

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

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His Honour Judge Peter Smithwick

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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.

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 30TH OF NOVEMBER, 2011, AT  
2                   11 A.M. AS FOLLOWS:

3  
4                   MRS. LAVERTY: Good morning, Chairman. The witness we have  
5                   for you this morning is Mr. Blair Wallace, Chairman.  
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BLAIR WALLACE, HAVING BEEN SWORN, WAS EXAMINED BY MRS.

LAVERTY AS FOLLOWS:

1 Q. MRS. LAVERTY: Good morning, Mr. Wallace. My name is Mary  
Lavery, I am counsel for the Tribunal. Now, I think that  
you are a retired member of the then-RUC, is that correct?

A. That's correct.

2 Q. And I think that you joined in the mid-fifties, is that so?

A. Joined on 28th November 1955.

3 Q. Yes. And from 1974 to 1984 you were in Special Branch, and  
for the latter five-and-a-half years I think you were the  
Detective Chief Superintendent in charge of Special Branch  
in Belfast?

A. That's correct.

4 Q. And in January 1984, I think you were promoted to Assistant  
Chief Constable with responsibility for the Rural East  
region?

A. That's correct.

5 Q. And that included south Armagh?

A. Yes.

6 Q. In 1985, you were transferred to Operations Branch as its  
ACC, and can you tell us a little bit about your  
responsibilities in the Operations Branch?

A. My responsibilities in the Operations Branch would have  
been the direction and the policy making of the Force  
policy in respect of uniform operations.

7 Q. Yes. And in 1992, then, you were promoted to Second Deputy  
Chief Constable, am I correct?

A. That's correct. There was an additional Chief Constable  
appointed to the Officer rank, and I was promoted in that

1 position.

2 8 Q. And you retired in 1998, having given over 42 years'  
3 service?

4 A. That's correct, on 31st May 1998 and with 42 and a half  
5 years service.

6 9 Q. Yes. Now, I think that in 1989, on the date of the  
7 murders, you were actually on leave, is that correct?

8 A. I was, yes.

9 10 Q. Yes. But I think that prior to that, the order which  
10 emanated directing Chief Superintendent Breen to travel  
11 south for a meeting actually came through your office, is  
12 that correct?

13 A. That's correct.

14 11 Q. And if I could hand you up...

15

16 (Document handed to the witness.)

17

18 I think this has been in evidence before, Chairman, the  
19 redacted version on the screen. Mr. Blair, it's entitled  
20 "Senior Assistant Chief Constable Ops." Now, I think that  
21 that was Mr. Cushley, who has given evidence openly here?

22 A. That's correct.

23 12 Q. And underneath that: "Senior Assistant Chief Constable.  
24 C & E"?

25 A. That was myself.

26 13 Q. Yes, and it dates -- we don't have the second page of this  
27 letter, I think we only ever had a copy of the first one.  
28 "*Number 1. I refer to the attached copy letter from the*  
29 *GOC MA.*" Now what does that refer to?

30 A. That would have been a letter sent on behalf of the GOC by

1 his chief administration officer.

2 14 Q. And the GOC would be the General...

3 A. General Officer Commanding the army in Northern Ireland.

4 15 Q. So that letter is emanating from the army?

5 A. Yes.

6 16 Q. It says then at paragraph 2: *"This matter was raised*  
7 *recently at SPM."* I take it that is security policy  
8 meeting?

9 A. That's correct, yes.

10 17 Q. And who attended that?

11 A. That meeting would have been chaired by, the then Secretary  
12 of State, if my memory serves me right, was Mr. King, the  
13 Chief Constable would have been in attendance, as would the  
14 General Officer Commanding.

15 18 Q. So you'd have the army, the Secretary of State?

16 A. Yes, and the --

17 19 Q. Sir John Hermon at the time?

18 A. Yes.

19 20 Q. *"The Chief Constable wishes a full report on this matter,*  
20 *including the Garda view via Divisional Commander H";* that  
21 is Harry Breen?

22 A. That's right.

23 21 Q. Yes. *"The Chief Constable would also like to know if our*  
24 *procedures for dealing with similar smuggling cases are*  
25 *adequate."*

26 Now, I think do you know that this, in fact, was an  
27 operation that, it was anticipated, would be mounted  
28 against a well-known smuggler in the Ballybinaby area, as  
29 it transpires Mr. Thomas 'Slab' Murphy?

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

1       22   Q. Yes. And there was, I think I am correct from the  
2           evidence, that there was significant commercial smuggling  
3           going on --

4           A. Yes.

5       23   Q. -- through that --

6           A. That's correct.

7       24   Q. And then there is an entreaty: *"Please treat as urgent"*  
8           and it's signed the Superintendent to Chief Constable and  
9           dated 15 March 1989?

10          A. Yes.

11       25   Q. And then underneath that: *"Assistant Chief Constable C*  
12           *forwarded in the absence of Senior ACC (C & E) on leave"*  
13           and that in fact was you?

14          A. That's correct.

15       26   Q. So there has been evidence that it was on foot of this  
16           order that Mr. -- that Chief Superintendent Breen had to  
17           travel south?

18          A. Yes.

19       27   Q. And there has been evidence, as well, that he had to  
20           furnish a report by the 24th March?

21          A. Right, yes, that would have been in pursuance of point five  
22           in the original letter from Chief Constable's Staff Officer  
23           asking him to treat it as urgent.

24       28   Q. Yes. Now, did you actually know about this at the time?

25          A. No, I didn't.

26       29   Q. This was happening in your absence?

27          A. Yes.

28       30   Q. Because we have had evidence on Day 30, from Witness 27,  
29           and I think you should have the cipher list there, so you'd  
30           know who Witness 27 was.



1 (Handed to the witness.)

2 A. Right, yes.

3 31 Q. And that this whole planned operation seems to have started  
4 at a -- been initiated at dinner in Stormont Castle on 6th  
5 March that was attended by Witness 27 and Harry Breen and  
6 Mr. Tom King, the Secretary of State at the time, together  
7 with various army personnel, and as a result of a  
8 discussion on that occasion, a meeting took place on the  
9 16th March -- this is evidence we have had already -- and  
10 Witness 27 attended that meeting with Chief Superintendent  
11 Breen and they were effectively directed to -- they had to  
12 consult to carry out the request in the letter contained in  
13 that order and it would appear that in fact neither Witness  
14 27 or Chief Superintendent Breen were very happy about this  
15 directive. And as you weren't present, on Day 30, Witness  
16 27 was asked *"What was Chief Superintendent Breen's*  
17 *reaction to the events that had taken place at the dinner*  
18 *in Stormont Castle and the operation that was being*  
19 *organised on foot of that?"* And he said in response: *"We*  
20 *were deeply disappointed at the direction of the Secretary*  
21 *of State, Chairman, and I made it plain that I wasn't happy*  
22 *with the direction for a couple of reasons. Harry Breen*  
23 *equally unhappy about the fact that we were being directed*  
24 *by a politician, Secretary of State, to conduct a police*  
25 *operation which both of us thought at the time was*  
26 *ill-advised and when we sat outside my house discussing it,*  
27 *he expressed that a number of times to me. We were both*  
28 *unhappy with the operation. However, at that meeting we*  
29 *had the official direction from ACC Rural East, which*  
30 *presumably came from the Chief Constable and we proceeded*

1           on that basis."

2

3           He was then asked if they both shared the view that the  
4           operation was ill -- why they shared the view that the  
5           operation was ill-advised and effectively, he said that at  
6           the time, in their judgement, there was no actionable  
7           intelligence which would have warranted, at that particular  
8           point, an operation of this magnitude, and he said that  
9           they expressed that view to no avail. So, effectively, he  
10          is saying that the intelligence didn't warrant the process  
11          and they felt that, if you like, there was an interference  
12          by the executive into the normal policing duties and their  
13          own sense of responsibility?

14          A. Yes.

15          32    Q. Would that often be the case, that --

16          A. No, not in my experience, and indeed I probably had the  
17          reputation for not allowing political considerations from  
18          the Secretary of State, or otherwise, to influence what I  
19          was doing as an operational police officer.

20          33    Q. Yes. So... but it would appear that in addition to those  
21          concerns that Chief Superintendent Breen had about the  
22          appropriateness of the trip south, he also appears to have  
23          had other concerns which he voiced to his Staff Officer on  
24          the day he went south. Were you aware of this?

25          A. No, not -- not at the time.

26          34    Q. Not at the time?

27          A. I have subsequently become aware of it.

28          35    Q. Yes. And he, according to a statement made by his Staff  
29          Officer, Sergeant Alan Mains at the time, made the day  
30          after the murders, he expressed concern about a named

1 officer in Dundalk. He felt that 'Slab' -- that was in the  
2 pay of 'Slab' Murphy, so he had concerns. But he,  
3 obviously, as a result of this directive, would have felt  
4 he had no, he had no opportunity of not -- he couldn't  
5 refuse to go down, is that correct?

6 A. Right, yes, that would be correct.

7 36 Q. Yes. Now, if he chose to disregard this order, what would  
8 have been -- what would the consequences be?

9 A. Well, perhaps if I could say that the origins of the  
10 particular order from the Chief Constable's Staff Officer  
11 obviously had its origins in that the informal meeting, or  
12 dinner that you referred to, but it was also then raised at  
13 the security policy meeting, as indicated, again, by the  
14 Staff Officer to the Chief Constable's minute of the 15th  
15 March. So it was then put on to an official platform, if  
16 you like, and that the Chief Constable, if he was present  
17 or his representative present at that meeting, would have  
18 picked up on it, bearing in mind that the matter had been  
19 raised quite legitimately at the security meeting by the  
20 GOC's representative and obviously then written to, or  
21 addressed in a letter by his administrative officer, and it  
22 was at that stage, then, that the Chief Constable obviously  
23 picked up on it, required a Staff Officer to get action  
24 taken by the Senior ACC (Ops) and the Senior ACC (C & E).

25 37 Q. Mm-hmm.

26 A. So it went from -- it had its origins within an informal  
27 setting and then it went from that through the SPM into a  
28 formal arrangement and an order, in actual fact, to be  
29 treated as urgent for a full report on the matter to be  
30 submitted to the Chief Constable from the Divisional

1 Commander in H, and also an opinion to be stated as to  
2 whether or not our procedures were suitable for dealing  
3 with smuggling and were they adequate.

4 38 Q. So, effectively, despite any personal feelings he had,  
5 Chief Superintendent Breen had absolutely no option except  
6 to carry out those orders?

7 A. That piece of paper there was indeed an order on behalf of  
8 the Chief Constable, the Staff Officer writing on his  
9 behalf, giving him directions as to what he wanted doing in  
10 respect of this particular matter.

11 39 Q. Yes. Now, I think that -- I will come back to that. Were  
12 you aware of the statement that was made by Mr. Mains? Did  
13 you know that he had made a statement the day after the  
14 murders quoting Harry Breen's concerns?

15 A. No, not -- I have subsequently become aware of that but --

16 40 Q. But at the time?

17 A. At the time, no.

18 41 Q. At the time you didn't?

19 A. No.

20 42 Q. Yes. And were you involved -- would you have been involved  
21 at that stage in murder investigations or were you more on  
22 the intelligence side?

23 A. Well, my responsibility straddled the two departments, both  
24 Crime and Special Branch, and I would have -- the  
25 day-to-day running of both of those departments was vested  
26 in the appointed actions, the ACC Crime, the ACC Special  
27 Branch, and I had a role to make sure that the two  
28 departments worked together and complemented each other and  
29 that the problems that would have arisen between the  
30 departments, if any, would have been referred to me for

1 resolution, as such.

2 43 Q. Yes. Now, in the event that this murder investigation was  
3 an investigation into a murder that happened north of the  
4 border but there was cooperation by the Gardaí in so much  
5 as they could, they were assisting the murder inquiry?

6 A. Yes.

7 44 Q. But -- and that statement was part of the murder  
8 investigation, it was taken as part of the murder  
9 investigation, but we are told by the Garda Síochána that  
10 they didn't see this statement until sometime in the year  
11 around 2000, 2001?

12 A. Well, it was a statement which was relevant to the overall  
13 investigation and was a statement that would, or should, in  
14 the normal course of events, been shared with those dealing  
15 with the southern side of the investigation.

16 45 Q. Yes.

17 A. Because there was obviously aspects of the investigation  
18 which anchored in the south, and the fact that the murders  
19 had taken place in the north made the overall investigation  
20 was the responsibility of the RUC.

21 46 Q. So any allegation suggesting an involvement, or a potential  
22 suspect, should have been, in your opinion, should have  
23 been made available --

24 A. In the normal course of events should have been made  
25 available, yes.

26 47 Q. Yes. And why do you think that in -- I can't say joint  
27 operation but certainly an operation which both parties  
28 were working very closely, why do you think that this was  
29 not passed over, this statement?

30 A. I just -- I would have no -- whether it was an oversight or

1           whether it was deliberately withheld, I just couldn't  
2           express an opinion on it.

3       48   Q. Yes. The day after the murders, both the Garda  
4           Commissioner and the Chief Constable, Sir John Hermon, both  
5           jumped on the question of any collusion?

6       A. Yes.

7       49   Q. Because it was mooted by the press immediately because  
8           there had been allegations of a mole in previous high  
9           profile murders, as, for example, the Hanna murder which  
10          had taken place eight months before?

11       A. Yes.

12       50   Q. There was some murmurings about a mole, and particularly in  
13          the Gibson case there had been some press suggestions that  
14          there was a mole in Dundalk Garda Station. Now, do you  
15          think that either of -- either the police Commissioner, the  
16          Garda Commissioner or Sir John Hermon would have been in a  
17          position to state, to confirm or deny whether in fact there  
18          had been collusion in the murders of Breen and Buchanan 24  
19          hours after the incident?

20       A. No. My opinion at the time, and it's still my opinion,  
21          that the statement which ruled out any form of collusion  
22          involving the Garda was, in fact, premature. We were  
23          within 24 hours of the event having happened. The full  
24          strands of the investigation hadn't been pulled together at  
25          that stage, and I was of the opinion then, and am still of  
26          the opinion, that it was premature to say that is one  
27          avenue of inquiry that we can rule out because that  
28          couldn't have happened.

29       51   Q. And --

30       A. I think all areas and all avenues of inquiry should have

1           been kept open until such time as evidence or the  
2           witnesses, or whatever, were coming forward where you could  
3           then rule out aspects of the inquiry.

4       52   Q. Do you think that the political scenario at the time was  
5           responsible for this denial?

6       A. Well, I -- Sir John, the Chief Constable, did not discuss  
7           the content of his press conference with me at any stage,  
8           but it may well have been against a background that the two  
9           forces wanted to be seen to be closely working together,  
10          hence the Commissioner, Mr. Crowley, on behalf of the  
11          Garda, and the Chief Constable, Sir John, on behalf of the  
12          RUC, issuing a joint statement which clearly ruled out any  
13          involvement by way of collusion by a member of the Garda.  
14          They may well have thought that that there was going to  
15          consolidate the investigation and indeed show that there  
16          was a full working relationship and cooperation between the  
17          forces, bearing in mind that it was the heads of both  
18          forces that were making this statement.

19       53   Q. Wouldn't a joint statement like that have the effect of  
20           stifling an ongoing investigation?

21       A. Certainly it was, in my view, and that was the view that I  
22           held at the time, that it was closing down one avenue of  
23           investigation which had to be either proved or disproved,  
24           and if it turned out to be something that had no validity,  
25           well and good. If it turned out to be something that  
26           required to be investigated, then should have been there  
27           for investigation.

28       54   Q. Yes. Now, I think that if we go back a little bit, the  
29           first major event in your role as ACC Ops was the  
30           Anglo-Irish Agreement in November 1985?

1 A. That's right, 15th November.

2 55 Q. The 15th November. And under Article 9 of that Agreement,  
3 a Working Party was set up in relation to cross-border  
4 affairs?

5 A. That's correct.

6 56 Q. And I think that you were, you were part of that work, you  
7 were in charge of that with --

8 A. I was the Chief Constable's representative heading up the  
9 RUC side of that Working Party, and the then-Deputy  
10 Commissioner, Mr. McMahon, was the heading up the Garda  
11 side.

12 57 Q. Yes. And you set up, I think actually I might put this --  
13 Mr. Mills might put this up on the screen because for  
14 historical reasons it's very interesting because it shows  
15 the now gone, the insignia of the RUC together with the  
16 Garda Siochana insignia?

17 A. That's correct.

18 58 Q. Which probably won't be seen again. And that was  
19 "operational planning in border areas"?

20 A. That's right, as required under Article 9(a) of the  
21 Anglo-Irish Agreement.

22 59 Q. And I think that there was a border subgroup then set up;  
23 were these the people who were actually meeting from both  
24 of the forces?

25 A. That's right, both forces appointed a working subgroup in  
26 that Mr. McMahon and myself were getting the spade work  
27 done, so to speak, and then we would be there to adjudicate  
28 on what the findings of the joint Working Party were. It  
29 was headed up on the Garda side, by Chief Superintendent  
30 Andy Murtagh.



1       60   Q. Yes. And I think that -- I note that the Superintendent J  
2           F Meehan and then the Superintendent Tom Curran?

3           A. Yes, that's correct.

4       61   Q. And Superintendent John O'Mahoney, who went on to greater  
5           and better things and has already given evidence in this  
6           Tribunal?

7           A. That's right.

8       62   Q. On the other side, obviously names have been redacted, but  
9           I note that Superintendent Buchanan is on the same  
10          committee?

11          A. That's correct, yes.

12       63   Q. And I note underneath that there were seven working  
13          meetings of this joint committee?

14          A. That's correct.

15       64   Q. That are recorded, in any event?

16          A. They alternated between Dublin and Belfast, and I think on  
17          one occasion they were -- it's there -- they were in  
18          Enniskillen.

19       65   Q. Yes. And so how were the people selected for that  
20          committee?

