

A P P E A R A N C E S

The Sole Member:

His Honour Judge Peter Smithwick

For the Tribunal:

Mrs. Mary Lavery, SC
Mr. Justin Dillon, SC
Mr. Dara Hayes, BL
Mr. Fintan Valentine, BL

Instructed by:

Jane McKeivitt
Solicitor

For the Commissioner of
An Garda Síochána:

Mr. Diarmuid McGuinness, SC
Mr. Michael Durack, SC
Mr. Gareth Baker, BL

Instructed by:

Mary Cummins
CSSO

For Owen Corrigan:

Mr. Jim O'Callaghan, SC
Mr. Darren Lehane, BL

Instructed by:

Fintan Lawlor
Lawlor Partners Solicitors

For Leo Colton:

Mr. Paul Callan, SC
Mr. Eamon Coffey, BL

Instructed by:

Dermot Lavery Solicitors

For Finbarr Hickey:

Fionnuala O'Sullivan, BL

Instructed by:

James MacGuill & Co.

For the Attorney General:

Ms. Nuala Butler, SC
Mr. Douglas Clarke, SC

Instructed by:

CSSO

For Freddie Scappaticci:

Eavanna Fitzgerald, BL
Pauline O'Hare

Instructed by:

Michael Flanigan
Solicitor

For Kevin Fulton:

Mr. Neil Rafferty, QC

Instructed by:

John McAtamney
Solicitor

For Breen Family:

Mr. John McBurney

For Buchanan Family/
Heather Currie:

Ernie Waterworth
McCartan Turkington Breen
Solicitors

For the PSNI:

Mark Robinson, BL

NOTICE:

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

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I N D E X

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1 **THE TRIBUNAL RESUMED ON 19TH OF SEPTEMBER, 2012,**
2 **AS FOLLOWS:**

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4 CHAIRMAN: Good morning.

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6 MRS. LAVERTY: Good morning, Chairman. You have two
7 witnesses today, Chairman. The first is Assistant Chief
8 Constable Drew Harris, from the PSNI, who was appointed in
9 February 2006, and he is the person who is responsible for
10 the Crime Operations Department, including Organised Crime
11 Branch, major investigation teams, Intelligence Branch,
12 Special Operation Operation Branch and the Scientific
13 Support Branch in the PSNI and he is here to proffer
14 intelligence to you, Chairman, that he thinks is of
15 relevance to the Tribunal, that has manifested itself quite
16 recently as a result of other investigations, and he
17 believes it would be appropriate that you would accept it.

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19 CHAIRMAN: Yes, I have seen the précis of the evidence.

20
21 MRS. LAVERTY: Yes. Now, the second witness, Chairman, is
22 Mr. William Frazer, who is the founder member of an
23 organisation called FAIR in the North, and I am sure people
24 will be aware of his public persona. On a previous
25 occasion, in the Tribunal, Mr. Corrigan was giving evidence
26 and he made comments that were Mr. Frazer felt pejorative
27 of him and untrue, and he has been invited back to the
28 Tribunal at the first available opportunity to deny the
29 allegation that was made about him, and he will be giving
30 evidence later following the first witness.

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2

CHAIRMAN: Of course. Now, in relation to Mr. Harris's

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evidence that he is going to give, he is, of course,

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Assistant Chief Constable in the Police Service of Northern

5

Ireland. Mr. Robinson...

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SPEAKER: I believe Mr. Robinson is still upstairs.

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MRS. LAVERTY: I can tell you, Chairman, I am anticipating

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My Friend, but in ease of Mr. Robinson, he would be making

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an application that because of the sensitive nature of this

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intelligence and it is current intelligence and highly

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sensitive, that the matters would be heard in closed

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session, in private session. And being aware of the

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intelligence that is being offered, I would join with My

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Friend in making that application. I would agree that it

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would be appropriate, subject to your good self.

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CHAIRMAN: Yes. I think I ought to hear Mr. Robinson, the

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application has to be made to me to go into private

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session. On the face of it, having seen the précis of the

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intelligence and the nature of it and the fact that it is

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current intelligence, I feel that there is a strong case to

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be made. Now, I think I ought to hear Mr. Robinson in

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making it. Do you have any -- Mr. McGuinness?

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MR. MCGUINNESS: Before Mr. Robinson arrives, and it

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obviously relates to Mr. Harris's evidence. Now, we have

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received a copy of the précis, Chairman, that you have

30

referred to, yesterday evening, we got it ourselves after

1 5 o'clock. We don't have a statement from Mr. Harris. I
2 understand from Mrs. Lavery that we won't have a statement
3 before his evidence. It puts, certainly from the
4 Commissioner's point of view, our team in a very difficult
5 position. Ideally, we would wish to have had sight, with
6 appropriate notice, of such a statement, outlining how it
7 came to pass that the Tribunal was perhaps apparently
8 misled over whether there was any intelligence in relation
9 to collusion, and accounting for the failure to produce the
10 five pieces of intelligence referred to on day 177. The
11 précis that, Chairman, you have now referred to, as I
12 understand it, contains additional pieces of intelligence,
13 I think 12 in number.

14
15 CHAIRMAN: Contains 12 additional pieces of intelligence
16 beyond the five that came to our notice comparatively
17 recently.

18
19 MR. McGUINNESS: Yes, so that is 17 pieces of intelligence
20 provided to the Tribunal not notified to the parties before
21 it came into public session, some seven years after the
22 Tribunal was established. And we don't know yet when each
23 and every one of these pieces of intelligence was received,
24 and I don't want to stray into that territory before the
25 Tribunal goes into private session, but the Tribunal has
26 pursued diligently the issue of the SB50 from 1985. It's
27 obtained the evidence of the respective handlers and the
28 person who then dealt with the intelligence in the RUC, and
29 certainly from the point of view of the Gardaí, we would be
30 anxious that this Tribunal persist in its unquenching

1 pursuit to the extent that it can, to make the maximum
2 evidence and information available in pursuit of your
3 inquiries, Chairman. But from the point of view of
4 Mr. Harris's evidence today, we simply don't know what he
5 is going to account for the previous silence, the discovery
6 of the five pieces, and now the discovery of these new 12
7 pieces. So, I am most anxious -- I know you are anxious to
8 take his evidence, but I want to reserve my position re
9 cross-examination until we have had an opportunity to hear
10 his evidence and I have had an opportunity to take my
11 client's instructions on whatever matters --

12
13 CHAIRMAN: On whatever evidence you have heard today, yes.

14
15 MR. McGUINNESS: Yes. And I would envisage, subject to you
16 of course, Chairman, that fair procedures would allow me to
17 do that and that Mr. Harris would be recalled at a later
18 date for such cross-examination as might be thought fit on
19 behalf of the Commissioner.

20
21 CHAIRMAN: Yes. But not too ... not too later a date, may
22 I suggest.

23
24 MR. McGUINNESS: Well, I can't speak to you or your
25 availability and Mr. Harris's availability, but I would
26 think some date next week or in the next fortnight.

27
28 CHAIRMAN: That is what I would envisage, yes, because I am
29 very anxious to move on. I am grateful to have this very
30 new and unexpected intelligence which has now come to the

1 attention of the Tribunal, I am very anxious to hear it,
2 but of course you will have to take instructions from the
3 Garda Commissioner and I appreciate that will -- that you
4 will be able to do that between now and next week, so I am
5 with you on that point, I must say.

6

7 MR. MCGUINNESS: And who knows where it may lead, Chairman.

8

9 CHAIRMAN: But that is what you think for the moment?

10

11 MR. MCGUINNESS: I think so, Chairman.

12

13 MRS. LAVERTY: I can assure you, Chairman, that Mr. Harris
14 will advise you, as indeed he has advised me, that the
15 Chief Constable in North takes the work of the Tribunal
16 very seriously. He is here to assist the Tribunal, and if
17 it requires his reattendance to facilitate you,
18 Chairperson, he will make himself available.

19

20 CHAIRMAN: I am very glad to hear that.

21

22 MRS. LAVERTY: He will be dealing with the SB50 that was
23 the subject of so much controversy and he will deal with
24 that today.

25

26 CHAIRMAN: Yes...

27

28 MRS. LAVERTY: In his evidence.

29

30 CHAIRMAN: That is the SB50 that gave some difficulty to

1 Mr. O'Callaghan...

2

3 MRS. LAVERTY: That's right, in relation to the grading; he
4 will finalise that matter today.

5

6 CHAIRMAN: Good.

7

8 MR. O'CALLAGHAN: Could I just make a brief submission
9 echoing what Mr. McGuinness has said, and my submission is
10 that the Tribunal has really been placed in an impossible
11 position by the PSNI, and indeed by the British Security
12 Service, who make the decision as to whether or not
13 intelligence is disclosed. You will recall, Chairman, that
14 on Day 95, the 1st of May 2012, Detective Chief
15 Superintendent Roy McComb of the PSNI gave evidence to you,
16 and he told you that if there was material that the PSNI
17 was holding, then it had been made available to the
18 Tribunal for its consideration. And then subsequently,
19 Chairman, on the 25th of July last, Day 117, Mr. McComb
20 came back and he gave further evidence to you about five
21 more pieces of intelligence which he described as credible
22 and reliable, and which of course was wholly exculpatory of
23 my client and to my client's benefit.
24 He told you on that day, Chairman, that the PSNI hadn't
25 taken a decision not to release that intelligence. And
26 then yesterday we get a précis containing more details
27 pertaining to intelligence. No explanation has been
28 provided as to where it came from, no explanation has been
29 provided as to why the PSNI has not provided this
30 information to this Tribunal during the seven years of its

1 existence. My submission to you, Chairman, is that if the
2 PSNI wish to rely upon intelligence, they have to do what
3 they did in respect of the SB50. You will recall that the
4 SB50, which was damaging to my client's interests - they
5 provided you with the original - the people who compiled it
6 came to give evidence, and the supervising officer also
7 gave evidence. And if you compare that with what they are
8 doing in respect of other pieces of intelligence, there is
9 a marked difference.

10
11 I suggest to you, Chairman, that really, this Tribunal,
12 from my client's interest, the Tribunal cannot be prolonged
13 indefinitely by the PSNI coming in here at the eleventh
14 hour saying we want you to have a look at some more
15 information. My client wants this Tribunal to end, as I am
16 sure you do, Chairman, and all the other parties here do,
17 and he is entitled to have it brought to a prompt
18 conclusion, but what can't happen is that the PSNI adopt a
19 laissez-faire attitude to when and whether they will
20 provide documentation to you.

21
22 It's my respectful submission, Chairman, that they are not
23 cooperating with you. That is my submission to this
24 Tribunal.

25
26 In respect of the evidence to be given by Mr. Harris, I
27 want to also avail of the opportunity that you may afford
28 Mr. McGuinness, to take some time to consider his evidence
29 and then to prepare for cross-examination.

1 CHAIRMAN: Of course, Mr. O'Callaghan, it follows that if I
2 am acceding to Mr. McGuinness's application for time to
3 consider what questions he needs to ask in
4 cross-examination, of course you are entitled to that
5 facility, too, fair procedures would demand it, and you
6 will be given that opportunity.

7
8 MR. O'CALLAGHAN: Thank you, Chairman.

9
10 CHAIRMAN: And I agree with you that this Tribunal cannot
11 be indefinite. I am very anxious that this evidence be
12 dealt with as soon as possible and that matters be brought,
13 as they appear to be, very near to a conclusion. Thank you
14 very much. Now, Mr. Robinson ...

15
16 MR. COFFEY: On behalf of Mr. Colton, I wish to apply to
17 reserve my position in the light of any evidence given by
18 Mr. Harris and be given the opportunity revisit the
19 examination and cross-examination of my client in the light
20 of any additional evidence given by Mr. Harris.

21
22 CHAIRMAN: Thank you very much. I appreciate that.

23
24 MR. MacGUILL: In relation to Mr. Hickey, as speculated by
25 Mr. O'Callaghan, we also wish to reserve our position. We
26 are extraordinarily frustrated that the PSNI have sat on
27 their hands while represented here for the entire duration
28 of the Tribunal, cross-examined my client in a most hostile
29 fashion in circumstances where they now purport to have
30 this unattributed hearsay upon hearsay exculpation of all

1 concerned, and we would reserve our position to ask to be
2 released from the Tribunal's further proceedings. We will
3 wait to hear what Mr. Harris has to say, but it certainly
4 appears you may have to embark on a rehearing of the entire
5 evidence in this case because of a document that was
6 withheld from you, in our submission, quite improperly.

7
8 CHAIRMAN: Thank you, Mr. MacGuill.

9
10 MRS. LAVERTY: I would like to reply generally to the
11 comments being made.

12
13 If the PSNI were not cooperating with this Tribunal,
14 Chairman, they could have sat on this information for
15 another few weeks and the Tribunal may have come to an end.
16 So I think to suggest that in some way they are behaving
17 improperly by bringing you this information at this stage
18 of the proceedings is not quite correct, Chairman. And if
19 I could remind you of something that was quoted in the
20 Opening Statement. Judge Cory said that when he was
21 referring to matters to be dealt with in a tribunal, he
22 said "*without public scrutiny, doubts based solely on myth*
23 *and suspicion will linger long, fester and spread their*
24 *malignant infection throughout the Republic and the*
25 *Northern Ireland community.*" And I said in the course --
26 in referring to the intelligence and stating that our
27 obligation was to listen to every rumour, all of the gossip
28 and to deal with it one way or the other in public for both
29 benefit of the people that had been talked about in public
30 and the benefit of, for example, the police forces. And I

1 did say at page 73 of the Opening Statement that: *"I will*
2 *say that if the Tribunal were to take at face value every*
3 *intelligence report it has seen, it would lead one to*
4 *believe that up with five moles colluded with the*
5 *Provisional IRA in these shootings. This stretches*
6 *credulity and one is inexorably drawn to the conclusion*
7 *that the contents or at least some of these intelligence*
8 *reports are untrue. This serves to highlight that*
9 *intelligence is simply information by another name.*
10 *Intelligence can be accurate or inaccurate. The provision*
11 *of information of this nature can be motivated by all sorts*
12 *of factors, some of them not very noble. Accordingly,*
13 *intelligence reports ought to be approached with an open*
14 *but cautious and questioning mind."* And I am sure -- quite
15 convinced, Chairman, that that is the approach that you are
16 taking, but you have to hear the intelligence currently
17 circulating because that affects the people that the
18 intelligence is being spoken about.

19
20 CHAIRMAN: Yes.

21
22 MRS. LAVERTY: And I just make that point.

23
24 CHAIRMAN: Thank you very much. Well now, Mr. Robinson, I
25 think I see you there. It's often difficult to see who is
26 present and see faces before me. But here, I see you.
27 Have you an application to make on behalf of ...

28
29 MR. ROBINSON: Firstly, sir, a comment to make.

1 First and foremost, the PSNI has aimed to fully cooperate
2 with this Tribunal and, sir, you will learn from the
3 evidence from Assistant Chief Constable Harris of the
4 lengths that the PSNI have gone to in order to produce all
5 relevant information to you, sir, to assist you in your
6 task. That is the first point.

