

A P P E A R A N C E S

The Sole Member:

His Honour Judge Peter Smithwick

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Mr. Justin Dillon, SC
Mr. Dara Hayes, BL
Mr. Fintan Valentine, BL

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Solicitors

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 THE 14TH OF JUNE, 2011, AS FOLLOWS:

2

3 GEORGE FLYNN, HAVING BEEN SWORN, WAS EXAMINED BY MR. HAYES

4 AS FOLLOWS:

5

6 1 Q. MR. HAYES: Good morning, Mr. Flynn. My name is Dara
7 Hayes, I am counsel for the Tribunal. I am just going to
8 ask you some questions. I think you were a member of An
9 Garda Siochana from approximately 1965 to 1996?

10 A. Well, it was from about 1960, but I was in Dundalk from
11 that time.

12 2 Q. You were in Dundalk. And from when you went to Dundalk in
13 1965, you remained there, I think, until your retirement?

14 A. I did.

15 3 Q. I think you worked in the district office for a lot of that
16 time?

17 A. I did.

18 4 Q. And when did you go to the district office first, do you
19 remember?

20 A. About 1975/'76.

21 5 Q. And what role did you have in the district office?

22 A. Well, at various stages, I had various roles, but at the
23 time --

24 6 Q. In 1989?

25 A. In '89, I was dealing with preparing files for the Circuit
26 Court, overtime return, financial returns and various --
27 routine office work, as well.

28 7 Q. And, I suppose, I mean, just by way of explanation, who was
29 the head of the district office, if you like? Who was the
30 senior officer?

1 A. Superintendent Tiernan.

2 8 Q. At that time?

3 A. At that time.

4 9 Q. But, in general, it was the Superintendent with the
5 district officer, is that right?

6 A. Yes.

7 10 Q. And, in 1989, how many people worked in the district
8 office?

9 A. Four, if I can recall.

10 11 Q. And can you recall who they were?

11 A. Well, Vincent Rowan, Sergeant, he was the Sergeant; Mary
12 Clarke; and another lady, Joan, I can't --

13 12 Q. Josephine, was it Josephine Fitzsimons or Kathleen McCooey?

14 A. Kathleen McCooey. Yeah, so many came and went over the
15 years.

16 13 Q. Were they all members of An Garda Siochana?

17 A. No.

18 14 Q. And --

19 A. Kathleen McCooey wasn't; she was a civilian.

20 15 Q. And did Nora Burns work in the district office at that
21 time?

22 A. No, she was in the Sergeant's office.

23 16 Q. She was in the Sergeant's office?

24 A. Yeah.

25 17 Q. And where was -- I think the district office was on the
26 first floor of the building, is that correct?

27 A. Yes.

28 18 Q. And towards the front of the building?

29 A. Yes.

30 19 Q. And was it next door to the Superintendent's office?

1 A. Yes.

2 20 Q. And in respect of the Chief Superintendent, was he close by
3 or --

4 A. He was across the corridor.

5 21 Q. Did he have his own office?

6 A. He had his own office, yes.

7 22 Q. And were there any other civilian employees in the Garda
8 station at that time, do you recall?

9 A. Well, there were -- the divisional was in Dundalk, they had
10 two, I think.

11 23 Q. They had two. And were they Garda or civilians?

12 A. Two civilians, that's what I mean, two civilians.

13 24 Q. I think that, for a long time, the divisional office had
14 been in Drogheda?

15 A. In Drogheda, yes.

16 25 Q. And had only recently moved to Dundalk?

17 A. Yeah.

18 26 Q. And at the time, I think Chief Superintendent Nolan was the
19 divisional officer?

20 A. That's correct.

21 27 Q. Then, on the -- I am just going to show you a map of the
22 Garda station, which will be -- can be given out, sir, to
23 the parties, but should be returned to us at the end of the
24 evidence.

25 (Document handed to the witness)

26 If you just look at the front page of that briefly.

27 A. Yes.

28 28 Q. Now, the first page of it, sorry, that's the -- if you just
29 go to the -- this, just for the moment. I think that's
30 just a general map of the location of the Garda station, is

1 that correct?

2 A. That's correct, yes.

3 29 Q. And, just, you can see the station just off the crescent
4 with the forecourt in front and the Garda station just set
5 behind?

6 A. Yes.

7 30 Q. Now, if you go to the last page of it, I think that is a
8 map of the -- a floor plan of the first floor of the
9 station?

10 A. That's correct, yes.

11 31 Q. And, in the middle, you can see the landing?

12 A. That's correct, yes.

13 32 Q. With the stairs coming up from the ground floor?

14 A. Correct.

15 33 Q. If you could just point us to your office at that time, the
16 district office?

17 A. This was...

18 34 Q. Would you just show the Chairman that. That's the room, I
19 think, that says "Superintendent's clerks"?

20 A. That's correct, yes.

21 35 Q. And Superintendent Tierney was beside you?

22 A. Yes.

23 36 Q. Superintendent Connolly, who was the Detective
24 Superintendent, his office was at the back of the floor, is
25 that correct?

26 A. That's correct, yes.

27 37 Q. And I think, so the equivalent office of yours on the other
28 wing was the Inspector?

29 A. That's correct, yes.

30 38 Q. And there is a stairs there; I think that's the back

1 stairs?

2 A. Yes.

3 39 Q. And who would have used those back stairs generally, do you
4 recall?

5 A. They weren't regularly used. Very rarely used. If we were
6 going down to the cellar, to a store or something.

7 40 Q. Yes.

8 A. Other than that, it was only for internal use generally.

9 41 Q. They weren't for public use or...

10 A. No.

11 42 Q. And then just beside those back stairs is the Chief
12 Superintendent's office?

13 A. That's correct.

14 43 Q. And then the radio room is at the back of the --

15 A. That's correct, yes.

16 44 Q. Okay. I think on the 20th March, 1989, you were working
17 that morning?

18 A. That's correct.

19 45 Q. And I think you received a telephone call?

20 A. That's correct, yes.

21 46 Q. And who telephoned you?

22 A. Superintendent Buchanan.

23 47 Q. And did you know Superintendent Buchanan?

24 A. I did.

25 48 Q. And did he know you?

26 A. He did.

27 49 Q. Can you recall approximately what time he telephoned you
28 at?

29 A. It would be about 9:20. I had arrived in about 9:15 and it
30 was about five minutes after.

1 50 Q. It was shortly after you arrived in that morning. What did
2 he say to you when he phoned?

3 A. Well, we exchanged some pleasantries, and then he said -- I
4 think he said for Superintendent Tierney to ring him, as
5 far as I recall.

6 51 Q. And did he say why he wanted --

7 A. No, no.

8 52 Q. Did he ask to speak to anybody else?

9 A. Well, he asked for Superintendent Tierney when he rang
10 first, but I told him he wasn't in, so then...

11 53 Q. Did he make any reference to him coming to visit that day?

12 A. No.

13 54 Q. Did he ask to speak to the Chief Superintendent?

14 A. No, I don't think so.

15 55 Q. And I think you then took a message, is that correct?

16 A. I took the message.

17 56 Q. And did you pass that message on?

18 A. I passed it on to Superintendent Tierney.

19 57 Q. To Superintendent Tierney?

20 A. Yes.

21 58 Q. Do you know where he was calling from?

22 A. No.

23 59 Q. Did you know generally where he was based?

24 A. Well, I knew he was based down in Armagh, but, other than
25 that --

26 60 Q. Yes. Other than that --

27 A. -- I knew nothing about the man.

28 61 Q. Yes. And he didn't tell you where he was calling from?

29 A. No.

30 62 Q. What type of a phone line was used when you were in

1 correspondence with the RUC?

2 A. Well, we had a secure line, which we used occasionally.

3 63 Q. And why was it used occasionally only?

4 A. Well, it depended on -- normally, when I'd be -- they'd
5 contact me and give me details of operations, and that was
6 given out over a secure line.

7 64 Q. So operational matters were used on the secure line?

8 A. Well, they'd ring or I'd ring them, we'd exchange
9 pleasantries, and then we'd say we'd go over, which meant
10 we'd go onto a secure line.

11 65 Q. That's how it worked, you'd phone and then you'd make a
12 switch?

13 A. Yes.

14 66 Q. If it was just a phone call of the type that you have just
15 described, where somebody was phoning asking for a message
16 to be passed on, you wouldn't necessarily go to the --

17 A. No, no.

18 67 Q. I think you used the phone, did you, for -- you said for
19 discussing operational matters?

20 A. Yes.

21 68 Q. And did you discuss the telephone call with Superintendent
22 Buchanan? Did you discuss that with anybody else other
23 than Superintendent Tierney?

24 A. I don't think so. I had no reason. It was a routine call,
25 so it was.

26 69 Q. There was nothing particularly special about it?

27 A. Nothing.

28 70 Q. Okay. Did Superintendent Buchanan often phone the station?

29 A. Oh, quite regularly. He visited the station regularly.

30 71 Q. I just want to just move on to -- there is a piece of

1 intelligence that was received quite some time later, that
2 was received quite some time later by the PSNI - and this
3 will be, Sir, formally put into evidence when
4 Superintendent McConville of the PSNI gives evidence, I
5 think towards the end of next week - that a civilian
6 administrator based in an unknown location in the Republic
7 of Ireland organised meetings between the Garda and RUC.
8 In your experience, did that happen when the RUC wanted to
9 arrange meetings, was it done through a remote
10 administrator?

