

A P P E A R A N C E S

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His Honour Judge Peter Smithwick

For the Tribunal:

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

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NOTICE:

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

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1 THE TRIBUNAL RESUMED ON THE 29TH SEPTEMBER 2011 AS FOLLOWS:

2

3 MR. DILLON: Mr. Chairman, before we call the first
4 witness, there is just two matters of housekeeping if I can
5 put it that way.

6

7 It had been intended to call two witnesses this morning.
8 One of the witnesses resides outside the jurisdiction. At
9 short notice, he informed us that he couldn't be here
10 today. Now, being outside the jurisdiction, he is not
11 amenable to your subpoena. So what will happen now is that
12 we'll discuss with him, we'll start discussions with him on
13 an alternative date. So the net result is that by reason
14 of the short notice, we have nobody else to put in this
15 morning. So we have simply the one witness this morning.

16

17 CHAIRMAN: Thank you very much.

18

19 MR. DILLON: The second matter I'd like to mention to you
20 is this: The public sittings will begin on next Wednesday.
21 There will be no public sittings on Tuesday and I'll
22 explain the reason why.

23

24 Tomorrow, Friday, will be, for us in the Tribunal, a sad
25 day because we will lose Ms. Anne Walsh, she is leaving us
26 that day. Ms. Walsh has the formal title of your
27 secretary, but in fact Ms. Walsh, along with everybody else
28 here in the Tribunal, has, to a great extent, multi-tasked
29 and performed a very wide range of services for us without
30 which the Tribunal simply could not have functioned and

1 certainly could not have functioned as smoothly as it has.
2 She has applied herself with dedication. Her
3 professionalism is beyond reproach and her discretion is
4 legendary. She'll be a great loss to us and we wish her
5 well for the future. Thank you, Chairman.

6
7 CHAIRMAN: Thank you very much. I think probably everybody
8 in the room knows Ms. Walsh who does everything from
9 receiving witnesses when they arrive, to being my
10 secretary, to doing other administrative arrangements in
11 the office and of course, in keeping the sound and other
12 equipment working in proper order in the hearings. So, we
13 wish her well in her -- she is leaving temporarily for
14 reasons of health and we wish her a very speedy return to
15 full health and we hope to see her soon again.

16
17 MR. DILLON: Yes indeed. A consequence of this is that we
18 had hoped that Ms. Walsh's replacement was going to be here
19 this week to be run in, but unfortunately that hasn't
20 proved possible and so be it, we'll get on with it, but it
21 means we need Monday and Tuesday next week to run in as it
22 were Ms. Walsh's replacement, and that is the reason we are
23 not having sittings on Tuesday. Just to explain there is
24 nothing more or nothing less to it than that.

25
26 CHAIRMAN: Yes, but it is necessary to ensure a smooth
27 running, that the newcomer be familiarised with all her
28 duties here, thank you very much.

29 MR. DILLON: Thank you, Mr. Chairman. Now, Mr. Mick
30 O'Driscoll, please.

MR. O'DRISCOLL, HAVING BEEN SWORN, WAS EXAMINED BY MR.
DILLON AS FOLLOWS:

1 Q. MR. DILLON: Now, Mr. O'Driscoll, are you comfortable
there?

A. I am, yes, yeah.

2 Q. Could I ask you to begin by outlining your career in the
Garda Siochana?

A. I joined the guards in 1972. And in July, and in November
of that year, I was posted to Dundalk. I was there in
uniform working the regular shifts until I think 1986, when
I was appointed to Detective Branch, and I served 35 years
retiring four years ago.

3 Q. Very good. So the bulk of your service was in the
Detective Branch in Dundalk Station, is that right?

A. It was, yes.

4 Q. And I think that the Detective Branch in Dundalk was
greatly expanded following the coming into force of the
Anglo Irish Agreement in 1985, is that right?

A. That is correct, yes.

5 Q. In a sense you were part of that expansion?

A. I was, yes.

6 Q. Now, I think the Detective Unit there was set up by Tom
Connolly, is that right?

A. There was always a Detective Unit, part of SDU, but at that
-- shortly after I joined, Tom Connolly came as the
Detective Superintendent and he established a Crime Unit
that dealt specifically with local crime.

7 Q. I think Tom Connolly came around about late 1988, is that
right?

1 A. Possibly. I am not exactly sure.

2 8 Q. That's fine. Were you partnered with any particular
3 colleague or did you --

4 A. I worked with Jim Greene from then until Jim retired, yes.

5 9 Q. And when he retired?

6 A. I worked -- there was no real formal partner after that,
7 because I had actually gone on to specialise in crime scene
8 examination, so I worked quite a bit on my own.

9 10 Q. Now, in 1989, clearly you were in Dundalk Station in March
10 1989, do you recall the day on which the two RUC officers
11 were murdered?

12 A. I don't recall it very vividly, I don't really, no, no.

13 11 Q. Were you involved in the subsequent forensic investigation
14 led by Tom Connolly?

15 A. No, no.

16 12 Q. Was the fact of the murders discussed amongst you and your
17 colleagues?

18 A. It wasn't -- like, to the best of my recollection, I don't
19 remember any formal investigation unit being set up in
20 relation to it. I certainly wasn't involved in anything
21 like that. As I say, most of the things that were
22 connected with the troubles, as we called them at the time,
23 were dealt with by what we call Special Branch, and the
24 Crime Unit just dealt with local crime in the north Louth
25 area.

26 13 Q. I understand that. But having reviewed the papers relating
27 to the investigation conducted by Tom Connolly in aid of
28 the RUC and their investigation into the murders, it seems
29 that uniformed members, or -- sorry, I'll start -- that's
30 the wrong phrase -- that ordinary crime detectives were

1 drafted in but you weren't drafted in, is that right?

2 A. No, I don't recall being drafted in to make any specific
3 inquiries in relation to it.

4 14 Q. That's fine. Now, one person who has featured is a man
5 called Kevin Fulton. Did you ever come across a man called
6 Kevin Fulton?

7 A. No, I did not.

8 15 Q. Now, if I could ask you to deal with the three former
9 colleagues who are the subject of this Inquiry. Finbarr
10 Hickey, did you know him?

11 A. I did, yes.

12 16 Q. And I think he was a -- I think he was at the time, in
13 Hackballscross, is that right, or was he in Dundalk
14 Station?

15 A. I first new Finbarr when he came to Dundalk as a recruit
16 and he was on our unit in uniform.

17 17 Q. Which unit were you?

18 A. I was Unit C at the time.

19 18 Q. Unit C. And do you remember how long he stayed on Unit C?

20 A. How long I stayed?

21 19 Q. No, he, sorry, he, Finbarr Hickey?

22 A. As far as I know, he was still there after I was appointed
23 to Detective Branch, so I couldn't really say after 1986 --

24 20 Q. That was 1986?

25 A. Yeah.

26 21 Q. Okay. How did you find Mr. Hickey?

27 A. I found Finbarr very quiet sort of a guy. To be honest,
28 not terribly interested in the work that we were trying to
29 do.

30 22 Q. How did that show itself or demonstrate itself?

1 A. Just lacklustre, like, in his approach to how work was
2 done. Like, for instance, like, I would have been a driver
3 at the time and at briefings, the daily brief, like, you'd
4 be handed we'll say maybe summonses or warrants or maybe
5 specific inquiries to make, take a statement from somebody,
6 and you'd be aware that whoever was detailed with you for
7 the day would have gotten similar type of work and as a
8 driver you always sort of looked after your own job first,
9 get it out of the way, and then I returned to Finbarr and
10 say you got summonses for such a place. Ah they'd be
11 grand. And a few days afterwards, like, the Sergeant might
12 ask for the return of these, and he might still have them.

13 23 Q. I understand, yes.

14 A. But I found him a pure gentleman, like, I mean he was -- I
15 had no qualms about socialising with him, I found him very
16 friendly, but just I don't think he was cut out for the
17 guards.

18 24 Q. Very good. I think you heard about his, on his own
19 admission, involvement in the passport matter?

20 A. I did.

21 25 Q. What did you think of that?

22 A. I was shocked to be quite honest. I really was. I just, I
23 found it very hard to believe.

24 26 Q. Was there any particular factor that made it more credible
25 to you?

26 A. Sorry?

27 27 Q. Was there any information that you got that made his
28 involvement appear more understandable?

29 A. Well, I know that when the investigation was going on, Leo
30 Colton was arrested at the same time and even though we

1 weren't directly involved, it was NBCI, but we were more or
2 less told, like, that Leo Colton was involved with him, or
3 that he had, supposed to have done it for Leo Colton, so...
4 I knew himself Leo, like, when Leo was the Sergeant on the
5 unit and Finbarr worked as the junior guard, that there was
6 good friendship there.

7 28 Q. Now, Mr. Leo Colton, did you work with him?

8 A. I did, yes.

9 29 Q. First of all, how did you find him as a police officer?

10 A. Well, he was the Sergeant on our unit. He ran a good unit.
11 He was a stickler for time. Very fair with the detail.
12 And other than that, I mean I was pretty senior, like, at
13 the time in relation to working on the unit, like, so I got
14 on fine. I mean, I did what I had to do and I had no
15 problems with him.

16 30 Q. Did you socialise with him?

17 A. I socialised with him in the sense that I played squash
18 with him for quite a while. He was actually --

19 31 Q. We'll leave it at that, if you don't mind. Thank you very
20 much.

21 A. Right.

22 32 Q. Did you ever socialise with him in terms of going into a
23 pub or something like that?

24 A. No.

25 33 Q. Very well. Now, Owen Corrigan: Did you know Mr. Corrigan?

26 A. I knew Owen Corrigan, yes.

27 34 Q. I think he, up to about 1985, he had been the Detective
28 Sergeant in the station, is that right?

