

A P P E A R A N C E S

The Sole Member:

His Honour Judge Peter Smithwick

For the Tribunal:

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

Instructed by:

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For the Commissioner of
An Garda Síochána:

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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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THE TRIBUNAL RESUMED ON THE 13TH OF JULY, 2011, AT 11 A.M.

AS FOLLOWS:

MR. DILLON: Good morning, Chairman, your first witness today is Mr. Dan Boyle. Mr. Boyle, please.

DAN BOYLE, HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON AS

FOLLOWS:

1 Q. MR. DILLON: If you are ready. Very good. Mr. Boyle, I understand your career in the Garda Siochana ran from 1955 to about 1990, is that right?

A. That's correct.

2 Q. I think initially you were assigned to the station in Blackrock here in Dublin, and thereafter you were appointed to the Special Detective Unit in 1957?

A. That's correct, yes.

3 Q. And I think you were promoted to the rank of Detective Sergeant in 1965 whereupon you were transferred to the Crime and Security branch in 1966?

A. That's correct, yes.

4 Q. At the same time you were appointed to -- not at the same time, but later on you were appointed to the rank of Detective Inspector in 1979?

A. That's correct, yes.

5 Q. You remained in the Crime and Security branch until your retirement in 1990?

A. That's correct, yes.

6 Q. Did you retire at the rank of Detective Inspector?

1 A. Correct.

2 7 Q. Very good. I think you told us that you worked in the
3 general office of Crime and Security?

4 A. That's correct, yes.

5 8 Q. Could you describe what goes on in the general office?

6 A. When I went up there originally in '66, we had a staff of
7 about three Sergeants and about six men, and we had to do
8 the whole -- everything, which included security of the
9 State, the provision of escorts and liaison with other
10 police forces, but that duly changed when the border
11 situation changed, and we were obliged to bring in a heck
12 of a lot more people and consequently my duties were
13 confined to the Crime and Security, just the main office.
14 It would consist of supervision of subversive bodies,
15 security clearances from the State -- as you can imagine it
16 is huge -- supervision of aliens, the enforcement of
17 Firearms and Explosives Act, and generally they would be
18 the main issues that I would deal with in the general
19 office.

20 9 Q. And I think it is fair to say that as you worked in the
21 general office you weren't, as it were, out on the beat?

22 A. No, no, no, unless there was a VIP came and we would all be
23 absolutely sent out at that stage to help, yeah.

24 10 Q. Yes. But otherwise your work was essentially paperwork, if
25 I can put it that way?

26 A. Yes, yes.

27 11 Q. Rather than being out on the beat?

28 A. And I would honestly say about 80% of that time you would
29 be on the phone, the telephone.

30 12 Q. Yes. And what function did you have in relation to the

1 collating of intelligence, then, we will say?

2 A. That is a separate unit.

3 13 Q. I see. What is that unit called?

4 A. It is called the -- exactly that, what you have just called
5 it, Intelligence Unit.

6 14 Q. Intelligence Unit. I see.

7 A. They get all the information that comes in from all around
8 the country. It comes in the form of a C77; they deal with
9 all that.

10 15 Q. Exactly. Can you remember who was in charge of that during
11 your time?

12 A. He would be the person that would be Chief Superintendent.
13 I think it was it could be Michael Diffley or Cyril
14 McGovern, and they would be answerable to the Chief
15 Superintendent.

16 16 Q. Yes. And in your time I think for a while the Chief
17 Superintendent was Eugene Crowley?

18 A. That's correct, yes.

19 17 Q. Subsequently he became the Assistant Commissioner in charge
20 of Crime and Security?

21 A. That's correct, yes.

22 18 Q. Now, when Mr. Crowley was appointed to the Crime and
23 Security branch, I think that was in the late 1980s, is
24 that correct?

25 A. Mr. Crowley, yes he was, yes.

26 19 Q. Yes. And at that time I think he shared an office with
27 somebody else?

28 A. Correct, yes.

29 20 Q. And who was that?

30 A. It was Superintendent Cox -- I beg your pardon, Edward

1 Woulfe, now deceased.

2 21 Q. Yes, I think he has passed away, yes. So was anybody else
3 in that office with --

4 A. No, no just the two of them.

5 22 Q. I see. And they each had a desk in the office, is that
6 correct, the way it worked?

7 A. I beg your pardon?

8 23 Q. They each had a desk in the office?

9 A. Yes.

10 24 Q. It was effectively a shared office?

11 A. Yes.

12 25 Q. But when he became Assistant Commissioner, I think he moved
13 into his own office?

14 A. Correct, that was just out in the corridor, down the road a
15 small bit, he had his own office.

16 26 Q. Yes. Now, when you were in the general office, that's in
17 Headquarters, isn't that right, in the Phoenix Park?

18 A. Yes.

19 27 Q. Were you on the same floor or the same level as the
20 Assistant Commissioner?

21 A. Oh, yes.

22 28 Q. The Assistant Commissioner was sort of down the corridor or
23 up the corridor from your office?

24 A. Correct, yes.

25 29 Q. How near or how far was his office to your office?

26 A. What? 20 -- about 10 yards, roughly around 10 yards, yeah.

27 30 Q. Now, when visitors arrived to see the Assistant
28 Commissioner, did he come into your office to --

29 A. Did he?

30 31 Q. When visitors arrived to see the Assistant Commissioner,

1 did they come first to see your office to see whether he
2 was available?

3 A. Strangely enough, in my recollection, he had no private
4 secretary at that time, so invariably the people who wanted
5 to speak to him would come into the Chief Superintendent's
6 office and just find out was he available and free, and
7 that was the way it was normally done. Like for them to
8 walk in on the Assistant Commissioner wouldn't be on. They
9 would have courtesy to come into the general office or the
10 Chief Superintendent's office.

11 32 Q. So it could be either to the office where you worked or the
12 Chief Superintendent?

13 A. It would be the Chief Superintendent because, you see, the
14 way the layout is, he would have to come through the Chief
15 Superintendent.

16 33 Q. How is that? Can you explain that, when you speak about
17 the layout you would have to go through the Chief
18 Superintendent?

19 A. They put the Assistant Commissioner down at the very end,
20 walking down, and the next office would be the Chief
21 Superintendent's. You go through his office door and then
22 another door and into my office.

23 34 Q. And into the Assistant Commissioner's office?

24 A. Yes.

25 35 Q. Presumably the Assistant Commissioner also had another door
26 leading directly onto the corridor?

27 A. Oh, yes.

28 36 Q. So in the ordinary course, one goes to the Assistant
29 Commissioner who says "yea or nay," and if he says "yeah"
30 you go through the door directly into the office?

1 A. Yes.

2 37 Q. Very good. In the main was it the case that the visitors
3 went to the Chief Superintendent rather than to the general
4 office?

5 A. Primarily to the Chief Superintendent's office.

6 38 Q. So I assume that if the Chief Superintendent weren't
7 around, they would go back to the general office?

8 A. Or to the Superintendent who was in the office.

9 39 Q. Yes, very good. Who was the Chief Superintendent at that
10 time, can you remember?

11 A. Well, it was initially Edward Woulfe.

12 40 Q. Yes.

13 A. And somebody did come in after that, I just can't remember
14 now.

15 41 Q. I assume that when Mr. Crowley became Assistant
16 Commissioner, he was replaced?

17 A. Oh absolutely, yes.

18 42 Q. So, you then have an office with the now late Mr. Woulfe
19 and somebody else?

20 A. Yes.

21 43 Q. And can you remember who that other person was?

22 A. Who was the Assistant -- who was the Chief Superintendent?

23 44 Q. Yes, the second Chief Superintendent?

24 A. I think my recollection is that it would be Pat O'Toole.

25 45 Q. Pat O'Toole?

26 A. Yes, Pat O'Toole.

27 46 Q. And how does Michael Diffley fit into the picture at this
28 point?

29 A. He was away separate in a unit on his own.

30 47 Q. Dealing with the intelligence?

1 A. Yes.

2 48 Q. And is that on a different floor in a different part of the
3 building?

4 A. It would be in the same building but a distance away, yes.

5 49 Q. Okay. Yes. Did you know Tom Curran who was, I think, a
6 Superintendent in Monaghan?

7 A. I did, indeed.

8 50 Q. Do you recall Tom Murran (sic) -- sorry, Tom Curran, my
9 apologies, calling to Garda Headquarters on any occasion?

10 A. Oh, yes. They would come up, the Border Superintendents
11 would come up periodically for discussion with the Chief
12 Superintendent to discuss -- they were specifically
13 appointed to the border area to look after security
14 matters.

15 51 Q. Yes.

16 A. And so they were the eyes and ears of the Government, us,
17 Garda Headquarters. So they came up periodically for
18 discussion, and what actually was happening in the border
19 areas, that is the four Border Superintendents.

20 52 Q. Superintendents, yes. And could they talk to the Assistant
21 Commissioner?

22 A. They certainly could. There would be no objections to
23 that, if they specifically asked for it, yes.

24 53 Q. Now, just dealing with your recollection of Eugene Crowley.
25 We are relying on people like you because of course
26 Mr. Crowley has passed away, so we would appreciate your
27 help in one or two matters in relation to Mr. Crowley. If
28 one went into a meeting with him, was he the sort of man
29 who took notes?

30 A. Pardon?

1 54 Q. Did he take notes?

2 A. He would have to have notes. He just couldn't walk in and
3 hope to retain everything in his head, so I'm sure he
4 brought in paper at least and was writing down and jotting
5 down. He couldn't possibly rely on his memory.

6 55 Q. Now, was he the sort of man to ignore you if you went into
7 a meeting?

8 A. To ignore?

9 56 Q. Yes, to ignore you?

10 A. A little bit abrupt all right, but I would describe him as
11 a highly efficient officer and dedicated. Like, he would
12 spend the whole day long on Garda Siochana matters and
13 would never vary; he lived for the Garda Siochana.

14 57 Q. Indeed. But what I'm trying to get at is this: that if
15 you were to go in and sit down to have a chat with him,
16 might he ignore you while you were talking? Was he that
17 sort of person?

18 A. That would be very unfair.

19 58 Q. I beg your pardon?

20 A. I think that would be very unfair.

21 59 Q. It is most unlikely that that would happen?

22 A. Yes, yeah. He would listen to what you have to say, that's
23 for sure.

24 60 Q. You see, if you just help us with this: I think it is in
25 1987 Mr. Crowley was the Assistant Commissioner, is that
26 correct.

27 A. Yes, that would be right, yes. Can I just put a little
28 rider to that?

29 61 Q. Yes.

30 A. It is 21 years since I was in the Garda Siochana.

1 62 Q. No, we do appreciate that.

2 A. Yes. So, if I -- I am not going to make an error, I don't
3 think I will, but just in case.

4 63 Q. We fully understand that?

5 A. Yes.

6 64 Q. Tom Curran told us that he went up one day to meet with the
7 Assistant Commissioner, who was Mr. Crowley?

8 A. On a one-to-one basis.

9 65 Q. Yes.

10 A. Yes.

11 66 Q. That he knocked on the door and went in. That could
12 happen, could it, in your experience? And that he was
13 reading a file when he went in and carried on reading the
14 file while Tom Curran was talking to him so, when I put it
15 to you was he the sort of man who might ignore you while
16 you were talking to him, that's the basis for my putting
17 that point to you. Does that accord with your recollection
18 of the sort of person that Eugene Crowley was?

19 A. I'd have to say no. I find that very unfair really just
20 to, if you could go back again, it was a one-to-one
21 meeting?

22 67 Q. Um-hmm.

23 A. Did he ask him to sit down or... you know, when he walked
24 in surely he asked him to sit down?

25 68 Q. Well, I assume the normal courtesies were observed; we
26 don't have a note of that. What we are told is that while
27 Tom Curran was talking to Eugene Crowley, Eugene Crowley
28 carried on reading the file that he was reading when Tom
29 Curran --

30 A. And ignoring what Tom Curran was saying?

1 69 Q. Effectively ignoring him, yes. Does that sound like Eugene
2 Crowley to you?

3 A. I find it extraordinary. And can I ask the question:
4 obviously Mr. Curran wasn't telling him a fairytale story.
5 What was he actually telling him? What was Tom Curran
6 telling the Assistant Commissioner?

7 70 Q. Oh, Tom Curran, he has given evidence of that, he has given
8 on that. Sorry, I will tell you now. Namely, a certain -
9 that the RUC a concern that the RUC had about a Detective
10 Sergeant in Dundalk. Does that ring a bell with you?

11 A. No.

12 71 Q. No. So, in 1987, therefore, Mr. Crowley was the Assistant
13 Commissioner and then he became the Commissioner of the
14 force, he certainly - certainly was Commissioner in 1989,
15 is that right?

16 A. Yes.

17 72 Q. Who succeeded Mr. Crowley as Assistant Commissioner at that
18 time?

19 A. I think it was Edward O'Dea.

20 73 Q. I see. Edward O'Dea?

21 A. I think so, yes.

22 74 Q. And were you still working in Crime and Security?

23 A. Yes and Pat O'Toole, at that stage, would have come in as
24 Chief Superintendent.

25 75 Q. Yes. And do you remember the occasion of the murders in
26 March --

27 A. I beg your pardon.

28 76 Q. Do you remember the occasion of the murders in March 1989?

29 A. Yes.

30 77 Q. And do you remember the Assistant Commissioner O'Dea going

1 up to Dundalk Garda Station?

2 A. Mr. O'Dea?

3 78 Q. Yes?

4 A. Yes, indeed.

5 79 Q. And did Mr. O'Dea have any conversation with you about his
6 task in Dundalk?

7 A. His --

8 80 Q. I beg your pardon?

