

A P P E A R A N C E S

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His Honour Judge Peter Smithwick

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NOTICE:

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

EXAMPLE: - DOYLE [2] 30:28 45:17

THE WORD "DOYLE" OCCURS TWICE
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I N D E X

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THE TRIBUNAL RESUMED ON TUESDAY, 28TH OF JUNE, 2011,
AT 11 A.M. AS FOLLOWS:

CHAIRMAN: Good morning, Mr. Dillon.

MR. DILLON: I am sorry for having been delayed arriving here. Today is what one might call a day for documents, and these are documents which have been provided to us by the PSNI. And we have one witness who will act as a conduit for the presentation of these documents, Mr. McConville.

One or two issues have arisen in the presentation of the documents, and they arose just this morning and very recently, and it would be helpful, and I am sorry to have to trespass on your time, if we could have maybe 15 or 20 minutes to deal with the matter, and if you wouldn't mind maybe rising for that period of time, it would be very helpful.

CHAIRMAN: Very good. Let's be sensible and say half past eleven.

MR. DILLON: Very good.

THE TRIBUNAL ADJOURNED BRIEFLY AND THEN RESUMED AS FOLLOWS:

MR. DILLON: Thank you very much for the time. It has enabled us to resolve a few matters. And my apologies for taking your time and, indeed, the time of everybody else

1 here, who has come here to deal with the matter or to hear
2 matters. We are now in a position to proceed.

3
4 Today is essentially what I might call a documents day.
5 The background to this is that your team was able to
6 inspect documents held by the PSNI, as the successor to the
7 RUC, documents relating to the matter which you are tasked
8 to inquire into. And the best way I can introduce the
9 matter is by reminding you of what was said in the Opening
10 Statement, which was that, *"The first documents we sought*
11 *were copies of the materials with which Judge Cory was*
12 *provided and to which he refers in his report."* And then
13 we went on to say, *"One might have expected that this*
14 *material would have been made readily available to us at*
15 *the outset of our preliminary investigation. It is with*
16 *some regret, therefore, I have to report that a significant*
17 *initial delay in the private investigation was caused by*
18 *the fact that some months passed from March 2006 before we*
19 *had sight of the very material upon which Judge Cory relied*
20 *to recommend the Tribunal's establishment. Nevertheless,*
21 *that is now water under the bridge, and I can confirm that*
22 *we sought and ultimately obtained the cooperation of public*
23 *authorities in the State and in the United Kingdom in order*
24 *to access materials which had been given to Judge Cory."*

25
26 I think it's appropriate at this point if I might record
27 the Tribunal's appreciation to the -- the contribution made
28 by the former Chief Constable Sir Hugh Orde and Assistant
29 Commissioner Alistair Finlay in resolving these matters
30 and, indeed, to their administrative staff, who greatly

1 facilitated us in the inspection of the documents. We were
2 given access to a wide range of documents in unedited form,
3 the understanding being that when the documents selected
4 were put in the public domain that they may have to be
5 edited for practical reasons, but we are extremely grateful
6 for the fact that we were able to examine all documentation
7 in unedited form.

8
9 Now, the documents which will be put in evidence before you
10 are a selection of documents. They do not represent by any
11 means the totality of the documents which we had an
12 opportunity to inspect; I think it's fair to say it may be
13 in the order of about ten percent of the documents.

14 Because, of course, the great bulk of documents we
15 inspected related to the RUC's forensic inquiry into the
16 possible criminal prosecution of individuals responsible
17 for the matter under investigation, and that, of course, is
18 not part of your remit. What your team has done is to
19 select a number of documents which, I think I am right in
20 saying this, don't touch directly on the issue of
21 collusion, save for one document, but nonetheless, these
22 documents contained information which you might find of
23 assistance to you in coming to a conclusion; they might
24 serve to form building blocks, as it were, leading up to a
25 conclusion that you might reach in this matter.

26
27 Now, as I said, we haven't chosen all the documents, we
28 made a selection. Secondly, omitted from our selection are
29 most of the intelligence material that we were able to
30 inspect. That would be put in evidence before you as and

1 when either the witness or the issue arises.

2

3 There are certain documents which I understand through just
4 human oversight, we did select but didn't make their way
5 into the documents that were sent to us. We will sort that
6 out as soon as possible, hopefully sometime next week, when
7 we have a week when there are no public sittings.

8

9 And then lastly, there are certain documents that were sent
10 to us and they were so heavily redacted that it must be
11 said we don't recognise what the documents are. Again, we
12 will be going back to see what documents they are and take
13 the matter forward from there.

14

15 Now, the manner in which these documents will be put into
16 evidence is through a witness who has been proposed to us
17 by the northern authorities, a Mr. David McConville, a
18 retired member of the PSNI, a retired Detective
19 Superintendent, and he is here today to assist insofar as
20 possible. I think it's important to say at the outset that
21 he is not in a position, as I understand it, to deal with
22 the content of the documents, because he had no involvement
23 in the matters which you are inquiring into. However, he
24 might be in a position to assist either the Tribunal or
25 other parties with maybe certain terms of reference or
26 terms of art with which we are not familiar.

27

28 So, subject to those preliminary comments, I now ask
29 Mr. David McConville, please.

30

DAVID McCONVILLE, HAVING BEEN SWORN, WAS EXAMINED BY
MR. DILLON AS FOLLOWS:

CHAIRMAN: Thank you very much for coming here today. Your presence is greatly appreciated.

1 Q. MR. DILLON: Mr. McConville, I understand you joined, I suppose it was the RUC in those days in 1982, is that right?

A. That is correct.

2 Q. And in 1989 you were a constable serving in Cookstown?

A. That is correct.

3 Q. And that as a consequence, you had no involvement in the investigation of the murders under inquiry here, is that right?

A. That is correct.

4 Q. And I think ultimately you retired this year, having reached the rank of Detective Superintendent?

A. That's correct.

5 Q. And since then, you have resumed employment with the PSNI in a civilian capacity?

A. Yes.

6 Q. And I think that you are now working on what I think are called 'cold cases', is that right?

A. That's correct.

7 Q. You are now -- I would like you to assist me in going through the documents which the Tribunal has selected. I think have you got a booklet there in front of you?

A. Yes, indeed.

8 Q. Now, I will ask Mr. Mills from time to time to put certain

1 documents up. Now, the first document I think, it's a
2 letter from the Foreign Commonwealth Office to a number of
3 its missions abroad, such as Washington, Ottawa,
4 Wellington, Canberra and, indeed, even Dublin, seeking
5 information on the anti-racketeering legislation in the
6 relevant countries, isn't that right?

7 A. Yes.

8 9 Q. And I think the genesis for the meeting in Dundalk related
9 to an operation that was to be carried out in relation to a
10 farm on the border, isn't that right?

11 A. That is correct, yes.

12 10 Q. And the next document then is from the Legal Advisors
13 Branch of the NIO, dated the 4th of May, 2007, enclosing a
14 copy of an order called the Northern Ireland Emergency
15 Provisions Vehicle Control Zone Order, 1988. This is
16 published in the Belfast Gazette. I think the Belfast
17 Gazette is in the nature of an official journal, is that
18 correct?

19 A. Yes, it is.

20 11 Q. Could you explain to us what is a controlled zone?

21 A. Controlled zone would have given certain restrictions to
22 roads according to the perceived need in towns, you know;
23 they would not have been allowed to leave a vehicle
24 unattended, really to assist with the security issues.

25 12 Q. Yes. Now, if you turn to page 5 of the document.

26 A. Yes.

27 13 Q. I read, I think it's the first, second, third entry down:
28 "*The Dublin Road A1 from the land boundary with the*
29 *Republic*" -- I presume --

30 A. -- "*of Ireland*".

1 14 Q. *"Of Ireland,"* I presume, yes. *"No vehicle to stop at any*
2 *time."* Is that right?

3 A. Yes.

4 15 Q. So this is a restriction that runs from?

5 A. From the land boundary to the junction of the Forkhill
6 Road.

7 16 Q. So, *"No vehicle to stop at any time"*, that means what it
8 says, is that right?

9 A. Yes, it does.

10 17 Q. No parking, not even stopping temporarily?

11 A. Yes.

12 18 Q. You must keep moving on that stretch of road?

13 A. Yes.

14 19 Q. And what happens if a vehicle is found to be stationary on
15 that portion of the road?

16 A. Well, that would have warranted a response by the police
17 and security forces to that vehicle, which would have been
18 checked out, and then according to what they would have
19 found, the vehicle would have been dealt with, in terms of
20 perhaps it had broken down, you know, that then would --

21 20 Q. That is an innocent explanation?

22 A. But it certainly raises concern, raises suspicions and
23 would have created a reaction.

24 21 Q. Yes. So as a matter of course, can it be taken that if
25 there was such a control zone there, in the ordinary course
26 one wouldn't mind a car parked or a vehicle parked along
27 that road?

28 A. That's correct.

29 22 Q. Yes. Now, the next document is, it's simply headed
30 *"RUC Book C7"*. I think the more correction description is

1 a journal?

2 A. It's a journal, yes.

3 23 Q. Now, this seems to be, I think I am correct in saying, this
4 seems to be the journal of Bob Buchanan. Now, could you
5 explain to us what is the function and purpose of a
6 journal?

7 A. A journal would have been a document or a book kept by
8 senior officers, and as you see at the top of the page
9 there, it's in respect of details of supervision and other
10 duties performed or matters coming under notice. So really
11 whatever that officer felt was pertinent for that day would
12 be entered into the journal and recorded there.

13 24 Q. Yes. Now, I am anticipating something which arises in the
14 next journal, which is that of Mr. Breen. I think it's
15 also used to record mileages?

16 A. Well, it might have been. An officer would have just kept
17 note of whatever mileage they did in terms of their
18 financial claims; sometimes officers would have used it for
19 that as a --

20 25 Q. So it --

21 A. -- a record.

22 26 Q. I didn't mean to interrupt you. It could be used also as a
23 basis for travel claim?

24 A. Yes, indeed, yes.

25 27 Q. So, yes.

26 A. An aide-memoire.

27 28 Q. Yes. So what it boils down to is that it is important to
28 make sure that the details of travel are accurate and
29 correct?

30 A. Yes.

1 29 Q. Yes. Now, could I ask you to turn to page 10 of this
2 particular journal. The fifth entry down is for the 10th
3 of the 1st, 1989, a Tuesday. And it shows that
4 Superintendent Buchanan recorded what was called "*Duty to*
5 *Monaghan, liaison with Chief Superintendent Bernard King,*
6 *Superintendent Thomas Butler and Superintendent Thomas*
7 *Curran.*" Now, when he says "*duty to*", what is meant by
8 that word "duty"?

9 A. Sir, I have Mr. Breen's at this point.

10 30 Q. Well, if you can find Mr. Buchanan's.

11 A. But "*duty to*" would have been essentially been where --

12 31 Q. You can see it there on the screen.

13 A. "*Duty to*", he is on duty and he is going to a certain
14 location to do a certain function. It's just a general
15 term --

16 32 Q. Yes.

17 A. -- to indicate that he is on duty and doing something.

18 33 Q. Yes. Now, have you found your place now?

19 A. Yes, indeed.

20 34 Q. If you can go to page 10, the entry at the bottom of the
21 page, 13th of the 1st, '89, "*Duty to Monaghan*"?

22 A. Yes.

23 35 Q. And then, "*Talk to Irish Council of*" --

24 A. -- "*Bishops*".

25 36 Q. So it seems, yes, indeed. That was his function for that
26 day?

27 A. Yes.

28 37 Q. Now, on the next page, page 11, fourth entry down, which I
29 think is the 17th of January, 1989, it seems that he went
30 to a meeting in Monaghan with the Garda Siochana, isn't

1 that right?

2 A. Yes.

3 38 Q. And the next entry on the 18th of January, 1989, he went
4 with Chief Superintendent Breen to Monaghan to liaise with
5 Chief Superintendent King?

6 A. Yes.

7 39 Q. Now, I think that the journals, on occasion, do record
8 or -- I will start again. The writer records who was with
9 them, is that right?

10 A. Yes.

11 40 Q. And on this occasion, it's noted that Chief Superintendent
12 Breen travelled with him?

13 A. Yes.

14 41 Q. Then, on the 23rd of January, 1989 - sorry, this is page 12
15 - it seems that at 5 a.m. Superintendent Buchanan went to
16 Newry and from there he went to Dundalk --

17 A. Yes.

18 42 Q. -- for a Garda Superintendents' meeting, where he met
19 Garda Superintendent Pat Culhane, and a farewell -- oh,
20 yes, sorry, that doesn't relate to Dundalk.

21 A. Mm-hmm.

22 43 Q. Then the fourth entry down, 31st January, 1989, a Tuesday,
23 *"Further liaison with Gardai in Monaghan"*. And the next
24 entry is 1st February, 1989, it shows that he went to
25 Monaghan and liaised with Superintendent Curran?

26 A. Yes.

27 44 Q. Now, Superintendent Curran, Chairman, I can tell you is a
28 witness you will be hearing tomorrow. Now, the next page,
29 page 13, I think it's the third entry, the 6th February,
30 1989, Superintendent Buchanan went to Dundalk with a

1 colleague who was given the number 16 in our cipher list.
2 And then moving on to the next page, page 14, on the 20th
3 of February, and this says 1988, I think that should be
4 1989?

5 A. Yes.

6 45 Q. *"Duty to Dromad"*?

7 A. Yes.

8 46 Q. And then there was Gardai liaison with Chief Superintendent
9 Nolan and Superintendent Pat Tierney at the Garda Border
10 Superintendents' meeting, and that took place in Armagh.
11 Sorry, I am reading on ahead. Now, the third entry on that
12 page, 22nd February, 1988, it says, I think that should be
13 1989, *"Duty to Monaghan"*?