29 A. That is correct, yes.

30 35 Q. And then, as you have already told the Chairman, the

1 Detective Unit was beefed up considerably?

2 A. Yes.

3 36 Q. How did Mr. Corrigan cope with that change of scenario from
4 his point of view, from being the only Detective Sergeant
5 to one of a number?

6 A. I couldn't really say because the format was very similar
7 to the uniformed, like, it was split up into four units:
8 A, B, C, and D and I continued actually to work on Unit C,
9 so I had no real contact with him.

10 37 Q. Were you aware of the work that he was doing?

11 A. I wouldn't have been aware of his day-to-day work, no.

12 38 Q. Were you aware of any, what I might call, high profile
13 matters he was involved in?

14 A. No.

15 39 Q. How were your dealings with Mr. Corrigan?

16 A. I always found him okay to deal with. I had no problems
17 with him. I found him friendly and respectful.

18 40 Q. Did you socialise with him?

19 A. No.

20 41 Q. So your dealings with him were in a professional context?

21 A. Yes.

22 42 Q. In the station?

23 A. Yes.

24 43 Q. Largely I suppose, yes. Did you work in the same room?

25 A. The Detective Branch worked out of one large office, yes.

26 44 Q. Was that upstairs at the back of the station?

27 A. Upstairs at the back of the station, yeah.

28 45 Q. Did you ever work in that room?

29 A. Did I ever work in it?

30 46 Q. Yes.

1 A. Oh I did, yes, yeah.

2 47 Q. When Mr. Corrigan was there, were you working as well?

3 A. I wouldn't say that I was working in the room when he was
4 there. It was -- the scenario would be, like, that we'll
5 say, if we were, we'll say, starting work at five o'clock
6 he might be there finishing up that day and there might be,
7 we'll say, we'd be in at half four and they'd be around
8 till about half five and there'd just be a sort of a
9 general chit-chat and things like that. But as regards his
10 day-to-day workings and things like that, no, I wouldn't
11 have.

12 48 Q. I think it's implicit from what you have said that you
13 didn't work with Mr. Corrigan, is that right?

14 A. I didn't, no.

15 49 Q. Were you aware that Mr. Corrigan, following his retirement,
16 was kidnapped?

17 A. I was, yes.

18 50 Q. Were you involved in any aspect of the investigation of
19 that matter?

20 A. I was. There was two or three of us sent up to Drogheda to
21 help out with inquiries up there and we just made general
22 inquiries around the Drogheda area.

23 51 Q. When you speak of general inquiries, what do you mean by
24 that?

25 A. I can't remember the full extent of it now. But it was a
26 case, like, of I think we were, we spent the best part of a
27 day trying to trace a van or something or a car that may
28 have been involved in the kidnapping, and that was
29 basically it.

30 52 Q. Did you go up to the scene where the kidnapping is said to

1 have taken place, the Boyne Valley Hotel?

2 A. No.

3 53 Q. Did you see the car at any time that was found at the Boyne
4 Valley Hotel, a green BMW?

5 A. No.

6 54 Q. So when you speak of general inquiries, can you help the
7 Chairman with that?

8 A. It was a case, like, of, we'll, say that a report might
9 have come in that a car was seen speeding out the Platten
10 Road or something like that, and we just went out and did a
11 sort of a door-to-door and -- I can't recall anything
12 arising out of those inquiries.

13 55 Q. Very well. Did you ever speak to Mr. Corrigan about his
14 ordeal?

15 A. No.

16 56 Q. Did you have any contact with the gentleman said to be with
17 him, Mr. Francis Tiernan?

18 A. No.

19 57 Q. Do you know who Mr. Francis Tiernan is?

20 A. I do, yes.

21 58 Q. You know of his background?

22 A. I have an idea of it. Like, I wouldn't know him that
23 terribly well but I know who he is, yes.

24 59 Q. Can you tell us what you know of him?

25 A. I know that he is from the Forkhill area and that he has
26 various interests in farming and rumour that he was
27 involved in smuggling and that's about the size it have.

28 60 Q. Were you aware of a conviction that was imposed on him in
29 England for fraud?

30 A. I think I may have read something on that at some stage,

1 yes.

2 61 Q. You knew Miles Hawkshaw, is that right?

3 A. I did, yes.

4 62 Q. How did you find him?

5 A. I found Miles Hawkshaw a gentleman when I knew him, yes.

6 63 Q. He was a gentleman throughout I take it?

7 A. Absolutely, yes, yes.

8 64 Q. Did you work with him?

9 A. For a short period. When I came to Dundalk as a recruit,
10 he was the Detective Sergeant there and after a few years
11 he went on promotion to Dublin and he came back as the
12 Detective Superintendent to Dundalk years later. So, I
13 would have worked with him briefly then, but when I say
14 worked for him, like, he was the Superintendent, like, I
15 wouldn't have had any direct working with him.

16 65 Q. Did you have knowledge of a man called McCann who ran an
17 amusement arcade?

18 A. Yes.

19 66 Q. And do you know of his background?

20 A. I don't really know other than that he was a native of
21 Belfast and that he had an interest in boxing and when he
22 came to Dundalk he established a business there.

23 67 Q. I think it was in the nature of an amusement arcade?

24 A. Amusement arcades, yes.

25 68 Q. Were you aware whether Mr. Colton worked for Mr. McCann?

26 A. I didn't know what -- I knew that he was associating with
27 his businesses, I didn't know whether he was on a formal
28 working partnership or whatever with him.

29 69 Q. And do you know when that occurred, in the sense when
30 Mr. Colton was a guard or after he retired?

1 A. I think it might have been after I'd say, yeah, yes.

2 70 Q. I think, just to close on this, you recall that, as you
3 told the Chairman, you were partnered with Jim Greene, and
4 I think your colleague Tom Molloy worked with Jim Lane, is
5 that right?

6 A. That's correct, yes.

7 71 Q. And then Brian Mohan worked with Val Cross?

8 A. That's correct, yes.

9 72 Q. And Sergeant Con Nolan was the Sergeant, is that right?

10 A. That's right, yes.

11 73 Q. And the subversive -- if I may call them that, the
12 subversive detectives, they worked from the room that you
13 have mentioned upstairs at the back?

14 A. Yes.

15 74 Q. And it seems that you and your colleagues were in the
16 initial stages of these in a prefabricated building in the
17 yard, is that it?

18 A. In the yard, yes.

19 75 Q. Do you remember when John Nolan, the Chief Superintendent
20 arrived?

21 A. I do, yes, yeah.

22 76 Q. And I think more or less around about the same time, Tom
23 Connolly, the Detective Sergeant more or less around the
24 same time, he arrived at the station, is that right?

25 A. The Detective Superintendent?

26 77 Q. Yes, sorry, Tom Connolly. Was there any noticeable change
27 of attitude or approach in these two senior guards as
28 opposed to their predecessors?

29 A. I wouldn't have said so in relation to Chief Superintendent
30 Nolan. Tom Connolly took an interest in setting up the

1 local Crime Unit which was something that always interested
2 me and I thought that was good. At no time did either of
3 those gentlemen or any subsequent chiefs or supers or
4 inspectors ever warn me about any of my working colleagues
5 as to what I should say or not say in their presence. So,
6 no, I couldn't say. I didn't notice any ground shaking
7 changes when they came.

8 78 Q. Were you acquainted with Inspector Dan Prenty?

9 A. I was.

10 79 Q. What were your dealings with Dan Prenty?

11 A. Dan was a uniformed sergeant when I came to Dundalk on one
12 of the units. He then took over as Sergeant in charge for
13 a number of years, and I think he was appointed to
14 Detective Branch around the same time as myself. As I
15 say, I worked in the station with him. He wasn't one of my
16 favourite people as regards a work colleague.

17 80 Q. Very good. That's life. Were you aware of what, if any,
18 attitude he had towards Owen Corrigan?

19 A. I was aware that there was something going on, but I didn't
20 really know what was behind it. I thought they were both
21 capable of looking after their own affairs. I didn't know
22 anything that was going on.

23 81 Q. Were you aware of the views that John Nolan and Tom
24 Connolly expressed about Owen Corrigan?

25 A. As I have said, they never expressed any views to me about
26 either Owen Corrigan or any other member in the station.

27 82 Q. Now, to come back to what you told the Chairman about never
28 being told watch what you say in front of a colleague, you
29 are of course aware of the allegation of collusion that the
30 Chairman is tasked to inquire into?

1 A. I am indeed, yes.

2 83 Q. And when did you first become aware of any allegation of
3 collusion?

4 A. I think there was something in the papers shortly after the
5 incident had happened. I can't recall exactly when.

6 84 Q. Do you remember a couple of months earlier a family by the
7 name of Hanna were blown up on the main road?

8 A. I do indeed, yes.

9 85 Q. And I think the intended target was a High Court Judge, a
10 Belfast High Court Judge, isn't that right?

11 A. Yes, I remember that, yes.

12 86 Q. Was there any talk of that in connection with that
13 particular incident of collusion?

14 A. As I say, I can't really recall exactly, like, but there
15 may have been some reports at that time.

16 87 Q. Coming back to the murders of the two RUC officers, what
17 was made at the time of the allegation of collusion?

18 A. Amongst --

19 88 Q. Your colleagues?

20 A. My colleagues?

21 89 Q. Yes. Or indeed yourself. Start with yourself first?

22 A. I didn't believe it for one moment. I had full trust in
23 the people that I had worked with all those years in
24 Dundalk. I found it -- I just found it incredible, like,
25 but then, like, I mean, I know that was probably going to
26 sell papers or sell articles and that's what I put it down
27 to, like, that it was just the ramblings of some journalist
28 trying to make a name for themselves.

29 90 Q. It's not a case of no smoke without fire?

