Answer: As I said, immediately I was informed of the*
20 *event and I first met up with him.*

21 *If I remember the conversation, I said,*
22 *I don't understand why they went over*
23 *when I told them not to.*

24 *Question: So this was a conversation that took place*
25 *possibly in the RUC Headquarters?*

26 *Answer: It could have been, or in the car on the way*
27 *to Newry?"*

28 So he says that he said to you,

29 *"I don't understand why they went over when I told*
30 *them not to?"*

1

2 Does that -- do you recall such a conversation - - - --

3 A. I cannot recall such a conversation.

4 234 Q. -- Witness 18 also states that you chaired -- that you were

5 also in Newry the following day, which is on Tuesday, 21st

6 March 1989, and he states that on that day you chaired a

7 meeting at which he was present and at which Chief

8 Superintendent John Nolan, the Chief Superintendent from

9 Dundalk Garda Station, was also present. Do you recall

10 that meeting on Tuesday, 21st March?

11 A. I have no recollection of chairing a meeting in Newry

12 station with a Garda Superintendent being present.

13 235 Q. OK. Thank you. And the final thing I have to put to you,

14 Mr. Cushley, and, again, arising from the evidence of

15 Witness 18, that is the ACC Rural East, yesterday, is that

16 the ACC Rural East told you that Chief Superintendent

17 Breen's widow, Mrs. Breen, would have to be told that he

18 disobeyed an order. Do you recall that conversation?

19 A. No.

20 236 Q. And this is a Question 594:

21

22 *"Question: When did you say that to him?"*23 *Answer: To who?*24 *Question: To Witness 55.*25 *Answer: Oh, I said that at the time, I said,*26 *'Look, Mrs. Breen will have to be told.'*

27 A. Why would he be telling me that? Insofar as this question

28 of directing either from the Chief Constable or the

29 Rural -- Assistant Chief Constable East that they were not

30 to cross the border to carry out their function, if that

1 had ever been mentioned in my presence, I do believe it
2 would be etched in my memory to this day and to my dying
3 day, along with several other fatal incidents that I was in
4 close proximity to, or would have been etched in my mind,
5 like, where were you the day that President Kennedy died?
6 It would have been there and maybe would have been still
7 reflecting on my psyche all the days of my life. I find it
8 quite surprising that I have no recall that this happened.
9 If it had happened, I do believe that I would have recalled
10 it.

11 237 Q. Thank you very much, Mr. Cushley. I have no further
12 questions.

13
14 CHAIRMAN: Thank you very much.

15
16 **THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:**

17
18 238 Q. MR. DURACK: My name is Michael Durack and I appear for the
19 Commissioner of An Garda Siochana. If I might ask you a
20 couple of questions.

21 I know earlier on in your career you were involved in
22 communications and computers and that end of the trade?

23 A. Yes, I was the first Communications Officer in the RUC.

24 239 Q. I know that this happened much later, but can you say what
25 was the state of the security of the telephone
26 communication -- method of communications?

27 A. No great knowledge of it. But in relation to what is
28 present today, it was quite archaic.

29 240 Q. Mm-hmm. I think there has been evidence to the effect
30 there was some system that required you to put in a code

1 every day --

2 A. Well, there were a few lines, yes, it was basic and not
3 very reliable.

4 241 Q. And from a security point of view, would you have been
5 prepared to discuss anything on the telephone in relation
6 to any planned operation?

7 A. No, sir.

8 242 Q. And that to that extent the telephone system was of very
9 little assistance in any planning of an operation?

10 A. I would have grave reservations if any operation that was
11 planned by telephone would have any great chance of
12 success.

13 243 Q. Now, you were, in your later career, involved with both the
14 Crime Division and the Special Branch, they both reported
15 to you?

16 A. Yes.

17 244 Q. And I take it that while one operates on a need to know
18 basis to a large extent, that if Special Branch or anybody
19 else was in possession of any relevant intelligence as to
20 the state of security at Dundalk Garda Station, you would
21 have been made aware of it?

22 A. Possibly and probably, but not definitely.

23 245 Q. Would it not have been -- would you not have been the
24 person up to whom it would go before it was passed on,
25 perhaps, to An Garda Siochana if there was a concern?

26 A. No, not necessarily. It could have gone down the line
27 through the relevant Special Branch man and his appropriate
28 number cross-border.

29 246 Q. But anyway, there was never a concern that was brought to
30 your attention specifically?

1 A. I cannot say it was never brought to my attention, but
2 again, it's not something that is etched in my memory.

3 247 Q. But clearly if there was, given what happened ultimately,
4 if there was a concern, if a concern, sorry, should I say,
5 had been brought to your attention prior or around the time
6 of this incident, you would have remembered that, I take
7 it?

8 A. I should have remembered it, if it was.

9 248 Q. Because, clearly it would be relevant to the investigation?

10 A. I had no responsibility for the investigation and it would
11 have not necessarily been passed to me to help with the
12 investigation.

13 249 Q. Mm-hmm...

14 A. The main function of the, as I saw it, in my term of Crime
15 and Special Branch, was to ensure that there was a free
16 flow of information between the two departments to enable
17 crimes which had been committed to be investigated
18 thoroughly and to their ultimate conclusion.

19 250 Q. And do I understand from that, that what you would expect
20 is that if there was a need for cross-border information to
21 be passed, that it would go to parallel level, not
22 necessarily up?

23 A. Well, definitely to parallel levels first, and then when it
24 passed up, sometimes it would miss a chain because, again,
25 no added value would be coming to it; it could go straight
26 from the head of Special Branch to the Chief Constable.

27 251 Q. And that such -- any intelligence, in fact, in relation to
28 anything that was gathered, I take it was very carefully
29 minded by those who owned it and took possession of it?

30 A. I would hope so.

1 252 Q. And in your statement that we have been provided with, I
2 know you make a mention of an agent which is described as:
3 'Steak Knife'. Were you aware of what he was alleged to --
4 what organisation he was alleged to be belonged to?

5 A. It certainly, in my view, was coming from the Republican
6 IRA.

7 253 Q. The Provisional IRA, I take it, no particular subset of
8 the --

9 A. Whatever name is appropriate on the day.

10 254 Q. Yes. And do you know, or were you aware, if you like, to
11 whom this agent was reporting? Was it to the army or to
12 the FRU Branch?

13 A. No, I have no idea. I am quite sure maybe the press knew
14 more about it than I did. It was just a name and an agent.

15 255 Q. I see. And --

16 A. And again, when it came into my domain to know about 'Steak
17 Knife', relative to the points of this Inquiry, I can't
18 say.

19 256 Q. And am I to understand your evidence correctly that by and
20 large, senior officers were autonomous deciders in what
21 they did in their own area and in their own field; that
22 there wasn't an element of telling people what to do?

23 A. Only if they were getting it wrong they were told what to
24 do to correct it. Allow the level to decide on a plan of
25 action, and then if that was sanctioned it was good enough
26 and they were allowed to do it. If there was some
27 structural deficiency in the plan, if we had -- if there
28 was a structural deficiency in the plan, it would have to
29 be amended. But, generally speaking, they were allowed to,
30 and my style was to allow them get on and deal with the

1 problems.

2 257 Q. And was that on the basis that the men closer to the ground
3 knew more about what was going on and what they should be
4 doing?

5 A. Well if they didn't, they were deficient in their discharge
6 of their function.

7 258 Q. When people were crossing the border, and we have heard
8 people say it was clearly necessary for the Border
9 Superintendent to do it, but when senior officers were
10 crossing the border, do you know was it practice for them
11 to advise their own Communications Centre or their own
12 superiors that they were going?

13 A. I cannot answer that with any degree of honesty to say what
14 the function was. I crossed the border from time to time
15 and I didn't always tell -- well my boss knew that I was
16 going across for a specific function, but at the level of
17 Chief Superintendent and Border Superintendent level, it
18 would not be practical to advise their boss man each time
19 they were to carry out some cross-border work to tell him
20 that they were going across.

21 259 Q. I am thinking more or less, I suppose, about advising the
22 organisation so that if there was anything that came up or
23 anything they should know operationally on the ground that
24 might be a risk or a danger, that they would be told of it?

25 A. Well, that would only apply if there was a certain -- an
26 operation going on in border, around the border area. From
27 time to time there were specific operations being mounted
28 which necessitated officers staying out of that area, and
29 that would have been the concern. They would have to clear
30 that, that they were not going into an area which was

1 sterilised for a certain reason.

