

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 THE 23RD OF JUNE, 2011, AS FOLLOWS:**

2

3 CHAIRMAN: Morning, Mr. Dillon.

4

5 MR. DILLON: Morning, Chairman. Your first witness is
6 Vincent Rowan, please.

7

8 **VINCENT ROWAN, HAVING BEEN SWORN, WAS EXAMINED BY**

9 **MR. DILLON AS FOLLOWS:**

10

11 1 Q. MR. DILLON: Now, Mr. Rowan, I think your career was in the
12 Garda Siochana, isn't that right?

13 A. That's correct.

14 2 Q. And I think you are now retired, having reached the rank of
15 Inspector?

16 A. That's correct.

17 3 Q. In 1989, you were attached to Dundalk station?

18 A. That's correct.

19 4 Q. At the time you had the rank of Sergeant, is that right?

20 A. That's correct.

21 5 Q. And you were assigned to the district office?

22 A. That's correct, the Superintendent's office.

23 6 Q. The Superintendent's office. What were your functions
24 there?

25 A. I dealt with district administration; there was six
26 stations in the district, I dealt with all the paperwork,
27 files and the Superintendent's own paperwork and the
28 administration. I also dealt with some cross-border
29 meetings and reports.

30 7 Q. And who else worked with you in that office?

1 A. Garda George Flynn, and there was a clerical officer,
2 Kathleen McCooey.

3 8 Q. She was a civilian employee, is that right?

4 A. Yes, Department of Justice employee.

5 9 Q. Was Garda Mary Clarke in that office?

6 A. Yeah, she was, that's right.

7 10 Q. And Josephine Fitzsimons?

8 A. Josephine Fitzsimons worked in the office at times. When
9 we were short on staff, we took in people from other
10 offices at various times.

11 11 Q. Do you remember what time you came on duty on the day in
12 question, being Monday the 20th of March, 1989?

13 A. My normal hours were 9 a.m. to 5 p.m., and I assume I
14 started at 9 a.m. that morning.

15 12 Q. Very good. Were you there when George Flynn, your
16 colleague George Flynn, received a phone call from Bob
17 Buchanan?

18 A. I don't recall that I was there, and at the time I didn't
19 recall even hearing about the visit, but I would have
20 expected Garda Flynn to tell me, if there was such a phone
21 call.

22 13 Q. When you say you would have expected him to tell you, why
23 might you have had that expectation?

24 A. Well, I was the Sergeant in charge of the administration in
25 the office. I was Garda Flynn's Sergeant and I dealt
26 normally with the cross-border incidents and communication,
27 so I would have expected him to tell me.

28 14 Q. I understand, yes. So, you were fulfilling your duties in
29 the Superintendent's office during the morning, is that
30 right?

1 A. That's correct.

2 15 Q. And before we get to the arrival of the officers, was there
3 ever any question of carrying out a security assessment in
4 advance of the arrival of somebody from the RUC?

5 A. Not to my knowledge. And Superintendent Bob Buchanan was a
6 regular visitor and I have -- I would certainly remember if
7 that was the case. There was never any such threat
8 assessment, I mean as far as I am aware.

9 16 Q. So there was nothing particularly unusual in the fact that
10 he turned up that particular day?

11 A. No, it's just a normal day.

12 17 Q. On that day, did you meet Bob Buchanan?

13 A. I did. I was called into the Chief Superintendent's office
14 and asked to take in tea for three people and...

15 18 Q. Just to stop you there, I think you received that message
16 from Superintendent Tierney?

17 A. Tierney, that's right.

18 19 Q. But I think he asked you to ring your Chief Superintendent,
19 is that right?

20 A. That's correct, yes.

21 20 Q. There was a sort of circular message that came from the
22 Chief Superintendent through Superintendent Tierney?

23 A. Yes.

24 21 Q. So you rang Chief Superintendent Nolan then, is that
25 correct?

26 A. I did. If I could just clarify for you?

27 22 Q. Yes.

28 A. As far as I can recall, Chief Superintendent Nolan arrived
29 in Dundalk without his divisional staff and I was assisting
30 him with paperwork and administration as well as the

1 Superintendent. So, I went in to him and I saw Chief
2 Superintendent Harry Breen and Superintendent Bob Buchanan
3 there.

4 23 Q. When you received the call, as it were -- sorry, when you
5 received the instruction to bring refreshments, where were
6 you at that time in the station?

7 A. I was in my own office.

8 24 Q. Your own office?

9 A. The district office.

10 25 Q. And where do you prepare the refreshments?

11 A. It may have been -- there was a kitchen downstairs. It may
12 have been down there, I presume.

13 26 Q. When you say "downstairs"?

14 A. In the basement.

15 27 Q. Oh, in the basement?

16 A. In the basement.

17 28 Q. In the basement. I see. What other rooms are down in the
18 basement?

19 A. There is a snooker room and storage, basically.

20 29 Q. So the Radio Room is on the ground floor, is that right?

21 A. No, it's on the same floor as the district office, the
22 first floor.

23 30 Q. I see. I beg your pardon, that's my mistake. Very well.
24 So you received the message and you go off to prepare bits
25 and pieces for the Superintendent and his two visitors?

26 A. Yes.

27 31 Q. Did you know at that stage who his two visitors might be?

28 A. My recollection is, when I received the message, I went
29 into the office, or I went in with the tea, I am not sure
30 which, but I remember walking in, and the first time I knew

1 they were there is when I walked into the office.

2 32 Q. So when you told the Tribunal that you had a feeling that
3 you spoke to Bob Buchanan on the balcony/landing of the
4 Garda station, when do you think that conversation took
5 place?

6 A. That was when he was leaving, that's my recollection, that
7 I saw him -- it was a regular thing for him to stay around
8 chatting on the balcony and he used to put his elbows on
9 the balcony and talk to people there. I think I said
10 "hello" to him or "good-bye" to him, or something, at that
11 stage.

12 33 Q. When you went into Chief Superintendent Nolan's office, you
13 saw the two RUC officers?

14 A. I did.

15 34 Q. In the -- in that office?

16 A. In the office, yeah.

17 35 Q. You recognised them?

18 A. I did.

19 36 Q. I think you were familiar with them, having acted as a
20 notetaker at joint Garda-RUC meetings?

21 A. That's correct.

22 37 Q. I think did you have any conversation with them?

23 A. I congratulated or made some remark to Superintendent
24 Buchanan about his transfer, somebody had told me he was
25 being transferred or moved from Armagh.

26 38 Q. I want to dwell on that point for a moment, if I may? Who
27 told you that he had been transferred?

28 A. I can't recall. It may have been -- definitely somebody in
29 the district office, I would say, Garda George Flynn or
30 perhaps Superintendent, then-Inspector Frank Murray was

1 there at the time, Superintendent Tierney, even Chief
2 Superintendent Nolan, it had to be one of those. I can't
3 recall.

4 39 Q. Well, let's work backwards, as it were. I can tell you
5 that George Flynn told Assistant Commissioner O'Dea, and
6 indeed confirmed to the Chairman, that he did not know that
7 Bob Buchanan was to be transferred, so that can be put to
8 one side?

9 A. That rules him out, so.

10 40 Q. That rules him out, yes. John Nolan certainly did not tell
11 the Chairman that he informed you of the transfer, and he
12 has given evidence already.

13 A. Yeah.

14 41 Q. So that seems to rule him out?

15 A. Well, it may have been my Superintendent, Pat Tierney, if
16 he knew, or the then-Inspector Frank Murray, who is now
17 deceased.

18 42 Q. Well, we understand that Superintendent Tierney was aware
19 of the transfer, but he did not tell the Chairman that he
20 told you of the transfer. So can we put him to one side,
21 maybe?

22 A. Okay.

23 43 Q. So who are we left with then?

24 A. We are left with the late Superintendent Frank Murray, who
25 was an Inspector at the time.

26 44 Q. That's correct, yes. Could it have been him who told you
27 that?

28 A. It may have been. He worked in the same office; he was in
29 and out.

30 45 Q. You are quite sure in your mind somebody told you Bob

1 Buchanan was to be transferred?

2 A. I couldn't have mentioned to him unless somebody told me.

3 46 Q. That's quite clear. I accept that, so. Very well.

4 A. But I can't recall.

5 47 Q. Did you have, aside from the conversation on the Garda
6 balcony, what further involvement did you have with the two
7 RUC officers?

8 A. None, until after their murder took place. None in the
9 station. That was the only involvement I had.

10 48 Q. And how did you learn of the murders?

11 A. I was -- I got a phone call from our communications room,
12 or Radio Room, that there was some -- an incident on the
13 border. I went out and I asked the radio operator the
14 number of the cars - it was mentioned that it was a car in
15 a ditch just across the border - and they came back with
16 the number of the car and I recognised the number of the
17 car. I knew then that -- who the occupants of the car
18 were. I was probably the first to realise what had
19 happened.

20 49 Q. Did you know what car Bob Buchanan drove?

21 A. I did, very well, at the time. I can't really recall now.
22 It was a red car and it was the same car that he used all
23 the time.

24 50 Q. Did you see the car at the station on the day?

25 A. I don't recall seeing it.

26 51 Q. A red car. Did you know the registration?

27 A. I did at the time, but I can't recall it now.

28 52 Q. Very well. Subsequently, you made a statement to Assistant
29 Commissioner O'Dea, do you remember that?

30 A. I do.

1 53 Q. How did it come about that you made that statement?

2 A. He arrived in my office at the time with another man, I
3 think he was a superintendent or a detective
4 superintendent. I can't recall his name.

5 54 Q. Was it Kevin Carty, possibly?

6 A. It could have been. I can't recall who it was. And they
7 said that they wished to take a statement off me about the
8 events, I think it was of the day before, and I sat down
9 and I told them -- answered any questions and told them
10 what happened.

11 55 Q. So, in a sense, he walked into your office, called on you
12 cold, as it were?

13 A. That's correct.

14 56 Q. Do you know how he knew that it was important to talk to
15 you? Did he say, "Mr. X recommended that I should talk to
16 you"?

17 A. No, he didn't, no, but it would be the obvious place to go.
18 If I was him, that's where I would go, ask the people in
19 that office.

20 57 Q. Do you know had he already spoken to Chief Superintendent
21 Nolan?

22 A. I don't know, but if the Chief Superintendent was in the
23 station, as a matter of courtesy, I presume he would have
24 at least spoken to him.

25 58 Q. Do you remember how soon after the event it was that you
26 met the Assistant Commissioner?

27 A. I think it was the next day.

28 59 Q. So that was the 21st?

29 A. 21st.

30 60 Q. And it was on that date that you made your statement to the

1 Commissioner, is that right?

2 A. That's correct.

3 61 Q. And again, I think when you use the phrase "Commissioner,"
4 it's a common term within the Guards, even when you are
5 referring to an Assistant Commissioner?

6 A. That's correct, yes.

7 62 Q. So you made a statement on the 21st of March. You are
8 quite happy that it was the day after the killings that you
9 made your statement?

10 A. I wouldn't have recalled, but the Tribunal sent me a copy
11 of the statement and it's dated the 21st of March, but I
12 knew it was very close to the event.

13 63 Q. I'll ask -- you have there a manuscript document there in
14 front of you?

15 A. I have, yes.

16 64 Q. Is this what the Inspector -- sorry, the Assistant
17 Commissioner wrote down?

18 A. That's correct, it's a copy of my signature.

19 65 Q. I beg your pardon?

20 A. It's my signature on the bottom.

21 66 Q. That's your signature on the bottom, is it?

22 A. Yes.

23 67 Q. Very good. It's not dated?

