

A P P E A R A N C E S

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His Honour Judge Peter Smithwick

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

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THE TRIBUNAL RESUMED ON THE 20TH OF JULY, 2012, AS FOLLOWS:

CHAIRMAN: Morning, ladies and gentlemen.

MR. DILLON: Chairman, we continue with the evidence of Mr. Connolly [sic], and we may be in a position to offer further evidence later on this morning in terms of an edited version of evidence given by Mr. McConville. However, I'll be able to confirm that later on this morning. I am terribly sorry, I am told I said Mr. Connolly. It should, of course, be Mr. Corrigan. My apologies.

1 EOIN CORRIGAN WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:

2

3 MR. DURACK: Good morning, Mr. Corrigan.

4 A. Morning.

5 1 Q. I appear for An Garda Siochana. I have just got a few
6 questions for you. I think you went out sick in, was it
7 December '89, and I think that, from that stage on, I think
8 you were under the care of Dr. Barene in St. Brigid's
9 Hospital?

10 A. That's right, yeah.

11 2 Q. And I think you have provided medical reports to the
12 Tribunal in relation to that?

13 A. I have, yes.

14 3 Q. And I think that the Garda surgeon was in regular contact
15 with Dr. Barene every three months to verify your
16 condition?

17 A. That's correct, yes.

18 4 Q. And I think during that period, I think for the first six
19 months you were on full pay, and, thereafter, you were on
20 half pay?

21 A. That's right, yes.

22 5 Q. That's what happens, isn't it? But it appears that the
23 Garda surgeon was content that your condition was as
24 Dr. Barene set it out?

25 A. Absolutely.

26 6 Q. Now, I don't intend to go any further into that.
27 Just another matter, just to clarify it: During the course
28 of your evidence, you told us that you had been transferred
29 to Cork?

30 A. Yes.

1 7 Q. But that you only stayed there for a day?

2 A. That's right, yes.

3 8 Q. But I think that you remained on the books in Cork because
4 there wasn't a vacancy in Dundalk, notwithstanding that you
5 were now back working in Dundalk, isn't that right?

6 A. Yes, well -- no, I was in Drogheda, it was a temporary
7 transfer.

8 9 Q. But I think you were theoretically on the books in Cork
9 from March '75 to the 17th of June?

10 A. Well, I wasn't aware of that now, I just...

11 10 Q. I see. And that arose because of the incident in
12 Donegan's?

13 A. That's right, yes.

14 11 Q. Now, you were talking to us about surveillance both in --
15 in Dundalk, and I think just from the photograph that's on
16 the screen, photograph 2, which is of the Garda station,
17 the front of the Garda station, I think that any person
18 walking along the front on the footpath could, in fact,
19 read the registration numbers of the cars, isn't that
20 right?

21 A. Which footpath now? This one here?

22 12 Q. The footpath in front of it?

23 A. No, not really, because the -- their view would be obscured
24 by the height of the boundary wall of the station.

25 13 Q. I think, just as I looked at it, I thought that I could see
26 the number plates from the boundary wall?

27 A. That's only my -- I wouldn't be absolutely certain.

28 14 Q. It's a very low wall, isn't it?

29 A. It is, yeah.

30 15 Q. Because you can certainly see the grilles on the front of

1 the cars?

2 A. You can see the grille, but, I mean --

3 16 Q. And I think you can see the numbers, in fact, in a number
4 of them, as well?

5 A. Yes, but I wouldn't -- my own -- it's just purely a
6 personal opinion, I wouldn't like to say that you could
7 read the numbers from there, you know.

8 17 Q. I see. But it wouldn't be difficult, in any case, and
9 they're photographs that were taken at the time of the
10 O'Dea inquiry?

11 A. Oh, is that right? Yeah. But, I mean, this car, this
12 maroon Vauxhall was in possession of Mr. Buchanan for four
13 years, it was well-known by the people concerned, and --
14 because he had used it extensively travelling alone along
15 the border.

16 18 Q. And I think he had, in fact, come south of the border on
17 some 17 occasions from January to March?

18 A. I don't know. At least -- I don't know, I can't
19 unequivocally give an account of that, if that's what it
20 is. But I know one thing: that his visits to the border
21 stations was the source of great annoyance to the people
22 because -- to the gardaí, because they were terrified,
23 because the situation is, the border people, the people who
24 lived there, recognised they are not in the -- they
25 recognised RUC, they could detect an RUC man much quicker
26 than anyone -- it's an uncanny knack they have. They would
27 know an RUC man to see him walking down the street. Don't
28 ask me how it is, but that's the type. And any time that
29 Mr. Buchanan, he was coming, travelling alone and parking
30 at the stations and walking in, and, as I said, people were

1 so embarrassed; he was just a sociable, an affable
2 individual, that people were afraid to tell him, like,
3 don't be coming. And there was Sergeant Mulligan, who was
4 the Sergeant in charge of Dromad, and that was the first
5 station as you crossed the border, and he had entered into
6 numerous correspondence with his authorities, and he came
7 to me and I went -- mentioned it to Mr. Ainsworth, I
8 mentioned it to Mr. Bohan, about the alarm that
9 Mr. Buchanan, alone, was causing by his behaviour in
10 coming, and whatever. He seemed to think that what God had
11 ordained for him would save him from whatever, any matter
12 that might be, for him, of an unsavoury nature, you know.
13 I believe that was his inner -- I think the Chief Constable
14 of the RUC took it up, on representations from
15 Mr. Ainsworth with the Chief Constable, and the Chief
16 Constable said that he had mentioned it. But it was some
17 part of his religious culture that he believed that
18 whatever would be, would be, so to speak.

