

## A P P E A R A N C E S

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His Honour Judge Peter Smithwick

For the Tribunal:

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

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

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

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1        THE TRIBUNAL RESUMED ON THE 21ST OF JULY, 2011, AS FOLLOWS:

2  
3        MR. DILLON: Good morning, Chairman. Today's programme, I  
4        think, is a feature of the fact that we're in the middle of  
5        the holiday season. We had intended having for you a  
6        presentation of press coverage which dealt with the  
7        incident in 1989, but some of the material which we had  
8        expected, hasn't arrived yet, so we're not in a position to  
9        deal with that today.

10  
11       I have one witness for you today, who is Bernard King, who  
12       is a retired Chief Superintendent in Monaghan. Before  
13       beginning with that witness, I'd like to take the  
14       opportunity to read into the record a statement which  
15       Mrs. Breen, Mrs. June Breen, provided to the Tribunal.

16  
17       CHAIRMAN: Yes. Thank you very much.

18  
19       MR. DILLON: Now, as I say, Chairman, this statement has  
20       been referred to already in evidence, particularly in  
21       dealing with two RUC witnesses, Witness 18 and Witness 6,  
22       and a particular passage, and I'll point out the passage  
23       when I get to it, was put to those two witnesses when they  
24       gave evidence before you.

25  
26       The following is the -- it's entitled "*Note of Intended*  
27       *Evidence to the Smithwick Tribunal of Inquiry. Provided*  
28       *by: June Breen. On: 3rd May, 2007.*"

29  
30       Now, before I begin the text of the statement, I should

1 explain that Mrs. Breen, at the moment, is recovering from  
2 illness. She is, I understand, somewhere outside Northern  
3 Ireland, so I'm sure we all wish her well in her recovery.

4  
5 The statement is in the third person and it's in the form  
6 of a note of what Mrs. Breen said to Tribunal counsel. It  
7 concludes with, *"I confirm that the above reflects the*  
8 *evidence that I intend to give to the Smithwick Tribunal of*  
9 *Inquiry."*

10  
11 Now, we'll put up on the screen, the text of the first two  
12 pages. Sorry, just one last-minute bit of work we're doing  
13 here. An unexpected development in that we're going to  
14 delete the last paragraph of the statement on the basis  
15 that it contains material which is prejudicial of an  
16 individual and we're not in a position to follow the matter  
17 through with evidence on the point, but it's a matter which  
18 you mentioned to us -- it's a matter which we're not  
19 running with, and Mrs. Lavery is just carrying out the --  
20 I'll give it now to Mr. Mills.

21  
22 The statement goes as follows:

23  
24 *"Mrs. Breen was asked to take the Tribunal members through*  
25 *the days leading up to the murder of her husband. Around*  
26 *the 10th March, 1989, Harry Breen stated that he had a*  
27 *phone call to make shortly after arriving home from work.*  
28 *He came back into the kitchen and said that he had just*  
29 *received good news. He'd been trying to get Bob Buchanan*  
30 *transferred and he had just received information that Bob*

1 was to be posted to Newtownards. Harry was delighted for  
2 Bob Buchanan. Mrs. Breen said she secretly wished that it  
3 was her husband that was being transferred out of Armagh.

4  
5 She stated that Harry was off on leave the week before his  
6 murder. He spent Monday and Tuesday, that's to say the  
7 13th and 14th of March in the garden. Mrs. Breen, who  
8 worked part-time every afternoon, came in on the Wednesday  
9 evening, the 15th of March, to find her husband sitting on  
10 the couch not in his gardening clothes.

11  
12 In relation to what her husband had been doing on the  
13 Wednesday evening, Mrs. Breen put forward the following  
14 hypothesis. She stated that after her husband's death, a  
15 gentlemen from the RUC welfare branch called to the house  
16 and asked for Harry Breen's documentation in relation to  
17 his employment. She sent her daughter, Gillian, upstairs  
18 to get the old file where Harry Breen kept all his papers.  
19 However, her daughter said the file was empty. On further  
20 examination, a new file was discovered containing all  
21 Mr. Breen's personal documentation in alphabetical order.  
22 Mrs. Breen suspects that this organisational task was what  
23 her husband had been doing on Wednesday the 15th of March.

24  
25 On Thursday the 16th March, Mr. Breen cut the lawn in the  
26 morning. Mrs. Breen then recalls having gone to the  
27 Sprucefield Shopping Centre at Lisburn with her husband  
28 afterwards. The shopping centre had only opened two days  
29 previously. From Sprucefield, the couple went on to  
30 Belfast and did not return until Thursday evening.

1       *Mrs. Breen was quite certain that her husband could not*  
2       *have been in the office on that day and was categorical*  
3       *that her husband did not attend any meeting on that day."*

4  
5       I'll pause here at this stage, Chairman. That is the  
6       passage that was put to the two RUC witnesses, number 18  
7       and number 6.