24 A. I see that, yes. It's dated on the heading, "*Taken on*
25 *Tuesday, 21st March, 1989, by ACOD*".

26 68 Q. Could you turn then to the typed version. You see at the
27 bottom the date is given as the 22nd of March?

28 A. I see that, yes.

29 69 Q. So...

30 A. My evidence so far has been based on what I saw on the top

1 of this statement.

2 70 Q. I understand that, but you are happy it was the day after
3 the event that you met the Assistant Commissioner?

4 A. That was my recollection, but I couldn't be certain; now,
5 that throws some doubt on it, but I had thought it was the
6 day after.

7 71 Q. And how was the interview conducted?

8 A. I sat down at a desk, I was asked questions, and I am not
9 sure whether the Superintendent or the Assistant
10 Commissioner wrote down my statement, but it's witnessed by
11 him. I don't know either of the men's handwriting, so...

12 72 Q. I can help you there; it does seem to be the Assistant
13 Commissioner's handwriting, that's the first point. The
14 second point is, it's written in a very fluent style, if I
15 can put it that way. Did he take any notes while he was
16 talking to you?

17 A. I cannot recall, but it would not be normal to take notes.
18 What you say is -- the person who is conducting the
19 interview would normally just write everything down in the
20 statement.

21 73 Q. And does it reflect, if I can say so, does it reflect the
22 conversation you had with the Assistant Commissioner?

23 A. Yes, very much so. But I'd just like to add, I had not
24 seen this statement, I had never been given a copy of it
25 until the Tribunal sent me a copy, I think just over a week
26 ago.

27 74 Q. And that you mean the typed version, is that right?

28 A. Any version of it, except the one I signed. The original
29 that I signed, that was taken away by the Assistant
30 Commissioner and I hadn't been given a typed version or a

1 copy of my original.

2 75 Q. I understand that, yes. There is just one other matter I'd
3 like you to deal with. There was a suggestion that there
4 might have been a mole or a leak from the station. Do you
5 have a view on that?

6 A. I had never heard that until some rumours later on,
7 sometime past the murder of the Chief Superintendent and
8 Superintendent, but I have no knowledge that there was,
9 personally, and certainly at the time and since, I would
10 have been surprised if there was.

11 76 Q. Just to stop you there for a second. In this sense, I
12 don't have it with me, but the Chairman has already seen
13 and it's been put up on the screen, for example, the front
14 page of the -- I think it was the *Evening Press*, which was
15 still in existence at the time, "*Mole Fear in Double*
16 *Killing*" on the front page.

17 A. That was what I meant to convey. It was after the event
18 was the first thing I heard about this.

19 77 Q. Oh, I see. So immediately after the event?

20 A. Immediately after.

21 78 Q. Oh, I understand you now. I thought you meant years after
22 the event. My apologies, I understand you. Do you think
23 the Provisional IRA had the capacity to carry out this
24 operation without the assistance of somebody within the
25 station?

26 A. I would think so.

27 79 Q. And what do you base that opinion on?

28 A. Well, Superintendent Buchanan drove up and down regularly
29 from his base in Northern Ireland, parked his car at the
30 front of the station, or sometimes in the station yard. He

1 didn't seem to change cars or change number plates or take
2 any security precautions, so I presume, if the Provisional
3 IRA were aware he was visiting, it would be very easy for
4 them to carry out surveillance on the station. It's in a
5 very open area, all parked cars can be seen, and I would
6 have thought it was relatively easy for them to do that.

7 80 Q. And when you say "carry out surveillance," how can that be
8 done? I appreciate your point, that it's very open. Could
9 you explain to us how, in that context, it might be carried
10 out?

11 A. Simply by driving by. At that time, both gates of the
12 Garda station, there is one situated on what we call the
13 Carrickmacross Road and the other on the Ardee Road, and
14 you could drive in from one to the other. As well as that,
15 there are three-storey buildings in front of the Garda
16 station; some of those were, at the time, let out in flats.
17 So that's another possibility. I am only speculating,
18 nothing else, in reply to your question.

19 81 Q. Don't speculate, but if you know the answer?

20 A. That's the answer.

21 82 Q. Do you know anything about the occupancy of the houses that
22 face the station?

23 A. No.

24 83 Q. When Bob Buchanan came, we know on this occasion he came
25 with Harry Breen, but on previous occasions did he come
26 alone or did he come accompanied by a colleague?

27 A. He used to come alone a lot of the time. I am not sure if
28 he ever -- I don't think he ever came with Chief
29 Superintendent Breen before. Certainly, if he did, I don't
30 recall it. He came with a Chief Inspector Harmon Nesbitt,

1 on many occasions, as far as I can recall. That's -- I
2 have a feeling there was somebody else with him at one
3 other stage, maybe a detective sergeant, but I can't
4 recall.

5 84 Q. You don't know the name?

6 A. I don't know the name, no. Only on one occasion.

7 85 Q. Thank you.

8

9 **THE WITNESS WAS CROSS-EXAMINED BY MR. MCGUINNESS**

10 **AS FOLLOWS:**

11

12 86 Q. MR. MCGUINNESS: Good morning, Mr. Rowan. I appear for the
13 Garda Siochana in this matter. Can I just ask you a couple
14 of questions. You had, as part of your duties, the duty of
15 liaising with the RUC in connection with cross-border
16 operations?

17 A. That's correct.

18 87 Q. And I think, to enable that to be done, there were -- were
19 there three scrambler telephones in Dundalk Garda Station
20 at this time?

21 A. There was one in the Superintendent's office, I think, and
22 one in the Chief Superintendent's office, and then I think
23 there were two in the communications room, or the Radio
24 Room it's sometimes called, the communications room.

25 88 Q. So would there have been one in the district office, or
26 Superintendent's office?

27 A. The Superintendent had a scrambler telephone, yes.

28 89 Q. And the Chief Superintendent?

29 A. Yes.

30 90 Q. And in the communications room, you think?

1 A. The communications room, they are slightly different
2 telephones. I think they were direct lines to Bessbrook
3 and, perhaps, Forkhill, I am not sure.

4 91 Q. And they were two direct private wires?

5 A. Private wires, yes.

6 92 Q. To Newry and Bessbrook?

7 A. RUC bases, yes.

8 93 Q. RUC bases. Not to Armagh, as far as you recollect?

9 A. No.

10 94 Q. Okay. And do you have any recollection of there having
11 been a line from Armagh to Dundalk and it being withdrawn
12 at any stage?

13 A. No recollection, no.

14 95 Q. Okay. On the day in question that we are talking about,
15 Mr. Dillon was asking you about security assessments.
16 Obviously, if you weren't aware that any officers were
17 coming, there would obviously be no possibility of any
18 security assessment being done?

19 A. No. But, to my knowledge, it was never done, in any event.

20 96 Q. And were escorts arranged on occasion at the request of the
21 RUC?

22 A. They were indeed, yes.

23 97 Q. And was that done by effectively meeting them at the border
24 with an armed escort, if necessary?

25 A. That's right, yes.

26 98 Q. And that, presumably that worked both ways; there could be
27 an armed escort for people going north being met by the RUC
28 at the border?

29 A. Yes, it worked both ways, yeah.

30 99 Q. Now, you yourself didn't take any call from anyone in

1 connection with the visit of the Chief Superintendent or
2 Superintendent Buchanan?

3 A. No.

4 100 Q. And may I take it that you didn't, yourself, tell anyone,
5 when you knew that they were there, that they were there?

6 A. No.

7 101 Q. You learned of it, you think, probably from Mr. Flynn, is
8 that right, or did you learn of it when you first, in fact,
9 went into the room with the tea?

10 A. It was -- my recollection at the time, that's the first
11 time I knew that they were there, but I did, I did mention
12 something to Superintendent Buchanan about his transfer, so
13 I may have been told before I went in.

14 102 Q. I see. One of your statements, your statement to Assistant
15 Commissioner O'Dea, indeed, describes that when you brought
16 the tea in, you spoke to Superintendent Buchanan and wished
17 him well in his new appointment?

18 A. That's correct, yeah.

19 103 Q. Okay. And that was the first time you saw him in the
20 station that day?

21 A. That's correct.

22 104 Q. And you had known him yourself, because you had acted as
23 notetaker in some of the more formal meetings?

24 A. I did, and I knew him at the informal meetings as well.

25 105 Q. And you'd know him well enough to wish him well, and you
26 did wish him well in his transfer?

27 A. I would indeed, yes.

28 106 Q. And I suppose, is it quite possible that Chief
29 Superintendent Nolan informed you of that when you came in
30 with the tea and the biscuits?

1 A. I suppose it is possible, yes.

2 107 Q. In relation to his parking there, you did mention there
3 that he had occasionally parked in the yards at the side of
4 the station?

5 A. Yes, I recall seeing his car parked there, yes. I could
6 look out from my office window down into that yard.

7 108 Q. And is that, just to be clear which office you are talking
8 about, is that the office on -- is that the yard on the
9 left-hand side of the station as you look at it from the
10 outside?

11 A. It's the yard on the right-hand side of the station. There
12 is now a building there; it wasn't there at the time.

13 109 Q. There is now a new building there, yeah. And your side
14 window overlooked that yard?

15 A. The side window in the office overlooked that, yeah.

16 110 Q. And you saw his car there and he was able to get access
17 there when he wanted?

18 A. Yes. Not that day, but...

19 111 Q. Not that day, I see.

20 A. But I recall seeing it parked there in the past.

21 112 Q. And do you know that Chief Superintendent Nolan had
22 apparently advised him of the availability of that yard for
23 his use?

24 A. I didn't know that.

25 113 Q. All right. Okay. Insofar as your statement to Assistant
26 Commissioner O'Dea is concerned, you never asked for that
27 at the time and nor was it sent to you, and that would be
28 normal, I take it?

29 A. Yes.

30 114 Q. And insofar as the taking of any such statement is

1 concerned, it's not normally in the handwriting of the
2 person who is making the statement, isn't that right? It's
3 the interviewing member, as such, would take it down in
4 their own handwriting?

5 A. That's correct. But I made another statement subsequently
6 and I made it in my own handwriting. This is several years
7 later, five years ago, yeah.

8 115 Q. Was that in connection with a different issue?

9 A. It was in connection with the same issue as -- in relation
10 to telephones.

11 116 Q. The possibility of interceptions?

12 A. That's correct, yes.

13 117 Q. And the Tribunal, I think, have that statement. Is there
14 any significance, in your view, in the fact that your
15 statement, in the handwritten one, has the date of the
16 21st, and the typewritten one has the date of the 22nd on
17 it?

18 A. No, it's a mistake either way, either the top or the
19 bottom.

20 118 Q. But the contents of that statement were derived by the
21 Assistant Commissioner entirely from you?

22 A. That's correct.

23 119 Q. And it's correct?

24 A. It is correct, yes.

25 120 Q. Mr. Dillon was asking you about your opinion about the
26 capacity of the IRA to carry out this without reference to
27 any information from within the station, if I could put it
28 that way, and I think your opinion is it's entirely
29 possible?

30 A. Yes.

1 121 Q. And, for instance, they could have been sighted leaving
2 Newry RUC station?

3 A. That's correct.

4 122 Q. They could have been sighted anywhere along the main road?

5 A. Yes.

6 123 Q. Or crossing the border. And in terms of coming into
7 Dundalk town from the old main road, presumably there is a
8 number of different routes by which one could get to the
9 Ardee gate or the Carrickmacross gate?

10 A. Several different routes, yes.

11 124 Q. And it involved some degree of manoeuvring around those
12 streets in Dundalk to make your way to either of those
13 entrances?

