

## 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:**

Niall Mooney, BL

Instructed by:

Michael Flanigan  
Solicitor

**For Kevin Fulton:**

Mr. Michael O'Higgins, SC

Instructed by:

John McAtamney  
Solicitor

**For Breen Family:**

Mr. John McBurney

**For Buchanan Family/  
Heather Currie:**

Ernie Waterworth  
McCartan Turkington Breen  
Solicitors

**For Alan Mains:**

Jonathan Park,

Instructed by:

Trevor Ringland,  
Macaulay & Ritchie,  
Solicitors

**NOTICE:**

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

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

**THE WORD "DOYLE" OCCURS TWICE  
PAGE 30, LINE 28  
PAGE 45, LINE 17**

1        THE TRIBUNAL RESUMED ON THE 31ST MAY, 2013, AS FOLLOWS:

2  
3        MR. DILLON: Thank you, Chairman. Now, I can tell you that  
4        an issue has arisen on which the parties, in particular the  
5        Tribunal and Mr. Corrigan and his legal team, require a  
6        ruling from you.

7  
8        You may recall that yesterday Mr. Corrigan was asked  
9        whether he had followed through on his commitment or  
10       undertaking to you given on oath to instruct his solicitors  
11       to make inquiries about the existence of a parallel  
12       personal bank account, parallel to the Bloombridge property  
13       account. And what you were told is that he hadn't. And  
14       you were told that while he was in hospital, that's while  
15       Mr. Corrigan was in hospital, that he had decided that he  
16       was not going to instruct his solicitors to carry out those  
17       inquiries.

18  
19       This, we heard, for the first time yesterday. And  
20       Mr. Corrigan made it quite clear yesterday that he was not  
21       going to give the Tribunal access to his bank account, and  
22       I understand from talking to Mr. O'Callaghan that that  
23       remains his position today.

24  
25       Now, the matter can be dealt with in either of two ways.  
26       It is the case that the statute provides - and this is  
27       Section 4 of the Tribunal of Inquiry (Evidence) (Amendment)  
28       Act of 1997 - that:-

29  
30       *"Where a person fails or refuses to comply with or disobeys*

1           *an order of a tribunal, the High Court may, on application*  
2           *to it in summary manner in that behalf by the Tribunal,*  
3           *order the person to comply with the order and make such*  
4           *order as it considers necessary and just to enable the*  
5           *order to have full effect."*

6  
7           In other words, that's the order of the Tribunal to have  
8           full effect.

9  
10          The position is, of course, that no order was made in this  
11          matter, and you were relying upon the undertakings given to  
12          you by Mr. Corrigan, which he decided to back track on,  
13          that's I think a fair description; he decided not to follow  
14          through on the undertaking he gave to you. He did this  
15          when he was in hospital, he told you yesterday, so that  
16          puts it at sometime in December, January. We're now  
17          towards the end of May, which is the first that you heard  
18          of it. The matter could have been dealt with had he  
19          instructed his solicitor or informed his solicitor of his  
20          change of heart, it could have been dealt with between then  
21          and now.

22  
23          So, undoubtedly, there is going to be difficulty in terms  
24          of timetable, but that timetable is now -- it was authored  
25          by Mr. Corrigan, not informing you until yesterday of his  
26          change of mind.

27  
28          So, my application is that you make an order, and my  
29          application is that you are in a position to make an order  
30          as matters stand, given what has happened in the past,

1 given the repeated commitments and undertakings given to  
2 you by Mr. Corrigan. Now, I don't have them to hand, but  
3 they are there in the transcripts. Either at the beginning  
4 of a hearing or at the end of a hearing the matter was  
5 raised virtually everyday that he was examined by the  
6 Tribunal.

7  
8 I understand Mr. O'Callaghan would prefer if you were to  
9 have a hearing for the purpose of making an order rather  
10 than just simply going ahead and making it straight away at  
11 this point.

12  
13 If an order is made today, we simply carry on with the  
14 remainder of the re-examination of Mr. Corrigan. There are  
15 only a few matters that remain, they won't take very long.  
16 But if there is to be a hearing, we'll still continue with  
17 the re-examination of Mr. Corrigan. The question arises,  
18 if you are so minded to have a hearing, when it shall be?

19  
20 Now, today is, in principle, the last day of the public  
21 sittings of the Tribunal, leaving aside the question of a  
22 day for all submissions, that's a different matter. So,  
23 issues of timing arise in the event that there is a  
24 separate hearing for the purpose of applying for an order.  
25 I think at this point I have said what I can say on behalf  
26 of the Tribunal, and I think it's preferable you might hear  
27 from Mr. O'Callaghan at this point.

28  
29 MR. O'CALLAGHAN: Chairman, in light of what you said  
30 yesterday, I had an opportunity to speak to Mr. Corrigan

1 this morning, and having spoken to him this morning, I was  
2 hopeful that the matter could be resolved because I was  
3 prepared to tell the Tribunal, I can tell you now that he  
4 is prepared to answer any questions that Mr. Dillon wishes  
5 to put to him in respect of his financial affairs.

6  
7 You may recall yesterday that part of the reason as to why  
8 there was the breakdown in questioning is that Mr. Corrigan  
9 refused to answer questions in respect of the property in  
10 Navan, and I can tell you that he is prepared to answer  
11 questions on that and accepts that he should have answered  
12 them yesterday.

13  
14 That, I thought, would resolve the matter. However, I have  
15 been informed by Mr. Dillon that in fact the Tribunal now  
16 wants Mr. Corrigan's bank accounts or financial affairs or  
17 whatever we call it. Now, can I just make a number of  
18 brief points in respect of that, Chairman.

19  
20 First of all, Mr. Corrigan has complied with every Order  
21 for Discovery that you have made, sir, and in fact he has  
22 sworn two Affidavits of Discovery: One on the 21st of  
23 February, 2008, and another on the 27th October, 2010. And  
24 in respect of the latter, Chairman, that Affidavit of  
25 Discovery was sworn after there was extensive  
26 correspondence between your Tribunal and Mr. Corrigan's  
27 solicitor in respect of the Discovery that they sought.  
28 And in your letter of the 23rd of March, 2009, sir, your  
29 solicitor informed my solicitor that you wished to conduct  
30 an investigation into Mr. Corrigan's financial

1 circumstances. And after that there is a whole series of  
2 correspondence, culminating in an order made by you on the  
3 16th of June, 2010. And my client was perfectly entitled  
4 to believe that at that stage, having sworn two Affidavits  
5 of Discovery, that the Tribunal had everything it required  
6 in respect of his financial circumstances. You may recall  
7 there were private hearings in respect of this matter, and  
8 all his documents had been revealed and discovered, as was  
9 sought by the Tribunal.

10  
11 But, it did come to light during the examination last  
12 August and July by Mr. Dillon, that there was a preliminary  
13 request by Mr. Dillon, well will you provide us with copies  
14 of bank statements. And it was in the context of that,  
15 Mr. Corrigan said he would. But it was always premised in  
16 my belief, on the questioning that was being put to him by  
17 Mr. Dillon about the properties, and I would have thought  
18 the matter could be resolved through questioning of  
19 Mr. Corrigan about the properties. But if that's not  
20 sufficient, Chairman, I think there is two points I have to  
21 make.

22  
23 First of all, the only basis for this desire to get his  
24 banking records, which are confidential, is the alleged  
25 demeanor or the evidence given by Blair Wallace that you  
26 have to follow through, have a look at an officer's  
27 financial circumstances. You did consider that, Chairman,  
28 through your correspondence and the order that you made on  
29 the 16th June, 2010. But secondly, and this is a point  
30 that Mr. Corrigan repeatedly makes to me, and I should



1 make, he is the only witness -- like, I don't recall  
2 Mr. Hickey or Mr. Colton being questioned in public about  
3 --

4

5 CHAIRMAN: I don't think that's true. I mean, Mr. Colton  
6 was, to my recollection.

7

8 MR. O'CALLAGHAN: Well, I don't think Mr. Hickey was. But  
9 anyway, it's just a point --

10

11 CHAIRMAN: You could be correct about Mr. Hickey. But  
12 Mr. Colton was certainly, I think.

13

14 MR. O'CALLAGHAN: Everyone is anxious, Chairman, to try and  
15 finish this Tribunal, no one more than you, to finish it as  
16 quickly as possible, but where we are is, I regret to say  
17 this, eight and a half -- or eight years or so after the  
18 Tribunal is set up, the Tribunal is now considering making  
19 another Order For Discovery against Mr. Corrigan. It's my  
20 submission that is not necessary, and in fact, he should be  
21 questioned on his financial affairs and he will answer  
22 Mr. Dillon's questions, but in terms of if you want to --  
23 if you are insistent upon making an order, I have to be  
24 heard in respect of it. We need a letter from the Tribunal  
25 setting out what they propose to seek Discovery of. We  
26 have to put in an affidavit stating why we say it should or  
27 should not be made, that should be done in private sitting.  
28 And then, if necessary, if you do make Discovery, Discovery  
29 is made, and if the Tribunal wants to come back then and  
30 question him more on his accounts it can do so.

1 I think it has to be said in Mr. Corrigan's favour, in  
2 fairness, that he is in breach of no order. He has  
3 complied with every Order For Discovery made by this  
4 Tribunal, and if the Tribunal now, after eight years,  
5 wishes to make an Order For Discovery against him, he has  
6 to be given an opportunity to respond to that and to  
7 consider it.

8  
9 MR. DILLON: Very briefly in reply. It is quite correct  
10 that no order has been made. I accept that. But it is  
11 also the case, and this can not be gainsay, that  
12 Mr. Corrigan gave undertakings to you in the witness-box  
13 that these documents were to be provided to you. He has  
14 failed to honour that undertaking, which puts the Tribunal  
15 in the position that it finds itself today. Not only has  
16 he failed to honour it - I'm repeating myself, but it's an  
17 important point - he made his decision several months ago  
18 but failed to communicate it to the Tribunal through his  
19 solicitors. This matter could have been dealt with several  
20 months ago had we known that Mr. Corrigan had decided to  
21 change his mind. As I said when I opened the matter to  
22 you, he is the author of this timetable. Now, that said,  
23 if you are minded to grant Mr. O'Callaghan a hearing, so be  
24 it, we'll have to work out when and where that will happen  
25 and when, more to the point. And...

26  
27 CHAIRMAN: Well, Mr. O'Callaghan suggests that it has to be  
28 dealt with first of all by way of a letter.

29  
30 MR. DILLON: A letter can go out today. There is no

1           difficulty about that.

2

3           CHAIRMAN: And then that it must -- there must be an  
4           exchange of affidavits. This matter is now very urgent,  
5           and this has come about on the second-last day of the  
6           public hearings and it is -- Mr. Corrigan could easily have  
7           raised it when he made his decision not to cooperate in his  
8           hospital bed, he could easily have told his solicitor then,  
9           who could have communicated that to the Tribunal. He  
10          didn't do so. I think this matter is one of urgency.