8  
9       I will carry on with the statement:

10  
11       *"On Friday, 17th March, Harry Breen was at work. As a*  
12       *result of a chief inspector being on holidays, duty had to*  
13       *be re-organised and Harry had agreed to police the 17th of*  
14       *March parade in Newry. She thinks that the chief inspector*  
15       *who was absent on that day was" -- a particular gentlemen*  
16       *who she named.*

17       *"Harry Breen told his wife that the 17th of March parade*  
18       *had gone well and expressed the view that he thought things*  
19       *were beginning to improve.*

20  
21       *"On Saturday, 18th March, the couple went to Belfast. On*  
22       *Sunday, 19th March, Mr. and Mrs. Breen's son David was*  
23       *around the house. In the evening, Harry and June Breen*  
24       *brought David back to his student accommodation in Belfast.*  
25       *They returned to Banbridge on Sunday evening, and, late on*  
26       *Sunday evening, Mrs. Breen became sick and was vomiting.*

27  
28       *"On the morning of Monday the 20th of March, she felt*  
29       *somewhat better. Harry brought her a cup of tea in bed and*  
30       *stated that were it not for the fact that his deputy was*

1 off work, he would have stayed at home to look after  
2 Mrs. Breen. Harry would have left the house as usual at  
3 about 8:10 a.m. This would leave him in the office at  
4 about 8:50 a.m. At approximately 9:10 or 9:20 a.m., Harry  
5 called Mrs. Breen to see if she was OK. He said he would  
6 give her a call at about midday. She replied OK, but asked  
7 him to leave it until lunchtime or 2 o'clock. Harry rang  
8 his wife back at approximately 12:20 p.m.

9  
10 "Mrs. Breen recalls the 20th March of having been a dark,  
11 wintry day. At approximately 2:30 p.m. she put the  
12 television on. She then went into the kitchen and began  
13 preparing dinner. She recalls that at about 3:15 p.m. the  
14 news came on reporting two men had been shot in Jonesboro.  
15 She recalls having been under the mistaken impression that  
16 the report concerned the death of two IRA men. She said  
17 that she thought to herself 'you are some mother's son but  
18 you are trying to kill army or policemen'. Mrs. Breen said  
19 that her husband was usually home between 5:40 p.m. and  
20 5:50 p.m. At approximately 5:30 p.m. she started preparing  
21 the chops for dinner. She opened the garage door for her  
22 husband to park his car when he came home. By this stage,  
23 her husband was late and it occurred to her that he  
24 probably had to go to Jonesboro in relation to the deaths  
25 of the two men that had been reported on the television.  
26 About five minutes later, an RUC officer and a policewoman  
27 were at the door and gave her the awful news of her  
28 husband's death. She states that it was very hard to take  
29 in at the time and sometimes remains so.



1        *"Alan Mains' brother Brian was a doctor in Belfast and was*  
2        *the landlord of the house in which her children were*  
3        *renting student accommodation. (Her daughter Gillian was*  
4        *in Spain on Erasmus in 1989.) Brian Mains broke the news*  
5        *of his father's death to David and brought David home to*  
6        *Banbridge on the evening of Monday the 20th. David was 20*  
7        *years old at the time.*

8  
9        *"Mrs. Breen did say that she felt it was wrong that her*  
10       *husband had been asked to go on television to display the*  
11       *weapons recovered from Loughgall and that since that time*  
12       *she had worried for his safety. She noted that, very*  
13       *unusually for her husband, on the evening of Saturday the*  
14       *19th of March, Harry had sought a sleeping tablet saying he*  
15       *had trouble sleeping over recent nights. Normally, he*  
16       *would have had no time for sleeping tablets.*

17  
18       *"Mrs. Breen confirmed that she remembers her husband going*  
19       *to a dinner with - that's an RUC officer; I shouldn't have*  
20       *mentioned his name - "at some time in the period prior to*  
21       *the 20th of March, 1989, but she was under the impression*  
22       *that this had occurred several weeks before the death of*  
23       *her husband rather than just the week before his death.*

24  
25       *Mrs. Breen confirmed that Sir John Hermon was requested not*  
26       *to attend her husband's funeral. This instruction had been*  
27       *given to her by Harry on several occasions."*

28  
29       *The statement, for the record, concludes with the recital:*  
30       *"I confirm that the above reflects the evidence that I*

1           *intend to give to the Smithwick Tribunal of Inquiry."*

2

3           Mrs. Breen is indisposed and she offers her evidence by  
4           this means, Chairman. That is the conclusion of the  
5           matter.

6

7           CHAIRMAN: Thank you very much. I think the evidence is  
8           not particularly controversial and I think that it should  
9           be accepted in the form of the statement as given.

10

11          MR. DILLON: Thank you, Chairman. I am obliged to you. I  
12          now call Bernard King, please.

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**BERNARD KING, HAVING BEEN SWORN, WAS EXAMINED BY MR. DILLON**  
**AS FOLLOWS:**

Q. MR. DILLON: Now, Mr. King, I think your career in the Garda Síochána spanned the years 1953 to 1992, is that right?

A. That's correct, Chairman.

1 Q. I think it was 1953 when you joined -- you were posted to Garda Headquarters in the Phoenix Park?

A. I did my training in the Garda Headquarters and, on completion of training, went to Kill o' the Grange station.

2 Q. That's Kill o' the Grange in South Dublin, is that right?

A. South Dublin, yes.

3 Q. And I think in the same year you went on to Dun Laoghaire, where you remained until 1961, where you were promoted to Sergeant and sent to the station in Pearse Street?

A. That's correct.

4 Q. And then six months later you were back in Dun Laoghaire and then you were sent to Blackrock for six months and then back to Dun Laoghaire again?

A. That's correct, yes.

5 Q. I think it was in September 1964 you were moved to the Traffic Department in Dublin, where you were a motorcycle sergeant?

