

A P P E A R A N C E S

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His Honour Judge Peter Smithwick

For the Tribunal:

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

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NOTICE:

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

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1 THE TRIBUNAL RESUMED ON THE 1ST OF JULY, 2011, AT 11 A.M.

2 AS FOLLOWS:

3

4 MR. DILLON: Good morning, Chairman. We have three
5 witnesses for you this morning. They are Mr. Tom Connolly,
6 Mr. Tom Molloy and a Mr. John Daly. We will begin with
7 Mr. Tom Connolly, please.

8

9 TOM CONNOLLY, HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON

10 AS FOLLOWS:

11

12 CHAIRMAN: Thank you very much for coming, Mr. Connolly.

13

14 1 Q. MR. DILLON: Now, Mr. Connolly, can you hear me all right?

15 A. Yes, I can.

16 2 Q. Very good. Mr. Connolly, I think your career was in the
17 Garda Siochana, is that right, your career was in the Garda
18 Siochana?

19 A. In the Garda Siochana, yes.

20 3 Q. And I think your career spanned the years 1955 to 1994?

21 A. Correct.

22 4 Q. I think that you were stationed in a number of towns in and
23 around Kildare, such as Kildare town itself, Naas and
24 Newbridge?

25 A. Correct.

26 5 Q. Then I think you went to the Crime Investigation section in
27 Garda Headquarters on promotion as a Detective Sergeant?

28 A. That's right.

29 6 Q. And then you were then promoted to uniform Inspector and
30 you went to Store Street for about two-and-a-half years?

1 A. That's right, yes.

2 7 Q. And then you came back into the Investigation section as a
3 Detective Inspector. I think at that time it was known as
4 the Murder Squad?

5 A. Correct.

6 8 Q. I think, ultimately, the Murder Squad was disbanded and you
7 went to Tallaght station as a Detective Inspector?

8 A. I did, yes.

9 9 Q. And then about 1988 you were promoted to the rank of
10 Detective Superintendent and that is when you went to
11 Dundalk?

12 A. Correct.

13 10 Q. Now, can you remember when in 1988 you went to Dundalk?

14 A. I was promoted in October. I think it was November.

15 11 Q. Very well. I think at the time the district officer was
16 Pat Culhane and then Patrick Tierney?

17 A. That's right, yes.

18 12 Q. I think Patrick Tierney was the district officer in 1989?

19 A. He was.

20 13 Q. And I think that after your spell in Dundalk, where I think
21 you remained for about 15 months, is that right, give or
22 take?

23 A. I went in, I think, in November '88, and I went back to
24 Garda Headquarters in January 1990.

25 14 Q. And I think that was in the Investigations section of Garda
26 Headquarters?

27 A. Correct.

28 15 Q. And you stayed there until June of 1994, when you retired?

29 A. I did, yes.

30 16 Q. Now, if we turn to that part of your career when you were

1 in Dundalk Garda Station. Your recollection is that you
2 arrived there in November of 1988?

3 A. That's correct, yes.

4 17 Q. And what function did you have in Dundalk Garda Station?

5 A. I was what was called the Border Superintendent, and I was
6 based in Dundalk, and my duties were mostly crime and
7 subversive activity.

8 18 Q. And we have heard it said that Bob Buchanan was the RUC
9 Border Superintendent?

10 A. He was, yes.

11 19 Q. Did his function correspond to yours?

12 A. I don't think so.

13 20 Q. Notwithstanding the same names?

14 A. No, we didn't communicate with each other that much and I
15 didn't travel across the border.

16 21 Q. No, but --

17 A. I did occasionally, but not as he did.

18 22 Q. Yes, I will come to that in a moment. But the fact that
19 you both shared the same description, doesn't mean that you
20 did the same work, is that right?

21 A. I think that his work was slightly different to mine.
22 Maybe he had a wider scope in what he was involved in.

23 23 Q. It is just, if you just help us here, speaking as
24 layperson, as it were, somebody who is not a member of the
25 Garda Siochana, one is inclined to come to the conclusion,
26 maybe wrongly, that a Border Superintendent in the Garda
27 Siochana has the same, or more or less the same, functions,
28 as a Border Superintendent in the RUC, but you tell us that
29 is not the case?

30 A. To be honest, I don't really know, but I thought that we

1 had different functions.

2 24 Q. Very well. Who, then, in Dundalk Garda Station had a
3 function more comparable to that of Bob Buchanan?

4 A. The district officer, who at the time was, first of all, Pat
5 Culhane and then Superintendent Tierney knee.

6 25 Q. Tierney, yes. And did Frank Murray work to Superintendent
7 Tierney or to you?

8 A. I beg your pardon?

9 26 Q. Frank Murray, do you remember Inspector Frank Murray?

10 A. I do, yes.

11 27 Q. Was he your subordinate or Pat Tierney's subordinate?

12 A. When Pat Tierney was transferred, Frank Murray took over as
13 district officer.

14 28 Q. Very well. But, in 1989, when you and Pat Tierney were
15 both in the station at the same time, did Frank Murray work
16 to you or did he work to Pat Tierney?

17 A. I have no recollection of Frank Murray being in Dundalk at
18 the time. The Detective Inspector there was Dan Prenty.

19 29 Q. That's correct, you are perfectly right, there was a
20 Detective Inspector, but I think Frank Murray was a
21 uniformed Inspector, isn't that right?

22 A. He may have been, or he may have been on temporary transfer
23 to Dundalk or somewhere else, but I have no recollection of
24 meeting him, certainly, that much, because I knew Frank
25 well and we joined together.

26 30 Q. I see, yes.

27 A. But certainly, if he was there, he wasn't working with me.
28 I had no communication with him.

29 31 Q. Before we get to the events in March of 1989, could you
30 tell us a little bit about what interaction you had with

1 members of the RUC?

2 A. Up to March '89, I had spent very little time in Dundalk.

3 As I say, I went there in November, and up to March I went

4 on, as I understand it, two courses to Templemore, which

5 lasted, maybe, I would say, maybe a month or five weeks.

6 That was a big lot of time of my stay in Dundalk.

7 32 Q. Um-hmm.

8 A. I did attend some meetings, I'd say two at the most.

9 33 Q. Sorry?

10 A. I would say two at the most.

11 34 Q. Were these in the State or in Northern Ireland?

12 A. Certainly, one in Northern Ireland and I think there was

13 one in the State.

14 35 Q. Yes. And can you remember who you met by way of RUC

15 personnel, I should say, can you remember who you met?

16 A. I certainly can't remember names because I have had -- I

17 wasn't running the conference. It was my first time there.

18 They were all strangers to me, and I, maybe, had met some

19 of them once or just seen them. I don't remember names.

20 36 Q. Okay. We know, as we have already discussed, that Bob

21 Buchanan was the Border Superintendent?

22 A. Yes.

23 37 Q. Was he at those meetings?

24 A. I beg your pardon?

25 38 Q. Was he at those meetings?

26 A. I don't think he was at any of them.

27 39 Q. Not at any of them at all, no?

28 A. I can't -- I don't think he was.

29 40 Q. Just bear with me a second. I will come back to this point

30 in a moment.

1 A. Okay.

2 41 Q. I have asked my solicitor to research a particular matter.

3 A. I cannot place him being in any of those meetings.

4 42 Q. Very well.

5 A. But, as I say, I was only at, I would say, two, at the
6 most.

7 43 Q. And were these meetings formal or informal?

8 A. Formal.

9 44 Q. By that, there was an agenda that was -- that had already
10 been laid out for the meetings, is that right?

11 A. Yes, but not by me, but by the district officer.

12 45 Q. Yes. And the meetings were structured in terms of there
13 was a chairman, maybe?

14 A. Sorry?

15 46 Q. Was the meeting structured in such a way that there was a
16 chairman of the meeting, somebody that ran the meeting?

17 A. Oh, yes, yes.

18 47 Q. So, north of the border, it was an RUC officer that ran the
19 meeting, and, south, it was a Garda officer?

20 A. I think that's the way it operated.

21 48 Q. Were minutes taken of those meetings?

22 A. I honestly don't know.

23 49 Q. Now, moving on to the 20th of March, 1989, that is the day
24 the two officers were murdered?

25 A. Yes.

26 50 Q. Can you tell us what you were doing on that day, if you can
27 recall?

28 A. I can. I had a journal, if you want me to refer to it?

29 51 Q. Have you got your journal with you?

30 A. No, the Tribunal has it.

1 52 Q. I beg your pardon, you are quite right, we do indeed, yes.

2 But going from memory, what can you tell us?

3 A. For the previous month or six weeks, I was not in Dundalk;

4 I was at a course in --

5 53 Q. Templemore, is that right?

6 A. -- Templemore. When I made the statement, I wasn't too

7 sure about the morning, but now I am 99% sure I left Naas

8 that morning very early, I'd say it was before eight

9 o'clock. Louth/Meath Garda had a golf outing that day and

10 I joined them - some club south of Drogheda, I think it was

11 Bettystown, one or the other, and I played very early,

12 about nine o'clock.

13 54 Q. Nine o'clock.

14 A. When I was finished, I went straight to Dundalk.

15 55 Q. Nine holes, eighteen holes?

16 A. Eighteen holes, yes. Straight, then, to Dundalk. I would

17 have arrived in Dundalk at half two, three o'clock.

18 56 Q. Now, when you say you arrived in Dundalk, did you drive

19 yourself there?

20 A. Sorry?

21 57 Q. Did you drive yourself?

22 A. Oh, I drove, yes.

23 58 Q. And when you get to the station, where do you park your

24 car?

25 A. In the front, in front of the station.

26 59 Q. And did you -- do you recollect seeing a

27 northern-registered car when you were there?

28 A. No recollection.

29 60 Q. Very well. So you arrived at the station, and then what

30 happens?

1 A. Up to my office.

2 61 Q. And your office is up on the front floor, I understand?

3 A. Sorry?

4 62 Q. Sorry, your office was on the first floor, is that right?

5 A. Yes, up the stairs, first floor, turn around to your right
6 at 180 degrees, first door on the left. Pat Tierney's was
7 the second door on the left.

8 63 Q. Yes. So you go to your office, and then what?

9 A. Sorry?

10 64 Q. Sorry, you go to your office, is that right?

11 A. I went into my office, yes.

12 65 Q. And then what happened?

13 A. After some time I went into Superintendent Tierney's office
14 and I made a statement on the 21st and in that statement I
15 said the time was about ten past three.

16 66 Q. We will come to your statement in a moment.

17 A. Yes. But that's the time I went in.

18 67 Q. Yes. And when you went into Superintendent Tierney's
19 office, who or what did you see?

20 A. I saw Pat Tierney and Superintendent Bob Buchanan.

21 68 Q. Yes. Now, given what you have told us about not
22 recognising people when you met them at the RUC/Garda or
23 Garda/RUC meetings, how did you know the person in Pat
24 Tierney's office was Bob Buchanan?

25 A. Prior to that, I had met Superintendent Bob Buchanan twice,
26 that I know of.

27 69 Q. Um-hmm. Now, when you met him, in what context did you
28 meet him?

29 A. The first time I met him was an accidental meeting - I
30 called to Hackballscross Garda Station and he was just

1 leaving the station.

2 70 Q. Yes. Had you met him before?

3 A. Not prior to that.

4 71 Q. So were you introduced to him then?

5 A. I may have been.

6 72 Q. But in all events, you became aware, then, that that person
7 was --

8 A. Yes.

9 73 Q. -- was Bob Buchanan?

10 A. And I knew the name once I was introduced. I knew who he
11 was when I was told the name.

12 74 Q. Because you knew he was the Border Superintendent, is that
13 the idea?

14 A. Yes. Now, we spoke for a few minutes, and either he or I,
15 I think probably him, asked me to know would I come and
16 meet him a few days later.

17 75 Q. Yes.

18 A. Which I did, across the border.

19 76 Q. Um-hmm.

20 A. In Newry, Newry or Armagh, I am not sure.

21 77 Q. And on the second occasion you met him --

22 A. I did, yes.

23 78 Q. -- was that an informal meeting as well?

24 A. Informal.

25 79 Q. And can you remember when that meeting might have taken
26 place?

27 A. Do I know when?

28 80 Q. Yeah?

29 A. Again --

30 81 Q. You arrived in November '88?

1 A. Again, with the help of my journal, I would know the date.

2 82 Q. Very well. We will get that. What I am going to do is, I
3 am going to ask Mr. Mills to put this up on the screen.

4 Now, do you recognise that face?

5 A. Oh, yes.

6 83 Q. Who is that?

7 A. That is the deceased.

8 84 Q. That is Bob Buchanan?

9 A. Superintendent Bob Buchanan.

10 85 Q. Very good. That face, did you meet that person only at
11 these two informal meetings or did you meet him at any of
12 the more formal meetings?

13 A. I have no recollection of meeting Bob Buchanan and speaking
14 to him other than on the two occasions that I mentioned.

15 86 Q. Very good. Okay. So, to come back to the narrative of
16 what was going on on the day, you met Bob Buchanan in Pat
17 Tierney's office?

18 A. I did, yes.

19 87 Q. And did you have a conversation with him?

20 A. I had.

21 88 Q. And what sort of a conversation did you have?

22 A. It was very short. I went in, saw him, I shook hands with
23 him, and he told me he was going on transfer the following
24 month. We had a short conversation about subversive
25 activity, which I have no recollection of what it was, but
26 we had, and I left him after a few minutes and told him
27 that I would see him before he went on transfer.

28 89 Q. Yes. Did you meet Chief Superintendent Breen on that day?

29 A. No.

30 90 Q. Any discussion of how they came or how they were going to

1 go back?

2 A. I had no idea whatsoever.

3 91 Q. Was any phone call made in your presence by either officer?

4 A. No.

5 92 Q. Did you know what sort of car Bob Buchanan used?

6 A. Well, I know now, but on the day I didn't know.

7 93 Q. But did you know that he was using his own car?

8 A. Normally used his own car, yes.

9 94 Q. Now, I am going to -- if you could just look at the

10 manuscript document which you have in front of you. If you
11 go to the second page.

12 A. Which one?

13 95 Q. The second page. Sorry, the handwritten document.

14 A. Yes.

15 96 Q. And if you go to the second page, can you tell us is that
16 your signature?