11

12          I agree with Mr. O'Callaghan that he must be heard on the  
13          matter, but I think that hearing should take place today,  
14          this afternoon, I would suggest. We have got a morning's  
15          work ahead of us, and then it could be dealt with at  
16          two o'clock this afternoon, and any communications that are  
17          necessary can be done as a matter of speed during the  
18          course of the morning, and --

19

20          MR. DILLON: Could I make the following suggestion? This  
21          afternoon by all means, but maybe -- just bearing in mind  
22          that we have a hearing here this morning which will keep us  
23          going certainly until one o'clock. Maybe not before half  
24          past two to enable us to organise things. I find myself  
25          here, Mr. Valentine is elsewhere, but I understand he is on  
26          his way over. As soon as he comes over, I'll have a word  
27          with him and ask him to set matters in train, but it will  
28          take a small amount of time to organise matters. So, if  
29          you wouldn't mind saying not before half past two?

30

1 MR. O'CALLAGHAN: Just to say, Chairman, I can't be here at  
2 half two. Mr. Lehane --

3

4 MR. DILLON: Sorry, I didn't mean to inconvenience you, I  
5 assure you.

6

7 MR. O'CALLAGHAN: That the urgency to it, Chairman, in  
8 fairness to Mr. Corrigan, he changed his mind when he said  
9 he changed his mind, but he only had a consultation with us  
10 very recently in respect of this matter.

11

12 CHAIRMAN: But that didn't stop him -- I mean, he should  
13 have sought a consultation with his solicitor when he had  
14 made the decision in hospital, and he should have done  
15 something and he didn't. And you know, I appreciate what  
16 you say in fairness to Mr. Corrigan, and I have no wish to  
17 be unfair to Mr. Corrigan, but he does seem to take it on  
18 himself to decide if and when matters are to be dealt with,  
19 and one of the matters he should have decided in his  
20 hospital bed, when he made a decision that he told me about  
21 yesterday, he should have spoken to his solicitor about it.

22

23 MR. O'CALLAGHAN: Well, he was undergoing a triple bypass,  
24 and in fairness to him --

25

26 CHAIRMAN: After the triple bypass he could have done that.

27

28 MR. O'CALLAGHAN: In fairness to him, and I don't mean to  
29 be critical, but you know, the Tribunal could have made  
30 this order back in 2009, and it didn't. It could have made

1 it from any time from 2005, and it didn't. And it's at  
2 this stage, on the 1st June, 2013, that the Tribunal is  
3 contemplating making an order for the first time. So, I  
4 think I should be given sometime in respect of it.

5  
6 CHAIRMAN: Well, I think there must be finality. I'll say  
7 not before half past two this afternoon.

8  
9 MR. O'CALLAGHAN: I think that hearing should also be in  
10 private. I think that's the common...

11  
12 MR. DILLON: I think that has been the practice in the  
13 past, that administrative matters are dealt with in  
14 private.

15  
16 CHAIRMAN: Very well. A private sitting for that purpose,  
17 yes. Good.

18  
19 MR. DILLON: Very good.

20  
21 MR. DILLON: We'll carry on with the remainder of the  
22 re-examination of Mr. Corrigan.

OWEN CORRIGAN CONTINUED TO BE RE-EXAMINED BY MR. DILLON AS  
FOLLOWS:

1 Q. MR. DILLON: Mr. Corrigan, I think you now know who Witness  
X is, isn't that right?

A. I do, Mr. Chairman.

2 Q. And I think he is somebody -- he was an officer of the RUC  
for whom you had considerable regard?

A. Absolutely.

3 Q. And the two of you worked together very harmoniously and  
very productively?

A. Very much so.

4 Q. And he visited you from time to time in Dundalk Station?

A. Yes.

5 Q. And there was one occasion you told the Chairman which was  
that you were, after the meeting was over you were bringing  
him down the stairs and you saw in the lobby a member of  
the IRA?

A. Yes.

6 Q. And you promptly bundled him back up the stairs to wait  
until the coast was clear, isn't that right?

A. Yes. You see, I had come into the station.

7 Q. Sorry?

A. I had entered the station, Dundalk Station, and in the  
course of entering it, as I explained to you here,  
Mr. Dillon, I passed through the reception area from which  
the members of the public, which included two members of  
the IRA, and I identified them immediately. I went up -- I  
had an appointment to meet Mr. -- the gentleman, and it was  
then I advised him, which it was an ongoing situation of

1           inherent danger, that you had to check everywhere --  
2           because that was their point of access for coming into the  
3           station to conduct their business, producing documents and  
4           whatever, and the members of the RUC, this is what I was  
5           trying to emphasise -- make the point, that it was such a  
6           dangerous point to have the RUC entering that area at all.

7           8    Q. I accept your point. But what I'm getting at is on that  
8           day you recognised, was it two members of the IRA?

9           A. I think there were two. Now, I'm -- I think it was two.

10          9    Q. And you made sure that Witness X was kept out of the sight  
11          until they were gone?

12          A. Yes, absolutely.

13          10   Q. Now, you may remember that you were questioned on the issue  
14          of whether you knew who 'Mooch' Blair was, whether you'd  
15          recognise him or not?

16          A. Yes.

17          11   Q. And you told the Chairman you wouldn't recognise him, you  
18          wouldn't know who he was?

19          A. No.

20          12   Q. How is it that you were able to recognise two members on  
21          the occasion that Witness X was there, two members of the  
22          IRA on the occasion that Witness X was there, but you  
23          didn't recognise or you don't know who 'Mooch' Blair was, a  
24          man who lived in the town from time to time?

25          A. I don't know -- when I say -- I can't honestly -- like,  
26          it's a long time ago and I can't give a definitive answer  
27          as to who I recognised or who I didn't. All I can tell you  
28          is that I recognised an awful lot more than anyone else in  
29          the station.

30          13   Q. Mr. Mills, would you put number 1 of the loose leaves up.

1 This can be dealt with very quickly. Lines 15 and 16, you  
2 were being questioned about, I think it was Mr. O'Callaghan  
3 who was questioning you at the time, but you say there at  
4 line 15: *"I wouldn't have spent ten hours on outdoor duty*  
5 *in the week, because I was fully flat out in administrative*  
6 *work..."* and so on and so forth. So, is it the case that  
7 you spent only ten hours a week out of doors, as it were?

8 A. Roughly, yeah. An extraordinary amount of administrative  
9 work. I had a full-time secretary dealing with the  
10 correspondence and typing and whatnot. I had the  
11 supervision of and allocation of different duties that  
12 those men, as every different situation, circumstances  
13 changed. There was -- and these things started from  
14 six o'clock in the morning and went on to the night, and I  
15 didn't get opportunities to get out, because I had nobody  
16 there in a supervisory capacity to assist me.

17 14 Q. So, it was in the ten hours a week, which is two hours a  
18 day --

19 A. Yes.

20 15 Q. -- give or take, that you were able to generate all those  
21 C77s, is that right?

22 A. Well, I don't know... if that's the way you put it.

23 16 Q. That you were able to generate, as you put it yourself,  
24 your extensive knowledge of members of the IRA in and  
25 around the Dundalk area?

26 A. Yeah, well I had been there in Dundalk a long time. I went  
27 there --

28 17 Q. And still 'Mooch' Blair never registered with you, is that  
29 right?

30 A. Oh, he did, I knew him, I had a profile of him. I knew



1 him, but I didn't know him well. I knew of him. I knew  
2 what he looked like, but I didn't know him as such knowing  
3 them.

4 18 Q. I see. I see. Very well. Now, the next matter I want to  
5 make quite clear to you, Mr. Corrigan, I'm specifically  
6 directed by the Chairman to raise with you, and it's this:  
7 The night on which John McAnulty was abducted and  
8 ultimately murdered, what were you doing on that occasion?

9 A. I was meeting an individual.

10 19 Q. You were meeting an individual?

11 A. Yeah. By appointment.

12 20 Q. By appointment?

13 A. Yeah.

14 21 Q. Is that what you say?

15 A. Yeah.

16 22 Q. When was that appointment made?

17 A. Oh, I don't know. Look at, Mr. Dillon, you are asking me  
18 things that happened 30 years ago. I have no memory. I am  
19 after going through a serious hospitalisation, and it shows  
20 very little appreciation if you are asking me to remember  
21 when was the appointment made to meet under cover of  
22 darkness, dangerous people.

23 23 Q. Well, now, an appointment was made to meet one or more  
24 people?

25 A. One person.

26 24 Q. So you were meeting one person rather than people?

27 A. Yes.

28 25 Q. Was that person a member of an unlawful organisation?

29 A. I don't know. I wasn't aware that they were. They'd have  
30 sympathies. They'd have sympathies.

1       26    Q. But you do remember who you met?

2            A. Oh, yeah, yeah.

3       27    Q. Was that person a member of what was then an unlawful  
4            organisation?

5            A. A member and an associate member, there is a very thin line  
6            to draw, like. You can't be --

7       28    Q. I take your point.

8            A. What's the point you are making? What difference does it  
9            make whether he is a member or -- he could be a signed up  
10           member, he could be a sympathiser, he could be an  
11           associate, like, I mean I'm not in a position at this  
12           juncture to decide on what category any of them are.

13       29    Q. Just a second now. Please bear in mind that this is a  
14            matter which the Chairman specifically asked me to raise  
15            with you.

16           A. Sure, I can only answer to the best of my ability. It  
17           doesn't matter who asks me. I can only do the best I can,  
18           Mr. Dillon.

19       30    Q. That's fine. You were meeting one person?

20           A. Yes.

21       31    Q. Was that the only thing you did that night?

22           A. I don't know. I can't recall what I was doing any  
23           particular night. I think it's an absolutely unfair answer  
24           to be put to me to ask me what I was doing a night. That's  
25           30 years ago. Yeah...

26

27           CHAIRMAN: You answered, if I remember correctly, earlier  
28           in examination about this point, that you were saving a  
29           man's life, and you obviously remember what you were doing  
30           that night.

1 A. Yeah, well it was in relation -- I don't know what it is  
2 now, and I can't -- I have -- my memory has failed  
3 considerably since whatever I said earlier. I'm after  
4 coming through a traumatic time and this Tribunal has  
5 showed scant regard for my medical health when I see what  
6 I'm being subjected to here.

7  
8 MR. O'CALLAGHAN: In fairness to Mr. Corrigan, I think on  
9 the last occasion when we were discussing this in evidence,  
10 there was evidence produced of a C77 that he generated, and  
11 it was clear from a reading of the C77 that it was  
12 generated at a time between when Mr. McNulty went missing  
13 but before his body was found. And that C77 indicated that  
14 Mr. Corrigan was getting information for the purpose of the  
15 investigation. So, that is relevant to the questions he is  
16 being asked and --

17  
18 MR. DILLON: I accept that, but now you are being told  
19 Chairman that there was a specific appointment made to meet  
20 somebody. It's not clear --

21 A. I don't understand the point you are making.

22 32 Q. Let me put it this way: It's clear that an appointment was  
23 made, I'm not clear with whom it was made. I am simply  
24 trying to explore with whom it was made?

25 A. I am not prepared -- I don't know. I don't know. The  
26 situation is you make an appointment and at short notice,  
27 at long notice. You are dealing -- you seem to have a very  
28 limited appreciation of what working with subversives at  
29 the time on the border was, Mr. Dillon, and you certainly  
30 wouldn't be making formal appointments, like.

1       33    Q. So the appointment was effectively, you rang somebody or  
2           somebody rang you, which was it?

3           A. I don't know. I can't honestly tell or assist the  
4           Tribunal.

5       34    Q. It was to meet at some particular place at a particular  
6           time, is that the idea?

