

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

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

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1 THE TRIBUNAL RESUMED ON THE 14TH OF JULY 2011 AS FOLLOWS:

2

3 MRS. LAVERTY: Good morning, Chairman, we have two witnesses
4 this morning: Mr. Brian Moroney and retired Chief
5 Superintendent Michael Diffley.

6

7 CHAIRMAN: Thank you very much, Mrs. Lavery.

8

9 MRS. LAVERTY: Chairman, I wonder could we have a minute
10 please, just a matter has arisen, it only take about two
11 minutes.

12

13 CHAIRMAN: Certainly. I will rise for then.

14

15 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

16

17 MR. DURACK: I wonder if I might, before this witness
18 commences I had stated yesterday that I would advise the
19 Tribunal of the missing diaries that were being discussed,
20 because it is not just the diary relevant to the date in
21 question. The diaries in fact are missing from the 10th of
22 June '87 to the 24th of November '88, and from the 10th of
23 March '89 --

24

25 CHAIRMAN: 10th of June '87 to?

26

27 MR. DURACK: The 24th of November '88 and from the 10th of
28 March 1989 to the 25th of May 1991, and this was provided
29 by letter to the Tribunal on the 13th of July, 2011 --
30 sorry, my apologise the 8th of June 2011.

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CHAIRMAN: Thank you, Mr. Durack.

MR. DILLON: Thank you, Chairman.

1 BRIAN MORONEY, HAVING BEEN SWORN, WAS EXAMINED BY MR.
2 DILLON AS FOLLOWS:

3

4 1 Q. MR. DILLON: Mr. Moroney, I think your career was in the
5 Garda Siochana and it went from the years 1959 to 1996, is
6 that right?

7 A. That is correct, judge.

8 2 Q. I think when you came out of the depot in January of 1960,
9 you were initially assigned to Wicklow where you stayed
10 there for about a year?

11 A. I was in Wicklow for about two and a half years.

12 3 Q. Two and a half years, very well. I think you went to
13 Clontibret and in 1962 you were then transferred to
14 Dundrum?

15 A. That's right, yes.

16 4 Q. And in 1964 you went from Dundrum to Drogheda?

17 A. That's correct, yes.

18 5 Q. When you were in Drogheda you went there as a uniform guard
19 but became a detective during your time there?

20 A. That is correct, yes, judge.

21 6 Q. You were promoted to sergeant in 1980 and transferred to
22 Monaghan town, isn't that right?

23 A. That is correct, judge.

24 7 Q. I think you spent about five and a half years there?

25 A. Yes.

26 8 Q. I think you reverted to uniform for personal reasons and
27 you spent a short time, is it Colin in County Louth?

28 A. That is correct, judge.

29 9 Q. After that you went to Drogheda?

30 A. I went to Drogheda then, yes.

1 10 Q. I think you remained in Drogheda until you retired in 1996?

2 A. That's correct, judge.

3 11 Q. Going back to 1989, at that time, 1989 you were stationed
4 in Drogheda, isn't that right?

5 A. That is correct, judge.

6 12 Q. And I think there had been some suggestions about the
7 station in Dundalk?

8 A. There was just the talk, the general talk going on about
9 the transfer of the divisional headquarters from Drogheda
10 to Dundalk.

11 13 Q. Yes and was there any suggestion about Dundalk station
12 being under surveillance?

13 A. Well it would be more or less -- it was just general talk
14 amongst ourselves that we thought it would be easier to
15 have surveillance in Dundalk station than in Drogheda.

16 14 Q. And I think you knew a number of members of the RUC, as it
17 then was, isn't that right?

18 A. I did, but basically I would have known them when I was in
19 Monaghan.

20 15 Q. And I think your experience was that they often dropped
21 into outlying stations as well as a more central station
22 such as Monaghan, isn't that right?

23 A. Yes, they would call into outside stations and maybe start
24 talking to some young recruits and things like that that
25 were in the stations.

26 16 Q. And I think that you had the experience, on one occasion
27 you had an accused person in custody and an RUC officer
28 came into the station to speak to you about him?

29 A. That is correct, judge.

30 17 Q. I think we are now dealing with the more general topic of

1 payment to informants?

2 A. That is correct, judge.

3 18 Q. And I think is it the case that did the RUC officer explain
4 to you how he knew you had this person in custody?

5 A. No, he did not, and I didn't know how he found out that we
6 had this man in custody.

7 19 Q. What proposal did the RUC officer make to you?

8 A. He proposed that I go in and offer the suspect 5,000
9 sterling and tell him that he'd get the same every week if
10 he changed for -- started to cooperate with the RUC.

11 20 Q. And were you in Monaghan at the time this happened?

12 A. I was, yes, judge.

13 21 Q. This was in the 1980s?

14 A. It was, in the early 80's.

15 22 Q. I have to suggest to you 5,000 sterling was a staggering
16 sum of money for that time?

17 A. That's correct, judge.

18 23 Q. You are quite clear that was what was on offer?

19 A. I am, judge, because it astonished me the amount of money,
20 that kind of money, you know.

21 24 Q. And what was your reaction?

22 A. My reaction was that it wouldn't be -- it wasn't -- it
23 wouldn't be our job to do things like that and I told him
24 we wouldn't be dealing with that kind of stuff and I asked
25 him to leave.

26 25 Q. Now on the question of payments to informants, in very
27 broad terms can you explain to us how that operated?

28 A. Well, it was very difficult. It depends -- there was a
29 question of giving finance for information but what went
30 down here in the Republic, it would have been very small

1 kind of money that you would have to get out of C Branch up
2 in Dublin.

3 26 Q. C Branch is otherwise known as Crime and Security?

4 A. That's what it is now, yeah.

5 27 Q. And was there any procedure for applying for a payment from
6 C Branch?

7 A. Not really. You just went -- you could go up to the Chief
8 or something that was up there at the time and just present
9 your case to him and see what he would give you.

10 28 Q. And did the sums compare to the £5,000 sterling suggested
11 to you by the RUC officer?

12 A. Not at all, no, no, no.

13 29 Q. They were more modest sums?

14 A. Very modest.

15 30 Q. Now, how were promotions -- how was a person assessed for
16 promotion? Was it based -- it was clearly based on his
17 conduct and character but how about his work?

18 A. Well, it depends what section you are in. If you are in,
19 if you are in plain clothes, say in the Detective Branch I
20 would say a lot of it would be to do with what successes
21 you had over the period and things like that.

22 31 Q. And if you are on the detective side, is it more to do with
23 information that you collected?

24 A. Information collected was vital.

25 32 Q. And I think information was put down on the document, which
26 we have heard about, called a C77, isn't that right?

27 A. You send a C77 up, generally speaking, to Headquarters.

28 33 Q. In addition to containing the relevant information, the C77
29 also, if possible, graded the quality of the information,
30 isn't that right?

1 A. That would be it, yes.

2 34 Q. And I think that there are times when the information
3 didn't really amount to very much, isn't that right?

4 A. Well, all little things going together, you can put them
5 together and they might build up a picture, so I suppose
6 all little stuff has to go in.

7 35 Q. Now, what should be the chain of events in the event that a
8 member of the Force wished to send a report directly to an
9 Assistant Commissioner?

10 A. If you send a report, the Assistant Commissioner, there is
11 a possibility that he may tell you that you should go
12 through the proper channels to go up to him. There are
13 other cases where if you had it good enough you could go
14 directly to up to Dublin and speak to them.

15 36 Q. When you say the proper channels, what do you mean by that?

16 A. Up through the ranks. You would send it up from, say, up
17 to the Superintendent on to the Chief and on up that way.

18 37 Q. So if you were, let's say, a guard, do you report in the
19 first instance to your sergeant?

20 A. Yes.

21 38 Q. And the sergeant then onto the Inspector and it works its
22 way up the ladder?

23 A. The chain of command, yes.

24 39 Q. But in principle there is nothing that would need to stop a
25 member communicating directly with the Assistant
26 Commissioner if the occasion required it?

27 A. If the occasion required it and if he felt it was worth it,
28 he probably would go directly to the Assistant
29 Commissioner.

30 40 Q. And whether going through the chain of command or being

1 approached directly, what steps would the Assistant
2 Commissioner then take with the information?

3 A. That would be -- I wouldn't be really aware of what he
4 would do with it, you know, but, like, he could retain it,
5 he could put it with other bits, he could do a lot of
6 things, I don't know what he'd do with it really.

7 41 Q. Now, turning to another matter, there was a Detective
8 Sergeant in Dundalk called Owen Corrigan?

9 A. That is correct, yes.

10 42 Q. Did you have any evidence suggesting that Mr. Corrigan ever
11 colluded with the IRA?

12 A. I wouldn't believe it at all, no. I worked with him for a
13 number of years as a detective in Drogheda.

14 43 Q. I think you trusted Mr. Corrigan on the job?

15 A. I trusted him on the job. I would have had reservations
16 regards maybe some of his bills and things like that.

17 44 Q. Well we'll leave that to one side. I think it's your view
18 he was able to get information on a lot of matters?

19 A. He was in a good position of getting information on -- I
20 remember him getting information on different things
21 relating fatal accidents and things like that, you know.

22 45 Q. I think, or do you recall hearing about the possibility
23 that the late Chief Superintendent Breen spoke to his Staff
24 Officer Alan Mains on the morning of his departure to
25 Dundalk station, do you remember that?

26 A. I don't know anything about that at all.

27 46 Q. Well...

28 A. I know that whatever he'd have said would have been past
29 on, I am sure, to our higher authorities.

30 47 Q. And that would be at that level of a higher authority?

1 A. Yes.

2 48 Q. You were in Drogheda in March of 1989?

3 A. I was, yes.

4 49 Q. Have you any recollection of that day?

5 A. None, no, I can't remember it at all to be quite honest
6 with you, judge. Naturally I can remember hearing about
7 the shootings but I can't, I just can't remember -- I
8 wouldn't have been involved in any of the investigation or
9 anything like that. We were away down in Drogheda.

10 50 Q. Now, if you were told that the two -- sorry, if you were
11 told that the two RUC officers arrived in station say at
12 sometime between ten and twenty past two in the afternoon,
13 and that the Active Service Unit was put in place at 2:30
14 in the afternoon, what does that say to you?

15 A. Could you repeat that please?

16 51 Q. If you are told that the officers arrived at the station
17 between say ten past two and twenty past two, on the one
18 hand, and that the IRA's Active Service Unit came on the
19 scene at approximately 2:30, half past two, what does that
20 indicate to you in terms of the IRA's readiness to deal
21 with the matter?

22 A. It would appear that they had, they must have had some sort
23 of knowledge or surveillance or something on the particular
24 officers.

25 52 Q. I think there were houses opposite the station?

26 A. There are a lot of houses opposite the station, the
27 Crescent. I don't know, there could be surveillance there
28 or anything, I don't know. I am sure that was all checked
29 out when the investigation was going on into the murders.

30 53 Q. In your view, it would be necessary to check out those

1 houses?

2 A. I would imagine so, but I don't know where they did or not.

3 I am not privy to that information.

4 54 Q. Indeed, because you were in Drogheda at the time, isn't
5 that right?

6 A. Yes.

7 55 Q. Thank you.

8

9 CHAIRMAN: Any questions?

10

11 MR. DURACK: Just a couple.

12

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

14

15 56 Q. MR. DURACK: Just to deal with the funds might have been
16 available, I think that they were normally handled by the
17 Chief Superintendent, isn't that right?

18 A. Yes, possibly by the, it would be the Chief Superintendent,
19 yeah.

20 57 Q. And I think that the sums were in tens rather than in
21 thousands?

22 A. That's exactly it.

23 58 Q. Again, just in relation to reportings, I think there was a
24 difference between C77s and a plain copy report, isn't that
25 right?

26 A. There is a big difference, yes.

27 59 Q. And the C77s would have gone to the Chief and to Crime and
28 Security at the same time?

29 A. Yes, and the C77, you are allocated a number which you put
30 on it for your own identification and it goes to the, it

1 would go, so many copies up to Crime and Security and the
2 Chief Superintendent was getting, eventually the Chief
3 Superintendent was getting another copy.

4 60 Q. The Chief Superintendent of your own division?

5 A. Yes.

6 61 Q. And that was for the purpose of intelligence. I think,
7 though, plain copy reports that were made went up through
8 the ranks in the ordinary way?

9 A. Yes, that is correct.

10 62 Q. I think that you were asked to speculate in relation to the
11 possibility of the IRA having surveillance or knowledge of
12 the movements of the two officers?

13 A. I was asked to speculate but it would only be just my own
14 opinion.

15 63 Q. And I think we do know it appears to be the state of things
16 that they had lunch in Newry and from there they went to
17 Dundalk?

18 A. I didn't know that.

19 64 Q. I think there'd be adequate opportunity to watch them there
20 or to know where they were going from there?

21 A. Well somebody must have been watching them unfortunate
22 people.

23 65 Q. Thank you very much.

24

25 MR. MacGUILL: No questions.

26

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

28

29 66 Q. MR. COFFEY: Mr. Moroney, I appear for retired Sergeant
30 Colton. Just when you were giving your evidence you

1 indicated the procedures whereby a member might communicate
2 information to senior officers in Dublin, the C1 section,
3 is that correct?

4 A. C3 it used to be know, yeah.

5 67 Q. Can I ask you, if for any reason a member based in a Garda
6 station such as Dundalk had loss of confidence in his
7 superior officers, whether there was reason for that or
8 just he had a perception that he had, would you expect such
9 a member to communicate directly with the C3 section if he
10 had any information that he felt was of importance and
11 significance?

12 A. I would, yes. Sometimes they would go up and communicate
13 verbally with the Assistant Commissioner.

14 68 Q. And would an ordinary Garda member or a sergeant in uniform
15 have such access in those circumstances?

16 A. I would say he wouldn't be turned away.

17 69 Q. Thank you.

18

19 MR. MACGUILL: No questions, Chairman.

20

21 MR. DILLON: Nothing further.

22

23 CHAIRMAN: Thank you very much.

24 A. Thank you, judge.

25

26 **THE WITNESS THEN WITHDREW**

27

28 REGISTRAR: Michael Diffley.

29

30

1 MICHAEL DIFFLEY, HAVING BEEN SWORN, WAS EXAMINED BY MRS.
 2 LAVERTY AS FOLLOWS:

3

4 MRS. LAVERTY: Good morning, Mr. Diffley. I am Mary
 5 Lavery, counsel to the Tribunal.

6 A. Good morning.

7 70 Q. I think you have had a long an distinguished career in the
 8 Gardai, isn't that so?

9 A. Well, I'd describe it as long. I'll leave the
 10 distinguished to other people to judge.

11 71 Q. I see. I think from your statement you joined the Gardai
 12 in 1964, and from '64 to 1970 you were a Garda in Finglas?

13 A. Correct.

14 72 Q. In 1970 you joined the Special Detective Unit in Dublin
 15 Castle and remained there until 1974?

16 A. Correct.

17 73 Q. And I think in late 1974 you were promoted to the rank of
 18 uniform sergeant and posted to Kiltyclogher on the border
 19 in Northern Ireland?

20 A. That is correct.

21 74 Q. And several months later in March 1975 you were sent to
 22 Union Quay, Cork as a Detective Sergeant?

23 A. Correct.

24 75 Q. In July 1975, you applied for a transfer back to Dublin and
 25 you were duly transferred back to the intelligence unit
 26 then known as C3 at Garda Headquarters in the Phoenix Park?

27 A. That is correct.

28 76 Q. You remained there for a considerable period of time and
 29 several years after your arrival in July 1975 you were
 30 promoted to the rank of Detective Inspector, and a few

1 years later you were promoted again to the rank of
2 Detective Superintendent?

3 A. That is correct.

4 77 Q. And following that then did you -- you remained in the
5 intelligence section until the 4th of May 1988 when
6 Assistant Commissioner Eugene Crowley was appointed Deputy
7 Commissioner and he asked you to accompany him to --

8 A. Yes, it was actually the 3rd of May.

9 78 Q. 3rd of May, my apologies. And what did that involve then?

10 A. Well, it involved, as you have pointed out, leaving the
11 intelligence section and the headquarters was being
12 restructured at that time and Eugene Crowley had been
13 appointed Deputy Commissioner to head a new operational
14 section and he was allocated two people as his staff: a
15 superintendent, which would be his assistant; and a
16 sergeant as well. And it was Mr. Crowley's task to put the
17 new operational system into place and to get it up. It
18 involved a lot of shifting of responsibilities within Garda
19 Headquarters. And that is what it entailed; that was our
20 task.

21 79 Q. And who was the other person with you?

22 A. Well, the other person with me was Vincent Kennedy. He was
23 a sergeant, he may have been an inspector but I think he
24 was only a sergeant at that time.

25 80 Q. Up to that point in time you had spent many years in the
26 intelligence section?

27 A. That is correct, yes, that is correct.

28 81 Q. And therefore one surmises would you have a very good
29 knowledge of subversives and what was going on in the
30 country?

1 A. Yes, I would hope that I had as intimate knowledge of how
2 subversives were operating within the state and indeed
3 outside the state, and from outside the state in the state
4 as anybody else.

5 82 Q. And how did intelligence get up as far as you in your
6 position?

7 A. Well, we received intelligence -- we received intelligence
8 from many sources. When we became established as an
9 intelligence unit, because it was only in it's infancy in
10 the mid-70's, when we became established as an intelligence
11 unit we were almost unique in the world as being the only
12 country where the police handled all the domestic
13 intelligence, along with our colleagues in the army who
14 handled another aspect of intelligence. So we had
15 established ourselves on the world stage so as that while
16 we could always communicate with police forces,
17 intelligence units worldwide would not communicate with the
18 police force, so we had to establish ourselves. And from
19 the time we were established, your question is where did
20 you get intelligence from? Well we got it from at home and
21 abroad. We got it from within the Force at home and we got
22 it internationally from police and intelligence agencies,
23 and we communicated with them, if we got intelligence which
24 was relevant to them of course we passed it on.

25 83 Q. I presume that in relation to intelligence you received at
26 home, when you speak of abroad then, would you include the
27 north of Ireland as being abroad?

28 A. Well yes, loosely but yes, of course.

29 84 Q. But it being a small country, I assume there were quite
30 close connections in those days between the RUC and the

1 gardai?