17 A. Yes, it is.

18 97 Q. Very good. Thank you. Now, the next document is a typed
19 document which is headed "*Statement of Detective*
20 *Superintendent Tom Connolly*." Do you have that in front of
21 you?

22 A. I have, yes.

23 98 Q. Very good. I am going to read that out now. This is the
24 statement of Detective Superintendent Tom Connolly, Dundalk
25 Garda Station, taken on Tuesday, the 21st of March, 1989,
26 by Assistant Commissioner O'Dea.

27

28 "*I am the Border Superintendent attached to Dundalk Garda*
29 *Station. On Monday, the 21st of March, 1989, at*
30 *approximately 3:10 p.m. I walked into Superintendent*

1 P. Tierney's office. Superintendent Tierney was present as
2 was Superintendent Bob Buchanan. I knew Superintendent
3 Buchanan as I had met him on a number of times since coming
4 to Dundalk in November 1988. I shook hands with him and we
5 had a short conversation about security matters and his
6 transfer to 'G' Division on the 17th of April, 1989. I saw
7 Superintendent Tierney mark this date on his office
8 calendar. The conversation lasted for about five minutes,
9 and when leaving the office I told him I would see him
10 before his transfer. I then left the office, leaving him
11 with Superintendent Tierney. I did not see him after that.
12 I did not see Chief Superintendent Breen at all on the 20th
13 of March, 1989. The first I knew of Superintendent
14 Buchanan's presence in the station was when I walked into
15 Superintendent Tierney's office. I did not discuss his
16 travel arrangements or intended routes with him. I did not
17 make any telephone call in -- he did not make any telephone
18 call in my presence. I did not know what car
19 Superintendent Buchanan was using, but I was aware that he
20 used a private car on previous visits. I did not know the
21 make, colour or registration number of this car.

22
23 "This statement has been read over to me by Assistant
24 Commissioner O'Dea and it is correct."

25
26 And it is signed by yourself. That accords with your
27 recollection?

28 A. That is, yes.

29 99 Q. Could you tell us, how did it come about that you made your
30 statement to the Assistant Commissioner; did he contact you

1 or did you contact him?

2 A. I understand that, on the evening of the murders, that
3 Commissioner Assistant Commissioner O'Dea came to Dundalk.

4 100 Q. Was it as early as that or was it the following day?

5 A. It could have been the following day.

6 101 Q. Very well.

7 A. It could have been the following morning, but it is 22
8 years ago.

9 102 Q. I understand that.

10 A. I know, yes.

11 103 Q. You made your statement on Tuesday, the 21st of March?

12 A. I did, yes.

13 104 Q. And I think the reference in your statement to Monday, the
14 21st of March, is simply a typographical error?

15 A. It is, yes.

16 105 Q. Now, doing the best you can, was it the case that the
17 Assistant Commissioner contacted you or did you go to him
18 to volunteer a statement?

19 A. I didn't go to him and I don't think he contacted me. I
20 think he came to Dundalk and I met him there. There was no
21 prior arrangements for us to meet, I think.

22 106 Q. Very well. Did you meet where - in your office? In
23 another room?

24 A. I really don't know.

25 107 Q. Okay. And can you remember how this statement came to be
26 made? Was it a question-and-answer session or how did it
27 go about?

28 A. He asked me. I had told him that I had met Superintendent
29 Buchanan the previous day, and he was carrying out an
30 investigation of his own and he asked me to make a

1 statement.

2 108 Q. What sort of an investigation was he carrying out?

3 A. I presume he wanted to know what exactly happened in
4 Dundalk Garda Station when these officers arrived and who
5 met them and when they left or how they left. I presume
6 that was what he was interested in.

7 109 Q. One of his conclusions - I can read it out to you if you
8 wish - is that he was satisfied that there was no leak of
9 information from Dundalk Garda Station. So can we take it,
10 then, that one of the reasons for his visit was to assess
11 whether there might have been a leak?

12 A. That may have been his part there, but he didn't tell me
13 exactly what he was doing. I just presumed that that was
14 what he was at.

15 110 Q. I see. But he didn't raise specifically with you the
16 question of whether there might have been a leak?

17 A. I don't know if he raised that with me.

18 111 Q. Now, I will -- I am going to hand to you your journal,
19 which you were kind enough to give to us, and if you could
20 possibly identify the dates on which you believe you may
21 have met Bob Buchanan informally, from your records. Take
22 your time about it, there is no pressure on you.

23 (Journal handed to witness.)

24 A. The 18th of January, '89.

25 112 Q. Yes. That's one date?

26 A. That's one date, yes, and, to me, that's the first time I
27 met him.

28 113 Q. So it was an occasion after the 18th of January, then, that
29 you met him for the second time?

30 A. I met him on the 19th of January in Newry.

1 114 Q. Yes. And the meeting on the 18th, was that in Dundalk?

2 A. At Hackballscross.

3 115 Q. In Hackballscross. That was the occasion that you first
4 met him and you were introduced to him -- sorry, that was
5 the occasion that you first met him, that you mentioned to
6 us, is that right?

7 A. The first occasion was the 18th in Hackballscross.

8 116 Q. In Hackballscross, that's right.

9 A. Then we made an appointment to meet on the following day.

10 117 Q. On the 19th?

11 A. And I kept that appointment in Newry.

12 118 Q. In Newry. Did you have any meeting after the 19th with
13 him?

14 A. I don't believe I did. As a matter of fact, I am fairly
15 sure I didn't have.

16 119 Q. That's fine.

17 A. Because I had a meeting with him on the 18th of the 1st and
18 the 19th of the 1st. On the 23rd, I went to Templemore
19 Garda College and came back on the 13th of the 2nd. On the
20 27th of the 2nd, I went to Templemore and was there -- I
21 came back to Dundalk on the 20th of the 3rd.

22 120 Q. The 20th of March?

23 A. Yes.

24 121 Q. Very good. Thank you for that. Now, how did you learn of
25 the news of the murders of the two officers, do you
26 remember that?

27 A. I heard about it from, I believe, Superintendent Tierney.

28 122 Q. And we understand that you set up an investigation, a Garda
29 investigation?

30 A. I did, yes.

1 123 Q. To collect as much information that was available on this
2 side of the border to assist the RUC?

3 A. Yes, correct.

4 124 Q. How did it come about that you established your
5 investigation; was this something you did of your own
6 initiative or were you asked to do it?

7 A. Again, I don't know. It's possible that Chief
8 Superintendent Nolan asked me to do it, it's possible the
9 Assistant Commissioner asked me to do it and it is possible
10 on my own initiative I did it, but it was done.

11 125 Q. Yes. And you assembled a team of guards to --

12 A. Detective Gardai, yes.

13 126 Q. Detective Gardai, to carry out this assignment?

14 A. Yes.

15 127 Q. Now, I think one of the ways that jobs are assigned is by
16 way of a job sheet, is that right?

17 A. That's right, yes.

18 128 Q. I think the job sheet simply sets down the task to be
19 performed and the member to carry out the task?

20 A. That's correct, yes.

21 129 Q. And then there is a second sheet which states whether or
22 not the member has completed the task?

23 A. That's right. The result of -- he would write the result
24 on the sheet and return it to the office.

25 130 Q. Yes. But let's say the job is to take a statement from
26 Mr. X, that statement is a separate document; it is not
27 part of the job sheet?

28 A. Yes.

29 131 Q. Yes, exactly. Now, I think you were involved in -- I come
30 across your name, I should say, in relation to a number of

1 job sheets you might be able to assist us with. I think
2 you have them there in front of you. The first one was you
3 asked or there was a direction to interview members of the
4 Gardaí working 2 p.m. to 10 p.m., do you have that in front
5 of you? Can you put that up, Mr. Mills, please?

6 A. Yes. *"Interview members of the Gardaí working 2 to*
7 *10 p.m."*

8 132 Q. Yes. And then, the next page is *"F. Kenny completed"*?

9 A. That's correct, yes.

10 133 Q. Now, the word *"completed,"* is that your writing, or whose
11 writing is that?

12 A. That is my writing, yes.

13 134 Q. That is your writing, yes. So, clearly, Detective Garda
14 Kenny must have told you that he had interviewed all the
15 members?

16 A. Yes. Well, now, completed -- this would have been written,
17 this would have been in a book like this.

18 135 Q. Yes.

19 A. On the left-hand page, normally. And it would be called at
20 the conference and the member would tell you what he was
21 after doing. Now, this completed would be on the other
22 page.

23 136 Q. Yeah.

24 A. But the member would return the document that he was given.

25 137 Q. Oh, that's quite true, yes.

26 A. And he would outline on it the result, and, if a statement
27 was taken, he would attach the statement when he would hand
28 it back to the conference.

29 138 Q. Now, just help us with that, if you might, taking this as
30 an example?

1 A. Yes.

2 139 Q. The task is to interview members of the Gardaí on --
3 working 2 to 10 p.m., that is on the left-hand side, and
4 the right-hand side, then, is a second sheet, "*F. Kenny*
5 *completed*"?

6 A. Yes.

7 140 Q. But should there be something else?

8 A. This photocopy is not -- is from the actual book.

9 141 Q. Should there be something else attached to this document?

10 A. No, the document that the Garda was given --

11 142 Q. Yes, that's this sheet here?

12 A. The one about interviewing the people.

13 143 Q. That's right, that's given to the guard?

14 A. That's the document given to the guard, yes. The original
15 of that or a copy of it would be kept in the book.

16 144 Q. Very good. Now, the guard having completed his job, what
17 happens next?

18 A. He would write on the document he was given and return it
19 to the incident room.

20 145 Q. Very good. So what we have in front of us is not the
21 document given to the guard, clearly, because he hasn't
22 written on it that he done the job, am I right in that?

23 A. When I called the job and spoke to the Garda, he had the
24 job completed and I wrote "*completed*". Now, I don't know
25 what was the result because I haven't seen the document he
26 returned.

27 146 Q. I understand that, I understand that. What I am trying to
28 establish is a picture of what the entire should look like.
29 So we have these two pages, okay --

30 A. Yes.

1 147 Q. -- which we were given. Should there be another page where
2 the Guard has written "job done," as it were?

3 A. Absolutely, yes.

4 148 Q. The guard has written "job done," and then you have your
5 own record of the job being completed, is that right?

6 A. That's right, yes.

7 149 Q. Very good. Okay. Now I understand. The next one is
8 "*Statement from all members who were on duty otherwise*" --
9 is that right? -- "*between 2 p.m. and 4 p.m. on the 20th of*
10 *March.*" Have I read that correctly?

11 A. This is not my writing now.

12 150 Q. That is fair enough.

13 A. "*Statement from all members who were on duty or otherwise*
14 *between 2 p.m. and 8 p.m. (sic) on the 20th of the 3rd.*"

15 151 Q. So it seems there was a two-stage process in that people
16 were interviewed and then statements were taken, is that
17 right, because you go on to the next page --

18 A. On to the next page, that was given to Garda Fintan Kenny
19 and Martin Flanagan.

20 152 Q. That's right. And then "*Statements requested from Ban*
21 *Garda Anne McMorrow and Kevin Forde.*"

22 A. "*Anne McMorrow and Kevin Forde.*"

23 153 Q. And then the writing becomes your writing, does it?

24 A. It is, yes. "*Statement from Garda Kevin Forde and office*
25 *staff.*"

26 154 Q. And then "*Mary Clarke*" --

27 A. "*Mary Clarke and George Flynn to make statements.*"

28 155 Q. "... *to make statements,*" yes. So the investigation
29 proceeds from interviewing people to taking statements from
30 people?

1 A. Yes. Well, in some cases, maybe, you wouldn't take a
2 statement.

3 156 Q. In this case, this is what happened?

4 A. Oh, yes, but in some cases.

5 157 Q. I understand.

6 A. They mightn't have anything of any interest.

7 158 Q. But in this particular case, that was the course followed:
8 talk to people first, then take statements?

9 A. That's right, yes.

10 159 Q. Okay. Now, I appreciate it is not your writing, but if you
11 could go back to the first page, "*... on duty or otherwise*
12 *between 2 and 4 p.m.*" Does that say anything to you? Does
13 that mean anything to you?

14 A. Well, I suppose a member could be in the station and not on
15 duty for some reason or other.

16 160 Q. And that can happen?

17 A. Oh, it can happen, yes. "*... on duty or otherwise.*" If he
18 was there, it didn't matter whether he was on duty or not
19 between 2 and 4.

20 161 Q. Yes. Now, if you could help us with this: We understand
21 that a number of people, and one in particular, has given
22 evidence to the Chairman, that's Garda Seamus Nolan, that
23 he was asked by Superintendent Tierney to make a statement,
24 and he made a statement at the request of Superintendent
25 Tierney?

26 A. That who was asked to make a statement?

27 162 Q. Do you remember a guard called Seamus Nolan? He was in --
28 he was a guard in Dundalk Garda Station. He was uniform at
29 the time, and he was working in the Public Office at the
30 time when the two officers arrived. And his evidence to

1 the Chairman was that he met them on the stairs and brought
2 them up to Chief Superintendent Nolan's office, and he told
3 the Chairman that, at the request of Superintendent
4 Tierney, he made a statement, and he read that -- he
5 identified that statement in evidence.

6 A. That could well be and there is nothing sort of out of
7 place about it.

8 163 Q. Yes.

9 A. He may have went to Superintendent Tierney and said that he
10 saw them going up the stairs, and it was quite natural for
11 the Superintendent to ask him to make a statement.

12 164 Q. Now, you have, on the one hand, you have got Superintendent
13 Tierney apparently asking one or other members to make
14 statements?

15 A. Yes.

16 165 Q. You have directed that statements be taken, isn't that
17 right?

18 A. Broadly, anyone that was there, to make statements.

19 166 Q. Yes. Exactly. You have directed that statements be taken
20 from people who were in the station at that time?

21 A. Yes.

22 167 Q. And at the same time, the Assistant Commissioner is taking
23 statements from people who were in the station between 2 --
24 or, shall we say, on that particular shift that began at 2
25 in the afternoon?

26 A. Yes.

27 168 Q. So you have a number of senior officers taking statements
28 from the same people?

29 A. Well, I agree with you, yes, yes, but I was dealing not
30 alone with what happened inside but outside the station.

1 169 Q. Oh, yes. I understand that. Now, did you share the
2 results of your work with Assistant Commissioner O'Dea?