7           A. I'm sorry, I cannot help you. I don't even remember -- the  
8           most cogent aspect of it was, I think, it was -- at that  
9           time it was in relation to finding the body, I think now...

10      35    Q. Finding the body. So that means that you knew at that  
11           point that there was a body, he was no longer alive?

12           A. No, finding the body, Mr. McNulty himself, finding the  
13           body. How would I know if he was dead or alive?

14      36    Q. When you use the word "body", it does suggest to me that  
15           you are talking about a dead person?

16           A. Maybe I'm not explaining fully. Serving, or locating a  
17           man, dead or alive. How was I to know whether he was dead  
18           or alive?

19      37    Q. When did you learn that he had been killed?

20           A. I don't know. What year was that?

21      38    Q. 1989?

22           A. It's a long time ago now, and a lot of water has flown  
23           under the bridge since that, and in view of my situation,  
24           I'm in no position, I can't remember, and it's only as you  
25           are putting these things that I remember, even, the  
26           McNulty case, and I only -- I don't have any details of  
27           it, and I'm not prepared to tell the Tribunal something  
28           which I can't back up.

29      39    Q. You see, as the Chairman reminded you, your evidence was  
30           that you were meeting with very, very dangerous people?

1 A. Yes.

2 40 Q. People, which was more than one person?

3 A. Well... that could be construed as people. The very people  
4 that you were using in a plural sense would be the people  
5 that you'd be using in your ongoing duties, because there  
6 was an element of security on both sides and trust. It was  
7 just --

8 41 Q. Prior to that you are aware there was a threat against  
9 Mr. McAnulty for sometime?

10 A. Yeah.

11 42 Q. And you didn't warn him, isn't that right?

12 A. I didn't warn him because I didn't meet him, and  
13 Mr. McAnulty lived in Northern Ireland. He wasn't a  
14 resident of the Republic.

15 43 Q. Yeah, you see, in answer to a question put to you by  
16 Mr. O'Callaghan, you said that you had alerted, or you  
17 passed on the information to the Gardaí and the RUC?

18 A. I don't remember that.

19 44 Q. Well, certainly --

20 A. Like, if you say that, Mr. Dillon, I'll accept it, but I  
21 don't -- this is all -- you are asking me to remember  
22 things I can't -- I haven't -- I have no recollection of  
23 any of that. I can barely recollect the fact that  
24 Mr. McAnulty was abducted from a licensed premises in  
25 Dundalk. That's all that --

26 45 Q. What I'm trying to seek clarity on is this: When you gave  
27 your evidence originally, you said that you alerted your  
28 own authorities and that it wasn't your function to deal  
29 with authorities outside the State. You'd expect your  
30 authorities to deal with them through monthly meetings?

1 A. Yes.

2 46 Q. When you were being asked by Mr. O'Callaghan, you said that  
3 you had alerted the Gardaí and the RUC?

4 A. Yeah.

5 47 Q. So, who did you alert in the RUC?

6 A. I don't know. I don't know. I can't put --

7 48 Q. Did you alert somebody in the RUC?

8 A. Pardon?

9 49 Q. Did you alert somebody in the RUC?

10 A. My recollection was that I spoke to somebody, now not  
11 formally, but some of the men that we're dealing with on a  
12 daily basis.

13 50 Q. So I have to put it to you, so your earlier evidence is not  
14 correct, is that right?

15 A. Well, I don't know. I'm only putting in the proviso that  
16 I'm not saying it didn't happen, I'm not saying it did  
17 happen. You are pursuing that matter that I can be -- I'm  
18 sorry, Mr. Dillon, but I can be of very little assistance  
19 to you because of the time span involved and my current  
20 health. So I can't tell you something I can't remember.

21 51 Q. I'll come back to the beginning now where, indeed, the  
22 examination on behalf of the Tribunal began. 20th of March  
23 1989, what were you are doing that day?

24 A. I don't know.

25

26 MR. O'CALLAGHAN: You have asked that three times,  
27 Mr. Dillon.

28

29 MR. DILLON: That's a point.

30

1 MR. O'CALLAGHAN: Does he have to be asked the same  
2 question three times? This man is here 18 days. We are  
3 repeating cross-examinations that took place the last time  
4 he was here and the time before that. I object to him  
5 being exposed to a triad of cross-examination that no other  
6 person in this Tribunal was exposed to.

7

8 MR. DILLON: I'm laying the ground for a point that I'm  
9 going to put to Mr. Corrigan. I'll be there in a matter of  
10 30 or 40 seconds.

11

12 CHAIRMAN: Yes. Well, in that case...

13

14 52 Q. MR. DILLON: You said in your Statement to the Tribunal,  
15 Mr. Corrigan, as regards the 20th March 1989:-

16

17 *"For me it started off as an ordinary day. I came to work*  
18 *in the normal fashion. I see from the statement that I*  
19 *provided to Detective Inspector Kevin Carty on the 23rd*  
20 *March, 1989, as part of the investigation into the killings*  
21 *which was carried out by Assistant Commissioner O'Dea, that*  
22 *I started work at 8 a.m. I attended to my duties in the*  
23 *Detective Branch office, drew out a car and went out on*  
24 *patrol. It was a day like any other."*

25

26 Now, who accompanied you on that patrol?

27

A. I don't know.

28

53 Q. There was somebody with you though, wasn't there?

29

A. I don't know.

30

54 Q. Mr. Mills, could you put up number 2 on the screen, please?

1 A. I can't say that who was with me.

2 55 Q. Now, this is questioning put to you -- I'm sorry, I  
3 underlined it, but I just don't have clean copies in the  
4 circumstances where everything is still locked up.

5  
6 Now --

7 A. I have already answered or attempted to answer this  
8 question twice before.

9 56 Q. Just look at what you said.

10 A. Yeah.

11 57 Q. I think you were being asked by Mr. Robinson about:

12 *"Question: Well, how would you do surveillance on 'Mooch'*  
13 *Blair if you didn't know what he looked like?*

14 *Answer: Well, I'd be with other members. I'd never be out*  
15 *on my own, you know."*

16  
17 So, this is the first time that we heard that you were  
18 always accompanied by somebody when you went out.

19 A. Yes.

20 58 Q. All right. Well --

21 A. Well, not always. Like --

22 59 Q. *"I'd never be out on my own."*

23 A. Well, okay, if -- rarely. Should I substitute "never" with  
24 the word "rarely" to satisfy --

25 60 Q. So you want to change the evidence that you gave?

26 A. Whatever you think yourself, Mr. Dillon.

27 61 Q. Well, that's what you are doing, isn't it?

28

29 MR. O'CALLAGHAN: Chairman, I'm sorry to interrupt again.

30 What is the relevance of this line of examination? Just



1 let me finish my point in respect of this. If he is trying  
2 to nitpick with Mr. Corrigan the fact that he said in  
3 respect of another matter "*I'd never be out on my own, you*  
4 *know*", and then he relates that to a question which he asks  
5 of him, "Well, where were you on the day of the murders in  
6 1989?" He said he was out. He says, was he with somebody?  
7 He says he doesn't know. Is there a huge inconsistency in  
8 that? I don't think so. We're talking about events which  
9 took place 25 years ago. He is a 70-something-year-old man  
10 now. What are you? 76-year-old man. I'm sure we can all  
11 go through transcripts of somebody who has given evidence  
12 for 18 days and try to pick holes in it, trying to say you  
13 said never in that time, now you are saying you don't know.  
14 I'm concerned about it.

15  
16 CHAIRMAN: I think Mr. Dillon should pursue his  
17 questioning, and I can form my judgement on the answer.

18  
19 62 Q. MR. DILLON: I'll come back to the point, Mr. Corrigan.

20 You were telling the Chairman that on occasion you were out  
21 on your own, is that right?

22 A. Yeah.

23 63 Q. You see, is it at all possible that you could assist the  
24 Chairman with greater detail on what you were doing on the  
25 20th of March? It's the critical day, isn't it? It's the  
26 critical day for the Inquiry to consider, the 20th of  
27 March, the day --

28 A. For the Inquiry, but it wasn't no different day for me. I  
29 worked that day, and it's in my statement, when I had a  
30 recollection of the events. But I can remember very little

1 about it at this juncture.

2

3 MR. DILLON: Thank you. That concludes the re-examination  
4 of Mr. Corrigan, and Mr. Corrigan's evidence. There is, of  
5 course, some outstanding matters which we'll deal with  
6 later on this afternoon. Hopefully, we won't have to  
7 trouble Mr. Corrigan again, but it may be necessary,  
8 depending on the outcome of what happens this afternoon and  
9 thereafter to ask him to come back. But we do hope that  
10 won't prove to be necessary.

11

12 CHAIRMAN: Very good. There is one point I'd like to  
13 clarify with Mr. Corrigan.

14

15 Mr. Corrigan, you remember the evidence of Mr. Gallagher,  
16 who was the lorry driver with whom you had a minor  
17 collision?

18 A. Yes.

19

20 CHAIRMAN: You told me that Mr. Gallagher was a member of  
21 the IRA.

22 A. Yes.

23

24 CHAIRMAN: That's your opinion, is it?

25 A. Well, he was an associate member, yes, yeah...

26

27 CHAIRMAN: You can recall that evidence was given that both  
28 the Garda Siochana in the South and the RUC in the North  
29 both said Mr. Gallagher wasn't a member of the IRA.

30 A. If that's what they say, that's what they said.

1 CHAIRMAN: Did you ever cause him to be prosecuted for  
2 membership of the IRA?

3 A. No.

4

5 CHAIRMAN: Why not?

6 A. Sure, he lived in the North.

7

8 CHAIRMAN: He still came over to the South --

9 A. Incidentally, now, I want to remind you that that poor man  
10 has passed into the eternal world.

11

12 CHAIRMAN: Mr. Gallagher?

13 A. Yes. A very serious set of circumstances.

14

15 CHAIRMAN: Well, when?

16 A. He was visited on a number of occasions by the RUC --

17

18 MR. O'CALLAGHAN: I don't know if this is --

19

20 MR. DILLON: I'm sorry, he is answering the question --

21

22 MR. O'CALLAGHAN: The man has passed away, but I don't know  
23 if it's a matter --

24

25 CHAIRMAN: Sorry, are we talking about the same man,  
26 Mr. Gallagher who was the driver who then was to give  
27 evidence against you in the prosecution and he came and  
28 gave evidence here to this Tribunal? And I didn't realise  
29 -- you are saying that he has now passed away?

30 A. Yes. Suddenly, under tragic circumstances.

1 CHAIRMAN: I didn't realise that, I am sorry.

2 A. Well, I'm just -- when you did mention him, Mr. Chairman, I  
3 just thought it only right that you would be acquainted.

4

5 CHAIRMAN: Well, thank you very much for telling me. And  
6 it's news I am very sorry to hear because I thought him a  
7 very impressive witness when he appeared. Anyway, thank  
8 you very much. That's all I need to say about that. Thank  
9 you. Very well then, shall I rise until...

10

11 MR. DILLON: Yes, if you wouldn't mind. Mr. Valentine is  
12 here, but he needs about ten minutes to organise himself,  
13 if that would be all right?

14

15 MR. O'CALLAGHAN: I presume we are going to get a letter  
16 from the solicitor for the Tribunal at some stage before  
17 half two?