2 A. Yes, there was an excellent professional relationship
3 within the two intelligence communities.

4 85 Q. And when did that commence?

5 A. Well, that commenced -- well I suppose it had been there to
6 some extent always, but as regards exchanging visits and
7 all that sort of thing, I'd say the mid-70's in my era.

8 86 Q. I think it was more formalised with the Anglo Irish
9 Agreement?

10 A. That was further down the road. Things were put on a
11 formal basis then as regards structural cross border
12 meetings, but we were meeting long before that.

13 87 Q. And can I take it that whereas the public perception might
14 have been that there wasn't any great contact between the
15 two forces on the ground and between the intelligence
16 community, there was quite a substantial connection and
17 exchange of information?

18 A. Yes. Everything to do with intelligence is based on trust,
19 and from the time trust was established there was a very,
20 very close contact between the two forces, I am speaking of
21 the intelligence field, very close contact, and very close
22 cooperation on all matters relevant to security. Because
23 it was a two-edged sword. Like, I mean, while we and they
24 were very interested in activities of republican groups, we
25 were also interested in activities of loyalist groups and
26 so were they, and they cooperated, as far as I am
27 concerned, to the best of their ability in curtailing the
28 activities of loyalists as well, so it was two-way street.

29 88 Q. Well now, starting on the ground when you were getting
30 information, say, domestically in the south, if an officer

1 or any member of the gardai got a piece of information, am
2 I correct in thinking he would fill out a form C77 and he
3 would in turn send that up, either give it to his collator
4 or -- would he give it to his collator first or would he
5 give it to his superintendent?

6 A. Well there was flexibility. The C77 was devised in the
7 mid-70's as a structured way of presenting intelligence and
8 categorising it so as that you could, and as my previous
9 colleague said, each member that submitted intelligence was
10 given a number. So, he had options. In exceptional cases
11 he had the freedom just to pass it to the intelligence
12 section in Headquarters, but the preferred option would be
13 that he would pass it through his divisional officer.

14 89 Q. I think in a lot of instances, though, perhaps people,
15 detectives particularly, tended to pass it directly to
16 Headquarters?

17 A. Well, maybe I should have phrased it better. The C77 was
18 -- there were four copies. What we would hope is that two
19 copies would be sent forward to the intelligence section,
20 the third copy would be sent to the Chief Superintendent,
21 and the remaining copy he would retain for his own
22 information or for retention so as he could refer back to
23 it. So that was the preferred option. And the Chief
24 Superintendent should normally have it the same day. But
25 there would be instances where that would be unnecessary
26 because you may have a member who was stationed in Kerry
27 but was born in Monaghan, and at home on the weekend he
28 would find out some information which was relevant, there
29 was very little use in sending that through his divisional
30 officer in Kerry while it would be very relevant to the man

1 in Monaghan, and when we get it that would be communicated
2 to the officer in Monaghan through us.

3 90 Q. Were you still with Eugene Crowley on the 20th of March
4 1989?

5 A. 20th of March...

6 91 Q. 1989.

7 A. I'd have to think of that. Yes, Eugene Crowley was
8 then...

9 92 Q. Yes...

10 A. .. Commissioner, yes.

11 93 Q. He was Commissioner.

12 A. I was his private secretary.

13 94 Q. You are talking about sort of close connections between the
14 RUC and yourselves, and obviously an allegation made about
15 a member of either Force, if presented in an intelligence
16 scenario would obviously be very important to pass along to
17 the other side?

18 A. Vital to me.

19 95 Q. There was intelligence in 1985 that was in the position of
20 the RUC suggesting that a named Detective Sergeant was
21 passing on information to the IRA. Did you ever, in your
22 capacity as an intelligence officer, receive that or hear
23 about that information?

24 A. I have no memory of it because that would be of major
25 significance, if a named officer was, a named Garda officer
26 was passing on information. I have no memory of it and I
27 feel confident if it had mentioned to me either formally or
28 informally I should remember it.

29 96 Q. Right. Now it would appear from evidence that we have
30 heard to date that the prime PSNI can't provide a paper

1 trail as to when, if that at the time was passed over to
2 the Garda, and it appears it was only in early 2000 or
3 2001, when the investigation into *Bandit Country* started,
4 that the gardai state that they got this information for
5 the first time from the PSNI. So, in other words, I don't
6 know in what way -- is that important, I wonder, how it
7 could it have been communicated in the meantime?

8 A. Unfortunately, while I'd love to help you on this, I cannot
9 -- I couldn't explain it.

10 97 Q. You would expect that that would be a matter that would be
11 communicated by the authorities in the north to the
12 intelligence branch in the south?

13 A. You see, in the intelligence field 90 percent of the thing
14 you get is casual information and it may be anything
15 varying from gossip to something that is frivolous or
16 vexatious. So it depends on how they assessed it went they
17 initially got it I presume, that's the only thing I can
18 say. If they have no record of passing it on, maybe it was
19 assessed at the time as being vexatious or frivolous or
20 just lose gossip.

21 98 Q. Now, another matter that has come to our attention in the
22 Tribunal during the recent hearings was there has been
23 evidence from Mr. Alan Mains, who was Harry Breen's Staff
24 Officer, that on the day following the murders, on the day
25 of the murder Mr. Breen expressed unease at travelling to
26 Dundalk because he had concerns about a particular person
27 in Dundalk. And that was -- a statement was made to that
28 effect the day after the murders and there was a murder
29 investigation being carried on north of the border and the
30 Gardai were assisting with, if you like, any inquiries they

1 could carry out south of the border. Would you consider
2 the information contained in that statement would be
3 important enough to be passed onto the authorities in the
4 south?

5 A. Well, I'd expect if there was a murder investigation
6 concerning two senior officers or concerning any
7 individual, that all relevant information should be in the
8 hands of anybody that was involved in the investigation
9 directly or in indirectly.

10 99 Q. So you would expect that, as a matter of course,
11 information that would be transferred to the gardai by the
12 PSNI?

13 A. Well, I had no involvement in that investigation and I
14 cannot comment on how documents were exchanged between the
15 two bodies, but that is the sort of thing I would expect.

16 100 Q. And is there any other way, is there any other possible
17 explanation for the fact that it doesn't seem, this
18 information doesn't appear to have been formally handed
19 over; that this information had been communicated inter
20 partes verbally, for example?

21 A. I am afraid I cannot assist you there. Perhaps -- I am
22 sure this matter, you've been taking it up with the PSNI,
23 see can cast any light on it. I cannot.

24 101 Q. How much intelligence was exchanged verbally between the
25 parties?

26 A. Well, intelligence -- if you are talking about general
27 information, a lot. A lot of it was -- at our meetings
28 everything was thrown out and discussed so that every side
29 could have an opinion on it. There was a very open attitude
30 towards discussing things generally. So, if you talk about

1 the volume of stuff, the volume would be huge but the
2 substance of it might be quite small.

3 102 Q. How often would you hear concern about a member of either
4 Force suspected of inappropriate association with a
5 subversive party?

6 A. Not very often, none immediately spring to mind, but it was
7 something we often discussed because we were aware we had
8 seized documents from the Provisional IRA and we saw where
9 they had their own intelligence document, their head of
10 intelligence resided in Donegal and they actually had a
11 little intelligence booklet and they outlined the possible
12 sources, everything from postmen to milkmen. They didn't
13 actually specifically mention police but it was implied
14 anybody that had general contact with the public and would
15 be in a position to know where people lived or resided, and
16 we seized their documents where they had the names and
17 addresses of dozens if not hundreds of members of our own
18 force, the numbers of their cars, where they went to
19 church, even their golf handicaps in some places.

20 103 Q. So obviously the IRA would be interested in infiltrating
21 the gardai?

22 A. Absolutely.

23 104 Q. And indeed anybody else who might have been of assistance
24 to them?

25 A. Exactly.

26 105 Q. So, if intelligence or information, making the distinction
27 between intelligence and information, if information came
28 into the gardai that there was a suspicion about a member
29 of the Force --

30 A. Yes.

1 106 Q. -- what should be done about that?

2 A. Well, it would have to be investigated. But the first
3 thing that would be done, be it intelligence or
4 information, is to assess the source. You know, there are
5 so many ways. It could be a technical source, it could be
6 intercept, it could be a two-legged source, it could be
7 gossip overheard in a pub. First of all, and if it came
8 from an informant, naturally you'd assess the informant to
9 see what sort of information they had given before. All
10 this would be done immediately so as that whoever was going
11 to investigate it would know exactly how it should be
12 investigated. Because, if it was coming through an
13 informant, despite what we say about the public generally
14 should help the police, when somebody helps the police they
15 are branded an informant. If it comes from an informant,
16 you have to be very wary of protecting him in the
17 subsequent investigation because we know what happened to
18 informants unfortunately.

19 107 Q. But wouldn't you also have a police force have an equal
20 obligation possibly, a more onerous obligation to protect
21 the character of the person in the Force whom the
22 allegation is made against?

23 A. That is what I mean, and it would have to be done initially
24 it would have to be by way of some covert means that you
25 would investigate if he was actually carrying on this way,
26 and I wouldn't want to go too deeply into how you would do
27 that. But, you know, you can imagine what would be done as
28 regards covertly tracking his movements, everything from
29 his bank account to his personal movements.

30 108 Q. But at the end of the day something would be done and

1 something would be done immediately?

2 A. I tell you, we always hear about priority number one. That
3 would be priority number one.

4 109 Q. Now, I am going to run a scenario by you which is in a
5 different vain. Do you know Mr. Tom Curran who was the
6 Superintendent in Monaghan?

7 A. Yes I do, I did.

8 110 Q. I think he was in a difficult area, he was there for a long
9 time in Monaghan which is just a mile from the border?

10 A. All people serving along the border operated in a very
11 difficult environment, especially if they lived close by
12 and had families; it was a very difficult environment.

13 111 Q. And Mr. Curran gave evidence before this Tribunal recently
14 that in the first -- he knew, firstly, he knew Bob Buchanan
15 for five years and they were friendly and they met each
16 other on a very regular basis because Superintendent
17 Buchanan called in and out all the time to the station in
18 Monaghan, among other stations, as part of his job as
19 Border Superintendent. He said in the first half of 1987
20 Bob Buchanan said to him that there was concern, there was
21 concern about a member of the guards in Dundalk, and he
22 said that the RUC, and I quote directly, "*had information*
23 *that Detective Sergeant Owen Corrigan, Dundalk was*
24 *unnecessarily associating with the IRA and the RUC was*
25 *concerned about it.*" And he asked Mr. Curran to go to the
26 Assistant Commissioner with that information. Now, Mr.
27 Curran said in his evidence that he knew little or nothing
28 about Owen Corrigan, that he had met him a few times
29 perhaps in court. Other than that he didn't know anything
30 about him, but he said he was the messenger and he also, he

1 got the impression that he was, as I said just the
2 messenger and that Bob Buchanan had been instructed to
3 carry this message to Headquarters. So I think would you
4 have been up in Headquarters at that stage, would you?

5 A. In '87, I would, yes.

6 112 Q. And Mr. Curran said that when he was next -- obviously he
7 took this mission seriously, and can I take it, Mr.
8 Diffley, that for an RUC Border Superintendent to ask his
9 counterpart in Monaghan to take this message to
10 Headquarters was sort of a serious responsibility?

11 A. It would be an extraordinary responsibility because that is
12 not the way I am aware the RUC would communicate
13 intelligence. Intelligence had to be from Headquarters to
14 Headquarters. If this was his personal wish, then of
15 course then of course he could have done it, but if
16 intelligence, and I am sure our colleagues from the north
17 will confirm this, that there was a strict rule that
18 intelligence was passed between the two agencies as
19 headquarter level.

20 113 Q. We don't actually know whether this intelligence had been
21 passed earlier. There is no evidence to suggest that this
22 type of intelligence that you say should have been passed
23 on Headquarters to Headquarters, so to speak, among the top
24 echelon, we don't know whether that in fact had happened,
25 so we are left with a situation where Bob Buchanan appears
26 to have gone out on a limb and asked Tom Curran to go out
27 on a limb to convey this information to Headquarters?

28 A. Yes.

29 114 Q. Would that suggest to you that this was not a trivial
30 request?

1 A. If that occurred, it was not trivial.

2 115 Q. And from your experience do you believe that Tom Curran was
3 correct in his understanding he thought Bob Buchanan had
4 been delegated to this task?

5 A. I couldn't comment on that. I am only expressing the firm
6 arrangement, the protocol for the passing of intelligence.

7 116 Q. Well subsequently we had evidence, the Chairman has heard
8 evidence that Mr. Curran went to Headquarters and conveyed
9 this message to Mr. Eugene Crowley, and Mr. Eugene Crowley,
10 I think, didn't seem to react. He was ostensibly reading a
11 file and then he asked him how things were in Monaghan, and
12 that really was the extent of the conversation?

13 A. I have to say, and this is my experience of Eugene Crowley,
14 that that was not the Eugene Crowley I knew. That Eugene
15 Crowley was at pains to ask so many questions, he was
16 infamous, you could say it, for the number of questions he
17 would ask in any situation till he got a thorough picture
18 of what was going on. But that is all I can say about it.

19 117 Q. Does that suggest to you it didn't come as a surprise to
20 him, that he knew it all anyway?

21 A. Well, I cannot say what Eugene Crowley knew. But it would
22 be remarkable if Eugene Crowley knew something like that,
23 that he wouldn't have communicated it to somebody like me
24 or to some other of his senior officers. That is all I can
25 say.

26 118 Q. Did he ever communicate anything similar to you?

27 A. Nothing concerning that individual.

28 119 Q. And in fact--

29 A. Nothing concerning that individual as regards transferring
30 him.

1 120 Q. Transferring him.

2 A. You know, I think there were transfers arranged for him at
3 sometime, I am not sure what the records show, but I am not
4 -- that was a personnel thing, it had nothing to do with
5 us, or it had nothing to do with me, I was unaware of it.

6 121 Q. But the fact that a request for a transfer was made via Mr.
7 Curran at the request of the RUC, is that something that a
8 note should have been taken of?

9 A. Oh absolutely, yes.

10 122 Q. And where would you record a request like that?

11 A. Eugene Crowley would not, could not transfer anybody.
12 Eugene Crowley was responsible for intelligence. He would
13 have to take that up with Personnel Branch. So that's where
14 it should be recorded if the request was made.

15 123 Q. Presumably he would have had to put in a written request or
16 a note stating I have had a request that Detective Garda so
17 and so, a request for his transfer away from the border?

18 A. Well, you know, I am sure it could be done without any
19 great detail being passed on. If personnel got a request
20 from an Assistant Commissioner in charge of security, that
21 a member would be changed, I'd say that you wouldn't have
22 to explain much further.

23 124 Q. Well, to go back to the position of Tom Curran, then, going
24 back to Monaghan. Is there anything further, if it had
25 been received and if Mr. Crowley had taken it on board as a
26 serious request, would he have communicated back to Tom
27 Curran?

28 A. That is a good question. I don't know. It depends on --
29 absolutely from the time Tom Curran had passed on this
30 information it was in the Commissioner's court, I don't

1 think he would necessarily have to communicate back to Tom
2 Curran.

3 125 Q. There was nothing more Tom Curran could do?

4 A. Unless raise it again.

5 126 Q. Yes...

6 A. He could commit it to writing of course.

7 127 Q. Yes. As you said yourself, a lot of things were discussed
8 informally between parties?

9 A. Informally between -- I am talking now at an intelligence
10 level, but where an officer would be passing on information
11 like that, I think it would be wise to put it in writing.

12 128 Q. Well now, unrelated to this incident about six months,
13 approximately six months, perhaps more, not more than a
14 year, prior to the deaths of Chief Superintendent Breen and
15 Superintendent Buchanan, Tom Curran gave evidence to the
16 Chairman that he got intelligence from one of his sources
17 in relation to a specific threat against Bob Buchanan.
18 And he said that he wrote, he bypassed his own Chief
19 because he was concerned that due to the fact this was a
20 specific threat, that it might lie around in the office and
21 -- anyway, he was so concerned about it he wrote a report
22 addressed to Assistant Commissioner Crime and Security and
23 he typed it himself and he signed it and he effectively
24 said he had intelligence that there was a specific threat
25 to Bob Buchanan. Did you ever see that report?

26 A. No. This matter had been raised with me before.

27 129 Q. Yes...

28 A. And it was put in the context that around October he had
29 submitted a written report to Intelligence. This matter
30 was raised with me before. Now, I have no knowledge of

1 such a report and I will point out that I had left
2 intelligence the previous May, and so had Mr. Crowley. So,
3 it was described to me as shortly before the incident and
4 probably October, November or October that this was
5 submitted, and is it now stated that it was a year prior?

6 130 Q. No, he said six months to possibly a year, and he was asked
7 on one occasion -- he himself expressed concerns about
8 security for members of the RUC on the border and there was
9 communication and correspondence in I think '88, around May
10 '88 emanating from Mr. Curran, and he went to great lengths
11 to explain this was not the report that he was involved
12 with and he said it was sometime after that.

13 A. I think, sorry, Mr. Chairman, if I might suggest, would
14 that have been '87 not '88?

15 131 Q. It may have been '87 now, Mr. Diffley, but in any event --
16 correct, I haven't got the information before me, you might
17 be well right that that was in '87, but he went to great
18 lengths to explain that those communications were not the
19 report that he had sent up.

20 A. That '87 information was not conveyed to the Intelligence
21 Section; it was conveyed to Deputy Commissioner McMahon who
22 issued a border circular.

23 132 Q. That's correct.

24 A. And it came to me and I have written on it in actual fact
25 where I have taken it up immediately to the RUC to make
26 sure they were aware of it and to file it in our
27 intelligence system, as I would do with any report that I
28 got; I always made a minute on it.

29 133 Q. And when did you leave the Intelligence Section?

30 A. Probably the last days of April. It depends on what day of

1 the week it was. I took up my knew post on the 3rd of May.

2 134 Q. And that was in?

3 A. 1988.

4 135 Q. 1988?

5 A. Yes.

6 136 Q. So it's possible you may have been gone when that report --

7 A. It was also mentioned to me, if I may raise it, judge, that
8 in a preliminary hearing that Mr. Curran said the day after
9 he sent in this information he rang me to confirm that I
10 got it and what was I doing with it, isn't that correct?

