

A P P E A R A N C E S

The Sole Member:

His Honour Judge Peter Smithwick

For the Tribunal:

Mrs. Mary Lavery, SC
Mr. Justin Dillon, SC
Mr. Dara Hayes, BL
Mr. Fintan Valentine, BL

Instructed by:

Jane McKeivitt
Solicitor

For the Commissioner of
An Garda Síochána:

Mr. Diarmuid McGuinness, SC
Mr. Michael Durack, SC
Mr. Gareth Baker, BL

Instructed by:

Mary Cummins
CSSO

For Owen Corrigan:

Mr. Jim O'Callaghan, SC
Mr. Darren Lehane, BL

Instructed by:

Fintan Lawlor
Lawlor Partners Solicitors

For Leo Colton:

Mr. Paul Callan, SC
Mr. Eamon Coffey, BL

Instructed by:

Dermot Lavery Solicitors

For Finbarr Hickey:

Fionnuala O'Sullivan, BL

Instructed by:

James MacGuill & Co.

For the Attorney General:

Ms. Nuala Butler, SC
Mr. Douglas Clarke, SC

Instructed by:

CSSO

For Freddie Scappaticci:

Niall Mooney, BL

Instructed by:

Michael Flanigan
Solicitor

For Kevin Fulton:

Mr. Michael O'Higgins, SC

Instructed by:

John McAtamney
Solicitor

For Breen Family:

Mr. John McBurney

For Buchanan Family/
Heather Currie:

Ernie Waterworth
McCartan Turkington Breen
Solicitors

NOTICE:

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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 24TH OF JUNE, 2011, AT 11 A.M.
2 AS FOLLOWS:

3

4 CHAIRMAN: Are you ready, Mrs. Lavery?

5

6 MRS. LAVERTY: Yes, Chairman.

7

8 REGISTRAR: Jim Lane to the stand.

9

10 JIM LANE, HAVING BEEN SWORN, WAS EXAMINED BY MRS. LAVERTY
11 AS FOLLOWS:

12

13 1 Q. MRS. LAVERTY: Good morning, Mr. Lane. My name is Mary
14 Lavery and I am counsel for the Tribunal. I think that
15 you retired from the Gardai seven or eight years ago, is
16 that correct?

17 A. Almost 12 year ago.

18 2 Q. Okay. And I think you were stationed in Dundalk?

19 A. That's correct, yes.

20 3 Q. And how long -- how many years did you put in in Dundalk?

21 A. From 1964 until 1999.

22 4 Q. And at the time you were there, how many detective units
23 were there initially, what was the progression?

24 A. When I went to Dundalk in 1964, there was a Detective
25 Sergeant and two -- two, yeah, two detectives.

26 5 Q. And who was the Detective Sergeant at that stage?

27 A. A man called Jimmy McCabe. He is dead now.

28 6 Q. I see. So there were two detectives?

29 A. Two or three, I think. I am not too sure which.

30 7 Q. Yes. Then, over the years, I gather that the numbers

1 gradually increased until, how many do you think were there
2 in 1989?

3 A. God, I couldn't say.

4 8 Q. Roughly?

5 A. In the 20s, anyhow.

6 9 Q. In the 20s. They, presumably, were divided up into units?

7 A. That's correct, yes.

8 10 Q. And how many units did you have?

9 A. Four different units.

10 11 Q. A?

11 A. A, B, C and D.

12 12 Q. And what system was operated in relation to the Detective
13 Unit, did they -- were they paraded like other guards, or
14 how did they report in for duty in the mornings?

15 A. Reported into the Detective Branch Office.

16 13 Q. And what would happen there then? Would you have a
17 briefing?

18 A. Well, not a briefing, as such, but if something had to be
19 done, a message would come from the Radio Room, and if some
20 calls had to be made, they were left and they were made
21 then by whoever was available.

22 14 Q. So you were more or less in charge of your own system of
23 work as a detective, were you?

24 A. Yes, more or less, yeah. If calls came in, whoever got
25 them would take them and deal with them.

26 15 Q. And did you have much connection or association with the
27 RUC at the time?

28 A. Yeah, a fair bit, like. On the phone, it was mostly with
29 the RUC, because if we wanted to find out or talk to
30 somebody, we would ring the RUC.

1 16 Q. And would you have specific contacts that you would be
2 friendly with that you would ring or would you just
3 generally --

4 A. Oh, no, generally, generally.

5 17 Q. Generally. And they would be queries, presumably, in
6 relation to cars or people?

7 A. Or people, yes, yes.

8 18 Q. And was the relationship good between you?

9 A. Yes.

10 19 Q. And were they equally helpful if they needed information
11 from you?

12 A. Yes.

13 20 Q. Did you ever see RUC officers in the station?

14 A. Yes.

15 21 Q. And was that a regular event or was it a very uncommon
16 event?

17 A. No, regular, I would say.

18 22 Q. And was there any special procedure necessary for their
19 coming and going from the station?

20 A. I would say in -- when they were coming, there would be the
21 Superintendent's office or the Chief Superintendent's
22 office would be advised that they were coming, and then if
23 they needed an escort, that would be sent out to the
24 Detective Branch Office, to some of the sergeants, or
25 somebody, whoever was in charge in the Detective Branch
26 Office, and they would take that up, the escort duty.

27 23 Q. And how often do you recall escorts were requested?

28 A. God, I can't say now. That is a long time ago. I cannot
29 say.

30 24 Q. Would it have been often or seldom?

1 A. I couldn't say, I couldn't say now, Judge. In fairness, I
2 couldn't say, like, because if they were travelling to
3 Dublin or if they were travelling to anywhere, they would
4 be escorted. At that time, they would be escorted the
5 whole way, like.

6 25 Q. But in relation to just travelling to Dundalk, do you know
7 if an escort was necessary?

8 A. I don't know. If they always requested an escort, I don't
9 know.

10 26 Q. Thank you. And was it a common occurrence for them to be
11 in and out of the station?

12 A. Well, I would say fairly common.

13 27 Q. So --

14 A. Yes.

15 28 Q. So it was no big deal, so to speak, to see RUC officers
16 visiting?

17 A. No, no big deal, no.

18 29 Q. And do you know where they parked their cars or how they
19 came in and out?

20 A. At the station. They always parked their cars, as far as I
21 know, they always parked their cars at the station.

22 30 Q. Who else parked at the station in those days?

23 A. All the members.

24 31 Q. And would there have been other members of the public who
25 would have parked their...

26 A. No.

27 32 Q. I think that there was -- was there a tax office nearby?

28 A. Yes, across the road, a Motor Tax Office at the time was
29 across the road.

30 33 Q. And did that have parking? Was there parking in the Motor

1 Tax Office?

2 A. No, I don't think so. No, there wasn't, no.

3 34 Q. Is it possible?

4 A. Oh, there was probably, yeah, a small parking area, yeah.

5 35 Q. Was it possible that members of the public would have
6 parked in the car park, the Garda car park?

7 A. No, very seldom would members of the public park in the car
8 park, unless somebody was friendly with somebody and they
9 were going away or somebody might say "you can park your
10 car at the station," but that wouldn't be...

11 36 Q. I suppose the places were restricted to the number of
12 members?

13 A. Well, there was a lot of members in Dundalk at the time and
14 there was a lot of -- the parking area wasn't that big, but
15 there was a lot of cars belonged to members, you know,
16 private members.

17 37 Q. Well, would that suggest, then, that if officers were
18 coming down, they would need to be able to know that they
19 could park their cars in the car park?

20 A. Well, there was a back car park behind the -- you have to
21 go through a door, and there would be, generally, a parking
22 space in that yard, you know.

23 38 Q. So if there wasn't parking in front, they could go into the
24 back?

25 A. Yes.

26 39 Q. And in the general area itself, I think that there are
27 houses and flats on The Crescent, is that right?

28 A. That's right, yes.

29 40 Q. And in those days, was there any particular attention paid
30 to the occupants of the houses or the flats?

1 A. No. As a matter of fact, I lived in one of those flats
2 myself across from the station.

3 41 Q. And I think that am I correct in saying that, originally,
4 you lived in the station?

5 A. That's correct, yes.

6 42 Q. Many years ago?

7 A. Yes.

8 43 Q. When officers could live in the station?

9 A. That's right, yes.

10 44 Q. And do you recall, around the time of this incident, any
11 checking out of either houses or apartments?

12 A. No.

13 45 Q. You weren't involved in that?

14 A. No.

15 46 Q. Now, do you recall the time, the date of the murders, the
16 20th of March, 1989?

17 A. Not specifically, I don't, no.

18 47 Q. I think that you made a statement to Assistant Commissioner
19 O'Dea on the 22nd of March, 1989?

20 A. That's right, I did, yes.

21 48 Q. And do you have a copy of that?

22 A. I have. I had it somewhere, yes. I don't know what I have
23 done with it. (Statement handed to witness.) I do, Judge,
24 yes.

25 49 Q. And I think you made a handwritten brief statement,
26 firstly. And is that your writing?

27 A. That is my signature on the copy, that is my signature.

28 50 Q. So I assume that Assistant Commissioner O'Dea may have
29 written the statement?

30 A. That's right, yes.

1 51 Q. Do you recall making that statement?

2 A. I don't, no.

3 52 Q. And I think there is a typewritten version of that, then,
4 which is at page 19 of the O'Dea Report, or page 242 of the
5 Tribunal redacted Camon/Kirwan Report. It says:

6 *"I am a Detective Garda attached to Dundalk Garda Station,
7 A Unit. On Monday, the 20th of March, 1989, I started duty
8 at 9 a.m. at the Detective Branch office. At about
9 9:20 a.m., I accompanied Detective Garda James Boyle to the
10 scene of a burglary at the Redemptorist Church, Alphonsus
11 Road, Dundalk. We were there for about an hour and
12 returned to the station at about 12 noon. I went to lunch
13 at 1 p.m. and went to Dublin at about 1:45 p.m. with the
14 exhibits, accompanied by Detective Garda James Boyle. I
15 was not aware of any meeting between RUC members and Chief
16 Superintendent Nolan in Dundalk on that date. We returned
17 from Dublin at about 6 p.m.*

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

20 I presume if you signed that at the time, it was correct?

21 A. That's correct, yes.

22 53 Q. Now, it says there that you went to lunch at 1 p.m. and
23 then went to Dublin at about 1:45 p.m. Would you have had
24 to come back to the station to collect the exhibits?

25 A. Probably. More than likely, yes.

26 54 Q. So I presume if you had seen anything untoward at that
27 stage or if you had seen anything unusual at that stage,
28 you would have mentioned it in your statement?

29 A. I would, yes.

30 55 Q. And where would you collect the exhibits from?

1 A. Pardon?

2 56 Q. Which department would you have collected the exhibits
3 from, which office?

4 A. Probably, we probably were taking the exhibits or
5 fingerprints from the crime scene. They were probably in
6 the car at the time. Jim Boyle was a Scenes of Crime
7 Examiner and he examined the scene of a break-in at the
8 Redemptorist, and I assume, I don't know, I cannot know
9 exactly what we were doing in Dublin, but I take it we were
10 taking up our fingerprint samples or signs to Dublin for...

11 57 Q. Oh, yes. I am just wondering, Mr. Lane, if -- you said it
12 is possible that you could have gone back to the station to
13 collect the exhibits after lunch before you took them down
14 to Dublin?

15 A. Yeah.

16 58 Q. But that's not in here because I presume nobody asked you
17 about it?

18 A. Nobody asked me.

19 59 Q. No. Now, did you take any part in the investigation into
20 the murders subsequently?

21 A. No.

22 60 Q. And were you aware of the rumours in the press prior to
23 1989 about a mole in -- a Garda mole in Dundalk?

24 A. Yes, that was mentioned. I am not too sure whether it was
25 in the '70s or the '80s. I think it appeared in the press.

26 61 Q. Yes. And what did you think of that, as an experienced
27 officer?

28 A. I never actually believed that there was any substance at
29 all to those reports.

30 62 Q. And they seem to have continued on over a period of time.

1 Did that interfere with morale in Dundalk Garda Station?

2 A. No.

3 63 Q. Did anyone discuss trying to put an end to it or figure out
4 where it was coming from?

5 A. I don't know whether anyone believed it or not.

6 64 Q. Now, in relation to the present inquiry, I presume you are
7 familiar with our Terms of Reference?

8 A. Yes.

9 65 Q. And we are investigating, really, rumours, allegations
10 concerning collusion surrounding the deaths of Breen and
11 Buchanan, effectively. And what is your view of the
12 present allegations, particularly being made that have been
13 made publicly against Owen Corrigan, for example?

14 A. I do not believe those allegations, Judge. I've known Owen
15 Corrigan a lifetime and I do not believe them, but that is
16 only my opinion.

17 66 Q. And did you work under him over the years?

18 A. Worked with him and under him, yes. I have known Owen
19 Corrigan since 1965.

20 67 Q. And were you in the same section as he was?

21 A. I was, yes.

22 68 Q. And did you ever investigate any complaints against him?

23 A. No.

24 69 Q. Did you ever at any stage receive any information that
25 might suggest that he had behaved less than properly as a
26 member of the Gardai?

27 A. No.

28 70 Q. If you had any such information or suspicion, what would
29 you have done with it?

30 A. Brought it to the notice of my Superintendent.

1 71 Q. And in relation to Mr. Colton, did you have any involvement
2 with Sergeant Colton?

3 A. No.

4 72 Q. Did you ever work with him?

5 A. I never worked with him. He was on a different unit to me
6 and he would be working at different times.

7 73 Q. And are you aware of the allegations -- well, the
8 allegations that were made at the time by Mr. Hickey, that
9 Mr. Colton had persuaded him into signing passports?

10 A. I know that, yes. I know that happened, yes.

11 74 Q. And do you believe that -- do you believe Mr. Hickey,
12 Mr. Hickey's version of events?