19 19 Q. I think that the -- it was, as you say, a matter of some
20 concern?

21 A. Yeah.

22 20 Q. And I think that George Flynn gave evidence on Day 8 in
23 relation to his concern that Mr. Buchanan was parking his
24 car up town, in fact, in Dundalk, and walking down?

25 A. That's right.

26 21 Q. And we have also --

27 A. And I think a Mr. Tierney may have made something similar.
28 He certainly -- it's in his statement, anyway, that -- I
29 mean, parking a car, an RUC man parking a car in a side
30 street in Dundalk and walking to the station and, you see,

1 the situation is, they couldn't see anything wrong with
2 that, this was the frightening aspect of it, like, that --
3 you see. And the same thing in relation to the road that
4 they travelled. This particular road was the number one
5 most dangerous, illogical road for any member of the RUC,
6 and even the RUC themselves who have given evidence,
7 accepted that. Because apart from that, it was -- the
8 Enterprise train ran along the same particular road, and it
9 was hijacked; in fact, I think it may have been under --
10 stationary on the main Dublin-Belfast line on the day of
11 the thing, now I'm not -- but it certainly was around the
12 same time, that it was stationary on the line, and there
13 were -- the IRA were planting incendiary devices, not alone
14 at the train, even, in the fields surrounding the train,
15 whereby they would know the anti-security measures that the
16 RUC would be taking insofar as that they would be landing
17 in helicopters at a given -- they knew exactly how the army
18 operated or organised their search, and this is what
19 happened in Warrenpoint. The first explosion in
20 Warrenpoint didn't cause the maximum damage. The maximum
21 damage was where the British Army reversed their Land
22 Rovers into the adjoining gate and there was a delayed
23 device, Mr. Chairman. I am only explaining, do you see,
24 how articulate and sophisticated their whole operation had
25 become. So, this road that they travelled was, I couldn't
26 believe that they were -- they used this road, but
27 apparently they had been using it on a regular basis.

28 22 Q. But the -- just to come back to where I was. The evidence
29 is, from Mr. Buchanan's journal, that he was down 17 times,
30 anyway, between January and March.

1 A. I wouldn't know, I couldn't comment on that, Mr. Chairman.

2 23 Q. But I think that concerns had been expressed to him on a
3 number of occasions?

4 A. At all levels, yes.

5 24 Q. I think Chief Superintendent King gave evidence on Day 22,
6 and he was concerned about him not being so visible around
7 Clontibret, and equally, I think, in document 637 provided
8 by the Gardaí in the non-privileged documents list, there
9 is, again, reference to the report from Chief
10 Superintendent King that the Superintendent travelled
11 alone, unarmed and unescorted, and was dropping in
12 unannounced to Garda stations.

13 A. That's exactly as I have outlined to the Chairman. He
14 dropped in and out now, the same as if he was an ordinary
15 civilian dropping in for a chat, and no matter how often he
16 was warned, and whatnot...

17 As I said, Sergeant Mulligan took a particular interest in
18 it and came to me and I went to the other members of the
19 force, as I have outlined, but it stopped for a while and
20 recommenced, then, within a matter of weeks again. He
21 seemed to be oblivious to the problems that he was creating
22 for everybody.

23 25 Q. And I think that the records also show that, in fact, Chief
24 Superintendent King discussed that with Detective
25 Superintendent Tom Curran in relation to it?

26 A. I couldn't comment on that, Mr. Chairman.

27 26 Q. And I think you made reference to what happened in Dromad,
28 and I think that was particularly a matter of concern
29 because there were various people who signed on in Dromad?

30 A. That's right, yes, the leading member of the IRA -- there

1 was one of them in there one day, now I can't say for
2 definite it was Mr. Buchanan, but it was an RUC man, and a
3 leading member of the IRA who only lived up the road
4 dropped in to sign, I think it was, the social welfare
5 weekly basis, and the next week he came back in and he said
6 to the Sergeant, I don't know which Sergeant it was, but he
7 said, "When did you start recruiting the RUC?" In other
8 words, that's to illustrate my point, Mr. Chairman, that
9 the border people would know an RUC man just instantly,
10 unlike people, now, in any other part of the country, and
11 it's hard to appreciate how they had such an in-depth
12 knowledge, but, more or less, they'd spot them a mile away.

13 27 Q. And you have told us, of course, that there was very
14 definite surveillance, if you like, kept on members of the
15 Gardaí in Dundalk?

16 A. Oh, absolutely.

17 28 Q. That who they were or what they did and where they lived,
18 and all the rest of it, was a matter that was well-known to
19 the IRA?

20 A. Yes.

21 29 Q. And I take it that that applied north of the border as
22 well?

23 A. Oh, absolutely, yes.

24 30 Q. And that that would be part of their stock and trade, would
25 be knowing who all the policemen were and where they lived
26 and where they travelled?

27 A. As I said before, I referred to their utter dedication;
28 they were on a 24-hour basis, time was no limit to them.
29 They were so -- anything from four to six cars, fully
30 staffed, maintained on the border full-time, collecting

1 people at the railway station that were coming for active
2 service, for duties at the weekend, dropping them back,
3 collecting them, dropping them off to Dublin Airport, all
4 various -- like, they were running what amounted to a
5 full-time taxi service.

6 31 Q. Now, I think that, in fact, then, that there was an
7 exercise done in relation to the army observation points
8 etc., and provided in document HMG 63, which has been
9 presented to the Tribunal, that, in fact, there appears to
10 have been surveillance on the car which started in early
11 January '89?