2 260 Q. They wouldn't be disturbing an operation?

3 A. Correct.

4 261 Q. But I am also thinking about in terms of would there be
5 some way that if there was in fact some IRA activity going
6 on, that that could be communicated to them that it might
7 be better not to go on a particular day or at a particular
8 time or was that --

9 A. Well if that was the case, that definitely would have been
10 communicated to them, if there was belief that there was an
11 operation on.

12 262 Q. Because it has been suggested, I think, by various people
13 that it would have taken sometime to plan this attack and
14 that it would require people moving around, et cetera?

15 A. Well, it would necessitate people moving around, but the
16 organisation concerned was very efficient and proficient in
17 mounting operations in a short period of time.

18 263 Q. And I take it that the organisation, that the IRA also had
19 their ears close to the ground and would be well aware of
20 any police activity going on in the area?

21 A. Yes, they seemed to have a good intelligence network
22 working for them.

23 264 Q. Thank you very much.

24

25 CHAIRMAN: Mr. O'Callaghan, do you really need to
26 cross-examine this witness?

27

28 MR. O'CALLAGHAN: Not really. I just want to put one
29 question to him, though.

30

1 CHAIRMAN: Of course, if you feel it's necessary.

2

3 THE WITNESS WAS CROSS-EXAMINED BY MR. O'CALLAGHAN

4 AS FOLLOWS:

5

6 265 Q. MR. O'CALLAGHAN: Sir, do you recall in the aftermath of
7 the murders whether retired Detective Superintendent Alan
8 Mains identified a named officer in Dundalk about whom
9 Superintendent Breen was allegedly concerned? Do you have
10 any recollection of that?

11 A. No, sir.

12 266 Q. Thank you very much.

13

14 CHAIRMAN: Thank you very much.

15

16 MR. COFFEY: No questions.

17

18 CHAIRMAN: No questions.

19

20 MS. O'SULLIVAN: No questions.

21

22 MR. ROBINSON: No questions.

23

24 THE WITNESS WAS RE-EXAMINED BY MR. VALENTINE AS FOLLOWS:

25

26 267 Q. MR. VALENTINE: One question, and it will only take a
27 couple of minutes so we should do it before lunch. In your
28 capacity as ACC Crime and -- sorry, C and E is Crime and
29 Special Branch, and I think who was the day-to-day head of
30 Special Branch? Was that the Senior ACC(C and E) or

1 ACC (E)?

2 A. No, the ACC E.

3 268 Q. And who briefed the Chief Constable in relation to Special
4 Branch intelligence matters?

5 A. ACC E.

6 269 Q. So he wouldn't have briefed you and then you in turn
7 briefed the Chief Constable?

8 A. No, no. On critical issues, he would have gone straight to
9 the Chief Constable.

10 270 Q. So it's possible you may not even have been at those
11 briefs?

12 A. There were many that I wasn't at because, again, I had
13 really no input to it.

14 271 Q. And where was the Special Branch intelligence information,
15 how was that stored or kept?

16 A. It was stored, I think, as a card system somewhere in
17 Police Headquarters.

18 272 Q. And as the Senior ACC(C and E), would you have been in
19 there regularly?

20 A. No, no. And again, no need to be in there and, again, when
21 you have no need to be in something, you don't be in there.

22 273 Q. So you are saying you were -- were you never in there or
23 very rarely in there?

24 A. I don't think I was ever in -- I was at the door and spoke
25 to the person in charge and looked in but never went in, as
26 far as I know, and certainly, never went in to poke through
27 what they were about.

28 274 Q. So it was that secure that even the Senior ACC(C and E)
29 didn't go in?

30 A. It was extremely secure.

1 275 Q. Thank you very much, Mr. Cushley. Thank you for coming
2 down and for your cooperation.

3

4 CHAIRMAN: We are very grateful to you for coming here.
5 Thank you very much.

6 A. It's my pleasure, sir.

7

8 CHAIRMAN: Now, gentlemen, I think 2 o'clock then.

9

10 THE TRIBUNAL ADJOURNED FOR LUNCH.

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1 THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:

2

3 MAURITA HALPIN, HAVING BEEN SWORN, WAS EXAMINED BY

4 MRS. LAVERTY AS FOLLOWS:

5

6 CHAIRMAN: Mrs. Halpin, I want to welcome you and thank you
7 very much for coming here today. It's very public-spirited
8 of you and I deeply appreciate it. Thank you very much.

9

10 276 Q. MRS. LAVERTY: Now, Mrs. Halpin, there is no necessity to
11 be nervous, I should say, first off.

12 A. OK.

13 277 Q. I think that you were a school teacher in the south Armagh
14 area in 1989, isn't that correct?

15 A. That's right.

16 278 Q. And I think you had been a school teacher for years, is
17 that so?

18 A. Well, I had been in the early part of my life and then I
19 took it off --

20 279 Q. Maybe you might sit a little bit nearer.

21 A. I took off about 17 or 18 years to rear my children, and
22 then when they all went back to school, I went back to
23 school.

24 280 Q. And I think you were living in Dundalk, is that right?

25 A. Yes.

26 281 Q. And what were you doing, or what work were you employed in
27 on the 20th March, 1989?

28 A. I was part-time remedial teacher in the Jonesboro school,
29 and I think two or three times a week I would go to teach a
30 young boy who was ill in his own house, and his house was

1 convenient to where this incident happened.

2 282 Q. I think it was on the Edenappa Road, is that right?

3 A. Yes, yes.

4 283 Q. And I think the Edenappa Road runs from the border up to
5 Jonesboro, is that correct?

6 A. Yes, that's true.

7 284 Q. And I think -- at what time did you normally go to help
8 this young boy?

9 A. I'd say around two-ish, two, about two.

10 285 Q. And how long did you normally spend with him?

11 A. I'd say about an hour-and-a-half to two, but I do know on
12 this day I was -- I left at twenty to four, about
13 twenty-five to four, twenty to four because I know this
14 time is etched in my head.

15 286 Q. So you did -- you carried out your work helping him in a
16 remedial capacity?

17 A. Yeah.

18 287 Q. Then you came out of the house at twenty to four?

19 A. Yes.

20 288 Q. And where would you be going to then? Would you be
21 returning back to the school or going home?

22 A. I'd be going home.

23 289 Q. You'd be travelling south?

24 A. Yes.

25 290 Q. Away from Jonesboro?

26 A. Yes.

27 291 Q. And what happened -- did you get into your car?

28 A. Yes, I just came out as normal and unlocked the car and got
29 in and I didn't notice -- it's quite a short distance and
30 -- this is something I have often wondered -- I didn't

1 notice any activity on the road ahead of me.

2 292 Q. Is the road fairly straight ahead of you?

3 A. There is a little dip in the hill where this incident
4 happened. There is a little incline or a little hill.

5 293 Q. And were you on the northside of the dip?

6 A. Yes.

7 294 Q. And as one faced south, what side of the road was your
8 house, the house you were visiting?

9 A. On the right-hand side.

10 295 Q. So you came out of the house facing south, a house on the
11 right-hand side of the road --

12 A. Yeah.

13 296 Q. -- got into your car, didn't see any particular activity?

14 A. Didn't see anything, no.

15 297 Q. And what do you recall next?

16 A. I just went down the road maybe three or four lengths of
17 the car, I think, you know, just started -- into driving
18 space and drive, and suddenly I was -- there was a man in
19 front of me in combats, to my knowledge, and his face was
20 blackened, he didn't have any hoods or anything on him, and
21 he just stopped the car. I don't know whether he put his
22 hand up -- or I don't know what way -- anyway, the car had
23 to be stopped and I stopped the car --

24 298 Q. Did you see where he came from?

25 A. No, he was just in front of me. I just, sort of, was aware
26 this -- and I thought, oh, a roadblock, and I just sort
27 of --

28 299 Q. What did you think it might be?

29 A. The soldiers.

30 300 Q. And are there regular -- were there regular roadblocks?

1 A. Yeah, yeah, around.

2 301 Q. So you thought a roadblock?

3 A. Yeah.

4 302 Q. And you stopped the car, and what happened next?

5 A. I didn't think there was anything sinister other than a
6 roadblock.

7 303 Q. Yes. Is this because of the army fatigues?