13 A. Well, I may be biased, but I have known Finbarr Hickey
14 since he was a child, he was living at the station when I
15 was at the station, I have known him since he was a child,
16 and it is my opinion that he wouldn't say that unless it
17 was true.

18 75 Q. Has there -- have you ever had any suspicion or information
19 over the years that Finbarr Hickey had any connection with
20 the IRA prior to this incident?

21 A. No.

22 76 Q. I think at the time he pleaded guilty to signing the
23 passports?

24 A. That's right, that was tried. It was investigated and
25 tried and he was dealt with and convicted in court.

26 77 Q. So am I correct in saying that he would not have gained any
27 advantage by implicating another member of the force?

28 A. I don't know. He had to put up a defence, anyhow.

29 78 Q. Have you at any stage heard any information or any rumours
30 or suggestions that Mr. Colton was ever involved with the

1 IRA?

2 A. No.

3 79 Q. Do you have any views about the operation itself in respect
4 of how it might have been set up? Did you ever think about
5 it over the years or at the time?

6 A. I don't know what -- why they were travelling on that road,
7 I don't know. I would say it was the worst possible road
8 that they could have travelled on, I would say. That is my
9 opinion, anyhow.

10

11 MRS. LAVERTY: Thank you, Mr. Lane.

12

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

14

15 80 Q. MR. BAKER: Mr. Lane, I am here on behalf of the Garda
16 Siochana. I just want to ask you a few questions, if that
17 is all right. First of all, it seems clear that you were
18 stationed in Dundalk for about 25 years prior to the
19 atrocities being committed, is that right?

20 A. That's right. I was stationed in Dundalk from 1964.

21 81 Q. Yes. And can I take it from that, that over the course of
22 that 25 years, then, you amassed an intimate knowledge of
23 the workings of the station and a familiarity with the
24 personnel?

25 A. Yes.

26 82 Q. And drawing, then, on that 25 years of experience in
27 Dundalk, can I take it that, over that period, a
28 significant portion of that would have been taken up with
29 the workings of the IRA and a lot of IRA activity?

30 A. Yes.

1 83 Q. And in relation, then, to that experience that amassed over
2 a period of a quarter of a century, do you believe that the
3 IRA would have had the capacity to orchestrate the
4 assassinations without the help of an inside mole, for
5 example?

6 A. I would, yes, My Lord. There were no slouches in the IRA
7 now.

8 84 Q. And I think in relation to the border meetings between the
9 Superintendents, they generally wouldn't be known about in
10 advance amongst a large amount of Gardai, is that correct?

11 A. That's correct, yes. They would be known by very few.

12 85 Q. And on the day in question, I think you yourself left for
13 Dublin about 1:45, before the officers in question arrived
14 at the station, is that right?

15 A. I don't know what time they came to the station at. I
16 didn't see them at all.

17 86 Q. Yes. I think you told the Tribunal that you left the
18 station at about 1:45?

19 A. I did, yes.

20 87 Q. Which would have been prior to their arrival. So, in other
21 words, you had no contact with them whatsoever?

22 A. I had no contact with them.

23 88 Q. Now, I think you told Mrs. Lavery that you lived across
24 the road from the station for a period of time, is that
25 right?

26 A. Yes.

27 89 Q. And where was that, can you recall?

28 A. Directly across the road from the station at number 12A,
29 The Crescent. Directly across from the station.

30 90 Q. I think we heard from Mr. Greene yesterday; was he one of

1 your flatmates?

2 A. That's right, he was, yes.

3 91 Q. I think he made reference to a Mr. Molloy, as well?

4 A. It's so long ago, I don't know was he in it; I'm not sure.

5 I know --

6

7 CHAIRMAN: As you lived across the street from the Garda
8 Station, there is -- The Crescent is in front of you, it's
9 spreading out from left to right, and then there is a
10 roadway called --

11 A. Vincent Avenue.

12

13 CHAIRMAN: -- Vincent Avenue, which is straight down the
14 middle.

15 A. Yes, as you are looking down from the station, the flat we
16 lived in was on the right-hand side of The Crescent before
17 you turn into Vincent Avenue.

18

19 CHAIRMAN: Yes. Was that -- that was the house that you
20 lived in?

21 A. Yes.

22

23 CHAIRMAN: Thank you very much.

24

25 MR. BAKER: In fact, there was a map shown to Mr. Greene
26 yesterday. Perhaps it might be of benefit.

27

28 CHAIRMAN: Well, I remember it; Mr. Greene, I think, was a
29 bit uncertain. He thought it was to the left of Vincent
30 Avenue, as I recall.

1 A. No, it was on the right as you look from The Crescent.

2

3 CHAIRMAN: 12A, from my knowledge of Dundalk, is to the
4 right of Vincent Avenue. That is this witness's
5 recollection, too, that it was to the right.

6 A. I am sure it was the second house in. O'Rourke's was the
7 first house, and the flat we lived in was on the second
8 house.

9

10 CHAIRMAN: Yes. Good.

11

12 92 Q. MR. BAKER: I wonder can you recall, sorry, when, roughly,
13 it was that you lived in that particular location?

14 A. The late '70s.

15 93 Q. And for how long, approximately?

16 A. Four or five year, anyhow.

17 94 Q. And you say it is across the road. How many yards,
18 roughly, from the Garda Station was it?

19 A. If you crossed the green, it was probably about 50 yards,
20 hardly 50 yards across. Just across the green, if you know
21 where the station.

22

23 CHAIRMAN: No, the green isn't a very wide piece of ground.

24 A. No, it's not, just across -- hardly -- 40 yards, I suppose,
25 across from the main door. If you just walk across, less
26 than -- about 50 yards, I suppose, if you walk out the gate
27 and turn around to it.

28 95 Q. And from your recollection, what kind of sight line, using
29 your apartment or flat as an example, would you have had of
30 the station itself?

1 A. You could easily see the station. The station was directly
2 in front of the door.

3 96 Q. I think the current position --

4 A. We lived in the bottom flat.

5 97 Q. You lived in the ground-floor flat?

6 A. The ground-floor flat.

7 98 Q. And how many storeys did the building have?

8 A. Three.

9 99 Q. I see. And I think the current position is that there are
10 a number of trees, as of today, outside the station, but in
11 1989 and beforehand, I think the evidence has been while
12 there were flowers and grass, those trees weren't there?

13 A. There was one or two trees, I think, there at that time,
14 yes.

15 100 Q. Would they have obstructed your view?

16 A. No, no.

17 101 Q. Now, I think you indicated that if the RUC had requested an
18 escort, that those arrangements would have been put in
19 place, is that right?

20 A. Yes.

21 102 Q. Yes. Would it surprise you if Chief Superintendent Breen
22 had a concern regarding a potential mole in Dundalk Garda
23 Station, that an escort wasn't requested?

24 A. It certainly would surprise me if he thought that. I
25 didn't know that. But if he thought that, I would be
26 surprised if he hadn't looked for an escort.

27 103 Q. And I think you also made reference to the fact that there
28 was parking available in the back of the Garda Station?

29 A. Yes, there was a yard where we used to -- there was one
30 yard where we used to use cars that would be seized or

1 vehicles that would be seized. That was on the Ardee side,
2 now, the Ardee Road side of the station. And there was a
3 car park then on the Carrick Road side of the station where
4 anybody could come in -- not anybody, but people could come
5 in and park their vehicles there. There was a gate that
6 had to be opened into that station, into that yard.

7 104 Q. Would it surprise you that if Chief Superintendent Breen
8 had a concern regarding a mole in Dundalk Garda Station,
9 that, nonetheless, himself and Superintendent Buchanan
10 would have parked in the front?

11 A. I would say they would have parked in the back if they had
12 any fear of that.

13 105 Q. And finally, I think you indicated that you knew retired
14 Sergeant Corrigan for most of your tenure at Dundalk Garda
15 Station, is that right?

16 A. That's right. He came to Dundalk about, I think, '65, I
17 think.

18 106 Q. Yes. So you knew the man very well?

19 A. Yes.

20 107 Q. Yes. And you have already told the Tribunal this morning
21 your beliefs in relation to the rumours and speculation,
22 but I think you also told them previously, in written form,
23 that you were aware of the punishment that he received at
24 the hands of the IRA?

25 A. I don't know who -- I know he was kidnapped and I know he
26 got a very bad beating. I visited him that time in
27 hospital. He certainly got a bad beating.

28 108 Q. Yes. How bad?

29 A. I would say very bad. I didn't see -- he was --

30 109 Q. Can you remember the type of injuries that he sustained?

1 A. His facial injuries. I only saw him -- he was in bed when
2 I was speaking to him in the hospital. His face was
3 definitely very badly marked.

4 110 Q. I see.

5

6 MR. BAKER: Thank you very much.

7

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

9 AS FOLLOWS:

10

11 111 Q. MR. O'CALLAGHAN: Good morning, Mr. Lane. I appear for
12 Owen Corrigan.

13 A. Yes.

14 112 Q. Would you agree with me that whilst Owen Corrigan worked in
15 An Garda Siochana, that he was on the front line in the
16 battle against the Provisional IRA?

17 A. Yes.

18 113 Q. And would you agree with me that at the time, particularly
19 in the 1980s, that Dundalk was a dangerous place for a
20 detective sergeant to be working?

21 A. I suppose it was, yes. It wasn't that comfortable, anyhow.

22 114 Q. And were members of An Garda Siochana harassed by the
23 Provisional IRA, those that served in Dundalk?

24 A. Well, I suppose you had a fair bit. The usual, you had the
25 usual shouting and abuse, like. And then Jim Greene's
26 house - he was here yesterday - his house was actually
27 burned, and Owen Corrigan was actually assaulted, himself,
28 in the town, you know.

29 115 Q. Do you remember after Dominic McGlinchey was extradited, do
30 you recall any increased harassment directed against

1 Mr. Corrigan after that?

2 A. I don't know. I think he was beaten or he was assaulted in
3 the town after that.

4 116 Q. In your recollection, Mr. Lane, did Mr. Corrigan apprehend
5 many subversives during the course of his work in An Garda
6 Siochana?

7 A. I would say, yeah, his share of them. I would say, yes.

8 117 Q. And, in your opinion, do you think he was working for the
9 Provisional IRA?

10 A. That thought never entered my head.

11 118 Q. Would you agree me that there is that suggestion out there,
12 but that such a suggestion is nonsense, would you agree
13 with that?

14 A. I certainly never found any evidence of that. I would
15 never think of somebody of our own colleagues doing that.

16 119 Q. And do you have any explanation to offer the Chairman as to
17 how a rumour such as this may have started in respect of
18 Mr. Corrigan, or, indeed, any other member of An Garda
19 Siochana?

20 A. I don't know how those rumours started, but it's not hard
21 to start rumours.

22 120 Q. But would you agree with me that it's a very grave charge
23 to make against a former or a present member of An Garda
24 Siochana?

25 A. It certainly is, yes.

26

27

28 **THE WITNESS WAS CROSS-EXAMINED BY MR. CALLAN AS FOLLOWS:**

29

30 121 Q. MR. CALLAN: Detective Garda, I appear for Sergeant Leo

1 Colton here, and just a few questions. I think you made
2 clear you never worked with him?

3 A. He was a uniformed Sergeant and I was in plain clothes.

4 122 Q. But you didn't, in fact, work with him?

5 A. No.

6 123 Q. No. And insofar as the passport matter that you mentioned,
7 do I take it that you didn't take any part in any
8 investigation about that?

9 A. None whatsoever, no.

10 124 Q. Pardon?

11 A. None whatsoever, no.

12 125 Q. I think that arose considerably later in 1998, would that
13 be correct?

14 A. God, I don't know what year it was.

15 126 Q. I understand there will be evidence that Mr. Hickey was
16 arrested on the 29th of September, 1998. So that any view
17 that you expressed about Mr. Colton in relation to that
18 matter, is entirely based on rumour?

19 A. That's right, yes. I didn't have any act or part in the
20 investigation.

21 127 Q. I see. Yes. And your opinion is --

22 A. That's just my --

23 128 Q. -- is based on rumour and what you heard?

24 A. Yes.

25 129 Q. I see. Now, are you aware that Mr. Colton vehemently
26 denied that?

27 A. Yes.

28 130 Q. And are you aware that he confronted Mr. Hickey and
29 vehemently denied that?

30 A. I don't know that now, I don't know that.

1 131 Q. No. Now, would you accept also that that matter was fully
2 investigated by the Gardai?

3 A. Oh, yes, I am, I am. I accept that. He was fully
4 investigated by the Gardai and he was dealt with in court.

5 132 Q. Yes. That is Mr. Hickey was dealt with in court?

6 A. Yes.

7 133 Q. And do you accept -- are you aware and do you accept that
8 there was never any charge brought against Mr. Leo Colton?

9 A. That's correct, yes.

10 134 Q. Yes. Now, so far as any suspicions attaching to
11 non-uniformed Gardai in relation to a connection with the
12 IRA or the existence of a mole, or anything like that, you
13 have denied that entirely?

14 A. Pardon?

15 135 Q. You have said that that didn't happen, in your view?

16 A. That's correct, yes.

17 136 Q. Does that same opinion extend to the uniformed members of
18 the Force?

19 A. Yes.

20 137 Q. I see. Thank you.

21

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

23 **AS FOLLOWS:**

24

25 138 Q. MS. O'SULLIVAN: Good afternoon -- or good morning. I
26 appear for Finbarr Hickey. Just in relation to the
27 passport issue, I think you have indicated that you have no
28 reason to believe that anything that Mr. Hickey said when
29 he was interviewed in relation to this issue was not true,
30 isn't that the case?

1 A. Pardon?

2 139 Q. You are not able to say?

3 A. I can't say, no.

4 140 Q. You can't say. And I don't know if you are aware that when
5 Mr. Hickey was dealt with before the courts in relation to
6 the passport issue, the Court accepted that Mr. Hickey
7 himself was not connected to a subversive organisation.
8 Would you accept that as being the case?