12 A. Yes... well, I wouldn't be *au fait* with those particulars
13 now, you'll appreciate.

14 32 Q. I think that's a matter that is available to the Tribunal,
15 has been made available to the Tribunal.

16 A. I am aware of the broad outline, but, as I say, in the
17 finer ingredients, I wouldn't have an in-depth knowledge of
18 the movement of the army.

19 33 Q. I think the Tribunal has also seen a document from the
20 Newry Special Branch dated 27th July, 1988, on an RUC form
21 SB 57, a note that the PIRA are monitoring the movements of
22 plain-clothes RUC officers who, since the triple fatal
23 explosion at Killeen border crossing on the 24th July, '88,
24 are travelling on a regular basis to Dundalk Garda Station.
25 So that doesn't surprise you?

26 A. No, no, absolutely -- sure...

27 34 Q. Now, you knew a large number of the, or a significant
28 number of the northern police, isn't that right?

29 A. Oh, I did of course, yes.

30 35 Q. And you would have regularly shared information with them

1 and they with you, I would take it?

2 A. Absolutely, yeah. I only dealt with, not a large number,
3 it was Special Branch who were -- whom I dealt with all the
4 time. I didn't have any dealings with uniform members,
5 except perhaps I might be out where the Border
6 Superintendent would be engaging in a search of the border,
7 but I had no hand -- it was a meet-and-greet situation. I
8 had no dealings with them, like, I wasn't sharing any
9 information. I had a great relationship, as I said, with
10 the Special Branch, and there was a mutual respect between
11 us, and I must say they were the finest men one could wish
12 to meet. I can't pay enough respect to them and gratitude,
13 because they were -- there was only a small number of them,
14 but then there was only a small number of us. Like, I was
15 in Dundalk; during my time in Dundalk there were members of
16 the Detective Branch in Dundalk as long as I was,
17 Mr. Chairman, and never once crossed the border. So, I
18 mean, I don't know whether I was sensible or foolish by
19 going to the North as often as I did, whilst I didn't go
20 that often, but maybe I went too often for my own good.

21 36 Q. But --

22 A. By way of security.

23 37 Q. This information would have been shared orally, I mean not
24 necessarily reduced to writing?

25 A. No, no. A lot of information is shared orally. And even,
26 in fact, there have been suggestions there that I didn't
27 pass information to the RUC about particular instances. I
28 can't categorically say that I didn't pass it, but I
29 wouldn't remember. Like, I have had -- in relation to my
30 health, Mr. Chairman, I find it extremely difficult to

1 recall a lot of incidents, and whilst it was put to me why
2 did I pass this or why did I pass that, I can't honestly
3 say, because I would be dealing with them on at least twice
4 every week, and, anything of any consequence, I can't see
5 any reason why I wouldn't pass on anything to them, because
6 that was the relationship; we were mutually of benefit to
7 each other.

8 38 Q. And that would be mostly local information, presumably?

9 A. Yes. In relation to the local activists that were from the
10 North who were residing in Dundalk and visiting Newry for
11 numerous subversive activities.

12 39 Q. Now, we have heard that -- and a lot of talk has been about
13 the document, the 1985 document, that went in in
14 relation -- making an allegation against you?

15 A. Yes.

16 40 Q. And we know that we didn't know about this until very
17 recently. But did you notice any change in the way the
18 Special Branch dealt with you after 1985?

19 A. Not at all. Sure I dealt with the man who dealt with the
20 document, the senior officer over the two men who submitted
21 it. Sure he was dealing with me on an ongoing basis
22 visiting Dundalk, sure he was the man who was in Dundalk
23 Station the day that I went downstairs and saw the two IRA
24 men and didn't allow him to leave the station. Sure he has
25 stated that in evidence.

26 41 Q. And he has told us that he wasn't concerned, certainly, but
27 did anybody else express --

28 A. And he was quite prepared to work with me. I think to
29 qualify the statement that he made, he said he was quite
30 prepared to continue working with me and he didn't consider

1 that statement of any -- because if you look at the
2 statement, it's not clear where it referred to. It said it
3 keeps the boys informed, like. Like, where are the boys to
4 be informed, like? That would assume that it was in the
5 North of Ireland.

6 42 Q. It actually says in the North of Ireland, in fact, so it
7 suggests you knew something about what was going on in the
8 North?

9 A. God knows, I had enough to do to look after a mad place
10 like Dundalk without extending my observations to the North
11 of Ireland.

12 43 Q. But he has told us, certainly, it didn't change his
13 attitude?

14 A. Absolutely not.

15 44 Q. In relation to anybody else, did it change their attitude?

16 A. Absolutely not. We worked extremely close together and had
17 numerous joint operations that resulted in significant
18 files, and these will be all outlined by my counsel in due
19 course.

20 45 Q. Did he tell you about this -- this thing had passed across
21 his desk?

22 A. No, no. Sure I didn't -- I didn't -- I didn't know
23 anything about it, and the question of it becoming public,
24 it was circling around for so long since this thing --
25 since the commencement of the Tribunal, that Mr. Chairman
26 saw it himself, and the RUC weren't going to come to
27 corroborate it and then they were going to come, and they
28 didn't come, then, until they were contacted by the
29 solicitor for the RUC, and that was the doubt that existed
30 right up until the day they arrived. So, I didn't know

1 about it at all. I didn't realise that there was such a
2 document in existence.

3 46 Q. Well, nobody raised it with you, anyway?