11 A. Not to my knowledge.

12 72 Q. Was it ever done other than by direct contact with the
13 officer in question, to your knowledge?

14 A. Not to my knowledge.

15 73 Q. For example, did you ever make an arrangement for a meeting
16 with Superintendent Tierney on behalf of the RUC or...

17 A. I have no recollection of it.

18 74 Q. That day in the station, did you see either Superintendent
19 Buchanan or Chief Superintendent Breen?

20 A. No.

21 75 Q. Did you see their car at the station?

22 A. I saw Superintendent Buchanan's car outside.

23 76 Q. And was it a car that you knew to see?

24 A. It was indeed, yes.

25 77 Q. I just want to ask you briefly again about the secure
26 telephone line. Now, you have told us that it was used
27 only for operational matters and not matters such as you
28 discussed.

29 A. That's correct.

30 78 Q. Is it possible that at the time, in fact, that the two

1 systems were not compatible?

2 A. I have no recollection. There were times it wouldn't work,
3 but we always got it sorted out.

4 79 Q. Very good. Thank you. In the aftermath of the murders, I
5 think Assistant Commissioner O'Dea visited Dundalk Garda
6 Station?

7 A. That's correct, some days afterwards.

8 80 Q. And did you make a statement to the Assistant Commissioner?

9 A. I did, indeed, yes.

10 81 Q. I'll just read out what you said. I'll just read it into
11 the record. What I'll do, actually, is I'll, first of all,
12 ask -- I am just showing you a copy of the handwritten
13 statement. First of all, is that your handwriting?

14 A. No.

15 82 Q. And if you just look at the bottom of it, is it your
16 signature at the bottom of it?

17 A. It is my signature.

18 83 Q. Can you recall who took the note? It's not of any great
19 importance if you don't.

20 A. Well, I didn't see O'Dea, but I didn't remember, I can't
21 remember, I just remember making a statement, but I knew
22 who it was at the time, obviously, but I had completely
23 forgotten.

24 84 Q. I think you made your statement on the 22nd March?

25 A. Well, yes.

26 85 Q. And in it, just to read it, you said: *"I am attached to*
27 *Dundalk Garda Station and I am employed in the district*
28 *office. I took up duty there at 9:15 a.m. on Monday 20th*
29 *March, 1989. At about 9:20 a.m. the phone rang in the*
30 *Superintendent's private office (Superintendent Tierney)"*

1 -- then you gave the number of the office -- "I answered
2 and I recognised the voice at the other end as
3 Superintendent Bob Buchanan. I know this man for a number
4 of years. He asked if Superintendent Tierney was in and I
5 said no. He then asked if the Chief Superintendent Nolan
6 was in and I said no, and he then asked if I would get
7 someone of them to ring him and I said yes. I assumed he
8 was ringing from his own office in Armagh. I did not have
9 to ask for his telephone number as I was aware
10 Superintendent Tierney had it. Superintendent Tierney
11 arrived a few minutes after and I gave him the message. He
12 did not mention his transfer or mention anything about a
13 meeting or times. I did not see Superintendent Buchanan or
14 Chief Superintendent Breen enter or leave the station on
15 that date. Sometime after 2 p.m., I glanced out the window
16 and I saw Bob Buchanan's car parked in the forecourt of the
17 station, slightly on the left of the main entrance as I
18 looked out. It was facing towards the crescent. I knew it
19 was his car. He was a frequent visitor to the station. It
20 was a red Vauxhall Cavalier. I do not know the reg number.
21 He had this car for a year or more. I did not see either
22 of the RUC men while they were here. I did not know what
23 routes they took when coming or going. I was not aware of
24 the meeting between Chief Superintendent Nolan and the RUC
25 officers until Sergeant Rowan informed me after he took
26 them to tea. This statement has been read over to me by
27 Assistant Commissioner O'Dea and it is correct."

28 A. That's correct.

29 86 Q. And, just on that, your recollection at the time, just if
30 your recollection now; can you remember where the car was

1 parked when you saw it, Superintendent Buchanan's car?

2 A. It was in front of the Garda station, facing away from the
3 building.

4 87 Q. It was in the front, it was in the forecourt of the station
5 rather than in the --

6 A. Yes.

7 88 Q. On that day, did you have any contact with Sergeant Alan
8 Mains of the RUC?

9 A. No.

10 89 Q. Do you know who Sergeant Mains is, or was?

11 A. I had heard the names, but I can't recall meeting him.

12 90 Q. Did you ever recall ever, not only on this day or any other
13 day, do you recall having spoken to him?

14 A. I can't remember.

15 91 Q. You can't. I think in relation to the murder investigation
16 that was carried out by the guards to assist the RUC at the
17 time, did you have any involvement in that at the time?

18 A. No.

19 92 Q. Thank you very much, Mr. Flynn. If you'd answer any
20 questions that any person has for you.

21

22 **THE WITNESS WAS CROSS-EXAMINED BY MR. McGUINNESS**

23 **AS FOLLOWS:**

24

25 93 Q. MR. McGUINNESS: Mr. Flynn, my name is Diarmuid McGuinness.
26 I am appearing for An Garda Siochana in this. Can I ask
27 you, have you got the map in front of you there? Could I
28 ask you to look at the first layout. Does that show where
29 the Garda station is located in Dundalk?

30 A. Yes.

1 94 Q. And I think one can enter the car park from what's
2 described there as the Ardee gate, is that right?

3 A. Yes.

4 95 Q. And you can enter it also from the Carrickmacross --

5 A. That's correct, from opposite ends.

6 96 Q. And that's a car park that's available to anyone who is
7 coming to the Garda station?

8 A. It was then.

9 97 Q. It was then?

10 A. It probably still is.

11 98 Q. And there is an arrow pointing there with a registration
12 number KIB 1024?

13 A. Yes.

14 99 Q. Is that the area where Superintendent Buchanan's car was
15 parked?

16 A. Yes.

17 100 Q. Was it parked with its rear to the entrance to the station
18 and the front of the car to the wall?

19 A. It was facing the wall with the back towards the Garda
20 station.

21 101 Q. Facing the wall. So the registration plate wouldn't have
22 been visible from the road?

23 A. No.

24 102 Q. On the other hand, would you agree with me, there are,
25 perhaps, numerous points in and around the two roads from
26 which anyone observing the station could see it come and
27 go?

28 A. You could see the car, yes, it was a low wall in front, but
29 it was low enough for anyone standing on the roadway to see
30 the car. They mightn't see the number plates but...

1 103 Q. Yes. And there are obviously a number of places from which
2 anyone observing the station might have seen the car come
3 or go?

4 A. Correct.

5 104 Q. And do I understand that you have told the Tribunal that
6 Superintendent Buchanan occasionally parked his car down
7 the street and walked up?

8 A. Yes, on more than one occasion I have saw him walk towards
9 the station.

10 105 Q. And he'd come in the front door then, would he, on those
11 occasions?

12 A. He would.

13 106 Q. And at the time we are talking about, did people
14 occasionally use the car park as a short-cut from one road
15 to the other?

16 A. I would say so, yes.

17 107 Q. In any event, Superintendent Buchanan didn't tell you his
18 business that day?

19 A. No.

20 108 Q. And he never mentioned to you that he wanted to arrange a
21 meeting that day or any other day?

22 A. Not that I can recall.

23 109 Q. You simply passed on a message to Superintendent Tierney
24 that he had called?

25 A. That's correct.

26 110 Q. And you had no dealings with the Superintendent or the
27 Chief Superintendent at all later that day?

28 A. Well, I probably had dealings with the Superintendent in
29 the ordinary everyday dealings that we had every day.

30 111 Q. Yes, but not Superintendent Buchanan?

1 A. Oh, not Superintendent Buchanan, no, no, I didn't see him.

2 112 Q. Thank you.

3

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

5 AS FOLLOWS:

6

7 113 Q. MR. O'CALLAGHAN: Good afternoon, sir. I appear for
8 retired Detective Owen Corrigan. I have a few short
9 questions for you. You mentioned in your evidence that
10 Superintendent Buchanan was a regular visitor to Dundalk.
11 What was the regularity of his visits?

12 A. Well, it seemed like, looking back now, once a week.

13 114 Q. In a report that has been opened to the Chairman, or has
14 been referred to in front of the Chairman, the Cory Report,
15 there is a reference to Superintendent Buchanan sometimes
16 travelling to Dundalk twice a week; would that be
17 consistent with your recollection?

18 A. It's quite possible. He was a regular -- he'd just arrive
19 in the office on a regular basis and we'd just --

20 115 Q. And when he travelled down, sir, did he always travel in
21 the same car?

22 A. Well, in the end, I couldn't be certain, but I think so,
23 because his car was pretty regular around the place.

24 116 Q. And you were aware of what his car looked like, isn't that
25 correct?

26 A. I was indeed, yes.

27 117 Q. And his car would have been visible to people in the
28 locality of the Dundalk Garda Station when he was there,
29 isn't that correct?