30 A. No.

1 91 Q. Right. That's speaking for yourself. Amongst your
2 colleagues, what was the view in relation to collusion?

3 A. I can honestly say that at no time in my service, either at
4 work or socially, did any of my colleagues ever express any
5 knowledge or even fear that there was somebody colluding
6 with subversives within our working parties in the station.

7 92 Q. Now, are you aware that under the cloak of parliamentary
8 privilege, that Mr. Corrigan's name was mentioned?

9 A. I am, yes.

10 93 Q. I appreciate you can't look into the mind of the maker of
11 that statement, but does anything strike you as being the
12 likely reason why such an allegation should be made against
13 Mr. Corrigan?

14 A. I just thought it was a very low blow for a person in that
15 position to fire and that there was other avenues if he
16 wanted to make it and to see will it stick, which didn't,
17 so I just said that's more of it.

18

19 MR. DILLON: Thank you very much.

20

21 CHAIRMAN: Any questions?

22

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

24 **FOLLOWS:**

25

26 94 Q. MR. O'CALLAGHAN: I appear for Owen Corrigan, Mr.
27 O'Driscoll. Mr. O'Driscoll, you worked in Crime and
28 Security until around 1988, is that right?

29 A. Crime and Security?

30 95 Q. Yeah, did you work in Crime and Security?

1 A. No.

2 96 Q. Okay.

3 A. I am the other Mick O'Driscoll in Dundalk.

4 97 Q. Sorry, I may be getting confused. In your statement did
5 you say *"every piece of post that came into Crime and*
6 *Security..."*

7 A. No.

8 98 Q. You are the wrong Mick O'Driscoll. I beg your pardon.

9

10 MR. DILLON: Chairman, there are two gentlemen with the
11 same name. The confusion is understandable.

12

13 MR. O'CALLAGHAN: Thanks Mr. O'Driscoll.

14

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

16

17 99 Q. MR. COFFEY: Mr. O'Driscoll, I appear on behalf of retired
18 Sergeant Leo Colton.

19 A. Yes.

20 100 Q. And as appears from your direct evidence, you had 35 years
21 of service in the Gardaí essentially in Dundalk?

22 A. All in Dundalk, yes.

23 101 Q. And that 35 year span was broken up as between 14 years in
24 uniform and the balance of 21 years in plain clothes?

25 A. That's correct, yes.

26 102 Q. And do I take you to say that when you worked in plain
27 clothes, that it was crime ordinary?

28 A. Yes.

29 103 Q. Did you ever at any time work within the subversives
30 section of the plain clothes Gardaí?

1 A. To assist we'll say maybe in searches, or if there were,
2 we'll say, a large number, when I say a large number, maybe
3 four to five suspects inside for interrogation, like, you'd
4 have to give hand out there.

5 104 Q. Of course. And those exceptions apart, would you, as a
6 plain clothes detective engaged in ordinary crime, be made
7 privy or given information as regards intelligence reports
8 dealing with subversive activities or subversive
9 individuals?

10 A. You wouldn't have been given anything of that nature, no,
11 no.

12 105 Q. And, again, then, if I can move on, those odd occasions
13 when you would be drafted in to assist the Gardaí engaged
14 in subversive crime, would you be given intelligence
15 information at that point?

16 A. When I would have been drafted in or when, say, myself and
17 Jim Greene or whoever was working with me, it might be to
18 assist in a search and we'd be told, like, where we are
19 going searching and what the purpose of the search was and
20 that would be about the size of it.

21 106 Q. And would that information as to the purpose and
22 destination of the search be given to you as you were about
23 to embark upon it?

24 A. Yes.

25 107 Q. It would be on a need-to-know basis essentially?

26 A. Very much on a need-to-know. We could have been out on
27 another job. I would be at the scene of a crime and I
28 might get a call to come back that they needed me to go and
29 give them a hand out and that's the first I would have
30 heard of have.

1 108 Q. And can we take it that information, and in particular
2 intelligence information, came from Headquarters to the
3 Garda station in Dundalk, that would be directed to the
4 subversive section of the plain clothes --

5 A. Yes, yes.

6 109 Q. And would that be kept within that group of detectives?

7 A. I would imagine if it came from Headquarters that, it would
8 have come to the Detective Superintendent or Detective
9 Inspector, and that they would have dispersed it on a
10 need-to-know, even from there.

11 110 Q. Now, if I can move backwards then just dealing with your
12 time in uniform, evidence has been given to the Tribunal
13 that apart from keeping well known or identified members of
14 the IRA under observation or reporting back that uniformed
15 members saw or observed known IRA men, would you accept
16 that the uniformed men, by and large, did not engage in
17 subversive or the fight against subversive crime?

18 A. Oh I wouldn't agree with that at all. There was quite a
19 few -- like, anybody that was as aspiring we'll say towards
20 either getting into plain clothes or for promotion it would
21 definitely be in his interest, like, to get to know who the
22 subversives were and to report on them.

23 111 Q. Oh, no, I accept that. That's the point I am making. You
24 wouldn't initiate, uniformed officers wouldn't initiate
25 investigations against subversives as such. That would be
26 left --

27 A. Not for subversion as such, no, no.

28 112 Q. Again I take it that, without in any way being dismissive
29 or derogatory, uniformed men would be the last people to be
30 informed of anything of intelligence or of a sensitive

1 nature regarding subversive individuals or activities?

2 A. That would be a fair comment, yes.

3 113 Q. On a need-to-know basis?

4 A. On a need-to-know, yes.

5 114 Q. And evidence was given by retired Commissioner Noel Conroy
6 that uniformed members, by virtue of their duties, if you
7 like, involved in community policing and so-forth and not
8 directly involved in subversion, wouldn't have the
9 opportunity to have access to sensitive information or
10 intelligence on a daily basis?

11 A. Yeah, I'd say that's a fair comment. I mean, they wouldn't
12 have. They wouldn't have access to it, no.

13 115 Q. I take it that you worked with Detective Greene?

14 A. I did, yes.

15 116 Q. And we have heard evidence that unfortunately Detective
16 Greene suffered personal attack from the IRA in that his
17 home was the subject of an arson attack?

18 A. That's correct, yes.

19 117 Q. And again from your own knowledge, other members were shot
20 at, injured, maimed and then within the division, indeed
21 members murdered by the IRA?

22 A. That's correct, yes.

23 118 Q. So that for any member, uniformed or plain clothes, working
24 in Dundalk throughout the seventies, eighties and into the
25 nineties, they would have been acutely aware of the risk to
26 their individual lives and to the lives of their colleagues
27 from the IRA?

28 A. Oh, yes, absolutely, yeah.

29 119 Q. And can I take from that that there would have been zero
30 tolerance within Dundalk Garda Station, both at uniformed

1 and plain clothes level, at anybody in any way assisting or
2 in any way colluding with subversives, IRA and other
3 splinter groups?

4 A. Oh, yes, definitely, there'd be zero tolerance, yeah.

5 120 Q. And I take it you have no evidence of any such collusion or
6 concern of any members colluding with subversives or the
7 IRA?

8 A. I have not, no.

9

10 MR. COFFEY: Thank you, Mr. O'Driscoll.

11

12 CHAIRMAN: Thank you very much. Any --

13

14 MR. DILLON: Nothing further arises.

15

16 CHAIRMAN: All right. Mr. O'Driscoll, thank you very much
17 indeed for taking the trouble to come here, you have been
18 of great assistance to the Tribunal, I am very grateful to
19 you for coming.

20 A. Thank you very much.

21

22 **THE WITNESS THEN WITHDREW.**

23

24 MR. DILLON: Chairman, for the reasons I have mentioned
25 that is all the work I have for you for you this morning.
26 We have two witnesses for you this afternoon.

27

28 CHAIRMAN: Two o'clock then, thank you very much.

29

30 THE TRIBUNAL ADJOURNED FOR LUNCH.

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THE TRIBUNAL ADJOURNED FOR LUNCH.

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THE TRIBUNAL RESUMED AFTER LUNCH AS FOLLOWS:

MR. DILLON: Thank you, Chairman. We have two witnesses
for you this afternoon. The first is Mr. John Fintan Kenny

1 JOHN FINTAN KENNY, HAVING BEEN SWORN, WAS EXAMINED BY
 2 MR.DILLON AS FOLLOWS:

3

4 121 Q. MR. DILLON: Now, Mr. Kenny, I understand you joined the
 5 Force in 1966?

6 A. '65.

7 122 Q. I'm terribly sorry, '65. You served in Dundalk all the
 8 while apart from a 12 month period until your retirement in
 9 2003?

10 A. That's correct, yes.

11 123 Q. I think the 12 month period concerned a service in
 12 Hackballscross station?

13 A. That's correct, yes.

14 124 Q. I think you became a Detective in 1985?

15 A. That's correct.

16 125 Q. So, up to 1985 you were a uniformed member of the station,
 17 is that right?

18 A. That is correct, yes.

19 126 Q. Which unit did you serve on?

20 A. Unit D.

21 127 Q. Who was your Sergeant in Charge at the time, can you
 22 remember?

23 A. Sergeant Michael Conneally.

24 128 Q. And we've heard that the station in Dundalk was the leading
 25 edge of the fight against subversives. Were you involved
 26 in that before you became a detective?

27 A. No.

28 129 Q. But that became your function after you became a detective?

29 A. That's correct, yes.

30 130 Q. It was a busy station from that point of view, is that

1 right?

2 A. It was very busy, yeah.

3 131 Q. Can you give the judge a flavour of the sort of work that
4 you did when you were a detective?

5 A. I worked with the unit that was mostly involved with
6 subversive organisations.

7 132 Q. And did that mean obtaining information about them?