9 A. I am wearing hearing aids, I am very sorry.

10 81 Q. That is my fault. Did Mr. O'Dea have any conversation with
11 you about what he was going to do in Dundalk?

12 A. No.

13 82 Q. And he was accompanied by Kevin Carty, did you know Kevin
14 Carty?

15 A. I did.

16 83 Q. And did you have any conversation with him about that
17 mission?

18 A. No, I didn't, no, no. Mr. O'Dea went up as Assistant
19 Commissioner to investigate certain matters.

20 84 Q. In Dundalk Station, do you know what those matters were?

21 A. No.

22 85 Q. When he came back, we understand he produced a report?

23 A. You are talking now about -- you are very close to me
24 saying goodbye to the Garda Siochana.

25 86 Q. This is still in 1989, you are still there, you are still
26 there, don't worry about that?

27 A. But the answer would be no.

28 87 Q. He produced the report a day or two after going to Dundalk?

29 A. Yes.

30 88 Q. Were you involved in that report?

1 A. No.

2

3 MR. DILLON: Thank you.

4

5 CHAIRMAN: Any questions?

6

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

8

9 89 Q. MR. DURACK: If I might just ask a few questions, I appear
10 on behalf of the Garda Siochana. You described your job as
11 involving the supervision of subversives?

12 A. Yes.

13 90 Q. And how was that done? You are in the office you say you
14 are a lot of time on the telephone, 80% of the time?

15 A. Yeah. How do you -- well, basically the Garda Siochana
16 would have - each has a Detective Branch and their primary
17 duty would be the supervision of IRA, Sinn Fein or
18 communists, any left wing group that would be a possible
19 threat to the State, so they would send files forward to us
20 telling us about meetings or any information they would
21 have. So it would be collated in our office, so we would
22 have a file for each one of the 19 divisions.

23 91 Q. And then those files relate to the people rather than to
24 intelligence as to what was going on?

25 A. No, intelligence was a different branch altogether.

26 92 Q. So that, in fact, you are monitoring people?

27 A. Correct, that's right.

28 93 Q. And I presume that involved knowing where people are and
29 equally knowing where people have gone?

30 A. Correct, yes.

1 94 Q. And you were there in total in that section for 24 years
2 until 1990, is it 1966 to 1990?

3 A. Correct.

4 95 Q. So you would be very familiar with everything that went on?

5 A. Oh, yes, yes.

6 96 Q. If you just come to Mr. Crowley, I might just put a few
7 dates on the record which might help. He became Assistant
8 Commissioner on the 5th of March of 1987. He became Deputy
9 Commissioner on the 23rd of January, 1988 and he became
10 Commissioner on the 12th of December, '88.

11 A. Yes.

12 97 Q. And then retired subsequently on the 4th of January of
13 1991?

14 A. When he became Deputy Commissioner he would have left our
15 section.

16 98 Q. Your section and he would have moved across the yard some
17 place?

18 A. Yes, correct.

19 99 Q. Now, what Mr. Curran has told the Tribunal is that there
20 were concerns about a mole in Dundalk Garda Station, and
21 what he has said is that he went and spoke with the
22 Assistant Commissioner, Mr. Crowley, and told him of this.
23 And what he has said to the Tribunal is that essentially
24 what he said was ignored. Does that tie-in with the
25 Mr. Crowley you are familiar with?

26 A. No. My goodness me, wouldn't you investigate it or at least
27 move on it? You couldn't ignore something like that.

28 100 Q. Was Mr. Crowley the sort of person who might have ignored
29 such a thing?

30 A. I can't imagine, no.

1 101 Q. You described him in your statement as being a highly
2 efficient and meticulous in his duties?

3 A. He was.

4 102 Q. And if he had been told such a thing, what would you expect
5 him to have done?

6 A. I would expect him to, as Assistant Commissioner at the
7 time, to react to it and investigate it, which would mean
8 either sending down someone from our office or getting the
9 local officers to investigate it.

10 103 Q. And presumably one or would one -- would it be reported up
11 to the Commissioner in effect?

12 A. Oh, yes.

13 104 Q. So that it would travel in two directions, if you like, go
14 to the Commissioner and then down to the investigator?

15 A. Yes.

16 105 Q. And investigated either by somebody from outside the
17 Louth/Meath Division and maybe perhaps from your office?

18 A. Yes, that would be the ideal situation, you are quite
19 right.

20 106 Q. The ideal being from outside the division?

21 A. From outside, yeah. But invariably I think in a case like
22 that, if rumour - if it was rumour he probably would ask
23 the locals to investigate, somebody local to investigate in
24 the Dundalk area, like you know.

25 107 Q. In order to check out to see if there was any possible
26 truth to the rumour?

27 A. Any basis to it, yeah. And he would also be checking with
28 his Chief Superintendent to see if there was any
29 information coming in along that particular line, you know,
30 in the C77 forms that are sent in by people. So, he would

1 be in touch with his Chief Superintendent in charge of the
2 intelligence branch to see what information was coming in
3 there.

4 108 Q. That being the chief in Headquarters not the chief in the
5 division?

6 A. Oh, yes, yes.

7 109 Q. And I presume equally you would expect him to contact the
8 division, the chief of the division?

9 A. Oh absolutely, yes.

10 110 Q. And presumably if that were done, there would be some sort
11 of file or report in relation to it?

12 A. There would, of course, yes.

13 111 Q. And there doesn't appear to be as things stand any such
14 investigation. You never heard of one anyway?

15 A. No.

16

17 MR. DURACK: Thank you very much indeed.

18

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

20

21 112 Q. MR. COFFEY: Very briefly, Mr. Chairman. Mr. Boyle, in
22 your statement to the Tribunal, if I could just refer you
23 to the last sentence, you indicated that if there was any
24 improper behaviour by any member of Garda Siochana, same
25 was investigated by his local officers or commission or
26 personnel. Can I take it that, improper behaviour, would
27 that apply to both his private life and also his public
28 duties as a Garda?

29 A. Yes.

30 113 Q. And if a complaint was made to, say, the local

1 Superintendent who carried out an investigation, would that
2 Superintendent be expected to send a report on to your
3 unit?

4 A. Absolutely.

5 114 Q. And would you keep a record of that?

6 A. Yes.

7 115 Q. And --

8 A. But can I just -- I just told you there that investigation
9 into improper behaviour is normally carried out by
10 Commissioner, B Branch or personnel. They investigate all
11 matters like that. But if it was to do with somebody, we
12 will say passing information to the IRA, we would be very
13 interested and we would have to see a copy of whatever
14 investigation was carried out.

15 116 Q. But if the source of that complaint was, if you like, at
16 local level, say at Dundalk level, would that be initially
17 investigated by the local Superintendent or would he refer
18 the matter on to your unit and ask you to carry out the
19 investigation?

20 A. I would think that he would have to do it himself first and
21 see what basis he had, or had he a case.

22 117 Q. And if any such investigations were carried out, reports
23 would be on record in your unit?

24 A. They certainly would, yes.

25 118 Q. And would they also be there in the Dundalk Station if same
26 had been carried out there?

27 A. Yes.

28 119 Q. Yes. Can you be more specific as to what you mean by
29 "commission" or "personnel", was there somebody who had a
30 title?

1 A. He has a rank of Assistant Commissioner or in some cases
2 Deputy Commissioner. He is in charge of personnel.

3 120 Q. Yes.

4 A. Administration and then the other -- there is two deputy
5 Commissioners but he is the Deputy Commissioner in charge
6 of administration which includes personnel.

7 121 Q. And I take it that from 1969, '70 up to your date of
8 retirement, anything pertaining subversive activity or
9 organisations interacting with the Gardaí would be of
10 highly sensitive nature?

11 A. Yes.

12 122 Q. Thank you.

13 A. Not at all.

14

15 CHAIRMAN: Any other questions?

16

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

18

19 123 Q. MR. MacGUILL: There is a couple of short questions,
20 Mr. Boyle. I think you have already told us and I think we
21 have heard evidence previously that the collator forms that
22 were submitted to you were treated as extremely important
23 documents?

24 A. Ears, I'm sorry.

25 124 Q. My fault perhaps. The collator forms that were sent to you
26 from each Garda Station, there was considerable importance
27 attached to those?

28 A. Yes.

29 125 Q. And I think they were maintained in triplicate?

30 A. Are you talking about the C77s now? You are talking about

1 secret information coming?

2 126 Q. Maybe there is some confusion, the C77 is a form in
3 triplicate, is it?

4 A. Yes.

5 127 Q. And is there a separate form that is not in triplicate?

6 A. That I can't answer you because I wasn't in that branch,
7 you see.

8 128 Q. Okay, but the importance of the form being in triplicate is
9 that one part is sent to you?

10 A. Yes.

11 129 Q. To collate on a national level another part is retained in
12 the station where the report has been made?

13 A. That would be right, yes.

14 130 Q. And where does the third copy go?

15 A. That I can't honestly answer because I didn't work in that
16 section so I would be - I would be putting you astray.

17 131 Q. It is fair to say and I think you will probably agree that
18 it was considered important enough that there should be
19 three sources of this information?

20 A. Absolutely, yes.

21 132 Q. And I think that in Dundalk you would expect there to be
22 quite an amount of reports?

23 A. Yes.

24 133 Q. And were there, in fact, an amount a substantial amount of
25 reports in Dundalk?

26 A. Yes.

27 134 Q. And that there ought to be reliable records in relation to
28 all of that?

29 A. Correct.

30

1

2

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

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135 Q. MR. DILLON: Mr. Just one matter arising, Mr. Boyle. Again going back to Mr. Crowley, is he the sort of person that might have been influenced by a friendship or an acquaintanceship by somebody, might that affect his perception of matters?

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A. I found him to be quite honest with you, a very ambitious man who was going to become Commissioner of An Garda Síochána. That was foremost in his mind. So he was dedicated, he was efficient and he lived the Garda Síochána, it is the best way I can put it. His whole life was dedicated to An Garda Síochána.

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136 Q. Yes. But coming back, if you wouldn't mind, to the point I am raising, might he be influenced by the fact that he was -- he knew somebody or he was friends with somebody? In other words, did you ever have experience of him going after somebody whom he might have known or who was a friend?

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A. In what connection?

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137 Q. Well, just let's say in a disciplinary matter, let's take that by way of an example. I take that as a hypothetical example?

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A. I am asking you was he vindictive.

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138 Q. No, I am asking you quite the contrary, might he be easy on somebody he knew?

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A. I don't think so.

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139 Q. Very good. Thank you.

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A. That is being very honest with you. I don't think so.

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MR. DILLON: Thank you.

CHAIRMAN: Thank you very much, Mr. Boyle. It is very good
of you to come.

A. Mr. Chairman, it is lovely.

THE WITNESS THEN WITHDREW

REGISTRAR: Michael Bohan.

MICHAEL BOHAN, HAVING BEEN SWORN, WAS EXAMINED BY
MRS. LAVERTY AS FOLLOWS:

140 Q. MRS. LAVERTY: Good morning, Mr. Bohan, I am Mary Lavery,
counsel for the Tribunal, and firstly, thank you very much
for coming today. I want to ask you about your time in the
Gardaí. I think you were a long time stationed in Dundalk,
is that correct?

A. If I may begin at the beginning. I joined the Garda
Siochana on the 14th -- oh, no, sorry the 16th of November,
1944, and after five months of training in the depot I was
transferred to Kevin Street in the Metropolitan division,
and I looked for and was granted a transfer and I was sent
down to west Cork, a place called Fernand, arrived there on
the 4th of May, 1951 and I was promoted Sergeant on the
25th of May, 1953 and transferred to a station, still in
the same district, Kilbrittain. I sought, and was granted,
a transfer and I was sent to Ballon, a small station in
Carlow on the 29th of January, 1960. And five months
later, at the request of the Chief Superintendent, I was
transferred into Carlow town. I was in Carlow town until
the 19th of January. I was promoted to Inspector and
transferred to Cavan. I was there for two years until the
25th of May, '62, and I was promoted -- I was transferred
then to Castlerea as Superintendent. I spent a year and
five months in Castlerea as the District Officer, and on
the 11th of February, I think it was, I was transferred to
Drogheda in charge of the Garda district of Drogheda. On
the 7th of June, 1974 I was appointed Chief Superintendent
and transferred to the Longford/Westmeath division

1 Headquarters at Mullingar. Sometime in September, I think
2 around the 9th or 10th of September, '79, I was appointed
3 personal assistant to the Commissioner, Mr. McLoughlin, and
4 I served there at Headquarters until the 24th of October,
5 1984. And I was -- at my request, I got appointed as Chief
6 Superintendent in Drogheda to replace Chief Superintendent
7 Dick Cottrell who had retired.

8 141 Q. Did you know Dick Cottrell well?

9 A. Very well.

10 142 Q. And did you have regard for his judgement?

11 A. Up to a point, yes.

12 143 Q. Up to a point, I see, and I think that you knew Detective
13 Sergeant Owen Corrigan from the time you were in Drogheda
14 in February 1966?

15 A. I did, very well.

16 144 Q. And you were his District Officer in Drogheda from the 11th
17 of February, 1966 until the 7th of July, 1974?

18 A. Yes.

19 145 Q. And I think you were his Divisional Officer from the 24th
20 of October, 1985 until you resigned from the Force on the
21 7th of July 1987?

22 A. Yes.

23 146 Q. And I think that you had -- by this stage Mr. Corrigan
24 appeared to have been brought up on breaches of discipline,
25 is that correct?

26 A. Yes, but not when I was his District Officer, and if I can
27 recall correctly, not when I was his Divisional Officer.

28 147 Q. I see.

29 A. Which would have been in the interim.

30 148 Q. In the interim. And in any event, I think there were

1 disciplinary proceedings brought against him and I think
2 that you volunteered a statement on his behalf, is that
3 correct?