4 A. Absolutely.

5 47 Q. Now, just to go back briefly to what I was talking about,
6 the surveillance and knowing where all the police officers
7 were and who they were on both north and south of the
8 border. Were you aware as to what they -- as to whether
9 the Provos were in a position to keep an eye on Corry
10 Square in Newry?

11 A. Well, they would -- I can't -- I have no --

12 48 Q. You have no information?

13 A. No information to that effect, so I'd be speculating to say
14 that they had anything. But as I said to the Chairman on a
15 number of occasions, they were so enthusiastic and worked
16 such long hours and their intelligence was of such enormous
17 level that a lot of the police would learn a lot from their
18 ability. They gathered intelligence, and there was no
19 element of tittle-tattle, they gathered everything
20 conceivable about everybody and they knew everything about
21 everybody.

22 49 Q. Now, were you ever told or were you ever aware that there
23 was a BT telephone engineer in the Newry area who had
24 strong associations with PIRA?

25 A. No.

26 50 Q. That appears in a document, which is HMG 50, and I think it
27 arose in connection with, I think you may be aware of the
28 evidence, that the -- one of the deceased, the murdered
29 officer's notebooks or diaries was taken and there were a
30 number of telephone numbers in it, and a witness gave

1 evidence here that, notwithstanding that they'd changed all
2 the telephone numbers, that this appears to have been in
3 the possession of subversives within hours?

4 A. That's right, yes. Oh, yeah, they were so conscientious in
5 relation to following up the slightest -- like, the powers
6 of dedication that they attributed to every single day that
7 they were out, was absolutely incredible, and people didn't
8 realise, didn't realise the extent of the knowledge that
9 they had on everything going on. They knew everything and
10 everyone and people in authority, not alone in the police,
11 but in everything else, be it the banks, and all that sort
12 of stuff, things that might be interpreted as items for
13 striking at in relation to robberies, post offices, and all
14 that.

15 51 Q. Did you ever become aware, in the course of your
16 discussions with your northern colleagues, that there was
17 some suggestion that there may have been a leak from the
18 RUC that contributed to the murder of the two men?

19 A. No, I didn't. That was never raised with me.

20 52 Q. That appears to be referred to in a document of the 15th of
21 August, 2002, which is part of a document numbered HMG 151.
22 Anyway, you were never aware of it?

23 A. No.

24 53 Q. Now, you referred to the fact that you were -- you had a
25 very good relationship with Headquarters?

26 A. Yes.

27 54 Q. And that you had, I think you used the word "power base,"
28 but I think that essentially there were a number of people
29 whom you knew well?

30 A. Yes.

1 55 Q. And from regularly dealing with them, and you told us who
2 they were. But I take it that that -- am I right in
3 thinking that was a regular thing, both with you and other
4 people, that anybody who was supplying significant amounts
5 of information would regularly be asked to Headquarters to
6 discuss it?

7 A. Yes, but do you see, the situation with Headquarters, they
8 wanted to know immediately, and it meant even going
9 verbally or -- they weren't interested in paper
10 immediately, but just letting them know immediately, and
11 there was an element of them that they were very anxious to
12 be first in the field; in other words, if the RUC contacted
13 them, that they were in a position to tell them, and this
14 was emphasised to me: we have to be first on the field to
15 show that we were ahead of the posse. There was one
16 particular incident, which I don't want to go into, in
17 Dundalk, and I worked throughout the night to compile the
18 whole lot, and at nine o'clock on a Monday morning, the
19 Secretary of the Department of Justice was on to the
20 Commissioner to know had he any developments, and
21 Mr. Fitzgerald, who was my conduit in the receiving of it,
22 said, "I have it here in front of me," and the man,
23 Mr. Fitzgerald, was so proud to have that; in other words,
24 it was a feather in his cap to be able to tell the
25 Department of Justice - now it's a very delicate subject
26 and I don't want to go into it - but the Department of
27 Justice were elated to be able to tell the RUC, when they
28 rang, that they were in possession of every iota, from A to
29 Z, of the information, and I can't go further in relation
30 to its contents. I can write it down for you certainly,

1 Mr. Chairman.

2 56 Q. No, no, that's not necessary. And I think then from 1985
3 your intelligence contribution dropped off?

4 A. Yes.

5 57 Q. And I think there were various personnel --

6 A. Well, the intelligence -- or subversive activity dropped
7 off, too, like.

8 58 Q. Of course.

9 A. It did, you know. There was a waning of intelligence, and
10 my situation, then, didn't improve from '88 on. But the
11 intelligence situation -- '84, really -- there were
12 terrible years in '81, '82, I told the Chairman there, when
13 we had three by-elections in a period of six months, and
14 the Provos were on the point, in their eyes, of taking over
15 the North, and that was a terrible time for us altogether.
16 There could be 500 of them outside Dundalk Station on a
17 Saturday with black flags when a number of them -- when
18 Bobby Sands died, and Kieran Doherty and a local from
19 Dundalk, Paddy Agnew, were elected to the Dail. And
20 remember, that they stormed the actual Dundalk Station
21 around that time. Now, I'm not exactly sure of the date,
22 but they were saved by the timely intervention of a
23 detective at the time who showed tremendous courage; he
24 took out an Uzi machine gun, and they were storming the
25 building, and the sergeant in charge of the station and his
26 wife and two kids were in the basement living-quarters down
27 in the basement, and God knows what would have been the
28 consequences for them, Mr. Chairman, and this detective
29 took out the machine gun from the Detective Branch office
30 and let fly to as many as he could release, and they

1 weren't long in dispersing. It was a desperate reply to --
2 or a desperate remedy to a desperate disease or a
3 situation, and his actions were commendable at the time,
4 that he saved a totally disastrous situation from getting
5 any worse. So that's the type of place Dundalk was, and
6 nobody knew it better than the late Mr. Crowley.