7
8 The second point, sir, is that through your team, sir, you
9 will be no doubt aware of the sensitive nature of the
10 information that Assistant Chief Constable Harris wishes to
11 place before you. On that basis, sir, I would have an
12 application under the Tribunals of Inquiry Act 1921,
13 Section 2(a) to exclude the public because, in the PSNI's
14 view, it is expedient to do so because of the nature of the
15 evidence to be given.

16
17 CHAIRMAN: Yes. May I ask if anybody is opposing that
18 application for this evidence to be taken in private
19 session?

20
21 MR. MCGUINNESS: On behalf of the Commissioner, I am not
22 opposing that application but obviously the issue may
23 subsequently arise as to what is to happen with the
24 evidence taken in private. And obviously, depending upon
25 the cross-examination and the evidence of Mr. Harris, there
26 may be issues arising as to whether some portions of that
27 evidence be put into the public domain or not, and I would
28 like to reserve the Commissioner's position to be heard in
29 relation to whether some of the material goes in or not.
30 Because on one view, some of it is irrelevant, and on

1 another view, some of it may prove to be so vague as to be
2 completely lacking in any probative value at all. So I
3 want to just reserve my position and to have that
4 opportunity to be heard if it is proposed to put things in
5 or leave things out.

6
7 CHAIRMAN: Yes. Well that will only arise after Assistant
8 Chief Constable Harris gives his evidence.

9
10 MR. O'CALLAGHAN: Also, I suppose if there is evidence
11 being given in respect of the grading of the 1985 SB50, you
12 know, that is a matter that will have to come out into the
13 public domain, if a certain approach is being adopted.

14
15 In terms of the application to go into private, I am not
16 objecting or consenting, but if the matter is then to go
17 into public in due course, then we should be given some
18 consideration -- we should be consulted, not simply the
19 PSNI being consulted but the other parties should be
20 consulted in respect of what goes in, because we would like
21 a lot of stuff in, as opposed to what stays out, but I am
22 not objecting or consenting to the application.

23
24 CHAIRMAN: Thank you very much, Mr. O'Callaghan.

25
26 MR. COFFEY: I wish to adopt a similar position to that of
27 Mr. O'Callaghan.

28
29 CHAIRMAN: Thank you very much.

1 Well, I, of course, have had an opportunity of studying the
2 different pieces of intelligence, both the five-part
3 intelligence that has already been before the Tribunal for
4 some time now, and next, the additional 12 items, and I am
5 aware of the delicacy of the matter, and particularly that
6 this is not historic intelligence but it is actually live
7 present day intelligence, and it's very important that it
8 should be used with some discretion, and that I think on
9 that ground, I think it's proper that I should hear that
10 evidence in private session. Accordingly, I grant that
11 application and I propose that members of the press,
12 members of the public and everybody except the parties who
13 have representation before the Tribunal and their legal
14 teams would absent themselves from the hearing room until
15 the private session is completed. Thank you very much.

16
17 Mr. O'Callaghan, before you go, there will be another
18 matter, but I can deal with it afterwards, after the
19 private sitting, which is the question of certain
20 correspondence has been put before me by your solicitors
21 relating to your client's ability to attend for further
22 examination, but I will deal with that afterwards, again
23 public, I think.

24
25 MR. O'CALLAGHAN: With your permission, Chairman,
26 Mr. Lehane might deal with that, I just have a personal
27 commitment that I have to deal with but Mr. Lehane is
28 prepared to deal with that.

29
30 CHAIRMAN: I am always very glad to hear from Mr. Lehane, I

1 am sure he will deal with that very efficiently.

2

3 MRS. LAVERTY: I would like you to note, Chairman, that not
4 all the parties represented before you have an interest in
5 the intelligence that is about to be heard, only parties
6 who are directly affected by it, so some parties haven't
7 been circulated because it doesn't concern their --

8

9 CHAIRMAN: It has only been circulated to those who would
10 be adversely affected by it, obviously, and I think that
11 every party is entitled to be present for the hearings in
12 private.

13

14 MRS. LAVERTY: Not parties who have no direct -- who are
15 not directly affected by it and whose position is not
16 prejudiced by it, Chairman.

17

18 CHAIRMAN: Yes. Well, who should be excluded?

19

20 MRS. LAVERTY: If you want to -- I didn't want to say this
21 in public, but for example, Mr. Scappaticci is not any way
22 affected --

23

24 CHAIRMAN: Oh, no, he is not mentioned; I've been through
25 that.

26

27 MRS. LAVERTY: -- by this intelligence, therefore his legal
28 team has not been circulated.

29

30 CHAIRMAN: No, but well anyway, that doesn't arise if he is

1 not here.

2

3 MS. FITZGERALD: In fact, Chairman, I am present on behalf
4 of Mr. Scappaticci at the moment. I haven't been served
5 with a précis, I don't know what the documents involve, and
6 certainly in the past I have been present for any of the
7 private sittings.

8

9 CHAIRMAN: Yes.

10

11 MRS. LAVERTY: Representation was extended to
12 Mr. Scappaticci when the cross-examination of more recent
13 witnesses occurred, Chairman, because the Tribunal couldn't
14 guarantee that his name would not be mentioned in
15 particular cross-examinations. But specifically in
16 relation to this intelligence, he is not referred to; it
17 has no bearing --

18

19 CHAIRMAN: I have gone carefully through it myself on a
20 number of occasions now, it doesn't affect him at all. Not
21 merely does it not affect him adversely, but he is not
22 mentioned or contemplated in it in any form at all. So I
23 can't -- well in your view, Mrs. Laverty, should his
24 counsel be entitled to be present now that she is here?

25

26 MRS. LAVERTY: No, Chairman. I am sorry, I don't wish to
27 be in any way obstructive, no reflection on My Friend, but
28 this is extremely sensitive information and only the
29 parties that are directly affected by it should be present,
30 or whose character is in some way impugned, or that it may

1 by implication refer to them or be exculpatory of the
2 parties. This has nothing at all to do with
3 Mr. Scappaticci at all, so I don't -- our normal rules
4 apply that we notify people to participate if in some way
5 their name is at risk or their good name is at risk, they
6 are put on notice. In this instance, it has nothing to do
7 with him and I don't believe that he should be represented
8 in this particular session. Obviously, we have another
9 witness later on, but I just feel that that is the attitude
10 that we have taken all the way through, Chairman.
11

12 MS. FITZGERALD: Chairman, we were certainly notified of
13 the evidence being given today by Mr. Harris and
14 furthermore I'd be very anxious that we are not treated in
15 any which differently to any other of the other parties
16 represented here, and I don't know whether Mrs. Lavery is
17 saying that everybody else is relevant to the evidence that
18 is being given today and we are the only people that
19 aren't.
20

21 MRS. LAVERTY: I am, yes.
22

23 CHAIRMAN: Other people have to be dealt with separately on
24 their own cases. Mr. Scappaticci has never been a witness
25 before this Tribunal, ever. He did not give evidence and
26 doesn't intend to give evidence, and he can't be compelled
27 to do so; he resides in Great Britain, and he cannot be
28 compelled to come before the Tribunal. He is represented
29 because he made the point that he -- there was an
30 allegation, which he denies, that he is a person under the

1 sobriquet of 'Stakeknife'. He denies that that is so, and
2 it's been said by various people that he is and he denies
3 it and he wanted to make sure that his interest in denying
4 that he was 'Stakeknife' would be -- that he would be
5 represented before the Tribunal, and he was given
6 representation for that purpose alone. This evidence,
7 which I have scrutinised carefully to see if anybody before
8 the Tribunal would be affected by it, either adversely or
9 alternatively, in exculpatory way, and there is nothing
10 good, bad or indifferent about Mr. Scappaticci, or the name
11 by which some people call him, which he denies is him, that
12 in neither capacity is he mentioned at all in this
13 intelligence. I am afraid, therefore, I must regret I will
14 have to confine the private sitting to everybody else but I
15 am afraid you are excluded from it.

16
17 MS. FITZGERALD: Very well.

18
19 CHAIRMAN: But I am very grateful to you for being here.

20
21 THE TRIBUNAL THEN WENT INTO PRIVATE SESSION.

1 THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:

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3 MRS. LAVERTY: Good afternoon, Chairman. The witness for

4 this afternoon is Mr. William Frazer.

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6 CHAIRMAN: Yes, Mrs. Laverty.

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WILLIAM FRAZER, HAVING BEEN SWORN, WAS EXAMINED BY
MRS. LAVERTY AS FOLLOWS:

1 Q. MRS. LAVERTY: Mr. Frazer, you are welcome to the Tribunal.
My name is Mary Laverty, I am counsel for the Tribunal.
I think that you are a campaigner for victims in the North,
is that correct?

A. That's right.

2 Q. And I think that you are the founder and leader of Families
Acting for Innocent Relatives - that's FAIR, I think, is
the acronym - for Northern Ireland, and I think that you
are also a leader of a Love Ulster campaign, is that
correct?

A. That's right, there was a parade down here in Dublin.

3 Q. I think that you -- if I can just paraphrase what we know
publicly, but it might be of assistance to the Chairman --
I think that you grew up in County Armagh, is that right?

A. That's correct, yeah.

4 Q. And you are an ex-member of the Territorial Army and a
member of the Paisley Free Presbyterian Church of Ulster,
is that so?

A. Well, I actually wasn't a member, but I did attend it.

5 Q. Did you?

A. Yeah.

6 Q. I think, in fact, you went to a Catholic school, is that
correct?

A. Yeah.

7 Q. I think your father, who was in the UDR, was shot dead by
the Provisional IRA in 1975?

A. That's correct, yeah.

1 8 Q. And I think in the following ten years you had several
2 family members murdered by the IRA who were, at the time,
3 in the security forces in one form or another, is that
4 right?

5 A. That's correct.

6 9 Q. And perhaps you might tell the Chairman who you lost during
7 those years?

8 A. Well, Your Honour, it was a rough time around the border
9 and I lost my father, I lost my two uncles, I lost my
10 brother-in-law, and I lost my cousin, and also six of my
11 mates, and one of them was -- also lived next door to us,
12 who had been kidnapped and brutally tortured just the week
13 before my father was killed. Plus, there was other members
14 of my family injured in different attacks; one brother that
15 they tried to kill four times, Your Honour.

16 10 Q. And as a result of this, did this precipitate your interest
17 in victims and in supporting victims, in particular victims
18 of IRA violence in your community?

19 A. It did, because there was very little there for victims.
20 Basically, there was nothing for victims.

21 11 Q. And I think that you have campaigned tirelessly since in
22 favour of victims?

23 A. Yeah, I have campaigned for innocent victims, and if I
24 could say this, both Catholic and Protestant, which is
25 something that's not that well-known.

26 12 Q. And I think that -- have you ever, in fact, been arrested
27 yourself for any particular reason?

28 A. The only time I was ever arrested was at St. Andrews, and
29 that was by mistake and the police apologised to me after.

30 13 Q. And what was the significance of St. Andrews, for those of

1 us down here who are not as familiar with the situation in
2 the North?

3 A. It was negotiations between the political parties in
4 Northern Ireland, and, in fact, the negotiations was
5 stopped until the police let me out of the station.

6 14 Q. Were you part of the negotiating party or were you --

7 A. No, I was outside, and the political parties, Unionist
8 Party and the DUP, would have come out and spoke to us and
9 then went back into the talks at different times. But Sinn
10 Fein seemed to think we were a problem, and there was a
11 misunderstanding and the police arrested me, removed me
12 from a hotel, but then as soon as they realised what the
13 problem was, or the fact that there wasn't a problem, I was
14 released and they apologised.

15 15 Q. And so, with that exception of a mistaken arrest, you have
16 never had any trouble?

17 A. No.

18 16 Q. Or been arrested for anything --

19 A. No.

20 17 Q. -- during the course of your life. Now, I think that you
21 are here today, Mr. Frazer, because it was brought to your
22 attention that on a previous occasion, in fact on the 1st
23 August, a Mr. -- a retired Sergeant, Owen Corrigan,
24 mentioned you, without warning, and obviously we hadn't the
25 opportunity to intervene, and he made comments about you
26 that you wish to refute, is that correct?

27 A. That's correct.

28 18 Q. And just for the sake of completeness, I'm going to read
29 out the -- Mr. Mills will put it up on the screen. It was
30 page 30, Chairman, on the 1st August, 2012, Day 119. I'll

1 pass a copy of it in to you, Chairman. It's question 84.
2 Mr. Corrigan was asked the following question: "What
3 interest do you believe" -- it was as a result, obviously,
4 of an examination, cross-examination that was being carried
5 on at the time:

6 "What interest do you believe the British Security
7 Services have in trying to convince the Chairman that
8 there was collusion between the IRA and the Garda
9 Siochana, why would they be interested in doing that?

10 Answer: Well, do you see, they were under pressure
11 initially in relation to -- their main aim was to
12 divert attention from the wholesale behaviour of the
13 security forces in Northern Ireland in relation to
14 the collusion. The situation in Northern Ireland
15 was, in the seventies and the eighties, where people
16 were being slaughtered at various venues, and this is
17 when the IRA came in as defenders, so it ended up in
18 a tit-for-tat situation, and it got worse, because
19 with the initial attacks that were launched by the
20 members of the security forces, that evolved at
21 a counter-attack by the IRA, so, I mean, one was as
22 bad as the other, but the overall situation became
23 worse by the day or the month, and that's how the
24 tit-for-tat operation continued going on. And they
25 were trying to divert attention away from the
26 wholesale intervention -- remember one thing: the
27 behaviour of the security forces in the seventies in
28 the North of Ireland was quite appalling. There were
29 members of the other security forces who were
30 intermingling with these subversive elements,

1 *criminals. There were a number of RUC men caught,*
2 *convicted of murder, sent to jail, and they were*
3 *operating from a farmhouse in Glenanne, County*
4 *Armagh, and, you see, the RUC knew that I was aware*
5 *of what was going on at this farm, and this farm was,*
6 *as I said, a den of iniquity, and all members, you*
7 *had the UVF, RUC, full-time, part-time, UDR, Red Hand*
8 *Commanders - that's Willie Frazer."*

9
10 Now, do you know, Mr. Frazer, who are the Red Hand
11 Commanders?

12 A. Well, I have heard tell of the Red Hand Commandos.

13 19 Q. Is that a prescribed -- proscribed loyalist --

14 A. It's a loyalist paramilitary wing connected to the UVF, I
15 think.

16 20 Q. And have you ever been a member of the Red Hand Commandos?

17 A. No, I have never been a member. But if I could state --
18 the fact that this man has said this, for 30-odd years we
19 have heard statements made like this, because it was used,
20 and I hear mention about Glenanne and about the UDR
21 part-time, and perhaps there is even something, maybe, I
22 can pass here to Your Honour. Because it's one of the
23 first done. This was part of the tactic by the IRA
24 whenever people were murdered in along the border area,
25 that they used justification that they were involved in
26 some type of loyalist paramilitary organisation. They
27 tried the same caper with my father, they said that he was
28 involved with loyalist paramilitaries at this farm that he
29 talked about. Well, Your Honour, if I can pass this to
30 you, it's an official document, which is probably the first

1 one, and it's the type of work we do not only for my father
2 but for a number of other people, because I have actually
3 two, I have one for an uncle, and it fully clears him of
4 any connection to any organisation whatsoever, Your Honour.
5 And it's the first that the HET has actually issued, as far
6 as I know, but hopefully -- sorry, there is actually two,
7 there is another one for an uncle, but there is -- my
8 father was killed during the cease-fire as well --

9 21 Q. Hang on a minute now, Mr. Frazer. Perhaps when you read
10 that, Chairman, because I don't have a copy of it, you
11 could perhaps indicate if it's of interest.