A. That's correct, yes.

6 Q. And then you remained in the Traffic Department until 1970, when you were sent to the Traffic By-Law division?

A. That's right.

7 Q. And in 1973 you were promoted to the rank of Inspector, and in 1975 you moved as Inspector to Donnybrook where you

1 remained for 26 months before being transferred back to  
2 Pearse Street for a further 26 months?

3 A. That's correct, yes.

4 8 Q. And then you returned to the Traffic Department as an  
5 Assistant Superintendent?

6 A. That's right.

7 9 Q. Then in March 1982 you were promoted to the rank of  
8 Superintendent and transferred to Boyle in County  
9 Roscommon?

10 A. Correct, yes.

11 10 Q. And then two years later, in 1984, you were sent to  
12 Rathfarnham, where you spent six months, and then you were  
13 transferred as Superintendent to the Bridewell Garda  
14 Station?

15 A. That's correct, yes.

16 11 Q. Then, in January 1987, you were promoted to the rank of  
17 Chief Superintendent and you were moved to Monaghan?

18 A. That's correct, yes.

19 12 Q. And you stayed in Monaghan until the end -- until December  
20 1990, and you were transferred as Chief Superintendent back  
21 to Dun Laoghaire, where you retired in September of 1992?

22 A. That's correct, yes.

23 13 Q. So you certainly moved around a lot during your career?

24 A. A lot, yes.

25 14 Q. Now, I think in your capacity as the Chief Superintendent  
26 in Monaghan, you got to know both Harry Breen and Bob  
27 Buchanan?

28 A. I did, yes.

29 15 Q. Now, could you give us a flavour of the man that was Harry  
30 Breen?

1           A. Well, when I went to Monaghan first, there was a Chief  
2           Superintendent [deleted] was the Chief in Armagh, and he  
3           was transferred after about 12 months and Harry Breen came  
4           as the Chief Superintendent in Armagh. At that time, we  
5           had cross-border conferences, and, every second meeting,  
6           one was in Belfast and one was in Garda Headquarters, so  
7           whenever the meeting was in Belfast, I would drive to  
8           Armagh City and collect Harry Breen and drive on to  
9           Belfast, because I wasn't too familiar with Belfast. On  
10          alternate meetings, I would take my car or he would take  
11          his car, so I would have travelled many times with him to  
12          and from Belfast.

13       16    Q. And I presume both at the meetings and during the course of  
14           these journeys, you chatted to each other?

15       A. Oh, yes, we chatted about lots of things, yes.

16       17    Q. And what sort of a man was he?

17       A. Well, he was -- my memory of him is he was a nice, quiet,  
18          friendly man. He talked about family matters and I  
19          remember he had a daughter engaged to be married, as I had  
20          at that time, and that was part of the conversation. We  
21          talked about policing in Monaghan and he talked about  
22          policing in Armagh, and so on.

23       18    Q. Did he strike you as a measured man?

24       A. He certainly was, yeah.

25       19    Q. Was he the sort of person given to making off-the-cuff  
26          statements?

27       A. No, my memory is that he wasn't, you know; that he was very  
28          quiet and measured and talked about commonsense things, you  
29          know.

30       20    Q. And then Bob Buchanan, I think you met him on a number of

1 occasions?

2 A. Yeah, Bob Buchanan was the RUC Border Superintendent, and  
3 while his meetings were more or less with Tom Curran, who  
4 was the Border Superintendent, he did, on occasions, call  
5 into the office because his idea was that he got to know us  
6 all and he felt he was free to come into the office as he  
7 was. He would call in for a chat, but the official side  
8 would be more between Tom Curran and himself, you know.

9 21 Q. Yes, I understand. When he called on his visits I take it  
10 he was in plain clothes, is that right?

11 A. He was always in plain clothes.

12 22 Q. But he drove his own car?

13 A. He drove his own car.

14 23 Q. What were the arrangements for parking a car at Monaghan  
15 Station, do you recall?

16 A. Well if we were informed, if it was an official meeting I  
17 would have taken cautions to safeguard personnel and  
18 vehicles. I had one occasion where I had the RUC Chief  
19 Constable and the Garda Commissioner had have a full day  
20 conference at Monaghan Station, and the security for that  
21 conference was armed guard outside the office door and an  
22 armed guard in the car park, and it would be a Garda escort  
23 from the border to Monaghan and return.

24 24 Q. That's, I take it, a fairly exceptional occasion?

25 A. Exceptional, yes, where I would have been informed of this  
26 meeting. In the case of Bob Buchanan I believe he would  
27 drive down and I have on one occasion saw his car parked in  
28 the driveway into Clontibret Garda Station, and I was  
29 somewhat concerned about that and I mentioned it, but I had  
30 been told he had been told by other members of the force in

1 Monaghan it may not be a good idea to be so visible.

2 25 Q. We'll come back to that in a second. You say you mentioned  
3 it, seeing the car outside Clontibret, to whom did you  
4 mention that?

5 A. To Bob Buchanan.

6 26 Q. Now, we have this journal here, and in the months leading  
7 up to his death it seems he called into Monaghan Station on  
8 the 17th January 1989, again on the 18th January 1989, that  
9 wasn't an unusual occurrence that he might call in two days  
10 in a row?

11 A. I think he felt if he was in the area he would call to  
12 Monaghan but he also called to other Garda stations I  
13 believe.

14 27 Q. Indeed, you're absolutely right. I'm simply focusing on  
15 the Monaghan visits. He also called on the 31st January  
16 and the 1st February and again on the 6th February, is that  
17 the sort of pattern?