30 A. That's correct, yes.

1 118 Q. Did you ever think, sir, that there was a risk that
2 Superintendent Buchanan was taking by coming to Dundalk
3 with such regularity in the same vehicle?

4 A. Well, yes, it did cross my mind. We did talk about it, I
5 think, at different times, you know, that he came very
6 often.

7 119 Q. What was your perception as to the risk to which he was
8 exposing himself?

9 A. Well, it's very hard to quantify it, but it was strange
10 times and I would be uncomfortable travelling north as
11 often as he travelled south, but...

12 120 Q. Evidence has been given last week by former officers in the
13 Royal Ulster Constabulary as to how the Provisional IRA
14 kept RUC officers under surveillance; would you have been
15 aware of that, sir?

16 A. I wasn't aware of it, but I always felt that we were all
17 under observation to a certain extent.

18 121 Q. And would that apply to Garda officers as well as RUC
19 officers?

20 A. I would imagine so, yes.

21 122 Q. Thank you very much, sir.

22

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

24

25 MR. COFFEY: Chairman, Mr. Flynn, I appear on behalf of
26 retired Sergeant Colton, and I just want to ask one or two
27 questions. Just taking up briefly your last point, you
28 have served for 30 years in Dundalk, and, in that time,
29 isn't it true to say that Dundalk Garda Station, and the
30 members serving in it, were literally in the front line

1 with regard to IRA terrorism?

2 A. That's correct.

3 123 Q. And indeed, unfortunately, some members of the Gardai were
4 injured when they were shot by IRA personnel, is that
5 correct?

6 A. That's correct, yes.

7 124 Q. And, indeed, I think that the Dundalk Garda Station was
8 fire-bombed by republican mob at one point?

9 A. That's correct.

10 125 Q. Is it reasonable to say that members such as yourself
11 serving out of Dundalk Garda Station, were under a measure
12 of physical risk as a result of IRA violence?

13 A. That's correct.

14 126 Q. When you went out even on foot or mobile patrol,
15 particularly along the border area?

16 A. That's correct.

17 127 Q. And there were numerous incidents where unarmed uniformed
18 Gardai were confronted by armed people who, undoubtedly,
19 were IRA members or associates of the IRA?

20 A. Yes.

21 128 Q. And allied to that, is it also the case that any such
22 incident potentially could expand into an international
23 incident, given the cross-border aspect?

24 A. Possibly, yes.

25 129 Q. And is it fair to say that, given the risk to your persons,
26 and so forth, that members such as yourself were vigilant
27 and always conscious of IRA threats?

28 A. That's correct.

29 130 Q. And would that also indicate that, would you be aware or
30 would you be vigilant against any penetration of Garda

1 security by other serving members?

2 A. Well, it's not something that one was conscious of very
3 much.

4 131 Q. Would you be shocked if one of your own colleagues was in
5 any way compromising the security of individual Gardai, or
6 the Garda station as a physical structure?

7 A. Yes, I would.

8 132 Q. And did you have, in that 30 years, ever feel that such a
9 practice was taking place?

10 A. No.

11 133 Q. And with regard to -- you had no personal knowledge of any
12 such risk from colleagues?

13 A. No.

14 134 Q. Thank you.

15

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

17

18 135 Q. MR. MacGUILL: I appear on behalf of Sergeant Hickey.
19 Now, just turning again to the car park and the questions
20 that Mr. McGuinness was putting to you. I think it's a
21 very substantial car park, probably holds in excess of 50
22 vehicles?

23 A. Possibly, yeah, I suppose.

24 136 Q. And there was no restriction on who could take their
25 vehicle into the Garda station?

26 A. No, no.

27 137 Q. So there was no security going in or going out?

28 A. One time, I think one of the gates was closed on the
29 Carrick Road side, I don't know whether --

30 138 Q. Well, certainly, currently, that's the situation, but --

1 A. At that time, the both gates were open, I think.

2 139 Q. Because I think, taking again a question that
3 Mr. McGuinness put to you, I think it was a practice for
4 some people to drive through the car park entirely?

5 A. Yes, yes.

6 140 Q. Because it was actually a bit of a rat-run, it avoided
7 getting caught in the traffic?

8 A. Yes, and different people parked in it as well,
9 particularly on a Sunday morning going to Mass, they parked
10 their cars in there.

11 141 Q. So nobody would actually pay any great attention to a
12 vehicle driving straight through the Garda station?

13 A. No.

14 142 Q. And in terms of people who could come to the -- visit to
15 the Garda station, you'd have people coming to report a
16 crime and make statements?

17 A. That's correct.

18 143 Q. You'd have people coming because they had to produce
19 documents, having been requested under the Road Traffic
20 Acts?

21 A. Correct.

22 144 Q. You'd have people coming to visit prisoners?

23 A. Yes.

24 145 Q. You would have people coming to sign on as part of their
25 bail conditions?

26 A. Yes.

27 146 Q. So there would be a very substantial number of persons
28 present on a daily basis in the Garda station and through
29 the car park, any one of whom could be passing information?

30 A. That's correct.

1 147 Q. And then, taking that further, there would be no big
2 difficulty in identifying and taking the time to check the
3 number plates of vehicles; someone could walk past and
4 easily note that detail, isn't that right?

5 A. That's correct, yes.

6

7 **THE WITNESS WAS RE-EXAMINED BY MR. HAYES AS FOLLOWS:**

8

9 148 Q. MR. HAYES: I just have one or two questions, Mr. Flynn,
10 just arising out of the various questions you were asked.
11 Just, Mr. MacGuill, most recently, was asking you about the
12 gate. I think at the time the two gates of the car park
13 were open, isn't that correct?

14 A. Yes.

15 149 Q. I think it was, in fact, sometime very shortly after these
16 murders that the Carrickmacross Road gate was closed?

17 A. Possibly, yes.

18 150 Q. And I think it has remained closed to this day?

19 A. Again, I am not sure.

20 151 Q. You are not sure.

21 A. Just, I have no interest any more, so...

22 152 Q. I think, at the time, the Motor Tax Office was across the
23 road, also?

24 A. That's correct, yes.

25 153 Q. Do you know whether the car park was used also for visits
26 to the Motor Tax Office?

27 A. I don't know. It's possible.

28 154 Q. You also spoke about the security risk with parking out
29 front and that this had been discussed at various times, is
30 that correct -- did I understand you correctly?

1 A. No.

2 155 Q. I think you spoke about, or about the security risk that
3 Mr. Buchanan underwent in coming down with the frequency,
4 and parking?

5 A. Yes, yes, that was just my own opinion.

6 156 Q. And did you discuss that with any of your colleagues or
7 with anybody else?

8 A. We may have discussed it in the office, I just can't recall
9 any particular discussion.

10 157 Q. Insofar as you can, do you recall whether those discussions
11 took place after the murders or before them?

12 A. Probably afterwards.

13 158 Q. And just in relation to the frequency with which
14 Superintendent Buchanan came across the border, do you have
15 any comment as to whether it was part of his job to travel
16 across the border to liaise with the guards?

17 A. Well, I didn't know. I didn't know whether it was part of
18 his job.

19 159 Q. Okay. And just finally, just going back to the map of
20 the -- the street map, if you like, the one that you have
21 in front of you?

22 A. Yes.

23 160 Q. There was a yard as part of the Garda station?

24 A. A yard? Yes, there was two, actually, one at either side.

25 161 Q. And were either of them available for parking in?

26 A. No. It was usually abandoned cars and cars involved in
27 traffic accidents, various things like that.

28 162 Q. I think that some of your colleagues would perhaps give
29 evidence that there was a facility, if required, that cars
30 could be parked?

1 A. There was no restrictions. There was doors leading into
2 both yards and they were generally kept closed, I think.

3 163 Q. Would it have been possible for people to park if they had
4 wished?

5 A. Civilians, you mean?

6 164 Q. Anyone.

7 A. For members, I am sure it would be, yes. There was no
8 restrictions.

9 165 Q. But the gate was kept generally closed?

10 A. Generally closed.

11 166 Q. It had to be opened for whoever wanted to park in it?

12 A. As far as I can recall, yes.

13 167 Q. Okay. Thank you very much, Mr. Flynn.

14

15 CHAIRMAN: Thank you, Mr. Flynn.

16

17 THE WITNESS THEN WITHDREW.

18

19 CHAIRMAN: You are free to go now. Thank you very much for
20 coming.

21

22

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1 PAT TIERNEY, HAVING BEEN SWORN, WAS EXAMINED BY MR. HAYES
 2 AS FOLLOWS:

3

4 168 Q. MR. HAYES: Good morning, Mr. Tierney.

5 A. Morning, sir.

6 169 Q. My name is Dara Hayes and I am counsel for the Tribunal. I
 7 suppose, just if I ask you briefly, as we begin, about your
 8 career in the guards. You joined, I think, in 1957?

9 A. That's correct.

10 170 Q. And I think you were initially stationed, having passed
 11 out, in Drogheda, is that correct?

12 A. That is correct.

13 171 Q. You were there, I think, until about the mid-1960s?

14 A. Yeah, 1966, I think.

15 172 Q. You spent some time in Kerry and then over in the west, in
 16 Roscommon?

17 A. Correct.

18 173 Q. I think, then, that through various promotions, through
 19 Sergeant and Inspector, I think that, in 1989, you were
 20 promoted to the rank of Superintendent?