7 59 Q. And I think then that from '85, I think there were various
8 personnel changes both in Headquarters and in Dundalk?

9 A. That's right.

10 60 Q. And your involvement with Headquarters decreased at that
11 stage?

12 A. That's absolutely.

13 61 Q. Now, you did mention at some stage that you were one of the
14 highest earners of overtime in the country. I think that
15 was all, nonetheless, was approved locally?

16 A. Oh, yes. I worked every hour that I -- and more. I think
17 somebody said along the line that I worked those hours
18 before ever there was overtime. So overtime wasn't a
19 motivating factor. I was so dedicated to the job I was
20 doing, I was deeply engrossed in it, Mr. Chairman.

21 62 Q. I think overtime only came in after Judge Conroy's report,
22 isn't that right?

23 A. That's right.

24 63 Q. Now, you referred in the course of your evidence to the
25 murder of the two men and your -- you suggested that they
26 were to be stopped for the purposes of interrogating them
27 in relation to Loughgall?

28 A. Yes.

29 64 Q. That doesn't appear to tie in with the intelligence that is
30 received, that, in fact, one of them was out of the car

1 waving a handkerchief and attempting to surrender, when
2 they were shot down, and they appear to have been shot down
3 very quickly?

4 A. Yeah, but, you see, the driver had done a U-turn and had
5 backed into the ditch and was intending to obviously turn
6 the car and head back for the south at that point, you
7 know.

8 65 Q. Because he doesn't appear to have successfully turned,
9 anyway, and certainly --

10 A. No, no -- well, he was stuck --

11 66 Q. It appears that Mr. Breen was out of the car?

12 A. Out of the car, yes.

13 67 Q. And they were unarmed?

14 A. That's right.

15 68 Q. And there was every opportunity, in fact, to take them
16 alive if they wanted to?

17 A. Oh, they did, but that was -- I'm only going on the
18 intelligence that was received at the time, that they were
19 anxious to get -- and the next best thing that they
20 received was their notebooks.

21 69 Q. Oh, I know, that's certainly what they said in their
22 statement, and I think that appears in HMG 170 - the press
23 statement, I think, they issued to Downtown Radio, or
24 somebody?

25 A. Yes.

26 70 Q. But I'm just suggesting to you that it doesn't appear to
27 accord with the facts that the -- the description that is
28 given by people who saw what happened?

29 A. Yes.

30 71 Q. That appears to be a very significant volley of shots at

1 both men and then a final shot --

2 A. Yes, but do you see, there was a -- from what I hear, now I
3 don't know, it's only from what I heard, that there was
4 panic, that the clear instructions was to take them alive
5 to the van that was parked nearby, and there was panic when
6 there was a fear that they might possibly escape, and that
7 changed the reaction of the IRA to the action. It wasn't
8 pre-planned that they would be shot there on the spot, and
9 that's why the van was stolen on the Saturday night, in
10 order to tie them and take them away for interrogation.

11 72 Q. Now, you told us that you were, in fact, a great friend of
12 Brian Fitzsimons?

13 A. That's right, yes.

14 73 Q. And certainly you knew him prior to 1978. How long had you
15 known him?

16 A. Oh, I don't know. He was an example to everything, and he
17 was the finest officer that I met in the RUC, by a long
18 shot, absolutely incredible.

19 74 Q. And I think he was very senior in the Special Branch?

20 A. He was, yes.

21 75 Q. And we know that certainly you knew him prior to 1978,
22 because I think that's when the La Mon was burnt down?

23 A. Ah, no, I had known him from early seventies. Like, I went
24 to Dundalk in '75, and Brian was in Newry at the time, you
25 know, but, as I said, he had everything that any police
26 officer should have in relation, like, and the qualities
27 that were bestowed upon him was that he wouldn't tolerate
28 rumours being spread by people. There were two pet hates
29 that Brian Fitzsimons had, and that was politicians
30 interfering in police matters and the spreading of rumours,

1 they were the two, and he so often -- if anyone said to him
2 about, "Did you hear about this, that?" And he'd say, "Who
3 told you that?" And that often happened now, and me
4 speaking to him, he would admonish them on the spot. He
5 wouldn't tolerate rumours. He had so many fine qualities,
6 it would take me a long time to outline them, and, in fact,
7 he had such an influence on the people who came after him
8 that they were similar in personality and treated me with
9 the height of respect. And even when he went to Belfast, I
10 used to go to Belfast to visit him, and he had a finger on
11 the pulse. He was the most important man, you could tell
12 he was the man who knew what information, what money was
13 being paid out for rumours by these people running up there
14 to tell this, that and the other about me and everyone
15 else, and he could tell you how much money the British were
16 authorising for allocation because they were under so much
17 pressure to get information.

18 76 Q. I presume you shared information with him and he with you?

19 A. Oh, absolutely. It wasn't -- it was -- at all times, it
20 was a two-way situation.

21 77 Q. And did he ever suggest to you at any stage that there was
22 some concern that he or the Special Branch had some concern
23 about Dundalk?

24 A. No, no, no. Sure --

25 78 Q. Or that there were people expressing concerns about you?

26 A. No, absolutely not. I am sure he wouldn't have dealt with
27 me had he -- no, Brian was a different type of man. He
28 rose above that type of tittle-tattle, you know.

29 79 Q. And I think that you were dealing with him, I take it,
30 until you retired?