14 A. That's correct, you'd need to know your way.

15 125 Q. And Superintendent Buchanan knew his way there --

16 A. He did, indeed.

17 126 Q. -- and back. And you'd agree it's entirely possible they
18 could have been seen on their way through Dundalk to the
19 station?

20 A. I agree with that, yes.

21 127 Q. Thank you.

22

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

24

25 128 Q. MR. LEHANE: Good morning, sir. I just have three
26 questions for you. First of all, I appear for retired
27 Detective Sergeant Owen Corrigan. Evidence has been given
28 before the Tribunal by a number of officers of the Royal
29 Ulster Constabulary that they believed the Provisional IRA
30 had placed them under surveillance. Would you have been

1 aware of that or would that surprise you?

2 A. Sorry, just to clarify, that several RUC officers, then-RUC
3 officers, were under surveillance?

4 129 Q. Yes, had told the Tribunal that they felt that the IRA
5 habitually placed RUC men under surveillance?

6 A. Oh, I was aware of that, but not in the case of any
7 particular individual, but that was a common worry --

8 130 Q. And --

9 A. -- for RUC officers.

10 131 Q. And, second of all, you have spoken of the ease with which
11 somebody like the IRA could put Dundalk Garda Station under
12 surveillance. Were you ever aware of any particular
13 instance or concern there that the station was under
14 surveillance or would it surprise you if the IRA put the
15 station under surveillance in the same manner that they
16 would have kept RUC men under surveillance?

17 A. I am not aware that it was under surveillance.

18 132 Q. But would it surprise you?

19 A. It wouldn't surprise me if it was.

20 133 Q. Very good. Thank you, sir.

21

22 MR. COFFEY: No questions.

23

24 MS. O'SULLIVAN: I just have two questions.

25

26 **THE WITNESS WAS CROSS-EXAMINED BY MS. O'SULLIVAN**

27 **AS FOLLOWS:**

28

29 134 Q. MS. O'SULLIVAN: Inspector Rowan, I appear for Finbarr
30 Hickey. I think you indicated in the course of your

1 evidence that you made a statement in relation to the phone
2 system about five years ago, is that correct?

3 A. That's correct, yes.

4 135 Q. To whom did you make that statement?

5 A. A Detective Inspector from Crime and Security Branch, I
6 think his name was Kelly.

7 136 Q. Very good. I have no further questions.

8

9 MR. DILLON: Just two matters which arise, Chairman, if I
10 may.

11

12 **THE WITNESS WAS RE-EXAMINED BY MR. DILLON AS FOLLOWS:**

13

14 137 Q. MR. DILLON: You mentioned that, on occasions, an escort
15 could be arranged for the RUC. What might trigger such a
16 request?

17 A. Typically, I would receive a call from Crime and Security
18 Branch on a scrambler telephone, that somebody was
19 travelling, say, from Dublin through the border, and I
20 would be given details of the -- who they were, the car
21 they were travelling in and who was providing the escort
22 from Dublin. I would deal with those -- I always dealt
23 with those matters personally and I would make a note of it
24 and it would be given to the Detective Inspector or
25 Detective Superintendent, who would arrange the escort. A
26 copy was filed securely in our office.

27 138 Q. The second matter is this: It was suggested to you that it
28 might be the case that Chief Superintendent Nolan told you
29 of Bob Buchanan's transfer when you came in to serve the
30 refreshments?

1 A. Yes, but I can't recall.

2 139 Q. I appreciate that. Because I want to put it to you that
3 John Nolan's evidence to the Chairman was that when you
4 came into the room with the refreshments, you nodded to the
5 two RUC officers and went out, there was no conversation?

6 A. At this remove, I can't recall, but in -- the best
7 evidence, I think, is the statement I made to Assistant
8 Commissioner O'Dea the next day or the day after.

9 140 Q. Which was the next day or the day after...

10 A. And it would have been fresh in my mind at that stage, and
11 that's what I told the Assistant Commissioner, and I have
12 no reason to doubt that that's not correct.

13 141 Q. But the point that I am -- that I am trying to get across,
14 is that at no time did John Nolan suggest to the Chairman
15 that he told you of Bob Buchanan's transfer?

16 A. Well, I can't dispute that because -- I don't actually
17 think he did, but I just answered in reply to counsel that
18 it was possible.

19 142 Q. I understand. Very good. Thank you.

20

21 CHAIRMAN: Thank you very much, Mr. Rowan.

22 A. Thank you, Judge.

23

24 **THE WITNESS THEN WITHDREW.**

25

26 MR. DILLON: The next witness is John McKeown, to be taken
27 by Mr. Hayes. Might you rise for maybe two or three
28 minutes while we bring both gentlemen into the room?

29

30 CHAIRMAN: Yes, all right.

1 **THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:**

2

3 MR. HAYES: Morning, sir. The next witness is retired
4 Sergeant John McKeown.

5

6 **JOHN McKEOWN, HAVING BEEN SWORN, WAS EXAMINED BY MR. HAYES**
7 **AS FOLLOWS:**

8

9 143 Q. MR. HAYES: Mr. McKeown, I think you are a retired Sergeant
10 of An Garda Siochana?

11 A. That's correct.

12 144 Q. I think you had your first posting from 1980 to 1983 in
13 Cavan town?

14 A. That's correct.

15 145 Q. I think having spent a few weeks in Oldcastle, you went to
16 Athboy for three years?

17 A. That's correct.

18 146 Q. And I think in 1986 you were transferred to Dundalk?

19 A. That's correct, again.

20 147 Q. I think that in March 1989, you were a uniformed Garda in
21 Dundalk?

22 A. That's correct.

23 148 Q. I think subsequently later that year you were promoted to
24 Sergeant?

25 A. Yeah, approximately December, December of that year.

26 149 Q. And you went to Scotstown for just over a year?

27 A. 14 months.

28 150 Q. And I think you came back to Dundalk until you then went to
29 Balbriggan in 1992?

30 A. Correct.

1 151 Q. I think, in Dundalk, do you remember March 1989?

2 A. It's a long time ago, and, as a result of getting my
3 statements from the Tribunal, I referred to notebooks and
4 things like that, but I remember the day of the shooting.

5 152 Q. Yes. I think you were -- what unit do you remember were
6 you on?

7 A. I refer to it, I was always on Unit C, but that can be
8 corrected, you can correct me on that.

9 153 Q. You have told us -- who was your Sergeant?

10 A. Sergeant Tom Brady.

11 154 Q. Were there any other sergeants?

12 A. Leo Colton was another Sergeant in the unit.

13 155 Q. And I think that, in your statement, you told us that you
14 were Unit C. I think when you made a statement to
15 Assistant Commissioner O'Dea, you described it as Unit A?

16 A. That's correct.

17 156 Q. I think your colleagues who gave evidence yesterday,
18 described it as being Unit A?

19 A. Unit A, yeah.

20 157 Q. And you have no difficulty in accepting that?

21 A. I have no difficulty whatsoever.

22 158 Q. And I don't think very much would turn on that, in any
23 event. Do you recall what time you were on duty on the
24 20th of March, 1989?

25 A. On the 20th of March I would have worked a 2 to 10 shift,
26 2 p.m. to 10 p.m.

27 159 Q. And you'd have come on duty at 2 o'clock, is that right?

28 A. That's correct.

29 160 Q. And I suppose, what is the first thing that happens when
30 you come on duty?

1 A. You'd go to the Parade Room.

2 161 Q. And you are paraded for the day?

3 A. You are briefed on matters that may have happened on the
4 earlier shift, 6 to 2, what cars to watch out for, etc.

5 162 Q. And I think, then, also, you are given your own duties for
6 that?

7 A. That's correct.

8 163 Q. For that day. And do you recall what duties you were
9 given?

10 A. I can confirm I was working Papa 61, which was the town
11 car. I was the official driver.

12 164 Q. I see. And who accompanied you as observer?

13 A. Garda Val Smith.

14 165 Q. And in the normal course of things, how long,
15 approximately, does the parading take?

16 A. Fifteen to twenty minutes.

17 166 Q. Fifteen to twenty minutes.

18 A. Or if there was a call to go to you wouldn't even stay for
19 the parade, you'd go out straight away; a traffic accident,
20 etc.

21 167 Q. And could it sometimes be shorter and sometimes longer?

22 A. You mightn't stay for it at all, you have to go out.

23 168 Q. So having been paraded that day -- do you recall who
24 paraded you that day?

25 A. Sergeant Tom Brady.

26 169 Q. I see. Do you recall -- I suppose, I think most of the
27 units had two sergeants, is that correct?

28 A. That's correct.

29 170 Q. When there was a parade taking place, were both sergeants
30 normally in attendance?

1 A. They should be, yes.

2 171 Q. And would both sergeants parade and one listen or --

3 A. Generally, one would just talk.

4 172 Q. So then on the 20th of March, you left to take up your
5 duties in the town car?

6 A. That's correct.

7 173 Q. Do you recall seeing any visitors to the station?

8 A. I have a memory of being in what we call the public office,
9 and there is a doorway that looks out onto the stairwell,
10 the stairway up to the Chief Superintendent's and the
11 Superintendent's, and I have a recollection of two sets of
12 legs. The door was a heavy door and you could hear it when
13 it swung open and you'd automatically look, who is that?
14 And two sets of legs, from the knee down, just going up the
15 stairs.

16 174 Q. So you saw two sets -- you saw two people?

17 A. I saw no significance of it until later that day when the
18 shooting was reported.

19 175 Q. I suppose that's only natural. But what you saw, you saw
20 two people from the knee down?

21 A. From the knee down, wearing trousers. You knew they were
22 men.

23 176 Q. Did you have any idea who they were?

24 A. No, no.

25 177 Q. And just to be clear, was that the staircase, if you like,
26 the main staircase in the building?

27 A. That's the main staircase.

28 178 Q. Yes. Okay. And I think to get to that staircase from the
29 front door, there is an inner door to go through?

30 A. Correct.

1 179 Q. Is that door locked?

2 A. My recollection at the time, the door lock was broken.

3 180 Q. I see. When the door lock was working, what type of a lock
4 was it?

5 A. It was a code.

6 181 Q. A code. And who knew that code, in your experience?

7 A. Well, anybody that called to the station had to stand
8 beside that door, so practically, to my recollection,
9 everybody knew the number, anybody and everybody. It
10 wasn't a very secure system.

11 182 Q. And in your experience in the time that you were in
12 Dundalk, was the code changed?

13 A. Never changed. To this day, I still remember it.

14 183 Q. So then, having come out of the parade room and seeing
15 these feet going up the stairs, did you then go on duty?

16 A. That's correct.

17 184 Q. And you were on duty with Garda Smith, and what did you do,
18 do you recall?

19 A. Well, I have one note in my notebook which relates to later
20 on that night, but I have no calls that I would have
21 answered, I would have dealt with that day in my notebook.
22 Just, I have a record at half eight that night I arrested a
23 drunk driver.

24 185 Q. And how long were you out -- your duty was driving out
25 about the town, is that correct?

26 A. That's correct, and answering calls, whatever calls had to
27 be answered, we answered them.

28 186 Q. That would be sort of despatches from the Radio Room, is
29 that correct?

30 A. That's correct.

1 187 Q. And do you recall how long approximately you were out on
2 duty in the car?

3 A. You wouldn't generally go out straight away. Unless there
4 was a call to go to -- you could stand in the station till
5 half two, maybe doing a bit of paperwork that had to be
6 caught up with, or something.

7 188 Q. Yes.

8 A. You can't say what time you'd definitely go out at. About
9 15 minutes to a half an hour, you should be out on patrol.
10 If there was a call to go to, they'd ring down from
11 upstairs, from the Radio Room, and you'd go to the call.