21 A. That is correct.

22 174 Q. And you were transferred to Dundalk as the district
 23 officer?

24 A. Correct.

25 175 Q. And that was on the 2nd February, 1989?

26 A. Correct.

27 176 Q. And how long did you spend in Dundalk, do you recall?

28 A. Until January of 1980.

29 177 Q. 1990?

30 A. 1990, sorry, yes.

1 178 Q. So just not quite a year, even?

2 A. Not quite a year.

3 179 Q. And thereafter, I think you went back to the west, to
4 Roscommon?

5 A. I went to Boyle first and subsequently to Clifden.

6 180 Q. And from where you retired?

7 A. Correct.

8 181 Q. Just, you were the district officer in Dundalk. Would you
9 just explain briefly to the Chairman just what that
10 involved?

11 A. In general, in charge of administrative matters in the
12 district, which would probably have five or six, seven,
13 maybe, stations. In charge of crime, in charge of all
14 administrative matters. Normally, subversive crime would
15 be dealt with by the Detective Branch; you had Detective
16 Superintendent Tom Connolly there at the time, the
17 Detective Inspector, then you had two inspectors, Frank
18 Murray and Michael Scott.

19 182 Q. Is it the case the Detective Inspector is under the
20 Detective Superintendent and --

21 A. Correct.

22 183 Q. -- and the inspectors are under you?

23 A. Correct.

24 184 Q. And I suppose you are all answerable to the Chief
25 Superintendent?

26 A. Absolutely.

27 185 Q. And as Mr. Flynn has told us, the divisional office at that
28 time was in Dundalk?

29 A. It was.

30 186 Q. I think you had a district office working for you?

1 A. Pardon?

2 187 Q. There was a district office which worked for you?

3 A. Yes, yes.

4 188 Q. Which included Mr. Flynn?

5 A. Included George Flynn; Sergeant Vincent Rowan; a lady, Mary
6 Clarke; and a civilian, I believe. Mary Clarke was a
7 Garda.

8 189 Q. Mary Clarke was a guard. And was the civilian Kathleen
9 McCooey?

10 A. I can't recall her name.

11 190 Q. You can't recall her name, okay. Did you know either
12 Superintendent Buchanan or Chief Superintendent Breen?

13 A. I knew Superintendent Buchanan and I feel I knew Chief
14 Superintendent Breen; I may have met him at a conference
15 some side of the border, I have a feeling I may have met
16 him once.

17 191 Q. I see.

18 A. And I did not meet him on the date in March.

19 192 Q. Did you meet Superintendent Buchanan often?

20 A. I made a statement shortly afterwards, and I think in that
21 statement I figured that I had met him about 12 times
22 between cross-border and south of the border.

23 193 Q. And that was you travelling north and him travelling south?

24 A. He mostly travelling south. I would, on occasion, travel
25 north.

26 194 Q. So, between the beginning of February and the third week of
27 March, you had met him perhaps a dozen times?

28 A. Correct.

29 195 Q. Now, on the 20th March, 1989, do you recall that day?

30 A. I do.

1 196 Q. What time did you come to -- did you arrive at work at that
2 morning, do you recall?

3 A. Approx, half past nine.

4 197 Q. About half past nine.

5 A. I can't remember the actual details, but...

6 198 Q. Yes. Did you receive any phone calls when you arrived
7 or --

8 A. I understand that George Keogh (sic) told me that
9 Superintendent Buchanan wanted to contact me.

10 199 Q. Yes. Did you telephone him?

11 A. I did.

12 200 Q. And did you speak to him.

13 A. Initially, no, there was no answer on whatever phone I
14 rang. Then, I rang Armagh station and the line got
15 disconnected, or whatever, and subsequently, I think, I
16 rang back again. I made another call. He wasn't there, so
17 I asked him to contact me.

18 201 Q. And did he then contact you?

19 A. He rang me a few minutes later.

20 202 Q. A few minutes later?

21 A. Yeah.

22 203 Q. You had been told he wasn't in Armagh at the time?

23 A. He wasn't available. I am not quite sure --

24 204 Q. When you did get to speak to Superintendent Buchanan, what
25 did you discuss with him or what did he want to talk to you
26 about?

27 A. Initially, he mentioned the fact that he was, or one or
28 other, that he was being transferred a short time later
29 from his border duties, he was being transferred on the
30 17th April, and that was a small conversation. Then, he

1 wanted to arrange a meeting between Chief Superintendent
2 Breen and Chief Superintendent Nolan. So I suggested to
3 him to ring Chief Superintendent Nolan direct.

4 205 Q. Why was that?

5 A. Well, I couldn't make arrangements for Chief Superintendent
6 Nolan.

7 206 Q. And is that the way that it, that it generally worked, is
8 that each officer would make his own arrangements for
9 meetings?

10 A. Well, certainly, I wouldn't make arrangements for the Chief
11 Superintendent.

12 207 Q. For the Chief, okay. And do you know whether or not he
13 made those arrangements?

14 A. Obviously, he did, but I wasn't aware of it. I wasn't made
15 aware of it at the time.

16 208 Q. What, then, what were your duties, then, for the morning,
17 insofar as you can recall?

18 A. I recall going with Inspector Murray at sometime, and we
19 did what you might call a security check along the border.
20 We visited a number of border crossing points. I think
21 that would be from approximately half past eleven. I would
22 have been engaged, say, from ten o'clock until half past
23 eleven on office duties, internal office duties. Then we
24 went on the security check along the border.

25 209 Q. And what does that involve?

26 A. Just visiting crossing posts -- or crossing points. We
27 also called to Dromad station, just to talk with the Gardai
28 there.

29 210 Q. And when you visited the crossing points, does it involve
30 -- do you go up to the border and --

1 A. Not necessarily. A cursory check, just to drive along.

2 211 Q. You drive in the vicinity?

3 A. See if there was anything unusual, anything unusual
4 happening.

5 212 Q. Can you recall where you went that day, or approximately
6 where you went?

7 A. Off the top of my head, I know I made a statement two days
8 later saying where I did go, or where we did go.

9 213 Q. I am just going to show you a map, which has some markings
10 on it.

11 (Document handed to the witness)

12 Now, that's a map of a portion of the border from
13 Carlingford Lough to just beyond Forkhill, and I think the
14 map along the border has certain numbers marked and I think
15 those numbers reflect numbered crossing points, is that
16 correct?

17 A. That's correct.

18 214 Q. Now, just, the statement that you made in the days after,
19 you said that you went in the area of border crossing
20 points 19, 17, 16, 14, 13, 12 and 11?

21 A. Yes.

22 215 Q. And, just, this was roughly -- 11 is quite close to 10, is
23 that --

24 A. That's right.

25 216 Q. And did you go past number 10 at all, do you recall?

26 A. Not unless it's in my statement. If it's in my statement,
27 I did.

28 217 Q. Where exactly is number 11? Is that sort of a, what we
29 call an unapproved road?

30 A. Possibly. I really, I am unsure about it.

1 218 Q. That's quite all right. And so, I suppose, kind of, from
2 19 to 11 is from the Forkhill Road over to not quite the
3 Edenappa Road, would that be?

4 A. Yes.

5 219 Q. And in your various checks, or -- did anything attract your
6 attention that morning?

7 A. No.

8 220 Q. And having -- then, you went into Dromad, and was Dromad
9 your last stop?

10 A. Yes, it would be on the way back towards Dundalk, to
11 Dundalk.

12 221 Q. And Dromad is just a couple of hundred yards short of the
13 border on the main road?

14 A. Yeah, almost on the border.

15 222 Q. I think then you were driving back into Dundalk. Did
16 Inspector -- you were with Inspector Murray?

17 A. Pardon?

18 223 Q. You were with Inspector Murray?

19 A. Correct.

20 224 Q. Did Inspector Murray, did you have any discussion at that
21 time?

22 A. Around about, I think it was 1:40, we were on the way back
23 into Dundalk, anyway, when Inspector Murray mentioned to me
24 that Bob Buchanan and Chief Superintendent Breen were
25 coming to Dundalk that afternoon, or whatever. That was
26 the first I heard of their actual visit.

27 225 Q. And did he say anything else to you about it or was there
28 any further discussion?

29 A. Not that I recall.

30 226 Q. So when you got back to Dundalk, then, what did you do?

1 A. I went and had a quick lunch downtown and came back to the
2 Garda station at about ten past two.

3 227 Q. Do you recall when you came back to the Garda station, did
4 you see Superintendent Buchanan's car?

5 A. I believe I did not.

6 228 Q. I think Inspector Murray had been told earlier that morning
7 by Chief Superintendent Nolan that the officers were
8 coming?

9 A. Well, he learned, and probably from Chief Superintendent
10 Nolan.

11 229 Q. Did Chief Superintendent Nolan tell you?

12 A. No.

13 230 Q. No. Do you know -- did it surprise you that you weren't
14 told?

15 A. Not really, but I would have expected in normal
16 circumstances he would, but we may not have met, I just
17 don't recall.

18 231 Q. Inspector Murray, unfortunately, has died in the
19 intervening years; he died recently.