8 A. I would say so, because I don't remember being frightened
9 coming down to it. I just thought, oh, a roadblock, and he
10 asked -- but when he came around the side of the car, I
11 noticed he had a long rifle, and he just said "out". The
12 minute he said that, I knew it wasn't a normal roadblock,
13 because they don't do that.

14 304 Q. And what was your reaction to that?

15 A. I just got out.

16 305 Q. And did he say anything to you after that?

17 A. He just said, "lie down".

18 306 Q. And did you lie down?

19 A. You do, yeah.

20 307 Q. What side of the road were you on when you lay down?

21 A. Still the same side -- just where the car was stopped,
22 just --

23 308 Q. Was it on the passenger side or on the driver's side?

24 A. On the passenger side, just where I got out. I lay on the
25 gravel, I think.

26 309 Q. So, did you go round the front of the car and --

27 A. No.

28 310 Q. No. And were you face down or were you lying on your back
29 or were you given any directions in relation to that?

30 A. No, just get down, just to go down.

1 311 Q. And I take it you must have been very frightened at that
2 stage?

3 A. I can't recall, other than I was numb. I didn't...

4 312 Q. What was the next thing you recall?

5 A. There is a long farm gate beside -- there is a farm gate at
6 the right-hand side into a yard and I think I went into the
7 farm gate. I am not sure. I think I went in and came out.
8 I don't know what I did there. I did go in at one stage,
9 but I don't know whether I went in before -- after they
10 shot them people or whether before they shot the people, I
11 don't know.

12 313 Q. You are a bit vague about that, are you?

13 A. Yeah, yeah, at this stage, I don't know which way it was.

14 314 Q. When you were lying down on the ground, did you see
15 anything? Were you looking around or --

16 A. Yeah, yeah. I don't know whether this happened as I was
17 being told to lie down and I was still sort of standing
18 facing the thing. To my knowledge, there were two people.
19 To my recollection, there was two people.

20 315 Q. When you say two people, were they two people in combat
21 gear?

22 A. Two roadblock people, two soldiers. One was with me. And
23 a car came down behind me and they stopped them as well.
24 Now, I can't recall what sort or make or colour that car
25 was at this time, I forget. But I still can see, out of
26 the corner of my eye, because I was afraid to move, out of
27 the corner of my eye, somebody with their hands being put
28 up over their heads.

29 316 Q. Is this coming from the car behind?

30 A. Well, it was alongside my car at this stage.

1 317 Q. Oh, it was alongside your car?

2 A. I can just vaguely remember -- now, I think there was two
3 in that car, but I am not sure, but I definitely saw one
4 and he was going over the far side of the road, I don't
5 know whether he was putting his hands up, because they told
6 him or not, I don't know.

7 318 Q. Did you know if those people were made to lie down on the
8 road?

9 A. I don't know that. I just saw -- all I saw out of the
10 corner of my eye was this thing happening.

11 319 Q. Now, did you hear any conversation?

12 A. Yes and no. I didn't -- you couldn't make it out, but they
13 had walkie-talkies, and they were obviously, in hindsight,
14 they were communicating with somebody, I don't know whether
15 it was each other or other people, but there was a lot of
16 crackling and just general, as if they were communicating
17 through some sort of mechanical devices.

18 320 Q. Mechanical devices?

19 A. Yeah, but I couldn't make out anything.

20 321 Q. And did you recall any other cars coming to the scene at
21 the time? Do you know if anybody else was stopped?

22 A. Yes. On the other side, somebody came from the Dundalk
23 side and was stopped and I think it was on the -- just
24 directly in front of me. I don't know what car it was. I
25 don't know, I just remember seeing the top of a car. I
26 don't know what colour or -- I don't know if anybody was
27 asked to get out of that car. I just know some car came
28 in, some vehicle came in across the road from me.

29 322 Q. I take it you were staying as immobile as possible?

30 A. I wasn't moving, no, because I was afraid they, maybe,

1 would shoot me. At that stage, I still didn't know who I
2 had, You know, I didn't know if they were soldiers or IRA
3 or terrorists, or whatever. I didn't know who they were.

4 323 Q. Of course, you were on your own in the car?

5 A. Yeah.

6 324 Q. And what was the atmosphere like around the place?

7 A. I would use this phrase, you could cut it with a knife. It
8 was very tense. I would have felt that the whole
9 atmosphere in that area was very tense.

10 325 Q. And did you -- you saw two people in combats. Did you see
11 any other people initially when you were stopped?

12 A. No, no.

13 326 Q. And what happened subsequently then? What did you see
14 subsequently? We now have your car stopped, you are at the
15 side of the road on the gravel. There is a car behind you
16 that you saw out of the corner of your eye and a car coming
17 against you that was stopped in front of you?

18 A. Yeah.

19 327 Q. And what was the next thing that you recall?

20 A. Next thing I recall was a van came up in the space that was
21 left on the other side, you know, where --

22 328 Q. What direction was this van travelling?

23 A. Coming from Dundalk, we'll say coming from the south.

24 329 Q. So it was travelling north?

25 A. Yes. And they came in and they stopped in that little
26 square that they had made, you know, the block place, and
27 they came in and they stopped at an angle, like about like
28 that, you know, like this. (Demonstrating)

29 330 Q. Did that effectively block the road?

30 A. I'd say it would have been difficult. You'd have to

1 manoeuvre to get around. It would have been difficult.

2 331 Q. So one would have to slow down if one were going to get
3 through the gap?

4 A. I don't know if they could even get through the gap, but
5 our two cars blocked, I don't know if there'd be space on
6 the road even to get through.

7 332 Q. And can you recall what colour the van was?

8 A. I said white, but I don't know, it's a whitey colour,
9 whitey, creamy. It certainly wasn't a dark van and it
10 wasn't red or it wasn't a bright colour. It was sort of
11 that sort of a colour, sort of pale, yellowy-white.

12 333 Q. And what happened after that?

13 A. The doors opened and people got out, more people in combat
14 dress. Now, the back doors were open. I don't know if
15 there was -- I can't recall if there was a lot of doors. I
16 do know the two front doors opened and people got out, and
17 I don't know if people -- the back doors opened and people
18 got out. I don't know how many people, but they were all
19 the same.

20 334 Q. They were all in combats?

21 A. To my knowledge, they were all the same.

22 335 Q. And have you any idea how many people were around at that
23 stage?

24 A. Well, the two original ones. There was two got out of the
25 driver's and the other seat, and some others got out the
26 back. I don't know, it could have been two or three or
27 four, I don't know.

28 336 Q. That's fair enough. And what did they do?

29 A. Just as they came in, some moments, I presume, or maybe
30 seconds, I don't know, there was a red car, I know there

1 was red, came in right behind them; in other words, it
2 seemed like they were driving up the road just behind us.

3 337 Q. Behind the van, I take it?

4 A. Yeah, and they came in. Now, they right -- they'd have
5 come past the car on the other side of the road that was
6 blocked, that had come in from the south.

7 338 Q. Yeah, the one that was ahead of you?

8 A. Yes, they would have come, I'd nearly say, past that, and
9 they came into this behind the van, but I could still see
10 it, and they -- when they came in and they obviously
11 realised they were in a trap, they went to reverse, they
12 tried to reverse the car, and there is a wall with moss on
13 it just there, and they must have realised they couldn't --
14 they wouldn't make it, and the passenger, he got out and he
15 came round the front of the car and he put his hands up,
16 and they shot him and he fell on the road.

17 339 Q. Was that the first shooting that you'd heard?

18 A. Yeah, yeah, and it was like a burst of shot, a burst of
19 shot -- a burst of --

20 340 Q. Did you see that yourself?

21 A. Yeah.

22 341 Q. And how far away do you think you were from the car at this
23 stage?

24 A. Just --

25 342 Q. Just in relation to the courtroom?

26 A. Just between that mirror, that thing there and this one, I
27 was just, maybe, just about a little bit further back than
28 from where you are standing.

29 343 Q. So there was no prior shooting until the passenger got out?

30 A. Not that I can recall. They shot him. And then the other

1 man, I think -- the driver -- I am not sure whether he
2 opened the door to get out, or whether they went down and
3 opened the door, but they shot him behind the wheel, to my
4 knowledge. He was -- I think he was just maybe getting out
5 of the car.