21          A. Well, insofar as the RUC was concerned, and I know that it  
22          was similar to the Garda, first of all we were looking for  
23          people who had the potential to do a bit of lateral  
24          thinking and thinking for the future; and secondly, we  
25          needed people who had, since it was referring to the border  
26          areas, we needed people who had a good knowledge of border  
27          policing, who knew the difficulties of border policing and  
28          who were prepared, to a degree, to think outside the box to  
29          make border policing much better, and we needed people who  
30          were also able to cooperate wholeheartedly with their

1           opposite numbers. And in both those that I selected for  
2           the RUC part of the Working Party, and I know from my  
3           knowledge of some of the people who were involved on the  
4           Garda side, that Mr. McMahon had selected people with the  
5           same endeavours and we discovered that they did gel  
6           together as a good working group of people who came forward  
7           with a number of very valid recommendations and some that  
8           were, in fact, thinking well ahead and thinking, to a  
9           degree, outside the normal parameters or outside the boxes,  
10          as it's referred to.

11       66    Q. So, could I say that it was an honour to be picked to work,  
12           for Superintendent Curran to be picked on that?

13       A. It was.

14       67    Q. It would have been an honour reflecting his ability?

15       A. That's right, and not only that, bearing in mind that this  
16           was the first time that there was a record of the two  
17           forces getting together to discuss matters of operational  
18           input in the most difficult areas on the border, and  
19           bearing in mind it was done against a background of  
20           continuing terrorist violence, much of which was sort of in  
21           the border area and, indeed from the RUC's point of view,  
22           was causing us very substantial casualties in terms of  
23           lives lost and damage and people injured. Then to have  
24           been part of something that was hoping to make things  
25           better, apart from complying with what was required in  
26           Article 9, the whole thrust was let's get something  
27           together here which is going to improve what was then a bad  
28           situation.

29       68    Q. And I think that the document itself, there is about 100  
30           pages in the document and it covers every aspect of

1           policing?

2           A. That's right.

3       69   Q. And how the forces can from henceforth work together, share  
4           intelligence; that was one of the sections, I think?

5           A. Yes.

6       70   Q. Briefing an intelligence; there was a chapter on that, and  
7           I will come to that in a minute, but in the meantime I'd  
8           like to just deal with the criteria for Border  
9           Superintendent, the duties that the Border Superintendents  
10          had in this particular document, and if -- that is at page  
11          55 and -- have I got the right page?

12          A. 53.

13       71   Q. 53, sorry. And it says: *"The existing principles*  
14           *governing the responsibility of Border Superintendent are*  
15           *as follows:*

16                   *To exchange information;*

17                   *Plan joint operations aimed at:*

18                   *Prevention of criminal/terrorist activity;*

19                   *Identify terrorist action in the early stages;*

20                   *Apprehension of terrorists after incidents;*

21                   *Investigation of terrorist incidents and reporting.*

22                   *thereon;*

23                   *Ensuring that technical examination of exhibits is*

24                   *carried out and exhibits, etc, passed without delay to*

25                   *the appropriate persons;*

26                   *The close surveillance of selected criminals, and in*

27                   *particular, terrorist suspects with a view to*

28                   *obtaining information/intelligence on their movements,*

29                   *associates, etc;*

30                   *Ensuring adequate communication exist between the.*

1           *Garda and the RUC in joint operations when an*  
2           *operational response is requested and to avoid.*  
3           *confusion, misunderstanding and accident between*  
4           *security forces."*

5  
6           *Border Superintendents are required further:*

7           *To acquire a detailed and in depth knowledge of the*  
8           *area of the border for which he has responsibility and*  
9           *to liaise with divisional, district and sub-district*  
10          *officers and members of the Detective and Special*  
11          *Branch with a view to keeping himself up-to-date and*  
12          *conversant with current intelligence on the movements*  
13          *and general activities of terrorists and suspects.*

14  
15          *The Working Party recommends the continuance of the*  
16          *responsibilities for the Border Superintendents outlined in*  
17          *paragraph 47.1."*

18  
19          So, it was a very responsible job: Border Superintendent?

20          A. Oh, yes, very much so.

21          72 Q. And also as part of the job description, it was very  
22               important that, as stated there, that they would be aware  
23               of what was going on in their area?

24          A. Yes.

25          73 Q. And that required travel around the area?

26          A. Exactly, yes.

27          74 Q. And constant communication with --

28          A. With their opposite number.

29          75 Q. -- the forces in the area. I think also you may recall,  
30               without me opening it, the position of Border

1 Superintendent was the divisional position in, certainly  
2 north of the border?

3 A. That's correct, yes.

4 76 Q. That he had a divisional responsibility, and he worked to  
5 the Divisional Commander?

6 A. He did, that's right.

7 77 Q. And I think that there wasn't a similar ranking in the  
8 south; it was suggested that perhaps there be an additional  
9 title put in for the Border Superintendent?

10 A. That's correct, that was one of the recommendations that  
11 was put forward by the working group but it wasn't one that  
12 found favour ultimately in that they decided that the  
13 Divisional Superintendent would, in fact, be able to do his  
14 job plus the job of being the Border Liaison Officer, as  
15 well.

16 78 Q. But I think the point I am coming to is the fact that the  
17 Border Superintendent was a position that carried enormous  
18 responsibility but prestige as well, and power, didn't it?

19 A. Oh, yes, and indeed the officer concerned had to largely  
20 work, although he was under the direction of the Divisional  
21 Commander, his day-to-day duties he would have worked  
22 without direct supervision or direction, and in order to  
23 fulfil his duties he would have, insofar as the RUC officer  
24 was concerned, he would have been required to get to know  
25 the officers that he was dealing with in the south, and  
26 that could only be done by personal contact.

27 79 Q. Yes.

28 A. And he would be required to go and see them on a regular  
29 basis to discuss problems with him, whether they were  
30 problems that already had arisen or problems that were

1           going to arise or activities that were ongoing that could  
2           lead to problems.

3       80   Q. Does that suggest that if there was a problem at ground  
4           level in a particular area, that the Border Superintendent  
5           is more likely to hear about it first?

6       A. He would have, yes.

7       81   Q. Yes. Now, we know from their position on this working  
8           committee that Bob Buchanan and Tom Curran had a very good  
9           relationship and had a very good working relationship?

10      A. Yes.

11      82   Q. And had worked closely together on this very important  
12           document?

13      A. Yes.

14      83   Q. We have heard evidence that in 1987, Bob Buchanan went to  
15           Tom Curran and said that he asked him to carry out a task  
16           for him, he asked him to bring to the Commissioner's  
17           attention the fact that a Detective Sergeant in Dundalk, he  
18           felt was -- it was felt that he had, if you like,  
19           inappropriate, too much contact with the IRA, and he asked  
20           that he would have him shifted from the border, was  
21           effectively the message he gave to Tom Curran?

22      A. Right.

23      84   Q. And Tom Curran went to Dublin and he spoke to the Assistant  
24           Commissioner of Crime and Security, who at the time was  
25           Eugene Crowley, and he told him that he had been asked to  
26           pass on this message and he said that he, Eugene Crowley at  
27           the time, didn't really react in any meaningful way, he  
28           didn't react at all and he went back then and said that it  
29           was being looked after, but in fact there is no record of  
30           Eugene Crowley doing anything about it, taking a note of

1           it, nor is there any record of an investigation which may  
2           or may not have exonerated the officer in question. Can  
3           you give us a little bit of background as to whether it was  
4           appropriate that, leaving aside the content of the message,  
5           was it appropriate that Bob Buchanan would go to Tom Curran  
6           like that?

7           A. In my view, yes, it was appropriate, in that the two  
8           officers had built up, obviously, a good working  
9           relationship within the working group and then Buchanan was  
10          the Border Superintendent who would have almost daily  
11          contact with his opposite number, who was Mr. Curran, and I  
12          have no doubt that a bond of fellowship, two police  
13          officers both endeavouring to do their very best to make a  
14          bad situation better, would have had then confidences and  
15          confident that they could disclose confidence to each other  
16          in relation to what was a very sensitive matter. And I  
17          could easily see a situation whereby Mr. Buchanan believed  
18          that, well, if I talk to Mr. Curran about it and I'll ask  
19          him to go and make sure that the right people, and in his  
20          case the Assistant Commissioner, as he then was, is put  
21          fully in the picture in relation to my, Mr. Buchanan's,  
22          suspicions in relation to activity which was frustrating  
23          their best efforts that was ongoing in Dundalk.

24        85    Q. It seems to have been done, well as discreetly as possible  
25              by Bob Buchanan asking Tom Curran to make inquiries, or  
26              check out?

27            A. Yes, well the allegation in itself is very, very serious.

28        86    Q. Yes.

29            A. And it would, I would have thought that what was exercising  
30              Mr. Buchanan's mind was: I don't want to make this an

1 official, go the official avenue. I'll go to a member of  
2 the Garda that I fully trust and that I have every  
3 confidence in and that he will then have access to superior  
4 officers at police headquarters, and that he believed that  
5 that more informal way of dealing with it was probably  
6 going to get him the result that he wanted.

7 87 Q. As you said, the allegation in itself was very serious.

8 Was Bob Buchanan the type of person who would make an  
9 allegation like that frivolously or without some  
10 information or basis to make it upon?

11 A. From my knowledge, and I had a good knowledge of Bob  
12 Buchanan, I don't believe that he is a person who would  
13 have made an allegation of that serious nature without  
14 having reasonable and justifiable grounds for so doing.

15 88 Q. Where would he have got that information?

16 A. Well, part of his duties, not only was he having contact  
17 with people on the Garda counterparts on the southern side  
18 of the border, but he was also having contact obviously in  
19 border stations in Northern Ireland, and within that  
20 context, I have no doubt that he was picking up snippets of  
21 information on both sides of the border, and probably part  
22 of that information that was coming to him was concerns  
23 about whether or not there was a leakage of intelligence or  
24 information from Dundalk. And it could have been  
25 colleagues in the Garda who told him, and it could well  
26 have been colleagues in the RUC or a combination of both,  
27 but whoever told him, he was of, if it was -- if it was of  
28 sufficient import for him to realise I have to do something  
29 about this, and the way that he chose to deal with it was  
30 to go to a colleague whom he completely trusted in Tom



1 Curran and said, "Look, here is the problem that I have,  
2 now could I get you to go and put it into a right area of  
3 command within your force?"

4 89 Q. And one assumes that if, at that stage, the matter had been  
5 looked into, or investigated and was proved to be  
6 ill-founded, rumours at that stage about the member of the  
7 Garda in question could have been stamped out?

8 A. Well...

9 90 Q. If the matter had been taken seriously and had been  
10 investigated?

11 A. If the matter had have been investigated, there was a  
12 twofold effect that it could have: It could either have  
13 highlighted that there was a problem and that a specific  
14 member of the Garda was, in fact, that problem; or it could  
15 have exonerated him completely and then there would have  
16 been no more or no further lingering doubts about whether  
17 or not Dundalk had a problem.

18 91 Q. Yes, yes. Did it ever come to your attention that Dundalk  
19 had a problem?

20 A. It did in, when I was the Detective Chief Superintendent in  
21 charge of Special Branch in Belfast, that was during the  
22 period from 1979 to 1984, about five-and-a-half years,  
23 almost six years, and my job there was to coordinate the  
24 gathering of intelligence, and obviously it was  
25 intelligence which, in the main, referred to the greater  
26 Belfast area where we had a very, very high rate of  
27 terrorist incidents, both perpetrated by republicans and by  
28 loyalists, they were running roughly in and around about 20  
29 major incidents per week, and my job in coordinating the  
30 intelligence effort was to try to gather intelligence which

1 was capable of either frustrating the intentions of the  
2 terrorists on either side or then using it in such a way  
3 that we could, in fact, make arrests of people involved in  
4 terrorist activity. On at least three, or possibly four  
5 occasions, and I cannot recall the exact number, but we had  
6 a source of intelligence who was mainly recruited for the  
7 intelligence that he provided in the greater Belfast area.  
8 On one occasion, I can remember it precisely, he had  
9 intelligence about a proposed training camp that was being  
10 organised by the Provisional IRA in the north Louth area,  
11 and he communicated that intelligence to his handlers and  
12 he put a caveat on it that it wouldn't be worth acting upon  
13 if it was going to be given to Dundalk, and --

14 92 Q. The suggestion being or the inference being?

15 A. The inference being that he believed that Dundalk had a  
16 leak to the Provisional IRA. He was also concerned about  
17 his own safety, lest action taken would then spark off an  
18 internal investigation and he could possibly then have  
19 ended up as part or, a victim the so-called Nutting Squad.  
20 Devised through Chief Superintendent Brian Fitzsimons, who  
21 was then in charge of intelligence at Headquarters, I  
22 discussed that particular problem and the content of the  
23 report with him to ascertain was there any way of acting on  
24 the intelligence but without going through Dundalk, because  
25 the belief was, from the source, that Dundalk would  
26 immediately compromise the operation; in other words, the  
27 intelligence would be unfruitful, and Mr. Fitzsimons, with  
28 his contacts to Phoenix Park and to Garda Headquarters, he  
29 then arranged, through his contacts there, for the Task  
30 Force to be brought up to do the surveillance and the job

1 in respect of this training camp without reference to the  
2 local Garda at Dundalk. And in that particular instance  
3 that I am referring to, the Task Force did find evidence  
4 that activity had taken place in the particular area that  
5 the source had identified. There were such things as  
6 partially eaten pieces of fruit, sandwiches, cigarette  
7 butts, that type of thing, which showed that a number of  
8 people had been there. Now, intelligence supplied by the  
9 same source on at least two, and I think possibly three  
10 occasions of a similar nature included that same caveat,  
11 and on each occasion, through Mr. Fitzsimons, the Task  
12 Force was brought up from Dublin to do the follow-up  
13 operation without reference to Dundalk.

14 93 Q. And obviously the Headquarters in Dublin were aware --  
15 would be aware of these particular incidents?

16 A. The Task Force was their resource, and let me put on record  
17 that we had every confidence in their ability and indeed we  
18 looked upon them as people who, if the result was  
19 obtainable, they were the people who could obtain that  
20 result. But, undoubtedly they were a resource that the  
21 Garda had to extract from other valid operations in order  
22 to be able to accommodate the intelligence that we were  
23 supplying.

24 94 Q. Yes.

25 A. Hence, I am quite sure that someone in command was saying:  
26 Well, why are we bypassing Dundalk? Because, what was  
27 happening, it should have gone the other way, in that the  
28 intelligence would have gone to Dundalk and then Dundalk,  
29 if they had needed assistance to do it, would have then  
30 gone to Dublin to ask for the Task Force or whatever by way

1 of additional resources to carry out a sizable operation.

2 95 Q. I think you said in your statement that this would have  
3 been between 1980 and 1983?

4 A. Yes, I think the first occasion was around about 1981, but  
5 I just cannot be --

6 96 Q. Because I think you left Special Branch, I note, in January  
7 1984?

8 A. I left Special Branch in January 1984.

9 97 Q. Now Mr. Corrigan, who was Detective Sergeant in Dundalk,  
10 says that he had -- we will say, I understand, that he had  
11 a very good friendship with Brian Fitzsimons. Did you ever  
12 know that or meet them together?

13 A. I was unaware of that. Insofar as my main responsibility  
14 was Belfast and trying to keep the lid on terrorism there,  
15 and anything else that I got which referred to the like of  
16 the north Louth area or other border areas was something of  
17 a bonus, which I immediately referred back to Headquarters,  
18 because it was at a headquarter level that they had the  
19 day-to-day contact with the command of the Garda at the  
20 Phoenix Park.

21 98 Q. I think that there is a family connection between the Breen  
22 family and your family, is that right?

23 A. That's correct. June Breen, Harry Breen's widow, and my  
24 wife, are full cousins.

25 99 Q. And I think when you heard about the murders, that you went  
26 to the house that evening?

27 A. We did. My wife and I went down to the house that evening  
28 to see if we could help the family.

29 100 Q. Yes. How did you hear about the incident on the Edenappa  
30 Road first?

1           A. I think it was my Staff Officer, Mr. Leyton, who rang me at  
2           home to tell me that there had been an incident at or near  
3           the border and that there was police casualties, and then  
4           within about an hour, he then confirmed who the casualties  
5           were and I realised then, obviously, that not only was it  
6           two colleagues who had been murdered, but that one of them  
7           was a family relation through my wife and through his wife.

8       101   Q. Yes. The -- I note, with interest, that the -- in the 100  
9           page document, the working -- the document about the  
10          procedures that we have been talking about already, the  
11          Operational Planning in Border Areas, that there is no  
12          mention of security for members of the force. Is that not  
13          something that you felt you could sort of plan for, was it  
14          up to the individuals?

15       A. Well, during the course of the preparation of that report I  
16       travelled quite often down to see Mr. McMahon and  
17       Mr. McMahon came up to see me, and whilst, in travelling  
18       down I did not make any formal request to the Garda that I  
19       wanted picked at the border and I wanted to be escorted  
20       down to the Phoenix Park to Garda Headquarters, and I  
21       travelled in an unmarked police car, obviously, normally  
22       using the main road. And the report, you are quite right,  
23       the report did not deal with how individual officers were  
24       going to get from point A in the north to point B in the  
25       south. That was left to the individual insofar as the  
26       arrangements that he could make. There were occasions when  
27       individuals ask for Garda escort and got it. I know that  
28       when I travelled with Sir John on occasions and the Garda  
29       escorted him or his vehicle.

30       102   Q. Yes.

1 A. And that I would have been on board his vehicle.

2 103 Q. For somebody like Bob Buchanan doing a job as Border  
3 Superintendent, crossing backwards and forwards, I mean the  
4 practicalities?

5 A. It would be totally impractical for him to say to the  
6 Garda, "I am coming across at Hackballscross, I want you to  
7 pick me up and to escort me to" wherever. That would have  
8 been totally, I think, impracticable to happen.

9 104 Q. And isn't it the reality that it was a dangerous job for  
10 anybody, as an officer?

11 A. Oh, yes. You know, we have to sort of put ourselves back  
12 into the situation that pertained at that particular time,  
13 and crossing the border was indeed a bit of a lottery  
14 insofar as your personal security was concerned, and you  
15 had to be -- endeavour to sort of make it more difficult  
16 for you to be easily targeted or, I know in my particular  
17 case I preferred to use the main road because I believed  
18 that there was an element of security built into the fact  
19 that there was always plenty of traffic about the main road  
20 as opposed to the like of the Edenappa Road where the  
21 traffic would have been considerably lighter.