20 A. I understand.

21 232 Q. And -- well, obviously, his recollection, I think, was that
22 you may have been in the room when Chief Superintendent
23 Nolan told him?

24 A. I understand that.

25 233 Q. I think Chief Superintendent Nolan's recollection is that
26 wasn't the case, that if you were, he would have told you?

27 A. That may be true, but I have no recollection whatsoever.

28 234 Q. You certainly have no recollection?

29 A. I certainly can't recall anyone being in my office or I
30 being in any other office.

1 235 Q. Chief Superintendent Nolan - I'll just ask you what your
2 comment is in relation to this - as I understand it, his
3 evidence will be that the guards didn't have an exact
4 equivalent of the role of Border Superintendent; that the
5 border was an RUC role, is that --

6 A. Yes, I would think that was the position.

7 236 Q. And that it was a role that, in fact, sort of, was, I
8 suppose, the more exact equivalent might have, perhaps,
9 been Inspector Murray rather than yourself, that Inspector
10 Murray was perhaps more of the liaison with the --

11 A. That may have been, yes.

12 237 Q. And I think what he says, that it was for that reason that
13 he told Inspector Murray?

14 A. That may well be, that may well be. He certainly would
15 have no reason not to tell me, the Chief Superintendent
16 would have no reason not to tell me.

17 238 Q. No reason, yes. Generally, if an RUC Chief Superintendent
18 was meeting your Chief Superintendent, would you normally
19 expect to be in the meeting?

20 A. Not if it was Chief Superintendent with Chief
21 Superintendent, no.

22 239 Q. Did you meet him, either Chief Superintendent Breen or
23 Superintendent Buchanan that day?

24 A. I met Superintendent Buchanan.

25 240 Q. And was that before or after his meeting with Chief
26 Superintendent Nolan, do you recall?

27 A. I would say after.

28 241 Q. Can you remember approximately what time it was or --

29 A. I would say sometime around about three o'clock, possibly
30 before, possibly after.

1 242 Q. In or about three?

2 A. In or abouts.

3 243 Q. And was it a formal meeting or was it a --

4 A. No, he came in, and he was a very happy man that he was
5 going on transfer, and Detective Superintendent Connolly
6 also came in to me -- I possibly called Detective
7 Superintendent Connolly into my office. We just had a few
8 minutes together. I think I recall then that
9 Superintendent Buchanan didn't want to delay, that he
10 didn't want to delay his Chief Superintendent, so it was a
11 brief meeting.

12 244 Q. Yes.

13 A. That he was to go on transfer on the 17th April, and I
14 recall making some remark that I would note it on my
15 calendar and we'd be in touch.

16 245 Q. And was it any more than 'hello', I suppose, kind of --

17 A. Not a lot more. But he was in, as I say, in a joyous mood.
18 He was delighted.

19 246 Q. Yes. I think he then, shortly thereafter, left the station
20 with Chief Superintendent Breen. I think sometime
21 thereafter, later that afternoon, you were in your office,
22 and I think you received a telephone call from an RUC
23 Inspector, who here is called Witness 33?

24 A. That's correct.

25 247 Q. And what did -- did you know Witness 33?

26 A. I did, I knew him personally, yes.

27 248 Q. You knew him personally?

28 A. Yes.

29 249 Q. And he phoned you, and what did he phone you to say?

30 A. He asked me to say something to the effect, "Pat," he said,

1 "I wonder have our boys left yet? There is an incident at
2 Meigh..." -- I think you spell Meigh M-E-I-G-H; it was
3 north of the border -- "... and there is a red car
4 involved, we are worried," words to that effect. So I told
5 him to hold on, I didn't know whether they had left or not.
6 I went across to the Chief's office, checked the door. The
7 door was locked, so obviously they had left. I came back
8 and told him, "They have left," so, he obviously said a
9 little bit more, that there was -- I can't recall the
10 words, but the message conveyed was that there was an
11 ambush north of the border, I think it's border crossing
12 10, but I would have been familiar with it then, and --

13 250 Q. It was border crossing 10?

14 A. Right. And that message having been conveyed, I contacted
15 Inspector Murphy. We gave certain instructions of -- we
16 obviously feared what the position was. Inspector Murray
17 and myself went to border crossing 10. We gave certain
18 instructions -- I gave certain instructions on the way,
19 relative to certain activities to be carried out, to be put
20 in place. We went to border crossing 10 and we were able
21 to look up the road. Approximately 3 to 400 yards above,
22 we could see a car angle way on the road. It was snowing
23 at the time. So that was it. We were within sight of it,
24 but a different territory, so...

25 251 Q. Did you recognise the car?

26 A. Well, it was a red car. We assumed the worst.

27 252 Q. And I think, shortly thereafter, you were informed that, in
28 fact, the two officers had been murdered?

29 A. Yes.

30 253 Q. If I could just ask you again, just to come back to the

1 morning when you were speaking to Superintendent Buchanan
2 and he told you that he wanted to meet, or his Chief wanted
3 to meet your Chief, was there any discussion with you as to
4 when or -- when he wanted to meet or...

5 A. I would say no, I have no recollection that there was, but
6 I presume it meant that day.

7 254 Q. And was there any discussion as to why they wanted to meet?

8 A. No.

9 255 Q. No. You only came to Dundalk about --

10 A. Six weeks before that, 2nd February.

11 256 Q. But nonetheless, you had met Superintendent Buchanan?

12 A. A number of times.

13 257 Q. A number of times, both north and south of the border?

14 A. Mainly south.

15 258 Q. Did you feel that you had got to know him well?

16 A. Pardon?

17 259 Q. Did you feel that you had got to know him well?

18 A. I did.

19 260 Q. And what kind of a man was he?

20 A. He was a very easygoing man. It was very easy to discuss
21 with him, talk to him. No formalities. A very nice man,
22 easy to get on with, a decent, gentle person.

23 261 Q. When the RUC officers, in general, were coming to the
24 station, would it be correct to say that there were
25 occasions when there were, if you like, formal meetings and
26 there were occasions when there were informal meetings?

27 A. Yes, on both sides of the border.

28 262 Q. On both sides. And the meeting on the 20th March, would
29 that fall into the category of formal or informal?

30 A. Informal.

1 263 Q. Kind of an *ad hoc* meeting, one that was organised --

2 A. Well, not organised in advance. Not organised in advance,
3 obviously.

4 264 Q. I think there were regular meetings on both sides between
5 senior officers, that were scheduled?

6 A. Correct.

7 265 Q. When, I suppose, RUC officers were coming to Dundalk Garda
8 Station, was there any particular secrecy about it or was
9 it a reasonably routine event?

10 A. I would say it was routine. Not specifically secret, but a
11 very small circle of people would know.

12 266 Q. You mightn't necessarily broadcast it, but...

13 A. Oh, absolutely not.

14 267 Q. Would it be fair to say that there were no specific
15 precautions taken, I suppose, would that...

16 A. I suppose I would agree with that, yes.

17 268 Q. People who need to know, would know?

18 A. In a tight circle of who would be aware of, the Chief
19 Superintendent, the Superintendent, possibly the
20 inspectors.

21 269 Q. People who needed to know, would know?

22 A. Precisely.

23 270 Q. There was nothing unusual about this meeting on this
24 particular day, is that right?

25 A. No, nothing unusual. Chief Superintendent Breen, I believe
26 he was in Dundalk on the 2nd February, the day I arrived.
27 I wouldn't have met him, and I don't believe he was there
28 from the 2nd February until the 20th March. So, apart from
29 the timescale, I would say there was nothing unusual. But
30 certainly, he didn't come to Dundalk anything like the same

1 frequency as Superintendent Buchanan.

2 271 Q. No. Are you in a position, I suppose, to comment as to
3 whether -- I mean, was it part of Superintendent Buchanan's
4 job, insofar as you understood it, to come back and forth
5 across the border and liaise with his Garda counterparts?

6 A. I would assume so.

7 272 Q. And do you know -- I mean, was it just Dundalk that he came
8 to, or did he go elsewhere?

9 A. No, I believe he went to Carrickmacross and Monaghan.

10 273 Q. Monaghan?

11 A. Mm-hmm, I believe.

12 274 Q. And are you aware of occasions of him going to substations
13 within your district?

14 A. I am not.

15 275 Q. You are not aware. He may not have done so during your
16 tenure. Did you have any concerns in relation to the
17 security of any RUC officers travelling to Dundalk?

18 A. I was a little concerned about Bob Buchanan. Of course, I
19 was only there a relatively short time, so I suppose I had
20 to bed in and get used to the scene, but I certainly was a
21 little apprehensive. I was conscious of the fact that he
22 was coming quite often in the same car. It was a concern
23 to me.

24 276 Q. And insofar as you can recall, did you ever discuss those
25 concerns with him?

26 A. Definitely not with Superintendent Buchanan, nor anyone
27 else that I can think about, to be honest, but it was a
28 consideration.

29 277 Q. Did you play any role in the murder investigation?

30 A. No.

1 278 Q. Who led that on the Garda side, do you recall?