18

19 MR. DILLON: Yes. In the meantime, we'll carry on with  
20 what we are doing this morning. Thank you.

21

22 CHAIRMAN: Very good. I'll rise then.

23

24 THE TRIBUNAL ADJOURNED AND RESUMED AS FOLLOWS

25

26 MR. VALENTINE: Good afternoon, Chairman. Chairman, we are  
27 now going to continue with the outstanding miscellaneous  
28 matters. The first matter is just, it's a letter from the  
29 NIO, which I just want to read into the record. And it's  
30 -- this relates to the question of signals intelligence.

1 You may recall there was evidence from Brigadier Liles in  
2 relation to signals intelligence at a certain time on the  
3 morning of the 20th March, 1989. And the Tribunal  
4 requested records from the relevant agencies in Britain,  
5 and this is the response that the NIO gave. It's dated the  
6 20th December, 2011, and addressed to me.

7  
8 *"You recently sought further clarification regarding an  
9 increase in signal activity around the time of the murder  
10 of Chief Superintendent Breen and Superintendent Buchanan  
11 in March 1989.*

12  
13 *"I have made further approaches to the relevant agencies  
14 who have carried out further checks in relation to this  
15 matter. They have confirmed that they have no information  
16 which indicates any increase in signal activity at that  
17 time.*

18  
19 *"I am sorry that I cannot be more helpful on this matter."*

20  
21 And it's signed Mark Laramore, the Deputy Director of  
22 Security of the Legacy Group.

23 I should say, Chairman, that in subsequent discussions with  
24 Mr. Laramore, I pointed out the sentence *"They have  
25 confirmed that they have no information which indicates any  
26 increase in signal activity at that time"* was capable of  
27 two interpretations; either they have information of  
28 signals intelligence and it doesn't indicate there was an  
29 increase, or they have no information in relation to  
30 signals intelligence on the date. They have informed me

1 orally that the latter is the case; they have no records of  
2 the signals intelligence on the date. He indicated he  
3 would confirm it in writing. And again, he indicated to me  
4 two days ago that he would confirm that in writing before  
5 today, but, unfortunately, that hasn't been done yet. It  
6 might be something that, perhaps, can be read in on the  
7 date of the oral submissions. But as I say, he has  
8 confirmed to me orally that it was intended to confer the  
9 sense that they don't have any records of signals  
10 intelligence on the 20th March, 1989.

11  
12 The next matter, then, Chairman is, I'm going to ask  
13 Mr. Mills to give you a Book of Documents, and Mr. Mills  
14 has a second book which he'll put up on the screen, and  
15 what this is -- this is -- it's going to be a somewhat  
16 tedious exercise, Chairman, and it's an exercise that isn't  
17 particularly easy to visualise, but what I propose to do  
18 here is to try to cross-reference to some extent the  
19 diaries -- the diary entries of Superintendent Buchanan's  
20 diary and Chief Superintendent Breen's diary, in particular  
21 with reference to a number of statements contained in the  
22 final approved note that was submitted by the former  
23 personnel of the Provisional IRA to the Tribunal. Just to  
24 put that into context, I'm just going to refer to the  
25 relevant portion of the evidence -- sorry, of the unsigned  
26 approved note that was read into the record of the Tribunal  
27 on the 1st February, 2013. That's Day 125.

28  
29 And you will recall, Chairman, on page 71,  
30 Mrs. Lavery read in the following statement:-

1  
2       *"That in the late spring, early summer of 1988, one of our*  
3       *volunteers spotted a red Cavalier car, registration number*  
4       *KIB 1204 entering the Dundalk Garda Station complex from*  
5       *the Carrickmacross Road entrance. The car parked at the*  
6       *front of the station and two males got out. The volunteer*  
7       *immediately recognised the front seat passenger as an RUC*  
8       *detective who he believed was named Nigel Day, but was not*  
9       *certain of the name. He was approximately 40 years of age,*  
10      *6 foot tall, black hair with a hint of grey. He had a*  
11      *thick black moustache and was wearing a jacket, shirt and*  
12      *tie. The volunteer did not recognise the driver, although*  
13      *we now know it to be Bob Buchanan. The volunteer watched*  
14      *both men being admitted to the working area of Dundalk*  
15      *Garda Station. The volunteer was able to leave the*  
16      *vicinity of the Dundalk Garda Station confident of not*  
17      *having been noticed by either of the two men."*

18  
19       It then says:-

20  
21       *"When this information was fed back by the volunteer to the*  
22       *IRA structures, it was decided to mount a surveillance*  
23       *operation around Dundalk Garda Station. This was initially*  
24       *done by designated volunteers driving and walking past and*  
25       *around the Garda station. The focus was to locate the red*  
26       *Cavalier, but the presence of any other Northern registered*  
27       *vehicles was also to be noted. The red Cavalier was*  
28       *spotted on a number of occasions. It was parked in roughly*  
29       *the same spot at the front of the station and would remain*  
30       *there for up to three hours, and at this stage it was*

1       *decided to mount a more intense surveillance operation.*  
2       *This continued throughout the summer and winter of 1988 to*  
3       *1989."*

4  
5       And it then goes on to indicate how the premises in The  
6       Crescent was used for that intensive surveillance.

7  
8       Just to recall in relation to the spotting of Nigel Day and  
9       Bob Buchanan, that is stated to have occurred in the late  
10      spring, early summer of 1988, and if Mr. Mills now puts --  
11      if you turn to the very first page of the Book of  
12      Documents, it's a letter to the Tribunal from the PSNI, who  
13      retained the original redacted copies of both journals, and  
14      it's dated 28th March, 2013. It's *"Query by Mary Laverty,*  
15      *Senior Counsel, of 27 March 2013"*. And Mr. Stafford from  
16      the PSNI's Legacy Group says:-

17  
18      *"I refer to Mary's e-mail to me on the above date. We have*  
19      *checked Mr. Buchanan's journal and confirm that he went*  
20      *south of the border accompanied by Mr. Day on the following*  
21      *dates: 29th March, 1988"* -- and if they turn then to the  
22      next page, the top of that page has the entry for the 29th  
23      March, 1988. This is Bob Buchanan's journal. It says:  
24      *"Acting Divisional Commander Office. Duty to Garda C6*  
25      *meeting in Monaghan Inspector"*. And that, the PSNI have  
26      informed us, is Inspector Day. And then it's: *"5 p.m.*  
27      *duty to Middleton."*

28  
29      If we go back to the letter again, the next date referred  
30      to is the 26th, and so that is -- so, Chairman, that first



1 date, the 29th March, is a date on which Superintendent  
2 Buchanan and Inspector Day travelled together to Monaghan,  
3 not to Dundalk.

4  
5 The next entry is the 26th April, and if Mr. Mills goes to  
6 the second journal entry, the 26th April is about  
7 two-thirds of the way down the page. If just go across,  
8 Mr. Mills, you'll see it states: *"Duty with Inspector" -*  
9 *and we are now informed that that's Day - "to Dundalk.*  
10 *Liaison with Superintendent McCabe Garda. Duty in*  
11 *Bessbrook Mill and Armagh, etc.*

12  
13 So, that was a date, the 26th April of 1988, that was the  
14 date on which Buchanan and Day travelled together to  
15 Dundalk.

16  
17 The third date in the letter, the next page of Mr. Buchanan  
18 in the journal, or sorry, Mr. Mills, in the journal, is the  
19 1st July, 1988. So, the third page, it's: *"A duty to*  
20 *Carrickmacross with Inspector Day, Superintendent O'Hanlon,*  
21 *re alleged shots at Border Checkpoint 48. Duty to*  
22 *Newtownhamilton."*

23 So, that's the 1st of July Inspector Day and Superintendent  
24 Buchanan crossed the border to Carrickmacross.

25  
26 The next date then is the 7th July, which is the next page  
27 in the journal, Mr. Mills, about a third of the way down  
28 the page. And it's: *"Duty to Dundalk, Border*  
29 *Superintendents meeting. Superintendent Culhane" -- and*  
30 *then there is the redacted name, and that indicates that*

1 Inspector Day accompanied him on that date, the 7th July,  
2 1988, to a Superintendents border meeting in Dundalk.

3 Then: *"Duty Newry and back to the office in Armagh."*

4  
5 Then the next date - there is a large gap from July 1988 -  
6 the next date on which Superintendent Buchanan travelled  
7 South with Inspector Day is the 20th January 1989, which is  
8 the next page in the journal, Mr. Mills. It's at the very  
9 bottom of the page. It's Friday, 20th January, 1989:

10 *"Office duty to Carrickmacross. Liaison with*  
11 *Superintendent O'Hagan with Inspector Day."* It's not  
12 redacted in this version. You just see Inspector Day's  
13 name there? That's the 20th January of 1989, south to  
14 Carrickmacross with Inspector Day.

15  
16 The next date - there has already been some discussion of  
17 the next two dates - the next date is the 14th March, 1989,  
18 and it's at the bottom of that page, Mr. Mills, and it's:

19 *"Duty to Newry. Then duty to Garda meeting in Dundalk,*  
20 *Superintendent Pat Tierney, etc. Accompanied Inspector Day*  
21 *at Bessbrook mill."* Now, it's not entirely clear from the  
22 entry whether Inspector Day was with him for the whole day,  
23 because Inspector Day -- the entry just says *"Accompanied*  
24 *Inspector Day Bessbrook Mill"*. And as an observation, as  
25 you read through the diary, sometimes Mr. Buchanan uses the  
26 phrase "Accompanied" and sometimes "Accompanied by", which  
27 seems to suggest, but it's only an assumption on my part,  
28 that when he uses the phrase "Accompanied by", he drives  
29 and when he uses the phrase "Accompanied", the other person  
30 drives.

1  
2 The next entry then on the next date which Inspector Day  
3 and Superintendent Buchanan travelled south of the border  
4 was the 15th March, which was the Wednesday before his  
5 death, it's the top of the page: *"Office pre-DAC meeting*  
6 *at 9:30 a.m. Armagh, Superintendent"* -- and that's  
7 redacted. The DAC meeting was at 10 a.m. *"Duty to*  
8 *Carrickmacross with Inspector Day. Also in Newtownhamilton*  
9 *and Keady."*

10  
11 So, in terms of Dundalk and Inspector Day, Buchanan and Day  
12 travelled to Dundalk on the 26th April, 1988, and on the  
13 7th July, 1988.

14  
15 I just recall the earlier statement referred to the  
16 sighting taking place in the late spring, early summer of  
17 1988.

18  
19 If I just return now, Chairman, to the final approved note.  
20 You will recall when I indicated that after the red  
21 Cavalier was spotted on a number of occasions, at that  
22 stage it was decided to mount a more intense surveillance  
23 operation. This continued throughout the summer and winter  
24 of 1988 to 1989. It then refers to the use of No. 12, The  
25 Crescent. It then states:-

26  
27 *"After a period of surveillance a number of consistencies*  
28 *emerged. In the aftermath of any major incident in the*  
29 *south Armagh border region, the car would appear within*  
30 *days. Monday and Tuesday were more regular days for it to*

1           be seen. At one point we thought we had lost the  
2           operation, as the car was not noticed for approximately six  
3           to eight weeks. Also information came in that the car was  
4           spotted south of Dundalk heading North. For a period  
5           casual surveillance was mounted around Drogheda Garda  
6           Station with no results. Two other Northern registered  
7           cars were noticed by the DGS."