14 A. Yes.

15 47 Q. Page 15, fifth entry down, 6th March, 1989, he went to
16 Dundalk to liaise with Superintendent Pat Tierney. The
17 next entry, on the 7th March, 1989, shows that he went to
18 Monaghan, accompanied by a colleague. And then, on the 8th
19 of March, he was on leave. On the 14th of March he went to
20 a Garda meeting in Dundalk?

21 A. Yes.

22 48 Q. On the 15th of March, on page 16, he went to Carrickmacross
23 with a colleague who has given evidence here?

24 A. Yes.

25 49 Q. We have heard him, and he was Inspector Charles Day. The
26 16th March, 1989, he went to Monaghan for a Garda meeting?

27 A. Mm-hmm.

28 50 Q. And it seems that his journal ended at that point. I think
29 it's acceptable for the journal to be completed maybe a day
30 or two after the event?

1 A. Yes, one normally tries to keep it up-to-date, but there
2 may be a few days of lapse where you go back again and
3 complete the journal.

4 51 Q. Yes. Now, the next document is an analysis of
5 Superintendent Buchanan's crossings of the border, and the
6 sources are given as his journal, which we have just looked
7 at?

8 A. Yes.

9 52 Q. F11. Now, what is F11, you see there?

10 A. Yes.

11 53 Q. What is F11?

12 A. F11 would have been his Financial Claims Form. So you
13 would have used that for mileage claims and refreshment
14 claims.

15 54 Q. And then there is "*vengeful sightings*", can you explain
16 what that is?

17 A. "*Vengeful sightings*" would be a system used by military to
18 record vehicles going through certain points.

19 55 Q. Now, I think we will come on later on to a specific --

20

21 CHAIRMAN: You said "vengeful"?

22 A. Vengeful, yes. What does it mean?

23

24 CHAIRMAN: What does it signify?

25 A. It's just a term used, a name for that system.

26

27 CHAIRMAN: A system for generally, not for any particular
28 car or person?

29 A. No, no, it's just a system.

30

1 56 Q. MR. DILLON: Is that like a trademark name?

2 A. Yes, a trademark, yeah.

3 57 Q. And then Superintendent Buchanan's diary was also a source
4 for this document?

5 A. Yes.

6 58 Q. Now, the vengeful sightings we will deal with separately,
7 there is a specific document later on dealing with that
8 matter. Then it shows that in January, Tuesday the 10th,
9 he went to Monaghan, he returned via Monaghan or Ward. He
10 was sighted at Middleton. PVCP, that's Police Vehicle
11 Checkpoint?

12 A. That's Permanent Vehicle Checkpoint.

13 59 Q. Permanent Vehicle Checkpoint. At 16:23 on his return. On
14 Friday, the 13th of January he went to Monaghan, leaving at
15 14:44. He was sighted at Middleton vehicle checkpoint, and
16 he returned via Middleton permanent vehicle checkpoint?

17 A. Yes.

18 60 Q. On Sunday the 15th he liaised with the Garda, but there was
19 no detail of where he crossed backwards and forwards. On
20 the 17th he went to Monaghan, but again no details of where
21 he went backwards and forwards, so presumably that means he
22 must have taken roads where there were no checkpoints or no
23 vengeful cameras, if I can put it that way?

24 A. Yes.

25 61 Q. And on Wednesday 18th, he left Monaghan -- he went to
26 Monaghan, leaving at I think 12:22. He was sighted at
27 Middleton permanent vehicle checkpoint. He returned at
28 14:33 via Middleton?

29 A. Yes.

30 62 Q. And then on Thursday 19th, he had a Garda meeting but no

1 details of crossing. On Friday 20th, he went to
2 Carrickmacross, again no details of crossing. But it seems
3 he did travel via Keady. On Monday, 23rd of January, he
4 went to Dundalk, he also liaised with Carrickmacross, but
5 there are no details of where he crossed backwards and
6 forwards. On Tuesday the 24th he liaised with the Gardai,
7 again no details of crossing. And on Wednesday 31st he
8 liaised with the Gardai in Monaghan, and he was sighted on
9 his return journey at Newtownhamilton at 13:01?

10 A. Yes.

11 63 Q. And then similarly, I wouldn't take up too much time on
12 this, but there are similar entries for February, and I
13 will go straight on to March. On Friday the 3rd of March
14 he had a Gardai meeting, no details of crossing or
15 meetings. On Monday the 6th of March, he was in Dundalk
16 meeting, but no details of crossing or meetings. On the
17 7th of March, he went to Monaghan, leaving at 10:37. He
18 was sighted at Middleton permanent vehicle checkpoint and
19 he returned via Bessbrook at 15:28. On Tuesday 14th of
20 March he was in Dundalk, but no details of crossing, nor of
21 the meeting at Dundalk. On the 15th of March, he was in
22 Carrickmacross, returned via Keady at 16:11. And on the
23 16th of March, he went to Monaghan, but no details of the
24 meeting or of the crossings that he made backwards and
25 forwards?

26 A. Yes.

27 64 Q. Now, the next document is again a journal, but this time it
28 is the journal of Chief Superintendent Breen?

29 A. Yes.

30 65 Q. If you go directly to page 51.

1

2

CHAIRMAN: That is the pagination at the bottom?

3

4

MR. DILLON: Yes, bottom right-hand side, yes.

5

6

A. Yes.

7

66 Q. MR. DILLON: Right. Now, you are on page 51 now?

8

A. Yes.

9

67 Q. You see the second entry down, "*18th January, 1989, in duty to Monaghan with Superintendent Breen*", isn't that right?

10

11

A. Yes.

12

68 Q. And that corresponds --

13

A. With Superintendent Buchanan.

14

69 Q. Yes, my apologies. And that corresponds to the entry in Superintendent Buchanan's diary which we have already noted, where he went to Dundalk with Chief Superintendent Breen?

15

16

17

18

A. Yes.

19

70 Q. So one confirms the other. Now, the next page is page 53. On the 2nd of February, 1989, he went -- it seems he went to duty to -- where is that?

20

21

22

A. Dundalk?

23

71 Q. No, sorry, "*Duty to Banbridge Station*"?

24

A. Banbridge initially, yes.

25

72 Q. And liaised with a name. And then "*duty to*" something "*road*", isn't it? Newry?

26

27

A. Yes.

28

73 Q. Newry?

29

30

CHAIRMAN: Downshire Road?

1 74 Q. MR. DILLON: It could be Downshire Road, yes. "Met
2 Superintendent Buchanan, then to Dundalk for meeting",
3 isn't that right?

4 A. Yes.

5 75 Q. Very good. Now, the next page I would like you to deal
6 with is page 59, the last page. Now, there were a number
7 of entries, the first is "13th March, 1989, Annual Leave"?

8 A. Yes.

9 76 Q. "14th March, 1989, Annual Leave; 15th March, 1989, Annual
10 Leave; 16th March, 1989, off in lieu of the 3rd of 9th,
11 '88." That, presumably, is the same thing as annual leave,
12 is it?

13 A. That would probably be a day where he has worked a day off
14 and then has taken that day off here.

15 77 Q. Yes. And then on the 17th of March, 1989, he went to
16 Banbridge, supervision in Armagh and Newry, duty at
17 St. Patrick's Day parade in Newry, isn't that right?

18 A. Yes.

19 78 Q. He says "accompanied by" and the name is blanked out, but I
20 think at this point I can fill in a cipher anyway, it's
21 number 39. That may become relevant at some point in the
22 future, but I certainly wanted to make that marker, as it
23 were. Now, the next is a document which deals with, in a
24 sense, the background to the meeting in Dundalk, and it has
25 to do with the Secretary of State mentioning certain things
26 about a particular farm in south Armagh, and the
27 investigation conducted by the author of the document. I
28 don't propose opening that document; it speaks for itself,
29 and it simply serves to illustrate the background to the
30 meeting that took place in Dundalk Station?

1 A. What number are you at now?

2 79 Q. I am terribly sorry. I have obviously --

3

4 CHAIRMAN: You have jumped one.

5

6 80 Q. MR. DILLON: I have jumped one, you are quite right. My
7 apologies. The next then is - I will come back to the
8 document I have just been dealing with - a document dated
9 13th March, 1989, and this deals with a meeting that the
10 then-Chief Constable Sir John Hermon had with Chief
11 Superintendent Nolan, and it goes as follows: *"You will
12 wish to know that the Chief Constable did indeed raise at
13 the bilateral meeting with the Garda Commissioner on the
14 8th of March the possibility of installing border
15 surveillance equipment at Killeen."* And then there is a
16 matter in parentheses not relevant. *"I understand that
17 precisely, as we had anticipated in the Secretariat, the
18 Commissioner invited the Chief Constable to ask the
19 corresponding Chief Superintendent in the area to raise the
20 matter with Chief Superintendent Nolan of Dundalk".*

21 A. Yes.

22 81 Q. *"As it happened, the Chief Constable looked in on Chief
23 Superintendent Nolan on his way back on the 8th of March,
24 and I believe there may have been some further reference to
25 the subject then."*

26

27 Now, my understanding of the background to this meeting in
28 Dundalk Station is simply that he was due to travel back to
29 Belfast but there was some sort of an alert on the road and
30 he pulled in to Dundalk Station to await the passing, as it

1 were, of the alert, it's in that context that this visit to
2 Dundalk Station took place; it wasn't a planned visit in
3 the sense, it was something of an impromptu visit?

4 A. Yes.

5 82 Q. Coming back to the next document, which I had already in my
6 haste begun, it's a report dealing with the Secretary of
7 State's observations about a particular farm in south
8 Armagh?

9 A. Yes.

10 83 Q. I am not going to open that document as such, but it does
11 serve to put into context the origin of the meeting in
12 Dundalk. Now, just bear with me a second. Yes, I am
13 sorry, if you wouldn't mind going back to Chief
14 Superintendent Breen's diary, there is one entry that I
15 should have read out which I forgot to do, and if you go to
16 page 58. Are you there?

17 A. Yes.

18 84 Q. You see the entry for the 6th of March?

19 A. Yes.

20 85 Q. And just at the very end you will see, "*Function at*
21 *Stormont, accompanied by*" - the cipher is number 27 --
22 "*from Lisburn*"?

23 A. Yes.

24 86 Q. Now, if I am not mistaken, the document which we were just
25 dealing with at -- being the Secretary of State mentioned
26 certain observations about a farm, that is follow-on for
27 that meeting that took place in Stormont?

28 A. Yes.

29 87 Q. Now, the next document which we came across is a statement
30 of a witness, and you have it in manuscript and also in

1 typed version?

2 A. Yes.

3 88 Q. I will read the typed version, it's dated --

4

5 CHAIRMAN: Where is this document?

6

7 MR. MCGUINNESS: It's Tab 45, Chairman, in my book.

8

9 MR. DILLON: I am not sure if you have the same tab.

10

11 CHAIRMAN: Thank you very much.

12

13 89 Q. MR. DILLON: Now, it's a statement by a gentleman who says:

14 *"I am a production supervisor working in Newry. I own a*
15 *Toyota Liteace van, given registration number, cream*
16 *coloured. On Saturday the 18th of March, 1989, at about*
17 *ten to eight in the evening, I drove my van into the car*
18 *park at Mullaghbawn Chapel. I went into chapel to attend a*
19 *service. I had locked my van before leaving it. At 9 p.m.*
20 *when I returned to the car park I discovered my van was*
21 *missing. I thought perhaps my sister had taken it, so I*
22 *went home to check this out. This was not the case,*
23 *however, and I then telephoned the police at Forkhill to*
24 *report my van stolen. At no time did I give anyone*
25 *permission to drive my van."*

26

27 And then following that, the next document is, I suppose, a
28 police report form, stating that the vehicle is a Toyota
29 Liteace, it's a van, cream colour. It goes on to say:

30 *"Stolen from St. Mary's Chapel car park, Mullaghbawn,*

1 *Forkhill. At approximately 21:29 hours on the 18th March,*
2 *1989..." It then gives details of the insurance agent, of*
3 *the equipment fitted to the car.*

4 A. Mm-hmm.

5 90 Q. And dated. The next page deals with date and place of
6 theft, the 18th of March, 1989, St. Mary's Chapel,
7 Mullaghbawn. *"Completely gutted by fire"*. Now, if I am
8 not mistaken this was the vehicle used by the Provisional
9 IRA on the Edenappa Road?

10 A. Yes.

11 91 Q. And it was subsequently, we will have evidence of this, but
12 it was subsequently traced parked at a particular place, I
13 can't quite remember where, but before it could be attended
14 to and examined - well, first of all the owner identified
15 it as being his vehicle - but before it could be attended
16 to and examined it was set on fire, and therefore, whatever
17 evidence there might have been available in the van was
18 destroyed in the fire?

19 A. Yes.

20 92 Q. Now, the next document is what seems to be a report drawn
21 up following the murders. I don't propose opening all of
22 it, but it puts into context the information that the RUC
23 had at the time about how the meeting came about to be
24 organised?