3 A. No, I don't think so, because our inquiry wasn't finished
4 for quite a while afterwards. He would be gone back to
5 Dublin.

6 170 Q. I think he was there for, apparently, two days, is that
7 right?

8 A. Well, a short time, a short time. I don't know how long,
9 really.

10 171 Q. But even after the event, there was no consideration or
11 sharing the results with the Assistant Commissioner?

12 A. I may have, I don't know, because I spoke to him very often
13 afterwards, so whether I told him. But as it turned out,
14 there was nothing highlighted, really, that he should know.

15 172 Q. One of your detectives was Detective Garda Sean Gettings,
16 you remember him?

17 A. I do, indeed.

18 173 Q. I think he was a respected member of the Force?

19 A. Yeah.

20 174 Q. Reliable?

21 A. Oh, yes, indeed, very.

22 175 Q. And if he reported something to you, you'd take it as being
23 the truth?

24 A. You'll have to help me a little more because...

25 176 Q. He was a truthful man; he wasn't known for telling lies --

26 A. Yes.

27 177 Q. -- is that right?

28 A. I don't know what you are getting at.

29 178 Q. Very well. It is this: Sean Gettings, as he now is, told
30 us that, as part of the investigation that you conducted,

1 that he was asked to check out the houses in front of the
2 station?

3 A. Oh, yes, this is the document here I have in front of me,
4 that Sean Gettings --

5 179 Q. And he reported back nothing to -- nothing to be worried
6 about, if I can put it that way?

7 A. I don't have it...

8 180 Q. Sorry, Mr. Connolly, what I have put to you is what he said
9 to us, what he told us in the Tribunal. You don't have it
10 in front of you.

11 A. No, I don't.

12 181 Q. No, you don't. I'm putting to you what he told us in the
13 Tribunal, that he checked out the houses and there was
14 nothing to report back. For example, I take it that the
15 guards would be concerned if there were a vacant house or
16 an empty house in front of the station?

17 A. I'm afraid you are coming at it in a roundabout way to me
18 that I don't understand. You are saying that Sean Gettings
19 told me something. Sean Gettings told me lots of things,
20 but in relation to the houses across from the Garda
21 Station --

22 182 Q. Yes?

23 A. -- somebody told me, I can't recall who was.

24 183 Q. Yes. But what I am telling you is that he told us?

25 A. Oh, right.

26 184 Q. Okay. That is the point I am getting at. Sorry, you
27 misunderstood me. He told us that he checked out the
28 houses and there was nothing untoward to report back.

29 A. Yes.

30 185 Q. Okay. Sergeant Gettings was a reliable, trustworthy

1 officer?

2 A. Oh, yes, he was, indeed.

3 186 Q. That is the point I am trying to establish, in other words.

4 Now, what sort of an eye was kept on the houses on The
5 Crescent in front of the station?

6 A. What kind of an eye was kept on them?

7 187 Q. Yes?

8 A. I don't think there was any particular surveillance on any
9 house in front of the station, that I can recall.

10 188 Q. Was there possibly a concern that one or other house might
11 be used to carry out surveillance on the station?

12 A. Well, it came up after this --

13 189 Q. Yes?

14 A. -- that the possibility existed, but I can't say that there
15 was a particular house that there was an interest in.

16 190 Q. If a house had been vacant, would that have come to the
17 notice of somebody in the station?

18 A. If it was vacant, not necessarily. If it had been vacant
19 for quite a while, maybe, but...

20 191 Q. Yeah. Now, coming back to your investigation, I think you
21 were in constant contact with the RUC?

22 A. I was, yes.

23 192 Q. And you were giving them the benefit of the outcome of
24 inquiries that you had conducted?

25 A. That's correct, yeah.

26 193 Q. And I think that your investigation was run, if I can put
27 it that way, solely by your own officers; you didn't bring
28 anybody in from the outside?

29 A. Well, from the division, that's Louth and Meath. There was
30 no one, I believe, from outside of that area.

1 194 Q. Now, you expressed to us an opinion as to whether the IRA
2 might have needed the involvement from somebody within the
3 Garda Station in order to carry out the murders. What is
4 your opinion on that?

5 A. Would you please repeat the question.

6 195 Q. Sorry. I am simply trying not to put words in your mouth.
7 You gave us an opinion, you gave us an opinion as to
8 whether or not the IRA needed the assistance of somebody in
9 the station to carry out the murders. What is your
10 opinion?

11 A. My opinion is that they did not need the information.

12 196 Q. If you just bear with me a second. Just one final point.
13 Our understanding is that the unit that came on duty at
14 2 o'clock was called Unit A, is that right?

15 A. I don't know.

16 197 Q. Now, each unit was on duty for a period of what, eight
17 hours, is that right?

18 A. Eight, at 2 to 10.

19 198 Q. And there being 24 hours in the day, it follows that there
20 are three units, is that right?

21 A. That's right, yeah.

22 199 Q. So they go A, B, C?

23 A. Yes.

24 200 Q. So if Unit A comes on at 2 o'clock, the preceding unit --

25 A. There would be four units.

26 201 Q. Four?

27 A. Yeah. There would be a unit resting.

28 202 Q. I understand now, yes. So there was one unit that -- well,
29 now --

30 A. There is four units. There is three for to complete the

1 day.

2 203 Q. That's right.

3 A. And then there is a unit that are not working.

4 204 Q. Yeah. And then how does that, how does that slot into the
5 daily timetable, if I can put it that way? Because up to
6 now, our understanding had been that Unit A was always on
7 at 2 o'clock, but that seems not to be correct?

8 A. Oh, no.

9 205 Q. So Unit A could be on duty at 6 in the morning, for
10 example?

11 A. On another day.

12 206 Q. On another day, exactly, yes. And therefore, unit -- but
13 Unit D is always the unit that is the resting unit, is that
14 right?

15 A. Always?

16 207 Q. The unit which is the resting unit?

17 A. Oh, no - A, B, C and D.

18 208 Q. Yes. A, B, C are on duty?

19 A. They all have their days resting.

20 209 Q. But Unit D --

21 A. And they are different days every week.

22 210 Q. I understand that, but Unit D is always the unit that is
23 taking a rest?

24 A. Oh, no.

25 211 Q. No. All right.

26 A. Oh, no.

27 212 Q. So Unit D slots into the --

28 A. A take their rest, B, C and D.

29 213 Q. Now I follow you.

30 A. And the unit that is resting on a particular day is not

1 called Unit D.

2 214 Q. It retains its letter, but it is simply resting?

3 A. Yes.

4 215 Q. Now I get you. I understand. Lastly, do you recall the
5 press coverage of the suggestion that there might have been
6 a mole in Dundalk Garda Station?

7 A. I do, yes. I read it. I forget about it, but I did read
8 it.

9 216 Q. It was fairly extensive?

10 A. Sorry?

11 217 Q. It was extensive coverage on the day following the murders?

12 A. I don't recall.

13 218 Q. That didn't prompt, in your mind, the question of whether
14 you might investigate that issue?

15 A. I don't recall. I read it at some stage. Whether it was
16 immediately after the murder or not, I don't know.

17 219 Q. Well, I can tell you it was immediately after the murder.

18 A. I always had an open mind, an open mind.

19 220 Q. You always had an open mind?

20 A. An open mind, yeah.

21 221 Q. So there might have been a mole?

22 A. Whether these things can happen or not.

23 222 Q. Now, I have to ask you this: How does that sit with the
24 evidence that you have just given that the IRA didn't need
25 assistance?

26 A. The IRA, to my mind, were perfectly capable of having
27 surveillance on Superintendent Buchanan and possibly had it
28 for months or maybe years and knew themselves that he was
29 in Dundalk.

30 223 Q. But I'm not going down that road; I'm asking you how do you

1 reconcile the fact that you had an open mind on the
2 possibility of there being a mole, on the one hand, with
3 what you told the Chairman, which was you are quite
4 satisfied there was no leak?

5 A. There is no reconciliation there, as far as I am saying. I
6 always have an open mind about investigating a crime, about
7 what could be involved, but you are asking me did they need
8 the information, and I say I don't believe they did need
9 the information.

10 224 Q. So I am just trying to follow this through. Does this mean
11 that even if they did have somebody in the station
12 assisting them, they didn't need that person for this
13 particular event, is that what you are trying to tell us?

14 A. Yes.

15 225 Q. I see. And if they had carried it out without assistance,
16 it was based on surveillance, in your opinion?

17 A. Yes. It is only an opinion.

18 226 Q. I accept that.

19 A. It is only an opinion, and that is my opinion.

20 227 Q. I understand that.

21

22 CHAIRMAN: There were plenty of IRA supporters in Dundalk?

23 A. I beg your pardon?

24

25 CHAIRMAN: There were plenty of IRA supporters in Dundalk?

26 A. Oh, a great number.

27

28 CHAIRMAN: Yes.

29

30 228 Q. MR. DILLON: Just coming back to the point that you made;

1 namely, that there could well have been an informer in the
2 station but that the IRA on this occasion didn't need the
3 use of an informer, did the possibility of there being an
4 informer in the station have any effect on the morale of
5 people working in the station, did it...

6 A. If there was, would it?

7 229 Q. The possibility -- as you said, you had to keep an open
8 mind in the matter?

9 A. I'd say there would be great unease in the station.

10 230 Q. And did you ever come across that unease?

11 A. I did, I did, yes, I did.

12 231 Q. And was this -- how was this expressed to you? In
13 conversation, for example, or...

14 A. I would say I was aware of it possibly before I went from
15 Dundalk, but certainly, when I arrived in Dundalk, I was
16 told by some sources there that there was unease about a
17 certain individual.

18 232 Q. Well, we will deal with that on another day, if you don't
19 mind. So I want to deal with something you just mentioned
20 there, which was even before you went to Dundalk, you were
21 aware of unease?

22 A. Well, unease, yes.

23 233 Q. But even before you went to Dundalk?

24 A. Yes, I would think so.

25 234 Q. So clearly, this was something --

26 A. But maybe not in the same detail, but yes.

27 235 Q. I understand that. But clearly, this is something that was
28 known, if only to you, but certainly known outside the
29 station?

30 A. Oh, yes, it was.

1

2

MR. DILLON: Thank you very much.

3

A. Thank you.

4

5

CHAIRMAN: Mr. Durack?

6

7

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

8

9

236 Q. MR. DURACK: Good morning, Sir. My name is Michael Durack
and I appear on behalf of the Commissioner. If I might
just ask you a few questions.

10

11

12

13

Just to deal with the last issue first, I take it there was
never any evidence offered to you of any such mole?

14

15

A. None whatsoever.

16

237 Q. Now, to get back to the investigation and the things that
happened in the immediate aftermath of the shooting. I
think that what occurred was that the Control Room got a
call from Newry at about 4:15 telling them about the
shooting?

17

18

19

20

21

A. I can't say yes.

22

238 Q. Very well.

23

A. I know somebody in the station got a call.

24

239 Q. I think, equally, Superintendent Tierney got a direct call
from his opposite number in Newry?

25

26

A. I am not aware of that.

27

240 Q. I see.

28

A. I may have been at the time, but I have forgotten.

29

241 Q. And in the immediate aftermath -- I think the concern at

30

that stage was as to who was actually shot, that there had

1 been a shooting --

2 A. That's right, yes.

3 242 Q. -- and the concern was, then, that it may well have been
4 the officers?

5 A. That's right, yes.

6 243 Q. And I think subsequent to that, I think then there was a
7 number of road blocks, and a plan was put into action along
8 the border?

9 A. That's right, yes.

10 244 Q. And what did that involve?

11 A. Well, I believe the army were involved with local Detective
12 Branch.

13 245 Q. Yes. That was, I take it, to ascertain or impede the
14 movement of any people that might have been involved around
15 the area?

16 A. Exactly.

17 246 Q. And I think that was on for the -- for some hours
18 afterwards, and I think subsequently, at about 7 o'clock in
19 the evening, I think you had a conversation with the
20 Assistant Chief Constable, or do you recollect that? They
21 told you that they weren't going to go into the area to
22 take away the bodies until the next day?

23 A. I have no recollection of it, of speaking to the Assistant
24 Chief Constable of the RUC at any time.

25 247 Q. Yes. And am I right in thinking that you offered whatever
26 assistance you could provide at your side of the border in
27 relation to the investigation that --

28 A. I did, yes.

29 248 Q. Because, clearly, the RUC couldn't come down and make
30 inquiries?

1 A. But not to the individual you named.

2 249 Q. I see. But nonetheless, it was an offer that was made to
3 the RUC, isn't that right?

4 A. Yes.

5 250 Q. And what -- am I right in understanding that your function
6 was to gain such information on the south of the border
7 that the RUC wouldn't be able to get?

8 A. Exactly.

9 251 Q. Because their jurisdiction didn't run?

10 A. Any useful information that would be of assistance to the
11 investigation.

12 252 Q. And that you weren't conducting a murder inquiry yourself;
13 you were in aid of the northern authority?

14 A. Well, the murder didn't happen in the State, but we were
15 trying to get any information we could to assist them.

16 253 Q. And I think, to that end, there were a number of jobs
17 allocated, and various people, as we have heard, were
18 spoken to about making statements?

19 A. That's right, yeah.

20 254 Q. And I take it that the members who were initially
21 interviewed would then have been asked to make statements
22 themselves, isn't that right? They wouldn't have been
23 interviewed and a statement taken from them by another
24 member?

25 A. Oh, that's the way. Do you mean Gardaí now?

26 255 Q. Yes, that one guard wouldn't take a statement from another;
27 he would say "We want a statement from you dealing with
28 that"?

29 A. It could be either way. A Garda might write out his own
30 statement or the member interviewing him might take the

1 statement from him.

2 256 Q. I think it is probably more common that having ascertained
3 what he had to say --

4 A. It would depend on the seriousness of the case.

5 257 Q. Of course. But having ascertained if he had any useful
6 information, that he would make a report and provide a
7 statement?

8 A. Oh, yes.

9 258 Q. And I think it appears from the statements that were
10 assembled for the purpose of your task, that, in fact, most
11 of them were produced by the Gardaí themselves?

12 A. I would say they were, yes.

13 259 Q. And that they were for the purpose of assisting the
14 northern authority. Now, we know then that at the same
15 time there was an investigation being carried out by
16 Commissioner O'Dea and Kevin Carty?

17 A. Correct, yes.

18 260 Q. And I think they, in fact, were down to investigate to
19 circumstances surrounding the meeting?