18 A. He was the Border Superintendent and I think he would be  
19 continually out and about either north of the border or  
20 South of the border. If he was in Monaghan he probably  
21 would go around to the various stations and call there.

22 28 Q. That seems to be supported by further diary entries which  
23 show that he was in Monaghan on the 22nd February, 6th  
24 March, 7th March - sorry, I beg your pardon, not the 6th  
25 March, but the 7th March and then the 16th March?

26 A. Well I wouldn't remember the dates, but I'm not surprised  
27 that he would have visited that often because he spent lots  
28 of time on the border, south of the border, north of the  
29 border.

30 29 Q. I take it that in line with evidence that the Chairman has

1           heard that he arrived by in large unannounced, is that a  
2           fair point?

3           A. Pardon?

4       30   Q. He arrived unannounced?

5           A. Unannounced, always. I would never be aware that he was  
6           coming, but he could knock on the door of the office and  
7           come in and sit down and have a chat and go away again.

8       31   Q. Now you told us about Clontibret, what were the  
9           arrangements for parking outside Monaghan Station?

10          A. We had a car park at the back. Monaghan was a new Garda  
11          station that had been opened about a year before I went  
12          there and we had a car park at the back of the building.  
13          Unless we were informed of some specially event people  
14          could just drive in and park there.

15       32   Q. So, to the best of your recollection, if and when Bob  
16          Buchanan went to Monaghan Station his car was parked at the  
17          back of the station?

18          A. It was parked off the road at the back of the station, yes.

19       33   Q. Now, you did say, and I'll come to this in a moment, that  
20          his counterpart was Tom Curran, but did you have meetings  
21          with Bob Buchanan when you were Chief Superintendent?

22          A. No, the only time I had a meeting with him we were invited  
23          to speak to bishops and the Rector in Monaghan, that was  
24          the only arranged meeting. I would never have an arranged  
25          meeting with Bob Buchanan.

26       34   Q. Those meetings were with Tom Curran?

27          A. Tom Curran was Border Superintendent. Bob Buchanan was  
28          Border Superintendent north of the border. Sergeant Tom  
29          Long would be liaison sergeant for border meetings also.

30       35   Q. Now, how long did you work with Tom Curran?



1           A. As a Border Superintendent at first and then I was almost  
2           four years in Monaghan, so I would have worked with him  
3           during that time.

4       36   Q. How did you find him as an officer?

5           A. I found him reliable and co-operative and he didn't talk  
6           much about what he had at meetings unless it was something  
7           concerned the division. We'd talk about the combined  
8           effort of the Chief and various superintendents, but he  
9           would liaising with other uniformed superintendents at the  
10          time.

11       37   Q. But as a member of the force you found him reliable you  
12          say?

13          A. I did, yes.

14       38   Q. Truthful?

15          A. Yes.

16       39   Q. Were you aware that he went to Dublin to talk to Eugene  
17          Crowley?

18          A. No, I wasn't aware of that.

19       40   Q. You're aware of what I'm talking about though, are you?

20          A. No.

21       41   Q. Well he's given evidence that Bob Buchanan gave him  
22          information that a Garda was causing difficulty, if I can  
23          put it that way, he went to Eugene Crowley to report the  
24          matter?

25          A. No, I wasn't aware of that.

26       42   Q. The second matter is this, were you aware that he wrote a  
27          report in which he relayed information he'd received that  
28          Bob Buchanan's life was under threat?

29          A. No, I wasn't aware of that either.

30       43   Q. Now, in the ordinary course, what sort of interaction did

1           you have with him, on a professional basis I mean?

2           A. With Tom Curran?

3       44   Q. Tom Curran, yes.

4           A. Not a lot of interaction. If I needed him, to talk to him  
5           about something I would ask him to come into the office to  
6           talk. I travelled with him on a number of occasions to  
7           meetings in Armagh, Cookstown, Enniskillen, but Tom Curran  
8           didn't talk much, to me anyway he didn't a lot on those  
9           journeys.

10       45   Q. I take it that as Chief Superintendent you had a wide range  
11           of responsibilities and not just border security?

12       A. Absolutely, apart from security there was the two and a  
13           half counties, and 45 stations, and 120 border crossing  
14           points, 80 of which were open and 40 closed. Then you had  
15           regular weekend road cuttings and stuff like that.

16       46   Q. Now, that being the case, was it the case that people like  
17           Tom Curran and his peers or his colleagues they were left  
18           to get on with their work, is that the way you approached  
19           the matter?

20       A. I felt they had far more experience than I had because this  
21           was my first border assignment and I felt they were there a  
22           number of years and they had lived in the area and they  
23           knew what was going on.

24       47   Q. Did Bob Buchanan ever mention the name of Detective  
25           Sergeant Owen Corrigan to you?

26       A. No.

27       48   Q. Did Harry Breen ever speak to you about a Detective  
28           Sergeant being in the pay of the IRA?

29       A. No, never.

30       49   Q. Now, you know that the Terms of Reference of the Chairman

1 are to inquire into suggestions that there was a leak?

2 A. Yes, I know that.

3 50 Q. To suggest that there was informer or a mole in Dundalk  
4 Station?

5 A. Yes.

6 51 Q. What is your view of that matter?

