

**A P P E A R A N C E S**

**The Sole Member:**

His Honour Judge Peter Smithwick

**For the Tribunal:**

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

Instructed by:

Jane McKevitt  
Solicitor

**For the Commissioner of  
An Garda Siochana:**

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  
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I N D E X

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THE TRIBUNAL RESUMED ON THE 28TH OF OCTOBER, 2011

AS FOLLOWS:

MR. HAYES: Good morning, Chairman. This morning, we are going to resume the cross-examination of Mr. Myers, so if I could call Mr. Myers, please.

1 KEVIN MYERS, PREVIOUSLY SWORN, RETURNED TO THE WITNESS-BOX  
2 AND WAS CROSS-EXAMINED BY MR. MCGUINNESS AS FOLLOWS:

3

4 CHAIRMAN: Mr. You are already sworn.

5

6 1 Q. MR. MCGUINNESS: Good morning, Mr. Myers. My name is  
7 Duirmuid McGuinness, I appear for An Garda Siochana in this  
8 matter.

9 I think it's fair to say that over the years you've  
10 consistently written against the outrages perpetrated by  
11 the IRA?

12 A. That is correct.

13 2 Q. And attacking their apologists, also?

14 A. I think so, yes.

15 3 Q. And no doubt, it would be fair to say that you've regarded  
16 their campaign of violence as a sectarian outrage?

17 A. At the very least, yes.

18 4 Q. And as a citizen, no doubt, you would be anxious to assist,  
19 insofar as you can, in assisting the Chairman and assisting  
20 the RUC and the Garda Siochana in attempting to do their  
21 duty?

22 A. Yes, of course.

23 5 Q. And you seemed to draw a very clear distinction last week,  
24 Mr. Myers, that while you have an opinion, and you have  
25 written your opinion and voiced your opinion, you have no  
26 evidence whatsoever to offer the Chairman to suggest that  
27 there was collusion in relation to the Breen and Buchanan  
28 murders?

29 A. I have no evidence that would be of any interest to any  
30 court anywhere, as we understand the word 'evidence', yes.

1           6    Q. And certainly, your understanding of what is evidence  
2                   excludes your opinion being relied upon to come to any  
3                   conclusion?

4           A. That is a reasonable assessment, yes.

5           7    Q. And I take it, you wouldn't want your fate or your  
6                   reputation or your name damnified by a columnist's opinion  
7                   without any evidence?

8           A. That is correct.

9           8    Q. Now, can I just ask you about your article.

10                   Mr. O'Callaghan drew attention to the fact that you had  
11                   raised the issue of the Breen and Buchanan murders on the  
12                   12th November, 1999, and asked a question about it and  
13                   referred to Mr. Harnden's book. Do you recall that?

14           A. Yes, I mean obviously I haven't got the material before me  
15                   so I rely on your good faith here.

16           9    Q. Yes. And can I ask you, did somebody contact you after  
17                   that?

18           A. The sequence of events is, it's a long time ago, and I  
19                   write, as I told you last week, a great many columns and I  
20                   do not have a clear recollection of the sequence of events,  
21                   I do not have a clear recollection of how it was I came to  
22                   write the column that I did and why I made the phone calls  
23                   that I did that led me to write that column.

24           10   Q. Can you recollect were you contacted by a retired member of  
25                   An Garda Siochana?

26           A. I can't say yes, I can't say no. I would be misleading you  
27                   if I was to give you a positive answer.

28           11   Q. All right. Well, we know from Detective Inspector Prenty  
29                   that he met Mr. Harnden and he confirmed that to garda  
30                   investigators, and he confirmed in evidence here that he

1 was Detective Inspector L, as represented in Mr. Harnden's  
2 book. Now, did you know that?

3 A. No I didn't, until I -- I have Toby's book, I am sure that  
4 I have read through his sources but I had no recollection  
5 of this until it was drawn to my attention by  
6 Mr. O'Callaghan last week.

7 12 Q. Well...

8

9 CHAIRMAN: Can I interrupt you there? Did he actually say  
10 he was Inspector L?

11

12 MR. MCGUINNESS: Yes, I am looking at page 55 of the  
13 transcript, and he says -- he was asked this question:

14 *"Yes. And you were a former Detective Inspector and.*  
15 *you are the Detective Inspector referred to in his.*  
16 *book as being the source of various pieces of.*  
17 *information, isn't that right?*

18 *Answer: I am not the source of -- I have told you I*  
19 *never made the comments that are attributed to me.*

20 *Question: He attributed the comments to you?*

21 *Answer: Yes."*

22

23 CHAIRMAN: I don't think he went so far as to say "I am  
24 Inspector L." I mean, he did agree that he was -- that he  
25 was -- his help was acknowledged by Mr. Harnden in the  
26 people given credits at the end of the book and that  
27 Detective Inspector Prenty had facilitated Mr. Harnden, he  
28 did agree with that. And then somebody referred to as 'L',  
29 'Inspector L', in the book, and that he didn't -- I don't  
30 think that he agreed that he was Inspector L because he

1 denied that he had said what Inspector L said.

2

3 MR. MCGUINNESS: Well, it's a matter, perhaps, of  
4 interpreting his evidence.

5

6 CHAIRMAN: Of course it it.

7

8 Mr. MCGUINNESS: Which is perhaps for a another day.

9

10 CHAIRMAN: Yes.

11

12 MR. MCGUINNESS: Certainly the interpretation we have put  
13 on it is he accepted he was Detective Inspector L but was  
14 making the case that Mr. Harnden has misrepresented what he  
15 said, which he clearly of course did say that. But my  
16 question for Mr. Myers is: having read Mr. Harnden's book  
17 and written about it in November, did you speak to him  
18 between that date and the date of your article?

19 A. Again, I think I was asked this question last week with due  
20 respect to yourself, and the answer that I would recall  
21 having given is the answer I would give now is that I  
22 simply don't remember the sequence of events. I did speak  
23 to Toby Harnden, I think I spoke to him on two or three  
24 occasions but I don't recall when those conversations took  
25 place.

26 13 Q. Yes. Well, did you ask him "who is Detective Inspector L,  
27 because I'd like to talk to him"?

28 A. Do you know, I don't think that a journalist would  
29 generally ask for information about the identity of such a  
30 source over a phone call such as that. I don't recall

1 making an inquiry like that, but as a general principle, I  
2 wouldn't ask for another journalist's source like that in  
3 those circumstances.

4 14 Q. Well, you see, you appear to have learned of one of  
5 Mr. Harnden's sources; that is Rupert Thorneloe?

6 A. Only recently.

7 15 Q. Well did Mr. Harnden tell you that he was his source?

8 A. Never, never.

9 16 Q. How did you learn that he was his source?

10 A. Well, when Thorneloe was killed in Afghanistan it became  
11 the talk amongst journalists that he was the source; that  
12 was the first I had heard. I have no -- and another  
13 journalist told me. I have no, in any way, confidential  
14 information about Thorneloe and I have never spoken to Toby  
15 about Thorneloe.

16 17 Q. Yes. Well Mr. Harnden has written about him in his blog  
17 describing how he first met him in 1996?

18 A. Yes, OK. I don't read blogs.

19 18 Q. OK. And did you know, in fact, that that source, Rupert  
20 Thorneloe, was only commissioned in the Welsh Guards in  
21 1991, and wasn't in Ulster?

22 A. No --

23 19 Q. In 1989?

24 A. No, as I said, the first I heard of Thorneloe being Toby's  
25 source was from other journalists and possibly Toby wrote  
26 about it in the *Telegraph*, I don't know, but it was all  
27 posthumous, it's certainly not to anything I learnt at the  
28 time, or not that I thought it was relevant. If you had  
29 said the name 'Thornlow' to me at any stage of that, I  
30 wouldn't have known the name at all.

1       20   Q. Yes. Well, can I ask you this: at the time of the  
2            Brink's-MAT bombing where the four officers were killed,  
3            Inspector Wilson and the others, did you, as a journalist,  
4            carry out some sort of inquiry into that after it happened?

5            A. No, not that I recollect.

6       21   Q. Right. And in relation to the Hanna family, when they were  
7            blown up, did you conduct a sort of journalistic  
8            investigation?

9            A. No. It was -- the one that I remember making  
10            recollections -- sorry, that I recollect making inquiries  
11            about was when the Gibson family, the Gibson couple were  
12            killed, and Nigel Carr, the international rugby player was  
13            injured in another car, and I remember making inquiries  
14            then.

15       22   Q. Yes. And after the Breen and Buchanan murders, did you  
16            carry out any sort of journalistic inquiries?

17            A. Yeah, I made a lot of inquiries about that. I can't  
18            remember the outcome of it. I was very interested in it  
19            because it was, by any standards, particularly shocking  
20            because it was so cold-blooded, and I don't need to go into  
21            why it was shocking, you know why it was shocking.

22       23   Q. Yes. And did you keep any notes or did you open a file on  
23            it as such?

24            A. No, no.

25       24   Q. Now, when you wrote about these atrocities in your column  
26            in the year 2000, had you anything in your possession at  
27            all relating to any of them?

28            A. There would be material useful to us here? No. And just  
29            let me add, just so I can't be accused of equivocating or  
30            being indecisive here. I don't believe I would have had

1 material that would be of any use to anyone other than my  
2 recollections of phone calls and scribbles on pieces of  
3 paper.

4 25 Q. Yes. Well have you got those?

5 A. No.

6 26 Q. Have you destroyed them?

7 A. No.

8 27 Q. Are they in your possession still?

9 A. No, no, they just get lost. I don't want to belabour this  
10 point but I write, I think I have told you the figure, it's  
11 about 200 columns a year. Each column is nearly a thousand  
12 words long. It's not possible for me to keep control of  
13 the paperwork I generate doing that.

14 28 Q. All right. So, it's the case that you have no documents,  
15 no files, nothing other than your recollection about  
16 various conversations you had?

17 A. In all matters, not just relating to this one.

18 29 Q. All right. OK. Now, you told the Gardaí who came to  
19 interview you that you met or you spoke to other  
20 journalists, gardaí and the RUC, is that right?

21 A. Not -- that is not correct. Sorry, the interviews I had  
22 with the RUC, the information I got from the RUC, well I  
23 didn't get any information from the RUC; I met members of  
24 the RUC after my column had appeared. I went to Newry RUC  
25 Station.

26 30 Q. Yes.

27 A. But I can tell you this: I am reluctant to go into this  
28 detail much more about who my sources were, but an RUC  
29 source was not a reason for my writing this.

30 31 Q. Right. Well, you see, you told the gardaí that "I then

1           made further inquiries from other journalists, RUC officers  
2           and gardaí both sides of the border."

3           A. Well, I mean, those are the words in front of you. That  
4           comes as a surprise to me. It might be an account as  
5           written by a garda officer which wasn't quite as I intended  
6           it to have been written. I have told the Tribunal already  
7           that my primary source for the column that I wrote, the  
8           second column, was one former garda officer and one former  
9           terrorist, and that would be the basis upon which I wrote  
10          the column. I don't believe I spoke to an RUC officer for  
11          the simple reason that I didn't have any RUC sources of any  
12          kind at that time. I might have rung the RUC press office  
13          on something in relation to this matter, but that would  
14          have been all on the record stuff and in no way  
15          confidential.

16         32    Q. Right. Well, can I ask you about the garda source. Did  
17           you meet the source face-to-face?

18           A. No, I didn't. Not on that occasion.

19         33    Q. Before you wrote the column?

20           A. I have met him before, I have met him since but on the  
21           occasions when the information was being given it was not  
22           face-to-face.

23         34    Q. Right. And did you know -- this may sound like a stupid  
24           question but did you know the identity of the person you  
25           were talking to?

26           A. Oh, yes.

27         35    Q. And had you received information from that person before?

28           A. Yes.

29         36    Q. Now, did you not -- first of all, can you recollect and  
30           tell the Chairman what did that source say to you in

1 relation to the matters in the column?

2 A. I will repeat what I said last week. He told me of one  
3 mole that he named as being the source of information going  
4 to the IRA. And I believed that there was just one mole,  
5 and when I made -- just to repeat this, just for the sake  
6 of the record, when I made the inquiries with a former  
7 terrorist, he referred to the mole that he knew of as 'C'  
8 and I thought this referred to the man I had been told of,  
9 whose name was given to me as Colton.

10 37 Q. But did you not say to this former guard: "What evidence  
11 have you got of this?"?

12 A. Well I certainly hope -- I would have asked him how good  
13 was the allegation, how sound was it. Mere tittle-tattle  
14 wouldn't have been sufficient. Had he heard third, you  
15 know, fourth down the line, was this man responsible for  
16 giving information? This guard assured me that he had very  
17 good information from within the Force that Colton was  
18 giving information. I repeat to you now that I have never  
19 introduced the name Colton into any of our conversations.  
20 I accepted it with reluctance because, having -- as a  
21 journalist, I have acquired a great deal of information  
22 over the years and that does not mean that I can compromise  
23 my position as a journalist. My duties as a citizen do not  
24 enable me to compromise my duties as a journalist. They  
25 are in conflict and the conflict causes me a great deal of  
26 unease. So I mentioned the name Colton because it was  
27 mentioned to me originally by RUC officers. I did not give  
28 it to them and I did not initially give it to investigating  
29 members of An Garda Siochana because that is not my  
30 position, is to give information like that.

1 38 Q. But you drove north of the border to go to the RUC men who  
2 wanted to speak to you?

3 A. Correct.

4 39 Q. And were you not concerned, as a citizen, to assist them  
5 and tell them precisely what information you had and who  
6 had given it to you?

7 A. No, I wasn't going to give them the information as to who  
8 had given me, who had told me what they had told me, and I  
9 wrestled with the issue of the names but they spared me  
10 that particular responsibility by giving the names to me  
11 themselves. What I would have done in the absence of that,  
12 I don't know.

13 40 Q. Well, when you spoke to this former guard on the telephone,  
14 did you say to him, or ask him, "well, what have you done  
15 about this?" or "why are you bringing it to me?"?

16 A. No, he didn't bring it to me. I asked him about it.

17 41 Q. You phoned him, is that right?

18 A. Yes.

19 42 Q. Yes.

20 A. Yes.

21 43 Q. And who had given you his name?

22 A. You know I can't tell you that. And it wasn't on the basis  
23 of this inquiry that I first made contact with him or we  
24 had first been in conversation; I had many conversations  
25 with him before and have had since. But as I say, he was  
26 certain that the information he was giving to me was  
27 correct.

28 44 Q. And did you ask in any way, shape or form how could you be  
29 sure of that? How could that be verified? How could you  
30 be satisfied that what he was saying was correct?

1 A. That is why I contacted my former Republican terrorist  
2 because I needed to have, for my own peace of mind,  
3 verification that my suspicions were correct. So what I  
4 had the basis -- what I was going on was Toby Harnden's  
5 book. My own suspicions there was something seriously  
6 wrong in Dundalk, and information from two men whom I  
7 trusted.

8 45 Q. Now, did you make a note of what the garda said to you?

9 A. Oh, I am sure I did.

10 46 Q. And did you preserve that for what period of time?

11 A. I wouldn't have preserved it for any length of time at all  
12 because nothing that I would have said would have been in  
13 any way, to my mind, at that time, likely to have been  
14 brought before a court of law.

15 47 Q. Now, in relation to the former terrorist, did you meet him  
16 face-to-face?

17 A. Not on that occasion, no.

18 48 Q. Did you ever meet him face-to-face for the purposes of  
19 discussing the contents of this article?

20 A. Not that I recall. I had met him before. You are asking  
21 me about conversations I had ten years ago. I had met him  
22 before, I have met him since. I might have met him around  
23 that time. I might have casually conversed with him at  
24 that time on this, but the basis of the information that he  
25 gave me was over the telephone.

26 49 Q. And doing the best you can, what do you recollect he  
27 having said -- what he said to you?

28 A. Yes, that there was -- remember it was a response my  
29 telephone inquiry -- he said yes, that there was an IRA  
30 mole in Dundalk Garda Station.

1 50 Q. Did you ask him that question directly?

2 A. Yes, yes, and he said -- I said, "Can you tell me his  
3 name?" And he said, "I'd rather not over the phone." I  
4 said, "Can you give me an initial?" And he said, "C."

5 51 Q. And is that it?

6 A. Well, it wasn't the length and the breadth of the  
7 conversation and -- but it was the length and the breadth  
8 of the identification. I settled for C being the same  
9 person as the other C. Obviously I didn't know there were  
10 two Cs.

11 52 Q. And was that more or less the extent of the conversation?

12 A. No, it was -- and now I am depending on recollections about  
13 conversations of eleven years ago so you are going to have  
14 to show me some tolerance here. He was of the opinion  
15 there had been extensive leaks over a long period of time  
16 from his mole to the IRA from Dundalk Garda Station.

17 53 Q. Did he say that he had got the leaks from the mole?

18 A. No.

19 54 Q. Did he give you any specific examples of what was leaked?

20 A. Yeah -- no -- not specific examples of what was leaked as  
21 in the nature of the phone calls that were made or what  
22 was -- the contents of the phone calls, but he certainly  
23 would have roamed and did roam over incidents where  
24 information from Dundalk Garda Station was given by a  
25 member of An Garda Siochana to the IRA, and he would have  
26 said, and I use this as an example without wanting to be  
27 precise about it, as an example, hypothetically, the  
28 Gibsons or the Brink's-MAT, in which Tracy Doak was killed.  
29 We did discuss the cases.

30 55 Q. But as I understand both your evidence to the Chairman and

1           what you told the gardai who interviewed you, that he  
2           wasn't giving you and didn't give you any specific  
3           information about any specific incident other than lumping  
4           them all together?

5           A. That's correct. That is largely correct.

6       56    Q. So, in terms of your ability to tell the Chairman anything,  
7           you've no hard detail of any specific information in  
8           relation to any of these incidents?

9           A. Yes, that's correct.

10       57   Q. Now, just dealing with the incidents, the Brink's-MAT. At  
11           the time you wrote about that in this article, what did you  
12           know about the Brink's-MAT explosion?

13       A. Oh, that is impossible to say. The level of information I  
14           had in my brain, as opposed to the information I have  
15           acquired since then, I couldn't filter one from the other.  
16           I don't think that I had much more information about  
17           Brink's-MAT than would have been in the public domain other  
18           than the general information given to me by my two sources.  
19           But, you know, I wouldn't want to mislead you by giving a  
20           clear picture of the level of knowledge I had about  
21           Brink's-MAT.

22       58   Q. Yes. Well, did you know it was a trailer bomb?

23       A. I can't remember that.

24       59   Q. All right. Did you know that a trailer bomb had been used  
25           in the Narrow Water explosion?

26       A. Of course I did, yes.

27       60   Q. Did you know anything about the frequencies of the money  
28           deliveries in question?

29       A. Oh no.

30       61   Q. Did you know whether it was a once-off delivery then?

1 A. No. I mean, you can pursue this line of inquiry by  
2 discovering the extent of my ignorance, which is  
3 considerable. And I had this experience, the last time I  
4 was here, and I have to tell you I don't find it rewarding.  
5 If you want to, we can spend a long time discovering my  
6 large areas of ignorance about everything, and it wasn't an  
7 agreeable sensation before and it wouldn't be agreeable  
8 again. If you want to systematically reveal my areas of  
9 ignorance, well that is easily done.

10 62 Q. I think it is useful to explore what material and  
11 information you had to enable you to write what you did  
12 write and, if you don't mind, I have a few questions in  
13 relation to it. Do you know -- did you know Mr. Eamon  
14 Collins?

15 A. Never met him, no.

16 63 Q. Did you read his book?

17 A. Yes.

18 64 Q. Did you read about him?

19 A. I have read a great deal about him, yes.

20 65 Q. And no doubt you'd agree that he was a dedicated and  
21 ruthless killer?

22 A. Yes, he seems to have been.

23 66 Q. And a dedicated collector of intelligence for the IRA?

24 A. Yes.

25 67 Q. And participated in many killings and bombings and  
26 shootings and facilitated them in other ways?

27 A. Yes.

28 68 Q. And did you know that he went as far as joining the Cloghue  
29 male voice choir in order to try and gather intelligence?

30 A. Well if it's in the book, I would have read that, yes.

1 69 Q. Yes. Did you read about Mr. Collins, that he claimed that  
2 he had come up with the idea for the trailer bomb for the  
3 Brink's-MAT sometime previously and it had been developed?

4 A. Well, I have read the book. I don't recollect that but I  
5 take it on good faith that that is what he said.

6 70 Q. All right. But did you know that he was from south Armagh?

7 A. Yes, sort of. I thought just Newry rather than south  
8 Armagh.

9 71 Q. Now, presumably, you'd agree with me that you'd have no  
10 difficulty in identifying a Brink's-MAT cash delivery van?

11 A. I think I would have no difficulty.

12 72 Q. Yes.

13 A. I wouldn't want to say that I absolutely would have no  
14 difficulty.

15 73 Q. Yes. And would you agree with me that if the IRA are  
16 interested in such, they'd have no difficulty in  
17 identifying such a van?

18 A. OK, yes, go on.

19 74 Q. Well, do you agree with that?

20 A. I just said "OK, yes".

21 75 Q. That they'd have intelligence to do that. And do you think  
22 they could have been in possession of information regarding  
23 cash vans going across the border and being met by RUC  
24 escorts?

25 A. Yes, they could have been information about that -- they  
26 could have had information about that.

27 76 Q. Yes. And do you think they could know that RUC escorts did  
28 come to the border at that point in time?

29 A. OK, you can ask me about various hypotheses now, abstracts  
30 about which I have no knowledge whatever, and ask me about

1 levels of hypothetical knowledge of events that I had no  
2 knowledge of. Now, I see no purpose in this. How could I  
3 possibly have an opinion about events that were taking  
4 place that I did not know were taking place?

5 77 Q. Well, did you know that RUC escorts came to the border at  
6 that point in time?

7 A. No, I didn't.

8 78 Q. All right. Well, did you know, from the reporting of the  
9 incident that you were writing about, that the RUC escort  
10 had come to the border?