20 A. Yes.

21 261 Q. As opposed to surrounding the killing?

22 A. That's correct, yes.

23 262 Q. And that they, in fact, were down to conduct an
24 investigation into those circumstances in the station?

25 A. That is as I understand it, yes.

26 263 Q. And they, in fact, interviewed, themselves, the individual
27 members and took their statements from them, and they were,
28 in fact, written in the hand of either the Commissioner or
29 Kevin Carty and signed by the individuals?

30 A. Yes.

1 264 Q. And that those statements, that, as I say, that procedure
2 differed from the procedure you were adopting in terms of
3 what you were doing?

4 A. In a way, investigating two different things or aspects of
5 it.

6 265 Q. Yes. They were two distinct and different things?

7 A. Yes.

8 266 Q. And I think just to deal with the question of the shifts, I
9 think that while the official shifts had a time, depending
10 on the work that needed to be done, *et cetera*, that people
11 may be working overtime from time to time?

12 A. Sorry?

13 267 Q. That while the official shifts were 2 to 10, *et cetera* --

14 A. On the day, yes, 2 to 10.

15 268 Q. -- that there would be people working overtime; in fact,
16 that might be their designated time, but there would be
17 people working overtime?

18 A. There could well be, there could well be.

19 269 Q. Depending on the work that would have to be done?

20 A. There could well be.

21 270 Q. And I think from what you told us of your times and
22 movements around that period, that you weren't in Dundalk
23 on the 16th, I think it was, when Mr. Buchanan called
24 previously, on the 16th of March?

25 A. The 16th of March?

26 271 Q. That is the day that Superintendent Buchanan had previously
27 been in Dundalk. I think you told us that you were in
28 Templemore until the 20th?

29 A. Correct, yes.

30 272 Q. So you didn't have an opportunity of seeing him at that

1 stage?

2 A. No.

3

4 MR. DURACK: Thank you very much indeed.

5

6 MR. O'CALLAGHAN: I have no questions.

7

8 CHAIRMAN: No questions. Mr. Coffey?

9

10 MR. COFFEY: No questions. Ms. O'Sullivan?

11

12 MS. O'SULLIVAN: I just have one question.

13

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

15 **AS FOLLOWS:**

16

17 273 Q. MS. O'SULLIVAN: Mr. Connolly, in relation to the
18 investigation, I think it has been indicated that you
19 assigned work by the way of job sheets to various members,
20 to interview members of An Garda Síochána who were present
21 in the station on the day. I think that would have
22 included members who, perhaps, as Mr. Durack has indicated,
23 were not necessarily on duty, but were perhaps performing
24 some overtime. You would have also asked that those
25 members be interviewed?

26 A. Well, from reading the job sheet, that's what I can make
27 out of this.

28 274 Q. As far as you are aware?

29 A. "... on duty or otherwise" in the station.

30 275 Q. "... or otherwise." So if they were otherwise in the

1 station, you would have arranged --

2 A. Call casually to the station or maybe finish duty and were
3 still there.

4 276 Q. That those people would have also have been interviewed?

5 A. Yes.

6

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

8

9 MR. DILLON: Just one matter arising from that.

10

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

12

13 277 Q. MR. DILLON: I think the direction was to interview people,
14 or otherwise, between the hours of 2 and 4 p.m. is that
15 right, that is what the job sheet --

16 A. 2 to 4, yes.

17 278 Q. 2 to 4, yes?

18 A. Yes.

19

20 CHAIRMAN: Thank you very much, Mr. Connolly, for coming
21 here. It may well be that, at a later stage in the
22 Tribunal hearings, we might need to ask for your help
23 again, but I am very grateful for you coming here to help
24 us today. Thank you.

25 A. Thank you.

26

27 **THE WITNESS THEN WITHDREW**

28

29

30 MR. DILLON: Mr. Chairman, the next witness is Mr. Tom

1 Molloy, please.

2

3 THOMAS MOLLOY, HAVING BEEN SWORN, WAS EXAMINED BY

4 MR. DILLON AS FOLLOWS:

5

6 279 Q. MR. DILLON: Now, Mr. Molloy, I think you are still a
7 serving member of the Force, is that right?

8 A. That's correct.

9 280 Q. Yes. And you are still working in Dundalk Garda Station?

10 A. I am.

11 281 Q. I think when you were there in the years 19 -- sorry, '88
12 and '89, you worked with Detective Garda Jim Lane, is that
13 right?

14 A. That's correct.

15 282 Q. I think the other detectives in your unit were Val - is it
16 McMahon? Val Cross?

17 A. No, Val Cross, Brian Mohan, Jim Greene and Michael
18 O'Driscoll.

19 283 Q. So it is Val Mohan, is that right?

20 A. No, it is Val Cross and Brian Mohan.

21 284 Q. Brian Mohan, I beg your pardon. Very well. I think for a
22 while your superior was Tom Connolly, from whom we have
23 just heard, is that right?

24 A. That is correct.

25 285 Q. I think he set up the Crime Unit in Dundalk Garda Station?

26 A. That is correct.

27 286 Q. I think in 1989 part of your work included escorts?

28 A. That is correct.

29 287 Q. I think the escorts were of people from Northern Ireland
30 attending certain functions in Dublin or elsewhere?

1 A. That's correct, yes.

2 288 Q. And how would those escorts have been organised? How were
3 they arranged?

4 A. We would have got word from the Superintendent's office
5 that -- what time to pick up the escort and what time they
6 would be coming back at, or whatever.

7 289 Q. Now, you are in Dundalk Garda Station. Where does your
8 instruction come from; does it come from somebody in
9 Dundalk Garda Station or from Garda Headquarters?

10 A. It would have come from Dundalk Garda Station.

11 290 Q. I see. And ordinarily, who is the person who issued such
12 an instruction?

13 A. Well, at that time, it would be Chief Superintendent Nolan
14 and Superintendent Tierney.

15 291 Q. And how were escorts arranged? Is it -- are you in a car
16 following somebody or --

17 A. That is correct, a car following them. We would be
18 following them, the actual escort.

19 292 Q. Now, I think it is the case that on the 20th of March,
20 1989, you were on duty?

21 A. I was, Judge.

22 293 Q. Now, where was your office?

23 A. It was at the back of the building on the first floor.

24 294 Q. Is that where the Detective Unit was stationed?

25 A. That's correct, yes.

26 295 Q. And did you -- I understand at some point you came out of
27 your office onto the landing?

28 A. That is correct, at 2:15 p.m.

29 296 Q. And I think you saw people in the landing, two gentlemen in
30 the landing?

1 A. That is correct, yes.

2 297 Q. Did you know who they were?

3 A. Not by name, Judge, but I knew they were members of the
4 RUC.

5 298 Q. How did you know they were members of the RUC?

6 A. Well, from their accent and their dress and, also, where
7 they were; they wouldn't have been there if they weren't
8 members of the police or the guards.

9 299 Q. You said "from their accent"; were they talking to each
10 other?

11 A. No, I saluted them and they saluted me back.

12 300 Q. When you say "salute," you mean like say 'hello'?

13 A. Yes, exactly, yes.

14 301 Q. Did you have any further conversation?

15 A. No, I didn't. I went on down the stairs past them. They
16 were standing to my left.

17 302 Q. Had you seen these two officers either together or
18 individually before in the station?

19 A. I would have, yeah.

20 303 Q. Was this a frequent occurrence or...

21 A. It wouldn't be that frequent, but I did see them before,
22 yeah, even though I didn't know them by name because I
23 would have no contact with them.

24 304 Q. Now, we spoke about escorts and matters like that. Risk
25 assessments, how were they carried out?

26 A. Well, that wouldn't be for me. I was just doing the
27 escorts.

28 305 Q. I appreciate that, but were you aware of how risk
29 assessments were carried out?

30 A. No.

1 306 Q. Was it the case that the RUC in Belfast might ring the
2 Garda Headquarters in Dublin?

3 A. Yeah, I have no doubt that is what occurred, but,
4 personally, I have no knowledge of that.

5

6 CHAIRMAN: That decision would be made at Superintendent
7 level and you would be given instructions?

8 A. Exactly, yeah.

9

10 307 Q. MR. DILLON: I think that you were involved in the
11 investigation conducted by Detective Superintendent
12 Connolly?

13 A. I was, Judge.

14 308 Q. I think that your inquiries related to who had visited the
15 station?

16 A. That is correct, yes.

17 309 Q. I think you are aware that there was a car that had been
18 partially described or the registration had been partially
19 described by Sergeant Leo Colton?

20 A. That is correct, yes.

21 310 Q. Were you involved in trying to trace that car or was that
22 left to other colleagues?

23 A. That would have been other members. It would be on a job
24 sheet and that job sheet would have gone out to a member of
25 the team and they would have looked after that.

26 311 Q. Now, I think you have a number of documents there. Could
27 you look at the handwritten document first.

28 A. Yes, Judge.

29 312 Q. Now, this is headed "*Statement of Detective Garda Thomas*
30 *Molloy.*" Now, ordinarily, we ask people to identify their

1 signature, but unfortunately the second page has come to us
2 in the state that it is and we can't do that on this
3 occasion. The next document is the typed version, which I
4 will read out, and it is as follows; it is the statement of
5 D/Garda Thomas Molloy of Dundalk Garda Station made to
6 D/Inspector Kevin Carty at Dundalk on the 22nd of March,
7 1989. It goes as follows:

8
9 *"I am attached to the Detective Branch of Dundalk. On*
10 *Monday, the 20th of March, 1989, I took up duty at the*
11 *Detective Branch Office at 2 p.m. I remained in the*
12 *station until approximately 4:15 p.m. when I left on duty*
13 *to border crossing point number 10. There was a report of*
14 *a shooting incident on the northern side of the border*
15 *between crossing point number 10 and Jonesboro. At*
16 *approximately 2:15 p.m. on that date I saw two men that I*
17 *know to be members of the RUC standing in the corridor*
18 *outside D/Superintendent Tom Connolly's office. One of the*
19 *men was standing inside the door of the office. I did not*
20 *know if the RUC men's" -- sorry, "I did not know the RUC*
21 *men's names. I then went down downstairs to the Public*
22 *Office. When I came back upstairs, I did not see the RUC*
23 *men. I did not see them in Dundalk Garda Station after*
24 *that on Monday, the 20th of March. I do not know how they*
25 *arrived at the station or how they left the station. I was*
26 *not aware of any arrangements for a meeting between Chief*
27 *Superintendent Nolan and members of the RUC on that date.*
28 *It subsequently transpired that the shooting incident that*
29 *was called out for at 4:15 p.m. involved two members of the*
30 *RUC that were shot dead. This statement is correct."*

1 It is signed "*Thomas Molloy. Witness: Kevin Carty,*
2 *Inspector.*" And the date is given as the 21st of March,
3 1989. Does that accord with your recollection of events on
4 the day?

5 A. Yes, Judge. I am just looking there, the date on the
6 bottom is not the same as the date at the top, but I
7 certainly made that statement.

8 313 Q. Yes. Now, as we said, you were involved in the
9 investigation which was conducted by Tom Connolly, then the
10 Detective Superintendent?

11 A. I was, yes.

12 314 Q. I think you have a number of job sheets in front of you.
13 The first is "*J. Sheelan, Riverton*" [sic]?

14 A. "*Riverstown.*"

15 315 Q. Oh, "*Riverstown,*" I beg your pardon. "... was at
16 *McGeough's. Interview and statement.*" And then the second
17 page, it seems that you dealt with the matter. You
18 recorded that Mr. Sheelan made no statement and I think you
19 drew up a memorandum of the conversation you had with
20 Mr. Sheelan. Is that the meaning we can take of what is on
21 that?

22 A. Yes, yes.

23 316 Q. I can tell you that the Chairman has heard from
24 Mr. Sheelan. Now, the next one is, "*Statements required*
25 *from Garda Kilcoyne and Garda Buggle, HBX...*"

26 I presume that is Hackballscross, is that right?

27 A. That's correct, yes.

28 317 Q. "... were first members to McGeough. Who did they meet,
29 who did they meet there and did they get any information?"
30 And then that seems to be assigned to yourself and to Jim

1 Lane. Is that how we read it?

2 A. That's correct, yes.

3 318 Q. And then it is recorded that you -- that you took a
4 statement, and that statement has been filed, as it were,
5 has been handed in, is that right?

6 A. Handed in, yes. Them statements would have been probably
7 made by the members themselves, but I would have collected
8 them from them. It wouldn't necessarily mean that I took
9 the statement from them, even though it says there at the
10 statement end D. Molloy and Jim Lane. I would possibly say
11 they made their own statements and gave them to us and they
12 were handed in then by me or Jim Lane.

13 319 Q. Now, the next one you have there is, "*Statements required*
14 *from persons who called to Dundalk Garda Station between*
15 *1:30 p.m. and 4 p.m. on the 20th of March as listed on a*
16 *list from Sergeant Brady.*" And again, that seems to have
17 been a task assigned to yourself and to Jim Lane?

18 A. That's correct, yes.

19 320 Q. There doesn't seem to be any note of what was done, but may
20 we take it that that assignment was completed?

21 A. Oh, definitely, yeah.

22 321 Q. Do you remember doing it?

23 A. Do I remember now?

24 322 Q. Yeah?

25 A. I can't honestly say I do. But if I got a job to do, I can
26 take it it was done.

27 323 Q. Very good. Okay. And then the last one is -- relates
28 to -- no, it says "*Received*" and then "*Statement of Garda*
29 *D. Sheridan, Statement Number 11. Josie Enright*" - of a
30 given address - "*said to be associated with the IRA. Was*

1 *in the station looking at bicycles at 2:15 p.m. to*
2 *2:20 p.m. Full report from D/Garda T. Molloy. Signed by*
3 *Tom Connolly."* Do you remember that particular task?

4 A. No, I don't, but I am sure if that record is there, that I
5 did that task.

6
7 CHAIRMAN: Yes.

8 A. Or I would have possibly taken a statement from him, and if
9 it was, that would be -- it should be on file somewhere.

10

11 324 Q. MR. DILLON: Moving on to another topic in very general
12 terms. Do you remember anything about allegations of a
13 mole?

14 A. I did remember reading something about that in the paper,
15 yes.

16 325 Q. And what was your reaction to that suggestion?