12
13 CHAIRMAN: *'Murder of James Albert Frazer of Ballymoyer,*
14 *Whitecross, County Armagh, August 30th, 1975',* and I'll
15 just read it now. Well, I think it's well that I should
16 read it out, because it's very clear. The first paragraph
17 merely says that he met with -- it's from the Historic
18 Enquiries Team in Northern Ireland, and he met with Mr.
19 Steve Crimmins to discuss the HET report concerning his
20 father's murder, and there are a number of issues were
21 raised and these are being progressed. *"One significant*
22 *issue for your family is of your father's perceived*
23 *character, and you have asked that this be specifically*
24 *addressed as it is not reflected in the HET report. I am*
25 *pleased to address this issue now, but I would like to*
26 *point out that the reason that this is not dealt with in*
27 *the HET report is, quite simply, that your father's*
28 *character has never been subject to suspicion. I can state*
29 *categorically that the.*
30 *HET, the Historical Enquiry Team's review process has found*

1 no evidence or intelligence to suggest that James Albert
2 Frazer was a member of or associated with any paramilitary
3 organisation, loyalist or otherwise. The HET has found no
4 evidence or intelligence to suggest that James Albert
5 Frazer was involved in any terrorist activity. I hope this
6 clarifies the HET position."

7
8 And the letter in relation to David John Bell has the same
9 heading and first -- well, the heading is "*The Murder of*
10 *David John Bell*," and has a similar third paragraph to the
11 letter I have just read out, that "*I can state*
12 *categorically that the HET review process has found no*
13 *evidence or intelligence to suggest that Johnny Bell was a*
14 *member of or associated with any paramilitary organisation,*
15 *loyalist or otherwise. The HET has found no evidence or*
16 *intelligence to suggest that Johnny was involved in any*
17 *terrorist activity.*"

18
19 Those two letters are quite clear.

20
21 MRS. LAVERTY: Thank you, Chairman.

22 Q. So I think that, obviously, from those letters you have
23 got, I think that you believe, Mr. Frazer, that this is a
24 similar-type ploy on the part of the IRA to blacken your
25 reputation, by spreading rumours that you are a member of a
26 proscribed terrorist organisation?

27 A. Very much so, because living in the community. It's not as
28 if I live away somewhere else; I live in the community. I
29 grew up where men who I knew were members of a paramilitary
30 organisation, namely the IRA, I played football with them,

1 I drank with some of them, and indeed the man that killed
2 my father was very friendly with my older brother. And
3 indeed, in Dundalk, the week before my father was killed,
4 another man -- sorry, a fortnight -- another man with me,
5 Willie Meaklim, who was also killed a few days later, a man
6 Harty came over to us, who had been on the run, and still
7 on the run, and threw the arms around my older brother and
8 welcomes, and he says, "it's that long I seen you, Willie,
9 I hardly knew you". He never went on to say: by the way,
10 if you are not out -- excuse me, Your Honour, bad language,
11 could I use bad language?

12
13 CHAIRMAN: It's quite all right, yes, to use --

14 A. This was the words he said: "By the way, if you are not
15 out of here in five minutes, the fucking head's coming
16 after you, and you are only getting that for old time's
17 sake." So we know exactly how the IRA work; we have lived
18 with them, we have grew up with them and we know exactly.
19 And that's why this trying to blacken me, they done it with
20 my family for years to justify the murder, because we got
21 on so well within the nationalist community.

22 23 Q. MRS. LAVERTY: And any repetition of an allegation like
23 this, that you are a member of the Red Hand Commando,
24 obviously you take seriously?

25 A. Oh, very much so.

26 24 Q. And do you consider that -- do you feel threatened by it?

27 A. Oh, very much so.

28 25 Q. And I think that's what you communicated to the Tribunal,
29 that you were worried about threats as a result of this
30 misapprehension appearing in the news as a result of a

1 witness in the Tribunal?

2 A. Well, whenever I heard what was being said, the first thing
3 that came into my head was what happened my father. It was
4 a statement made about him, two days before he was killed,
5 to that effect, that he was involved with loyalist
6 paramilitaries. Straight away, I said to myself, this is a
7 tactic used for years, and, unless we challenge these
8 things, we won't be able to stop them.

9 26 Q. Now, Mr. Corrigan went on then to say, *"Now, just to*
10 *elaborate on William Frazer. William Frazer is a leader of*
11 *his own little army."* Now, do you have an army,
12 Mr. Frazer?

13 A. No. Unless you count the wife, is the only --

14 27 Q. Is she the equivalent of an army?

15 A. Yes, she could be, at times.

16 28 Q. Good...

17 *"He is a leader of his own little army and he came to*
18 *Dublin to complain to the Government, brought a*
19 *couple of bus-loads of supporters, disembarked at*
20 *Parnell Square and proceeded to march down O'Connell*
21 *Street, when they were attacked by locals -- you may*
22 *recall it, Judge, a number of years ago -- and the*
23 *locals stoned them. The gardaí then had to*
24 *intervene. They caused hundreds of thousands of*
25 *pounds -- and they had to escort them right back to*
26 *the border."*

27 In fact, that actually happened, I think, isn't that
28 correct, not, perhaps, in these words?

29 A. Yeah - well, it wasn't actually to complain; it was
30 actually to raise issues, and the issues were about what

1 had gone on with members of the guards in relation to
2 murders in the northern side of the border and how --
3 again, I have another document here, if Your Honour will
4 take it, it's an official document, and just to give you an
5 example. The man that dropped the gun that shot my father,
6 it also was used to kill the Kingsmills victims. Went
7 around and shot them in the back of the head while they
8 were lying dead and dying on the road, which is fact, it's
9 in this official document. The weapon was also used
10 earlier to shoot my father. It was used earlier a few days
11 -- sorry, two days after that, to murder men in
12 Tullyvallen. The man that dropped it actually was taken
13 into Dundalk hospital when he tried to ambush the army a
14 few months after it, and it's all documented in this. Your
15 Honour, it's an official document. The weapon -- he was
16 injured and taken to Dundalk hospital, and I believe, which
17 it states in that document, the guards informed the police
18 two hours after it that Malachy McParland was in the
19 hospital in Dundalk with gunshot wounds. But he
20 disappeared. And unfortunately, I was working with so many
21 families, how can a man get up, who's been shot, and walk
22 out of a hospital, who was involved in carrying a weapon
23 that was used to murder so many people and so many of my
24 family as well, because it was also used on my uncle --

25 29 Q. Sorry, I don't want to interrupt you, Mr. Frazer, but there
26 are other matters that I want to go through with you as
27 well. This was effectively -- was it a letter of protest
28 or were you handing in documents when you came down?

29 A. We were handing in a letter, plus some documents.

30 30 Q. Plus some documents. And I think that this was a peaceful

1 march which was hijacked, is that correct?

2 A. It certainly was, because at the start when we spoke to the
3 guards -- and I want to make this clear: I have dealt with
4 a lot of guards who are gentlemen, and it's been a
5 privilege to actually deal with them, and the day we
6 planned to come to Dublin, we were only going to walk a few
7 hundred yards, and the guards in charge said, "Listen,
8 Willie, anybody who comes to Dublin walks O'Connell
9 Street." And I says, "Well, if you are happy, we're
10 happy." They said, "There's no problem, yous walk
11 O'Connell Street." So it was the guards that actually told
12 us to walk O'Connell Street. We'd only planned to walk a
13 few yards. But again, the republicans organised, because
14 they knew, they knew what we were doing. They knew that we
15 know who was behind what was going on in the border area,
16 because we lived with it all our lives.

17 31 Q. And this was effectively what you had been campaigning
18 about for a long time?

19 A. Exactly.

20 32 Q. Now, I think the statement then went on to say that "*But*
21 *that's William Frazer, who was a close associate of*
22 *Mr. Fulton and Mr. Donaldson at the day that Mr. Donaldson*
23 *issued his statement, which I was coming to.*" He goes on
24 then to refer to '*Bandit Country*'. Now, that's something
25 that I might ask you about, Mr. Frazer, because it has come
26 up before in relation to -- I think you met Kevin Fulton
27 originally, is that correct?

28 A. Yes, I had come across Mr. Fulton before I actually met
29 him, and by that I mean people within our group who had
30 been injured, who had loved ones killed, his name had come

1 up a few times, and obviously with coming from a
2 security-force background, I looked into who this
3 Mr. Fulton was - well, Fulton wasn't his name at that
4 stage, and I done a -- I don't want to sound too
5 complicated, but we done a background on him to find out
6 was he an informer or what was he, was he a Walter Mitty or
7 what was he? And what I found was, he was telling the
8 truth, because I even spoke to the sergeant who recruited
9 him in the regiment, because I also knew the man. Fulton
10 would not have knew that, he would not have knew that I
11 knew the individual that I went -- the name that he had
12 given, there is no way on this earth he would have knew
13 that.

14 33 Q. Can I ask you in what context you had heard of him through
15 families?

16 A. Different attacks that had taken place and...

17 34 Q. Was he referred to as being implicated?

18 A. Yeah.

19 35 Q. And that's how you came across him?

20 A. Yeah. Also, I can't give the name.

21 36 Q. No, please don't.

22 A. But I know a lot of people, just simply because of the
23 background that I come from and the area I lived in, and
24 Mr. Fulton was not well-liked, put it like that, within the
25 security-force circles.

26 37 Q. So, you would have heard about him because of the work you
27 do. And then when did you get to meet him, or how did it
28 come about that you met him?

29 A. Well, first off, I checked out what his story was, what he
30 was saying, because you hear many a thing, and, out of all

1 you hear, ten percent of it could be right. But a lot of
2 what I was checking out on him, I couldn't find anything,
3 any lies in it, the like of who recruited him into the job
4 that he did. He wasn't actually an informer; he was an
5 agent, and I looked on him differently that way, because I
6 felt an informer, sometimes, you don't know if you can
7 trust them or not. I spoke to police officers who stopped
8 him on a regular basis, took him out of the car, and I even
9 -- I introduced him, I don't know if he has told this, I
10 introduced him to two police officers who kicked the lining
11 out of him at a road check --

12 38 Q. And he kept that to himself?

13 A. Well, maybe I shouldn't have said it. But they wanted to
14 meet him, because the reason they'd give him the hiding,
15 they had come through an attack that he believed he was
16 involved in, but when they went through it with him
17 face-to-face, they realised that he had actually saved
18 their lives.

19 39 Q. So, how were you introduced, how did you meet him?

20 A. Through a journalist.

21 40 Q. And when do you think that was?

22 A. Oh, about, it could have been '99, '98, 2000, in around
23 about... around about '99, I would say, maybe '98.

24 41 Q. We have all heard a lot about the publication of '*Bandit*
25 *Country*', the book by Toby Harnden. Do you know if you met
26 -- which was, I think, published, and I am subject to
27 correction, about November 1999. Do you know if you met
28 him before that or after that?

29 A. I met him after that.

30 42 Q. So that would have been -- if I'm correct in my publication

1 date, it would be after November 1999; does that sound
2 right?

3 A. Yeah, if that's the correct date, because I know I didn't
4 meet him before that book, I am nearly a hundred percent
5 sure of that.

6 43 Q. And what -- you were introduced to him by a journalist, and
7 for what purpose? What reason was given to you?

8 A. Well, a lot of the things I want to do, and what's most
9 important, and that's why our organisation is probably
10 different from the majority of groups in Northern Ireland,
11 justice and finding out actually what happened is very,
12 very important to the families. We deal with the
13 Kingsmill's families, all of the families. The oldest lady
14 is coming 92 years of age, and one is 86, and there is one
15 lady died not that long ago, and, on her death-bed, she
16 made me promise that I'd do all I could to try and find out
17 the truth about what did take place.

18 44 Q. So it's information?

19 A. Information.

20 45 Q. Primarily, people, victims seem to need about what
21 happened, presumably, their loved ones?

22 A. Yeah.

23 46 Q. Were you looking for information when you met him?

24 A. Oh, aye.

25 47 Q. When you were introduced to by the journalist?

26 A. Yeah.

27 48 Q. How many meetings did you have with him?

28 A. Well, to be truthful, I couldn't really tell you how many I
29 have had. I have had several meetings with him. But I
30 have met that many people, so...

1 49 Q. Yeah...

2 A. I don't actually write down, believe it or believe it not,
3 I do not write down a date and time. And the reason for
4 that is, I was attacked a couple of years ago in
5 Crossmaglen; they tried to kidnap me, they rammed my car,
6 and they tried to pull me out of the car, and stuff in the
7 car was taken. It was maybe more, it was maybe four years
8 ago. So I was always cautious, and thank God I was because
9 the stuff they took meant nothing to anybody. As a matter
10 of fact, I had times when I found it hard to understand,
11 sometimes, when I looked at it.

12 50 Q. So when you met Fulton and spoke to him, you said you met
13 him a few times, what did you -- what transpired as a
14 result of those meetings?

15 A. Well, some of the information -- basically what we did, or
16 do, and still do, is collate the information. We look at
17 situations. Like, just for an example, there is another
18 family who -- it's a Roman Catholic family, who -- and
19 again, I'd rather not say the name, but I'll give it to the
20 Judge if need be; as a matter of fact, I'll give him the
21 report if need be -- whereby the hoods, the gloves, and
22 all, was got belonging to the boys that killed the man. He
23 was in nothing. He was a Catholic, he was a worker who
24 worked around the barracks. The 17 items went missing out
25 of Dundalk Garda Station, like 17 items. Whenever you come
26 across stories like that, you know, that might go missing
27 out of a supermarket, but it shouldn't go missing out of a
28 Garda station.

29 51 Q. Presumably, that was not something that Kevin Fulton was
30 telling you about?

1 A. No, no, he didn't tell me that.

2 52 Q. And what information did Kevin Fulton give to you or what
3 did you do with it or who did you take him to?

4 A. Well, I introduced him to Jeffrey Donaldson. I also
5 introduced him to other people. As I say, the police
6 officers that used to stop him and search him and give him
7 a hard time on the road, some of them I introduced him to.
8 I also introduced him to some of the families, because some
9 of the families where their husband was killed, the
10 families witnessed it, and he was able to fill in things
11 that only they knew. So there was numerous meetings went
12 on and numerous meetings whereby I got other information
13 from him in relation to other issues.

14 53 Q. Did your organisation benefit by the information you got at
15 these meetings?

16 A. Oh, greatly, greatly.

17 54 Q. I think that, just to give you assistance, that
18 Mr. Donaldson gave evidence here, Mr. Frazer, and he said
19 that he recalls two meetings with you and Kevin Fulton. He
20 said late '99 or early 2000, he said that on Day 64, page
21 6, and he said at the time before he spoke about him in the
22 House of Commons, which we have already had evidence of in
23 the Tribunal, he said that he would have met him twice. He
24 said that he met him to ensure that where there were
25 allegations of the nature that he made, that there was an
26 examination of the facts. And he didn't recall whether you
27 were there at the second meeting, he wasn't quite sure, but
28 he said you may have been.