11 137 Q. No. I didn't put it to you before.

12 A. At our meeting on the -- at our meeting on the 11th of
13 March and the 26th of March it was raised with me that
14 following on this information that Mr. Curran said he sent
15 to Headquarters and did not retain a copy of, that he rang
16 me the following morning to find out what action we had
17 taken about it.

18 138 Q. I don't recall that, Mr. Diffley. I don't recall ever
19 putting that to you. Certainly Mr. Curran didn't say that
20 to us. He said he assumed that that report may have gone
21 to you but he didn't actually say that he contacted you
22 about it. In fact, he specifically said he was sorry he
23 hadn't done something about it.

24 A. Maybe there is a misunderstanding. But my understanding of
25 it was that he stated that he rang me the following morning
26 and indeed I think the Scottish Voice newspaper is carrying
27 a report where I am named as having received information.

28 139 Q. No, I can assure you, Mr. Diffley, that Mr. Curran
29 certainly hasn't given us that information.

30 A. Well, my apologies, my apologies, I misunderstood it. The

1 way I understood it is that he stated he rang me, and if
2 there is a recording of that preliminary interview or notes
3 of it I think it would be nice to examine it, because my
4 memory is that I was informed that the following day he
5 rang me and asked what had been done with this and to
6 ensure that it was taken up with the RUC. Now, maybe I
7 misunderstood what was told but that is my memory.

8 140 Q. We can certainly check if you require, but certainly they
9 are not my instructions from Mr. Curran and never have
10 been. He didn't connect you with this piece of
11 information. He assumed it would have gone, his report
12 would have gone through you, but other than that he didn't
13 put it any further than that.

14 A. I accept your explanation. I misunderstood it so.

15 141 Q. That's no problem. We are only trying to find out the
16 truth here, Mr. Diffley.

17 A. I'll tell you why that concerns me, and it concerns me
18 greatly. Because if that statement was made and I was gone
19 five months, that could have very, very serious implication
20 for my status as an intelligence officer and also for my
21 integrity, so I wish that to cleared, positively cleared
22 that no such statement was made.

23 142 Q. Well that certainly didn't emanate from the Tribunal, Mr.
24 Diffley, and unfortunately if there was some, you are
25 referring to some press article that I have no knowledge
26 of...

27 A. Only that I see from looking at the web or whatever you
28 call it, that my name appeared in a Scottish newspaper two
29 days ago.

30 143 Q. I have no idea where that information came from, Mr.

1 Diffley.

2 A. Thank you very much.

3 144 Q. They have --

4 A. No, but I wish that to be --

5 145 Q. -- said an awful lot of things about this Tribunal so far
6 that are very untrue as well.

7 A. I wish that to be definitely clarified because there is no
8 way my integrity would allow me to live with a situation
9 where a senior officer rang me to tell me that colleagues
10 of mine in the north of Ireland were going to be killed and
11 that I did nothing about it, so I wish it to be clarified.

12 146 Q. I fully agree with you and I will do that.

13 A. Thank you very much.

14 147 Q. What did you -- what was the position in Garda management
15 about dealing with people who, if you like, didn't match up
16 to the standard expected of a member of the Force?

17 A. I think it was mentioned I used to hold interviews at one
18 stage. If I had the answer to what you could do with those
19 sort of people, I am sure I probably wouldn't be a
20 commissioner, I'd probably be running the country. So, you
21 know, it is like ever other employment on this earth, you
22 get people who are absolutely committed 24 hours a day, you
23 get people that are committed while they are working, you
24 get people that are otherwise committed. And what you can
25 do, you know, with somebody who is not measuring up, the
26 discipline regulations are there, of course, and, you know,
27 they are there to be exercised but it is not always that
28 easy, and I'll tell you in the border region at that time,
29 if this is going to lead to a discussion on the border, it
30 wasn't easy, men were working under extreme -- men and

1 woman were working under extreme stress, and officers,
2 senior officers were under extreme stress and they were
3 taking a lot of hassle in their daily lives because you
4 will realise, and I am sure I haven't to remind you, but
5 that the green book of the Provisional IRA, in listing the
6 enemies of the Republican Movement said the British army,
7 the RUC, the Garda Siochana, the UDR, the Irish army, in
8 that order, so that is the status that the Garda were held
9 in by the Provisional IRA who were then such a lethal force
10 on the border. So it wasn't easy to operate in that
11 environment, and there had to be a certain amount of
12 tolerance of slight department from the strict norms of
13 policing, because it wasn't normal policing in some of
14 those areas.

15 148 Q. And if there was a concept that some, some or several
16 members of the force were stepping beyond, if you like the
17 acceptable variations due to the nature of the job, was
18 there anybody there who would pull them up and say that is
19 not acceptable?

20 A. Of course, the district officer was the man responsible for
21 administering the district and he had the responsibility of
22 ensuring that all people, all men - all people under his
23 command were carrying their fair burden of the work load.
24 And carrying it within a manner which was within the
25 regulations.

26 149 Q. Was there any vetting procedure, ongoing vetting procedure
27 for members of the Garda Siochana?

28 A. They were initially vetted, of course when they were
29 joining. And after that vetting per se was not formalised
30 but when particular individual was being picked for a

1 particular position, of course his suitability was
2 assessed.

3 150 Q. Is there any procedure nowadays when there is even more
4 pressure on the gardai from drug lords and similar type
5 criminals is there any ongoing procedure for vetting
6 members of the gardai?

7 A. I am happy to say that I am healthy after 12 years after
8 leaving the force and I don't know what is going on now.

9 151 Q. I see. Now, Mr. Corrigan, Mr. Owen Corrigan, has come in
10 for an awful lot of comment, rumour, speculation, what did
11 you know of Detective Sergeant Corrigan?

12 A. Well, the first time I think I ever met Detective Corrigan
13 when I was made - appointed Detective Sergeant to Union
14 Quay in Cork and we arrived there the one day. That is the
15 first time I think I ever met him and I ever spoke to him.
16 And he was transferred back within a few days, there was
17 some incident concerned the Minister For Justice, Mr.
18 Donegan. Mr. Corrigan was brought back to either Dundalk
19 or Drogheda, I don't know which. That is the first time I
20 met him and the next time I got to meet him or know of him
21 is when I came to Headquarters in July 1975 - '75.

22 152 Q. And was he one of the people who took their information
23 directly to Headquarters?

24 A. Yes, yes, I will explain slightly why, as I said earlier
25 on, the Intelligence Section was only stumbling into being
26 at that stage. And there was a superintendent there at
27 that stage, Michael Fitzgerald, who was a wonderful officer
28 and also other officers there Mr. Garvey and Mr. Wren and
29 others. But Michael Fitzgerald had a particular interest
30 in developing the Intelligence Section and getting it to

1 operate on the ground. What he was doing he was spotting
2 people with aptitude in various divisions and particularly
3 in the border divisions that showed an aptitude which could
4 possibly be motivated towards working against activities of
5 terrorists groups. Owen Corrigan was one person I think
6 that he saw, this happened before I arrived, had that sort
7 of aptitude and he wasn't alone in this, other people were
8 also. And he encouraged those people when they would be in
9 town to call in to see him to have a chat with them and try
10 a motivate them. And Owen Corrigan was one of those
11 people. So, I don't know does that answer your question.

12 153 Q. It is just I had asked you earlier on, if it was not usual
13 for people to bring their - particularly detectives to
14 bring their information to Dublin and you said there was a
15 preferred route but on occasions, should the situation
16 demand it, that they could do. And I presume Mr. Corrigan
17 was one of the people who was communicating directly to
18 Dublin?

19 A. Yes, I presume, I would have to see the intelligence file
20 to see what he sent in on C77s or otherwise. I know he
21 called to Headquarters, I won't say frequently but when he
22 would be town he definitely call in for a chat.

23 154 Q. Was he stationed with Mr. Crowley at one stage in Drogheda
24 or Dundalk?

25 A. That I cannot say, Mr. Crowley was Superintendent there at
26 one stage. So I cannot say if he was - if Mr.
27 Corrigan...

28 155 Q. Was he Super in Dundalk or Drogheda?

29 A. I think that was prior to me long before I knew him, I am
30 not sure, I think it was Dundalk he was in.

1 156 Q. Well, was - can I ask you, was Mr. Corrigan one of the
2 people on the border who wasn't quite orthodox in the way
3 that he acted as a policeman?

4 A. Yes, I would like to, yes, I put that in my statement he
5 wasn't an orthodox policeman, I want to put that in context
6 as well. That isn't even remotely a suggestion he was
7 violating any law or discipline regulation. Just some
8 people have a natural aptitude where they socialise easier
9 and can mix with all classes and creeds and have a type of
10 disarming, if that is the word, manner. They get people to
11 relax and maybe communicate more information than others. I
12 think Mr. Fitzgerald saw some potential in Mr. Corrigan in
13 that regard. Now, that's -

14 157 Q. Leaving Mr. Corrigan out of the picture, I am going to ask
15 you a hypothetical question now. If there is because of
16 the nature of the job on the border, the detectives
17 obviously had to have contact with the IRA that is where
18 they were getting their information and their sources
19 presumably would have been members of the IRA, at what
20 stage does the contact become, do you cross a line in
21 relation to your contacts with the IRA? Where do you draw
22 the line when you are a detective?

23 A. Well, naturally the answer is when you feel that you are
24 going to become compromised. You cannot allow yourself to
25 be compromised. The relationship between an informer and
26 his handler is always a sort of a special relationship.
27 And indeed there is a major argument that maybe there
28 should be two handlers because to avoid any sort of a -
29 suggestion afterwards that things are not exactly regular.
30 But the simple answer to your question is don't become

1 compromised. Of course, you speak to, if you are in the
2 business of gathering intelligence where are you going to
3 get it unless you speak to somebody who has it.

4 158 Q. And what about, can I just ask you generally about
5 smuggling on the border. Do you know if there were any
6 members sort of involved in smuggling or were there rumours
7 of any members involved in smuggling?

8 A. Well, I don't want to, everybody on the border smuggled to
9 a certain extent. There were, if you give me a specific
10 question surrounding a particular individual it would be
11 easier for me to answer it.

12 159 Q. Mr. Corrigan, did he?

13 A. There was always suggestions he would be smuggling but
14 these are only suggestions. You always heard things about
15 individuals, Mr. Corrigan he might be involved in some
16 smuggling, he may not be looking after his finance in the
17 way a regular policeman should, things like that. If
18 those things are happening, it was for the local officer to
19 - if it was going beyond the normal every day small degree
20 of smuggling that people did, if it was entering the field
21 where it was of commercial value to the individual
22 something should be done about it.

23 160 Q. So small smuggling was acceptable?

24 A. Now, I don't want you to misunderstand me, like I mean I
25 have relatives who live within - within - a few miles of a
26 major city in the north and always did their shopping in
27 the north. The nearest town in the south is 26 miles away
28 or city in the south. Yes, they smuggled every time they
29 went in there, I wouldn't call that smuggling. I think if
30 you are coming out with four television sets and three

1 tyres in the boot of your car that is smuggling. If you
2 are going into buy two pounds of butter and a bar of
3 Nestles you couldn't get in the south, I wouldn't call that
4 smuggling. I don't know the level of Mr. Corrigan's
5 involvement in smuggling, I just know that things like this
6 had been mentioned.

7 161 Q. Talking about smuggling then in general, you distinguished
8 between, if you like, acceptable smuggling and commercial
9 smuggling?

10 A. Well, I don't want to be misunderstood when I talk about
11 acceptable smuggling, I am talking about the real world.

12 162 Q. Commercial smuggling was something different?

13 A. Oh absolutely.

14 163 Q. What did that involve?

15 A. I am not, I don't know I cannot specify anything.

16 164 Q. Am I right in thinking if you were smuggling commercially
17 you had to to pay a toll to the IRA?

18 A. Well, I think it is beyond doubt that in the Dundalk area
19 Tom 'Slab' Murphy who lived in Ballybenaby controlled most
20 of that region and was involved, Mr. Chairman, in smuggling
21 to a great extent himself. And rumour has it that if you
22 were to operate as a commercial smuggler you would have to
23 have the consent of the IRA.

24 165 Q. Because, of course, they controlled all the roads around
25 that area?

26 A. Well.

27 166 Q. Going into the border, in any event?

28 A. Well South Armagh was very much an area where they had a
29 large presence.

30 167 Q. Yes. Thank you very much, Mr. Diffley. I will get back to

1 you on that other matter.

2 A. Thank you very much.

3

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

5 168 Q. Good morning, sir just a couple of matters. In 1975 you
6 were talking about the force being - the intelligence
7 service really being established?

8 A. Yes, our Intelligence Unit, yes.

9 169 Q. Yes. You told us how various people set about trying to
10 identify suitable candidates to provide information?

11 A. Sorry, this is in relation to the Garda Force now?

12 170 Q. Yes in relation to the Garda Force, detectives were
13 identified?

14 A. Yes, my boss at that stage was a very enlightened
15 policeman, I would say in that field, called Michael
16 Fitzgerald. When I arrived in headquarters into the
17 Intelligence Unit he was already in contact and trying to
18 motivate members that he thought had the aptitude for
19 assisting in the fight against subversion.

20 171 Q. You were building up from a very low base?

21 A. We were indeed.

22 172 Q. Presumably you equally had to build up relationships with
23 your opposite numbers in the North?

24 A. Correct.

25 173 Q. Did they extend beyond the mere formal relationships?

26 A. Well, we were, as I said, intelligence only operates in
27 trust. And the different between friendship and trust is I
28 would say a very narrow field. So, as that there was a
29 friendship, yes, with individuals.

30 174 Q. And that individuals knew individuals well, could tell them

1 anything they wanted to and could trust them?

2 A. Well, could always float ideas, yes.

3 175 Q. I presume mostly on first name terms with these people?

4 A. Absolutely.

5 176 Q. So the question of this 1985 intelligence about helping the
6 boys in passing information and that somebody in the Garda
7 Siochana was doing this, you would expect first of all that
8 intelligence, if it was intelligence or gossip, would be
9 graded?

10 A. True.

11 177 Q. And assessed to see whether there was any validity in it?

12 A. As I understand it, this is RUC intelligence, so I would
13 presume they would do all those things.

14 178 Q. And that and if it were the case it was assessed and was
15 found to have no basis, would you expect to have been told
16 of it?

17 A. If it had no basis I wouldn't see the necessity for telling
18 us of it because if it was a ball of smoke or somebody that
19 was - misinformation or something, if they could prove that
20 - if they had proved that - proven that to their
21 satisfaction, they may not see the necessity for mentioning
22 it to us.

23 179 Q. But certainly if they had any reason to believe it, it
24 would be putting the lives of both their own people and
25 your people at risk?

26 A. Absolutely.

27 180 Q. I take it you expect in those circumstances that they would
28 be onto you immediately?

29 A. Absolutely, yes.

30 181 Q. Equally, in those circumstances, there would be an

1 immediate investigation?

2 A. Indeed.

3 182 Q. However that might proceed?

4 A. Indeed.

5 183 Q. And I suppose that might have involved perhaps an
6 assessment by your branch and then an assessment locally by
7 the local chief and then perhaps an investigation by an
8 outside officer?

9 A. Well, it would depend on how it was going to be
10 investigated. It may have been the necessity for -
11 initially for telling - I don't want to be misunderstood in
12 this, for broadening the circle until some covert action
13 had been taken may not necessarily arise, you know. You
14 would first try and establish was there some basis for
15 this, probably. Now that is up to the individual it
16 wouldn't - I wouldn't be the person making - this would be
17 Assistant Commissioner probably in conjunction with the
18 Commissioner as to how they would handle such a situation.

19 184 Q. What might happen in such circumstances is a trap might be
20 laid to see what happened?

21 A. Yes or an intercept or some bugging or something.

22 185 Q. Something that would give some credence, might give some
23 credence?

24 A. Exactly because as I said from bank accounts to family life
25 style, to movements, yes. But I assure you it wouldn't be
26 ignored, that would be taken - you see there was a golden
27 rule is that if anybody's life in danger it didn't matter
28 the Chief of Staff of the IRA or the Chief Constable or the
29 Minister, they had to be notified immediately there was
30 knowledge that a treat existed. That was a golden rule

1 within the police force. And it didn't matter who it was if
2 you were making that statement to them you would offer them
3 security advice. There is no way that there could be
4 information that John Joe Mahoeky was going be shot, John
5 Joe Mahoeky had to be told immediately there was
6 information that had yet to be worked on that there was a
7 threat to his life and advised, offered advice on his
8 security which among the criminal fraternity often be
9 rejected out of hand. The offer was and I know is still
10 being made.

11 186 Q. Certainly read from time to time in the papers various
12 people end up being shot, were aware there was a threat?

13 A. If....

14 187 Q. Their lives, made aware by the gardai?

15 A. That is a golden rule all lives are equal before the law.

16 188 Q. You have heard of the evidence of Mr. Curran in relation to
17 the approach of Superintendent Buchanan asking him to pass
18 on information to Dublin?

19 A. Correct, yes.

20 189 Q. Can you see any circumstances that might have arisen rather
21 than it being dealt with directly from Special Branch to
22 security?

23 A. In an emergency situation, forces on both sides of the
24 border, had consent to communicate with each other on all
25 matters that would be of relevance, if it was an emergency.
26 They were then supposed to communicate that information,
27 this could happen at 4 in the morning on a bank holiday
28 weekend, that is Murphy's law. The instruction was it
29 had to be communicated to their relevant Intelligence
30 Section so as it could be communicated at headquarter

1 level. That was not alone with the RUC, that same rule
2 applied between intelligence sections in all the different
3 agents I ever worked with.

4 190 Q. This would include London?

5 A. Indeed, indeed.

6 191 Q. Other than an emergency situation, what was described here
7 appeared to be something that occurred over a number of
8 days, can you see any circumstances in which the
9 Intelligence Services on either side of the border would
10 use somebody who was not a member to communicate the - any
11 important information such as this?