2 A. Assistant Commissioner O'Dea. Of course, the crime didn't
3 occur in our territory, but it had been of such enormity --

4 279 Q. I think Assistant Commissioner O'Dea conducted an
5 investigation on behalf of the Commissioner, but I think
6 there was also a subsidiary Garda investigation, which
7 assisted the --

8 A. If it was, I would say that it was carried out by Detective
9 Superintendent Tom Connolly.

10 280 Q. Connolly, I see. I think in the days after, you have
11 referred to it, to Assistant Commissioner O'Dea having come
12 to Dundalk Garda Station; do you recall having met him?

13 A. I do.

14 281 Q. And did you provide a statement to him?

15 A. I did.

16 282 Q. And I am just going to show you a copy of the handwritten
17 note of that statement.

18 (Document handed to the witness)

19 I'll just ask you, is that your handwriting?

20 A. No.

21 283 Q. And if you just look to the bottom of it, is it your
22 signature at the bottom of it?

23 A. It is my signature.

24 284 Q. Do you recall who did the writing?

25 A. I would say Kevin Carty, whatever rank then.

26 285 Q. I think at the time he was an Inspector. Just for the
27 record, I'll just read the statement that you gave on that
28 date. You might just confirm that that is the statement.
29 It was taken on the 21st March, 1989.

30 *"I am the district officer at Dundalk. On Monday 20th*

1 March, 1989, I was in my office on the first floor of
2 Dundalk Garda Station. At about 9:30 a.m. I was informed
3 by Garda George Flynn, Assistant District Clerk, that
4 Superintendent Bob Buchanan wished me to call him at his
5 office in Armagh. I rang his office telephone on my direct
6 line and I got no reply. I then rang the Armagh station
7 and I spoke with a female and asked to be put through to
8 Superintendent Buchanan. The line became disengaged and I
9 did not make contact with Superintendent. At 10 a.m. I
10 again phoned the number and again asked to speak to
11 Superintendent Buchanan. After a brief period, I was
12 informed that he was not available. I gave my name and
13 requested that he call me back. After about three minutes,
14 he called me back on my private line. We did not use the
15 scrambler as he did not have a similar facility in Armagh.
16 We had a brief discussion. He immediately asked me if I
17 knew he was being transferred. I replied that I did not.
18 He went on to tell me of his appointment as Deputy
19 Commander G Division, which takes in the area south of
20 Belfast from Newtownards to Newcastle, and he was going to
21 transfer there on the 17th April next. He then indicated
22 that Chief Superintendent Harry Breen, Armagh, would
23 accompany him. I suggested that he phone Chief
24 Superintendent Nolan on his direct line as I believed the
25 Chief Superintendent was in his office. He then said that
26 he would call him at his office number. I took him to mean
27 that they would come on that date. I remained on duty in
28 my office until 11:30 a.m.. From then until approximately
29 1:45 p.m., I was engaged in patrol of the border in the
30 area of BCP 19, 17, 16, 14, 13, 12 and 11, and then called

1 to Dromad station. I was accompanied on this duty by
2 Inspector Frank Murray and we travelled in my car, a red
3 Peugeot 309," and you give your registration number.
4 "At approximately 1:40 p.m., while returning from Dromad to
5 Dundalk, Inspector Murray mentioned that Chief
6 Superintendent Breen and Superintendent Buchanan were
7 meeting Chief Superintendent Nolan in Dundalk station at
8 2 p.m.. This was the first I knew of the meeting, and we
9 did not discuss this fact with anyone else while away from
10 the station. I arrived back at the station at 1:45 p.m..
11 I left immediately and had a meal and returned at
12 approximately 2:10. I looked at the cars parked in the
13 forecourt of the station and did not note any
14 northern-registered car which the two RUC officers might be
15 using. I would have recognised Superintendent Buchanan's
16 car had it been there as I had seen it on a number of
17 occasions. I knew it was a red saloon car, but I did not
18 know the registered number. I returned to my office and I
19 asked Sergeant Rowan if there was anyone with the Chief and
20 he informed me that there was a recruit Garda there. This
21 was about 2:10 p.m. At about 2:25 p.m. I asked him to
22 phone the Chief's office, and I cannot recall what I wished
23 to speak about. He informed me that there were two people
24 with the Chief Superintendent. I assumed that these two
25 were Chief Superintendent Breen and Superintendent
26 Buchanan. About 3:10 p.m. Superintendent Buchanan came
27 into my office. Detective Superintendent Connolly joined
28 us and we had a discussion relative to the transfer of
29 Superintendent Buchanan. He was anxious not to delay as he
30 did not wish to delay his Chief Superintendent. I recall

1 marking Monday 17th April, '89, on the calendar as the date
2 of his transfer. We did not make any reference as to how
3 he was travelling or what his intended route was. He did
4 not make any telephone call from my office. I did not meet
5 or see Chief Superintendent Breen or know in what car they
6 were travelling. I am attached to Dundalk since 2nd
7 February, 1989, and in that period I have met
8 Superintendent Buchanan about 12 times in all, three in
9 Northern Ireland, Belfast, Armagh, Newry, once in Dromad
10 and the remainder in Dundalk. I can recall seeing his car
11 parked in the forecourt of the station twice or three times
12 when he visited. It was usually parked in the vicinity of
13 the front entrance to the building, wherever he found a
14 vacant spot, with the rear towards the station. At about
15 3:15 p.m., on parting, we shook hands, and he said we would
16 meet again before the 17th April. He then left my office
17 and I did not see him after that. This statement has been
18 read over to me by Assistant Commissioner O'Dea and it is
19 correct."

20
21 I think that is the statement you gave on the day?

22 A. Correct. That is my statement.

23 286 Q. I have just one or two more questions for you.

24 I asked Garda Flynn about a piece of intelligence that had
25 been received by the PSNI some, I think, certainly
26 significant number of years, well in excess of ten years
27 after the murders, in which it indicated that they had
28 received reliable intelligence that a civilian
29 administrator based at an unknown location in the Republic
30 of Ireland organised meetings between the Garda and RUC in

1 1989. Do you recall any situation in which a civilian
2 administrator organised meetings between RUC officers and
3 you or your Chief?

4 A. No.

5 287 Q. Was it ever done, in your knowledge, other than personally?

6 A. No, I have no knowledge of any outside person arranging any
7 such meetings.

8 288 Q. And in respect of the meeting being organised on that day,
9 can you say whether there was any civilian administrator
10 involved in the organising of that meeting?

11 A. As far as I can say, no. Superintendent Buchanan was our
12 contact and, subsequently, Superintendent Buchanan with
13 Chief Superintendent Nolan, presumably.

14 289 Q. When you came -- when you went to meetings in Northern
15 Ireland to meet the RUC, generally how did you travel? Did
16 you travel in your own car or did you travel in a Garda
17 car?

18 A. I would expect that I might have travelled in, possibly,
19 the private car of one or other of whoever might be
20 travelling. I would expect that I never travelled to any
21 meeting in the north on my own. I would think -- I recall,
22 I think I would always be accompanied either by Chief
23 Superintendent Nolan, possibly, possibly Tom Connolly,
24 Superintendent Tom Connolly, possibly Frank Murray.

25 290 Q. And one of you would use your own car?

26 A. I would think so.

27 291 Q. And that was the case generally, in your experience, with
28 the RUC coming south, that they would travel in pairs
29 normally, as well, or...

30 A. I really cannot say.

1 292 Q. You can't say?

2 A. No.

3 293 Q. When you went north, were there any particular security
4 arrangements that were taken or used in your...

5 A. Not that I am aware of.

6 294 Q. And, again, when you arranged the meetings, how did you
7 arrange them; was it in a similar method to...

8 A. I would never have arranged the meetings. It would be at,
9 possibly, Chief Superintendent level, or possibly higher.

10 295 Q. And higher. And you would simply be told there was a
11 meeting on and you ought to be going to it, is that...

12 A. Probably travel together.

13 296 Q. Yes. And did you park in the RUC stations or where did you
14 park?

15 A. I would say so, parked in the -- I would say so.

16 297 Q. And in the yards of the stations?

17 A. I would think so. I am not entirely clear now.

18 298 Q. Not entirely clear. When you were speaking to
19 Superintendent Buchanan on the day, shortly after 3:00pm,
20 did you have any discussion with him about where he was
21 going next?

22 A. No.

23 299 Q. Or what route he might be taking?

24 A. No.

25 300 Q. Thank you very much, Superintendent Tierney. If you'd
26 answer any questions.

27

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

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301 Q. MR. BAKER: Mr. Tierney, good morning. My name is Gareth Baker and I appear on behalf of An Garda Siochana. Thank you for your attendance. I just want to ask you a few brief questions, if I could. As I understand your evidence, you were transferred to Dundalk on the 2nd February, 1989, so I think, as Mr. Hayes said, in ballpark terms, about six or seven weeks prior to the murders?

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A. That's so.

11

302 Q. I think you yourself said in your own direct evidence that you were effectively bedding in at that stage?

12

13

A. That would be the situation.

14

303 Q. And on the day in question, the 20th March, 1989, your first contact, as I understand your evidence, with Superintendent Buchanan, was over the phone at about 9:30 that morning?

15

16

17

18

A. No - well, we didn't make contact initially until a few minutes after 10:00, when he made contact with me.

19

20

304 Q. You rang back, in other words?

21

A. Correct.

22

305 Q. You didn't have any part in arranging the timing of the meeting?

23

24

A. No.

25

306 Q. And you weren't aware of the content of the meeting?

26

A. Correct.

27

307 Q. And I take it, your thinking behind that was you were going to leave the parties involved to arrange a time that would suit themselves?