22 105 Q. I think around that time, 1987, 1988, there were steps  
23 being taken to try and eliminate the smuggling and to sort  
24 of cut down on terrorist activities during your time?

25 A. There was.

26 106 Q. For example, there was an anti-racketeering squad which was  
27 substantially beefed up?

28 A. That's right.

29 107 Q. Had you anything to do with that?

30 A. That there was all part of my remit, as such, and the need,

1           especially on fuel smuggling, and indeed we prevailed upon  
2           the Secretary of State to issue an order closing off  
3           certain roads which led to certain premises, to make it  
4           more difficult for oil tankers.

5       108   Q. Yes. I think that was the Control Zone Order of 1988?

6           A. That is the one, yes.

7       109   Q. Yes, yes, which says that *"No vehicle is to stop at any*  
8           *time on the Dublin Road from the land boundary with the*  
9           *Republic to its junction with the Forkhill Road."*

10          A. Yes, it was a matter of major concern, the whole aspect of  
11          smuggling, especially for -- at that time, there was a big  
12          differential in prices between north and south in relation  
13          to fuel oil of all sorts, both for vehicles and for central  
14          heating and that type of thing.

15       110   Q. And I think the towers then, of course, when did the towers  
16          go up, the observation towers?

17          A. Oh, they were -- now you are testing my memory -- they had  
18          started, there was one outside Forkhill in the  
19          mid-eighties; it was towards the end of the eighties and  
20          certainly '92, '93, that was a concept that, and it  
21          followed a lot of police casualties in endeavouring to both  
22          use vehicles on the road and both foot patrols, where the  
23          towers then gave you an opportunity of being able to see  
24          the area without necessarily having to patrol it until you  
25          saw that there was something that you had to go and  
26          investigate that was happening.

27       111   Q. Yes. I think the Forkhill one would have been overlooking,  
28          if you like, the Murphy property, or enabled to look over  
29          Murphy's property?

30          A. It was established essentially to give protection for

1 Forkhill station which was very vulnerable and had been  
2 attacked on a number of occasions.

3 112 Q. Now, we were talking about the sharing of intelligence  
4 which you aspired to, which both forces aspired to in your  
5 document, particularly good quality intelligence, I think  
6 it was assumed that that would be shared by both parties?

7 A. Yes.

8 113 Q. High grade intelligence. And you may or may not know, you  
9 may not have been following this in detail, that certainly  
10 intelligence surfaced after the murders, after the Breen  
11 and Buchanan murders, which suggested that there was  
12 somebody passing on information to the Garda Siochana --  
13 sorry, to the IRA. One of the teles was made available, I  
14 think, to Judge Cory but there are, in fact, three pieces  
15 of information and I will try to put one of them up on the  
16 screen, if I can find it. I am going to read it out to you  
17 because I don't have a clean copy; I have notes.

18  
19 There are three documents in discovery that have been made  
20 available to the Tribunal. The Tribunal has seen the  
21 original documents and this is a précis done by agreement  
22 with the Garda Siochana which allows us to use the content  
23 of the document in public session. The ever-efficient  
24 State solicitor has given me a copy. Document 236 on the  
25 first page, I think. I will read it out to you.

26  
27 *"Document 236: Information which is based on double*  
28 *hearsay and received subsequent to the killings indicated*  
29 *that there was a contact that passed on information that*  
30 *facilitated the murder of the Gibson family."*



1 A. Yes.

2 114 Q. There is another piece of intelligence which is referred to  
3 in Document 542: *"Garda information indicated by way of*  
4 *double hearsay that there was a contact in the Gardai who*  
5 *had passed on information that facilitated the murder of*  
6 *Lord Justice Gibson and the shooting of the two RUC*  
7 *officers after their visit to Dundalk Garda Station."*

8  
9 And then there is a third piece of information, Document  
10 567: *"Garda information received sometime proximate to the*  
11 *murders of Buchanan and Breen suggested that a named PIRA*  
12 *member had a Garda contact who gave only short notice of*  
13 *the visit of Buchanan and Breen to Dundalk Garda Station.*  
14 *The report suggested that PIRA knew that the officers would*  
15 *have to take one of four roads on their way home, and that*  
16 *PIRA sent out four units to cover each of these roads."*

17  
18 Now, would you consider that this information was of  
19 significance?

20 A. Yes.

21 115 Q. This information, it appears, wasn't shared with the RUC at  
22 the time by the Gardai?

23 A. Yes, yes.

24 116 Q. Should it have been?

25 A. Well, it had relevance to murders which had occurred in  
26 Northern Ireland and were being investigated in Northern  
27 Ireland, and, yes, that information would have been  
28 relevant and should have been passed.

29 117 Q. So it seems that the aspirations that you had in this  
30 document that was made pursuant to the Anglo-Irish

1 Agreement in relation to the exchange of intelligence,  
2 wasn't really working at that point in time because it  
3 seems that --

4 A. Yes.

5 118 Q. -- Alan Mains' statement, which was a statement taken in  
6 the course of the murder inquiry, was not passed to the  
7 Garda by the RUC at the time, and this intelligence which  
8 suggests the presence of someone in the Garda passing on  
9 information to the IRA wasn't passed to the PSNI?

10 A. Yes.

11 119 Q. And do you think that that is again coming back to the  
12 reluctance of either police force to rock the boat, so to  
13 speak?

14 A. Well, it's certainly indicative of what we had expressed in  
15 our Working Party report should have happened, obviously  
16 didn't happen, and whether it was an oversight which may be  
17 completely benevolent insofar as my observation would be  
18 concerned, or whether it was withheld for some other  
19 reason, I don't know. But what I do know is that that  
20 exchange should have taken place, both the Mains' report to  
21 the Garda and those Garda reports to the RUC.

22 120 Q. Was Mains' report ever, his statement, was it ever  
23 investigated?

24 A. I am not in a position...

25 121 Q. You don't know?

26 A. I am not in a position to answer.

27 122 Q. Well, so far, the Tribunal is not aware of any follow-on  
28 investigation into that statement, and neither, to date, is  
29 the Tribunal aware of any follow-up investigation into this  
30 intelligence.

1 A. Right.

2 123 Q. So you can't help us with the situation?

3 A. I am afraid not.

4 124 Q. No.

5 A. Other than that within the terms of what was agreed within  
6 the Working Party, items of intelligence of that nature  
7 should have been passed both in respect of those, that  
8 Garda intelligence to the RUC and in respect of what the  
9 RUC had to the Garda.

10 125 Q. Yes. And by not exchanging this information, that is, if  
11 you like, going against the aspirations of the Working  
12 Party agreement and what it was intended to achieve, that  
13 there would be close cooperation between the two?

14 A. Yes, that was the whole import of the Working Party, that  
15 here was an opportunity for both forces to cooperate fully,  
16 to be seen to be cooperating fully, especially in relation  
17 to those matters which affected the border area.

18 126 Q. Now, I think that if you were tasked with considering  
19 whether -- investigating the suggestion that a police  
20 officer in any force was compromised, what would you --  
21 what are the things that you would look for?

22 A. Well, looking at the individual, first of all, I would look  
23 to see was he living beyond his means insofar as the type  
24 of property he had, the type of vehicle that he was driving  
25 and the amount of spending money that he had available in  
26 that in both forces, your living ability was dictated by  
27 your salary, at the end of the day, and that you had to use  
28 it wisely. You would also consider places that he was  
29 frequenting, people that he was meeting and whether or not  
30 such meetings, if he was dealing with people who had a

1 known background in subversion, were those in relation to  
2 his job or were they of a social nature or otherwise.  
3 Whether or not he always worked on his own, in other words,  
4 done solo runs, as such, where no one else was present, and  
5 that he was there either meeting people or going to do  
6 particular things and it was always as a solo run without  
7 any accompaniment.

8 127 Q. What about unexplained absences?

9 A. Yes, well if during the working day he suddenly went absent  
10 for two or three hours and he wasn't prepared to account  
11 for where he was for that time, that there would  
12 immediately give rise to suspicions as to what he was, in  
13 fact, doing. Did he have more than one mobile phone, in  
14 that he had one that he used for the day-to-day  
15 communication and he had one, then, that he used for other  
16 purposes. Was he, in fact, being effective in his job?  
17 Was he producing intelligence which was leading to success  
18 against terrorism? Was the -- if there was intelligence  
19 coming in, how often was it ending up as a damp squib? In  
20 other words, that there was no end product to that  
21 intelligence. And where people were offering good  
22 intelligence and it was being acted upon it, were those  
23 people being compromised? and, again, to be dealt with by  
24 the internal security of the organisation such as the  
25 Provos. And certainly looking at which -- what -- had he a  
26 property profile or property portfolio, and how did he  
27 acquire that property, his bank accounts would have to be  
28 looked at to see what money was passing through, his salary  
29 was obviously something that could be paid in direct to the  
30 bank, but were there other monies suddenly appearing and if

1           so, where were they appearing from and how were they sort  
2           of coming into his possession?

3       128   Q. What would your view be on any member of a force, who, when  
4           questioned about alleged wrongdoing, refuses to make a  
5           statement?

6       A. Well, from my -- my suspicious police mind would  
7           immediately make me think that if he won't sort of answer  
8           questions, or he will not be forthcoming, well, he then  
9           must have something to hide. That would be my police mind  
10          working and addressing if it was a suspect who wasn't a  
11          member of the police force, you immediately then became  
12          suspicious as to why, if everything is straightforward and  
13          everything is upfront, why he can't then communicate and  
14          answer questions reasonably put to him.

15       129   Q. We have had evidence in the course of the Tribunal of, for  
16           example, members of the Garda signing forged passports for  
17           IRA members?

18       A. Yes.

19       130   Q. There has been, for example, an incident where a retired  
20           member was kidnapped by the IRA. There was an instance of  
21           somebody improperly securing a trade plate for somebody  
22           suspected of improper behaviour, all carried out by members  
23           of the force while they were either within the force or  
24           retired from the force. Now, if somebody is accused --

25

26       MR. MacGUILL: Chairman, I think before this question is  
27           put, would counsel for the Tribunal please say what  
28           evidence the Tribunal has heard that passport forms were  
29           supplied to the IRA as opposed to what is acknowledged that  
30           passport forms were signed by my client and it ended up

1           that the passports indirectly became with the IRA. It's  
2           quite a different proposition. I am sure counsel didn't  
3           intend to misstate the evidence that was heard, but she did  
4           sadly say we had heard evidence to that effect, which we  
5           have not.

6  
7           MRS. LAVERTY: Maybe if they were picked up on the street,  
8           I don't know, but passports signed by his client for  
9           Mr. Paul Hughes, a member of the IRA, was found -- that  
10          ended up with the IRA.

11  
12          MR. MacGUILL: If the Tribunal say it was directly  
13          supplied, where was the evidence? There is no evidence of  
14          what has just been put by the counsel to this witness, and  
15          that should be cleared up, in fairness to my client. We  
16          should not be proceeding on the basis there was any such  
17          evidence. There has not been.

18  
19          MR. CALLAN: Mr. Chairman, on behalf of Sergeant Leo  
20          Colton, I would have to add to that, that the Tribunal  
21          counsel has put the matter in regard to the trade plate in  
22          terms that there has been evidence of somebody improperly  
23          procuring a trade plate. There is no evidence of that, and  
24          that is completely disputed. We know a trade plate may  
25          have been procured, but not improperly.

26  
27          CHAIRMAN: That is a separate issue. I think first of all,  
28          we will deal with Mr. MacGuill's point. The point you are  
29          making is that your client wrongly signed passport forms  
30          that ultimately resulted in a wrongful -- false passport

1 being supplied to a member of the IRA, and that you are  
2 making the point that the evidence is not that he was  
3 supplied by somebody with passport forms, he used passport  
4 forms.

5  
6 MRS. LAVERTY: I didn't mention his client. I just said  
7 members of the force.

8  
9 MR. MacGUILL: Now that is quite disingenuous, because  
10 there is only one person before this Tribunal in respect of  
11 which there are allegations about passport forms; that's my  
12 client. The evidence was misstated by your counsel,  
13 Chairman, in saying that they were supplied to the IRA,  
14 when the evidence that you have received from those that  
15 investigated the offence was all to the effect that there  
16 was no question that they believed that my client knew the  
17 ultimate destination of these passports, no evidence at  
18 all.

19  
20 CHAIRMAN: No, but the point, you are saying that it's  
21 incorrect to say that he was supplied with the forms, is  
22 that --

23  
24 MR. MacGUILL: Perhaps somebody could read over to counsel  
25 what she said. What she suggested to this witness was the  
26 evidence that we have had. It was a misstatement of the  
27 evidence, and a most significant misstatement.

28  
29 CHAIRMAN: What was significant about it?  
30

1 MR. MacGUILL: She was about to invite Mr. Wallace to say  
2 that he would have a bad opinion of a policeman who would  
3 supply passport forms to the IRA.

4  
5 MRS. LAVERTY: That is actually not what I was going to ask  
6 before I was interrupted.

7  
8 MR. MacGUILL: I waited to reflect on what had been said  
9 because I couldn't believe my ears that it was so badly  
10 misstated, but it should be just read over and then we can  
11 correct it.

12  
13 CHAIRMAN: Is it possible for the stenographer to read over  
14 that question?

15  
16 STENOGRAPHER: *"We have had evidence in the course of the*  
17 *Tribunal of, for example, members of the Garda signing*  
18 *forged passports for IRA members."*

19  
20 MR. MacGUILL: Where is the evidence? Point me to a single  
21 witness that has said that, or retract it.

22  
23 MRS. LAVERTY: The evidence so far, the conviction was for  
24 signing passports, fraudulently signing passports or  
25 passing off, and his client, Mr. Hickey, Mr. MacGuill's  
26 client, said he did that at the behest of another member of  
27 the Garda, who wasn't prosecuted subsequently, and the  
28 passports ended up in the hands of the IRA. So, I mean if  
29 I can word it better than that, please --



1 MR. MacGUILL: Please, you said "signing passports for the  
2 IRA"; where is the evidence of that? Name a single witness  
3 that I can challenge who has offered that opinion, because  
4 no witness has.

5

6 CHAIRMAN: But it's common case, is it not, that your  
7 client signed forms that resulted in a member of the IRA  
8 getting a passport in a false name which he should never  
9 have got, and he went to prison for that.

10

11 MR. MacGUILL: Yes, and it's entirely the State's case that  
12 the State did not believe he knew where the passports were  
13 for. That was the State's case.

14

15 CHAIRMAN: Where is the evidence of that, Mr. MacGuill?

16

17 MR. MacGUILL: Detective Superintendent O'Mahoney.

18

19 CHAIRMAN: He was charged with the improper signing of  
20 application forms authorising the granting of passports to  
21 a member of the IRA.

22

23 MR. MacGUILL: He was not charged with that, Chairman, we  
24 have had this debate before.

25

26 CHAIRMAN: No, he was charged with falsely signing forms.

27

28 MR. MacGUILL: And he pleaded guilty. And the State's case  
29 in that prosecution was that it was not believed that he  
30 thought his acts were supporting any subversive

1 organisation, and there is a huge distinction there. And  
2 it is grossly unfair to my client that you ignore that  
3 distinction and have ignored it previously, and that your  
4 counsel is mischievously putting to a witness, who wasn't  
5 present for that evidence, a misstatement of what the  
6 evidence is to date.

7  
8 CHAIRMAN: Well, your client is of course -- has made  
9 before and is making, still, the argument that he did so  
10 innocently; that he was unaware of where the passports were  
11 going; he knew they were not going to somebody legitimate  
12 but he didn't know where they were going; he did it at the  
13 request of a former colleague.

14  
15 MR. MacGUILL: And you have heard that that was the  
16 evidence given to the Special Criminal Court by the  
17 Prosecution, and it remains the belief of the Prosecution  
18 to this day that my client did not have the guilty  
19 knowledge ascribed in this question by counsel and I can't  
20 -- produce the witness that is going to say otherwise and I  
21 will challenge them. But you can't simply conflate a  
22 number of propositions together to improperly misstate the  
23 evidence. It is grossly unfair and it must be retracted.

24  
25 CHAIRMAN: It isn't grossly unfair. Your client did wrong  
26 and he went to prison for it.

27  
28 MR. MacGUILL: Yes, but he didn't do the wrong that is  
29 alleged of him. It's an entirely different thing, a hugely  
30 different thing, and I am concerned that in the middle of

1 your work you fail to appreciate that distinction.

2

3 CHAIRMAN: I well appreciate what you said about that  
4 distinction, Mr. MacGuill, but you are overstating your  
5 client's innocence and --

6

7 MR. MacGUILL: No, no, hold on a second. My client pleaded  
8 guilty. He never, and it's accepted by the State, he never  
9 sought to stand over his wrongful conduct, he pleaded  
10 guilty for it. But the conduct was not the conduct of  
11 supplying passports to the IRA; it was falsifying forms,  
12 and it's accepted by the State that he did not know where  
13 they were going. Now, your counsel has used the phrase  
14 "signing passports for the IRA," and says that we have  
15 heard of that. We have heard no evidence of that and it  
16 flies in the teeth of the evidence we have heard, and if  
17 counsel is prepared to put up a witness who will disagree  
18 with all the other witnesses, well and good, but you can't  
19 substitute for the absence of evidence by submission of  
20 that kind. It is simply wrong and improper.

21

22 CHAIRMAN: Very well. If you are happy, then, that the  
23 witness should be asked the question without saying that he  
24 knew, that assuming he was innocent of the ultimate  
25 destination of the false passport.

26

27 MR. MacGUILL: I would simply ask the witness not be told  
28 that evidence was received that was not received.

29

30 CHAIRMAN: Very well. Your point is taken. Can you

1 continue, please, Mrs. Lavery.