12 A. It would be breach of our agreement and protocol.

13 192 Q. As I said, the evidence of Mr. Curran that Mr. Crowley was
14 reading a file, that when he came into the room that when
15 he Mr. Curran came into the room, that he gave the
16 impression that Mr. Crowley didn't raise his eyes from the
17 file but continued to read the file. And that while he told
18 him this information in relation - that he was asked to
19 tell, to tell him by Superintendent Buchanan that he made
20 no reaction at all?

21 A. That would surprise me.

22 193 Q. What was Mr. Crowley's attitude to information?

23 A. He - he - he did everything in his power as the head of
24 the section to encourage the procuring and the proper
25 utilisation of informants.

26 194 Q. How would you envisage his reaction if somebody came to him
27 with this information that there was?

28 A. Well Mr. Crowley was a very honourable and honest man with
29 an extremely questioning and - mind is that he - he wanted
30 to get every angle of every story. I cannot - if this

1 happened, it happened, I am only expressing my view on Mr.
2 Crowley how I think he would deal with such a situation.

3 195 Q. But it would greatly surprise you if he would just ignore
4 it?

5 A. Absolutely. As I said during my thing, that is after he
6 would establish this wasn't personal, we know that in every
7 organisation there are personality clashes and that sort of
8 thing and there was some personal reason not related to
9 security for removing a member. After he would have
10 established that, this is a matter he would be, if he felt
11 justified, I know would be taking up with personnel branch.

12 196 Q. And throughout your time in Security, in Crime and Security
13 from 1975 to '88 and again from '94 to '97, did the issue
14 of a mole in Dundalk ever become a topic of conversation?

15 A. I have no memory of any specific information about a mole
16 in Dundalk. And while I think I have said earlier we were
17 always, I used to lecture two promotion courses, it was one
18 of the things we always raised to be on the look out for
19 anything that would raise suspicion about anybody passing
20 on information. And you know, we seized documents from
21 time to time from IRA Intelligence Units. And to my
22 knowledge, I don't think we ever found information that you
23 could attribute directly to a Garda mole. That is from
24 memory I am working, I may be wrong there. I don't
25 remember anything that you could specifically say. While we
26 were always on the look out because we knew the - we knew
27 the intelligence officer, I can name him if you like and we
28 knew that some members, especially they started at very
29 young level the Fianna, the youngest members of the
30 organisation were all instructed to find out where members

1 of the security force, members of the police lived and to
2 put in reports. They were judged on the quality of their
3 work and they could move up the organisation. So we were
4 well aware they were always trying to establish sources of
5 information. And but the specific question you asked, I
6 have no memory of a specific question of a mole in Dundalk,
7 no.

8 197 Q. It has been mentioned in evidence by Mr. Mains, that he
9 went to a meeting with the Chief Constable the day after
10 the murders and raised his suspicion or raised what was
11 said to him by Mr. Breen the previous day in relation to a
12 mole in Dundalk. And that he was told by the Chief
13 Constable that had already been looked into and there was
14 nothing to it. Were you aware of any such investigations
15 by the RUC?

16 A. No, indeed I wasn't, no.

17 198 Q. Did they have any discussion with you about such an
18 investigation?

19 A. Not to my knowledge do I ever remember them discussing an
20 investigation as regards a member in Dundalk. As I said
21 before, a lot of senior officers knew Mr. Corrigan very
22 well. He - he - his wife was from Belfast, I am sure
23 he would be in Belfast from time to time, they would know
24 him. Mr. Corrigan's name would be mentioned often at
25 meetings, just in passing as regards we would mention
26 dozens of other people who operated along the border. I
27 have no knowledge of them ever mentioning that he was ever
28 suspected of being a mole.

29
30 **THE WITNESS WAS CROSS-EXAMINED BY MR. O'CALLAGHAN AS**

1 FOLLOWS:

2

3 199 Q. Good morning, Mr. Diffley, I appear for Owen Corrigan.

4 A. Good morning.

5 200 Q. I think you served with Owen Corrigan for a very short

6 period of time in Cork together in 1971, isn't that so?

7 A. One day, I think.

8 201 Q. Well Mr. Corrigan will say he was there from March until

9 June '75 and you were there from March to July '75, was it

10 something about the people in Cork that made you both want

11 to leave early or was there some other...

12 A. I think now subject to being wrong as anybody can be, he

13 may be on paper there from March to June but I think he was

14 transferred back within days of going down. So if you look

15 at his record he was probably transferred back in June in

16 paper but he was on a temporary transfer. But as regards -

17 the reason I left Cork was not because I wasn't very happy

18 there, Cork is a beautiful place, and I suppose I would be

19 happy to settle there. But to ensure that you were going

20 to be left some place, I was moved on there, I think there

21 was five Detective Sergeants moved into Cork at the one

22 time. There were four or five Cork people still waiting

23 promotion on that list and to ensure I was going to be left

24 permanently in Cork, I availed of the opportunity, I

25 applied to get back because if I was refused I could -

26 decide I was going to stay in Cork and then look about

27 transferring my wife and family, at that time to Cork. But

28 within - within days of me applying to get back to Dublin

29 Castle I was sent to Headquarters which wasn't my choice, I

30 became quite happy there afterwards.

1 202 Q. Mr. Diffley, you are aware this Tribunal is inquiring into
2 suggestions that members of An Garda Siochana colluded with
3 the IRA in the killing of these two unfortunate RUC
4 officers. Do you have any evidence to suggest that Owen
5 Corrigan was in anyway involved in that heinous act?

6 A. The simple answer is no.

7 203 Q. And evidence has been given by many colleagues and former
8 colleague of yours from An Garda Siochana stating that Owen
9 Corrigan was very effective in obtaining surveillance
10 against the IRA and he stood up to the IRA. Do you have
11 any evidence to give disputing that in terms of him getting
12 that surveillance?

13 A. No, I do not. I know Owen Corrigan was very active in
14 supplying information. I am not sure he had any firm
15 informants, he definitely supplied a lot of information in
16 the '70's and early '80's. Subject to me looking, I don't
17 know later in the 80's how active he was, really I have to
18 check his individual file which I haven't done.

19 204 Q. But you recall when you were in the Intelligence Section,
20 Owen Corrigan coming and having information, is that
21 correct?

22 A. Indeed, yes.

23 205 Q. And part of the reason you think he was good at this was
24 because Michael Fitzgerald, the former Superintendent,
25 thought that he had an aptitude for it, is that so?

26 A. Well, Michael Fitzgerald had spotted certain members, not
27 necessary detectives in various parts of the country that
28 he thought showed great potential as working against
29 subversion. And Owen Corrigan was one of those.

30 206 Q. Michael Fitzgerald is an individual you respected and whose

1 integrity you wouldn't question?

2 A. Yes, Michael Fitzgerald died young, I think died in '81 at
3 the height of his career. Definitely he was an inspiration
4 to me when I first came to Headquarters.

5 207 Q. In her questioning Mrs. Lavery mentioned to you questions
6 about smuggling and obviously this is not an Inquiry into
7 smuggling between Northern Ireland and the Republic. Am I
8 correct in stating any evidence you give about suggestions
9 of Owen Corrigan being involved in smuggling is purely
10 based on gossip or loosely based information that you
11 heard?

12 A. That is correct, yes.

13 208 Q. You have no strong, significant evidence supporting that
14 other than gossip?

15 A. No but then again it wasn't in my field and I would never
16 have - even if somebody said Owen Corrigan is smuggling I
17 would not initiate any inquiry into that, that was for
18 personnel branch in conjunction with his own district
19 officer.

20 209 Q. You mentioned also, Mr. Diffley, that the IRA had an
21 intelligent network which was effective, isn't that
22 correct?

23 A. Yes, it was. It was relatively effective.

24 210 Q. And I suppose one of the issues that the Chairman will have
25 to consider when he comes to write his report, is whether
26 or not the IRA would have the capacity to spy upon these
27 two RUC officers, as they came down to Dundalk and as they
28 departed, is that something that you believe would have
29 been within the capacity of the IRA at the time?

30 A. Well, surveillance is a very simple matter to do. When you

1 are leaving and there are two places where you are always
2 vulnerable, where you leave from and where you are
3 arriving. And if any organisation, be it police or
4 otherwise, criminal, wish to track you all they have to do
5 is wait at where you are leaving from. And - so - it
6 would be quite possible that surveillance could have, could
7 be aware of their movements. Whether they would be aware
8 of their movements on a specific date is another question.

9 211 Q. Were you aware, Mr. Diffley, before you became aware of the
10 matters being discussed and the evidence given in this
11 Tribunal, were you aware that Superintendent Buchanan, one
12 of the unfortunate officers used to frequently visit
13 Dundalk in the same car without changing his number plates?

14 A. I wasn't aware of it and it would be unwise to do it. I
15 wasn't aware of it.

16 212 Q. Your evidence to the Chairman would be that you think that
17 type of behaviour would be unwise?

18 A. We all took precautions when we were travelling. I
19 travelled North on numerous, numerous occasion. You always
20 took basic precautions. I wouldn't wish to go into them
21 but you always took precautions to make it more difficult.
22 But as I said you were always vulnerable at where you leave
23 and where you arrive.

24 213 Q. Would you agree with me in the late 1980's the IRA was
25 particularly strong in Dundalk at that time?

26 A. I suppose over that period they were from the '70's on,
27 they were strong in that Dundalk, Monaghan and Donegal
28 regions, yes.

29 214 Q. Mr. Corrigan will give evidence about harassment he
30 received at the hands of the IRA during the 1980s and

1 indeed before. Were you aware of members of An Garda
2 Siochana in the border region being harassed by the IRA?

3 A. If I could just say the definition of "harassment", if you
4 many stopping them at a checkpoint, at a routine checkpoint
5 and taking a lot of stick, if that is harassment every
6 uniform and detective in the border region suffered that.
7 If you mean harassment on a more personal level I wasn't
8 aware of it, no.

9 215 Q. When you were in the Intelligence Division you must have
10 had extensive contact with senior intelligence officers in
11 the RUC, isn't that correct?

12 A. Correct.

13 216 Q. Isn't the likely scenario if the RUC had a concern about an
14 officer in An Garda Siochana they would have raised it
15 through those intelligence networks and intelligence
16 meetings?

17 A. I would expect that.

18 217 Q. Was it ever mentioned to you, at any of those meeting there
19 was a concern within the RUC there was a mole in the
20 Dundalk?

21 A. I have no memory, I have no memory of such a specific
22 statement.

23 218 Q. If it had been mentioned, for instance, to Mr. Crowley by
24 Mr. Curran, what do you believe Mr. Crowley would have
25 done?

26 A. Specifically what mentioned, please?

27 219 Q. If we are talking here about Tom Curran coming into Eugene
28 Crowley sometime in the first half of 1987 and expressing
29 to him concerns about a member of An Garda Station having
30 association with the IRA, Eugene Crowley was a diligent and

1 competent officer, is that correct?

2 A. Absolutely.

3 220 Q. If that was said to him do you believe he would have
4 ignored it?

5 A. Not at all.

6 221 Q. What do you think he would have done, do you believe, had
7 it been said to him?

8 A. He would have carried, put in place the necessary
9 inquiries. First to establish the validity of that
10 information and secondly, to act on it if it was correct.

11 222 Q. And if that had been done, there would be a file that would
12 be available in An Garda Siochana, isn't that correct?

13 A. If it reached the investigation stage there would be a
14 file, probably a file at that level might not be necessary
15 in the Intelligence Section it may be in personnel section
16 but I would expect there definitely be a note of it in the
17 Intelligence Section.

18 223 Q. I know you may find this a very difficult question to
19 answer, do you recall Tom Curran coming into the
20 Headquarters in early 1987, at all?

21 A. No.

22 224 Q. Was he a frequent visitor to headquarters?

23 A. No but then Tom Curran could come in and not come to me
24 because the Commissioner's office and the Chief's office
25 was nearer to the entrance, I was a Superintendent at that
26 stage, would be nearer the entrance than where I was. He
27 could come in and I would be unaware of it unless something
28 across from his visit they found it necessary to take up
29 with me.

30 225 Q. Certainly Mr. Crowley never mentioned to you after any

1 meeting with Tom Curran that there was this complaint about
2 an officer in An Garda Station?

3 A. I have no memory of him mentioning a Tom Curran visit to me
4 at any time.

5 226 Q. Finally, Mr. Diffley, I was very interested in the evidence
6 you were giving about the evidence you believed Tom Curran
7 had said. You say you have a recollection that it was put
8 to you by someone that Tom Curran stated that he rang you
9 on the following morning that he went into Eugene Crowley,
10 is that correct?

11 A. That my recollection but I am subject to correction on that
12 from - from the - Tribunal. I may have misunderstood it,
13 it is something that would weigh very heavily on me if such
14 a statement were on the record and not substantiated.

15 227 Q. Certainly if it was said it would be of particular interest
16 to my client if it was recorded. And I appreciate,
17 Chairman, Mrs. Lavery said she would look further into the
18 matter?

19 A. I know that will be thoroughly pursued.

20 228 Q. Thank you very much, Mr. Diffley.

21

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

23 229 Q. Mr. Diffley, I appear on behalf of retired sergeant Leo
24 Colton. And in the course of your evidence you have
25 indicated that you had occasion to hold meetings with
26 members of the RUC, isn't that correct?

27 A. That is correct, yes.

28 230 Q. And I take it those meetings were - some of them were held
29 in the North of Ireland?

30 A. Correct.

1 231 Q. And on such occasions did you ever have the opportunity of
2 stopping off to visit the Garda Station in Dundalk and
3 consult with any of the senior management there?

4 A. No, we didn't - we never announced our trips when we were
5 going North. We never announced to anybody we travelled,
6 the only people aware we were going the people we were
7 visiting and the same applied in the other direction.

8 232 Q. Independent of not giving out that information, did you
9 ever avail of the opportunity of just calling in with
10 unannounced to the Garda Station in Dundalk?

11 A. No, I did not.

12 233 Q. Working from your office in Headquarters, did you have
13 occasion to liaise directly by phone or other means with
14 senior management in the Garda Station in Dundalk?

15 A. Well I did at all levels because one of my tasks was when
16 an incident would happen at night or weekends or whenever,
17 it was my task for quite a while to find out as much about
18 the incident as possible to brief my own senior management
19 and the department on the incident. I had a list of people
20 from senior officers to all ranks that I would call to see
21 what could I find out about the incident, to find out who
22 was actually suspect of doing of whatever. Yes, the answer
23 to your question of course I would have rung senior
24 management and also middle management on numerous
25 occasions.

26 234 Q. And given that level of communication and contact, did you
27 ever receive any information or were you ever informed by
28 any of the senior management in Dundalk that they had
29 concerns with any of their own serving officers?

30 A. In a security context?

1 235 Q. Yes?

2 A. No, I have no memory of such.

3 236 Q. Did you specifically know, now deceased, Superintendent
4 Brian McCabe?

5 A. I think I knew him personally but I know I spoke to him on
6 numerous occasions.

7 237 Q. Equally did you know again sadly deceased Superintendent
8 Frank Murray?

9 A. I did indeed, yes.

10 238 Q. And did you know Superintendent Murray quite well?

11 A. No, not that well. I have - Superintendent McCabe I would
12 say through communications better.

13 239 Q. Yes and would you have high regard for both - both men?

14 A. To my knowledge they were both competent, professional
15 police officers.

16 240 Q. If a uniform member of the gardai in Dundalk or even a
17 uniformed Sergeant had any concerns about other colleagues
18 and reported those concerns to either Superintendent Murray
19 or Superintendent McCabe would you expect one or both men
20 to have acted on any such concerns?

21 A. Well, as I said earlier it is the duty of the district
22 officer to enforce discipline within his district. So
23 there would be an obligation on him to take action.

24 241 Q. Would you be confident and expect either of those two
25 senior officers to react to any complaint or representation
26 made to them about one of their colleagues?

27 A. In my dealing with them, my memory they were both competent
28 police officers.

29 242 Q. Thank you.

30

1 MR. MACGUILL: No questions.

2

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

4

5

6 243 Q. MRS. LAVERTY: Just to clarify for Mr. Diffley, Chairman, an
7 issue that he raised earlier. In Mr. Curran's statement,
8 Mr. Diffley, he stated in relation to this report that he
9 sent in sometime in six months to a year prior to the
10 murders. *"I didn't send my report through my Chief*
11 *Superintendent. Unfortunately he was somewhat lack about*
12 *the protection of paper so I typed it out myself and sent*
13 *it to Assistant Commissioner for Crime and Security. I*
14 *think Mick Diffley probably received it as it wasn't*
15 *addressed personally to the Assistant Commissioner. This is*
16 *not a C77, it was a report written on ordinary paper typed*
17 *by myself. I remember well what it said that I had*
18 *information from a reliable source that Bob Buchanan could*
19 *be shot by the IRA. Nobody ever contacted me after he*
20 *died, I didn't make any inquiry after he died and I am*
21 *sorry I didn't. I never mentioned this report to anyone*
22 *before or after Bob Buchanan's death". So he was*
23 *questioned in relation to that, firstly at question 205*
24 *page 34 of the transcript, he was questioned. "You*
25 *mentioned in the course of the statement you thought Mr.*
26 *Diffley had presumably received it? I did. What gave you*
27 *that impression? As far as I could recall he was in charge*
28 *of intelligence reports in crime and security at the time."*
29 *And then it was put to him you hadn't made any comment*
30 *about receiving this particular report. And then at*

1 question 242. Mr. O'Callaghan put to him "As Mr. Durack
2 mentioned to you in his examination of you, your statement
3 says in fact you mentioned it to Mick Diffley, isn't that
4 so?" And Mr. Curran said "I didn't mention it to Mick
5 Diffley at all. What I said was Mick Diffley was probably
6 in charge of intelligence reports in crime and security at
7 the time". And the section of the report is read out
8 again and it is put to him by Mr. O'Callaghan - "So your
9 evidence Mr. Curran is that you think Mick Diffley received
10 this report isn't that correct?" And Mr. Curran said "I
11 presume when he was in charge of intelligence reports he
12 would have received it and that is why I said that. I
13 didn't suggest in anyway that I discussed it with him." I
14 hope that clarifies the matter?

15 A. That clarifies it, I am sorry if there was a
16 misunderstanding.

17 244 Q. No, no, we are only here to help, we can't account,
18 unfortunately, for the press?

19 A. Pardon?

20 245 Q. We can't unfortunately bring in the press?