8 A. That's correct, yes.

9 133 Q. And the nature of your work, you don't need to mention any
10 names, but did it mean establishing contact with
11 subversives, the nature of the work?

12 A. I suppose, yes, speaking to them if it was possible, yes.

13 134 Q. So, after 1985, I think your line of work, if I can put it
14 that way, became extremely active because the subversive
15 activity increased to a considerable extent, isn't that
16 right?

17 A. That's correct, yes.

18 135 Q. I think by the time you retired in 2003 the picture had
19 somewhat changed?

20 A. It had yes, yeah.

21 136 Q. Can you explain the difference or the contrast to the
22 Chairman, did the work tail off or was it just a more
23 relaxed environment?

24 A. I'd say the work tailed off rather than relaxed. Any of
25 those working that were still working at it were still
26 actively involved in gathering information, whatever, but
27 the volume of work wouldn't have been the same and the
28 number of incidents wouldn't have been as many.

29 137 Q. The Chairman has heard evidence that members of the Force,
30 in particular the Detective Branch in Dundalk, often

1 suffered from harassment or other forms of aggression from
2 subversive. Does that accord with your recollection?

3 A. It never occurred to me but you would, from time to time,
4 derogatory remarks could be passed and would be passed but
5 I never suffered from it.

6 138 Q. And in what sort of circumstances were derogatory remarks
7 passed?

8 A. You'd be called this, that and the other because of the job
9 you were in. Fenian this, that and the other, yeah, you
10 know.

11 139 Q. Where? In the street or in the pub or?

12 A. Maybe if you were searching places, you know. It depends
13 on the situation you were in. Socially it wouldn't happen,
14 it hasn't happened to me anyway, but certainly if you were
15 searching premises or arresting somebody, those remarks
16 would be passed.

17 140 Q. I understand what you mean. Now, the murders occurred on
18 the 20th March, 1989. And do you recall whether you were
19 on duty that day or not?

20 A. From what I can recollect I wasn't working that day.

21 141 Q. Subsequently in the days immediately following the murders
22 Detective Superintendent Connolly set up a forensic
23 investigation, a Garda forensic investigation in aid of the
24 RUC's investigation north of the border. From what we have
25 seen, a considerable number of gardaí were drafted into
26 that exercise. Do you recall whether you were involved in
27 that?

28 A. I can't recollect being involved in the investigation. I
29 would have been working but directly involved in the
30 investigation, I can't recollect.

1 142 Q. Our records which we received tend to suggest that you were
2 involved in getting statements from members who were on
3 duty from two o'clock that day. Do you recollect that?

4 A. I don't recollect that. Maybe gathering statements, I
5 don't know from different members that made statements, I
6 couldn't say.

7 143 Q. Did you know either of the two RUC officers, Harry Breen or
8 Bob Buchanan?

9 A. No, I never met them.

10 144 Q. Might you have seen them in the station on previous
11 occasions?

12 A. Well I didn't know them, so I don't know. RUC men came and
13 went so I wouldn't have known who they were even.

14 145 Q. When they came to the station, what arrangements were made
15 for parking cars?

16 A. From my recollection, some of them parked out the front and
17 some parked in the yard at the side of the station.

18 146 Q. When you say in the yard, is that behind --

19 A. It's an enclosed yard.

20 147 Q. An enclosed yard?

21 A. Yeah.

22 148 Q. Where nothing is visible from the street, is that it?

23 A. If the gate is closed, that's correct, yes.

24 149 Q. Now, you're aware of the terms of reference which relate to
25 an allegation where there may have been collusion in
26 relation to the murders of the two RUC officers?

27 A. Yeah, I'm aware of that, yeah.

28 150 Q. Now, were you aware of talk of this nature, or indeed even
29 press reporting of this nature at the time of the murders?

30 A. Well not at the time, but afterwards it had been mooted

1 that was there or could there have been somebody giving
2 information.

3 151 Q. When you say it was mooted, who was doing the suggestion?

4 A. I can't recollect, just general banter.

5 152 Q. And this was general banter amongst your colleagues I take
6 it?

7 A. Sorry?

8 153 Q. Was this general banter amongst your colleagues?

9 A. Yeah.

10 154 Q. And can you help the Chairman with any indication of how
11 long after the murders there was this sort of talk?

12 A. I couldn't say. I don't know really. I couldn't even put
13 a period on it, you know.

14 155 Q. A month? Six months?

15 A. I don't know. To answer honestly, I don't know.

16 156 Q. But you do recollect that there was discussion or there was
17 chat about it?

18 A. Yeah, I'd say it would be quite sometime afterwards.

19 157 Q. Before we move on this point, can I take you back in time?
20 Do you remember there was about six or eight months earlier
21 prior to the murders of the two RUC officers the Hanna
22 family were blown up on the main road, do you recollect
23 that?

24 A. I remember a family but the name doesn't come to me now.

25 158 Q. It is known that the intended target was a High Court
26 judge, a Belfast High Court judge?

27 A. Yeah.

28 159 Q. Do you recall any discussion of the possibility of
29 collusion in relation to that particular murder?

30 A. I don't, no.

1 160 Q. Returning now to the murders of Harry Breen and Bob
2 Buchanan. You say there was this chat among your
3 colleagues about the rumour of a mole, is that right?

4 A. I wouldn't say a rumour of a mole as much as people saying
5 I wonder was there was a mole rather than somebody saying
6 there was a mole.

7 161 Q. That's right. People were asking themselves a question
8 might there have been a mole, is that right?

9 A. Yeah, well generally, yeah. People would be asking
10 questions I wonder where the information come from, or did
11 they have information or was it their own, the IRA's own
12 intelligence.

13 162 Q. Absolutely, I take it there are the two possibilities?

14 A. Yeah.

15 163 Q. The IRA either had their own intelligence or they received
16 information, one or the other, isn't that right?

17 A. Exactly, yeah.

18 164 Q. What gave rise to the notion that there might have been a
19 mole? What gave rise to that? What was the basis for
20 that?

21 A. Well I can't say what gave rise to it. I suppose the basis
22 is the IRA had information they were crossing the border.
23 Did they get information from the gardaí or was it their
24 own intelligence, that's what would have given rise to the
25 discussion.

26 165 Q. Was anything particular at that time that might form a
27 basis for the theory that there might have been a mole?

28 A. Not that I'm aware of.

29 166 Q. Following the murders, immediately following the murders
30 the Garda Commissioner of the day directed Assistant

1 Commissioner Ned O'Dea to go to Dundalk station to conduct
 2 an inquiry into what are called circumstances and
 3 arrangements of the meeting. Do you recall the Assistant
 4 Commissioner being at the station?

5 A. I wasn't at that meeting.

6 167 Q. Do you recall the Assistant Commissioner being at the
 7 station?

8 A. I don't, no.

9 168 Q. I take it it's quite an unusual event for an Assistant
 10 Commissioner to ascend on a station to conduct an
 11 investigation?

12 A. It would be, yeah.

13 169 Q. As you told the Chairman, you've no recollection?

14 A. I've no recollection of it, no.

15 170 Q. I think you told us you worked with the following
 16 Detectives: Larry Crowe, Martin Flanagan and Eddie
 17 Sheridan?

18 A. That's correct, yes.

19 171 Q. Now, I think it's the case, and the Chairman has heard
 20 evidence of this, that following the coming into force of
 21 the Anglo-Irish Agreement the Detective unit in Dundalk
 22 station, and particularly I think the subversive side, was
 23 greatly increased?

24 A. That's correct, yes.

25 172 Q. And were you on the subversive side or on the ordinary
 26 crime side?

27 A. I was on the subversive side.

28 173 Q. You told us indeed that your job related to conducting
 29 investigations into subversives?

30 A. That's correct, yeah.

1 174 Q. One detective who had been very much involved in the
2 subversives, I mean that in terms of his work of course,
3 was Owen Corrigan?

4 A. He was indeed, yeah, he was a Detective Sergeant there.

5 175 Q. I think up to 1985 he was pretty well the only Detective
6 Sergeant?

7 A. Yeah, that's correct, yeah.

8 176 Q. Thereafter he was joined by many people, including
9 yourself?

10 A. And many more, yeah.

11 177 Q. Can you tell us how did Mr. Corrigan react to the increase
12 in the number of detectives?

13 A. Well I don't know. I'd imagine he should have been happy
14 to be getting extra help.

15 178 Q. Do you ever work with him?

16 A. I wasn't on his unit but I would have crossed over on
17 different investigations but I never actually --

18 179 Q. That's what I mean, did you actually work together with him
19 on any particular matter or matters?

20 A. I would have, yeah, on searches and on serious crime
21 investigations, murder investigations, we'd be on the same
22 team but I didn't actually work on the same unit as him.

23 180 Q. No, I understand that. Now, how did you find him as a
24 colleague to work with?

25 A. I found him very diligent, a very good worker.

26 181 Q. Did you ever socialise with him?

27 A. No. I might have met him maybe occasionally, I'd never
28 actually go out to socialise with him but I could have met
29 him in a pub from time to time maybe, you know.

30 182 Q. Do you think you met him in pubs?

1 A. I would have had. I'm sure he was drinking where I would
2 have drank, you know, but I have never actually gone out
3 with him but I could have met him there, you know.

4 183 Q. Was he involved in any aspect of the motor trade, to your
5 knowledge?

6 A. Well, rumour had it. I have no direct evidence he was.

7 184 Q. Well if you've no direct evidence we'll leave it at that,
8 thank you very much.

9 Now, were you ever warned or your colleagues warned about
10 being careful in relation to Mr. Corrigan and letting him
11 know whether RUC officers were travelling or not?

12 A. No, I was never warned.

13 185 Q. If that was said, can you think of any particular reason
14 that might be said of Mr. Corrigan?