9 A. I would, yes.

10

11 MS. O'SULLIVAN: No further questions.

12

13 CHAIRMAN: Thank you very much indeed.

14

15 MRS. LAVERTY: Just two short matters, if I could just put,
16 sorry, Mr. Lane, just two very quick matters.

17

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

19

20 141 Q. MRS. LAVERTY: Having lived in 12A The Crescent, if the IRA
21 wanted to stake out the Garda Station, would that location
22 be the perfect place?

23 A. Yes.

24 142 Q. How many of those houses would be able to see the station
25 directly?

26 A. The first house and the second house. The third house,
27 then, was an accountant's office, and that was used...

28 143 Q. Would that have the same view as 12A?

29 A. Yes, yes. They were the houses just in front of The
30 Crescent opposite the station and, on the other hand, they

1 were all privately owned as you go towards the Friary.

2

3 CHAIRMAN: From the point of view of getting a vantage view
4 of the Garda Station, more or less any of the houses in The
5 Crescent spreading out from Vincent Avenue would have a
6 good view of the Garda Station?

7 A. Yes, and heading back towards Stapleton Place.

8

9 CHAIRMAN: Yes.

10 A. That is on the right-hand side as you look towards the
11 station, all those houses, but most of those houses were
12 privately owned and occupied.

13

14 CHAIRMAN: Yes.

15

16 144 Q. MRS. LAVERTY: Just the second question. I think you said
17 you visited Mr. Corrigan in hospital. Would you have
18 expected him to make a statement relating to his
19 kidnapping?

20 A. No, it didn't surprise me when he didn't make a statement,
21 that didn't surprise me.

22 145 Q. Why is that?

23 A. I don't know. It didn't surprise me when he didn't make a
24 statement. I have no particular reason for saying that,
25 just I have known him and that's the type he was.

26 146 Q. Okay.

27

28 MRS. LAVERTY: Okay. Thank you very much.

29

30 CHAIRMAN: Thank you very much, Mr. Lane.

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THE WITNESS THEN WITHDREW

REGISTRAR: Joe Flanagan.

1 JOE FLANAGAN, HAVING BEEN SWORN, WAS EXAMINED BY

2 MRS. LAVERTY AS FOLLOWS:

3
4 147 Q. MRS. LAVERTY: Good morning, Mr. Flanagan. My name is Mary
5 Laverty and I appear for the Tribunal. I think that you
6 were a member of An Garda Siochana attached to the
7 Detective Branch in Dundalk?

8 A. That's correct.

9 148 Q. And I think --

10 A. I am now retired.

11 149 Q. Now retired, yes. When you joined the Detective Branch in
12 1983, did you deal with, specifically, subversives, or did
13 you deal with crime and subversives together?

14 A. Both.

15 150 Q. And when did this finally then split into two divisions?

16 A. I'm not sure. Sometime in the '90s.

17 151 Q. And did the Detective Branch have dealings with the army or
18 with Customs at the time?

19 A. Which time are we talking about?

20 152 Q. Any of the time around, say, 1989? Did you liaise with the
21 army on occasions or did you liaise with Customs?

22 A. I liaised with neither.

23 153 Q. Did you not?

24 A. No. Very seldom, because the army and the Detective Branch
25 didn't do joint operations as we carried arms and they
26 carried arms and there was a conflict.

27 154 Q. Was there a time that you went out on patrol duties with
28 army personnel or...

29 A. No, My Lord, we didn't.

30 155 Q. Thank you. And can you tell us a little bit about the work

1 that you were involved in dealing with subversives; how did
2 you go about it?

3 A. It was mostly intelligence-gathering and collating --
4 observing and collating who was together and associations
5 and the vehicles they were travelling in, and we used to
6 put it on a collator form, and any other type of
7 information, more secretive information, we put it on a
8 form, C77, and sent it to Crime and Security.

9 156 Q. And so when you filled up a collator form, did the collator
10 then decide where that form was going to end up, where that
11 information was going to end up?

12 A. No, he put it on a collator -- he collated -- each
13 subversive would have had a form to him, and the date time,
14 and whatever the incident, you stopped him, or whatever you
15 had to report, went on his file.

16 157 Q. And as you said, if something more serious than that or
17 more sensitive than that, you put it on the C77, and where
18 did that go?

19 A. It went to Crime and Security.

20 158 Q. And was there any copy kept in the station?

21 A. A copy would have been sent to the Chief Superintendent,
22 but he wouldn't really be aware of where it came from
23 because you had a secret number.

24 159 Q. And you used that number when you filled --

25 A. You used the number. You didn't sign the form.

26 160 Q. And were there many subversives in Dundalk around 1989?

27 A. I think, at that time, between three and four hundred
28 listed.

29 161 Q. And can you explain, for the benefit of people that don't
30 know, what "listing" means?

1 A. It means that we believed that they were members of the
2 IRA.

3 162 Q. And --

4 A. And that would include the Provisional IRA, INLA and other
5 unlawful organisations.

6 163 Q. And the fact that a person was listed in the belief that
7 they were a member, then, did that mean that there was more
8 focus on their comings and goings by the Gardai?

9 A. Yes.

10 164 Q. And how familiar were you with all of the people that were
11 listed at the time in the subversives around the Dundalk
12 area?

13 A. I would have known most of them to see.

14 165 Q. And who did you normally work with?

15 A. Jim Greene.

16 166 Q. I think that the detectives usually worked in pairs, is
17 that correct?

18 A. Mostly, but often worked on our own, too.

19 167 Q. And who was your Detective Sergeant?

20 A. Owen Corrigan.

21 168 Q. And did you get on well with him?

22 A. Yes, he was easy to work for.

23 169 Q. And was he good at his job?

24 A. Excellent.

25 170 Q. Now, did he work out on the ground or did he work in a
26 supervisory capacity?

27 A. He worked both. He was involved in searches, involved in
28 interrogations, involved in investigations, and, also, he
29 supervised, and files.

30 171 Q. And did you have much contact with the RUC?

1 A. The only contact at that time I had with the RUC was
2 similar to Jim Lane there, on the phone carrying out
3 inquiries about vehicles or people.

4 172 Q. And what happened if phone calls came in from the RUC or,
5 indeed, from anywhere else? Were there phone records kept
6 in the station at the time?

7 A. If it came -- any call that came in to us, we never kept a
8 record.

9 173 Q. That would be into the Detective Branch room?

10 A. That's correct, yeah.

11 174 Q. And how would you leave a message for somebody if you
12 didn't keep a record?

13 A. If I had an inquiry to do, it would be my inquiry and I
14 would write a report and the report would be there for
15 others in the office to see.

16 175 Q. So just coming back to the phone call. Did somebody ring
17 to say -- the sort of phone calls that you were getting in
18 the Detective Branch Office, would that be sort of saying
19 there is a burglary at such-and-such a place, will somebody
20 take charge of that?

21 A. Oh, I thought you were talking about the RUC there.

22 176 Q. Well, if they rang, yes, if they rang in?

23 A. Well, why would they be ringing us about a burglary down
24 the south?

25 177 Q. No, I am trying to find out what sort of records were kept?

26 A. If something needed to be put on a report, we would write a
27 report there for whoever else was -- for our supervisor,
28 for anyone else to see.

29 178 Q. Well, in the event, for example, that as Mr. -- the last
30 witness said, that sometimes there would be requests or

1 there would be escorts for the RUC coming down, presumably
2 that would come into the Detective Branch, wouldn't it?

3 A. That would come through the Superintendent's office or from
4 the Chief Superintendent's. We wouldn't have received that
5 directly.

6 179 Q. And who would contact you, then, if it needed to be done?

7 A. The Superintendent or the Superintendent's clerk.

8 180 Q. So it wouldn't be done over the phone?

9 A. No. They would come in to us directly. Their office was
10 across the way from us.

11 181 Q. Do you remember if that happened often around those years,
12 '88, '89, '90?

13 A. Escorts to Dublin were frequent, and we also escorted RUC
14 people to the station, to and from the station to the
15 border.

16 182 Q. And did that depend on their rank?

17 A. It didn't, it was irrelevant of rank. If they requested an
18 escort, they were given it.

19 183 Q. Did you ever meet Chief Superintendent Breen or
20 Superintendent Buchanan?

21 A. Never met them.

22 184 Q. And at no stage were you ever involved, obviously, then, in
23 escorting them either to and from the border?

24 A. Obviously.

25 185 Q. Was it a frequent occurrence that RUC officers would call
26 into the station?

27 A. They called on a regular basis, monthly, yeah.

28 186 Q. How would you recognise them, as a matter of interest?

29 A. I don't know. It is just instinct.

30 187 Q. Instinct. That's a good answer. Have you any ideas as to

1 why Mr. Corrigan's name was mentioned in the context of
2 this Tribunal and its investigation?

3 A. No idea, no idea.

4 188 Q. Do you know if he was involved in the forensic
5 investigation in the murders, following the murders?

6 A. I don't know.

7 189 Q. Were you involved yourself?

8 A. I thought I wasn't, but you told me I carried out an
9 inquiry in it.

10 190 Q. I think you made a statement at the time. Do you recall
11 making that statement, Mr. Flanagan, to Detective Inspector
12 Kevin Carty?

13 A. Actually, I didn't know who I made it to until you told me,
14 until I saw it going back a couple of years ago.

15 191 Q. And I think that -- will you just take a look at it and see
16 if that accords to whatever you were doing that day.

17 (Statement handed to witness.) Is that your handwriting?

18 A. No, that's not my handwriting, but I think it is -- my
19 signature, obviously, is not here, but I presume it was on
20 the other page.

21 192 Q. And it says, "*I am a member of the Garda Siochana*
22 *attached*" --

23 A. That is my signature, all right, yes.

24 193 Q. That is your signature.

25

26 CHAIRMAN: Naturally, you didn't write out your statement?

27 A. No, that is not my writing, anyway.

28

29 194 Q. MRS. LAVERTY: I think that you say on Monday the 20th of
30 March, 1989, you took up duty at the Detective Branch

1 Office at 6 a.m. with Detective Garda Jim Greene. You
2 attended to correspondence and files until 7:30 a.m.

3 *"At that time, we left the station, went on mobile patrol*
4 *in an official Garda vehicle in the..."*

5 A. Muirhevnamore.

6 195 Q. *"... and Blackrock areas. We returned to Dundalk station*
7 *at about 9 a.m. We were at the station for approximately*
8 *10 minutes when we were both directed to investigate a*
9 *burglary at St. Alphonsus Road, Dundalk. At about*
10 *10:30 a.m. we completed this duty. We both then availed of*
11 *a meal break until about 11:15 a.m. We recommenced duties*
12 *in relation to the burglary immediately after our meal*
13 *break. We eventually returned to Dundalk Station at about*
14 *1:40. I terminated duty at 2 p.m. and left the station. I*
15 *was not aware of any meeting between Chief Superintendent*
16 *Nolan and members of the RUC on that day. I did not see*
17 *any member of the RUC in Dundalk Garda Station on that*
18 *date."*

19 And I presume that, if you had, you would have put it in
20 your statement?

21 A. That's correct.

22 196 Q. When you came back to the station at about twenty to two,
23 you obviously don't recollect who was on the steps or who
24 was hanging around before you went off duty?

25 A. That is correct, I don't.

26 197 Q. Now, did you have some input into the passport affair,
27 shall I call it, involving Mr. Hickey?

28 A. As far as I can recall, I was part of a search team that
29 searched the home of Leo Colton back in 1998, was it?

30 198 Q. I think it was around that time. And were you aware of the

1 claim made by Mr. Hickey that he signed the passports at
2 the instigation of Mr. Colton?

3 A. I was, and I believe -- it is my opinion that Finbarr
4 Hickey was telling the truth.

5 199 Q. Did you know -- why would Mr. Colton deny the matter? Have
6 you any opinion on that?

7 A. I have no opinion, I have no opinion, no. But I would be
8 surprised if he didn't.

9 200 Q. Are you aware of any links between Finbarr Hickey and the
10 IRA?

11 A. No, I am not aware of any.

12 201 Q. At that time or since?

13 A. At that time or since.

14 202 Q. And in relation to Mr. Colton and Mr. Corrigan, can I ask
15 you the same question?

16 A. Similarly, I am not aware of any association between either
17 of them with the IRA.

18 203 Q. Now, were you aware of Mr. Corrigan's kidnapping?

19 A. I was, yes.

20 204 Q. And did you visit him as well?

21 A. No, I didn't visit him. I visited his wife Sheila, his
22 late wife Sheila. I think it was a Thursday night. I
23 think he was kidnapped on a Tuesday and he was missing for
24 a number of days.

25 205 Q. I am sorry?

26 A. Go ahead.

27 206 Q. I think that he was in the company of one Francis Tiernan,
28 is that correct?

29 A. I'm not aware of who he was in -- who was kidnapped with
30 him, but subsequently I heard it was Francis Tiernan, yes.

1 207 Q. And from the years you were working with him, were you
2 aware of whether Mr. Tiernan was a friend of his or not?

3 A. I never knew Mr. Tiernan to be a friend of Owen Corrigan.

4 208 Q. I think that, at the time, Mrs. Tiernan made a statement to
5 the Gardai in which she suggested that her husband often
6 went to Drogheda to meet Mr. Corrigan as he was a good
7 friend of his?

8 A. I'm unaware of that.

9 209 Q. You don't know anything about that?

10 A. I wasn't involved in the investigation.

11 210 Q. Now, just in relation to the IRA operation itself,
12 Mr. Flanagan, there was intelligence and, in fact, reports
13 to indicate that a white van was hijacked for the purpose
14 of this operation or stolen for the purpose of this
15 operation. Would that be normal for the IRA to steal a
16 vehicle on demand, so to speak?

17 A. Hijackings were a regular occurrence on the border.

18 211 Q. But did they usually select a particular vehicle for an
19 operation or would they have a fleet of cars for an
20 operation, in your opinion?