21 A. I appreciate that, that weighed very heavily on me, on my
22 integrity and my professionalism if I got a report saying
23 that a police officer was going to be killed, that cannot
24 subsequently be found, there is no record of, no copy of,
25 that wasn't discussed with his local divisional officer and
26 wasn't taken up in subsequent inquiries 'til now. I would
27 be the only person who would be carrying the can as regards
28 information which was vital to saving lives, the way I
29 understood it. And it - I am glad that is clarified
30 because I have no knowledge and as the record I think will

1 show, that he said it was or some place it was in October,
2 I was gone from that section the previous - the end of
3 April.

4 246 Q. I am glad we satisfied you on that score?

5 A. I want to be satisfied on that, I appreciate very much the
6 effort you put in for clarifying. And thank you, Judge,
7 for ensuring....

8

9 CHAIRMAN: Thank you, Mr. Diffley, for coming. Your
10 evidence has been very helpful.

11

12 MR. DURACK: I might mention one matter before you proceed,
13 I am sure by an oversight Mrs. Lavery mentioned that the
14 RUC 1985 intelligence was passed to Camon Kirwan team in
15 2000, in fact by letter of January 2011, the Commissioner's
16 solicitor advised the Tribunal that it was only received in
17 January 2011 and that it was not accompanied by any
18 assessment of the source and wasn't graded.

19

20 MRS. LAVERTY: I am glad that matter has been put right.

21

22 CHAIRMAN: Thank you very much, Mr. Durack, that is
23 helpful. That is the evidence for the morning.

24

25 MRS. LAVERTY: That concludes the morning's evidence,
26 Chairman.

27

28 CHAIRMAN: Very well 2 o'clock we have two further
29 witnesses, thank you.

30

THE TRIBUNAL ADJOURNED FOR LUNCH

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

2

3 Good afternoon, Chairman. The first witness this afternoon
4 is retired detective Garda Lawrence Crowe.

5

6 **LAURENCE CROWE, HAVING BEEN SWORN, WAS EXAMINED BY MR.**

7 **HAYES FOLLOWS:**

8

9 247 Q. MR. HAYES: Mr. Crowe, I think you are a retired Detective
10 Garda?

11 A. That's right.

12 248 Q. I think you served some 30 years in An Garda Siochana?

13 A. I did.

14 249 Q. I think you joined in 1972, is that correct?

15 A. That is correct.

16 250 Q. And, would you just outline to us when you first went to
17 Dundalk, what year do you recall?

18 A. I went to Dundalk in 1972.

19 251 Q. And did you serve all your time in Dundalk?

20 A. I was stationed in Dromad from '73 to '79 and I went into
21 the detective branch in Dundalk in October '89, I think,
22 '79.

23 252 Q. In October '79?

24 A. '79, yeah.

25 253 Q. I think Dromad is part of Dundalk district, is that
26 correct?

27 A. It is, yes.

28 254 Q. So your entire time was in the Dundalk district, is that
29 right?

30 A. It was, yes.

1 255 Q. And until you went to -- when you were in Dundalk initially
2 and then in Dromad, were you a uniformed Garda?

3 A. I was a uniformed Garda in Dromad, yes.

4 256 Q. And then it was in October '79 when you went to Dundalk you
5 joined the detective branch?

6 A. That is correct.

7 257 Q. And at the time, what was the size, do you recall, of the
8 detective branch in Dundalk?

9 A. Sergeant Owen Corrigan and I think seven or eight others.

10 258 Q. And was Detective Sergeant Corrigan the most senior
11 detective in the station?

12 A. He was the only Sergeant at that time.

13 259 Q. Was there an Inspector above him in Dundalk?

14 A. Not at that time. A uniform Inspector.

15 260 Q. A uniform Inspector?

16 A. Mm-hmm.

17 261 Q. I think at that time the divisional Headquarters was in
18 Drogheda?

19 A. That's correct.

20 262 Q. I think then at some point there was an expansion in the
21 detective branch in Dundalk, is that right?

22 A. There was, yes, the mid-80s.

23 263 Q. And do you recall what was the catalyst for that?

24 A. Things were getting busier on the border, the North South
25 Agreement. I think there was four Detective Sergeants and
26 probably 20 or 24 detectives.

27 264 Q. And they were organised into different units, is that
28 right?

29 A. That is correct.

30 265 Q. How many units were there?

1 A. Four.

2 266 Q. Do you recall what unit you were on?

3 A. I was on Unit 'B'.

4 267 Q. And do you recall who your Sergeant was?

5 A. John Harney.

6 268 Q. John Harney. Until then, I take it, your Sergeant -- your
7 Sergeant had been Sergeant Corrigan?

8 A. That is correct.

9 269 Q. And was Sergeant Corrigan, then he remained in charge of
10 one of the four units, is that right?

11 A. That is correct.

12 270 Q. Do you recall what unit that was?

13 A. 'A' I think, Unit 'A'.

14 271 Q. Was there -- although, I mean you said there was four
15 detective Sergeants, was any one of them in particular seen
16 as perhaps the more senior?

17 A. Owen Corrigan would have been seen as the Detective
18 Sergeant in charge.

19 272 Q. In charge?

20 A. Mm-hmm.

21 273 Q. Was that a sort of a local acceptance rather than an actual
22 distinction in rank, would that be --

23 A. Probably, yes, yes.

24 274 Q. Now, in 1989, what were the -- your duties generally as a
25 detective? Were you a detective in relation to subversive
26 matters or ordinary crime matters?

27 A. Subversives.

28 275 Q. Exclusively or mostly?

29 A. A hundred percent nearly.

30 276 Q. A hundred percent nearly, okay. There were perhaps four or

1 five others in your unit, is that correct?

2 A. That's correct.

3 277 Q. And did you work in pairs or --

4 A. We worked in pairs, yes.

5 278 Q. I see. And how were the pairs organised?

6 A. There was a duty sheet made out in advance and we were
7 paired in twos basically, and went out on patrol or on
8 inquiries.

9 279 Q. Was it the same two all the time or --

10 A. No, no, no, there was I think six and you'd be with any of
11 the other five.

12 280 Q. I see. And generally, what time did you start your duties
13 on a day?

14 A. Normally nine o'clock in the morning. If there was male
15 escorts you'd start at six, if you were working late you
16 might work 5 p.m. to 1 a.m. or an 8 p.m. to 4 a.m.

17 281 Q. The male escorts were what exactly?

18 A. Pension money, dole money being drawn from the GPO in
19 Dundalk, round the Louth area in general.

20 282 Q. Escorting the cash vans about?

21 A. Mm-hmm.

22 283 Q. And as a detective were you armed?

23 A. Yes.

24 284 Q. Did these, the cash escorts, did they involve the army as
25 well?

26 A. No.

27 285 Q. They were just the detective branch?

28 A. That's all.

29 286 Q. And, so in the norm, unless there were these special duties
30 you started about nine o'clock in the morning?

1 A. Normally.

2 287 Q. What time would you're duty finish at in the day?

3 A. Five o'clock normally.

4 288 Q. Were you week on week off or how were your shifts arranged?

5 A. It was a 28 day roster basically. You worked Monday to
6 Saturday one week, Wednesday to Tuesday the week after and
7 then Friday until Thursday the week after.

8 289 Q. I see. And was it a mixture of days and nights?

9 A. A mixture of days and nights.

10 290 Q. Okay. And in respect of each unit that was on duty, were
11 there a number of cars available to them?

12 A. There were.

13 291 Q. And how many --

14 A. Four cars available.

15 292 Q. Four cars and how were they used or assigned?

16 A. One was normally kept around the town all the time.
17 There'd be two then on patrol generally round the border
18 and there'd often be one on VIP escorts to Dublin or
19 wherever.

20 293 Q. Did you have any specific area of responsibility or --

21 A. We each had a sub district.

22 294 Q. And what was your sub district?

23 A. Around Louth village.

24 295 Q. And that sort of southwest-ish of Dundalk, is it?

25 A. Yes.

26 296 Q. Well when you were in the car, were you generally with your
27 partner?

28 A. Yes.

29 297 Q. And were you contactable by radio?

30 A. Contacted by radio, yes.

1 298 Q. Were there radios in the car or did you have portable
2 radios with you as well?

3 A. There were radios in the cars but we also had portables
4 which were scrambled. If we wanted to talk to each other
5 about an incident, we had Saber radios and they couldn't be
6 eves dropped on.

7 299 Q. Were they personally assigned to you or did you take them
8 from the station?

9 A. Take them from the station.

10 300 Q. Did you have to sign for them?

11 A. No.

12 301 Q. No. You say they were scrambled?

13 A. Yes.

14 302 Q. Do you recall exactly how they were scrambled?

15 A. I don't know. They came and they were already scrambled.
16 You put a code in to get them to operate, and the code
17 would change every couple of weeks.

18 303 Q. I see. Do you know who did that?

19 A. It was done by the Telecommunications Section in Dublin.

20 304 Q. You made some reference to there being cars used for VIP
21 escorts?

22 A. Mm-hmm.

23 305 Q. Did you ever participate in any of these escorts?

24 A. Did, hundreds of them.

25 306 Q. Were they frequent or were they irregular or --

26 A. In early '80's, they were very common, maybe nearly
27 everyday. But Dundalk got very busy after that and then
28 probably the mid-80s most of them were taken over by the
29 SDU in Dublin, Dublin Castle.

30 307 Q. I see. And what was the nature of them? Where were you

1 escorting people from and to generally or was there any
2 plan to it?

3 A. There was no pattern to it. We would come to Dublin with
4 Northern Ireland politicians or judges. Go to RTE with
5 politicians, going on, I think it was 'Today Tonight' at
6 the time. Escorting judges to horse shows all over the
7 country, different things.

8 308 Q. Yes, rugby matches and the like?

9 A. Rugby matches.

10 309 Q. Did you get to go with them?

11 A. Yes.

12 310 Q. At least there is some benefits. Did you escort any people
13 ever from, or to the, either from or to the Garda station
14 in Dundalk?

15 A. Well, not to the Garda station, but from. RUC officers
16 several times, we would leave them back to Carrickmannon on
17 the main Dundalk/Newry Road.

18 311 Q. That was just off the border, was it and you stopped at the
19 border?

20 A. We stopped at the border.

21 312 Q. Did you have to hand them over to someone or...

22 A. Sometimes they would come down that far, but as time went
23 on, there was a few explosions there and a few people were
24 killed, they stopped coming down. They used only come to
25 the British Army check point which was about a mile and a
26 half north of the border. And they would have a mile and a
27 half on their own.

28 313 Q. Was that the check point just at the hill at the top of
29 Newry?

30 A. Mm-hmm.

1 314 Q. And I think you said, those escorts, they were more regular
2 in the early years, were they?

3 A. Very regular. Well the VIP escorts were more regular, runs
4 to Dublin, Cork and Limerick, whatever. The ones to
5 Dundalk to the border always went on, we did them ourselves
6 always.

7 315 Q. How were they arranged, were they asked for or offered?

8 A. They'd be offered as matter of courtesy, sometimes, not all
9 the time. If the Superintendent would come in and say
10 there was RUC members wanting a run to the border, we'd
11 just leave them back.

12 316 Q. I think the -- were you aware how frequently there were
13 visits to the Garda station in Dundalk by RUC officers?

14 A. They became very common in probably the mid-80s, up to the
15 mid-90s, a couple of times a week maybe.

16 317 Q. And generally in, as far as you are aware, what rank of RUC
17 officer came to visit?

18 A. Well, there is normally officers, they used to go into the
19 Superintendent's or the Chief Superintendent's, we had very
20 little dealings with them.

21 318 Q. They weren't coming to visit you?

22 A. No.

23 319 Q. Did you know who they were?

24 A. I knew they were RUC men basically I didn't know their
25 names.

26 320 Q. You recognised them perhaps but not by name?

27 A. Yeah, mm-hmm.

28 321 Q. Did you ever escort officers along the Edenappa Road?

29 A. Never.

30 322 Q. And why was that?

1 A. Any time we did escort, if peopled wanted to go by
2 Edenappa, you'd explain to them that it wasn't the way to
3 go. You went on the main road where there was traffic,
4 where there was people. You wouldn't leave anybody up the
5 Edenappa Road, too dangerous.

6 323 Q. And in what way particularly would you say it was
7 "dangerous"?

8 A. There were British Army observation posts along the tops of
9 the mountains, just north of the border. And the main road
10 would be in view from those all the way right across. On
11 the Edenappa Road, it was overgrown with trees, it wasn't
12 overlooked. So basically anything could happen there and
13 you couldn't be seen from the observation post.

14 324 Q. Were you working in the -- were you working on the 20th of
15 March 1989, do you recall?

16 A. Was that day the --

17 325 Q. The day of the murders, yes?

18 A. I was, yes.

19 326 Q. Do you recall what shift you were working or...

20 A. I must have been nine to five, I think.

21 327 Q. Were you aware that the RUC officers, Chief Superintendent
22 Breen and Superintendent Buchanan were coming to visit
23 Dundalk?

24 A. No.

25 328 Q. And did you see them when they were in the station?

26 A. I saw them on top of the stairs, whether they were coming
27 or going, I don't remember which. But I saw them on top of
28 the stairs.

29 329 Q. Do you recall approximately what time that was?

30 A. I think it was after lunch.

1 330 Q. After lunch?

2 A. I think.

3 331 Q. Did you have any conversation with them?

4 A. No.

5 332 Q. And would that be the usual way?

6 A. I think Vincent Rowan, he was in the Superintendent's
7 office, I think he was with him. And he was after bringing
8 them up the stairs or leaving them back then, I am not sure
9 which.

10 333 Q. I think later in the day you met the then Sergeant Rowan on
11 the stairs again?

12 A. I did, yes.

13 334 Q. And what was he doing at that time, do you recall?

14 A. Well he told me there'd be a shooting incident north of the
15 border and that some RUC men were injured. And Chief
16 Superintendent Nolan, who was the Chief Superintendent in
17 Dundalk at the time, he couldn't be located and they were
18 afraid he was caught up in the shooting. So he asked me to
19 go to a gentleman's house out the road in case he was
20 visiting there. And I was going downtown and he rang back
21 and said he had turned up, I think he was in the building
22 someplace.

23 335 Q. Yes. I think, then, in the aftermath of the murders, I
24 think a murder inquiry commenced or a murder investigation
25 commenced?

26 A. It did.

27 336 Q. Did you play any role in that?

28 A. I don't think so, no.

29 337 Q. Do you recall was there much discussion in the Garda
30 station about the killings?

1 A. There was, yes.

2 338 Q. And what was nature of the discussion?

3 A. The nature of the discussion was that they were probably
4 being followed for weeks before it happened. The question
5 of a mole never came into it.

6 339 Q. From your knowledge of the IRA in the area, do you have any
7 observations, or did you have any observations as to how
8 the operation, is it likely to have been mounted?

9 A. Yeah, I believe myself they were followed for not that day
10 but for several days, and that day was picked as the day
11 they were going to be murdered and that was it. And two or
12 three hours wouldn't be long enough to organise it. The
13 guys that are involved in the IRA are mostly working, you
14 just can't pull them out of a hat at a minute's notice or
15 an hour's notice, it would take a bit of organisation. And
16 the Edenappa Road, where the ambush took place, the team
17 that were there would have been across, if they came, went
18 out the main Newry Road, they would have been across to the
19 main border crossing from Edenappa in two minutes. So, the
20 group of men who were waiting at Edenappa could have also
21 killed them on the main road. It didn't matter what way
22 they went. Their fate was destined that day.

23 340 Q. I see the same unit could have covered both routes in your
24 opinion?

25 A. Yes, no problem.

26 341 Q. Subsequent to the murders at all, do you recall any
27 discussion about there being -- whether accurate or not, do
28 you recall any discussion whether there might have been a
29 mole in the Garda station in Dundalk?

30 A. Oh it was mentioned, it was mentioned to me in Dublin one

1 day, I was on duty in Dublin.

2 342 Q. And what exactly was mentioned to you?

3 A. That, we were in the pockets of the IRA around the border,
4 some guy in Dublin. And I launched a bit of an attack on
5 him over it. I said "back it up", you know. He didn't.
6 Just rumour.

7 343 Q. Was that a colleague Dublin?

8 A. Yes, a colleague.

9 344 Q. In respect of your work as a detective, did you work at any
10 stage with the army?

11 A. When I was in uniform we did check-points with them. But
12 other than that -- yes, at explosive finds you'd have the
13 UDR officer, the explosive ordinance man would come out and
14 you'd be with him on operations like that.

15 345 Q. Yes and the roadblocks then they were manned by uniform
16 guards rather than detective guards, is that right?

17 A. Yes.

18 346 Q. I take it that the members of An Garda Siochana had primacy
19 in these operations, is that --

20 A. The members of the guards, the check-points were set up by
21 the Superintendent's office, the locations, and the army
22 wouldn't have been aware of them at all until they came and
23 escorted the guards, the guards picked the locations. The
24 army had nothing to do with it.

25 347 Q. Yes. As far as you are aware, did the army have any notice
26 of any check-points or locations of check-points?

27 A. No.

28 348 Q. When you were doing them as a guard, how much notice
29 generally would you have had of where check-points are set
30 up?

1 A. You get a list when you start on duty.

2 349 Q. So you'd get it on the morning of the day you were --

3 A. Yes, there was a car at one time. The car was check-points
4 all the time, nothing else. One uniformed car and that got
5 a list in the morning going out.

6 350 Q. When you were working as a detective in Dundalk, you have
7 told us of the relationship between the RUC and your
8 colleagues in Dundalk at a more senior level?

9 A. Yes.

10 351 Q. What was the working relationship like at the Detective
11 Garda, or Detective Constable level?

12 A. Very little. A Detective Inspector from Newry would liaise
13 with a Detective Inspector in Dundalk. We would often meet
14 him, if we just happened to be there and he was around,
15 that was just basically it.

16 352 Q. Yes. Did you ever have occasion or was there a facility,
17 for example, for you to telephone a colleague in Newry for
18 information if you required it?

19 A. You'd ring the Detective Branch Office in Newry. They had
20 -- CID had a Special Branch office in Newry, and you'd know
21 guys by name but you might never know them to see them, you
22 know.