8  
9           And then it states, and this is at the bottom of page 74 of  
10          the transcript of Day 125:-

11  
12          *"After the six to eight-week gap, we picked up the red*  
13          *Cavalier again around late summer, early winter 1988. One*  
14          *of the surveillance teams made what was for us a*  
15          *significant breakthrough. The volunteer met the red*  
16          *Cavalier in Mighe village at around two or three o'clock.*  
17          *The car was travelling slowly through the village heading*  
18          *towards Newry. The volunteer recognised the front seat*  
19          *passenger as Harry Breen. Harry had a high media exposure*  
20          *following the ambush in Loughgall."*

21  
22          So, just to put this again in a time frame to reiterate,  
23          *"After the six to eight-week gap we picked up the red*  
24          *Cavalier", again, "around late summer, early winter 1988".*  
25          And then, *"One of the surveillance teams made for us what*  
26          *was a significant breakthrough."*

27  
28          CHAIRMAN: 1988?

29  
30          MR. VALENTINE: Yes, they refer to a six to eight-week gap

1 in the late summer, early winter 1988. And if, Mr. Mills  
2 -- what I propose to do now is to try to identify -- sorry,  
3 I should just say, Chairman, I should read on the entry in  
4 relation to the sighting of Harry Breen.

5  
6 *"One of the surveillance teams made what was for us a*  
7 *significant breakthrough. The volunteer met the red*  
8 *Cavalier in Mighe village at around 2 or 3 o'clock. The*  
9 *car was travelling slowly through the village heading*  
10 *towards Newry. The volunteer recognised the front seat*  
11 *passenger as Harry Breen. Harry had a high media exposure*  
12 *following the ambush in Loughgall in 1987. We had news*  
13 *footage from news bulletins and photos from the press. He*  
14 *was, for obvious reasons, a target we had particular*  
15 *interest in. The car was also placed at Dundalk Garda*  
16 *Station earlier that same day."*

17  
18 So, what I have then done is, I have tried to identify a  
19 day in which Bob Buchanan was in Dundalk and Harry Breen  
20 was with him at some point during that day. There were a  
21 number of particular dates in relation to Harry Breen that  
22 we asked the PSNI about. I'm just going to deal with those  
23 briefly and then I'm going to cross-reference the two  
24 journals.

25  
26 If you look after the first set of journal entries,  
27 Mr. Mills, there is an e-mail to me from Ian Finlay in the  
28 Legacy Support Unit, and it's just at the very top of that  
29 e-mail. It just says: *"Fintan, re your request in*  
30 *attached e-mail. I can confirm that Mr. Breen travelled to*

1           *Dundalk on the 20th June, 1988, accompanied by Witness 27."*

2

3           If you just turn two pages, Mr. Mills, you'll see the entry  
4           for the 20th June, and effectively we wanted to check  
5           whether -- it is generally the case that when Buchanan's  
6           name appears in his diary it's not redacted because he was  
7           deceased, but to double-check, I wanted to double-check  
8           whether that entry was definitely not Buchanan's, and it is  
9           Witness 27.

10

11           So, it's the 20th June, 1988: *"Office duty, dealt with*  
12           *correspondence" - something - "publication. Bessbrook duty*  
13           *to Newry station and had discussions with [redacted]. Duty*  
14           *at Dundalk Garda Station for meeting. Meeting accompanied*  
15           *by" -- and that's Witness 27. And I put Witness 27 in*  
16           accordance with the e-mail received from the PSNI.

17

18           If you turn to the second e-mail that I received,  
19           Mr. Mills, again an e-mail from Mr. Finlay, addressed to  
20           the Tribunal solicitor, Ms. McKevitt, and it states:  
21           *"Jane, as discussed with Fintan, I can confirm that the*  
22           *person that accompanied Chief Superintendent Breen to*  
23           *Dundalk on the 6th September 1988, to Monaghan on the 28th*  
24           *September 1988, to Dundalk on the 22nd November 1988 and to*  
25           *various locations on the 8th March 1988, was Witness 39."*

26

27           If you turn to the second diary entry for Chief  
28           Superintendent Breen, the 6th is the first main entry on  
29           that page, the 6th September 1988, just go across:  
30           *"Office, dealt with correspondence. Meeting with*

1            *[redacted] to UDR in Armagh." Something "approved. Duty*  
2            *Dundalk for RUC Garda meeting accompanied by Witness 39.*  
3            *Duties in Newry and had discussions with [redacted]."*

4  
5            So that's when Breen went to Dundalk with Mr. Buchanan.

6  
7            The next page relates to the entry of the 28th September,  
8            which is the first entry on that page. "Office  
9            correspondence pre-DAC and DAC meetings. Duty re murder  
10           investigation. Duty to Monaghan for RUC Garda meeting  
11           accompanied by" -- again we are informed by the PSNI from  
12           the originals that that is Witness 39.

13  
14           And then the next date that's relevant is the 22nd November  
15           1988, which is the next page, it's half-way down the page.  
16           "Office correspondence. Duty to Bessbrook Mills re Customs  
17           op, liaised with [redacted] and Customers officers met  
18           [redacted] there. Duty to Armagh, duty to Newry and then  
19           to Dundalk for meeting with Garda accompanied by" -- and  
20           again that's Witness 39.

21  
22           And then we go to the 8th of the 3rd. I think this date  
23           was in fact included for different reasons, but it's there  
24           so I'm just going to read it in now. It's the 8th of the  
25           3rd. And I think this was visited before. It seems --  
26           that arrow seems to suggest that Mr. -- Chief  
27           Superintendent Breen was suggesting, perhaps, that he had  
28           mixed up the 7th and 8th of March 1989, but in any event,  
29           the entry for the 8th is: "Office correspondence, duty to  
30           Gough. Met with [redacted]. Duty to Bessbrook Mill and

1           *then to Crossmaglen and Forkhill. Duty in Armagh.*" And he  
2           was accompanied on that day, on the 8th March 1989, by  
3           Witness 39.

4  
5           Now, the next journal -- what I propose to do here is look  
6           at all of the dates, bearing in mind that the final  
7           approved note referred to a six to eight-week gap and then  
8           it referred after that to there then was a sighting of  
9           Harry Breen in Mighe and Buchanan's car was spotted in  
10          Dundalk on the same day. So, I have looked at all of the  
11          days when Buchanan went to Dundalk and I have looked at  
12          correspondence entries for Chief Superintendent Breen for  
13          each of those days.

14  
15          If you just bear with me a second, Chairman:

16  
17          Absolutely. Mr. Durack has passed me a note. I think it's  
18          better just that I be transparent about it. He made the  
19          point, very valid point that Harry Breen could have been  
20          with Bob Buchanan and not travelled to Dundalk. But we'll  
21          explore that in the entries because he'll say whether he  
22          was with Bob Buchanan, not necessarily just Dundalk, but  
23          he'll say if he was with Bob Buchanan going anywhere on the  
24          same day. So, I suppose the anchor is to look at the days  
25          that Bob Buchanan was in Dundalk at any point in the day  
26          and then see what Harry Breen is doing for all of that day.  
27          That's the approach that has been -- that I have taken.

28  
29          And so, Mr. Mills, if you look -- exactly, that's the right  
30          entry. And this, I think, Judge, seems to correspond with



1 the six to eight-week -- well it corresponds with a portion  
2 of the six to eight-week gap. You'll see this is Bob  
3 Buchanan's journal for July 1988, and you'll see the top  
4 entry there is either the 21st or the 27th, and it's of  
5 July 1988, and it says "*Leave.*" And the next entry, very  
6 directly underneath it, is the 23rd August, 1988. So,  
7 Superintendent Buchanan had a month's leave for the bulk of  
8 the month of August in 1988.

9  
10 I'm just recalling around "*After the six to eight-week gap*  
11 *we picked up the red Cavalier again around late summer,*  
12 *early winter 1988,*" and then, "*One of the surveillance*  
13 *teams made what was for us a significant breakthrough.*"

14  
15 So, taking this as our starting point, what days was Bob  
16 Buchanan in Dundalk from this point? He was in Dundalk the  
17 very first day he came back from leave. So, the second day  
18 he came back from leave, the 24th August 1988, which is the  
19 entry there: "*9:30 a.m., DAC Armagh. 11 a.m. Divisional*  
20 *meeting. Accompanied Chief Superintendent Breen to*  
21 *Dundalk, liaison with Chief Superintendent John Nolan.*"

22  
23 And if you just turn over the page, Mr. Mills, you'll see  
24 the corresponding entry for Chief Superintendent Breen on  
25 the 24th August, 1988: "*Office pre-DAC and DAC meetings.*  
26 *Duty to Dundalk and met*" -- names were redacted --  
27 "*Accompanied by Superintendent Buchanan, duty to Bessbrook*  
28 *Mill and liaised with the army.*"

29  
30 So, Bob Buchanan and Harry Breen travelled to Dundalk on

1 the 24th August, 1988, and they travelled together, but  
2 certainly the suggestion, and I put it no higher than that  
3 -- well I just simply say that Bob Buchanan said he  
4 accompanied Chief Superintendent Breen and Chief  
5 Superintendent Breen recorded that he was accompanied by  
6 Superintendent Buchanan, which might tend to suggest that  
7 it was actually Breen's car that was used on that occasion.

8  
9 Then the next entry, the page after Mr. Breen's journal, is  
10 for the 6th September, 1988, which is about two-thirds of  
11 the way down that page, and we're back to looking at  
12 Mr. Buchanan again. It's a Tuesday. And there is a  
13 reference to Garda Inspector -- "*Border Superintendent*" --  
14 there seems to be a little bit of overlap between the 5th  
15 and the 9th, but in any event it seems that "*5:30 p.m.,*  
16 *Garda Inspector Murray.*" That appears to be the 5th.  
17 The 6th, then: "*8:30 a.m. office. Liaison with Garda*  
18 *border divisional meeting at Dundalk at*" - I think it's  
19 two-and-a-half p.m. 2:30 p.m. That's the 6th September,  
20 1988.

21  
22 If you look at what Mr. Breen was doing on the 6th  
23 September, 1988, just the next page, he was in the office,  
24 "*Dealt with correspondence. Meeting with two UDR re*" -  
25 something - "*in Armagh subdivision.*" It looks like  
26 something "*Special Constable approved*" or "*appraised*". It  
27 refers to Newry. He then says: "*Duty Dundalk for*  
28 *RUC/Garda meeting accompanied by Witness 39.*" This is one  
29 of the documents that I, in fact, queried and you have  
30 already seen.

1  
2 So, both Buchanan and Breen went to that meeting in Dundalk  
3 on the 6th September, 1988. But it would appear, certainly  
4 Buchanan makes no reference to anyone accompanying him, and  
5 Breen says he went to the meeting but he says he was  
6 accompanied by Witness 39. So, it would appear that they  
7 travelled separately on that day.

8  
9 The next page then, Mr. Mills, and the relevant entry is  
10 the 12th September, '88, just six days later, and  
11 Mr. Buchanan: "*Duty in Armagh, then to Newry. Liaised*  
12 *with Superintendent [redacted]. Duty with*" -- again, the  
13 name is redacted. "*Liaised with Inspector Murray Dundalk.*"

14  
15 Now, I include that because there is a reference to  
16 liaising with Inspector Murray Dundalk. As an observation  
17 I would simply make again that generally, it would appear,  
18 and again it's only, as I say it would appear the sense one  
19 gets that when one reads that when Buchanan uses the phrase  
20 "Liaise", he seems to use that as a different phrase to  
21 "met" or "went to". I think there is a possibility that  
22 that simply refers to a telephone conversation, but again,  
23 that's just my observation.