15 A. Well I haven't heard it being said so I can't invite an
16 opinion on that.

17 186 Q. I think Finbarr Hickey's father was in Dundalk at one
18 point, is that right?

19 A. Yeah, when I went to Dundalk Finbarr Hickey's father was a
20 sergeant in Dundalk.

21 187 Q. I think you never worked with Finbarr Hickey himself, is
22 that right?

23 A. I never worked with him. I was on a different unit.

24 188 Q. Did you ever met him?

25 A. I'd meet him in the station coming and going, he'd be going
26 in, I'd be going out, you know, but I never actually worked
27 with him and never socialized him. I didn't really know
28 Finbarr Hickey.

29 189 Q. Even in terms of those brief meetings, how did he come
30 across to you?

1 A. Oh, to me a thorough gentleman, you know, that's all I can
2 say.

3 190 Q. I think you're aware that he, on his own admission, was
4 convicted in relation to forgeries?

5 A. Passports, yeah, I'm aware of that.

6 191 Q. Of applications forms?

7 A. Yeah, that's true.

8 192 Q. When you heard this news what was your reaction?

9 A. I don't know really, surprised, maybe, that he'd be
10 involved in that, you know, but he wouldn't have come
11 across as a person who would get involved in anything like
12 that, to me anyway.

13 193 Q. According to your knowledge, was he a sole operator on this
14 or was there anybody else involved?

15 A. Well I am aware of the investigation and I'm aware another
16 member was interviewed in connection with this
17 investigation. So, as far as I'd be concerned he wasn't a
18 sole operator.

19 194 Q. And that other member was?

20 A. Sergeant Leo Colton, ex Sergeant Leo Colton now.

21 195 Q. Did you know Leo Colton?

22 A. Not very well, no. I didn't work on his unit either so...
23 and I never socialised with him either.

24 196 Q. Did you ever work with him on an operation?

25 A. Not that I can remember, no.

26 197 Q. Had you any information in relation to Mr. Colton and his
27 contacts outside the police station?

28 A. No.

29 198 Q. With subversives?

30 A. Well I know when he retired he went working for a gentleman

1 whom I would have suspected of being involved with the IRA.

2 199 Q. Is this a man who runs an amusement arcade?

3 A. Exactly, yes.

4 200 Q. In Dundalk?

5 A. In Dundalk. But I wasn't aware of his contact with that
6 gentleman before he retired. It was only when he started
7 working for him that I became aware.

8 201 Q. As a professional policeman, what does that say to you?

9 A. Well obviously he must have known him beforehand.

10 202 Q. And does it raise any question in your mind about his time
11 when he was on the Force?

12 A. Not really.

13 203 Q. Powers of observation, could you tell us a bit about that,
14 policeman's power of observations? Do you receive training
15 to note details and?

16 A. Well I don't know whether -- I wouldn't say you'd receive
17 training but it's part of your psyche, you pick it up, you
18 know, it's part of your...

19 204 Q. If you were, let's say, one day, any day, standing outside
20 your station and a car drives by which arouses your
21 suspicion, how would you deal with that?

22 A. Oh I'd certainly, the first thing I'd do is note the number
23 and check it out, you know.

24 205 Q. And if the car is driving by fairly slowly would you say
25 that's an easy task or a difficult task or?

26 A. It should be an easy task, shouldn't it, yeah.

27 206 Q. Was there a view about Mr. Colton amongst your colleagues?

28 A. I had no personal contact with him but it was generally
29 thought that he was a shrewd policeman, a shrewd man and
30 there isn't too much more I can say about it, I had no

1 personal contact with him so I can't speak about him
2 personally, you know.

3 207 Q. Now, following the murder of the RUC officers, was there
4 any change in pattern of visits of RUC officers to the
5 station to your knowledge?

6 A. Not that I detected. The only change I could see is they
7 became less frequently, you know.

8 208 Q. Now, we know this, and the Chairman knows this, that facing
9 the station there is a row of houses on a street called The
10 Crescent?

11 A. That's correct, yeah.

12 209 Q. The station is visible from pretty well any one of those
13 houses?

14 A. It sure is, yeah.

15 210 Q. Were the police on the alert for the possibility that a
16 house might be used to carry out surveillance on the
17 station?

18 A. Not that I'm aware of, no.

19 211 Q. Is that not an obvious point from which subversives might
20 carry out surveillance of the station?

21 A. It would be an obvious point.

22 212 Q. Were the houses ever checked?

23 A. Not that I am aware of, no.

24 213 Q. Do you know whether the houses were checked after the
25 murders to see whether --

26 A. I don't know. I wouldn't think they were. Those houses
27 would be occupied by families so...

28 214 Q. Your recollection is that all the houses were occupied, is
29 that right?

30 A. I would think so, yeah. There might be one or two of them

1 might be in offices, from what I can remember, but most of
2 them would be residential.

3 215 Q. Do you recollect any house being vacant?

4 A. No, nothing comes to mind.

5 216 Q. Now, you were in Dundalk until 2003?

6 A. Yeah.

7 217 Q. Were you aware that Mr. Corrigan was kidnapped and beaten
8 up?

9 A. Yeah, I was aware of that.

10 218 Q. Were you involved in that investigation at all?

11 A. No.

12 219 Q. It is a fact that Mr. Corrigan didn't volunteer a
13 statement, but have you any understanding as to why he was
14 kidnapped and beaten up?

15 A. I haven't, no. I have no knowledge of the reason why.

16

17 MR. DILLON: Thank you.

18

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

20

21 220 Q. MR. BAKER: Mr. Kenny, I appear for An Garda Síochána and
22 I've just one or two brief questions for you, if I might.
23 Clearly it's the case you served the vast majority of your
24 career in Dundalk Garda Station?

25 A. Yeah, all but one year.

26 221 Q. And I take it from that that you became intimately familiar
27 with the environs of the station itself and the surrounding
28 area?

29 A. I would indeed, yeah.

30 222 Q. Over the course of that time?

1 A. That's correct, yeah.

2 223 Q. I think you told Mr. Dillon to the best of your
3 recollection you weren't working on the day in question,
4 the 20th March?

5 A. I can't recollect being -- no -- from what I can recollect
6 I wasn't working on that date.

7 224 Q. That's your best guess or are you saying it with a fair
8 degree of certainty?

9 A. I'm saying it with a fair degree of certainty.

10 225 Q. I think you also told Mr. Dillon you never met the two
11 officers concerned?

12 A. I never met them, no.

13 226 Q. Were you, even allowing for the probability you weren't
14 working on the day, were you at all the aware that a
15 meeting was scheduled to take place?

16 A. No.

17 227 Q. I think you also indicated that it was the practice that
18 RUC men simply came and went?

19 A. Yes, generally, yes.

20 228 Q. How regular was that?

21 A. Regular enough, in my opinion. You know, I wouldn't be
22 made aware prior to them coming, you know, but somebody
23 would say "oh, there is an RUC man in the station" or you'd
24 see a car outside that you'd suspect would be an RUC man
25 but I never had any meetings with them.

26 229 Q. And how would you recognise that they were RUC men?

27 A. Well, if they came into the station and went up to the
28 station into the Superintendent's office and a Northern
29 Ireland car outside it, well you took it for granted that's
30 who they were, you know.

1 230 Q. And would it be fair to say that there'd be a minority of
2 cars at any one time with Northern Ireland registration
3 plates in the front of Dundalk Garda Station?

4 A. I wouldn't say a minority. It's close to the border, you'd
5 have a lot of people with Northern Ireland cars coming in
6 doing inquiries, just coming in doing general inquiries. A
7 Northern Ireland car outside the station wouldn't be
8 something out of the ordinary, no.

9 231 Q. I see. But I presume there would be a substantial level of
10 southern plates?

11 A. There would surely, yes, there'd be more sothern plates
12 than northern plates.

13 232 Q. Both from members of the public and garda vehicles?

14 A. Yeah, exactly, yeah.

15 233 Q. I think you also said that whatever discussion or banter, I
16 think was the worked you described, was mentioned in
17 relation to the possibility of a mole, that occurred
18 sometime after the murders took place, is that right?

19 A. Yeah.

20 234 Q. Would you be, and again I appreciate it's a long time ago
21 but would you be fairly certain in your own mind that there
22 was no discussion or speculation or gossip in and around
23 the time of the murders?

24 A. Not that I can remember, no.

25 235 Q. And I take it then that you have no direct knowledge or
26 evidence that could assist the Chairman in assessing
27 whether there was collusion?

28 A. No, I've no knowledge.

29

30 MR. BAKER: Thank you very much.

1

2

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

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4

MR. COFFEY: Briefly, Mr. Chairman.

5

236 Q. Mr. Kenny, I appear on behalf of retired Sergeant Leo

6

Colton, and just in the course of your direct evidence you

7

indicated that if a car was driving slowly in front of the

8

garda station in Dundalk through the forecourt, that that

9

might arouse your suspicion. Am I correctly interpreting

10

what you said?

11

A. It could do, arouse your suspicion, yeah.

12

237 Q. Now, I think that at either end of the forecourt there is a

13

gated entrance which at the time would have been left open

14

at both ends?

15

A. That's correct, yes.

16

238 Q. And would you accept that at both ends there are busy

17

roads? On one end there is what we would locally term the

18

Ardee Road and the other end the Carrick Road?

19

A. That's correct, yes.

20

239 Q. And each of them in their own right are busy roads?

21

A. They are, yes.

22

240 Q. And would require motorists driving out of either end to

23

stop and check?

24

A. They would have to stop and check, yes.

25

241 Q. So you'd have to exercise caution?

26

A. You would indeed, yes.

27

242 Q. And would you equally accept that it was not an uncommon

28

occurrence for civilians, people who indeed had no business

29

with the garda station, to use that forecourt as a

30

short-cut from one road to another?