12 189 Q. And do you have any recollection when you came back to the
13 station that day?

14 A. Again, you'd be in and out during the day.

15 190 Q. During the day. When did you first hear of the murders of
16 the two RUC officers?

17 A. Again, I remember standing in the public office, and I
18 refer to him as Superintendent Murray because he was later
19 promoted to Superintendent but he was Inspector at the
20 time, and he came down the stairs, and I feel it was around
21 4 o'clock, and the man was in just total shock, pale in the
22 face, and he told us then there had been a shooting.

23 191 Q. And did he tell you who had been shot?

24 A. The names didn't mean anything to me, even if he did say
25 them to me. Just two RUC officers.

26 192 Q. And did you have any involvement then in the murder
27 investigation that was taking --

28 A. No, none whatsoever.

29 193 Q. No. Was it as you came back into the station on returning
30 from duty that you met Inspector Murray?

1 A. I can't say. My memory is being in the Day Room when he
2 came down the stairs. It could have been later, it could
3 have been earlier.

4 194 Q. And other than seeing the two pairs of legs going up the
5 stairs, did you see the two RUC officers?

6 A. No.

7 195 Q. Either leaving or arriving?

8 A. No, no.

9 196 Q. I think at the time, there are two gates on either side of
10 the station in Dundalk, isn't that correct?

11 A. That's correct.

12 197 Q. And I think that, now, the gate in the Carrickmacross side
13 is closed?

14 A. My memory is the Ardee Road is the one that's closed. The
15 Carrick Road is open, unless it's changed since my days
16 there.

17 198 Q. In fact, I have been told by My Friend, in fact they are
18 now both open again, but I think subsequent to the murders,
19 one of the gates was closed?

20 A. The Ardee Road side.

21 199 Q. I suppose the brewery side was closed?

22 A. Yes, the Harp brewery side was closed.

23 200 Q. I think that's the Carrickmacross side.

24 A. Right.

25 201 Q. And was that closed, do you know, as a response to the
26 murders or was it merely coincidence?

27 A. It has to be as a result of that, that you couldn't drive
28 straight through the front of the station. You could drive
29 in one gate and out the other.

30 202 Q. I think a number of days thereafter, you made a statement

1 to Assistant Commissioner O'Dea?

2 A. I have seen a copy of the statement. I don't remember
3 sitting down with that man, but my signature is definitely
4 there, so it's obviously my statement.

5 203 Q. I am just going to show you a copy of your handwritten
6 statement, if I might.

7 (Document handed to the witness)

8 And just, if you might confirm to the Chairman that is your
9 signature at the bottom?

10 A. That is correct, that is my signature at the bottom.

11 204 Q. And is the statement written in your handwriting?

12 A. No.

13 205 Q. So somebody else took down what you had said?

14 A. Correct.

15 206 Q. I am just going to read it and you just might correct me,
16 that the typewritten copy is correct. I am just going to
17 read this into the record. It's your statement taken in
18 Dundalk Garda Station on Wednesday 22nd March, 1989, by
19 Assistant Commissioner O'Dea.

20

21 *"I am a Garda stationed at Dundalk, Unit A. On Monday 20th*
22 *March, 1989, I took up duty at 2 p.m. I was detailed by*
23 *Sergeant Brady to accompanied Garda Val Smith on a mobile*
24 *town car, PAPA 61. We left the station at 2:15 p.m. I was*
25 *not aware that there was a meeting to take place between*
26 *Chief Superintendent Nolan and RUC members on that date. I*
27 *did not see any persons whom I knew to be RUC members in*
28 *the station on that date. We did not return to the station*
29 *until approximately 6:15 p.m. This statement has been read*
30 *over to me by Assistant Commissioner O'Dea and it is*

1 *correct.*"

2 And then I think it's signed by you and by the Assistant
3 Commissioner?

4 A. That's correct.

5 207 Q. I suppose, just to go back over slightly some of what you
6 have told us. You did see two men but you didn't know them
7 to be RUC men at the time?

8 A. I saw the two sets of legs from the knees down.

9 208 Q. And you told the Assistant Commissioner that you'd arrived
10 back to the station at approximately a quarter past six.
11 Do you have any...

12 A. Well, again, I can't see how I would have stayed out the
13 full day. That's four hours. You do -- you are just in
14 and out, you are in and out all day.

15 209 Q. Could you have meant, I suppose, that, as opposed to being
16 in and out, that's when you returned to your station having
17 finished your patrolling?

18 A. Well, 6:15, I would say that would be meal-break time
19 there, it's probably referring to the time you would come
20 back to have your refreshments.

21 210 Q. I think there was also, there was a basement in the Garda
22 station, is that correct?

23 A. That's correct.

24 211 Q. And how did you get into the basement, or who could go into
25 the basement?

26 A. Well, you have to come through the main doors -- or, there
27 was a back way in, a back stairwell where there was a
28 doctor's room, where, if you had a drunk driver, that door
29 was locked and you had to get a key to enter that way, and
30 you could either go up to the Chief Superintendent's office

1 or, again, the district office or go back down the stairs
2 to the kitchen.

3 212 Q. Yes. Now, is this the back stairway that is, in effect, in
4 fact, at the front of the station that would bring you up
5 to the Chief Superintendent's office, or is it a different
6 stairway?

7 A. If I can describe it, the main door, the main entrance
8 door, and then there is this secure door. That door was
9 between those two doors.

10 213 Q. Just to the left-hand side?

11 A. To the left-hand side.

12 214 Q. And that brought you up and down to the Chief
13 Superintendent's office, for example?

14 A. Yes, if you had the key.

15 215 Q. If you had the key. So if you went down those stairs,
16 you'd get into the basement?

17 A. You could go into the kitchen that way.

18 216 Q. And could you get into the basement from the back of the
19 station?

20 A. No, there was no other entrance.

21 217 Q. And was there an entrance from the yard into the basement?

22 A. No.

23 218 Q. And what was in the basement, in your recollection?

24 A. The kitchen area, showers, toilets, what we call the drying
25 room, which was later converted to storage, a gymnasium, a
26 snooker room and then a large area for lockers and ladies'
27 toilets, ladies' shower room as well.

28 219 Q. Thank you very much, Sergeant. If you'd answer any
29 questions that any other parties have for you.

30

THE WITNESS WAS CROSS-EXAMINED BY MR. McGUINNESS

AS FOLLOWS:

220 Q. MR. McGUINNESS: Morning, Mr. McKeown. I appear for An Garda Siochana in this matter. There is no doubt that you went out on patrol with Garda Smith that afternoon?

A. That's correct, I have a note in my notebook, I arrested a drunk driver that night.

221 Q. He was still with you at that stage?

A. Yeah, two of us would have been together in the car.

222 Q. Your tour of duty would be from 2 p.m. to 10 p.m.?

A. That's correct.

223 Q. It would be a sort of natural breaking point in that shift to come back around 6:00 for refreshments?

A. Yeah, there were two cars, you had the border car and the town car, and one relieved each other at that time. So, let's say, the town car would go at 6:15 and the other car would have went at half five to a quarter past six and then it would be our turn, a quarter past six to seven o'clock. There would be always a car available to do town duty.

224 Q. Obviously, you were correct in what you told Assistant Commissioner O'Dea, you didn't see anyone whom you knew to be RUC men come into the station or go up the stairs?

A. That's correct.

225 Q. You did, however, see a couple of pairs of legs going up?

A. That's correct.

226 Q. And you didn't know who they were or what they were there for?

A. No, I didn't know who they were.

227 Q. And when you were leaving the station, would your patrol

1 car be parked outside the front or would you collect that
2 from a yard?

3 A. No, generally it was directly outside the front door.

4 228 Q. And may I take it that you saw nothing suspicious when you
5 were going out on your duty?

6 A. No, I saw nothing whatsoever.

7 229 Q. And, specifically, nobody suspicious?

8 A. No, nothing.

9 230 Q. And insofar as your state of knowledge is concerned, may I
10 take it that you have no information or evidence to suggest
11 there was an IRA mole in Dundalk Garda Station?

12 A. No.

13 231 Q. And you were a Sergeant -- or you were a guard in Dundalk
14 at the time we are talking about?

15 A. That is correct.

16 232 Q. And did you work on duties in conjunction with the army on
17 the border?

18 A. That is correct, you would do check-points with them at
19 various times.

20 233 Q. And you, no doubt, would have formed a view about the
21 capacity of the IRA to carry out operations?

22 A. That's correct.

23 234 Q. And, in your opinion, would they have had the capacity to
24 place RUC men under surveillance for quite long periods?

25 A. I would say they would.

26 235 Q. Insofar as the statement made by -- or to Commissioner
27 O'Dea, you seem to believe that that's, in fact, in
28 Sergeant Brady's handwriting?

29 A. If I wasn't told any different, I'd say that's Tom Brady's
30 writing. They had very, very similar handwriting.

1 236 Q. But you have no recollection of sitting down with Sergeant
2 Brady or the Assistant Commissioner?

3 A. No, neither of them.

4 237 Q. But certainly, all of the information in that was given by
5 you and was obviously signed up by you?

6 A. Correct, that is definitely my signature.

7 238 Q. Thank you.

8

9 CHAIRMAN: Any questions from any other party? No. Very
10 good. Thank you very much indeed. Thank you for coming.

11

12 THE WITNESS THEN WITHDREW.

13

14 MR. HAYES: That, then, sir, I think, is the final witness
15 that we have for this morning.

16

17 MR. DILLON: Mr. Chairman, given that we have a few
18 minutes, maybe it might be an opportunity to read into the
19 Tribunal record the statement made by Inspector Frank
20 Murray to Assistant Commissioner O'Dea.

21

22 CHAIRMAN: Yes.

23

24 MR. DILLON: If I might do that.
25 The following is a statement of Inspector Frank Murray,
26 Garda Station: Dundalk. Taken on Wednesday, 22nd of
27 March, 1989, by Assistant Commissioner O'Dea.

28

29 It goes as follows:

30

1 *"I am an Inspector of the Garda Siochana attached to*
2 *Dundalk. On Monday, 20th of March, 1989, I started duty at*
3 *9:30 a.m. in my office. At about 11 a.m. I went to the*
4 *district office for a cup of tea. Chief Superintendent*
5 *Nolan, Superintendent Pat Tierney, Sergeant Rowan, Gardai*
6 *Flynn, Dolan and Bean Garda Clarke were there. Chief*
7 *Superintendent Nolan informed me that Chief Superintendent*
8 *Harry Breen and Superintendent Bob Buchanan were coming*
9 *down to see him at 2 p.m. The others present were not*
10 *aware of what the Chief said to me. At about 11:30 a.m., I*
11 *accompanied Superintendent Tierney in his car on a border*
12 *patrol in the areas of BCPs 19, 17, 16, 14, 13, 12 and 11,*
13 *and then called to Dromad station. At approximately*
14 *1:40 p.m., while returning from Dromad to Dundalk, I*
15 *mentioned to Superintendent Tierney that Chief*
16 *Superintendent Breen and Superintendent Buchanan were*
17 *meeting Chief Superintendent Nolan in Dundalk station at*
18 *2 p.m. We arrived at the station at approximately*
19 *1:45 p.m. I then went home for lunch. I arrived back at*
20 *the station a few minutes before 2:30 p.m. I was dropped*
21 *off by my wife, and, as I walked through the forecourt, I*
22 *looked at the cars parked on the side opposite to the*
23 *entrance door and I saw a red car with registration number*
24 *KIB. I did not see the numerals. It was parked about 50*
25 *feet on the Carrickmacross side of the entrance door to the*
26 *station. The front of the car was facing towards the*
27 *Crescent. I knew this to be Superintendent B. Buchanan's*
28 *car as I was familiar with the description. I believe he*
29 *had this car for about two to three years and he always*
30 *drove it himself. He came here at least once a week and*

1 would usually come up to the Superintendent's office. As I
2 came inside the front door, Sergeant Leo Colton was
3 interviewing a male in the lobby. I entered the Day Room
4 and then the Sergeant's office, which is adjacent to the
5 Day Room. I spent a few minutes there. I then visited the
6 Radio Room, and, when I came out, I saw Bob Buchanan come
7 from the direction of the Chief Superintendent's office.
8 This would be about 3:10 p.m. He greeted me and we shook
9 hands and he told me he was being transferred as deputy
10 divisional commander to Newtownards in April. He told me
11 that he was to be replaced by a gentleman" -- whom he
12 named -- "and that a superintendent" -- whom he named --
13 "was going back to Derry and that that particular
14 Superintendent was going to be replaced by another RUC
15 officer" -- whom he named -- "from Dungannon. He asked me
16 if I knew him and I said I did. I asked him if his journey
17 from home to work would be longer and he replied about five
18 miles longer. He asked if Pat, meaning Superintendent
19 Tierney, was inside, and I told him he was. He then went
20 in to see him and I returned to my own office. I did not
21 see him after that. I did not see Chief Superintendent
22 Harry Breen at all on the date. I did not see Bob Buchanan
23 make any telephone call while in my presence. He did not
24 say what route he came on, what route he would take on his
25 way back. This statement has been read over to me by
26 Assistant Commissioner O'Dea and is correct."