17 A. I didn't believe it.

18 326 Q. I think it is your view that the killing of the two RUC
19 officers was not a chance operation?

20 A. I don't believe so.

21 327 Q. You think it was planned for weeks?

22 A. I do.

23 328 Q. And that the IRA were waiting for their opportunity?

24 A. Yes.

25 329 Q. Just coming back to the statement you made to Inspector
26 Carty, as he then was; how did it come about that that
27 statement was made? Did Kevin Carty contact you or did you
28 go to him?

29 A. I would have been working the following day and I would
30 have been told that Commissioner O'Dea and Kevin Carty

1 wanted to see me and I would have gone up to the office and
2 they asked me about -- was I working the previous day, and
3 I told them I was, and they asked me what did I do, and
4 would I make a statement, and I said certainly, yes. That
5 was, basically, what would have happened.

6 330 Q. When you say you went to the office, what office do you
7 refer to?

8 A. I think it was Superintendent Tierney's office. That would
9 be the one on the top of the stairs on the first floor, it
10 would be the third door on the left. If I recall right,
11 that is the office I went to.

12 331 Q. And they were working out of that office, is that the idea?

13 A. That's right, yeah.

14

15 MR. DILLON: Thank you.

16

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

18

19 332 Q. MR. O'CALLAGHAN: I appear for retired Detective Sergeant
20 Owen Corrigan. You worked with Mr. Corrigan quite for a
21 while, isn't that correct?

22 A. I would have worked with him from, possibly, November '88
23 until -- or '78 until '88. Probably eight, nine, ten
24 years.

25 333 Q. And that time that you worked with Mr. Corrigan was a
26 difficult time for members of An Garda Síochána in Dundalk,
27 would that be correct?

28 A. Yes.

29 334 Q. And the reason it was difficult was because there was a
30 very active IRA and IRA support group in that area?

1 A. That is correct.

2 335 Q. You mentioned to the Chairman earlier that Mr. Corrigan's
3 record in the Special Criminal Court was excellent. Could
4 you just elaborate upon that for the Chairman, as to what
5 you meant by that?

6 A. Well, I would say that nobody that I know arrested more IRA
7 people than what Owen Corrigan did, and I would also say
8 that nobody took more abuse than what he did from them.

9 336 Q. Could you tell the Tribunal about the abuse you refer to
10 there that Mr. Corrigan took from the IRA?

11 A. Both on and off duty. He would be followed around with a
12 camera, with people with cameras taking photographs of him.
13 If he went into shops, they were following him. His
14 photograph was put up on poles around the town.

15 337 Q. Am I correct in stating that the reason he was harassed was
16 because he stood up to the IRA?

17 A. He did, yes.

18 338 Q. You are aware that at the centre of this Tribunal's
19 inquiries is a suggestion that a member of An Garda
20 Síochána, or members, colluded with the IRA. I take it you
21 don't believe that?

22

23 CHAIRMAN: He has already said he doesn't believe that.

24

25 339 Q. MR. O'CALLAGHAN: Can I ask you in respect of specifically
26 Detective Sergeant Owen Corrigan do you believe that?

27 A. Definitely not.

28

29 MR. O'CALLAGHAN: Thank you very much.

30

1 CHAIRMAN: Thank you very much.

2

3 CHAIRMAN: No questions, Mr. Coffey, Ms. Sullivan.

4

5 MR. DILLON: Just one or two matters arising.

6

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

8

9 340 Q. MR. DILLON: You mentioned there that an example of the way
10 that Owen Corrigan was treated by the IRA was that he was
11 followed by people taking photographs?

12 A. Taking photographs of him, yes.

13 341 Q. Were you present on such an occasion?

14 A. I have seen it, yes.

15 342 Q. When did that happen?

16 A. I suppose hunger strike time. What was that? '81, '82,
17 '83. That period in the '80s.

18 343 Q. And where did it happen?

19 A. In Dundalk.

20 344 Q. In the city centre?

21 A. In the town, yeah.

22 345 Q. Was Mr. Corrigan on duty on that occasion?

23 A. On occasions he'd be on duty, yeah.

24 346 Q. No, no, sorry, when you saw it, was he on duty?

25 A. But this was on a regular -- you know, this is regular. It
26 wasn't on one occasion or two, or, say, five or six, this
27 is regular.

28 347 Q. Fair enough. I'm not -- I'm addressing the point of
29 whether you witnessed such an occasion or occasions?

30 A. I did witness it, yes.

1 348 Q. How many occasions did you witness?

2 A. Oh, several, Judge. I wouldn't know how many, several.

3 349 Q. You say it was around the time of the hunger strikes?

4 A. It would be around that, yeah. The early '80s.

5 350 Q. Now, on another matter, which was that you gave an opinion
6 as to how the IRA might have mounted this operation. Do
7 you remember giving that evidence to the Chairman, it was
8 in reply to questions put to you by Mr. McGuinness?

9 A. Yes.

10 351 Q. Now, do you in fact know how the IRA mounted this operation
11 on this particular occasion?

12 A. No, I don't. It was only my opinion. I was asked did I
13 think it was done in a short period. I believe myself that
14 this was planned and it took some time to plan, and not
15 alone had you to plan the actual incident, but also the
16 escape routes. It took some planning, yeah. That's my
17 belief.

18 352 Q. Yes, it is your belief. But the question was: Did you
19 have any evidence or information relating to how the
20 murders were carried out?

21 A. No, no.

22

23 MR. DILLON: Thank you.

24

25 CHAIRMAN: Thank you very much indeed, Mr. Molloy. You are
26 very kind to come. Thank you.

27

28 **THE WITNESS THEN WITHDREW**

29

30 REGISTRAR: John Daly.

JOHN DALY, HAVING BEEN SWORN, WAS EXAMINED BY MRS. LAVERTY
AS FOLLOWS:

A. Garda Daly, Judge.

353 Q. MRS. LAVERTY: Good afternoon, Mr. Daly. My name is Mary Lavery, and I am counsel for the Tribunal. I think that you were stationed in Dundalk in 1989, is that correct?

A. That's correct, Judge.

354 Q. And you were attached to Unit A, is that right?

A. That's right, Judge.

355 Q. And you made a statement, I think, to Commissioner O'Dea?

A. That's correct.

356 Q. And I think you have your handwritten statement there, and subsequently there is a typed version of that which we will put up on the screen in a moment.

A. That's correct.

357 Q. And if I might read out from that, Garda Daly. You said that you are "attached to Unit A, Dundalk Garda Station. On Monday the 20th of March, 1989, I was paraded for duty by Sergeant Brady at 2 p.m.. I was detailed to take up duty in patrol van PAPA 63. Garda O'Reilly was the driver of this van. We left the station at approximately 2:25 p.m. and went on patrol in the town. At approximately 3 p.m. I returned to the station with Garda O'Reilly. On entering the station I met" -- I'll just say a member of the public, and you give his address -- "in relation to the investigation of a burglary in the town. This took about 10 to 15 minutes, after which Garda O'Reilly and I left the station. I did not know that there were any RUC men in the

1 *station at a meeting on that date. I did not know either*
2 *of the deceased RUC men. I did not see any Northern*
3 *Ireland registered car parked on the forecourt of the*
4 *station on the date.*

5

6 *"This has been read over to me by Assistant Commissioner*
7 *O'Dea and is correct."*

8

9 Now, I think that the following attached statement to that
10 is actually the statement that you took from the member of
11 the public who was reporting a burglary, is that so?

12 A. That's correct.

13 358 Q. And he, in turn, without going into the details of the
14 statement, he reports a burglary, a break-in to his
15 premises. He said that he had to complete a form and he
16 went off to The Jockey's Pub to have a drink and to fill
17 the form. He was driving his own car, and he gives the
18 registration number. He parked on left-hand side near the
19 Carrick Road entrance. He came back after about an hour to
20 the station. This time he parked near the station
21 entrance, fairly near the Ardee side entrance. He just
22 went in and inquired for Garda Daly. He was not there and
23 he had to wait. There were about four people at the
24 inquiry desk; he mentions one of them particularly. And he
25 then says that he saw both Errol Boyle and Gerry Connor
26 leaving the station. He did not notice anything suspicious
27 when he was there. *"I had to wait about ten minutes for*
28 *Garda Daly, and I left the station when I saw Garda Daly"*.

29

30 That, obviously -- were you long in the station taking

1 details from him?

2 A. From recollection I can't remember, to be honest with you.

3 359 Q. Yes. But between the time that you arrived and left you
4 hadn't seen any sight of a northern-registered car, I take
5 it?

6 A. No, Judge.

7 360 Q. Or the officers?

8 A. No, Judge.

9 361 Q. And did you take part in any of the investigations
10 afterwards?

11 A. No, I did not, Judge.

12 362 Q. You weren't helping with the inquiries. Now, I think that
13 in those times, we have heard from the previous witness,
14 there were questions in evidence that in fact Detective
15 Sergeant Owen Corrigan was hassled by people following him
16 and photographing him. You heard that evidence just now?

17 A. That's correct.

18 363 Q. I think that your experience when you were in Dundalk was
19 much more serious than that, isn't that so?

20 A. Judge, I went to Dundalk in 1986, so I wouldn't have been
21 privy to what happened to D/Sergeant Corrigan prior to
22 1986. So, I mean, my --

23 364 Q. I am not -- actually, what I'm asking you is that your own
24 experiences within the Gardaí, you were injured yourself in
25 the course of duty, isn't that so?

26 A. That's correct, yes.

27 365 Q. And you sustained quite a serious injury?

28 A. Yes, I got eight stitches, Judge.

29 366 Q. And was that from one of the subversive members of the
30 subversive fraction?

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

2 367 Q. And were they dangerous times in Dundalk?

3 A. Judge, 1986 to - I left Dundalk in 1990 - were extremely
4 busy times for An Garda Síochána. Subversives, crime,
5 everything was very, very busy.

6 368 Q. And were other colleagues of yours, colleagues of yours
7 injured in the course of duty during that period that you
8 were there?

9 A. Yes, Judge. I can recall one incident that happened out in
10 the border near Dromad where a colleague of mine got
11 severely beaten by a known subversive, Judge.

12 369 Q. And I think another one of your colleagues was kidnapped,
13 isn't that so?

14 A. That's correct.

15 370 Q. I think this was a Garda Sheridan was kidnapped?

16 A. That's correct, yes.

17 371 Q. And what sort of activity would you carry on in your
18 day-to-day duties?

19 A. My duties were -- obviously I was in uniform at the time
20 because of my -- I'd just started in my career in An Garda
21 Síochána. So, I mean, obviously I dealt with crime, I
22 dealt with public order issues, I dealt with trying to get
23 to know the locals in Dundalk, whether it be subversives or
24 criminals or otherwise.

25 372 Q. Yes. And how did you build up your information when you
26 were training like that?

27 A. By listening to more experienced members within the
28 station, travelling around the town of Dundalk, finding out
29 who lived in certain houses, who was driving certain
30 transport and who was associating within certain licenced

1 premises.

2 373 Q. And from the experience that you gleaned then, and
3 obviously the experience that you have gained since, what
4 -- do you have a view on how the IRA set up this particular
5 organisation and murdered Chief Superintendent Breen and
6 Buchanan?

7 A. Judge, like my colleague has previously said, obviously
8 there had to be some degree of pre-planning in relation to
9 this operation, Judge, by way of logistics and firearms,
10 logistics in the planning, the routes, logistics in
11 communications. So all of that had to be preplanned for
12 some considerable period of time. That's my opinion
13 anyway.

14 374 Q. What, in your opinion, would have caused the plan to be
15 triggered? What would be the trigger for a plan like that?

16 A. Well, I mean, the IRA at the time were -- I mean, they had
17 their own intelligence officers, Judge, working, and they
18 knew, they knew the operations; as much as what we knew
19 about them, they knew a lot about us as well. So they knew
20 the type of transport that police would have been driving,
21 whether it be Garda Siochana or RUC officers. So, as far
22 as I am concerned, Judge, they had their own foot soldiers,
23 as I would call them, to do the recce on an operation.

24 375 Q. And were they particularly risk adverse? Would they take
25 chances or...

26 A. The IRA?

27 376 Q. Yeah.

28 A. Judge, 1986 to 1990, Judge, the IRA took very few chances,
29 Judge.

30 377 Q. And if there was a possibility that the plan might go

1 wrong, would they call it off?

2 A. If there was security forces in the area of the border,
3 whether it be south or north, Judge, they would abort that
4 operation, yes.

5 378 Q. And what -- in relation to the IRA as well, people carrying
6 on business on the border or smugglers or people like that,
7 did they have to pay a toll to the IRA?

8 A. Judge, protection was obviously part of their funding
9 campaign. I mean, that was the way it worked. I mean,
10 intimidation played a big part in what happened on the
11 border as well.

12 379 Q. And did this affect the attitude of the local people to the
13 Gardaí at the time?

14 A. Absolutely, Judge. I mean, people were afraid to be
15 associated with members of An Garda Síochána, and people
16 certainly wouldn't be seen to be in full-scale
17 conversations with a member of An Garda around Dundalk or
18 on the border. I mean, they were obviously concerned about
19 their own safety.

20 380 Q. And when the press coverage came out following the murders
21 of Breen and Buchanan, and big banner headlines on
22 newspapers suggesting the existence of a mole in Dundalk
23 Garda Station, how did that affect people like yourself who
24 were battling away against crime in Dundalk?

25 A. Judge, as my colleague has already said, Dundalk as a
26 station was, it was a very busy station, and the biggest
27 issue with Dundalk is trust. I mean, you need to trust
28 your colleagues. And I mean, that's -- you know, you just
29 continued on with your duties. It was certainly upsetting
30 to hear that there was some suggestion by politicians in

1 the north that there was a Garda mole, but you continued on
2 with your day-to-day Garda duties. And that is as simple
3 as that.

4 381 Q. Did you have any suspicion yourself that there may have
5 been one?

6 A. I had no evidence, Judge, to suggest that there was a Garda
7 mole. I was only a young Guard at the time and, you know,
8 I wasn't privy to the inner most workings of Dundalk Garda
9 Station. As far as I was concerned, I did my job, I did it
10 as professionally as I possibly could have. And it is as
11 simple as that.

12 382 Q. How long do you think that this attitude from the time that
13 the murders took place continued, the sort of chat, and I
14 presume locals would talk about the possibility of there
15 being a mole? How long do you think that that was a smear
16 on Dundalk Garda Station?