11 A. Well, because four RUC officers were killed, I was aware of  
12 the nature of the transaction, that an RUC patrol, if that  
13 is the correct term, had escorted Brink's-MAT to the  
14 border.

15 79 Q. Yes. And you had lived in Belfast for several years and  
16 written about the troubles, as it's called, and in  
17 particular, the IRA and other paramilitaries, isn't that  
18 right?

19 A. Yes.

20 80 Q. And your conclusion, therefore, that this hand-over could  
21 only have been known to the gardaí or the RUC, I suggest to  
22 you is at odds with the known facts. Do you agree with  
23 that?

24 A. No. Again, you are dealing with hypotheses, or a  
25 hypothesis based on hypothesis. For such a transaction to  
26 have occurred at a particular time and a particular place  
27 does require information of some kind, otherwise it would  
28 be an open terrorist target. Everyone knows that the IRA  
29 in south Armagh at that particular time was very effective  
30 and that a transaction such as this involving transfer of

1 money and legal responsibility would have had to be  
2 clandestine, but that doesn't require any great knowledge.

3 81 Q. But if they are being escorted to the border and from the  
4 border on a regular basis, isn't that something that is  
5 obviously likely to become known to the IRA?

6 A. You say "obviously" as if I have some knowledge about how  
7 the IRA works. I don't know how the IRA works. I don't,  
8 and I didn't know how the IRA operated in south Armagh.  
9 So, nothing is obvious in these circumstances. If it were  
10 obvious the war wouldn't have lasted for 25 years.

11 82 Q. Right. Well, in relation to that aspect, the Brink's-MAT  
12 aspect of your article, do you know that Mr. Harnden didn't  
13 attribute that attack to any form of collusion?

14 A. I have no recollection of the absence or the presence of  
15 that aspect to it. I have no recollection. If you tell me  
16 that he didn't, then I will take it on good faith, and I  
17 must conclude, therefore, that it was one or both of my  
18 sources had listed Brink's-MAT in the allegations of  
19 collusion.

20 83 Q. Right. And you seem a little uncertain, perhaps, even,  
21 about whether that is so?

22 A. Well, you know for the last few minutes we were dealing  
23 with hypotheses. You suddenly expect a kind of  
24 intellectual clarity which, in the circumstances, is beyond  
25 me, and I cannot give you the kind of answer you seem to be  
26 seeking; it's not within my power.

27 84 Q. OK. Well, in relation to the Gibson murders that you wrote  
28 about, did you know when you wrote about the article that  
29 the Gibsons had been targeted already?

30 A. I am sorry --

1 85 Q. -- previously?

2 A. Had there been a previous attempt on their lives? I can't  
3 say that I remember whether I knew that there had been a  
4 previous attempt on their lives.

5 86 Q. Yes. Well, did you know, from your researches, that they  
6 had booked this holiday that they were returning from, a  
7 period of four months beforehand?

8 A. I have no recollection of how much I knew about at the time  
9 of that. At the time obviously I would have made phone  
10 calls and there was a pool of common knowledge and there  
11 were the allegations in Toby Harnden's book, but what I  
12 actually knew about the details of their bookings, I  
13 couldn't tell you now.

14 87 Q. Yes. Well you see, you were able to refer to your  
15 hypothesis when being interviewed by the guards, which was  
16 that the leak hadn't come from the travel agents, so you  
17 obviously knew something about the travel agents at the  
18 time?

19 A. No, because I had been told that the leak had come from  
20 Dundalk Garda Station. If I ruled out, and I haven't got  
21 my article in front of me, I don't believe I would have  
22 ruled out the travel agents as a source because I wouldn't  
23 have known whether the travel agents were a source, I just  
24 wouldn't have known that.

25 88 Q. Yes. Well, did you know that they had booked the holiday  
26 using their own names and giving details of their vehicle  
27 at the time they booked the holiday?

28 A. Well, my recollection is that was in the public domain  
29 shortly after the murders.

30 89 Q. Yes.

1 A. So, that is something that wouldn't depend on any  
2 journalistic knowledge. That would have been common  
3 knowledge.

4 90 Q. OK. So you obviously knew that. Did you know that they  
5 had used their own names throughout the holidays in the  
6 different hotels they went to?

7 A. No, I didn't, no.

8 91 Q. Did you know that they had talked freely about their routes  
9 and their travel plans while on their holiday?

10 A. Are we going to go through another series of questions  
11 which are seemingly created to give the impression that  
12 Kevin Myers doesn't know very much about what he is talking  
13 about? It's easy to do this. I mean, I went through it  
14 before. I mean, if my being here is just merely an  
15 opportunity for people to belittle me, then that is not  
16 showing me the respect that I think I deserve. I can ask  
17 you questions about any various matters and you will say  
18 "No, I don't know the answer to that." So do I know what  
19 they did on their holidays? No, I don't.

20 92 Q. All right. But you knew from Mr. Harnden's book that he  
21 expressed the view in writing, very clearly, that they had  
22 disregarded very basic safety procedures?

23 A. Yes, that has to be conceded.

24 93 Q. Yes. And did you know that they had, in fact, been  
25 escorted on at least four previous occasions while going to  
26 and from holidays in the Republic?

27 A. Did I know? No. I mean, I really -- I have to repeat my  
28 dislike of this line of questioning when the sole purpose  
29 seems to reveal how little I know. I mean, that is easily  
30 done.

1 94 Q. Well, it's of some significance to know what was the basis  
2 of your conclusion that the IRA have been tipped off and  
3 followed them, when there is another conclusion more  
4 reasonably open, or as reasonably open perhaps, we could  
5 debate that, but did you know who they were escorted by  
6 when they returned from their holiday?

7 A. Did I know who they were escorted by?

8 95 Q. When they came into Dublin Port?

9 A. The nature of the garda escort or lack of a garda escort at  
10 the time, I don't recollect that now.

11 96 Q. Well, do you know that they were escorted by detectives  
12 from the Special Detective Unit in Dublin?

13 A. Yes, I would have presumed that they would have had some  
14 sort of support. I mean, the -- I think my knowledge of  
15 the nature of the escort would have been revealed in the  
16 article that I wrote at the time.

17 97 Q. Yes. But you seem to believe that there was a precise  
18 hand-over point organised, the details of which were leaked  
19 to the IRA, isn't that what your article is premised on in  
20 this respect?

21 A. Well, do I say that?

22 98 Q. Well, you say "They had precise information about the  
23 intended hand-over."

24 A. That is what I said.

25 99 Q. Yes.

26 A. Then you are asking a question about what I have already  
27 said.

28 100 Q. Yes.

29 A. So you are asking now to recollect the accuracy of my  
30 recollections over the article?

1 101 Q. Would you like to look at the article?

2 A. No, because I mean you have asked me a question which is  
3 predicated on -- it's suggesting as if this is a piece of  
4 information that would be entirely new to you.

5 102 Q. Well...

6 A. If I said that at the time, that is what I believed.

7 103 Q. "No travel agent's computer could have told the killers  
8 where precisely the garda escort was going to hand over  
9 responsibility for the Gibsons' safety to the RUC. The  
10 bomb was waiting there and two were killed instantly when  
11 it was detonated."

12 A. Yes.

13 104 Q. So you'd agree that that is premised upon there, in fact,  
14 being an agreed hand-over point where the gardaí would --

15 A. That would be my conclusion, reading those words, yes.

16 105 Q. Yes. And do you know, in fact, that there wasn't any  
17 precise hand-over point ever agreed in relation to the  
18 Gibsons?

19 A. Do I know? Again I will repeat my objections to another  
20 line of inquiry which proves yet another thing I don't  
21 know. I did not know that there was not going to be a  
22 hand-over -- you are saying there was not going to be a  
23 hand-over?

24 106 Q. Yes.

25 A. I didn't know that.

26 107 Q. But Mr. Harnden described that in his book because he said  
27 at page 163 that they were left -- when the garda escort  
28 left them at the border and the Gibsons were then left to  
29 drive three miles to the Colghue checkpoint where they were  
30 to be picked up. So do you agree with me that there was no

1 hand-over point agreed upon?

2 A. If you tell me that, I am going to take you on your word.

3 108 Q. OK.

4 A. You could have said that some time ago.

5 109 Q. Well, if you agree with that, do you agree that that is  
6 something that couldn't have been leaked by a mole in  
7 Dundalk Garda Station?

8 A. Well, you are asking me to deal with hypotheses now that I  
9 simply can't answer you. Can I say that there was no mole  
10 in Dundalk Garda Station assisting the IRA in the project  
11 to murder the Gibsons? No, I cannot say such a thing.

12 110 Q. Yes. But you will agree, however, that based -- even on  
13 Mr. Harnden's book, which you had read, that they had been  
14 left to drive the three miles and that therefore there  
15 wasn't a hand-over point?

16 A. OK. You are saying that to me.

17 111 Q. Yes.

18 A. And because you are saying it to me in this court, I am  
19 accepting it on good faith. It does not mean that the IRA  
20 mole in Dundalk Garda Station wasn't active in some  
21 conspiracy against the Gibsons.

22 112 Q. Yes. Well, Mr. Harnden didn't conclude that. And do you  
23 disagree with him? He doesn't list this as an item of  
24 collusion.

25 A. That's an absence -- I don't know -- that's merely an  
26 absence of an allegation. It doesn't mean that such an  
27 allegation cannot be sustained by other evidence. Now, I  
28 have no evidence other than allegations, which we discussed  
29 before.

30 113 Q. OK. All right. Well, I mean, you spoke previously of your

1 very high regard for Mr. Harnden, and would it not cause  
2 you to pause before reaching your own conclusion if he  
3 hasn't reached this conclusion?

4 A. I repeat to you, I don't know how many times I have done  
5 that, he was not the only source for what I wrote. That I  
6 had one former paramilitary and one member of An Garda  
7 Siochana who were giving me evidence or information about  
8 cross-border events. Now, I cannot say that they gave me  
9 hard information about the murder of the Gibsons.

10 114 Q. Yes.

11 A. But one or other of them certainly listed the Gibsons as  
12 victims of the IRA mole's activities. How the IRA mole  
13 supplied the information and what effect it might have had  
14 for the IRA, I don't know. How could I know?

15 115 Q. All right. Well, Mr. Harnden's book itself goes on to  
16 refer to the fact that control zone orders were introduced  
17 to prevent people parking on the roadway as a result of  
18 some of these atrocities. Were you aware of that yourself?

19 A. Yes.

20 116 Q. Now, you seem to be criticising Judge Cory's conclusions  
21 about collusion because he didn't speak to you about it  
22 insofar as this is concerned, is that right?

23 A. Well, no, I didn't criticise his conclusions because I  
24 didn't read his report, as I told the Tribunal the other  
25 day. When I read his assessment of what I was saying,  
26 which was based on, and I say this with no disrespect to  
27 the gardaí themselves because I wouldn't have done a more  
28 accurate account myself, talking to somebody else, that  
29 theirs was a very rough and ready account of our  
30 conversations which -- we sat, at least talked for over an

1 hour on the two occasions, and the summation of both  
2 conversations was that it wasn't word-perfect, it wasn't  
3 being done by a stenographer, and it was very rough and  
4 ready, and I agreed to it simply because I didn't think for  
5 one second that it could be used as a basis of any inquiry.  
6 It would make no sense that somebody who didn't know how to  
7 take shorthand, a report of a conversation, could then be  
8 looked at as if it's a matter of useful information.

9 117 Q. Well, Mr. Myers, Detective Chief Superintendent Camon is  
10 dead now but fortunately we have Chief Superintendent  
11 Kirwan who was there on the second occasion of your  
12 interview, and we also have Assistant Commissioner  
13 O'Mahoney who was present on the first occasion, and they,  
14 if necessary, will give evidence that every question that  
15 they asked you was written down and every answer that you  
16 gave was written down?

17 A. That was --

18 118 Q. Is that not right?

19 A. It's not correct. It's a shorthand account of what  
20 happened. We spoke for a long time.

21 119 Q. And --

22 A. And then at the end of it all a question would be written  
23 down and an answer would be written down and the answer  
24 would be a rough approximation of what I had said but it  
25 never -- if I had known for one second that this was going  
26 to be used as a basis for a third party to come along and  
27 say, well, we can make assessments on this, I would have  
28 said "no, I won't accept that level of summarisation."

29 120 Q. Well, Mr. Myers, you knew perfectly well what they were  
30 inquiring into. You answered the questions. They wrote

1 down your answers, and didn't you sign the statements?

2 A. I did, but you know full well how these things happened,  
3 you are an experienced barrister, you know that when a  
4 guard makes an assessment, a summary of what is said to him  
5 or her, it will be an abbreviated account and won't contain  
6 the wording used by the person in question, and will even  
7 contain legalese that I wouldn't even know of, but  
8 nonetheless I signed it because roughly it was a resumé of  
9 what I had said. But never in my wildest imaginings would  
10 I have said a judge will come in from Canada and look at  
11 these words and consider them worth the basis for an  
12 investigation without even asking me about it.

13 121 Q. Now, forget about the judge coming in from Canada. You  
14 knew that your article had started, in Mr. O'Callaghan's  
15 view perhaps, a fire storm which led to his client, you  
16 knew that it was the subject matter of great concern in the  
17 North because you had already gone to visit the RUC  
18 officers and be interviewed by them, you were then being  
19 interviewed by two very senior officers, and it's not  
20 accepted in any sense that what they have recorded is an  
21 inaccurate version of what you said to them, and didn't you  
22 sign every page of the -- in original interview notes?

23 A. No, OK, I'll just say this again: It never entered my  
24 head, and you ask me to put Cory out of the question. I  
25 can't, you asked me about Cory. This -- the reason we are  
26 talking about this interview is because of Cory's  
27 interpretation of it; that's why. You can't say "leave  
28 Cory out." You introduced Cory. So I have to accept that  
29 Cory was there and I have to say that is why I didn't  
30 regard Cory as being a serious report because my assessment

1 of his judgement of what I'd told the two or three officers  
2 who had visited me was not worthy of a serious inquiry.

3 122 Q. You had nothing to give, isn't that the reality? That's  
4 what you are saying?

5 A. I have given you as much as I gave the gardaí who came to  
6 visit me.

7 123 Q. Yes.

8 A. I have no hard evidence as such.

9 124 Q. Yes. So speaking to Judge Cory couldn't have given him any  
10 more then, isn't that right?

11 A. Well, do you know, he might have found out.

12 125 Q. Might have found out?

13 A. I didn't know what misinterpretations were going on in his  
14 mind. Now, I haven't got Cory's report to hand, his  
15 wording to hand, but when I read it I was astonished that  
16 he could come to such dismissive conclusions without seeing  
17 whether or not there might have been a misinterpretation on  
18 his part, or misinterpretation on my part, of the words  
19 that had been written by the guards who were interrogating  
20 me or questioning me.

21 126 Q. Now, just to get to the substance of it. Is there anything  
22 that is not in the, you say is not in the interviews that  
23 is of any benefit to the Chairman?

24 A. Yeah, this is a question I am trying to understand. You  
25 are asking me, without any documentation before me, whether  
26 or not there is an absence in that documentation which  
27 might be of interest to the Tribunal?

28 127 Q. Yes. You have criticised the officers who took the  
29 questions and answers --

30 A. No, I am sorry, I will not tolerate that misinterpretation

1 of what I have said. I have said on several occasions,  
2 both today and before, that no one who is not a  
3 stenographer can give a faithful recording of any  
4 conversation. I could not do it, and I have been a  
5 journalist for 40 years. I could not do what was being  
6 expected of them. They faithfully recorded, as far as they  
7 possibly could, the general gist of our conversation. I  
8 will not allow you to misinterpret that as criticism.

9 128 Q. Well, you did voice criticism on the last occasion here,  
10 and I want you to confirm on oath, do you recollect that  
11 you signed --

12 A. Sorry --

13 129 Q. -- every page?

14 A. Just one second. What criticism did I utter of the guards  
15 who were questioning me? I said that they had an imperfect  
16 ability to record a conversation. That's not a criticism.  
17 They are police officers, they are not stenographers.

18  
19 CHAIRMAN: Well, is there anything they left out?

20 A. How could I recall the conversation? I mean, what were the  
21 dates of the conversations?

22  
23 130 Q. MR. MCGUINNESS: Perhaps we will go through the interview  
24 notes to give you a chance, it might assist you. If he  
25 could be given a typed copy and the originals.

26 (Documents handed to the witness.)

27 Could we proceed with the one that is first in time,  
28 Mr. Myers, if you can identify that, the one of the 10th of  
29 May?

30 A. Yes, I have that.

1 131 Q. All right. Now, have you --

2 A. I have got two copies here, the handwritten thing and the  
3 typed. Yes, these are the same thing, aren't they? Yes.

4 132 Q. Which one have you got there?

5 A. This is the typed one.

6 133 Q. And that is the interview of the 10th of May, is it?

7 A. Yes.

8 134 Q. All right. Now, the original is attached to the back of  
9 that, do you see that?

10 A. Yes.

11 135 Q. Now, can you confirm to the Chairman that it was read over  
12 to you at the conclusion of the taking of the notes?

13 A. Yes. I mean I have said to you before that these men gave  
14 a faithful summation, within their powers, of the nature of  
15 our conversations, and I signed whatever I was asked to  
16 sign. I found them, and still regard them, as being honest  
17 men who were professional in doing the best they could  
18 possibly do. I don't know how many times I have to say  
19 that. I didn't think anyone was going to come, a third  
20 party would come along and --

21 136 Q. I understand that point.

22 A. Then I have to say, what is missing from this conversation?  
23 Well, do you know, I don't know what was said on that day.  
24 I have been -- I was as frank with them as I have been as  
25 frank with you.

26 137 Q. Yes. Well I am hoping the notes will assist you. But can  
27 you just confirm a number of simple facts, first of all?  
28 Was it read over to you and did you sign it on the  
29 original?

30 A. I did, yes. I mean --

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CHAIRMAN: When it was read over to you, were you asked "do you want to add anything to that?"?

A. I believe I probably was.

CHAIRMAN: Because normally they would do that, they would ask do you want to add anything on?

A. No, I don't recall. If they had asked me if I had wanted to do that and I felt they were deficient in any way, I would have said so.

CHAIRMAN: Now, do you want to add anything to it now?

A. No. I mean, that would not be then a faithful representation of what was said eleven years ago.

CHAIRMAN: If you want to add anything to that, to that interview, please feel free to do so.

A. OK. Sorry, I actually don't know what is the correct term of addressing you, is it 'Chairman' or 'Your Lordship'.

CHAIRMAN: 'Chairman'. Thank you very much

A. Chairman. I have no idea of the level of knowledge that I possessed then compared to the level of knowledge that I have now simply because of the many, many conversations I have had with different people about this matter. So I cannot impose retrospectively.

138 Q. MR. MCGUINNESS: Well, I don't want to ask you to do anything that you are uncomfortable with or to do it in a general way, but would you mind looking at the document

1 because it might assist you? The first question was:  
2 *"Who was the retired member of An Garda Siochana mentioned*  
3 *in your article?"* And you are recorded as saying *"I do not*  
4 *wish to name the retired member. Since writing the article*  
5 *I have learned that more than one gardai was involved in*  
6 *leaking information to the IRA. It could be said there was*  
7 *an active IRA cell operating in Dundalk Station."* That was  
8 your opinion and you said that without doubt?

9 A. Yes, it was -- I signed it, I am not going to disown it,  
10 but the nature of the conversation meant that, for example,  
11 the term 'cell', and I can say this with reasonable  
12 certainty I can't say about anything else, was a term that  
13 would come very late in a conversation where in which I  
14 wouldn't originally have begun to use the word 'cell', and  
15 terminology is generated in the course of a conversation  
16 which then takes shape in a statement which is accurate in  
17 as much as it's a very brief resumé, but the resumé, in  
18 distilling the conversation, creates a kind of false  
19 impression, so I did not originally say that there was a  
20 cell whose existence I knew about, because initially, if  
21 you remember, I believed there was one man.

22 139 Q. Yes.

23 A. So, you know, the conversation I am having here is not  
24 based on the level of information that I possessed when I  
25 wrote the article because I didn't know of the existence of  
26 it even -- of even the second man.

27 140 Q. Yes, I understand that. Can we just go through the answers  
28 and questions and get them out of the way. The second  
29 question: *"What evidence do you have to support the*  
30 *statement that he was directly responsible for the murders*

1 of six RUC officers, the entire Hanna family in Northern  
2 Ireland and Tom Oliver, a citizen resident of this  
3 Republic?" And you are recorded as saying "The promptings  
4 for various terrorists attacks came from Dundalk Garda  
5 Station. Concerning the Hanna murders, the link was  
6 information from Dundalk Garda Station when the Judge  
7 Higgins would be crossing the border, I have information  
8 but no evidence." Is that what you told them?

9 A. Yes, that's correct. It's a very -- it's 40-word summation  
10 of what would have been originally quarter of an hour  
11 conversation.

12 141 Q. Well, it's an answer to a question which was pre-prepared?

13 A. Yes.

14 142 Q. The third question: "*What evidence do you have to support*  
15 *the statement that this man passed vast amounts of*  
16 *intelligence to the IRA and recruited for the IRA from*  
17 *within the Force?"* And your answer was: "*My initial*  
18 *information was from Toby Harnden's book 'Bandit Country'.*  
19 *I then made further inquiries from other journalists, RUC*  
20 *officers and gardaí both sides of the border."* Do you  
21 accept that you said that?

22 A. I accept that I signed it. It's not an accurate assessment  
23 because, as I have already told you, I didn't have any  
24 sources in the RUC in the sense that journalists have  
25 sources. Presumably I rang the RUC press office but it's a  
26 shorthand word -- and the RUC press office is not a source,  
27 you know, as anyone would understand the term. So that  
28 is -- I certainly signed it. It's not an entirely accurate  
29 but it fails to convey the nature of the information that I  
30 had and fails to convey the nature of how I was working.

1 143 Q. Did you speak to other journalists?

2 A. Yes.

3 144 Q. And who were they?