1 A. I was, yes.

2 80 Q. And did you have contact with him afterwards?

3 A. No, no. In fact, Witness No. 27, I think it is, replaced
4 Brian, and he was there for a long number of years - I
5 think it's 27 - and he was the man whom I -- he said I
6 saved his life when he went to meet a contact in Dundalk.

7 81 Q. Yes, you told us about that.

8 A. And he was the immediate successor to Brian and was a very
9 great friend of his and kept Brian informed. He was the
10 conduit, what Brian would be asking me to find out and
11 anything I wanted to -- like, we had a bombing incident in
12 Dundalk, Mr. Chairman, on the 15th of December, 1975, in
13 which two people were killed, and I -- John Courtney was
14 the Border Superintendent at the time, and there was an
15 information there that the car which was used and was
16 stolen in Sandy Row in Belfast. And what I said at the
17 very outset, the first or second day that I was here, this
18 whole investigation was clouded in a political element from
19 the start. But we went to Belfast any -- up to Tennent
20 Street with this RUC man to meet us, so Mr. Courtney and
21 myself went in and met him in Tennent Street, met Bill
22 Mooney, who was the head of CID, and had worked with John
23 Courtney on a one-to-one basis on major murders and serious
24 crimes, north and south. So Mr. Mooney came out, met us,
25 and invited us to have refreshments. We said, "No, no".
26 He said, now -- if you'd realise now, Tennent Street is the
27 dividing line between the nationalist Falls Road and the
28 Unionist part of Belfast --

29 82 Q. Shankill?

30 A. Shankill. And he said no, we want to just see this

1 individual. So as he was talking to us, and he was a most
2 affable individual, great -- very sociable, so as we were
3 speaking to him, he said -- a constable came out and said,
4 "Mr. Mooney, you are wanted on the telephone." So he said,
5 "I'll be with you, lads. Your man is in there." So I
6 could see this profile of a man in there through a small
7 glass door, something similar to that one there,
8 Mr. Chairman, and I could see him there dressed in casual
9 wear, and he said, "Your man is there. I'll be back in a
10 couple of minutes." The next thing was, he came back in in
11 about 15 minutes and he made a gesture with his hands. He
12 said, "I'm not allowing you to speak to my Detective
13 Constable." And Mr. Courtney and I looked at each other,
14 we couldn't understand it, so we just walked out and left.
15 Now, that wasn't -- that wasn't Mr. Mooney that we knew and
16 it wasn't his true form. So, I mean, we had our own
17 suspicions of what happened, that whatever the course of
18 the conversation in the thing, that he received
19 instructions from some other source, but we weren't allowed
20 see the man, so, of course, I turned to my contact in the
21 RUC, which I never had any trouble finding out, and I
22 realised who the man that they refused -- that they refused
23 to tell us who this man was that stole the car. So I got
24 all the particulars I needed. I never had any difficulty.
25 But I'm just explaining to you to see the difficulty that
26 pervaded this whole situation at times, that there was a
27 political element between the two governments which was --
28 which didn't always manifest itself, but it did come to the
29 surface from time to time. And it wasn't Bill Mooney's
30 form to let down his best friend, John Courtney. I can say

1 that without fear of contradiction. So we had to return to
2 Dundalk empty-handed. And John Courtney was the head of
3 the murder squad later, and, of course, he could only see
4 investigating murders and couldn't understand, and he'd say
5 to me, you see, "God, I can't understand that man," or
6 whatnot, or "What's this?" And he insisted -- or persisted
7 in ringing him several days, and I don't think he has ever
8 met Mr. Mooney, who has passed away to his eternal reward
9 since, but he had no success in contacting him, anyway,
10 because I'd say it was as much an embarrassment to
11 Mr. Mooney as anything that he was able -- because he was
12 very anxious to cooperate with us initially.

13 83 Q. This was Tennent Street Police Station?

14 A. That's right.

15 84 Q. What other police stations did you visit in the North, or
16 did you visit Special Branch Headquarters?

17 A. Oh, yes, I was often in Headquarters, yeah, in Knock.

18 85 Q. And how often would you be there?

19 A. I was there several times. I couldn't say a number, but --

20 86 Q. I mean, I'm just thinking; would you go once a month?

21 A. A lot of those people of the Special Branch that had moved
22 up and had moved up on promotion, and that, and would then
23 join a number of the men who were stationed in Newry during
24 the difficult years, all moved up to -- and I think they
25 were -- Brian Fitzsimons had an influential part, he became
26 the heart and soul of the RUC Special Branch because he
27 didn't deal with tittle-tattle and he dealt on facts and
28 was very sincere, and people realised that.

29 87 Q. And when you visited Knock, were you signed in, or did you
30 have to sign in a book, or something, as a visitor?

1 A. No, no. Arrangements would be made, like, and -- you see,
2 I never went up to the North without an escort. I wouldn't
3 dream of -- Brian Fitzsimons would send a car to the border
4 for me and bring me back the same way. I would never go
5 near and -- I would never go near the North without an
6 escort because it was too dangerous, with me with the high
7 profile I had in Dundalk. You could run into anyone in the
8 North.

9 88 Q. Of course. And, then again, there would have been a lot of
10 people from Belfast who were down in Dundalk?

11 A. Oh, absolutely, yes.

12 89 Q. And just in relation to people who were visiting, did many
13 RUC men come down to Dundalk?

14 A. Oh, they did; not many now, but from time to time, you
15 know.

16 90 Q. I mean Special Branch men and the like?

17 A. There were only a small number of Special Branch, and there
18 were only a small number of us --

19 91 Q. I appreciate that.