28

29

30

A. Absolutely.

1 308 Q. In reality, it was none of your business and you were quite
2 happy for it to remain the case?

3 A. Precisely.

4 309 Q. I think you were on routine patrol with the late Inspector
5 Murray, is that right?

6 A. That's correct.

7 310 Q. And I think -- subsequently, I think, you indicated to the
8 Tribunal, in a statement previously, that it was about
9 1:45, or so, that Inspector Murray told you that the
10 meeting, in fact, was imminent?

11 A. That's correct.

12 311 Q. So the first you knew of the timing of the meeting was, in
13 reality, just a few minutes before it actually happened?

14 A. Correct.

15 312 Q. Now, I think you arrived back, in your recollection,
16 sometime about ten past two, is that right?

17 A. That's right, yes.

18 313 Q. Shortly after ten past two or...

19 A. Around about ten past two. I had a quick snack and got
20 back as quickly as I could to the station.

21 314 Q. And when you arrived, you didn't see Superintendent
22 Buchanan's car in the front car park --

23 A. No.

24 315 Q. -- of the Garda station?

25 A. No.

26 316 Q. And I think it's a car that you are familiar with?

27 A. Correct.

28 317 Q. I think you indicated to Mr. Hayes that you would have
29 recognised it, is that right?

30 A. I would have.

1 318 Q. And I take it -- it's a northern car, is that correct?

2 A. Northern registration, northern car, yes.

3 319 Q. And is that one of the distinctive features of the car?

4 A. It would be. The registration would have a yellow
5 background as distinct from white.

6 320 Q. So it was a red saloon car with a distinctive yellow
7 registration plate, which, while you mightn't be able to
8 recall the exact number, would it be fair to say it would
9 be obvious to you, upon looking at it, it that was, in
10 fact, a northern registration plate?

11 A. Absolutely.

12 321 Q. And would it also be fair to say that the vast majority of
13 cars parked in Dundalk Garda Station in and around that
14 time, I presume, you can agree or disagree with this, I
15 presume they would have been southern registration plates?

16 A. Oh, I would think so, yes.

17 322 Q. So a vehicle with a northern registration plate would have
18 been in a significant minority, if I could put it that way?

19 A. Yes.

20 323 Q. Now, we have heard evidence in relation to that car park,
21 that both gates were, in fact, open on the day. Does that
22 accord with your memory?

23 A. It would, yes.

24 324 Q. We have also --

25 A. It was the normal situation, so I presume they were open on
26 the day. I know there is evidence to say that they were
27 open and I would expect they were.

28 325 Q. You have no reason to disagree with the previous evidence
29 that they were, in fact, open on the day?

30 A. No.

1 326 Q. And the evidence that's also been given, that it wouldn't
2 be unusual for civilian vehicles to use the car park;
3 effectively, it's a short-cut?

4 A. I agree.

5 327 Q. Now, I think you said you were familiar with Superintendent
6 Buchanan's vehicle. You had met him, I think you also
7 indicated, about 12 times. Now, some of those, if I
8 understood your evidence correctly, would have been north
9 of the border and some of them would have been south.
10 Those 12 times were over that six- or seven-week period, is
11 that right?

12 A. That's right.

13 328 Q. And could you estimate, to the best of your recollection,
14 how many times you had met him in Dundalk Garda Station
15 previously?

16 A. I have a feeling that I met him about seven times in
17 Dundalk, in Dundalk area, in Dundalk itself.

18 329 Q. Now, I think you indicated that you were a little
19 concerned, and, to quote you, a little apprehensive, I
20 think was the word you used in relation to Superintendent
21 Buchanan, the manner in which he came to the station, would
22 I be fair in saying that, or could you give me a little bit
23 more detail in relation to your concerns?

24 A. The fact that he just simply drove to Dundalk and not
25 necessarily by arrangement.

26 330 Q. Of the seven occasions, there or thereabouts, that he was
27 in Dundalk Garda Station in your presence, can you recall
28 how many of those occasions he would have parked in the
29 front of the Garda station?

30 A. No, I cannot.

1 331 Q. I see. Were you aware of any advice that may have been
2 given to Superintendent Buchanan in relation to possibly
3 using other areas of the Garda station to park in?

4 A. No.

5 332 Q. By anybody at all?

6 A. No.

7 333 Q. And finally, in relation to the meeting itself, I think you
8 indicated that only a small amount of people, a hierarchy
9 of people would be aware, is that correct?

10 A. Yes, that is the situation.

11 334 Q. Thank you very much.

12

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

14 AS FOLLOWS:

15

16 335 Q. MR. O'CALLAGHAN: Good afternoon, sir. I appear for
17 retired Detective Sergeant Owen Corrigan. I just have a
18 few questions for you.

19 Evidence was given here last week by a number of officers
20 from the Royal Ulster Constabulary that they believed the
21 Provisional IRA placed RUC officers under surveillance;
22 would you have been aware of that or would you have
23 believed that was the case?

24 A. I was not aware of it, but I certainly would not be
25 surprised. I would anticipate that that would be,
26 possibly, the situation.

27 336 Q. Would that be part of the reason why you were apprehensive
28 about Superintendent Buchanan coming to Dundalk with such
29 frequency?

30 A. In general, in general it would. Not specifically, but I

1 would expect that officers coming south would be taking a
2 certain risk.

3 337 Q. And I think your apprehension was heightened by the fact
4 that Superintendent Buchanan was coming using the same
5 private car he owned, is that correct?

6 A. Correct.

7 338 Q. Were you aware as to whether or not members of the
8 Provisional IRA placed Dundalk Garda Station under
9 surveillance?

10 A. No, I was not aware, but...

11 339 Q. Would it surprise you if they did have it under
12 surveillance?

13 A. It would not surprise me.

14 340 Q. You mention in your evidence that the first occasion upon
15 which you knew that the two officers were coming for
16 definite on that day was at approximately 1:45 p.m. when
17 Frank Murray mentioned it to you in the car, isn't that
18 correct?

19 A. That's correct.

20 341 Q. After that, did you tell anyone else that the RUC officers
21 were arriving in Dundalk that day?

22 A. I would say not.

23 342 Q. You also mentioned in the statement that you swore after
24 the murder of the officers, that the conversation that you
25 had with Superintendent Buchanan was on what you referred
26 to as an unscrambled phone line. Could you just explain to
27 the Chairman what's the meaning of an unscrambled phone
28 line and how does it differ from the other lines that were
29 available to you in Dundalk?

30 A. My understanding was that it was not a secure line, that

1 the -- obviously, my understanding was that Armagh didn't
2 have a security element similar to what we had in Dundalk.

3 343 Q. And am I correct in stating, sir, that the purpose of a
4 secure line is to ensure that no unauthorised individuals
5 have an opportunity to listen into that line?

6 A. Correct.

7 344 Q. Finally, sir, the reason we are all here and the reason the
8 Chairman is hearing your evidence and all the other
9 evidence, is because he is inquiring into suggestions that
10 members of An Garda Siochana or other civil servants in the
11 Republic of Ireland may have colluded in the killing of the
12 two RUC officers. You were a senior officer in Dundalk at
13 the time of the killings, isn't that correct?

14 A. That's correct.

15 345 Q. Do you have any evidence supporting the suggestion that
16 members of An Garda Siochana colluded in the killing of
17 these two unfortunate officers?

18 A. I do not have any such evidence.

19 346 Q. And in respect of civilian individuals working in An Garda
20 Siochana, do you have any evidence suggesting that they
21 were involved in colluding in respect of the killing of
22 these two officers?

23 A. I do not have any such evidence.

24 347 Q. Thank you very much, sir.

25

26 MR. COFFEY: No questions, Mr. Chairman.

27

28 MR. MacGUILL: Just briefly, Chairman. Before I ask
29 Superintendent Tiernan some questions, I wonder could I
30 have a copy of the statement that was made to Commissioner

1 O'Dea that was referred to and adopted by the witness when
2 he was giving his evidence.

3

4 **THE WITNESS WAS CROSS-EXAMINED BY MR. MacGUILL AS FOLLOWS:**

5 348 Q.

6 MR. MacGUILL: I think, Superintendent Tierney, that you
7 made the statement to Assistant Commissioner O'Dea on the
8 21st March, 1989?

9 A. That's correct.

10 349 Q. You subsequently made a statement for the purpose of this
11 Tribunal on the 1st September, 2010?

12 A. That's correct.

13 350 Q. So in excess of ten years has passed, and I think that the
14 more recent statement doesn't deal with the issue of the
15 scrambled phone?

16 A. Right.

17 351 Q. But the original statement did. And following on from the
18 questions that Mr. O' Callaghan was asking you, I take it
19 the reason that a scrambled phone was in place in Dundalk
20 Garda Station was because of a concern that there were
21 persons prepared to, and with the facility to, intercept
22 phone calls?

23 A. Yes, but I don't think that scrambled phone, as such, was
24 unique to Dundalk. I think there was a secure line, secure
25 lines for Garda stations throughout the country, divisional
26 headquarters, and so on.