29 A. Well, the truth is, I can't remember if I was there for all
30 of the meeting. I might have been there for some of it...

1 55 Q. He is not too sure about the second meeting, either.

2 A. Well, it's quite possible I didn't stay for all of it,
3 because when we go over there, we try to meet as many
4 people as possible, so it could have been a case of being
5 there and then going to another meeting.

6 56 Q. So you would have made the introduction on both occasions
7 and then perhaps gone off about your own business?

8 A. I can't fully remember the second one, but, yes, that was
9 the case with the first one, we met and I introduced him.
10 The second one, I think I was there at the start and then I
11 went on and done other business.

12 57 Q. Yes, I think that he -- at question 184, Mr. Donaldson said
13 that his second meeting with Mr. Fulton was probably two to
14 three weeks after the first one. He didn't have a date.
15 Does that sound right?

16 A. That's quite possible, because there was a lot of stuff
17 coming, and I don't want to be disrespectful here, but
18 there was a lot of stuff coming to us, which I hope you
19 have got, because, if you have, it will be very beneficial
20 to you, because it was coming from people who were on the
21 ground, SAS men, policemen, locals, and the likes of
22 Fulton. Like, I have heard tell of, that he didn't know
23 this about 'Mooch' Blair. Well, I know for a fact he was
24 stopped with him in the car a number of times. I know
25 police officers that stopped him. So, I don't know if
26 that's been said here or not, or if that matters, but I
27 have heard it said in one of the papers that 'Mooch' Blair
28 didn't know him, or whatever. That's not true, because I
29 have spoken to police officers who stopped him.

30 58 Q. I think there has been -- certainly, he was arrested in the

1 company -- there has been evidence before you, Chairman,
2 that Kevin Fulton/Keeley was arrested while sitting in a
3 car with 'Mooch' Blair. That was the only time he was
4 arrested in the south. And the Chairman has already heard
5 that information, Mr. Frazer.

6

7 Now, the meetings took place at the House of Parliament in
8 London, is that correct, both meetings with Mr. Donaldson
9 and Kevin Fulton that you were --

10 A. Well, one might have been over in the Lords -- well, yes --

11 59 Q. They were in London?

12 A. Yes, they were in Westminster, yeah.

13 60 Q. And subsequently, then, did you keep up your connection
14 with Kevin Fulton?

15 A. Very much so, him and a number of other individuals,
16 because the more we looked into things and the more people
17 we met and cross-referenced, the more he turned up and the
18 more Mr. Corrigan turned up as well, because -- well, even
19 before, a way before we met Fulton, Corrigan's name had
20 appeared to us, especially when we were investigating the
21 Narrow Water bombing --

22 61 Q. I think that has actually been dealt with by the Tribunal,
23 Mr. Frazer - well, almost a hundred percent dealt with.
24 The Chairman has heard a lot of evidence about Narrow
25 Water, which you may not be aware of.

26 A. No, I am not too sure --

27 62 Q. Yes.

28 A. I am sure, then, you knew the bomb came out of 'Slab'
29 Murphy's yard, a trailer and was cleared by the gardaí
30 along the road.

1 63 Q. Tell me -- I don't want to -- as I said, you are here for a
2 specific purpose.

3 A. Right.

4 64 Q. And I know that, because the only other mention of you was
5 in relation to, we know, which was rather non-contentious
6 at the time, that you and -- you introduced Kevin Fulton to
7 Mr. Donaldson, so I know people will be interested in
8 knowing about that. Whose idea was it that Kevin Fulton
9 would meet Mr. Donaldson?

10 A. I would say it was probably mine.

11 65 Q. Was it?

12 A. Yeah, I would say it was probably mine.

13 MRS. LAVERTY: Thank you very much, Mr. Frazer. Now, if
14 you'd answer any questions that my colleagues may have.

15

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

17

18 66 Q. MR. LEHANE: Good afternoon, Mr. Frazer. My name is Darren
19 Lehane, and I appear on behalf of retired Detective
20 Sergeant Corrigan.

21 Now, you told the Tribunal how you first became aware of
22 the existence of Peter Kelly. Can you tell the Tribunal
23 when you first became aware?

24 A. Roughly, I would say, '99, sometime in around there, '99,
25 2000, I don't know exactly, so there is no point in me
26 giving you a date unless I'm sure.

27 67 Q. Okay. And that's the first -- that's the date when members
28 of your group came to you and told you there is this chap
29 out there, Kevin Fulton or Peter Keeley?

30 A. No, well that's not the date that people came to -- you

1 have to understand, this has been going on for quite a
2 number of years. We knew, living in the border community,
3 we knew that there was things going on; like, for an
4 example, there is a member of our group who just told the
5 Taoiseach, on Wednesday when we were down meeting him,
6 where we used to sit at night and listen to the gunfire, in
7 Mullyash Mountain, and ring the guards. Nobody would come
8 out, and that would go on for hours. So it's not a case of
9 just on that date; this information has been building up
10 over a period of time. Mr. Corrigan's name has been
11 floating about for quite a while.

12 68 Q. I'll get to that in a second, Mr. Frazer. I am just asking
13 you to try and give a rough date upon which people in your
14 group came to you and said: we're aware of the existence
15 of this guy Peter Keeley/Kevin Fulton?

16 A. Mr. Fulton officially became known to me whenever I was
17 introduced to him by the journalist. There was numerous
18 people who were known to me that I hadn't met: people who
19 were involved with the IRA, people who made statements and
20 carried out actions. Like, 'Slab' Murphy had been involved
21 for quite a number of years in south Armagh and we had
22 known that he had a very good connection with the guards in
23 Dundalk, but I didn't meet 'Slab' Murphy, and, with
24 respect, I didn't want to meet the man.

25 69 Q. Okay, but just, so what you are telling the Tribunal is you
26 can't remember or you can't put a date upon which, when
27 members of your group came to you and said: we're aware of
28 this guy Kevin Fulton/Peter Keeley?

29 A. You see, I am trying to explain to you, it's not a case of
30 people coming to me and saying: oh, by the way, do you

1 know Mr. -- because that's not -- Fulton is not his right
2 name. It's a case of dealing with families on individual
3 issues in relation to their murder, where things cropped up
4 for -- just for the sake of argument, in that document that
5 I gave to Your Honour there, it talks two months after the
6 Kingsmills massacre, it talks about a man being shot,
7 dropping the weapon that was used to shoot my father, it
8 was also used in Tullyvallen, it was also used in
9 Kingsmills. That man was admitted to the hospital in
10 Dundalk and he had a guard put on him. Now, we believe
11 that guard was Owen Corrigan. That's one of the first
12 times I had heard that name. Now, that man got up out of
13 that hospital after being hit with an LMG, which is a Light
14 Machine Gun, and disappeared. So somebody had to let him
15 out. The guard in charge of him, and from what I hear or
16 what I'm told, Mr. Corrigan was in charge of the guards
17 from '75 to '85 in around that period.

18 70 Q. If I can just stop you there, Mr. Frazer. The way I am
19 going to do this just over the course of the afternoon, to
20 make it easier for you, is, I am going to try and adopt a
21 chronological sequence. I am going to start at the start.
22 The reason I asked you when you first became aware of Peter
23 Keeley or Kevin Fulton, because in your evidence to the
24 Chairman at the start of today you said that you first
25 became aware of the name from members within your group who
26 came to you and told you that they had come across him,
27 that's why I am trying to ask you to tell me a date, and
28 you can't recall when that is, is that right?

29 A. I have some things here, if I can refer to them. But it's
30 like this: 1999 is the date that I actually met him. I

1 could name you every IRA man, basically, that was involved
2 in the Kingsmills massacre, so I knew them or were aware of
3 them, but I haven't met every one of them but I have met
4 some of them.

5 71 Q. I am going to move on from it. But the question I asked
6 you is when you became aware of the name as opposed to when
7 you met him, but you can't tell me when that is, roughly?

8 A. The other man, Fulton's other name, it had been in
9 circulation along with a number of other IRA men, but it
10 was of no interest to me more than any other IRA man's
11 name.

12 72 Q. So am I correct in saying that the first time you became
13 aware of, say, Peter Keeley, I'll just refer to him as
14 Kevin Fulton because it's just in ease of myself, that you
15 first became aware of him as an agent, is when the
16 journalist came to you and told you about him?

17 A. As an agent? The journalist came to me and said: there is
18 somebody you could be interested in talking to.

19 73 Q. And that was the first time you became aware of Peter
20 Keeley -- or, sorry, Kevin Fulton, wearing this other hat?

21 A. Yeah - well, basically wearing the other hat, yeah, I
22 suppose.

23 74 Q. And that, you say, was in 1999?

24 A. Roughly.

25 75 Q. Okay. Who is the journalist?

26 A. Well, I'd prefer not to say that.

27 76 Q. Would you be willing to write it down on a piece of paper
28 and hand it in to the Judge?

29 A. Yeah, that wouldn't be a problem, Your Honour.

30

1 CHAIRMAN: Very good.

2

3 77 Q. MR. LEHANE: Thank you very much, Mr. Frazer.

4 Can you just tell me why you are unwilling to divulge the
5 name of the journalist in a public sitting of the Tribunal?

6 A. Well, again - but hopefully I am not going to offend
7 anybody here - again, I haven't had time to check it out, I
8 don't know if it's right or not, but I believe
9 representation for Mr. Corrigan actually was involved with
10 Mr. Haughey's Government at one stage and --

11 78 Q. Could you just repeat what you said there, you were saying
12 a representative of Mr. Corrigan was involved with
13 Mr. Haughey's Government?

14 A. Yeah, somebody who is representing Mr. Haughey -- or,
15 sorry, Mr. Corrigan was also involved with Mr. Haughey, and
16 the whole gun-running episode, was involved with the party.
17 Now, that's no reflection on the people themselves, but I
18 don't know, I'm not going to put anybody's life at risk,
19 because I have seen people killed for a lot less in the
20 North. So basically what I'm saying, to be truthful, and I
21 always am, no matter who I offend, the fact is that there
22 is an individual who may have been involved as a
23 spokesperson for the same party that was actually involved
24 in arming the IRA at the start.

25 79 Q. Oh, I get you.

26 A. I don't know, I could be wrong. Maybe --

27 80 Q. I'll pass on from that if that's your stated reason. Now,
28 you say that the journalist gave you Mr. Fulton's name and
29 said: here is a chap you might be interested in talking
30 to. Can you just -- in and around 1999. Can you just

1 elaborate a bit on how you arranged that meeting, the first
2 meeting you had with Mr. Fulton?

3 A. Well, I can't remember the exact wording, but I'll give you
4 a rough idea. I can imagine how it went. It would be a
5 case of: Who is he? Where is he from? What, all about
6 him? And why do you think it would be beneficial for me to
7 meet him? That'd be the first thing, because the
8 journalist wouldn't know what all I would be involved in
9 and who all I would be talking to, because with the
10 greatest respect, and I don't mean this offensive to
11 journalists, I don't trust them either, but if somebody
12 comes to you with information, you take it and you use it
13 and --

14 81 Q. And just in terms of using that information and organising
15 that first meeting, your first face-to-face meeting with
16 Mr. Keeley, can you just tell the Chairman how that was
17 organised? Did you contact Mr. Keeley? Did the journalist
18 contact Mr. Keeley?

19 A. It probably would have been the journalist, Your Honour,
20 who would have contacted him to set up the first meeting.
21 It would have been somewhere that I chose, not him. I
22 can't remember, but I would assume, knowing the way I work,
23 that's how it would have happened. It would have been
24 somewhere that I felt safe and secure.

25 82 Q. I can appreciate that. But again, am I correct in
26 understanding your answer, that you can't remember
27 precisely how it was organised; you are kind of
28 rationalising about how you would have done things?

29 A. Well, I can't remember exactly how it was done, but --
30 because I have several hundred meetings with different

1 people. There is days I have upwards of 15, 20 meetings
2 with individuals, and you have seen me starting at six
3 o'clock in the morning and still at eleven o'clock at night
4 meeting individuals. So, no, I can't tell you the exact
5 time, but I can give you an idea of how it probably would
6 have been set up.

7 83 Q. And you have done that --

8 A. I would have asked this journalist to bring this individual
9 to a certain place, after I had done a bit of a check on
10 who and what all was going on with him.

11 84 Q. And I don't know whether you'll be able to answer that; can
12 you remember the place that you brought him?

13 A. To be truthful, I can't, no.

14 85 Q. Okay. And can you recall who else might have been present
15 at that first meeting with Mr. Keeley/Mr. Fulton?

16 A. I would say just the journalist, and I would say he was
17 only there to introduce us.

18 86 Q. And would that be standard practice, that a journalist
19 introducing you to this gentleman who he says has
20 information that might be of interest to you, would simply
21 come along and introduce you and then leave the meeting for
22 you to talk amongst yourselves?

23 A. When you say "standard practice," in what sense?

24 Journalists don't actually -- you know, this is a
25 journalist who actually had a security-force background
26 himself at one time. He also knew the IRA, he knew the
27 people. He knew himself, so, he knew about me having to
28 say to him, you know, "I don't want you sitting in on
29 this". Because if you get a journalist to sit in on what
30 you are going to be talking about, there is a good chance

1 you are going to read about it.

2 87 Q. Okay. And what did you discuss with Mr. Fulton at that
3 first meeting, if you can remember?

4 A. Well, some of the things about, you know, how did he come
5 to be in the position he was in? Who or how did he end up
6 getting recruited? Because one of the things I was
7 concerned about, was he an informer or was he an agent?
8 Because an informer -- and I am being truthful, and I am
9 not being disrespectful here to informers, but I do know
10 people who are informers and I do know people who are
11 agents, and there is a difference, in my eyes there is a
12 difference anyway, because an informer is somebody who was
13 involved in something and torn for whatever reason, let it
14 be money or whatever type of gain. An agent needs to be
15 patted on the back for having the courage to do what he
16 did, because it's bad enough living in an area where them
17 people operate, never mind trying to operate and gather
18 information from within them.

19 88 Q. So would I be correct in saying that you'd accord a higher
20 degree of respect to an agent than to an informer?

21 A. A higher degree of respect? You have to earn respect, you
22 know, so if you asked me at the first meeting did I respect
23 him, the truthful answer would be no, because it took quite
24 a while for him to earn -- not that I'm saying he was out
25 to earn my respect; my respect probably didn't matter to
26 him, one way or the other, but, for me, for seeing people
27 murdered in front of me, to have them climb out of rubble
28 or blew up in numerous bombs, and burying so many people
29 belonging to me, I can assure you I was very, very careful
30 when I'm dealing with people like that.

1 89 Q. I can imagine. But just in a collective sense when you are
2 thinking about, say, agents and informers in a collective
3 sense, would you regard agents as more kind of praiseworthy
4 than informants?

5 A. Well, an agent is somebody who is in there to do a job. An
6 informer is someone who is in there and is torn or is made
7 an offer of some type to make him torn for what he is in
8 there in the first place. An agent actually took part to
9 carry out -- now, this is coming from a layman, I am only
10 trying to tell you, all I am is a bog standard south Armagh
11 man; I have no education, no nothing. I am just telling
12 you how I look at it and how knowing IRA men, growing up
13 with IRA men, knowing how they think. He had no reason to
14 put his life on the line to go in there to do that, the
15 same as any other agent, irrespective of who he is. He did
16 it to go in and save -- that's my view.