2

3 131 Q. MRS. LAVERTY: In the event of -- I think you get the  
4 general picture as to what we are talking about, that in  
5 those circumstances, is it considered advisable to, if a  
6 member is retired and these allegations are made about  
7 them, to go back over their career within a force? Is it  
8 advisable or does it just end? If somebody who has had a  
9 long history in the force is accused of similar type crimes  
10 or wrongdoing, should one go back over their career up to  
11 the time that they were accused of particular acts?

12 A. Well, it would be reasonable to see and to discover whether  
13 or not whatever wrongful act was alleged against them, was  
14 this the first time it happened or had it been a regular  
15 occurrence over the period of his service? That would be  
16 legitimate -- if you were carrying out an inquiry in  
17 relation to someone signing an application for a passport  
18 falsely, or where you certify, I know in the North you are  
19 certifying that you know the person and they are who they  
20 say they are, that is what you are required to do and you  
21 are required to sign it. Now, if you discover that there  
22 was occasion when a form was signed which did not fully  
23 comply with what was required and you were investigating  
24 that matter, you would then look to see had there been any  
25 previous acts of a similar nature.

26 132 Q. But I am asking -- what I am asking, really, is, would you  
27 confine yourself, as an investigating officer, to the  
28 circumstances surrounding one particular act of wrongdoing  
29 or would you have to go back further to --

30 A. No, I would have thought in order to -- first of all, if it

1 was an isolated incident and one-off, then that would be in  
2 an entirely different category than if it had been a series  
3 of instances where this person, for whatever reason, got  
4 the reputation, well if you want something signed which  
5 isn't completely kosher, go to so-and-so. So you would, in  
6 my view, if I was investigating the alleged signing,  
7 wrongful signing, that I would then want to be satisfied it  
8 was either an isolated incident which would have minimised  
9 the actual offence that was being investigated, or if it  
10 was something that was systematic, then it was, again,  
11 something that would have to be further investigated.

12 133 Q. Yes. And it was in this particular instance it was alleged  
13 that the -- another member of the force, actually, that  
14 this signing had been done at the behest of another member  
15 of the force who subsequently wasn't prosecuted, would one  
16 have to carry out an investigation into that particular  
17 member?

18 A. Well, you would have to see whether or not there was any  
19 truth, if the man who done the signing is saying well I  
20 only done that because so-and-so asked me to do it, then  
21 obviously you have to go to that person to see whether he  
22 had asked and what were the circumstances that the demand  
23 was made of the other man.

24 134 Q. If the IRA wanted forged passports for their members, who  
25 would they go to?

26 A. Well, I can only refer back to the procedure that was  
27 within Northern Ireland. There were a list of people who  
28 had authority to sign, to endorse a passport application, a  
29 police officer of a certain rank was one of them, you had  
30 professional people, minister for religion, you had

1 solicitors, accountants, there were people of -- who had  
2 standing within their own profession and within their  
3 community. And in addition to -- and again I can only  
4 refer to the procedure in Northern Ireland -- you signed it  
5 knowing, certifying that you knew the people for a minimum  
6 of X number of years. There was a requirement. it just  
7 wasn't somebody who walked in off the street and said  
8 "Would you please sign my passport application." You had  
9 to know them. You certified that you knew them for the  
10 number of years that you knew them and you affixed the  
11 official station stamp to the application so that it was  
12 recorded as having been sort of documented within the  
13 police establishment.

14 135 Q. Yes. I take it that the IRA wouldn't take chances with a  
15 person that they would task for such a job?

16 A. Oh, no. They -- I am aware of cases where, in the northern  
17 jurisdiction, where the IRA got people to sign passports  
18 who came within the definition of people who were  
19 authorised to sign.

20 136 Q. Mm-hmm. So anybody like that was fair game?

21 A. Well, they had to know, they had to know that the person  
22 that they were asking was going to be compliant.

23 137 Q. Yes. I think around the time of the murders there had been  
24 discussions, as well, taking place in relation to the  
25 installation of security surveillance around the border  
26 area?

27 A. That's correct, yes.

28 138 Q. And I think that might have been one of the matters that  
29 was to be discussed by Chief Superintendent Breen but, due  
30 to his death, it didn't progress any further?

1 A. I understand that to be the case.

2 139 Q. Yes. Now, the day -- just one other matter -- the day  
3 after the murders, ex Sergeant Alan Mains said that he was  
4 in a discussion with the ACC and with Sir John Hermon and  
5 that he reiterated what Harry Breen had told him the  
6 previous morning about the fact that he had concerns about  
7 a member in Dundalk being in the pay of 'Slab' Murphy, and  
8 he mentioned the name, and his evidence was that Sir John  
9 Hermon said words to the effect "Oh, that matter was  
10 already investigated and has been dealt with." Did you  
11 ever hear anything like that?

12 A. No, I can't assist in that regard.

13 140 Q. Yes. Because it seems to me that if, if that were the  
14 case, and if Eugene Crowley had spoken to someone about the  
15 complaints made by Bob Buchanan, that that would fit into  
16 the time frame that it had been investigated, or the member  
17 involved had been investigated, but there is no evidence of  
18 that, you didn't hear it?

19 A. No, I can't assist in that regard.

20 141 Q. And was a lot of very sensitive information exchanged  
21 verbally?

22 A. There would have been -- once people got to know their  
23 counterparts, informal conversations would have taken place  
24 where matters would have been informally discussed, one  
25 with the other.

26 142 Q. Yes. But in the circumstances, for example, with Eugene  
27 Crowley and Tom Curran, if you had been in Eugene Crowley's  
28 place would you have taken a note of that conversation or  
29 not?

30 A. Not only would I have taken a note of that conversation, I

1 think that as an Assistant Chief Constable, or Deputy Chief  
2 Constable, I would have told the Chief Constable and I  
3 would have certainly made a record of it and if I was  
4 satisfied as to the veracity of the report, I would have  
5 actioned an investigation in relation to it.

6 143 Q. Have you ever -- you have mentioned sometime back in the  
7 early eighties when your source asked you to avoid Dundalk  
8 Station for the purpose of -- Beyond that, have you ever  
9 heard any criticism of a member of the guards in relation  
10 to maybe improper association with the IRA?

11 A. Not as far as -- never personally communicated to me. That  
12 type of version was more likely to pass at a much lower  
13 level. Information of that type being reported to someone  
14 in my position, either as an Assistant Chief Constable or  
15 Deputy Chief Constable, people making that report to me  
16 would have realised that on receipt of that report, I was  
17 going to do something about it, so, you know, I didn't, I  
18 didn't receive reports of that nature. I had, and always  
19 did have in the back of my mind, the fact that when I was  
20 actively involved in intelligence gathering, that we had a  
21 valuable source of information who had indicated that all  
22 was not well in Dundalk Station vis-a-vis leakage to the  
23 IRA, and I would have always had that, obviously, in the  
24 back of my mind, because not only was that something that I  
25 had actioned and got action taken in relation to it, but it  
26 was something that I would have stored for my own  
27 information, as such.

28 144 Q. But you never, in your years there, and I think you were  
29 40 --

30 A. 42 and a half years.



1       145    Q. 42 and a half years, I don't think that a report was ever  
2                brought to your knowledge about a specific member of the  
3                Garda?

4                A. No.

5       146    Q. Or a complaint about a specific member of the Garda?

6                A. No, that is correct. All I knew, all that my personal  
7                knowledge extended to was the basis, on the basis of the  
8                reports that I had received when I was in Belfast, and that  
9                that was something that generalised, it didn't say "and the  
10              garda who is responsible for passing this information is"  
11              so-and-so. The reports did not extend to that.

12      147    Q. And from what you said, if it was a serious enough  
13                complaint you would have expected to hear it because you  
14                would have actioned something as a result of it?

15              A. Yes, and indeed during my service, again in Special Branch  
16                in Belfast, where we had an occasion of a member who was  
17                acting in a treacherous manner, I had that investigated to  
18                a successful conclusion.

19      148    Q. Did the member continue on or was he let go?

20              A. Oh, he was let go.

21      149    Q. Yes. Thank you very much indeed for your assistance.

22              A. Thank you.

23

24              MR. DURACK: If I might ask a few questions.

25

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

27

28      150    Q. MR. DURACK: My name is Michael Durack, I appear for An  
29                Garda Siochana. If you might help us with a number of  
30                issues. When you were in south Armagh, or at least when

1           you were responsible for south Armagh, I presume you had a,  
2           you developed a fairly detailed knowledge of how the IRA  
3           operated there?

4           A. Yes.

5       151   Q. How were they regarded in terms of their efficiency?

6           A. Well, certainly they were efficient but one had to take  
7           into account the fact that they were endemic to the area.  
8           Many of the police officers like myself were relative  
9           strangers to the area. The army, as you are aware, rotated  
10          and one regiment would have built up a knowledge and then  
11          they were away and another crowd arrived and they had to  
12          build up a knowledge. So insofar as their ability to carry  
13          out terrorist organisations, they were efficient, and that  
14          is borne out by the casualties that were sustained by the  
15          security forces both military and the police.

16       152   Q. And I think they themselves, the IRA in south Armagh, did  
17          not in fact suffer any serious losses?

18          A. They had suffered more serious losses in other areas but  
19          not in south Armagh.

20       153   Q. And I presume that of course their efficiency or their  
21          ability to operate was assisted by the fact that they were  
22          on the border?

23          A. Yes, yes, the fact that the border was there and they could  
24          carry out an operation and they had somewhere to  
25          immediately go to, they didn't have to necessarily stay  
26          there indefinitely in that they were out of our reach at  
27          that particular stage if we had been able to positively  
28          identify those responsible.

29       154   Q. And I think though, equally, the geography of the area was  
30          so difficult that in fact it was very difficult to police

1           it in any way?

2           A. It was difficult. Vehicles could be seen from, approaching  
3           from a distance, men on foot could be seen approaching from  
4           a distance, and certainly the IRA had also, in south  
5           Armagh, people who were communicating to them and telling  
6           them that there was police vehicle on that road or there  
7           was a police patrol on a particular road. That, there, was  
8           what you were up against insofar as endeavouring to sort of  
9           create a security force presence in the area.

10       155   Q. And I think that effectively, really, that the only way of  
11           getting in and out of about two miles of the border was by  
12           helicopter?

13           A. That's correct.

14       156   Q. And there is very little one could do on the ground?

15           A. Little that could be done on the ground, hence the  
16           operational necessity to establish the hill-top sites, as  
17           they were known as, so you could then see from them what  
18           was happening without necessarily committing people who  
19           would be in imminent danger from land mines and the like.

20       157   Q. What was the level of assistance that they provided you  
21           with?

22           A. They provided so you could see what was happening in that  
23           the site was chosen because of its height and you were then  
24           able to have a -- now, there were still areas that were  
25           blind spots because you just couldn't bulldoze a hill  
26           because it happened to be in your direct line of vision,  
27           but those sites did, and indeed statistics would show that  
28           there was a reduction in the number of casualties. Again  
29           the IRA did change tactics insofar to combat the efficiency  
30           of the hill-top sites.

1       158   Q. And I take it they were in direct communications with  
2           headquarters on a constant basis?

3           A. That's right, there was a communication network involving  
4           the sites and involving their headquarters, that's correct.

5       159   Q. And other than vision, did that go to listening, as well?

6  
7           MR. ROBINSON: Mr. Chairman, this matter has arisen before  
8           and My Friend is acutely aware of raising issues of  
9           methodology regarding the watchtowers. I have been on my  
10          feet before on this point and I have asked My Friend either  
11          not to address the point or it goes into a closed hearing.

12  
13          CHAIRMAN: You can't say methodology and object to anything  
14          on those grounds. I mean it is important that counsel  
15          should be able to find out what -- you know, without  
16          endangering anybody's life. I mean to ask were they able  
17          to listen isn't endangering.

18  
19          MR. ROBINSON: It goes, Mr. Chairman, to the heart of the  
20          ability to gather intelligence and disseminate that  
21          intelligence, and I would respectfully -- I have raised the  
22          point before on the basis that I am trying to pre-empt any  
23          possible sensitive answers. And if My Friend wishes to  
24          address that point, either he speaks to myself prior to  
25          asking the questions or it's addressed through the Tribunal  
26          with the witness's representative, and if there is  
27          sensitive information, it must be dealt with in a closed  
28          hearing.

29  
30          CHAIRMAN: I can't just move into a closed hearing at the

1 drop of a hat. There has to be a good reason for it. Now,  
2 counsel is asking a question in general terms, not asking  
3 for particular intelligence or details of what they  
4 listened to or what machinery they used. I think he  
5 hasn't -- I don't think he has gone into any delicate area.  
6 I know you apprehend that he may do, and if he does, I will  
7 be alerted to your objection to it and we may then have to  
8 move into private hearing on that point.

9  
10 MR. ROBINSON: Mr. Chairman, the reason the objection is  
11 raised is because it is the gathering of intelligence that  
12 forms the basis of methodology; it's how it was gathered,  
13 when it was gathered and those such matters. And for the  
14 witnesses in the Tribunal to disclose such information does  
15 infringe on how the security forces and RUC/PSNI obtained  
16 information on intelligence, and that is methodology. And  
17 raising objections like this, Mr. Chairman, is difficult in  
18 the vacuum of knowing exactly what question is going to be  
19 asked and exactly what answer is going to be given. But my  
20 difficulty, Mr. Chairman, is this: if a question is asked  
21 and a sensitive answer is given in response in open  
22 session, it is too late, and that is why the objection is  
23 raised prior to the question being answered, or, indeed,  
24 prior to a further more detailed question being asked. And  
25 I am not trying to impede the Tribunal. I am simply trying  
26 to ensure that sensitive information is not disclosed in a  
27 public forum.

28  
29 CHAIRMAN: I think this problem might be resolved if you  
30 and Mr. Durack were to talk to each other now. Now it

1 occurs to me, it's now very nearly ten minutes to one, we  
2 normally break at one for lunch number two o'clock. I  
3 would have thought that extra few minutes could be spent by  
4 your talking to Mr. Durack and saying what questions you  
5 are going to object to and where you think the interests of  
6 your clients would be endangered and where other  
7 circumstances would lead which would necessitate going into  
8 private session. I would propose that you could do that  
9 now, you should be able to do it between now and  
10 one o'clock, or even taking a little of the lunchtime  
11 break, so that at two o'clock, when we resume, that matter  
12 may be resolved between you. If it isn't, well then I will  
13 have to deal with it further. I will rise now until  
14 two o'clock.

15  
16 MR. ROBINSON: I am very much obliged, Chairman.

17  
18 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.  
19  
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21  
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1                   **THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:**

2

3                   CHAIRMAN: Mr. Robinson, have you had an opportunity of --

4

5                   MR. ROBINSON: I have had the opportunity of speaking to  
6                   Mr. Durack over the lunch break, and also with the  
7                   witness's legal representative, and I don't believe there  
8                   will be an issue.

9

10                  CHAIRMAN: Oh, good, I am glad to hear that. Thank you  
11                  very much.

12

13                  **MR. BLAIR WALLACE CONTINUED TO BE CROSS-EXAMINED BY**

14                  **MR. DURACK AS FOLLOWS:**

15

16       160    Q. MR. DURACK: Mr. Wallace, welcome back. We were talking  
17                  about intelligence-gathering, and the -- and we had  
18                  mentioned the towers, and I think you don't know anything  
19                  about how they actually operated?

20                  A. That's correct.

21       161    Q. We presume that they had various levels of equipment that  
22                  allowed them to see what was happening, at least?

23                  A. That would be right.

24       162    Q. I think that they maintained details of traffic movements  
25                  as well as people movements?

26                  A. That was the original intention, to be able to see what was  
27                  moving on the ground.

28       163    Q. And I take it that, equally, you were getting intelligence  
29                  from people either within the IRA or associated with it?

30                  A. Well, I can only refer where I was intimately involved in

1           that part of the police operations when I was in Belfast,  
2           that there was what we were about to try and frustrate  
3           terrorists' intentions by getting pre-emptive intelligence  
4           that we could react to, to prevent something happening, or  
5           something was going down where we could intervene and make  
6           arrests before the incidents would have occurred.

7       164   Q. You might just move the microphone slightly over. I think  
8           the stenographer is having a little difficulty hearing you.

9           A. Sorry.

10       165   Q. And I think that you mention in your statement that quite a  
11           lot of people did it, on the Provo side, or at least on the  
12           terrorist side, did it for money?

13           A. Oh, on both sides, both the republican and loyalists.

14           Money was not exclusively the motivation but mainly the  
15           motivation.

16       166   Q. And I take it that in relation to your experience, again in  
17           south Armagh with the IRA in general, they didn't pay for  
18           intelligence?

19           A. Well, intelligence-gathering in south Armagh was much more  
20           difficult than it was in Belfast.

21       167   Q. No, I am sorry, from the IRA's point of view, they would  
22           have had sources who were, basically, sympathisers, to  
23           provide them with intelligence on what the Forces were  
24           doing?

25           A. Oh, on what the movements were throughout, yes, that would  
26           be --

27       168   Q. It wouldn't have been their practice to be paying those  
28           sympathisers for their information?

29           A. Oh, certainly not, and they probably would not have  
30           expected payment.



1       169    Q. And that they would be -- that the people who would be  
2               giving the information would be motivated by their  
3               political views, or whatever?

4               A. Yes, they wished to support the organisation, as such.

5       170    Q. And I take it you accept that the -- that south Armagh, the  
6               IRA in south Armagh and in Newry and in Dundalk, had very  
7               detailed evidence of what was going on with the security  
8               forces and the RUC and probably the Gardaí as well?

9               A. Well, they were very aware of the security-force activity  
10              which, in the main, was overt, in the patrols were seen to  
11              be operating, police cars and police vehicles, army  
12              vehicles, helicopters, that was all there to be seen.

13      171    Q. And a lot of their attacks, in fact, ended up being  
14              slightly north of the border in that first two miles before  
15              one gets to Newry?

16              A. That's correct.

17      172    Q. And that they were, in fact, available to set up bombs and  
18              set up ambushes because they were constantly aware of where  
19              the security forces were?

20              A. That would be correct, yes.

21      173    Q. Now, from your own point of view, again dealing with  
22              intelligence, I take it that when you get information, the  
23              first thing you have to do with it is assess it?