6 344 Q. And to your recollection, when the passenger got out of the
7 car first, you said he had his hands up. Was he stationary
8 or was he walking towards --

9 A. He was coming towards them.

10 345 Q. Coming towards --

11 A. I think.

12 346 Q. -- the people in combat gear?

13 A. Yeah.

14 347 Q. Did you notice anybody in bushes around with guns?

15 A. No. They were all -- to me, they seemed to be all in that
16 middle of the road.

17 348 Q. And what did you -- how did you get away at that stage, or
18 what did you do then?

19 A. Well, nothing, because they all ran -- the ones that were
20 up with us, they were up minding us, we'll say, or minding
21 me, he went down to the car and -- so some of them were at
22 the boot of the car and I think I saw them open the boot of
23 the car, I think the boot of the car was up, and I thought
24 I'll just leave now, so I got up and I switched the car on
25 and reversed back and went away.

26 349 Q. And do you think it may be at that stage you tried to go
27 into the house?

28 A. I don't know, you see. I am not sure where -- but I do
29 know I went into the yard at one stage and tried to open
30 the door of the house, and the door was locked.

1 350 Q. And I think then, ultimately, you got into your car and
2 drove?

3 A. Back.

4 351 Q. Back to Jonesboro?

5 A. Yeah.

6 352 Q. And I think that you went to the school, is that right?

7 A. Yeah.

8 353 Q. And --

9 A. Because they didn't normally leave school till four,
10 because I was part-time, they normally didn't leave school
11 till four o'clock, so I reckoned, with some luck, I'd get
12 somebody there.

13 354 Q. To help?

14 A. Well, I don't know. I couldn't go back down the road.

15 355 Q. Were there people there when you got there?

16 A. Yes, the teachers were there.

17 356 Q. And what was your reaction when you finally got to safety
18 in the school?

19 A. When I got in, they saw me come to the outside door and, I
20 don't know, I must have looked a bit pale, and they opened
21 the door and I just kept saying, "They are dead, they are
22 dead, they are dead," and they thought I had killed
23 somebody, I had run over somebody with the car. So I am
24 only going by what they tell me. Apparently, I fainted,
25 and they gave me some water and then they got out of me
26 that they were shot. So when they heard the word "shot,"
27 they said, right, let's get out of here quickly, because
28 we'll be closed in, if you know what I mean, the whole
29 part, they'll seal us off. So one of the teachers took me
30 home and another one took my car down to the Carrickdale

1 and left it there so we could collect it that evening. So
2 my two children had a concert that night with the school,
3 so I went with them to the concert, and I was home about
4 maybe nine o'clock, and, when I came home, my husband said
5 to me, "How are you feeling?" I said, "I am fine." And
6 they said, "Well, the Special Branch were here to see you."
7 And that was the worst part.

8 357 Q. What were you afraid of?

9 A. Well, I teach in -- I was teaching in south Armagh, in a
10 republican, a lot of republican children, parents' school,
11 and I thought, oh, my God, now where do I stand?

12 358 Q. It took a lot of courage to come here, Mrs. Halpin, and we
13 very much appreciate it.

14 A. Because I don't think I'd come if the peace agreement
15 wasn't there.

16 359 Q. And I am sure that that episode caused you awful memories
17 subsequently over the immediate time afterwards and over
18 the years?

19 A. I try -- I try not allow it affect me. I am tough. Once
20 they opened the road, I went back the next day on the road
21 because I knew if I didn't come down that road, I wouldn't
22 come down it any more, so I just faced it. And maybe a
23 week or ten -- maybe two weeks later, the Special Branch,
24 John Harney from south Down - he is dead now, Lord have
25 mercy on him - I was coming out of the school and he
26 stepped out of the ditch and he said, "Maurita, you can't
27 go down that road." And I thought, oh, why? He said,
28 "Just turn and go back." I don't know what was going on,
29 but that was nearly as bad as the incident on the road
30 because it was just going up the little hill, because we

1 had come across the bridge; the bridge is the boundary, I
2 think.

3 360 Q. I think you made a statement initially to the Gardai, or
4 maybe to Special Branch?

5 A. Yeah.

6 361 Q. And I think it was very similar to the information that you
7 have given today?

8 A. Yeah, well, that's all -- you must appreciate, my big fear
9 was, because it happened in Northern Ireland, I would have
10 to be interrogated by the British establishment, which I
11 thought would put me in a very precarious position,
12 teaching in south Armagh, and the Special Branch said
13 they'd see what they could do, so I must hand it to them, I
14 didn't have to go, so they obviously took my statements
15 from the Special Branch as being okay.

16 362 Q. Can I just hand you in a statement, Mrs. Halpin. I think
17 it's a memo of an interview which you gave to the Gardai?

18 A. This is the first one?

19 363 Q. Yes.

20 A. Do I read it?

21 364 Q. Just confirm that that is the statement. It doesn't appear
22 to be signed, but I presume that's the information you gave
23 them originally?

24 A. I didn't realise there was three vehicles. I see I have
25 three there instead of two, but it's irrelevant. Yeah,
26 something similar.

27 365 Q. Just in relation to the three vehicles, I think you told us
28 that there was your vehicle, there was one in front --
29 there was one behind you, there was one in front of you,
30 that would be three vehicles?

1 A. I think there is one here and maybe one beside me and one
2 in front of me, so it's irrelevant, really. There was
3 three of us stopped.

4 366 Q. There may have been three in addition to you?

5 A. I still think there is only two.

6 367 Q. Only two. That's fair enough.

7 A. I don't know if I could have reversed so quickly if there
8 was somebody right behind me. There was nothing behind me
9 to block me reversing.

10 368 Q. Thank you very much.

11

12 CHAIRMAN: No questions, I take it? Mrs. Halpin, I am very
13 grateful for you for coming. Safe journey home and you are
14 very good to come. Thank you.

15

16 THE WITNESS THEN WITHDREW.

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GABRIEL NICHOLSON, HAVING BEEN SWORN, WAS EXAMINED BY
MR. HAYES AS FOLLOWS:

369 Q. MR. HAYES: Mr. Nicholson, good afternoon. My name is Dara Hayes and I am counsel for the Tribunal. I am just going to ask you some questions about the 20th March, 1989. I think, at that time, I think you had been living in Dundalk since about 1974, is that correct?

A. Correct.

370 Q. And I think you were working for an insurance brokerage in Dundalk?

A. That's right.

371 Q. As a broker?

A. That's right.

372 Q. And I think that involved travelling around to various customers and --

A. True.

373 Q. -- conducting business with them?

A. Exactly.

374 Q. And I think that on the 20th March, 1989, you had reason to have business with a Kevin McGeough, who conducted business on the Edenappa Road?

A. True.

375 Q. I think that the McGeough family, you may be aware, I think had a number of premises on the Edenappa Road, which included a scrap yard, I think, on one side, and, the other side of the road, a petrol station and off-licence?

A. That's right.

376 Q. I think Kevin McGeough worked in an office in the scrap-yard area, is that correct?

1 A. Well, down from the scrap-yard area towards Dundalk, if you
2 like, yeah.

3 377 Q. Was he in the north of the border or south of the border?

4 A. I think he was just over the border.

5 378 Q. I think the petrol station was just in the south?

6 A. I think the petrol station was further north.

7 379 Q. Just in the north, was it?

8 A. Further north, yeah.

9 380 Q. You had arranged to meet Mr. McGeough that afternoon?

10 A. That's right.

11 381 Q. And I think you initially went to the petrol station, is
12 that correct?

13 A. Well, I went to his office and there was nobody there, so
14 then I drove up to the petrol station and met somebody
15 there who told me that Kevin had gone back down to his
16 office, so that's my recollection of it. So I proceeded
17 back down to his office.

18 382 Q. Back to his office?

19 A. Yeah.

20 383 Q. And did you meet him there?

21 A. I met him there, yeah.

22 384 Q. And can you remember approximately what time of the day
23 that was?

24 A. I don't remember exactly, but it was after lunch, I know it
25 was after lunch, half two, three o'clock, I am not quite
26 sure.

27 385 Q. Was anybody else there when you met Mr. McGeough?

28 A. No.

29 386 Q. And you conducted whatever business you had to --

30 A. True.

1 387 Q. And how long did that take, can you remember?

2 A. I wouldn't have thought it would be more than 20, 25
3 minutes, probably, in fairness, probably.

4 388 Q. And I take it you then left?

5 A. I left.

6 389 Q. And was there anybody there, then, when you left?