17 90 Q. Now, having discussed at this meeting, kind of,
18 Mr. Fulton's background, what else did you discuss when you
19 were finished discussing that?

20 A. Well, there was numerous things talked about. I always let
21 -- when I am talking to people like that, I try to let them
22 do the talking, because obviously there is no point in
23 meeting somebody and you telling them all you know. So the
24 whole idea is to listen, which is what I did. There was
25 things I asked him about. I did ask him about different
26 IRA men. He told me. I asked him about different things
27 that had taken place. He told me. And I then went back
28 and checked with other people who I knew were in them
29 incidents, who I knew were shot at. It's not as if I was
30 talking to 'Joe Soap'. I went back and spoke to the people

1 who were getting the lead fired at them, and asked them did
2 A, B and C happen? And they were fit to say to me: yeah,
3 how do you know that?

4 91 Q. And can you remember any of the specific incidents or --

5 A. I remember a few of them, yeah.

6 92 Q. Okay, would you like to tell the Chairman, that you
7 discussed at this first meeting with Mr. Keeley?

8 A. At the first meeting, well obviously I have actually moved
9 on from the first meeting there --

10 93 Q. If you could just move back?

11 A. All right, move back to the first meeting. Well, the first
12 meeting was more about getting to know and me finding out a
13 bit more about him, so we didn't go into all them incidents
14 in the first meeting because, I don't know, I can't
15 remember how long it lasted, but it certainly didn't last
16 for a week, because that's the length of time it would have
17 took to sit down and talk. It lasted over a number of
18 meetings.

19 94 Q. And was anything said at these meetings about -- so, sorry,
20 just before I move on, how many of these meetings took
21 place with Mr. Keeley, do you think, before you met with
22 Mr. Donaldson for the first time?

23 A. With Mr. Fulton himself?

24 95 Q. Yeah?

25 A. There could have been two or three, or maybe even four, but
26 if you include all the other meetings that I met with
27 people to confirm, it would be quite a few.

28 96 Q. Okay. And in terms of Garda collusion, what did Mr. Fulton
29 say about Garda collusion during those meetings before you
30 went to see Mr. Donaldson?

1 A. Before I went to Mr. Donaldson?

2 97 Q. Yes?

3 A. Well, one of the things I put to him, I says -- I can't
4 remember the exact wording again, but we were under no
5 doubt there had to be help given to the IRA in the border
6 area, giving them so many -- I think at one stage -- well,
7 I remember, that's way back in the seventies and eighties,
8 we called it El Paso, because there was that many IRA men
9 on the run, never mind living in and around it, and, like,
10 one of the things I used to say is, some of these guards
11 would even drive into these boys by accident but they never
12 seem to catch anybody. So I put it to them that there must
13 be something going on here with the guards, and -- because
14 one of the other incidents, there is that many things
15 like --

16 98 Q. Just in terms of, try to be specific, so you are putting to
17 him about suggestions inquiring as to whether there is
18 collusion between guards and members of the Provisional
19 IRA. What did he say about that, specifically?

20 A. Well, I asked him questions that he knew nothing about;
21 like, an example, there was a bomb driven into -- well, it
22 happened on a couple of occasions, bombs driven into towns.
23 The cars were -- actually come out of the Garda impound in
24 Dundalk, the guards had them under lock and key. Now, how
25 did they get out of the impound into towns in the northern
26 side of the border with a bomb in them and blown the heart
27 out of our town, when they are supposed to be locked up in
28 the Garda compound? Now, how I knew that was that the
29 police officers were running around, some of them injured,
30 and things, and talking to them afterwards, whenever --

1 because we used to work around the police stations as well,
2 building them whenever they were blew up, and the boys used
3 to be saying: that car is supposed to be in a Garda
4 impound. So, you know, I might have asked him about that
5 there, and he said: no, I don't know anything about that.

6 99 Q. Just in relation to specific incidents. What specific
7 incidents or allegations of Garda collusion did Mr. Fulton
8 refer to at your meetings with him prior to meeting
9 Mr. Donaldson?

10 A. Well, the Breen and Buchanan came up.

11 100 Q. Yeah. And what did he say about that?

12 A. Well, the exact wording, I couldn't give you the exact
13 wording, but it was mentioned that the Breen and
14 Buchanan -- he asked me why was I interested in the Breen
15 and Buchanan, because it wasn't all one-way traffic. The
16 Breen and Buchanan, I said why I was interested: two of
17 the weapons used in Breen and Buchanan was used in the
18 Kingsmills massacre and also used on another man, a Roman
19 Catholic man, who was taken and shot, where, also, 17 items
20 went missing, hoods and gloves and stuff, so we were trying
21 to build up was there a picture here? And it turns out
22 this man's name, not by Fulton, this other man's name kept
23 coming up. So, there was times I asked him -- a lot of
24 things --

25 101 Q. What other man's name kept coming up?

26 A. Owen Corrigan.

27 102 Q. Owen Corrigan, okay. Go on.

28 A. Now, there was actually four other names of Garda officers
29 as well, but as far as as specific incidents, there was
30 quite a few. But the Breen and Buchanan was very -- was

1 one that was high on the agenda because he did know stuff
2 about that.

3 103 Q. But just in relation to Breen and Buchanan and Owen
4 Corrigan, what did he say about Owen Corrigan?

5 A. What did he say about Owen Corrigan?

6 104 Q. Yeah?

7 A. Well, I can't remember the exact wording about Owen
8 Corrigan, but he said Owen Corrigan was involved in that.

9 105 Q. But you can't remember exactly what he said?

10 A. No, because at that stage it was more of finding out, first
11 off, was he involved? Did he know anything? If he did,
12 then Jeffrey Donaldson and then people came in, because
13 there is no point -- I haven't got a computer in my head,
14 there is no point in me taking in every single detail, so
15 what I would do is, I'd introduce him to people. The like
16 of that Edenappa Road where Breen and Buchanan was killed
17 on, I know for a fact, for a fact, that road had a camera
18 on it full-time, full-time on the Edenappa Road.

19 106 Q. By who?

20 A. By the army. And the only place where you couldn't see was
21 where the shot -- but the other thing was, I also spoke to
22 the man that put an undercover camera in a stone and parked
23 it there on that road.

24 107 Q. If I can move on now, because the Tribunal has heard
25 extensive evidence in relation to army installations and
26 army analysis on that road, if I can move on now to the
27 first meeting with Donaldson.

28 A. Right.

29 108 Q. Can you tell me how you went about arranging the meeting
30 with Donaldson?

1 A. Well, I would say I probably phoned him --

2 109 Q. Okay.

3 A. -- just at a rough guess, or I may have been speaking to
4 him. Now, I wouldn't have told him over the phone what was
5 it about. It's highly unlikely that I said that I have got
6 somebody here who can actually confirm that Owen Corrigan
7 was involved in the Breen and Buchanan. I would say that's
8 highly unlikely. I would say, "I need to speak to you,"
9 and I probably would have spoke to him personally.

10 110 Q. And at that first meeting with Mr. Donaldson, can you
11 remember what Mr. Fulton said about Mr. Corrigan at that
12 meeting?

13 A. In what context? You know, I had asked him about Owen
14 Corrigan and about the Breen and Buchanan. He said the --
15 he was involved with the Breen and Buchanan.

16 111 Q. No, we have moved on now to the meeting with Mr. Donaldson.
17 So you are in a room with Mr. Donaldson, yourself,
18 Mr. Fulton and Jeffrey Donaldson?

19 A. Well, I believe, with the greatest of respect, that you had
20 Mr. Donaldson, who is a very intelligent man, and
21 Mr. Fulton, who is a very intelligent man, and the two of
22 them were well-versed on what took place and probably in a
23 better position than me to reenact what took place at that
24 meeting. If they have told you what took place, then you
25 know.

26 112 Q. I know, but one of the purposes of calling you to give
27 evidence today, or the examination of you, is the Tribunal
28 is trying to build up a picture of what happened, and the
29 Tribunal has heard from Mr. Donaldson, who has given his
30 account of what was said, and the Tribunal has heard from

1 Mr. Fulton, who has given an account of what is said, and
2 you are the third person who is at this meeting, and I am
3 trying to find out from you, for the benefit of the
4 Chairman, what your recollection is of what Mr. Fulton said
5 to Mr. Donaldson. If you can't remember, that's fine; I am
6 just asking.

7 A. I am glad you confirmed that I am not just here to claim a
8 name, that I am here to be cross-examined about other
9 stuff. If that's the case, it was raised about Owen
10 Corrigan and what Owen Corrigan's involvement was.

11 113 Q. We are talking at the meeting, now. So what was said at
12 the meeting with Mr. Donaldson about Mr. Corrigan?

13 A. Well, exactly what was said a hundred percent, I cannot
14 confirm.

15 114 Q. Okay.

16 A. Because I wouldn't have been involved in the two men --
17 there is no point in bringing a man into a meeting to talk
18 to somebody else and you sit there and interrupt them. I
19 sat back from the meeting and let them talk, but I know, I
20 heard that name mentioned. I heard it mentioned about what
21 took place on the morning, about -- as far as I remember,
22 there was a meeting --

23 115 Q. Again, as I said to you a couple of minutes ago,
24 Mr. Frazer, I am going to try and deal with this
25 chronologically in terms of a number of issues, and then
26 we'll come back to some other issues at the end. So at
27 that meeting with Mr. Donaldson, you say you just left the
28 two of them at it to discuss what you brought Mr. Fulton
29 there to discuss, and you didn't intervene, is that right?

30 A. Yeah, well I would have sat back, because, at the end of

1 the day, the whole idea was for Mr. Fulton and
2 Mr. Donaldson to speak to each other.

3 116 Q. And did you say anything during that meeting to
4 Mr. Donaldson about Owen Corrigan?

5 A. Again, I'm not a hundred percent sure, but I would say I
6 probably did, because I'm not known to stay silent for too
7 long so there is no point in saying -- I can't say for a
8 hundred percent, but I would say I have said something,
9 because that man's name kept appearing in quite a few other
10 things.

11 117 Q. The only reason I ask that is, Mr. Donaldson came here to
12 give evidence and he was cross-examined as to what
13 precisely was said to him about Owen Corrigan, and he said
14 that the only person who mentioned the name Owen Corrigan
15 to him was Kevin Fulton. So his evidence is that Kevin
16 Fulton was the only person who said it to him?

17 A. Well, you know, I can't speak for Jeffrey Donaldson, but I
18 would say Jeffrey would be very precise, and it could be
19 the case that while they were discussing, I didn't
20 interrupt in their meeting, which would have been more than
21 likely the case, but for to say that I wouldn't have raised
22 his name at some stage, I would say highly unlikely.

23 118 Q. Okay. Now, if I can move on. The next thing: You met
24 with Assistant Commissioner Carty in March 2001, is that
25 correct?

26 A. I did.

27 119 Q. How did that meeting come about?

28 A. Through a lot of bother; a lot of phone calls and a lot of
29 letters, and we were made drive to Sligo to get the
30 meeting. If I had to go much further, I would have had to

1 get a rowing boat, because it seemed to be every
2 opportunity they could take to avoid meeting us was taken,
3 and we had a lot of problems getting that meeting. So, if
4 you are going to ask me how I first started, you may forget
5 it, because we tried that many times...

6 120 Q. If I can make it somewhat easier. You spoke by telephone
7 to Mr. Carty, and the reason I know that is because you
8 wrote Mr. Carty a letter on the 5th of March, kind of
9 setting out the matters you wanted addressed at the
10 meeting. Do you have any recollection of that letter?

11 A. We have written quite a few letters. If you have only got
12 one, there is a lot missing, maybe Owen Corrigan was
13 looking after that, too.

14 121 Q. Ah, no, no, no, the reason I ask you is, would it be your
15 normal practice, if you are going to attend a meeting and
16 you are preparing an agenda, to set out a comprehensive
17 list of the matters that you uncovered in the meeting?

18 A. It all depends who I am meeting.

19 122 Q. In this case, an Assistant Commissioner of the guards, to
20 discuss the matters you wanted to discuss?

21 A. Yeah - well, again, I go back to the fact, I have met other
22 senior Garda officers who I did respect and who I did trust
23 and who I spoke to in great detail. That gentleman in
24 particular done everything he could to avoid us. So I was
25 very sceptical when it came to meeting that individual, and
26 I certainly would have been very sceptical about telling
27 him anything, or too much that I knew, more than what I
28 needed to know, so...

29 123 Q. I suppose just to answer the specific question, you have no
30 recollection of the letter, the letter you wrote on the 5th

1 of March to Assistant Commissioner Carty?

2 A. Well, obviously it happened. But it's one of many. That's
3 my point, that many letters went.

4 124 Q. I appreciate you are engaged in extensive correspondence.
5 The reason I ask you whether or not you recall it is
6 because, in that letter, you don't make any reference to
7 any allegations of Garda collusion in respect of Owen
8 Corrigan?

9 A. I would say that's probably right.

10 125 Q. Can you tell the Chairman why that's the case?

11 A. Well, Your Honour, the reason for that was because we were
12 finding it so difficult to get a meeting with this
13 individual. We had tried -- we had made numerous phone
14 calls, we had written several letters, and there was an
15 obvious attempt to avoid us, and I believe that if they put
16 into this here that: we want to talk to you about
17 collusion with the members of the Garda Siochana, we'll
18 never get meeting him. So, that's the reason why I didn't
19 go into it, Your Honour, because I had met other officers
20 in Dundalk who were very helpful to us, and they -- it was
21 certainly mentioned to them any time I ever met them and
22 informed them, and that's solely -- that's the truth, Your
23 Honour. It was because we felt that if we told him exactly
24 what we were looking, he would not meet us.

25 126 Q. Okay. And just in relation to that, do you not think that
26 that's a bit -- that your concern was misplaced, maybe,
27 because at the time of your meeting with Assistant
28 Commissioner Carty, Jeffrey Donaldson had made his speech
29 in the House of Commons Select Committee, '*Bandit Country*'
30 was out, a series of newspaper articles had been written

1 making allegations of collusion, the matter had been raised
2 in the Irish Parliament by two senators, so I'm just
3 wondering why the issue of collusion didn't feature in your
4 letter to Assistant Commissioner Carty?

5 A. Because it had been raised in quite a few places, but I
6 always look at what happens, and it had been raised quite
7 often with no results. And basically, I found, or felt,
8 that the more you tell these people, the less you find out.

9 127 Q. Okay. Now, do you have any recollection of your meeting
10 with Mr. Carty?

11 A. I know it didn't go too well, and I know we made it quite
12 clear to him we were not happy having to drive to Sligo
13 when we thought that there is bound to be a date at least
14 he'd have been in Dublin. It was not a very good meeting,
15 I have to say.

16 128 Q. Did you name -- did you discuss the issue of collusion at
17 the meeting?

18 A. Yes, I think it was brought up, as far as I can remember.
19 If need be, I can check back on my notes.

20 129 Q. Well, no, we are just dealing here with your recollection.
21 Did you mention the name Owen Corrigan as a garda who had
22 been involved in alleged collusion at the meeting?