27
28 And the typed version is signed "T. Murray, Inspector,
29 E.J. O'Dea, Assistant Commissioner," and is dated 22nd of
30 March, 1989.

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Thank you.

CHAIRMAN: That's the business for this morning. We'll sit
then again at two o'clock.

THE TRIBUNAL ADJOURNED FOR LUNCH.

1 **THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:**

2

3 MR. DILLON: Chairman. The first witness this afternoon is
4 Thomas Brady, please.

5

6 **THOMAS BRADY, HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON**
7 **AS FOLLOWS:**

8

9 239 Q. MR. DILLON: Now, Mr. Brady, I think that when you joined
10 the Guards, you were first sent to Thomastown, County
11 Kilkenny, isn't that right?

12 A. That's right, yes.

13 240 Q. And thereafter you spent pretty well all of your career in
14 Dundalk since 1973; you might have had one or two spells
15 elsewhere?

16 A. Yes, in Longford and different places, yes.

17 241 Q. I think you were appointed Inspector in 1977 and you were
18 appointed to the rank of Superintendent in 1992?

19 A. 1997, yeah.

20 242 Q. 1997, I beg your pardon.

21 A. Yes.

22 243 Q. Sorry. And are you retired at the moment?

23 A. Yeah.

24 244 Q. Very good. Now, on 20th March 1989, I think you fulfilled
25 the function of acting sergeant in charge of Dundalk
26 station?

27 A. That's right.

28 245 Q. And what does the sergeant in charge do?

29 A. Well, I suppose the sergeant in charge, he pulls the whole
30 thing together. There is a sergeant in every unit in the

1 station with ten or twelve Gardai, so the Sergeant is in
2 charge, is responsible for administration, for making sure
3 the patrol cars are right, and general things like that.
4 So he reports to the Superintendent.

5 246 Q. Yes. Now, I think you are talking there of being in charge
6 of a particular unit, isn't that right?

7 A. Yeah, but I was in charge of the station as well.

8 247 Q. Exactly. Now, could you explain what it means to be in
9 charge of the station --

10 A. Yeah.

11 248 Q. -- over and above being in charge of the unit?

12 A. Well, in charge of the station means that you have overall
13 responsibility for all the units, and all the
14 correspondence from the units, from the sergeant of the
15 unit, is addressed to the sergeant in charge, and the
16 sergeant in charge addresses the correspondence through a
17 superintendent. So you are responsible, really, for the
18 daily running of the station.

19 249 Q. Yes. To put it in the context that might be familiar to
20 those involved in the criminal law: is it the equivalent
21 of being the Member-in-Charge for the purpose of Section 4
22 detentions?

23 A. No.

24 250 Q. It's not. I see.

25 A. No.

26 251 Q. So it's a different function altogether?

27 A. It's a different thing altogether.

28 252 Q. In any event, it seems that on the 20th March 1989, you
29 came on duty at 9:30 a.m., is that right?

30 A. I believe so, yes.

1 253 Q. Yes. And it was around about 2 o'clock in the afternoon
2 that you detailed Unit A, is that right?

3 A. That's right, My Lord, yes.

4 254 Q. What were you doing between 9:30 and 2 o'clock?

5 A. Well, I would be in the Sergeant's office dealing with
6 correspondence.

7 255 Q. As the acting sergeant in charge?

8 A. Yes, as the acting sergeant in charge.

9 256 Q. I see. That keeps you in the Sergeant's office?

10 A. Yes, you would be mainly in the station, really.

11 257 Q. Does it bring you into the Public Office to dealing with
12 the public?

13 A. Well you would be in and out.

14 258 Q. Yes.

15 A. You would be in and out. You might have to deal with
16 people at the window and different things like that.

17 259 Q. Very good. Now, while you were the acting sergeant in
18 charge, did you meet the two RUC officers who came to see
19 Chief Superintendent Nolan?

20 A. No, no. I made a statement to Assistant Commissioner O'Dea
21 on the 22nd and I stated I didn't.

22 260 Q. Do you recall making a statement to the Tribunal in which
23 you said, "*I recall meeting the two RUC officers in the*
24 *Public Office in the station*"?

25 A. Yeah, that was at the pre-hearing; in other words, I was
26 called up to the pre-hearing, so I went up without notes
27 and I hadn't even a copy of my statement. I thought I was
28 up for a chat, really. So I firmly believed, trying to
29 rely, that I did speak to these two gentlemen on that date
30 in question. But, when I was shown my statement then after

1 saying this, I now realise that I didn't meet them. What I
2 said in the statement is correct. I was, in all
3 probability, speaking about a different date because these
4 two gentlemen were down to Dundalk station on a regular
5 basis and it was a different occasion that they came down
6 and shook hands with us all in the station.

7 261 Q. Now, just stop there for a second. You said that these two
8 officers were regular visitors?

9 A. Yeah.

10 262 Q. Now, the two officers are Harry Breen and Bob Buchanan?

11 A. Yes.

12 263 Q. Are you saying that Harry Breen was a regular visitor to
13 the station?

14 A. Yeah, I believed that they were, really. And from seeing
15 the photographs on the papers, I can identify that these
16 were the two men that I had seen on different occasions in
17 the Public Office.

18 264 Q. Would it be fair to say that you saw Bob Buchanan more
19 often than Harry Breen?

20 A. Well I couldn't distinguish really, one and the other. All
21 I know is that they were two police officers. What I mean,
22 they held the rank of Superintendent or above.

23 265 Q. Do you know what steps, if any, were taken in regard to the
24 security of these two officers when they came to Dundalk
25 station?

26 A. Well, on that date in question I wasn't aware that they
27 were coming to Dundalk station. It appears, I don't know,
28 from reading the evidence, that they came at short notice
29 that day to Dundalk, so no one was aware that they were
30 coming, really, except maybe Chief Superintendent Nolan and

1 Superintendent Tierney, but I wasn't made aware, in my
2 capacity as sergeant in charge of the station or as
3 sergeant in charge of Unit A, that these two men were
4 coming or that they were in the station.

5 266 Q. Very well. Now, at 2 o'clock you took up the function of
6 the sergeant in charge, if I can put it that way, of Unit
7 A?

8 A. That's right.

9 267 Q. As you say, you paraded the unit?

10 A. That's right, yeah.

11 268 Q. I think parading means effectively assigning tasks to the
12 members of the unit?

13 A. Yeah, there is a sheet that is pre done, done seven days in
14 advance, so these names are down on the sheet, including
15 Sergeant Colton and myself. I would be down as sergeant in
16 charge of the unit; Sergeant Colton would be down for
17 supervision duty on that unit, and all these other guards
18 would be down for the various duties. You might have to
19 amend it on that particular day because there could be men
20 sick or men on leave or different things like that.

21 269 Q. I think you have been shown, and you have with you, a
22 manuscript document. Would you have a look at it? You
23 have been given it just before going up.

24 A. Is this the statement?

25 270 Q. It's headed "*Statement of Sergeant Thomas Brady, 16011C*
26 *Dundalk*", do you have that?

27 A. Yes.

28 271 Q. Could you just go to the back page or second page and can
29 you identify your signature there on the second page?

30 A. Yeah, that is my signature, yes.

1 272 Q. Very good. Thank you. Now, I am going to read into the
2 record the typed version of your statement and I think you
3 have that in front of you as well?

4 A. Yes.

5 273 Q. This is: Statement of Sergeant Thomas Brady, 16011C,
6 Dundalk Garda station, taken by Assistant Commissioner
7 O'Dea on 22nd March 1989. And it goes as follows:

8
9 *"I am attached to Dundalk Garda Station. On Monday 20th*
10 *March 1989 I was employed acting sergeant in charge of the*
11 *station. At 2 p.m., accompanied by Sergeant Leo Colton, I*
12 *briefed Unit A prior to their going on duty. I detailed*
13 *Garda Seamus Nolan" -- with his number -- "as station*
14 *orderly and Garda David Sheridan for duty in the Radio*
15 *Room, also Bean Garda Anne McMorrow for Radio Room. I*
16 *detailed Garda John McKeown for town duty with Garda Val*
17 *Smith. I detailed Garda Matthew O'Reilly and Garda John*
18 *Daily for mobile patrol in the town. Sergeant Colton was*
19 *detailed for supervision duty. I took up duty in the*
20 *Sergeant's office, which is next to the Public Office, and*
21 *you can view the forecourt from there. At about 3 p.m. I*
22 *had occasion to go to the hallway at the station main*
23 *entrance to speak to a lady" -- with a given name -- "in*
24 *relation to a traffic accident. This took about five*
25 *minutes. I finished about 10 p.m. I did not see either*
26 *Chief Superintendent Harry Breen or Superintendent Bob*
27 *Buchanan, RUC, either enter or leave the station during*
28 *that period and did not see where they parked their car.*
29 *The members named are the only uniformed members who*
30 *performed duty on Wednesday, 20th March 1989.*

1 *This statement has been read over to me by Assistant*
2 *Commissioner O'Dea and is correct."*

3 *And signed "T Brady, Sergeant", and "EJ O'Dea, Assistant*
4 *Commissioner", with a given date there, 22nd March 1989.*

5

6 Now, can you remember how it came about that you made that
7 statement to the Assistant Commissioner?

8 A. Yeah, he arrived at the station. We were told that the
9 Assistant Commissioner was coming to investigate this
10 matter.

11 274 Q. Who told you that?

12 A. I am not sure but I'd say it was probably the late
13 Inspector Murray.

14 275 Q. I beg your pardon?

15 A. The late Inspector or Superintendent Murray.

16 276 Q. So you believe it was he who told you that the Assistant
17 Commissioner --

18 A. Yes.

19 277 Q. -- was coming to the station?

20 A. Yes.

21 278 Q. And what was the purposes of his visit, were you told that?

22 A. Well, to investigate the circumstances surrounding this.

23 279 Q. Anything else?

24 A. No, that would be all, really. Like, I'd take that as a
25 normal investigation after the incident.

26 280 Q. But is it a normal investigation when an Assistant
27 Commissioner comes from outside the station?

28 A. Yeah, but that was a serious incident: two high-ranking
29 RUC officers shot down on the border, really, so this was
30 more than the normal.