7 A. Well, when I was walking out of his office, in fact there
8 was another person there in the outer office that I can
9 recall, and he mentioned to me that somebody had been shot,
10 in fact, so...

11 390 Q. And did you know who that man was or that person was?

12 A. I didn't, no, I didn't.

13 391 Q. Did you recognise him in any way?

14 A. I didn't, no.

15 392 Q. Was it somebody you had ever seen before or...

16 A. No, no.

17 393 Q. I think a number of days later you received a telephone
18 call; you were in Dunleer?

19 A. That's right, that's right.

20 394 Q. And who did you receive the telephone call from?

21 A. Well, it was suggested to me, in fact, that he was the guy,
22 in fact, who was in the office when I was leaving.

23 395 Q. Did he introduce himself to you?

24 A. I think he did, I am not quite sure.

25 396 Q. Can you remember what name he gave you?

26 A. I don't.

27 397 Q. You don't?

28 A. I don't.

29 398 Q. Did he introduce himself to you as Mr. King?

30 A. That may well be. I couldn't tell you for definite, in

1 fact.

2 399 Q. Okay. What did he say to you when he found you?

3 A. He said to me the guards would be in touch with us and it
4 was important that we both had the same story.

5 400 Q. And what reaction did you have to that?

6 A. I said that if the guards were in touch with me, that I
7 would make my own statement, regardless of what the
8 situation was.

9 401 Q. And did you have any opinion as to whether this was the man
10 you saw in the office or...

11 A. Well, I couldn't make it out anyway, I was talking on the
12 phone.

13 402 Q. Okay. And was that the only phone call you got?

14 A. That's all, from him, yeah.

15 403 Q. Did you get any other phone calls in the next number of
16 days?

17 A. I got some anonymous phone calls, if you like, in fact, on
18 my mobile phone, but, when I answered, there was nobody
19 there.

20 404 Q. I see. Did you have any involvement with the guards in
21 relation to the matters of the 20th March? Did the guards
22 ever interview you or take a statement from you?

23 A. They did ring me subsequently, in fact, and I went up to
24 meet them. I called into the barracks in Dundalk and gave
25 them a statement.

26 405 Q. You gave a statement to the guards?

27 A. I did, yeah.

28 406 Q. When you got the telephone call when you were in Dunleer,
29 did you feel -- what did you think the purpose of that call
30 was?

1 A. I probably thought absolutely nothing of it, in fact,
2 because if -- at that stage, nobody had contacted me, the
3 guards hadn't been in touch with me, and, as I said to you,
4 I told him, in fact, whoever was on the phone, that I would
5 deal with it in my own way when and if the guards got in
6 touch with me.

7 407 Q. I think you subsequently then, in March of this year, you
8 made a statement to the Tribunal?

9 A. I did.

10 408 Q. Which you signed?

11 A. Mm-hmm.

12 409 Q. I think in the course of that, you said that you believe
13 that it was Mr. King who was telephoning you when you were
14 in Dunleer?

15 A. He may have said to me that he was the person that was in
16 the office when I was leaving the office. That, I cannot
17 be certain of, in fact.

18 410 Q. Okay. And I think you said in that, that you felt that it
19 was an attempt to influence you, is that correct?

20 A. Well, that may have crossed my mind, yeah.

21 411 Q. Do you know whether Mr. King was an employee of McGeough?

22 A. I beg your pardon?

23 412 Q. Do you know if Mr. King was employed by the McGeough's?

24 A. I have no idea.

25 413 Q. Very good. Thank you very much. If you'd answer any
26 questions.

27

28 CHAIRMAN: I don't imagine you have any questions?

29

30

THE WITNESS WAS CROSS-EXAMINED BY MR. McGUINNESS

AS FOLLOWS:

414 Q. MR. McGUINNESS: Just one question, Mr. Nicholson. You had been to the premises here before?

A. Yes.

415 Q. And you had done business with the owner before?

A. Yes.

416 Q. And you had business, and you had arranged to call to him at some particular time in the afternoon?

A. Yes.

417 Q. And just from the point of view of assisting us as to where exactly this is, is it just off the main Dundalk/Newry main road?

A. My recollection of it is it's just over a little humpback bridge on the left-hand side, and there are extensive farm outbuildings, if you want to call them that, in fact.

418 Q. Do you have to turn off the main road to go onto the Edenappa Road to get there, or is it just adjacent to the main road?

A. What main road are you talking about?

419 Q. Well, the main road to Newry?

A. To Newry. Well, it's a substantial distance from the main road, the Dundalk/Newry road.

420 Q. How far would it be from that, can you say?

A. Approximately, I am not familiar -- I am not from the area, so I would say probably two miles, I am not quite sure, not quite sure.

CHAIRMAN: Thank you very much, Mr. Nicholson. I take it

1 there are no other questions? All right. Thank you,
2 Mr. Nicholson, thank you very much for coming.

3
4 THE WITNESS THEN WITHDREW.

FINBARR KING, HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON
AS FOLLOWS:

421 Q. MR. DILLON: Good afternoon, Mr. King. Are you comfortable there?

A. Yes, thank you very much.

422 Q. Very good. Now, Mr. King, I believe that you currently live and work in the Dundalk area, is that right?

A. Yes, indeed.

423 Q. But, prior to that, you served in the Irish army?

A. I did, indeed.

424 Q. And I think you did either one or several tours of service in the Lebanon and other places abroad, is that right?

A. Two in Lebanon and three years in Cyprus.

425 Q. Now, bringing us back to 1989, I think you worked as the transport manager at McGeough's garage?

A. No, not at the garage; at the livestock area of it.

426 Q. Very good. I think the McGeough's business consisted of a number of businesses?

A. There would be livestock, transport, the actual garage itself and scrap yard.

427 Q. Yes. Now, I think that the layout of the buildings going south to north, could you describe that to us? I think they were on both sides of the road?

A. Both sides. When you go over the humped-back bridge on the left-hand side, there was a small porta cabin that was used as offices. Then, you had two rather large, like barns, with access front and exit to the rear, and if you follow on up then, you had some more outhouses, and on the right-hand side, then, you approached the McGeough's home

1 house, followed then by the petrol station. On the left
2 side of that, then, you had a scrap yard.

3 428 Q. So the scrap yard and the petrol station were north of the
4 border?

5 A. All of the buildings.

6 429 Q. Oh, the whole lot of them?

7 A. Not all, bar the offices, but the rest of them are just on
8 the border.

9 430 Q. Just the offices that were south of the border?

10 A. The offices were south of the border and parts of the
11 larger sheds, so...

12 431 Q. So, if people talk about matters that occurred at the
13 petrol station, they are talking about a site which is on
14 the right-hand side of the border -- sorry, right-hand side
15 of the road and north of the border?

16 A. Yes.

17 432 Q. Very good. Now, I think that on the 20th March, 1989, you
18 were dealing with a seizure that had occurred at a customs
19 post, is that right?

20 A. Well, it was a brake seizure.

21 433 Q. Sorry, I thought it was the customs had seized it?

22 A. It was a livestock truck, three-decker, and seemingly the
23 brakes had ceased on it and we went down to check it out
24 and it was parked in the old car park of the old customs
25 post at Carrickagh.

26 434 Q. Now, that does make sense. I think on that occasion you
27 were accompanied by Packie O'Hanlon?

28 A. Because he was the mechanic.

29 435 Q. And he was driving, at that time, a blue Mercedes car?

30 A. Estate, yes.

1 436 Q. I think as you went along the road, this was the -- was
2 this the Edenappa Road?

3 A. It was, indeed, yes.

4 437 Q. I think you saw somebody on the side of the road?

5 A. I saw one person at the right-hand side of the road just
6 up, maybe, 10, 12 yards past a little cottage on the
7 right-hand side.

8 438 Q. And how was he dressed?

9 A. With combats.

10 439 Q. When you say "combats," what do you mean by that?

11 A. They weren't a complete set, we'll say. The camouflage was
12 different on the top than it was on the leggings. He was
13 wearing a web belt and no beret.

14 440 Q. From your experience having served in the army, did that
15 strike you as being --

16 A. I knew straight away it wasn't right, and, also, the weapon
17 he was carrying was not of a British Army issue.

18 441 Q. And I think you made that comment to Mr. O'Hanlon, who was
19 with you, that it didn't seem --

20 A. I believe I said, "There is something wrong here."

21 442 Q. Now, what happened next?