20 A. -- Detective Branch, that dealt with the subversive
21 element. I would say about -- wait 'til I just think now.

22 92 Q. I think there were less than ten until '85?

23 A. Ah, no, but I'm talking about -- well, I said earlier there
24 was some of them, they were there as long as I was and
25 never set foot in the North. There was only about, I would
26 say about four of us in total ever went near the North.

27 93 Q. Yes. No, what I was concerned about was how many RUC men
28 would turn up to Dundalk or how often they would drop in?

29 A. Not -- no, not really. Off and on they would, yeah.

30 94 Q. But, by and large --

1 A. It wasn't a regular -- no, because it was all based on
2 mutual trust, and except we had -- I was dealing with them
3 and two others, in particular; Mr. Hynes and Mr. Gethins
4 would have been the three that would have been dealing with
5 them on a one-to-one basis, you know.

6 95 Q. But meetings would have been arranged for somewhere not in
7 the station, is that the way it was?

8 A. Yes, exactly.

9 96 Q. Now, there was a matter that you said just in terms of
10 dealing with sources, it was suggested to you that you
11 should have passed on details of your sources. Am I not
12 right in thinking that, at the time, there was no strict
13 regime about sources?

14 A. To be quite honest, as I explained to the Chairman, I don't
15 know. There are aspects of the things at the time that I
16 haven't a clear recollection now.

17 97 Q. But I think that people who would provide you with
18 information, you would keep that to yourself, their
19 identity?

20 A. Yes.

21 98 Q. And that they provided you with that information on the
22 basis that you'd keep their identity secret?

23 A. Absolutely. I mean, we had a different situation to the
24 people in the North. The people in the North and the
25 British Army, their sources were, as far as they were
26 concerned, they were just a piece of rabble. If they were
27 shot dead tomorrow, they replaced them. And the situation
28 is, in the North with the sources, one RUC man could be
29 dealing, or one source could be dealing with two or three
30 RUC men, so it didn't matter. There was no personal

1 element of trust, or anything, involved in their dealings.
2 They dealt with -- on a purely mercenary basis, like -
3 okay, too bad. That's the way they looked upon it. And
4 they would know -- the members of three or four in a unit
5 in the RUC would know who was the sources for the other two
6 or three.

7 99 Q. But I think it wasn't the practice for you even to tell
8 your colleagues who your sources were, or to tell your
9 senior officers who your sources were?

10 A. I couldn't. That was a secret. You worked hard to develop
11 them and you weren't going to give them to anyone.

12 100 Q. And it wouldn't have been appropriate for any detective to
13 do that?

14 A. Absolutely not.

15 101 Q. Because A) I suppose you'd place the source in danger, and
16 B) your source of information would dry up?

17 A. Apart from anything else, it displays a lack of -- a lack
18 of consideration for the source, and trust. And a lot of
19 sources, they have various reasons for giving information,
20 but there is an element of trust that they'll have and a
21 personal relationship, too, like, and various circumstances
22 that may have arisen that they'd feel indebted to you to
23 give you some information.

24 102 Q. And that it certainly wouldn't have been the practice at
25 the time that, when you were retiring, you'd tell anybody
26 who your sources were?

27 A. Absolutely not. I had to work hard to get them, so I felt
28 it was everybody else --

29 103 Q. You probably know, or don't know, but currently, I think
30 that there is, in fact, a system in place for, in fact,

1 registering informants, and it's a much more formalised
2 system?

3 A. I have heard that, yes.

4 104 Q. I think that's all I have for you at the moment. If I
5 might reserve my position in case something else arises.
6 There are some matters I want to seek instructions on.

7

8 MR. DILLON: I appreciate that, Chairman.

9 Two matters: First of all, Mr. Durack referred to a
10 document HMG 151, and I think it's as well that it should
11 be put into evidence in its entirety, and, to a very large
12 extent, it's an edited or redacted document, but it begins
13 with "*From PS, Secretary of State. 15th August 2002.*" And
14 I'll go straight to

15 "*Follow up discussion with [redacted]. I had a brief*
16 *discussion with [redacted] yesterday afternoon.*"

17

18 Paragraphs 2 and 3 have been completely edited out.
19 There must be a paragraph 4 somewhere because it goes on to
20 paragraph 5 on page 2, which is the substantive part of
21 this document.

22

23 "*What seems to have inspired [redacted] to speak out*
24 *was [redacted] almost divulging in front of [redacted] and*
25 *[redacted] at the Parliamentary Party Meeting information*
26 *she had given to [redacted] a year ago that the likely*
27 *source of collusion in the Breen and Buchanan case was a*
28 *'senior Catholic RUC officer'. She did not have any more*
29 *specific information about the individual's identity but*
30 *had been sufficiently impressed by the evidence that she*

1 *had sought, and failed, to persuade [redacted] not to*
2 *include the case on the Weston Park list. She feared the*
3 *consequences for the PSNI if the story was to emerge from a*
4 *review and had talked [redacted] down when he had come so*
5 *close to blurting it out."*

6 And it's signed, and the signature is redacted.

7

8 I think it's correct to say, Chairman, that the Tribunal
9 has been aware of this document and has kept it in mind
10 throughout its private investigation, indeed even
11 throughout the public hearings, and certainly, to date, not
12 a shred of evidence has emerged to support what's set out
13 in this document. I just wanted to make that comment.

14

15 CHAIRMAN: Yes. Thank you very much.

16

17 MR. DILLON: Now, I'd be grateful if you might rise for
18 five minutes. We should then be in a position to read in,
19 I hope, the evidence of Mr. McConville given in private
20 session, but I need about five minutes, and ultimately the
21 final redactions should be submitted to you for your
22 approval and then -- it should take about five or ten
23 minutes.