27 352 Q. And, with respect, possibly throughout the world?

28 A. Precisely.

29 353 Q. That for sensitive material of this kind, there are
30 individuals determined to get access to police

1 communications?

2 A. I would accept that.

3 354 Q. And would the Provisional IRA be a category of individuals
4 who may very well wish to hear what is going on in a Garda
5 station?

6 A. Absolutely.

7 355 Q. And it's for this reason that a scrambler is provided?

8 A. In general, yes.

9 356 Q. And the scrambler was not used; the communications were
10 over an open phone line?

11 A. Yes.

12 357 Q. And therefore, it is entirely possible that the
13 communications were overheard?

14 A. Possible.

15 358 Q. Now, in relation to the arrangement for the meeting, while
16 you said that, on this particular day, a tight number of
17 people would have known about it, isn't that because of the
18 casual way in which it was arranged; there was no
19 particular formality, no written arrangements in advance,
20 no special security measures in place?

21 A. Correct.

22 359 Q. But these meetings occurred frequently?

23 A. Yes.

24 360 Q. And I think if persons were making observations of the
25 movements of Superintendent Buchanan, a regular visitor to
26 the Garda station, they would not be surprised that he
27 would come to Dundalk frequently?

28 A. No, but Chief Superintendent Breen came on that day, and I
29 believe his was not a regular practice of coming to Dundalk
30 or coming south.

1 361 Q. But I think they travelled in Superintendent Buchanan's
2 vehicle?

3 A. Yes.

4 362 Q. And I think that was a vehicle that was well-known?

5 A. Yes.

6 363 Q. And I think that you make reference in your evidence, as
7 did other witnesses, to the vehicle parking with the rear
8 facing to the station?

9 A. Yes.

10 364 Q. There is nothing particularly significant about that. I
11 think that's the way most vehicles park in Dundalk, on that
12 right-hand side, isn't that so?

13 A. I'd say so.

14 365 Q. And the registration plate would be easily observed by any
15 visitor to the Garda station?

16 A. Yes.

17 366 Q. And I think visitors to the Garda station include members
18 of the Gardai?

19 A. Yes.

20 367 Q. Members of the public coming to report crimes?

21 A. Yes.

22 368 Q. Members of the public turning up to produce Road Traffic
23 Act documentation?

24 A. Yes.

25 369 Q. Persons in custody, being taken into custody?

26 A. Yes.

27 370 Q. Persons visiting persons in custody?

28 A. Yes.

29 371 Q. Persons who are required to be present as a term of their
30 bail?

1 A. Yes.

2 372 Q. What sort of persons would be required to sign on at a
3 Garda station as a condition of their bail?

4 A. Persons on remand. Not a very frequent occurrence now, I
5 must say.

6 373 Q. For instance, would the Special Criminal Court ever impose
7 a signing-on condition to bail?

8 A. I would expect very rarely.

9 374 Q. Persons charged with membership? Persons admitted to bail
10 from outside the jurisdiction or conditions they reported
11 to Dundalk to sign on?

12 A. I would think very rarely.

13 375 Q. It certainly did happen, didn't it?

14 A. Not to my knowledge, but I have no doubt -- I don't doubt
15 you whatsoever.

16 376 Q. Okay. Thank you for that, Superintendent. So there is a
17 very large number of people across a very broad category of
18 people who would have easily observed a vehicle in Dundalk
19 Garda Station?

20 A. Yes.

21 377 Q. And associated the vehicle with its occupant and the
22 purpose of a visit?

23 A. Yes.

24

25 CHAIRMAN: Any other questions?

26

27 MR. HAYES: If there is nobody else, I just have one or two
28 more questions.

29

30

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

378 Q. MR. HAYES: Superintendent, insofar as you are aware, on the occasions that Superintendent Buchanan travelled to Dundalk, was he ever offered the use of the enclosed yard at the back of the station?

A. Not that I am aware of. Not that I can recall.

379 Q. And was it ever, insofar as you can recall, was it ever considered that this facility, from a security point of view, might be offered?

A. Not that I recall.

380 Q. Not that you can recall. Just finally, then, in relation to the scrambled telephone line, I think that in your statement to Assistant Commissioner O'Dea, you had said it was not working at the time, or words to that effect. Do you recall whether that is the case or -- were the same systems being used north and south at the time, do you recall?

A. Presumably, the north hadn't the same facility as Dundalk had at the time. That's what I have said in my statement, and I can't comment further than that.

381 Q. And insofar as you can recall, was every telephone call made between Dundalk and an RUC station made over a scrambled line, where it was available?

A. I would think, if it was available, it would have been made that way, but I cannot say that every call was made in that manner.

382 Q. Thank you very much, Superintendent.

CHAIRMAN: Thank you very much, Mr. Tierney. Thank you for

1 coming to give evidence.

2

3 THE WITNESS THEN WITHDREW.

4

5 MR. HAYES: Sir, that is the evidence insofar as we have it
6 for today. I think perhaps if you adjourn then, I think
7 the next evidence is scheduled for this day week.

8

9 CHAIRMAN: Very good. Then, I'll rise and the Tribunal is
10 adjourned to this day week.

11

12 THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, THE 21ST OF
13 JUNE, 2011, AT 11 A.M.

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	3	agree ^[4] - 12:24, 34:16, 44:14, 45:4 Alan ^[1] - 11:7 allied ^[1] - 16:21 almost ^[1] - 28:14 ambush ^[1] - 32:11 amount ^[1] - 46:8 angle ^[1] - 32:22 answer ^[3] - 11:19, 25:13, 41:26 answerable ^[1] - 23:24 answered ^[1] - 10:1 anticipate ^[1] - 46:25 anxious ^[1] - 38:29 anyway ^[1] - 28:23 apart ^[1] - 34:28 appear ^[5] - 14:7, 15:25, 17:18, 42:4, 46:16 appearing ^[1] - 11:26 apply ^[1] - 15:18 appointment ^[1] - 37:18 apprehension ^[1] - 47:3 apprehensive ^[3] - 35:21, 45:19, 46:27 Approx ^[1] - 25:3 April ^[5] - 25:30, 31:13, 37:21, 39:1, 39:16 Ardee ^[1] - 12:2 area ^[6] - 12:14, 16:15, 27:19, 37:19, 37:30, 45:17 areas ^[1] - 46:3 arising ^[1] - 19:10 Armagh ^[10] - 6:24, 10:8, 25:14, 25:22, 37:5, 37:6, 37:15, 37:22, 39:9, 48:1 armed ^[1] - 16:18 arrange ^[5] - 8:9, 13:20, 26:1, 41:7, 42:28 arranged ^[3] - 41:6, 41:8, 50:18 arrangement ^[3] - 8:15, 45:25, 50:15 arrangements ^[6] - 26:5, 26:8, 26:10, 26:13, 41:4, 50:19 arranging ^[2] - 40:6, 42:22 arrive ^[2] - 14:18, 25:1 arrived ^[8] - 5:29, 6:1, 10:11, 25:6, 34:26, 38:10, 43:15, 43:21 arriving ^[1] - 47:21 arrow ^[1] - 12:11 aspect ^[1] - 16:23 assist ^[1] - 11:16 Assistant ^[10] - 9:5, 9:8, 10:27, 36:2, 36:4, 36:11, 37:3, 39:18, 49:7, 53:14 assisted ^[1] - 36:7 associated ^[1] - 52:21 associates ^[1] - 16:19 assume ^[1] - 35:6 assumed ^[3] - 10:7, 32:26, 38:24	attached ^[2] - 9:26, 39:6 attendance ^[1] - 42:5 attention ^[2] - 18:11, 28:6 attract ^[1] - 28:5 available ^[7] - 12:6, 20:25, 25:23, 37:12, 47:29, 53:24, 53:25 avoided ^[1] - 18:6 aware ^[21] - 10:9, 10:23, 14:24, 15:15, 15:16, 16:29, 26:14, 26:15, 34:18, 35:12, 35:15, 41:5, 42:25, 46:1, 46:9, 46:22, 46:24, 47:7, 47:10, 53:3, 53:7	38:25, 39:5, 50:28 brief ^[4] - 31:11, 37:11, 37:16, 42:6 briefly ^[6] - 3:26, 8:25, 15:27, 22:7, 23:9, 48:28 broad ^[1] - 52:17 broadcast ^[1] - 34:12 Buchanan ^[49] - 5:22, 5:23, 7:22, 7:28, 8:19, 10:3, 10:13, 13:6, 13:17, 13:30, 14:1, 14:10, 14:15, 15:2, 20:3, 20:14, 24:12, 24:13, 24:19, 25:9, 25:24, 28:24, 30:23, 30:24, 31:9, 33:1, 33:11, 35:1, 35:18, 35:26, 37:4, 37:8, 37:11, 38:6, 38:26, 38:29, 39:8, 40:11, 40:12, 41:19, 42:16, 45:21, 46:2, 46:28, 47:4, 47:25, 50:25, 53:4 Buchanan's ^[10] - 8:22, 10:16, 11:1, 12:14, 29:4, 35:3, 38:15, 43:22, 45:6, 51:1 building ^[4] - 2:26, 2:28, 11:3, 39:13 Burns ^[1] - 2:20 business ^[2] - 13:18, 43:1
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