22 A. The gentleman stopped us. We were by ourselves. There was
23 no other car there at this stage, and we were stopped, and
24 he came over and told us to get out of the car, which we
25 did. We went on the left passenger side of the car where
26 there was a grass verge and we were made lie down.

27 443 Q. When you say "lie down," were you face up, face down?

28 A. Face down.

29 444 Q. I think another car came along as well, is that right?

30 A. Yes. I obviously can't -- I don't remember the make, but I

1 think there was a gentleman and lady in that car.

2 445 Q. What happened to them?

3 A. They were taken out of the car, as well.

4 446 Q. And equally, were they --

5 A. They didn't lie beside us. I don't know whether they were
6 taken around to the back, but I certainly didn't see them
7 being put on the ground.

8 447 Q. I think you saw a third car, is that right?

9 A. A third car came up, as well, and I think there was a lady
10 in that car.

11 448 Q. And do you remember what happened to that lady?

12 A. No. To the best of my knowledge, she was escorted from the
13 car, but I don't know to where, unfortunately, I don't
14 know.

15 449 Q. Do you think it might have been behind Tom Morgan's house
16 to a laneway?

17 A. I think somewhere up around the back of Tom's house, yes --
18 or, rather, Tom's, it was like a building rather than a
19 house.

20 450 Q. Right. Now, at this stage, you are lying flat on the
21 ground?

22 A. Yes, saying an Act of Contrition.

23 451 Q. Was Mr. O'Hanlon to your left?

24 A. He was on my left. I am beside the car and Packie was on
25 my left.

26 452 Q. When you say --

27 A. We were facing south.

28 453 Q. So you were actually, can I say this, parallel to the car?

29 A. Yes, yes.

30 454 Q. And the car was facing south?

1 A. Yes.

2 455 Q. Were you able to see anything?

3 A. Yes, I was. Well, like, I mean, I was lying on my -- if
4 you can imagine, like this, with my eyes focused.

5 456 Q. Yes. Peeping over your hands?

6 A. Yeah.

7 457 Q. What did you see?

8 A. Well, what I saw was, I saw a car coming up towards, shall
9 we call, the roadblock, and approximately 50, 60 feet from
10 where the cars were, a van then overtook it and cut it off
11 at an angle.

12 458 Q. If I just stop you for second. Can you remember the colour
13 of the car which is coming towards you?

14 A. All I can tell you is I think it was dark. I really don't
15 know. A dark colour, I believe.

16 459 Q. Did you notice anything about the registration plate?

17 A. No.

18 460 Q. And the van, what colour was that?

19 A. I think the van, seemingly, I believe that it was
20 definitely a darker than white or a very dark grey, or
21 something like that. Definitely not white.

22 461 Q. Was the van in the shade at the time when you saw it?

23 A. No, it was in the middle of the road. Well, it was after
24 cutting out the car.

25 462 Q. I think at that part of the road there are trees that cover
26 the road, is that right?

27 A. Yes.

28 463 Q. Which blocks, to a degree, some of the sunlight?

29 A. Possible. But, I mean, I think I'd distinguish between
30 white and a darker colour.

1 464 Q. But in any event, this van overtook the car?

2 A. Yes.

3 465 Q. And what happened next?

4 A. It cut in front of the car. The driver's door and the
5 passenger door opened and two people got out. The side
6 door slid back and I think maybe at least another three got
7 out. The car then tried to perform a reversing movement
8 and the whole lot of them opened up on it.

9 466 Q. When you say "opened up," they --

10 A. They opened fire.

11 467 Q. They opened fire on the --

12 A. Yes, yes.

13 468 Q. On the car?

14 A. That's right.

15 469 Q. And --

16 A. The car then -- well, it rolled back into the ditch, and
17 then, after that, I really don't know what happened because
18 I put my head down. I didn't know what was going to happen
19 after that at that stage. Then I heard one shot after
20 that.

21 470 Q. But between hearing the one shot and the volley, if I can
22 put it that way --

23 A. Yes.

24 471 Q. -- what did you see in relation to what was happening on
25 the road?

26 A. The gentleman who was driving, definitely tried to reverse
27 out of the way, definitely.

28 472 Q. What about the passenger, what did he do?

29 A. I didn't see him, as such. I didn't know what he done or
30 what he didn't do. I just saw the car going into a reverse

1 motion.

2 473 Q. Did you not see the passenger lying out of the car?

3 A. No, no, that was after.

4 474 Q. That was afterwards?

5 A. That was after.

6 475 Q. Very well. So, when you say "after," that's after --

7 A. That was after --

8 476 Q. After the people had left?

9 A. After the, to the best of my knowledge, they all got into
10 the van, and, as they were exiting the area, they let a big
11 roar like "hurray," or whatever, and that was it.

12 477 Q. And then, so then it was after that happened?

13 A. After that, I said to Packie, "Get into the car, we are
14 getting out of here." And to the best of my knowledge, it
15 was one of the gentlemen lying out of the car.

16 478 Q. It was at that point you saw one of the men lying out?

17 A. Yes, lying out.

18 479 Q. Very well. Now, in what direction did the van go?

19 A. North.

20 480 Q. And how many people do you think were involved?

21 A. I would say between five and six.

22 481 Q. And how long did the whole episode last?

23 A. Five or six minutes. We were the first to be stopped.

24 482 Q. I understand.

25 A. So I am guessing what happened, I would say five or six
26 minutes. There wasn't a very long distance between us
27 being stopped and put on the side of the road until the
28 actual car approached the blockade.

29 483 Q. What conversation did you hear?

30 A. Nothing.

1 484 Q. Were there any walkie-talkies?

2 A. I didn't hear those at all.

3 485 Q. So what can you say about the operation that you saw?

4 A. It was very well executed. It was done with, certainly, a
5 trademark of expertise.

6 486 Q. Do you think that the place was carefully chosen?

7 A. It has to be. It had to be.

8 487 Q. How many houses were in the area?

9 A. A small cottage/bungalow on my right-hand side, a farmhouse
10 on the left with some outbuildings as well. That was what
11 we were adjacent to, both of those.

12 488 Q. Was there also a house called Jordan's house?

13 A. I know the name, but I really -- I can't just say for the
14 sake of saying yes, I don't really know.

15 489 Q. Now, did you hear what the previous witness, Mr. Nicholson,
16 has said in relation to the possibility of there having
17 been a phone call made by you?

18 A. By me?

19 490 Q. Yes.

20 A. I don't even know the gentleman.

21 491 Q. You never met him before?

22 A. I think once when I was looking for insurance, but that
23 wouldn't have been anything to do with McGeough's.

24 492 Q. So if a phone call was made to Mr. Nicholson, it wasn't
25 made by you, is that what you are saying?

26 A. No. Well, I mean -- that's the first I heard of it when I
27 arrived here, and, actually, if I was the gentleman, I
28 wasn't even in the office when that gentleman would have
29 been there.

30 493 Q. I understand. Thank you very much.

1 A. You are welcome.

2

3 CHAIRMAN: No questions, I take it?

4

5 **THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:**

6

7 494 Q. MR. DURACK: I wonder could you help us with one thing?

8 There is a border crossing, isn't that right, down the road

9 on the Edenappa Road. I'll give the Tribunal a copy too.

10 A. Sorry?

11 495 Q. If you have a look at the map there, I think there is a

12 crossing marked 'crossing number 10'?

13 A. I see that.

14 496 Q. That's the border, isn't that correct?

15 A. That would be at the bridge.

16 497 Q. Yeah?

17 A. Yes.

18 498 Q. Now, how far north of that was the incident, as far as you

19 are concerned?

20 A. About 300 metres. About 300. It was on the -- there is a

21 hill going up there with a bit of a -- just up past the

22 scrapyard, so around 300 metres.

23 499 Q. What's the distance, say, can you tell us, between

24 Jonesboro and the border, and the crossing, approximately?

25 A. Two miles, one and a half miles, two miles maybe.

26 500 Q. Thank you very much indeed.

27

28 CHAIRMAN: Thank you very much, Mr. King. Thank you very

29 much for coming. I am most grateful to you for your help.

30 Thank you very much.

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THE WITNESS THEN WITHDREW.

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1 JAMES SHEELAN, HAVING BEEN SWORN, WAS EXAMINED BY MR.
2 DILLON AS FOLLOWS:

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4 501 Q. MR. DILLON: Good afternoon. Are you comfortable there?