7 A. Well the way I felt when I heard that was that knowing Bob  
8 Buchanan's habit of parking openly at Garda stations that  
9 it would be quite easy to know that he would be in Garda  
10 station because Bob Buchanan had the same red Vauxhall for  
11 a long time where other RUC officers told me that they  
12 changed their cars every few months so that they wouldn't  
13 be identified with a particular car. When I heard this I  
14 was wondering first of all whose car was at Dundalk and  
15 what system of parking was operated, was it parked openly,  
16 that was my own thoughts on the matter at the time. I'm  
17 not familiar with Dundalk. In fact I was never in Dundalk  
18 Garda Station. I would have been to Dundalk on  
19 cross-border meetings in the army barracks in Dundalk.

20 52 Q. Did you ever meet a uniformed sergeant called Leo Colton?

21 A. No.

22 53 Q. Or another uniformed sergeant called Finbarr Hickey?

23 A. No. I would know about Leo Colton because his brother was  
24 a classmate of mine and shared a room with me and he often  
25 told me about that he had a brother, so that's the only  
26 knowledge I would have Leo Colton.

27 54 Q. I think you told us when you were in Monaghan you had a  
28 difficulty with one particular guard and how you went about  
29 dealing with that?

30 A. Correct, yes.

1       55   Q. Could you explain that to the Chairman?

2       A. There was 700 all ranks in the division in Monaghan, and in  
3       all that there was one guard giving us problems in  
4       Clontibret. No, sorry, another village. The sergeant in  
5       charge of the village told me he'd a problem with this man  
6       because he'd only three guards and this guy was not pulling  
7       his weight and he wanted to know could I do anything about  
8       it. I looked at all the systems and a Chief Superintendent  
9       of country division is entitled to transfer uniform guards  
10      within the division so I decided I'd take this guard out of  
11      the village and bring him into Monaghan, and to do so I had  
12      to arrange that he would be given a Garda house because he  
13      had a Garda house in this village. I asked headquarters if  
14      it was okay to transfer him and they waited too long and he  
15      rebooked his children into school and then his wife didn't  
16      want to move. Eventually I transferred the guard into  
17      Monaghan and let him live in the village in Cavan.

18     56   Q. What's the procedure for transferring a member of the  
19       force?

20     A. A Chief Superintendent in the division can transfer uniform  
21       guards within his own division from one station to another.  
22       If they're in Detective Branch approval for transferring  
23       detectives has to come from Garda Headquarters in the  
24       Phoenix Park or at that time that was the system.

25     57   Q. And I think that such approval was granted on behalf of the  
26       Commissioner by the Assistant Commissioner for Personnel?

27     A. That's right, yeah. Belturbet was the station I was trying  
28       to remember.

29     58   Q. Now, I think that following the murders of Harry Breen and  
30       Bob Buchanan you wrote a report to the Assistant

1 Commissioner Crime and Security in Garda Headquarters?

2 A. That's right.

3 59 Q. I can't quite make out the date stamp but it's sometime in  
4 May I think or March 1989?

5 A. '89, that's right.

6 60 Q. Now I'm going to read your report into the record, it's  
7 "Re: Article in the Irish Press, Wednesday, March 29th",  
8 the headline being "RUC Superintendent defied IRA". The  
9 report goes as follows:

10 "Further to a telephone call from Chief Superintendent  
11 O'Toole I wish to say that I have read the article which  
12 appeared in this mornings Irish Press, 23rd March 1989, and  
13 written by Patsy McArdle, a copy of which I attach."

14 Now just pause there for a second. Chief Superintendent  
15 O'Toole he was in Crime & Security Branch, is that right?

16 A. He was, that's right.

17 61 Q. And I think his name is Pat O'Toole?

18 A. Pat O'Toole, yes.

19 62 Q. The Chairman will hear from him in due course. Your report  
20 goes on as follows:

21 "It is true to say that the late RUC Superintendent Bob  
22 Buchanan travelled alone, unarmed and unescorted into the  
23 Republic. It is also true to say that he would drop in  
24 unannounced to Garda stations. He was a Collator of  
25 Intelligence for the RUC and he saw his role as making  
26 contact with anyone who could assist in this regard.

27

28 In Monaghan, he did not talk to the Rank and File Gardaí.

29 In fact, few sergeants or Gardaí in Monaghan would know  
30 either of the deceased officers RUC.

1           In recent months, I am aware that the late Superintendent  
2           Buchanan called to Clontibret Station in Monaghan and  
3           identified himself to Sergeant Sullivan, the sergeant in  
4           charge there. When he informed the Sergeant of the purpose  
5           of his visit, the Sergeant directed him to contact the  
6           Superintendent at Monaghan as that was the only channel of  
7           communication which he would use. The Sergeant was  
8           concerned about the Superintendent's safety and his car  
9           being observed by subversives outside of the station. This  
10          was the only call to Clontibret Station.

11  
12          On at least one occasion, I discussed the matter of  
13          Superintendent Buchanan's visits to Monaghan with  
14          Superintendent Curran who was then Border Superintendent.  
15          We were concerned about his unannounced calls to the  
16          station, the parking of his private car in the station yard  
17          and the difficulty the station orderly had having an RUC  
18          Officer in the public office area when members of the  
19          public from Monaghan would call. At that time  
20          Superintendent Buchanan was advised not to visit Monaghan  
21          unless he previously telephoned Superintendent Curran and  
22          met him by appointment. He complied with this request and  
23          reduced the frequency of his calls.