24

25 CHAIRMAN: Yes. And then what about the present witness?

26 I mean --

27

28 MR. DILLON: I think we are done with the present witness
29 for today.

30

1 CHAIRMAN: Well, yes, but, I mean, I think that Mr. Durack
2 needs some time. I am very anxious that the evidence of
3 this witness should be completed at the earliest possible
4 moment, it's in everybody's interest. It's most important
5 that the evidence should conclude. It's in the interest of
6 the witness because of his state of health, it's in the
7 public interest that it should conclude. I am most anxious
8 about that.

9

10 MR. DILLON: Of course.

11

12 CHAIRMAN: And I'd hope that the--

13

14 MR. DURACK: Oh, no, nothing I am going to do is going to
15 delay it, I can assure you.

16

17 CHAIRMAN: Well, I am glad to hear that. So I will rise
18 then for five minutes.

19

20 **THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:**

21

22 MR. DILLON: Thank you, Chairman. The next matter is the
23 evidence given by Mr. McConville in private session. I
24 think Mr. O'Callaghan has certain concerns he may wish to
25 raise with you, but maybe the appropriate procedure is that
26 Mr. Robinson, on behalf of the PSNI, should make such
27 submissions as he considers appropriate. I don't know
28 whether he is in a position to do that or not.

29

30 CHAIRMAN: Perhaps we could hear from Mr. Robinson.

1

2

MR. ROBINSON: I am obliged, Mr. Chairman. This issue has just come to light, and I would require some time to take instructions and move a formal application.

3

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MR. DILLON: Can this be done on Tuesday of next week?

7

8

CHAIRMAN: Very well. We'll deal with it on Tuesday, is that all right, Mr. O'Callaghan?

9

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11

MR. O'CALLAGHAN: That's fine with me, Chairman. Obviously there is an issue about parts of the evidence remaining to be redacted. But obviously, I suspect that Mr. Robinson's application will be as he stated on Day 108, that he is objecting on the grounds of national security. However, if that is a submission that's going to be made on Tuesday, it has to be substantiated with evidence, whether it be on affidavit or a witness who comes here, and it can be done in private session to substantiate as to what is the national security which requires part of it to be redacted, and it can't, I respectfully say, simply be done by Mr. Robinson making a submission saying, "oh, that's national security".

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They are just my submissions in respect of it.

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MR. DILLON: Chairman, I think it really is a matter for Mr. Robinson to decide, in light of his instructions, or the instructions he receives, how best to make the application.

27

28

29

30

1 CHAIRMAN: Yes, I am sure that's so, Mr. O'Callaghan. Now,
2 I would just make one observation, is that I have heard
3 this evidence in private session. It's known to me, it's
4 known to you, it's known to your client and it's known to
5 everybody else who was present at the private session, and
6 is fully part of the evidence in the case. This is a
7 question of redaction. We'll hear all about that on
8 Tuesday from Mr. Robinson.

9
10 MR. O'CALLAGHAN: Yes, but I suppose everyone -- most
11 people here have heard it, Chairman, but the Tribunal is
12 obviously, as you are fully aware, to be conducted in
13 public.

14
15 CHAIRMAN: Of course, yes.

16
17 MR. O'CALLAGHAN: And details about the grading given to
18 the SB50, I say is a matter of fundamental fairness to
19 Mr. Corrigan, absolute fairness to him, that the public can
20 be apprised of the grading given to this crucial document
21 back in 1985, and I see absolutely no basis upon which that
22 grading, and that's what I'm worried about, the grading,
23 why that can't be put out into the public domain.

24
25 CHAIRMAN: Well, we'll hear all about that. Mr. Robinson
26 will be aware of that when he is making his application on
27 Tuesday.

28
29 MR. ROBINSON: Yes, Mr. Chairman. Just briefly in answer
30 to that point. We have now heard the evidence of Witnesses

1 X, Y and Q in relation to the document itself, and you,
2 sir, have had the opportunity and the benefit of the closed
3 session, and it's up to you, Chairman, to balance the
4 fairness between the parties. So it's not simply the Owen
5 Corrigan show; it's about fairness to all parties and it's
6 about how the matter is dealt with, and you, sir, are the
7 final arbiter of that, and you have the information and you
8 have the evidence.

9

10 MR. O'CALLAGHAN: Chairman, the Tribunal of Inquiries Act,
11 under Section 2(a), states it shall be done in public. And
12 this is a document, Chairman, where the person who provided
13 the information, his name is already out there.

14 Mr. McAnulty was the source; his name is out there.

15

16 MR. ROBINSON: That's neither been confirmed nor denied,
17 sir.

18

19 MR. DILLON: We are having a rehearsal of what might happen
20 on Tuesday. I think, frankly...

21

22 CHAIRMAN: Yes, I think that -- let's leave it until
23 Tuesday. I hear what you say about the importance to your
24 client of having this matter dealt with in the public.
25 Thank you very much, Mr. O'Callaghan.

26

27 MR. DILLON: Chairman, for technical reasons the Tribunal
28 will not be sitting on Monday, but we will sit on Tuesday
29 at eleven o'clock to consider this particular matter.

30

1 CHAIRMAN: Tuesday at eleven o'clock. Very good. Thank
2 you very much, ladies and gentlemen.

3 THE TRIBUNAL ADJOURNED UNTIL TUESDAY, 24TH JULY, 2012, AT

4 11 A.M.

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