1 A. I wouldn't accept people did use it as a short-cut, no.

2 243 Q. Never?

3 A. I'm not saying never but certainly it wasn't widely done
4 because it only took half a minute to go to the proper way
5 rather than going through the station.

6 244 Q. But indeed it was an option open to anybody?

7 A. It was an option open if they wanted to, yeah.

8 245 Q. There was no obvious prohibition in terms of gardai at
9 either gate?

10 A. Not at that time, no. I think sometime after that incident
11 one of the gates was kept closed.

12 246 Q. And if you, as a member standing on the steps of the garda
13 station, were distracted by engaging a civilian who had a
14 query, could that distract you and prevent you from taking
15 a keener interest in any car that might pass?

16 A. Possibly, yes.

17 247 Q. And indeed if that civilian raised a query that required
18 you to go back into the station and carry out a search in
19 terms of documentation or references to answer the query
20 which lasted 10 or 15 minutes, wouldn't that be a further
21 point of distraction?

22 A. Yes, I'd say so, yes.

23 248 Q. And I take it you'd accept that until this horrible act of
24 murder nobody ever contemplated that somebody leaving the
25 garda station would be the victim of such a horrendous
26 murder?

27 A. No, that's correct, yeah.

28 249 Q. So would it be reasonable to say, Mr. Kenny, that at that
29 time, up until the murders, people were never on alert that
30 somebody leaving the station would be murdered in fact?

1 A. That's correct, yes.

2 250 Q. I take it that subsequent to the murders then there was a
3 heightened awareness and a sense of personal security for
4 gardaí going in and out, and indeed visitors such as RUC
5 men coming to visit?

6 A. Yes, I would agree with you, yes.

7 251 Q. And just in terms of, I take it that given your involvement
8 with subversive crime, if you personally had come to
9 acquire any knowledge of a sensitive nature involving any
10 colleague which might jeopardise or compromise the security
11 either of the station or individual gardaí or visitors, you
12 would have passed on any such information?

13 A. I would have, yeah.

14 252 Q. Did you have occasion to do that?

15 A. No.

16

17 MR. COFFEY: Thank you.

18

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

20

21 253 Q. MR. DILLON: One brief matter arising from a question which
22 you --

23 Speaking for yourself now, I'm not asking you to speak for
24 anybody else, but if you were on the steps of the station
25 and a car drove by and it aroused your suspicion that it
26 wasn't there for a proper purpose, maybe it might be trying
27 to suss out what cars were there and clearly, as you said
28 yourself, you'd take down the number, that's the first --

29 A. I would do, yeah.

30 254 Q. And if somebody came along with a query, would you put that

1 to one side and say "Yes, I'll deal with your query" and
2 allow the suspicious car to disappear or would you deal
3 with the suspicious car first and then deal with the query?
4 A. I'd deal with the suspicious car first I'd imagine.

5
6 CHAIRMAN: Thank you very much, Mr. Kenny. It's very good
7 of you to come along and help us. Thank you very much.

8
9 **THE WITNESS THEN WITHDREW.**

10
11 MR. VALENTINE: Chairman, the next witness is Chief
12 Superintendent Patrick McGee.

1 CHIEF SUPERINTENDENT PATRICK MAGEE, HAVING BEEN SWORN, WAS
 2 EXAMINED BY MR. VALENTINE AS FOLLOWS:

3

4 255 Q. MR. VALENTINE: Chief Superintendent, I think you're the
 5 Chief Superintendent in charge of the Louth Division?

6 A. That's correct, Judge.

7 256 Q. And I think you entered An Garda Síochána in 1977 and have
 8 spent most of your service in the Force to date in Co.
 9 Louth?

10 A. That's correct, Judge. On promotion on a couple of
 11 occasions I served in Ballyshannon as an Inspector,
 12 Longford as a Superintendent, Sligo as a Chief
 13 Superintendent, and for a short time with the United
 14 Nations in Eastern Slovenia.

15 257 Q. And I think in terms of the periods in Co. Louth, you went
 16 to Blackrock, Co. Louth in 1978, is that correct?

17 A. Yes, in February 1978, Judge.

18 258 Q. And you were there for how long?

19 A. I spent six years in Blackrock from February 1978.

20 259 Q. And where did you go then?

21 A. I went to Dundalk then as a guard from 1984 to, roughly,
 22 1985/'86.

23 260 Q. And I think after that you were promoted to the rank of
 24 sergeant, is that correct?

25 A. Yes, I was promoted to sergeant and served in Carlingford
 26 for six years from 1985/'86 up to 1991/'92.

27 261 Q. It was that point then you were promoted to the rank of
 28 Inspector?

29 A. That's correct, Judge, and I served for approximately one
 30 year in Ballyshannon, returning to Dundalk then in 1996,

1 promoted to Superintendent in 2002 and went to Sligo and
2 came back from Sligo, and in December 2005 I was promoted
3 to Chief Superintendent and I've been serving as a Chief
4 Superintendent in Drogheda for the last five and a half
5 years.

6 262 Q. I think you might be able to help the Tribunal, Chief
7 Superintendent, with an issue in relation to the structure
8 of the Louth/Meath division. We've heard some evidence to
9 suggest that the Chief Superintendent's post was moved at
10 one stage from Drogheda to Dundalk, is that correct?

11 A. That's correct, Judge, yes, it was moved from Dundalk to
12 Drogheda and then in 1996 it was moved back from Dundalk to
13 Drogheda, in 1996.

14 263 Q. Do you know when it was initially moved from Drogheda to
15 Dundalk, Chief Superintendent?

16 A. I don't, Judge. I was trying to think of it just before I
17 came up here but certainly it was a number of years in
18 Dundalk, but I'm not exactly sure how many years. But I'm
19 certainly quite clear that in 1996 it moved back to
20 Drogheda from Dundalk.

21 264 Q. And do you have any knowledge as to why it was moved back?

22 A. I can only assume it was a political issue at the time.
23 You know, it may have been more prominent, Dundalk, as a
24 station in the earlier and late '80s, and it may have been
25 considered by, I suppose, the Commissioner and the Minister
26 for Justice to move it to Dundalk, but it subsequently
27 moved back to Drogheda in '96.

28 265 Q. So, am I right in interpreting that it may have been
29 effectively as a result of the peace process and the fact
30 that the subversive activity, which was possibly the reason

1 it was moved to Dundalk at an earlier point, was receding
2 somewhat and that may have been a factor in that decision?

3 A. It may have been a factor, Judge. I wasn't part of the
4 decision to move it in either direction.

5 266 Q. I think also at some point the division was split because
6 it was previously known as the Louth/Meath division, is
7 that correct Chief Superintendent?

8 A. Yes, at the time relative to this inquiry, Judge, Louth,
9 Meath and Balbriggan were all contained in the one division
10 under one Chief Superintendent. Now Louth and Meath have
11 been split into two separate divisions under the control of
12 two separate Chief Superintendents. So it has changed
13 slightly since 2009.

14 267 Q. I think throughout your career you've been in the uniform
15 branch of An Garda Síochána?

16 A. I have, Judge, yes.

17 268 Q. I just wonder if you could outline the nature of the work
18 that you carried out and I particularly interested in the
19 period really from your service in Blackrock commencing in
20 1978, through the mid '80s when you served two years in
21 Dundalk and then into Carlingford up until the period until
22 you moved back to Dundalk in 1991?

23 A. I suppose, as I've said, Judge, I've always been attached
24 to the uniform section of An Garda Síochána and that, I
25 suppose in the main, dealt with general policing issues, I
26 suppose road traffic accidents, domestic violence,
27 assaults, public order, the general policing type of work.
28 We did of course also would be involved in subversive
29 investigations, I suppose, insofar as searching of
30 premises, you know, assisting the Detective Branch. If a

1 uniformed presence was required, you know, to stop a
2 particular car, that sort of duties, but in general it was
3 general policing duties.

4 269 Q. Did you also have a role, as a uniformed, to monitor and
5 observe and report subversive activity in the area?

6 A. Yes, it would. Every guard has that responsibility and had
7 that responsibility. If items of intelligence came to your
8 notice, if you saw particular people that were of interest
9 you certainly would report it, Judge, yes.

10 270 Q. And would you have been familiar with suspected subversives
11 in the area to which you were assigned?

12 A. Yes, Judge, you would have a certain knowledge of known
13 subversives in the area, yes.

14 271 Q. And would it be considered part of your role to make
15 yourself aware of these known subversives?

16 A. Yes, it would indeed, Judge, yes.

17 272 Q. And I think, Chief Superintendent, you were serving in
18 Carlingford when Tom Oliver was killed?

19 A. Yes, that was on the 19th July, 1991 when he was abducted
20 and murdered.

21 273 Q. Did you have any role in the follow-up to that murder?

22 A. No, I didn't. I wasn't involved directly in the
23 investigation of it, Judge, but I was a sergeant in
24 Carlingford at the time, but the main investigation was
25 carried out by the Detective Branch and there was also
26 assistance from investigators from Dublin in relation to
27 that investigation.

28 274 Q. Have you any knowledge, Chief Superintendent, as to whether
29 Mr. Oliver had been abducted on a previous occasion prior
30 to the one that led to his death?

1 A. No, I'm certainly not aware of that, Judge.

2 275 Q. I think you were also in Carlingford when Chief
3 Superintendent Breen and Superintendent Buchanan were
4 murdered?

5 A. Yes, Judge, I was in Carlingford for a total of six years;
6 three years before this incident under investigation and
7 three years after it, yes.

8 276 Q. Did you know either of the two deceased RUC officers?

9 A. No, I didn't, Judge, no.

10 277 Q. During your time in Carlingford, from 1986 to 1991, did RUC
11 officers ever have occasion to call into the garda station
12 there?