24  
25          Superintendent Buchanan called informally to Castleblaney  
26          and Corrinshigago stations occasionally. He would also  
27          call to Carrickmacross Station in the course of formal and  
28          informal meetings at district office level after making a  
29          telephone call.

1           The relationship which has developed between Garda and RUC  
2           officers arises from the meetings which are set out in the  
3           Working Party Report published in May of 1986. The  
4           meetings under the heading of 'Operational planning in  
5           border areas' are being held since January, 1987. It has  
6           always been stated at the meetings that while formal  
7           meetings are set out, informal meetings may take place as  
8           arranged between officers of both forces.

9  
10          The late Superintendent Buchanan was one of the officers  
11          from the RUC who worked with Garda officers established to  
12          examine and report on the subject of operational planning  
13          in border areas under the arrangement for a Programme of  
14          Work, pursuant to Article 9, of the Agreement, commonly  
15          known as the Anglo-Irish Agreement of the 15th November,  
16          1985. Consequently, special links of friendship were  
17          established and maintained as a result.

18  
19          On the 13th January, 1989, the late Superintendent Buchanan  
20          and I addressed the Bishops of the combined Council of  
21          Churches of Monaghan representing the RUC and the Garda at  
22          the residence of the Reverend Cunningham, Church of  
23          Ireland, Minister, Monaghan.

24  
25          Because of the urgency of this report, I regret that I  
26          cannot be more specific. It is, however, correct to say  
27          that Superintendent Buchanan would cross the border weekly  
28          and would always use his own private car.

29  
30          The deceased was a friendly outgoing person, who enjoyed

1           *calling to members of the Garda that he knew in the course*  
2           *of his job. Both of the deceased officers were high in*  
3           *their praise for Garda co-operation in the Co. Armagh*  
4           *border."*

5           And I think it's signed by you?

6           A. Correct.

7           63    Q. The black mark, Chairman, I have written in to remind  
8           myself of Superintendent King's report so that's what's  
9           underneath the black mark. It's not his signature at all.  
10          It's my writing, that's the reason why I blacked it out.  
11          That is a report that you sent Pat O'Toole, is that right?

12          A. That was as a result of the article in the press that I  
13          would have sent, Pat O'Toole was the security contact in  
14          headquarters.

15          64    Q. So what you might be able to help the Chairman with is  
16          this, Bob Buchanan was specifically advised at some point,  
17          it's not clear from your letter, not to call unless he made  
18          an appointment, is that right?

19          A. I think after I arrived there we, from my memory, we were  
20          sort of worried that he could drive to any Garda station  
21          and I'm certain I talked to Tom Curran about this. I would  
22          also have talked to Tom Long who was the Border Sergeant  
23          because Tom Long was very friendly with Bob Buchanan.

24          65    Q. You may recall I read out to you the diary entries from Bob  
25          Buchanan's diary which seem to suggest that from January to  
26          March 1989 he called to Monaghan Station quite a number of  
27          times?

28          A. I would say so and he would also called to other stations  
29          and we would not be aware. He could drive any - across the  
30          border with Armagh and call into any Garda station because



1 he felt this is the way he should be operating.

2 66 Q. I do appreciate that. I'm simply focusing on Monaghan,  
3 that's all. Do you think it is the case that when he made  
4 all these visits between January and March 1989 he rang  
5 ahead and made an appointment?

6 A. I wouldn't be aware of that. He wouldn't be coming to meet  
7 me, so I assume if he was coming he'd ring Tom Curran or  
8 Tom Long, whoever he wanted to meet, you know.

9

10 MR. DILLON: Thank you very much.

11

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

13

14 67 Q. MR. DURACK: Just a couple of questions if I may, sir. I  
15 appear for the Commissioner. As I understand it Mr. Breen  
16 was your corresponding officer on the other side of the  
17 border?

18 A. Mr. Breen was my opposite number in Armagh for conferences  
19 and meetings and stuff.

20 68 Q. And over the years I take it you got to know him well?

21 A. I did, yeah.

22 69 Q. And you told us you went to Belfast with him on a number of  
23 occasions?

24 A. I did, yeah.

25 70 Q. So you'd be chatting in the car?

26 A. Absolutely, all the time.

27 71 Q. Did he ever express any concern to you about anything in  
28 Dundalk Garda Station?

29 A. Never. I would remember if he did. He never mentioned it  
30 to me.

1       72   Q. Would you have expected him to have done so if he had such  
2           a concern?

3       A. I'm not too sure. I feel he could make a decision one way  
4           or the other. It was more kind of chatting about careers  
5           and family and all that, but he never expressed anything  
6           about Dundalk. If it was serious I would expect he  
7           probably should, yeah.

8       73   Q. That's what I mean, if it was something that seriously  
9           concerned him I would have thought as you were his direct  
10          link, if you like, across the border, that he would have  
11          discussed it with you?

12      A. That's true, but he would also probably consider discussing  
13          with the Chief Superintendent of Dundalk. If it was a  
14          Dundalk problem he might go that way rather than talk to me  
15          about it.

16      74   Q. There doesn't appear to be any suggestion of that at this  
17          stage?

18      A. No.

19      75   Q. Now in relation to Mr. Buchanan we've heard evidence that  
20          he mentioned something to Mr. Curran about a problem in  
21          Dundalk and that there was a particular person that he  
22          named that he thought should be moved away from the border  
23          area. Again Mr. Curran I presume was in the same building  
24          as you were?