25 A. Yes.

26 93 Q. So, *"On the morning of the 20th March, 1989, between*
27 *8:55 a.m. and 9:03 a.m., Superintendent Robert Buchanan*
28 *sent two messages by way of fax from the Control Room in*
29 *Armagh to the Garda Siochana stations at Dundalk and*
30 *Monaghan. These fax messages set out the agenda for a*

1 *forthcoming RUC/Gardai meeting in April. These fax*
2 *messages do not contain any details relating to their visit*
3 *to Dundalk on 20th March, 1989."*

4 The messages, apparently, are attached but we don't have
5 them and nothing turns on that?

6
7 *"At approximately 9:30 a.m. Chief Superintendent Breen*
8 *contacted Dundalk Garda Station by telephone to arrange a*
9 *meeting with Chief Superintendent Nolan. Chief*
10 *Superintendent Nolan was unavailable at that time, and the*
11 *call was returned by Chief Superintendent Nolan at*
12 *approximately 10:30 a.m., when a meeting was arranged for*
13 *2 p.m. later that same day at Dundalk Garda Station. All*
14 *telephone conversations were conducted on an open line.*
15 *There are no compatible secure means of communication*
16 *between the two stations. Chief Superintendent Breen*
17 *travelled to Newry RUC Station in his private car, a blue*
18 *Ford Sierra, and there met Superintendent Buchanan who had*
19 *travelled to Newry RUC Station in his own car", which is*
20 *described as a Vauxhall Cavalier, registration number*
21 *KIB 1204. "Mr. Buchanan has owned this car from the 9th of*
22 *December, 1986, and had travelled in it frequently when*
23 *crossing the border for meetings with the Garda. He had*
24 *been waiting delivery of a new car for the past month."*
25 Now, pause there for a second. I think it is the case that
26 Superintendent Buchanan was more inclined than not to use
27 his own car when attending meetings with the guards in
28 their stations?

29 A. Yes.

30 94 Q. I think in the main, the stations that he visited were

1 Dromad, Hackballscross, Dundalk and Monaghan?

2 A. Yes.

3 95 Q. I think they were the main stations that he dealt with?

4 A. Yes.

5 96 Q. But pretty well more often than not, I think virtually on
6 every single occasion he travelled in his own car, and I
7 think there was a facility available at the time certainly
8 whereby licence plates could be switched around?

9 A. Yes, that's correct.

10 97 Q. But he didn't avail of that?

11 A. No.

12 98 Q. He always travelled in the same car with the same
13 registration number?

14 A. Yes.

15 99 Q. Now, *"At Newry RUC Station both officers spoke to the SDC"*,
16 that I think means the Subdivisional Commander, is that
17 right?

18 A. Yes, that's correct.

19 100 Q. A Superintendent, and if I am not mistaken, he is given the
20 cipher 50. *"They invited him to join them on their visit
21 to Dundalk. The Superintendent declined the invitation due
22 to other duty commitments. At approximately 1:40 p.m.
23 Chief Superintendent Breen and Superintendent Buchanan left
24 Newry Station en route for Dundalk."*

25

26 Now, as a matter of interest, did you have any experience
27 of that road travelling between Newry and Dundalk yourself?

28 A. At that time?

29 101 Q. Yes, at that time?

30 A. Yes, I would have.

1 102 Q. If you just --

2 A. On occasion.

3 103 Q. Yes. So I will just carry on reading and then I will ask
4 you a question.

5

6 *"They travelled together in Mr. Buchanan's car", and again*
7 *it's described. "They arrived at Dundalk Station at*
8 *approximately 2:10 p.m.." So that is approximately half an*
9 *hour, from 1:40 to 2:10, isn't that right?*

10 A. Yes.

11 104 Q. Does that present a reasonable period of time?

12 A. Yes, the roads were a lot slower in those days.

13 105 Q. I think it's a national road these days?

14 A. Single carriageway, main road.

15 106 Q. And there was a border crossing as well?

16 A. Yes.

17 107 Q. At Killeen, is that right?

18 A. Yes.

19 108 Q. And were there delays or hold-ups in Killeen?

20 A. There could well have been, yes.

21 109 Q. Now, *"They parked their vehicle at the front of the Garda*
22 *Station which is open and on view to the public. At*
23 *Dundalk Station they had a meeting with Chief*
24 *Superintendent Nolan and Superintendent Tierney. No notes*
25 *were taken at the meeting. Meeting ended approximately*
26 *3:15 p.m. when both officers left to return north. There*
27 *are no precise details about the route travelled home, but*
28 *it is assumed that they travelled north via the main road*
29 *from Dundalk through the townland of Neween," is that*
30 *right, or should that be "new inn"?*

1 A. I'm not sure if they had to go Neween initially.

2 110 Q. "... through Faughart crossing the border at Jonesboro
3 bridge and then on to the Edenappa Road. From permanent
4 vehicle checkpoint records and records contained in
5 Mr. Buchanan's journal, and F11, the frequency of his
6 visits can be seen." Now, we have already gone over that.

7 A. Yes.

8 111 Q. "At 3:45 p.m." --

9 A. 3:54 p.m.

10 112 Q. Sorry, you are quite right.

11

12 "At 3:54 p.m. an individual phoned stating that there were
13 two men dead on the Edenappa Road. Somebody contacted the
14 police, ambulance and a local priest, and the priest
15 visited the scene and administered the last rites"?

16

17 And then, "At 4:04 p.m. a second call by way of the 999
18 emergency system from the person who lived in the Dundalk
19 area, reported the shooting incident. This person was
20 driving along the Edenappa Road, returning south, when she
21 came across the scene of the incident."

22 A. Yes.

23 113 Q. "At 4:22 p.m. Ambulance Control at Newry confirmed that two
24 men had been shot dead on the Edenappa Road. The ambulance
25 crew confirmed the car had been involved in a shooting
26 incident and that the two occupants of the vehicle had been
27 shot dead. The area was immediately cordoned off and
28 inquiries soon revealed that the occupants of the car were
29 Chief Superintendent Breen and Superintendent Buchanan.
30 This was confirmed by Chief Inspector" - he has been given

1 the cipher 3 - *"who visited the scene at 6:31 p.m. and*
2 *identified both deceased. The scene was held overnight and*
3 *the ATO commenced a clearance operation at first light on*
4 *the morning of the 21st".*

5

6 Can you explain what is an ATO?

7 A. That's an Ammunition Technical Officer.

8 114 Q. And what function does an ATO perform in a scene such as
9 that?

10 A. The ATO is responsible for ensuring the safe disposal of
11 any explosives or anything that would be -- yes, any
12 explosives, really, at the scene, that they would be able
13 to identify those and defuse them.

14 115 Q. Yes. This is the concern that there might be booby traps?

15 A. Yes, indeed.

16 116 Q. *"The remains were removed from the scene and taken via*
17 *helicopter to Bessbrook Mill. At Bessbrook Mill life was*
18 *pronounced extinct before a funeral director" -- or before*
19 *somebody -- "and then a funeral director conveyed the*
20 *remains of Mr. Breen and Mr. Buchanan to the mortuary at*
21 *the Craigavon Area Hospital. A post-mortem examination was*
22 *carried out, starting at 3 p.m. on the 21st March. It was*
23 *confirmed that Mr. Breen had died as a result of*
24 *lacerations to the brain caused by gunshot wounds at close*
25 *range to the head."*

26

27 We will be going into the coroner's opinions in due course.

28

29 *"Mr. Buchanan died as a result of lacerations to the brain*
30 *and right lung caused by gunshot wounds to the head and*

1 *chest. Prior to the remains being removed from the scene,*
2 *the scene was visited by SOCO," a Scenes of Crime Officer,*
3 *is that right?*

4 A. Yes, indeed.

5 117 Q. How does a Scenes of Crime Officer distinguish themselves
6 from other officers, if I can put it that way?

7 A. A Scenes of Crime Officer would have had particular
8 responsibility for the forensic recovery of evidence from
9 the scene and to work with the other agencies at the scene
10 to do that function.

11 118 Q. And I take it a Scenes of Crime Officer receives particular
12 training in that regard?

13 A. Yes, very carefully trained.

14 119 Q. *"And also by forensic staff, mapping staff, photography,*
15 *and CID."* That is the Criminal Investigation Branch or
16 Department, I presume?

17 A. Yes.

18 120 Q. *"The scene of the attack is approximately 400 yards into*
19 *the north of Ireland and approximately three quarters of a*
20 *mile from Jonesboro. Examination of the scene revealed*
21 *that Mr. Buchanan and Mr. Breen saw something that caused*
22 *them concern and they attempted to reverse away.*

23 *Mr. Buchanan's car was in reverse gear and it had crashed*
24 *at an angle into hedge on the opposite side of the road as*
25 *if he had been attempting to turn the car."* We will have
26 some photographs in due course.

27

28 *"Intensive gunfire had been directed at the driver's side*
29 *of the vehicle, striking it at least 24 times.*

30 *Mr. Buchanan was shot in the head and chest. He was found*

1 *seated in the driver's seat of his car with his seatbelt*
2 *on. Mr. Breen's body was found lying on the road beside*
3 *the passenger's door, he was facing south. He had been*
4 *shot in the head. There was evidence of powder burns on*
5 *the side of his head. His glasses were about nine inches*
6 *in front of his head. There was a white handkerchief by*
7 *his side. Examination of his body would indicate that it*
8 *had been thoroughly searched, as a personal diary, wallet*
9 *containing his bank cards and warrant card and his telecom*
10 *pager are missing."*

11
12 Now, I am going to pass over the next passage and go down
13 to the bottom, and this deals with -- *"His personal issue*
14 *weapon and journal were recovered in his office."*

15
16 The report goes on to deal with Mr. Buchanan's body. *"It*
17 *did not appear to have been searched. His warrant card,*
18 *police notebook and telecom pager were found on his body.*
19 *His personal issue firearm and journal were located in this*
20 *office along with his papers relating to his visit to*
21 *Dundalk. It is now known that Mr. Buchanan had papers in*
22 *his car relating to a book he had been writing about the*
23 *history of his church. These papers have not been*
24 *located".*

25
26 I think Mr. Buchanan could be characterised as a very
27 devout gentleman?

28 A. Yes.

29 121 Q. And he was very attached to his church; as we have just
30 learned he was writing a history of his church?

1 A. Yes.

2 122 Q. Were you acquainted with either gentlemen or did you simply
3 know of them?

4 A. No, I didn't know them personally.

5 123 Q. Now, the report goes on: *"A major incident room was set up*
6 *at Bessbrook RUC Station to investigate and identify the*
7 *terrorists involved in the murders of Chief Superintendent*
8 *Breen and Superintendent Buchanan. House-to-house*
9 *inquiries were carried out but nothing of any significance*
10 *was gleaned as a result of these inquiries. The inquiry*
11 *team has been assisted throughout" -- I will start again.*
12 *"The inquiry team has been assisted through liaison with*
13 *the Detective Garda Branch at Dundalk - through Detective*
14 *Superintendent" - it's blanked out, but that is Detective*
15 *Superintendent Connolly. And, Chairman, you will be*
16 *hearing from Mr. Connolly tomorrow - "and Detective*
17 *Inspector Prenty, Dundalk. At approximately 2:30 p.m. on*
18 *20th March, 1989, the Garda Sergeant who was standing*
19 *outside Dundalk Station saw a grey or blue Cavalier" - that*
20 *is a motorcar - "registered EIB with a 2 and a 3 in the*
21 *number, drive through the car park at Dundalk Station.*
22 *Inquiries to date show the only car close to this*
23 *description belongs to a gentleman" whose name is given.*
24 *"This matter is still under investigation. Also, at around*
25 *2:30 p.m. a workman who was working close to Dundalk*
26 *Station saw a red Ford Capri, damaged to the front end and*
27 *displaying northern registration plates, drive slowly past*
28 *the Garda Station on three occasions. From inquiries, it*
29 *has been established that a red Ford Capri with damage to*
30 *the front end and a given registration number is driven by*

1 a certain person who lives in Newry. This is presently
2 under investigation by the inquiry team. It has now been
3 established that one of the vehicles used in the terrorist
4 attack was a beige Toyota Liteace with a given registration
5 number. This vehicle had been stolen between 8 and 9 p.m.
6 on the 18th March, 1989, from the car park at Mullaghbawn
7 Chapel. The owner had locked his vehicle and was attending
8 a service in the church at the time. This vehicle was
9 later found abandoned at crossing point" - I think it's 20,
10 and the grid references are given - "facing north. On the
11 22nd of March it was photographed from the air, but before
12 the area had been cleared by the army to allow a forensic
13 examination the vehicle was destroyed by fire. The vehicle
14 registration plate had been removed from the van.
15 Information from the Garda Siochana would suggest that
16 events leading up to the murder of Chief Superintendent
17 Breen and Superintendent Buchanan are as follows:

18
19 "At approximately 2:30 p.m. a white van travelling from
20 Dundalk arrived at a vacant house on the Edenappa Road.
21 Five men got out of the van and went into this house. The
22 van then left and returned in the direction of Dundalk. At
23 approximately 3:30 p.m. the white van returned and picked
24 up the five men from this house and then parked on the
25 right-hand side of the road near another house. After
26 approximately five minutes, two men in full combat clothing
27 and carrying rifles got out of the van and took up
28 positions on either side of the road. At approximately
29 3:40 p.m. one of these gunmen stood up and stopped three
30 vehicles travelling towards the south. The occupants were

1 *taken out of their vehicles and made lie on the road,*
2 *almost immediately a red Vauxhall Cavalier car drove up and*
3 *was stopped by the gunmen on the road. The white van at*
4 *this stage was parked about 200 yards down the road" --*

5 A. Sorry, 20 yards.

6 124 Q. I beg your pardon.

7 A. 20 yards.

8 125 Q. You are quite right. *"The white van at this stage was*
9 *parked about 20 yards down the road towards the border. It*
10 *then drove up alongside the Vauxhall Cavalier. At this*
11 *stage the red Cavalier started to reverse back and stalled*
12 *in the process, the car was restarted and again the driver*
13 *attempted to reverse back. The four masked gunmen jumped*
14 *out of the van and commenced to open fire on the car. The*
15 *car reversed back and crashed into the hedge. One witness*
16 *told the Garda that the passenger got out of the car and*
17 *waved a white handkerchief. A gunman ran down to him.*
18 *Another witness describes hearing a loud burst of shots,*
19 *then a pause and then two single shots. Two of the gunmen*
20 *searched the car and took a briefcase or folder. They also*
21 *took what appear to be two small notebooks. All of the*
22 *gunmen then got into the white van and the driver, who*
23 *never left the van, drove north, turning left towards the*
24 *Kilnasaggart Bridge and over the border."*

25

26 Just help me here. If the van was driving north, it
27 couldn't be going over the border?

28 A. Well, they went north and then turned left back against
29 themselves to go back down --

30 126 Q. And did a U-turn?