23 A. I would say, given the atmosphere within the meeting, it
24 probably was highly unlikely.

25 130 Q. The only reason I ask you is, Assistant Commissioner Carty
26 has come to give evidence, and, during the course of his
27 questioning by counsel for the Tribunal, it was put to him,
28 pre-empting your evidence, and obviously your evidence is
29 your evidence, but pre-empting what you would say, counsel
30 for the Tribunal said: *"I understand that he will also say*

1 *were he to come, that in the course of the meeting he*
2 *held with you, he and others had a view that he*
3 *specifically named Owen Corrigan to you as a garda*
4 *involved in collusion."*

5 A. Sorry, I said this?

6 131 Q. This is the Tribunal counsel paraphrasing what they
7 anticipated you would say if you came here to give evidence
8 about that meeting. But your evidence, sir, is that you
9 think it highly unlikely that you mentioned Owen Corrigan?

10 A. Given the circumstances and the feeling at that meeting,
11 usually you get a cup of tea when you go or drive to meet
12 somebody, we weren't even offered a cup of tea, so we knew
13 straight away our presence there was not welcome. And I'm
14 not too sure, but was there another investigation going on
15 around that time around Donegal, or something?

16 132 Q. There was a Garda investigation into alleged corruption in
17 Donegal. But just --

18 A. In Donegal?

19 133 Q. In Donegal. But just in relation to that meeting,
20 Assistant Commissioner -- or retired Assistant Commissioner
21 Carty's evidence was that he said, if that had been
22 mentioned, he would have remembered it. And just in case
23 of My Friends, that's Day 65 at page 161, that exchange.

24 A. Sorry, can I answer that, Your Honour?

25 134 Q. No, I was just making a statement to the Chairman, telling
26 him --

27 A. I want to make it clear because -- you are saying that we
28 would have said that, or you thought I was going to say
29 that?

30 135 Q. No, no, no, all I am trying to clarify with you, because

1 one of the purposes of you being here and me
2 cross-examining you is to clarify issues that have arisen
3 in evidence to date, and the Tribunal was informed by
4 counsel for the Tribunal, and they were paraphrasing the
5 evidence they thought you might give, that you would say
6 that, at the meeting, you raised the name Corrigan. I
7 asked you that, and you have said that you have no
8 recollection of saying that. And I'm just mentioning that
9 Assistant Commissioner Carty's evidence was, he said if you
10 had said that, he would remember it, and he had no
11 recollection of it being raised.

12 A. Again, I would emphasise that was the intention, that was
13 the reason to drive to Sligo. But whenever you go into a
14 hostile environment, you know, you are safer just getting
15 out of it, and that was basically our feeling with the way
16 we were dealt with at that meeting, that there was no
17 point, because it would have been brushed under the carpet.

18 136 Q. Now, if I can just move on to Judge Cory's investigation
19 into the fatal shootings of the late Mr. Breen and
20 Mr. Buchanan. When did your involvement with Judge Cory
21 begin?

22 A. In the sense of meeting him or...?

23 137 Q. Well, communicating with him or his office?

24 A. Well, whenever it would have started, we would have tried
25 to make contact, and there was a number of reasons
26 specifically for doing that, and that was because a name,
27 and again I can write the name down for Your Honour here,
28 was a very close friend of Mr. Breen, but was dying of
29 cancer, was also a member of our group who had spoken to
30 Mr. Breen before going down to that meeting, and he was

1 very keen that some things were relayed because Mr. Breen
2 was very concerned about going to the meeting.

3 138 Q. Now, just in relation to your meeting, contact with Judge
4 Cory, am I correct in saying you can't remember precisely
5 when your communications with Judge Cory or his office
6 began?

7 A. I can't, but if you want me to get it, I am sure I can get
8 it. I didn't know that you were going to be looking for
9 exact dates, you know.

10 139 Q. But just in a general sense, if Judge Cory was first
11 appointed on the 29th of May, 2002, you are saying that you
12 would have made an effort to contact his office as soon as
13 possible to get -- to raise the issues you wanted raised,
14 but you can't remember?

15 A. I can't recall exactly when we would have contacted him,
16 but we certainly would have contacted him.

17 140 Q. Now, if I can move on. When did you decide that it might
18 be a good idea to send Kevin Fulton in to see Judge Cory?

19 A. Well, it wasn't a case of me deciding when to send him in
20 anywhere. Like I say, Mr. Donaldson was involved and
21 several other people were involved. I don't have the
22 authority to push anybody or take anybody down any path.

23 141 Q. Ah, no, no, I appreciate that. But just in terms of
24 Mr. Fulton contacting Judge Cory, who was involved in the
25 discussions leading up to that? You have identified,
26 obviously, yourself, Mr. Donaldson. Can you tell the
27 Tribunal who else would have been involved in the
28 discussions leading up to that?

29 A. Well, there would have been people within my own
30 organisation. For a start-off, there would have been

1 police officers, there would have been retired members of
2 the security forces, there was a few Lords, and stuff.
3 Different people that we'd have been taking advice from and
4 talking to.

5 142 Q. So you would have discussed this with Mr. Donaldson and
6 various members of your association, some of whom were
7 retired police, members of the security services and
8 parliamentarians?

9 A. Well, you see, you are trying to put it into Mr. Fulton.
10 It was a bigger issue than him. There was a lot of things
11 involved.

12 143 Q. I fully appreciate that.

13 A. But, like, you know, when you are organising a meeting,
14 Your Honour, like, I am not just going to say, like, I am
15 going to go here and I am going to talk about Joe, and
16 that's it, away we go. It could have been a meeting and
17 there could have been several things, the like of the
18 weapons, and all, used in Breen and Buchanan, used in
19 Kingsmills.

20 144 Q. But just in relation to the possibility of Kevin Fulton
21 making contact with Judge Cory, because we know that
22 Mr. Fulton met with Judge Cory and gave him a statement,
23 and provided a statement to Judge Cory; who was involved in
24 the discussions leading up to that act being done?

25 A. To be truthful, I couldn't tell you exactly who else was
26 involved in it.

27 145 Q. Well, you were involved in it, obviously?

28 A. Probably was, yeah.

29 146 Q. When you say "probably," can you remember or can't remember
30 or...?

1 A. Well, again, if you want me to go back down and go through
2 notes and stuff, I can give more detail. But I can say
3 yes, because, again, it was about getting to the bottom of
4 collusion, it was getting to the bottom of what was going
5 on. As a border community, 95 percent of the murders in
6 our community have never been solved. Most of them were
7 carried out by people who went across the border.

8 147 Q. But just, again, I am just trying to pin down the lead-up
9 to Kevin Fulton's statement. Your evidence is, you can't
10 remember now who was involved in it, the decision to send
11 him in, that's your evidence? I'm not trying to catch you
12 out; I am just trying to paraphrase it.

13 A. I am trying to see exactly -- if you are saying to me to
14 give you an exact date of when I decided -- well, the
15 truthful answer is no, I can't.

16 148 Q. And who was involved in that decision? There was yourself.
17 Can you think of anybody else who was involved, not
18 speculation?

19 A. Again, with the greatest respect, Your Honour, some of them
20 are people who are still living in the border area and I'm
21 not prepared to give their names over to anybody.

22 149 Q. Would you be willing to give their names to the Judge?

23 A. Your Honour, I'd have to ask the individuals that, because
24 one of the things -- and with the greatest of respect to
25 yourself, Your Honour, but one of the reasons why I get
26 told a lot of stuff is because people trust me, and unless
27 they have given me permission to give their name over, and
28 it's no reflection -- I don't want to put my foot into it,
29 Your Honour. It's no reflection on you, Your Honour. It's
30 -- I gave my word to individuals, and some of them come

1 from a nationalist community and I wouldn't like to use
2 their name unless they said to me, it's okay.

3

4 CHAIRMAN: Yes. Would these be names of people who
5 suggested to Kevin Fulton that he should make a
6 statement --

7

8 MR. LEHANE: -- to Judge Cory, yes. I think, in fairness
9 to the witness, he said that, aside from himself, he can't
10 really remember.

11 A. It's not that I can't remember. There is some people who
12 were involved in this who, if it's found out, will end up
13 like your fella 'Big Note', is the nickname, or your man
14 that they took out of the phone box. I don't want my name
15 to be associated around like that. I had 14 years of doing
16 what I'm doing, and nobody but nobody has ever been grabbed
17 by the Provos because --

18 150 Q. You are very careful --

19 A. Well, when I give my word, I keep my word. I hope I am not
20 disrespectful, Your Honour.

21

22 CHAIRMAN: No, I appreciate...

23

24 151 Q. MR. LEHANE: But just in terms of setting up the actual
25 meeting, can you remember how the actual meeting was set up
26 between Judge Cory and Mr. Fulton? If you can't remember,
27 that's fine, but I am just trying to establish --

28 A. I can't, but I could probably find out for you because some
29 things I might have written down.

30 152 Q. I have handed up -- unfortunately, I only have a limited

1 number of copies -- I have handed up an e-mail, and there
2 is a copy for you as well, Mr. Frazer, which has featured
3 in the Tribunal to date. It's a Government -- it's a
4 document entitled "*HM Gov.106*" and it's an e-mail dated 8th
5 of September, 2003. And I am just trying to figure out --
6 this is in relation to the arrangements to meet Mr. Fulton,
7 the meeting between Mr. Fulton and Mr. Cory. Did you send
8 that e-mail?

9 A. I don't think so.

10 153 Q. Okay. Well, if it's not your e-mail, it's not your e-mail.

11 A. Just, I see it mentioned Omagh. I would have very little
12 knowledge about the Omagh --

13 154 Q. No, the only reason I asked you were you the author of the
14 e-mail is because it makes reference, it says "*Just a very*
15 *brief note to thank you for arranging to meet Kevin Fulton*
16 *so quickly. I trust the meeting will be mutually*
17 *beneficial.*" And it goes on to talk about what will come
18 up at the meeting. But that's not your e-mail?

19 A. No, I don't think so.

20

21 CHAIRMAN: Well, there is an e-mail address at the top of
22 it.

23

24 MR. LEHANE: No, Judge, it's redacted. The reason I --

25

26 CHAIRMAN: The name is redacted, but the e-mail address is
27 not.

28 A. Well, that's not my e-mail address, Your Honour.

29

30 MR. LEHANE: Okay.

1 155 Q. Now, if we can move on to the actual meeting. Did you
2 accompany Mr. Fulton to the meeting with Judge Cory?

3 A. Yes.

4 156 Q. And did anyone else accompany the two of you to the
5 meeting?

6 A. I don't think so.

7 157 Q. And at that meeting, Mr. Fulton handed in a statement to
8 Judge Cory. Did you assist Mr. Fulton in the preparation
9 of that statement?

10 A. No.

11 158 Q. Did you read the statement -- you obviously read the
12 statement before he handed it in, did you?

13 A. No, I didn't.

14 159 Q. Oh, you didn't read the statement before he handed it in?

15 A. No. Whenever he met the Judge, the Judge and him
16 discussed.

17 160 Q. Okay. So, just to be clear, Mr. Fulton didn't show you the
18 statement that he was going to give Judge Cory, in advance
19 of giving it to Judge Cory?

20 A. As far as I remember, no, as far as I remember that wasn't
21 the case.

22 161 Q. Okay. You met with Garda Jim Sheridan, I believe, on the
23 9th of September, 2003?

24 A. I met with him a few times, yes. A gentleman.

25 162 Q. Now, the reason I reference the 19th of September, 2003,
26 is, we have a note of that meeting, or, rather, the
27 attendance taken by Garda Sheridan of that meeting. Can
28 you tell -- can you recall what you discussed with Garda
29 Sheridan at this meeting?

30 A. Well, I would say collusion definitely was mentioned. I

1 know the Kingsmills was definitely mentioned. I also know
2 that the man who hijacked the minibus was mentioned, Colm
3 Murphy, and it was also mentioned that how did they know
4 who it was if they were hooded? And it was said, well,
5 they weren't hooded.

6 163 Q. The only reason I ask you about did you raise the issue of
7 collusion is, in the note of the meeting that we have been
8 provided with, of your meeting at 11 a.m. on Friday the
9 19th of September, 2003, there is no mention of you
10 discussing the issue of collusion with Garda Sheridan?

11 A. Well, what did I go down for?

12 164 Q. Well, I'll just -- okay, there is no need to read it out.
13 Now, did you meet --

14 A. Sorry, what did I go down to meet him for?

15 165 Q. This is -- well, you went down -- I'll just read the start
16 of it. You say: *"Here is a dossier. We have Judge Cory.*
17 *Have you checked out the houses? JS: The two houses?*
18 *What is the evidence?"* And you go on to discuss a bomb,
19 bullet-proof vests, other alleged subversives, sources, but
20 you don't discuss collusion, but you are saying to the
21 Judge you have met Mr. Sheridan on other occasions, is that
22 it?

23 A. Yeah, I have met him, and I would say that, there, would
24 have been about collusion.

25 166 Q. Okay. Now, just in relation to Mr. Toby Harnden, have you
26 met Mr. Toby Harnden?

27 A. I have, yeah.

28 167 Q. Have you discussed these issues of Garda collusion with
29 Mr. Harnden?

30 A. Not these issues, but other issues where other things came

1 up and especially the likes of Kingsmills where
2 Mr. Corrigan's name would have come up.

3 168 Q. Just in relation to the issue of Garda collusion, you are
4 saying you didn't discuss the issue of Garda collusion with
5 Mr. Harnden, and can you tell the Chairman what you said
6 about Garda collusion to Mr. Harnden?

7 A. Sorry, could you ask me that question again?

8 169 Q. Sorry, I am probably being unnecessarily cumbersome. You
9 met with Mr. Harnden?

10 A. Yeah.

11 170 Q. I asked you did you discuss the issue of alleged Garda
12 collusion with Mr. Harnden?

13 A. Yeah.

14 171 Q. And now I am asking you what did you say to Mr. Harnden?

15 A. But did you say that I didn't mention collusion?

16 172 Q. No, I am asking you. I didn't say that.

17 A. Oh, sorry. Your Honour, whenever I met with Toby Harnden,
18 first off, I was introduced to him, he had told me about
19 what he was doing, and we talked about different things
20 that happened in south Armagh, and he was very
21 knowledgeable, and I have to say his book was pretty good,
22 although we did fall out at one stage, but anyway...
23 There was issues of collusion that were raised, not so much
24 these later ones, but more about the likes of the
25 Kingsmills and the Tullyvallen --

26 173 Q. Sorry to interrupt you. By "later ones" you mean Breen and
27 Buchanan in 1989, is that right? Because you said your
28 discussion featured on --

29 A. I can't remember, I don't think he mentioned Breen and
30 Buchanan. I'd be telling lies if I could put my hand on my

1 heart, but I know we did talk about collusion.

2 174 Q. Have you met Mr. Alan Mains?

3 A. Alan Mains... I don't think.

4 175 Q. Now, just in relation to the --

5 A. Who is he, if you don't mind me asking?

6 176 Q. Sorry, Alan Mains was the late Mr. Breen's Staff Officer.

7 A. No, I don't think so.

8 177 Q. Just in relation to the reason you are here today, you are
9 unhappy with the evidence my client gave on the 1st of
10 August?