4 A. Yes, but if my memory serves me correctly, I was out of the
5 Force at that time.

6 149 Q. You are absolutely correct, yes. And I think that you sent
7 in a letter which was accepted into evidence, and if I
8 might read it out?

9 A. Do, please.

10 150 Q. *"To whom it may concern" -- it is dated the 18th of*
11 *October, 1989 -- "I have known Detective Sergeant Owen*
12 *Corrigan since I came to Drogheda in February 1966. I was*
13 *his District Officer in Drogheda from the 11th of February,*
14 *1966 until the 7th of July, 1974. I was his Divisional*
15 *Officer from the 24th of October, 1985 until I resigned*
16 *from the Force on the 7th of July, 1987. During all this*
17 *time I found Detective Sergeant Corrigan to be a loyal*
18 *efficient and dedicated officer. He was, to my knowledge,*
19 *responsible for the solving of many major crimes in the*
20 *Louth/Meath Division and for bringing to justice the*
21 *perpetrators of numerous serious outrageous.*
22 *I have always found him to be a willing and cheerful worker*
23 *who would diligently complete any task assigned to him.*
24 *Indeed, I am very much aware of the very valuable*
25 *contribution that Detective Sergeant Corrigan has made to*
26 *the safety of the State and for which, in my opinion, he*
27 *has never got due recognition. Perhaps it's not too late,*
28 *even at this eleventh hour to give this man his just*
29 *reward."* And then it says *"MF Bohan, retired Chief*
30 *Superintendent of An Garda Síochána."*

1 Now, this is obviously a very good reference for somebody
2 who you knew quite well isn't that right?

3 A. And one which he rightly deserved.

4 151 Q. How did you view the disciplinary charges that were brought
5 against him?

6 A. Well, I was out of the Force at that time.

7 152 Q. So you had no input into the those?

8 A. I had no input whatsoever.

9 153 Q. And if I could just ask you, the ones that he was -- that
10 were found proved were: disobedience of orders; neglect of
11 duty; disobedience of orders. Would that be consistent
12 with the way he was when he was working for you?

13 A. No, I could not honestly say that. I never -- at the time
14 when he was under my command, I never had any experience of
15 him disobeying an order.

16 154 Q. Have you any idea how this situation came about, where
17 members of the Gardaí in Dundalk have been -- it has been
18 suggested have been involved in collusion with the IRA?

19 A. Absolutely none. But if I may say so, when I was the
20 Divisional Officer for the Louth/Meath division, I made
21 frequent visits to Dundalk Garda Station where the late
22 Superintendent Brian McCabe was the Superintendent. He was
23 an excellent dedicated Superintendent, and he told me about
24 the late Detective Superintendent Bob Buchanan of the RUC
25 and the frequent visits he was making and that he always
26 came driving the same red and a vivid red Vauxhall car, and
27 it appeared that the late Detective Superintendent Buchanan
28 was a man of reckless courage and that the Superintendent,
29 Superintendent McCabe had pointed out to him the risk he
30 was following. The car would be parked -- there is a very

1 big parking space at the front of Dundalk Garda Station; it
2 would be parked there. Now, let it be known that from my
3 experience of what I learned while I was in the job, the
4 Provisional IRA had a very good intelligence service and it
5 wouldn't take much intelligence on their behalf to spot
6 this car, always the same colour car, the same number, and
7 do as they wished afterwards.

8 155 Q. What precautions did you take when members of the RUC were
9 visiting the station?

10 A. That wasn't my responsibility. That would be for the
11 Superintendent at Dundalk.

12 156 Q. I see. So, you had no input when you were in Drogheda as
13 to safety arrangements? That would be --

14 A. I had safety, of course, for security, but that was a
15 matter that was left to the Superintendent and the
16 Detective Branch in Dundalk to look after the RUC when they
17 visited Dundalk Garda Station.

18 157 Q. And when you went to Dundalk ultimately then, were you more
19 hands on in relation to --

20 A. I wasn't happy about the visits. It was near my retirement
21 that I was made aware of these visits by the late Detective
22 Superintendent Bob Buchanan and the Superintendent told me
23 Mr. McCabe told me that he had advised, suggested to
24 Mr. Buchanan to make take more precautions and make less
25 visits.

26 158 Q. Were you aware of the rumours that were in the press
27 following the wake of the Gibson murders suggesting there
28 was a mole in Dundalk?

29 A. No.

30 159 Q. That was never brought to your attention?

1 A. No.

2 160 Q. And that was two years prior to the death of Breen and
3 Buchanan?

4 A. Yes. As a matter of fact, when were those murders
5 committed of Judge Gibson? I think I was out of the Force
6 at the time.

7 161 Q. You might be correct actually. I think they may have been
8 in April, and I think you went in July?

9 A. I am not quite clear on that now.

10 162 Q. I see. Thank you.

11 A. But another point I want to make there. I understand that
12 the Gibsons had booked the holiday in their own name et
13 cetera, and that information could come available through
14 the intelligence of the Provisional IRA.

15 163 Q. I think Judge Cory found similarly, Mr. Bohan. But did you
16 ever have concerns about leaking or leakage of information
17 from Dundalk station?

18 A. Absolutely not.

19 164 Q. If there was a suggestion that someone was leaking
20 information, how do you think that information would be
21 conveyed to you?

22 A. Well, it could be the Superintendent. It could be one of
23 the Inspectors in Dundalk. It could be a member of the
24 Detective Branch or a member of the Uniform Force.

25 165 Q. Would you expect that information to be brought straight to
26 you?

27 A. Certainly.

28 166 Q. Now, if there was information, if the RUC had information
29 that somebody was, say, a suspect in Dundalk, how would
30 that information be brought to you?

1 A. Well, that information -- I would imagine that they would
2 have a talk with the Superintendent in Dundalk or maybe
3 with somebody at Headquarters and that would come to me.

4 167 Q. So...

5 A. But I never got any such information.

6 168 Q. In your time in Dundalk?

7 A. In my time in Dundalk.

8 169 Q. In Drogheda, sorry. Did you know anything about a
9 Mr. Finbarr Hickey? Was he under your watch?

10 A. He was, but I never met the man. I don't know the man
11 personally. You see, my visits would be for the course of
12 inspections and other periodic visits, and a lot of the
13 personnel at Dundalk station I never met because they would
14 be out on duty, maybe on annual leave, *et cetera*.

15 170 Q. Of course. And what about Mr. Leo Colton, did you ever
16 have occasion to meet him?

17 A. No.

18 171 Q. And what, in your opinion, would have been Owen Corrigan's
19 view on the IRA?

20 A. Very, very anti IRA, and he was a very intelligent man and
21 I know from personal experience being in certain awkward
22 situations with him, a very courageous man.

23 172 Q. Could you give us an instance of one of those situations?

24 A. The funeral of the late Paddy Duffy, who at one time was
25 quartermaster of the IRA and there was a Provo funeral and
26 I was there and we had a big force of Gardaí, and just as
27 the remains were brought out, there are steps at the front
28 of the church and in the porch of the church then there
29 were a number of women and children, and behind those two
30 men in balaclavas with revolvers fired five shots each.

1 And I gave an order to have the church searched and those
2 arrested and the women and the children, they started
3 screaming, you know, that they were being brutally
4 assaulted by the police but eventually -- now Corrigan
5 would be one of the first into the church. He never led
6 from behind. And we did succeed in arresting one of them;
7 he was found in a confession box, and we got one gun. The
8 other guy escaped.

9
10 MRS. LAVERTY: That you, Mr. Bohan

11 A. Thank you.

12
13 **THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:**

14
15 173 Q. MR. DURACK: Just a couple of questions, if I may. You
16 were saying in relation to the IRA intelligence, that they
17 would be aware of the northern car or Superintendent
18 Buchanan's car calling to the station?

19 A. That is my well considered honest opinion.

20 174 Q. What did you consider to be the capacity of IRA
21 intelligence in the '80s when you were there?

22 A. That they had a very good intelligence, and I think perhaps
23 at times better than we gave them credit for.

24 175 Q. Was there any particular way in which that was
25 demonstrated?

26 A. Well no, but that was my general assessment of the
27 situation.

28 176 Q. And I suppose the IRA that would have operated in your
29 division in Drogheda would also in fact have operated on
30 both sides of the border, would that be right?

1 A. Yes.

2 177 Q. The border made no real difference to what they were at?

3 A. Oh no.

4 178 Q. And that presumably if they had a very confident
5 intelligence operation south of the boarder, they had a
6 similar one north?

7 A. Well, I'm almost certain of that, yes.

8 179 Q. And I presume you would have been in fairly regular
9 discussions with the RUC?

10 A. Yes.

11 180 Q. In relation to what went on?

12 A. Yes, yes, we had frequent meetings with them at the RUC
13 Headquarters, and also I would meet the Chief
14 Superintendent from Armagh on occasions and views would be
15 exchanged in relation to security.

16 181 Q. And I take it that the purpose of those meetings was to
17 keep one another up to date and up to speed as to what was
18 happening in the relevant jurisdiction?

19 A. Precisely.

20

21 MR. DURACK: Thank you very much.

22

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

24 **FOLLOWS:**

25

26 182 Q. MR. O'CALLAGHAN: I appear for Mr. Owen Corrigan. Was
27 Mr. Corrigan good at getting information about subversives
28 such as the IRA?

29 A. Very good. And reliable information.

30 183 Q. And of course, in order to get that information you are

1 required to have contact with people within the IRA or
2 people associated with them, is that right?

3 A. Of course.

4 184 Q. Did he stand up to the IRA in the campaign waged by them
5 against this State?

6 A. Oh, yes he did. And when the late, what was his name,
7 Dominic McGlinchey, was being handed over to the RUC at the
8 border it was Corrigan that handed him over and he was
9 photographed handing him over, and that photograph of
10 McGlinchey and Corrigan has appeared in numerous papers.

11 185 Q. Do you know why it was that Mr. Corrigan was the guard who
12 handed over or was given the job of handing over McGlinchy?

13 A. Well, no, I couldn't honestly answer that question.

14 186 Q. Yes. Are you aware whether Mr. Corrigan was subjected to
15 harassment by members of the IRA and their supporters in
16 Dundalk?

17 A. Yes, he was.

18 187 Q. What type of harassment would you be able to tell the
19 Tribunal Chairman?

20 A. I understood that on one occasion a dead hen was placed
21 outside of his door.

22 188 Q. A what?

23 A. A dead hen.

24 189 Q. A dead hen. And does that have any symbolism, that you are
25 aware of?

26 A. Well, I would construe that as a threat: the hen is dead,
27 you may be next. Maybe I am wrong in that interpretation.

28 190 Q. You are aware that he was named in the House of Commons a
29 while ago by a Member of Parliament as being involved in
30 giving information to the IRA. You are aware of that, are

1 you?

2 A. Yes.

3 191 Q. Do you have any explanation to give to the Tribunal
4 Chairman as to why Mr. Corrigan's name became associated
5 with these scurrilous rumours?

6 A. Absolutely none.

7 192 Q. He was also, you say, an excellent guard. Do you have any
8 explanation to give to the Chairman as to why you think,
9 Mr. Bohan, Mr. Corrigan wasn't promoted further in the
10 Force?

11 A. Well, I am aware that he was -- when I was absent from the
12 county Louth area at Mullingar Headquarters he was
13 appointed a Detective Sergeant. That was a promotion which
14 I think he well deserved. I am also aware that there was a
15 list of 20 Inspectors compiled to be appointed to the
16 Detective Inspector ranks and Corrigan's name was on one of
17 those. But then there was a change of Government and that
18 list never saw the light of day.

19 193 Q. And do you think that was part of the reason why he wasn't
20 promoted from the position of Detective Sergeant?

21 A. Well, yes, but maybe the reason why he wasn't promoted to
22 Detective Superintendent -- he was a Detective Sergeant and
23 his name appeared on the list of these new appointees for
24 Detective Inspector as the vacancies arose, but then we had
25 a change of Government and maybe the change didn't suit the
26 new Commissioner or the new Government.

27 194 Q. Mrs. Lavery mentioned to you disciplinary matters of which
28 Mr. Corrigan was held to be in breach of. Are you aware
29 that these disciplinary breaches were for minor matters
30 such as failure to enter details in a log book and not

1 returning to the Garda Station to sketch a scene of a road
2 traffic accident, things like that, were you aware that
3 they were minor matters?

4 A. Yes.

5 195 Q. Finally, you mentioned earlier on in your evidence,
6 Mr. Bohan, that retired -- the late Richard Cottrell was a
7 man whose judgement you had regard for up to a point. Why
8 did you qualify your answer in that way in respect of
9 Mr. Cottrell?

10 A. Well, God rest the gentleman, he was more concerned about
11 the welfare of his family than he was about the job. That
12 was my opinion of him.

13 196 Q. Thank you very much, Mr. Bohan.

14 A. Thank you.

15

16 CHAIRMAN: Any questions, Mr. Coffey?

17

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

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20 197 Q. MR. MacGUILL: Chief Superintendent, I am appearing on
21 behalf of Finbarr Hickey. I wonder could I see a copy of
22 the letter that was handed into evidence? I think you were
23 interviewed, retired Chief Superintendent, by the Tribunal
24 on the 23rd of February, 2009?

25 A. Correct.

26 198 Q. And I think that some days later you were given a written
27 statement which I think you signed on the 28th of February,
28 2011?

29 A. And to which I made some amendments.

30 199 Q. Okay. Can we see a copy of the amended version? If the

1 witness made amendments, I would like to see -- I would
2 like to see what was amended.

3 A. They were minor matters.

4

5 MRS. LAVERTY: The amendments, Chairman, were incorporated
6 into the statement which is now signed. So, any amendments
7 that Mr. Bohan intended to make to the draft statement of
8 intended evidence was incorporated and he then signed this
9 statement, which is complete.