25      A. He was, same building, different office.

26      76   Q. A different office in the same building, and again would it  
27          be correct to assume you'd expect him to talk to you about  
28          that if he heard such a thing?

29      A. I would have expected he should have.

30      77   Q. Because clearly a matter of a mole or somebody who is

1 disloyal would be a matter of great concern to the senior  
2 officers?

3 A. Absolutely.

4 78 Q. And he never in fact mentioned anything to you?

5 A. No, not to me.

6 79 Q. He told us that he went to see Mr. Crowley in Dublin and  
7 was unhappy with the result of that meeting. Did he ever  
8 discuss that meeting with you?

9 A. No, I never heard that until this morning.

10 80 Q. Or his unhappiness with it?

11 A. No.

12 81 Q. Again would you have expected him to, if he had had an  
13 unsuccessful meeting, put it that way, with Mr. Crowley?

14 A. I would have expected him to, but he probably saw me as a  
15 very recent arrival on the border for the first time and  
16 may have relied on whatever system he had going on before  
17 that. That might be what he did. It was never discussed  
18 with me, I know that.

19 82 Q. You were his immediate superior?

20 A. I was, yeah.

21 83 Q. And you had never heard any mention from either Mr. Curran  
22 or either of the two RUC officers?

23 A. No, definitely not.

24 84 Q. Now, just in relation to the guard in Belturbet that I take  
25 it had nothing to do with security, it had to do with  
26 personal difficulties?

27 A. Nothing whatsoever, it was to do with work aspect and the  
28 fact he was one third of the Garda strength in Belturbet  
29 and the Sergeant had a huge problem in getting work done.  
30 It had no relationship with the border or security or

1 anything like that.

2 85 Q. It was a personality difficulty?

3 A. Very much so and we solved that problem at the time.

4 86 Q. Of course it is within your authority to move anybody  
5 within the division?

6 A. That's right.

7 87 Q. But the problem, I think you said, he had to be found a  
8 house if he was to be moved?

9 A. Correct. The house we found didn't suit, he said it didn't  
10 suit him. He was being a bit obstructive at this time.

11 88 Q. In any case then there was the concern about his children  
12 going back to school after summer?

13 A. At the end of the day his wife and family were allowed to  
14 live in Belturbet and he travelled to and from Monaghan to  
15 the house he had.

16 89 Q. And of course Cavan was part of your division?

17 A. Co. Cavan and some of Leitrim and all of Monaghan.

18 90 Q. I'm just wondering also, at any stage did anybody in  
19 headquarters contact you about any concerns about either  
20 Detective Sergeant Corrigan or about a mole at any stage?

21 A. No, I never heard of Detective Sergeant Corrigan until  
22 probably a year or two later, and I heard a conversation  
23 going on down in Templemore and that was the first time I  
24 heard his name.

25 91 Q. I think Mr. Crowley didn't contact you at any stage?

26 A. No, not about that. He would have contacted me about the  
27 border and other problems but not about that one.

28 92 Q. Or not arising out of Mr. Curran's visit?

29 A. No, nothing.

30

1 MR. DURACK: Thank you, I've no further questions.

2

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

4 FOLLOWS:

5

6 93 Q. Mr. O'CALLAGHAN: Mr. King, I appear for Owen Corrigan. I  
7 just have a couple of short questions for you. Mr. Dillon  
8 took you through the report you prepared after the murders.  
9 In that report you state that Superintendent Buchanan was  
10 advised not to visit Monaghan with such frequency, I think,  
11 do you recall who advised Superintendent Buchanan about  
12 that?

13 A. I think it was a discussion I had with Sergeant Long who  
14 was the Border Sergeant because I remember he coming into  
15 the office and expressing concern. So I think from memory  
16 I would say Tom Long the Sergeant of the border at the time  
17 who later became the Superintendent in Carrickmacross.

18 94 Q. And you think he would have advised Superintendent Buchanan  
19 about the Garda concern?

20 A. I imagine he did, kind of quietly, yeah.

21 95 Q. Your report also ended, Mr. King, with the statement that  
22 *"both of the deceased officers were high in their praise*  
23 *for Garda co-operation on the Co. Armagh border"*, can I ask  
24 you did the officers express that praise to you or did you  
25 hear it from other members of the Garda Síochána?

26 A. They expressed it to me.

27 96 Q. What did they say to you or do you recall?

28 A. This were happy they had an arrangement they could contact  
29 us easily at any time and call and discuss any border  
30 matters. And then we would have regular meetings in Armagh

1 and other border areas. I had meetings in Cookstown and  
2 Enniskillen as well at that time.

3 97 Q. And you arrived in Monaghan at the beginning of 1987?

4 A. Correct.

5 98 Q. Would it be correct to state that these expressions of  
6 praise were made by the two officers between the beginning  
7 1987 until their unfortunate deaths?

8 A. It would be much later than that because Harry Breen didn't  
9 come to Armagh until about maybe a year or 18 months later  
10 because there was another chief in Armagh at that time.  
11 [Deleted] was the chief in Armagh when I went there.

12 99 Q. When you arrived in Monaghan, sir, Tom Curran was the  
13 Superintendent there, isn't that correct?

14 A. He was Border Superintendent.

15 100 Q. And you were the Chief Superintendent?