4 A. A) I wouldn't tell you and B) anyway, I can't remember.

5 145 Q. So are you saying a journalist was also a source?

6 A. No, not a source. A source of general intelligence rather  
7 than about Dundalk Garda Station and in particular, about  
8 the identity of the one man, as I believed it at the time.

9 146 Q. Right. Now, do you accept that in what is recorded there  
10 you didn't tell them that you had a source who was a former  
11 terrorist?

12 A. Now hold on. I thought I had said, I thought in the basis  
13 of this conversation that I did identify one source as a  
14 former terrorist and informant; that didn't occur in this  
15 conversation, no?

16 147 Q. It's not there, and the evidence from the officers will be  
17 that you never mentioned a former terrorist during the  
18 course of the interviews, and --

19 A. Then at that point I was quite clearly determined to  
20 conceal my source more vigorously than I was prepared to  
21 later.

22 148 Q. I am just wondering is the other possibility that you had  
23 written the article based on Mr. Harnden's book and your  
24 source of the former detective, and it was sometime after  
25 you had written the article that you spoke to the former  
26 terrorist, is that a possibility?

27 A. No, it's not.

28 149 Q. It's not?

29 A. It's not, no.

30 150 Q. So, is it your evidence that you were concealing from the

1           gardaí the fact that you'd spoken to a former terrorist?

2           A. No. What I was doing was, I suppose, not giving the nature  
3           of the sources to the gardaí who were questioning me. This  
4           is a normal thing to do. You don't disclose anything that  
5           would reveal the identity of the people who gave you  
6           information.

7       151   Q. Yes. But you told them already it was a former garda?

8           A. OK, now if I told them -- you are now catching me unawares.  
9           Is this in this statement here I say it's a former garda,  
10          do I?

11       152   Q. Yes. Well, you said -- you said, the question is: "*Who is*  
12          *the retired member mentioned in your article?*"

13          A. So that is question number one, OK. Well, I can -- so I  
14          mention the retired member of An Garda Síochána in the  
15          article. I didn't mention a former IRA terrorist in the  
16          article. So I think I was probably doing that for his  
17          protection.

18       153   Q. All right. Now, did you know where the former member had  
19          served?

20          A. The former IRA man?

21       154   Q. The former retired member of An Garda Síochána?

22          A. He had served on the border.

23       155   Q. Did he serve in Dundalk?

24          A. He had served in Dundalk Garda Station, yes.

25       156   Q. Do you know how long he had served there?

26          A. No.

27       157   Q. Did you know his disciplinary record?

28          A. No. Are we doing this again, are we?

29       158   Q. I am trying to find out what you knew about him?

30          A. Yes. I don't know when he was born, I don't know the name

1 of his children. There are many things that you can reveal  
2 about this man that I don't know.

3 159 Q. OK. Well, the next question you were asked: "*Do you know*  
4 *what intelligence he passed onto the IRA?*" And you are  
5 recorded there as saying "*I am now talking about a small*  
6 *body of men who disclosed information. I was told since*  
7 *that the entire Narrow Water investigation was compromised*  
8 *by an individual or individuals from Dundalk Garda Station.*  
9 *Every single name that came up, the IRA knew about it*  
10 *shortly afterwards.*" Do you remember saying that to them?

11 A. Well, I signed it so... You see that term "*every single*  
12 *name that came up the IRA knew about it afterwards,*" that  
13 is a sentence that doesn't make any sense.

14 160 Q. Well, can I ask to you turn to the original, because you  
15 have put your initials right under that?

16 A. Oh I have said this, I have said this, and it -- I know  
17 these men were operating in good faith. It didn't enter my  
18 head that eleven years later I would be closely  
19 interrogated on the meaning of each sentence. Now, I fully  
20 accept I should have said "No, don't leave that sentence  
21 '*every single name that came up the IRA knew about it*  
22 *shortly afterwards,*' I should have said "no, delete that."  
23 I accept I was at fault in not insisting on a more precise  
24 summary of what had been said.

25 161 Q. OK. Well, we can go through the originals page by page, if  
26 necessary, but will you accept it from me that you have  
27 initialled --

28 A. I have said this.

29 162 Q. -- the top and bottom?

30 A. I have got them here in front of me. Now, you don't have

1 to ask me again will I accept it for you. I know I signed  
2 it and I have said I signed it.

3 163 Q. Yes. No, I know you have signed it but my question is  
4 slightly different and you haven't, I think, allowed me to  
5 ask it, with respect. But did you initial the top and the  
6 bottom of every page of the interview notes?

7 A. OK, it's here before me. Yes.

8 164 Q. Yes. OK. Now the fifth question: "*Can you specify any*  
9 *names or members of An Garda Siochana that you say he*  
10 *recruited for the IRA?*" And you are recorded as saying  
11 "*No, I cannot do that, the passport scandal is part of the*  
12 *whole thing. The number involved would not be more than*  
13 *half a dozen or may not even be that. You would not need*  
14 *many men to compromise an entire operation.*" Do you recall  
15 saying that to them?

16 A. Everything that I signed was, and this page is one of those  
17 pages, was, within the spirit of the occasion, a faithful  
18 summary of what I'd said. But to place a kind of biblical  
19 analysis on what is a very brief summation is, I believe,  
20 not very fruitful. I was not trying to mislead anybody and  
21 they were certainly not trying to give a false report of  
22 what I was saying. I signed it because I recognised that  
23 they were honest men doing the best they possibly could,  
24 but it never entered my head that I would have to be  
25 cross-examined on every word of this, you know, eleven  
26 years later.

27 165 Q. Yes. Mr. Myers, I am trying to assist the Chairman in  
28 establishing whether or not you agree or disagree with what  
29 is recorded, and then, hopefully, maybe prompt your memory  
30 as to what you feel may have been left out, if anything.

1 So can we go to the next question, Question 6: "You state  
2 that when this betrayal of his force was discovered by the  
3 RUC, can you tell me how this was discovered and who in the  
4 RUC discovered it?" And you are recorded as saying "I  
5 don't know how the RUC discovered it originally. Toby  
6 Harnden originally suggested it was a telephone call from  
7 Dundalk Garda Station that triggered off the attack on  
8 Breen and Buchanan." Is that accurate? Did you say that?

9 A. I have signed it, so I am not going to tell you that I  
10 didn't say that, but it is -- you are trying to find out if  
11 there are things I haven't said that haven't been recorded  
12 in this conversation -- in this transcript. Well, since I  
13 don't know what I said eleven years ago, I cannot  
14 faithfully tell you oh, I said this but they didn't write  
15 it down.

16 166 Q. But I am trying, to perhaps, assist in prompting your  
17 recollection but I am also concerned to know whether you  
18 agree that this is a fair representation of what you said  
19 and that you did say this?

20 A. OK. I signed it, and I believed it at the time, it was a  
21 fair representation.

22 167 Q. OK. Now, in relation to the reference to Mr. Harnden  
23 there, he records in his book that there was technical  
24 information that a call had been received by the IRA, that  
25 the RUC had technical information that such a call had been  
26 made, but did you speak to him about that or did you just  
27 take that from his book?

28 A. I don't recall whether or not I spoke to Toby Harnden  
29 before I wrote my column or before or afterwards, and I'd  
30 be confident that, without being absolutely certain, that I

1 had spoken to Toby Harnden by the time I met these two  
2 garda officers. But I didn't, or don't have a note of the  
3 nature of the conversation and what information he might  
4 have given me.

5 168 Q. All right, okay. You were next asked *"What evidence do you*  
6 *have to support your statement that this ex garda passed on*  
7 *precise information to the IRA re the movements of a*  
8 *Brink's-MAT security van in 1985 and the handover of the*  
9 *escort of this vehicle from the garda to the RUC?"* And  
10 your answer is recorded as *"I was told by my informants*  
11 *that all cross-border transactions which had gone wrong had*  
12 *been compromised. The expression that a single garda*  
13 *passed on information alone is an error on my part."*  
14 Is that accurate?

15 A. Yes.

16 169 Q. All right. "8: *Can you name anyone who could assist us or*  
17 *supply us with information re this part of your article?"*  
18 You say: *"I can only name Toby Harnden and myself."*  
19 Again, there is no reference to a former terrorist there.  
20 Were you consciously concealing or not revealing that you  
21 had such a source?

22 A. You are asking me to remember my motivations eleven years  
23 ago. My instincts tell me, and they are only instincts,  
24 that I would not have introduced the possibility of an IRA  
25 man who, or former IRA man who might be in danger, serious  
26 danger from the IRA, into our conversations. Not that I  
27 didn't trust the men, but it's the nature of journalists  
28 not to make unnecessary disclosures about their sources.

29 170 Q. OK. You're next asked: *"What evidence do you have to*  
30 *support your statement that this ex garda gave information*

1           to the IRA which enabled it to murder Lord Justice Gibson  
2           and his wife Cecily?" And you are recorded as answering:  
3           "Again I was told by my informants that all cross-border  
4           transactions which had gone wrong had been compromised."  
5           That's accurate, I take it you'd agree?

6           A. Yes, I'd say so.

7       171   Q. And at that stage in the originals, that's initialled by  
8           you. And then the next question on the next page, which is  
9           initialled by you, says "With reference to your statement,  
10          'but as was to be revealed within a year, the garda mole  
11          was vital'." And you are asked "what was revealed?" And  
12          this is what your answer was: "This is a hypothesis of  
13          mine that it was not a mole within the travel agents that  
14          brought about Lord Gibson's death but information that came  
15          from elsewhere." Is that that accurate?

16          A. Yes, we are going to go through every question, are we?

17       172   Q. Well we are, and it's a simple process, we'll proceed  
18          through them seriatim if you don't mind?

19          A. OK.

20       173   Q. Is this correct, then, that this was your hypothesis?

21          A. Yes, this was a hypothesis.

22       174   Q. And you had no other information or evidence to support  
23          that, is that right?

24          A. As far as I remember at the time.

25       175   Q. OK. You were asked: "What was the nature of the  
26          revelation?" and your reply is noted as saying "as above."  
27          Question 11: "Can you name anyone who would assist or  
28          supply us with information re this part of the article?"  
29          "As above. More than one person told me there was a  
30          consistency of compromises going on within Dundalk Garda

1           *Station.*" Do you agree that that is accurate?

2           A. Yeah, well this brings us back to what I was saying to you  
3           earlier on about the nature of a source. I had forgotten  
4           that question 11 does indicate the existence of a certain  
5           source.

6       176   Q. It does refer to informants. Question 12: *"What evidence*  
7           *do you have to support your statement that this ex garda*  
8           *told the IRA of the precise handover point from the garda*  
9           *to the RUC of an escort of Judge Owen Higgins resulting in*  
10          *the murder of the Hanna family?"* And you are recorded as  
11          having said *"No more specific information was given to me*  
12          *about this specific incident. I was told by informants*  
13          *that all handovers to the RUC had been compromised. These*  
14          *are the handovers which are the subject of my article."* Do  
15          you agree with that, that that is accurate?

16          A. Yes.

17       177   Q. Question 13: *"In relation to the story issued by the IRA*  
18           *to the effect that its people picked out the wrong car at*  
19           *Dublin Airport and it didn't know the precise location of*  
20           *the handover, how can you say that this was a cover story*  
21           *put out by the IRA to protect the ex garda?"* And you  
22           recorded as saying *"I said the Hanna car resembled the*  
23           *Higgins' car. This is wrong. I was told the IRA could*  
24           *have stories to protect their sources but I can't recollect*  
25           *receiving any particular information on this particular*  
26           *case."* Is that accurate?

27          A. Yes.

28       178   Q. Just touching on that Hanna/Higgins incident, that happened  
29           in July of 1988. Did you know that the Higginses had been  
30           very consistent visitors down from the North for the

1           purpose of holidays and trips in the Republic?

2           A. No.

3       179   Q. OK. Do you know that they had been coming down for  
4           approximately ten years and had been escorted on many  
5           occasions?

6           A. No.

7       180   Q. And did you know that in fact Sergeant Corrigan had been  
8           involved in quite a number of those escorts?

9           A. We are doing this again, aren't we?

10      181   Q. Well, I am hoping to try and establish --

11           A. You are asking me -- you are dealing with an interview that  
12           occurred eleven years ago and asking ancillary questions  
13           about things I didn't say and never alleged I knew and  
14           about the personal lives of the Higgins. Now, you are  
15           moving from one thing to the next. This is not fair; it's  
16           not reasonable.

17

18           CHAIRMAN: Mr. Myers, I think it is fair. I think it's a  
19           legitimate question. If you don't know the answer, of  
20           course say no, you don't.

21           A. But I have said no.

22

23           CHAIRMAN: Well, I mean, you were asked a question  
24           and answered the last question. What was the last question  
25           you did ask, Mr. McGuinness?

26

27           MR. MCGUINNESS: It was about whether he knew about, ever,  
28           about escorts that had -- the Higgins family had and that  
29           Sergeant Corrigan had been involved in several of them --

30

1 CHAIRMAN: Yes.

2

3 MR. McGUINNESS: -- in the previous ten years.

4 A. As I said, I didn't know.

5 182 Q. OK.

6

7 CHAIRMAN: That is fair enough. If you didn't know, there

8 is no reason why you should know. You didn't know.

9

10 183 Q. MR. McGUINNESS: Your article in relation to the Hannas is

11 based, is it not, on a premise that the Higgins' car and

12 the Hanna car were similar, isn't that right?

13 A. Yes, well, in part, yes.

14 184 Q. Yes. And by the time this interview came about, you knew

15 that to be wrong?

16 A. Yes.

17 185 Q. So, you may not know the details of the cars at this point

18 in time, but the Hanna car was a blue Mitsubishi Shogun

19 jeep, and the Higgins' car was a silver Datsun Sunny?

20 A. As was reported the last time I was here.

21 186 Q. Yes. And would you agree with me that, in fact, there is,

22 in reality, very little real possibility of mistaking one

23 car for the other?

24 A. Yeah, I would have thought there was very little

25 possibility.

26 187 Q. In terms of the explosion, blowing up the Hannas' car that

27 you wrote about, your statement that the Hanna car

28 resembled the Higgins' car and passed the bomb at about the

29 right time, that's not correct?

30 A. Well, yes, because I have said that the -- that information

1 about the two vehicles is wrong.

2 188 Q. Yes.

3 A. And therefore, any other supposition that I made, based on  
4 the confusion of the vehicles, must also, therefore, be  
5 wrong.

6 189 Q. Yes. And do you know that the IRA claimed that the Hanna  
7 car was mistaken identity, a case of mistaken identity, but  
8 didn't identify their target?

9 A. I have no recollection of that.

10 190 Q. All right.

11 A. No.

12 191 Q. Did you know whether or not there was an RUC operation in  
13 place at the time when the IRA blew up the Hannas' car?

14 A. If I had, I imagine it would have been in this statement,  
15 but, no, I didn't.

16 192 Q. OK. Well, you are asked then, going back to the interview:  
17 *"What evidence do you have to support this statement?"* And  
18 you said you have no evidence. And you'd agree that is  
19 accurate?

20 A. Yes.

21 193 Q. You were asked: *"Can you name anyone who could assist us*  
22 *or supply us with information re this part of the article?"*  
23 And you say "No." Is that accurate that?

24 A. That seems to be accurate yes.

25 194 Q. You were asked then *"What evidence do you have to support*  
26 *your statement that RUC Chief Superintendent Harry Breen*  
27 *and Superintendent Bob Buchanan went to their deaths in an*  
28 *IRA ambush set up by the garda mole?"* And your answer is  
29 recorded as: *"My first source on this is Toby Harnden's*  
30 *book 'Bandit Country'. Then I made inquiries north and*

1 south. Toby Harnden's information I took to be hard. My  
2 other information was anecdotal but sufficient for me to  
3 say and justify this statement." Is that accurate?

4 A. Yes.

5 195 Q. So, may the Chairman take it that Toby Harnden's  
6 information that you are relying on there, it's hard  
7 information, is the statement attributed to Detective  
8 Inspector L?

9 A. I am not able to make the connection. It is within the  
10 power, no doubt, of this Tribunal to make the connection,  
11 but frankly, when I saw Inspector L's name drawn to my  
12 attention the last time I was here, it came as a surprise  
13 to me, maybe I could identify Inspector L back then but I  
14 am not saying that Inspector L was or wasn't the source of  
15 Toby's book.

16 196 Q. Yes. But forget about the identity of who Detective  
17 Inspector L is. He quotes Detective Inspector L as saying  
18 "I am afraid the leak came from the guards"?

19 A. Yes.

20 197 Q. So is that what you are relying on here as the hard  
21 information about the collusion and the tip-off?

22 A. I would have thought so, yes.

23 198 Q. And only that, apart from what you are saying, is anecdotal  
24 information?

25 A. Well, I very deliberately haven't gone back over Toby's  
26 book because I didn't want to put into my mind information  
27 that -- I didn't want to have a refreshed mind, and I can  
28 say to you that it is not just Inspector L's allegation  
29 that led me to believe this but it is the overall tenor of  
30 Toby's book.

1 199 Q. Yes. But what you are recorded as saying here is "*My other*  
2 *information was anecdotal.*" Can you recollect what that  
3 was?

4 A. Yes, those are my two sources.

5 200 Q. Your two sources?

6 A. Yes.

7 201 Q. And that's what you intended to describe them as, they are  
8 anecdotal, is that right?

9 A. Well, if you want to pick me up on the word, I'd understand  
10 why you would want to do that, I would, too, in your  
11 situation. Anecdotal is not an accurate summation of the  
12 nature of the information that was given to me. It was of  
13 a higher grade than anecdotal.

14 202 Q. Yes. You have described it here as such and accepted that  
15 this is what you said?

16 A. I certainly did, yes.

17 203 Q. Yes. "*In relation to the murders of Harry Breen and Bob*  
18 *Buchanan, do you have evidence that the ex garda passed on*  
19 *information to the IRA re their movements?*" And you answer  
20 was "No". Is that correct?

21 A. Evidence is the question. Do I have evidence? No.

22 204 Q. You are asked: "*What was the evidence?*" And that wasn't  
23 applicable.

24 Question 18: "*Can you name anyone who would assist us or*  
25 *supply us with information re this part of the article?*"

26 And you are recorded as having said no, is that right?

27 A. Yes.

28 205 Q. 19: "*With reference to the murder of Tom Oliver, what*  
29 *evidence do you have to support your are statement that*  
30 *this ex garda was responsible for Mr. Oliver's murder?*"

1 And your answer is recorded as: *"My reference here is that*  
2 *no garda abducted him but supplied information about him.*  
3 *I don't know who leaked this information but I am*  
4 *absolutely sure the information came from Dundalk Garda*  
5 *Station and that Dundalk gardaí knew this shortly*  
6 *afterwards. I believe that one of the men involved was*  
7 *posted away from Dundalk shortly afterwards."* Is that  
8 accurate?

9 A. Well, I was told the last time I was here that the two men  
10 who feature in this present inquiry could not possibly have  
11 been responsible for Tom Oliver's murder. I take that on  
12 faith. If that being the case, then this answer doesn't  
13 apply to either of those two men, but I don't think I  
14 attribute responsibility for Oliver's murder to any  
15 particular person here. So --

16 206 Q. But insofar as when you wrote the article, you thought it  
17 was Colton?

18 A. Yes, Colton or -- initially -- no, for Tom Oliver, I don't  
19 think I would have been quite so clear it was either Colton  
20 or Corrigan.

21 207 Q. Yes, but the only identity you knew at the time you wrote  
22 the article was Colton?

23 A. At the time I wrote the article, yes.

24 208 Q. So when you are talking about a leak from Dundalk which led  
25 to Mr. Oliver's murder, you could only have been intending  
26 to refer to Colton, logically?

27 A. No. You see, my problem here, and I do understand why it  
28 causes confusion, is that I didn't know that I was writing  
29 about two men, so allegations that were attributed to this  
30 person called C I misunderstood to apply to Colton when

1           they didn't apply to Colton.

2       209   Q. Yes. But you'd agree with me you thought you were writing  
3           about Colton and, therefore, the leak which led to Tom  
4           Oliver's murder, you must have thought that related to  
5           Colton?

6       A. I accept the question, yes. Yes, is the only honest I can  
7           give.

8       210   Q. Yes. Now, you learned of Corrigan's name when the RUC put  
9           it to you, along with Mr. Colton's name?

10      A. I don't think I did. I think I learned of Corrigan's name  
11       before I met the RUC. What I have told you before is that  
12       I wasn't at all sure how I was going to handle the issue of  
13       names. They spared me the responsibility by giving me the  
14       names themselves, but it was in subsequent conversations  
15       with my former terrorist informant that the name Corrigan  
16       emerged; that is my recollection.

17      211   Q. Yes. Now, obviously, just bear with me, just sequentially,  
18       you didn't know Corrigan's name before you wrote the  
19       article?

20      A. That's right.

21      212   Q. And you knew nothing in fact, I am not going to go over  
22       Mr. O'Callaghan's territory, but you knew nothing about  
23       him?

24      A. Nothing.

25      213   Q. The source that you mentioned, Mr. Harnden's source, the  
26       officer who was killed in Afghanistan, Rupert...

27      A. Thorneloe.

28      214   Q. He had succeeded to the position that Captain Nairac once  
29       held in south Armagh, isn't that right, an intelligence  
30       liaison officer?

1 A. I don't know what position Nairac had, and I don't know  
2 what position Thorneloe had. All I was told was, and all I  
3 read was, at the time of Thorneloe's death, that he was the  
4 source of Toby's book, but his actual military position I  
5 didn't know.

6 215 Q. Yeah. Well, it's well-documented, and Mr. Harnden has  
7 written about it in a tribute to him, but did you know that  
8 Sergeant Corrigan had been centrally involved in the  
9 investigation in the Republic of the murder of Captain  
10 Nairac?

11 A. No, I didn't.

12 216 Q. And that he assisted in bringing an accused man to justice  
13 and he was sentenced to imprisonment in the Special  
14 Criminal Court for that offence, did you know that?

15 A. No, I didn't.

16 217 Q. OK. Going back to this Question 19, did you know the  
17 identity of the man involved who was posted away from  
18 Dundalk that you were writing about?