1 A. Yes.

2 127 Q. I understand.

3 A. Turned left to go back over the Kilnasaggart Bridge.

4 128 Q. I understand you now. That's fine. *"Later that same*
5 *evening at 6:30 p.m. the driver of a red Renault 12 car,*
6 *unknown registration number, flashed the headlamps of his*
7 *car at a white van crossing the border at crossing 23,*
8 *which is at the New Road Inn, Tullydonnell. Both vehicles*
9 *stopped and the driver of the Renault got out of his*
10 *vehicle and spoke to the driver of the van. That is all*
11 *that is known about this incident. But this is the same*
12 *place where the Liteace van used by the gunmen was*
13 *abandoned."*

14

15 Now, it seems that that, really, is the height of all the
16 information in relation to that matter, and it was never
17 possible to pursue it?

18 A. No.

19 129 Q. Now, the next passage is *"Comment,"* which I won't open.
20 And if you go to the last page, 8, I will resume the
21 narrative with the second paragraph:

22

23 *"Mr. Breen's Staff Officer, Sergeant Alan Mains, has stated*
24 *that Mr. Breen did not cross the border regularly. His*
25 *last visit was over the border to meet the Garda on the 2nd*
26 *of February, 1989. On the 20th of March, 1989, Mr. Breen*
27 *was visiting the Garda in response to a Headquarters file*
28 *which is dated 15th of March, 1989. A query on the file*
29 *sought the views of the Garda and the file was due for*
30 *report on 24th of March, 1989."*

1

2

So, it seems from that, if I just pause for a moment, that,

3

if I might put it this way, the window of opportunity for

4

the two officers extended from the 20th-24th, from the

5

point of view of the RUC?

6

A. Yes.

7

130 Q. Whereas we have heard from Mr. Nolan that he really was

8

available only on the 20th, and, for that reason, the

9

meeting went ahead on that particular day?

10

A. Yes, and Mr. Breen had been on leave the week prior to it,

11

of course.

12

131 Q. Yes, his diary shows that he had been on leave up to the

13

16th. I think?

14

A. That's right.

15

132 Q. And then on the 17th he was on duty?

16

A. At the St. Patrick's Day parade.

17

133 Q. The St. Patrick's Day parade in Newry, I think it is. Now,

18

"In a statement to Downtown Radio at 11 p.m. on the 22nd of

19

March, 1989, the IRA admitted responsibility for the

20

shooting incident." I am going to pass over the next

21

couple of pages because they deal with matters which really

22

aren't all that relevant; deals with the disappearance, I

23

think, of Chief Superintendent Breen's diary with telephone

24

numbers?

25

A. OK.

26

134 Q. And what might be done with them. But there is no need to

27

dwell on that at this stage.

28

29

Then, the next section of this document deals with an

30

aspect of the vengeful analysis, but I will come to that

1 later on because there is a more complete section dealing
2 with vengeful analysis later in the presentation of papers.
3 Then, the next is ballistics analysis. Again, that needn't
4 detain us.

5
6 Now, the next document, which is tab 47, is a document
7 dated the 15th of September, 2000. It's headed "*Subject:*
8 *Allegations of Garda/PIRA collusion.*" I think the
9 background to this document is, you may not be aware of
10 this, but, in the year 2000, the then Minister for Justice,
11 Mr. O'Donoghue, announced in the Dail that he had asked the
12 then Garda Commissioner, who I think was Mr. Byrne, Mr. Pat
13 Byrne, to investigate fresh allegations that had been made
14 on the question of collusion. Essentially, these
15 allegations arose in a book called *Bandit Country* by
16 Mr. Toby Harnden and an article by a journalist called
17 Kevin Myers which was published in *The Irish Times*, and
18 this produced a question to him in the Dail, and, in
19 response to that, he indicated that he had asked the Garda
20 Commissioner to look into the matter again, and I believe
21 that this document relates to liaison between the guards
22 and the RUC, as it then was --

23 A. Yes.

24 135 Q. -- dealing with queries that the guards had at the time?

25 A. Yes.

26 136 Q. Now, the document is -- was written up, as you can see from
27 the last page, by the regional head of CID south region?

28 A. Yes.

29 137 Q. And he says that on the 2nd of August he met with Garda
30 officers. Now, I think I can fill in the blanks there;

1 they were Chief Superintendent Sean Camon and I think it
2 was Inspector Kirwan - unfortunately, I don't remember his
3 rank at that stage - but those two were charged with
4 conducting the further investigation, and, sadly, Sean
5 Camon is no longer with us, but we will be hearing from
6 Peter Kirwan in due course.

7 *"I was advised by Detective Chief Superintendent Camon that*
8 *he was investigating allegations of collusion between the*
9 *Garda and PIRA. The basis of the allegations were*
10 *incorporated in the publications, firstly 'Bandit Country:*
11 *The IRA and South Armagh' by Toby Harnden, pages 156 to 159*
12 *in particular, and secondly, an article by the journalist*
13 *Kevin Myers published in The Irish Times on the 10th of*
14 *March, 1999. The crux of the Garda request was to*
15 *establish if the RUC had evidence or intelligence to*
16 *substantiate or support the allegation outlined below.*

17
18 *"'Bandit Country: The IRA and South Armagh' by Toby*
19 *Harnden. Firstly, page 156." Now, this, I take it, is a*
20 *quote from the book. "Senior RUC and Garda officers told*
21 *the author they were certain that information passed by a*
22 *Garda officer enabled the IRA to ambush them as they were*
23 *returning from a meeting." Secondly, "page 157 - Breen was*
24 *uneasy about the meeting and had confided to the sergeant*
25 *that he was concerned about one Garda officer." Again*
26 *"page 157 - here as Garda X whom RUC Special Branch believe*
27 *might be working for the IRA." Third reference on page*
28 *157: "An IRA man with a CB radio was watching the two*
29 *officers as they left Dundalk Garda Station."*
30 And there are three references on page 158. The first is:

1 *"Within two days, RUC/CID investigators had concluded that*
2 *Buchanan's visits to Dundalk had been noted previously and*
3 *an ambush planned with meticulous care."* The second
4 reference on page 158 is: *"There was also technical*
5 *information which confirmed that the IRA had been contacted*
6 *by someone within Dundalk Station."* The last reference on
7 page 158 is: *"RUC Special Branch then received*
8 *intelligence that a Garda officer had telephoned an IRA*
9 *member to tip him off."* At page 159: *"An RUC Special*
10 *Branch officer who was able to name the Garda officer who*
11 *had told the IRA about the meeting."*

12
13 Then, reference is made to *The Irish Times* article on the
14 10th of March, 1999, by Kevin Myers. What was requested by
15 the Gardai was: *"Any detail in respect of the following*
16 *murders, essentially anything that would amount to an*
17 *allegation of collusion."*

18 Now, the murders were, first of all, on the 20th of May,
19 1985, they were the murders of Inspector William Wilson,
20 Constable Tracy Doak and Constable Steven Rodgers; the next
21 is the 25th of April, 1987, when Lord Justice and Lady
22 Cecily Gibson were murdered; the third is on the 23rd of
23 July, 1988, when Robert, Maureen and David Hanna were
24 killed; and lastly, on the 20th March, 1989, and that is --
25 relates to Chief Superintendent Breen and Superintendent
26 Buchanan.

27
28 Now, a *"Detective"* -- name omitted -- *"now provided his*
29 *original statement of evidence dated the 20th of March --*
30 *sorry, 22nd of March, 1989, and a further statement dated*

1 the 15th of September, 2000 (copies attached) which address
2 queries at 1b and 1c." And they are the first two matters
3 mentioned at page 157.

4 A. Yes.

5 138 Q. "With regard to the other queries, no evidence exists, nor
6 can any documentation be located which evidences Garda
7 collusion with subversives." And then: "Forwarded for the
8 information of the Deputy Chief Constable and onward
9 transmission to..." no doubt, somebody in the guards?

10 A. Yes.

11 139 Q. What is attached is a statement of Alan Mains made on the
12 15th of September, 2000 --

13 A. Yes.

14 140 Q. -- in which he says "*I am a Detective Inspector in the*
15 *Royal Ulster Constabulary*" --

16 A. Detective Chief Inspector.

17 141 Q. You are quite right, "... *Detective Chief Inspector in the*
18 *Royal Ulster Constabulary, presently attached to*
19 *Headquarters Economic Crime Bureau, C1(6) Financial*
20 *Investigation Unit. Further to my statement on the 22nd of*
21 *March, 1989, concerning the murders of Chief Superintendent*
22 *Harry Breen and Superintendent Buchanan, I have nothing*
23 *further to add, with the exception of the Garda officer*
24 *referred to in my previous statement is Owen Carrigan, then*
25 *Detective Sergeant, Special Branch, Dundalk.*"

26 Are you aware that Mr. Mains has given evidence already?

27 A. Yes, yes.

28 142 Q. Yes. And then also attached is a copy of the statement of
29 the 22nd of March, 1989, and in circumstances where -- no,
30 I will read it out. He says, "*I am a Sergeant of the Royal*

1 *Ulster Constabulary presently stationed as a Staff Officer*
2 *to Divisional Commander 'H' Division. On Monday, the 22nd*
3 *of March, 1989, at 9:20 a.m., I attended a meeting with*
4 *Chief Superintendent Breen to brief him on the previous*
5 *week's events as he was on annual leave for that period.*
6 *Mr. Breen discussed matters regarding promotions and*
7 *transfers. He then went on to give me his appointments for*
8 *that day. He informed me that he had to attend a meeting*
9 *in Dundalk that afternoon with the Border Superintendent,*
10 *Superintendent Buchanan, along with Chief Superintendent*
11 *Nolan, Garda. The reason for the meeting was in connection*
12 *with cross-border smuggling in relation to 'Slab' Murphy,*
13 *Crossmaglen. Mr. Breen highlighted the fact that he was*
14 *uneasy about travelling down to Dundalk but stated that he*
15 *had to have a report submitted to Headquarters the*
16 *following day at lunchtime."*

17 *Now, that doesn't seem to correspond to what we have read;*
18 *namely, that the report was to have been in by the 24th of*
19 *March at the latest, isn't that right?*

20 *A. The 24th of March, yes, but presumably he was just trying*
21 *to be very prompt with his submission of the report.*

22 143 *Q. Oh, no doubt, no doubt, yes. Now, "He then asked me to*
23 *contact" -- a person -- "in Customs and Excise to arrange a*
24 *meeting first thing on Tuesday" -- presumably, that should*
25 *be the 22nd of March, 1989 -- "and I did this. Mr. Breen*
26 *also said he felt 'Slab' Murphy had contacts within the*
27 *Garda and, to this end, he felt he could not trust certain*
28 *Garda Siochana members. To use his own words, he felt that*
29 *certain members of the Garda were on Murphy's payroll.*
30 *This meeting ended at approximately 11 a.m.*

1 I later spoke with Mr. Breen at approximately 12:25 p.m.,
2 just prior to him leaving for Dundalk. He informed me that
3 he might be back later on, but was unsure how long the
4 meeting with the Garda would take."

5

6 Now, the next tab I don't need to open because that has
7 already been opened in the context of an earlier tab. That
8 is the document HMG 50.

9 A. Yes.

10 144 Q. Now, the next document is at Tab 50, and it's "*Details of*
11 *previous cross-border meetings to be obtained and*
12 *arrangements for such obtained,*" and it's headed there
13 "*A102*"; I think the letter 'A' stands for action?

14 A. Yes, that is part of the investigation documents.

15 145 Q. And can you explain what an action is?

16 A. An action would be, in a major investigation, you would
17 have a particular officer who would be responsible for
18 raising the actions in the investigation and ensuring those
19 actions were completed, so they are recorded, put out to
20 the officer concerned and then returned to that officer.

21 146 Q. So is it fair to say that an action is an assignment of a
22 task to somebody --

23 A. Yes, yes.

24 147 Q. -- I think is the best way to put it, yes. And I think the
25 response is on the next page, which is that "*Superintendent*
26 *Buchanan's journals have been obtained and entered into*
27 *system, as other documents. Meetings were usually arranged*
28 *informally between senior officers, Gardai and RUC. From*
29 *Sergeant Mains, it would appear that Chief Superintendent*
30 *was not happy about crossing the border and did so very*

1 *rarely. In relation to the meeting with the Garda on*
2 *20/3/'89, this was arranged by Superintendent Buchanan on*
3 *the phone to Superintendent Tierney in Dundalk, with*
4 *exchange of calls between the two of them that morning and*
5 *the meeting was finally arranged."*

6 I think, at this point, it might be worth noting that many
7 of these documents were prepared in the immediate aftermath
8 of the events, the horrible events on the 20th of March,
9 when people, I think, were trying to piece together what
10 may have happened?

11 A. Yes.

12 148 Q. So, inevitably, there is some conflicting information, as I
13 think the thinking was evolving with the passage of time?

14 A. Yes.

15 149 Q. Now, the next document, then, is dates Superintendent
16 Buchanan crossed the border. I have already dealt with
17 that, so we don't have to go into that again. Now, the
18 next document is a document dated September -- I think the
19 1st of September, 2003, from the PSNI to the Garda
20 Siochana, forwarding a report which -- just bear with me a
21 second -- and asking for a liaison officer to be appointed.
22 Now, am I right in this, that -- was a suggestion that the
23 liaison officer could assist in the taking of evidence
24 south of the border?