17 A. I mean, this was a huge news event at the time. I mean,
18 two senior police officers being shot dead just having come
19 from Dundalk Garda Station. So, obviously there was a lot
20 of rumours going around at the time, and it went on for, I
21 suppose, months really.

22 383 Q. Yes.

23 A. From my recollection anyway.

24

25 MRS. LAVERTY: Thank you very much Garda Daly.

26

27 CHAIRMAN: Any questions?

28

29

30

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

384 Q. MR. McGUINNESS: Detective Garda Daly, you came on duty at
2 and then left the station in the patrol car at about
2:25?

A. That's correct, Judge, yes.

385 Q. You saw nothing suspicious in terms of people or personnel
or cars at that time?

A. No, Judge.

386 Q. Or on your return --

A. No, Judge.

387 Q. -- to the station. And in terms of one question that
Mrs. Lavery asked you, what could be the trigger for this
operation that you believe was preplanned. Could it be any
sighting of the officers at any stage?

A. Personally I don't believe it was just any sighting. I
mean, you would have to have people in place in order to
carry out an operation such as what happened, regrettably,
black in 1989. There had to be some degree of planning.

388 Q. And surveillance on the day?

A. And surveillance.

389 Q. Which could have occurred anywhere, I take it, in your
opinion?

A. It could have taken anywhere, exactly, yes.

CHAIRMAN: Any questions?

MR. O'CALLAGHAN: No questions.

1 CHAIRMAN: Mr. Coffey, no questions.

2

3 MS. O'SULLIVAN: I just have one question.

4

5 CHAIRMAN: Sorry, I was forgetting about you,
6 Ms. O'Sullivan, yes.

7

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

9 **FOLLOWS:**

10

11 390 Q. MS. O'SULLIVAN: Good afternoon, Mr. Daly. I appear for
12 Finbarr Hickey. I think you have indicated to the Tribunal
13 that you were on the 'A' Unit at the time?

14 A. That's correct.

15 391 Q. I think did you know Finbarr Hickey in Dundalk Garda
16 Station?

17 A. Yes, I did, yes.

18 392 Q. I think he was on the 'C' Unit, is that correct?

19 A. That's correct.

20 393 Q. So, Mr. Hickey wouldn't have been working that day if he
21 was on a different unit to you, is that right?

22 A. I didn't see Finbarr Hickey working on that day, no.

23

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

25

26 394 Q. MS. LAVERTY: Can I clarify. I read out your statement,
27 Garda Daly, and you said that you were paraded for duty by
28 Sergeant Brady at 2 p.m.?

29 A. That's correct.

30 395 Q. Now, if anybody else had paraded you, would you have noted

1 that? If, for example, Sergeant Leo Colton had paraded
2 you, would you have included that in your statement?

3 A. I would have, yes. Leo Colton would have been my Sergeant
4 after this event. He would have been my unit Sergeant.

5 396 Q. But if Leo Colton had paraded you at two o'clock on that
6 day, you would have written that into your statement?

7 A. I would have written that, yes.

8

9 MRS. LAVERTY: Thank you very much.

10

11 CHAIRMAN: Thank you very much, Garda Daly.

12

13 A. Thanks, Judge.

14

15 THE WITNESS THEN WITHDREW

16

17 CHAIRMAN: I think that concludes the witnesses for this
18 morning, Mrs. Lavery, doesn't it?

19

20 MRS. LAVERTY: It does indeed, Chairman, yes.

21

22 CHAIRMAN: We have got in the afternoon, we have --

23

24 MRS. LAVERTY: We have, I think, Mr. O'Reilly, yes.

25

26 CHAIRMAN: Mr. O'Reilly, yes. Very good. Two o'clock
27 then. Thank you very much.

28

29 THE TRIBUNAL ADJOURNED FOR LUNCH

30

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

2

3 MR. HAYES: Good afternoon, sir. The witness this
4 afternoon is Sergeant Matthew O'Reilly.

5

6 **MATTHEW O'REILLY, HAVING BEEN SWORN, WAS EXAMINED BY**

7 **MR. HAYES AS FOLLOWS:**

8

9 397 Q. MR. HAYES: Sergeant O'Reilly, if we start, I suppose, with
10 your career in the Guards. When did you join An Garda
11 Siochana?

12 A. I joined An Garda Siochana in 1982.

13 398 Q. In 1982. And where was your first station?

14 A. Dundalk.

15 399 Q. And you served in Dundalk, I think, until about 1993, is
16 that right?

17 A. That's correct, yes.

18 400 Q. And did you serve -- you served as a uniformed Garda
19 through your entire time in Dundalk?

20 A. I did, yeah. Initially when I was a recruit -- at that
21 time you were a recruit Garda for two years, on probation
22 for two years after 22 week training. I generally was
23 working community policing, and then I moved on to the
24 unit.

25 401 Q. Yes. And after you left Dundalk, where did you go to then?

26 A. I went to Kells.

27 402 Q. And you remain in Kells, I think, to this day, is that
28 correct?

29 A. No, no, I'm in Granard now in County Longford.

30 403 Q. Sorry, you are in Granard now. And after you left Dundalk,

1 I think you sort of pretty much left Dundalk?

2 A. Well, I did. Occasionally I would meet some of the
3 members, I suppose, at Slane concerts or where there would
4 be -- that sort of thing, but I left, yes.

5 404 Q. But your professional engagement with Dundalk ended?

6 A. Ended, absolutely, yes.

7 405 Q. When you were in Dundalk then in the 1980s, were you on the
8 same unit for your entire time or did you change units at
9 any stage?

10 A. Well, I'm not so sure, Judge, was I -- I was on a two
11 relief system when I was on community policing initially
12 for the first 18 months, and I didn't work full nights, and
13 I could have been attached to Unit D, but when I went on
14 the three relief I went on Unit A, and Tom Brady would have
15 been my skipper all along, sergeant all along.

16 406 Q. Yes. And once you had gone into Unit A then, when you were
17 --

18 A. A couple of years' service, yeah.

19 407 Q. You remained in Unit A for the rest of your time?

20 A. Yes.

21 408 Q. Was Sergeant Brady your only sergeant?

22 A. He was, and then Sergeant Colton came on the unit. Now, I
23 just can't say when, but he came on it sometime in the
24 '80s.

25 409 Q. In addition to Sergeant Brady?

26 A. In addition to Sergeant Brady.

27 410 Q. So there were two sergeants?

28 A. Two sergeants, yeah.

29 411 Q. Sergeant Brady was there first?

30 A. He was there first, yeah.

1 412 Q. Did that make him the more senior of the two or was there
2 a -- how did that work?

3 A. Well, I just honestly can't say which of them was most
4 senior in service, but I suppose the fact that Sergeant
5 Brady had been on the unit, he adopted the leadership
6 approach, and I suppose he was enthusiastic and he was
7 going for promotion, and I suppose he did adopt the leader
8 role.

9 413 Q. Yes. I think, and I am for the moment still talking in
10 general terms; what were your normal run of duties in Unit
11 A?

12 A. My normal run of duties, Judge, was mainstream policing,
13 basically dealing with out on patrol. I was a driver on
14 the unit, and I would attend to traffic accidents, to
15 crimes, burglaries and those type of calls, Judge.

16 414 Q. I think there were four units in Dundalk?

17 A. Four units, yeah.

18 415 Q. I think they ran a pattern, am I correct, of three units
19 on, one unit off?

20 A. That's correct.

21 416 Q. OK. When -- on any given day when you commenced duty, was
22 there any particular form to the beginning of the working
23 day?

24 A. Well, the format generally was that you would parade at the
25 parade time, whether you were starting at 6 a.m. in the
26 morning, 2 p.m. or 10 p.m. at night, they were the three
27 starting times for the three relief system.

28 417 Q. And that was in the Day Room, is that it?

29 A. That was in the Parade Room or Day Room, yeah.

30 418 Q. Did that room have any other uses then?

1 A. Well, it did, actually, it was where members dealt with
2 correspondence, where they might take statements off
3 witnesses, where the sergeant would do his paperwork in
4 relation to dispatch and correspondence to each member of
5 the unit, and members would prepare files in that room.

6 419 Q. And did the sergeants have their own office or did they
7 work from the Day Room?

8 A. Well, the sergeant in charge had his own office, but the
9 unit sergeants worked from that office.

10 420 Q. I see. And in general, the parade that commenced your
11 shift, was that -- how long did that take in the ordinary
12 course of things?

13 A. Five, ten, fifteen minutes at the most I'd say.

14 421 Q. And what did it involve?

15 A. Well, it involved briefing members basically on what was
16 after taking place over the last eight hours, an update on
17 what members were investigating, and generally circulation
18 of information that was relevant in relation to crimes in
19 the general area, and so forth.

20 422 Q. Yes. So a general update --

21 A. Update on stolen vehicles and so forth.

22 423 Q. And what things you ought to be doing?

23 A. Doing or knowing about.

24 424 Q. And were duties specifically assigned at the parade or --
25 at the parade?

26 A. Well, sometimes the sergeant might do out the duty sheet,
27 which is the D27, he might do it out two or three days in
28 advance, and you might know today what you would be doing
29 tomorrow, but sometimes, depending how busy he was, it
30 might be only done out there and then at the briefing, or

1 at the parade time.

2 425 Q. So on occasions you would know for several days in advance?

3 A. You would, yeah.

4 426 Q. And other times you would only know in the morning?

5 A. You'd only know in the morning.

6 427 Q. In your experience or from your recollection when you were
7 on Unit A at the time when there were two sergeants, how
8 did the parading work? Did one or other take the parade or
9 did both parade?

10 A. Well, generally if Tom Brady was there, Tom done the
11 parade, he done the briefing and he would do out the
12 detail. If he was on leave or absent for some reason or
13 other, maybe Sergeant Colton would do it out.

14 428 Q. Now, in the Parade Room or the Day Room, was that used
15 for -- and you have told us it's sort of used for the
16 purpose of office-type work by the sergeants or by the
17 guards?

18 A. The guards, yeah.

19 429 Q. Did it have any other uses?

20 A. Well, all our correspondence -- actually, we all had --
21 each unit's correspondence was put into, well what we'd
22 call them was pigeon holes, so you would know when you went
23 in and opened your correspondence, you would know what
24 correspondence was there for you.

25 430 Q. That would be the same for all -- the various units would
26 all have their...

27 A. The various units, yes.

28 431 Q. Now, on the 20th of March, 1989, do you remember that day?

29 A. I do, I remember it. I was after finishing at 6 a.m. on
30 the Sunday night and I was commencing again at 2 p.m. It

1 was a quick change-over.

2 432 Q. And was that a normal thing, that you would change other so
3 quickly?

4 A. Well, it happens -- with the shift system it happens twice
5 or three times in the roster that you actually -- you
6 change from a night to a late.

7 433 Q. And it just so happens?

8 A. It just so happens, yeah. So you just get the minimum
9 eight hours of a break between the two shifts.

10 434 Q. What time did you come on duty on the 20th of March?

11 A. I came on duty -- I was due to be there at 2 o'clock, so I
12 probably was there a few minutes before 2:00.

13 435 Q. Yes. And do you recall whether you were paraded?

14 A. I was paraded by Sergeant Brady.

15 436 Q. Yes. And do you recall whether Sergeant Colton was also at
16 the parade?

17 A. Well, I just can't recall, and that is being truthfully
18 honest with you. I would have to see the duty sheet. I
19 don't know who was on leave that day, I don't know who was
20 absent that time.

21 437 Q. I can tell you that he was on duty that day, and if he was
22 on duty that day do you think it was likely that he was at
23 the parade?

24 A. Oh, absolutely. If he was on duty that day, it's more than
25 likely he was at the parade.

26 438 Q. And having been paraded and the parade having finished,
27 what duties were you assigned to that day, do you recall?

28 A. I was detailed, I think, to drive the personnel carrier
29 accompanied by Garda John Daly.

30 439 Q. And what would that duty normally involve?

1 A. Well, that duty normally would involve serving summonses,
2 taking witness statements, following up on crimes and
3 incidents you had been dealing with, and general
4 patrolling.

5 440 Q. Would it take you generally about the district?

6 A. Well, not the district because -- the subdistrict.

7 441 Q. The subdistrict?

8 A. The subdistrict of Dundalk itself, the town environs.

9 442 Q. So the town then?

10 A. Generally the town.

11 443 Q. You wouldn't be out into the country much, would that be
12 right?

13 A. Well, there was stations in Hackballscross and Dromad and
14 other stations out the country that covered, so we would
15 only go to the boundary line, except if we got a specific
16 call for assistance or something.

17 444 Q. So they looked after their own business and you looked
18 after yours?

19 A. Yes.

20 445 Q. When you came out of the Parade Room what did you do that
21 day?

22 A. Well, I do know, Judge, that on the night before that I had
23 tried to intercept a car in Mill Street in Dundalk and it
24 got away from me and it headed for the border, Judge, and
25 later on that night it was reported as stolen, and I
26 certainly went in that day with an intention of trying to
27 get to the bottom of it. And I think when I arrived in the
28 station that day the car that was reported stolen was being
29 towed into the station yard. And I recognised it as being
30 the car that I tried to stop the night before that.

1 446 Q. I see. And I suppose, was there -- did you have any
2 dealings then in relation to that car with anyone at that
3 time?

4 A. I did. As far as I know, Judge, generally during the
5 briefing, the way it would work, you would be in the
6 briefing room but if somebody rang the Garda Station
7 looking for you, whoever would be doing station orderly
8 would call you out of the briefing room to answer the
9 phone, or if there was some member of the public there
10 looking for you, you would be told, look, there is somebody
11 waiting out here for you. So you wouldn't delay in the
12 Parade Room, you'd just head out as soon as you could.

13 447 Q. Yes.

14 A. But I think the owner of the car, the owner of that vehicle
15 that I tried to intercept the night before that, was at the
16 station.

17 448 Q. And do you recall speaking to him?

18 A. I do, yeah.

19 449 Q. And do you recall approximately what time this was at?

20 A. Well, it would be sometime shortly -- 2:10, 2:15, 2:20, in
21 around that time.

22 450 Q. And when you were speaking to the owner of the car, did you
23 see any other people come into the station?

24 A. Well, there was another person there along with the owner
25 of the car.

26 451 Q. Yes.