16 A. I was, yeah.

17 101 Q. Mr. Durack has already asked you questions about the  
18 alleged evidence given by Mr. Curran about there being an  
19 alleged problem being communicated to him about an  
20 individual of An Garda Síochána, but Mr. Curran also gave  
21 evidence that he'd received information from an IRA  
22 informant that Bob Buchanan was on a IRA hit list to be  
23 assassinated, did he ever communicate that to you?

24 A. No, never.

25 102 Q. Did he ever mention it to you at the time when you were  
26 discussing concerns about the frequency of --

27 A. No, never mentioned it.

28 103 Q. We know from his evidence that he went straight to or he  
29 said he prepared a report on this that went to Dublin, but  
30 none of us have ever seen that report, I don't know if

1           you're aware of that?

2           A. No.

3       104   Q. In his evidence, Mr. King, Tom Curran says the reason he  
4           bypassed you and went to Dublin was as follows, he says.

5           *"A: The reason I did that was I saw copies of intelligence*  
6           *reports in his office that I thought were carelessly*  
7           *handled and they weren't suitable for common reading, so I*  
8           *decided for that reason I wouldn't supply a report to him.*

9           Q: You bypassed your superiors and sent it straight to  
10          headquarters?

11          A: I did, yeah."

12          Now can I just ask you does his evidence corresponded with  
13          how you believe you treated intelligence reports? He seems  
14          to be suggesting you treated intelligence reports and  
15          handled them carelessly, do you believe that?

16       A. I don't know what reports he's referring to because Tom  
17       Curran was rarely in my office to see any reports because  
18       he was in the building, but he wouldn't be in my office too  
19       often. If we were travelling together to meetings we would  
20       meet down some place else. The only intelligence reports,  
21       we have these special report forms that were kept in the  
22       clerks office when I went there and I changed that system  
23       and took possession of all the forms and I had them under  
24       my personal control in the office.

25       105   Q. And if Mr. Curran had received information that Bob  
26       Buchanan was on an IRA hit list in ordinary course should  
27       that have been brought to your attention, sir?

28       A. I would expect so, yes.

29       106   Q. And it wasn't?

30       A. No, definitely not.

1 CHAIRMAN: Any other questions?

2

3 MR. COFFEY: No questions.

4

5 MS. O'SULLIVAN: No questions.

6

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

8

9 107 Q. MR. DILLON: Just one small matter arising out of Bob  
10 Buchanan being asked to make appointments. Was there ever  
11 any discussion between yourself and Harry Breen about Bob  
12 Buchanan's trips?

13 A. No.

14 108 Q. No suggestion in your conversations that there might be an  
15 idea that he should make appointment?

16 A. I can't remember ever having a discussion with Harry Breen,  
17 no.

18

19 MR. DILLON: Thank you very much.

20

21 CHAIRMAN: Thank you very much.

22

23 **THE WITNESS THEN WITHDREW.**

24

25 MR. DILLON: Chairman, that concludes matters for this  
26 morning. This afternoon you have a private sitting or  
27 private session. Clearly given the nature of your inquiry  
28 this is going to arise, we hope very infrequently, but this  
29 is an occasion and it will be a private session and we will  
30 resume in public at 11 o'clock tomorrow morning.



1

2

CHAIRMAN: That matter that's in for this afternoon are the parties representatives here, could they possibly deal with it now, this morning?

4

5

6

MR. DILLON: If you could maybe rise for 15/20 minutes I need to have a discussion.

7

8

9

10

MS. O'SULLIVAN: Chairman, before you rise if I could make an application in relation to the private sessions that are proposed this afternoon. I understand there are meant to be these private sessions this afternoon. As you know I represent Finbarr Hickey. We're not aware of what the nature of those private sessions are, we're not aware of the evidence that's being called or the witnesses who are to be called. I have been informed by lawyers for the Tribunal that the Tribunal is of the view that this evidence is of no relevance to our client Finbarr Hickey.

12

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CHAIRMAN: Absolutely of no relevance to Mr. Hickey at all.

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MS. O'SULLIVAN: I just want to emphasize and put it on the record we're concerned somewhat that the Tribunal is making an assessment of what evidence is relevant or not relevant to our client. Now I understand that it is evidence that may well not implicate our client in any way and may not mention our client at all, but we say evidence that may not implicate our client but may still be relevant to us in that it may exonerate our client if it perhaps points the finger in another direction, and it is of concern there is

1 going to be evidence before the Tribunal that we are not  
2 aware of and therefore are not in a position to make any  
3 assessment. I just formally want to put on the record we  
4 apply to represent Mr. Hickey.

5  
6 CHAIRMAN: I hear you, Ms. O'Sullivan, but it could not  
7 possibly be of any relevance, what will be discussed this  
8 afternoon couldn't possibly be of any relevance to you  
9 client in anyway.

10  
11 MR. DILLON: I think you're absolutely correct, Chairman.  
12 I think I should point out in the first instance that  
13 issues of relevant are a matter for you and not for  
14 witnesses. Secondly, you have mentioned that for the  
15 avoidance of any doubt it has not the slightest or remote  
16 connection with Finbarr Hickey, not the slightest.

17  
18 CHAIRMAN: I agree with you there, Mr. Dillon. Thank you.  
19 Your remarks have been noted. Of course they appear in the  
20 transcript, but I don't think you or your client have a  
21 cause to worry.

22  
23 MS. O'SULLIVAN: I'm obliged.

24  
25 CHAIRMAN: Thank you.

26  
27 THE TRIBUNAL THEN ADJOURNED TO THE 22nd JULY, 2011, AT  
28 11A.M.

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