21 A. I don't know. I just -- I don't know.

22 212 Q. Thank you.

23

24 MRS. LAVERTY: Thank you very much, Mr. Flanagan.

25

26 CHAIRMAN: Any questions?

27

28

29

30

1 **THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS**
2 **FOLLOWS:**

3

4 213 Q. MR. DURACK: Mr. Flanagan, my name is Michael Durack, and I
5 appear for the Garda Siochana. Where were you from
6 originally?

7 A. I am from the west of Ireland, Roscommon.

8 214 Q. I see. And when did you go to Dundalk first?

9 A. I went to the Detective Branch in 1983.

10 215 Q. Sorry?

11 A. I was a member -- I was a guard in Drogheda -- or
12 Julianstown, and I was in the Special Task Force, the
13 Divisional Task Force then, prior to I going to Dundalk in
14 1983.

15 216 Q. And when had you gone to Julianstown?

16 A. 1976.

17 217 Q. So from 1976 and for most of your career, you were in the
18 Dundalk/Drogheda area, County Louth or Meath, I suppose?

19 A. Meath is Julianstown, yes.

20 218 Q. Meath and County Louth?

21 A. Yes, it is the Louth/Meath Division, yes.

22 219 Q. And I think at that stage that the -- there were four
23 units, four detective units operating in Dundalk?

24 A. At that stage, yes. Prior to that -- yeah, yeah.

25 220 Q. I think that the position is that, that one unit does one
26 shift and then is replaced by the second and the third and
27 fourth, isn't that the way it works?

28 A. Yes, some of them would overlap.

29 221 Q. But needless to say, that would be your regular hours, but,
30 quite often, there would be quite an amount of overtime to

1 be done if there was an operation to be done?

2 A. Correct, yes.

3 222 Q. And I think it is fair to say that the Detective Unit was
4 physically at the back of the station and away from the
5 uniformed area?

6 A. That's correct.

7 223 Q. And am I right in thinking that there wouldn't be a lot of
8 interaction between uniform branch and Detective Branch?

9 A. Not really, no.

10 224 Q. And in your case, were you, at the time in 1989, were you
11 involved in both ordinary crime or subversive crime?

12 A. Both. It was in the 1990s, then, that -- the early 1990s,
13 the branch was divided into Detective Branch and the Crime
14 Unit.

15 225 Q. I see. And the Crime Unit would deal with what we might
16 call common-or-garden crime?

17 A. Correct.

18 226 Q. I think in the ordinary course of events, as well, that the
19 uniform section would be involved with ordinary policing
20 and road blocks and that sort of thing?

21 A. Correct.

22 227 Q. Did you ever -- were you ever working at any stage with
23 either Mr. Colton or Mr. Hickey?

24 A. Never worked with either of them.

25 228 Q. I think they were both in the uniform branch?

26 A. Correct.

27 229 Q. I take it, as a Detective, your principal function was the
28 gathering of information?

29 A. Correct.

30 230 Q. And --

1 A. But at that time we were also involved in house-to-house
2 inquiries in relation to burglaries and other --
3 investigating other type of crime, also.

4 231 Q. But, essentially, your function was also to keep a finger
5 on the pulse of what was going on in the terrorist
6 community?

7 A. Correct.

8 232 Q. And to keep an eye on who was where, who was associating
9 with who, and I suppose equally as important, who was
10 missing --

11 A. Correct.

12 233 Q. -- at particular times, and therefore, who might be crime
13 suspects for incidents that happened along the border?

14 A. That's correct.

15 234 Q. And I think you developed a very deep and detailed local
16 knowledge of all those involved?

17 A. Similar to every other member of the Detective Branch.

18 235 Q. And I think you were regularly contacted by the Crime and
19 Security section in Headquarters as to the movements of
20 people?

21 A. Yes, on an ongoing basis, yes.

22 236 Q. And I think you were then -- I suppose you were keeping the
23 terrorists under pressure by keeping watch on them?

24 A. Yes, I suppose we were, yes.

25 237 Q. And I take it, equally, that the IRA were actively involved
26 in intelligence --

27 A. Correct.

28 238 Q. -- and that -- and intelligence-gathering, and that they
29 equally would be monitoring Garda movements?

30 A. That's correct.

1 239 Q. And were the detectives put under much pressure?

2 A. Dundalk at that time was difficult, it was a
3 difficult-enough place for a detective member to live in,
4 yes. We came under, as Jim Lane said previously there, we
5 received a lot of abuse and, you know, life was -- life
6 could be difficult at times. When you were out with your
7 family, you may receive abuse, and, while you were able to
8 take it, it was very hard on your families.

9 240 Q. Yes. Sorry, go on?

10 A. Yes.

11 241 Q. Did you come under any physical attack?

12 A. I was, I came under fire. I was shot at one night, yes,
13 back in '84.

14 242 Q. Was that in the course of an investigation?

15 A. Yes, I was in pursuit of a terrorist and they crashed and
16 they fired several guns at me, and one of them was
17 subsequently arrested.

18 243 Q. And I think, as you have told us, that each suspect would
19 have a file where his movements would be recorded and
20 sightings, *et cetera*?

21 A. Yeah, all listed members who -- we had a collator system at
22 that stage and all his sightings and movements by both
23 uniform and Detective Branch were recorded, and everyone
24 had access to them to see -- if you wanted to look up
25 someone, when you saw he was such a place on such a date
26 with X, and that, yeah.

27 244 Q. And then, equally, you would be in contact with the RUC and
28 they with you, knowing, again, about the movements of
29 people?

30 A. Well, movements, it was -- RUC, and that, we -- mostly, it

1 was about making inquiries about cars or people, and that,
2 yes.

3 245 Q. I presume that would also include cars or vehicles that had
4 been hijacked or stolen?

5 A. That's correct, yes.

6 246 Q. Presumably, with some criminal intent, to be used in some
7 operation?

8 A. Yes, there was always that aspect of it, yes.

9 247 Q. And I think that insofar as the army was involved, it was
10 usually just involved with the uniform section?

11 A. They generally patrolled with the uniform section.

12 248 Q. And they were in support of the unarmed uniform section?

13 A. Correct.

14 249 Q. Now, can you help us in relation to travelling north out of
15 Dundalk. Did you do much of it yourself?

16 A. I very, very seldom went, at that stage, to Newry or went
17 north, very, very seldom.

18 250 Q. And why would you avoid that?

19 A. Because I wouldn't feel comfortable.

20 251 Q. And presumably, as the terrorists were operating on both
21 sides of the border, you would be known on both sides of
22 the border, and recognisable?

23 A. That's correct.

24 252 Q. Now, if you were travelling, what options did you have in
25 going from Newry to -- or, sorry, from Dundalk to Newry.

26 A. Well, if I was travelling, it would be by the main road,
27 and I wouldn't dream of going any other way.

28 253 Q. And would why you choose that?

29 A. Because there were observation posts, and that, there. At
30 least, you know, you had -- it was a safer, it was by far

1 the safer way to go, safest way to go.

2 254 Q. Now, we do know that there were some particular atrocities
3 on the main road, but I take it that the presence of a lot
4 of traffic was also, at some stage -- it gave you some
5 security?

6 A. It was some deterrent, yes. I think most of those were
7 culvert bombs, yeah.

8 255 Q. Did you ever travel the Edenappa Road?

9 A. In latter years, yes, but not up until the late '90s.

10 256 Q. I see.

11 A. I would patrol -- we would patrol to the border, but that
12 was it, but not north of it.

13 257 Q. And did you consider that a dangerous road at that stage?

14 A. Yes.

15 258 Q. Mrs. Laverty has mentioned that there was a beige van,
16 apparently, involved in the murder of these two officers,
17 and that had been stolen a couple of days previously. Were
18 you aware of that?

19 A. I find it hard now to recall back, but I presume at the
20 time I was aware of it, yes. We would have a list of all
21 the stolen cars and vans, or whatever, you know, and we
22 would have list of them and we would bring them around with
23 us.

24 259 Q. And I would be right in thinking, I suppose, that if an
25 operation was planned, that the vehicles would be stolen to
26 order?

27 A. Correct.

28 260 Q. Would I be right in thinking that the suggestion that this
29 van was stolen a few days beforehand, would suggest that
30 perhaps some planning had gone into this murder?

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

2 261 Q. Well, we have heard, of course, that Superintendent
3 Buchanan used his own car for this trip down?

4 A. So I believe.

5 262 Q. Would it be a fair thing to assume that that car was
6 well-known to the IRA? He had had it for some three years,
7 I think, at the time?

8 A. I wasn't aware of what he was driving, as I never met him
9 or saw him in Dundalk, but I assume, if he was using it
10 regularly, it would be well-known from intelligence by
11 them, yes.

12 263 Q. And it would be part of their practice to monitor the
13 movements of detectives?

14 A. Correct.

15 264 Q. And senior policeman?

16 A. Correct.

17 265 Q. I think while there was reference to a murder
18 investigation, there was no actual murder investigation as
19 the crime was committed in the north?

20 A. That would be correct. It was inquiries that was carried
21 out, yeah.

22 266 Q. I think I am right in thinking that an incident room was
23 set up for the purposes of trying to find out as much
24 information as could be found out in the south?

25 A. That's correct.

26 267 Q. And to conduct such investigations as might be of use to
27 the RUC?

28 A. That's correct.

29 268 Q. And I take that the detectives in Dundalk were all involved
30 in that?

1 A. Most were, yes.

2 269 Q. Just one matter: In relation to -- the car park in front
3 of the station would have been occupied by, I presume,
4 mostly members?

5 A. Mostly. There wouldn't be room for anyone else nearly,
6 yes.

7 270 Q. And perhaps the odd person that called in on business to
8 the station?

9 A. To get a form signed or something like that, they would
10 park for a brief and then away with them, yes.

11 271 Q. Would I be right in thinking that, from what you said, that
12 most of the members, of course, would live south of the
13 border?

14 A. I think most -- I think them all, yeah.

15 272 Q. And that they wouldn't -- in those circumstances, they
16 wouldn't be driving northern-registered cars?

17 A. That's correct.

18 273 Q. So that a northern-registered yellow plate would stand out
19 in the car park?

20 A. It would, yes.

21 274 Q. Thank you. Oh, sorry, just one thing. In terms of
22 communications at that stage, there is a suggestion that
23 the RUC had some sort of a radio system. What did you
24 have? I mean, it is pre-mobile phone days, really?

25 A. Yes, I know that. There was a cross-border radio with
26 codes in it. I don't know whether it was working at that,
27 but very seldom -- it wasn't used very often. We used the
28 phone in the office and rang, rang Newry direct.

29 275 Q. And when you were out on business and investigations, did
30 you have -- it was a phone in the car or a radio in the

1 car?

2 A. We used a radio to communicate with Dundalk, but we never
3 used a radio to communicate with the RUC.

4 276 Q. I see.

5

6 CHAIRMAN: Your telephone calls to Newry, were they on an
7 open line or a scrambled line?

8 A. There was a scramble line in our office and I don't know
9 how effective it was.

10

11 CHAIRMAN: Yes.

12 A. We definitely had a scramble line with Crime and Security
13 in Dublin. Now, I don't know -- there was one or two
14 phones in Newry that you could ring on that scramble line.
15 Now, I don't know whether that was at that stage, whether
16 it was operational at that stage, but I'm nearly sure it
17 was.

18 277 Q. MR. DURACK: There was some suggestion that there was two
19 systems, a different system north and south, and that they
20 didn't, in fact, connect very well?

21 A. That's correct, yes. The one to Dublin was okay, but I
22 don't know how effective the one to the north was.

23 278 Q. Am I right in thinking also that there were a number of
24 open direct lines to Newry where you didn't have to dial at
25 all?

26 A. That's correct. And if you had a number to an office, you
27 could dial direct to that office.

28 279 Q. And that that wasn't -- that phone wasn't to be used for
29 anything else in the station?

30 A. Yeah.

1 280 Q. It was virtually an internal line to Newry, or solo,
2 sorry -- it was a line devoted solely to Newry?

3 A. No, no, we had a line that -- there was discreet on it, but
4 the other person also had to have a discreet on their one,
5 but we could also use it as an ordinary telephone.

6 281 Q. Is that different from the direct line, because we know
7 that there were a number of direct lines?

8 A. Yes, we had one in our office, which was different, but it
9 wasn't a direct line. You could dial anything on this
10 phone.

11 282 Q. In the course of your time in -- at work in Dundalk, were
12 you aware at any stage of the technical capacities of the
13 IRA in relation to phones?

14 A. No, I wasn't aware, but there was rumours that they had
15 access to telephone exchanges.

16 283 Q. And I take it, therefore, that you were very concerned
17 about what you said over the phone?

18 A. Of course, yes.

19 284 Q. Did you yourself ever get any intelligence in relation to a
20 person connected with the Provisional IRA being a telephone
21 engineer in, I think, Newry, or anywhere else?

22 A. Not that I am aware of.

23

24 MR. DURACK: Thank you very much indeed.

25

26 CHAIRMAN: Any questions?

27

28

29

30

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

AS FOLLOWS:

285 Q. MR. O'CALLAGHAN: Good afternoon, Mr. Flanagan. I appear for Owen Corrigan. I just have a couple of questions for you. I think that you would agree with me that, in the 1980s, Dundalk was a dangerous and difficult place for a member of An Garda Siochana?

A. Correct.

286 Q. And part of the reason for that was that there were so many subversives there. In your own evidence, you said there was approximately three or four hundred, is that correct?

A. That's correct.

287 Q. And obviously, would it be correct to say that the subversives would have been aware of who were members of An Garda Siochana in Dundalk?

A. Correct.

288 Q. Owen Corrigan will come to this Tribunal and give evidence to the Chairman that he fought on the front line against the Provisional IRA throughout the 1980s and before and after. Would you agree with that, Mr. Flanagan?

A. I would.

289 Q. Would you agree with me that Mr. Corrigan was a thorn in the side of the Provisional IRA throughout this period of time?