10

11 CHAIRMAN: Yes.

12

13 MR. MacGUILL: I think, not only to be fair to the witness,
14 Chairman, but to be fair to my client, I would like to know
15 whether any of the changes refer to my client. Because the
16 statement we have been provided and the witness signed
17 makes a bald assertion about my client that appears to have
18 no foundation whatsoever based on the evidence we have just
19 heard, and it is highly material.

20

21 CHAIRMAN: Will you remind me of what that bald statement
22 is?

23

24 Mr. MacGUILL: The bald statement is, Finbarr Hickey was a
25 gullable personality.

26

27 CHAIRMAN: Yes.

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29 Mr. MacGUILL: And it continues: *"In my view he was*
30 *promoted by reason of his father being a member of the*

1 *Force.*"

2 Now, only reading that document, one might come to the
3 conclusion that the Chief Superintendent had a personal
4 basis for making that assertion, but the Chief
5 Superintendent has just told us he never met Finbarr
6 Hickey. So I'm very interested to establish the provenance
7 of an observation of that kind from a man who never met the
8 person he is talking about.

9

10 CHAIRMAN: Well, what were the minor amendments that you
11 made to your statement, Mr. Bohan?

12 A. Well, I can't recall at this stage, but it would be
13 obvious, by comparing the statement I made when the counsel
14 for the Tribunal came to my house and I was given a copy of
15 that and I made some amendments to it. The two statements
16 should be available, so it would be -- I can't help you
17 further, Mr. Chairman, but it should be easy if the two
18 statements are taken and read, what amendments. I know
19 they were minor.

20

21 CHAIRMAN: Yes.

22

23 MR. MacGUILL: Sorry, please finish Superintendent. Is it
24 fair to assume that you didn't approach the Tribunal with
25 something to say about a man you had never met?

26 A. No, I did not approach it.

27 200 Q. So, what you said would have been in response to questions
28 that were put to you?

29 A. Perhaps. But also, while I had never met Finbarr Hickey, I
30 was aware from information I was getting, perhaps from the

1 Super in Dundalk *et cetera*, that he was a gullible, a
2 young, gullible man.

3 201 Q. But, Chief Superintendent --

4 A. Sorry?

5 202 Q. -- you are completely familiar with the concept of hearsay,
6 isn't that right?

7 A. Yes.

8 203 Q. And aren't you equally familiar with the obligation to be
9 fair to people and not to make an observation that reads as
10 though it is your personal opinion from your direct
11 knowledge when you have never met the man?

12 A. I had absolute -- if it was Superintendent Brian McCabe
13 gave me that information, he was a reliable, honourable,
14 efficient Superintendent and I would have absolute
15 confidence in what he would have told me.

16 204 Q. Do you accept that to a casual reader of your statement
17 they would be inclined to the view that you had personal
18 knowledge of the person to whom you referred?

19 A. Well, I think that would be a matter for the person reading
20 the statement. I couldn't comment further on it.

21 205 Q. So you can tell and assist the Tribunal by saying you never
22 met Finbarr Hickey?

23 A. That's correct, and I have said that.

24 206 Q. Anything you rely on is somebody else's opinion that we
25 can't test here today?

26 A. Yes.

27 207 Q. Thank you.

28 A. Thank you.

29

30 CHAIRMAN: Mr. Coffey, any questions?

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MR. COFFEY: I will adopt Mr. MacGuill's approach in terms of any comments in the statement made by Mr. Bohan about my client Mr. Colton is clearly hearsay, given that he has acknowledged that he never met Mr. Colton.

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CHAIRMAN: Yes, thank you very much.

8

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MR. COFFEY: I am obliged, Chairman.

10

11

CHAIRMAN: Any questions again, Mrs. Lavery?

12

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MRS. LAVERTY: No, Chairman.

14

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CHAIRMAN: Mr. Bohan, thank you very much for coming here today and thank you for your very clear evidence. It is very good of you to help us.

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A. Thank you, Chairman.

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THE WITNESS THEN WITHDREW.

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CHAIRMAN: That concludes...

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MRS. LAVERTY: I think that concludes this morning's evidence, Chairman.

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CHAIRMAN: Very good. So we will resume again at 2 o'clock then.

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MRS. LAVERTY: Yes, thank you.

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THE TRIBUNAL ADJOURNED FOR LUNCH.

1 THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:

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3 MRS. LAVERTY: Good afternoon, Chairman. We have three

4 witnesses this afternoon. We have Sergeant Regina McArdle,

5 Joseph Whelan, and Mr. Connolly is coming back on a point

6 arising out of his evidence the other day.

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8 CHAIRMAN: Thank you very much, Mrs. Laverty.

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REGINA MCARDLE, HAVING BEEN SWORN, WAS EXAMINED BY
MRS. LAVERTY AS FOLLOWS:

208 Q. MRS. LAVERTY: Good afternoon, Sergeant. My name is Mary Lavery, and I am counsel for the Tribunal, and thank you for coming here despite home difficulties at the moment, and I hope your husband continues to improve.

A. Thank you.

209 Q. Now, I think that -- where are you presently working?

A. I am attached to Monaghan Garda Station.

210 Q. And in 1989 where were you stationed?

A. I was stationed in Dundalk.

211 Q. And were you long out of training at that stage?

A. I arrived in Dundalk in December of 1986.

212 Q. And on the 20th March, 1989, can you recall -- first of all perhaps you'd give us an idea of what you were doing in Dundalk, the type of work you were carrying out?

A. Well, I was an operational Garda attached to a unit at the time, and duties would include normal policing, border patrols, you know; Dundalk was a very busy station. We had a variety of different crimes to attend to, from ordinary crime, shoplifting, road traffic accidents, etc.

213 Q. What about subversive crime?

A. Well, to some degree yes, but as a uniformed Garda, I didn't have much to do with subversive crime apart from being briefed on subversives within the district of Dundalk, well known criminals or subversives.

214 Q. And how -- if, for example, you spotted one of these people that were perhaps under inquiry, how would you recognise them?

1 A. Well, in some cases either a senior guard that would brief
2 you or you were briefed, there was a collator who was a
3 Garda who was involved in collating information on
4 subversives or criminals, and you were told to look out for
5 these people, or if, you know, if spotted them, just to
6 take a note of when and where.

7 215 Q. What unit were you on?

8 A. On the date in question?

9 216 Q. On the date in question.

10 A. I was attached to Unit C.

11 217 Q. Had you started off in Unit C?

12 A. No, I was attached to Unit A initially, and then I was
13 moved to Unit B, I think it was, and then to Unit C.
14 Basically because there were only a few females and at one
15 -- you know, you just have one female per unit, that's the
16 way it was at the time.

17 218 Q. And who was your Sergeant in Unit A?

18 A. Unit A was Sergeant Tom Brady and Sergeant Mick Conneely.

19 219 Q. And in Unit B?

20 A. Was Tom Byrne and Leo Colton.

21 220 Q. And what about 'C' then, when you were --

22 A. John Coggins and Eamon Lawlor.

23 221 Q. And did you work with -- who else was in your unit at the
24 time in 1989?

25 A. Off -- on Unit C?

26 222 Q. Yes.

27 A. Gosh, there was, I think, Martin Beggy, Pat Mahoney, Pat
28 Trehy, Finbarr Hickey. I can't recall just off the top of
29 my head the rest of them.

30 223 Q. Do you recall Finbarr Hickey being in your unit?

1 A. Yes, I do.

2 224 Q. And were you working on the day in question?

3 A. No, I wasn't.

4 225 Q. And when did you first learn of the murders?

5 A. Well, I can't say for definite if I actually learned on
6 that particular day. All I know is, I was actually out
7 with my father and I came home and my mother had received a
8 phone call from Dundalk Garda Station asking for me to go
9 in to work, overtime, or that an incident had occurred. I
10 honestly can't recall exactly what the nature of the
11 incident was, other than something had happened. And I
12 went to work that evening.

13 226 Q. So you were called in on --

14 A. Yes, called in.

15 227 Q. This involved overtime, did it?

16 A. That's basically what it was.

17 228 Q. Do you know who else on your unit was called in that day?

18 A. I can't honestly remember who came in, but the resting unit
19 would have been the first unit that was called in, for
20 obvious reasons; they were available.

21 229 Q. How far out were you?

22 A. I would have been -- I lived in Kingscourt, so I was 21
23 miles to travel, you know; 40, 45 minutes from home to the
24 station.

25 230 Q. When you actually got to -- when you came in like that,
26 when you're ostensibly off duty but you're brought in on a
27 rest day, how do you sign in or what record is kept for the
28 purpose of overtime?

29 A. Just the normal procedure is that you would inform the
30 station orderly who would sign you in in the book.

1 231 Q. That would be the station diary or --

2 A. Yes, the station diary, yeah.

3 232 Q. The station diary?

4 A. Yeah.

5 233 Q. Do you know if you had any involvement in the investigation
6 that followed the murders of Breen and Buchanan?

7 A. No, I wouldn't have had any involvement.

8 234 Q. Was there much of a distinction between the detective
9 branch and the uniform officers at the time?

10 A. I would say yes, because I mean uniform dealt with the run
11 of the mill policing, the detectives to my, you know, they
12 dealt with probably more serious crime, dealing with
13 subversives and so on.

14 235 Q. Did you ever have occasion to work together, or to be asked
15 to?

16 A. It wouldn't be usual. I mean, maybe they might, at
17 check-points, but not usually.

18 236 Q. Do you recall if you ever saw RUC officers coming in and
19 out of the station?

20 A. Well, I do recall one man, obviously, who came to the
21 station. I don't know what his name was, but I knew he was
22 an RUC officer.

23 237 Q. Can you describe him?

24 A. He was a tall man, tall bald man. You see, at the time I
25 used to work from time to time in the District Office, so I
26 would -- he came up to meet the Superintendent, but I don't
27 know who he was.

28 238 Q. And did he walk freely in and out of the station?

29 A. Well, to my knowledge -- I was in the District Office, so
30 how he got up, he probably would have -- as far as I can

1 recall, if somebody came to the station, they would
2 identify themselves and you would bring them up to the
3 office.

4 239 Q. And you think that the tall bald man was the only regular
5 person that you recall?

6 A. That's the only regular one that I can recall.

7 240 Q. Because, it seems, and you don't know, that it fits a
8 description of Bob Buchanan, who was tall and bald.

9 A. Right.

10 241 Q. And if there were meetings in -- we've heard, there has
11 been evidence of meetings would take place between the RUC
12 and the Garda in Newry or in Dundalk, and were you ever
13 asked to attend for the purpose of making notes or to drive
14 them?

15 A. Certainly not to drive them, but I do know because I was in
16 the District Office, the Super did at one stage say I may
17 travel with him to a meeting and for the purpose of taking
18 notes, but that didn't happen.

19 242 Q. And did you know what procedure would be used if you had
20 travelled with him and you had taken notes, what would
21 happen to the notes?

22 A. I have no idea. I imagine it would be recorded and typed
23 up, but I don't know.

24 243 Q. In relation to ordinary investigations, what records were
25 kept of those?

26 A. Well, if a crime occurred, there was a formal form that had
27 to be completed known as a C1, and that was completed.
28 That was sent -- there was several copies of that form. I
29 can't remember the exact filing system, but that certainly
30 -- there would be a crime number attached to it. They were

1 in sequence. And it ultimately went up to the District
2 Office. Road traffic accidents: Similarly, and that's
3 still the way the -- the system is slightly more computer
4 orientated, but that's the way crimes were recorded, and
5 traffic accidents and incidents as well.

6 244 Q. Well, if it were more serious than that, if a detective,
7 for example, was involved, was there any difference in the
8 procedure?

9 A. Not really -- no, no.

10 245 Q. No difference in the form filled up?

11 A. It's nationwide. Every Garda station would do the same.

12 246 Q. Perhaps you could assist us by giving us a little bit of
13 detail about the phone systems and the communication
14 systems in Dundalk station when you were there from your
15 memory?

16 A. From my memory the phones -- there was a Radio Control Room
17 which dealt with radio calls and phone calls, but there was
18 also initially -- I mean, I arrived in December of '86.
19 Very shortly after that a new phone system was put in
20 place, but up to that point there was a sort of an
21 old-fashioned switch that took incoming calls and you would
22 switch them to whatever office was required.

23 247 Q. Was this in the --

24 A. No, this was actually in the Day Room, the station orderly
25 would deal with. As I say, some months later a system was
26 put in place which was a bit more up-to-date, and the
27 Communications Room took, like -- acted as a switch board,
28 took the calls and transferred them to wherever.

29 248 Q. Am I correct in thinking that was upstairs?

30 A. That was upstairs, yes.

1 249 Q. And so, with the introduction of the new phone system, what
2 happened if calls came in to the station?

3 A. Well, there was a direct line I think to the Day Room and
4 there was a direct line to the Sergeant's office, and to
5 the Superintendent's office, so different offices like
6 that. But I mean, the main phone line to the station came
7 into the Radio Control Room and that was directed to
8 wherever it was, you know, wherever it was going.

9 250 Q. Who was likely to answer queries coming in like that? When
10 it was directed out of the Communications Room, who'd pick
11 up the phone at the other end?

12 A. If it went to the Day Room, it would be the station
13 orderly. If it was going to the Sergeant's office -- I
14 mean it depended on the nature of the query, you know.

15 251 Q. And if it was a general call, where would that be routed?

16 A. The person in the Communications Room would be able to deal
17 with it.

18 252 Q. And perhaps you could tell us a little bit about duty
19 details in relation to border patrols?

20 A. Again the duty detail, there was a book similar to the
21 station diary, and each unit was written up by the unit
22 Sergeant, usually several days in advance, so that you'd
23 know what you were doing. And each member's name was
24 written on it and the duty that they were to do on that
25 particular day.