25 A. That would be the norm, yes.

26 150 Q. Yes. And the next document, which I presume is the report
27 from the Detective Chief Inspector mentioned in the letter,
28 is a report dated the 20th of March, 1989, which is in the
29 following terms: *"At 9:30 today, Superintendent Buchanan*
30 *phoned Superintendent, Dundalk, to arrange a meeting. The*

1 *Superintendent was not in but returned Superintendent*
2 *Buchanan's call at 10" --*

3 A. -- 15.

4 151 Q. It looks like 10:15.

5 A. Yes.

6 152 Q. "A message was passed that Chief Superintendent Breen would
7 *like to arrange a meeting for 1400 hours with Chief*
8 *Superintendent Nolan. This was an informal meeting, the*
9 *type of which was held very infrequently and, in fact, was*
10 *only the second meeting held since the formal meetings were*
11 *dispensed earlier this year. Chief Superintendent Breen*
12 *left Armagh station on his own and met Superintendent*
13 *Buchanan at Newry station at approximately 13:40 hours.*
14 *Both officers left Newry at 13:50 hours and travelled, it*
15 *is believed, via the main road in Superintendent's private*
16 *car, a red Cavalier, registration number KIB 1204. They*
17 *arrived in Dundalk at 14:10 hours, approximately, where*
18 *they met with Chief Superintendent John Dolan," is written;*
19 *of course, that should be John Nolan. "It is believed at*
20 *this stage that Chief Superintendent Breen and*
21 *Superintendent Buchanan wished to discuss, among other*
22 *things, a major southern Customs and Garda operation that*
23 *was being mounted against a named individual. The meeting*
24 *terminated at 15:15 hours when both officers left Dundalk.*
25 *They did not state the route that they were travelling*
26 *back. It is known that Superintendent Buchanan sometimes*
27 *used the Edenappa Road to avoid setting a pattern on the*
28 *main road. At 15:54 hours on Monday the 20th of March,*
29 *1989, somebody from Jonesboro village reported to a given*
30 *telephone number via 999 that he had observed what appeared*

1 to be two dead males in a red car parked on the Edenappa
2 Road between number 54 Edenappa Road and McGeough's garage.
3 An ambulance was tasked to the scene and confirmed the
4 registration number as KIB 1204. Follow-up operation by
5 police, military, Garda, confirmed the incident and
6 positive identity. Early reports from the scene would
7 indicate that the officers' car was supposed to stop by
8 some means on the Edenappa Road, approximately 100 yards
9 north of the border. It would appear that Superintendent
10 Buchanan tried to reverse. Superintendent Buchanan was
11 found in the vehicle, slumped over the steering wheel,
12 apparently shot in the head at close range. Superintendent
13 Breen was found lying out of the car with gunshot wounds to
14 the head. It is believed at this stage that both officers
15 were unarmed. ATO task body recovery operation activated."
16 Now, M-I-R-I-A-M, have I read that correctly?

17 A. Yes.

18 153 Q. What is MIRIAM?

19 A. Major investigation room investigation -- Major
20 Investigation Room Investigation Administrative Management.

21 154 Q. Yes. Effectively, the core nucleus of any investigation?

22 A. Yes, that is the system that was used at the time, really,
23 to manage a major investigation.

24 155 Q. Yes. So this was established at Bessbrook RUC Station.

25 "Pre-planned follow-up operations activated. Garda
26 operations included Louth/Monaghan seal and suspect
27 follow-up." Do you know what that means "seal"? "Suspect
28 follow-up," we can follow, but what does "seal" mean?

29 A. No, I don't really know.

30 156 Q. Fair enough. "Cordons on both sides will be held until the

1 *full scene examined by ATO Forensic is carried out on 21st*
2 *of March. Deputy Divisional Commander coordinating*
3 *response."*

4 A. Presumably, "seal" means that they have set up checkpoints
5 on the south end, as well, just to secure the scene and
6 monitor movements.

7 157 Q. I see. Yes. Very good. "*Both officers' families*
8 *contacted and support being given through welfare branch,*
9 *family doctor and clergy."* That is the welfare branch of
10 the RUC, is that right?

11 A. Yes.

12 158 Q. Now, I am not going to open the next set of pages because
13 they have already been opened. Now, the next document,
14 which is at tab 52, is a statement made on the 24th of
15 April, 2007. Now, it seems from the content of this
16 document that this is somebody who worked with Chief
17 Superintendent Breen?

18 A. Yes.

19 159 Q. And the statement is as follows: "*I am an Administrative*
20 *Officer in the Northern Ireland Civil Service. In 1989, I*
21 *was a typist in the Divisional Commander 'H' Division who*
22 *at that time was Chief Superintendent Harry Breen. On the*
23 *20th of March, 1989, I was on duty at my office at the main*
24 *police station..."* is that right?

25 A. Yes.

26 160 Q. "*... in Armagh. Sometime in the morning I received a*
27 *telephone call from a male and I assumed it was the Garda*
28 *Siochana. The call was regarding Mr. Buchanan and him*
29 *returning a call to the caller. I would have taken the*
30 *caller's name and phone number and I would have had advised*

1 him that I would inform Mr. Buchanan to return the call.
2 Mr. Buchanan was the 'H' Division Border Superintendent.
3 As far as I am aware" --

4 A. "I was not aware of any meetings."

5 161 Q. Yes, "I was not aware of any meetings or locations of
6 meetings at this time. I recall" -- what is this now? --
7 "writing out a note and leaving it" on Mr. Buchanan's --
8 sorry, "in Mr. Buchanan's office, but I didn't recall the
9 content."

10 A. Yes.

11 162 Q. "Just prior to lunch, Mr. Breen came into my office and
12 said" -- mentioned the name -- "I am going to see our
13 friends across the border. I will see you tomorrow.
14 That was the last time I saw Mr. Breen. I then was made
15 aware that Mr. Buchanan and Mr. Breen had been murdered
16 near the border. A couple of days later, I can't recall
17 exactly when, Sergeant Alan Mains asked me about the note I
18 had written to Mr. Buchanan. I told him it was my
19 handwriting and that that was the last time I heard of it."
20 That seems to be the end of that.

21

22 Now, Chairman, it's now coming up to 1 o'clock.

23

24 CHAIRMAN: Will we adjourn?

25

26 MR. DILLON: Yes, I have a fair amount to go still, so it
27 would be helpful.

28

29 CHAIRMAN: Would 2 o'clock be all right then?

30

1 MR. DILLON: Yes.

2

3 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

4

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THE TRIBUNAL RESUMED AFTER LUNCH AS FOLLOWS:

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4

MR. DILLON: Thank you, Chairman.

5

163 Q. Now, Mr. McConville, if you could take Tab 53 in the book,

6

now. It is another action --

7

A. Yes.

8

164 Q. -- emanating from SIO; SIO means what?

9

A. Senior Investigating Officer.

10

165 Q. I see, yes. The nature of the action was as follows:

11

"The area where the shooting occurred was OOB and only came

12

back inbounds at 11 a.m., 20/3/89. Find out why the area

13

was OOB and brought back" --

14

A. *"Who brought it back in".*

15

166 Q. *"And who brought it back in."* Very good. Then: *"Area had*

16

been out of bounds due to an ongoing military operation.

17

The area was brought back into bounds by" -- a particular

18

chief --

19

A. Chief Inspector, yes.

20

167 Q. So, "OOB" obviously means out of bounds, is that right?

21

A. Yes.

22

168 Q. And in what circumstances might an area be put out of

23

bounds?

24

A. There might have been a number of reasons why an area would

25

have been out of bounds, due to suspicious activity in an

26

area or due to an ongoing operation on behalf of the

27

military or the police. They would be the three main

28

reasons.

29

169 Q. Um-hmm. And in this case, there appears to have been a

30

military operation.

1 A. Yes.

2 170 Q. Do you know anything about that military operation?

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

4 171 Q. Now, I will move onto the next, which is a log sheet.

5 This, I think, is an army record, isn't it?

6 A. Yes.

7 172 Q. And I think in this case, in the case of Tab 54, that it
8 goes backwards, you have to go to the back sheet, to the
9 last sheet for the beginning --

10 A. Okay.

11 173 Q. -- and work your way forward. And if you work your way
12 forward to page 3, and it says "*Serial number 08*". I
13 presume that is incident or matter number 8 that was
14 logged, is that right?

15 A. Yes.

16 174 Q. At 11:35. Now, there appears to be a blue Cavalier
17 hatchback which arrived at the scene, and, unfortunately,
18 my photocopy is very poor. Can you read your photocopy?

19 A. "*A blue*" - something - "*estate*".

20 175 Q. "*At approximately 20 metres southwest of the Kilnasaggart*
21 *Bridge on the road there is*", what, four something --

22 A. Four persons, four pax. That would be a term for persons.

23 176 Q. "*Setting up what appears to be the back-end of*" --

24 A. "*A portable traffic light*."

25 177 Q. Traffic lights, yes. "*They arrived in what appeared to be*
26 *a blue Cavalier hatchback and a blue*" -- something --

27 A. Is it Volvo? It's a Volvo.

28 178 Q. A Volvo, you are quite right, yes. Something unknown?

29 A. Registration unknown.

30 179 Q. Yes. And then something, I can't -- I really can't read

1 the next bit?

2 A. *"At approximately 12:00 hours they left the area and were*
3 *seen heading north up the"* -- something -- *"road."*

4 180 Q. Yes, yes. It is not very easy to read. And then Item 10:
5 *"With reference to 08, the vehicles are not legitimate and*
6 *to be treated suspiciously."* Isn't that right?

7 A. Yes.

8 181 Q. And then, again going backwards, but that is the way the
9 document goes, Item 16: *"Report of car with two bodies on*
10 *Edenappa Road,"* and the particular grid reference. Item
11 17: *"One woman left"* -- is it Ulster, what --

12 A. Bungalows.

13 182 Q. Bungalows, yes. And --

14 A. *"Ran to next home, got into a car, stopped at suspect car*
15 *and proceeded north."*

16 183 Q. *"And proceeded north,"* yes. Then the last entry in this
17 document is entry number 19: *"With all the attention being*
18 *on the Edenappa Road area we will have extra vigilance on*
19 *the Kilnasaggart area and also give support for YOA on*
20 *the"* - something - *"mountain."* What is "YOA"?

21 A. YOA?

22 184 Q. If you know?

23 A. I don't know.

24 185 Q. Okay. Now, if we move on to Tab 55. At this time, the
25 order is the more normal order. Now, there appears to be
26 two different -- sorry, I should have drawn attention to
27 the fact that the previous log is of a particular unit of
28 the army, is that right?

29 A. Yes, that's the RRF, which I believe is the Royal Regiment
30 of Fusiliers.

1 186 Q. Yes. Is that the case for the log we were just looking at,
2 not the one we are coming to?

3 A. Well, it says -- I thought I saw "RRF" on that one.

4 187 Q. Is it, also?

5 A. I thought so.

6 188 Q. No, that is the log at Tab 54?

7 A. Yes, the unit is the Y Company, IRRF.

8 189 Q. Again, that is the same regiment, is that right?

9 A. Yes, I presume that is the Royal Regiment of Fusiliers.

10 190 Q. Yes. So, we now have a second log from the same regiment
11 for the 20th of March, 1989, and it seems to record more or
12 less the same at 11:43, which is at the bottom of the page:
13 "*Blue Vauxhall Cavalier with*" -- something -- "*stopped by*
14 "*Kilnasaggart Bridge and*" --

15 A. With four men.

16 191 Q. Is that what it is? Yes. "*And started setting up traffic*
17 "*lights*"?

18 A. Yes.

19 192 Q. Then if you turn to the next page. At 13:50: "*Area clear.*
20 "*One by DPM.*" What is a DPM?

21 A. DPM, it escapes me at the moment. I don't remember what
22 DPM means.

23 193 Q. Anyway, we will move on to the next entry. If it comes
24 back to you, you can let us know.

25 A. Yes.

26

27 CHAIRMAN: DPM, could that be disruptive pattern material?

28 A. I don't think so, no. DPM, I don't recall what it means.

29 It just escapes me.

30

1 194 Q. MR. DILLON: We will go on to 15:58. It seems that a
2 report was received from the RUC about a red car on
3 Edenappa Road, "*between two bodies in car*," is that right?

4 A. Yes.

5 195 Q. And then, "*16:10, RUC*" - what is that, "act", no?
6 "*Received phone call. Two x bodies in car at BCP 10,*
7 "*McGeough's garage.*"

8 A. Yes.

9 196 Q. Was there a checkpoint in that area? There is a reference
10 to BCP 10 at McGeough's garage. Because I have here, I
11 will hand it up to you --

12 (Document handed to witness.)

13 You see, there is a list of checkpoints there, and
14 undoubtedly it says "*BCP 10, open to vehicular traffic.*
15 "*Feed*" - F-E-E-D - "*McGeough's.*" So it seems to suggest
16 that there was, in fact, a checkpoint?

17 A. That's not a checkpoint, that's a border crossing point.

18 197 Q. My apologies, yes, it is a crossing point.

19 A. BCP 10 is the Edenappa Road.

20 198 Q. My apologies, that is my mistake. Then, "*16:14: Woman*
21 "*driving by red car in*" -- something -- "*park. Ran out of*
22 "*house into next door. Ran out to her car and drove off,*
23 "*stopping by red car before speeding on*" -- I think, if I
24 read that correctly -- it is very difficult to read the
25 writing but --

26 A. "*Before speeding off.*" And then it says, "*Done was in she*
27 "*ran,*" or something.

28 199 Q. Exactly. That is what appears to be said, all right.