11 A. Mr. Corrigan? Well, especially whenever I heard about him
12 being picked up by the IRA's legal team, or 'Mooch' Blair's
13 legal team from the, what do you call it here, I became
14 more unhappy and more concerned whenever he made the
15 allegations against me that he did, because that's typical
16 IRA tactics to try and discredit somebody, and if he was
17 being lifted from this here and brought up the road by the
18 IRA's legal representatives or 'Mooch' Blair's legal
19 representatives, would you not be concerned?

20 178 Q. Well, I'm not here to answer the questions. But you are
21 unhappy at the suggestion that you associated with loyalist
22 paramilitary groups?

23 A. Yeah.

24 179 Q. Mr. Frazer, have you ever had any problems getting a gun
25 licence?

26 A. Yes.

27 180 Q. Would you like to tell the Chairman what problems you had
28 getting a gun licence?

29 A. Yes, Your Honour. I had had a shotgun, Your Honour, for
30 about 14 years, I had never any bother, and, as a matter of

1 fact, Your Honour, I was one of the first men ever to be
2 allowed to hold as many rounds for the shotgun as I did,
3 because you were only allowed to hold, I think, 100 or 200,
4 and I had 500. Unfortunately, whenever the Peace Process
5 came about, Your Honour, and with so much happening with my
6 family, I got so many death threats and so many -- well,
7 basically the police was never away from my house. I
8 applied for a personal weapon.

9 181 Q. And were you granted a licence to have a shotgun?

10 A. Not only -- a shotgun? I had a shotgun.

11 182 Q. Well a firearm.

12 A. No, actually what happened was they writ[sic] back and said
13 if you don't stop applying for a personal weapon, we are
14 going to take your shotgun off you. And I said to them,
15 well, I refuse to stop applying for the personal weapon,
16 because the local sergeant, they said said then that I had
17 a shotgun that was going to be lifted from me and I said
18 well I am still applying for the personal weapon. Because
19 there is IRA men running about with personal weapons that
20 are being issued, top IRA men who have carried out mass
21 murders, and if they are able to be issued with weapons --
22 somebody who has never been arrested in their life and has
23 had a shotgun and never had an incident, so much so that
24 the local sergeant, who was retiring within a few months,
25 refused to come down and lift the shotgun. Sorry, you
26 asked me the question, and, Your Honour, if I can answer
27 it. The local sergeant, who had known me for a fair number
28 of years said to me, "Willie, this is a political
29 decision." I went to the area commander. The area
30 commander recommended, and this, Your Honour, maybe yous

1 can check it out, I don't know, the area commander told me,
2 he says, "Willie, we recommend that you get issued with a
3 personal weapon but it's a political decision that is being
4 made." The local sergeant says, "Willie, I am not coming
5 down to lift your shotgun because if your home is attacked
6 after what your family has come through, I don't want to be
7 responsible." I had to take the shotgun and leave it up,
8 Your Honour, and I have a photograph of me walking through
9 the police station gate with the shotgun because I didn't
10 want to get the sergeant into trouble, and that is the
11 situation on the handgun.

12 183 Q. Mr. Frazer, you were refused an application for a personal
13 protection weapon and your firearms certificate for your
14 shotgun was revoked, okay. Why was your -- why were you
15 refused permission to have a personal protection weapon and
16 why was your shotgun licence revoked?

17 A. Simply because I wasn't going along with the Peace Process.
18 Like I say -- sorry, can I answer the full question?

19 184 Q. Yeah.

20 A. You are asking me why it was revoked. 'Clinkie' Clarke,
21 who murdered the two soldiers who we all seen pulling out
22 of the black taxi and beating them to death, was issued
23 with a personal weapon, Your Honour, and that's a fact;
24 it's record. A number of other senior IRA men, Martin
25 McGuinness -- an individual only there a few months ago was
26 refused a personal weapon, and Martin McGuinness wrote a
27 letter for him and got a personal weapon, Your Honour.

28 185 Q. If I can stop you talking about other applicants.

29 A. I want to explain the situation here. I have never been
30 arrested in my life. I have no criminal record whatsoever.

1 But mass murders are being given personal weapons by the
2 people who are telling me that because you speak out,
3 Willie, you are not entitled to a personal weapon.

4 186 Q. In fairness to you, the reason that you were refused
5 permission to have a personal protection weapon and the
6 reason you were refused permission to have a shotgun,
7 according to the Chief Inspector, the Chief Constable and
8 the Secretary of State of Northern Ireland is because of
9 your alleged associations with loyalist terrorist
10 organisations. You took judicial review proceedings
11 challenging that refusal. I have handed up a copy of the
12 decision. You have a copy of it there in front of you. I
13 think the judge has a copy of it, it's entitled 'In the
14 High Court of Justice in Northern Ireland, Queens Bench
15 Revision Judicial Review in the matter of applications by
16 William Frazer for judicial review'. In page 13, paragraph
17 36, the decision:

18
19 *"The Applicant held a firearms certificate for a*
20 *shotgun for a number of years. As a result of the*
21 *threatening and intimidatory conduct referred to above in*
22 *relation to the other application for judicial review, the*
23 *Applicant applied, in 2002, for a variation of the firearms*
24 *certificate to include a personal protection weapon. By*
25 *letter dated 21 November 2002 from the Chief Inspector at*
26 *the Firearms Licensing Branch of the Police Service of*
27 *Northern Ireland, as the duly authorised officer acting on*
28 *behalf of the Chief Constable, the Applicant was notified*
29 *that the Chief Inspector was minded to refuse the*
30 *application for a personal protection weapon and to revoke*

1 the firearms certificate in respect of shotgun. The reason
2 was stated to be 'this view is taken because of your
3 alleged associations with loyalist terrorist
4 organisations.' The letter invited the Applicant to make
5 comments or representations before a final decision was
6 made.

7 By a response dated 28th November 2002 made by the
8 Applicant's solicitor, particulars were sought of the
9 nature of the Applicant's associations with the
10 organisations, the identity of the organisations, the
11 timing of the information and the nature of the
12 information.

13 In a reply dated 22 January 2003, the Chief Inspector
14 gave notice of his decision that the application for a
15 firearms certificate for a personal protection weapon was
16 refused on the ground that the Applicant was unfitted to be
17 in possession of that firearm within the meaning of article
18 28.2.1 of the 1981 Order. In addition, notice was given
19 that the Applicant was not a fit person to be entrusted
20 with a firearm and a notice of revocation in respect of the
21 firearm's certificate was enclosed.

22 The Applicant appealed to the Secretary of State. By
23 letter dated 12 May 2003 from the Firearms And Explosives
24 Branch of the Northern Ireland Office, the Applicant was
25 informed that the Chief Constable had revoked his firearms
26 certificate as the Applicant was unfit to be in possession
27 of firearms and that 'he' -- that is the Chief Constable --
28 'based his decision on a reliable intelligence report that
29 you associated with loyalist terrorist organisations. He
30 considered that your association with these organisations

1 did not arise from your work with FAIR and could not be
2 described as legitimate.'

3 In relation to the application for grant of a personal
4 protection weapon, the Applicant was informed that the
5 Chief Constable had concluded that there was no information
6 to indicate that there was a specific threat on the
7 Applicant's life which warranted him being permitted to
8 have a personal protection weapon. The letter offered the
9 Applicant the opportunity to comment further in writing on
10 the grounds given by the Chief Constable for his decision
11 before the Secretary of State reached a decision on the
12 appeal.

13 In a response dated 20 May 2003, the Applicant
14 disagreed that there was no specific threat to his life and
15 referred to further evidence supporting such a threat as
16 well as indicating that it was incumbent on the Northern
17 Ireland Office to conduct their own inquiries into the
18 matter.

19 In relation to the alleged terrorist associations, the
20 Applicant stated 'contrary to the rather holly claims of
21 the Chief Constable, I have no links whatsoever with any
22 paramilitary movements.'

23 In a letter dated 2nd June 2003 the Secretary of State
24 refused the Applicant's appeal stating '1. You did not
25 need a PPW as Special Branch have advised that you are not
26 the subject of a specific threat. 2. You are unfit to
27 have firearms and ammunition as the police have
28 intelligence from a reliable source to indicate that you
29 have recently associated with loyalist terrorist
30 organisations'."

1
2 You judicially refuted that decision, Mr. Frazer, and your
3 judicial review in that that respect was unsuccessful
4 because, in the last page, at page 18, the judge, Mr.
5 Justice Weathercup said *"The Applicant's alternative basis*
6 *for challenge is that the Minister did not have the*
7 *material on which to conclude that by reason of*
8 *paramilitary associations the Applicant was unfitted to*
9 *hold a firearms certificate. Again, on an issue of this*
10 *nature, the Minister must be entitled to rely on*
11 *intelligence available to police and on the police*
12 *assessment of that intelligence."*

13 And it goes on at the bottom:

14 *"I am satisfied that the Minister was entitled to conclude*
15 *that the Applicant was unfitted to hold a firearms*
16 *certificate by reason of the police intelligence*
17 *considering paramilitary associations. For the reasons set*
18 *out above, I reject each of the Applicant's grounds of*
19 *challenge to the refusal of a personal protection weapon*
20 *and to the revocation of a firearms certificate."*

21
22 What do you have to say to that, Mr. Frazer?

23 A. I have to say exactly what I said at the start, Your
24 Honour. The political process in Northern Ireland,
25 whenever people who have carried out mass murder are given
26 personal weapons, which is well known -- they say there
27 that I was under no specific threat. Why did the NIO then
28 put bullet proof windows and doors and a full NIO package
29 into my home? Because they knew I was under a specific
30 threat. And one of the occasions, Your Honour, where they

1 tried to ambush me, the vans used, again the two vans that
2 were used, and this is fact, Your Honour, I can back this
3 up with the paperwork, they tried to ram me and two
4 Scottish fellas who studied conflict with me at the time
5 outside Crossmaglen. They refused to pay out. They said
6 there was no terrorist connection. Well, Your Honour,
7 thankfully, I have some friends in different places who
8 told me where the vehicles came from. The two vehicles
9 belonged to 'Slab' Murphy, were bought in Manchester at an
10 auction, told me the day of the auction. Who bought them?
11 'Slab' Murphy's brother. How they shipped them over.
12 Whenever I rung up the compensation agency, Your Honour,
13 and said "listen, yous are saying there is no paramilitary
14 connection," and told them the vans, what was going on. I
15 had the cheque in the post the next day.

16 187 Q. Mr. Frazer, are you saying that the intelligence --

17 A. I am telling you what happened.

18 188 Q. From which -- I want to ask you a question. Are you saying
19 that the intelligence stated to be from a reliable source
20 to indicate that you had recently associated with loyalist
21 terrorist organisations, which was relied on by the Chief
22 Inspector, on appeal by the Chief Constable, and the
23 Secretary of State for Northern Ireland is wrong?

24 A. What I'm telling you -- or sorry, Your Honour, what I'm
25 telling is you that the information that was used against
26 me, I asked what loyalist paramilitaries, because they are
27 all involved in negotiations with the Government, so what
28 loyalist paramilitaries was there to be involved with? I
29 said that I was more than willing for them to put this
30 information into the public domain. The area commander, we

1 met with the area commander and the head of CID in Armagh,
2 which, if Your Honour, I can name them but there is no
3 point in naming, it can be checked out, and they said to me
4 -- now this is the area commander and the head of CID in
5 Armagh, they said, "Willie, this does not come from us.
6 This comes from a political level." Now that's all I can
7 tell you.

8 189 Q. But, Mr. Frazer, what Mr. Corrigan said on the last
9 occasion, on the 1st August, isn't that simply the same as
10 what your Chief Inspector said about you, the Chief
11 Constable of Northern Ireland said about you and the
12 Secretary of State of Northern Ireland said about you?

13 A. Well it's not. Because what he said, he specifically said
14 that I was the leader of the Commanders, or the Red Hand
15 Commanders, which is a cover name. The Government,
16 everybody knows, whenever the likes of this happens in
17 Northern Ireland, especially whenever -- the situation you
18 are talking about there, not three months ago, the very
19 similar situation was happening but only with a
20 republican -- let me finish -- but he went and got a letter
21 from the -- or sorry, not the First, the Deputy First
22 Minister and he gave it to the judge and the judge said,
23 "No, it's okay, we are going to give him a PPW."

24 190 Q. Mr. Frazer, what I have to put to you is what Mr. Corrigan
25 said about you on the 1st August is the same as what the
26 Chief Inspector, the Chief Constable and the Secretary of
27 State of Northern Ireland said about you, namely that you
28 were -- you had recently associated with loyalist terrorist
29 organisations and that your involvement or association with
30 those organisations did not arise from your work with FAIR

1 and could not be described as legitimate. I also have to
2 put it to you, Mr. Frazer, having discussed, having taken
3 you through your evidence in relation to how you first
4 became aware of Mr. Fulton, what transpired at your
5 meetings with Mr. Fulton, your meetings with Mr. Fulton and
6 Mr. Donaldson, asking you when you first had contact with
7 Judge Cory, that your answers have all shared a common
8 characteristic, and that's that they have been vague and
9 uncertain, sir.

10 A. Can I answer that?

11 191 Q. You can.

12 A. First off, unfortunately the political situation in
13 Northern Ireland, if I had took the advice of a senior
14 police officer not that long before all that took place,
15 before all the death threats started and the attacks
16 started and told not to interfere in things that didn't
17 concern me, perhaps the Secretary of State or the Chief
18 Constable wouldn't have made the decision that they made.
19 The area commander, which is the norm, and I stand to be
20 corrected, which is the norm in any situation that it is
21 local, it is the local commanders who make the
22 recommendations. Only in my situation it was not the local
23 commanders; it was a political decision. And if I had went
24 along and basically kept quiet and said nothing and not ask
25 questions about why this happened and why that happened,
26 perhaps I'd have got my PPW, the same as the job I was
27 offered down in the Maize a few years ago as well, which I
28 refused. The simple thing is, the loyalist paramilitaries
29 are being issued with personal weapons, that's the reality
30 in Northern Ireland. A number of them are being issued

1 with personal weapons.

2 192 Q. Thank you very much, Mr. Frazer. Thank you very much,
3 Judge.

4

5 CHAIRMAN: Any other questions?

6

7 MR. SMITH: Yes, Chairman.

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

9

10 MR. SMITH: Mr. Frazer, I appear on behalf of Mr. Fulton, I
11 just have a few brief questions for you, okay?

12

13 193 Q. Firstly, you were asked about when you first became aware
14 of Mr. Fulton today. Would I be right in saying in your
15 experience and your background in these matters, you don't
16 go into things with your eyes wide shut?

17 A. That's a hundred percent correct.

18 194 Q. And you would be cautious, if I can put it like that,
19 insofar as you will make your own checks and you'll make
20 your own inquiries before you take someone under your
21 trust, if I can put it like that?

22 A. That's a hundred percent correct.

23 195 Q. In relation to whenever you first became aware of Mr.
24 Fulton, there was no assumption by you at the outset, one
25 way or the other, as to his credibility or lack thereof?

26 A. As a matter of fact, I was wary at the very start. It
27 wasn't until I spoke to a number of individuals, some who
28 had been in the security forces for over 30-odd years.
29 Now, I know the situation in Northern Ireland is if you
30 have served in the security forces you could be deemed to

1 be a paramilitary; that's how bad the propaganda has become
2 in Northern Ireland. Now, maybe that's who the Chief
3 Constable was talking about, I don't know. But that is
4 people who have done 30-odd years in the security forces
5 that I have spoken to and who I rely on.