19 A. The identity was given to me was Colton.

20 218 Q. All right. Question 20: *"You state that RUC intelligence*  
21 *discovered the identity of the mole and informed Dublin.*  
22 *What is your evidence to support this?"* And you are  
23 recorded as saying: *"This is what Toby Harnden told me. I*  
24 *say RUC intelligence, it could be MI5, MI6. While I*  
25 *mention not even a minor garda inquiry did not take place,*  
26 *I don't know, I could be entirely wrong."* Is that  
27 accurate?

28 A. Again, and I am not criticising the gardaí, but that final  
29 sentence doesn't seem to make any sense: *"While I mention*  
30 *not even a minor garda inquiry did not take place, I don't*

1           *know, I could be entirely wrong.*" I don't know what it  
2           means. I know in the spirit of the thing it's being  
3           faithful to the occasion but, you know, I would mislead you  
4           if I said that is an accurate account because I don't know  
5           what it means.

6       219    Q. Right. But had you not written in your article that not  
7           even a minor Garda inquiry had taken place?

8           A. I think I probably did; it's there before.

9       220    Q. It's a reference back to your article. So does it make  
10          sense to you now knowing that is what you said in your  
11          article?

12          A. It's just that the wording of the sentence doesn't make any  
13          sense, but that was the general drift which is why I signed  
14          it top and bottom because I did recognise that the -- the  
15          assertion I was making originally, and I was repeating, was  
16          that there hadn't been even a minor inquiry into this  
17          affair.

18       221    Q. Yes. You were asked "*Can you name anyone who could assist*  
19           *us or supply us with information re this part of the*  
20           *article?*" And you are recorded as saying "*No.*" Is that  
21           right?

22          A. Yes.

23       222    Q. And then 22: "*Is there any further help you can give to*  
24           *this investigation?*" "*Names mentioned to me by the RUC are*  
25           *Corrigan and Colton but I have no specific information*  
26           *about either of those men being responsible for any*  
27           *specific leaks of information. The names came about as a*  
28           *result of me being asked for names and I declined. The*  
29           *above names were mentioned and I said I did not dissent. I*  
30           *have no other names.*"

1 A. Yes.

2 223 Q. So, whilst you thought you were writing about one, you  
3 realised you were writing about two. In the course of this  
4 interview you say it could be as many as six and you'd no  
5 other names of any others, is that right?

6 A. That is entirely right, yes.

7 224 Q. Did somebody say that there could be as many as six or did  
8 you just reach that conclusion yourself?

9 A. Yeah, I mean the figure six is a little bit pat, and it's  
10 not -- again, it's a garda coming up with a brief resumé of  
11 what I had said. He might have said to me "how many were  
12 there?" And I might have said, "as many as six," and that  
13 was distilled to six. I don't think at any stage I had a  
14 very clear picture of the levels of people who might have  
15 been working with the IRA. I agree entirely that I signed  
16 it. I think I perhaps should not have done, in those  
17 circumstances, because it gives a precision which was  
18 absent from my own mind.

19 225 Q. Yes. But just from the point of view of helping the  
20 Chairman, you have no information or evidence about any  
21 other members that could bring it up to six?

22 A. Absolutely not, no.

23 226 Q. And no names were ever mentioned to you by anyone above  
24 Colton and Corrigan?

25 A. Absolutely right, yes.

26 227 Q. So is that not entirely speculative, therefore, on your  
27 part, without any basis?

28 A. The figure of six?

29 228 Q. Yes.

30 A. Yes, it is.

1 229 Q. And any figure greater than two is entirely speculative  
2 also?

3 A. The figure of six is speculative. The figure of two is not  
4 because it was told me to by my sources; that it wasn't  
5 just Colton and Corrigan. But I was -- I was in error to  
6 have signed the figure six in such a hard way.

7 230 Q. OK. Can we go on to your second interview, Mr. Myers,  
8 please. Do you have the typed copy of it there?

9 A. They are both -- I have got one dated 10/5/2000 --

10 231 Q. Well there should be one 24/5?

11 A. No, I haven't got that here.

12 232 Q. I will just give you a copy of it there.

13 (Document handed to the witness.)

14 This is the typed version. You have the original. Without  
15 going through it, can you confirm that the original is  
16 signed by you and initialled on every page as well, top and  
17 bottom?

18 A. Well, I just have the typed --

19 233 Q. Well, you have the original there also.

20 A. Oh, I am sorry, I beg your pardon.

21 234 Q. Thank you.

22 A. Yes, I signed top and bottom, and just to confirm this so  
23 we are in no doubt, top and bottom each side, top and  
24 bottom each side, top and bottom each side, top and bottom.  
25 So every single sheet with writing on has been signed by  
26 me.

27 235 Q. Yes. Just dealing with the substance of it then. I think  
28 this was Detective Chief Superintendent Camon and Detective  
29 Inspector Peter Kirwan, and you were asked: *"Is there*  
30 *anyone from An Garda Siochana we can talk to in relation to*

1           your *Irish Times* article or your last interview with me?"  
2           You are recorded as saying "I can't disclose sources. The  
3           *Harnden* book was the trigger for the article." And you'd  
4           agree that that's accurate?

5           A. Correct.

6       236   Q. You were asked "*From a garda perspective obviously sources*  
7           *are important but it's also important to look at sources,*  
8           *motivation, knowledge cannot be corroborated, etc.*"  
9           And you are recorded as saying "*I can't corroborate it and*  
10          *I don't have anything that could be used in court.*" Is  
11          that right?

12          A. Yes.

13       237   Q. You were asked "*Did your sources pass the intelligence*  
14           *information to their respective authorities or did they*  
15           *give the basis?*" You are recorded as saying "*I did not*  
16           *interrogate them, ask them about this. They did not*  
17           *discuss their basis.*" Is that right, Mr. Myers?

18          A. Yes.

19       238   Q. Yes. Would you not be concerned to know or did you not  
20           make any effort to try and discover the basis of what you  
21           were being told?

22          A. Yes, I think we have covered this. It wasn't anecdotal. I  
23           mean, I signed the term 'anecdotal' in the previous  
24           statement which I think was ill-judged. It was information  
25           that they would have regarded as hard; that they would  
26           have been in -- they would have had access to what was  
27           secret information or covert information or very intimate  
28           information which enabled them to talk to me with the  
29           authority that they did.

30       239   Q. Well, is that supposition on your part or did you --

1 A. No, because it was related to the conversation at the time.

2 240 Q. But do you know at how many removes or how many levels of  
3 hearsay might have intervened between how they learned it  
4 and how they --

5 A. The term 'hearsay' has to be correct. I wouldn't dispute  
6 that.

7 241 Q. It could be multiple hearsay?

8 A. It could be multiple, but it's not on these occasions.

9 242 Q. All right. You are then asked: *"Your article, is it fair*  
10 *to say it was based on informational allied to your*  
11 *hypothesis?"* And you are recorded as saying *"The initial*  
12 *information I got was in relation to Breen and Buchanan*  
13 *initially and that this was not an isolated instance."* Is  
14 that correct?

15 A. Yes.

16 243 Q. Well, you do seem to be isolating the Breen and Buchanan  
17 information as having been obtained by you initially. Now,  
18 who was that from?

19 A. Breen and Buchanan was originally Toby Harnden, and I know  
20 it was something that I had inquired about at the time of  
21 the killings and hadn't learned a great deal.

22 244 Q. Yes.

23 A. And then when I inquired with my two sources about Breen  
24 and Buchanan, they were both emphatic about garda collusion  
25 bringing the murders about.

26 245 Q. So you were relying primarily, or firstly, on Mr. Harnden  
27 and that is what you are intending to refer to in this  
28 answer, is that right?

29 A. Yes, yes.

30 246 Q. *"When you talk about these operations being compromised by*

1 a garda mole, what is their basis for this, is it within  
2 their own knowledge?" And you are recorded as saying "I  
3 was told that Dundalk Garda Station was compromised. I  
4 then created a fictional villain who I stated in my article  
5 was responsible for the instances referred to. My article  
6 did, as I have said before, contain some inaccuracies.  
7 After the article I was contacted by a number of persons  
8 north and south who added to this and made reference to  
9 other areas which may have been compromised,  
10 Donegal/Monaghan." Is that accurate?

11 A. Yes.

12 247 Q. Now, this being contacted by other persons north and south,  
13 were they sources of information that you are claiming  
14 privilege in relation to? Are you claiming a form of  
15 privilege?

16 A. Well, they are sources of information to me as a  
17 journalist. Whether or not I use this information, they  
18 become privileged by the fact that they have given me  
19 information relating to this matter. I -- large numbers of  
20 people -- large numbers of people contacted me about this  
21 affair at the time.

22 248 Q. And how did these sources that you refer to here add to it?  
23 What did they bring to it that was in any way an addition?

24 A. Well, they all, without exception, said that I was speaking  
25 the truth, that there was a problem in Dundalk Garda  
26 Station. This came from members of the guards and at least  
27 a couple of Irish army officers.

28 249 Q. Are you prepared to identify any of them?

29 A. Well, to tell you the truth, even if I were, I couldn't  
30 because I don't know who they were. This is so long ago.

1       250    Q. But may the Chairman take it that rather than providing you  
2            with any extra information or extra evidence, however you  
3            might want to describe it, they were really just agreeing  
4            with you, is that it?

5            A. Yeah, I don't want to mislead the Tribunal. I think they  
6            might have given me further information about allegations,  
7            but I would seriously be misleading if I tried to give you  
8            hard evidence, or it wouldn't be evidence -- a hard  
9            allegation based on those recollections. Suffice to say  
10           that they all agreed that there was a problem in Dundalk  
11           Garda Station.

12       251    Q. But beyond that, can you say anything to the Chairman about  
13            what any of them said?

14           A. No, not in technical detail, no.

15       252    Q. Or any detail?

16           A. Or any detail, no.

17       253    Q. You were asked: *"Can I ask what influence did the  
18            investigation of the passport affair in Dundalk play in  
19            your mentioning the second garda being involved?"* And you  
20           are recorded as saying *"I was deal with this story prior to  
21           the passport charges. It's difficult to recall now when  
22           exactly this knowledge came to me."* Is that correct?

23           A. Yes. I mean, as the Chairman will know that when he was  
24           questioning me earlier I had forgotten about the passport  
25           dimension to this affair, so I am just reminding the  
26           Tribunal of the failings of my own memory of this.

27       254    Q. All right. You are then asked: *"How can we establish how  
28            your sources know what they allege to you?"* You are  
29           recorded as saying: *"I did not question them on the  
30           details of their knowledge. I was told that handovers at*

1 *border were compromised but did not question on this.*  
2 *Perhaps I should have. I presume these persons were*  
3 *telling the truth and they had no reason to lie. I would*  
4 *have asked if they were sure about what they were saying."*  
5 Is that accurate?

6 A. Yes.

7 255 Q. Mr. Eamon Collins, whom we have mentioned there, and whose  
8 book you had read, I think he was from Camlough in south  
9 Armagh?

10 A. OK.

11 256 Q. Do you put any weight on the fact that in his book  
12 published prior to his death, his murder in 1999, he makes  
13 no mention of an informer in or a mole in Dundalk Garda  
14 Station?

15 A. Well, I mean, do I place any weight on it? No, in the  
16 sense that a mole in Dundalk Garda Station would have -- be  
17 very discreet about who he gave his information to and it  
18 would be very high on the IRA hierarchy, and Collins was,  
19 as an IRA man, was based in Newry as a customs officer, so  
20 there is no reason why he would necessarily have known  
21 about south Armagh, which operation would have been quite  
22 different from Newry.

23 257 Q. Well, he was an intelligence officer in the IRA?

24 A. Oh, yes, not every intelligence officer is going to know.  
25 I am going to have to remind you, I am dealing with  
26 hypothesis here. I don't know how the IRA operates.

27 258 Q. Yes. But he describes, I mean he gives an account very  
28 much against his own interest because he confesses to all  
29 sorts of dastardly deeds, but he has got no motive to  
30 conceal anything because he is telling the truth, as he

1 sees it, about the murder campaign, but he is in Dundalk a  
2 lot and he is in contact with south Armagh paramilitaries  
3 quite a lot, isn't that right?

4 A. My memory is that's correct, but merely because he doesn't  
5 know something doesn't mean it isn't so.

6 259 Q. Right. OK. You are then asked *"You say in your article in*  
7 *relation to the Hanna murder that the link was a leak from*  
8 *Dundalk Garda station but you have no evidence. Can you*  
9 *expand?"* And you are recorded as saying *"Nobody spoke to*  
10 *me and said in relation to all the incidents referred to in*  
11 *the article that each one was compromised in a particular*  
12 *way. There were elements of conjecture, hypothesis. I*  
13 *wrote about the pattern. I asked the sources of all the*  
14 *attacks could have resulted from a means other than garda*  
15 *mole."* Is that correct?

16 A. Yes.

17 260 Q. And that last sentence there: *"I asked my sources..."*  
18 What sort of questions did you ask?

19 A. Again, you are putting me to remember questions that I  
20 asked eleven years ago. I would have been asking questions  
21 about the authenticity of what I was -- of what I was being  
22 told and how good was their information.

23 261 Q. Yes.

24 A. And which operations did they know about and which would  
25 they just have suspicions about.

26 262 Q. Yes. And did they distinguish between them?

27 A. Well, as we know, I had already made the fundamental  
28 mistake of confusing two men with one, so even if they had  
29 distinguished, I would have been in error because I didn't  
30 know they were talking about two different men. So, do you

1 understand? If I am already working on a flawed principle,  
2 everything they tell me is going to be further confused by  
3 my own personal confusion.

4 263 Q. Yes. But were your sources distinguishing between events  
5 that had been compromised by a mole and between events that  
6 might possibly have been compromised?

7 A. I simply don't -- I couldn't answer that.

8 264 Q. Well, you were asked then: "*Are you saying that you have*  
9 *no specific information in relation to each incident you*  
10 *referred to?*" And you are recorded as saying: "*I did not*  
11 *have specific information. I wrote from my overview. I*  
12 *may have stated it in a more authoritative way than I*  
13 *should. I probably wrote it as a fact, whereas if I wrote*  
14 *the article now I would probably not write it as a fact.*"  
15 Do you agree with that?

16 A. Oh, emphatically. I have conceded throughout that I have  
17 been in error here.

18 265 Q. Yes. But is this perhaps at the heart of it, that you  
19 lumped all these incidents together and concluded there  
20 must have been a mole; this was your analysis?

21 A. One mole, yes.

22 266 Q. Your analysis, your hypothesis?

23 A. One mole at that time when I wrote the article, yes.

24 267 Q. The question is: "*When reference is made in relation to a*  
25 *mole in Dundalk, what are we talking about? Is this*  
26 *conjecture, knowledge?*" You are recorded as saying:  
27 "*Sources stated it to me. Different sources mentioned the*  
28 *same thing to me. Did I question, interrogate them about*  
29 *this? No. But they knew things.*" Is that right?

30 A. Yes, in as much as that sentence makes sense. I know what

1           they were trying to say and I acceded to that.

2       268   Q. All right. Well, I mean, were you being content to agree  
3           to something that wasn't accurate or are you saying that is  
4           not accurate?

5       A. I was content to sign the statement because I believed it  
6           was, in intent and in spirit, an honest account of what I  
7           had said, but if you analyse word by word any statement,  
8           then it yields up different interpretations.

9       269   Q. OK. You are then asked: *"In your last interview with us  
10          in Question No. 4 you referred to the complete Narrow Water  
11          investigation as being compromised."* You are recorded as  
12          saying: *"There is a long time-span between Narrow Water  
13          and the other incidents and there may be no connection  
14          between them. This did not form part of my article. My  
15          instinct is now that it was not a conspiracy to destroy  
16          forensic evidence, it may be more incompetence. I do not  
17          believe and have not any reason to believe that this was  
18          compromised by a garda mole."* And then there is a note  
19          that relates to loss of forensic evidence. Is that  
20          accurate?

21       A. Well you see, this is the kind of thing that brings me to  
22          serious problems. I said that at the time and I no doubt  
23          believed it at the time. My information I have had over  
24          the years since then is that information was destroyed  
25          deliberately. But I say information; it's not evidence,  
26          it's an allegation that I have heard. So when I say yes to  
27          this question beginning *"In your last interview..."* I  
28          signed it at the time.

29       270   Q. Yes.

30       A. It's not necessarily something I would agree with now.

1 271 Q. Yes. But you accept that you said that at the time?

2 A. Yes.

3 272 Q. Which is the more important thing.

4 *"Overall, when you wrote in your article about the five*  
5 *incidents, were your sources specific or general?"*

6 *"I regard the information relating to Breen and Buchanan*  
7 *i.e. information emanating from Dundalk garda mole as*  
8 *factual, sound and I based this on Toby Harnden's book and*  
9 *conversations with him. In relation to the other*  
10 *incidents, I do not think any of the sources that talked to*  
11 *me lied, but they may have told me untruths believing them*  
12 *to be the truth but I do not believe this."* Is that  
13 accurate?

14 A. Yes.

15 273 Q. You see, that answer acknowledged by you to be accurate  
16 seems to be putting the Breen/Buchanan information in a  
17 different category to the information in relation to the  
18 other incident because you are basing it, as I understand  
19 it, simply on Toby Harnden's book and conversations with  
20 him?

21 A. Yes.

22 274 Q. Is that right?

23 A. Well, we have gone through this before, and the Harnden  
24 book was the trigger for it all. I got two sources of  
25 information. And I concede that this is an imperfect  
26 question but it's -- an imperfect answer, but it's not an  
27 inaccurate assessment of perhaps what was an imperfect  
28 answer at the time.

29 275 Q. You accept it's an accurate representation and record of  
30 what you said at the time?

1 A. Well I signed it at the time and I clearly didn't have any  
2 problems with it at the time.

3 276 Q. Yes. I mean, we will see at the end you did correct one  
4 thing but you didn't correct anything else, isn't that  
5 right?

6 A. No, I take your word on that. I didn't remember saying  
7 that.

8 277 Q. OK. You were asked then: *"I appreciate the source of your*  
9 *difficulty in disclosing, but I would appreciate any*  
10 *information you can give in relation to people we could*  
11 *talk to, especially members of An Garda Siochana."*  
12 And you are recorded as saying: *"I cannot name anyone or*  
13 *be specific in relation to number, status, rank,"* is that  
14 right?

15 A. Yes.

16 278 Q. *"Question: Are some of your sources RUC?"* And you say,  
17 *"Yes, but the same applies."*

18 A. Yes, I signed it. The only source I would have had in the  
19 RUC, that I can recollect, is the RUC press office. You  
20 know, I have signed it, so it was -- but, really, the  
21 information I would have had from the RUC would not have  
22 been worth a tribunal, I assure you.

23 279 Q. All right. So there was no RUC-sourced information which,  
24 as it were, stood up the article, or your view as to what  
25 had happened?

26 A. No, no.

27 280 Q. All right. *"Question: When you referred earlier to*  
28 *Monaghan and Donegal being compromised, have you anything*  
29 *specific?"* And you are recorded as saying: *"Nothing*  
30 *specific. I did not write about it. I do not intend to*

1           *write about it. Nothing specific.*" You then declared the  
2           statements true, and you sign it, isn't that right?

3           A. Yeah. I mean, I don't even know what this question, when  
4           you referred earlier to Monaghan and Donegal being  
5           compromised. In the course of this statement, did I say  
6           anything?

7       281   Q. Well, on the first page --

8           A. Is Monaghan and Donegal mentioned?

9       282   Q. Yes.

10          A. Are they? I don't recall this, in the course of this  
11          conversation, I don't recall Monaghan and Donegal being  
12          mentioned.

13       283   Q. You were asked a couple of supplementary questions: "*You*  
14          *mentioned a cell in Dundalk in our last interview.*"  
15          And you are recorded as saying: "*I used the term 'cell'*  
16          *because I believe there was more than one Garda member*  
17          *involved and I believe they were not working alone.*"  
18          You were asked then: "*Any basis for this, for suggesting*  
19          *there were more than the two names referred to at the last*  
20          *interview?*" And you say, "*Yes, more than the two names.*"  
21          Is that accurate?

22          A. Yes, more than two, yes.

23       284   Q. You then, having been invited to make a correction, you do  
24          make the following correction: "*When I used the term*  
25          *'fictional villain' in the statement, I used it to describe*  
26          *how I incorrectly attributed responsibility for leaking*  
27          *information to the IRA, to one man, whereas I now believe*  
28          *several were involved.*" Is that right?

29          A. Well, I certainly signed it, but we know, from everything I  
30          have said, that, at the time of my writing the original

1 column, that I believed there was one person, then I  
2 believed there were two people and then I was given more  
3 information, which gives us the figure of "several". This  
4 answer, taken of itself, would be quite misleading.

5 285 Q. All right. You were then asked: *"Any basis for this*  
6 *belief?"* And you are recorded as saying: *"Only from*  
7 *information that I have been given, that a cell operated*  
8 *from Dundalk. I don't know how they operated."*

9 Is that accurate?

10 A. Well, I signed it, so I felt it was accurate at the time.

11 286 Q. *"In relation to the cell reference, can you expand?"* And  
12 you are recorded as saying: *"Only I have been told. My*  
13 *belief is that there were a very tiny number of gardai*  
14 *inside Dundalk Garda Station who were leaking information*  
15 *to the IRA, and they may or may not have been working*  
16 *together."* You accept that is accurate?

17 A. Yes.

18 287 Q. OK. Now, you know that this Tribunal has its origins in an  
19 agreement between the Governments to set up an inquiry if  
20 Judge Cory recommended it?

21 A. Yes.

22 288 Q. And he did so recommend it?

23 A. Yes.

24 289 Q. Now, just dealing with Judge Cory now. Firstly, is there  
25 anything in those interviews that has jogged your memory,  
26 anything that you think you said to the Gardaí which isn't  
27 in the statement?