13 A. No, Judge, certainly not in the six years I was there. I
14 never had any contact with RUC officers or indeed any other
15 police force other than our own.

16 278 Q. Do you recall whether, when you served in Dundalk in the
17 mid '80s, do you recall seeing RUC offices call into the
18 station?

19 A. I suppose it's difficult to answer that particular one,
20 Judge, but certainly there were people who would arrive
21 and, you know, by arrangement maybe, or meet with the
22 Superintendent in Dundalk and there would be an assumption
23 or maybe someone might pass comment that they're RUC
24 officers, but other than that I was never aware of them
25 personally calling to the station, no.

26 279 Q. Do you recall the media coverage in the wake of the murders
27 of Chief Superintendent Breen and Superintendent Buchanan
28 and the media speculation there was a mole in the station
29 or that there was a fear that there might be a mole in the
30 station?

1 A. I certainly remember the media coverage in relation to the
2 murders, Judge. I'm not sure when I became aware of the
3 suggestion that there was a mole in the station in Dundalk,
4 that may have been sometime later in media coverage, I'm
5 not sure, but certainly it wasn't at the time.

6 280 Q. Just, I suppose, given your current role as Chief
7 Superintendent of the Louth division, I wonder, maybe, if
8 you could answer the following: If, and I know you can
9 only speak really from your position today, but if there
10 were rumours circulating about a particular guard, what
11 action would you direct, as Chief Superintendent, on foot
12 of those rumours? When I say rumours, I mean rumours about
13 a concern that a particular guard may be a security concern
14 in a station?

15 A. I think if those rumours became known to me, I'd certainly
16 be in touch first of all with my authorities in relation to
17 those rumours and I would also instigate an investigation
18 into the rumours to either substantiate them or otherwise.

19 281 Q. Would it be sufficient that something is just a rumour in
20 order to trigger such an investigation, Chief
21 Superintendent?

22 A. I mean, we are talking about a serious rumour if we're
23 talking about somebody who is going to divulge information,
24 we'll say, from within the Garda Síochána to people who
25 shouldn't be aware of it, and I would treat that as being
26 in the serious end of the scale and, you know, there are
27 different levels of rumours but certainly that would be a
28 serious rumour, in my opinion.

29 282 Q. Therefore, even if it was merely a rumour, you are of the
30 view that it would have to be investigate so as to discover

1 whether there was any substance to it or not?

2 A. Yes, well that would certainly be my view as the position
3 I'm in now, Judge, yes.

4 283 Q. I think in the statement you provided to the Tribunal,
5 Chief Superintendent, you gave some description of the
6 contact that existed between Dundalk and Newry police
7 stations. To what period was that referring to? I think
8 you refer to an x-ray radio that was used between Dundalk
9 garda station and Newry police station?

10 A. That's correct, Judge. I haven't the date in on my
11 statement because I couldn't actually recollect or be one
12 hundred percent sure when I was there as a guard in '84 to
13 '86 or whether it was when I came in to Dundalk from
14 Carlingford in '91 for the couple of years, but there was
15 what was called an x-ray radio system in place. It was a
16 base radio line between Dundalk and Newry; it was a direct
17 radio link between the two main centres.

18 284 Q. How was it operated?

19 A. It was operated from the Communication Room in each of the
20 stations. In Newry their Communications Room had direct
21 contact with the Communications Room in Dundalk.

22 285 Q. And was that habitually used when somebody in Dundalk Garda
23 Station wanted to contact Newry?

24 A. No, I suppose it would probably used in the main for car
25 checks. For example, if a car was seen or whatever and it
26 was decided to check out the number of the car, the direct
27 radio system would be used to make contact with the police
28 in Newry.

29 286 Q. But if, for example, a garda in Dundalk station wanted to
30 talk to a specified RUC officer in Newry on a particular

1 matter, would he use the radio or another means of
2 communication?

3 A. No, he'd use a phone.

4 287 Q. In that scenario?

5 A. Yeah.

6 288 Q. And you're not sure whether the x-ray was there in the
7 period '84 to '86 or from '91 onwards or both, is that
8 correct?

9 A. I'm not sure, Judge. It could have been there during both
10 times, I'm not exactly sure on that, but that could be
11 verified by a telecommunications witness if required.

12 289 Q. I think you are aware, Chief Superintendent, that there are
13 three former officers who served in Dundalk who have been
14 granted representation before the Tribunal, is that
15 correct?

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

17 290 Q. I think you, at one point or another, served with all three
18 of them, is that correct, Mr. Colton, Mr. Corrigan and
19 Mr. Hickey?

20 A. Yes, I would have known all three during my service in the
21 division, Judge, yes.

22 291 Q. What were your impressions of Sergeant Leo Colton as a
23 policeman?

24 A. Well I never worked either with or under the supervision of
25 Leo Colton, Judge, but from what I saw of him from where I
26 was, he seemed to be a professional officer. He seemed to
27 run his unit well and always turned out very well, as far
28 as I was aware, and I didn't see anything other than that
29 with him, Judge.

30 292 Q. I think when you returned to Dundalk in 1991, was Sergeant

1 Colton still serving or had he left the Force at that
2 stage?

3 A. He had left the Force. As far as I recollect, he retired
4 in 1991.

5 293 Q. I think you're aware he subsequently went to work for Jim
6 McCann?

7 A. That's correct.

8 294 Q. What do you know about Mr. McCann, Chief Superintendent?

9 A. Mr. McCann I know for some years and he would have come to
10 Dundalk from Belfast. I know his wife and family. He had
11 an amusement, at least one amusement arcade in Dundalk and
12 I think a small hotel at one stage. But other than that,
13 Judge, I've no actual knowledge of James McCann.

14 295 Q. I think you may have heard the previous witness, Mr. Kenny,
15 express the view, he didn't name Mr. McCann but he did
16 refer to a person with amusement arcades and he indicated
17 that he was of the view that that person may have
18 subversive links, were you aware of Mr. McCann having
19 subversive links?

20 A. Well I have to say, Judge, at all my time at different
21 levels in Dundalk I was never presented with any file or
22 any kind of intelligence, wither verbal or written, that
23 led me to draw that conclusion, Judge.

24 296 Q. When a garda officer retires, are there any restrictions on
25 what employment they can take up afterwards?

26 A. No, Judge, not to my knowledge, and indeed once a garda
27 member retires at any rank he's no longer subject to the
28 Garda Discipline Regulations. He is of course subject to
29 the criminal law, as is everyone else, Judge.

30 297 Q. Did you work with Detective Sergeant Owen Corrigan?

1 A. Yes, I would have known Owen Corrigan when I was in
2 Dundalk, Judge.

3 298 Q. What were your impressions of Mr. Corrigan as an officer?

4 A. I suppose, Judge, in fairness, I'd have to say that the
5 Garda Detective Branch and the Garda Uniform Section worked
6 two very separate jobs, and, like, during my time in
7 Dundalk I might have spoken to Owen Corrigan I'd say less
8 than half a dozen times because they were very much looking
9 after the subversive side. As I said earlier on, the
10 uniformed guard was very much involved in general policing,
11 and working on shift work as we were, the contact between
12 the Detective Branch and ourselves really was in relation
13 to searches or handing over of people at the border in an
14 extradition case or if we were called in specifically to do
15 specific tasks to back up the Detective Branch, but contact
16 with Mr. Corrigan would have been slim, Judge.

17 299 Q. I think Mr. Corrigan left work in December '89, so he
18 wouldn't have been still serving when you came back to
19 Dundalk station in 1991, is that correct?

20 A. No, he wouldn't, Judge, and I would have only been in the
21 same station for the period '84 to '86.

22 300 Q. During that period what was Mr. Corrigan's reputation
23 within the station as a police officer?

24 A. My own view of him, and I was only a very young member at
25 the time, was he seemed to be active in the whole fight
26 against subversives. I do remember him involved in a
27 number of arrests. I remember him involved in the handing
28 over of people on the border, particularly I remember one,
29 I think it was Dominic McGlinchey, I remember him, he was
30 the specific officer because I was holding back a crowd of

1 people who were trying to force the release of the prisoner
2 that was being handed over. And I remember him, he was the
3 one that was actually physically handing him over to the
4 RUC on the border. So to me he had always been involved
5 very much in the forefront in the fight against subversives
6 in Dundalk which was quite a difficult task at the time.

7 301 Q. Were you aware a number of years after he left An Garda
8 Síochána that Mr. Corrigan was abducted from the Boyne
9 Valley Hotel in Drogheda?

10 A. I do, I remember that, Judge, I do remember the incident.

11 302 Q. Were you serving in Dundalk at the time?

12 A. That was in 1995, I was an Inspector in Ballyshannon at the
13 time, Judge, but I do remember the incident and I remember
14 hearing about it.

15 303 Q. What did you hear about it?

16 A. I just heard that he had been abducted and had been found
17 close to the Boyne Valley Hotel in Drogheda. He had been
18 badly beaten up, himself and another person, and that he
19 had got quite a bad beating I heard, Judge.

20 304 Q. Did you hear anything about the reasons for the abduction?

21 A. I didn't. As I said, I was in Ballyshannon at the time and
22 I didn't, and it was in Drogheda which would have been a
23 different district even to the one I had been in in
24 Dundalk.

25 305 Q. Did you work with Sergeant Finbarr Hickey, Chief
26 Superintendent?

27 A. Yes, Judge, I would have known Finbarr Hickey. I never
28 worked directly with him, Judge, either but I would have
29 known him.

30 306 Q. And what were your impressions of Mr. Hickey as a police

1 officer?

2 A. Well I would have always regarded him, and I think I said
3 it in my statement, as harmless type of individual. He
4 wasn't very forceful. He would be timid. That's the only
5 way I could describe him. Certainly inoffensive in every
6 way.