A. He was.

290 Q. And are you aware that his investigations and his work as a member of An Garda Siochana led to the apprehension of many subversives?

A. That's correct, it did.

1 291 Q. You mentioned in your evidence to Mrs. Lavery that you
2 thought that Owen Corrigan was an excellent detective. Can
3 you just explain to the Chairman why you held that view
4 about my client?

5 A. He was very knowledgeable, he had a great way with people,
6 he was a hard grafter, and he just had something special.

7 292 Q. And did he have good information about subversives such as
8 the Provisional IRA?

9 A. He had excellent information.

10 293 Q. And was he prepared to stand up to them or did he wilt away
11 in the face of them?

12 A. He stood up to them.

13 294 Q. And are you aware as to whether Mr. Corrigan was harassed
14 because he was a member of An Garda Siochana?

15 A. I was, yeah. At the time of Dominic McGlinchey's
16 extradition, there were signs up around Dundalk with Owen
17 Corrigan's picture on it, and across the top of it, I don't
18 know whether it was 'high treason' or 'traitor', or
19 something like that, and a picture of him handing over
20 Dominic McGlinchey at the border, and he also subsequently
21 was assaulted in a pub while out socialising.

22 295 Q. And who do you think were responsible for these acts of
23 harassment against him?

24 A. The Provisional IRA.

25 296 Q. You also mentioned that you were aware he was subsequently
26 beaten up, isn't that correct?

27 A. That's correct.

28 297 Q. And are you aware of any other harassment that was meted
29 out to him at the time that he was beaten up by the IRA?

30 A. I'm not, but, like, he would be like the rest of us, he

1 would have got abuse from the public and -- or from
2 republicans, not from the public, from subversives.

3 298 Q. Do you have any explanation or any reason you can give to
4 the Chairman as to why you think this excellent detective's
5 name has been rumoured to be involved in the setting up of
6 these two unfortunate RUC officers?

7 A. I haven't.

8 299 Q. Would you agree me that it is very unfair that Owen
9 Corrigan's name has been tarnished in this way?

10 A. I agree, it is.

11 300 Q. And would you agree with me that it is shameful --

12 A. It is shameful.

13 301 Q. -- that a fine detective who protected this State against
14 the Provisional IRA at the time that they wanted to bring
15 this State down, now has his good name tarnished by these
16 allegations?

17 A. I think it is shameful, yes.

18 302 Q. Thank you.

19

20 MR. O'CALLAGHAN: Thank you.

21

22 CHAIRMAN: Any other questions from counsel?

23

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

25

26 303 Q. MR. CALLAN: Mr. Flanagan, I appear here on part of Leo
27 Colton. Now, the first thing I want to ask you is
28 concerning the amount of attacks on Gardai by subversives
29 and members of the IRA in Dundalk in this period. That
30 extended also to the uniformed Gardai, would you accept?

1 A. Not on the same scale.

2 304 Q. No, not on the same scale, but, in particular, do you
3 recall that, in fact, a uniformed Garda, David Shannon, was
4 individually attacked by the IRA during that period, do you
5 recall that?

6 A. I think his house --

7 305 Q. Sorry, excuse me, his house?

8 A. Yes, his house was burned, yes.

9 306 Q. His house was burned, yes. Thank you. And I understand
10 also there was a uniform Gardai shot and wounded by
11 subversives --

12 A. That's correct, yes.

13 307 Q. -- at the time. Now, so far as the intelligence available
14 concerning the IRA, there was a considerable amount of
15 intelligence, continuing intelligence available to all
16 members of the Detective Branch and, of course, Owen
17 Corrigan and people like in your capacity as well?

18 A. Sorry, I didn't...

19 308 Q. There was a lot of intelligence concerning the IRA,
20 available in the Detective Branch, concerning the IRA?

21 A. That's correct, yes.

22 309 Q. Yes. And, in particular, you have mentioned that Owen
23 Corrigan was very privy to that and very much on top of
24 that?

25 A. He was to the forefront, yes.

26 310 Q. And he -- would you accept that he was the kind of officer
27 that if he had any intelligence concerning any possibility
28 or connection with a uniformed member of the Gardai, that
29 he would have acted on it?

30 A. He would, yes.

1 311 Q. And I take it that you -- you yourself would have done the
2 same if you had that?

3 A. Of course I would.

4 312 Q. If you had such information?

5 A. Of course I would, yes.

6 313 Q. You have indicated here that the extent of your, I think,
7 as I understand it, your involvement in the passport
8 matter, was that you participated in a search in Leo
9 Colton's house on the occasion?

10 A. That's correct.

11 314 Q. Yes. That would be, I think, about September of 1998?

12 A. '98 sometime, yes.

13 315 Q. Some six or seven years after Sergeant Leo Colton had
14 retired?

15 A. That's correct.

16 316 Q. And that was your only involvement?

17 A. That was my only involvement.

18 317 Q. In the investigation?

19 A. In that investigation, yes.

20 318 Q. I think, in particular, in that search, that all that was
21 found were some blank driving licence applications?

22 A. That's correct.

23 319 Q. Yes. Well, would you agree, in your experience it is
24 nothing unusual for members of the Gardai, and even retired
25 members of the Gardai, to be asked by members of the public
26 about application -- maybe simple matters like driving
27 licence applications and the like?

28 A. Well, it hasn't happened me, but if you say so, I presume,
29 yeah.

30 320 Q. Well, it is something that you would accept might be likely

1 in a country area, that people might ask a retired guard,
2 well, something concerning a driving licence, and a retired
3 guard, he might well say, "well, I have some of them" or "I
4 will get you one," or something like that?

5 A. In a country area, yes.

6 321 Q. And in Dundalk, leaving out, leaving out the town itself,
7 it is a country area, agriculture area all around it?

8 A. I suppose so, yes.

9 322 Q. I know. Now, you then, notwithstanding what I suggest is
10 your limited participation in this investigation about the
11 passport issue, you have expressed a view about whether you
12 might accept what Mr. Hickey said about it?

13 A. Yeah, that's my opinion, that I accept what Finbarr Hickey
14 said, who he got the passports signed for.

15 323 Q. Yes. But that opinion of yours, it is entirely based on
16 what I might call rumour and hearsay, isn't that so?

17 A. No, it is what Finbarr Hickey said.

18 324 Q. Yes, but, I mean, it's what he said?

19 A. Yes.

20 325 Q. But it is limited to that, is it?

21 A. That's limited to that, yes.

22 326 Q. That opinion of yours is limited to that?

23 A. Yes. Finbarr Hickey was easily led and he would have been
24 friendly with Leo Colton.

25 327 Q. You consider that. Did you ever think of confronting Leo
26 Colton and asking him for his version of it?

27 A. I believe he was confronted in the investigation about it.

28 328 Q. Yes.

29 A. And he denied it.

30 329 Q. And he denied it?

1 A. Yes.

2 330 Q. Said it was a story for the fairies, isn't that so,
3 something to that effect?

4 A. I don't know his exact words, but he denied it. That is to
5 be expected.

6 331 Q. Pardon?

7 A. That's to be expected.

8 332 Q. Well --

9 A. Yes.

10 333 Q. Well, that's surely a matter of a judgement, would you not
11 agree?

12 A. It is a matter of judgement. That is what I said, my
13 opinion.

14 334 Q. Yes.

15 A. It is my opinion, yes.

16

17 CHAIRMAN: Ms. O'Sullivan?

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

20

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

22

23 335 Q. MRS. LAVERTY: Just one very brief matter. When you went
24 to visit Owen Corrigan, did he tell you he had been
25 kidnapped by PIRA, the Provisionals?

26 A. No, I met him subsequently after he got out of hospital,
27 and that, and he told me that -- he told me -- he didn't
28 mention who kidnapped him.

29 336 Q. I see. Because it just occurs to me that Dominic
30 McGlinchey was INLA?

1 A. He was INLA, yes. You can call them what you like, but
2 they are still all the one.

3 337 Q. But he didn't say who?

4 A. He didn't say who, no.

5

6 MRS. LAVERTY: Thank you.

7

8 CHAIRMAN: Thank you very much, Mr. Flanagan. Thank you
9 for your help.

10

11 THE WITNESS THEN WITHDREW

12

13 CHAIRMAN: That is this morning's?

14

15 MRS. LAVERTY: That concludes this morning's witnesses.

16

17 CHAIRMAN: Very good, then. We will rise now for lunch and
18 I will sit again at 2 o'clock for the next two witnesses.
19 Thank you.

20

21 THE TRIBUNAL ADJOURNED FOR LUNCH.

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1 THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:

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3 MR. HAYES: Good afternoon, Chairman. There are two
4 witnesses for this afternoon. I think the first is Garda
5 Michael Johnson, please.

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1 MICHAEL JOHNSON, HAVING BEEN SWORN, WAS EXAMINED BY
 2 MR. HAYES AS FOLLOWS:

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4 338 Q. Mr. HAYES: Good afternoon, Mr. Johnson. My name is Dara
 5 Hayes, and I am counsel for the Tribunal. Just by way of
 6 preliminary, I think you joined An Garda Siochana in 1977?

7 A. That's correct.

8 339 Q. On the 20th of July?

9 A. That's correct.

10 340 Q. And I think you retired exactly 30 years later?

11 A. I did indeed.

12 341 Q. On the 20th of July, 2007?

13 A. That's correct.

14 342 Q. I think initially you were posted in Dublin?

15 A. For three years.

16 343 Q. And then, in September 1980, you went to Dundalk Garda
 17 Station?

18 A. That's correct.

19 344 Q. And you were there until your retirement?

20 A. That's right, yes.

21 345 Q. I think that from 1995, or thereabouts, until your
 22 retirement, you worked in the Communications Room?

23 A. About 15 years or so, yeah.

24 346 Q. About 15 years. In -- do you remember being on duty on the
 25 20th of March, 1989?

26 A. Well, I don't actually recollect it. I had to make some
 27 inquiries to find out what I was working on on the day.

28 347 Q. Yes.

29 A. I don't remember the day as such.

30 348 Q. You don't. But you were in Dundalk at that time in March

1 1989?

2 A. I believe I was working early.

3 349 Q. Yes. I think you were -- do you recall what unit you were
4 on at the time?

5 A. I was on Unit D.

6 350 Q. I think you were a uniformed guard at the time?

7 A. That's right, yes.

8 351 Q. And who were your Sergeants, do you recall?

9 A. Well, I am not sure if they were still my Sergeants, but
10 for a considerable period of my time on Unit D Michael
11 Kineally and Tom Brady were the two Sergeants. They may
12 not have been my Sergeants at the time.

13 352 Q. Was Sergeant Con Nolan one of your Sergeants at the time?

14 A. He was indeed, yes.

15 353 Q. I think then on the 20th of March, 1989, as best you
16 recollect, you were working the early shift?

17 A. As far as I am aware, yes.

18 354 Q. I think that is the shift from 6 a.m. to 2 p.m.?

19 A. That's correct, yeah.

20 355 Q. Do you recall what your duties involved that day?

21 A. I don't. I tried to find that out, but the relevant
22 diaries weren't available to me.

23 356 Q. I think is it possible that you were working as the station
24 orderly?

25 A. I would have done that on my turn. I don't know if I was
26 that morning.

27 357 Q. Would you just explain to us, just generally in the first
28 instance what the work of the station orderly consisted of?

29 A. He would log the members coming on duty. If there were any
30 prisoners, he would be responsible for them. Dealing with

1 the public at the front office. That would generally be
2 what he would --

3 358 Q. And what sort of dealings would you have with the public at
4 the time as station orderly?

5 A. Oh, well, any inquiries to do with production of documents,
6 any reporting any incident, or generally reception, anybody
7 coming to the station or that.

8 359 Q. Yes. I suppose, you are the first port of call, is that
9 right?

10 A. That's right, yes.

11 360 Q. The person behind the hatch?

12 A. Yes.

13 361 Q. Yes. So whatever any caller to the station in the first
14 instance would --

15 A. He'd meet you first, meet the station orderly first.

16 362 Q. Meet you first. What other -- other than station orderly,
17 what other duties were you engaged in at the time?

18 A. Well, being --

19 363 Q. In general, not necessarily on the day?

20 A. In general it could be beat duty, driving, answering calls,
21 patrol car and beat duties, that would be...

22 364 Q. If I were to tell you that in the course of the
23 investigation that Superintendent Connolly had detailed
24 another -- one of the detectives to take a statement from
25 you because you had taken details of somebody in relation
26 to their tax documents on the morning of the 20th of March,
27 would that indicate to you what your duties were that day?

28 A. That a detective was taking a statement from me?

29 365 Q. In respect of somebody who had called to the station in the
30 course of the morning to present tax documents?

1 A. Well, I suppose there are two possibilities: One is that I
2 was station orderly at the time the person called; the
3 other is that I could have been letting the station orderly
4 go on a meal break, you know.

5 366 Q. OK.

6 A. That would be the other possibility.

7 367 Q. But one way or the other, I suppose it would indicate --

8 A. I was there.

9 368 Q. -- that at some point in the morning you were at the front
10 desk?

11 A. Yes.

12 369 Q. Possibly for the entire of it, possibly for covering a
13 break?

14 A. One or either.

15 370 Q. One or the other?

16 A. I presume.

17 371 Q. OK. And what time -- you went off duty at 2 o'clock, is
18 that right?

19 A. Finished at 2, yeah.

20 372 Q. And insofar as you can remember, I mean, when you finished
21 duty did you generally leave there and then?

22 A. Pretty much, yeah, within -- I'd be gone within five
23 minutes, I would think.

24 373 Q. Within five minutes. So if you were on duty at -- you
25 finished duty at 2 o'clock on 20th of March and you left,
26 did you meet any visitors to the station that afternoon?

27 A. I have no idea. I have no recollection.

28 374 Q. You have no recollection?