1 281 Q. No, I appreciate that. But the station was well equipped
2 with a Detective Unit, wasn't it?

3 A. Yes.

4 282 Q. And indeed well equipped with uniformed members?

5 A. Yes.

6 283 Q. And yet, they weren't given the job of carrying out this
7 particular investigation, isn't that right?

8 A. Yeah, but it wouldn't be normal for an internal
9 investigation to investigate a serious incident like this.

10 284 Q. But when you say an internal investigation, who is being
11 investigated?

12 A. I beg your pardon?

13 285 Q. When you describe it as an internal investigation --

14 A. Yes.

15 286 Q. -- who is being investigated?

16 A. Well, they would be investigating the circumstances
17 surrounding, to know what the members that were working
18 that day knew about this.

19 287 Q. Yes.

20 A. And the events that led up to this incident on the far side
21 of the border.

22 288 Q. Yes. Very well. So, you were told to expect the Assistant
23 Commissioner, is that right?

24 A. Yes, I presume he'd be there for a day or to. I just can't
25 recall that.

26 289 Q. OK. Now -- sorry, I didn't mean to interrupt you.

27 A. I presume that he was there for a day or two. Like, he
28 just didn't do all in the one day.

29 290 Q. Now, do you remember where you met him?

30 A. Yeah, I think I met him in a little room called the

1 Doctor's Room; it would be used for taking blood specimens
2 for drunken driving.

3 291 Q. This is a room on the ground floor of the building?

4 A. On the ground floor, yes.

5 292 Q. Now, who was with him?

6 A. I don't think there was anybody with him.

7 293 Q. There was a one-to-one meeting between yourself and the
8 Assistant Commissioner?

9 A. As far as I can recall.

10 294 Q. OK. And how was your statement taken down?

11 A. He recorded it in writing. He asked me the questions and I
12 answered them and he recorded it in writing.

13 295 Q. So, all the information that you provided was in response
14 to questions that he asked, is that right?

15 A. Yes, and all the information that I knew, like I presume he
16 asked me what I knew about this.

17 296 Q. Very well. Now, I am going to ask you a few questions
18 about matters that you mentioned in your statement to the
19 Assistant Commissioner and in particular, and I remind you
20 that you said that you detailed Garda Seamus Nolan as
21 station orderly, Garda David Sheridan for duty in the Radio
22 Room, also Bean Garda McMorro for Radio Room?

23 A. Yes.

24 297 Q. Now, do you have in front of you a copy of the statement
25 made by Sergeant Leo Colton?

26 A. Yes.

27 298 Q. And you see what Mr. Colton told the Assistant
28 Commissioner. He said: *"I detailed Garda Seamus Nolan for*
29 *detail as station orderly, Garda David Sheridan and Bean*
30 *Anne McMorro for duty in the Radio Room."* He seems to be

1 doing exactly the same job that you were doing, is that
2 right? Can that be so?

3 A. Well, the detailing people in relation is as follows: The
4 station orderly would go directly to their office; they
5 wouldn't have to parade in the room. The personnel for the
6 Radio Room would go to their office. In other words,
7 they'd know exactly what they were doing so they hadn't to
8 parade in the room, the Parade Room as such, they went
9 directly to their posts. So in other words --

10 299 Q. Who was in the Parade Room, then?

11 A. All the remainder.

12 300 Q. And who is that now?

13 A. Well, it would be myself, Sergeant Colton, and the other
14 guards that weren't going to the posts of station orderly
15 or the Radio Room.

16 301 Q. Sorry, Garda McKeown and Garda Val Smith, they were in the
17 room, is that right?

18 A. Yes, Garda Matt Reilly, Garda --

19 302 Q. He was in the room too?

20 A. Yes.

21 303 Q. Right. We carry on then with your statement first. You
22 say: *"I detailed Garda McKeown for town duty with Garda*
23 *Val Smith. I detailed Garda Matthew O'Reilly and Garda*
24 *John Daly for mobile patrol in the town. Sergeant Colton*
25 *was detailed for supervision duty."*

26

27 Now, if you turn to the statement of Leo Colton, he says
28 that -- he is talking about detailing guards and he says:
29 *"Garda John McKeown and Garda Val Smith for town mobile*
30 *duty. Garda Matthew O'Reilly and Garda Joe Daly for town*

1 *mobile duty. I was on supervision."*

2

3 Leaving aside what he says about himself, is it possible
4 that both you and he give exactly the same detail to
5 exactly the same people?

6 A. Well, as I said, these people were recorded on the records.
7 So in other words, they had already gone their posts, the
8 station orderly --

9 304 Q. No, no, please, you just told us that these were the people
10 who were actually in the room at the time?

11 A. Yes, I would have detailed them, yes.

12 305 Q. So you detailed them?

13 A. I would, yes.

14 306 Q. Is it possible that Sergeant Colton detailed them in
15 exactly the same terms?

16 A. Well, there'd be no need for two sergeants to detail them.

17 307 Q. Exactly. So you, having detailed them, that is the end of
18 the matter, is it?

19 A. Yeah.

20 308 Q. Now, I think, in addition to the statement you made to
21 Assistant Commissioner O'Dea, did you make any other
22 statement relating to your activities on the 20th March?

23 A. Having considered it, I don't think so. Like, I thought at
24 the time I was interviewed that we were asked to make some
25 statements. When I look at the nearest in time -- this
26 incident took place on the 20/3, and Superintendent -- or
27 Assistant Commissioner O'Dea came on the 22nd. But we may
28 have been asked to make statements, but seeing that the
29 Assistant Commissioner was coming, there was no necessity
30 to make it then, so I can't say.

1 309 Q. Do you remember writing out a statement in longhand on a
2 yellow pad?

3 A. I can't recall that. I thought I did, but I can't be sure
4 now.

5 310 Q. At any time did you see either the two RUC officers in the
6 station?

7 A. No. Looking back on it now, I am satisfied that I didn't.

8 311 Q. You are quite clear on that?

9 A. Pardon?

10 312 Q. You are quite clear on that?

11 A. Yeah, quite clear, yeah.

12 313 Q. When you were the acting sergeant in charge, did you see
13 Garda David Sheridan in the vicinity? As I understand it,
14 your duties take you to the -- could take you to the Public
15 Office, is that right?

16 A. Well, Garda David Sheridan would have been in the Radio
17 Room upstairs.

18 314 Q. Well, no, in fact I can tell you he was in the Public
19 Office.

20 A. Was he?

21 315 Q. Yes.

22 A. But I understood that it was Garda Seamus Nolan that was
23 station orderly.

24 316 Q. You are quite right. Garda David Sheridan then handed
25 over, as it were, to Garda Seamus Nolan?

26 A. Is that right?

27 317 Q. Did you see Seamus Nolan around the time?

28 A. I would have saw Garda Nolan, of course, would have been in
29 and out, yeah.

30 318 Q. Yes, but did you see him talk to people? Did you see him

1 talk to two men on the stairs?

2 A. No, I don't recall any incident like that, no.

3 319 Q. I think you told us that following a visit to the station,
4 that RUC officers went around to various offices to chat to
5 people?

6 A. Well that would be on different occasions you see, that
7 wouldn't be on this particular date now.

8 320 Q. That is what they did, isn't that right, they went around
9 and had friendly words with people?

10 A. From what I can recall on different occasions, they were
11 very friendly guys and that's what they would do, go around
12 shaking hands with people around.

13 321 Q. Well, our knowledge at this stage is that Bob Buchanan went
14 looking for Pat Tierney?

15 A. Pardon?

16 322 Q. I beg your pardon, Bob Buchanan came out of the meeting
17 with Chief Superintendent Nolan and went to look for
18 Superintendent Tierney?

19 A. Well I wouldn't know anything about that really.

20 323 Q. It's an example, isn't it, of going around and meeting
21 people?

22 A. Of course, of course, yeah.

23 324 Q. But, to your knowledge, they didn't go around meeting
24 anybody on the ground floor?

25 A. No. It appears it was a different occasion I was talking
26 about, but on other occasions, yes.

27 325 Q. Now, one last matter which came up this morning. This is a
28 document which I appreciate you have not seen before, but
29 it came up in the course of a cross-examination of a
30 witness that that document might be in your handwriting.

1 Is that your handwriting?

2 (Document handed to the witness.)

3 A. No. Wait until I just look at it first. No, that is
4 definitely not my handwriting.

5 326 Q. Very good. Thank you.

6

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

8 **AS FOLLOWS:**

9

10 327 Q. MR. McGUINNESS: Mr. Brady, I appear for An Garda Siochana
11 in the matter.

12 A. Yes.

13 328 Q. And can I ask you this: Mr. Dillon referred to Sergeant
14 Colton's statement and, I don't know, did he give you a
15 copy of that?

16 A. He gave me a copy of the statement I made to the Assistant
17 Commissioner.

18 329 Q. Yes. And I think in your own statement, I think you say
19 that *"At 2 p.m., accompanied by Sergeant Colton, I briefed*
20 *A Unit prior to they going on duty..."*

21 A. That's right, yes.

22 330 Q. And Sergeant Colton, in his own statement, said that he was
23 accompanied by you when they were all detailed for duty, is
24 that right?

25 A. That would be correct, yes.

26 331 Q. Yes, OK. And --

27

28 CHAIRMAN: It was you who detailed, but not
29 Sergeant Colton?

30 A. Like, I was the senior sergeant on the unit, really. Like,

1 I was acting sergeant in charge, as well, but I used to be
2 hands-on, so I would be in and out, you see. So, in other
3 words, if I said in the statement I detailed them, I
4 detailed them. I was a senior sergeant, yeah.

5

6 332 Q. MR. McGUINNESS: And in terms of the statement you made to
7 Assistant Commissioner O'Dea, I think you have told
8 My Friend that he asked questions and you gave the answers
9 and you told him everything you knew?

10 A. Oh, of course, yeah.

11 333 Q. Yes. And insofar as the subject matter of the Tribunal
12 here is, do you have any evidence or information concerning
13 a leak or a mole from the Garda station on that day?

14 A. None at all, except what I read in the papers.

15 334 Q. Thank you.

16

17 CHAIRMAN: Any questions?

18

19 MR. LEHANE: Just a couple of questions, Mr. Chairman.

20

21 **THE WITNESS WAS CROSS-EXAMINED BY MR. LEHANE AS FOLLOWS:**

22

23 335 Q. MR. LEHANE: I appear for retired Detective Sergeant
24 Corrigan. Evidence has been given before the Tribunal by
25 former RUC officers that the IRA, the Provisional IRA would
26 have kept them under surveillance. Would that surprise
27 you?

28 A. Would you repeat that.

29 336 Q. Evidence has been given to the Tribunal by former members
30 of the RUC that the IRA would have kept members of the RUC

1 under surveillance. Would that surprise you?

2 A. That the RUC were under surveillance by the IRA?

3 337 Q. The IRA would have been keeping an eye on them.

4 A. That wouldn't surprise me.

5 338 Q. Would it be surprise you if the IRA were keeping Dundalk
6 Garda station under surveillance?

7 A. Well, I had no evidence of that, really, but it wouldn't
8 surprise me, really.

9 339 Q. And just very briefly, what was it like to be a Garda in
10 Dundalk at that time as regards the IRA or the Provisional
11 IRA or their sympathisers?

12 A. Well, during the border campaign it was quite difficult to
13 be a guard, uniform or Detective Branch especially. like,
14 I came to Hackballscross in 1973 and that was the height of
15 the trouble really so it was a very, very difficult time,
16 really. Hackballscross is the next subdistrict to
17 Crossmaglen so you can appreciate what it was like, and
18 South Armagh always had a name of being a real hard
19 Republican, really. So it was quite a difficult period,
20 and during that period there was hunger strikes, there was
21 this and that, so there was nothing only black flag marches
22 in Dundalk, so it was a very difficult time for the guards
23 and for detectives.