23 353 Q. I see. So any liaison you had was generally by telephone
24 rather than by meeting?

25 A. Yes, that's correct.

26

27 MR. HAYES: Thank you, Mr. Crowe, if you'd answer any
28 questions.

29

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

1

2 354 Q. MR. DURACK: Just a few matters, Mr. Crowe. You were
3 telling us about the check-points, that they were usually
4 uniformed Gardai assisted by the army?

5 A. That's correct.

6 355 Q. And what level of army support would there be?

7 A. There'd be Land Rover probably with eight guys in it.

8 356 Q. And I take it that the reason for the uniformed presence
9 rather than detectives, so that the person using the road
10 would be content that it was a legitimate check-point and
11 not something set up by the IRA?

12 A. Exactly.

13 357 Q. And you say you were given a list of check-points in the
14 morning?

15 A. That is correct.

16 358 Q. And how long would you stay at each spot?

17 A. It was divided up. You might be half an hour, 20 minutes,
18 15 minutes.

19 359 Q. But there was no point staying any longer or word would be
20 out that you were there, I take it?

21 A. That's correct. They were short duration. And you often
22 do some that wouldn't be on the list.

23 360 Q. So they'd be completely a surprise to everybody?

24 A. At random, yes.

25 361 Q. You had very extensive experience in the Detective Unit.
26 What can you tell us about the activities of the IRA around
27 this period and how big they were? I take it, first of
28 all, that the border meant nothing to them, so whoever was
29 operating in Dundalk was also in South Armagh?

30 A. That's correct. Well, the IRA was broke up into the areas.

1 You had South Armagh, the No. 1 Battalion was always based
2 in Crossmaglen, in that area. And No. 2 Battalion would be
3 North Louth, South Armagh, it would be more our side. And
4 there would be 50 or 60 hard core Provisional IRA members
5 in that area.

6 362 Q. In your area or including both of them, North and South?

7 A. Along the border, North and South. There would be 50 hard
8 core but there would be a couple of hundred others on the
9 fringes and sympathisers, people supplying transport, safe
10 houses, different things.

11 363 Q. I take it there was a watch list or --

12 A. There was, yes.

13 364 Q. And how big would that have been?

14 A. We all had an amount of people to keep an eye on and to
15 keep their activities monitored and their movements
16 updated. We had about probably 20 or 30 each.

17 365 Q. So each detective would be responsible for a particular
18 number of people?

19 A. Exactly.

20 366 Q. And then I take it then that insofar as you were monitoring
21 them, that you were feeding this information back into the
22 collator?

23 A. Exactly.

24 367 Q. And that therefore, I suppose, if somebody went missing
25 after an operation somewhere, it would be easy to identify
26 who it might be?

27 A. Well you'd have an idea.

28 368 Q. And then, you say the sympathisers would have been 400,
29 have you then people beyond that who would be spotters, if
30 you like?

1 A. Yes, yes, there would be people who were involved in it and
2 people who were on the fringes that might be involved at
3 the time with, say, Sinn Fein. But I suppose not now. But
4 they would be on the outskirts looking in and would supply
5 logistics to them and keep an eye on movements of police
6 and guards and army and pass the word on.

7 369 Q. Were you conscious in Dundalk of being monitored by the
8 IRA?

9 A. Yes, yes.

10 370 Q. The detectives or the uniforms or both?

11 A. The detectives mostly.

12 371 Q. And did you ever come across any, as a result of any
13 arrests or searches, did you ever come across any evidence
14 to confirm that you were being monitored?

15 A. No, no. We knew it from interrogation of suspects and
16 that, they knew what cars we were driving, they knew where
17 we lived. You know, and they could let it be known that
18 they knew where you lived at times.

19 372 Q. And I take it equally, the situation applied across the
20 border?

21 A. I am sure it did.

22 373 Q. This operation, you are saying, you didn't think it could
23 be put together in a few hours?

24 A. I don't think so. It would take normally a couple of
25 teams. Like, the guys that were there in the van, they had
26 to have a bit of cover themselves. They weren't sitting in
27 the middle of no place without their backs being watched,
28 so, you needed two teams, probably 10 or 12 men. And to
29 get transport and everything organised, I don't think it
30 could be done in two or three hours. I firmly believe they

1 were followed for days and days and the murder was set in
2 motion that day. As I said before, whether they went back
3 by the main road or Edenappa, their fate was set. That was
4 it.

5 374 Q. They could have been got on either?

6 A. Either. The same team could have covered them either road.
7 Two minutes away.

8 375 Q. And you were saying that most of the active service unit,
9 call it that, that they would be mostly in employment?

10 A. Most of them were, yes. The casual builders or labourers
11 or, like they wouldn't be just available 24 hours a day at
12 the drop of a hat. If it was organised a week or two weeks
13 in advance, everything would be organised and put in place.

14 376 Q. So vehicles had to be arranged?

15 A. Vehicles -- well we found they always had vehicles lying
16 waiting for jobs. There was cars hijacked and we found
17 hundreds of them hidden in sheds and what have you. They
18 had no problem with transport. They always had a few cars
19 on hand. And if not, they'd walk into some peoples houses
20 and take their car or van.

21 377 Q. There might well be vehicles taken independent of any
22 subsequent operation?

23 A. Yes, yes.

24 378 Q. Just to have a supply at hand?

25 A. They always had a supply of vehicles available.

26 379 Q. And in relation to the weapons?

27 A. Weapons would be a different job. They'd have to be
28 sourced through the quartermaster. And only he would know
29 where they are. The active service unit mightn't
30 necessarily know where they were being kept. So he would

1 have to procure the weapons for them and deliver them and
2 vans had to be got. It couldn't be done in a couple of
3 hours.

4 380 Q. So that --

5 A. It couldn't be.

6 381 Q. And the weapons presumably would be stored somewhere --
7 what was considered to be a safe place?

8 A. Yes, yes.

9 382 Q. So they'd have to be collected and distributed?

10 A. Yes.

11 383 Q. And presumably, arrangements made for their recovery after
12 the event?

13 A. Of course, yes.

14 384 Q. And it's your view that it couldn't have been done in the
15 course of the day?

16 A. I don't think so.

17 385 Q. Because the men would have to be taken off work, or at
18 least --

19 A. Well that's -- we'll say the guys from South Armagh, most
20 of them are working in Dublin on buildings. So, if you are
21 looking for a guy and he is in Dublin, he is not going to
22 be down for a couple of hours, you know.

23 386 Q. So arrangements have to be made?

24 A. Arrangements have to be made --

25 387 Q. To have people available?

26 A. Have to be made, yeah.

27 388 Q. Thank you very much indeed.

28

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

30 FOLLOWS:

1

2

389 Q. MR. O'CALLAGHAN: Good afternoon, Mr. Crowe, I appear for
3 Mr. Owen Corrigan. Obviously Dundalk was a very difficult
4 place for a member of An Garda Siochana in the 1980s, would
5 that be correct?

6

A. It was, yes.

7

390 Q. And I think, although you may not have said it expressly,
8 but impliedly obviously, the IRA had an intelligence unit
9 that used to keep surveillance An Garda Siochana, isn't
10 that so?

11

A. They had, yes.

12

391 Q. And could I ask you, because Mr. Corrigan will give
13 evidence to the evidence that he was harassed by members of
14 the Provisional IRA. Were you aware of members of An Garda
15 Siochana in the Dundalk area being harassed by members of
16 the IRA?

17

A. I was.

18

392 Q. Were you aware of Mr. Corrigan being subjected to any
19 harassment?

20

A. I was.

21

393 Q. Could you tell the Chairman of that harassment that you are
22 aware of that he received?

23

A. It was the time Dominic McGlinchey was extradited, they put
24 posters up with his photographs around the town, saying he
25 was a collaborator or something. And they pasted it up
26 with slivers of glass in the paste in case we'd be taking
27 it down.

28

394 Q. And were you yourself subjected to harassment?

29

A. I was.

30

395 Q. You mentioned also that you don't believe this rumour about

1 there being a mole in the Dundalk Garda Station, is that
2 correct?

3 A. No, I do not.

4 396 Q. Do you have any idea where this rumour or gossip originated
5 from?

6 A. I have no idea.

7 397 Q. You know that the reason this Inquiry is going on is
8 because it's inquiring into suggestions that members of An
9 Garda Siochana colluded in the killing of these two
10 unfortunate RUC officers?

11 A. I do.

12 398 Q. Do you have any evidence to support that suggestion?

13 A. None whatsoever.

14 399 Q. Can I ask you, have you heard of a man called Kevin Fulton,
15 he also goes under the name Peter Keeley?

16 A. I have heard the name, yes.

17 400 Q. Have you ever encountered this individual?

18 A. I am not sure. I think I encountered him in Dundalk many
19 years ago, but I am not a hundred percent sure on it.

20 401 Q. The reason I ask you is because the main reason this
21 Tribunal has been set up was on foot of a recommendation by
22 a Canadian judge, Judge Cory, and he was swayed and thought
23 it was appropriate that there be an Inquiry into these
24 killings because of a statement that was given to him by
25 Kevin Fulton or also known as Peter Keeley. Do you have
26 any evidence to give to the Tribunal as to how you regard
27 the reliability or --

28

29 MR. HAYES: I just wonder, I don't want to interrupt, but
30 without first of all, the Tribunal having heard from that

1 witness, and I think first of all it's a matter for the
2 Tribunal to assess the reliability. And I think unless
3 there is a greater foundation laid for a question such as
4 that, but I don't think a question such as that is
5 appropriate.

6
7 CHAIRMAN: I think Mr. O' Callaghan will probably say that
8 the fact that Judge Cory relied on Kevin Fulton's statement
9 as being sufficient to raise this matter, and it believed,
10 it would, could form a basis on which that collusion could
11 be founded.

12
13 MR. O'CALLAGHAN: That's correct, Chairman. And, in fact,
14 what Mr. Fulton said in his statement to Judge Cory, is he
15 says *"I was in Dundalk on the day of the ambush of*
16 *Superintendent Buchanan and Breen. I am aware that after*
17 *the ambush took place my senior IRA commander was told by a*
18 *member of the Provisional IRA that Owen Corrigan had*
19 *telephoned to the Provisional IRA to tell them that*
20 *Officers Breen and Buchanan were at Dundalk Station."*
21 That's the only piece of evidence I say that exists against
22 my client and I want to dispute it and I'll be vigorously
23 disputing it when Mr. Fulton comes to give evidence. But I
24 want to know from this witness and indeed other witnesses
25 whether they can cast any evidence or light on this
26 character, Kevin Fulton and as to his reliability.

27
28 MR. HAYES: I think in those circumstances, Chairman, I
29 think it would be more appropriate if the reliability or
30 the character of Mr. Fulton is to be called into question,

1 it ought to be done in a situation when he has been put on
2 notice by the Tribunal that such evidence, or such line of
3 questioning is likely to be had, to allow him to be, or to
4 allow his lawyers to be here to represent him on that
5 basis.

6
7 MR. O'CALLAGHAN: Well, maybe the witness doesn't have
8 sufficient information, so, if I can just ask the witness
9 is he aware of him and would he be able to give evidence to
10 you, Chairman, about Kevin Fulton. If he is not --

11
12 CHAIRMAN: I will allow that question, yes.

13
14 402 Q. MR. O'CALLAGHAN: Mr. Crowe, would you be in a position to
15 give evidence to the Chairman about Mr. Fulton from your
16 experience with him?

17 A. No, I can't exactly place him. I may have come across him,
18 I may not. But I have nothing to offer for or against him.

19
20 MR. O'CALLAGHAN: I think that resolves the matter,
21 Chairman.

22
23 MR. HAYES: I suppose just for -- it's always of course the
24 situation, Chairman, where, if there is to be such a line,
25 that a witness can always be recalled when a notice --

26
27 CHAIRMAN: The necessary arrangements will be made for this
28 witness to be recalled after Mr. Fulton gives evidence, Mr.
29 O' Callaghan.

1 MR. O'CALLAGHAN: Certainly, Chairman.

2 403 Q. Finally Mr. Crowe, from your experience of Owen Corrigan
3 did he stand up to the IRA during the 1980s and --

4 A. Very much so.

5 404 Q. And was he a guard who did not collude with them, if I can
6 put that --

7 A. No, never. I did several -- hundreds and hundreds of
8 operations with Owen Corrigan and the other guys we worked
9 with. And never once did we go on an operation that was
10 compromised. Our searches, land searches, the rest,
11 nothing was every compromised.

12 405 Q. And these resulted in prosecutions and convictions of
13 subversives?

14 A. Finding of arms, explosives, you name it.

15 406 Q. Thanks, Mr. Crowe.

16

17 CHAIRMAN: Any other questions?

18

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

20

21 407 Q. MR. HAYES: Mr. Crowe, just you gave an answer to Mr.
22 Durack, just some evidence in relation to the South Armagh
23 IRA. Was there also a South Down brigade of the IRA?

24 A. There was, yes.

25 408 Q. And as far as you are aware, where did they operate out of?

26 A. They operated more Newry, Castlewellan, Warrenpoint, that
27 country, but some of them lived in Dundalk.

28 409 Q. And some of them lived in Dundalk. And, I suppose, Dundalk
29 being the first town across the border, is it the case that
30 there were people from the North who had come to evade the

1 authorities in the north?

2 A. Most of the IRA men in Dundalk were on the run from the
3 North.

4 410 Q. Were on the run from the North?

5 A. Yes.

6 411 Q. And some those were people from the south Down IRA as well,
7 is that right?

8 A. They were, yes.

9 412 Q. You said that there were, in your area perhaps 50 to 60
10 hard core members of the IRA. Were they all South Armagh
11 people or did they include people from South Down or other
12 areas as well?

13 A. I meant 50 or 60 along the border which would be South
14 Armagh, North Louth. Around Dundalk town from Belfast and
15 South Down and other parts of the North, there'd be another
16 50 or 60.

17 413 Q. Without being too glib about it, there were 50 to 60 locals
18 and another 50 to 60 outsiders?

19 A. Exactly.

20 414 Q. In respect of the murders themselves, you have given us
21 your opinion as to how they were carried out. Are you in
22 possession of any evidence of how the murders were carried
23 out or...

24 A. No. From previous experience of other people that were
25 killed along the border, there was Judge Gibson and his
26 wife were killed, they were blown in a bomb coming back
27 from their holidays. They were obviously followed from the
28 airport. There was an RUC men down on his holidays in
29 Kerry, he was killed crossing -- going back. He was
30 obviously followed from Kerry.

1 415 Q. Constable Robinson?

2 A. That's right. And several others. And there was
3 surveillance on them all.

4 416 Q. And just finally then, Dominic McGlinchey you were asked
5 about by Mr. O' Callaghan?

6 A. Yes.

7 417 Q. Of what organisation was Mr. McGlinchey a part insofar as
8 you were aware?

9 A. The INLA.

10 418 Q. The INLA. And insofar as you are aware, was there a
11 crossover between the INLA and the IRA?

12 A. Not really. In the beginning there was. The INLA were
13 former members of the Provisional IRA who broke away. And
14 they kept in contact and they didn't fight with each other,
15 but they didn't agree with each other's philosophies
16 either.

17 419 Q. I see. Just one very last question. I am just going to
18 show you a copy, it's a photocopy of the On/Off Book, I am
19 sure you are familiar with the On/Off Book. This is just a
20 copy of the book from the day itself of the -- I think just
21 there is a highlighted portion, is that your signature and
22 name?

23 A. It is, yes.

24 420 Q. And does it indicate what time you had signed on that day?

25 A. 5 p.m.

26 421 Q. Does it indicate what time you signed off duty that day?

27 A. 1 a.m.

28 422 Q. 1 a.m.?

29 A. On the 20/3, yes.

30 423 Q. Thank you very much.

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CHAIRMAN: Thank you very much Mr. Crowe.

THE WITNESS THEN WITHDREW.

MR. DILLON: Chairman, recollect the next witness is Mr.
Leo Colton.

LEO COLTON HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON AS
FOLLOWS:

424 Q. MR. DILLON: Mr. Colton, you understand we are dealing with
a few general matters today, notably your career in the
Force and events on the 20th March and subsequently.

Now, I think it's the case that you joined the force about
1955, is that right?

A. 1958.

425 Q. '58, I beg your pardon, you are quite right. And where
were you sent after you had done your course or your
induction course, whatever it is in Templemore?

A. Buncrana in County Donegal.

426 Q. And after that?

A. Letterkenny.

427 Q. And then?

A. I was promoted and sent to Mayo, Ballinrobe.

428 Q. And I think you went on to Dundalk at that point?

A. That is correct.

429 Q. And at what point in your career were you promoted to the
rank of Sergeant?

A. Seven years after I joined.

430 Q. I beg your pardon?

A. Seven years after I joined.

431 Q. That's about 1965 then, is that right?

A. Yeah.

432 Q. And I think all throughout your career you were on the
uniform side?

A. That's correct.

1 433 Q. I am just looking at your personnel record and the comments
2 appear to be generally favourable about you going down
3 through the years. *"Well conducted -- 1966 in Letterkenny*
4 *you are noted to be well conducted, efficient, friendly"*
5 that's when you were promoted to your rank.

6 When you were in Dundalk as a Sergeant, what were the
7 nature of your duties?

8 A. Just general policing, supervision of the unit, of other
9 members.

10 434 Q. When you say "general policing", could you explain what you
11 mean by that?

12 A. Sometimes I'd go on the beat. Other times I'd go mobile,
13 check-points, things like that.

14 435 Q. Was there any particular order in which you did this work
15 or was it just as it arose in the day?

16 A. Whenever it arose.

17 436 Q. And were you involved in prosecutions, for example?

18 A. Yes.

19 437 Q. Were they prosecutions in the District Court, Circuit
20 Court?

21 A. Both.

22 438 Q. And you were a Sergeant on the unit which I think is called
23 Unit 'A', is that right?

24 A. That's correct.

25 439 Q. That's the unit that comes on at two o'clock in the
26 afternoon?

27 A. That day they did.

28 440 Q. And what, in the ordinary course, we'll come to the 20th of
29 March in a moment, what in the ordinary course happens when
30 you turn up for duty?

1 A. When I report for duty?

2 441 Q. Yeah.