5 A. Yes, very comfortable. Thank you.

6 502 Q. Good. I am glad to hear that. Now, I think you live in
7 the Dundalk area, is that right?

8 A. Yeah.

9 503 Q. And I think that on the 20th March 1989, the day that we
10 are concerned with, you were working in McGeough's
11 scrapyard?

12 A. That's right.

13 504 Q. I think that we have heard that the scrapyard is on the
14 Edenappa Road on the north side of the border?

15 A. It is, yeah.

16 505 Q. I think is it the last of the bits and pieces of the
17 McGeough premises as you head north?

18 A. Yeah, the very last one, yeah.

19 506 Q. So, in a sense, it's that part of the premises which is
20 closest to the scene of the events that we are concerned
21 with?

22 A. It would be, yeah.

23 507 Q. And I think that you worked in the scrapyard which is run
24 by Mr. Tony McGeough?

25 A. That's right.

26 508 Q. I think the business there was to take in old lorries, take
27 out the engines, do them up, replace parts and send them
28 back to England?

29 A. Export them, yeah.

30 509 Q. And this was a fully operational nine to five business?

1 A. At that time, yeah.

2 510 Q. At the time you worked with Gervais Campbell and Aidan
3 McCabe, isn't that right?

4 A. Yeah.

5 511 Q. Both of these lived in Jonesboro. And I think you had been
6 working there for a period of some two years?

7 A. Somewhere around that, yeah.

8 512 Q. Mr. Campbell worked there most of his life and he drove the
9 forklift?

10 A. That's correct.

11 513 Q. And Mr. McCabe sourced out the scrap and he was -- but he
12 was not a full-time employee?

13 A. No, he was temporary, yeah.

14 514 Q. The 20th March 1989 began as a perfectly normal day, isn't
15 that right?

16 A. That's for sure, yeah.

17 515 Q. And it was, as usual you stopped for your lunch and you
18 went to a particular pub for your lunch, isn't that right?

19 A. Yeah.

20 516 Q. And that's on the old Newry road, which I think possibly no
21 longer exists because the motorway?

22 A. Well the old Newry road is there still but it's joined in
23 with the new road now.

24 517 Q. I think the lunch break is from 1:00 to 2:00 p.m.?

25 A. Yeah.

26 518 Q. You returned to work. How long did you it take you to
27 return from the pub back to your work?

28 A. Around seven or eight minutes.

29 519 Q. Was that walking?

30 A. No, in a car.

1 520 Q. Now, you were working away during the course of the
2 afternoon?

3 A. Yeah.

4 521 Q. And I think you heard something, isn't that right?

5 A. Yeah.

6 522 Q. Tell us what you heard.

7 A. I heard a barrage of shots being fired. Seen nothing, just
8 heard what I heard, and about 15, 10 or 15 seconds later I
9 heard just one single shot being fired.

10 523 Q. Now, where do you think these shots occurred?

11 A. Between our place and Jonesboro.

12 524 Q. Now, where you are in the scrapyard, if you go out on the
13 road, what sort of visibility did you have looking up the
14 road?

15 A. You can see just up to a hill and then there is a hollow in
16 the hill.

17 525 Q. It's like a saucer shape?

18 A. Yeah, it's a hidden dip, like, you know.

19 526 Q. With that said, if you looked up the road, what could you
20 see?

21 A. Nothing.

22 527 Q. So what did you do when you heard the shots?

23 A. Well, about five minutes later I locked up my tool box,
24 washed my hands and went away home.

25 528 Q. I think on a previous occasion you had an unfortunate
26 experience where you are caught in some sort of crossfire?

27 A. Crossfire, yeah.

28 529 Q. And experience told you it's time to go?

29 A. To go, yeah.

30 530 Q. That's understandable. I think in those days you owned a

1 car which was a silver Ford?

2 A. That's right, a Capri.

3 531 Q. You brought that to your work, did you?

4 A. That's right.

5 532 Q. And it stayed in the scrapyard?

6 A. Well on the road.

7 533 Q. In other words, you travelled from south to north and north
8 back down south?

9 A. That's right.

10 534 Q. At no time did you find yourself on the other side of the
11 ambush side coming down the way?

12 A. No way.

13 535 Q. Now, at the time, in addition to working in McGeough's
14 scrapyard, I think yourself and your wife also had a shop
15 and you were painting the shop that evening; you went home
16 to paint the shop?

17 A. Yes.

18 536 Q. I think you received a visit from Detective Garda Tom
19 Molloy?

20 A. That's right.

21 537 Q. I think he spoke to you about what had happened?

22 A. He did.

23 538 Q. Can you remember what he said to you?

24 A. He asked me what I had seen today, and I told him I had
25 seen nothing. And I said "Why?" He said, "Did you not
26 hear shots?" I said, "I heard the shots," and he said -- I
27 said, "Why, what happened?" He said there was two RUC men
28 shot dead, that's what he said.

29 539 Q. I am going to show you now a note which has been prepared
30 by Detective Garda Tom Molloy.

1 (Document handed to the witness)

2 Now, Chairman, what I have just handed out is -- just to
3 explain. The last two lines of that note have been blacked
4 out. The reason is they contain personal comments on the
5 part of the Detective Guard and they'll be put to him when
6 he is called.

7

8 Now, Mr. Sheelan, I am going to read out to you what we
9 have received from the Gardai by way of Detective Garda
10 Molloy's, what he described as a Memo of Interview. Would
11 you call it an interview or how did it go?

12 A. We just stood at the door of the shop and he asked me a few
13 questions. That's all he asked me.

14 540 Q. And he goes as follows:

15 *"Jimmy Sheelan was working at McGeough's on the 20th March*
16 *1989. He was working at the scrapyard until about 2 p.m.*
17 *He was working with Gervais Campbell and Aidan McCabe, both*
18 *from Jonesboro, and his boss Tony McGeough on a forklift.*
19 *All left the scrapyard at about 2 p.m. and went to the*
20 *garage near the hut to complete repairs. Jimmy" -- that is*
21 *you -- "stayed in the garage. Didn't hear shots."*

22 I think, as a matter of fact, you did in fact hear shots,
23 is that right?

24 A. I did hear shots, yeah.

25 541 Q. *"He said there was nobody in the scrapyard, which is up*
26 *near the scene of the shooting, at the time of the*
27 *shooting."*

28 I think you yourself were in the scrapyard?

29 A. I was in the scrapyard, yeah.

30 542 Q. Exactly. *"A builder by the name of Martin McEvoy from*

1 Mike, who was at McGeough's at the time of the shooting
2 went to the scene." Do you know Mr. McEvoy?

3 A. I knew him well, yeah.

4 543 Q. And what he a resident of Mike?

5 A. He's a resident of Mike, yeah, or in around that area,
6 like.

7 544 Q. When did you last have contact with him?

8 A. It's about 15, 16 years ago.

9 545 Q. I see, yes. Now, I think we'll go back then to Mr. McEvoy
10 from Mike. "*He was told by Tom Morgan...*" It's not clear
11 from here who 'he' is. You might be able to help us. "*He*
12 *was told by Tom Morgan, who was at the scene, that there*
13 *was a body in the car and there was one on the road.*"

14 Does refer to you?

15 A. No, I don't remember saying that now.

16 546 Q. Because you didn't see anything?

17 A. No.

18 547 Q. That must be Mr. McEvoy then. "*Mr. McEvoy returned to*
19 *McGeough's...*" Do you remember seeing Mr. McEvoy at
20 McGeough's that evening?

21 A. I remember seeing him that evening when I had gone home,
22 yeah.

23 548 Q. "*Jimmy Sheelan didn't see any cars or vehicles coming south*
24 *after the shooting.*" Is that correct?

25 A. That's correct.

26 549 Q. "*He said he didn't go out onto the road. He said he knew*
27 *nothing about it. And he couldn't remember seeing any*
28 *other person in McGeough's at the time in question. He*
29 *said he didn't notice anything suspicious before or after*
30 *the shooting.*" Is that correct?

1 A. That's correct.

2 550 Q. Now, there is a bit of writing at the bottom of the page,
3 you see "*Was in scrapyard at time*", is that your writing?

4 A. No, that's not my writing.

5 551 Q. Aside from the corrections that you have offered us in your
6 evidence, is that note a reasonable reflection of the
7 conversation you had with Detective Garda Molloy?