24              A. That's correct, yes.

25      174    Q. And we have heard about SB50s, that they deal with  
26              assessing both the source of the information --

27              A. And the --

28      175    Q. -- and the quality of the information and the previous  
29              reliability of the information --

30              A. Yes.

1       176   Q. -- provided by the source. And that all of these would go  
2           to whether you, in fact, had anything to act upon, or not?

3           A. That is correct, yes.

4       177   Q. And I take it that you'd agree that hearsay on hearsay is  
5           not necessarily a very reliable grading. If somebody says  
6           that somebody else heard...

7           A. Well, it all depends on who said it and who heard it and  
8           how it's then related --

9       178   Q. I'd have to be in a position to assess both of those?

10          A. Yes. Well, it makes it more difficult.

11       179   Q. So that, sort of, there is, if you like, intelligence which  
12           may be of interest, or maybe, ultimately, becomes of  
13           interest, but isn't as was described in relation to  
14           Mr. Breen, his complaint that they had no actionable  
15           intelligence against Mr. Murphy?

16          A. Well, he was obviously considering what intelligence was  
17           available and whether or not it was something that he could  
18           then have, say, mounted an operation on.

19       180   Q. So the question whether it's actionable or not, becomes  
20           relevant, whether anything can be done?

21          A. It's based on the assessments that you have already alluded  
22           to, as to whether or not you then consider, in the totality  
23           of the intelligence, as to whether or not it's actionable.  
24           It could well be, of course, that if it's the only  
25           intelligence available and that there is no other  
26           intelligence, that whilst it may look to be, maybe, a slow  
27           runner, at least it might well have been worthwhile running  
28           in to see just exactly what materialised.

29       181   Q. Again, that involves a decision as to its potential  
30           reliability?

1 A. That's correct.

2 182 Q. And I think what Mr. Mains said in his original statement  
3 in dealing with the day in question, which he made a  
4 statement on the 22nd of March, 1989, and what he  
5 attributed to Mr. Breen was his concerns about a Sergeant  
6 Corrigan - he didn't name him at that time; he didn't name  
7 him until the 15th of September, 2000 - but that Mr. Breen  
8 had expressed concerns about a particular guard in Dundalk  
9 that he felt was in the pay of Mr. Murphy, the smuggler?

10 A. I understand that that's what Mr. Mains has said.

11 183 Q. And that it was in the context of smuggling that the issue  
12 was raised and it was mentioned?

13 A. Yes, and indeed the matter that was under direct  
14 investigation in this particular time, was, in fact, the  
15 area of smuggling.

16 184 Q. And, as I say, that wasn't, in fact, shared until a  
17 subsequent statement of the 15th of September, 2000, but  
18 then, I suppose, in the context of it being a smuggling  
19 investigation, would you expect that reservation to have  
20 been shared?

21 A. Well, in the totality of the information, and bearing in  
22 mind the individual to whom it referred and his connections  
23 then, it was something that could possibly have been  
24 helpful in sharing.

25 185 Q. But Mr. Breen never expressed any concerns to you in  
26 relation to Dundalk?

27 A. No, I spoke to -- the last time I spoke to Mr. Breen was  
28 about a week prior to his death, and there was no  
29 conversation in relation to his forthcoming, or I wasn't  
30 even aware that he was contemplating a visit to Dundalk.

1           That didn't arise.

2       186   Q. You were saying that you thought that the statement issued  
3           by Commissioner Crowley and Sir Jack Hermon about them  
4           being happy that there was no mole in Dundalk, you thought  
5           that that might be a bit premature?

6       A. Well, it was within between 24 and 36 hours of what had  
7           been a dastardly murder, and at that stage it was then  
8           ruling out, to my mind, one avenue of inquiry that should  
9           have been kept open.

10      187   Q. It would have been ruling it out, certainly, for public  
11           consumption. In the ordinary course of events, you  
12           wouldn't have said at a press conference what you were  
13           thinking of doing operationally?

14      A. Well, when you were making the statement at a press  
15           conference that you were satisfied having, and I think he  
16           said he had spoken on two occasions to Mr. Crowley, that  
17           they were both satisfied that there was no question of a  
18           Garda involvement.

19      188   Q. But it didn't mean that, on an operational basis, it could  
20           be investigated?

21      A. Oh, it was still open, but if you place yourself in the  
22           position of the investigators, they already, in the public  
23           domain, there was a statement from their Chief Constable  
24           supported by the Chief Constable -- or the Commissioner  
25           from the Garda, that that was not an avenue that they  
26           believed would be fruitful.

27      189   Q. But it didn't mean they couldn't look into it?

28      A. Oh, no, of course not.

29      190   Q. And certainly, there were -- there appears to have been in  
30           the newspapers at the time, the theory was being floated,

1           that's presumably why it was knocked down, the theory of a  
2           mole was being floated in various articles, and various  
3           politicians were promoting it?

4           A. Yes, there would have been -- there was no embargo put on  
5           the investigators in saying, "now you don't go down that  
6           road". If evidence had come to light which was pointing  
7           them down that road, they then certainly would have pursued  
8           it and they would have had to have told the Chief  
9           Constable, "you got it wrong in that we now have an avenue  
10          of inquiry which looks as though it's going to be  
11          fruitful".

12        191    Q. And you wouldn't have expected it to be otherwise, because,  
13               presumably, if there was a mole in the Garda station, it  
14               placed all the Gardaí at risk, as well as other people?

15           A. Of course.

16        192    Q. And that, in fact, perhaps, saying what they did at the  
17               press conference, ensured that there remained cooperation  
18               between both Forces in terms of the investigation?

19           A. Well, I wouldn't have seen it as dependent on that, because  
20               there was a good level of cooperation, even prior to the  
21               Anglo-Irish Agreement, there was a good level of  
22               cooperation between ourselves and the Garda.

23        193    Q. Yes. And, in fact, I think the cooperation on the ground  
24               was, in fact, very good?

25           A. Yes, it was.

26        194    Q. And I think you were in Rural East in '84, '84 and part of  
27               '85, is that right?

28           A. That's correct.

29        195    Q. And that would have been before the Anglo-Irish Agreement?

30           A. It was.

1       196    Q. And I think you are probably aware that there were very few  
2                detectives in Dundalk at that stage?

3                A. I just don't know the strengths of such.

4       197    Q. I think they were in single digits, they were somewhere in  
5                between seven and nine?

6                A. If that's the case, those are the figures, I have no way of  
7                disputing that.

8       198    Q. And after the Anglo-Irish Agreement, the number of  
9                detectives was beefed up from 25 to nearly 30, somewhere  
10              between 25 and 30, so that there was a very small squad of  
11              detectives in Dundalk prior to 1985?

12              A. Well, certainly our report identified the need for, you  
13              know, greater concentration in cross-border cooperation and  
14              cross-border operations to try and eliminate the threat  
15              from the terrorists.

16       199    Q. Now, when you -- and that cooperation, as I say the  
17              cooperation that you spoke of, had gone back to -- back  
18              into the seventies, I think?

19              A. Oh, yes, there was always -- well, certainly prior to the  
20              Troubles, there was -- I was then stationed in border  
21              stations, and there was good cooperation then between  
22              sergeant and sergeant, North and South, and that  
23              cooperation -- we were all police officers, we were all  
24              there to detect crime, we were all there to enforce the  
25              law, and where there was -- and there was a mutual respect,  
26              one for the other, and it was the most natural thing in the  
27              world that we would help each other where we could.

28       200    Q. And it wouldn't surprise you, therefore, to know that, back  
29              in the seventies, that Mr. Fitzsimons, who subsequently  
30              became Head of Special Branch, was, in fact, in regular

1 contact with Sergeant Corrigan, who was one of the  
2 suspected Gardaí in this inquiry?

3 A. Was he -- was Mr. Fitzsimons in Headquarters at that --

4 201 Q. All I can say is, I have just read a statement there that,  
5 in fact, he was in the La Mon Hotel; that's Belfast, is it?

6 A. That's in the suburbs of Belfast, yes.

7 202 Q. Before it was -- in its old style, before it was blown up?

8 A. Yes.

9 203 Q. And that he was there at that stage with Sergeant Corrigan?

10 A. I have no --

11 204 Q. They appear to have had a relationship, in any case?

12 A. I have no knowledge of that.

13 205 Q. And it goes back to then. And that, in that context, you  
14 were talking about the information you had somewhere  
15 between '81 and '83 in relation to the training camps?

16 A. Yes.

17 206 Q. And that it was somewhere in Louth, and that you went  
18 direct to Mr. Fitzsimons about that?

19 A. That's correct.

20 207 Q. And that he set -- he got the task force up to investigate  
21 it?

22 A. He did indeed, yes.

23 208 Q. And at that stage, Sergeant Corrigan is a detective  
24 sergeant in Dundalk, and he is still liaising with  
25 Mr. Fitzsimons; does that surprise you?

26 A. Well, I wasn't aware of any of the personalities in  
27 Dundalk, but I know that Mr. Fitzsimons' involvement in  
28 getting the task force to respond was direct to Dublin.

29 209 Q. Yes, I expect so. But mightn't it equally be that your  
30 source was afraid that if the local detectives in Donegal

1           -- or in Dundalk, were involved, that they may be in a  
2           position to identify him, your source, or that he might  
3           consider himself to be at risk?

4           A. Well, I did mention that in my direct examination, that he  
5           was looking at his own self-preservation, as such.

6       210   Q. And not necessarily connected with a leak to the IRA?

7           A. Oh, no, the question of the leak was specific in the  
8           intelligence that he gave in that he categorically stated  
9           that he didn't want the information going via Dundalk  
10          because he believed that there was a problem there.

11       211   Q. As I say, it may be for his own protection?

12          A. Well, that was certainly an element of it, but more so that  
13          there would have been a successful outcome which would have  
14          -- more so that there would have been a successful outcome  
15          which would have enhanced the fact that he could supply  
16          intelligence which was accurate.

17       212   Q. I suppose it's also open to -- we don't know who the person  
18          is, but I suppose it's also open to the possibility that he  
19          was providing other information to the Gardaí as well as to  
20          you?

21          A. I wouldn't have thought so, because he was -- the  
22          intelligence that he provided on a consistent basis was in  
23          relation to what was going on in the Belfast area, and from  
24          my point of view as the man in charge of Belfast, that was  
25          the intelligence that I was really interested in and hoping  
26          that it would lead to successful operations.

27       213   Q. Now, in relation to the Anglo-Irish Agreement and the  
28          Working Group you set up after that, did you know any of  
29          the people who were assigned to that group at the time?

30          A. I obviously knew the Deputy Commissioner, Mr. McMahon.



1       214   Q. Of course.

2           A. And on appointment of Mr. Murtagh and the others, I didn't  
3           know them at that stage, but with having contact with them,  
4           I got to know them quite well.

5       215   Q. And it appears that they, in fact, were border  
6           superintendents on the Irish side that had been there since  
7           the seventies?

8           A. They had a good working knowledge of problems of policing  
9           on the border.

10      216   Q. And that they were chosen because of the fact that they had  
11           experience on the border and they represented the Donegal,  
12           Cavan/Monaghan, Sligo/Leitrim and Louth, they were the four  
13           areas that they represented?

14           A. Yes.

15      217   Q. And that they were already in position; it wasn't that they  
16           were picked for any particular reason other than that?

17           A. Other than that they were obviously assessed by Mr. McMahon  
18           as being officers that he could rely on, who could work as  
19           part of a team within a working party, because, as you  
20           would appreciate, that where you have two Forces coming  
21           together to decide on common policy where there were -- at  
22           an early stage, there were differences in structures of the  
23           organisations, it was important that you had people who  
24           could think of the future, who could plan accordingly, and  
25           who could effectively have a good inter -- could have a  
26           good, sort of, intercourse with each other and get a  
27           result, and that's basically, as far as I was concerned, as  
28           one of the people responsible for it, that working party  
29           consisting of the Garda officers and the RUC officers,  
30           achieved that.

1       218   Q. But the four Garda superintendents, as I say, were already  
2           in place as border superintendents in the South?

3           A. Well, Mr. Murtagh, if my memory serves me right, was the  
4           Divisional Commander in Donegal. He was a Chief  
5           Superintendent in charge of Donegal.

6       219   Q. But they were all on border counties?

7           A. Oh, yes.

8       220   Q. And I think the significant difference, I think, between  
9           the border superintendent as he is designated in the South,  
10          is that he was not part of the command structure, he didn't  
11          have a -- he didn't have ordinary operational duties in the  
12          division?

13          A. As I understand it, yes.

14       221   Q. Whereas I think that the -- his correspondent in the North,  
15          perhaps did?

16          A. Well, he had -- at the time the report was written and the  
17          working party were working, we had just one border  
18          superintendent, and that was the one in south Armagh, and  
19          we then subsequently mirrored the appointments that the  
20          Garda had and then covered the entire border with border  
21          superintendents.

22       222   Q. You were asked there in relation to the interaction between  
23          Mr. Buchanan and Mr. Curran in relation to information.

24          Can I tell you what the evidence has been, and the evidence  
25          has been that Mr. Buchanan went to Mr. Curran saying that  
26          he had been asked by Special Branch in Belfast to express  
27          their concerns about Sergeant Corrigan and to have him  
28          moved, and asked him to go to Assistant Commissioner  
29          Crowley in Dublin to convey that information. It wasn't  
30          information he had gathered locally. Does that surprise

1           you as a route, that Headquarters would go via local and  
2           then to Headquarters in the South?

3           A. Well, it does somewhat. The saving grace of it was that  
4           Mr. Buchanan's relationship was obviously known with  
5           Mr. Curran and it was felt that, possibly, that by going  
6           through Mr. Buchanan to Mr. Curran and through Mr. Curran,  
7           then, to the Assistant Commissioner, that it may be a  
8           better way of getting a positive result.

9       223   Q. But aren't I right in thinking that there would have been  
10           constant regular relationships between Headquarters in  
11           Belfast and Headquarters in Dublin?

12           A. There was, yes.

13       224   Q. And that that would be the more logical way to send the  
14           message?

15           A. It would be, but I would say, again, that the other way,  
16           whilst it was not the conventional way, was still a route  
17           that was open and which would, hopefully, get a positive  
18           result.

19       225   Q. And, in fact, I think if I may quote you from the Working  
20           Group paper at paragraph 73.5, I'll just read this to you  
21           and ask you for your comment -- have you got it there? You  
22           may not?

23           A. I don't think I have, now.

24       226   Q. You may not have the relevant piece. We'll get it for you  
25           now.

26           (Document handed to the witness)

27           A. Right, I have it now. Thank you.

28       227   Q. And it says: *"The Working Party recognises that other*  
29           *Working Parties in the programme of work are concerned with*  
30           *cooperation in the field of intelligence and surveillance*

1           activities and requirements and is of the opinion that  
2           high-grade intelligence of a major nature should pass  
3           between concerned departments in Garda and RUC HQ. If such  
4           intelligence has an immediate operational relevance in a  
5           border area, then it should be communicated to the local  
6           operational commanders of the Garda/RUC by their respective  
7           headquarters departments. The Working Party recommends  
8           accordingly."

9  
10          Now, I take it that concern as to whether or not a --  
11          concern that there might be a garda giving information to  
12          the IRA, would be a matter of major importance; that,  
13          interpreting that paragraph, it would appear to suggest  
14          that it should have been passed Headquarters to  
15          Headquarters?

16          A. Yes, that's correct, yeah.

17          228    Q. And that only information that had immediate operational  
18                relevance should be, in fact, dealt with at local level,  
19                isn't that what it appears to say?

20          A. That's correct, yes. The normal channel, as I have said,  
21                was Headquarters to Headquarters, but it didn't exclude  
22                using --

23          229    Q. Oh, no, I appreciate that.

24          A. -- another channel if that was thought to be more  
25                expedient.

26          230    Q. Did you, in fact, know Mr. Crowley?

27          A. I did, yes, I met him when -- I didn't know him when he was  
28                Assistant Commissioner, but I met him on several occasions  
29                when he was Commissioner.

30          231    Q. Had you much experience of him? As a policeman, what did

1           you think of him?

2           A. No, just at meetings, and I always found him most  
3           accommodating and very responsive at meetings, which were  
4           normally chaired, in Belfast, by our Chief Constable, with  
5           Mr. Crowley in attendance and myself and other chief  
6           officers there.

7       232   Q. Because the evidence has been that he is -- we have heard  
8           evidence, or the Tribunal has heard evidence that he was a  
9           man who took his job very seriously and applied himself  
10          seriously to it?

11       A. I would assess him as such, yes.

12       233   Q. It's been mentioned in the course of evidence that, in  
13           fact, a particular garda was -- or Sergeant, in fact, was  
14           investigated for having signed passport application forms  
15           and stamped them with the station stamp. Then, it appears  
16           this came to light sometime in 1998, when something  
17           irregular was spotted in the Passport Office. You were  
18           asked then as to whether one would look back in relation to  
19           these matters. Can I tell you that the investigation was  
20           commenced in 1998 and it looked back through every  
21           application that had ever been processed by this Sergeant  
22           in the books, back to 1993. Would you consider that to be  
23           a thorough investigation?

24       A. Oh, yes, that there would have been, as I said in my direct  
25           evidence, that would have been the natural consequence of  
26           the investigator, looking to see was this an isolated case  
27           or was it something that was being done with repetition.

28       234   Q. And that of, in fact, eight irregular applications, three  
29           were ultimately found to have resulted in passports going  
30           to members of the Provisional IRA. Now, in relation to

1           that investigation, you have heard that it was a retired  
2           member of the Gardaí that had asked him to process these  
3           forms?

4           A. Yes.

5       235   Q. And in the course of that investigation, that person was  
6           approached and refused to say anything, just denied  
7           liability, denied any guilt in the matter. Would you  
8           accept that that's about as far as you can go, in the  
9           absence of other evidence?

10          A. In the absence of other evidence, if there is a denial, you  
11           still -- the suspicion still lingers because it hasn't been  
12           removed, and the fact that the person under investigation  
13           isn't prepared to give his side of the story, then it  
14           leaves a large question-mark.