29 A. Which is an addition there.

30 200 Q. And then: "*At 16:20, red car VRN KIB 1204 belongs to*

1 Robert Buchanan." It says "*Chief Constable RUC border*
2 *area.*" That, of course, is not the correct description of
3 the late Bob Buchanan?

4 A. Yes.

5 201 Q. Now, moving on to Tab 58, this is a -- what is, in effect,
6 the inquest file, isn't that right?

7 A. The 58 I have is an action.

8 202 Q. Sorry, I meant 57, my apologies. 57.

9 A. Yes.

10 203 Q. Yes. And it begins with the statement of Alan Mains, which
11 has already been opened, so we can pass over that. We go
12 on then to what is the inquest file. That is a document --
13 or the Coroner's file, I should say. That is a document of
14 public record, isn't it?

15 A. Yes.

16 204 Q. Now, I don't propose going through all of this. What I
17 would ask you -- what I propose doing is, just touching on
18 a few matters. At page 15, now this is the opinion on the
19 death of Harry Breen. And it begins: "*This man was a*
20 *fairly heavy build, weighing 202 pounds and measuring*
21 *approximately six feet in height. He was healthy. There*
22 *was no natural disease to cause or accelerate death or to*
23 *cause collapse. Death was as a result of shotgun wounds,*
24 *some at least apparently caused by bullets from a high*
25 *velocity weapon. The most severe injury were those*
26 *involving the head, with gross laceration, extensive skull*
27 *fractures and evisceration of the brain. High up on the*
28 *back of the head there was a small circular entrance wound*
29 *whilst the gross injury forward and to the left of it*
30 *probably represented a major exit wound of high velocity*

1 *type. The brain damage so caused must have been*
2 *responsible for immediate death. Powder peppering around*
3 *the entrance wound indicated that the shot had been*
4 *discharged at close range. It could have been fired as he*
5 *lay on the road and may well have been the last wound*
6 *inflicted."*

7
8 And I go to the last substantive paragraph:

9
10 *"Thus, it would appear that prior to the fatal head wound,*
11 *the deceased had been hit by fragments from both the left*
12 *and right sides. None of these had caused any mortal*
13 *injury, and, had it not been for the head wound, he should*
14 *have survived."*

15 A. Yes.

16 205 Q. I will move on then, if I may, to page 23. This is the
17 opinion on the cause of death of Bob Buchanan?

18 A. Yes.

19 206 Q. *"This man was of heavy build, weighing 220 pounds and*
20 *measuring approximately 5 foot 9 inches in height. Autopsy*
21 *revealed evidence of raised blood pressure and moderate" --*
22 I can't pronounce that -- *"narrowing of the coronary*
23 *arteries, but these conditions did not contribute to his*
24 *death." Then I go down to the last paragraph: "Most of*
25 *the bullets striking the deceased would appear to have come*
26 *from obliquely in front and to the right of the deceased*
27 *and to have passed through the car. At least one further*
28 *bullet may have been fired from the right of the car,*
29 *possibly from close range. There is the possibility of*
30 *another bullet hitting the head from the left side."*

1 A. Yes.

2 207 Q. Now, the next document I wish to open, this is the
3 deposition of Nicholas Paul Jones, who was a member of the
4 British Army.

5 A. Which page number are you?

6 208 Q. I am terribly sorry, this is page 36. My apologies.

7 A. Yes.

8 209 Q. *"I am an Ammunition Technical Officer with"* -- he gives the
9 name of company -- *"serving a six-month detachment at*
10 *Bessbrook. On the 20th of March, 1989, at approximately*
11 *17:00 hours, I was tasked to a fatal shooting incident near*
12 *border crossing point 10. On arrival at the scene, I*
13 *decided that there was not enough daylight hours to*
14 *complete a task, so planned a clearance for the morning of*
15 *the 21st of March, 1989. During clearance on the 21st, I*
16 *moved a body from the side of a red Cavalier, registration*
17 *KIB 1204 up to"* -- and he mentions the grid reference --
18 *"which was the EOD incident checkpoint."* "EOD" means?

19 A. Well, that is in reference to his company, you see, the 321
20 company, EOD, would be the engineers, you know, his own
21 regiment, where they had located themselves as a base to
22 move into the scene.

23 210 Q. Yes. *"Further EOD actions were carried out on the vehicle*
24 *and the body of the driver was left in position in the*
25 *front of the vehicle. I declared the task completed at*
26 *12:12 hours and handed over the scene to the*
27 *scenes-of-crime officers from Newry."*

28
29 Now, if you could move to page 62. And this is the
30 statement of Gary Elliott Montgomery, who was a forensic

1 scientist attached to the Northern Ireland Forensic Science
2 Laboratory?

3 A. Yes.

4 211 Q. He states his qualifications, first of all, and he goes on
5 to say that "On the 21st of March, 1989 at the request of
6 the Royal Ulster Constabulary, I travelled to the Edenappa
7 Road, south Armagh, to investigate the scene of a serious
8 shooting incident. This involved two senior RUC officers,
9 Chief Superintendent Breen and Superintendent Buchanan, who
10 had been ambushed and shot dead while travelling north
11 towards Jonesboro on the Edenappa Road. At the scene, an
12 incident control point had been established on the roadway
13 adjacent to a white cottage which was located on the
14 right-hand side of the road as one looked towards the Irish
15 Republic. From this point, the road ran downhill and very
16 straight for perhaps a mile or more in a southerly
17 direction. On left side of the road, approximately 70
18 yards from the ICP, was a Vauxhall Cavalier car,
19 registration number KIB 1024. The car was facing north
20 towards Jonesboro with its rear offside corner against a
21 wall. A blanket covered the windscreen and near to the car
22 was a body of a male person identified to me as Chief
23 Superintendent Breen. Military clearance operations were
24 in progress and, as part of these, the body was recovered
25 and the car was moved approximately 40 feet closer to the
26 ICP. I carried out a brief visual examination of his body,
27 during which I noted that some of the pockets in the
28 clothing had been turned inside out. The area between the
29 ICP and the car was searched. Cartridge cases littered the
30 roadway and the grass verge on the right-hand side. 23

1 *spent cartridge cases and one round of ammunition were*
2 *recovered between the vehicle entrance associated with the*
3 *white cottage and the original position of the Vauxhall*
4 *car."*

5

6 Now, can you just explain what is the distinction between a
7 spent cartridge case and a round of ammunition?

8 A. A round of ammunition would be one that had failed to fire.

9 212 Q. I understand. *"Approximately midway between these two*
10 *points, a bullet strike mark and glass were noted on the*
11 *right side of the roadway as viewed from the ICP. A small*
12 *fragment of bullet was recovered from the strike mark."*

13 I don't need to open the next paragraph.

14

15 We have already -- the next paragraph deals with the
16 finding of Superintendent Buchanan in the car. I don't
17 need to open that.

18

19 *"Examination of the exterior of the car revealed that most*
20 *of the windows were shattered and the car keys were in the*
21 *lock in the open boot lid. Impact damage to the rear*
22 *offside quarter panel car showed that the car had struck*
23 *the wall at the point where it had initially come to rest.*
24 *It was confirmed by the presence of a piece of tail light*
25 *lens and scrapes and other damage to the wall at the impact*
26 *site." Now, "Bullet damage to the car indicated it had*
27 *been fired at from, basically, three directions, these*
28 *being the front, the nearside and the offside front*
29 *quarter. Eleven bullets had struck the front window screen*
30 *with all but one having struck the driver's side. These*

1 shots had been directed at the car from the front. Other
2 shots fired from the front hit the roof, the bonnet and
3 grill areas. Six or seven bullets fired from the front
4 offside quarter struck the driver's side of the vehicle.
5 Two bullets fired from the near side struck the front
6 passenger's door. The lower front quarter of this door
7 showed an area of fragmentation damage, this damage was
8 probably caused by the bullet which fragmented on the
9 roadway between the ICP and the cars's original position.
10 This is evidence to show that at least 28 or 29 bullets had
11 struck the car. Other bullets may have entered and exited
12 through the shattered windows. The car was removed from
13 the scene. A spent cartridge was recovered on the roadway
14 where the car had been sitting."

15
16 Now, "A pen, a handkerchief, a pair of spectacles and a
17 spent cartridge case were found on the roadway adjacent to
18 the position where the car had struck the wall. Blood and
19 tissue were also found on the road at this point."

20
21 I don't propose opening the remainder of the document, save
22 for the summary which is at page 65:

23
24 "The two police officers were travelling north towards
25 Jonesboro along the Edenappa Road in their Vauxhall
26 Cavalier car. As their car came out of the dip in the long
27 straight stretch of road and approached the entrance to the
28 derelict property on their right, gunfire was directed at
29 the vehicle. Glass and a strike mark on the roadway,
30 together with corresponding fragmentation damage to the

1 front passenger's door, show that the car had reached this
2 point on the roadway. Further evidence to support this
3 comes from the positions of the cartridge cases and the
4 fact that the car had been fired on from the front and side
5 but not from the rear. This can also be shown -- it can
6 also be shown that the officers attempted to escape by
7 reversing away from the ambush until their car struck the
8 wall from the other side of the road. At this point,
9 Superintendent Breen, the passenger, got out, fell out or
10 was pulled from the car. His body was searched and it is
11 likely that the car was also searched. The nature of the
12 roadway and the land on either side provided adequate
13 hiding places for the five or more gunmen who opened fire
14 at the vehicle and its occupants. It is possible that the
15 roadway was blocked by the gunmen themselves, a vehicle or
16 some other means during the ambush."

17
18 Then he concludes with the usual recitals that one makes as
19 to the voracity of one's statement.

20 A. Yes.

21 213 Q. Now, next is Tab 58, which is another action, I think this
22 originating from a Deputy Senior Investigating Officer, is
23 that right?

24 A. That's right, yes.

25 214 Q. He notes that "Two reverse calls" -- I presume that means
26 reverse-charge calls --

27 A. Yes.

28 215 Q. -- "were made from the kiosk near police station in
29 Dundalk. These calls were made to numbers in Belfast and
30 Newry." While the numbers aren't given, the subscribers

1 are given and the calls were -- *"Traced the call made to*
2 *Ulster Timbers at 1:30 p.m."* made by a person who was an
3 employee of that company. Interviewed this person.
4 *"States that he saw nothing unusual while he was making the*
5 *call. No approach was made to the primary school, which*
6 *was the other subscriber, on the direction of a detective*
7 *chief inspector."*

8 A. Yes.

9 216 Q. Now, the next is another, I suppose, report prepared by the
10 RUC, to the effect that a superintendent confirms that
11 Superintendent Buchanan and Chief Superintendent Breen left
12 Newry at 12:40 p.m. in Superintendent Buchanan's car to
13 attend a liaison meeting in Dundalk. Now, next is Tab 61,
14 and this is a statement of a witness who gives his
15 profession as a supervisor.

16
17 *"On Monday the 20th of March I was supervising work in the*
18 *Jonesboro area. I was driving my own car, and accompanied*
19 *by two other"* -- I think Department of Environment, sorry,
20 *"DOE..."*

21 A. That's right.

22 217 Q. *"... workers. They were in a yellow Department of*
23 *Environment Sherpa van. During the morning period between*
24 *10:30 a.m. and 12 midday, we were on the Kilnasaggart Road,*
25 *up to 200 yards from the junction with the Forkhill Road.*
26 *The vehicle would have been parked on the road but we were*
27 *working on the Edenappa Road for about 400 yards out of*
28 *Jonesboro along and in the Bayview housing estate. I left*
29 *the area in my car at about 3:30 p.m. and drove into Newry.*
30 *The other workers would have followed shortly after me.*

1 *During my time in the area I heard or saw nothing*
2 *suspicious. We were working in the area for about two*
3 *weeks and nothing unusual happened. The only other persons*
4 *I can remember in the area was a housing executive van and*
5 *a couple of painters in Bayview estate."*

6

7 And then he refers to a map, which is not relevant.

8 A. Yes.

9 218 Q. Then, the next one is Tab 63, which is another action,
10 again referring to the reverse-charge phone calls made.
11 And, I suppose, the important information contained is that
12 the conclusion is that there is no known suspects employed,
13 or otherwise, at the school in question, which was the
14 subscriber from one of the numbers to which a
15 reversed-charge call was made. And the other two documents
16 which follow there relate to that and don't need to be
17 opened.

18 A. Yes.

19 219 Q. Then, next is an army report. The document doesn't have to
20 be -- that letter doesn't assist very much. There are a
21 number of photographs. Perhaps Mr. Mills could put them up
22 to illustrate. Now, they are in black and white. We will
23 have, hopefully, coloured photographs at a later stage.
24 Now, first is the overall view of the scene. Then, if
25 Mr. Mills could move up the page. That is the motorcar,
26 that is the car of Superintendent Buchanan. And then the
27 next page gives you closer views of -- there you can see
28 the boot lid opened, as mentioned in one of the reports,
29 and there you can see the shattered windows, also mentioned
30 in one of the reports?

1 A. Yes.

2 220 Q. The next isn't very -- don't assist us very much. It is
3 simply the bullet casings which were found on the road?