26 253 Q. Was it written up on a daily basis or...

27 A. It depends, some Sergeants were probably a bit more -- you
28 know, they would plan it out a bit better. You'd
29 definitely know at least a day or two in advance what you
30 were doing.

1 254 Q. And when you were in the squad car, did you have to liaise
2 with the army if you were doing patrols on the border?

3 A. No, you had no communication link with the army, our only
4 communication was with the radio system -- well, we had
5 three radios; we had a radio directly back to the station
6 or to communicate with other patrol cars. We had what was
7 known as the national emergency, which was, to be honest,
8 it was supposed to allow you to communicate with other
9 divisions or whatever, and then there was a cross-border
10 radio. But I think I only ever saw that in operation once,
11 and that was to be used for communication with the RUC
12 across the border.

13 255 Q. And how did the army communicate with you then?

14 A. Just verbally, basically. They followed us. We met them
15 and explained where we were going to do check-points and
16 that was it.

17 256 Q. So they would have no prior knowledge of where you were --

18 A. No.

19 257 Q. -- patrolling on the border?

20 A. No.

21 258 Q. What sort of patrols and check-points did you operate on
22 the border?

23 A. Well, it depended on which car you were in, because there
24 were two or three cars, mobile patrols from Dundalk
25 station. I mean, if you were on the town car, you could be
26 dealing with anything from traffic accidents, as I say, to
27 incidents of crime. If you were on a border patrol, again,
28 my recollection would be that you'd be -- you could be on
29 what was known as passing attention; that you'd have to
30 keep an eye out on a particular location. Or you could be

1 on check-point patrol and you'd be designated where to do
2 those check-points.

3 259 Q. And were they mobile or static?

4 A. Well, usually static check-points, yeah, yeah.

5 260 Q. And would the army accompany you when you were on those
6 check-points?

7 A. Not all of the time, but, yes, sometimes, yeah.

8 261 Q. You referred earlier to the fact that you would be sort of
9 given information about subversives that were in the area,
10 and I asked you how you would recognise them, and I notice
11 in your statement that you have mentioned bulletins called
12 Fogra Tora, perhaps you'd tell us a little bit about them?

13 A. They were issued within the Garda organisation
14 highlighting, you know, people who were wanted for a
15 variety of reasons or criminals or whatever, and you know,
16 they were information bulletins, and that's generally what
17 you would have on, in those Fogra Tora --

18 262 Q. Would there be photographs on those?

19 A. Yes, sometimes, yes.

20 263 Q. Do you recall working with Sergeant Finbarr Hickey?

21 A. Yes.

22 264 Q. And was he good, was he a good policeman?

23 A. Yes, I would consider him a good policeman, yes.

24 265 Q. Was he good at spotting criminals?

25 A. Yeah, I thought in my estimation anyway of Finbarr, was he
26 could -- he seemed to have a sixth sense almost in terms of
27 spotting if somebody was a little bit, just not right,
28 we'll say, in stopping a car, and he had a great eye, he
29 could remember faces and, from that point of view, I
30 thought he was quite a good policeman.

1 266 Q. Can you tell me a little bit about the format that has to
2 be gone through if you -- if a person comes in off the
3 street and applies for a passport?

4 A. Well, you need two passport size photographs and you need
5 some form of identification and a completed form, and it
6 has to be signed, witnessed by a guard who actually knows
7 you or you can prove your identity to the Garda.

8 267 Q. So, in other words, you produce --

9 A. A driving licence, perhaps a previous passport, yeah.

10 268 Q. And once they have produced their proof of identity, what
11 does the guard do?

12 A. Normally, there is a record of passport applications and
13 the details such as name, address, DOB and whether the
14 person was identified or -- like formally or that the Garda
15 actually recognised them or knew them.

16 269 Q. And is that sort of very strictly maintained?

17 A. As I am not actually operational at the moment, I wouldn't
18 -- but I imagine it is more or less, yeah.

19 270 Q. When you went to Dundalk first, was -- I think you say in
20 your statement that there was sort of relatively free
21 access in and out of the door?

22 A. That's right, yes. Anybody could come and go.

23 271 Q. Perhaps you could describe that to us?

24 A. Well, the station, you went up the steps into the station
25 and there was a large foyer and then there was -- you could
26 walk into the right-hand side in through a glass door into
27 a small area which had a desk and the guard dealt with you,
28 and then into the Day Room. At one stage I was actually
29 working when this individual came walking in, and I didn't
30 know who he was, and just walked in through the Garda

1 station, in down through the middle of the station. So I
2 got him out of the station and I reported the matter to the
3 Sergeant IC and recommended that a security code be put on
4 the door, which was put on the door from then on. Simply
5 because people -- it was not unknown to see people coming
6 in, if you are busy, you could have somebody wandering in.
7 It didn't happen very often, but it did happen.

8 272 Q. So after the security code was put in, did the person
9 coming to the door have to identify themselves and -- or
10 did they get in at all?

11 A. They wouldn't get in. I mean, you came to the window, the
12 hatch and either the guard admitted you or not. I mean,
13 there was no other reason why, unless the person was a
14 prisoner, but the guard in that case would be able to know
15 the code and come in the door.

16 273 Q. But once you were inside, something just occurs to me, once
17 you were inside the station, if you got past there, could
18 you access the basement, for example?

19 A. Yeah, you could. You could.

20 274 Q. There was no other check --

21 A. No.

22 275 Q. -- once you were inside the door?

23 A. No.

24 276 Q. And perhaps you could just tell me what was down in -- I
25 describe it as a basement, maybe you have a better name for
26 it?

27 A. No, the basement, the basement. Again, it's been a while,
28 but the kitchen, there was showers, locker rooms and the
29 female locker rooms and -- that was more or less it. There
30 might have been an archive of some sort as well.

1 277 Q. And do you recall a telephone exchange being down there?

2 A. No.

3 278 Q. Small?

4 A. No.

5

6 MRS. LAVERTY: Thank you, Ms. McArdle.

7

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

9

10 279 Q. MR. DURACK: In relation to the phone contact, I take it
11 that there were numbers that the public could ring in that
12 were the numbers in the phone book?

13 A. Yes.

14 280 Q. And that on top of that then, there were a number of direct
15 lines that, for instance, I presume that the Sergeant could
16 ring the Superintendent if he needed to?

17 A. Yes.

18 281 Q. If he was out on manoeuvres somewhere?

19 A. Yes. I mean, there was -- of course you'll have the
20 Superintendent's line, Sergeant's and possibly the
21 Detective Office along with, but the main line would direct
22 people directly to the Communications Room.

23 282 Q. But the other numbers would be numbers that would only be
24 given out either by the Superintendent or the Sergeant or
25 whoever to people whom they expected to be in regular
26 contact?

27 A. That's right, yes.

28 283 Q. Just in relation to route in relation to the travelling
29 north. In the ordinary course of events, if you were
30 travelling north, what sort route would you travel?

1 A. I would stick to the main road I imagine, you know the --
2 the most obvious choice.

3

4 MR. DURACK: Thank you very much.

5

6 CHAIRMAN: Any other questions?

7

8 CHAIRMAN: Thank you very much indeed, Sergeant.

9

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

11

12 284 Q. MR. MacGUILL: I am representing Finbarr Hickey, and I just
13 want to take you through a couple of brief points. I
14 think, first of all, you refer, as other members have done,
15 to the collection of the material for the collator?

16 A. Yes.

17 285 Q. And I think that was treated as a particularly serious and
18 important matter?

19 A. Yes.

20 286 Q. And I think that sightings of known or suspected
21 subversives would be recorded by any member, whether
22 uniform or Special Branch, and reported to the collator?

23 A. That's right.

24 287 Q. And that would include people perhaps who had been
25 previously convicted or people who had been arrested on
26 previous occasions under Section 30?

27 A. Yes, that's right.

28 288 Q. That their movements were considered important, and that
29 might or might not, in a particular case, lead to a
30 circularisation of Fogra Tora?

1 A. That's true.

2 289 Q. Now, I think that you had, as would be in common with your
3 other colleagues in a given Garda unit, took turns acting
4 as station orderly?

5 A. Yes.

6 290 Q. And station orderly has as its primary function recording
7 of all activities in a Garda station on a particular day,
8 including the arrival and departure on duty of members of
9 An Garda Siochana?

10 A. That's right.

11 291 Q. I think available to the Tribunal today is the station book
12 for the period up to March 9 of 1989. I wonder if that
13 could be provided to you? I think Ms. McKevitt is just
14 going to get it. But when she returns I am going to ask
15 you just to take you through some indicative entries so
16 that you can explain them to the Tribunal. I think that
17 the station book for the 20th March is unaccounted for.

18

19 MRS. LAVERTY: Perhaps, Chairman, if you want to rise for a
20 minute or so while Ms. McKevitt is getting the diary, or
21 not, as the case may be.

22

23 CHAIRMAN: I think not. Are there any other questions you
24 want to ask Mr. MacGuill?

25

26 MR. MacGUILL: If it's convenient I'll come back to the
27 station book.

28 292 Q. If I might just ask you in relation to -- you described the
29 procedure in relation to a member of An Garda Siochana
30 stamping a passport application form?

1 A. Yes.

2 293 Q. Now, I think that that's not an appointment procedure.
3 Somebody just arrives without appointment, isn't that
4 right?

5 A. Oh, absolutely. I mean anyone can walk in.

6 294 Q. I think that they present themselves to a hatch?

7 A. That's it.

8 295 Q. And the Member in Charge of the station will receive the
9 paperwork?

10 A. That's right.

11 296 Q. And the same member would have, for instance, the
12 responsibility for receiving paperwork in relation to
13 vehicles that were off the road?

14 A. Yeah.

15 297 Q. The same member would have responsibility for receiving
16 paperwork, producing driving licence and insurance?

17 A. That's right, yes.

18 298 Q. For dealing with a member of the public who is required to
19 sign on at the Garda station as a term of their bail?

20 A. Yes.

21 299 Q. Members of the public reporting crime or inquiring as to
22 the progress of the investigation of crime?

23 A. Yes.

24 300 Q. In fact, the whole range of duties of a Member in Charge?

25 A. That's right.

26 301 Q. Pretty demanding, time is short?

27 A. That's right.

28 302 Q. Had you seen people turned away to produce identification?

29 A. I am sorry, turned away?

30 303 Q. We now have the station diary. We might go back to that.

1 A. Okay.

2 (Document handed to the witness.)

3 304 Q. I am going to take you through a brief period, which is the
4 most proximate period in the book we have. And if I can
5 ask you to look to the 23rd February; it's towards the back
6 of that book. I think for description purposes, it's not a
7 diary in the conventional sense, it's a numbered book with
8 numbers on the top right-hand corner of right-hand pages
9 and no numbers on the flip side of those pages?

10 A. Now --

11 305 Q. 23rd February, '89. I think the member would write the day
12 on the top of it and generally, but not universally, the
13 entries are confined to one day per page?

14 A. Yeah.

15 306 Q. I think if you look at the 23rd February, at 10 p.m. --

16 A. Yes, 10 p.m.

17 307 Q. -- you'll see a routine entry indicating that at that time
18 the members of Unit C, including Finbarr Hickey, presented
19 themselves for duty?

20 A. 10 p.m., yes, I see it now.

21 308 Q. And I think then if you continue to 6 a.m. the following
22 morning, which is the 24th February --

23 A. Yes.

24 309 Q. -- there is an entirely routine entry that the members of
25 the Unit C, including Finbarr Hickey, reported off duty?

26 A. That's right, yes.

27 310 Q. And that would be the ordinary pattern, 10 to 6, 6 to 2,
28 2 to 10?

29 A. Yes.

30 311 Q. I think between those two entries there are a series of

1 other entries recording the attendance and leaving of the
2 Garda station by other members who were finishing duty at
3 irregular times, perhaps including detective branch
4 members?

5 A. Yes, that's right.

6 312 Q. Now, if I could take you to the 26th February for a moment?

7 A. Yes.

8 313 Q. At 6 a.m. on that morning, you'll see that Unit C reported
9 on duty, including Finbarr Hickey?

10 A. Yes.

11 314 Q. Can I take you to 5 p.m. later that afternoon; this is on
12 the flip side of page 147?

13 A. Yeah.

14 315 Q. At 5 p.m. I think you'll find an entry to the effect that
15 Finbarr Hickey was now going off duty?

16 A. Yes.

17 316 Q. Following a football match?

18 A. That's right.

19 317 Q. And that would indicate that his tour of duty had been
20 extended by three hours?

21 A. That's right.

22 318 Q. Because an exceptional situation had arisen?

23 A. That's right.

24 319 Q. And the exceptional situation is recorded and explained?

25 A. Yeah.

26 320 Q. Can I take you to page 151?

27 A. Yes.

28 321 Q. There is an entry there in red ink?

29 A. Yes.

30 322 Q. And can you explain to the Tribunal what that entry is?

1 A. Well, it looks like the initials PT Superintendent
2 28/2/1989.

3 323 Q. And at that time Superintendent Patrick Tierney was the
4 Superintendent in Dundalk?

5 A. I can't say that that was the time, but he must have been,
6 because it looks like his initials all right.

7 324 Q. And does that look to you as an indication in red ink that
8 the Superintendent had asked the station orderly of the
9 time for production of the book and verified that the book
10 was accurate and had recorded accurately all movements of
11 An Garda Siochana within the station?

12 A. Yes, the Super would; that would be probably one of his
13 duties, you know, to check the diary, and that wouldn't be
14 unusual for him to ask for production of it and to sign it
15 in red ink.

16 325 Q. And I take it it follows that if the diary had not been
17 maintained in proper order or was inaccurate, that that
18 would be a matter for investigation or comment?