24 340 Q. And when you say detectives, how would it be more difficult
25 for a detective as opposed to a uniformed member of the
26 guards?

27 A. Well, uniformed guard, like, I know he would have to deal
28 with all type of duties, really, but a detective really was
29 in the frontline for the subversives, really. So he would
30 be dealing with subversives on a daily basis gathering

1 information and intelligence on them and keeping an eye on
2 them really.

3

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

5

6 341 Q. MR. COFFEY: I appear for retired Sergeant Leo Colton and
7 could you tell us briefly, you came on duty at 9:30 on the
8 morning of the 20th March '89?

9 A. Yeah.

10 342 Q. And what duties were you performing between 9:30 and
11 2 p.m.?

12 A. Well, I would be performing administrative duties in the
13 sergeant's office. Like, various duties the sergeant in
14 charge would have to do, really: go around examining
15 things in the station and talking to people and different
16 things like that.

17 343 Q. It's a demanding job, is it?

18 A. Of course, it's like a junior manager, really.

19 344 Q. And clearly you would be very busy?

20 A. Yeah, Dundalk was a very busy station, yeah.

21 345 Q. And could it be possible on busy occasions that you would
22 have a joint detailing with another sergeant?

23 A. No, no, no. Like, I was attached to that unit and I was
24 acting sergeant in charge but I was hands-on, so I would be
25 in and out, really.

26 346 Q. But could a detailing take place by a sergeant other than
27 yourself on occasions where you are very busy?

28 A. Of course. Like, if I wasn't there Sergeant Colton would
29 do the briefing, yeah.

30 347 Q. Yes. But could you have a situation where there might be

1 split duties, that Sergeant Colton could detail some of the
2 unit and you finish off?

3 A. Well, the briefing they had probably takes ten or fifteen
4 minutes really, you understand?

5 348 Q. It could happen, though, could it?

6 A. It's possible. So, in other words, after 10 or 15 minutes
7 everybody would be dispersed to their various duties.

8 349 Q. Yes, but it could be a joint venture on occasions,
9 depending on the circumstances?

10 A. Yeah, well, Sergeant Colton might -- in other words, you
11 would be reading out circulars to them, you would be
12 reading out prog of tours and different things and briefing
13 them of what they should be aware of. So in other words,
14 Sergeant Colton might read out something that I wouldn't do
15 to them.

16 350 Q. Thank you, Mr. Brady.

17

18 **THE WITNESS WAS CROSS-EXAMINED BY MS. O'SULLIVAN**

19 **AS FOLLOWS:**

20

21 351 Q. MS. O'SULLIVAN: Superintendent Brady, I appear for Finbarr
22 Hickey. I think Mr. Hickey, you would have known from your
23 time in Dundalk Garda Station, isn't that right?

24 A. I knew him more as a guard, really. Like, when Finbarr
25 Hickey got promoted, he went out to Hackballscross, really,
26 so I had very little contact with him.

27 352 Q. When he was a guard in Dundalk Garda Station?

28 A. Yeah, I knew him as a guard.

29 353 Q. But he wasn't on your unit, isn't that right?

30 A. He may have been on my unit for a period.

1 354 Q. At this time I think Finbarr Hickey was on the C Unit; you
2 were in charge of the A Unit, isn't that right?

3 A. Like, I was on various units in the station.

4 355 Q. But I think on the 20th March 1989 you have given evidence
5 to the Tribunal that it was the A Unit that you were in
6 charge of?

7 A. Yeah, yeah, on that particular day, yes.

8 356 Q. And I think the day after this incident you gave, as you
9 have given evidence, your statement to the Assistant
10 Commissioner O'Dea, and in that you named the various
11 people that you had detailed, and at the end of that
12 statement you say that the members named are the only
13 uniformed members who performed duty on Wednesday 20th of
14 March 1989?

15 A. Yeah, as far as I am aware, that was the only.

16 357 Q. And would you have been -- when you were listing out the
17 names of the members and indicating the details that they
18 had been assigned, would you have been referring to,
19 perhaps, the Detail Book when you were giving that
20 information to Assistant Commissioner O'Dea?

21 A. Oh, I would say I had access to the Detail Book, yes.

22 358 Q. So if there had been any other member, uniformed member,
23 you would have mentioned them --

24 A. Well, if there was any other uniformed member, he would be
25 on the duty detail, except to a call-in for a specific
26 purpose, but I don't think there was any other member.

27 359 Q. You have no memory of any other member?

28 A. No, not that I can recall.

29 360 Q. I am very much obliged.

30

1 MR. DILLON: On that point, if I may, Chairman.

2

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

4

5 361 Q. MR. DILLON: You say that the only members -- I will start
6 again. You say that the members you named were the only
7 members who were on duty on 20th March. I take it you are
8 referring to Unit A, because clearly other members were on
9 duty at different times during the day?

10 A. Oh, yeah, somebody was on from 6:00 to 2:00 and 2:00 to
11 10:00?

12 362 Q. Yeah. So, to be quite clear on this: when you say that
13 they were the only members on duty, that is only in
14 relation to Unit A?

15 A. That's right, yes.

16 363 Q. Thank you.

17

18 CHAIRMAN: Thank you very much, Mr. Brady.

19 A. Thanks very much.

20

21 THE WITNESS THEN WITHDREW.

22

23 MR. DILLON: The next witness is Mr. Jim Greene, and
24 Mr. Hayes is dealing with him.

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JIM GREENE, HAVING BEEN SWORN, WAS EXAMINED BY MR. HAYES
AS FOLLOWS:

364 Q. MR. HAYES: Good afternoon, Mr. Greene. My name is Dara
Hayes and I am counsel for the Tribunal. Just by way of
preliminary, I think you joined An Garda Siochana in 1969?

A. That's correct, Judge.

365 Q. And I think you, did you start in Dundalk and did you serve
all your time in Dundalk?

A. I served all my time in Dundalk, yeah.

366 Q. I think that you were a uniformed guard until 1974 or
thereabouts?

A. 1974 I was in plain clothes, yeah.

367 Q. And thereafter you were in the Detective Unit?

A. Correct.

368 Q. In your time in Dundalk, and particularly I suppose through
the 1980s and up to the late 1890s, did you have much
experience of RUC officers coming to visit the Garda
station?

A. Yeah, they used to come up on a regular basis, but not to
us, to the Superintendent.

369 Q. To the Superintendent. And so therefore, I mean, did you
ever have cause to have dealings with them in Dundalk Garda
Station?

A. No.

370 Q. Did you ever have cause to deal with them in Northern
Ireland?

A. No.

371 Q. By telephone even?

A. Oh, yeah, yeah, yes, every day.

1 372 Q. Every day?

2 A. Yeah.

3 373 Q. And would that be kind of your colleagues in Newry or
4 Armagh, for example?

5 A. Well Newry, the Detective Branch in Newry.

6 374 Q. I see. I think you were working on the 20th March 1989, is
7 that correct?

8 A. That is correct, yeah.

9 375 Q. Do you recall what time you came on duty at that day?

10 A. 6 a.m.

11 376 Q. 6 a.m. And you were on shift until 2 p.m., is that
12 correct?

13 A. Correct, yeah.

14 377 Q. And did you leave the station as soon as your shift had
15 finished, do you recall?

16 A. Oh, yeah, I would have gone home, yeah.

17 378 Q. You would have gone home. As you were leaving the station,
18 did you see any visitors arriving?

19 A. No.

20 379 Q. No. I think that as the Uniformed Branch was organised
21 into various units, I think the Detective Branch was also
22 organised into Units A to D, is that correct?

23 A. Correct.

24 380 Q. And what unit were you on at the time in 1989, do you
25 recall?

26 A. I think it was Unit D. Now I am not 100 percent sure.

27 381 Q. And I don't think very much turns on that, but do you
28 recall who your sergeant was?

29 A. Detective Sergeant Corrigan, Owen Corrigan.

30 382 Q. Was he the only sergeant in your unit?

1 A. He was, yeah.

2 383 Q. He was. And in -- I mean, he was the senior officer in the
3 unit, is that correct?

4 A. Yeah, he was the sergeant in charge of the unit, yeah.

5 384 Q. And what was his role, I suppose, in the unit?

6 A. Well, his role, Judge, was to detail our unit what to do,
7 the time we started at, the time we finished and the
8 various job searches. And I also dealt with, along with
9 Sylvester, I dealt with crime as well. So I could be
10 attending burglaries or larcenies that day, it could be the
11 following day I could be on searches.

12 385 Q. Yes. So your duties encompassed both the, sort of
13 subversive detection and ordinary crime?

14 A. Yes. There was only a number of members doing that at the
15 time.

16 386 Q. Doing both?

17 A. Yes, yeah.

18 387 Q. And did you -- did the Detective Unit work normally with
19 partners or did you work on your own?

20 A. Oh, no, I worked with a partner, yeah.

21 388 Q. And who was your partner, do you recall, in 1989?

22 A. Joe Flanagan.

23 389 Q. Joe Flanagan. OK. Now, I think a number of days after the
24 murders of Chief Superintendent Breen and Superintendent
25 Buchanan, you made a statement to the then Detective
26 Inspector Kevin Carty?

27 A. I did, Judge.

28 390 Q. Do you recall making that statement?

29 A. I do.

30 391 Q. You do. I am just going to show you a copy of the

1 handwritten statement.

2 A. I have a copy of it here.

3 392 Q. You have a copy there, do you? I am going to ask Mr. Mills
4 to put it up on the screen. I think that was a statement
5 taken from you on the 22nd March 1989, is that correct?

6 A. That is correct, yes.

7 393 Q. And could you just confirm at the bottom of it, it is
8 signed? Is that your signature at the bottom?

9 A. That is my signature, Judge, yes.

10 394 Q. And the body of the statement, is that your handwriting or
11 is that somebody else's handwriting?

12 A. No, that is Kevin Carty's handwriting.

13 395 Q. He took down the notes. I am going to read this statement
14 and you just might correct me if it's incorrect.

15

16 *"Statement of Detective Garda James Greene of Dundalk Garda*
17 *Station made to D/Inspector Kevin Carty at Dundalk on 22nd*
18 *March 1989.*

19 *On Monday 20th March 1989, I took up duty at the Detective*
20 *Branch office at Dundalk at 6 a.m. I attended to*
21 *correspondence in the office until approximately 7:30 a.m.*
22 *I left the station in the company of Detective Garda Joe*
23 *Flanagan at 7:30 a.m. and went to Blackrock. We returned*
24 *to Dundalk Garda Station at 9 a.m. I remained in the*
25 *station for a few minutes and then left again to attend to*
26 *a burglary with D/Garda Flanagan. I availed of a meal*
27 *break between 10:30 a.m. and 11:15 a.m. I resumed duty*
28 *immediately after my meal break without turning to Dundalk*
29 *Station. D/Garda Flanagan and I eventually returned to the*
30 *station at approximately 1:45 p.m. I terminated duty and*

1 *left the station at 2 p.m. I was not aware that any*
2 *members of the RUC intended visiting Dundalk station for a*
3 *meeting on the afternoon of the 20th March. This statement*
4 *is correct."* And then it's signed and witnessed.

5 A. That is my statement, Judge, yes.

6 396 Q. That is your statement. I think you have said -- I mean,
7 was there anything unusual about members of the RUC coming
8 to visit the station in Dundalk?