3 A. Well, we went to the briefing room and there is
4 correspondence to be delivered to the squad, to brief them
5 on previous 24 hour activity around the town, stolen cars,
6 people who might be wanted for house breakings and that.
7 General police work.

8 442 Q. Just before you -- could you come closer to the microphone.
9 I think there might be some difficulty in hearing you. So
10 you are saying that you were briefed on what happened in
11 the previous 24 hours?

12 A. That's correct.

13 443 Q. In the nature of car thefts or burglaries or whatever, is
14 that right?

15 A. That's right.

16 444 Q. Is that for the purpose of stepping in to take over the
17 investigation of these matters or whatever the purpose of
18 telling you what happened in the previous 24 hours?

19 A. No, no, it was to let the unit know what had happened, so
20 that if a mobile was out, they might see a car that had
21 been reported stolen, that kind of a thing like you know.

22 445 Q. So if you saw the car in the street, could take it up, is
23 that right?

24 A. Yes.

25 446 Q. I understand now. I think in the course of your career,
26 you put in a claim for compensation?

27 A. I did, yes.

28 447 Q. Would you explain the circumstances in which that arose?

29 A. It was actually a Scottish -- a Welsh Police Inspector was
30 on holidays in Dundalk with his two children. He was a

1 diabetic, but he didn't take his prescription medicine on a
2 particular day. And he went on the drink and about three
3 o'clock in the morning, a young girl came in and told us
4 that her daddy was dying, so I was there with the Station
5 Orderly, or a Ban Garda, I think it was Anne McMorrow, I am
6 I am not sure. So I accompanied the young girl to the
7 house and I applied cold towels, he was semi-conscious.
8 And he came to and then he lost his head and he rushed at
9 me and the two of us started wrestling. So we wrestled out
10 onto the street and I put an arm lock on him and he kept
11 trying to swing at me, trying to assault me. So,
12 eventually, prior to leaving the Garda Station, I asked the
13 Station Orderly to ring for an ambulance, so the ambulance
14 did arrive and one of the ambulance assistants tried to
15 give me a hand but he knocked him down as well. But I held
16 on to him and we fell on the steps and he injured my neck
17 and shoulder. I then - eventually another guard came and
18 we succeeded in putting handcuffs on him and putting him in
19 the ambulance and we took him to the hospital.

20 448 Q. And you yourself suffered injury as a result of this
21 incident?

22 A. I did, yeah.

23 449 Q. Very good. Moving onto the 20th March, I think you, as we
24 said, you reported for duty at two o'clock?

25 A. That's correct.

26 450 Q. Before turning up, do you sign a book of some sort?

27 A. When you report for duty, I can't remember now if the
28 signing on was introduced at that time, but you had to
29 report to the Station Orderly who recorded you in the book
30 as signing on.

1 451 Q. I am going to show you the On/Off Book that we have, and I
2 appreciate you hadn't seen this before so take your time
3 about this, there is no great difficulty about you taking
4 your time. I have -- we found your signature for signing
5 on on the 6th March and signing off on the 6th March as
6 well, but we don't find your signature for any other day
7 unless I have missed, you know, I have misread the
8 handwriting, so I'll ask the registrar to show it to you.

9 (Book handed to the witness)

10 You'll see on the - on page, which is the left-hand side
11 page, 9th line from the bottom, that's your signature,
12 isn't it?

13 A. That's right.

14 452 Q. And that's your number correctly given?

15 A. That's right.

16 453 Q. And then if you look over, you'll see that you signed off?

17 A. Can't see it now.

18 454 Q. Might it be on the next page, the next off page? I think
19 you are looking at the on page there. I think the page
20 beside it is the off page.

21 A. There is off here. It doesn't say what date. Let's see...

22 455 Q. Do you find your signature there?

23 A. Not yet.

24 456 Q. I beg your pardon?

25 A. I haven't found it yet.

26 457 Q. All right. We can move on, in fact, because it relates to
27 a date other than the 20th March, but when you arrived for
28 duty on the 20th March, did you sign a book like that?

29 A. That, I cannot remember now.

30 458 Q. Because we don't find a signature for you for the 20th

1 March.

2 A. Right. But normally when you report in, this was usually
3 -- the idea of this book was that if a group were coming in
4 at the one time, to save them all standing up and having
5 the Station Orderly to mark them down, just sign the book
6 and they could go about their business and then the Station
7 Orderly would automatically write them in then, like, you
8 know.

9 459 Q. I have just been given another book, and I am sorry, I
10 appreciate you haven't seen this before, but it's called I
11 think it's Station Diary?

12 A. Yes.

13 460 Q. It doesn't cover the date of the 20th March. But I am
14 going to ask the registrar to show it to you.

15 (Book handed to the witness)

16 Is it possible you might have signed in on a book like
17 that?

18 A. No, if this is the diary, it would be the Station Orderly
19 who would write in this book.

20 461 Q. That's quite different to the book --

21 A. It is, yeah.

22 462 Q. I see.

23 A. This book here was just to facilitate the Station Orderly.

24 463 Q. So he took the information from that book and transferred
25 it to the Station Diary, is that it?

26 A. Yes.

27 464 Q. I understand, okay. Well we'll leave it at that for the
28 moment then, thank you.

29

30 You have there I think a collection of documents?

1 A. Here?

2 465 Q. Yes. Would you take them out please? I am going to deal
3 with the events on the 20th March on the basis of the
4 documents that we have and the first is a statement, a
5 Statement of Evidence of Sergeant L. Colton, and then
6 something acting suspiciously at Dundalk Station on the
7 20th March, 1989.

8 I think you noticed somebody acting suspiciously in the
9 environs of the station

10 A. That is in relation to the car?

11 466 Q. Yes.

12 A. Yes.

13 467 Q. As I understand it. We'll come to that in a second. Can
14 you explain to the Chairman how it came about that this
15 statement was made?

16 A. Probably some officer probably asked me to make it out. I
17 can't remember.

18 468 Q. Sorry, who may have asked you?

19 A. I don't know.

20 469 Q. You don't know. It's your signature at the bottom though,
21 is it?

22 A. That's right, yeah. It may have been that each member was
23 asked to make out a statement.

24 470 Q. And if you made a statement, did you type it up yourself?

25 A. I would have done, yeah.

26 471 Q. So this likely is not is your own handiwork if I can put it
27 that way, it's your typing?

28 A. Yes.

29 472 Q. I am going to read it for the purpose of the record. It
30 goes as follows:

1
2 *"I am a member of An Garda Siochana stationed at Dundalk.*
3 *At 2:25 p.m. on Monday 20th March 1989, I was standing on*
4 *the front steps of the Garda station. I observed a grey*
5 *coloured car enter the forecourt of the Garda Station from*
6 *the Ardee Road. This car drove slowly past the front of*
7 *the Garda Station and I saw the driver looking at the*
8 *various vehicles parked in the vicinity. Most of the*
9 *parked vehicles would belong to members and some were*
10 *official cars. When the driver saw me he looked away and*
11 *drove out the gate on the Carrickmacross Road and then*
12 *headed down Anne Street. At no time did this car stop at*
13 *the Garda station and I got the impression the drive was"*
14 *-- sorry, the photocopying has let us down there, can you*
15 *help us with what might be there?*

16 A. It probably would have been *"I got the impression the*
17 *driver was looking for a car."* At that time I thought the
18 driver may have been just checking to see if a specific car
19 was in the front of the Garda station. Normally the
20 detective branch cars or something like that.

21 473 Q. We'll come to that in a moment then. Now you went on to
22 say *"The car in question was a grey Vauxhall Cavalier or*
23 *similar type vehicle. The registration number was EIB 32??*
24 *I intended checking on this vehicle but the Station Orderly*
25 *asked for assistance in another matter and having dealt*
26 *with same unfortunately forgot about this car. As I was*
27 *seated in the reception area, dealing with a customer, I*
28 *noticed Inspector Murray pass through. The driver of the*
29 *grey car was about 30 to 35 years, well built, with black*
30 *curly hair and round face. He was wearing an open neck*

1 shirt, black or dark blue V neck jumper and black leather
2 jacket. I was unaware that members of the RUC were in the
3 Garda Station but it would be possible for the driver of
4 the car in question to see a Northern Ireland registered
5 vehicle if same was parked at the front of the Garda
6 Station. I certify that this statement is correct to the
7 best of my knowledge and belief and I make it knowing that
8 if it is tended in evidence I will be liable to prosecution
9 if I stated in it anything which I know to be false or do
10 not believe to be true."

11
12 Now, why did you put in the sentence "I was unaware that
13 members of the RUC were in the Garda station"?

14 A. I was probably asked about that.

15 474 Q. You were asked by --

16 A. I was probably asked was I aware.

17 475 Q. By whom?

18 A. Probably a Superintendent or Inspector, whoever asked me to
19 make out this.

20 476 Q. Well, was this statement the result of a question and
21 answer session?

22 A. I just can't remember, to tell you the truth.

23 477 Q. Very well. The next document I want you to refer to is a
24 manuscript document, and if Mr. Mills, you could just put
25 up the last page -- the second page rather. Can you
26 identify the signature on the second page?

27 A. Yes.

28 478 Q. It is your signature then, is it?

29 A. It is, yeah.

30 479 Q. Very well. The next document is a typed document which is

1 the typed version of that manuscript document. This is a
2 statement you made to Assistant Commissioner O'Dea. Do you
3 remember the Assistant Commissioner coming to the station
4 following the murders?

5 A. I don't. I have no recollection of making the statement to
6 him, at all, whatsoever. I am not denying that I made the
7 statement, but I don't remember making it.

8 480 Q. It is your signature on the manuscript version, isn't it?

9 A. Oh it is, yes.

10 481 Q. It does seem to be the case that you did make a statement?

11 A. Oh yes, I am not denying that.

12 482 Q. But you say you have no recollection of it?

13 A. No recollection, no.

14 483 Q. I take it it's an unusual experience for an Assistant
15 Commissioner to turn up and take statements from members of
16 the Force?

17 A. Well, I suppose, in connection with the murder too, it
18 wouldn't be unusual.

19 484 Q. Did it ever happen to you on another occasion that an
20 Assistant Commissioner came and took a statement from you?

21 A. Yes.

22 485 Q. When did that happen?

23 A. Sometime after that and a member of the Gardai called to my
24 house.

25 486 Q. Was one of them the Assistant Commissioner?

26 A. I don't know who they were, I can't remember their names,
27 they introduced themselves but I didn't make a note of
28 their names.

29 487 Q. How did you know they were guards?

30 A. They rang me ahead of coming and asked could they speak

1 with me.

2 488 Q. Had you ever met these people before?

3 A. No.

4 489 Q. Did ask for identification?

5 A. No.

6 490 Q. You took it on trust whoever they were were guards?

7 A. Yeah.

8 491 Q. When did this meeting take place?

9 A. I have no recollection. I didn't make any notes, but how I
10 knew they were coming, the Detective Sergeant Owen Corrigan
11 told me that they had called to him and that they were
12 coming to me.

13 492 Q. Very well. So, they came to you. I'll just hazard this,
14 it might have been the year 2000 or 2001?

15 A. It could have been, yeah.

16 493 Q. Was it as late as that after the murders?

17 A. Well, I don't know exactly when it was. I didn't make any
18 notes, but the statement was mostly similar to what I had
19 already made.

20 494 Q. So, to be quite clear on this, you are telling us that Owen
21 Corrigan rang you to tell you that these two officers were
22 going to visit you?

23 A. Yeah.

24 495 Q. What --

25 A. What he actually said was --

26 496 Q. I beg your pardon?

27 A. He didn't say they were going. He says they will probably
28 be calling to see you. And then I got a phone call from
29 one of them to say that they were coming.

30 497 Q. Did you ask Owen Corrigan why they might be coming to see

1 you?

2 A. No. He didn't interview them. He didn't entertain them.

3 498 Q. He didn't sorry?

4 A. He didn't entertain the two Gardai, as far as I know.

5 499 Q. When you say "entertain", what do you mean by that?

6 A. Well, he didn't make a statement to them.

7 500 Q. You made a statement to these two guards?

8 A. I did, yeah.

9 501 Q. Just for clarity on this, was one of them Sean Camon?

10 A. I have no recollection whatsoever, it could have been.

11 502 Q. Was the other one possibly Peter Kirwan?

12 A. I don't remember names at all whatsoever. They introduced
13 themselves all right, but that was it.

14 503 Q. We'll come back to that on another occasion. You remember
15 that visit but you say you don't remember the Assistant
16 Commissioner coming to the station?

17 A. I don't.

18 504 Q. The question I put to you was, wasn't it an unusual event
19 for an Assistant Commissioner to come to a station and take
20 statements from Gardai, from members of the station?

21 A. Oh yeah, yeah.

22 505 Q. It must be a once in a lifetime experience for you?

23 A. They were probably investigating the circumstances of the
24 murder of two RUC officers.

25 506 Q. Well, if you say you don't remember the visit, how do you
26 know what they were probably investigating?

27 A. According to my statement here, they went over the same,
28 what I done on the date in question.

29 507 Q. Mm-hmm...

30 A. So they had a relevance to that.

1 508 Q. I am sorry, I didn't catch that?

2 A. I am saying my statement would have relevance to their
3 visit.

4 509 Q. You are quite clear in your mind that you have no
5 recollection of --

6 A. None whatsoever.

7 510 Q. -- speaking to the Assistant Commissioner?

8 A. No.

9 511 Q. Do you remember signing the manuscript version?

10 A. This one here, yes.

11 512 Q. Do you remember signing that?

12 A. I don't, no.

13 513 Q. I appreciate you don't recollect meeting the Assistant
14 Commissioner, it must be the case that he got the
15 information from you, because he knew nothing about what
16 you were doing, isn't that right?

17 A. More than likely, yeah.

18 514 Q. So he had to have spoken to you in order to write what he
19 wrote?

20 A. Oh yes, yes. I am not denying that I made the statement.
21 It's just I don't recall making it.

22 515 Q. I am going to read out the statement. It's as follows:

23

24 *"Statement of Sergeant Leo Colton taken on Wednesday 22nd*
25 *March 1989 by Assistant Commissioner O'Dea. It goes as*
26 *follows:*

27

28 *"I am a Sergeant of the Garda Siochana station in Dundalk,*
29 *Unit 'A'. On Monday 20th March 1989, I started duty at*
30 *2 p.m.. Accompanied by Sergeant Brady, I detailed the*

1 Gardai for duty. I detailed Garda Seamus Nolan for duty as
2 Station Orderly. Garda David Sheridan and Ban Garda Anne
3 McMorrow for duty in the Radio Room. Garda John McKeown
4 and Garda Val Smith for town mobile duty. Garda Matthew
5 O'Reilly and Garda Joe Daly for town mobile patrol. I was
6 on supervision. At about 2:20 or 2:25 p.m. I was standing
7 on the front steps of the Garda Station and I observed a
8 grey Cavalier car enter the forecourt of the station by the
9 Ardee Road entrance and drive slowly by the front of the
10 station and exit on the Carrickmacross Road entrance. I
11 noticed the driver looked from side to side as if he was
12 checking on the parked vehicles. I took the number of this
13 car to be EIB 32?? When I went into the station I was
14 called on by the Station Orderly to assist him with a
15 problem and when I had sorted this out after about 10 or 15
16 minutes the checking of the car went out of my mind. Come
17 the evening time I could not recall the last two numbers of
18 the registration. I was not aware that Chief
19 Superintendent Nolan had a meeting with RUC members nor did
20 I see them enter or leave the station on that date. This
21 statement has been read over to me by Assistant
22 Commissioner O'Dea and is correct. It's signed yourself
23 and witnessed by the Assistant Commissioner."

24
25 So you don't remember even the Assistant Commissioner
26 reading a statement back to you?

27 A. I have no recollection of anything, no.

28 516 Q. Is that statement a correct account of what happened on the
29 day?

30 A. That's correct, yeah.

1 517 Q. Now, in your first statement, the one that we have already
2 read into the record, you do not make mention of parading
3 the unit. Any particular reason for that?

4 A. No.

5 518 Q. Whereas you put it into this particular statement?

6 A. Yes.

7 519 Q. Are you quite certain that you paraded the unit?

8 A. I am.

9 520 Q. Move onto the next document.

10

11 MR. DURACK: What's the date of the last document?

12

13 MR. DILLON: Sorry 22nd March. The date at the bottom says
14 23rd March, but it starts on the 22nd March and the date is
15 given the 23rd March.

16 A. Pardon?

17 521 Q. I am sorry, I am just drawing your attention, as reminded
18 by Mr. Durack, that while the statement was apparently at
19 the top taken on the 22nd March, it appears to be at the
20 very least signed by you on the 23rd March?

21 A. Yes.

22 522 Q. Can that be correct?

23 A. Well, I don't know. Probably a typographical error.

24 523 Q. Thomas Brady was the Sergeant on your unit as well, isn't
25 that right?

26 A. That's correct.

27 524 Q. I think he was the senior Sergeant on the unit?

28 A. He was.

29 525 Q. I think you have there his statement?

30 A. Yes.

1 526 Q. And I am going to read a portion of it into the record.

2

3 *"Statement of Sergeant Thomas Brady taken by Assistant*
4 *Commissioner O'Dea on the 22nd March 1989. I am attached*
5 *to Dundalk Garda Station. On Monday the 20th March 1989, I*
6 *was employed acting Sergeant in charge of the station. At*
7 *2 p.m., accompanied by Sergeant Leo Colton, I briefed Unit*
8 *'A' prior to they going on duty. I detailed Garda Seamus*
9 *Nolan as Station Orderly and Garda David Sheridan for duty*
10 *in the radio room. Also Ban Garda McMorow for Radio Room.*
11 *I detailed Garda John McKeown for town duty with Garda Val*
12 *Smith. I detailed Garda Matthew O'Reilly and Garda John*
13 *Daly for mobile patrol in the town. Sergeant Colton was*
14 *detailed for supervision duty". And then it goes on to say*
15 *what he did that day. He says he did exactly the same*
16 *thing as you did?*

17 A. Well the two of us were there at the one time.

18 527 Q. But only one of you was detailing or parading the unit?

19 A. Well, if both Sergeants would participate to a certain
20 extent in the detailing of the unit.

21 528 Q. What do you mean by that?