28 A. Well, I can't recollect it.

29 290 Q. All right. If the contents of the statements and copies of  
30 the statements were transmitted to Judge Cory, do you agree

1 with me that he had as much information that he could have  
2 from you, and that any failure to talk to you was  
3 completely irrelevant?

4 A. No, I don't believe that an inquiry would be -- could  
5 properly live up to the term 'inquiry' if it's just based  
6 on police statements, which are, necessarily, resumés of  
7 far longer conversations.

8 291 Q. Well, can I ask this question: Is there anything that you  
9 have -- that you could have told Judge Cory, that you  
10 haven't told the Chairman?

11 A. Well, I mean, for a simple thing like, we use that term  
12 'half a dozen', the Chairman will know that I have never  
13 maintained half a dozen. I have signed it there as half a  
14 dozen, but I actually never had that figure, that hard  
15 figure of half a dozen in my mind, but it appears as an  
16 allegation, when, in fact, it's a far lower-level assertion  
17 than allegation.

18  
19 CHAIRMAN: No, I think it's clear that you meant there  
20 could have been more than the two mentioned and that you  
21 are putting a sort of a -- well, a vague ceiling on it,  
22 really.

23 A. Yes. Cory wouldn't know that.

24

25 CHAIRMAN: Yes.

26

27 292 Q. MR. McGUINNESS: In relation to your two sources for the  
28 article, I am not going to ask you here to disclose the  
29 sources to me, or in public, but if the Chairman directs  
30 you to write them down, if, in his discretion, he decides

1 to do that, will you provide the names to the Chairman --

2 A. I can't.

3 293 Q. -- to enable him to try and inquire as fully as he can?

4 A. I can't.

5 294 Q. I don't want to characterise it, if you do that, in any way  
6 as obstructive, but would you agree with me that it would  
7 not -- it will be failing to facilitate the purpose of the  
8 inquiry if you don't do that?

9 A. It would be failing to live up to my duties, as a  
10 journalist, if I were to do that. My job as a journalist  
11 goes back to Belfast in the 1970s, and I acquired, in that  
12 time, a great deal of information about people, disclosure  
13 of which, to the security forces, could have led to my  
14 deaths or the deaths of other people -- my death or the  
15 deaths of other people. I am profoundly aware of the  
16 importance of protecting sources. Journalism, as a trade,  
17 does not exist if sources in -- who, in all faith, have --  
18 believe that the integrity of their position will be  
19 protected, find that that integrity is meaningless. So it  
20 is the core, it's the core position of the trade that I do.  
21 We do not disclose the identity of sources who could die as  
22 a consequence of our disclosure of our information. And  
23 with no disrespect to yourself, Chairman, it is just -- it  
24 is the nature of the profession.

25 295 Q. If asked, you will refuse, and you are claiming privilege,  
26 is that correct?

27 A. I have to.

28 296 Q. Now, can I ask you just some questions about Breen and  
29 Buchanan, the murdered Superintendents. Did you know  
30 anything about the frequency of their visits to Dundalk?

1 A. No, I didn't.

2 297 Q. In terms of the capability of the IRA, would you have  
3 considered them capable of becoming aware of the movements  
4 of Superintendent Buchanan over and across the border and  
5 back again?

6 A. I have no more information about the IRA than most of us in  
7 this room, but I believe them capable of doing a great many  
8 things. In south Armagh, in particular, they possessed  
9 extraordinarily capable men.

10 298 Q. Yes. Were you aware of the analysis and conclusion that  
11 the British Army reached in the immediate aftermath of the  
12 murder, when the Lieutenant Colonel of the Royal Regiment  
13 of Fusiliers concluded, *inter alia*, that "*This incident is*  
14 *a classic example of the exploitation of patterns created*  
15 *by soft targets. Meetings with the Gardaí at Dundalk are*  
16 *frequent by necessity and it was inevitable that patterns*  
17 *would be made.*" Are you in a position to disagree with  
18 that?

19 A. Absolutely not.

20 299 Q. I don't know whether you are aware of the evidence of  
21 Brigadier Smith and Brigadier Lyles, who came to the  
22 Tribunal; did you hear their evidence?

23 A. I have studiously not read any of the evidence before the  
24 Tribunal, for reasons that I think I made plain to you; I  
25 didn't want my evidence contaminated in any way by  
26 information I wouldn't have had in the course of my career.

27 300 Q. Yes. Well, between them, they have many decades of  
28 experience in the British Army and in the south Armagh  
29 area, as well. And Brigadier Lyles gave it as his opinion  
30 that "*It would have been impossible to mount this ambush in*

1           *less than two-and-a-half to three hours. Accordingly, a*  
2           *telephone tip-off received by the IRA after the two*  
3           *officers had arrived at Dundalk Garda Station would not*  
4           *have given sufficient time. I never saw or heard of*  
5           *intelligence suggesting there had been a telephone*  
6           *tip-off."*

7           Do you disagree with that or have any basis to disagree?

8           A. No, there is no point in my having an opinion on that; it's  
9           operational matters, and that would require knowledge of  
10          the logistics, which I haven't got.

11         301    Q. Yes. Brigadier Smith gave it as his view that he  
12           considered it *"most unlikely that an attack of this degree*  
13           *of sophistication would be mounted if it was initiated only*  
14           *when the RUC officers arrived at Dundalk at approximately*  
15           *1400 hours."* Have you any reason to disagree with that?

16         A. No, I haven't. I mean, again, it requires a level of  
17           knowledge which I wouldn't have. I mean -- just, I would  
18           add this: I don't think anyone has suggested that the --  
19           an operation was suddenly mounted on the basis of a single  
20           phone call, that an IRA unit would have been ready and able  
21           to execute the ambush based on a time of knowledge of the  
22           arrival of Breen and Buchanan at that point at the border  
23           crossing. But they weren't rustled up on the strength of  
24           the phone call; they would have been already waiting for  
25           the murders to be perpetrated.

26         302    Q. Yes. But do you know anything about evidence that they  
27           might have been followed in the past on previous visits?

28         A. Oh, no, of course not, no.

29         303    Q. No. Do you know anything about British Army analysis from  
30           vehicle checkpoint information, as to cars that might have

1           been following them for a period --

2           A. No.

3       304   Q. -- of months?

4           A. No.

5       305   Q. Does any of that change your view about whether there was  
6           an actual tip-off or whether you believed there was a  
7           tip-off on the day?

8           A. You see, all I have heard about the evidence given to this  
9           Tribunal by Brigadier Smith and Lyles, is in the questions  
10          you have asked me, and, with due respect to yourself, they  
11          are, necessarily, very brief accounts of their evidence,  
12          and I wouldn't -- I couldn't either accept or reject an  
13          entire body of evidence on the basis of the fragments I  
14          have heard in that question.

15       306   Q. All right. Witness 24 came and gave evidence, he was a  
16          Superintendent in charge - well, firstly, as a Detective  
17          Chief -- Inspector of the Republican desk, intelligence in  
18          Special Branch; he was then a Superintendent in charge of  
19          the three desks; he then became Deputy Head of Special  
20          Branch in Belfast; he became Deputy Head of Intelligence in  
21          the Special Branch in 1998, and he was Deputy in the  
22          Special Branch from 1990 onwards, and he wasn't aware of  
23          any specific intelligence relating to Owen Corrigan. Would  
24          that cause you to alter your view and your opinion as to  
25          whether there was a mole and whether Sergeant Corrigan was  
26          a mole?

27          A. My position here is made more difficult by the fact that  
28          other people have made allegations about Mr. Corrigan  
29          that -- I am not saying here -- they have been in contact  
30          with me about Mr. Corrigan, and I, having heard so many

1           allegations, I would be unable to come to any kind of clear  
2           acceptance or reputation of anything. So this man is  
3           saying that he has never heard of Corrigan being a mole,  
4           that is what you are telling me, is it?

5       307   Q. He has been dealing with Republican intelligence, and,  
6           through his career, he has become Deputy Head of the  
7           Special Branch, wasn't aware of any specific intelligence  
8           related to Owen Corrigan being a mole?

9           A. Well, let me say, Mr. McGuinness, I find that very  
10          impressive evidence --

11       308   Q. All right.

12          A. -- from a man of that status. That is impressive.

13       309   Q. OK. Did you know that Sergeant Corrigan had been friendly  
14          with Brian Fitzsimons, who became the Head of the Special  
15          Branch?

16          A. No, I didn't.

17       310   Q. And that Witness 24 thought that Mr. Corrigan could have  
18          lifted the phone to Mr. Fitzsimons at any stage to talk to  
19          him about any matter?

20          A. If you are going to ask me questions about things I don't  
21          know about Mr. Corrigan, we could be here a long time.

22       311   Q. OK. Well, just passing on from that. Is the substance of  
23          your evidence that because of Mr. Harnden's book and  
24          conversations with him and what one or two people told to  
25          you, you decided there was a pattern and wrote the opinion  
26          piece?

27          A. Yes.

28       312   Q. And you have no evidence, obviously, to support it, as  
29          such?

30          A. Yes.

1 313 Q. You have no documents, notes or nothing to produce in any  
2 way to support your opinion?

3 A. That is correct.

4 314 Q. And would you accept that there is, in fact, likely to be,  
5 or perhaps is - I don't know what you are going to  
6 concede - a very considerable amount of evidence which  
7 would suggest that these operations that you write about,  
8 weren't compromised by a mole?

9 A. The -- I have said, and I will repeat, that I have received  
10 many communications, both at the time and further  
11 communications followed last week, saying that there was a  
12 mole and that my assertions were correct, and, without  
13 exception, everyone who has contacted me about this,  
14 without exception, has said that the revelations about  
15 Dundalk were necessary.

16 315 Q. Are you in a position to talk about last week's revelations  
17 to the Chairman?

18 A. Well, I got one revelation -- well, it was -- it was  
19 third-hand, it was third-hand.

20 316 Q. Third-hand?

21 A. And I don't think -- that would muddy waters. I don't  
22 think anything would be gained by that.

23 317 Q. Yes. Did you know that, the week before the murders,  
24 Superintendent Buchanan thought they were being followed  
25 back across the border from Dundalk?

26 A. No, I didn't. I might have heard that, but at the moment  
27 that you are asking me, I am unaware of that.

28 318 Q. Mr. Harnden wrote in his book that there was an IRA man  
29 with a CB radio watching them leave the station. Do you  
30 remember --

1 A. I remember reading that, yes.

2 319 Q. He also wrote there was technical information. Were you  
3 privy to either of those two pieces of information at all?

4 A. Well, we have said that Harnden said in his book there was  
5 a man with a CB radio. I was aware of the allegation. I  
6 actually say and feel -- I found it unconvincing, but that  
7 is all, that was my suspicion at the time, that was my  
8 feeling.

9 MR. MCGUINNESS: Thank you, Mr. Myers.

10

11 CHAIRMAN: Now, Mr. Coffey.

12

13 MR. COFFEY: Yes, Mr. Chairman, I intend to cross-examine  
14 Mr. Myers. I don't know if you wish me to proceed now or  
15 to wait until 2 o'clock?

16

17 CHAIRMAN: Well, now, how long do you think you will  
18 require for your cross-examination?

19

20 MR. COFFEY: I don't want to limit myself, Mr. Chairman,  
21 but it could be lengthy.

22

23 CHAIRMAN: No, without doing so. It will be lengthy, will  
24 it?

25

26 MR. COFFEY: Yes, I would certainly want to reserve my  
27 position on that.

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29 CHAIRMAN: Yes. All right. So I am not confining you to  
30 anything.

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MR. COFFEY: I am obliged.

CHAIRMAN: Mr. Hayes, do you have any views about that? I know we have two witnesses scheduled for this afternoon.

MR. HAYES: There are two witnesses scheduled for this afternoon. I appreciate, also, that Mr. Myers has been here before, and to ask him to come back again might be excessive, and I also appreciate that, on the previous occasion, Mr. Coffey expressed some concerns about a delay in the ability to cross-examine at the time that Mr. Myers first gave his evidence, and I don't know what view he might have in relation to any further --

CHAIRMAN: Do you have any view in relation to the two officers who are giving evidence this afternoon? Will they be very lengthy.

MR. HAYES: Mr. Valentine is taking them. He thinks they could be reasonably lengthy themselves. It might be a thing, perhaps, if, on this occasion, you were to break for not a full hour at lunch.

CHAIRMAN: Yes.

MR. HAYES: Resume slightly earlier, and perhaps take the other witnesses in the middle of the afternoon.

CHAIRMAN: Yes. Would it suit everybody else concerned if

1 we broke until a quarter to two instead of 2 o'clock and  
2 then resumed the cross-examination of Mr. Myers? Has  
3 anybody any objection to that?

4

5 MR. COFFEY: No objections.

6

7 CHAIRMAN: And we will continue this afternoon.

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9 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

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**THE TRIBUNAL CONTINUED AFTER LUNCH AS FOLLOWS:**

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CHAIRMAN: Ladies and gentlemen, sorry to keep you waiting,  
but it was very necessary.

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MR. HAYES: Are we to resume, Chairman, then, with

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Mr. Myers?

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CHAIRMAN: We are going to resume with Mr. Myers, but I

11

just want to -- Ms. Crawford and Mr. Valentine are going to

12

come in now in a moment --

13

14

MR. HAYES: Very good.

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16

CHAIRMAN: -- and make some announcement about it.

17

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MR. HAYES: Very good.

19

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MR. VALENTINE: Chairman, just before you resume with

21

Mr. Myers, Witnesses 64 and 65 are present, and they are

22

accompanied by their solicitor, Ms. Dorcas Crawford, from

23

Edwards & Co. in Belfast. Given the likelihood that

24

Mr. Myers will continue for some time, they have agreed to

25

return on another day. One of them travels a lot and it

26

may be -- it is quite difficult for him, but he has agreed

27

to make himself available on another day, likely to be in

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late November or early December, and obviously the Tribunal

29

is very grateful to these individuals for travelling down

30

today and very apologetic for the circumstances that have

1           risen, but Ms. Crawford has confirmed they will make  
2           themselves available.

3

4           CHAIRMAN: Ms. Crawford, thank you very much for being  
5           here, and I am most grateful to both these witnesses, your  
6           clients, for making themselves available, and I am sorry I  
7           have to mess them around because the previous witness is  
8           taking rather longer than we had first intended. I am most  
9           grateful to them for the way in which they are facilitating  
10          the Tribunal and for everything they have done for us and I  
11          assure them of my great sorrow that they have been put to  
12          more inconvenience, but I am deeply grateful to them and  
13          I'd appreciate if you'd tell them that.

14

15          MS. CRAWFORD: Thank you, Sir.

16

17          CHAIRMAN: Thank you very much, Ms. Crawford. Well, now,  
18          that means, then, ladies and gentlemen, we will not have  
19          two further witnesses this afternoon, and we will conclude  
20          the cross-examination and re-examination of Mr. Myers and  
21          that will finish the day's proceedings. So, Mr. Myers, if  
22          you would very kindly come back to the witness-box.

23

24          MR. McGUINNESS: Sorry, Chairman, just before Mr. Coffey  
25          commences, there is one matter of importance that I  
26          neglected, myself, to deal with with Mr. Myers, and it's  
27          only one question.

28

29          CHAIRMAN: All right.

30

1 MR. McGUINNESS: It's a matter of some public significance,  
2 perhaps.

3

4 THE WITNESS CONTINUED TO BE CROSS-EXAMINED BY

5 MR. McGUINNESS AS FOLLOWS:

6

7 320 Q. MR. McGUINNESS: Mr. Myers, last week, I think you asserted  
8 that a member of the Garda Siochana was prosecuted for  
9 passing information about the murder of the British  
10 Ambassador to the IRA and that he was convicted?

11 A. Yes.

12 321 Q. My instructions are that no member of An Garda Siochana was  
13 ever charged or convicted in relation to either passing  
14 information to the IRA or in connection with the murder of  
15 the British Ambassador, do you accept that?

16 A. No, I don't. He was -- it was not before the murder; it  
17 was after the murder. He was convicted -- he appeared in  
18 Kilmainham courthouse - I can't remember his name because I  
19 didn't check it up - with giving information about the  
20 investigation into the murder, and he admitted, in  
21 Kilmainham courthouse, that he had given information about  
22 the murder to the IRA -- I beg your pardon, about the  
23 investigations.

24 322 Q. I think you may be confusing the person with somebody who  
25 gave information not to the IRA but to other intelligence  
26 services of another country in 1972, a Mr. Crinnion?

27 A. Garda Crinnion, I am not talking about Garda Crinnion,  
28 whose agent was Mr. Wyman, if I remember correctly.

29 323 Q. And accordingly, if you are maintaining the suggestion, I  
30 want to ask you, who was convicted of this, as you have

1 described it?

2 A. He -- I have actually written about this in a column in *The*  
3 *Irish Times* about eight years ago, and I didn't think I was  
4 going to be asked about this, but my memory is that he  
5 appeared in Kilmainham courthouse some months after the  
6 murder of the Ambassador, and he was given, as I said in my  
7 piece, a conditional discharge by the Court.

8 324 Q. My instructions are that you are incorrect, but it's  
9 irrelevant to the Chairman's inquiry in relation to the --  
10 Breen and Buchanan. I just wanted to correct that. Thank  
11 you.

12 A. Okay.

13

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

15

16 325 Q. MR. COFFEY: I appear on behalf of retired Sergeant Leo  
17 Colton. And I just want to start the cross-examination, if  
18 I may, by asking you, in March of 2000, were you a staff  
19 member of *The Irish Times* or were you on a contract?

20 A. No, I was a staff member. May I know your name, please,  
21 Sir?

22 326 Q. My name is Eamonn Coffey, junior counsel on behalf of  
23 Mr. Colton.

24 A. Thank you.

25 327 Q. You were a staff member?

26 A. A staff member of *The Irish Times*.

27 328 Q. And did you determine how often you wrote a piece for the  
28 *Irishman's Diary*, or was it a daily piece that you wrote?

29 A. It was four columns a week.

30 329 Q. Four columns a week?

1 A. Yes.

2 330 Q. And the days that you didn't write, did any other member of  
3 staff fill that space?

4 A. Not one nominated person; it would be a different person  
5 according to the preference of the news desk.

6 331 Q. And what was the time schedule for you personally from one  
7 article to the next?

8 A. How long in advance of the publication would I write?

9 332 Q. Yes.

10 A. It would normally be around a day or so. I mean, that's to  
11 say, it wouldn't -- I wouldn't have written it at, say,  
12 seven o'clock the night before. It would normally be in  
13 perhaps as much as 24 hours before it appeared, just for,  
14 simply, logistical reasons. That particular page, the  
15 letters page in those days, and I don't know what it would  
16 be the case now, but there was a tradition of setting the  
17 letters page a full day before publication.

18 333 Q. And did you write to a set number of words or were you at  
19 liberty as to the size of the article on any one occasion?

20 A. 925 to 930 words was the established.

21 334 Q. Okay. And were you at liberty to choose any subject that  
22 you wished to write upon?

23 A. Yes.

24 335 Q. And I take it, then, that if you got -- if I can rephrase  
25 it; this particular article apropos the alleged mole in  
26 Dundalk, was that a more serious topic than might otherwise  
27 be a topic written by you?

28 A. Yes. I mean, I had a wide range of styles and some would  
29 be quite light-hearted and some would be rather more  
30 serious, yes.

1 336 Q. And I take it that on a serious issue like this, accuracy  
2 and confirmation of facts would be essential, would I be  
3 right?

4 A. Yes, I'd agree with that, yes.

5 337 Q. And would you take time, if necessary, to, even to the  
6 point of postponing a particular article of a controversial  
7 nature, in order to satisfy yourself as to the accuracy of  
8 any facts or --

9 A. Yes, I mean, just to put you in the picture: Merely  
10 because something appeared, say, on a Wednesday, didn't  
11 mean that I'd only be working on it on a Monday. I might  
12 be working on a subject for several days. And this was  
13 certainly the case for this particular column. It wasn't  
14 generated on the day I wrote it.

15 338 Q. I accept that. So we know from last week's evidence that  
16 you had written an article sometime in November of 1999 on  
17 the Toby Harnden book and the allegations contained  
18 therein?

19 A. Yes.

20 339 Q. And I think, in fairness, also, you then indicated that in  
21 that period between November '99 and March 2000, the  
22 gestation for this March article was in being, is that  
23 correct, in that period?

24 A. Yes.

25 340 Q. And you can't be precise as to how long prior to the  
26 publication in March you decided to write a further  
27 article, am I correct in that?

28 A. Well, it would have been within the previous week or so. I  
29 know it was in gestation for several days because it was --  
30 yeah, because it was.

1 341 Q. Now, in the course of your evidence this morning, you  
2 indicated that, in fact, you initiated contact with your  
3 garda source for this particular March 2000 article, isn't  
4 that correct?

5 A. Yes.

6 342 Q. And can you indicate, in broad terms, when you first came  
7 into contact with your garda source?

8 A. No -- I mean, it's not that I am withholding it from you.  
9 I genuinely don't know.

10 343 Q. Well, can you indicate, by reference to articles, whether  
11 it was one article or several articles that he may have  
12 been of assistance to you?

13 A. He wasn't of assistance to me very often. What he was, was  
14 a person who would contact me and say, "That was right.  
15 That was spot on."

16 344 Q. Can we take it, or can you inform the Tribunal if your  
17 garda source was a member of the Gardaí in 1985 at the time  
18 of the --

19 A. Go on --

20 345 Q. -- the cash-in-transit ambush resulting in the murders of  
21 the four RUC officers?

22 A. Yes, I'd say he was.

23 346 Q. And obviously, then, he was in service for all the other  
24 incidents that are the subject of your article?

25 A. Well, since the time span goes from 1985, I can't remember  
26 the time, the date of the last event...

27 347 Q. Well, 1989?

28 A. That's the final one, the Breen and Buchanan.

29 348 Q. Yes.

30 A. But I also made an allegation about Tom Oliver, which

1           proved not to have been correct, according to the evidence  
2           presented here, which obviously I am inclined to respect.

3       349   Q. That's July 1991?

4           A. 1991?

5       350   Q. Yes.