24 But in any event, on the 12th September, 1988, Buchanan  
25 liaised with Inspector Murray in Dundalk.

26  
27 What was Harry Breen doing on the 12th September, 1988? If  
28 you look at the next page, you'll see that he was on annual  
29 leave.

1 The next page, the 26th September 1988, this is Bob  
2 Buchanan: *"Duty to Newry. Border Superintendents meeting*  
3 *in Dundalk at 10:30 a.m. Duty with Superintendent*  
4 *[redacted] duty in Armagh."*

5  
6 So Bob Buchanan went to Dundalk on the 26th September,  
7 1988.

8  
9 What was Harry Breen doing on that day? The next page:  
10 *"Office correspondence, duty re murder, liaison with SB and*  
11 *CID."* And -- I can't make out -- it's something "ops", but  
12 I can't make out the word -- *"Meeting with [redacted] in re*  
13 *licensed club. Duty to Gough for presentation of cheque to*  
14 *charitable Police Officers Association. Duty to Bessbrook*  
15 *Mill and meeting with the army."*

16  
17 So, he wasn't in Dundalk and there is no reference to him  
18 being with Buchanan on that date.

19  
20 The next date then is the 3rd October 1988, Bob Buchanan --  
21 the top of the page: *"Liased Divisional Commander Chief*  
22 *Superintendent Breen. Duty with Chief Inspector [Blank] to*  
23 *Newry, to Bessbrook Mill and then to Dundalk. Chief*  
24 *Superintendent John Nolan, Inspectors Murray and Prenty."*

25  
26 And that's the 3rd.

27  
28 If you just go over to see what Chief Superintendent Breen  
29 was doing: *"Office correspondence. Liaise with*  
30 *Superintendent Buchanan. Attended briefing re searches*

1 following murder of [redacted]. Duty to Gough. Liaised  
2 with [redacted]. Duty to Middleton station and liaised  
3 with [redacted]. Duty to Keady Station and met [redacted].  
4 Called on" -- that seems to be a civilian person whose name  
5 is redacted -- "accompanied by" -- and that is redacted,  
6 but I think -- well it's not Superintendent Buchanan, but I  
7 don't think that's covered in the e-mail, but I can come  
8 back to that.

9  
10 So just to recap in relation to the 3rd October.  
11 Superintendent Buchanan, at 8:30 a.m., liaised with Chief  
12 Superintendent Breen. Thereafter he went on duty with the  
13 Chief Inspector to Newry, Bessbrook Mills, to Dundalk where  
14 he met Chief Superintendent John Nolan and Inspectors  
15 Murray and Prenty. Chief Superintendent Breen refers to  
16 liaison with Buchanan at the beginning. Then appears to  
17 have gone off on a separate day's activity and doesn't go  
18 to Dundalk or to Newry or to Bessbrook.

19  
20 Going back a page, then, for the next entry in relation to  
21 Mr. Buchanan, it's the 6th October 1988: "Office duty in  
22 Armagh. Duty Garda Siochana divisional meeting Dundalk."

23  
24 Then "5:15 p.m., back to Armagh."

25  
26 If you go to the next page in relation to Chief  
27 Superintendent Breen: "Office correspondence. Duty to" --  
28 I take that to be "N'Stewart station by [redacted] to view  
29 new briefing. Similar intended for H time, meeting the  
30 with [blank] meeting."

1

2

So again on the 6th October Buchanan was in Dundalk. Breen was not. And there was no reference to Breen being with Buchanan.

4

5

6

The 13th October, which is the next page -- actually no sorry, go back page, we are on the same page, there is three entries on the same page for Mr. Buchanan.

7

8

9

13th October, Mr. Buchanan's journal: *"Duty to Newry with CI [redacted]. T O'Neill Garda, Sergeant Mullaney Carlingford. Dundalk, Chief Superintendent Nolan and Inspector Murray. Duty to funeral of [person] and then duty S DAC Newry at 4 p.m."*

10

11

12

13

14

15

So he was in Carlingford, it appears, and then Dundalk, and then on the same day, if you go over two pages, to look at what Mr. Breen was doing on the 13th October 1988, you'll see that he was on leave.

16

17

18

19

20

So from the 13th October we go to the 1st November, which is the next page, Mr. Mills.

21

22

Superintendent Buchanan: *"8:15 a.m. office. Liaised with Garda. Duty to Monaghan, Carrickmacross, Dundalk and Dromad garda stations."*

23

24

25

There is no reference to him being accompanied by anyone.

26

27

If you look at what Mr. Breen was doing on the 13th October 1988: *"Office correspondence. Duty to Gough and met [redacted]. Duty to police office and met [redacted]. Duty to AC's office for meeting."*

28

29

30

1

2

So Mr. Buchanan was in Dundalk and a number of other places, Monaghan, Carrickmacross and Dromad. But Mr. Breen doesn't appear to have travelled with him or been at those sites on that day.

6

7

8

9

10

11

8th November there, go over two pages to get the entry for Mr. Buchanan on the 8th November. And about a third of the way down the page it's Mr. Buchanan's entry for the 8th November: *"Duty to Dundalk, Newry, Bessbrook with CI [redacted]. Duty to Monaghan."*

12

13

14

15

If you turn back a page, Mr. Mills, there is a short entry which is: *"Superintendent Breen office correspondence"* and the last word is *"preparation"* possibly.

16

17

CHAIRMAN: What is the last word?

18

19

20

21

MR. VALENTINE: I think it might be *"preparation"*. I don't know if anyone else has an alternative interpretation, they can feel free to shout it out.

22

23

24

So, that's the 8th October. So, as I say -- sorry, 8th November.

25

26

27

28

On the 8th November '88, Buchanan was: *"Duty to Dundalk, Newry and Bessbrook."* And Mr. Breen appears to have remained in the office.

29

30

The next date then is five days later, 14th November, '88:

1           *"Office" -- this is Buchanan -- "Office duty to Newry. CI*  
2           *[redacted]. Duty with Inspector [redacted] to*  
3           *Newtownhamilton. Delivered cross-border post to Garda on*  
4           *Blarney Road. Duty to Carrickmacross. Liaised with*  
5           *Superintendent O'Hanlon. Returned via Dundalk, Newry,*  
6           *etc."*

7  
8           The corresponding entry for Chief Superintendent Breen is  
9           on the following page, at the bottom: *"Office*  
10          *correspondence. Duty to Armagh courthouse to meet with*  
11          *[redacted] -- murder trial. Duty re searches liaised with*  
12          *SB and CID and visited scenes of finds of arms and*  
13          *ammunition in" -- I'm having difficulty, it begins with 'L'*  
14          *-- "Then accompanied by [redacted]."*

15  
16          So, on the 14th November, Mr. Buchanan did travel South and  
17          was in Dundalk, but Breen doesn't appear to have been with  
18          him at all that day.

19  
20          On the 18th November is the next entry, that's the next  
21          page, Mr. Mills. At the top of the page, Superintendent  
22          Buchanan was on duty to a funeral in Lisburn with an  
23          Assistant Chief Constable, who is Witness 18, in fact,  
24          Chief Superintendent Breen. So they attended a funeral  
25          together in Lisburn. Duty then with a Chief Inspector  
26          whose name is [redacted] to Newry and then Dundalk and  
27          liaised with Chief Superintendent Sreenan and Inspector  
28          Murray. Sorry, he was in Lisburn in the morning, and then  
29          with a different Chief, or with a Chief Inspector he went  
30          to Newry and Dundalk.



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The corresponding entry on the next page for Chief Superintendent Breen, is: *"Office correspondence duty with CID, SB Ops, planning re"* -- and the rest of it is redacted.

The next entry is the 22nd November, if you go back a page to get -- it's on the same page as Superintendent Buchanan's entry of the 18th November.

Now, on the 22nd of November Superintendent Buchanan was *"On duty in Newry SB re Customs. Duty Bessbrook Mill ACC"* -- (Witness 18) -- *"Chief Superintendent Breen, etc. Duty to Garda meeting in Dundalk."*

If you turn over the two pages, the 22nd November, half-way down the page. This is one of the documents that in fact we have already seen in relation to queries in relation to Mr. Breen's diary: *"Office correspondence, duty to Bessbrook Mill re Customs op. Liaised with [blank] and Customs officers met [blank] there. Duty to Armagh. Duty to Newry and then to Dundalk for meeting with Garda accompanied by"* Witness 39.

So, both Superintendent Buchanan and Chief Superintendent Breen attended the Garda meeting in Dundalk on the 22nd of November, 1988, but they appear to have travelled separately.

The next date is the 25th November, 1988: *"Duty to Newry, then Dundalk and Garda Siochana 9:30 a.m. Meeting Border*

1           *Superintendents Connolly, Culhane and Inspector Murray."*

2  
3           And you will note, if you just turn to the pages, there  
4           doesn't appear -- and this is something -- this is the one  
5           thing that will have to be double-checked with the  
6           originals with the PSNI, but there doesn't appear to be any  
7           entry in Chief Superintendent Breen's diary for the 25th of  
8           November. You see, Mr. Mills, if you go to the 24th, right  
9           down to the bottom of that page, at the top of the next  
10          page is the 26th.

11  
12          The 13th December is the next entry then, Mr. Mills, for  
13          Superintendent Buchanan: *"8:15 a.m., office files, etc.*  
14          *Duty to Bessbrook Mill and on to Dundalk. Liaising with*  
15          *Superintendent Culhane. The DAC meeting at half past*  
16          *three, and reception at 6 p.m. in the evening."*

17  
18          And Breen, on the same day, if you turn over the page,  
19          Mr. Mills, the second entry, 13th December, 1988: *"Duty to*  
20          *Drumore...Banbridge, Bessbrook Station. DAC meeting and*  
21          *function for the UDR and army in Gough."*

22  
23          Next entry is after Christmas, it's the new year, 15th  
24          January, 1989. Chairman, I am conscious, I am conscious  
25          that it's five past one, but I would propose maybe -- if  
26          you are happy to --

27  
28          CHAIRMAN: I think we should finish this.

29  
30          MR. VALENTINE: Very well, sir.

1  
2 15th January, 1989: *"Liaised with Armagh re search*  
3 *Blackwater. Garda Siochana Dundalk re Bessbrook. RUC re*  
4 *meeting on the 16/1/89. Liaised re find of"* -- something  
5 -- *"bomb in"* -- *"rogue bomb in"* -- something -- *"van in GAA*  
6 *field."* It's a reference to Dundalk, it's not entirely  
7 clear whether -- he says: *"Liaised with Armagh re search*  
8 *Blackwater. Garda Siochana Dundalk re Bessbrook."* It's  
9 not entirely clear whether he went to Dundalk or whether he  
10 simply liaised with the Garda Siochana in Dundalk re  
11 Bessbrook. In any event, on the 15th January 1989, you  
12 will see from the next page that Chief Superintendent Breen  
13 was off, monthly leave.