15       236   Q. Yes, but at this stage, this person was retired, he was no  
16           longer a member of the Gardaí, the person who was seeking  
17           the -- to have the forms stamped?

18          A. Well, it wouldn't have mattered. He was still a person  
19           from whom some evidence could have been gleaned as to the  
20           principal offence.

21       237   Q. But, as I say, you are stuck with what he gives you?

22          A. Of course you are, yes. You can't make him confess, nor  
23           can you sort of automatically assume he is guilty because  
24           he didn't speak, or didn't give you any information about  
25           it.

26       238   Q. And that it was, just for clarity, it was accepted at the  
27           prosecution of the offence that, in fact, the Sergeant who  
28           stamped the forms didn't know where they were going for and  
29           thought he was merely doing somebody a favour.

30

1 Now, you mentioned that if you had received any information  
2 about a, perhaps, doubtful member of the RUC who was  
3 potentially a risk, that you would have brought your  
4 information immediately to the Chief Constable?

5 A. I would have, yes.

6 239 Q. And that you would have thought that that's a matter that  
7 should go to the top?

8 A. Yes, as the man ultimately carrying the can, or being  
9 responsible, he had the right to know that an allegation of  
10 that nature was being made.

11 240 Q. And if there was any such information available in the  
12 North, it should have been made available to the  
13 Commissioner down here in relation to a member of the Garda  
14 Siochana?

15 A. Information of that type, if an investigation was ongoing,  
16 would certainly have been relevant to that investigation.

17 241 Q. And you said, in terms of looking at a police officer who  
18 might have been compromised, you are saying that one might  
19 look at whether he was living beyond his means. I take it  
20 that if somebody was giving information to the IRA, that  
21 it's unlikely they were getting paid for it?

22 A. Most likely, yes.

23 242 Q. And you raised another issue, as to the places he frequents  
24 and the people he meets, whether it's in line with his job.  
25 And I take it, equally, as a Special Branch Sergeant, you  
26 generally would have to mix in the area in which there are  
27 terrorists, or else you don't find out any information?

28 A. Well, you were expected to rub shoulders with unsavouries.

29 243 Q. And, regularly, people would be arrested and examined about  
30 membership, and otherwise. You then you raise the question

1 of whether there was any product coming back from him?

2 A. Yes.

3 244 Q. That Sergeant Corrigan, certainly, who was one of the  
4 persons subject to suspicion, was, in fact, a very  
5 significant contributor to intelligence and a very  
6 significant prosecutor of members of the IRA, that that  
7 clearly would be taken, I take it, in his favour?

8 A. Well, certainly, that was his job, and if he was producing  
9 intelligence which was leading to successful operations,  
10 that was part and parcel of what he was required to do,  
11 yes.

12 245 Q. And, of course, you mentioned phones, but I think phones  
13 weren't a matter of concern to us back then. I think we  
14 were still at the age, in 1989, at the age of the brick?

15 A. Well, we had just moved on from Semaphore, I suppose.

16 246 Q. But you wouldn't, anyway, have expected anybody to be paid  
17 by the IRA for information, so that their lifestyle  
18 wouldn't be relevant to that effect, whatever about any  
19 other --

20 A. Well, what I did say, in answer to your question, was that  
21 locals who would give information to the IRA would not have  
22 expected to be paid. Now, if you had someone in a  
23 privileged position where he was privy to what would be  
24 regarded as high-grade information, he could well have an  
25 arrangement which would mean that he would get paid for  
26 what he was able to tell them.

27 247 Q. And -- but it certainly wouldn't have been a regular thing?

28 A. Well, it all depends -- a payment would have depended on  
29 what was being given to the organisation.

30 248 Q. And I take it that, equally, if there were suspicions about



1 a member of a small team of detectives, such as we had in  
2 Dundalk, say, pre-'85, in any case, and subsequently even  
3 when you have a group of maybe as many as 30, that if any  
4 of the men in the team had any suspicions, you would expect  
5 them to act on them?

6 A. Oh, yes, that -- if they felt that someone of their  
7 colleagues was not playing the game, that one would have  
8 expected them to report that to their superiors, what their  
9 suspicions were and on what grounds they were basing such  
10 suspicion.

11 249 Q. And yet it appears that, certainly in Dundalk, there were  
12 no such suspicions emanating from the Detective Unit there?

13 A. Well, again, you know, was that misguided loyalty or was  
14 that not wishing to rock the boat? I just can't give you  
15 an answer to that.

16 250 Q. But equally, they, the individual members of the Detective  
17 Unit, would be placing themselves at risk if they had a spy  
18 in their midst or --

19 A. Yes, it would be in everyone's interest to have that spy,  
20 if he existed, to have him uncovered and to have him dealt  
21 with under due process.

22 251 Q. And I can't remember if you were asked, did you ever hear  
23 of the 1985 intelligence alleging that Sergeant Corrigan  
24 was spending too much time with the IRA?

25 A. No, I was unaware of that.

26 252 Q. And would you expect to have heard it if it was there?

27 A. Again, a lot would have depended on what my individual  
28 responsibilities were, as to whether -- there was a  
29 need-to-know policy, you know, one wasn't told everything  
30 that was going on. If I had a need, in order to fulfil my

1 responsibilities, to know what was going on, then the  
2 people who worked for me would have -- would have told me,  
3 and that was something that I needed to know. As the ACC  
4 Operations, as I was at the latter end of '85, that type of  
5 day-to-day information circulating in the south Armagh or  
6 north Louth area would not necessarily have been something  
7 that someone would have said, "well, we'd better tell the  
8 ACC Operations that," because there was an ACC who had  
9 responsibility for that particular area.

10 253 Q. But you were Deputy Chief Constable in 1992, just shortly  
11 after the murders. I take it you would have expected  
12 whoever had the information, if they had it, to have  
13 brought it to your attention?

14 A. In 1992, I was the Deputy who was responsible for  
15 Operations and intelligence of -- which touched on matters  
16 of either historical murders or murders that had happened,  
17 you know, during my time as Deputy, I would have expected  
18 to be briefed as to how their current investigations were  
19 going and what was coming to light as a result of the  
20 investigations.

21 254 Q. And I don't think that the investigation into the two  
22 officers ever was concluded, that it remains an open file?

23 A. There was no one made amenable, that's right.

24 255 Q. And no one ever made you aware of any intelligence in  
25 relation to that that implicated a garda?

26 A. Well, insofar as Dundalk was concerned, and I think I gave  
27 this answer in direct examination but it's worthwhile  
28 repeating, from my experience of the intelligence that I  
29 gleaned when I was in charge in Belfast, that there stuck  
30 with me that there was a problem insofar as the

1 intelligence that I had been involved in, that there was a  
2 problem in Dundalk, and that always stuck with me.

3 256 Q. And this was just the incident in relation to the training  
4 camp?

5 A. Yes, and there were other -- there were at least two or  
6 three other reports of a similar nature over that period  
7 where I had that responsibility.

8 257 Q. And, again, your contact there was between Brian Fitzsimons  
9 and Dublin?

10 A. That's correct. In a region as I was as the ACC in  
11 Belfast, I didn't have, nor was I required to have, direct  
12 contact with Dublin at Garda Headquarters, that there was  
13 Headquarters to Headquarters.

14 MR. DURACK: Thank you very much indeed.

15

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

17

18 258 Q. MR. LEHANE: Good afternoon, sir. My name is Darren Lehane  
19 and I appear on behalf of retired Detective Sergeant  
20 Corrigan.

21 If I can start, I suppose, at the beginning, sir. Am I  
22 correct in understanding your evidence that you have no  
23 evidence or information that would suggest that there was  
24 either collusion on the part of a garda or a civilian in  
25 the killing of these two RUC officers?

26 A. I have no direct evidence, nor have I any direct evidence  
27 that connects any particular officers. As I said just  
28 there, that I, because of my previous experience of what  
29 had occurred when I was in Belfast, I had knowledge and I  
30 had reason, because of what had happened in relation to the

1           actions taken by the task force in respect of that  
2           intelligence, that Dundalk had a problem.

3       259   Q. But just in relation to the 1989 murders, you have no  
4           evidence in relation to those?

5           A. No, I haven't, no.

6       260   Q. I suppose just then moving on to my client, retired  
7           Detective Sergeant Corrigan, am I correct in understanding  
8           you, that during your time in the Royal Ulster  
9           Constabulary, you had no knowledge, good, bad or  
10          indifferent, of Owen Corrigan?

11          A. No, I indicated that I had never met Mr. Corrigan and I had  
12          never any dealings with Mr. Corrigan.

13       261   Q. And never heard of him?

14          A. I could have heard the name. It would be a sweeping  
15          statement to say that I never heard of him. I could have  
16          heard the name, but the name wouldn't have the relevance to  
17          me of being someone who was directly in contact with  
18          undesirable elements within the Provos.

19       262   Q. But I suppose just in relation to, again, just to kind of  
20          clarify it, if you had heard the name, it wasn't something  
21          that stuck in your mind for any particular reason?

22          A. No. Dundalk would have stuck in my mind more so than an  
23          individual's name.

24       263   Q. Yeah. And now if I can just kind of skip forward a second.  
25          In your statement you say, "*I have been told that Bob*  
26          *Buchanan reported security concerns to a Garda colleague.*"  
27          Who told you that, or do you recall?

28          A. Did I say that in my statement?

29       264   Q. Yes, just in your statement, at page 4, you say, "*I have*  
30          *been told that Bob Buchanan reported security concerns to a*

1           *Garda colleague.*" And then you go on to speculate about  
2           various issues relating to that.

3           A. I am afraid I can't -- I cannot recall who told me -- I am  
4           just trying to recollect, if I can assist the Tribunal in  
5           that regard.

6       265   Q. I suppose the reason I am asking the question is that the  
7           matter having been raised in your statement, you go on to  
8           speculate about it, and I am just wondering was it in one  
9           of your meetings with the Tribunal, was it put to you that  
10          Bob Buchanan was going to give evidence in relation to  
11          that?

12         A. It may have been. I cannot honestly recall in the -- the  
13          context in which that first sentence of that paragraph came  
14          to my knowledge.

15       266   Q. Now, just in relation to that, I think in answer to My  
16          Friend who appears on behalf of the Garda Commissioner, you  
17          said that to be effective as a detective who is involved  
18          with subversives, it's necessary to kind of get down into  
19          the mud and deal with them?

20         A. Oh, yes.

21       267   Q. Or associate with them?

22         A. Part of your job was to rub shoulders with unsavoury  
23          elements.

24       268   Q. And again, you'd know a lot about that because, for a long  
25          time, you occupied very senior posts within the Special  
26          Branch of the RUC, isn't that right?

27         A. That's correct, yes.

28       269   Q. And again, I think My Friend for the Garda Commissioner put  
29          to you that my client, retired Detective Sergeant Corrigan,  
30          was, for many years, the Head Detective Sergeant in Dundalk

1           tasked with combatting subversives?

2           A. Yes.

3       270   Q. And just in relation to the evidence that has been given by  
4           Mr. Curran, I think counsel for the Tribunal, when she was  
5           summarising Mr. Curran's evidence to you, said that  
6           Mr. Curran had given evidence that, in 1987, the late  
7           Mr. Buchanan asked Mr. Curran to relay an allegation that a  
8           named garda had too much contact with the IRA. That's what  
9           Mrs. Lavery said to you.

10          A. Right.

11       271   Q. I just want to put to you exactly what Mr. Curran said to  
12           the Chairman that the late Mr. Buchanan said to him.  
13           Mr. Chairman, this is on Day 14 at page 7. And the answer  
14           is: *"Well, he told me"* -- this is Mr. Curran now relaying  
15           what Mr. Buchanan said to him -- *"Well, he told me that he*  
16           *had, the RUC had information that Detective Sergeant Owen*  
17           *Corrigan in Dundalk was associating, unnecessarily*  
18           *associating with the IRA, and the RUC were concerned about*  
19           *it."* That's what Mr. Curran says the late Mr. Buchanan  
20           told him.

21          A. Right.

22       272   Q. But, again, just in light of what you have just said, again  
23           it would have been Mr. Corrigan's job to associate with  
24           subversive elements, isn't that right?

25          A. Well, it all depends on the context in which you are using  
26           "associate". It would have been part of his job, as it was  
27           with Special Branch people in the North, to endeavour to  
28           cultivate people who had connections with terrorism in  
29           order to glean information from them.

30       273   Q. And again, I think in fairness to Mr. Curran, he says that

1           there were -- he got no more details or actual information  
2           in relation to it that would bring it beyond that simple  
3           statement.

4           A. Well, obviously he was sufficiently convinced by what Bob  
5           Buchanan had told him then to make the journey to Dublin to  
6           communicate with the Assistant Commissioner Crowley.

7       274   Q. And just in relation to that, because I think you have  
8           given evidence to the Chairman of the relationship that  
9           would exist between a border superintendent on one side  
10          and, if I can use the term colloquially, his counterpart on  
11          the other side?

12          A. Yes.

13       275   Q. Would it surprise you that there is no record of that  
14           information either on Mr. Curran's side, in the Garda  
15           station in Monaghan, the records there, nor Headquarters,  
16           of that information being relayed?

17          A. Well, that type of information that was being relayed  
18           wouldn't necessarily have been committed to paper.

19       276   Q. But, again, and I think you said in your own statement,  
20           based on, I suppose, a lifetime's experience of operating  
21           with this kind of information, that you say that "*If it had*  
22           *been me*" -- and this is you are putting yourself in the  
23           shoes of the late Mr. Crowley -- "*If it had been me, I*  
24           *would, nonetheless, have made a note for the Commissioner*  
25           *as an insurance policy.*"

26          A. That's right.

27       277   Q. So, again, would you agree with me that it's surprising  
28           that no note exists either on Mr. Curran's part, as an  
29           insurance policy, to use your words, or elsewhere, if it  
30           did happen?

1           A. Well, of course, as I understand it, from what you have  
2           said, the Tribunal had the benefit of Mr. Curran's evidence  
3           to it, of his journey to Dublin to see the Commissioner, or  
4           the Assistant Commissioner.

5       278   Q. And you are quite right and the Chairman is going to have  
6           to make a determination as to whether he accepts that.  
7           But, again, just in relation to another aspect of  
8           Mr. Curran's evidence, I just want to ask you your view on  
9           it. In light of the relationship, the highly personal  
10          relationship, that would be built up between the two  
11          individuals involved, in this case Mr. Buchanan and  
12          Mr. Curran, would it surprise you that Mr. Curran has told  
13          the Chairman that he received information from a source  
14          that Mr. Buchanan was going to be shot, and that although  
15          Mr. Curran says he communicated that in writing up the line  
16          in his own organisation, that (a) no record exists of that  
17          information within the Garda files, and (b) Mr. Curran has  
18          told the Chairman that he didn't communicate that fact to  
19          Mr. Buchanan himself?

20       A. Well, placing myself in Mr. Curran's position, having got  
21          information of that type and having committed it to paper,  
22          he would automatically have thought that it would have been  
23          properly processed up the chain of command and at  
24          headquarter level, it would be then interchanged to the RUC  
25          in the North.

26       279   Q. But, again, would you agree with me that it's surprising,  
27          given the level of contact between the two men and in  
28          circumstances where, if Mr. Curran is correct, Mr. Buchanan  
29          had passed a bit of information orally to him --

30       A. The other way, yes --



1       280   Q.  -- that this piece of information, which was, I suppose,  
2               far more important in the sense that it had a bearing on  
3               the personal safety of the other man, wasn't communicated  
4               across?

5           A.  Well, again, you know, it would have been information that  
6               should have been -- or that would have been communicated on  
7               a personal one-to-one level.  Now, I don't know the  
8               interval that had elapsed between when Mr. Curran got the  
9               information, when he reported it and when he next had a  
10              meeting with Mr. Buchanan.

11       281   Q.  Would it surprise you that, following the killing of the  
12               late Mr. Buchanan, that Mr. Curran never mentioned his  
13               report to anyone within An Garda Siochana, if it's true?

14           A.  Well, that would be surprising.  It's even more surprising  
15               that a report of that nature, if it arrived in Police  
16               Headquarters, first of all it now can't be found, and  
17               secondly, that it wasn't actioned.

18       282   Q.  And again, that -- you are quite right, that presupposes  
19               that the report exists as well, sir, would you agree with  
20               me?

21           A.  Well, you have Mr. Curran's word that the report exists, in  
22               that, as I understand it, Mr. Curran gave evidence to the  
23               Chairman to that effect.

24       283   Q.  And I might just --

25           A.  So I can't guess or second-guess, either what happened to  
26               the report, other than, from my knowledge of Mr. Curran,  
27               for what it's worth, if Mr. Curran came here and, under  
28               oath, said that, I would believe him.

29       284   Q.  And I just, in fairness to you, and again I am only asking  
30               you your views on this, because in your statement you

1 proffered your views on it, but I might just -- this is  
2 what Mr. Curran said on Day 14 at page 34 when he was asked  
3 about this particular issue:

4

5 *"Question. I am just wondering why you never mentioned the*  
6 *report to anyone after the murders?*

7 *Answer: I don't know.*

8 *Question: Or why you didn't mention that you had this*  
9 *information to anybody other than, you say, Crime and*  
10 *Security before the murders?*

11 *Answer: I don't know why, that's the way did I it and it*  
12 *may not be right, but that's the way I did it anyway."*

13

14 That's what Mr. Curran's evidence was.

15 A. Well, is there a question in that for me or --

16 285 Q. I suppose I am just saying again, do you think it's  
17 surprising that he didn't raise it after this --

18 Mr. Buchanan had been shot, that he had received this  
19 information?

20 A. Well, whether he raises it or not after the event, that  
21 doesn't take away from the fact that he came to this  
22 Tribunal and told the Tribunal that he received information  
23 of that nature.

24 286 Q. And I suppose just -- it's very much a matter for -- the  
25 Chairman has to assess his evidence.

26 A. Of course, yes.

27 287 Q. Of course. And now if I can move on, sir, to the  
28 information that you say that you received in relation to  
29 Dundalk from your source.