19 A. Maybe not investigation, but certainly the member would be
20 leaving themselves open. I mean, you were obliged to keep
21 it up-to-date and keep it accurate.

22 326 Q. Then, at page 153 --

23 A. Yes.

24 327 Q. -- I think there is an entry at 10 a.m.?

25 A. 10 p.m., is it?

26 328 Q. 10 a.m., this is the morning of Wednesday the 1st March?

27 A. Yes.

28 329 Q. And it lists as coming on duty a number of members,
29 including your unit Sergeant, Sergeant John Coggins?

30 A. Yeah.

1 330 Q. And that is at a time when Unit C is not on duty?

2 A. Well, if he came on -- sometimes the Sergeant on the unit
3 might work as Sergeant In Charge, so therefore he would
4 work regular office hours. So he could be working.

5 331 Q. But if I take you just a little bit further through that
6 entry, you'll see that the explanation is that he and other
7 members were coming on duty because of court?

8 A. Yes.

9 332 Q. And the District Court in Dundalk, at that time, was only
10 on a Wednesday?

11 A. That's right.

12 333 Q. So members that are off duty otherwise but had business
13 before the Court attend first at the Garda station, report
14 for duty, are recorded and then proceed to do their court
15 work?

16 A. Yes.

17 334 Q. I am just suggesting to you that that's an indication that
18 when people come in irregularly, meaning not on their
19 ordinary duty to the station, their movements and presence
20 are still recorded?

21 A. That's right.

22 335 Q. I think that if we take you to the next relevant entry,
23 which is 10 a.m. on the 3rd March, I think that that shows
24 Finbarr Hickey coming on duty with others in Unit C and
25 being assigned to patrol car P61?

26 A. Yeah.

27 336 Q. So the station diary, in addition to recording the fact of
28 people being on duty, also records the duties that they
29 were assigned to?

30 A. Yes.

1 337 Q. It's a particular important contemporaneous record in that
2 regard?

3 A. It would be, yes.

4 338 Q. I think that at 8 p.m. on the 4th March --

5 A. Yes.

6 339 Q. -- there is an entry where Finbarr Hickey, who was due to
7 take up duty as part of Unit C, at 10 p.m. that night had
8 reported in sick at eight o'clock?

9 A. That's right.

10 340 Q. And that's also a matter that would be recorded in the
11 station diary?

12 A. Yes.

13 341 Q. And again, there is a similar entry at 7:30 the following
14 night. I think then on the 6th March at 2 p.m. --

15 A. Yes.

16 342 Q. -- we see that Finbarr Hickey is a station orderly at that
17 time?

18 A. Yes.

19 343 Q. And he fills out, I think, which you'll say is a
20 consistently concise record of activity in the station?

21 A. Yes.

22 344 Q. So he understands the importance of the book and complies
23 in its completion. I think then as a final example, on the
24 last entry that we have on the 9th March, we have at
25 6 a.m. --

26 A. Yes.

27 345 Q. -- Finbarr Hickey on duty --

28 A. Yes.

29 346 Q. -- at 6 a.m., but before leaving duty at 2 p.m. there is a
30 note at 1:15 that he in fact had charged a prisoner?

1 A. Yes, I see that.

2 347 Q. Again, that's by way of further illustration at the
3 importance of the detail that is contained?

4 A. Yes.

5 348 Q. In the original statement that you made to the Tribunal,
6 you had indicated that you were called in -- well, you had
7 indicated you weren't on duty?

8 A. That's right.

9 349 Q. And it's not actually entirely clear but you were called
10 in --

11 A. Yes.

12 350 Q. -- as extra support. I think that's not uncommon?

13 A. Not at all. I mean, several incidents would have happened
14 in Dundalk, and if you were the resting unit or even if you
15 were the working unit, you'd be told to contact the members
16 to see if they could come in for extra duty.

17 351 Q. And I think you have explained that the first recourse
18 would be the resting unit, which in this case is Unit C?

19 A. That's right.

20 352 Q. And that's the unit that yourself and my client were on at
21 the time?

22 A. Yes.

23 353 Q. And that when you presented yourself at the Garda station,
24 called in, precisely the same procedure would follow as if
25 you were a unit scheduled to be on duty: You'd present,
26 your presence would be recorded in the station diary?

27 A. Yes.

28 354 Q. And it would be clear when you took up duty?

29 A. That's right.

30 355 Q. Now, I think we know from evidence that the following day

1 Commissioner O'Dea attended at Dundalk Garda Station, and
2 it appears he took possession at that time of the
3 contemporaneous records, including the station diary, and
4 you were not interviewed by Commissioner O'Dea?

5 A. No, I wasn't.

6 356 Q. But we know that Commissioner O'Dea compiled a list of all
7 those who were on duty up to the point, or during the
8 period at least that information in relation to the visit
9 of Messrs. Buchanan and Breen could have been received.
10 And I have to suggest to you that one of the reasons you
11 were not interviewed was, clearly, you were not in the
12 station until after the events?

13 A. That's probably true, yes.

14 357 Q. Because the same will arise, Finbarr Hickey wasn't
15 interviewed either.

16 A. Right.

17

18 MR. MacQUILL: Thanks very much, Sergeant.

19

20 CHAIRMAN: Any other questions? Mrs. Lavery, do you want
21 to re-examine?

22

23 MRS. LAVERTY: Yes, Judge.

24

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

26

27 MRS. LAVERTY: Just one small matter, thank you.

28 358 Q. In respect of telephone calls, you said in your statement
29 that a printout was kept of the phone calls?

30 A. Yes. Well, in -- laterally I recall when I was in the

1 District Office and the new phone system was put in place,
2 there was -- you mentioned a telephone exchange. Well, my
3 recollection of that was on the first floor on the way into
4 the Detective Office, there was a small room which recorded
5 phone calls; I think it was just phone calls made from the
6 station. And my job was just to check the duration of the
7 calls. And if it came from a specific extension, then a
8 memo would be sent out to establish, you know, because if
9 somebody is on a phone call for in excess of 20, 40
10 minutes, whatever, there would be a question-mark over why
11 they were on the phone for that length of time.

12 359 Q. So just monitoring the length of the calls or did it
13 actually record the content of the conversations?

14 A. No, it didn't record anything more than the time and the
15 duration of the call.

16 360 Q. And that was kept in this small room?

17 A. Yes.

18 361 Q. And how were they organised, the memos of the calls?

19 A. They were sent out from the District Office.

20 362 Q. You said that -- were there any other records of phone
21 calls kept in your time?

22 A. In the Radio Control Room, and up to this date there is a
23 record of any call coming into the Radio Control Room and
24 it's recorded on a form.

25 363 Q. And what's that form called, do you know?

26 A. An RC1, or an RC2, I can't remember, either one. But any
27 call that would come into the station, details of the
28 caller, the caller ID, the nature of the call and who
29 attended it, that was all recorded and they were filed.
30 They were numerically recorded and filed away, I think on a

1 monthly basis.

2 364 Q. So you will expect that in view of the seriousness of the
3 murders on this occasion, that those records would be
4 available?

5 A. Well, if it was a phone call that alerted the guards, I
6 mean if it came in via a phone call, yes.

7 365 Q. I think you mention that on several occasions, suggesting
8 that there weren't many, that you were brought in for
9 particular incidents when you were off duty either as the
10 resting unit or, indeed, as a working unit?

11 A. Mm-hmm.

12 366 Q. So, presumably, this was one of the unusual occasions?

13 A. Yes, it would have been.

14 367 Q. One of the considered serious occasions?

15 A. Oh, yes. I mean, there was very serious incidents around
16 that period in around Dundalk, so yes -- it wasn't unusual
17 to be called in.

18 368 Q. You will have -- I don't know, you probably haven't been
19 following the evidence due to circumstances, but a lot of
20 questions have arisen in relation to the timing of phone
21 calls and when phone calls were received in the station.
22 Would you be surprised to learn that there are no phone
23 records for that particular day?

24 A. I am a little bit surprised, yeah.

25

26 MRS. LAVERTY: Thank you.

27

28 CHAIRMAN: Thank you very much, Sergeant.

29

30 **THE WITNESS THEN WITHDREW**

1
2 MR. DILLON: Chairman, the next witness will be Mr. Tom
3 Connolly. Before I call him, I should put his evidence in
4 context and it's this: That when he last came before you
5 on the 1st July, he mentioned a matter which he hadn't
6 covered in his statement to the Tribunal, and I'll just
7 quote you the passage which gave rise to today's further
8 hearing.

9
10 He said: *"There would be great unease in the station".*
11 And he was asked: *"Did you ever come across that unease?"*
12 And he answered he did. And he was asked: *"How was this*
13 *expressed to you?"* And he said: *"I would say I was aware*
14 *of it possibly before I went from Dundalk, but certainly*
15 *when I arrived in Dundalk I was told by some sources there*
16 *that there was unease about a certain individual whereupon"*
17 *-- and what I said there, "We'll leave that to another*
18 *day".*

19
20 Today is that other day. And I can tell you that
21 subsequent to that, the 1st July, Mr. Connolly was
22 interviewed again by the Tribunal. And he made a further
23 statement on this matter, and it's that matter which I'll
24 ask him to deal with. He may also deal with a matter that
25 he mentioned when he was interviewed by the Gardai in April
26 of this year as well. Mr. Connolly, please, Tom Connolly.

1 TOM CONNOLLY, HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON
2 AS FOLLOWS:

3

4 MR. DURACK: I don't know what Mr. Dillon is referring to
5 in terms of an interview with the Gardai in April.

6

7 MR. DILLON: I am referring to a letter we received from the
8 Chief State Solicitor's office dated 14th April, 2011.

9 369 Q. Mr. Connolly, you remember when you were last here you
10 referred to an 'unease' that there was in relation to
11 Dundalk station?

12 A. I do indeed.

13 370 Q. And I think you referred -- you said there was an unease in
14 relation to a particular individual rather than the station
15 as a whole, is that right?

16 A. I did indeed, yes.

17 371 Q. I'll ask you to refrain from naming any person at this
18 stage, you can deal with it in the general, if I can put it
19 that way. What was the nature of the concern about this
20 individual? What sort of activities was he considered to
21 be engaged in?

22 A. Somewhere in conversation before I went to Dundalk I had
23 heard it mentioned that the individual was possibly
24 involved or suspected of being involved in some form of
25 smuggling and/or involved in some way with the IRA.

26 372 Q. Was this -- I think before going to Dundalk you were in
27 Tallaght, is that right?

28 A. I beg your pardon?

29 373 Q. Sorry, before you went to Dundalk you were in Tallaght
30 station?

1 A. I was in Tallaght, yes.

2 374 Q. And before that you were in Headquarters?

3 A. I was in Headquarters, yes.

4 375 Q. So it seems that whatever knowledge you had before going to
5 Dundalk came to you when you were either in Tallaght or in
6 Garda Headquarters, is that right?

7 A. Oh, yes.

8 376 Q. Can you, perhaps, be a bit more precise?

9 A. I'd say it's more than likely I heard it while I was in the
10 Garda Headquarters, but not necessarily in Garda
11 Headquarters, but while I was there.

12 377 Q. I understand that, yes. And who do you think had this sort
13 of knowledge in Garda Headquarters?

14 A. I beg your pardon?

15 378 Q. Who had this knowledge in Garda Headquarters? Where do you
16 think it was known within the Headquarters? At what level
17 of the Force?

18 A. I don't know really, but somebody, I would say, in a higher
19 rank than myself. But I don't know.

20 379 Q. I think you were also aware of an unease outside Dundalk
21 station but within the RUC?

22 A. I did, yes.

23 380 Q. I think that had been expressed to you on one occasion by a
24 member of the RUC?

25 A. Correct.

26 381 Q. And I think it was expressed to you when you were
27 Superintendent in Dundalk?

28 A. That's right.

29 382 Q. So, that seems to place this particular matter sometime in
30 1988 or 1989, is that right?

1 A. Correct.

2 383 Q. I think do you remember who in the RUC spoke to you?

3 A. I have no idea.

4 384 Q. Right. And I think he -- the information he gave you is
5 that the RUC were suspicious of this individual and they
6 had concerns about him, they wouldn't trust him, is that
7 right?

8 A. Correct.

9 385 Q. And I think at the time you didn't report on these comments
10 because, in your view, it was generally well known by Garda
11 officers of this person's connection to the IRA?

12 A. Yes, I had heard it in Dundalk station before I was
13 speaking to the RUC.

14 386 Q. And then you heard it, as it were, again from the RUC, is
15 that the idea?

16 A. Yes.

17

18 MR. DILLON: Thank you.

19

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

21

22 387 Q. MR. DURACK: If I might just ask you some questions in
23 relation to that. Clearly you thought it was important
24 enough to make an additional statement about, and could I
25 ask you to be perhaps more particular. I know that you
26 said that in your additional statement that there was a
27 possibility of this person passing information; that's the
28 height of it, is it?

29 A. Well, that's how I express it now, but the actual words at
30 the time I don't recall, but that was the gist of it.

1 388 Q. Well, do you recall with whom you had this conversation?

2 A. Do you mean within the Garda?

3 389 Q. Yeah.

4 A. I do not recall, no.

5 390 Q. Because what you say is that it arose in a group
6 conversation when the remark was made. And I am wondering
7 who else was part of that group?

8 A. Well, you know --

9 391 Q. And who may have been the speaker?

10 A. I cannot recall who was in the group, or maybe I heard it
11 more than once. But I did hear it.

12 392 Q. Because I would have thought that if there were a group of
13 senior guards around and somebody made this suggestion,
14 that there would at least be a reaction by each or some of
15 them?

16 A. Not necessarily, because maybe, like myself, they had heard
17 rumours before.

18 393 Q. But this was fresh to you?