29 A. No.

30 375 Q. Do you have any recollection of seeing anything unusual

1 about the station or --

2 A. No.

3 376 Q. Were there often, in your experience, RUC callers to the
4 Garda Station in Dundalk?

5 A. Well, I wouldn't have said often, but certainly on
6 occasion, you know, you would have callers to the station
7 in, we'll say, suits and that, and they would go through
8 maybe accompanied by a local detective or that, you know.

9 377 Q. Yes. And in general --

10 A. While you wouldn't know, you would assume.

11 378 Q. You would assume. I was going to ask you, I think you have
12 answered it, but I was going to ask you, I mean, in general
13 would they be announced to you as RUC visitors? I mean to
14 you as the station orderly?

15 A. Not necessarily. Unless somebody called on their own to
16 see somebody in the station, they would possibly tell you
17 that --

18 379 Q. Yes.

19 A. Well, possibly just that they wanted to meet or they were
20 meeting such a person, you know. I wouldn't say it was
21 as normal to say, "I am an RUC officer"; it would be just,
22 "I want to see", you know, "a Detective Superintendent," or
23 something like that.

24 380 Q. Yes, yes. Did you, yourself, know any RUC officers?

25 A. Sorry?

26 381 Q. Did you know -- did you ever have cause to have dealings
27 with RUC officers in the course of your --

28 A. Well, in communications I would have had dealings with my
29 opposite number in Newry.

30 382 Q. Yes.

1 A. And, you know, we would have been on first name terms.

2 383 Q. Yes. But in respect of officers who came calling to
3 Dundalk?

4 A. No.

5 384 Q. That you would not have had dealings with them, is that it?

6 A. No.

7 385 Q. OK. I think you went to the Radio Room some years after
8 the events we are looking into?

9 A. Yes.

10 386 Q. Yes.

11 A. I think I was there for about 15/16 years prior to 2007.

12 387 Q. So from '92/'93, thereabouts?

13 A. Yes, sometime around that, yes.

14 388 Q. At that time do you recall was there -- was the Radio Room
15 or the Communications Room secluded, like was it locked
16 or --

17 A. Well, there was, obviously there was a door on it, but
18 on -- for a period there was a key-pad with a coded entry
19 on it, but mostly it was pretty much an open door.

20 389 Q. I think in the - am I correct in saying - in the basement
21 of the Garda Station there was, I suppose, for want of a
22 better word, there was a mini telephone exchange?

23 A. Well, I know on one wall there were boxes and wires and
24 that.

25 390 Q. Yes.

26 A. In the locker room or -- in the locker room, actually.

27 391 Q. In the locker room?

28 A. Yes.

29 392 Q. And who would have had access to that area of the station?

30 A. All the -- the entire station party would have had access

1 because that is where they went at changes of duty or
2 uniform or that sort of thing, to collect anything, it
3 would be kept in your locker.

4 393 Q. So any member could have -- and it was a busy area of the
5 station?

6 A. Well, it would be pretty business on the change-over of
7 shifts. You would have the best part of two units coming
8 and going --

9 394 Q. Yes.

10 A. -- from the lockers.

11 395 Q. And there was a recreation room there as well, you said, is
12 that correct?

13 A. Yes, there was a snooker room.

14 396 Q. Snooker room?

15 A. Yes. That wasn't open to the locker room now; it was a
16 separate room, but it was at the back of that wall.

17 397 Q. I see. And was the only way -- I mean, was there an
18 entrance to or an exit to the house or did you have to come
19 through the station to get to the locker room? I mean, was
20 there a back door?

21 A. Yeah, it was actually in the basement, and there was
22 certainly one exit in the basement, if not two, and I am
23 not sure about the second.

24 398 Q. Where would they have taken you to, do you remember?

25 A. Well, it being an old prison, it would have taken you out
26 into the yards on either side, what would have been
27 exercise yards, I suppose, at some stage.

28 399 Q. Yes. And in general, were those yards kept closed or were
29 they open to the public?

30 A. They would have been kept closed. They had big timber

1 gates on them.

2 400 Q. I see. If the telephone system required to be serviced in
3 any way, was that done by Garda technicians or done by
4 Telecom technicians, do you know?

5 A. Well, there are Garda technicians, but I don't know if they
6 deal, you know, if they would deal with -- they would
7 certainly deal with the phone system at the handset level.
8 I don't know --

9 401 Q. Whether they dealt with it going to the outside?

10 A. I don't know.

11 402 Q. Do you ever recall Telecom personnel coming to the station
12 to --

13 A. Telecom personnel would have called to the station, yes.

14 403 Q. And how would they then have gained access to whatever they
15 needed to do?

16 A. Well, I suppose some of them we would have known. I would
17 have known one, maybe two, individuals that did phones, but
18 I am not entirely sure, but generally I would think they
19 would have access maybe through the Sergeant in charge.

20 404 Q. Yes.

21 A. I presume they had identification. I can't really recall
22 now.

23 405 Q. Yes. They would present themselves, would they, to the
24 station orderly?

25 A. Yes.

26 406 Q. Or whoever was at the --

27 A. That's right. They would have to come to that door.

28 407 Q. And seek admittance?

29 A. Yes.

30 408 Q. OK. Do you recall in 1989 whether the -- if somebody was

1 telephoning the station from outside where would they --
2 the call received, if it was coming on a general line?

3 A. Well, at one stage there was a switch receiver on the
4 station orderly's desk, but I don't know what the extent of
5 that was. He certainly had access to the offices in the
6 station. I think there might have been something separate
7 in Communications, I am not sure.

8 409 Q. Yes. And was the switch generally in the Day Room or was
9 it in the Radio Room, do you recall?

10 A. There was a sort of, I think "switch" is the right term for
11 it, a number of lines would come into the station orderly's
12 phone.

13 410 Q. Yes.

14 A. And from there, he could transfer them to the
15 Superintendent's office, Inspector's --

16 411 Q. Whoever?

17 A. Whoever.

18 412 Q. Or whoever it was for?

19 A. Yes.

20 413 Q. OK.

21 A. I don't know when that system stopped. It did stop at some
22 stage.

23 414 Q. I mean, I suppose just to be clear; I mean, "switch" can
24 sound to be a terribly sort of sophisticated system, but, I
25 mean, it was a telephone that had several lines that came
26 into the one phone, was that what you're --

27 A. It had, yeah, it had -- it probably sounds pretty ancient
28 now, but it was about a foot and a half long, but you
29 would -- a call would come in, you had a switch that you
30 would buzz the office in question.

1 415 Q. Right.

2 A. And then put the call through.

3 416 Q. OK. You don't recall when that changed from the station
4 orderly to the Radio Room?

5 A. I don't know.

6 417 Q. No. Do you remember when you were receiving calls either
7 in the Radio Room when you were working there, or at the --
8 as station orderly before that, whether calls were logged
9 when they were received by the station?

10 A. As regards the station orderlies, I don't know if there was
11 a record kept. There wouldn't be a record kept of phone
12 calls of people looking to speak to somebody. Certainly in
13 the Radio Room, a record was kept of calls that were
14 incidents, any sort that needed to be attended to.

15 418 Q. Yes.

16 A. And recording who went to that call.

17 419 Q. Right.

18 A. But ordinary phone calls, no, they would be just
19 transferred through.

20 420 Q. So if I were to telephone, say, I am looking for Chief
21 Superintendent Nolan, you'd simply buzz his line and see if
22 he was available to speak to me?

23 A. That's right.

24 421 Q. And put me through?

25 A. That's correct.

26 422 Q. Or if I was phoning up to say I need to report that my
27 handbag has been snatched, you would note that?

28 A. That would be noted and somebody would be assigned to it to
29 speak to you, you know.

30 423 Q. Yes.

1 A. To handle the case.

2 424 Q. I assume that if, whatever logs, whatever logs were kept of
3 a call, they would be stored somewhere?

4 A. Yes, they went back a long way, yes.

5 425 Q. Yes. In the aftermath of the murders of Chief
6 Superintendent Breen and Superintendent Buchanan, did you
7 take any part in the murder investigation?

8 A. No.

9 426 Q. No?

10 A. No.

11 427 Q. And do you recall in the days after, after the murders,
12 Assistant Commissioner O'Dea visiting the station?

13 A. No, I have no recollection of that.

14 428 Q. You have no recollection of that?

15 A. No.

16 429 Q. And did you, as best you can recall, make a statement to
17 either Assistant Commissioner O'Dea or the then Detective
18 Inspector Carty?

19 A. I am afraid I have no -- I have no recollection of --

20 430 Q. You have no recollection, OK?

21 A. No.

22

23 MR. HAYES: Thank you very much. If you could answer any
24 questions that any other party has for you.

25

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

27 **AS FOLLOWS:**

28

29 431 Q. MR. McGUINNESS: I appear for An Garda Siochana in this
30 matter. Correct me if I am wrong, but I understand your

1 recollection about being on duty that day and the type of
2 duty you were doing was jogged by the records that you had
3 access to, which showed you to be on duty that morning?

4 A. Well, the two records I would look for was the station
5 diary and the duty detail.

6 432 Q. Yes.

7 A. Both of which were not available to me, but I did find an
8 old diary of my own --

9 433 Q. Yes.

10 A. -- that showed that I was working early.

11 434 Q. Yes.

12 A. I was rostered to work early that morning.

13 435 Q. At this point in time, in March '89, you were part of the
14 D Unit of uniformed members?

15 A. That's correct, yes.

16 436 Q. And if what Mr. Hayes says is correct about you taking
17 details of a licence, recording a licence, I think that
18 would indicate to you that you may have been station
19 orderly or acting as station orderly at some point in time
20 that morning?

21 A. That's correct, yes.

22 437 Q. But may I take it that this day especially, obviously after
23 the Superintendents were murdered, it was a very traumatic
24 day, one which people would perhaps be never likely to
25 forget because of the nature of what happened; you would
26 agree with that, I take it?

27 A. Well, I am afraid I can't recall the day.

28 438 Q. OK. So, would it be fair to say you have no recollection
29 of anyone talking about the arrival or the impending
30 arrival of two RUC men?

1 A. No.

2 439 Q. And would you expect that that would be something that
3 wouldn't be talked about?

4 A. Well, assuming that I was station orderly, I wouldn't
5 expect that I would need to know that any visitor was
6 coming to the station.

7 440 Q. And you have no recollection of knowing that at the time?

8 A. No, no.

9 441 Q. And the communications duties that you took up was post
10 '95, I think, according to your statement to the Tribunal?

11 A. I can't be sure. I know that I was in the Communications
12 Room, it could be 15/16 or so years --

13 442 Q. Yes. --

14 A. -- I spent there.

15 443 Q. Mr. Hayes has asked you about the basement and whether
16 there was sort of telephone-related equipment down there.
17 May I take it, you never saw anyone interfering with that?

18 A. No.

19 444 Q. And you were in Dundalk from 1980 until your retirement.
20 And may the Tribunal take it that you were never aware of
21 any incident involving any of the telecommunications
22 equipment in Dundalk Garda Station?

23 A. No.

24 445 Q. Nothing of a sinister nature?

25 A. No.

26 446 Q. Either evidence or by repute?

27 A. No.

28

29 MR. McGUINNESS: No. Thank you.

30

1 CHAIRMAN: Any questions?

2

3 MR. COFFEY: One or two very short questions.

4

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

6

7 447 Q. MR. COFFEY: I appear for retired Sergeant Leo Colton. And
8 can we take it that up to the time when you were assigned
9 to the Radio Room, you were carrying out general duties
10 such as manning the beat or driving patrol cars or going as
11 the observer in patrol cars and administration work within
12 the Garda barracks?

13 A. That's correct, yes.

14 448 Q. And would you agree, evidence has been given by other
15 members of An Garda who were stationed with you in Dundalk,
16 that during the '70, '80s and '90s Gardai were subjected to
17 threats and on some occasions were shot at and wounded,
18 including uniformed Gardai? Does that accord with your own
19 recollection of events?

20 A. Well, there were incidents --

21 449 Q. Yes.

22 A. -- of the nature you describe, yes.

23 450 Q. And is it fair to say that even when uniformed Gardai were
24 managing checkpoints, they never knew the day or the hour
25 that they might encounter members of subversive
26 organisations?

27 A. That is true, yes.

28 451 Q. It was always a risk?

29 A. That's correct.

30 452 Q. Yes. And I take it, then, that during this period from the

1 '70s right up to the present, that there was no place for,
2 if I can put it, misplaced loyalty by any member of An
3 Garda, either plain clothes or uniformed; in other words,
4 your own safety and that of your colleagues would keep you
5 on your guard?

6 A. Well, I certainly wasn't aware of the possibility of harm
7 from a colleague.

8 453 Q. And if you even had suspicions, would you have acted on
9 those suspicions that a colleague, uniformed or plain
10 clothes, might be exposing you or your colleagues to risks
11 from subversives? Would you have reported such suspicions
12 to your superiors?

13 A. Well, I would say this much: You would certainly be aware,
14 you know, that you would ensure that you, yourself, first
15 of all, were aware. I would certainly seek advice on it.

16 454 Q. Yes. You never had occasion to seek such advice?

17 A. No.

18 455 Q. And never felt any such suspicion?

19 A. No.

20

21 MR. COFFEY: Thank you.

22

23 CHAIRMAN: Thank you very much.

24

25 MS. O'SULLIVAN: I just have a few questions.

26

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

28 **AS FOLLOWS:**

29

30 456 Q. MS. O'SULLIVAN: I appear for Finbarr Hickey. I think you

1 have given evidence to the Tribunal that you were attached
2 to the D Unit at this time?

3 A. That's correct, yes.

4 457 Q. And were you attached to the D Unit throughout your period
5 in Dundalk?

6 A. No, I changed to Unit B, and I certainly spent 15 years in
7 the Communications Room.

8 458 Q. And as in the Communications Room --

9 A. Longer than that.

10 459 Q. -- you wouldn't have been attached to a specific unit
11 with --

12 A. No, no, I was attached to Unit B.

13 460 Q. Unit B when you were in --

14 A. Same shift work, yes.

15 461 Q. -- in the Communications Room?