30 A. Yes.

1       288   Q. And, again, you say that he passed you information on two  
2               or three occasions, one of which you were very specific  
3               about, in relation to the training camp in Louth?

4               A. Yes.

5       289   Q. And he said that the information wouldn't be worth acting  
6               upon if it was to be given to Dundalk, and the inference,  
7               you say there, is that he believed there was a leak in  
8               Dundalk?

9               A. That's right. In fact, the report was specific, that, you  
10              know, don't give it to Dundalk because there is a problem  
11              there.

12      290   Q. And this, you say in your evidence, sir, was around 1981,  
13              isn't that right?

14              A. In and around '81, yes.

15      291   Q. That was around 1981. And again, you won't know this, sir,  
16              but evidence has been given to the Chairman, both orally  
17              and in the form of documents, that my client, retired  
18              Detective Sergeant Corrigan, was very active around that  
19              period in dealing with subversives?

20              A. Well, again, I was unaware of that.

21      292   Q. But just in relation to that, would you agree with me, sir,  
22              that throughout the Troubles, and particularly at that  
23              time, in the early eighties, Dundalk was a hive of  
24              subversive activity?

25              A. That's quite right.

26      293   Q. And I think evidence has been given to the Chairman by  
27              Gardaí who served in Dundalk, that there were 300 to 400  
28              subversives there?

29              A. Well, Dundalk, as you know, geographically, was the first  
30              sort of main town once you got across the border, and quite

1 a lot of Provo-type people who, for whatever reason, didn't  
2 remain in Northern Ireland, invariably headed for Dundalk.

3 294 Q. And I think again in your evidence to the Chairman, you  
4 have said that one of the reasons that the south Armagh  
5 unit of the Provisional IRA was so effective, was that they  
6 were able to cut and run, so to speak, across the border to  
7 north County Louth --

8 A. That's correct.

9 295 Q. -- after operations. And Dundalk, given its geographical  
10 location, is very close to that. And I think you also said  
11 to the Chairman that there were an awful lot of republican  
12 sympathisers in north County Louth, as well, in addition to  
13 actual operatives, subversives?

14 A. That's right.

15 296 Q. And I think you'd agree with evidence that that has been  
16 given to the Chairman by former members of the RUC, for  
17 these reasons Dundalk was a very dangerous place to visit?

18 A. It was considered to be a dangerous place, yes.

19 297 Q. And therefore, you could understand why anybody, an  
20 informant passing information to the RUC Special Branch in  
21 relation to subversive activities round Dundalk, in this  
22 specific example in relation to a training camp, would  
23 adopt a very cautious attitude in relation to information  
24 being passed to anyone in Dundalk, including the Garda  
25 station, because you don't know who could come into contact  
26 with that information then?

27 A. The information that the source was passing about the  
28 training camp was, it contained a *caveat* specifically  
29 saying that if the intelligence was going to yield success,  
30 then Dundalk Garda Station should be bypassed.

1       298   Q. And I suppose, again, you probably won't be able to answer  
2            this, but just in relation to the bypassing of Dundalk  
3            Garda Station, would you agree with me that the factors I  
4            have referred to there, namely the large amount of  
5            subversives, the large amount of sympathisers, the traffic  
6            that can pass in and out of a Garda station on any  
7            particular day, people coming up to -- you know, come in  
8            for whatever reason, that have daily activities in a police  
9            station, that that could affect the concern, in addition to  
10          a particular guard being a problem?

11         A. The caveat, as I have said, indicated that there was a  
12          particular problem in relation to leakage in --

13       299   Q. In the station?

14         A. In the station.

15       300   Q. But not a specific guard?

16         A. No, there was no names mentioned.

17       301   Q. And just in relation to that, and the late Mr. Fitzsimons,  
18            I think My Friend for An Garda Siochana has told you that  
19            there was a good relationship between the late  
20            Mr. Fitzsimons and my client, Mr. Corrigan?

21         A. Well, certainly I wasn't aware of it, but I do recall that  
22          Mr. Fitzsimons, for a period, was the Detective Chief  
23          Inspector, Special Branch, in Newry, so he may well have  
24          had contact, obviously, with the Dundalk Garda, again  
25          obviously with Special Branch, and it could well have been  
26          Mr. Corrigan, I just don't know, and I don't know of any  
27          relationship that he had, either long-term, short-term or  
28          mid-term, with Mr. Corrigan.

29       302   Q. And again, I suppose, counsel for the Tribunal, when she  
30            was asking, in fairness put this to you, that my client

1 will give evidence to the Chairman that there was a close  
2 relationship, but I think in fairness to my client, he is  
3 not the only person who will give evidence to that. Do you  
4 have a subversive list in front of you there, sir, of  
5 former members of the RUC?

6 A. I returned it.

7 (Document handed to the witness)

8 303 Q. Do you see Witness 61 there?

9 A. I do, yes.

10 304 Q. He has told the Chairman that the late Mr. Fitzsimons spoke  
11 very highly of my client, Mr. Corrigan, and said that  
12 Mr. Corrigan was particularly helpful in the investigation  
13 into the killing of the late Captain Nairic. You are not  
14 in a position to dispute that?

15 A. I am not in a position to dispute that, I have no  
16 knowledge.

17 305 Q. Again, Witness 27, do you see Witness 27 there on the list?

18 A. I do, yes.

19 306 Q. And again, Witness 27 again told the Chairman that  
20 Mr. Fitzsimons had a good relationship with my client and  
21 that, indeed, Mr. Fitzsimons encouraged him to develop a  
22 relationship with my client in terms of cross-border  
23 activities, and again, you are not in a position to dispute  
24 that?

25 A. No.

26 307 Q. And again, I think Witness 2 has provided a statement to  
27 the Tribunal along the lines that the late Mr. Fitzsimons  
28 was friendly with Mr. Corrigan, and again, you are not in a  
29 position to dispute that?

30 A. No. Sorry, Chairman, I can't assist you in that regard. I

1 did not know who Mr. Fitzsimons either had casual contact  
2 with or any form of more permanent relationship in respect  
3 of either individual garda. I know that he had good  
4 relationships with those people that he dealt with in the  
5 Security Branch at the Phoenix Park, and I know that  
6 Phoenix Park positively responded to the three or four  
7 occasions when the request emanating from myself indicated  
8 that we wanted the task force to do the follow-up operation  
9 as opposed to the local people being involved.

10 308 Q. And again, I suppose just to repeat my earlier question:

11 Prior to -- while you were serving in the RUC, you had no  
12 particular cause to remember my client's name of Corrigan?

13 A. No. As I have again said, and for the benefit, I'll say  
14 again: It was Dundalk Station that remained in my mind, on  
15 my focus, bearing in mind that intelligence that had been  
16 gleaned, and it was acted upon by the use of the task  
17 force, had on at least one occasion when I can positively  
18 remember was successful and that there was at least three  
19 other occasions when intelligence of that nature was  
20 passed, and the task force acted upon it, which, as far as  
21 I was concerned, my train of thought was, having got the  
22 intelligence, which didn't relate to Belfast, I made sure  
23 that it was actioned, it was actioned through  
24 Mr. Fitzsimons down to Dublin to the task force and the  
25 task force were then -- and those directing the task force  
26 were then prepared to act upon it. And I was very  
27 conscious of the fact that we were asking for what I  
28 considered to be an elite section within the Garda insofar  
29 as dealing with subversives was concerned.

30 309 Q. And, again, this isn't really a matter for you, but the

1 Chairman has evidence of correspondence from Headquarters  
2 in relation to my client in the early 1980s and the manner  
3 in which he dealt with investigations emanating from  
4 Headquarters. Thank you very much, sir.

5

6 CHAIRMAN: Any other questions?

7

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

9

10 MR. ROBINSON: Mr. Chairman, I have a number of brief  
11 matters, if I may. Mr. Wallace, my name is Mark Robinson,  
12 I appear on behalf of the PSNI. I wonder if I can ask you  
13 about two matters. The first matter is in relation to the  
14 awareness of Bob Buchanan in relation to security when he  
15 is crossing the border, and evidence has been given that he  
16 was crossing the border at approximately ten times per  
17 month, carrying out his functions.

18 A. Right.

19 310 Q. And it would be correct that those trips were necessary to  
20 exercise his functions?

21 A. That's right, yes.

22 311 Q. And evidence has been given that the telephone systems were  
23 not secure between the North and the South, do you recall  
24 that?

25 A. Well, the Working Party did make a recommendation about the  
26 necessity to get proper, secure, state-of-the-art  
27 communication systems between nominated police stations in  
28 the North and their counterparts in the South, and the need  
29 to have those systems properly maintained so that they were  
30 available and working. The system that was -- that was



1           presently in use was most user-unfriendly in that it was  
2           difficult, and, because of its very nature, there were  
3           occasions when people shied away from using it simply  
4           because it was very, very cumbersome, and the Working Party  
5           had identified that and had, as one of their  
6           recommendations, I think it's about 65, recommendation 65,  
7           if my memory serves me right, I may be wrong, but that a  
8           more secure -- research be carried out and that a more  
9           secure form of communications devised so that there was  
10          less chance of people either tapping into the phone or an  
11          accidental overhearing of conversations.

12       312   Q. And setting aside the use of telephones, it is correct that  
13           nothing would be better than a face-to-face meeting where  
14           you built up a rapport with your counterpart?

15       A. Undoubtedly. Part and parcel of the job description, and  
16           if you go through each of the elements of the job  
17           description, there had to be a lot of personal contact  
18           where you built up trust, where you built up confidence,  
19           both the people having confidence in you as the border  
20           superintendent, but also that you then had confidence in  
21           the people that you were dealing with, and that could only  
22           be done as a result of personal contact and letting them  
23           see that you were a person who was valued and who could be  
24           trusted, and similarly, then, building up a rapport where  
25           you could have trust and confidence in the people you were  
26           dealing with.

27       313   Q. Also, if I can address the issue of frequency. Ten times  
28           per month, in order to maintain those relationships and in  
29           order to remain up to date with how things were moving on  
30           the ground, ten times per month is not unreasonable or

1 unusual?

2 A. I wouldn't have considered it unreasonable. That was one  
3 every three days. I certainly wouldn't have considered  
4 that unreasonable.

5 314 Q. And it has been suggested to the Tribunal that in  
6 travelling across alone or without an escort, or whatever,  
7 exposed Mr. Buchanan to an increase in risk, and I just  
8 want to address the point that, essentially, this was one  
9 of the most dangerous functions within the PSNI/RUC at the  
10 time?

11 A. It was, yes.

12 315 Q. And if I can just address with you, Brian Lally gave  
13 evidence on the 16th of September, Day 35, and I believe  
14 that was Superintendent Breen's predecessor, and he was  
15 asked whether or not there was a threat to his person when  
16 travelling by himself, and he said, "*I suppose it was maybe*  
17 *sometimes like looking back, the thing about your job, you*  
18 *had to do -- you had a job to do.*" He then stated, "*By and*  
19 *large, you accepted, at the back of your mind, that the*  
20 *next corner may be your last, but you just, for some*  
21 *reason, carried on.*" And you would agree that that  
22 illustrates the level of risk and the level of danger that  
23 these individuals responded to and engaged in and  
24 understood, in carrying out their functions?

25 A. I would, Chairman, yes.

26 316 Q. And Mr. Buchanan was also acutely aware of the risks, given  
27 that he sat on the Working Party that compiled the border  
28 document?

29 A. That's correct, he did.

30 317 Q. Now, these meetings were necessary. And if I can address,

1           then, attempts to minimise the risk if you were going to  
2           travel across the border. The method of transport that Bob  
3           Buchanan used was his own vehicle, and in order to minimise  
4           risk, if he, for example, had taken an armoured vehicle,  
5           that would have presented more of a target, a more obvious  
6           target, would that be correct?

7           A. And that it would have been mess manoeuvrable and you would  
8           have lost the element of speed if you were into a difficult  
9           situation, to be able to drive out of it quickly, because  
10          the armoured cars had a limitation as to the speed that you  
11          could safely drive at before you -- more or less, the  
12          weight of the vehicle made it more difficult to control.

13        318    Q. And also, if you drive your own vehicle, you know that  
14              vehicle's capabilities and its limitations?

15            A. That's right, yes.

16        319    Q. And if, for example, Bob Buchanan had requested an escort,  
17              either down to the border and then from the border to  
18              Dundalk, that, again, increases the risk not only to  
19              himself but to others, because you would expose the fellow  
20              RUC officers bringing him down, and also the guards on the  
21              way from the border?

22            A. I would have thought that it would also have, to a degree,  
23              made his particular job more difficult in having to be  
24              escorted everywhere where he was going.

25        320    Q. Certainly. And we have learned from the evidence that PIRA  
26              in this region were extremely risk-averse?

27            A. That's correct.

28        321    Q. And spontaneous operations were something that they did not  
29              engage in, would that be accurate or --

30            A. There certainly, in major operations, there was a large

1 element of pre-planning. From time to time, an opportunity  
2 target could have appeared where it was just a quick in and  
3 out, but, in general terms, most operations were researched  
4 and planned by the organisation.

5 322 Q. And I don't wish to draw you into a supposition, but if Bob  
6 Buchanan was aware of that practice, would it be part of  
7 his considerations or part of the considerations of any  
8 officer travelling across the border, that if PIRA were  
9 not -- if their MO was not to perform spontaneous  
10 operations, that if they take a quick trip, unannounced, in  
11 their own vehicle, quietly, it robs PIRA of opportunities  
12 to set up an operation?

13 A. That would be -- that is correct, and indeed, on occasions,  
14 and especially in the wake of the work that was undertaken  
15 by myself and my contact with Mr. McMahon during the  
16 preparation of that report, I travelled to Dublin on a  
17 number of occasions in an unmarked car, just with a driver  
18 and myself, and in the main -- stayed to the main road, and  
19 whilst I was fully conscious that you could have been  
20 unfortunate enough to be, for whatever reason, twigged by  
21 the terrorists and something befall you, it was a risk, in  
22 order to get on with what you were required to do, that you  
23 were prepared to take, and thankfully, from my point of  
24 view, well I'm here today, and that was largely down to the  
25 fact that my visits were not of any routine nature, and  
26 that, as I say, I travelled as inconspicuously as possible.

27 323 Q. And if I could also address, Mr. Wallace, the suggestion  
28 that perhaps Bob Buchanan and Harry Breen were lax in their  
29 approach to their security in crossing the border, what  
30 would be your response to that?

1 A. I wouldn't agree with that at all, and indeed the very fact  
2 that it has been put to me today that Mr. Breen was  
3 concerned about his security, especially in relation to  
4 Dundalk, showed that he was very, very conscious, and from  
5 my knowledge of Mr. Breen, which extended back of 20-plus  
6 years of his service and my service, he was not a person  
7 who was going to take risks which were going to endanger  
8 his life or anyone else's life, and neither was -- I had  
9 known Bob Buchanan almost his entire service in that he was  
10 about a year of less seniority than myself, and our careers  
11 had sort of paralleled in the earlier days, and I would  
12 never have considered him a person who was prepared to take  
13 unnecessary risks.

14 324 Q. I am obliged, Mr. Wallace. The second issue, if I may  
15 address with you, is, in your statement you refer to  
16 indicators that could raise a suspicion that an officer was  
17 compromised or --

18 A. Yes.

19 325 Q. -- should not be acting as he should. And if I can  
20 address the method or the way in which suspicions can  
21 arise. It's correct that these doubts about officers can  
22 arise by way of rumours, would you agree with that?

23 A. Yes.

24 326 Q. And I would also be correct, Mr. Wallace, in suggesting  
25 that simply because a rumour is heard, it cannot simply be  
26 discarded if it relates to, say, for example, an officer's  
27 finances or property portfolio or engagement in criminal  
28 activity?

29 A. If rumours then take on a dimension of having credence,  
30 then those rumours have to be run down, both from the point

1 of view of being fair to the officer concerned and also if  
2 the officer concerned is out of bounds, so to speak, then  
3 that is identified and dealt with.

4 327 Q. And, say, for example, there were concerns about an  
5 officer's financial situation, and again I use by way of  
6 example, failed to pay for items or indeed a large property  
7 portfolio, if rumours were circulated touching those  
8 subjects, surely, in order to protect the system and ensure  
9 nobody is compromised, action should be taken if financial  
10 rumours are circulated?

11 A. Well, if the rumours take on any proportion of credence,  
12 then it's right and proper that those matters should be  
13 investigated.

14 328 Q. And those rumours would take on a particular light, would  
15 they not, if they were in relation to a Special Branch  
16 officer?

17 A. Well --

18 329 Q. Given the sensitivities of their role?

19 A. A Special Branch officer has more freedom of movement than  
20 a uniformed officer, who is more or less disciplined by the  
21 duty sheet where he is detailed for duty. A CID or a  
22 Special Branch officer has a role which, more or less, his  
23 duty takes him where he has to go. So, insofar as either  
24 Special Branch, CID or Uniform, as far as I would be  
25 concerned, if there was rumours which had some credence  
26 attached to them, then those rumours should be properly  
27 investigated.

28 330 Q. And if I address the issue of credence, you have to chase  
29 the rumour down, essentially, to a certain degree, to  
30 determine whether or not they had credence, would that be

1 correct?

2 A. Oh, yeah, once you would be satisfied that this matter  
3 should be investigated, then it should be investigated and  
4 that's no holds barred, because you owe it to the officer  
5 concerned, so that if there is a cloud over that officer,  
6 that cloud is lifted if there is nothing to it; if it turns  
7 out that there is something to it, then there is due legal  
8 process for him to be dealt with.

9 331 Q. And in relation to an officer's finances, say, for example,  
10 you had heard rumours about financial difficulties or  
11 living beyond their means, would you wait to investigate  
12 that? Would you wait for a complaint made against that  
13 officer or would you wait for court proceedings against  
14 that officer in order to -- or prior to commencing an  
15 investigation?

16 A. If the evidence that you had in your possession pointed to  
17 the fact that there was some wrongdoing on the part of the  
18 officer, you would go ahead and investigate it.