6           A. I am unable to give you a time when my informant left the  
7           guards.

8       351   Q. Oh, no, but, in any event, again, in the course of your  
9           evidence this morning, you have said that the murders of  
10          Breen and Buchanan were of interest to you, that you had  
11          followed the investigations, I take it, and...

12          A. They were of interest to me, yes.

13       352   Q. And can I ask you, did you contact your garda source at  
14          that time when you were, if you like, furthering your own  
15          knowledge as to the background of the two -- the murder of  
16          the two men?

17          A. I don't recollect at the time having done so. That's all I  
18          can say. I don't recollect having done so.

19       353   Q. And can you explain to the Tribunal if the contact with  
20          your garda source sometime in advance of the March 2000  
21          article, was the first time you had contacted him  
22          specifically relating to the Breen/Buchanan murders?

23          A. No, because I have already told you I don't remember  
24          whether I had contacted or spoken to him at all about the  
25          Breen and Buchanan murders on any previous occasion. I  
26          mean, I cannot say that that happened. I cannot say that  
27          it happened around the time of the publication of the book  
28          or didn't, or the time of the murders themselves. My  
29          instinct is that I hadn't asked him about that, about those  
30          murders, before I began to make the inquiries sometime

1 before the publication of the article in question.

2 354 Q. Now, in preparation for the article, can you indicate to  
3 the Tribunal how many times you might have spoken or  
4 liaised with your garda source?

5 A. It was on more than one occasion. It wouldn't have been  
6 more than three, so it would have been two to three  
7 occasions. At the utmost, four, but I'd be more inclined  
8 to say three.

9 355 Q. And with regard to the ex-IRA man, can you indicate to the  
10 Tribunal how many times you might have --

11 A. I had two conversations with him.

12 356 Q. Two conversations?

13 A. I don't want to mislead you. I am just saying I believe it  
14 was two.

15 357 Q. Now, did either the garda source or the ex-IRA man furnish  
16 any documentation to you in support of their allegations?

17 A. None whatever.

18 358 Q. Did either man furnish any names of people who might be  
19 able to corroborate any of the allegations made by them?

20 A. No.

21 359 Q. So, can I say, then, or accept, that you were relying on  
22 their accuracy and their state of knowledge as --

23 A. That is correct.

24 360 Q. And in that situation, did you meet directly with either  
25 man in preparation for the article?

26 A. At that time, no.

27 361 Q. So can I take it, then, it was all telephone  
28 communications?

29 A. Yes.

30 362 Q. And on each occasion, was the telephone communication

1 initiated by yourself?

2 A. I have a memory that one phone call came from my IRA man.

3 363 Q. Can you indicate to the Tribunal at what point did the

4 garda source indicate or specifically name my client,

5 Mr. Colton, as a mole? You have indicated it might have

6 been three or four --

7 A. No, call it a maximum, probably more likely two to three.

8 I think his name came up in the first conversation.

9 364 Q. Did your garda source identify the rank of my client?

10 A. He might have done, but I don't recollect it.

11 365 Q. Would it have been of importance to you for your informant

12 to have identified the rank of this garda mole?

13 A. To tell you the truth, since there was no question in my

14 mind at the time of my being able to identify or being able

15 to publish the identity of this person, I didn't -- I don't

16 think I pressed him on the issue. It was one of these --

17 it was an abstract piece of information about an individual

18 whose identity, as far as I was concerned, was never going

19 to be disclosed.

20 366 Q. Yes, but irrespective of that, Mr. Myers, surely, given the

21 specific allegations that were given to you by these

22 informants, particularly the garda informant, wouldn't it

23 have been important to establish the rank and the status of

24 this alleged garda mole?

25 A. Yeah, it would have been. And I'm not saying I didn't.

26 What I'm saying is, in the way I have remembered it, I

27 don't recall the rank being emphasised. That's all I can

28 say. It wasn't an issue of the rank being in the foremost

29 of my memory of the way the conversation went.

30 367 Q. Can we take it that your garda informant was quite clear

1           that Mr. Colton, at all relevant times, that is from 1985  
2           to 1991, was stationed in Dundalk Garda Station?

3           A. No, he didn't say anything of the kind. He said he had  
4           been posted away from --

5       368   Q. Sorry?

6           A. He said he had been posted away from Dundalk.

7       369   Q. No, I am asking you did your garda informant inform you --

8           A. Okay, I understand the question. Forgive me for  
9           misunderstanding that. No, he did not say that he was in  
10          Dundalk Garda Station throughout that entire time.

11       370   Q. Okay. Now, with regard to any confusion about one or two  
12          or even more sources, on your evidence, at all times, you  
13          are clear that your garda source was naming Mr. Colton as  
14          the garda mole?

15          A. Yes.

16       371   Q. And your article, as appears, listed at least seven -- six,  
17          seven separate specific allegations, each allegation linked  
18          to the garda mole. At a time when you were writing your  
19          article, you believed there was only one mole and that was  
20          Mr. Colton?

21          A. I believed there was only one mole that those allegations  
22          referred to. I mean, I didn't actually think that there  
23          could only ever have been one mole in Dundalk, but I'm just  
24          explaining the answer. At that point, I was referring to  
25          one, but I didn't rule out the possibility of other moles.

26       372   Q. But you were relying -- taking your garda source, he named  
27          one individual: Mr. Colton, isn't that correct?

28          A. That's correct.

29       373   Q. And your IRA source was referring to a Mr. C, who,  
30          understandably to some extent, you took to mean Mr. Colton?

1 A. Yes.

2 374 Q. But at all times, at the point of preparing and writing the  
3 article, you believed Mr. Colton was the garda mole?

4 A. Yes.

5 375 Q. And when you were preparing, and I emphasise preparing, and  
6 writing this article, you were matching, I suggest,  
7 Mr. Colton against the specific allegations set out in your  
8 article?

9 A. I think that's a fair summation, yes. I can't disagree  
10 with that.

11 376 Q. Now, what independent investigations and inquiries did you  
12 make in respect of each and every allegation against the  
13 name of Mr. Colton?

14 A. Well, I didn't make any allegations against Mr. Colton.

15 377 Q. No, no, there were specific allegations made in your  
16 article, do you accept that?

17 A. Well, yeah, but they are not specific to any individual --

18 378 Q. But there are specific allegations in your article?

19 A. Yes.

20 379 Q. Relating to a garda mole?

21 A. Yes.

22 380 Q. Not named, but to a garda mole, who, one of your sources or  
23 informants tells you, is Mr. Colton?

24 A. Yes.

25 381 Q. And I'm asking you, in the course of the preparation and  
26 publication of the article, what independent investigations  
27 or checks did you make personally to check the name of  
28 Mr. Colton against each and every allegation?

29 A. I didn't make any further checks to Mr. Colton's movements.

30 I would have known of no way of doing that. It would not

1 have been within my powers to have contacted anyone to say  
2 was this man in Dundalk Garda barracks at this time, or any  
3 other barracks. So it's not within my skill-range to set  
4 about an inquiry like that.

5 382 Q. Mr. Myers, you took the initiative to ring Mr. Harnden at  
6 some point in time, and indeed to ring him in Washington,  
7 apparently, isn't that correct?

8 A. That's correct.

9 383 Q. And I take it that, in broad terms, that was to discuss his  
10 book and your article, in broad terms?

11 A. Yes, I have already told the Tribunal, I am not sure when I  
12 rang Toby Harnden, whether it was before the appearance of  
13 this column or not, I just don't know.

14 384 Q. Now, have you ever, in the course of preparing an article  
15 or a feature, had occasion to ring journalists in other  
16 newspapers, provincial journalists, or whatever?

17 A. Yes.

18 385 Q. You knew Mr. Colton was stationed in Dundalk. You knew  
19 that the specific allegations were relating to the Garda  
20 station in Dundalk, isn't that correct?

21 A. Yes.

22 386 Q. Did you consider ever ringing any journalist in Dundalk on  
23 any of these matters, with reference to Mr. Colton?

24 A. No.

25 387 Q. I must suggest to you, you are a journalist, I think, of 40  
26 years' experience, yes?

27 A. Yes.

28 388 Q. And I take it that it's just common knowledge that all of  
29 us lawyers would have gone into provincial courts, District  
30 Courts or Circuit Courts or regional sittings of the High

1 Court, in each and every court there is a journalist, maybe  
2 two or three journalists, yes?

3 A. No doubt, you are describing your world.

4 389 Q. Do you accept that or do you -- have you not gone into  
5 courts at all yourself?

6 A. I have. You are asking me to say are there always  
7 journalists in courts?

8 390 Q. No, I am not asking you -- I am asking you do you accept as  
9 a proposition that journalists, both at national and  
10 provincial level, as a matter of practice, cover court  
11 sittings?

12 A. Yes.

13 391 Q. And I am putting to you, Mr. Myers, with that knowledge and  
14 your own experience, in an effort to verify and give  
15 substance to these allegations, it was a simple matter for  
16 you to lift the phone and ring one or two provincial  
17 journalists working out of Dundalk?

18 A. But I didn't do that.

19 392 Q. Is there any reason why?

20 A. I very, very seldom ring a journalist to discuss something  
21 I'm working on. It's just not the way I operate, that's  
22 all.

23 393 Q. Mr. Myers, this is a very serious article, isn't that  
24 right?

25 A. Well --

26 394 Q. With serious allegations?

27 A. Yes.

28 395 Q. Murder? Treason? Gardaí allegedly subverting the State,  
29 and one of the primary institutions of the State, the  
30 police force, yes?

1 A. Yes.

2 396 Q. And are you saying that you didn't consider even making  
3 basic inquiries to authenticate your sources, sources who  
4 couldn't provide any documentary evidence or the names of  
5 corroborating witnesses?

6 A. It's not what I would normally have done. It's not the way  
7 journalists would normally operate, where you would ring to  
8 ask another journalist about his or her opinions on  
9 matters, or what they know. It's just not the way I  
10 operate, it's not the way I have ever operated.

11 397 Q. Is it not the basic function of a journalist to check out  
12 facts, to, where possible, verify and authenticate any  
13 alleged facts?

14 A. Okay, what we had here was an assertion by a journalist  
15 whom I --

16 398 Q. I am asking you about your garda source and your ex-IRA  
17 source?

18 A. Sorry, I am answering the question. I had three points of  
19 information, of supply of source of information. One was  
20 Toby Harnden's book, and I had read Toby Harnden's coverage  
21 of Northern Ireland and I had been impressed by it. And  
22 two: Two sources, one of the republican side and one from  
23 the Garda side, both of which I respected. At that point,  
24 I felt there was enough to make a sustainable allegation of  
25 a garda mole inside Dundalk Garda Station. Now, I wasn't  
26 making an allegation against anybody. That's a different  
27 level of proof.

28 399 Q. Mr. Myers, you had a specific name furnished to you by a  
29 garda source as to the identity of an alleged mole. You  
30 accept this article is a very serious article and the

1           allegations are very serious?

2           A. Of course the allegations are serious. I wouldn't have  
3           written the article otherwise.

4       400   Q. And I'm asking you, with all due respect, you still haven't  
5           given an answer as to why you wouldn't, in the absence of  
6           any independent documentary or witness corroboration, why  
7           you wouldn't take it upon yourself, where possible, to  
8           check out alleged facts linking Mr. Colton with these  
9           allegations?

10          A. What independent confirmation could I possibly have got?

11       401   Q. Well, for instance, when you were writing the article, you  
12           have already acknowledged that you had Mr. Colton in mind,  
13           yes?

14          A. Yes.

15       402   Q. Now, I don't wish to, if you like, retrace ground that has  
16           previously been covered, but for the purpose of this issue  
17           and by way of illustration, it was a simple matter to find  
18           out if and when Mr. Colton was ever transferred from  
19           Dundalk to some other station, wouldn't that be a point of  
20           reference to establish a basic fact?

21          A. If your argument is --

22       403   Q. No, I am asking a question.

23          A. Okay. If the basis upon that question is that I behaved  
24           unprofessionally, all I can say is that the way I would  
25           normally operate. I would very seldom seek higher levels  
26           of proof for an allegation, than those which I had already  
27           acquired in the process of my inquiries. Like, I spoke to  
28           one former terrorist who was knowledgeable and one former  
29           garda officer who was knowledgeable and one journalist who  
30           had written a much-acclaimed book on Northern Ireland. I

1 felt, on those three bases, that I had the grounds for  
2 saying there was a mole in Dundalk Garda Station.

3 404 Q. You don't seem to be quite clear which source, either the  
4 garda or the ex-IRA man, was the source of each and every  
5 allegation, isn't that correct?

6 A. That's correct.

7 405 Q. Now, I'm asking you, here is a situation where you can,  
8 with a measure of ease, establish a fact, independent of  
9 those sources, so as to give strength and corroboration to  
10 your sources. You say you never do that, as a matter of  
11 practice?

12 A. You are saying to me, as far as I understand the question,  
13 that it would have been easy for me to find out  
14 Mr. Colton's movements, you are saying that?

15 406 Q. No, I am not asking about -- I am asking about a specific  
16 allegation that, following on the murder of Tom Oliver, the  
17 rogue garda, the mole garda was transferred?

18 A. Okay, that's the first time you have actually asked me that  
19 question relevant to the series so far, about Tom Oliver.

20 407 Q. I have asked it earlier, but go on?

21 A. Sorry, I didn't hear you make any mention of Tom Oliver in  
22 the sequence of questions about whether or not I should  
23 have checked up with journalists in -- or other people in  
24 Dundalk.

25 408 Q. Mr. Myers, it's very much in your article, and that  
26 question of the rogue guard being transferred follows on  
27 immediately after, and part of the Tom Oliver discussion in  
28 your article?

29 A. No doubt.

30 409 Q. And you know that?

1 A. Sorry --

2 410 Q. You know that, don't you, Mr. Myers?

3 A. No, no, first of all, I don't want to be subject here to  
4 the kind of cross-examination which I am concealing  
5 evidence. I am concealing nothing. I am being as  
6 forthright and as open as I possibly can.

7 411 Q. Yes.

8 A. So, I'd much rather you don't take that tone to me as if I  
9 am here concealing something. I am not. It's much easier  
10 for me to write columns, which don't get me into trouble,  
11 which don't cause controversy, than for me to do this. So,  
12 please don't question me as if I am in some way or other  
13 being evasive. I am not being evasive. Now, you have just  
14 mentioned Tom Oliver in connection with the earlier  
15 question. The Tom Oliver was not the person I was thinking  
16 about in your earlier questions; I presumed you were  
17 talking about Breen and Buchanan. Breen and Buchanan was  
18 that -- it was their murder which sparked my original  
19 interest in this column. I did mention Tom Oliver, I  
20 accept that, but that was not part of the question that you  
21 were asking.

22 412 Q. Mr. Myers, look, we can go round in circles, if you wish,  
23 but I made and asked a specific question. But in any  
24 event, moving on, I'm suggesting to you, as a basic tenet  
25 of professional journalism, there is points of alleged fact  
26 that you can test of your own independent will. Now, are  
27 you acknowledging that failure to do that is  
28 unprofessional?

29 A. No, I had -- we have already admitted the deficiencies in  
30 the article, but, to my mind, I had satisfactorily proved

1 to myself that there was a mole in Dundalk Garda Station...

2 413 Q. Mr. Myers, please deal with the specific points I am  
3 raising now. The specific point is, an allegation in your  
4 article that following the tragic and awful murder of Tom  
5 Oliver, the rogue/mole guard was transferred, isn't that  
6 correct?

7 A. Yes.

8 414 Q. Now, in a situation where you are given information about a  
9 garda source, with no documentation, no independent  
10 corroboration by way of witnesses and allied with a  
11 specific name as to who the mole is, and very serious  
12 allegation, it behoved you, as a responsible and  
13 professional journalist, to make all serious efforts to  
14 substantiate and corroborate, where possible, by way of  
15 independent investigation and inquiry, each and every  
16 allegation?

17 A. Well, the Tribunal has already heard that Tom Oliver's  
18 murder occurred when the two gardaí -- let me finish the  
19 answer -- were posted elsewhere, so, in that, on that case,  
20 it's quite clear I was in error. I have never, ever  
21 concealed the fact that I have been in error, and in that  
22 case, in that regard, I have been professionally not as  
23 scrupulous or meticulous as I might have been, I accept  
24 that.

25 415 Q. And I'm suggesting to you, Mr. Myers, just following basic  
26 professional journalistic practices would have disclosed  
27 that erroneous information that one or other of your  
28 sources conveyed to you?

29 A. That's not the way journalists work. If you are told  
30 something in good faith, and if you remember, I believed

1 two different sources were talking about the one person, so  
2 I had been led to believe that they were both talking about  
3 the one person, and, in that state of mistaken perception,  
4 I wrote my column. Now, you can say that I was  
5 unprofessional in writing what I wrote, and I'm not going  
6 to argue with you. You do seem to want to make this point  
7 again and again and again. I did the best I could in the  
8 circumstances that I could. It is not normal to ring the  
9 guards and find out the movements of individuals in the  
10 Force, it's just not what is done.

11 416 Q. In the knowledge that you now accept, apparently, the error  
12 that my client was transferred following the murder of Tom  
13 Oliver, does that cause you to question the accuracy of  
14 your source, the garda or the ex-IRA source?

15 A. It causes me to question my own *modus operandi* because I  
16 should not have accepted the assertion that 'C' referred to  
17 your client -- sorry, you are shaking your head at me...

18 417 Q. I am asking you in the context of where you are  
19 specifically told by a garda source Mr. Colton is the rogue  
20 guard, you don't have to go near Mr. C. You have been  
21 given a specific name.

22 A. Yeah, okay, I'll just explain to you. Allegations that  
23 were made against C were, in my mind, and I have said this  
24 previously, were, in my mind, confused or conflated with  
25 the name Colton, so when I was told the name C, I thought  
26 it referred to Colton; therefore, I thought all of the  
27 allegations referred to Colton.

28 418 Q. I'll ask the question again, Mr. Myers: In the knowledge  
29 that you now know that your source, whichever source it  
30 might have been, the guard or the ex-IRA man, was wrong

1           when they said that Mr. Colton or Mr. C was transferred  
2           following the murder of Tom Oliver, does that cause you to  
3           question the accuracy and the reliance you could place on  
4           that source?

5           A. I am sorry, I have to apologise to you. You have made that  
6           point and I haven't answered it as I should have done.  
7           Forgive me, I do understand why you have repeated the  
8           question. Yes, I think that's a reasonable point to make,  
9           that I must have raised some doubt about my source, whether  
10          it's A or B. Forgive me for taking so much of your time,  
11          but you did persist.

12         419 Q. I may not have expressed myself clearly, and, if I didn't,  
13           I apologise equally, but in any event, moving on to the  
14           next point. Again, it seems to be accepted that you now  
15           know that both my client and Mr. C were retired at the time  
16           of Tom Oliver's murder. Does that fact again cause you to  
17           doubt or to question the accuracy of your sources?

18          A. Well, I'm not avoiding the question. What I have to say is  
19          that I must accept responsibility myself for failing,  
20          perhaps, to understand them or question them rigorously,  
21          and that's with reference to your client, not to the  
22          existence of a mole, but as to your client, the  
23          question-mark must be raised, and fairly raised, over the  
24          validity of what I was saying. My problem is, and I have  
25          said this before, is, having confused the two in my own  
26          mind, I confused myself as well. So I know you are shaking  
27          your head there because you are failing to understand what  
28          I'm saying. That's because I am not clear in my own mind  
29          about things. I don't have a clear memory of these things,  
30          the two became conflated in my mind. And if I was

1           mystified then, I remain mystified now. Yes, you are right  
2           to raise the question-mark over the factual integrity of  
3           what I was told.

4       420   Q. Can I just accept a simple answer, please, Mr. Myers: Does  
5           the inaccuracy as to the fact that my client was allegedly  
6           a serving member of An Garda Siochana as of the date of  
7           Mr. Oliver's murder is inaccurate, and therefore, it poses  
8           another question-mark, yet again, over your sources?

9           A. Okay, the reason my question is complex -- or my answer is  
10          complex, is that I might have misunderstood what they were  
11          saying to me. So they might have been actually telling me  
12          a very clear truth that was not contained in my column.  
13          They might not have said that Tom Oliver was killed by --  
14          as a consequence of IRA's mole's activities. That's all  
15          I'm saying to you.

16       421   Q. I presume that when you spoke with each of your sources,  
17           you took contemporaneous notes of what they were telling  
18           you?

19          A. Well, notes would be a rather more -- you see, journalists  
20          don't write notes in the way that people see in films.

21       422   Q. Leave journalists -- you yourself, Mr. Myers, tell us what  
22           you'd do?

23          A. Okay, I'll talk about myself. I don't write notes. There  
24          will be words, scribbles, on pieces of paper which I'll put  
25          aside, and, as I have said already, I don't keep back those  
26          pieces of paper. So it wasn't a formal rigorous,  
27          scientific accumulation of evidence as you might expect.

28       423   Q. Are you asking the Tribunal to accept that an article  
29           making this type of serious allegation is based on  
30           scribbles and an occasional word here or there, is that

1 what you are asking the Tribunal to accept?

2 A. No, it's not. I am asking the Tribunal to accept that I  
3 wrote a column, having spoken to an IRA man with good  
4 contacts and a senior member of the guards and a  
5 journalist, and they -- oh, sorry, the journalist I didn't  
6 speak to at the time; I read his book. I don't believe I  
7 spoke to him at the time. I was assured, confident that  
8 there was a mole in Dundalk Garda Station.

9 424 Q. Stick to the specific issue?

10 A. No, you asked me the question was it based on scribbles?  
11 No, it wasn't.

12 425 Q. No, the question was about Mr. Colton, at the time of you  
13 writing the article, was a serving member of An Garda  
14 Siochana who gave information leading to the murder of Tom  
15 Oliver.

16 A. With due respect, that was the previous question. The last  
17 question was: "Are you expecting the Tribunal to say that  
18 your column was based on scribbles?"

19 426 Q. They are linked, Mr. Myers, they are linked.