16 A. Yes.

17 462 Q. And did you know Finbarr Hickey, my client, when you were
18 in Dundalk Garda Station?

19 A. I did indeed.

20 463 Q. I think he wasn't, in fact, on your unit, isn't that right?

21 A. No.

22 464 Q. He was on Unit C?

23 A. That's right.

24 465 Q. I think you indicated that in preparing to come to the
25 Tribunal you tried to, effectively, do your own bit of
26 detective work to find out when -- if you had been working
27 on that day and when you were working, and you indicated
28 you sought the station diary and the details, is that
29 right?

30 A. I didn't get to see them, I was trying to find them.

1 466 Q. You looked for them. How did you look for them? How did
2 you go about trying to find them?

3 A. I went to the Sergeant's office.

4 467 Q. In Dundalk Garda Station?

5 A. That's right, to see if there were diaries or detail from
6 that time. And as far as I can recall, a member of staff
7 went into the cobwebs, but nothing --

8 468 Q. Nothing transpired?

9 A. No.

10 469 Q. And I think you were particularly interested in the station
11 diary because that was the diary that the station orderly
12 would log on and log off all the uniformed members who were
13 working at a given shift?

14 A. Well, that's correct. Either would have told me what I was
15 working, you know.

16 470 Q. And you performed the activity -- duty of station orderly
17 on occasion. If you came to the end of a station diary,
18 what would you do with the diary, like if you physically
19 finished the book? Did it go into storage?

20 A. It went into storage.

21 471 Q. In Dundalk Garda Station?

22 A. Yes.

23 472 Q. And in relation to the matters that were in the diary, was
24 there other matters noted in addition to the members who
25 were working on a given day?

26 A. There were. There would be records of prisoners brought to
27 the station.

28 473 Q. Was the station diary what is now -- did it also perform
29 what is now -- what now performs the custody record?

30 A. At one time there was just a station diary, there wasn't a

1 custody record, as there is now.

2 474 Q. OK. So, not only would you have the names of the members
3 who were working, but if you had a given prisoner in the
4 station on a given day, any notes in relation to that would
5 be in the station diary?

6 A. I believe so. I am trying to think actually, when the
7 custody record came in.

8 475 Q. I think I can assist you in that regard. The Treatment of
9 Persons in Custody Regulations came in in 1987?

10 A. OK.

11 476 Q. Was a formal custody record, do you know was that
12 introduced at that time or was it sometime after the
13 Treatment of Persons in Custody Regulations? You may not
14 be able to assist.

15 A. I don't know. I'm just not sure now how far back the...

16 477 Q. That's no difficulty. Was there any other matters that
17 were noted in the station diary apart from persons in
18 custody?

19 A. I don't believe so. I think just members and if prisoners
20 were brought to the station or visited or that sort of
21 thing.

22 478 Q. And in relation to the members who were working, is it the
23 case that if leave was being calculated, that whoever was
24 calculating leave might refer to the station diary? Is
25 that what the purpose of the station diary was, do you
26 know?

27 A. No, I think -- well, I would say that, possibly, no more
28 than two members would be allowed on leave, except in
29 exceptional cases. I think that would be just the duty
30 detail, how many people were working, you know.

1 479 Q. OK. And finally, in relation to the station diary, when
2 you were station orderly, you would have noted all the --
3 all the uniformed members who were working on the given day
4 in the station diary?

5 A. Well, uniform and plain clothes.

6

7 MS. O'SULLIVAN: Very good. I have no further questions.

8

9 CHAIRMAN: Any other further questions? Any
10 re-examination?

11

12 MR. HAYES: No questions arising.

13

14 CHAIRMAN: Very good. Thank you very much.

15

16 THE WITNESS THEN WITHDREW.

17

18 MR. HAYES: The next witness, Chairman, is Detective Garda
19 Errol Boyle.

20

21

22

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1 ERROL BOYLE, HAVING BEEN SWORN, WAS EXAMINED BY MR. HAYES
 2 AS FOLLOWS:

3

4 480 Q. MR. HAYES: Good afternoon, Mr. Boyle. My name is Dara
 5 Hayes, and I am counsel for the Tribunal. I think you
 6 joined An Garda Siochana on the 22nd of November, 1974?

7 A. That's correct.

8 481 Q. I think that having spent sometime in Templemore, on the
 9 1st of May, 1975, you were posted to Dromad Garda Station
 10 in County Louth?

11 A. That's correct.

12 482 Q. Which is just some several hundred yards short of the
 13 border?

14 A. That's correct.

15 483 Q. It's just there, it's on the main road just before --

16 A. It's on the main road between Dundalk and Newry near the
 17 Carrickdale Hotel.

18 484 Q. I think in 1979 then you were transferred as a uniformed
 19 garda to Dundalk Garda Station?

20 A. That's correct.

21 485 Q. Yes. I think Dromad is part of the Dundalk district?

22 A. It was a subdistrict of Dundalk district.

23 486 Q. And I think then you served as a uniformed guard in Dundalk
 24 in 1986 or thereabouts?

25 A. That's correct.

26 487 Q. At which time you were -- you became a member of the
 27 Detective Branch?

28 A. That's correct, Judge.

29 488 Q. I think at that time that there was an increase in the
 30 number of detectives being made in Dundalk?

1 A. That's correct, Judge.

2 489 Q. And just explain, I suppose, to the Tribunal the background
3 to that increase in numbers?

4 A. I think it was the Anglo-Irish Agreement, and they decided
5 to increase the strength of the detective members in
6 Dundalk.

7 490 Q. I think the Anglo-Irish Agreement had been signed the
8 previous November?

9 A. Well, I haven't got -- I don't recollect that date, but I
10 think that it was some part of the -- something to do with
11 the Anglo-Irish Agreement that the Detective Branch members
12 had to be increased in Dundalk.

13 491 Q. And from your recollection, how many detectives were there
14 in Dundalk before that?

15 A. Maybe six or seven.

16 492 Q. And how many of those were Detective Sergeants, say?

17 A. Only one.

18 493 Q. And were there any Detective Inspectors or Detective
19 Superintendents at the time?

20 A. No.

21 494 Q. And who was the Detective Sergeant before that?

22 A. Detective Sergeant Owen Corrigan.

23 495 Q. I see. So until, certainly, 1986, he was --

24 A. He was the only --

25 496 Q. The most senior detective in the station?

26 A. Oh...

27 497 Q. By rank?

28 A. Yes.

29 498 Q. Yes.

30 A. Yes, yes.

1 499 Q. And, as best you can recollect, was there a Detective
2 Inspector or a Detective Superintendent in the division?

3 A. Not up until then.

4 500 Q. And I mean --

5 A. From my recollection.

6 501 Q. I mean, Louth/Meath as opposed to simply Dundalk?

7 A. Well, I am not 100 percent sure about that now.

8 502 Q. Now, I am only asking to the best of your recollection, you
9 don't think so. After 1986, then, there was a large
10 increase in numbers of detectives?

11 A. That's correct.

12 503 Q. And was there any corresponding increase in the number of
13 Detective Sergeants?

14 A. There was four units formed. I actually don't know how
15 they were detailed before I joined, but when I joined there
16 were four units formed, and I was put on Unit A.

17 504 Q. Yes. And how many other detectives were on Unit A?

18 A. There were four or five others. And it was a Detective
19 Sergeant on each unit as well.

20 505 Q. And who was your Sergeant?

21 A. Detective Sergeant Jim Gannon.

22 506 Q. Jim Gannon. And at that time was there then a Detective
23 Inspector in the station as well?

24 A. There was.

25 507 Q. And who was he?

26 A. Detective Inspector Dan Prenty.

27 508 Q. And there was a Superintendent?

28 A. There was a Border Superintendent, and I can't recollect if
29 he was a Detective Superintendent.

30 509 Q. Detective or not, OK.

1 A. Yes.

2 510 Q. And at that time -- so then you have become a detective in
3 1986, and from there, just up until March 1989, were you
4 generally working in respect of subversive crime or, for
5 want of a better phrase, ordinary crime?

6 A. No, from my recollection I think we dealt with everything
7 at that time.

8 511 Q. Whatever came in?

9 A. Whatever came in, yeah.

10 512 Q. OK. There wasn't a -- you weren't dedicated to one or the
11 other?

12 A. No.

13 513 Q. No. And what were the working arrangements, how was the
14 unit -- there were four units?

15 A. There were four, A, B, C, D, and I was Unit A. Now, the
16 unit would have been split up that two members would have
17 been working the night-shift, which was 10 p.m. to 6 a.m.,
18 and the other members then could have been working either 9
19 to 5 or maybe a 2 to 10 or 5 to 1.

20 514 Q. Yes.

21 A. Do you know that -- yeah, that was generally the way it
22 worked.

23 515 Q. And were each of the four units of a similar size?

24 A. Yes, yes.

25 516 Q. Yes. And --

26 A. Initially. Then, as members got promoted and retired, some
27 of them were replaced and some weren't.

28 517 Q. Some were not, yes.

29 A. Yes.

30 518 Q. And were all the units on or some members of all the units

1 on every day or did do you different shifts, or how did it
2 work?

3 A. No. Well, there was generally an A Unit on rest days, on,
4 we will say either midweek, which was a Wednesday or
5 Thursday, or a weekend, which was Friday, Saturday and
6 Sunday, or maybe on the Sunday, Monday and Tuesday off.

7 519 Q. Yes. We have heard that the four uniformed units on any
8 given day, three of them would work a shift and one would
9 be on rest. Did the detective units work like that?

10 A. Yes.

11 520 Q. They did?

12 A. Yes. Well, they didn't work the same -- the uniform
13 members worked a 6 to 2, 2 to 10 and 10 to 6. We had
14 something of a variation of that.

15 521 Q. Yes.

16 A. Which was, we generally didn't -- we sometimes started at 6
17 in the morning, but if there was, we will say, escorts or
18 something like that to be done, or something on.

19 522 Q. I suppose, I mean, the uniformed guards provided 24-hour
20 cover?

21 A. That's correct.

22 523 Q. And the detectives weren't quite so regimental, I suppose,
23 would that be --

24 A. Well, that's correct, yeah.

25 524 Q. Would it be fair to say that if there was a requirement for
26 the detectives to be at work, there would be detectives
27 there?

28 A. Yeah. Well, I'm just recollecting now, but I think there
29 always was at least two detectives working, even, we'll
30 say, from 6 in the morning, we'll say 10 to 6, and then.

1 6 in the morning on. I think --

2 525 Q. But not an entire unit?

3 A. No.

4 526 Q. No. OK. Were you working, do you recollect, on 20th of
5 March, 1989?

6 A. I was.

7 527 Q. You were?

8 A. Yeah.

9 528 Q. And do you recollect what time of the day you were working?

10 A. I was working 9 a.m. to 5 p.m.. I was detailed 9 a.m. to
11 5 p.m..

12 529 Q. From 9 a.m. to 5 p.m.. You worked, I think -- I think the
13 detectives generally work with a partner, is that correct?

14 A. That's correct.

15 530 Q. And who was your partner?

16 A. I, on that date, I think it was Detective Garda Gerry
17 Connor.

18 531 Q. I see. Did you generally work with the same partner or
19 could it swap around?

20 A. You'd swap around. If he was off he'd be with somebody
21 else, or you could be actually on your own, you know. But
22 it was generally somebody that was on the unit with you
23 that you worked with.

24 532 Q. You worked in pairs, but not necessarily the same person
25 every time?

26 A. No.

27 533 Q. I mean, there was no -- I suppose, you weren't detailed
28 that you'd work with him, you know, that --

29 A. Well, you would be detailed --

30 534 Q. Sorry, perhaps I --

1 A. But, like what I am saying is, you wouldn't be detailed to
2 work with the same person every day.

3 535 Q. That is what I mean, that you are not told for the next six
4 months you are with --

5 A. No, no.

6 536 Q. OK. I presume it was your Sergeant who would detail you of
7 your duty on any particular day?

8 A. That's right, Judge.

9 537 Q. So, on the 20th of March, you were on duty from about
10 9 o'clock in the morning, is that correct?

11 A. That's correct.

12 538 Q. And what did your duties consist of that day, do you
13 recall?

14 A. Patrolling, and I actually -- that's all I can remember.
15 Ours was a general patrol that day, and I can't recollect
16 anything specific that we were -- that I was doing that
17 day.

18 539 Q. Yes. And were you away from the station for most of the
19 day or were you in the station?

20 A. I was away from the station most of the day.

21 540 Q. OK. In general, do you have any knowledge of whether RUC
22 officers visited Dundalk station?

23 A. Certainly not on that day, I was never told.

24 541 Q. No, but in general?

25 A. In general I would have known, but I would never have known
26 when they were coming.

27 542 Q. Yes. Did you know either Chief Superintendent Breen or
28 Superintendent Buchanan?

29 A. No, I never met them.

30 543 Q. No. I think particularly Superintendent Buchanan was a

1 reasonably regular visitor to the station?

2 A. Well, I wasn't aware of that.

3 544 Q. Yes. Would it be -- did you have many contacts of your own
4 with RUC officers in your general work as a detective?

5 A. Not really. If you'd ring maybe to check a car or ring the
6 Communications Room in Newry or you might ring the Crime
7 Branch in Newry or just maybe to check out, maybe, a car or
8 something like that. Apart from that, no.

9 545 Q. So there was some liaison with your colleagues in the
10 north?

11 A. Yeah, there was, yeah.

12 546 Q. But not on a formal basis?

13 A. Not on a formal basis. It was more or less on the end of
14 the phone and whoever was at the end of the phone when you
15 rang.

16 547 Q. Yes. And did that work in reverse then as well?

17 A. It did, yeah, it did.

18 548 Q. In general if -- I mean, on this occasion, obviously, the
19 two officers had come down to meet your chief. Would you
20 normally be aware of when visits were to take place?