19 A. Was it fresh to me? I don't know whether it was fresh to
20 me or not. I may have heard it a number of times.

21 394 Q. And you were going to the district where this man was?

22 A. I beg your pardon?

23 395 Q. You were going to the district where this man was?

24 A. I was, yes. Well, maybe when I heard it I probably didn't
25 know I was going to the district. This was prior to my
26 transfer.

27 396 Q. You see, I would have thought that this was a shattering
28 and stunning suggestion to be made by any member of the
29 Gardai by another and, on that basis, I would have thought
30 that -- I would have expected that there would be some

1 reaction by you or by the other people who were in your
2 company at the time?

3 A. Well, you could look at it this way. But the situation
4 was, Owen Corrigan is the man we are talking about.

5
6 MR. O'CALLAGHAN: I object to this witness deliberately
7 mentioning my client when he is well aware from what
8 Mr. Dillon said to him that my client's identity was not to
9 be disclosed at this stage. He has pulled it out of the
10 bag now. I may need some further time to cross-examine him
11 because I hadn't planned to cross-examine him in depth
12 since the name wasn't out. He is well aware that he
13 shouldn't have mentioned my client's name as he has. I say
14 to you that's an indication of malice on the part of this
15 witness.

16
17 MR. DILLON: I am bound to say that if an allegation of
18 malice is made it must be followed through. It can't be
19 just thrown out in the air like that.

20
21 MR. DURACK: If I might continue for the moment.

22 397 Q. Do you know or is there any way that you can recognise
23 where it was said?

24 A. After 22 years, I have absolutely no idea.

25 398 Q. And can you say when it was said?

26 A. I don't know. All I know is that I did hear it.

27 399 Q. And you don't know from whom?

28 A. No.

29 400 Q. Or in whose company?

30 A. No.

1 401 Q. And as far as you are concerned, you did nothing about it
2 and neither did anybody else?

3 A. Well, I didn't. I don't know about anybody else.

4 402 Q. Why was that, if you took it seriously enough to recount it
5 here again, did you not do anything about it?

6 A. I could say, and indeed I think I am right in saying, that
7 it was fairly well known. The allegations --

8 403 Q. What was fairly well known?

9 A. The particular person was being talked about as possibly or
10 maybe or suspected of being at some type of smuggling or in
11 cahoots with the IRA in some way.

12 404 Q. I think the smuggling is not what's concerning us here but
13 the question of being in cahoots as you put it, with the
14 IRA. That clearly would be a very, very serious breach of
15 security for the Gardai?

16 A. I agree.

17 405 Q. And yet, you have a group of people, senior Gardai, talking
18 about it or mentioning it and nobody passes any heed?

19 A. A group of Gardai, yes. I didn't say senior Gardai because
20 I can't recall who they were.

21 406 Q. I assumed they were people of your own rank, but maybe I am
22 wrong.

23 A. Well, it may not be of my own rank. I don't know who they
24 were.

25 407 Q. And you then subsequently become the district officer in
26 Dundalk. Did you conduct any investigation at that stage?

27 A. No, I wasn't the district officer.

28 408 Q. Sorry.

29 A. But I was --

30 409 Q. You were there?

1 A. I was there, yes.

2 410 Q. As the Superintendent?

3 A. Yes.

4 411 Q. Sorry, I appreciate there is a difference. But you didn't
5 do anything about it at that stage?

6 A. When I went to Dundalk I was told much the same thing, with
7 one addition; was that the people on the other side, the
8 RUC, suspected that he may be involved in some way with the
9 IRA. I knew that before the RUC told me.

10 412 Q. What concerns me is that if you knew that and you were now
11 a senior person in that district, why nothing appears to
12 have been done about it?

13 A. Well, I don't know whether anything was done about it or
14 not.

15 413 Q. Well, I mean you don't appear to have done anything?

16 A. As far as I was concerned the Chief Superintendent in
17 Dundalk knew it when I went there, the Superintendent, the
18 district officer knew it before I went to Dundalk, the
19 Detective Inspector knew it before I went to Dundalk and
20 they passed the information on to me.

21 414 Q. Because I don't think that any of those gentlemen have
22 given evidence to the same effect as you have?

23 A. Well, maybe so.

24 415 Q. And I think that -- in fact I recollect Mr. Nolan said that
25 he didn't believe that there was anybody leaking
26 information out of Dundalk?

27 A. Well, he may have said that, but what I am saying is that
28 he told me there was a suspicion that the individual was
29 doing it.

30 416 Q. But if there was a suspicion, would you not expect that at

1 least somebody would look into it and either decide that it
2 wasn't a valid suspicion and put an end to it, or if it was
3 a valid suspicion, to do something about it?

4 A. Well, when the Chief Superintendent, as far as I am
5 concerned, was aware of the fact, I didn't do anything
6 about it.

7 417 Q. Because he doesn't make it a fact. He says that he had no
8 reason to believe there was a mole.

9 A. Well, that's not what I'm getting at. You say he made up
10 his mind that there was no reason to think that there was a
11 mole.

12 418 Q. Sorry, that's what he says now.

13 A. No, what I'm saying is that I was told that he may. I have
14 no evidence whatsoever or ever heard of any evidence that
15 this person was, had anything got to do with smuggling or
16 the IRA.

17 419 Q. I see.

18 A. I am only relating what I was told.

19 420 Q. Well, did you become aware that he was in fact a regular
20 collector of intelligence?

21 A. I was, yes.

22 421 Q. And that that would, of course, require him to be in
23 contact with people who were of dubious background?

24 A. I agree, yes.

25 422 Q. And in fact, we have had evidence this morning from
26 Mr. Bohan, that he considered him to be an excellent
27 detective who was a great collector and producer of
28 intelligence?

29 A. He may well be.

30 423 Q. And that certainly during his time, that was his view of

1 him?

2 A. Yeah. I am only relating what I was told.

3 424 Q. But again, with nothing to back it up?

4 A. I have nothing to back it up or never had.

5 425 Q. As I say, and you can't either say who it was, when it was
6 or where it was?

7 A. I beg your pardon?

8 426 Q. You can't say who it was said it, when it was or where it
9 was?

10 A. I cannot, no. After 22 years, I can't.

11 427 Q. I appreciate that. But it's important that the level of
12 your evidence is that there was a rumour that there was a
13 possibility?

14 A. Yes.

15 428 Q. That's essentially it?

16 A. Yes.

17

18 MR. DURACK: Thank you very much.

19

20 **THE WITNESS WAS CROSS-EXAMINED BY MR. O'CALLAGHAN AS**
21 **FOLLOWS:**

22

23 429 Q. MR. O'CALLAGHAN: Mr. Connolly, you heard Mr. Dillon when
24 he was taking you through your evidence say that we are not
25 going to name the individual today, do you remember him
26 saying that to you?

27 A. Well, I am afraid I didn't, because I have a hearing
28 problem.

29 430 Q. Well, do you remember him saying it to you on the last
30 occasion, that the name of this individual wasn't going to

1 be identified here at this hearing?

2 A. I do.

3 431 Q. And can you explain to the Chairman -- would you wait for
4 my question --

5 A. Judge, since then, I have made an additional statement and
6 included in it this individual's name.

7 432 Q. Yeah, and the previous statement you made, Mr. Connolly,
8 did that include the individual's name?

9 A. I'd say it did, yes.

10 433 Q. So what point are you trying to make to the Chairman?

11 A. Is that I was not aware today giving evidence that I was
12 not to mention this individual's name.

13 434 Q. Well, I have to suggest to you that since you were aware of
14 it on the last occasion, and since nothing has changed on
15 this occasion, that you deliberately and maliciously put my
16 client's name out into the public domain?

17 A. I completely deny that, Judge. It wasn't deliberate or
18 maliciously.

19 435 Q. Can I ask you, Mr. Connolly, you gave evidence on the 1st
20 of July last. Who contacted who after you gave that
21 evidence in respect of your supplementary statement?

22 A. The solicitor for the Tribunal, I understand.

23 436 Q. And what were you asked to do?

24 A. To clarify certain matters.

25 437 Q. And this led to you preparing a further statement, is that
26 correct?

27 A. That's correct, yeah.

28 438 Q. I haven't -- have you seen this statement? Have you a copy
29 of it?

30 A. I think I have seen it this morning.

1 439 Q. The copy I have isn't signed. Have you signed a copy of
2 it?

3 A. No, it's not signed.

4 440 Q. But effectively what you have said in your evidence is that
5 somewhere in conversation, before you went to Dundalk, you
6 heard gossip about Owen Corrigan, isn't that correct?

7 A. I suppose you could consider it gossip, yes.

8 441 Q. And you have no knowledge as to whether or not this gossip
9 is accurate or inaccurate, isn't that so?

10 A. I have no evidence whatsoever.

11 442 Q. And we have heard, or the Tribunal Chairman has heard
12 evidence from senior Garda officers who worked with Owen
13 Corrigan for very many years, were you aware of that, that
14 the Chairman has heard from senior officers?

15 A. I accept that he did, yes.

16 443 Q. And very many of those officers have given evidence to the
17 Tribunal Chairman to the effect that Owen Corrigan was
18 steadfast and strong in his fight against the IRA whilst he
19 worked in Dundalk and in other stations. Are you aware of
20 that evidence that was given?

21 A. I was, yes.

22 444 Q. And have you any evidence to dispute what those men have
23 said here under oath to this Chairman?

24 A. I have already said, I have no evidence whatsoever.

25

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

27

28 CHAIRMAN: Any further questions? Very good. Thank you
29 very much, Mr. Connolly.

30

1 THE WITNESS THEN WITHDREW

2

3 MR. DILLON: I think Mrs. Lavery may be dealing with the
4 next witness.

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JOE WHELAN, HAVING BEEN SWORN, WAS EXAMINED BY MRS. LAVERTY
AS FOLLOWS:

445 Q. MRS. LAVERTY: Good afternoon, Garda Whelan. Mary Lavery,
counsel for the Tribunal. I think that you joined the
Garda in 1982, moved to Omeath in February 1983 and in 1984
you went to Dundalk?

A. That's correct.

446 Q. And you remained until December 1995 in Dundalk, is that
correct?

A. That's correct, yes.

447 Q. And I think that -- who was your Chief Superintendent at
the time?

A. I think it was Chief Superintendent Bohan.

448 Q. He gave evidence this morning.

A. I wasn't here for that.

449 Q. You weren't here this morning, yes. And what were your
duties in those days?

A. Mainly uniform, general police duties, station duties maybe
once a week, and mobile patrol duties in the car,
concentrating around the Dundalk town area. We also did
beat duties every now and again in the Dundalk town centre.

450 Q. And how many units were there at the time?

A. There was four units.

451 Q. And what unit were you in?

A. I was in Unit D.

452 Q. And who was your Sergeant?

A. Sergeant Con Nolan.

453 Q. I think that you are the station orderly in March 1989, is
that correct?

1 A. Yes, I may have been on the morning of the murders. I may
2 have been -- I have an entry in my notebook stating that I
3 investigated an accident at The Crescent, which is the
4 address for the Garda station, but I have a memory of them
5 coming into me in the station. It just happened outside.
6 So I am not a hundred percent certain, but...

7 454 Q. When you say you have a memory of them coming in to you in
8 the station, are you talking about the officers?

9 A. No, the drivers of the two cars involved in the accident.

10 455 Q. And did you make any statement to Commissioner O'Dea?

11 A. No, I didn't.

12 456 Q. Assistant Commissioner O'Dea. Did you take part in any of
13 the investigations afterwards?

14 A. No, I didn't, no.

15 457 Q. And I think you were station orderly for about 12 years in
16 Dundalk, is that right?

17 A. Yeah, possibly once a week for about 12 years.

18 458 Q. And can you describe in more details what the duties of the
19 orderly are?

20 A. Well, the duties there, I suppose, can be separated into
21 three main areas: One, you dealt with the public in
22 relation to queries that they may have coming into the
23 station, general queries. Two, we looked after prisoners;
24 we were responsible for the prisoners coming into the
25 station, being released and their general welfare. And
26 three, we also answered the phone. There was two phone
27 lines directly coming to the Public Office where the
28 station orderly worked.

29 459 Q. And would you take those calls or would someone else take
30 them for you?

1 A. No, I would take them myself.

2 460 Q. You would take those?

3 A. Yes.

4 461 Q. Did you have a system of recording calls?

5 A. No, there wasn't -- there couldn't really have been because
6 the volume of calls coming in would, wouldn't lend itself
7 to recording each individual call, because as long as those
8 -- as well as those duties, the general duties with the
9 public would have been very time-consuming as well.

10 462 Q. And what sort of calls would you get normally?

11 A. Phone calls?

12 463 Q. Yes.

13 A. Everything from domestic disputes to traffic accidents,
14 general queries about taxing vehicles, passport queries.

15 464 Q. And would you have occasion then to perhaps, as a result of
16 an incoming call, contact a member of the detective unit or
17 perhaps one of the uniform members?

18 A. Oh yes, you would, yes.

19 465 Q. And how did you contact the detective unit?

20 A. There was an internal extension to the office.

21 466 Q. So you'd just call them on that?

22 A. Yes.

23 467 Q. Then somebody there would take it from there?

24 A. Exactly.

25 468 Q. And what sort of -- we have heard a little bit earlier on
26 from Regina McArdle about the type of records that were
27 kept. You were the person who was station orderly, so can
28 you tell us with a bit more detail what were the record
29 books that you had as station orderly?