19 332 Q. And you would only obtain that evidence if you followed up  
20 on the initial rumour?

21 A. Well, you would have to follow up, if it's bank statements  
22 or property portfolio, or whatever, well, there are  
23 numerous Government agencies that are responsible, such as  
24 Land Registry, getting an order to inspect bank accounts.  
25 All of those pieces of legislation are available to you in  
26 the course of what would then be a major investigation.

27 333 Q. If I can take it a step back. Rather than having a bank  
28 statement in front of you, if you were simply at the very  
29 outset of this and you heard the initial rumour regarding  
30 an officer, you wouldn't simply discount the rumour and you

1           would take action to even informal approaches or, prior to  
2           starting or commencing any formal approach, you would at  
3           least chase that down to ensure that there was no officer  
4           that was subject to compromised allegations?

5           A. If I say again, Chairman, if the rumours take on a  
6           dimension that they have credence, then they should be  
7           investigated.

8       334   Q. Yes, I am simply trying to focus on the gap between taking  
9           on credence and actually hearing of the rumours. I know  
10          it's a very fine window of opportunity, but it's crucial in  
11          this regard, as to how rumours are discounted or taken  
12          seriously and what action is taken upon those rumours?

13       A. Well, let me say this: that I would far rather have the  
14          matter investigated and it turned out to be a damp squib  
15          and that there was no evidence, credible evidence, to  
16          sustain the rumours or the allegations, than leave the  
17          rumour festering where people, then, and the rumour-monger  
18          machine making it ten times worse than it really was. And  
19          if the matter is then investigated, if the officer has  
20          nothing that -- doing nothing untoward, that will come out  
21          of the investigation. The officer is then cleared. If it  
22          turns out that there is a problem, then that there problem  
23          should be subjected to due process.

24       335   Q. And if I can address the point of when action will be  
25           taken. If you heard rumours about an officer's finances,  
26           would you wait and do nothing and discount those rumours  
27           until either a complaint had been made against that officer  
28           or indeed court proceedings had been brought against that  
29           officer? Surely I'd be right in suggesting that action  
30           would be taken long before that?



1 A. I can only say again, you know, you are asking me, or  
2 putting me into a question -- until I would hear the  
3 rumours, evaluate the rumours, see what credence that the  
4 rumours had and what supporting evidence was available and  
5 once I was satisfied that an investigation should be  
6 carried out, I would then, if I had been in the position  
7 of, say, the Deputy Chief Constable, I would have informed  
8 the Chief Constable that I was going to direct an  
9 investigation and I would have selected a team to get on  
10 with the investigation, and the object being either to  
11 establish that the officer -- that the rumours are just  
12 that, and malicious to boot, or that the officer is someone  
13 who should find himself before due process in due course.

14  
15 MR. ROBINSON: I have no further questions. Obligated,  
16 Mr. Wallace.

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

19  
20 336 Q. MR. MacGUILL: I appear on behalf of retired Sergeant  
21 Hickey. And I think you were invited by counsel for the  
22 Tribunal to comment on whether you would confine an  
23 investigation into a single act of wrongdoing, do you  
24 remember being asked to give a comment on that?

25 A. Yes.

26 337 Q. I think you have heard from Mr. Durack that, in respect of  
27 the passport incident, that, in fact, every single passport  
28 form from that particular police station was examined over  
29 a lengthy period, and you'd agree that's a correct  
30 approach?

1 A. That's the correct approach, as far as I was concerned.

2 338 Q. Would you also agree that where wrongdoing on the part of a  
3 member of a police force is concerned, the correct approach  
4 is to assign the investigation to senior experienced  
5 officers?

6 A. Yes, and, hopefully, officers from a different area; in  
7 other words, officers who would not have had daily contact  
8 with the officer concerned.

9 339 Q. Precisely, which is exactly what occurred in this case,  
10 that Chief Superintendent Callanan and I think  
11 then-Inspector O'Mahoney from outside the division  
12 conducted the investigation. Would you accept that it may  
13 be necessary and it is best practice that an officer be  
14 arrested and interrogated under caution?

15 A. Once the evidence pointed in that direction and there was  
16 sufficient evidence to effect an arrest, then that would  
17 have been the procedure, certainly in our jurisdiction,  
18 that would have been adopted.

19 340 Q. And having conducted an investigation, conducted an  
20 interrogation, is it the correct best practice to then  
21 prefer criminal charges where the evidence supported them?

22 A. If the evidence supported them, and, again, in the case, I  
23 can only refer to Northern Ireland where you have  
24 consultations with the Director of Public Prosecutions,  
25 then charges would have been preferred.

26 341 Q. And all charges that are supported by the evidence?

27 A. Well, again, that's a matter for the prosecuting authority.

28 342 Q. And to have the matter dealt with not as an internal  
29 disciplinary matter, but in the public criminal courts, is  
30 best practice?

1 A. If it was a criminal offence and it was deemed that it  
2 should go to the criminal court, then the criminal court it  
3 would go to. And disciplinary matters, as such, would  
4 follow in the event of conviction, or whatever.

5 343 Q. But best practices is to have crime dealt with by the  
6 criminal courts?

7 A. That -- well, again, I can only speak for what happens in  
8 Northern Ireland, where matter is investigated, a crime has  
9 been disclosed, the matter goes to the Director of Public  
10 Prosecutions and invariably a prosecution is ordered,  
11 whether it's a police officer, prison officer or civilian.

12 344 Q. Because I think you were being asked, basically, to comment  
13 on some form of perfunctory investigation, when I am asking  
14 you to identify the elements of what was, in fact, a very  
15 comprehensive and thorough investigation, leading to  
16 criminal convictions, and that would be best practice, I  
17 think?

18 A. That would be -- and looking, as I answered to other  
19 counsel, that to make sure that this wasn't an isolated  
20 case and to check to see just exactly what -- had  
21 procedures been ignored or had they been complied with in  
22 respect of other applications where passport applications  
23 were being signed.

24 345 Q. And what do you understand the obligation to be of a senior  
25 investigator giving evidence in relation to sentence, to a  
26 court?

27 A. In relation to?

28 346 Q. To a sentence, when asked to give the background fact. Is  
29 it the obligation to give truthful evidence?

30 A. You give the evidence as you know it in relation to the

1 individual, so that if there is matters which would be in  
2 his favour, that those would be mentioned, together with  
3 any adverse matters. If you are asked to give character  
4 evidence, as such, you have to be completely fair to the  
5 defendant. If there is good points and positive points,  
6 you bring those out, and if there is negative points, they  
7 have to be brought out, as well.

8 347 Q. And in your experience, a senior police officer giving such  
9 evidence would endeavour to be completely accurate and  
10 completely candid with the court?

11 A. Well, I can only speak for myself, and I have given  
12 evidence of that nature, and I would have made sure that I  
13 had my research properly completed before I went and the  
14 evidence that I would have given would have been from --  
15 with my knowledge of the individual, and, in cases, some  
16 cases, it was favourable, and in other cases it was  
17 unfavourable.

18 348 Q. I simply put that --

19 A. In other words, I wasn't doing him any favours, one way or  
20 the other.

21 349 Q. I simply put that to you because the relevant evidence in  
22 this case was given by the current Commissioner, who was  
23 not challenged by the Tribunal as to the honesty or  
24 reliability of his opinion that there was no subversive  
25 connection between the particular policemen and the  
26 conduct. Now, can I take you briefly to the 1981 arms  
27 search or training-camp search?

28 A. Yes.

29 350 Q. You haven't been able to put a date on that?

30 A. No, it was -- I have tried to put it in context, that it

1           was additional to what I would normally have been dealing  
2           with. My primary responsibility was for the City of  
3           Belfast and what was happening there.

4       351   Q. Mr. Wallace, you haven't been able to put a date on that?

5           A. No, I wasn't able to put -- it was in or around 1981.

6       352   Q. Did you meet the counsel for the Tribunal on one occasion  
7           or on more than one occasion?

8           A. Oh, I met the Tribunal's counsel on three occasions.

9       353   Q. Okay. And on the first of those occasions, did it emerge  
10          that you had this information about 1981 but you couldn't  
11          deal with the date?

12          A. I knew that it happened when I was in charge in Belfast,  
13          and I think in response to a question I said it was round  
14          about 1981, and I don't think that I have changed, to be  
15          more specific than that.

16       354   Q. But isn't this a clearly verifiable date, a search took  
17          place with particular results by a particular police force  
18          on a given date? That should be verifiable, isn't that  
19          right?

20          A. It should be, because as I said in my evidence previously,  
21          the task force was brought up to do it, and, presumably,  
22          records of the task force being tasked to do something up  
23          in Dundalk would be available.

24       355   Q. So that all we need to do to move from the present  
25          unsatisfactory position, where we don't know the date, to a  
26          satisfactory position where we confirm the date of the  
27          search, would be for the Tribunal to ask the Commissioner?

28          A. Well, I mean, I am not conducting the Tribunal.

29       356   Q. I am only asking, I am just surprised there were three  
30          meetings and it hasn't been clarified over three meetings.

1

2

MRS. LAVERTY: I can assist the Chairman, I can assist

3

Mr. MacGuill, I think the Tribunal has asked the

4

Commissioner and indeed has asked for the SB50s that were

5

filed by Mr. Wallace at the time in an attempt to establish

6

the date. So far, they haven't been discovered, but I

7

think he will confirm that he filed SB50s resulting from

8

these searches, isn't that correct?

9

A. That's correct.

10

11

CHAIRMAN: You did file SB50s?

12

A. Yes, there was -- the report, Chairman, would have come in

13

initially on an SB50. When I saw that it didn't have

14

relevance to immediate action for Belfast, then I would

15

have telephoned Mr. Fitzsimons to tell him of the content

16

of it so that immediate action could be taken and then the

17

SB50 would have been submitted in the normal way.

18

19

MR. MacGUILL: Well, Chairman, it clearly is unsatisfactory

20

that material germane to this witness hasn't been procured

21

before this witness is called, because the date of this

22

incident in 1981 is very pertinent because my client didn't

23

become a member of An Garda Siochana attached to Dundalk

24

Garda Siochana until the middle of 1981. So of course I

25

want to establish, for your benefit, precisely when these

26

suspensions were generated, and I am put at a complete

27

disadvantage that the witness, who is doing his best and

28

can't remember a date, which can be easily verified, hasn't

29

been given the information and we are not being given the

30

information. So I would simply prepare to reserve my

1 position until the witness is recalled on a date when we  
2 all have this information.

3

4 CHAIRMAN: Well...

5

6 MR. MacGUILL: I mean, a lot will flow from it. You know,  
7 if the concerns that the witness has articulated, I would  
8 want to explore them from the point of view of my client.  
9 We may need to explore what was done about it in the eight  
10 years, almost eight years prior to the incidents that we  
11 are dealing with, but it's unsatisfactory that we don't  
12 have this information if it has been sought.

13

14 CHAIRMAN: Very well. Thank you. Any other questions from  
15 any other party? I have a question I want to ask you.

16

17 I have heard evidence that Mr. Curran, who was then  
18 Superintendent in Monaghan, that he obtained intelligence  
19 that the IRA had targeted Mr. Buchanan, they intended to  
20 attempt to kill him.

21 A. Yes.

22

23 CHAIRMAN: He dealt with that intelligence, and if that had  
24 gone, as one would expect in the normal way it should have  
25 gone, to the Chief Constable of the RUC at the time, what  
26 action do you think the Chief Constable would have taken?

27 A. The Chief Constable would have, having assessed the  
28 intelligence and satisfied that the intelligence was  
29 reliable, he would, undoubtedly, have decided that  
30 Mr. Buchanan would have to -- would have been moved from

1 his job as Border Superintendent and, in all probability,  
2 transferred to an area where there was much less prospect  
3 of terrorist activity.

4  
5 CHAIRMAN: Now, in fact, a decision was made to transfer  
6 Mr. Buchanan, but, tragically, it came -- the news came of  
7 it on the day that he was murdered.

8 A. I am aware of that, Chairman.

9  
10 CHAIRMAN: Thank you very much. Do you have any  
11 re-examination, Mrs. Lavery?

12  
13 **THE WITNESS WAS RE-EXAMINED BY MRS. LAVERTY AS FOLLOWS:**

14  
15 357 Q. MRS. LAVERTY: There are just two very brief matters that I  
16 have been asked to put to you because of your knowledge of  
17 intelligence, Mr. Wallace. In the event that an agent is  
18 outed, say somebody is placed within the IRA and that agent  
19 is finally outed and his identity is known, I presume that  
20 that causes severe embarrassment to the IRA, or the  
21 subversive organisation?

22 A. It would, but the IRA, especially, when they outed an  
23 agent, then almost made a virtue out of it, and the reason  
24 for that being that they wanted to strike the fear of God  
25 into any other people who were either giving information or  
26 would be disposed to giving information, and that's why the  
27 'black bag' syndrome was very much in evidence where people  
28 who had been allegedly supplying intelligence to the  
29 security forces were subsequently executed and with the  
30 black bag over their head.



1       358   Q. Would they also tend to downplay the information that was  
2           provided by that particular agent?

3       A. Oh, they always had a damage limitation that he was -- what  
4           he provided wasn't of any significance. But I think you  
5           also have to remember that the organisation itself and  
6           those active members of the organisation, were aware of  
7           operations, that operations were either compromised or they  
8           were unsuccessful or that arrests had taken place, and  
9           they, individually and collectively, knew the damage that  
10          particular agents, because they were fully aware of that  
11          agent's access, meetings that he would have been privy to,  
12          people that he was talking to, people that were telling him  
13          about what was going to happen, the organisation would have  
14          known full well just the amount of damage that had been  
15          occasioned to themselves and how many people were caught or  
16          convicted and were in jail as a result of the activities of  
17          that agent.

18       359   Q. And what about the organisation that may have put the agent  
19           in there in the first place? Would they, equally, if the  
20           agent was outed, tend to play down the contribution made by  
21           that particular agent?

22       A. Well, we had a policy in the RUC of not commenting --

23

24       MR. ROBINSON: Chairman, again, maybe it's a premature  
25           application, but normally the policy in relation to  
26           sources, as being neither confirmed or denied, and I would  
27           ask that perhaps counsel to the Inquiry address this point  
28           with the witness's representative and both myself prior to  
29           exploring what the PSNI/RUC policy was at the time.

30

1 MRS. LAVERTY: I am not actually asking about any agent in  
2 particular. I am just asking, in the event that an agent,  
3 his identity is discovered --

4

5 MR. ROBINSON: Mr. Chairman --

6

7 CHAIRMAN: We ought to hear the question first,  
8 Mr. Robinson.

9

10 360 Q. MRS. LAVERTY: Does, the, say, body that put the agent in  
11 in the first place, do they downplay the information they  
12 have received, and I asked Mr. Wallace that question and  
13 Mr. Wallace was saying that the RUC had a policy of --

14 A. I didn't get finished, actually.

15 361 Q. You didn't get to finish it. It was very simple, do they  
16 downplay the information or not?

17

18 CHAIRMAN: That, surely, isn't a difficulty?

19

20 MR. ROBINSON: That's fine.

21

22 CHAIRMAN: I think that's all right. Yes.

23 A. In no circumstances, Chairman, the RUC had a policy of not  
24 either confirming that the person was or was not an agent.

25 362 Q. MRS. LAVERTY: So they wouldn't comment at all?

26 A. No, we wouldn't have immediately said, oh, that, there, has  
27 been a vital blow to our whole strategy of gathering  
28 intelligence, or whatever. There was a policy, we did not  
29 comment and that --

30

1 MRS. LAVERTY: I think you probably answered that question  
2 to the satisfaction of Mr. Robinson.

3

4 MR. ROBINSON: The PSNI have denied that that policy was  
5 taken and protected over the years, and also the lives of  
6 the people that that policy has protected and saved, not  
7 only myself, Mr. Chairman. I am obliged.

8

9 363 Q. MRS. LAVERTY: There is one other matter that was drawn to  
10 my attention. Someone kindly pointed out that the other  
11 methods that were taken by you to sort of prevent smuggling  
12 in the late eighties, that one of them included the  
13 Hydrocarbons Order, that prevented tankers from  
14 circulating, oil tankers, and perhaps you could tell us  
15 where they prevented from driving.

16 A. Well, there were roads in south Armagh that the tankers'  
17 drivers, if they were going to make a delivery, had to seek  
18 authority to make a delivery, and that was aimed at cutting  
19 down the movement of tankers that were being used for  
20 smuggling or for the illegal transit of laundered fuel, or  
21 whatever.

22 364 Q. Yes. Thank you very much indeed, Mr. Wallace.

23

24 CHAIRMAN: Mr. Wallace, I am deeply grateful for you, I  
25 know you have come here today at considerable inconvenience  
26 because of the disruption of transport, and so forth, and  
27 we are very grateful for giving so much of your valuable  
28 time to the Tribunal. You have been of great assistance to  
29 us. Thank you very much indeed.

30 A. Thank you, Chairman.

1

2

**THE WITNESS THEN WITHDREW.**

3

4

MRS. LAVERTY: I just wanted to ask, rather than

5

inconvenience Mr. Wallace, in the event that we do find the

6

SB50s or any further documentation which the Tribunal has

7

sought, perhaps Mr. Wallace might consider returning very

8

briefly to the Tribunal.

9

A. Oh, yes.

10

11

CHAIRMAN: Perhaps since we are on that topic, Mr. Durack,

12

who has unlimited resources at his fingertips, will be able

13

to personally make a search of the Garda records.

14

15

MR. DURACK: Indeed.

16

17

CHAIRMAN: Thank you very much. Now, the witnesses

18

tomorrow and Friday -- for various reasons, those who we

19

had pencilled in for that date --

20

21

MRS. LAVERTY: So we are not sitting tomorrow or Friday.

22

23

CHAIRMAN: The next witness will be?

24

25

MRS. LAVERTY: Tuesday morning.

26

27

CHAIRMAN: Tuesday morning next at eleven o'clock.

28

29

**THE TRIBUNAL ADJOURNED UNTIL TUESDAY, 6TH DECEMBER, 2011,**

30

**AT 11 A.M.**

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