7 307 Q. I think you were serving as an Inspector in Dundalk when
8 Mr. Hickey was arrested for the procurement of passports
9 under false pretenses?

10 A. I was, Judge, yes, I remember the incident.

11 308 Q. Did you have any involvement in the investigation of that?
12 I think the Chairman has heard evidence from the National
13 Criminal Bureau of Investigation officers who investigated
14 it, so local gardai, did they have any involvement in it?

15 A. We had no involvement in it, Judge, and he wasn't, to my
16 recollection he wasn't even detained in Dundalk, I think he
17 was detained in Navan at the time.

18 309 Q. I think the Chairman heard evidence to that effect
19 yesterday. Perhaps, given your current role, I might ask
20 you the following general question, Chief Superintendent:
21 The Tribunal has heard some evidence which suggested
22 Dundalk was a very difficult place to police back in the
23 1980s. As an officer serving, was that your experience?

24 A. Yes, Judge, it certainly was a very difficult place. I,
25 like a number of others, I myself was the victim of a
26 shooting incident in Dundalk in 1985 and a lot of media
27 coverage actually at the time stated that there was I think
28 13 holders of Scott medals in Dundalk district at that
29 time, serving members, which was unprecedented in the
30 country, and the Scott medal is only awarded to those who

1 show exceptional bravery in discharge of duty. And of
2 course it wasn't just a difficult time for the guards in
3 Dundalk, Judge. It was a very difficult time for business
4 people there as well who were trying to attract business
5 into Dundalk and it had a very, very bad reputation and it
6 certainly impacted on the entire community and certainly it
7 has taken a number of years but luckily, I suppose, it's
8 moved on in a very positive way from those dark days of the
9 '80s.

10 310 Q. Am I correct in thinking that you yourself received the
11 Scott medal, Chief Superintendent, in relation to that
12 shooting incident to which you've referred?

13 A. I did, Judge, yes.

14 311 Q. And as a person in charge of policing that area now, is it
15 a very different place to police today than it would have
16 been in 1989?

17 A. Oh yes, certainly, Judge, it has improved in every regard.
18 It has it's problems, like every other large urban area in
19 the country, but certainly it has improved tremendously in
20 the meantime and it's now quite a nice county to live in,
21 Judge.

22
23 MR. VALENTINE: Thank you very much, Chief Superintendent.
24 If you answer any questions my colleagues may have.

25
26 **THE WITNESS WAS CROSS-EXAMINED BY MR. McGUINNESS AS**
27 **FOLLOWS:**

28
29 MR. McGUINNESS: Good afternoon, Chief Superintendent, I
30 appear for An Garda Siochana in this matter. You've

1 mentioned the murder of Tom Oliver there?

2 A. That's correct, Judge.

3 312 Q. Without going into any detail, did it become clear that the
4 IRA had gathered intelligence on Mr. Oliver which led to
5 his abduction and murder?

6 A. Yes, I've no doubt they would have had to gather
7 intelligence, and that would be common in any operation
8 that the IRA would have carried out, Judge.

9 313 Q. Now, when you were a sergeant in Carlingford, obviously
10 that's part of the then Louth/Meath division?

11 A. That's correct, Judge.

12 314 Q. You would have been expected to gather intelligence
13 yourself in relation to subversives and pass any
14 information on to the collator?

15 A. That's correct, Judge.

16 315 Q. And no doubt you did that?

17 A. I did that, Judge, certainly.

18 316 Q. And would you have been aware of the alleged, of the
19 identities of the alleged members of the Provisional IRA in
20 your districts?

21 A. I would have known a number of alleged Provisional IRA
22 personnel in the Cooly area, yes.

23 317 Q. When you served in Dundalk and when went back to Dundalk, I
24 take it that you'd have been well familiar with the methods
25 of the IRA?

26 A. Yes, you would certainly, as you study what was happening,
27 yes, you would get a certain degree of knowledge in that
28 regard, yes.

29 318 Q. Obviously they mounted a lot of operations over the years
30 in that division, particularly in the years we're talking

1 about, but in your experience, were those operations
2 primarily based on and preceded by the gathering of
3 intelligence by the IRA?

4 A. That would be certainly my interpretation, Judge, yes. I
5 would not imagine they'd go into any type of operation
6 without doing a proper recce and doing a proper analysis of
7 what they were about.

8 319 Q. In your experience relating to such IRA activity, was it
9 your experience that they were planned and often planned
10 meticulously for quite sometime in advance?

11 A. Yes, I would expect so, Judge, yes.

12 320 Q. Just in terms of the physical lay out of Dundalk, would you
13 agree with me that it's relatively easy to see whether
14 someone is coming south into Dundalk from Newry or leaving
15 Dundalk and going north to Newry just by being positioned
16 in or around the bridge?

17 A. Yes, I'd accept that, Judge, yes.

18 321 Q. Obviously anyone who is watching out for RUC men might see
19 them driving towards Dundalk or arriving at Dundalk Garda
20 Station and be aware of their visit there before the gardaí
21 had even seen them in Dundalk Garda Station?

22 A. Well it would be possible for people to monitor a movement
23 of a particular car from certainly the Newry bridge in
24 Dundalk, as you suggest, either travelling in or travelling
25 out of Dundalk, yes.

26 322 Q. Or from further north in Newry even?

27 A. It certainly would, Judge, yes.

28 323 Q. In your experience, did the IRA have both the capacity and
29 did they actually carry out surveillance on RUC men?

30 A. Well I'm not sure. I mean, I wouldn't be aware of what

1 they did north of the border, Judge. But I mean it can be
2 assumed, I presume, that they would have carried out
3 surveillance and would have targeted particular
4 individuals.

5 324 Q. In your experience did they do it on occasions south of the
6 border, carry out surveillance?

7 A. There is no doubt, yes, they would have had their own
8 system of gathering intelligence.

9 325 Q. Mr. Valentine asked you what you would do if you were aware
10 of a rumour in relation to a member of An Garda Síochána in
11 the area of security concerns. Do I understand you to say
12 you'd deal with that urgently and immediately?

13 A. I would, Judge, yes, if it related to the disclosure of
14 intelligence to somebody outside of the Force in an
15 inappropriate way, certainly I would deal with it urgently,
16 yes.

17 326 Q. One of the first ways in which you'd deal with it, I
18 suggest, would be to get in touch immediately with
19 Headquarters, Crime and Security Branch?

20 A. Yes, or with my own Regional Assistant Commissioner, but
21 certainly in that line, yes.

22 327 Q. You'd and take it straightaway to higher authorities with a
23 view to alerting them to that possibility?

24 A. Yes, and with a view to setting up some kind of
25 investigation to establish if it was authentic or not,
26 Judge, yes.

27 328 Q. Of course it would depend obviously whether you had any
28 material or not to report, or any basis for it?

29 A. Yes, that would go without saying, Judge, yes.

30 329 Q. May the Chairman take it that you have no evidence or

1 information relating to any garda collusion from Dundalk
2 Garda Station at the time?

3 A. That's correct, Judge, I have no information to give in
4 relation to collusion or the suggestion of a mole in
5 Dundalk Garda Station at that time, Judge.

6 330 Q. In terms of your belief or opinion, have you a belief or
7 opinion as to whether there was any such collusion or not?

8 A. Well I would be very surprised if that were the case, and
9 that's based on the type of work that went on in Dundalk
10 and the type of, I suppose, activities with the subversives
11 that were taking place in Dundalk. People were very aware
12 of the threat both to themselves personally and to the
13 area, the town of Dundalk and its environs and I would be
14 very surprised if that were the case, Judge.

15

16 MR. McGUINNESS: Thank you.

17

18 CHAIRMAN: Any questions from any other parties?

19

20 MR. LEHANE: No questions.

21

22 MR. COFFEY: No questions.

23

24 **THE WITNESS WAS RE-EXAMINED BY MR. VALENTINE AS FOLLOWS:**

25

26 MR. VALENTINE: Just two brief matters Chairman.

27 331 Q. Mr. McGuinness asked you, Chief Superintendent, about the
28 intelligence gathering capacity of the IRA. Would it be
29 fair to say that the IRA would seek to gather intelligence
30 and information from all possible sources?

1 A. Yes, I would accept that, Judge.

2 332 Q. Secondly, just in relation to their surveillance capacity,
3 would it have been possible to carry out surveillance on
4 Dundalk Garda Station from the Crescent, the houses in the
5 Crescent in front of the station?

6 A. Yes, well there are a number of houses directly across, as
7 has already been stated, Judge, and they look directly
8 across at the garda station. Certainly if a room were
9 vacant or someone of the mind to let a person in to carry
10 out observation on the garda station from there, it would
11 be possible to do, yes.

12 333 Q. From your service in Dundalk in the mid '80s and early
13 '90s, were the guards in Dundalk constantly aware of the
14 possibility of surveillance being carried out from the
15 Crescent?

16 A. I never heard it discussed, Judge, you know, that it was a
17 possibility, but I mean looking back on it now, it is
18 certainly possible it could happen from there.

19 334 Q. Do you recall whether the Crescent was ever searched during
20 those periods that you were in Dundalk station?

21 A. No, I certainly have no recollection of, as a unit of
22 houses having been searched. Maybe there may have been
23 individual houses but certainly not all houses across from
24 it, no.

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26 MR. VALENTINE: Thank you very much, Chief Superintendent.
27 Thank you, Chairman, that concludes the witnesses for
28 today.

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30 CHAIRMAN: Very good. 11 o'clock tomorrow morning.

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THE TRIBUNAL ADJOURNED TO FRIDAY THE 30TH SEPTEMBER, 2011,
AT 11 A.M..

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