22 A. Well, if it was correspondence to be given out, we'll say
23 Sergeant Brady would be writing it into the book, I'd be
24 reading out a stolen car list or whatever.

25 529 Q. Yes, but that's not the point that I am trying to get at
26 which is this, Sergeant Brady said he detailed specific
27 members for specific duties and you say you detailed those
28 same members for those same duties?

29 A. Yes.

30 530 Q. How can that happen?

1 A. Well because I was there at the same time.

2 531 Q. But surely only one of you carries out the parade?

3 A. No, no, it doesn't necessarily be one.

4 532 Q. Well now let's just picture this. You are there and
5 Sergeant Brady is beside you?

6 A. Yeah.

7 533 Q. And Sergeant Brady says "*Matthew O'Reilly and John Daly,*
8 *you are for mobile patrol in the town.*" Okay? Now,
9 according to you, you say that you also told Matthew
10 O'Reilly and Joe Daly for mobile patrol in town.

11 A. Right.

12 534 Q. Does it really happen that way?

13 A. It's possible it could happen.

14 535 Q. There is like an echo?

15 A. Well --

16 536 Q. Isn't that what it amounts to?

17 A. One Sergeant wouldn't sit twirling his thumbs while the
18 other Sergeant is doing all the work. That's why there is
19 two Sergeants on a unit.

20 537 Q. Please focus on the point, which is that you told the
21 Assistant Commissioner, you carried out exactly the same
22 functions as your colleague Tom Brady?

23 A. Right.

24 538 Q. I have to put it to you that that just simply is not
25 possible. You see, I am going to put to you what Tom Brady
26 told the Chairman. Referring to the people who were
27 actually in the room, because -- I'll explain that, because
28 Tom Brady told us that the people in the Radio Room would
29 have gone directly to the Radio Room?

30 A. That's right.

1 539 Q. So putting them to one side, there were people who were
2 actually in the room at the time, his answer is: "Yes, I
3 would have detailed them, yes.
4 So you would have detailed them? I would, yes. Is it
5 possible that Sergeant Colton detailed them in exactly the
6 same terms? Well there'd be no need for two Sergeants to
7 detail them." That's is his evidence to the Chairman. Is
8 that wrong?

9 A. Well, he is not wrong but I am not wrong either.

10 540 Q. How do you reconcile the two statements?

11 A. The fact of me being there is the equivalent of me
12 detailing the unit.

13 541 Q. Even though you are silent?

14 A. I wasn't silent.

15 542 Q. But how do I understand "the fact of my being there",
16 what's that supposed to mean?

17 A. I participated in the briefing.

18 543 Q. Yes.

19 A. Right. You wouldn't expect me to sit there and do nothing
20 and let the other Sergeant do everything?

21 544 Q. It's hardly an onerous task to tell a number of people what
22 they are going to be doing?

23 A. It doesn't take terrible long to say it.

24 545 Q. No. So why did you tell the Assistant Commissioner you did
25 exactly the same job that Tom Brady, in fact, did; he was
26 the senior Sergeant?

27 A. Well, it was a matter of just saying I was at the briefing.

28 546 Q. Isn't that different, you were at the briefing?

29 A. Well, I still briefed.

30 547 Q. How can you brief if you didn't actually do the detail?

1 A. I may not have done all of it but I done some of it.

2 548 Q. So this statement is not right then?

3 A. It is right.

4 549 Q. You just told us you may have done some but not all of it,
5 that means this statement is not right?

6 A. Well if Sergeant Brady read out the detail and I read out
7 the -- I read out the rest of the stuff --

8 550 Q. The what?

9 A. The stolen cars and incidents that happened in the previous
10 24 hours, things like that.

11 551 Q. Why didn't you say that to the Assistant Commissioner?

12 A. It's just as handy to say I briefed the unit; that covered
13 everything.

14 552 Q. You didn't tell the Assistant Commissioner that you
15 informed the unit of stolen cars and burglaries and what
16 have you, you didn't tell him that?

17 A. That's what the briefing is about.

18 553 Q. Yes.

19 A. You don't have to go into every little nitty picky of
20 everything.

21 554 Q. But wouldn't have been a more correct reflection if you had
22 said to the Assistant Commissioner that while, or following
23 Thomas Brady's detailing of the unit, I then told them of
24 events in the previous 24 hours?

25 A. Possibly.

26 555 Q. So I come back to the point that your statement is not
27 accurate?

28 A. My statement is accurate.

29 556 Q. Now, by 1989, you had been a Garda since 1958, so coming on
30 for what, 30 years at this stage?

1 A. Right.

2 557 Q. And you are standing on the steps of the station and a car
3 catches your attention?

4 A. Right.

5 558 Q. Not so much the car but what the driver is doing, isn't
6 that right?

7 A. Correct.

8 559 Q. He seems to be checking up on cars?

9 A. It looked like that.

10 560 Q. That must be a matter of considerable concern?

11 A. Not really. He could have been looking for a Garda car, a
12 private car or checking on the number of branch cars that
13 were around or whatever.

14 561 Q. Well, checking the number of branch cars, wasn't that a
15 serious matters, if somebody is trying to find out which
16 cars were branch cars?

17 A. That would happen everyday of the week.

18 562 Q. That doesn't mean that you sort of put this out of the your
19 mind. Here is a car going through the station yard, that
20 has caught your attention because the driver is behaving
21 very strangely, seems to be trying to catch numbers or
22 catch cars, isn't that right?

23 A. Right.

24 563 Q. And you do nothing about it?

25 A. I didn't do anything about it till that evening. Why I
26 forgot about it, I had to deal with a customer which, by
27 the time I was finished, I went down the town on the beat
28 and I forgot all about it.

29 564 Q. The car was driving slowly?

30 A. Yeah.

1 565 Q. Why didn't you go out and just stop the car and say "What
2 do you think you are doing"?

3 A. When I mean slowly, it wasn't just going at a snail's pace,
4 he was just driving by. I was exiting the station, I was
5 on the top step of the station.

6 566 Q. Here was a car, here was a driver behaving in a manner
7 which could be regarded as certainly threatening or --

8 A. He didn't seem to be threatening.

9 567 Q. But threatening to the force in the sense that he was
10 trying to figure out what cars were in the station yard and
11 they included garda cars, isn't that right?

12 A. There could be. Well it didn't strike me as that at the
13 time.

14 568 Q. Well then why did it catch your attention?

15 A. By the way he was looking from side to side.

16 569 Q. Wasn't that odd?

17 A. Slightly odd, yeah.

18 570 Q. So it was odd at the time?

19 A. Yeah.

20 571 Q. Right. So, apparently you did nothing about it though?

21 A. I did when I came back after tea time.

22 572 Q. Right. Now, surely you have experience of recording
23 registration numbers of cars?

24 A. Right.

25 573 Q. EIB is a familiar sequence of letters in Dundalk, at least
26 it was at the time, isn't that right?

27 A. Right.

28 574 Q. So all you had to do was remember four numbers, but you
29 didn't?

30 A. I forgot the last two digits.

1 575 Q. Did this car exist at all?

2 A. Well, it must have done when it passed by me. I wasn't
3 having hallucinations or anything like that.

4 576 Q. I am not suggesting hallucinations, I am just asking did
5 this car exist at all?

6 A. Well, would I have said it existed if it didn't exist.

7 577 Q. It could give you a reason for being on the station steps?

8 A. I was exiting the station going down the town on the beat.
9 That's how I was on the steps.

10 578 Q. Well, again, that's not what you said. You said you were
11 standing on the steps?

12 A. Yeah, well, I wasn't lying on them. If you were standing
13 on them, you were walking on them, the same thing. I had
14 to deal at that time with a customer that came in looking
15 for particulars about agricultural tractors and I had to
16 take them back inside.

17 579 Q. Undoubtedly you have to deal with that but surely it was a
18 matter of greater importance you try and either, at least
19 if not stop, track down this car and the driver who was
20 behaving in a suspicious matter?

21 A. Well, if I hadn't been disturbed I probably would have done
22 so.

23 580 Q. But this is the point. You see, if you had this concern,
24 because you did note the car, you did see the car you tell
25 us?

26 A. Yes.

27 581 Q. You did see the driver behaving oddly?

28 A. Right.

29 582 Q. In the manner which suggested he was trying to get
30 information about cars in the yard, isn't that right?

1 A. Right.

2 583 Q. And yet somebody who comes in looking for something in
3 relation to, is it a tractor, did you say?

4 A. Yeah.

5 584 Q. That suddenly is more important?

6 A. Well, I wasn't going to turn and walk away from the
7 customer when he was asking for information.

8 585 Q. No, just ask the customer to wait for a second, couldn't
9 you?

10 A. Well, I didn't.

11 586 Q. I know you didn't.

12 A. That's why when I went down the town I forgot.

13 587 Q. That's is why I put it to you, did this car in fact exist?

14 A. It certainly did. I have said that three or four times.

15 588 Q. I have asked the question three or four times?

16 A. Why ask the question so many times?

17 589 Q. Because your conduct in relation to it is not consistent
18 with the evidence that you have given, namely that this was
19 a car behaving in a manner which caught your attention, the
20 driver appeared to be collecting information about police
21 cars. And yet, you allow it to --

22 A. I didn't say it was collecting information. I said it
23 could have been.

24 590 Q. Or even could have been, isn't that good enough?

25 A. No, it's not.

26 591 Q. Pardon?

27 A. I wouldn't think so.

28 592 Q. I see. Now, subsequently, I think you were involved in the
29 investigation conducted by Superintendent Connolly?

30 A. Yes.

1 593 Q. We know you made a statement because we have already gone
2 through that. But, in addition, your name figures on a
3 number of job sheets?

4 A. My name which?

5 594 Q. Figures on a number of job sheets. I think you have got
6 copies of them in front of you?

7 A. Job sheets, yeah.

8 595 Q. Now, the first one is a statement required from Inspector
9 Murray?

10 A. I see that here.

11 596 Q. Now, I see statement required from Inspector Murray re
12 *"Seeing deceased at Garda Station at 2:30 p.m. and*
13 *subsequent meeting with Sergeant Colton."* And then the
14 next page simply says "Inspector F Murray" which I presume
15 means the job was given to Inspector Murray, is that right?

16 A. I don't know. I don't know what that's about at all.

17 597 Q. It seems that you had a meeting, did you, with the
18 Inspector?

19 A. I have no recollection. I don't know what -- the only time
20 I had a meeting with him was when I was giving him
21 confidential information.

22 598 Q. Sorry, this is in relation to the murders?

23 A. No.

24 599 Q. Just in general, is it?

25 A. It was information that came from an IRA collator --

26 600 Q. I am not -- but is it in relation to the murders?

27 A. No, no.

28 601 Q. So this is on different occasion?

29 A. A different occasion, yes.

30 602 Q. I see, yes. But it seems that you did have a meeting with

1 the Inspector?

2 A. I can't remember having a meeting with him.

3 603 Q. Now, now, the next one is *"Photo fit to be organised by*
4 *driver of car seen by Sergeant Colton at vicinity of*
5 *station, consider sharing photograph -- showing photograph*
6 *to Sergeant after photo fit is prepared."*

7

8 Do you remember a photo fit being prepared of, based on the
9 description you gave?

10 A. I did.

11 604 Q. And that seems to correspond to the photo fit, isn't that
12 right?

13 A. That's correct.

14 605 Q. The last one then is, it seems that there was a, somebody
15 was possibly identified. Chairman, this has to do with the
16 possible participant in the murders, that has nothing to do
17 with your Terms of Reference and for that reason, the name
18 has been blacked out.

19 But you see there blank, *"Photo shown to Sergeant Colton*
20 *after photo fit was prepared"*. Then the question is:
21 *"What vehicle is suspect using and would have access to at*
22 *present?*

23 *Could he be viewed at the labour exchange on Thursday?"*

24 Had you anything to do with that?

25 A. No.

26 606 Q. Do you remember the photograph being shown to you?

27 A. I do.

28 607 Q. Going back to the question of the car. Was that car ever
29 traced?

30 A. Not that I know of.

1 608 Q. Well, I can put it to you that it wasn't, it was never
2 traced. Which begs the car did the car ever exist?

3 A. It begs the question for what?

4 609 Q. Did the car ever exist?

5 A. Did it ever occur to you that there could have been a false
6 number plate on it?

7 610 Q. Well, something that you didn't refer to in your statement?

8 A. I didn't regard it at that time whether it was false or
9 otherwise. Nobody came back to me to tell me whether the
10 number was ever located or not.

11 611 Q. And when did you first voice the opinion that this might be
12 a false number plate?

13 A. I am saying it now.

14 612 Q. Now is the first time, is that right?

15 A. Yes.

16 613 Q. Yes. Do you know Detective Sergeant Tom Duffy?

17 A. I do.

18 614 Q. Well he spoke to us, of you in warm terms. He said you
19 were very practical and approachable. And the rule was
20 that only two members of the unit could be off at any time.
21 He told us that his father was ill at the time when two
22 members were already off and you authorised him for leave
23 under the circumstances. Do you remember anything about
24 that?

25 A. No.

26 615 Q. Going back to the car again. Was there any particular
27 advantage to driving through the yard?

28 A. Well, it was a short-cut. A lot of people used it.

29 616 Q. Were there any cars double parked at the time?

30 A. I don't think so. I can't remember.

1 617 Q. But cars were double parked routinely in the car park at
2 the front?

3 A. I don't think there were any double cars parked.

4 618 Q. Sorry, the question is routinely cars were double parked?

5 A. Not really. Sometimes there might have if a person was
6 just coming into the station for produce driving licence or
7 something like that.

8 619 Q. Thank you.

9

10 CHAIRMAN: Any questions?

11

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

13

14 620 Q. MR. DURACK: I wonder could you just clarify for us, the
15 handwritten statement number 2, we know that the typed
16 version says the 22nd March at the top, and the 23rd at the
17 bottom. What's written on the handwritten version?

18 A. Wait till I see now. 22nd is at the top. And the 23rd at
19 the bottom.

20 621 Q. I see. Well, do you know whether that was made on the 22nd
21 and you signed it on the 23rd or...

22 A. I have no idea.

23 622 Q. You have no idea at all. And just in relation to that
24 statement says that it's a statement taken by Commissioner
25 O'Dea, isn't that right?

26 A. Correct.

27 623 Q. And I think a statement that's headed in that fashion is
28 usually taken on a question and answer basis?

29 A. More than likely I would think.

30 624 Q. Because he is actually taking the statement and therefore

1 --

2 A. And asking the questions.

3 625 Q. And asking the questions. Whereas if you look at your
4 statement, the typed statement, which was referred to as
5 Document 1, I think that's a statement which you make on
6 your own and submit it to your authorities?

7 A. That's right.

8 626 Q. It's a statement you provide rather than a statement that
9 results from a question and answer?

10 A. Yes.

11

12 MR. DURACK: Thank you very much.

13

14 MR. O'CALLAGHAN: Chairman, I have no questions for
15 Mr. Colton. I just want to mention one thing though. Mr.
16 Colton's evidence referred to a phone call he received from
17 my client. I don't know, I don't have any instructions as
18 to whether that happened. There may be absolutely no
19 significance to it, but I just wanted the Tribunal to be
20 aware, I don't have instructions on it.

21

22 CHAIRMAN: Well, I note what you say. If you subsequently
23 get instructions on that, there will be an opportunity to
24 ask this witness a question about it again.

25

26 MR. O'CALLAGHAN: Thank you, Chairman.

27

28 CHAIRMAN: Any other questions?

29

30 MR. DILLON: Sorry, just one matter arises out of the

1 questions put to you by Mr. Durack.

2

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

4

5 627 Q. MR. DILLON: He referred to the first statement, if you go
6 back to the first statement.

7 A. My own statement?

8 628 Q. That's the one, yes. You said that you made that statement
9 yourself rather than a question and answer?

10 A. Right.

11 629 Q. Do you remember I asked you why did you put in the
12 reference to not seeing the two RUC officers in that
13 statement, do you remember your answer to that?

14 A. No.

15 630 Q. You said you were probably asked the question. And I then
16 said you who asked you the question, you said you couldn't
17 remember you said possibly Tom Connolly. So which is it?

18 A. That, I don't remember. Possibly when I was asked to make
19 the statement it was in reference to the visiting of the
20 two RUC officers.

21 631 Q. Right. But the question to you was, why did you mention in
22 that statement the fact you hadn't seen the two RUC
23 officers? And your answer was because I was asked the
24 question.

25 A. I was probably --

26 632 Q. You can't have it both ways frankly. It can't be either
27 your statement as you told Mr. Durack or a question and
28 answer session, as you told the Chairman in reply to my
29 questions?

30 A. Well before I would have made that statement I would have

1 been asked to make the statement and in relation to what.
2 I wouldn't just go into the Day Room and type out a
3 statement for no reason.

4 633 Q. That's precisely what you told my colleague, that it was
5 your statement?

6 A. No, I made the statement but I had to be asked prior to me
7 making it to make it.

8 634 Q. Yes, so you were asked to make a statement?

9 A. Yeah.

10 635 Q. And that's it?

11 A. Yeah. So I made a statement.

12 636 Q. That's it?

13 A. Yeah.

14

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

16

17 637 Q. Just arising out of that, I just want to clarify. What I
18 was asking you and suggesting to you, was you were
19 instructed to provide a statement dealing with certain
20 matters?

21 A. That's correct.

22 638 Q. And that's how you did it?

23 A. Yes.

24 639 Q. It wasn't that somebody was with you and asking you the
25 questions as you did it?

26 A. No, each member that was working on the day were told to
27 make a statement. That's how it came --

28 640 Q. Dealing with what they did on the day?

29 A. Exactly.

30 641 Q. All right.

1

2

CHAIRMAN: Thank you, Mr. Colton.

3

4

THE WITNESS THEN WITHDREW.

5

6

MR. DILLON: That's all the witnesses for today.

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MR. DILLON: I take the point and I think it's preferable that in due course at some convenient moment, convenient both to the Tribunal and Mr. Crowe that he might be recalled to deal with that.

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CHAIRMAN: I think that's probably the practical way of dealing with it, Mr. Durack. So then until eleven o'clock tomorrow.

THE TRIBUNAL ADJOURNED UNTIL THE FOLLOWING DAY, FRIDAY 15TH
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