20 A. I am just answering the latest question, which was to do  
21 with scribbles. Not to do with Tom Oliver.

22 427 Q. Mr. Myers, I'll repeat both of them, then. I'm saying to  
23 you they are linked, and please deal with it.

24 A. Well, I just did. I just dealt with the scribbles  
25 question.

26 428 Q. And again, does the inaccuracy of the fact that you wrote  
27 an article believing that Mr. Colton was a then-serving  
28 member of An Garda Siochana as of the 19th of July, 1991,  
29 you now accept that to be inaccurate, don't you?

30 A. I do.

1 429 Q. I am asking you, does that, again, cause you concern as to  
2 the accuracy of your garda or your ex-IRA source?

3 A. Okay, I'll repeat the answer, because it's quite important  
4 that we get it absolutely plain. I am not saying that the  
5 garda who talked to me absolutely blamed the -- Garda  
6 Colton for the murder of Tom Oliver. Our main conversation  
7 was about Breen and Buchanan, and other events. Now,  
8 certainly Tom Oliver was mentioned. But I would not want  
9 to discredit all of what I was told on the basis of my  
10 assertions about Tom Oliver, which I accept, and have  
11 accepted from the first time I was here, are not based on  
12 fact. Merely because I said that this mole was responsible  
13 for the death of Tom Oliver doesn't mean that I was  
14 actually told that. It could have meant that I  
15 misunderstood what I was told. And I certainly was  
16 confident that the overall thrust of what I was told was  
17 accurate. So, I mean -- but do I acknowledge I was in  
18 error? I have always done that.

19 430 Q. And I am suggesting yet again, Mr. Myers, just basic  
20 journalistic standards would have avoided that error on  
21 your part?

22 A. Well, I don't see how I could have done a column like that  
23 at such a time when there was a terrorist war and the  
24 confirmation of movements of gardaí and what they were  
25 doing and where they were doing it, would have been very  
26 difficult to prove.

27 431 Q. I must suggest to you, Mr. Myers, that Dundalk is a  
28 provincial town, do you accept that?

29 A. Yes.

30 432 Q. You may not know this, but evidence will be given in due

1 course that Mr. Colton came as a serving sergeant to  
2 Dundalk in 1972, where he remained until his retirement in  
3 May 1991. Will you accept that, for the moment?

4 A. Of course I'll accept it.

5 433 Q. Now, I'm suggesting to you that any journalist based in  
6 Dublin, Belfast, London, could very easily make inquiries  
7 as to the service of a man in Dundalk with a rank of  
8 sergeant, basic information, any local journalist, and  
9 certainly several journalists would know that type of  
10 information; it was readily available if you went looking  
11 for it?

12 A. Yeah, but I didn't feel that the issue of Colton's presence  
13 in Dundalk, in the time you are talking about, was in any  
14 doubt. I accepted what I was told. And it is not normal  
15 to find out where members of the security forces are  
16 located or -- just, journalists don't normally do it and  
17 it's information which is very difficult to acquire.

18 434 Q. Are you telling the Tribunal that it's journalistic  
19 practice not to attempt to verify and establish  
20 independently-alleged facts, is that the standard you --

21 A. No, I am not. And you asked me not to make general  
22 references about journalists before.

23 435 Q. I'm asking you --

24 A. So I'll stick to your own principles here. I will talk  
25 about my practices. And according to my own rules at that  
26 time, I thought I had enough information to make the  
27 assertion that I had, that there was one mole in Dundalk  
28 Garda Station who had led to the successful execution of  
29 IRA atrocities. Those are the rules that I would have  
30 lived by, and I accept that they were not satisfactory.

1 436 Q. Now, if I could again refer you to the March 2000 article,  
2 and the beginning of the second paragraph -- I don't know  
3 if you have your article in front of you --

4 A. I haven't, no.

5 437 Q. Would you like a copy?

6 A. Unless we have a problem. I am more than happy to hear  
7 your words.

8 438 Q. Okay, very good, I am obliged. It reads as follows -- this  
9 is the rogue guard we are talking about now -- "*While in*  
10 *the Garda Siochana he passed vast amounts of intelligence*  
11 *to the IRA.*" And then, moving down to the next paragraph,  
12 you write as follows: "*Who can say what other damage he*  
13 *managed*" -- "he" being the rogue garda -- "*he managed to do*  
14 *while he worked with access to sensitive information?*"  
15 Now, I must suggest to you that those two sentences, taken  
16 individually and collectively, allege and infer that the  
17 rogue guard was a person who had direct access to  
18 intelligence information, isn't that correct?

19 A. Yes.

20 439 Q. And against the name of Leo Colton, what inquiries did you  
21 make as to his capacity to access intelligence information?

22 A. Well, you know that -- you already know --

23 440 Q. I am asking you about these specific -- this specific  
24 matter. Please deal with the question, yes or no?

25 A. Sorry, you are not being reasonable with me.

26 441 Q. I am, with due respect?

27

28 CHAIRMAN: I think you have asked the question, Mr. Coffey.  
29 I think the witness should be allowed to answer.

30 A. I have actually now forgotten your question. What was --

1

2 442 Q. MR. COFFEY: I am asking, what inquiries did you make to  
3 satisfy yourself that Mr. Colton was in a position to  
4 access sensitive information or intelligence?

5 A. None.

6 443 Q. Would you not have considered that of importance?

7 A. I took it on faith that the word I had been told was sound,  
8 I took it on face value.

9 444 Q. Well, evidence has been given here by several Garda  
10 witnesses, and I appreciate you have stated on a number of  
11 occasions you have deliberately not read the reports on the  
12 Tribunal, but if you would, for the moment, accept what I'm  
13 going to say, that evidence has been given to the Tribunal  
14 by very senior guards, retired Garda commissioners, Chief  
15 Superintendents, who spent 25, 30 years fighting subversive  
16 crime, down to Special Branch detectives, who, again,  
17 concentrated on fighting subversive crime, that uniformed  
18 guards had virtually no input into intelligence issues on  
19 matters?

20 A. Sorry, is that the question? Do I accept that?

21 445 Q. Do you accept --

22 A. Of course, I would never argue with an assertion like that.

23 446 Q. It's been -- evidence has been given here that if a  
24 uniformed member, including uniformed sergeants like my  
25 client, if they were engaged in a search-party looking for  
26 firearms or to assist in the arrest of a suspected IRA or  
27 other subversive, that it was on a need-to-know basis; they  
28 would literally just be told a short time prior to going  
29 out on the search party, do you accept that? You won't  
30 question that, I take it?

1 A. It would be foolish of me to make any assertion about  
2 operational procedures of the guards, very foolish.

3 447 Q. That's been the consistent evidence of very senior guards  
4 and right down the ranks to plain-clothes gardaí fighting  
5 subversives. And I'm putting, again, to you, Mr. Myers,  
6 that that's another point of inaccuracy from your  
7 informants, be it the IRA man or the garda. Does that  
8 cause you further concern as to their accuracy and their  
9 reliability as a source?

10 A. It causes me concern if the world were so simple as to mean  
11 that no one in a Garda station ever learns things that he  
12 shouldn't learn. It is the way -- it is the human way that  
13 people, that information does get leaked. So merely  
14 because you are not in the formal loop, doesn't mean you  
15 are not in any loop at all. It doesn't mean you don't get  
16 information.

17 448 Q. Well, just taking your own words, the rogue guard "*worked*  
18 *with access to sensitive information,*" but it wasn't just  
19 isolated, "*He passed vast amounts of intelligence to the*  
20 *IRA.*"

21 Now, how do you reconcile that with the evidence of  
22 numerous guards to the effect that uniformed men, including  
23 uniformed sergeants, were, at best, on the extreme  
24 periphery of intelligence?

25 A. Well, my experience of --

26 449 Q. No, with regard to your informants and their reliability  
27 and their accuracy?

28 A. Yes, and the answer is this: My experience of members of  
29 the Garda Síochána is that sergeants do get information and  
30 they do get intelligence which is not officially theirs,

1           that they have -- many guards have told me, of uniformed  
2           rank, have given me information about terrorism and  
3           subversion, so it's not at all unusual for a man in uniform  
4           to have access to intelligence which would be useful to  
5           terrorists.

6       450   Q. So you take issue, then, with the evidence so far given to  
7           the Tribunal --

8           A. Not at all, not at all. They were not -- a uniformed  
9           sergeant might not be in official receipt of information,  
10          but he would, nonetheless, get it. That's the human way.  
11          I mean, that's -- all human groups will talk and  
12          information will be let slip, casually and informally; it  
13          happens.

14       451   Q. Would it surprise you, Mr. Myers, that, in fact, Mr. Colton  
15          came under examination by the same guards who questioned  
16          you, that is Chief Superintendent Camon and Detective  
17          Inspector Kirwan; are you aware of that?

18          A. I would have thought it was the logical thing to have  
19          happened, yes.

20       452   Q. And in the course of that investigation, they had occasion  
21          to examine his work-record and the calibre of work he was  
22          doing throughout his time in the Force, and expressed  
23          themselves that he was not in a situation of access to  
24          information of intelligence?

25          A. Well, you are repeating what you said earlier on from a  
26          different source, and I'm not going to dispute that. How  
27          could I?

28       453   Q. So, what is the basis, then, of the vast amounts of  
29          intelligence that Mr. Colton passed on?

30          A. It is a normal situation where somebody is in a front-line

1           Garda station like Dundalk, that there will be a pool of  
2           information shared by all gardaí. They are not --  
3           uniformed gardaí are not isolated from the Special Branch  
4           or detectives. The information is exchanged. They have  
5           the *Ogra* files on the walls. The information -- the wanted  
6           men will be going around, and there is a pool of  
7           intelligence which I would not have access to normally, but  
8           uniformed members of the Force would, so it's not as if  
9           there is a hierarchy of men and women in civilian clothes  
10          who alone have access to intelligence. It doesn't work  
11          like that.

12        454    Q. Can you give a specific instance of sensitive intelligence  
13           information that was passed on?

14           A. About Colton?

15        455    Q. Yes, by Mr. Colton?

16           A. Well, in the context, it was the Breen and Buchanan murder  
17           which was the trigger to my inquiry, and again, I don't  
18           want to mislead the Tribunal, but I would have thought that  
19           that's what we were talking about in the first conversation  
20           I had with my garda source.

21        456    Q. Is there any other answer -- do you want to elaborate on  
22           that? This morning, you said that the source for garda  
23           involvement in the Breen/Buchanan murders was Toby  
24           Harnden's book?

25           A. Sorry, that's not a source in the sense that you and I  
26           mean; that's an open access thing. Forgive me, we are  
27           talking at different levels, we are using words  
28           differently.

29        457    Q. You didn't indicate this morning that the garda informant  
30           was a source of information to you linking Mr. Colton to

1 the Buchanan/Breen murders?

2 A. What I have done throughout is, I have never asserted  
3 something that I didn't believe to be so. I have never  
4 asserted that the garda talked to me about Breen and  
5 Buchanan, but the initial conversation was about Breen and  
6 Buchanan, so my instinct tells me that it was Breen and  
7 Buchanan and their fate, which was, you know, central to  
8 the role of the mole in Dundalk Garda Station.

9 458 Q. Mr. Myers, any other specific allegations of sensitive  
10 information being passed by Mr. Colton?

11 A. You know, I'm not evading the question. I have told you  
12 before, because of the conflation -- and other counsel too,  
13 because of the conflation in my own memory at the time of  
14 the intelligence given to me by two different sources, the  
15 two Cs, means that I do not have the ability to say the  
16 former terrorist told me A and the former -- or the garda  
17 told me B. I cannot, in all honesty, give you that kind of  
18 clear answer. I know you want it, and I'd love to be able  
19 to give it, but it's not within my power.

20 459 Q. So, was there any facts, established facts, to base this  
21 article?

22 A. Well, the facts that we all know about, that a series of  
23 terrorist events had occurred in which successful terrorist  
24 operations were conducted, that Toby Harnden, using  
25 information which I believed to be reliable, had made  
26 assertions in his book, and I had two separate individuals  
27 whom I trusted who had given me information about terrorist  
28 operations using a mole in Dundalk Garda Station. Now, I  
29 don't know whether you would regard these as facts, but  
30 they are the assertions that I used to write my column.

1 460 Q. They are undoubtedly assertions, but what are the facts  
2 underpinning those assertions?

3 A. Well, I always said that I don't have evidence, I have  
4 always said that, and, if you like, what -- my assertions  
5 are based on hearsay, and I have never denied that, either.

6 461 Q. Well, would you accept that your article presents itself as  
7 a series of established facts?

8 A. We have already gone over this.

9 462 Q. I am asking on behalf of my client, Mr. Myers?

10 A. Yes, but I have already told the investigating gardaí that  
11 I phrased myself too strongly, and you will see that in the  
12 answer that I gave, I think in the second set of questions  
13 and answers. Were I to write the column again, I would not  
14 use such strong language.

15 463 Q. Were you to write the column again, would you carry out  
16 more independent investigations by yourself?

17 A. You know, if there is a single column I have ever written  
18 that I wouldn't revisit --

19 464 Q. I am asking you about this particular column --

20 A. I am answering your question in the way that I want to. I  
21 know I might not be necessarily satisfying your client's  
22 needs, but I have my good name to defend here, and, you  
23 know, you are here, being paid to be here, and I am free of  
24 charge, there is a difference, and I have a reputation to  
25 maintain, and I am not going to sacrifice that reputation  
26 merely because it suits your needs. So there is a  
27 difference here, and I have a reputation that I have to  
28 maintain and leave this Tribunal with. You -- nothing will  
29 be said about you, but it can be said about me. So I have  
30 to be careful with my words.

1 465 Q. Well, perhaps if you had been careful with your words --

2 A. Well, there we go again --

3 466 Q. -- in the presentation of this article, you wouldn't be  
4 here?

5 A. Are you inviting me now to do more damage to myself? I  
6 have always been critical of my failure to do -- to achieve  
7 the outcome that I would have desired. I have always said  
8 I made a mistake in conflating the two Cs. How many more  
9 times do I have to repeat this?

10 467 Q. Well, you are here because you have written this article in  
11 the style and in the way that you did and with regard to  
12 the inquiries or lack of inquiries that you carried out in  
13 preparation for the article.

14 A. Am I meant to -- what am I meant to say to that? You have  
15 just been repeating to me what I have been saying since the  
16 very first question that I received here last week.

17 468 Q. Now, with regard to the question, then, of distinguishing  
18 comment from fact in the article, can you point out where  
19 in the article you alert the reader to the fact that this  
20 is a piece of commentary?

21 A. Well, we know that I haven't got the column in front of me.  
22 I suspect, because you have asked the question, that I have  
23 not made it quite plain that this is a commentary.

24 However, it is *An Irishman's Diary*; it is not a news page.  
25 It's a commentary piece, and I was expected to write  
26 commentary pieces and pieces that were not based so much on  
27 hard fact. That was the area of the newspaper I was  
28 operating in. So it was not a court report. It wasn't a  
29 police report. It wasn't a Garda report. It wasn't a news  
30 report. It was an assessment using my reputation and

1           whatever facts I had accumulated, however undeserving those  
2           facts were and however uninteresting my reputation might  
3           be.

4       469   Q. It was a piece of journalism that was sufficient to  
5           motivate a number of prominent politicians, both in this  
6           jurisdiction and indeed Northern Ireland, to write to the  
7           Garda Commissioner, and in one case to the then-Taoiseach,  
8           about your particular article?

9       A. That's correct, because I wasn't speaking alone when I  
10          said -- I expressed my concern about Dundalk Garda Station.  
11          As I have said before, and repeatedly said, I had a large  
12          feedback then, I have had more feedback since, and all of  
13          the feedback has confirmed the existence of a garda mole,  
14          all of that feedback. Nobody has said: You are wrong.  
15          Everybody has said: Yes, you are right, this needed to be  
16          said. Now, I know that people who contacted me were  
17          pleased that I wrote the article. They felt it enabled  
18          some facts to come out that otherwise might not have come  
19          out. But as you have already referred to the fact, I have  
20          been a journalist for 40 years. Nothing I have ever  
21          written has caused consequence like this, and I would have  
22          assumed that the same non-consequence would have been the  
23          outcome to this article. I had no reason to believe there  
24          would be consequence one week down the line, never mind  
25          eleven years.

26       470   Q. Could it be the case, Mr. Myers, that some of the people  
27           that you say wrote approvingly to you after the publication  
28           of the article, if they were to find out that there were  
29           basic but serious errors in your article, that they might  
30           change their opinion as to the --

1 A. You'll have to ask them. All I can say is that they  
2 expressed themselves pleased that I wrote it that the time  
3 they said that there was a mole in Dundalk Garda Station,  
4 and I got more of the same last week after appearing here.  
5 So, quite clearly, people do believe there was a problem in  
6 Dundalk Garda Station, and I addressed it, and I can tell  
7 you that I'm not alone amongst journalists, believing that.  
8 Almost any security journalist I have ever spoken to said  
9 exactly the same thing about Dundalk Garda Station. In  
10 fact, I'll go so far as to say that no journalist that I  
11 have spoken to who has any knowledge of this, has ever  
12 denied there was a problem in Dundalk Garda Station, not  
13 one.

14 471 Q. And have any of your journalistic colleagues furnished  
15 evidence to you to support that?

16 A. I don't seek evidence in the way a court seeks evidence.  
17 If a journalist rings me in a kind of casual, social,  
18 professional way to have a conversation about something, I  
19 don't say, as you might, Chairman, or as you, Mr. Coffey,  
20 might: give me proof of what you are saying. If they make  
21 an assertion with sufficient strength, then I am inclined  
22 to accept it on face value, not for publication but for my  
23 own personal satisfaction, that what I have been telling  
24 was the truth. It was an attempt to tell the truth and  
25 that's -- I accept there are deficiencies in my attempt,  
26 but it was an attempt to tell the truth.

27 472 Q. Well, that's undoubtedly so, but it's a question, then, as  
28 to the accuracy and the reliance that can be placed on that  
29 attempt?

30 A. Yes, but if you accept it was done in good faith...

1 473 Q. Well, it's a question as to whether it, surely, meets  
2 accepted standards within journalism?

3 A. You know, I will repeat that I'm not satisfied with the  
4 outcome. I mean, how many times do I have to say that,  
5 yes, it was a flawed piece of journalism? I mean, do you  
6 want me to commit professional suicide? Would that satisfy  
7 you?

8 474 Q. No, what I'm saying is this, though: that, with  
9 application of accepted standards, a lot of errors and  
10 confusion could have been avoided?

11 A. Yeah, there was no precedent for this kind of column, that  
12 I am aware of, that the ordinary standards, or the ordinary  
13 rules of journalism simply didn't apply. When I was  
14 dealing with something as serious as this, and we all know  
15 that men died, and one woman, Tracy Doak, that I remember,  
16 a lot of people died -- sorry, more than one, Mrs. Gibson  
17 died too, and there was the family, three women died, so  
18 here was something that was unusual. We are dealing with  
19 the most effective, efficient, single-minded, intelligent  
20 terrorist organisation in the world at that time. For me  
21 to have written that, required a knowledge of the  
22 possibility that there would be consequences, personal  
23 consequences for me -- I'll let you finish, Mr. Coffey --

24 475 Q. Just with regard to your reliance on the ex-IRA man, what  
25 background information had you that gave you confidence in  
26 him as a source?

27 A. What background information did I have about him?

28 476 Q. Yes. You needn't -- I'm not asking you for chapter and  
29 verse, but can you indicate whether he had been seriously  
30 involved in subversive activity?

1 A. Yes, he was seriously involved in subversive activity.

2 477 Q. How long had he -- can you indicate -- had he ceased his  
3 connections with the IRA?

4 A. Now, I wouldn't be comfortable dealing with that kind of  
5 information.

6 478 Q. Well, were you -- did you ever ask either your garda source  
7 or the IRA source as to why they never volunteered any  
8 information about moles or corrupt guards prior to you  
9 making contact with them in -- sometime in the early part  
10 of 2000, possibly February or March 2000?

11 A. I mean, the former terrorist is not the kind of person who  
12 would go to the guards. The -- what is now a former guard  
13 -- the question is very fair, and I'm not trying to avoid  
14 it. It's a logical question and it's a question I would  
15 certainly ask in your case. And I think we had a  
16 conversation about it, and my recollection of the  
17 conversation isn't going to satisfy you and it certainly  
18 doesn't satisfy me. It was, I think, that representations  
19 had been made about the man, and had been ignored. But  
20 that is such a vague recollection, I would be unhappy for  
21 it to go on the record as an assertion by me. It's a vague  
22 recollection. But the question, it's almost central to  
23 this man's role in An Garda Siochana, how could he be a  
24 member of An Garda Siochana and not strenuously take action  
25 against this man? And the only person to answer that  
26 question is him, it's not me.

27 479 Q. This morning, in the course of your evidence, you indicated  
28 that when you were being interviewed in May 2000 by Chief  
29 Superintendent Camon and Detective Inspector Kirwan, that  
30 you indicated that you had a garda source but didn't inform

1           them as to an ex-IRA source, do you recall that?

2           A. Yeah, this came up this morning.

3           480 Q. Yes.

4           A. And I referred in one of the interviews, you'll see we  
5           pointed it out this morning that I referred to my sources,  
6           and I, having got an adequate explanation that it would  
7           convince me, never mind you, about why this IRA source  
8           wasn't mentioned in the course of the interview, and the  
9           only conclusion I can come to, all these years later, is  
10          that I was deliberately not mentioning him to my two  
11          visitors, but that is -- I am hazarding conjecture there.

12          481 Q. Am I correct in recalling that, in fact, you did offer an  
13          explanation by way of saying you were concerned as to his  
14          physical safety by informing the gardaí as to this IRA  
15          source?

16          A. I'm sorry if I gave you the impression that I was making  
17          that assertion baldly. I think that was a hypothesis, but  
18          I am not satisfied with the recollection I see, you know,  
19          transcribed by my visitors, so I don't suspect you to be.  
20          I am surprised by the absence of a republican source in my  
21          -- the transcription of the conversations, and I can only  
22          hazard the conjecture that it was in order to protect him.