21 A. No.

22 549 Q. And on this particular day, were you aware that there were
23 two due officers to arrive?

24 A. I was not Judge, no.

25 550 Q. I think later that afternoon, then, you were back out on
26 patrol?

27 A. That's correct.

28 551 Q. I think you had -- am I correct in saying had you come back
29 to the station briefly sometime shortly after lunchtime?

30 A. From my recollection, and I could be wrong, but I recall

1 getting a radio message to come back to the station.

2 552 Q. And do you recall approximately what time that was at?

3 A. I don't, offhand, no.

4 553 Q. And what was the, I suppose, the net effect of that radio
5 message, what was it to tell you?

6 A. To tell us that two, that -- what had happened just across
7 the border at Edenappa.

8 554 Q. Yes. I think in your statement to us you time that at
9 about half past four in the afternoon?

10 A. That could be right, yeah.

11 555 Q. And I think the two RUC officers were murdered sometime at
12 approximately ten to four, so it was obviously after that
13 if you were --

14 A. Yes.

15 556 Q. Yes. And you then -- so you went back to the station with
16 your colleague?

17 A. That's correct, Judge.

18 557 Q. And what did you go back to the station for or what did you
19 do when you went back to the station?

20 A. Well, our call was to come back to the station. As far as
21 I can recollect, we weren't told anything on the radio. We
22 just came back, and when we got back we were told what had
23 happened.

24 558 Q. What had happened?

25 A. Yeah.

26 559 Q. And was there any reference to your own Chief
27 Superintendent?

28 A. There was. I remember some concern at the time because he
29 had -- he had -- I am just not 100 percent sure on this,
30 but that he may have left the station sometime around the

1 same time as the two policemen and he couldn't be
2 contacted.

3 560 Q. I see.

4 A. Yes.

5 561 Q. And was there concern then amongst your colleagues in
6 relation to that?

7 A. Oh, yes, there was concern, yes.

8 562 Q. And did -- an investigation then commenced later that day?

9 A. That's correct, Judge.

10 563 Q. And who led that investigation on the Garda side?

11 A. It was either Detective Inspector Prenty or Detective
12 Superintendent Connolly.

13 564 Q. I see. And did you take part in that investigation?

14 A. I, myself, and my Sergeant, we carried out house-to-house
15 inquiries out in the Faughart area.

16 565 Q. Yes. And I suppose in the normal way, you reported back on
17 your activities, did you?

18 A. I'd say -- I think there was a conference called and there
19 was jobs given out. Now, I can't just recollect offhand
20 if -- what jobs there were specific, but I remember it was
21 house-to-house inquiries in the Faughart area.

22 566 Q. Yes. Do you recall any talk of any cars in the vicinity of
23 the Garda station that afternoon?

24 A. There was talk that a suspicious car had been seen at the
25 front of the station.

26 567 Q. And do you recall who had seen that car?

27 A. Sergeant Colton.

28 568 Q. I see. And do you know what, if anything, was done with
29 that information?

30 A. That was investigated.

1 569 Q. Yes.

2 A. That, and --

3 570 Q. And was that investigation done by you?

4 A. It wasn't; it was done by, I think it was done by Detective
5 Garda Gerry Connor.

6 571 Q. I see. I think you were due to finish work that day at
7 about 5 o'clock?

8 A. That's correct, Judge.

9 572 Q. And did you finish at that time?

10 A. No, we stayed on.

11 573 Q. You stayed on. I think, then, in the ensuing days,
12 Assistant Commissioner O'Dea visited the station,
13 accompanied by then Inspector Carty?

14 A. Well, I only remember meeting Assistant Commissioner O'Dea.

15 574 Q. I see. But you do recall meeting the Assistant
16 Commissioner?

17 A. I do, yes.

18 575 Q. Do you recall being interviewed by him?

19 A. I do.

20 576 Q. And what -- I suppose, what form did the interview take?

21 A. He took a written statement off me.

22 577 Q. And was it in the nature of -- did you provide a narrative
23 or was it by way of questions and answers?

24 A. Well, he would have asked questions and I would have
25 answered them and he wrote them down.

26 578 Q. I am just going to show you a copy of the handwritten
27 statement.

28

29 (Document handed to the witness.)

30

1 I think you have told us that it was the Assistant
2 Commissioner who took down the statement, but I am just
3 asking you to confirm that the handwriting --

4 A. That is not my writing, that is his writing. It's not
5 mine.

6 579 Q. No. There are two signatures at the bottom of the page?

7 A. Yeah, that is my signature.

8 580 Q. And that is your signature at the bottom of the page?

9 A. Yeah.

10 581 Q. OK. I am just going to read for the record the statement,
11 and just if there is any variation between the typed
12 version and that version, you might correct it.

13

14 *"Statement of Detective Garda Errol Boyle, Dundalk Garda*
15 *Station, taken on Wednesday 22nd of March, 1989, by*
16 *Assistant Commissioner O'Dea.*

17

18 *"I am a Detective Garda stationed at Dundalk. On Monday,*
19 *20th of March, 1989, I took up duty at 9 a.m. in Detective*
20 *Branch Office. I left the station with Detective Garda*
21 *Gerry Connor at about 9:20 a.m., and went on mobile patrol*
22 *until about 2:30 p.m.. We left soon afterwards and did not*
23 *return until 4:30 p.m.. I was not aware of any meeting*
24 *between Chief Superintendent Nolan and RUC members in the*
25 *station on that date.*

26

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

29

30 And then it's signed.

1 A. That's correct.

2 582 Q. That's correct. And does that, the contents of that
3 statement, accord with your recollection of your duties on
4 that day?

5 A. It does, Judge.

6 583 Q. I think in it you say that you had come back briefly to the
7 station at about half past two in the afternoon?

8 A. Well, I think maybe we had our lunch just before half past
9 two, and that is when we came back and rejoined, you know.

10 584 Q. Yes. And when you had come back at that time, do you
11 recall, I suppose, anything that sparked your interest?

12 A. No, Judge.

13 585 Q. No. I think you have told us previously of Detective
14 Sergeant Corrigan. What unit or which unit was he the
15 Sergeant then in the later years?

16 A. Unit D.

17 586 Q. Unit D. Are you aware as to whether or not he took any
18 part in the investigation into the murders?

19 A. I was not aware that he hadn't taken part in -- I wasn't
20 aware of that until -- I was told by yourselves --

21 587 Q. I see.

22 A. -- that he hadn't taken part.

23 588 Q. Would it surprise you that he hadn't or did it surprise
24 you?

25 A. Well, it didn't, one way or the other, but I mean, I wasn't
26 aware.

27 589 Q. You weren't aware?

28 A. I wasn't aware.

29 590 Q. Very good. I think in the aftermath, then, of the murders,
30 there were some newspaper speculation in the days

1 following, of the possibility of a mole in the Garda
2 station?

3 A. I have no recollection of that.

4 591 Q. In the course of your time in the Garda station in Dundalk,
5 were you ever aware of any -- or did you have any
6 suspicions yourself of there being a mole in the station?

7 A. Absolutely not, no.

8

9 MR. HAYES: Thank you. If you would answer any questions
10 that any of the other parties have for you.

11

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

13

14 592 Q. MR. DURACK: Good afternoon, Mr. Boyle. My name is Michael
15 Durack, and I appear for An Garda Siochana. You went as a
16 uniformed guard to Dundalk in 1979?

17 A. That's correct.

18 593 Q. And what was the position in Dundalk like at that stage?

19 A. It was a very busy, very busy station.

20 594 Q. And at that stage, was there much terrorist activity?

21 A. There was a lot, yeah, and there was a lot when I was in
22 Dromad as well.

23 595 Q. Dromad, I think, is almost on the border?

24 A. Dromad is practically on the border. In fact, the back of
25 Dromad station is practically in Northern Ireland.

26 596 Q. How far is Dromad from Dundalk?

27 A. Would it be eight mile? Maybe eight mile.

28 597 Q. There or thereabouts?

29 A. Yes, yeah.

30 598 Q. Now, as a uniformed guard initially, what was -- what sort

1 of work were you doing in Dundalk?

2 A. In Dundalk, we were going to normal calls like burglaries,
3 family rows, traffic accidents, all that sort of general --

4 599 Q. And at that stage, were you involved at all in the
5 terrorist end of it?

6 A. Not really, no, no, but I mean, I wasn't -- you were always
7 aware of it.

8 600 Q. But you were getting to know the people in Dundalk and you
9 were getting to know families?

10 A. Yes.

11 601 Q. And connections. And I presume that was of great use to
12 you then when you were appointed a detective?

13 A. Yes, absolutely, yes.

14 602 Q. That you knew people and their connections?

15 A. Yes.

16 603 Q. And you knew people who were on the run, I suppose, or who
17 were newly in, and equally people who were from time to
18 time missing when things occurred?

19 A. Yes, yes.

20 604 Q. And I take it, that you were constantly on the lookout for
21 people who were under suspicion?

22 A. Constantly on the lookout for both people under suspicion
23 for crime, subversive crime and --

24 605 Q. One of your colleagues told us yesterday there were about
25 three to four hundred people on the suspect list for
26 subversion?

27 A. That's correct, yeah.

28 606 Q. Now, you were clearly keeping a close eye on them. Were
29 they monitoring you in return?

30 A. I would say yes, yes.

1 607 Q. And what sort of pressure did that put on the Gardai at the
2 time?

3 A. Well, it was something you came to live with, you know, and
4 you just were always aware that they were there, you know.

5 608 Q. We have heard that Mr. Greene's house was burned down when
6 he was away?

7 A. That's correct.

8 609 Q. Did you have anything as dramatic as that?

9 A. No, thankfully, no.

10 610 Q. I think at various stages the uniformed Inspector was, I
11 think, Frank Murray?

12 A. Yes, and he was later the Superintendent in Dundalk, yeah.

13 611 Q. And I think there was a D Superintendent Connolly there at
14 one stage also?

15 A. Yes, Detective Superintendent Tom Connolly, yes.

16 612 Q. And then you were saying Dan Prenty was also a DI there at
17 some stage?

18 A. Yes, I think actually Dan Prenty may have been the first DI
19 in Dundalk.

20 613 Q. I see.

21 A. And he came there roughly -- well, he was always there in
22 uniform, but he may have been appointed around the same
23 time as myself.

24 614 Q. I see. And I think then there was also a uniformed
25 Inspector, was it Michael Scott?

26 A. Michael Scott, no, no, there was no Michael Scott. Michael
27 Staunton?

28 615 Q. Maybe I can't read it. You could well be correct.

29 A. There was a Michael Finnegan there as well, so I am not
30 sure. In later years.

1 616 Q. So there was quite a contingent of people there, in any
2 case, dealing with the troubles of the time?

3 A. There was, Judge, yes.

4 617 Q. And on the day in question, you were gone off on patrol
5 from 9 o'clock in the morning until lunchtime and then out
6 again?

7 A. Yes.

8 618 Q. And you didn't know of the visit at all until after the men
9 were dead?

10 A. No.

11 619 Q. And were you aware of any -- aware of any suspicions or
12 evidence held by any of the members that there was,
13 perhaps, a mole in Dundalk?

14 A. No, I was not.

15 620 Q. And I take it, if you were aware of such a thing you would
16 be very concerned for your safety and for that of your
17 colleagues?

18 A. Absolutely, yes, yes.

19 621 Q. And did you ever work with Mr. Colton or Mr. Hickey?

20 A. I don't think I ever worked with Mr. Hickey, I may have
21 worked with Mr. Colton for a short number of months when in
22 uniform, and I have -- I don't recollect anything about
23 that period --

24 622 Q. I see.

25 A. -- apart from Detective Sergeant Corrigan being in
26 Detective Branch, albeit on a different unit. That is as
27 much contact as I had with him.

28 623 Q. I see. And that would have been in -- when you were a
29 uniformed guard in the early '80s sometime?

30 A. When -- with --

1 624 Q. When you were dealing with Mr. Colton?

2 A. Yeah, I actually can't remember the period, but if it was,
3 it was a very short period.

4 625 Q. Well, I think both of them were, in fact, uniformed men?

5 A. Yes.

6

7 CHAIRMAN: Any questions?

8

9 MR. COFFEY: One or two questions, Mr. Chairman.

10

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

12

13 626 Q. MR. COFFEY: Garda Boyle, I appear for retired Sergeant Leo
14 Colton, and I think you are still a serving member of An
15 Garda in Dundalk?

16 A. No.

17 627 Q. Oh, you have retired?

18 A. I have retired, yeah.

19 628 Q. I apologise. In any event, is it fair to say that in your
20 time as both a uniformed and a plain clothes detective,
21 that the subversives and the IRA, in particular, posed an
22 equal threat to both uniformed and plain clothes Gardai;
23 that uniformed Gardai manning a routine checkpoint could
24 come across subversives who -- is that correct?

25 A. That's correct, yes.

26 629 Q. And if the uniformed Gardai had occasion to effect an
27 arrest, what would be the likely reaction in that situation
28 from the subversives?

29 A. Well, we had one incident there I remember well that
30 Sergeant Greer and Garda Trahey were shot at a checkpoint

1 at New Inn one morning by two armed men.

2 630 Q. So that the subversives posed a real risk to Gardai of all
3 calibres, both uniformed and plain clothes?

4 A. Yes.

5

6 MR. COFFEY: Many thanks.

7

8 MS. O'SULLIVAN: No questions.

9

10 CHAIRMAN: Very good. Thank you very much, Mr. Boyle.

11

12 MR. HAYES: I'm afraid, again, sir, that's the evidence for
13 today. I think the next evidence is scheduled for next
14 Tuesday morning at 11:00.

15

16 CHAIRMAN: Tuesday at 11:00. Thank you very much, ladies
17 and gentlemen.

18

19 THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, THE 28TH OF
20 JUNE, 2011, AT 11 A.M..

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