4 A. Yes.

5 221 Q. Then I think the -- not to be repeating what has already
6 been set out, if you go to page 8, which contains, at the
7 bottom, investigator's comments, that passage, paragraph
8 11: *"This was a professional ambush sprung from a*
9 *well-chosen site. The contact point was amongst buildings*
10 *and at the end of an avenue of trees. This would have*
11 *afforded the terrorists some cover from view from the*
12 *surrounding countryside. From the position of the vehicle"*
13 *-- I will start again -- "From the position of the vehicle*
14 *after the attack, it is assessed that the driver of the*
15 *target vehicle attempted to escape from the ambush by*
16 *reversing back along the road after the initial burst of*
17 *fire. It would appear that the terrorists followed the*
18 *vehicle on foot as it reversed away. The vehicle came to*
19 *rest off the road against a dry stone wall. Witnesses*
20 *report hearing a burst of fire followed by two distinct*
21 *shots. The bodies of the two victims and their vehicle had*
22 *been rifled" - or riffled - "and various items were missing*
23 *on the RUC's arrival. The method that the terrorists used*
24 *to stop the target vehicle is not known, although it is*
25 *likely that a vehicle was used to obstruct the road at the*
26 *beginning of the attack."*

27

28 Now, I don't propose going into the remainder of that page.
29 The next page is a map, perhaps Mr. Mills can put it up,
30 and it shows the scene of the incident.

1 A. Yes.

2 222 Q. I think it is clear now that the Edenappa Road is a long
3 straight road, isn't that right?

4 A. That's right, yes.

5 223 Q. If I am not mistaken, while it is long and straight, it is
6 also slightly saucer-shaped?

7 A. Yes.

8 224 Q. In that you -- coming from the south towards the north, you
9 are on a slight height and you descend, come along, and
10 then, I think, at the point of ambush, the road rises up
11 again, is that right?

12 A. Yes.

13 225 Q. Now, the next document is another report, military report,
14 which, again, I don't propose reading, but I would ask you,
15 Chairman, to accept it in evidence?

16 A. That is item 65?

17 226 Q. This is tab, I think Tab 64 and at page 13?

18 A. Page 13, okay. Yes, okay.

19 227 Q. And if I could move on to page 15, Commanding Officer's
20 comments. This is the assessment of the Lieutenant Colonel
21 commanding.

22

23 *"This incident was a classical example of the exploitation*
24 *of patterns created by soft targets. Meetings with the*
25 *Garda at Dundalk are frequent by necessity, and it was*
26 *inevitable that patterns would be made. The operation was*
27 *well planned and ruthlessly executed by PIRA using a major*
28 *surveillance operation in Eire. The tactful handling of*
29 *incidents such as this is important. All troops and police*
30 *involved in the clearance are to be congratulated on their*

1 *handling of the situation. Atrocities of this nature*
2 *attract considerable media attention. The handling of the*
3 *media by troops and police on the ground and the RUC P INFO*
4 *was exemplary". "P INFO" is what?*

5 A. Press.

6 228 Q. Press information, is it?

7 A. Yes.

8 229 Q. And then, as I say, it is signed by the Lieutenant Colonel.

9

10 Now, the next tab is Tab 65, which is the RUC investigation
11 file. I don't propose opening that, because in the main it
12 repeats an awful lot of what has already been read into the
13 record and, Chairman, I ask you to receive that in
14 evidence.

15

16 CHAIRMAN: Yes.

17

18 230 Q. MR. DILLON: If there is anything anybody wishes to raise
19 on it, of course they may of course do so.

20

21 The next document begins at page 10 of this file, it has
22 already been opened, and there is no need to open that
23 again. And then starting at page 16 there is again an
24 assessment or, I should say, an analysis of Bob Buchanan's
25 border crossings, and they have already been gone into.

26 A. Yes.

27 231 Q. There is no necessity to go through them again. Then, on
28 page 18 of the file, there is a transcript of what was
29 broadcast at 11 p.m. on Downtown Radio news on the 22nd of
30 March, 1989.

1
2 *"In their statement the IRA said that after shooting the*
3 *police officers dead they searched the vehicles in which*
4 *the two RUC officers were travelling from their security*
5 *talks with the Gardai in Dundalk and they found the*
6 *confidential documents. They say the documents relate to*
7 *cross-border collaboration with the security forces, but*
8 *they don't give any further specific details. The IRA say*
9 *that the two top officers were shot dead after their car*
10 *came to one of a number of checkpoints which the IRA claims*
11 *they were operating on Monday. They also say that the*
12 *policemen acted suspiciously and attempted to drive off.*
13 *Then, according to the IRA statement, the IRA volunteers*
14 *feared their own lives could be in danger and took what*
15 *they call preventive action to prevent the RUC men's*
16 *escape."*

17
18 Now, the next document is at Tab 66, and it is again --
19 again, it is an RUC document comprising part of their --
20 the investigation. It says: *"Sergeant"* - name blanked out
21 - *"Gardai Dundalk"* - I think we can supply the name, it is
22 Sergeant Colton - *"was standing on the steps outside the*
23 *Garda Station sometime after 2:20 p.m. (the time that Chief*
24 *Superintendent and Superintendent Buchanan arrived in*
25 *Dundalk). He noticed a grey Vauxhall car, possibly a*
26 *Cavalier, entered the station yard at the southern side,*
27 *drive through the yard, exited at the opposite gate and*
28 *drive into town. The driver was looking around him and*
29 *drove slowly". And then a possible registration number was*
30 given, together with a possible description.

1

2

This was followed in the papers by a further action, which

3

essentially repeats what has already been read out. I

4

don't propose reading that it out. Again, there is a

5

further, it seems like a further action or a message form

6

at page 66, or page 3, depending on whether you are looking

7

at the top or the bottom.

8

A. Yes.

9

232 Q. I don't propose reading that out. *"Action No. 18, it*

10

seems, from the SIO suggests that the registration number

11

may have been EIB 23 followed by unknown digits". And

12

there is further documentation relating to this car. And

13

then there follows in manuscript form the passage that I

14

read out earlier on about Sergeant Colton, a Gardai at

15

Dundalk, was standing on the steps outside the Garda

16

Station?

17

A. Yes.

18

233 Q. Then, the next document, HMG 117, refers to a red Capri

19

acting suspiciously in the area of Dundalk Garda Station.

20

That has already been mentioned. The remaining documents,

21

sorry I should say the following documents, deal also with

22

the red Capri. Then the next tab is 67. It seems to be an

23

extract, yes, it is an extract from an Inter-Governmental

24

Conference on the 5th of the 4th, 1989.

25

A. I haven't got 67.

26

234 Q. Well, I will move on. There seems to be some confusion.

27

Now, this is a Memo of Interview of a witness who declined

28

to be named?

29

A. Yes.

30

235 Q. And, *"The witness says he was a passenger in a car on the*

1 something at 3:45 p.m.. Just as he was about to enter the
2 McGeough complex in Edenappa from a northerly direction
3 his driver was flagged down by what he took to be a British
4 soldier. There was another soldier lying in the ditch.
5 Both men were unmasked and in full combat uniform, each
6 carried automatic rifles. The driver of the car was
7 ordered to pull in to the left-hand side of the road, then
8 ordered to switch off his ignition switch and both persons
9 to remain in the car. Another car arrived on the scene
10 also from a northerly direction. This car was white in
11 colour and there was only one occupant, a lady driver.
12 This lady was ordered to pull into the right at the side of
13 the road and to switch off the engine."

14
15 You may not be aware of this, but this lady has given
16 evidence to the Chairman?

17 A. Okay.

18 236 Q. "The white car was not abreast of the witness's car but
19 about a car length or so behind. At this stage there was
20 still room for a vehicle to pass between the stationary
21 cars albeit rather slowly. Almost simultaneously a third
22 car arrived at the scene, also from a northern direction.
23 This car received a similar instruction as the previous two
24 vehicles and was ordered to park directly behind the first
25 car. This car was a blue Talbot Horizon. There were two
26 occupants, a male driver and a lady passenger, both
27 described as youngish."

28
29 So it seems that what was set up, according to this report,
30 was a chevron placing of the cars; they were at angles to

1 each other so that one could pass between them but only at
2 a very slow rate?

3 A. Carefully, yes.

4 237 Q. Yes. *"At this stage the gunman was still standing in the*
5 *middle of the road facing south. The other gunman was*
6 *lying on the roadside facing northwards covering the three*
7 *vehicles with his gun. All three vehicles had arrived at*
8 *the scene and had been placed in their various positions*
9 *inside a very short time, possibly inside one minute.*
10 *Almost immediately after the blue car arrived a red car*
11 *approached the scene from the south. This car had two*
12 *occupants, both male. This car was flagged down by the*
13 *armed man in the middle of the road, it slowed down and as*
14 *it did a cream coloured van, not better described, came*
15 *alongside the car. This van reversed into a laneway almost*
16 *opposite the red car on the right-hand side of the road. A*
17 *number of armed and masked men jumped out of this van and*
18 *started shooting at the red car which at this stage was*
19 *attempting to reverse away from the scene."*

20
21 Now, I don't propose opening the rest because we have
22 already heard various reports of what follows in this
23 document.

24

25 I think down towards the bottom: *"The source did not see*
26 *any radio equipment with the gunmen, neither did he hear*
27 *any radio messages. The source did not observe any*
28 *registration particulars on the van, but stated that it*
29 *left the scene in a irregular and unexcited, calm manner".*

30

1 Now, again, there is a further description of the incident
2 which is very similar to what we have already heard and I
3 don't propose opening that.

4

5

6 A. Okay.

7 238 Q. That is at pages 415 of this tab. Again, what follows then
8 it seems to be, yes, it is a repeat of the army report
9 which has already been opened to the Chairman and we don't
10 need to go into that again.

11 A. Yes.

12 239 Q. Now, you may have -- do you have a Tab 76?

13 A. Yes.

14 240 Q. We have already opened that document, so we don't need to
15 open it again. Now, Tab 77. This -- I don't propose going
16 into any great detail about this because this is more about
17 how the operation was carried out on the spot, but -- *"It,*
18 *no doubt, will be useful to know that the operation was*
19 *continued each day over a week. The intention was to*
20 *abduct the officers for interrogation."* The object of the
21 abduction and interrogation is stated there. We don't have
22 to go into that. And a number of roads were covered, and
23 they are set out in the document. And then, on page 2 of
24 this document: *"It was the intention to block the road*
25 *behind the RUC officers' car, but things went wrong when*
26 *the officers reversed and made an effort to escape".*

27

28 Now, at Tab 87 -- Tab 87 sets out the vengeful analysis.

29 A. Tab 87?

30 241 Q. Yes. It is 87 in my papers. Do you have the vengeful

1 analysis?

2 A. Yes.

3 242 Q. The vengeful analysis on the murder of the two RUC
4 officers?

5 A. Yes.

6 243 Q. And I think just a little word of explanation what vengeful
7 is about. As I understand, it is a method of recording the
8 passage of vehicles through permanent checkpoints?

9 A. Yes, that's right.

10 244 Q. Is it operated by the army or...

11 A. It was operated by the army.

12 245 Q. And it recorded the passage of vehicles so that what had
13 happened during the day could be analysed later on, is that
14 the idea?

15 A. Yes.

16 246 Q. And this exercise was conducted in respect of, as I
17 understand it, the transiting of Bob Buchanan backwards and
18 forwards through the border?

19 A. Yes, it just would have been a routine of recording. For
20 no other reason.

21 247 Q. Yes. Now, paragraphs 1, 2 and 3 are well-known to us at
22 this stage.

23

24 *"The following report will outline the steps taken in the*
25 *hunt for a possible surveillance team.*

26

27 *"Stage 1: The vehicle registration number of the murdered*
28 *officers' vehicle was inputted for analysis on vengeful.*

29 *The parameters of the search were as follows:*

30 *All sightings of KIB 1204 at all locations. The time*

1 *period was the 1st of November, 1988, to the 31st of March,*
2 *1989. A hard copy of the sightings was produced. The*
3 *results of the analysis of the movement of KIB 1204 were*
4 *used for input for the next stage. The parameters for the*
5 *next search were as follows:*

6 *Input the ward". I presume that means the local area?*

7 A. Yes, that's right.

8 248 Q. *"Time and direction of travel of KIB 1204. Search for any*
9 *vehicle which might exactly match the ward and direction of*
10 *travel within 15 minutes either side of the sighting of KIB*
11 *1204."*

12
13 The next stage is Stage 3, the vehicle registration, is
14 that VRM? What is "M"?

15 A. VRM is Vehicle Registration Mark.

16 249 Q. Mark, that's the same thing as a licence plate?

17 A. Yes, the same as the VRM.

18 250 Q. *"...of all the vehicles outputted in Stage 2 were sorted*
19 *into alphabetical and numerical order. The list of*
20 *vehicles outputted was then searched to find any VRM that*
21 *occurred more than once in the list."*

22
23 The next stage: *"Vehicles taken from Stage 3 were then*
24 *inputted for further analysis. The following parameters*
25 *are used: All sightings of the vehicles outputted in Stage*
26 *3 within the timeframe of the 1st November, 1988, to the*
27 *31st of March, 1989, and output in order of sighting date".*

28
29 The last stage is Stage 5. *"The lists of sightings were*
30 *then searched for any vehicle that was sighted within a*

1 *five-minute timeframe of the RUC vehicle.*

2

3 *"Results: Three VRMs have drawn particular interest due to*
4 *their close proximity to the RUC vehicle. The three VRMs*
5 *are as follows: There was a red Ford Transit van. There*
6 *was a blue Datsun Stanza and a white Saab '99 three-door."*

7

8 *Now, "Annex 1: This shows the movement of" - well,*
9 *unfortunately it has been knocked out - "which coincides*
10 *with the movement of KIB 1204, the RUC officers' vehicle.*

11

12 *"Annex B: This shows the specific instances where the*
13 *vehicles are sighted in the same day as observed in Annex*
14 *A."*

15

16 *And then, "Annex C: Gives the latest registered keepers*
17 *held on vengeful.*

18 *Annex D: This gives the crucible links on the latest*
19 *registered keepers held on vengeful".*

20

21 *What does "crucible" mean?*

22 A. *It's just a recording system.*

23 251 Q. *Now, the conclusion: "The vehicles, two of them which were*
24 *both sighted in close proximity to the RUC vehicle in*
25 *Newtownhamilton town centre, both vehicles are regularly*
26 *sighted in the area. This could be due to other than*
27 *terrorists reasons. The fact that a given vehicle is of*
28 *particular significance" - or interest I should say - "is*
29 *due to reports of a red van being used in the incident".*
30 *As it happens, it wasn't a red van, we understand?*

1 A. Yes.

2 252 Q. "Another vehicle on the other hand is of greater interest
3 due to the fact that it is sighted on three separate
4 occasions travelling the same direction and within a short
5 space of time of the RUC vehicle. The driver has a
6 crucible organisation link to the Provisional IRA.