6 196 Q. And in relation to all that information, would it be fair
7 to say, I think you said in your evidence that Mr. Fulton
8 had told you things you subsequently found out to be true,
9 is that correct?

10 A. Yeah, exactly. I have more documents here, Your Honour, if
11 you want them, in relation to stuff going missing out of
12 the garda station in Dundalk that he wouldn't have knew I
13 knew anything about. Numerous things happened in Dundalk.
14 And at the meeting with the Taoiseach on Wednesday, we
15 raised all these issues. We said we want to move on. We
16 want to deal with what happened in the border. But there
17 has to be some type of closure for people like ourselves.
18 I mean, one of the worst affected areas -- sorry, I am
19 going -- one of the worst affected areas of Northern
20 Ireland, and 95 percent or 98 percent of the murders were
21 never solved. Why? Because they were running back over
22 the border, and the man in charge of the intelligence in
23 the southern side of the border in Dundalk who thought he
24 was the sheriff was giving them the all clear. That's why
25 I was threatened and warned off by people like the Chief
26 Constable, because they didn't want a lot of truth coming
27 out.

28 197 Q. You obviously have quite an extensive experience and
29 background of who you worked with there and your
30 connections and people you have met over the past number of

1 years. There is some people have said before this Tribunal
2 that as far as they are aware, Mr. Fulton is a a fantasist
3 or Walter Mitty type. Would you agree with that or
4 disagree with that?

5 A. Totally disagree with it.

6 198 Q. In relation to your meeting with Judge Cory in 2003, as you
7 know, Mr. Fulton met with Judge Cory. I'm not sure whether
8 you have been following proceedings, but Detective Sergeant
9 Corrigan effectively espoused that the mechanism by which
10 Mr. Fulton was delivered up to Judge Cory was through the
11 direct involvement of the British Security Services. He
12 effectively said it was a conspiracy, if you like, against
13 him?

14 A. Sorry, could you say -- Mr. Corrigan said that?

15 199 Q. Yes.

16 A. Yes. Listen, I have spent 40 years of my life being
17 threatened, burying people belonging to me, looking after
18 people who have been injured. I want to see an end to
19 this. And a lot of what has happened to people, especially
20 in south Armagh, has been created through myth. Sorry, I
21 don't want to go into a history lesson, but I live it, and
22 it's only whenever we deal with the reality of what went on
23 are we going to get any type of peace and justice. And the
24 Walter Mittys, they are out there, you could have -- you
25 can meet a dozen of them every week, and do I meet quite a
26 few of them, but it's my life and other people's lives that
27 are put at risk to get to the bottom of what went on. And
28 it's the same with Peter Fulton[sic], or Kevin Fulton. I
29 was very, very sure before -- well put it like this, one of
30 the murder attempts, one of the families actually met him

1 and shook his hand, that's in our group, because he was fit
2 to do things for them that nobody else done; that the Chief
3 Constable and them, certainly didn't do for them, because
4 them families knew what he had told them was the truth.

5 200 Q. Right. Now just, I suppose, getting back to that initial
6 point, I'm not going to be much longer with you, only a
7 couple of minutes, Mr. Frazer. As I was telling you there,
8 retired Detective Sergeant Corrigan is of the view that
9 Mr. Fulton came to be delivered up to Judge Cory
10 effectively by the direct hand of the British Security
11 Services. What I'm asking you is, do you agree with that
12 or dismiss that?

13 A. I disagree with that. Who is he? Who does he think he is?
14 We are not after the individual -- we are not after an
15 individual. We are after the truth. And I don't care if
16 that's Santa Clause. Mr. Corrigan: who does he think he
17 is? He is nothing special.

18 201 Q. Could I ask you this then? Maybe I'll have to ask you to
19 speculate a bit. If there was some sort of concerted
20 movement by the British security forces, do you think maybe
21 your applications for the firearms certificates might have
22 turned out differently?

23 A. Well, I'll tell you what, if you were a betting man, you'd
24 be a very rich man if you put a bet on it, and I stand
25 over, I stand over what I have said when it comes to
26 loyalist paramilitaries. I have treated them no different
27 than what I treat republicans. I disagree with anybody who
28 goes out and murders innocent civilians or attacks anybody,
29 and I have been threatened by loyalist paramilitaries,
30 every organisation going, simply because I stand -- and

1 that's why there is people whose folders I have here. Your
2 man McKeever, who was killed coming across the border, a
3 Roman catholic man, 17 items belonging to his murder
4 disappeared out of Dundalk Garda Station, and then the
5 Chief Constables and them are -- there is stuff being used,
6 and the Chief Constable says I'm an unfit person. I think
7 the man in charge of that evidence in Dundalk...
8 motorbikes disappearing, overalls disappearing, hoods
9 disappearing, you name it disappearing, men being set up.
10 Like, I would love Your Honour to be silting in
11 Newtownhamilton and doing this inquiry, because I would
12 guarantee, I am not just saying this, Your Honour, but you
13 are a man of integrity, I believe that you will get to the
14 bottom of what's going on here, and I do believe that you
15 will deal, if you have got the facts in front of you. The
16 problem is the British Government have not put all the
17 facts in front of you. That road, the Edenappa Road, why
18 is the footage -- I'm sure it's been said that you can
19 follow a car from Dundalk to the top of the hilltop which
20 is near outside Armagh with them security posts. It was
21 all collated through one security post. Whenever a certain
22 number of IRA men left their houses at the one time or
23 during the one period, an alarm bell went off; I think it
24 was six or seven. There was 30-odd of them. So where was
25 the alarm bells? Where was the security forces? That's
26 what we're sick of. We want to know why nothing happened
27 that day. Why nothing was done to save them two men's
28 lives.

29
30 MR. SMITH: Thank you very much.

1

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CHAIRMAN: Thank you very much, Mr. Smith. Any other questions for the witness? Was there anything you wanted to add?

4

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MRS. LAVERTY: There was just one matter I wanted to clarify.

7

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

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202 Q. MRS. LAVERTY: I think My Friend Mr. Lehane put it to you that Mr. Corrigan had accused you of only something that you had been -- it had been suggested about you in any event, that membership of the Red-hand Commandos, but I think in addition to that, just to be fair to you, Mr. Frazer, he did also state that you were the leader of your own little army. So, I think that you would refute both of those matters, is that correct?

18

19

A. Well, ma'am, with the greatest respect, I think the Chief Constable at least had the decency to say that they believed that I may be associated I think is the exact wording, I may be associated with loyalist paramilitaries. You go anywhere in Northern Ireland and you'd be associated with either a republican or a loyalist paramilitary. There is nowhere in Northern Ireland that you go that you can't be, if somebody wants to put you there. There is times, Your Honour, where I have had to challenge republicans and loyalist paramilitaries, I admit that, there is times when men have been threatened and I have had to go to loyalist paramilitaries and ask why are you threatening this man?

30

1 Why are you asking this man to leave the country? and said
2 that I'll go public, that the UDA or the UVF or whatever
3 organisation it is, Your Honour, I have done that, and I
4 have also done it with the IRA. I have stood in
5 Crossmaglen toe-to-toe with IRA men and said "You are
6 threatening people who have done no harm to anybody." I'll
7 admit that. That, I don't believe, is associating with
8 them, Your Honour.

9
10 CHAIRMAN: And I mean, Mr. Corrigan did say that you were
11 involved with the Red Hand Commandos, and you have come
12 here to make the point that you are not?

13 A. That's right.

14
15 CHAIRMAN: I want to hand you back this report and also the
16 two letters from the historical inquiry team, because you
17 handed them in and I think you should have them back for
18 your file. Thank you very much.

19
20 MRS. LAVERTY: Thank you, Mr. Frazer.

21
22 CHAIRMAN: Well that concludes that, Mr. Frazer. I am very
23 grateful to you for coming and speaking your mind and I
24 wish you good fortune in your further activities with your
25 organisation. Thank you very much for coming.

26 A. Can I keep this here?

27
28 CHAIRMAN: Yes, that's yours, you keep that, yes. Thank
29 you very much.

1 MRS. LAVERTY: That concludes today's evidence, Chairman.

2

3 CHAIRMAN: Yes, very well...

4

5 MS. FITZGERALD: Chairman, before you rise, I wonder could
6 I have an opportunity to address you with regard to my
7 client's representation in light of the application made by
8 the Tribunal this morning?

9

10 Just in respect of the next sittings, I understand perhaps
11 there is an cross-examination of Mr. Harris's evidence. In
12 light of that, I wonder whether the Tribunal could clarify
13 whether or not my client is entitled to be represented on
14 the next occasion?

15

16 CHAIRMAN: On the next occasion, which would be the
17 cross-examination of Mr. Harris?

18

19 MS. FITZGERALD: If that is in fact what's going to happen
20 on the next occasion, Mr. Chairman.

21

22 CHAIRMAN: It is. And that will also take place in private
23 session and I must repeat my ruling earlier today that you
24 are not entitled to be present at that private session
25 either.

26

27 MS. FITZGERALD: Very good, Mr. Chairman. And then in
28 general terms, the last indication that we had got from the
29 Tribunal with regard to my client's representation and
30 entitlement to representation generally, was that a

1 presumption should be made by us that any witness that was
2 to give evidence could in fact, that there was a risk that
3 in fact they would mention my client, and in those
4 circumstances, that there should be representation there
5 for each witness.

6
7 CHAIRMAN: Oh, you should be represented if there is any
8 mention of your client and if that should appear in any
9 statement or written digest of the evidence, you will of
10 course, you are entitled to get a copy of that and then you
11 will be entitled to appear in relation to that evidence.

12
13 MS. FITZGERALD: Yes, Mr. Chairman, but in fact the last
14 indication we had went a step further than that and we were
15 told to make a presumption that from here on in, that each
16 witness... there was a risk that each witness would in fact
17 mention our client and in those circumstances we should
18 be...

19
20 CHAIRMAN: That was sometime back there was a possibility
21 that witnesses might blurt out a reference to your client.
22 We knew that there was absolutely no possibility of that
23 occurring in the evidence of Assistant Chief Constable
24 Harris this morning and that was why I made my ruling,
25 there was no question of Mr. Harris blurting out anything
26 about your client; we knew that. But if there should be
27 any danger of that happening from any future witness, you
28 can be assured that in private session, of course you'd be
29 entitled to be present at it, there could be no doubt about
30 that.

1

2

MS. FITZGERALD: And in general terms, Mr. Chairman, do we continue to adopt the approach we have been adopting, which was in light of correspondence received from the Tribunal, that there was a presumption that there was a risk with each and every witness that was going to give evidence here.

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MS. FITZGERALD: In terms of the open session, Mr. Chairman, we'll continue, as we have been, to attend?

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CHAIRMAN: They will. I envisage -- apart from Assistant Chief Constable Harris, I don't myself envisage any further private sittings, I think that would be a correct summary.

28

29

30

MRS. LAVERTY: Yes, Chairman. It's just to -- My Friend has partial representation and that was granted because senior members of the Garda Siochana were giving evidence

1 and obviously, because of his profile, we were concerned
2 that perhaps they might be asked questions about Mr.
3 Scappaticci. But I mean, as you pointed out, Chairman,
4 today there was specific information not involving Mr.
5 Scappaticci at all. Now, one of the other partially -- one
6 of the other parties with partial representation was
7 mentioned in that intelligence and therefore was present.
8 But today's information, and indeed the cross-examination
9 next Tuesday, it's anticipated there will be absolutely no
10 mention of the client... unless...

11
12 CHAIRMAN: If there is any danger of it happening, Ms.
13 Fitzgerald, I can assure you I'll be on the alert to the
14 possibility and so, too, will be the legal team of the
15 Tribunal and everybody else concerned in the work of the
16 Tribunal, and if there is any danger of it, you will of
17 course be alerted.

18
19 MS. FITZGERALD: Mr. Chairman, I'm happy that I'm aware of
20 the determination made by the court in relation to
21 Mr. Harris's evidence and you have indicated what the
22 position is in relation to closed session. But what I'm
23 wondering is in relation to open sessions, the way we were
24 told to operate from here on is that we should be in
25 attendance for the open sessions, and if it's the case that
26 from here on in my client in fact is in no way relevant to
27 the Tribunal, then it might be an opportunity for us to be
28 excused based on the determination this morning, but I am
29 merely asking for some clarification from the Tribunal how
30 to proceed.

1

2

CHAIRMAN: Thank you very much.

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MRS. LAVERTY: I think perhaps for the moment, Chairman, just for the immediate future, My Friend should -- we should continue with the presumption that there is a possibility that he might be mentioned. Obviously if there is evidence coming before you that we are quite sure he won't be, but I think...

10

11

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13

CHAIRMAN: For the moment you should attend, I would suggest you should attend every open sitting of the Tribunal.

14

15

MS. FITZGERALD: Very good. Thank you, Mr. Chairman.

16

17

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CHAIRMAN: Now there is only one other thing that gives me concern and that is the question of Mr. Corrigan's state of health. It was hoped that there would be a medical report in today.

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MR. O'callaghan: It hasn't arrived in yet, I understand. I was speaking to Mr. Lawlor just there. Just so as you are aware, from the letter we sent yesterday, Mr. Corrigan, because of health issues, won't be available to give evidence this week. I'm not sure what his current medical condition is, although I have been informed by Mr. Lawlor that he is in hospital at present, but rather than discussing his health issues now, Chairman, I think the best thing is if we give a commitment that we will get a

1 medical report to the Tribunal either later today or
2 tomorrow -- Mr. Lawlor can agree to that -- and then we can
3 deal with the matter in correspondence.

4
5 CHAIRMAN: Well, in addition to that, I must make my
6 position clear. I did insist, when Mr. Corrigan's health
7 came up before, that I had oral evidence from the doctor,
8 the name whom I can't recall, but she was his --

9
10 MR. O'CALLAGHAN: Dr. Faizi...

11
12 CHAIRMAN: -- general practitioner in Dundalk, I insisted
13 that she give evidence too. Now, there is another element
14 of his ill health, it's a new one, and that comes from a
15 consultant in Dublin. If there is further -- if any effort
16 is made to plead his incapacity to attend, I think I would
17 have to hear evidence from that consultant, and I think I
18 must keep the matter under control and subject to review,
19 and I think that the Tribunal will be sitting for a private
20 session next Tuesday to continue with the evidence of
21 Assistant Chief Constable Harris, and I think it would be
22 appropriate on that morning I'll adjourn it for mention
23 that morning in public either before or after that closed
24 session, and I think we should keep it publicly under
25 review. I cannot just make assumptions that things will
26 progress in correspondence and I think that they must be
27 taken seriously. So, I propose, then, to have that for
28 mention on Tuesday next, and I hope matters will be
29 clarified by then.

1 MR. O'CALLAGHAN: Thank you, Chairman.

2

3 CHAIRMAN: Thank you very much, Mr. O'Callaghan. Then that
4 concludes for today and the next sitting then will be
5 Tuesday morning.

6

7 MRS. LAVERTY: Tuesday morning, Chairman.

8

9 CHAIRMAN: At 11:00.

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11 **THE TRIBUNAL ADJOURNED UNTIL TUESDAY, 25TH SEPTEMBER 2012**

12 **AT 11 A.M.**

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