30 A. The main record would be the station diary, which would

1 record members coming on and off duty. It would also
2 record members who may be phoning in sick. It would also
3 record -- at that time there was no Custody Record for
4 prisoners, so it also recorded prisoners going in and out
5 of the station. That was the main ones. There was also a
6 duty detail there which would outline who was working on
7 the day and who was on the early shift, who was on the late
8 shift, who was on the night shift. There would be a list
9 of -- I think there was two Sergeants on each unit at that
10 time, so you'd have a list of -- each unit would have a
11 list of two Sergeants, maybe 10 or 12 Gardai who would be
12 working any given shift and the duties assigned to them at
13 that particular day.

14 469 Q. And when these books were filled up, where were they kept?

15 A. They were kept in the Public Office on the desk.

16 470 Q. I have one here now that's from November 1988, 2 p.m.
17 Friday 25th November, 1988. That's an example of the
18 station diary, is it?

19 A. Exactly, yes.

20 471 Q. And I think that there was one put into evidence earlier on
21 today which came up, as far as I think, March 1989, perhaps
22 the beginning of March 1989. But the one for the relevant
23 period of the murders, that seems to be missing?

24 A. Right.

25 472 Q. Do you think that might have been taken away out of
26 Dundalk?

27 A. I have no idea. I know when the -- when each book was
28 completed, the Sergeant in charge of the station would have
29 the responsibility for the storage, but once the book was
30 finished, we never saw them again really.

1 473 Q. Who would have authority to remove those books?

2 A. Well, I think they were probably stored in the Sergeant's
3 office and anyone could -- anyone in the station could walk
4 in and look at them for reference maybe or...

5 474 Q. It just seems coincidental that all the actual records from
6 that day have moved, and I ask myself, could they have been
7 taken away as part of perhaps some of the investigations?

8 A. Well, I would have thought it likely that they would have
9 been taken away when the investigation started at that
10 stage.

11 475 Q. And they would, of course, be the only copies?

12 A. Oh, yeah, yeah, absolutely.

13 476 Q. You said that your official Garda notebook records that you
14 were on duty on the 20th March, 1989, but you don't -- I
15 think you are not sure when?

16 A. Well, I was working 6 a.m. to 2 p.m..

17 477 Q. 6 a.m. to 2 p.m.?

18 A. And I have an entry in my notebook at 10:30 that I went to
19 a traffic accident, or investigated a traffic accident at
20 The Crescent, which is the station address.

21 478 Q. And who would normally come on duty after Unit D then, if
22 you were on from 6 to 2?

23 A. As far as I can remember it was Unit C.

24 479 Q. 'C'. Do you have all the rest of your diaries as well,
25 your notebooks?

26 A. I do, yes.

27 480 Q. What did the Branch Office look like in 1989?

28 A. It was quite small really for, what was probably -- I think
29 there was four -- a Sergeant and maybe four detectives in
30 each unit. So it was quite small for the amount of men

1 that used it. But it was basically -- at least a couple of
2 the walls were covered by lockers and you'd have a couple
3 of desks and a couple of notice boards, but it was not
4 unusual to any other office.

5 481 Q. And did the detective Branch Office have any other exit
6 besides having come down through the main station like
7 everybody else?

8 A. No, no.

9 482 Q. How would you find out if a particular member of the
10 Special Branch was on duty or not or any particular day?

11 A. You'd check the station diary first thing, if he is on duty
12 --

13 483 Q. So that was the bible?

14 A. If he is on duty he should be entered in the station diary
15 as being on duty that day.

16 484 Q. If you were looking for somebody who was registered on the
17 station diary or signed in as being on duty, how would you
18 contact them if they weren't in the building?

19 A. You would contact the Communications Room, who would
20 contact them by radio.

21 485 Q. And did all detectives carry radios?

22 A. They would have. At that time we didn't have all-personal
23 issue, so each car had a radio, but handsets were few and
24 far between.

25 486 Q. And how many car radios were there?

26 A. There was one in each car, one in each car.

27 487 Q. How many cars were there?

28 A. There was probably three uniform cars at least and maybe
29 three or four detective cars as well.

30 488 Q. In addition to the station diary and the on/off book, what

1 other records would be available, if one were trying to
2 check up on a particular day?

3 A. They would be the two main ones really. There was other
4 records available to us there, mainly criminal convictions
5 and road traffic convictions, but for policing purposes,
6 there was the diary and the detail were the two main...

7 489 Q. If the officers had to go to court on, we have heard
8 earlier on that Wednesday was court day up in Dundalk, so
9 people went off to deal with particular court cases, would
10 they -- would the details of those particular cases be kept
11 in another record?

12 A. No, they would be entered in the station diary. If one was
13 going to court that day, you'd either call in or phone in,
14 be marked on duty in the station diary.

15 490 Q. And would there be any details of what the officer was
16 involved in, on the diary?

17 A. No.

18

19 MRS. LAVERTY: Thanks very much for your help.

20

21 CHAIRMAN: Any questions?

22

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

24

25 491 Q. MR. DURACK: Just one question. I think there would also
26 be a book for recording complaints and occurrences,
27 incidents?

28 A. Oh yes, there was, yes. There was of course.

29 492 Q. If somebody rings up and makes a complaint about something
30 or reports something, a member of the public, that would be

1 recorded in the occurrence book?

2 A. Yes.

3 493 Q. Are there any other ones that you can think of?

4 A. Not that I can recall, no.

5 494 Q. I presume there is also a book for recording people
6 producing licence and insurance?

7 A. That would be out at the hatch.

8 495 Q. Then in relation to passport, recording the issuance of
9 passports, would they be in the same book?

10 A. No, there'd be a separate book for that.

11 496 Q. So, in fact there are a large series of books, but the two
12 we are speaking of really only relate to who is on duty and
13 who is not on duty?

14 A. Yes, the others would be mainly for dealing with the
15 public.

16

17 MR. DURACK: Thank you.

18

19 CHAIRMAN: Any other questions?

20

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

22

23 MR. COFFEY: If I may, Mr. Chairman, just very briefly.

24 497 Q. Guard Whelan, in the course of your evidence and, indeed,
25 in your statement to the Tribunal, you describe uniform
26 Gardai assisting in searches being carried out, I take it
27 that's house searches, is it?

28 A. It could be, mainly house searches, yeah.

29 498 Q. And would that be in relation to serious crimes, subversive
30 crime?

1 A. It could be, yeah, ordinary crime and subversive crime,
2 yes.

3 499 Q. But if you were assisting detectives, that would infer
4 serious crime, would it not?

5 A. Well yes, absolutely.

6 500 Q. And mainly possibly subversive crime?

7 A. Yes, yes.

8 501 Q. And I take it that was to make a public statement that
9 people presenting themselves at a house in plain clothes
10 were in fact the Gardai?

11 A. Well yes, it was often the case where the uniformed member
12 would accompany detectives, because people were often
13 reluctant to open the door to plain clothes Gardai, they'd
14 prefer seeing a uniform.

15 502 Q. Of course. And in that situation would the uniform member
16 have any active role in planning the searches or have an
17 input into the intelligence behind that search?

18 A. No role at all.

19 503 Q. You'd just be performing a perfunctory role of presenting
20 yourself in uniform?

21 A. Yes, if there was a briefing beforehand, it would be the
22 exception rather than the rule that the uniformed member
23 might attend.

24 504 Q. So quite often you wouldn't know the actual purpose or
25 reason behind a search?

26 A. No.

27

28 MR. COFFEY: Thank you very much.

29

30

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

2

3 MR. MacGUILL: Mr. Chairman...

4 505 Q. Garda Whelan, it's not referred to in your statement and I
5 take it it's because by the time you left the Garda station
6 neither Mr. Buchanan nor Mr. Breen had arrived?

7 A. No, I have no memory of them being at the station at all.

8 506 Q. And it would be your usual practice to leave at 2 o'clock
9 when you finish your tour of duty?

10 A. Yes, as soon as possible.

11 507 Q. Now, you describe the completion of the station diary, and
12 it was your responsibility to complete that on the morning
13 of the 20th. That is quite a detailed document, isn't that
14 right?

15 A. It is, yes.

16 508 Q. Taken extremely serious by every member of An Garda
17 Siochana?

18 A. Yes.

19 509 Q. Available for inspection by superior officers on demand?

20 A. At all times, yes.

21 510 Q. It would be a matter of singular consequence for the
22 station orderly if, upon inspection, the record was found
23 to be incomplete, inaccurate, not up-to-date?

24 A. Oh yes, you'd always be questioned on it if it wasn't
25 up-to-date.

26 511 Q. And I think the physical layout of the Day Room in the
27 Garda station in Dundalk where you would have been when you
28 had the obligation of filling this out was that every
29 member coming on duty would physically have to pass the
30 desk. They'd come into the Day Room and that's where you

1 would be?

2 A. Not necessarily. When one enters the Garda station in
3 through the main door, the Detective Office is straight
4 upstairs. So, you'd often have people coming in and going
5 straight upstairs and they mightn't go into the Public
6 Office at all. I wouldn't be aware that they were in the
7 station even.

8 512 Q. Uniform members reporting for duty?

9 A. Oh, uniform members would always come into the Public
10 Office.

11 513 Q. I should have qualified that. They would come to you and
12 if they were busy with some other duty they would wait
13 until you had recorded their presence?

14 A. They would or they might leave a note. At one stage there
15 was another -- I think for a number of years there was
16 another record kept of -- because the station orderly was
17 quite busy, they introduced another record whereby someone
18 would come in, it was called an On/Off Book. They would
19 sign their name, that they were either going on or going
20 off duty, and that the station orderly from time to time
21 would look at that book and fill in the diary accordingly.

22 514 Q. So that means that for the relevant day, even if the
23 station diary is inexplicably missing, the On/Off Book
24 ought to be available?

25 A. I am not just sure if the On/Off Book was introduced at
26 that time or not.

27 515 Q. But certainly that's something that would be inquirable
28 into?

29 A. Well yes, but there was a number of years where -- I
30 remember a period when I arrived there that it wasn't used,

1 then a period of a number of years where it was used, and
2 then it was discontinued then as well for the remainder of
3 my service there.

4 516 Q. Now, I think a huge amount of time and effort goes into
5 maintaining the station diary correctly?

6 A. Yes.

7 517 Q. And it's a treasured document within An Garda Siochana?

8 A. It's the most important document for recording members on
9 and off duty.

10 518 Q. Now, for instance, you mentioned that at the time the
11 Custody Record didn't exist and the reception of prisoners
12 in custody was recorded into the station diary?

13 A. That's right.

14 519 Q. But it didn't in fact go further to record things that are
15 typically now in custody records, such as the giving of the
16 notice of rights, time and place of arrest, details of the
17 arresting member, checks on the prisoner in the cell, none
18 of that was recorded in the station diary?

19 A. No, none of that detail is on it.

20 520 Q. Whereas it's a matter of routine currently that the Custody
21 Record would be produced on demand in the course of
22 criminal prosecutions when it's required, and it leaves the
23 station and it's brought to court for that purpose. The
24 station diary never left the station?

25 A. That's correct.

26 521 Q. And any station diary would be a document of significance?

27 A. That's correct.

28 522 Q. A station diary covering an event where an Assistant
29 Commissioner came down to interview members of An Garda
30 Siochana would have a particular significance, I suggest to

1 you?

2 A. Absolutely, yes.

3 523 Q. It's not a day-to-day occurrence if members of An Garda
4 Siochana are interviewed by Assistant Commissioners?

5 A. Absolutely not.

6 524 Q. Would it have happened on any other occasion in your
7 service, do you know?

8 A. Not in my service, no.

9 525 Q. I don't ask you to answer this but the absence of the book
10 is a worry to us all. You were asked for counsel by the
11 Tribunal what other records might be available. If a
12 member was called in on overtime, there would be a record
13 in a station diary of their attendance in the station at
14 the time?

15 A. That's correct.

16 526 Q. And this would be used, I presume, to vouch payments for
17 overtime payments?

18 A. Exactly.

19 527 Q. So if, as it turns out, members were called in on overtime
20 on the day, and we've had that evidence, after the event,
21 after the murders had taken place, the station orderly
22 would have the function of recording their presence in the
23 station?

24 A. Yes, absolutely.

25 528 Q. I think you agreed with the suggestion, well in response to
26 a question from the Tribunal you said you thought that Unit
27 C were the unit to follow Unit A, or Unit D on duty that
28 day?

29 A. Yes.

30 529 Q. Is that something you have a firm opinion about or could

1 you be wrong about that?

2 A. It could be Unit A, I could be wrong.

3 530 Q. I have to suggest to you, Garda Whelan, that all the
4 evidence has been that the unit that took up duty on that
5 day was Unit A, including Sergeants Brady and Colton and
6 the people that work for them?

7 A. I accept that.

8 531 Q. And the evidence has been that Unit C preceded you and was
9 on rest at the time from the 2 to 10 shift, and the
10 immediate previous witness was a member of Unit C who was
11 called in from the rest unit after the murders on overtime?

12 A. I accept that.

13

14 MR. MacQUILL: Thanks very much.

15

16 CHAIRMAN: Any other questions? Any re-examination?

17

18 MRS. LAVERTY: No, Chairman. That concludes the evidence.

19

20 CHAIRMAN: Thank you very much, Garda Whelan.

21

22 THE WITNESS THEN WITHDREW

23

24 MR. DURACK: For the avoidance of doubt, I'd like to point
25 out that it's not just this particular station diary is
26 missing, there are a significant amount of documents from
27 around that period that are missing, and the Commissioner
28 will provide a list of those.

29

30 CHAIRMAN: Missing from Dundalk or from other places?

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MR. DURACK: Missing were Dundalk specifically.

CHAIRMAN: Thank you very much.

MR. DURACK: Just with the passage of time.

CHAIRMAN: Thank you very much. 11 o'clock tomorrow then.

THE TRIBUNAL ADJOURNED UNTIL THE FOLLOWING DAY, THURSDAY
THE 14TH OF JULY, 2011, AT 11 A.M.

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