23          482 Q. I think, again if I'm quoting you or surmising you  
24          accurately and fairly, for fear that the IRA might take  
25          reprisals against him if his identity became known?

26          A. Yeah, it's conjecture, it's a logical conjecture, it's a  
27          logical conjecture.

28          483 Q. Do you recall the interview that you had with the two RUC  
29          officers in April 2000 in Newry?

30          A. Well, I recall some of it, yes.

1 484 Q. And I think, last week, you were shown a document, it was a  
2 poor photostat copy of this. Do you recall that?

3 A. Yes.

4 485 Q. And, somewhat surprisingly, you informed the two RUC  
5 officers that you had got information from an  
6 ex-republican?

7 A. Yeah.

8 486 Q. Isn't that somewhat contradictory to your stance now with  
9 regard --

10 A. It's not contradictory. If I had made any positive  
11 assertions, then it would be contradictory. I haven't made  
12 any positive assertions about why I didn't mention it to  
13 the guards. Now, you will have there in front of you, as I  
14 have not in my mind a sequence of the interviews. The RUC  
15 came first?

16 487 Q. It did, yes. My reckoning is that it was the 18th of  
17 April --

18 A. Okay. And the RUC report was going to be passed on to the  
19 Gardaí, and as, indeed, the names Corrigan and Colton were.

20 488 Q. Why do you say that? What's the basis for saying that?

21 A. Because they are police officers, they exchange information  
22 north and south. I assumed that they would. I never  
23 thought for one second that I would be talking to one  
24 organisation that's on the far side of an iron curtain from  
25 the other. Now, I have already explained to you that the  
26 -- it's difficult to understand why I should have mentioned  
27 it to the RUC and not mentioned it to the guards. All I  
28 can say, and I use the term 'hazard a conjecture' again,  
29 that I was not trying to protect the existence of the IRA  
30 mole -- or, sorry, the IRA source or the former IRA man,

1 but, you know, the existence of these two separate  
2 statements, one mentioning the IRA mole and the other not,  
3 doesn't satisfy me, so I can hardly imagine what it does to  
4 you.

5 489 Q. And equally, in the RUC memo of their interview with you,  
6 they don't record you mentioning a garda source?

7 A. Well, you see, I spoke to the RUC for two hours. You see,  
8 what, nine lines there?

9 490 Q. I accept it's a brief memo if you spoke for two hours, I  
10 clearly accept that on its face, but, significantly, there  
11 is no mention, or are you saying now, in fairness to you,  
12 are you saying that you did mention to the RUC officers  
13 that you had a garda source?

14 A. It's inconceivable to me that, having said what I had said  
15 in that column, that I didn't mention a garda source. I  
16 mean, with all due respect to you, they don't seem to have  
17 taken my presence there very seriously. That is not a  
18 report that you would write of a source that you would take  
19 seriously. I don't say that with any great pleasure, but I  
20 don't think they took what I was saying seriously and I  
21 wouldn't take that report as an accurate report of what I  
22 was saying.

23 491 Q. Now, as you have indicated from the first contact with the  
24 garda source in preparation for March 2000, you were given  
25 the name of my client, Mr. Colton?

26 A. Yeah.

27 492 Q. Did you make any attempts to contact Mr. Colton prior to  
28 the publication of your article?

29 A. No.

30 493 Q. To confront him?

1 A. No.

2 494 Q. Give him the opportunity to give his version of, or his  
3 answers to these allegations?

4 A. No.

5 495 Q. Is there any reason why you didn't do it or couldn't do it?

6 A. It's -- it would not have been, to my mind, then, and I  
7 would have thought now, a useful exercise to ask a man, who  
8 has not been named in an article, whether or not he is the  
9 man who has not been named in an article, particularly  
10 since the times were extremely dangerous, in the middle of  
11 a terrorist war, and my information, anyway, is, from my  
12 personal experience of ringing gardaí at work or -- you  
13 know, whom you don't know, is that you won't get much of an  
14 answer. So, and any journalist -- I shouldn't say this,  
15 perhaps, because we agreed we shouldn't be talking about  
16 other journalists, so I will just confine myself to my own  
17 experience, that you if ring a Garda station and ask a  
18 guard or sergeant, or any member of the Force, for  
19 information, he will or she will normally say "ring the  
20 Press Office".

21 496 Q. Well, taking your point about not naming Mr. Colton, or  
22 indeed any other individual garda in your article, would  
23 you accept that the article casts aspersions against the  
24 station, the Garda station in Dundalk?

25 A. Well, I don't want to answer yes or no because that would  
26 obviate all the good work that many gardaí have done in  
27 those, and I was never intending to cast aspersions against  
28 the gallant work of many gardaí there. So I don't believe  
29 any reasonable person would have said all gardaí there are  
30 criminals. Quite clearly, they are not. But if you are to

1 tell the truth about an organisation that has one bad  
2 apple, you have to identify where the bad apple is, without  
3 naming the bad apple. It would not have been doing my duty  
4 to have concealed what I knew about Dundalk Garda Station.  
5 You just -- it means that no one ever tells the truth about  
6 anybody or anything if, for the sake of the majority, you  
7 conceal the wrongdoing of the tiny minority.

8 497 Q. I must suggest to you, Mr. Myers, that the way you  
9 structured your article was to cast a shadow over the  
10 entire membership of the gardaí in Dundalk?

11 A. That is not what Dundalk gardaí told me. Dundalk gardaí  
12 contacted me and said: Well done, this had to be done...

13 498 Q. I am suggesting to you that any person reading that article  
14 would be left with a belief that one or someone in Dundalk  
15 Garda Station was colluding with the IRA and directly  
16 instrumental in the murder of as many as 12 people?

17 A. Yes, that is correct. It's not an aspersion over the  
18 entire Force. It is the allegation that there was, as I  
19 would have modified it later, to more than one, but at that  
20 point I said there was one mole.

21 499 Q. But --

22 A. And everybody who has contacted me about this has said  
23 exactly the same thing, that there was a problem.

24 500 Q. Do you accept my point, Mr. Myers, that anybody reading the  
25 article is left wondering who is the mole in Dundalk Garda  
26 Station?

27 A. That's a reasonable conclusion -- a reasonable question to  
28 ask.

29  
30 CHAIRMAN: I think it was an intention on your part to --

1

2 501 Q. MR. COFFEY: And also, that no inquiry had been carried out  
3 into the existence or presence of a garda mole?

4 A. Yes.

5 502 Q. And in that situation, would you not have contacted the  
6 Garda press officer to invite his or her response and  
7 comment so that, again to give balance to your article, you  
8 could quote the garda officer, the press officer, as to --

9 A. No, it's not the way a comment-piece works. One would, if  
10 one were making a news story, contact the Garda Press  
11 Office for a formal presentation of a story, a news story.  
12 This is a comment piece. And my own personal experience of  
13 the Garda Press Office is that they would say "no comment,"  
14 and I didn't see any particular reason to do that.

15 503 Q. But in a context of an article that doesn't qualify itself?

16 A. It does qualify itself. I didn't say there was a large  
17 number of Garda moles; I said one. That's a big  
18 qualification. I don't know how many men and women passed  
19 through Dundalk Garda Station during this time, but my  
20 assertion was confined to one person at that time whose  
21 name began with C, as far as I was concerned.

22 504 Q. And again, I am putting to you that, in your article, there  
23 is not an expression along the lines "Based on sources of  
24 information, it is my opinion, it is my belief, it is my  
25 understanding." They are just bald assertions made by you  
26 and presented to be read and accepted as hard, proven  
27 facts, rather than comment, Mr. Myers?

28 A. Well, yes, but it's a commentary piece; it is not on the  
29 news page. Where it lives, defines the nature of the  
30 writing there. It's not existing on the law pages or the

1 legal pages or the news pages or the sports pages or  
2 anywhere else. It's *An Irishman's Diary*.

3 505 Q. Which, as I have indicated, a number of leading politicians  
4 took on face value and motivated them to write to the  
5 relevant authorities.

6 A. Yes, because they apparently shared my concern about the  
7 existence of this mole. And I will remind you, Mr. Coffey,  
8 that not one single person who has responded to those  
9 columns, to me personally, not one has disputed the  
10 essential veracity of the primary allegation that there was  
11 a mole.

12 506 Q. Again, would it come as a surprise to you, Mr. Myers, that  
13 a large number of witnesses, both from the Gardaí and the  
14 RUC, have come to the Tribunal, have given evidence that  
15 they have no evidence or not aware of the existence of a  
16 mole in Dundalk Garda Station?

17 A. Well, you know, I am going to have to take your word on  
18 that, and that they have said that, that all of them have  
19 said that there was no mole, that they said there was no  
20 mole?

21 507 Q. No mole.

22 A. No mole. Now, that would really surprise me because I have  
23 received information from, as I have already told you, two  
24 members of the army, the Irish army, and members of An  
25 Garda Síochána, so that really does surprise me.

26 508 Q. Practically every member of the Gardaí who have given  
27 evidence have been asked had they evidence or a belief of a  
28 mole in Dundalk Garda Station during the period under  
29 investigation. The answer --

30 A. There is a distinction between evidence and belief. These

1 are two different things.

2 509 Q. Both of them?

3 A. They deny the existence of a belief?

4 510 Q. Yes.

5 A. Well, I find that extraordinary. I do find that  
6 extraordinary.

7 511 Q. And again, in the RUC witnesses?

8 A. I find that extraordinary, also.

9 512 Q. Now, again, this morning, you, in the course of your  
10 evidence, told us that you had to struggle with conflicts  
11 of ethics as between the role of a private citizen and that  
12 as a journalist?

13 A. That's correct.

14 513 Q. You seem to, if I may put it to you, Mr. Myers, place a  
15 higher emphasis on your role as a journalist and the  
16 protection of sources to facilitate your profession as a  
17 journalist, isn't that correct?

18 A. No, no, no, I don't. It's a conflict that has no  
19 satisfactory resolution. And if I were clear in my mind,  
20 so clear that I could give you an answer, I would be clear,  
21 but it is a conflict which I have not satisfactorily  
22 resolved. It was my duty, as a citizen, to write what I  
23 believe to be an act of betrayal inside Dundalk Garda  
24 Station, of treason. Not merely my duty as a journalist,  
25 but my duty as a citizen. Now, it's easier not to write  
26 these things, it's easier, because I don't put myself in  
27 the line of fire. I do not come under threat, as I could  
28 possibly have done and was warned about this, for writing  
29 about south Armagh terrorism. Now, that was my duty as a  
30 citizen, to report what I had been told. It was also my

1 duty as a journalist. Then, we come to this other level of  
2 protecting my sources, and it might well be that the  
3 circumstances exist where I could disclose the identity of  
4 sources but not -- not dealing with the IRA in south  
5 Armagh. That places an entirely different perspective on  
6 matters. Whereas financial crime, you might be convinced,  
7 persuaded, I might be convinced, persuaded to give  
8 information about my source. Dealing with the South Armagh  
9 IRA, I would not and could not do that.

10 514 Q. Now, again, would you accept that there is an ethical and  
11 moral obligation on journalists to instill public  
12 confidence in the public media?

13 A. In the public?

14 515 Q. Media.

15 A. Yes.

16 516 Q. And I'd suggest to you that that confidence primarily is  
17 established by accurate reporting based on established and  
18 proven facts?

19 A. Yes.

20 517 Q. And I must suggest to you that, in this case, no confidence  
21 could be attached to this article, given the lack of  
22 independent investigation and the established errors that  
23 have been accepted by you, indeed?

24 A. We are returning here to your asking pretty much the same  
25 questions six or seven times, and I am answering in the way  
26 that satisfies my own particular needs. It seems to me  
27 that the same question is being rehearsed and rehearsed and  
28 rehearsed until I finally come up with an answer that is  
29 going to satisfy your professional needs. Well, your  
30 professional needs are not mine. I have done what I

1 thought right at the time. It was easier for me not to  
2 have touched this issue. And it was my duty as a citizen,  
3 as a journalist, that I touched upon it. Now, you want me  
4 to say what a terrible journalist I was. You have asked  
5 the same question many times, leading to the conclusion  
6 have I let down the media? Have I let down myself? Was I  
7 satisfied with the nature of my journalism? I have been as  
8 honest and as frank about myself as I possibly could.

9 518 Q. Finally, Mr. Myers, are you aware that, in each and every  
10 interview given by my client to investigating guards, and  
11 indeed statements made to the Tribunal, he, on each and  
12 every occasion, has denied any involvement in collusion  
13 with the IRA or participation in any of the allegations as  
14 set out in your article?

15 A. You know, I am not going to go down the path of Mandy  
16 Rice-Davies on this. I'll just say no.

17 519 Q. Given your admission as to the shortcomings of the article,  
18 are you now prepared, here today, to withdraw any  
19 inferences against Mr. Colton?

20 A. Sorry, I have not inferred anything against Mr. Colton, and  
21 I will not, again, satisfy your professional needs for you  
22 to create a headline which says "Myers withdraws article".  
23 When I got home on the last time I was here, the headline  
24 on RTE website was "Myers says article was untrue and  
25 flawed." Now, that's all very well for you. I have a life  
26 to live and a career to maintain, and I'm not going to  
27 damage that life or that career merely because it satisfies  
28 your requirements.

29 520 Q. You are here, Mr. Myers, I suggest, to serve the truth, not  
30 your personal, professional interests?

1 A. We know that, but don't confuse the interests of your  
2 client with the truth. They are two different things. I  
3 have told the truth as far as I possibly can, but I will  
4 not create -- I will not create a sentence which will make  
5 headlines for tomorrow.

6  
7 CHAIRMAN: Well, in short, you are saying that you stand  
8 over your article?

9 A. Well, I can't stand over it all, Chairman, because we know  
10 of the flaws that I have admitted from the very first  
11 day --

12  
13 CHAIRMAN: But subject to those?

14 A. Yes, subject to those, to the central thrust: Was there an  
15 IRA in Dundalk Garda Station? I have said it many times  
16 before, I do believe that there was, and every single  
17 member of the security forces who has been in touch with  
18 me, and I mean the Republic security forces, has said the  
19 same thing.

20  
21 MR. COFFEY: Thank you, Mr. Myers.

22  
23 CHAIRMAN: Any other questions?

24  
25 MS. O'SULLIVAN: I have no questions for Mr. Myers.

26  
27 CHAIRMAN: Anybody else? Mr. Hayes, do you want to  
28 re-examine?

29  
30 MR. HAYES: I have one or two questions, Mr. Myers. We

1 won't keep you very much longer at all.

2

3

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

4

5

521 Q. MR. HAYES: When you were being cross-examined this  
6 morning, you were asked about Mr. Harnden's book and about  
7 what he had to say about a mole in respect of the Gibson  
8 murder, and I just want to just read you a portion. It's  
9 at page 226 of my edition, which I think is the second  
10 edition of the book. *"The elderly Judge had insisted on  
11 returning to Ireland on the Liverpool to Dun Laoghaire  
12 ferry because he and his wife wanted to attend a Gang Show  
13 at the Grand Opera House in Belfast that night. Catching a  
14 ferry to Northern Ireland would have meant they would  
15 arrive too late. They were accompanied by a Garda car as  
16 they drove north and it emerged later that Garda X or  
17 another mole had leaked details to the south Armagh  
18 brigade."*

19

20

And I think then again at page 460, he wrote:

21

*"For the families of Chief Superintendent Harry Breen and*

22

*Superintendent Bob Buchanan, the anguish of their loved*

23

*ones' deaths was exacerbated by the revelations that they*

24

*had been betrayed by Garda X. Although Sir Ronnie*

25

*Flanagan, the RUC Chief Constable, mounted an internal*

26

*inquiry into the June 1989 killings at the request of the*

27

*families" -- I think that, of course, should have been*

28

*March -- "there was little hope of a prosecution ever being*

29

*brought. It also emerged that a second Irish police*

30

*officer, Garda Y, had been working for the IRA in the*

1 *border area between 1985 and 1991. According to both the*  
2 *RUC and Garda sources, Garda X and Garda Y were responsible*  
3 *for the deaths of at least 12 people. Among them were*  
4 *Constable Tracy Doak and her three colleagues, Lord Chief*  
5 *Justice and Lady Gibson and the Hanna family, who were all*  
6 *blown up at Killeen during cross-border transfers between*  
7 *the guards and the RUC. Tom Oliver, a farmer from the*  
8 *Cooley Peninsula, who was passing information about IRA*  
9 *safehouses and weapons dumped to the Garda, and was*  
10 *betrayed by Garda Y."*

11  
12 Insofar as you were asked about what Mr. Harnden had to say  
13 about a mole in relation to the Gibsons, I think it was  
14 suggested that perhaps Mr. Harnden had made no reference to  
15 it. Do you have any comment in relation to that?

16 A. To the Gibson murder, is that what you are saying?

17 522 Q. Yes.

18 A. Forgive me, you have just asked a long question, and I know  
19 you are not trying to mislead me but I am getting a little  
20 bit kind of punch-drunk here, so...

21 523 Q. I am sure you are. What I'm suggesting to you, that  
22 Mr. Harnden made reference to there being a garda mole in  
23 the murders of the Gibsons and of the Hannas?

24 A. Yes.

25 524 Q. Sorry, Mr. McGuinness is correcting me, that I am reading  
26 from the second edition, and it may be that the first  
27 edition made no reference to it, that the second did.

28  
29 You were also, then, I think, brought through your  
30 interview with Chief Superintendent Camon and the

1           then-Detective Inspector O'Mahoney. Am I correct in saying  
2           that they had arrived with, or can you say, a prepared list  
3           of questions which they put to you?

4           A. I'd be misleading you if I gave a clear answer to that.

5       525   Q. Perhaps if you were to look at the handwritten notes which  
6           I think you have a copy of.

7           A. I haven't got them.

8       526   Q. You don't have a copy. Sorry, I thought you had a copy.

9

10           CHAIRMAN: Do you want to look at my copy?

11

12           MR. MCGUINNESS: Mr. Chairman, we took the originals back  
13           at the lunch break and they can be produced if they are  
14           required.

15

16       527   Q. MR. HAYES: I think that in -- there is a handwritten note  
17           that it's a memo of interview with you, etc.

18           A. A memo of interview with Kevin Myers, yes.

19       528   Q. I think, then, each numbered question is in typewritten  
20           form and the answers are in handwritten form?

21           A. Yes.

22       529   Q. Do you recall whether that was the form in which it was --

23           A. Do you know, my recollection, and it's only a recollection,  
24           is that this was a form of interview that they created  
25           afterwards. They went away and typed up this, but that's  
26           not a satisfactory answer because it makes sense that they  
27           actually turned up with these written questions.

28       530   Q. Yes, and I think that if they had gone away with it after,  
29           you wouldn't have had an opportunity to --

30           A. Sign it.

1 531 Q. -- initial it and sign it?

2 A. So I think they must have turned up with these questions  
3 written down, yes.

4 532 Q. I think in respect, certainly, of one question, which is  
5 number 17, you answer the first question "no," and then the  
6 second answer, the second question, it simply says "not  
7 applicable". Obviously, that's -- given your first answer,  
8 there was no need to ask what the evidence was, is that  
9 correct?

10 A. Well, evidence -- well, I haven't got evidence, as such,  
11 no.

12 533 Q. But the answer noted is "not applicable," which would  
13 suggest the question was not applicable, would that be  
14 right?

15 A. Yes.

16 534 Q. Do you recall was there any discussion outside the terms of  
17 those questions, or can you recall that?

18 A. Yes, because it was long -- we had a long and friendly  
19 conversation. We drank tea. It was a sunny day, if I  
20 remember correctly. We sat in my garden, we drank tea and  
21 ate biscuits, and it was an informal chat for well over an  
22 hour before a formal conversation occurred. Now, one of  
23 the participants is still alive, I believe, is he not?

24 535 Q. That's correct, yes.

25 A. I would almost trust his recollection on this rather than  
26 mine, but that's my recollection, yes.

27 536 Q. I think, penultimately, then, you were asked some questions  
28 in relation to Eamon Collins, and you were asked, given  
29 that he was an intelligence officer --

30 A. Is this listed here?

1 537 Q. No, it's nothing to do with that now. Given that  
2 Mr. Collins was an IRA intelligence officer, but he  
3 actually made no reference to there having been a garda  
4 mole in Dundalk, can you say whether the IRA, no  
5 differently, perhaps, to any intelligence organisation,  
6 would not allow the -- I suppose the identity or fact of  
7 their agents be widely known, insofar as they could help  
8 it?

9 A. It would be on an extremely need-to-know -- if you are  
10 dealing with south Armagh, and we know that the individuals  
11 concerned, you are dealing with incredibly adept,  
12 intelligence and ruthless men, so they would not be casual  
13 or undisciplined about their use of information. They  
14 would be extraordinarily disciplined.

15 538 Q. Thank you. And then, finally, you told us on the two days  
16 that you have been here, in relation to, first of all, your  
17 garda source and your terrorist source and then you have  
18 also told us that, subsequent, that you had some former  
19 officers -- or some former members, certainly, of the Irish  
20 army who have given you some information. Would you be  
21 agreeable - and I know that certainly in relation to the  
22 terrorists and the garda sources, that you have done this  
23 previously - would you be amenable to approaching your  
24 various sources again and asking them would they again  
25 cooperate with the Tribunal?

26 A. My two sources are the people -- the two sources that I  
27 referred to, we have been talking about all along?

28 539 Q. Yes.

29 A. Out of respect for the Tribunal, of course I will.

30 540 Q. Thank you very much.

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MR. HAYES: That's all I have, sir.

CHAIRMAN: Thank you very much. Mr. Myers, I am very grateful to you for the time you have given to the Tribunal. Thank you very much for coming here.

A. Thank you, Chairman.

**THE WITNESS THEN WITHDREW.**

MR. HAYES: That, then, concludes today, Chairman. I think the next scheduled day of evidence, subject to confirmation, is Tuesday the 8th of November.

CHAIRMAN: Thank you very much, Mr. Hayes.

**THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, 8TH OF NOVEMBER, 2011.**

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