14  
15 The next date is three days later, 18th January. If we go  
16 back to Mr. Buchanan's diary, please. *"Files etc. in the*  
17 *morning. 9:30 a.m. pre-DAC meeting Armagh, 10 a.m. DAC*  
18 *meeting Chief Superintendent Breen. Then duty with Chief*  
19 *Superintendent Breen to Monaghan, liaise with Chief*  
20 *Superintendent King."*

21  
22 And I include that -- there is no reference -- it's not a  
23 day in which Buchanan was in Dundalk, so his car wouldn't  
24 have been in Dundalk, but I included it of interest because  
25 he travelled South with Breen on that day, 18th January,  
26 1989, to go to Monaghan. And you will see in Breen's diary  
27 two pages on, Mr. Mills, the 18/1/89: *"Office*  
28 *correspondence, pre-DAC and DAC meetings followed by*  
29 *discussions with SBCs. Duty to Monaghan with*  
30 *Superintendent Buchanan to meet [redacted]. "*

1  
2 Unusually, neither of them use the generally used phrase  
3 "Accompanied" or "Accompanied by". Both of them simply  
4 say -- Superintendent Buchanan says "*Duty with Chief*  
5 *Superintendent Breen to Monaghan.*" And Chief  
6 Superintendent Breen says "*Duty to Monaghan with*  
7 *Superintendent Buchanan.*" So it's unclear from that which  
8 of them drove on that occasion.

9  
10 The 23rd January, 1989, is the next date, five days later.  
11 If you go to Mr. Buchanan's entry for the 23rd January,  
12 which is up at the top of the page, and you'll see: "*Duty*  
13 *to Newry, then to Dundalk, Garda Superintendents meeting,*  
14 *Superintendent Pat Culhane, farewell Superintendent.*" Then  
15 it's blanked. I can actually just -- because the reference  
16 to "farewell", I can just say that the blank name is  
17 Witness 50. "*Duty in Newry with Witness 50. Duty in*  
18 *Armagh*" -- that's with a difference person then -- "*and*  
19 *liaised with Superintendent O'Hanlon Carrickmacross.*"

20  
21 So, 23rd January duty to Newry, then to Dundalk for the  
22 Garda Superintendents meeting.

23  
24 And if you look at -- going back to what Chief  
25 Superintendent Breen was doing on the 23rd January, a third  
26 of the way down the page, he was on annual leave.

27  
28 The next entry then is the 2nd February, and Superintendent  
29 Buchanan says: "*Duty to Newry S DAC Downshire Road.*  
30 *Accompanied Chief Superintendent Breen on duty to Dundalk.*"

1           *Liaison with Chief Superintendent John Nolan. Duty in*  
2           *Newry RUC on the way back."*

3  
4           So that's the 2nd February, Buchanan's diary records that  
5           he accompanied Chief Superintendent Breen on duty to  
6           Dundalk.

7  
8           If you turn over the next page, you'll see what Chief  
9           Superintendent Breen's diary says for that day, 2nd  
10          February: *"Duty to Banbridge Station. Liaised with*  
11          *[redacted]. Duty to Newry and met Superintendent Buchanan*  
12          *and then to Dundalk for a meeting with Garda. Duty to*  
13          *Newry station and liaised with [blank]."*

14          There is a reference to an arrest, and then *"Armagh and*  
15          *certain"* -- something -- *"in certain instructions. Duty to*  
16          *Armagh office re correspondence."*

17  
18          So just to recap on the 2nd February, Buchanan uses the  
19          phrase "accompanied Chief Superintendent Breen to duty to  
20          Dundalk" which would appear to suggest, again I put it no  
21          higher than that, that it's Chief Superintendent Breen's  
22          car. Chief Superintendent Breen says that he went to Newry  
23          and met Superintendent Buchanan and then to Dundalk. But  
24          Mr. Dillon has made the observation that we were previously  
25          instructed by the PSNI that the numbers in brackets that  
26          Breen has included is a mileage entry, which suggests that  
27          he was using his car on that day.

28  
29          The next entry then is the 6th February 1989. And in terms  
30          of Mr. Buchanan's entry at the bottom of that page --

1           sorry, it's a third of the way up the page: *"Office duty*  
2 *re bomb on railway Kilnasaggart. Duty in Bessbrook Mill*  
3 *Inspector Day. Duty to Dundalk with [redacted]"* -- it's  
4 actually Witness 16, I filled that in.

5  
6           If you go back to the previous page to see what Breen was  
7 doing on the 6th February: *"Office correspondence. Duty*  
8 *to Bessbrook Mill and Bessbrook Station. Liaised with the*  
9 *First Royal Regiment of the Royal Fusiliers re explosions*  
10 *at Kilnasaggart."*

11  
12           Then the next entry is the 28th February 1989, so -- the  
13 bottom of the page, Mr. Mills: *"Office files. Duty to*  
14 *Newry"* -- two Chief Superintendents' names have been  
15 redacted. *"Duty to Dundalk. Liaison with Garda and 5 p.m.*  
16 *Duty to Bessbrook Mill."*

17  
18           So on the 28th February 1989, Superintendent Buchanan went  
19 to Dundalk. If you go forward three pages, you'll see the  
20 corresponding entry for Mr. Breen, 28th February 1989:  
21 *"Office correspondence. Duty to Gough. Met [redacted].*  
22 *Liaised with Superintendent Buchanan. Met and discussed*  
23 *problems re something at Rich Hill."*

24  
25           So Superintendent Buchanan went to Dundalk for duty, for  
26 duty, for liaison -- there is no reference to him being  
27 accompanied or accompanying Chief Superintendent Breen.  
28 Chief Superintendent Breen says office correspondence, duty  
29 to Gough, met a redacted person, liaised at some stage  
30 during the day with Superintendent Buchanan.

1  
2 The next entry, then, after the 28th February is the 6th  
3 March, which is on the same page as the end of the 28th  
4 February for Mr. Buchanan. *"8:15 am, office duty to Newry.  
5 Liaison with a Sergeant [redacted]. Warrenpoint. Duty to  
6 Dundalk, liaised with Superintendent Pat Tierney."*

7  
8 That's the 6th March.

9  
10 If you go forward five pages to Chief Superintendent  
11 Breen's diary for the 6th March: *"Office correspondence.  
12 Liaise with [redacted] Banbridge and re arrest at Dromore.  
13 Liaise with [redacted] re threats Armagh. Discipline  
14 hearings. Duty to Bessbrook Mill. Liaison re railway  
15 line. Visit to station by [redacted]"* which would suggest  
16 it was to him at his station, it would appear to suggest  
17 that to me but that's just an observation. *"Duty at Gough.  
18 Liaison with [blank]. Function at Stormont accompanied by  
19 [redacted] from Lisburn"* -- and that in fact was Witness  
20 27. And you recall, Chairman, quite early on in the  
21 hearings you heard evidence in relation to a function at  
22 Stormont which Witness 27 and Chief Superintendent Breen  
23 attended.

24  
25 So, again, on the 6th March, he doesn't appear to have been  
26 travelling anywhere with Superintendent Buchanan.

27  
28 Sorry, you'll note just going back to Superintendent  
29 Buchanan's entries, Mr. Mills, you'll note that  
30 Superintendent Buchanan was on leave from the 8th March to

1 the 13th March -- or sorry, inclusive, so he came back on  
2 the 14th.

3

4 And the entry for the 14th is also of interest: *"Duty to*  
5 *Newry. Then duty to Garda meeting in Dundalk,*  
6 *Superintendent Pat Tierney etc. Accompanied Inspector Day*  
7 *Bessbrook Mill. Duty to Armagh office."*

8

9 Now, the reference to Inspector Day comes kind of half-way  
10 down that entry, but I'm not making any comment on it, I'll  
11 let it speak for itself.

12

13 Again, it comes onto the next day when he was with  
14 Inspector Day again, which, just to look at what  
15 Superintendent Breen was doing on the 14th March. If you  
16 turn to the final page of Chief Superintendent Breen's  
17 journal, Mr. Mills. You'll see that he was on leave on the  
18 14th March. He was also on leave on the 15th March and he  
19 was off in lieu on the 16th March.

20

21 So on the 14th March, Superintendent Buchanan, going back  
22 to him, was in Dundalk. And there is a reference to  
23 accompanied Inspector Day, Bessbrook Mill half-way down  
24 that entry.

25

26 Then the following day, 15th March, which is the Wednesday  
27 before the fatal shootings, on the 15th March, which is the  
28 top of the last page of Superintendent Buchanan's journal:  
29 *"Office pre-DAC at 9:30 a.m. Armagh Superintendent*  
30 *[redacted]. DAC meeting at 10 a.m. Duty to Carrickmacross*



1           *with Inspector Day. Also Newtownhamilton and Keady."*

2  
3           So he travelled with Inspector Day to Carrickmacross on the  
4           15th March.

5  
6           And then just for the sake of completeness, the following  
7           day, 16th March, just underneath there, Buchanan: "*Office,*  
8           *duty to Monaghan Garda meeting 10:30 am. Duty in Armagh,*  
9           *meeting with ACC"* -- (and that's Witness 18) -- "*re 'Slab'*  
10          *Murphy."*

11  
12          And if we go to the end of Mr. Breen's journal, as I  
13          already indicated, he was off on the 16th. He was in work  
14          on Friday the 17th March, St. Patrick's Day: "*Duty to*  
15          *Banbridge Station. Supervision Armagh, Newry. Duty at*  
16          *Saint Patrick's Day parade Newry. Accompanied by*  
17          *[redacted]. Met ACC in Newry. Supervision in division."*

18  
19          And there is no entry for Superintendent Buchanan for the  
20          17th March.

21  
22          Just then recapping, from the six to eight week period  
23          there are three dates I was able to identify where Breen  
24          and Buchanan were both in Dundalk between that period.  
25          Firstly, the 24th August, but there is certainly an  
26          indication, in terms of the use of the language  
27          "accompanied" and "accompanied by", that Breen may have  
28          driven on that day. That's the 24th August 1988.

29  
30          They both went to a meeting in Dundalk on the 6th September

1 1988, but it doesn't appear that they travelled together.  
2 Breen references that he was accompanied by Witness 39.  
3 They were both in Dundalk on the 22nd November '88, but it  
4 appears from their diary entries that they didn't travel  
5 together. They travelled together to Monaghan -- well  
6 sorry, I'll stick to Dundalk. And the final date was the  
7 2nd February 1989, they were in Dundalk, and it appears to  
8 be a suggestion that it was Breen's car. But that's solely  
9 based on Buchanan saying "accompanied Breen" rather than  
10 "accompanied by". And I just -- as I also mentioned, on  
11 the 18th January '89 they travelled together to Monaghan.  
12 And, as I say, in relation to the Monaghan entry, it's  
13 unclear who was driving. Buchanan says duty with CS Breen  
14 to Monaghan and Breen says duty to Monaghan with  
15 Superintendent Buchanan.

16  
17 So that concludes that exercise, Chairman.

18  
19 CHAIRMAN: Thank you very much.

20  
21 MR. VALENTINE: And that concludes all of the miscellaneous  
22 issues that I wanted to deal with.

23  
24 CHAIRMAN: So...

25  
26 MR. RAFFERTY: Chairman, before you dispose of this  
27 miscellaneous item, I'd just like to express concern that  
28 Mr. Valentine has engaged in an exercise that I take it he  
29 is not contending is of a forensic nature because I would  
30 be very concerned that we would be taken by our silence as

1 agreeing that his analysis is necessarily adequate or  
2 forensically thorough.