9 A. No, Judge, no.

10 397 Q. And I mean, you have said that generally when they came to
11 visit, they were coming to visit the more senior officers?

12 A. Correct.

13 398 Q. Would you ever have knowledge that there were people coming
14 to visit like that?

15 A. No.

16 399 Q. I think for a time then, I think when you first went to
17 Dundalk Garda Station you lived in the station, in the
18 barracks for a time, is it?

19 A. Correct, yes.

20 400 Q. And I think you moved out and you moved into a house in the
21 Crescent?

22 A. That is correct, yes.

23 401 Q. And I am just going to give you a map just of the station
24 and of the Crescent.

25 (Map handed to the witness)

26 A. Thank you.

27 402 Q. Do you recall what house you lived in?

28 A. 13A.

29 403 Q. In 13A. And you may have been incorrect then, but I think
30 when you gave a statement to the Tribunal you had said that

1 you lived in 12A?

2 A. Maybe it was 13 but they call it 12A.

3 404 Q. Yes, that could be -- yes, that would often be -- if you
4 look at the map, there is the Garda station in the middle
5 of it?

6 A. Yes.

7 405 Q. And the Crescent?

8 A. Yes.

9 406 Q. And the Crescent split by Vincent Avenue?

10 A. Yes.

11 407 Q. Could you just indicate for us just which house it was that
12 you lived in, as best you can recall?

13 A. Let me see now. Yeah, I think it's -- see 11, 10.

14 408 Q. 11,10, on the right-hand side of Vincent Avenue?

15 A. Yes, if you go up another one, it was us, I think.

16 409 Q. Across Vincent Avenue, is it?

17 A. No, you are looking straight across to the Garda station.

18 410 Q. Yes, this house here, is it? [Indicating]

19 A. No, no, over there. [Indicating]

20 411 Q. That would possibly be number 9, no?

21

22 CHAIRMAN: Beside 10?

23 A. I think so. I hope I am right there.

24

25 412 Q. MR. HAYES: I think if the sequence were to follow, it
26 would be more likely over the other side of Vincent Avenue?

27 A. Oh, maybe, maybe, yes.

28 413 Q. In any event, how long did you live there for?

29 A. Oh, I lived there about three or four years.

30 414 Q. So about the mid-1970s to the late 1970s, would that be --

1 A. No, I was married in '74, so I had my own house then.

2 415 Q. You had your own house. So before '74 for about three
3 years?

4 A. Yes.

5 416 Q. Were they all residential units, those houses? Were they
6 all --

7 A. No, they were flats.

8 417 Q. You lived in a flat in number 12A?

9 A. A ground floor flat.

10 418 Q. And other people lived in the other flats in the building?

11 A. Yes.

12 419 Q. But the other houses along the Crescent, were they all
13 residential or were some of them --

14 A. Yes, next door to us was residential.

15 420 Q. Yes.

16 A. And on to, as you look across from the barracks, on the
17 left was accountants.

18 421 Q. Yes.

19 A. Connolly, Feeley & McGeady.

20 422 Q. Yes.

21 A. They had offices there.

22 423 Q. Some of them were commercial premises and some of them
23 were --

24 A. Correct.

25 424 Q. And I think there may have been a B&B or two along the way?

26 A. Well, further on down, there was a B&B, yeah.

27 425 Q. Yes, down towards Stapleton Place, is it?

28 A. Correct, yeah. Glengarth House, I think it is.

29 426 Q. Right. Over the years, do you recall times when houses may
30 have been have vacant along the Crescent?

1 A. Well, I think when -- I don't think they were all occupied,
2 yeah. Well, the flat upstairs where we were, on the ground
3 floor it was often occupied, yeah -- unoccupied.

4 427 Q. Unoccupied?

5 A. Yes.

6 428 Q. But other flats in the building were occupied?

7 A. Yes.

8 429 Q. And sorry I may have asked you this but I don't think I
9 did. Who else lived with you, which of your colleagues
10 lived with you when you were in the Crescent?

11 A. Jim Lane.

12 430 Q. And anybody else?

13 A. Tom Molloy.

14 431 Q. Tom Molloy. Do you know was there ever any attention paid
15 by the Guards to whether the houses were occupied or not or
16 who was in them over the years?

17 A. Oh, we would have checked to see who was living in them, on
18 our patch anyway. We would know who it was, but I cannot
19 recall now who it was. I know George Elliott moved into
20 number 12 or -- next door to us, he bought that house. But
21 if you are saying -- there was no subversives in it anyway.

22 432 Q. No, OK. Thank you very much. If would you answer any
23 questions that anybody has for you.

24

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

26 **AS FOLLOWS:**

27

28 433 Q. MR. McGUINNESS: Mr. Greene, I am appear for An Garda
29 Siochana in this matter. You were assigned to detective
30 duties at this point in time in 1989, isn't that correct?

1 A. Yeah, yeah, I was in plain clothes since '74.

2 434 Q. Since '74?

3 A. Yes.

4 435 Q. And part of your duties would have required you to operate
5 along the border?

6 A. Correct, Judge, yes.

7 436 Q. And you had then, in 1989, 15 years' experience in that
8 area?

9 A. Correct, yes.

10 437 Q. And you would have known a lot about the operation of the
11 IRA in that period?

12 A. Correct, yeah.

13 438 Q. Both factually and reputedly. And did you know that they
14 had the capacity to carry out surveillance on members of
15 the RUC?

16 A. Indeed I did, yeah.

17 439 Q. And did you know whether they had carried out any
18 surveillance on members of the Garda Siochana?

19 A. Well, they carried out surveillance on myself because they
20 burned my house in 1984 while I was away for a weekend.

21 440 Q. And that was in connection with your work?

22 A. My work, yeah.

23 441 Q. And do you know anything about any photographs of guards
24 being found anywhere in searches?

25 A. No, no.

26 442 Q. You weren't personally involved in any such searches?

27 A. No, I wasn't, no. Oh, I was involved in searches but I
28 never came across photographs of our members.

29 443 Q. I see. And insofar as the movements, or the possible
30 arrival of members of the RUC were concerned, you wouldn't

1 normally expect that to be talked about in advance?

2 A. No, no.

3 444 Q. And from your point of view you didn't know, even though
4 you were back in the station that morning from 10:30
5 onwards for a while, you didn't know that these members
6 were coming from the north?

7 A. No, unless they were getting an escort I would never know.

8 445 Q. And you would have been involved in escort duties in the
9 past?

10 A. Oh, I was, yeah.

11 446 Q. And there was no difficulty about providing such, if
12 required?

13 A. No.

14 447 Q. And they would have to be requested, obviously, with
15 advance request for that to be -- that to be done?

16 A. That's correct, Judge, yes.

17 448 Q. And when you were back in the station availing of your
18 break, there was no talk about the RUC men coming for a
19 meeting that afternoon, is that right?

20 A. No.

21 449 Q. And you wouldn't expect to hear any talk?

22 A. No.

23 450 Q. And insofar as the subject matter of this Tribunal is
24 concerned, have you any information or evidence that there
25 was an IRA mole operating in the station at that point in
26 time?

27 A. No, Judge, no, not really.

28 451 Q. Thank you.

29

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

1 AS FOLLOWS:

2

3 452 Q. MR. O'CALLAGHAN: Mr. Greene, I appear for Owen Corrigan,
4 who was your sergeant for a period of time. You obviously
5 have a good recollection and understanding what
6 Mr. Corrigan was like as a sergeant, wouldn't that be fair
7 to say?

8 A. Yes.

9 453 Q. And Mr. Corrigan will come to this Tribunal and give
10 evidence to the effect that he fought the frontline against
11 the Provisional IRA in its campaign of violence. Do you
12 have anything to say to the Chairman as to whether that
13 assessment is correct?

14 A. That would be -- he gave his entire career to the Force,
15 yes.

16 454 Q. And he will also give evidence that he was involved in a
17 lot of investigations that led to the conviction of
18 subversives for crimes; do you have any evidence
19 substantiating that?

20 A. Oh, yeah, his record will show that he would have a lot of
21 convictions and found lots of ammunition, guns and bombs.

22 455 Q. He will also say that throughout his career he was harassed
23 by the IRA, would you agree with that?

24 A. I would, yeah, correct, yeah.

25 456 Q. And you yourself have given evidence that the harassment
26 that was meted out to you involved your house being burned
27 down?

28 A. Correct.

29 457 Q. Are you aware of any harassment that Detective Corrigan
30 faced?

1 A. He was harassed every day, I would say, he went at IRA
2 meetings on Easter Sunday and marches like that.

3 458 Q. And why do you think the IRA harassed him?

4 A. Because he was doing his job. We were in the frontline.
5 Like, it was a very, very dangerous time, that particular
6 era.

7 459 Q. One of the allegations that the Chairman will have to
8 determine at the conclusion of this Tribunal centres on
9 rumours that have been put out there about Owen Corrigan,
10 namely that he was involved in assisting the IRA and in
11 setting up these two unfortunate RUC officers. Do you have
12 any evidence to give to the Chairman in respect of that and
13 do you believe it?

14 A. I do not believe that, no, no, Judge.

15 460 Q. You said you lived on the Crescent for quite a while in the
16 early 1970s. Are you aware as to whether or not any houses
17 on the Crescent were raided by An Garda Siochana because of
18 a concern that the Garda station in Dundalk was being kept
19 under surveillance?

20 A. No, no, no, Judge, I am not aware of that.

21 461 Q. OK. Thank you very much, Mr. Greene.

22

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

24

25 462 Q. MR. COFFEY: One question, Mr. Chairman. Mr. Greene, you
26 have spoken about the dangers to life and will imposed to
27 members of the plain clothes Gardai. Did those same risks
28 present themselves to uniformed Gardai?

29 A. Well, not as much because they wouldn't be involved in --
30 we would be out on the border on the searches and commands

1 wire and bombs were there and guns. That was every second
2 day searching houses.

3 463 Q. But there was a risk, nonetheless?

4 A. Oh, there was. If we needed assistance, the Uniform would
5 back us up.

6 464 Q. Or just in the ordinary course of Garda duties in and
7 around Dundalk they'd meet IRA personnel or --

8 A. Oh, they would, of course, yeah.

9 465 Q. And in those situations there was always a risk of violence
10 being directed at members of the Gardai, including
11 uniformed members?

12 A. Oh, that would be correct, yeah.

13 466 Q. Thank you, Mr. Greene.

14

15 MS. O'SULLIVAN: I have no questions.

16

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

18

19 467 Q. MR. HAYES: One question by way of re-examination,
20 Chairman, if I might. Just I think that that morning you
21 returned to the Garda station about 9 o'clock for a few
22 minutes. I think you took your break away from the Garda
23 station?

24 A. That's correct.

25 468 Q. And I think having left again shortly after 9:00 and you
26 went off duty -- you were returning to the station before
27 going off duty at 1:45, you weren't back in the station?

28 A. No.

29 469 Q. So you wouldn't have been there, I suppose, when
30 arrangements were being made?

1 A. Whatever -- when I went back to the station, whatever duty
2 was outlined for me and whatever burglaries or break-ins, I
3 would have listed them and we would have done our duty
4 until we finished at 2 o'clock.

5 470 Q. Yes. Thank you very much.

6

7 CHAIRMAN: Thank you very much, Mr. Greene. Thank you for
8 coming.

9

10 MR. HAYES: I think, Chairman, those are the witnesses for
11 today. There are more scheduled for tomorrow morning.

12

13 CHAIRMAN: Very good. Until 11:00 tomorrow morning, then.

14

15 THE TRIBUNAL ADJOURNED UNTIL THE FOLLOWING DAY, 24TH MARCH,
16 2011, AT 11 A.M.

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