7

8 "Another car has been sighted by vengeful a total of 29
9 times at Middleton PVCP since November the 1st. KIB 1204
10 has been sighted a total of 11 times at Middleton permanent
11 vehicle checkpoint since November the 1st. On three
12 separate occasions both vehicles were travelling in the
13 same direction through the vehicle checkpoint but within a
14 short space of time. In one instance the vehicles were
15 separated by only one minute. The odds against this
16 happening at random are very high".

17

18 Then, "A particular vehicle has not been sighted on
19 vengeful since 01:51 on the 20th of March, 1989, the day of
20 the murder. Thus, this combined with the above points
21 prove a good reason to find the owner of the vehicle.

22

23 "There were no sightings of two particular vehicles in
24 close proximity to the RUC officers' vehicle during the
25 months of March and December 1988." I should have said
26 March 1989 and December 1988.

27

28 "There were no sightings of another car in close proximity
29 to the RUC officers' vehicle during the months of March
30 1989, February 1989 and December 1988."

1

2

Now, there then follow the annexes. And it is not very

3

easy to explain this because for obvious reasons the only

4

vehicle that is noted in the report -- I think if Mr. Mills

5

could put up an example, it's HMV 63. It is something that

6

looks like that. You will see a lot of it has been blanked

7

out.

8

A. Yes.

9

253 Q. No doubt for good reason, namely they are perfectly

10

innocent people driving backwards and forwards, never mind

11

cars that were being targeted by the vengeful sightings.

12

But it shows KIB 1204 when it past through the various

13

checkpoints at Middleton, Bessbrook, Keady, Newtownhamilton

14

and so on and so forth. There is point in delaying on

15

that. That is as far as that document goes.

16

17

The next action, which is Tab 88, seeks names of those

18

involved in the incident. On the second page: "No

19

intelligence at present regarding incident list of possible

20

suspects held at office."

21

A. Yes.

22

254 Q. Now, Tab 91 we have already dealt with. Tab 92 we have

23

already dealt with. The last matter is Tab 94, which is an

24

intelligence received in the early summer of 2003. Now,

25

this intelligence has already been referred to, Chairman,

26

in evidence by a number of witnesses. It reads as follows:

27

"Reliable intelligence indicates that a civilian

28

administrator based at an unknown to location in the

29

Republic of Ireland organised meetings between the Garda

30

and the RUC in 1989. This administrator was responsible

1 totalling for the leak to PIRA that led to the deaths of
2 Chief Superintendent Harry Breen and Superintendent Robert
3 James Buchanan on the 20th of March, 1989, in south Armagh.

4
5 "Comment: We hold no further intelligence on this matter.
6 Should we obtain anything further we shall appraise you
7 immediately."

8
9 That, Chairman, is, subject to the comments I made at the
10 outset, namely that we have withheld for the time being the
11 intelligence documents, which will be dealt with as and
12 when the occasion arises. And there is still one or two
13 matters we need to clarify with the authorities in Northern
14 Ireland. There may be a few more documents which will be
15 produced in due course. Otherwise, that is the bulk of the
16 documentation that we have retrieved and which is submitted
17 to you for your consideration in the context of your
18 report.

19
20 CHAIRMAN: Any questions? Counsel for the PSNI, sorry, for
21 the Garda Síochána.

22
23 **THE WITNESS WAS CROSS-EXAMINED BY MR. MCGUINNESS**

24 **AS FOLLOWS:**

25
26 255 Q. MR. MCGUINNESS: Good afternoon Mr. McConville, I appear
27 for An Garda Síochána. In relation to these documents, do
28 I understand it that you have seen the original of these?

29 A. No, I haven't.

30 256 Q. You haven't. Right. Well, you have seen copies,

1 obviously?

2 A. Yes.

3 257 Q. And I just want to ask you one or two questions about them,
4 then. Mr. Breen's journal and Mr. Buchanan's journal?

5 A. Yes.

6 258 Q. They were obviously examined with a view to seeing his
7 pattern of movement after the murders?

8 A. Yes.

9 259 Q. And the number of crossings by Superintendent Buchanan were
10 quite large in the period three months before his murder?

11 A. Yes, that's correct.

12 260 Q. And from your experience as a former member of the PSNI, I
13 take it that you'd have been aware that the IRA did carry
14 out intelligence and surveillance operations on RUC men?

15 A. Yes, I would, yes.

16 261 Q. And insofar as Superintendent Buchanan's journal is
17 concerned, obviously that would be a limited amount of
18 information which you could glean immediately from those
19 journals?

20 A. Yes.

21 262 Q. You would be concerned to learn, perhaps, who had gone over
22 with him across the border to recent meetings?

23 A. Yes.

24 263 Q. And I think amongst the documents, just as an example, that
25 were made available to the Tribunal, there was a statement
26 from Inspector Day?

27 A. That's correct, yes.

28 264 Q. And he gave evidence here to the Tribunal, I think you are
29 aware of that?

30 A. Yes.

1 265 Q. In his statement which was provided to the Tribunal, which
2 was made at the time, I think he described his visit across
3 the border with Superintendent Buchanan on the 14th of
4 March?

5 A. Yes.

6 266 Q. And you are familiar with that?

7 A. I am indeed, yes.

8 267 Q. I think in that statement he details how Superintendent
9 Buchanan had become slightly suspicious of a van that was
10 behind them?

11 A. Yes, there was a vehicle behind that he was concerned
12 about.

13 268 Q. And this was on the return journey home from Dundalk to
14 Newry, presumably?

15 A. Yes.

16 269 Q. And I think Inspector Day describes how in fact
17 Superintendent Buchanan then turned off the main road and
18 went up the Edenappa Road?

19 A. That's correct.

20 270 Q. And this would have been on the Tuesday, the 14th of March?

21 A. Yes, I believe so, yes.

22 271 Q. And we know then he went to Carrickmacross on the 15th of
23 March?

24 A. Okay.

25 272 Q. And then he went to Monaghan on the 16th of March?

26 A. Yes.

27 273 Q. And the documentation that you have produced from another
28 witness here discloses that the van that was used in the
29 attack was stolen on the 18th, on the Saturday the 18th?

30 A. Yes, at Mullaghbawn Chapel.

1 274 Q. And that was reported at the time. Can I ask you, from the
2 point of view of trying to detect where that van was, would
3 police be made aware through some means or other to be on
4 the lookout for such a van?

5 A. Yes, they would have been informed of that vehicle having
6 been stolen.

7 275 Q. Yes.

8 A. In briefings.

9 276 Q. And it would appear from the other documentation that the
10 van was subsequently found burnt out or burning that night,
11 it having been previously photographed from the air by the
12 army?

13 A. It was a number of days afterwards it was discovered and
14 then burnt out, at BCP 23, I think on the 22nd, if my
15 memory serves me right.

16 277 Q. And it would certainly appear probable that the van was
17 stolen in order to carry out the killing?

18 A. It would appear so.

19 278 Q. And it was therefore -- therefore would you offer it as a
20 probability that the murders had been planned in advance of
21 their, the Superintendents' arrival at Dundalk on the 20th?

22 A. I don't know that I could comment on what the van was
23 stolen for particularly, you know. Yes, one could surmise,
24 but...

25 279 Q. It would be a reasonable conclusion?

26 A. It is a reasonable conclusion.

27 280 Q. Insofar as the documents that you have produced in relation
28 to the investigation into the Harnden, Mr. Harnden's
29 allegations, I think the report that you produced to the
30 Tribunal disclosed that as far as the RUC/CID were

1 concerned, there was no evidence to support or substantiate
2 any allegation of Garda collusion?

3 A. There was certainly nothing that was discovered at that
4 time, no.

5 281 Q. Yes. Insofar as the documents that you have produced
6 relate to the meetings and the arrangements for the
7 meetings on this morning, I think there is nothing in the
8 documentation to suggest that Sergeant Mains had any hand,
9 act or part in the making of the arrangements?

10 A. No.

11 282 Q. And there is nothing to suggest that any civilian woman had
12 any hand, act or part in the arrangements for the meeting?

13 A. I understand the phone calls were directly between the
14 officers themselves to perhaps staff in various buildings.

15 283 Q. Yes. Insofar as Tab 53 was concerned, the out of bounds --
16 the reference to "*out of bounds*", I won't ask you to look
17 at it, but is it the position that you don't know what
18 military operation was going on at the time?

19 A. No, I don't know at all, Mr. Chairman.

20 284 Q. Insofar as Tabs 54 and 55 are concerned, they are the army
21 sheets which report on different matters. Is it correct
22 that they consist of the recordings of observations that
23 have been made by the army?

24 A. Yes, that's correct.

25 285 Q. And are these observations -- can you say were they all
26 made from the watch towers, or do you know?

27 A. I don't know that. I couldn't say that for sure.

28 286 Q. But certainly, would it be appear to be the case that
29 insofar as they relate to the Edenappa Road, it appears to
30 have been under observation?

1 A. There certainly was an observation post not far from that
2 location.

3 287 Q. Yes. Insofar as the observations seem to disclose the use
4 of vehicles and possible traffic lights. Would that be
5 consistent with an operation to stop vehicles being mounted
6 in the morning time before the afternoon?

7 A. Sorry, would you repeat that again, please?

8 288 Q. Well, Mr. Dillon drew your attention to a number of
9 observations recorded there which relate to vehicles,
10 vehicles then that required to be treated as suspicious?

11 A. Roadworks.

12 289 Q. Yes.

13 A. Yes.

14 290 Q. And then relating to possible traffic lights being put up?

15 A. Yes.

16 291 Q. And can you say or do you know anything about them, whether
17 investigation disclosed that they were legitimate works?

18 A. I am not able to say any more than that.

19 292 Q. Is it perhaps equally consistent with an improvised and
20 unauthorised roadblock being mounted at a stage during the
21 morning?

22 A. I am not in a position to comment on that really. I don't
23 have that information.

24 293 Q. I am just wondering could you -- would you -- are you able
25 to offer a view as to whether it might be consistent with
26 the IRA having decided to mount a roadblock there that
27 morning to catch the officers coming down before they even
28 got to Dundalk?

29 A. Again, Chairman, I couldn't -- I am not in a position to
30 say.

1 294 Q. Insofar as the movements of other vehicles were concerned,
2 you have talked about the vengeful analysis?

3 A. Yes.

4 295 Q. And as I understand it, correct me if I am wrong, that
5 appears to suggest that a number of vehicles were involved
6 in surveillance from perhaps as early as January 1989?

7 A. I wouldn't go that far, Mr. Chairman.

8 296 Q. Right. Well, I don't want to over interpret them at any
9 stage, but it would appear that the vehicles that were
10 thought to be linked to possible surveillance were sighted
11 in conjunction with Superintendent Buchanan's car in the
12 Newtownhamilton and Middleton areas?

13 A. All the vengeful would be doing would be analysing vehicles
14 which were proximate to the vehicle at a given time, and
15 insofar as that goes, that is as much as that report would
16 say, as opposed to anything further than that.

17 297 Q. So it simply is in a position to identify the movement of
18 those vehicles at those places to an unusual and very high
19 degree of improbability that it was innocent?

20 A. Sorry?

21 298 Q. It records, does it not, the movement of those other
22 vehicles in relation to Superintendent Buchanan's car?

23 A. Yes, it does.

24 299 Q. To a degree which suggests there was no innocent
25 probability?

26 A. I wouldn't go that far, Mr. Chairman.

27 300 Q. Okay. But in terms of their location where it recorded
28 them coinciding with his car, that was in the
29 Newtownhamilton/Middleton areas?

30 A. That's correct.

1

2

MR. MCGUINNESS: Thank you.

3

4

CHAIRMAN: Thank you, Mr. McGuinness. Any other questions
for this witness? Nobody.

5

6

7

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

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301 Q. MR. DILLON: Just one matter arising out of -- it was

10

suggested to you -- I think you told us at the very

11

beginning that in 1989 you were a constable in Cookstown?

12

A. That's correct.

13

302 Q. And that you had absolutely no involvement whatsoever in

14

the investigation into the murders?

15

A. That's correct, Mr. Chairman.

16

303 Q. So far as you were asked to opine on, let's say, matters

17

relating to a stolen van, the best you can do is, I won't

18

say speculate or hypothesise, is that correct?

19

A. That's correct.

20

21

MR. DILLON: Thank you.

22

23

CHAIRMAN: Thank you very much, Mr. McConville. We

24

appreciate very much the trouble you have taken to come

25

down there and all your work on these documents. I am very

26

grateful to you. Thank you.

27

28

MR. DILLON: That is all we have for today. So 11 o'clock

29

tomorrow.

30

1 CHAIRMAN: Are we sitting at 11 or earlier?

2

3 MR. DILLON: I thought it was 11 o'clock were.

4

5 CHAIRMAN: 11 will be fine. Thank you very much.

6

7 THE TRIBUNAL ADJOURNED TO THE FOLLOWING DAY, WEDNESDAY, THE

8 29TH OF JUNE, 2011, AT 11 A.M. AS FOLLOWS:

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