8 A. That's right, yeah.

9 552 Q. I think the following day there was a considerable presence
10 of British Army personnel and RUC personnel?

11 A. That's correct.

12 553 Q. And helicopters were landing and that sort thing. Do you
13 know Frank Larrigan?

14 A. I know Frank Larrigan well, yeah.

15 554 Q. Do you remember where he was on the 20th March?

16 A. I don't, no.

17 555 Q. Might he have been at McGeough's on that day?

18 A. Well I am sure he was down there, yeah.

19 556 Q. Now, can you tell us about Jordan's house?

20 A. Jordan's house, it was an old derelict house at one time up
21 on the hill. Now since about 1987, they done it up and
22 it's now a lovely house.

23 557 Q. But was it done up in 1987?

24 A. Yeah, it was done up before the accident, before the
25 shooting.

26 558 Q. And you think there was a couple lived there, is that
27 right?

28 A. Yeah.

29 559 Q. And you think that Tony McGeough drove a Mercedes car?

30 A. Yeah, that's right.

1 560 Q. Thanks very much.

2 A. Okay.

3

4 THE WITNESS WAS CROSS-EXAMINED BY MR. MCGUINNESS AS

5 FOLLOWS:

6

7 561 Q. MR. MCGUINNESS: Just one question, Mr. Sheelan. Can I ask
8 you this: the crossfire that you have referred to, when
9 did that occur?

10 A. About, maybe about two months prior to the shooting.

11 562 Q. And that was crossfire; was it going across the Edenappa
12 Road?

13 A. No, it was from one hill to another hill, across the shed
14 where we worked in the scrapyard.

15 563 Q. Across the border?

16 A. Yeah, in the north.

17 564 Q. And directed at army personnel?

18 A. It was, yeah.

19

20 CHAIRMAN: Thank you very much, Mr. Sheelan. Thank you
21 very much indeed. You are very helpful. Thank you.

22

23 THE WITNESS THEN WITHDREW.

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1 FRANK LARRIGAN, HAVING BEEN SWORN, WAS EXAMINED BY MRS.
2 LAVERTY AS FOLLOWS:

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4 565 Q. MRS. LAVERTY: Mr. Larrigan, I think that you are another
5 ex army man, are you?

6 A. I am, yeah.

7 566 Q. And you, also, after considerable years in the army, you
8 did several tours abroad as well?

9 A. I did. I did one to the Congo and two to Cyprus.

10 567 Q. And at this time in 1989, I think that you were the manager
11 in McGeough's?

12 A. That's correct.

13 568 Q. And I think this is the complex that has been referred to
14 before consisting of a filling station and a supermarket
15 and sheds, is that correct?

16 A. That's right. No, there is no -- when I was there, there
17 was no sheds in it, just a supermarket and a porta cabin, a
18 filling station.

19 569 Q. Were the sheds a little bit removed from it?

20 A. It was -- oh the other sheds were far removed from it. It
21 was only a porta cabin beside it as the office, the shop
22 and the petrol pumps.

23 570 Q. And was this particularly busy, this complex, McGeough's?

24 A. At the weekend it used to be fairly busy because people
25 would be going up to Jonesboro, but during the week it
26 would be just the locals who would be in and out.

27 571 Q. And do you recall this particular day, the 21st March?

28 A. I recall it only from the scene that I was in the shop
29 selling in the afternoon and I was selling something to a
30 customer and as I was going along and I looked out and seen

1 a man, one of the boys, a young man sitting at the diesel
2 pump.

3 572 Q. Yes, and did you want his attention?

4 A. I went to the door to get his attention and told him to get
5 up and carry on working, not in that manner as you can
6 understand, but I came back in, without discussing anything
7 with him I came back in and was attending to the customer
8 again. When I looked out he was there still and there was
9 a van there facing out to the road, a white van. I am not
10 sure whether it was a Hiace or Liteace, and I carried on
11 with the customer. And then there was a commotion, I
12 looked out again and the van was gone and he was back
13 working. Now, originally if you'd have looked at him you'd
14 have thought he had a hangover or something because he had
15 his head between his legs. So then up came the -- there
16 was a car --

17 573 Q. Sorry, did you form any impression from his demeanour when
18 he was --

19 A. No, not at that stage.

20 574 Q. Okay.

21 A. Not at that stage. It was later when there was a bit of a
22 commotion outside and customers came in, one was looking
23 for water for a woman, that they had run into a shooting up
24 the road. Now, on checking my previous evidence that I
25 didn't remember, I remembered something from it, which was
26 the two customers who came in that were at the shooting in
27 Ardoyne the night before, they happened to pass a remark
28 and they happened to run into that shooting. They were an
29 elderly couple.

30 575 Q. So they had been involved in two shootings?

1 A. Yes. And that's why they were looking for the water
2 because after coming on it again, it was like the Wild
3 West, if you like.

4 576 Q. And have you any recollection as to what time in the
5 afternoon this may have been?

6 A. No, only that I was back from lunch and I took over the
7 till and was selling a radio to a man, because we used to
8 sell electrical stuff as well. And the time? I couldn't
9 give an accurate time at this stage, but it was in the
10 afternoon.

11 577 Q. And you did see -- you did see a white van?

12 A. I did, yes. Well I am nearly sure it was white.

13 578 Q. Loitering, if you like, or pulled up?

14 A. At the diesel pump on the left.

15 579 Q. And did you get any impression from that van -- do you know
16 if he was getting diesel?

17 A. I haven't got the foggiest. You see, some people used to
18 park their vans, get diesel and maybe go over and get some
19 coal and that, that was the normal thing, so you don't pass
20 too much of a remark on it. The only part I was passing
21 the remark on was the young man sitting there doing
22 nothing.

23 580 Q. And was he working for you?

24 A. He was working for McGeough's, yeah; he was part-time.

25 581 Q. And that's what drew your attention to the van, was it?

26 A. It was, yeah. But the main thing that drew my attention to
27 the van was afterwards, when everything happened, I
28 realised that that must have been the van. That's,
29 basically, when all the information started coming in,
30 because I didn't hear the shooting, I was inside. And I

1 don't know whether it was the wind, the direction of the
2 wind can cause that.

3 582 Q. So that's your contribution, Mr. Larrigan, that you did see
4 the van parked?

5 A. Yeah, but it was parked facing the road.

6 583 Q. Facing the road?

7 A. So I couldn't see anything about it.

8 584 Q. Do you know if it was there for five minutes, ten minutes,
9 one minute?

10 A. I'd say it was there for about around six or seven minutes.

11 585 Q. Six or seven minutes?

12 A. Yeah.

13 586 Q. Thank you very much, Mr. Larrigan.

14

15 CHAIRMAN: Is there any questions?

16

17 **THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:**

18

19 587 Q. MR. DURACK: I am wondering, Mr. Larrigan, you made a
20 statement at one stage to the Gardai at the time, did you?
21 Do you remember?

22 A. I didn't remember. I got a copy of the statement off the
23 senior counsel and I tried to rack my brains with it. I
24 did not remember at the time of the interview.

25 588 Q. Just, in it you mention a white Hiace van pulling up and
26 you say --

27 A. No, that was another van.

28 589 Q. Oh, that's a different one?

29 A. That was one that was delivering stuff.

30 590 Q. Yes, that's what I thought. So there were two Hiace vans?

1 A. I didn't pass a remark on that one because the other one
2 was completely -- was sitting there, facing the road and
3 nothing happening and then when the incident happened up
4 the road, it was gone.

5 591 Q. And am I right in thinking that if a van was getting
6 diesel, it would have to face the road as well; that's the
7 way the pumps are laid out?

8 A. Yes, that's the way the pump was.

9 592 Q. Thank you.

10

11 CHAIRMAN: Thank you very much, Mr. Larrigan. I am very
12 grateful to you for coming.

13 A. Thank you.

14

15 THE WITNESS THEN WITHDREW.

16

17 CHAIRMAN: Mrs. Lavery, have we any other witness?

18

19 MRS. LAVERTY: I think that's it for today, Chairman.

20

21 CHAIRMAN: Very good. Well then we'll leave it for today
22 and then resume again on Tuesday next at 11 o'clock.

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24 THE TRIBUNAL ADJOURNED UNTIL THE 14TH JUNE 2011 AT 11 A.M.

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