27 A. And I had spoken to him the previous night.

28 452 Q. Yes. And did you see any members of the RUC come into the
29 station?

30 A. No, I didn't -- I wasn't aware that there was a meeting

1 taking place. I wasn't aware that there was any RUC
2 members in the station at that particular time. If you
3 don't mind, Judge, I had a mission in my hand at that
4 particular moment in time, and I'm not being selfish when I
5 say this, Judge, but I had to deal with this issue of the
6 vehicle. It was a coincidence that it arrived at the
7 station when I was commencing my tour of duty, but I was
8 determined that I would get to the bottom of it.

9
10 CHAIRMAN: At any rate, you didn't meet any RUC officers?

11 A. Absolutely not, no.

12
13 453 Q. MR. HAYES: Did you see any RUC officer come in or did you
14 see any person that you didn't particularly recognise
15 coming into the station?

16 A. Well, Judge, being truthfully honest with you, at the time
17 there was two people walked through the Parade Room or
18 through the Public Office at one particular time, I think
19 they were accompanied by Vincent Rowan. I didn't know who
20 they were, I didn't inquire. I think they might have just
21 said "Hello", but I was on a different wavelength at this
22 particular moment in time; I had my issues to deal with
23 with the people at the station.

24 454 Q. Well, that, Sergeant, is as far as the question was going,
25 just did you see some people coming into the station?

26 A. Yes.

27 455 Q. And you saw two people coming in?

28 A. No, not coming into the station, no.

29 456 Q. In the station, sorry?

30 A. In the station. They were going -- they certainly didn't

1 come in from outside, they came in -- they either came up
2 the stairs or down the stairs and went through the Parade
3 Room out to the Crime Office. That's where I saw them,
4 going through the Parade Room.

5 457 Q. They weren't dressed in Garda uniforms?

6 A. No, no.

7 458 Q. You didn't recognise who they were?

8 A. I didn't recognise them, no.

9 459 Q. Obviously, you recognised them as being strangers to
10 Dundalk Garda Station?

11 A. They were strangers to me. Now, Dundalk was a big town
12 and...

13 460 Q. Well, I mean, they weren't guards stationed in Dundalk?

14 A. No, no.

15 461 Q. You knew that?

16 A. They weren't known to me, Judge, no.

17 462 Q. And in any event, then, I think you continued with your
18 dealings with the owner of that car?

19 A. I did continue dealings with the owner of the car.

20 463 Q. And then, did you then go out on patrol?

21 A. I would have went out on patrol with Garda Daly then.

22 464 Q. Do you remember approximately what time you went out on
23 patrol at?

24 A. Somewhere around 2:25, 2:30 a.m., or 2:30 p.m., sorry,
25 Judge. About half an hour I would have spent in the
26 station that day between dealing with the -- in relation to
27 the vehicle and leaving the station.

28 465 Q. I think then, having been out on duty for some period of
29 time, you were called back to the station briefly, is that
30 correct?

1 A. We were called back, Judge, yes.

2 466 Q. I think your colleague had something to deal with, is that
3 right?

4 A. Yeah, I think my colleague had to deal with -- he was
5 dealing in relation to a crime or a burglary or something
6 that happened, and he had an appointment there to meet the
7 injured party, I believe it was the injured party, at
8 3 o'clock in the station, and he called back to see him.

9 467 Q. And that business having been dealt with, did you go back
10 out on patrol?

11 A. We resumed patrol, yes.

12 468 Q. And what time did you return to the station thereafter, do
13 you recall?

14 A. Well, I am not so sure, but it was sometime about half four
15 we got a call on the radio that would we go back to the
16 station, and we did go back.

17 469 Q. And when you got back what were you told?

18 A. We were told that there was two RUC officers after being
19 shot and that they had been in Dundalk Garda Station and
20 that there was some concern for Chief Superintendent John
21 Nolan, that he was the last person that was seen with them,
22 for his whereabouts. So we were given the task of going
23 down the town to see could we find him.

24 470 Q. To see if you could find the Chief Superintendent, your own
25 Chief Superintendent?

26 A. Yes.

27 471 Q. And were you able to locate him?

28 A. No, we got a call, subsequent call from the Garda Station
29 saying that he had been located.

30 472 Q. Now, I think you have told us already that you had no

1 knowledge that these visitors were coming to the Garda
2 Station?

3 A. That's correct, Judge.

4 473 Q. And I think you have told us that when you -- you saw two
5 men who you subsequently, I think, figured out who they
6 were when you saw photographs sometime later?

7 A. Sometime later, Judge, I saw coloured photographs on a
8 bulletin and I was happy enough in my own mind that that's
9 who they were, but...

10

11 CHAIRMAN: Who, that who were?

12 A. The two deceased persons, Judge.

13

14 CHAIRMAN: You saw pictures of the deceased persons?

15 A. Yes.

16

17 CHAIRMAN: And then did you recognise them?

18 A. I recognised them. I was satisfied in my own mind.

19

20 CHAIRMAN: That they were who?

21 A. That they were the two men that I had seen walking through
22 the Parade Room or Public Office in the Garda Station.

23

24 CHAIRMAN: Walking through the Public Office, yes. Were
25 they coming back through the Public Office going out or
26 coming in, which?

27 A. They came out from, we'll say, the main building, out
28 through the Public Office, and they were heading out an
29 exit door to get out towards the Crime Office, which was a
30 Portakabin out in the yard.

1

2

CHAIRMAN: These two RUC officers?

3

A. Well, Vincent Rowan was with them, so -- as far as I can

4

remember --

5

6

CHAIRMAN: Yes.

7

A. -- the three of them were together.

8

9

474 Q. MR. HAYES: But in any event, you had come on duty at

10

2 o'clock?

11

A. Yes.

12

475 Q. You had gone to the Parade Room?

13

A. Mm-hmm.

14

476 Q. Was there any discussion in the Parade Room about a visit

15

to the station?

16

A. No.

17

477 Q. And would that be the ordinary course of things?

18

A. Well, it would have been the ordinary course of things. We

19

wouldn't -- like, I couldn't tell you whether there was

20

previous visits or whatever, we wouldn't be privy to that

21

type of information.

22

478 Q. It wasn't something that --

23

A. We'd be told about.

24

479 Q. -- that you would be told about?

25

A. Absolutely not.

26

480 Q. In your experience, was it -- I suppose was it regular

27

enough for you to see visitors to the station that you

28

wouldn't know who they were?

29

A. It would, Judge, because people would be in the Garda

30

Station for different reasons; they would be there as

1 injured parties to make statements, they could be down from
2 the Crime & Security section in Dublin and inquiries --
3 there could be Gardaí from any Garda Station in the country
4 on a crime inquiry. They could be anybody.

5 481 Q. In any event, I think then later that evening you learned
6 that two RUC officers had been murdered?

7 A. I did, when I was called back to the station, yes.

8 482 Q. When you were called back to the station. And I imagine
9 there was some consternation in the station about that?

10 A. Well, it did, I'll tell you, it was a bit of a shock to
11 everybody, certainly a particular shock to me.

12 483 Q. And I think do you recall any information that Sergeant
13 Colton had indicated or had provided?

14 A. Yeah, when we were called back to the station that evening
15 to be informed about what was after happening, Sergeant
16 Colton arrived in too, that was around 4:30 or 4:35, or
17 whatever time it was, and we were told to go to look for
18 Chief Superintendent John Nolan, and Leo Colton arrived in,
19 and when he heard the news, he basically said that he had
20 seen a car earlier driving into the car park at the Garda
21 Station and driving out the other gate.

22 484 Q. And are you aware of what inquiries, if any, were made in
23 relation to that?

24 A. I am not.

25 485 Q. You are not?

26 A. No.

27 486 Q. Did you take any part in the murder investigation?

28 A. Absolutely not, no.

29 487 Q. Was that solely done, insofar as you were aware, by the
30 Detective Branch?

1 A. Well, it was done by the Detective Branch, no members of
2 the uniform section would have any involvement in it.

3 488 Q. Involvement in it, OK. I think a number of days later
4 Assistant Commissioner O'Dea then came to the Garda
5 Station, do you recall that?

6 A. He did, yes.

7 489 Q. Yes. And do you recall him taking a statement from you?

8 A. Well, I do, actually. It was a very short, quick
9 statement. It only lasted five minutes. I think I -- it
10 was taken off me in the Doctor's Room in the Garda Station.

11 490 Q. Yes. And do you recall, was it just yourself and the
12 Assistant Commissioner?

13 A. It was. That is all, yes.

14 491 Q. It was. And was it a case that he took down your
15 statement?

16 A. He wrote down, he wrote down the statement, yes.

17 492 Q. He wrote down the statement. And you signed it?

18 A. I signed it, yes.

19 493 Q. And was it done by way of questions and answers or was it
20 done by you furnishing information?

21 A. Well, I can't rightly remember. He probably would have
22 asked me what time did I start duty at and I would have
23 answered questions that he asked me.

24 494 Q. You answered questions about that. I am just going to show
25 you a copy of the manuscript statement.

26 (Statement handed to the witness.)

27 Now, I just ask you in the first instance, I think at the
28 bottom of the statement, just above the date, there are two
29 signatures?

30 A. That's correct, yes.

1 495 Q. And is one of those signatures yours?

2 A. It is, yes.

3 496 Q. And yours is the top one?

4 A. Mine is the top one, and the Garda 22956C, that's also my
5 writing.

6 497 Q. And the rest of the writing is the Assistant
7 Commissioner's?

8 A. That's correct, yes.

9 498 Q. I am just going to read out the typewritten statement just
10 for the record, and if there is any difference between your
11 handwritten statement, you might just let me know.

12 It says: *"Statement of Garda Mat O'Reilly, Dundalk Garda*
13 *Station, taken on Wednesday, the 22nd of March, 1989, by*
14 *Assistant Commissioner O'Dea.*

15

16 *"I am a Garda stationed at Dundalk, Unit A. On Monday, the*
17 *20th of March I took up duty at 1:55 p.m. I was detailed*
18 *by Sergeant Brady for mobile patrol van Papa 63. I was*
19 *accompanied by Garda John Daly. At approximately 2:25 p.m.*
20 *we left on patrol of the town. At approximately 3 p.m. we*
21 *returned to the station as Garda Daly had an appointment to*
22 *see" -- sorry, "had an appointment to see" -- a person --*
23 *"in connection with the investigation of a burglary. This*
24 *took about 15 minutes and we then left the station. I did*
25 *not know that there were any members of the RUC in the*
26 *station and I was not aware of a meeting being arranged for*
27 *that day.*

28

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

1 And it is then signed.

2 A. Yes.

3 499 Q. That's correct, yes?

4 A. I am happy with that.

5 500 Q. Yes.

6 A. The only thing I'll say, Judge, on the written -- on the
7 third line of the handwritten one it says "*On Monday 22nd*",
8 I think it says there, does it?

9 501 Q. I see that, but obviously Monday was the 20th?

10 A. The 20th, yes.

11 502 Q. I suppose when you are writing down Wednesday 22nd so
12 often, it's not --

13 A. Yes.

14 503 Q. I would imagine it's an easy mistake to make, but it's not
15 of any particular consequence. And insofar in that
16 statement that you said you did not see any members of the
17 RUC, that was correct in that you did not see anybody that
18 you knew to be a member of the RUC?

19 A. Absolutely not.

20 504 Q. But as you have told us, you had, in fact, seen them but
21 not known who they were?

22 A. Not known; I had seen two strangers in the station and I
23 hadn't a clue who they were, and it was subsequent then
24 when I saw coloured photographs of them.

25 505 Q. And was it subsequent -- it was subsequent to your
26 interview with the Assistant Commissioner that you saw the
27 colour photographs?

28 A. Absolutely.

29 506 Q. It was?

30 A. It certainly was a week, if ten days later, that there was

1 a bulletin issued by the RUC, and when I returned into work
2 one night there was a placard up on the notice board, and I
3 saw the two photographs, and I recognised them. So,
4 certainly, it was a week or maybe a fortnight had elapsed.

5 507 Q. So at the time that you were interviewed by the Assistant
6 Commissioner, you did not know who those men were?

7 A. Absolutely not.

8 508 Q. OK. I think you made a second statement in or about that
9 time, but not in relation to the Assistant Commissioner's
10 inquiries?

11 A. I would have made a statement, Judge, I would have typed it
12 myself in relation to the matter that I had been dealing
13 with on the Sunday night and the Monday.

14 509 Q. I am just going to show you a copy of that statement.

15 (Statement handed to the witness.)

16 I think that was a statement that you made in relation to
17 the matter you have told us about, of the stolen car that
18 you were investigating?

19 A. That's correct, Judge.

20 510 Q. And I think that you had told us that you had been on duty
21 the night before and had commenced your inquiries and you
22 recommenced them then shortly after 2 o'clock on the 20th
23 of March?

24 A. Well, I did, from the point of view, Judge, that the car
25 had arrived at the Garda Station and there was two people
26 at the Garda Station wanted to talk to me, so, from that
27 point of view, things were forced on me.

28 511 Q. Yes. I am just going to read that statement into the
29 record, and again, it's the statement of Garda Matthew
30 O'Reilly of An Garda Siochana, Dundalk, made on the 21st of

1 March, 1989. And after the usual declaration, you say:
2 "I am a member of An Garda Siochana stationed at Dundalk
3 County, Louth. On Monday, the 20th of March, 1989, I
4 arrived at Dundalk Garda Station at 1:55 p.m. for my tour
5 of duty commencing at 2 p.m. While entering the station, I
6 observed a motorcar" -- and you gave its registration
7 number -- "being towed into the yard. I had been aware
8 that this car had been reported stolen the night before and
9 Garda Nolan and I had been involved in a car chase with
10 this vehicle. I spoke to" -- and you named the person --
11 "the owner of this vehicle. I had interviewed him at
12 4:50 a.m. the previous night in relation to this vehicle.
13 I then went and prepared myself for briefing by Sergeant
14 Brady. After briefing at 2" -- and it's a poor photocopy,
15 I'm afraid; it's either 2:10 or 2:15 p.m. --
16 "approximately, I returned to the Public Office and I
17 observed" -- and a second man, who again you had named --
18 "at the reception. I had also interviewed him the previous
19 night concerning the motorcar. I went out to the station
20 yard and I examined the motorcar, which appeared to have
21 been involved in an accident. At 2:20 p.m. Garda Daly and
22 I left the station in the official patrol van as detailed.
23 I made a few inquiries and served a number of summonses.
24 Later, we received a call to the effect that a civilian was
25 at the station wishing to speak to Garda Daly. We returned
26 to the station. I made a phone call concerning a traffic
27 accident which occurred the previous night on the Newry
28 Road. When Garda Daly was ready again, we went out on
29 patrol. While on patrol at 4:20 p.m. approximately we
30 received a radio call from the Garda Station to the effect

1 that a report had been received that there was a man dead
2 in a car north of McGeough's and another injured. Later,
3 we returned to the station and learned that two men had
4 been shot dead north of McGeough's near Jonesboro were RUC
5 officers who had earlier been at Dundalk Garda Station for
6 a meeting. I did not see or know that these officers had
7 been at Dundalk Garda Station until after the meeting.
8 This statement is correct."