3

4 The difficulty we have had is that the Tribunal have had,  
5 since the beginning and prior to the public hearings,  
6 access to the agreed statement from the IRA dealing with  
7 various matters, and the parties were not provided with  
8 that, so they did not adduce any evidence or question any  
9 witnesses that might have been germane. And as I  
10 understand it, Mr. Valentine is attempting to outrule the  
11 possibility that the two deceased members were together in  
12 a car at Miche on a date that they'd also been in Dundalk.  
13 Now, it's entirely possible that the IRA are wrong when  
14 they say the Mighe sighting and the Dundalk sighting are on  
15 the same day, because it's in a sentence that moves from  
16 late summer to early winter, leaving out autumn; it's a  
17 fairly casual sentence.

18

19 The point of this thing is if this exercise is to be  
20 worthwhile, first of all we ought to have been told before  
21 today that this was going to be undertaken other than as a  
22 reading into the records of the diaries, which I have no  
23 objection, the diaries are there, they speak for  
24 themselves. But Mr. Valentine can't draw conclusions --

25

26 MR. VALENTINE: I don't intend to draw conclusions. That's  
27 not a matter for me.

28

29 MR. RAFFERTY: It's also critically important to have an  
30 understanding of the geography of the area. So that when

1 in a two line or three line entry detailing an entire day's  
2 activity it says "duty to Bessbrook". If you start from  
3 where the person left, they may very well have gone through  
4 Mighe countless times together during this period, and  
5 that, as an exercise in completeness ought to have been  
6 done if this exercise was intended for anything -- I'm  
7 reassured that Mr. Valentine says he is doing nothing other  
8 than throwing in a few comments by way of his own opinion  
9 as he reads through the diaries but not intending them to  
10 be relied upon, because we certainly wouldn't wish you to  
11 take us as agreeing them being reliable.

12  
13 CHAIRMAN: Very well, I'll note that.

14  
15 MR. VALENTINE: I certainly don't intend to make -- first  
16 of all, I certainly don't intend to disprove any theory,  
17 you know, that that that's not a matter for me. There was  
18 a request that dates be clarified in relation to Inspector  
19 Day. It seemed logical that we would also seek, to  
20 whatever extent, we could cross reference the second aspect  
21 which was the sighting of Harry Breen and Bob Buchanan in  
22 Mighe.

23  
24 And just in relation to the comment, the comment which was  
25 in the statement, which was a very carefully considered  
26 note prepared over a number of months by the former  
27 personnel, stated unambiguously the car was also placed at  
28 Dundalk Garda Station earlier that same day, but that was  
29 in the statement that was prepared by the former personnel.  
30 But I absolutely -- I'm not trying to prove or disprove any

1 theory. That's not a matter for me. I am simply trying to  
2 allay before you, Chairman, in my function as Tribunal  
3 counsel, the entries, and as I say I'm taking the entries  
4 that apply from when Buchanan was in Dundalk and also see  
5 what Breen is doing throughout the same day, and you can  
6 make of that what you will and I don't intend to make any  
7 submission to you as to what you should do.

8  
9 CHAIRMAN: Very good. Thank you very much.

10  
11 MR. DILLON: Before you rise, there remain two matters for  
12 to us deal with during the course of today. I suggest, in  
13 any event, you put these matters back to 2:30. The first  
14 will be the timing of submissions, written and oral. And  
15 the second, of course, is then the application for an order  
16 for discovery which will be made by the Tribunal; the  
17 parties will be aware of the context of that. I mentioned  
18 this morning that, and I did agree this morning with My  
19 Friend, I think it was Mr. O'Callaghan, that in the past  
20 administrative matters were dealt with in closed session.  
21 We have since been told that there is some interest in what  
22 might happen, and I have asked Mr. O'Callaghan and Mr.  
23 Lehane whether they had any objection to other parties  
24 being present. But their view is, and I can't argue  
25 against it, is that these are matters which are best dealt  
26 with it in private. It's an administrative matter. It's  
27 not a matter where there would be any evidence given in  
28 public. So, to that extent, a public hearing isn't  
29 mandated, if I can put it that way. So in these  
30 circumstances, it seems to me that that being the position

1 of Mr. Corrigan's legal representatives, that the  
2 application for an order should be in a closed or a private  
3 session.

4

5 Now, that leaves, then, the question of, as I said to you  
6 earlier on, the first issue you have to deal with is the  
7 timing of submissions. But given the hour, it might be as  
8 well to leave that to 2:30.

9

10 CHAIRMAN: I'll deal with the matter of submissions first  
11 at 2:30.

12

13 MR. DURACK: Could I just, in relation to the matter of  
14 submissions, it may be possible to deal with them  
15 reasonably quickly. I have spoken to Mr. Robinson in  
16 relation to this and both of our organisations are heavily  
17 involved in the G8 Summit which is coming up next month and  
18 we are not going to be able to get instructions during that  
19 period. Immediately following that then, there are the  
20 closing conferences for the EC being held in the Republic,  
21 which again involve all of our senior members at  
22 international meetings, and in those circumstances,  
23 certainly we would not in a position to provide the  
24 submissions before the end of the month, before the end of  
25 June. I think Mr. Robinson is in a similar position.

26

27 MR. ROBINSON: I am in exactly the same position. The  
28 demands of the G8 are such that the senior members of the  
29 PSNI, who will be required to read the submissions and  
30 agree them and suggest any amendments, their attention will

1 be wholly drawn to the G8 matters, and in that respect, at  
2 the very outside four weeks had been indicated, and even on  
3 the last occasion that we appeared four weeks was  
4 indicated, and as much as, sir, as I would like to have the  
5 matter finalised, as the Court would, simply it's not going  
6 to be possible to have that done within a two week period,  
7 and I would invite the Tribunal to agree the four weeks.

8  
9 CHAIRMAN: Well I hear what you say on that. I'll deal  
10 with that matter at half past two.

11  
12 **THE TRIBUNAL ADJOURNED FOR LUNCH.**

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

2

3                   CHAIRMAN:   Good afternoon.

4

5                   MR. DILLON:   Thank you, Chairman.   My apologies for my late

6                   arrival.   The first matter you need to deal with or you

7                   were called upon to deal with this afternoon is the

8                   question of the timing of submissions, written and oral.   I

9                   am in your hands in that regard.

10

11                  CHAIRMAN:   I have listened to both Mr. Durack and Mr.

12                  Robinson.   I appreciate what they say, that they are under

13                  great -- the leading members of the respective police

14                  forces are under great difficulties regarding police work

15                  they have to do in connection with important international

16                  meetings, I appreciate that.   But counsel in this case have

17                  at all the time that we have been at hearing they have been

18                  in constant touch with their advisors and with their

19                  clients, and I think they have had ample opportunity to

20                  consider the submissions they have to make in the last

21                  final resort.   The submissions are a matter which counsel

22                  must decide on and they and it is a matter for counsel what

23                  submissions they make, and I don't think that I can

24                  possibly allow the length of time they require.   I

25                  appreciate it is going to mean that all counsel are going

26                  to have to work very hard at it, but I am under a time

27                  constraint.   The Oireachtas have decided that the time for

28                  the submission of the report shall be before the end of

29                  July, and I think I must honour that commitment.   And while

30                  I think that it will mean very hard work on the part of



1 counsel, I'm of a mind that the maximum that can be allowed  
2 for written submissions will be 21 days. I will sit to  
3 hear, to receive the written submissions which can be  
4 furnished on the morning of the 21st of June or at any time  
5 that it is convenient for the parties before that date. I  
6 will also hear any short oral submissions on that date and  
7 I will sit at 10 a.m. on the 21st of June at a venue that  
8 will be notified to everyone beforehand, I will sit at 10  
9 o'clock on that morning to hear short oral submissions from  
10 each party. There the matter has to end. There has to be  
11 a determination of this Tribunal and I am sorry I can't  
12 facilitate matters by extending time further.

13  
14 MR. DURACK: I note what you say, sir. The point, however,  
15 is that it is not a matter for counsel to decide what  
16 should be done as a matter of policy in relation to the  
17 submissions, they have to be approved by the clients and  
18 various other State authorities, and it is not just a  
19 matter that we have one client and that we take the lead.  
20 I don't know what Mr. Robinson's attitude is, but certainly  
21 anything that we produce would have to be approved by  
22 various people.

23  
24 CHAIRMAN: Well I -- that will be your view too,  
25 Mr. Robinson?

26  
27 MR. ROBINSON: It would, sir. And I fully understand the  
28 pressure the Tribunal is under in relation to ensuring that  
29 the public have this matter moved forward. Simply that  
30 does coincide with an incredibly busy time and I certainly

1 cannot produce submissions directly to the Tribunal without  
2 them being read and digested and approved by my client  
3 because there may be aspects that my client wants to  
4 clarify further with me, there may be issues that if I make  
5 a submission on a certain point, they may take a different  
6 view or may want to make it strongly or want to emphasise  
7 other points, and that coincides with what effectively is  
8 one of the largest security operations that the PSNI have  
9 been faced with, bringing so many international figures  
10 into the jurisdiction. At the very start of the process,  
11 sir, the period of four weeks was granted in the rules, and  
12 I believe on the second to last occasion that the  
13 time-limit was raised, it was four weeks, and on the last  
14 occasion again, sir, with the utmost respect you had  
15 invited comments from the practitioners involved and there  
16 was an indication that four weeks would suffice. And you  
17 did, on that occasion, say you wouldn't hold anyone to  
18 their responses.

19  
20 CHAIRMAN: I have done the best I can. I thought that oral  
21 evidence would have ended quite a considerable time in the  
22 past. I didn't think it would go on as long as this, but  
23 submissions haven't suddenly -- counsel didn't suddenly  
24 become aware that submissions were necessary. I think in  
25 the meantime all of the last few months they have had ample  
26 opportunity to consult with the different police  
27 authorities and so forth to arrive at a decision about what  
28 submissions they wanted to make. I'm sorry... I am sorry  
29 to have to ask you all to work very hard in producing  
30 submissions by the due date, but I cannot allow the latter

1 to go on indefinitely. I must put a stop on it and decide  
2 on a date and I have decided on the 21st of June. That is  
3 all I can say about it.

4

5 MR. ROBINSON: May it please you.

6

7 CHAIRMAN: Thank you.

8

9 MR. DILLON: That concludes that matter. There remains the  
10 Tribunal's application which has already been flagged.  
11 This is a matter to be heard in closed session involving  
12 the Tribunal team and Mr. Corrigan's team. Now, at the  
13 conclusion of the closed session, it should be possible to  
14 indicate the outcome of the proceedings to anyone who  
15 happens to be interested at that point.

16

17 CHAIRMAN: Yes.

18

19 MR. LEHANE: Mr. Chairman I have a submission to make to  
20 you in respect of that during the course of the private  
21 application in terms of the publication of the order that  
22 you may be minded to make or the terms of that order, but I  
23 will make an application about that.

24

25 CHAIRMAN: Very well, but in principle --

26

27 MR. DILLON: I suspect there will be nobody who will be  
28 waiting outside because it's -- that's fine we can deal  
29 with it that way, I have no difficulty.

30

1 CHAIRMAN: Yes. Very well.

2

3 THE TRIBUNAL THEN WENT INTO PRIVATE SESSION.

4

5

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