9
10 Now, I think you were aware of who the two people named in
11 that statement, what those names are?

12 A. I am, Judge.

13 512 Q. Do you know either of those people?

14 A. I didn't know them previous to early that morning at
15 4:50 a.m. when I met them at Dundalk Garda Station.

16 513 Q. Your only dealing with them had been in relation to that
17 previous night in relation to this motorcar?

18 A. That's correct, Judge.

19 514 Q. OK. And I suppose we will come back to that in just a
20 moment, but in general in your time in Dundalk, I mean, the
21 Tribunal has heard from previous witnesses that there was a
22 large number of subversives or people associated with
23 subversives in the town of Dundalk?

24 A. There was, Judge, yes.

25 515 Q. And that these were people who were of particular interest
26 to the guards?

27 A. There was, Judge, yes.

28 516 Q. And that they would have -- any observation of them would
29 have been noted and perhaps recorded with the collator?

30 A. That's correct, Judge.

1 517 Q. Would it be fair to say, I suppose, Detective Branch, and
2 particularly the part of the Detective Branch that
3 concentrated on subversives, would have a, perhaps, greater
4 expertise than the uniform guard of who the subversives
5 were?

6 A. Well, they would, Judge, because to the best of my
7 knowledge, at that particular time, certain subversives
8 would be allocated to certain members and it would be up to
9 them to find out everything about them and know their
10 movements and know their connections, and so forth. So we
11 would have no input into that whatsoever.

12 518 Q. Nonetheless, would it be the case that everyone in the
13 Garda Station, whether a detective or a uniform, would have
14 knowledge of who the subversives in the locality were?

15 A. Certainly, you would know the main ones, Judge, yes.

16 519 Q. And that even if, irrespective of what your particular
17 duties on a day were, if you made observations, that you
18 would pass them back to the detectives?

19 A. Oh, absolutely, or to the collator.

20 520 Q. And I suppose what I am getting at is, in your time in
21 Unit A, did you have a reasonable knowledge yourself of the
22 local subversives?

23 A. Well, I'd like to think I had, Judge, yes.

24 521 Q. These two men that you met on that day, in or about shortly
25 after 2 o'clock, did you know either of them to be involved
26 in subversive activity?

27 A. Not to my knowledge, Judge, I never was informed or they
28 never had come to my attention as having any connections.

29 522 Q. I think Sergeant Vincent Jackson gave evidence yesterday
30 that, to the best of his knowledge, they had no subversive

1 connection; would you agree with that?

2 A. I would, Judge, yes.

3 523 Q. OK. Now, I suppose just in some general terms, when you
4 worked with Sergeant Colton, what type -- how did you find
5 him? What type of a police officer was he?

6 A. Well, Judge, I suppose the way -- you had Sergeant Tom
7 Brady, probably very enthusiastic, he gave 100 percent
8 commitment, he was looking for promotion. Sergeant Colton
9 was more laid back, probably older, nearer retiring, maybe,
10 but he certainly -- he didn't seem to want to achieve
11 promotion.

12

13 MR. HAYES: Thank you very much, Sergeant. If you'd answer
14 any questions that any of the other parties might have for
15 you.

16

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

18

19 524 Q. MR. DURACK: Just one matter you might be able to clear up
20 for. I am Michael Durack and I appear for the
21 Commissioner. I think that in the course of our looking at
22 Garda files, we come across two different types of
23 statements; would you agree with me?

24 A. From me?

25 525 Q. No, no, not from you; I mean in general, I am talking in
26 general, first of all?

27 A. Sorry, just repeat the question, if you don't mind.

28 526 Q. I said in looking at Garda files, we come across two
29 different types of statements, isn't that correct?

30 A. Well, a caution, is that the one you are talking about?

1 527 Q. No, no, just as a general question, we come across
2 statements that are headed, as your last one is that was
3 referred to, which is headed, "*Statement of Garda Matthew*
4 *O'Reilly of An Garda Siochana.*" And that is the sort of
5 statement, headed like that, is one that you make either on
6 your own initiative as a witness statement in a
7 prosecution --

8 A. Absolutely, yes.

9 528 Q. -- or if, perhaps, you were directed by somebody else to
10 make a statement about some incident or other?

11 A. Yes, or if there was a statement being taken off you,
12 whatever, yes.

13 529 Q. No, but, I mean, this form that I mean specifically where
14 it really sets out "*Statement of Garda so-and-so made*
15 *at...*"?

16 A. Yeah, it's generally one you do yourself.

17 530 Q. It is a statement you do yourself and, as you say, you
18 typed up yourself?

19 A. Yes, yes.

20 531 Q. And nobody prompts you what to say, but they ask you make a
21 report in relation to this?

22 A. Well, initially, you would make out a statement if --
23 particularly if you contemplated a prosecution down the
24 line, or whatever.

25 532 Q. Of course. No, but we have heard evidence that, in fact,
26 certain jobs were assigned to other -- to detectives, to
27 interview some people and ask them to provide statements?

28 A. Absolutely, yes.

29 533 Q. And, on that basis, you'd be expected to write the
30 statement yourself and type it up?

1 A. Type it up, yes.

2 534 Q. And present it?

3 A. Mm-hmm.

4 535 Q. Whereas the alternate form of statement which we see, which
5 arises either when a member of An Garda Siochana is taking
6 a statement from a non-member, or, as in the case of your
7 statement provided to Commissioner O'Dea, where, in fact,
8 he comes to you, he writes out the statement, asks you
9 questions and then you sign it?

10 A. That's correct, yes.

11 536 Q. And he, therefore, directs that, if you like, investigation
12 insofar as you are answering the questions --

13 A. He does, yeah, he does. You answer the question you are
14 asked, Judge, and I suppose the statement is limited to the
15 questions you are asked.

16 537 Q. And again, we see that also in relation to statements taken
17 by Gardaí from civilian witnesses?

18 A. Absolutely, yes, Judge.

19 538 Q. And they are usually headed, "Statement of so-and-so taken
20 at Garda Station by" whoever the member is?

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

22 539 Q. So that there isn't necessarily, in relation to the first
23 statement, there isn't necessarily an interview; you are at
24 large to deal with the issue that you are asked to deal
25 with?

26 A. Well, you are, yes, yes.

27 540 Q. Thank you very much.

28

29

30

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

2

3 541 Q. MR. LEHANE: Good afternoon, Sergeant. My name is Darren
4 Lehane and I appear for retired Detective Sergeant
5 Corrigan. Now, you told Mr. Hayes that when you joined the
6 Gardaí in 1982, your first posting was in Dundalk and you
7 stayed there until 1993?

8 A. That's correct, yes.

9 542 Q. So you were in Dundalk throughout the 1980s?

10 A. I was, yes.

11 543 Q. Now, evidence has been given to the Tribunal that Dundalk
12 in the 1980s was a difficult place to be a Garda, would you
13 agree with that?

14 A. Well, I would, Judge, from the point of view, on two
15 fronts: One, you had subversives; and the second thing,
16 you had ordinary crime, so the combination of the two, I
17 suppose, left it difficult.

18 544 Q. And just in relation to the subversives, you have given
19 evidence to the Chairman that in the 1980s there were a
20 large number of subversives in Dundalk. I don't know
21 whether you are aware, but a number of other Gardaí have
22 given evidence to the Tribunal that they suffered
23 harassment or intimidation from subversives during that
24 period. Did you yourself ever suffer any harassment or
25 intimidation from subversives during that period?

26 A. Well, I suppose, Judge, some people would have a gripe;
27 they would -- stop them or intercept them on the roadway
28 and check them, you certainly didn't get a friendly welcome
29 from them, and so forth, but I would have had one or two
30 complaints made about me as well, Judge, but something that

1 was resolved at a local level, something that would have
2 been low down on the scale.

3 545 Q. And just in relation to subversive activities in relation
4 to the guards, evidence has been given by former guards - I
5 think Garda Connor gave evidence yesterday that on one
6 occasion he was followed by members of the subversive
7 organisation in an effort to intimidate him. Did that ever
8 happen to you?

9 A. Well, it didn't Judge, no, it didn't.

10 546 Q. Were you aware of it happening to other Garda officers?

11 A. Well, I am aware that other Gardaí did get a hard time from
12 so-called subversives, yes.

13 547 Q. And my client, Mr. -- retired Sergeant Corrigan, will give
14 evidence that he suffered particularly at the hands of
15 subversives during the 1980s. Did you have any knowledge
16 of that harassment or suffering?

17 A. Well, Judge, I arrived in '82 and I suppose Owen Corrigan
18 was someone that was looked up to from the point of view
19 that he had a good reputation, he had a good knowledge of
20 subversives, had good knowledge of their movements, and he
21 probably would have hassled them a bit and he probably
22 would have suffered as a result of it.

23 548 Q. And I think you say in your statement, and evidence has
24 been given to the Tribunal, that, up until 1985, Owen
25 Corrigan was the head detective in Dundalk Garda Station
26 since the -- he was the Detective Sergeant?

27 A. That's correct, yes.

28 549 Q. And that he would have been the front line or at the front
29 of the line in the battle against subversives during that
30 period?

1 A. He would have been, yes.

2 550 Q. And, Sergeant, my client will give evidence to this
3 Tribunal that one of the elements of the campaign of
4 harassment that he suffered was that signs were put up
5 throughout Dundalk with his picture on it and the words
6 "Traitor" and "High Treason" in the 1980s. Do you have any
7 recollection of those posters or signs?

8 A. Well, I just don't remember the posters, Judge, but I do
9 know that, in subversive terms, the branch in the guards
10 were known as -- they would use the nickname
11 'collaborators', they would perceive them as collaborators,
12 British collaborators, and they would probably get this
13 hassle all the time from them. I do recall, I think it was
14 the first extradition, that Robert Russell was extradited
15 across the border, and I was out at the border that day and
16 I think it was Owen Corrigan that handed him over. Now, we
17 got a lot of hassle out there that day. You know, there
18 certainly was issues.

19 551 Q. And were you aware of the particular type of hassle that
20 Owen Corrigan suffered as a result of that incident? Are
21 you in a position to tell the Chairman about that, how it
22 manifested itself, that harassment?

23 A. Well, all I know is that Owen Corrigan, in relation to that
24 one extradition across the border, that there was a picture
25 appeared in the paper; Owen Corrigan was seen to be handing
26 over Robert Russell to the RUC, and I know that certainly
27 there was a lot of slander went on afterwards in relation
28 to it.

29 552 Q. And when you say "slander," what do you mean?

30 A. I mean slander towards Owen Corrigan, we'll say, from the

1 subversive point of view, Judge, is that they would all
2 have tainted Owen Corrigan as a traitor, and tainted all
3 the guards, I suppose, as a traitor, but particularly Owen
4 Corrigan, that the fact that he was the one that is
5 perceived as being the person that handed him over. I
6 think subsequently, then, a lot of the extraditions were by
7 air, Judge, they weren't by land, because of all the hassle
8 that was in that first one.

9 MR. LEHANE: Thank you very much, Sergeant.

11 CHAIRMAN: Now, Mr. Coffey?

13 MR. CALLAN: No questions.

15 MS. O'SULLIVAN: No questions.

17 CHAIRMAN: Very good.

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

21 553 Q. MR. HAYES: Just briefly by way of re-examination,
22 Sergeant. You were just telling Mr. Lehané about the
23 hassle that was received by Sergeant Corrigan after the
24 extradition of Robert Russell and you described it as there
25 being slander about the place. Do you recall what form
26 that took or how it manifested itself?

27 A. I don't recall it, Judge, but I know why I remember it so
28 well. I remember the photograph in the paper after it, but
29 I know I got a kick in the kidney that day out on the
30 border, Judge. We formed a line both sides of the road and

1 I know that it was very bitter out there that day, that one
2 incident, and I certainly would know from the picture that
3 was put subsequently in the paper that Owen Corrigan would
4 have been perceived as being the person that let the side
5 down, if you know what I am saying?

6 554 Q. Yes? And when you say -- I mean, there was a lot of
7 hassle, you say, out there that day, is that where you say
8 that the slander took place? Was it hassle on the day or
9 was it hassle subsequent to the day, that you are aware of?

10 A. Well, I think there was hassle subsequent to that, Judge,
11 because that particular picture would have appeared in the
12 paper subsequently, which would be the next day, so it was
13 subsequent to that.

14 555 Q. Yes. And again, just so that we are clear, when you say
15 the picture appeared in the paper, are you talking about
16 one of the national newspapers or --

17 A. National newspaper, as far as I can recall, yeah. It
18 certainly was -- it was in a national newspaper, yes.

19 556 Q. Quite specifically, you are not saying that it was a case
20 that it was a picture published in *An Phoblacht*, or the
21 like?

22 A. Oh, not at all, no, no.

23 557 Q. In the ordinary press?

24 A. In the ordinary run-of-the-mill media, Judge.

25

26 MR. HAYES: Thank you very much, Sergeant

27

28 CHAIRMAN: Thank you very much, Sergeant. You have been
29 very helpful. Thank you very much for coming.

30 A. Thank you.

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THE WITNESS THEN WITHDREW.

MR. HAYES: That, then, is the evidence for today, and the next scheduled evidence is on Wednesday, the 13th of July.

CHAIRMAN: Very good. Very well, then, that will be at 11 o'clock on Wednesday, the 13th. Thank you.

THE TRIBUNAL THEN ADJOURNED TO WEDNESDAY, THE 13TH OF JULY, 2011, AT 11 A.M.

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